OPERATION OF BICYCLES AND MOPEDS ON ROADWAYS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: ____________

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to operating a bicycle or moped on the roadway.

Highlighted Provisions:

This bill:

- provides that a person operating a vehicle may overtake and pass another vehicle proceeding in the same direction at a speed that is at least 15 miles per hour less than the normal speed of traffic within a no-passing zone;
- provides that a person may not operate a motor vehicle within or through, or park or stop within a lane, path, or other area that a highway authority has designated for the preferential use by bicycles except:
  - in the case of an emergency; or
  - to gain access to and within 100 feet of an intersection, a street, an alley, a driveway, or other parking area;
- provides that an operator of a vehicle shall yield the right-of-way to all vehicles and pedestrians when entering or crossing a lane, path, or other area that a highway authority has designated for the preferential use by bicycles;
- provides that a transit vehicle, while in the process of loading or unloading passengers, may use a lane, path, or other area that a highway authority has designated for the preferential use by bicycles;
provides that if a person operating a bicycle or a moped on a roadway at less than
the normal speed of traffic at the time and place and under the conditions then
existing shall ride in the right-hand lane on the roadway then available for traffic;
provides that if the right-hand lane is wide enough to be safely shared with
overtaking vehicles, a person operating a bicycle or moped shall ride far enough to
the right as judged safe by the operator to facilitate the movement of overtaking
vehicles;
provides that under certain conditions a person operating a bicycle or moped may
use a lane other than the right-hand lane;
provides that a person operating a bicycle or moped is not required to do certain
things; and
makes technical changes.

Monies Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:

AMENDS:

41-6a-701, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-708, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-710, as last amended by Laws of Utah 2009, Chapter 292
41-6a-1105, as renumbered and amended by Laws of Utah 2005, Chapter 2

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6a-701 is amended to read:

41-6a-701. Duty to operate vehicle on right side of roadway -- Exceptions.
(1) On all roadways of sufficient width, a person operating a vehicle shall operate the
vehicle on the right half of the roadway, except:
(a) when overtaking and passing another vehicle proceeding in the same direction
under the rules governing that movement;
(b) when an obstruction requires operating the vehicle to the left of the center of the
roadway subject to the provisions of Subsection (2);

(c) on a roadway divided into three marked lanes for traffic under the applicable rules;

(or)

d) on a roadway designed and signposted for one-way traffic[; or]
e) when overtaking and passing another vehicle proceeding in the same direction at a speed that is at least 15 miles per hour less than the normal speed of traffic then present, subject to the provisions of Subsection (2).

(2) A person operating a vehicle shall yield the right-of-way to a vehicle:

(a) traveling in the proper direction on a roadway; and

(b) that is within a distance constituting an immediate hazard.

(3) A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when:

(a) overtaking and passing another vehicle proceeding in the same direction;

(b) preparing to turn left; or

(c) taking a different highway or an exit on the left.

Section 2. Section 41-6a-708 is amended to read:

41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.

(1) (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.

(b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.

(2) A person operating a vehicle may not drive on the left side of:

(a) the roadway within the no-passing zone; or

(b) any pavement striping designed to mark the no-passing zone.

(3) Subsection (2) does not apply:

(a) under the conditions described under Subsection 41-6a-701(1)(b) or (e); or

(b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.

Section 3. Section 41-6a-710 is amended to read:
41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply:

(1) (a) A person operating a vehicle:
   (i) shall keep the vehicle as nearly as practical entirely within a single lane; and
   (ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.
   (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.

(2) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:
   (a) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:
      (i) clear of traffic within a safe distance; and
      (ii) not a two-way left turn lane;
   (b) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or
   (c) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.

(3) (a) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.
   (b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).

(4) (a) A highway authority may designate a lane, path, or other area for the preferential use by bicycles.
   (b) A person may not operate a motor vehicle within or through, or park or stop within, a lane designated under Subsection (4)(a) except:
      (i) in the case of an emergency; or
(ii) to gain access to and within 100 feet of an intersection, a street, an alley, a driveway, or other parking area.

(c) Subsection (4)(b) does not prohibit the use of a lane designated under Subsection (4)(a) by:

(i) a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;

(ii) a transit vehicle, as defined by Section 17B-2a-802, or school bus for the active loading and unloading of passengers by briefly driving within or through, or stopping within the lane; or

(iii) an operator of a moped at a speed no greater than is reasonable or prudent, having due regard for visibility, traffic conditions, and the condition of the roadway surface, and in a manner that does not endanger an operator or pedestrian.

(d) An operator entering or crossing a lane designated under Subsection (4)(a) shall yield the right-of-way to any vehicle or pedestrian within the lane that is close enough to constitute an immediate hazard.

Section 4. Section 41-6a-1105 is amended to read:

41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.

(1) (a) A person operating a bicycle or moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:

(i) overtaking and passing another bicycle or vehicle proceeding in the same direction;

[(b) preparing to make a left turn at an intersection or into a private road or driveway;]

[(c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or]

[(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:]

[(i) fixed or moving objects;]

[(ii) parked or moving vehicles;]
[(iii) bicycles;]
[(iv) pedestrians;]
[(v) animals;]
[(vi) surface hazards; or]
[(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.]
(b) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle or moped shall ride far enough to the right as reasonably determined safe by the operator to facilitate the movement of an overtaking vehicle.
(c) A person operating a bicycle or moped may use a lane other than the right-hand lane when:
(i) preparing for a left turn at an intersection or into a private roadway or driveway;
(ii) overtaking and passing another bicycle or vehicle proceeding in the same direction;
or
(iii) taking reasonable precautions to avoid hazards or dangerous road conditions.
(2) (a) A person operating a bicycle or moped upon a one-way roadway with two or more marked traffic lanes may ride in the left-hand lane then available for traffic.
(b) If the left-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle or a moped shall ride far enough to the left as reasonably determined safe by the operator to facilitate the movement of an overtaking vehicle.
(3) A person operating a bicycle or moped is not required to:
(a) ride over or through hazards, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
(b) ride without a reasonable safety margin on the near side of the roadway; or
(c) use a lane designated under Subsection 41-6a-710(4)(a) if it cannot be used in a reasonable and safe manner as reasonably determined by the operator.
(4) For the purposes of this section:
(a) a lane that is less than 14 feet in width, including an existing adjacent lane designated under Subsection 41-6a-710(4)(a), shall be considered to be too narrow to safely share;
(b) all fixtures, mirrors, cargo, drivers, passengers, and other items attached to or
carried on a vehicle shall be treated as part of the vehicle for the purpose of determining
whether a lane is wide enough to safely share; and
(c) a right-hand lane includes the right side of an unmarked roadway.

(3) A person operating a bicycle or moped on a highway shall operate in the
designated direction of traffic.

(4) A person [riding] operating a bicycle or moped on a roadway may not ride
more than two abreast with another person operating a bicycle or moped except [on paths or
parts of roadways set aside for the exclusive use of bicycles] in a lane designated under
Subsection 41-6a-710(4)(a).

(b) If allowed under Subsection (3)(6)(a), a person [riding] operating a bicycle or
moped two abreast with another person operating a bicycle or moped may not unnecessarily
impede the normal and reasonable movement of traffic provided that the lane is wide enough to
safely share and shall ride within a single lane as provided by Subsection (1).

(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle
rider may be directed by a traffic-control device to use the path and not the roadway.]