

FLORIDA BICYCLE LAW ENFORCEMENT GUIDE

A review of
Florida's bicycle traffic laws
to help with warnings,
citations and crash reports
August 2008

All citations are to the 2008 Florida Statutes



Bicycles are Vehicles

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The challenge of bicycle traffic enforcement

Operating in traffic is a cooperative activity, governed by rules. Traffic rules incorporate practices found, through experience, to facilitate safe and efficient travel. Since not everyone has enough experience to appreciate the rationale of the rules, seasoned and informed enforcement is necessary to help instill safe habits. Officers exercise discretion in enforcement actions; an effective officer is prepared to explain the principles involved when a cyclist or motorist uses poor judgment.

Key traffic principles for cyclists include:

- ***Cyclists on roadways fare best when they act and are treated as drivers of vehicles.***

Riding as a driver makes a cyclist visible and predictable. Nationally, only about 30 percent of bicycle injuries treated in emergency rooms involve collisions with motor vehicles and fewer than one in 700 bicycle injuries is fatal. Crashes in traffic are caused by avoidable errors. In 70 percent of police-reported bicycle-motor vehicle crashes, the cyclists involved had violated traffic rules; in about 45 percent,

motorists had violated the rules.

● ***A cyclist is safer riding with traffic than facing it.***

A cyclist who rides facing oncoming traffic increases his risk of being hit by a motorist by two to four times. Drivers entering and exiting the roadway at side streets and driveways do not expect bicycle traffic to approach from this direction.

● ***Lamps must be used on a bicycle after sunset to alert other drivers.***

A rear reflector may not be recognized as attached to a moving vehicle, and frontward illumination is needed to alert drivers not approaching from the rear. Nighttime collisions are much more likely to result in incapacitating injury or death. About 60 percent of fatal bicycle crashes in Florida occur during non-daylight hours. (Moderately priced bicycle lamps that run many hours on a set of AA batteries are now available.)

● ***A cyclist traveling more slowly than other traffic should ride to the right, except to pass, to make a left turn, when necessary to avoid hazards, or when a lane is too narrow to share.***

A cyclist should ride to the right to make it easier for faster vehicles to pass, but should follow a predictable line. Swerving left to avoid a parked car, broken

pavement edge, a drain cover, pooled water, gutter debris, etc., may surprise an overtaking motorist. A cyclist who stays far right is less visible to drivers emerging from driveways and side streets and to oncoming drivers making left turns. A cyclist may leave the right-most side of the roadway when (1) moving as fast as other traffic, (2) passing another vehicle, (3) making a left turn, (4) avoiding roadside hazards, (5) where a lane is too narrow for a bicycle and another vehicle to travel safely side by side. (Moving left in such a lane helps cue an overtaking driver who might otherwise misjudge passing space.)

WHAT TO ENFORCE

Note: this document is not intended as a cyclist's handbook. For this purpose, readers are referred to *Florida Bicycling Street Smarts*, available from Florida Bicycle Association.

In a national study*, the following violations were identified as common contributing factors in bicycle-motor vehicle crashes.

Cyclist –

Riding against traffic on roadway. 15%

Failure to yield, entering roadway midblock 12%

Failure to yield at stop or yield sign.	10%
Cycling at night without lights5-15%
Failure to yield, signalized or uncontrolled intersection	7%

Motorist –

Failure to yield at stop or yield sign.	10%
Failure to yield, entering roadway from driveway	7%
Failure to yield, turning left in front of oncoming cyclist	6%
Failure to yield, signalized or uncontrolled intersection	4%
Improper right turn in front of cyclist	4%

*W.W. Hunter, W.E. Pein, and J.C. Stutts, *Bicycle Crash Types: A 1990's Informational Guide*, Report No. FHWA-RD-96-104, Federal Highway Administration, 1997.

UNIFORM TRAFFIC CONTROL LAW SYNOPSIS

For purposes of reducing high-crash-risk behaviors, **the most important sections below are indicated with asterisks (*)**. Citations are to the Florida Uniform Traffic Control Law (Chapter 316, Florida Statutes).

Legal status of cyclist

A bicycle is defined as a vehicle [§316.003(2)] for purposes of the Uniform Traffic Control Law. A bicycle with an electric helper motor that cannot propel it faster than 20 mph on level ground is included in this definition.

A person in control of a vehicle on a street or highway is a driver [§316.003(1)]. As a driver, a cyclist must follow the traffic rules common to all drivers. As the driver of a bicycle, he must also obey rules adopted specially for bicycles.

A cyclist has all of the rights to the roadway applicable to any driver, except as to the special regulations for bicycles [§316.2065(1)]. A cyclist is not required to have a driver license [§322.01(42)].

● **A bicyclist riding on a sidewalk or crosswalk has the rights and duties of a pedestrian**

[§316.2065(11)], as well as certain other duties (see “*Laws for sidewalk riders,*” below).

- Infractions of bicycle regulations in §316.2065 and moving and non-moving violations of other sections of Chapter 316 are subject to civil penalties as provided in §318.18. (For an infraction by a child cyclist, an officer could consider issuing a verbal or written warning.)
- Points are not assigned to the driver license of a person who committed a violation while driving a bicycle. Points apply only to motor vehicle operation [§322.27(3)(i)].
- Local authorities may require bicycle registration, prohibit riding on sidewalks on roads under their jurisdiction, etc. [§316.008].

Equipment and passengers

- Every bicycle must be equipped with a brake or brakes that allow the rider to stop within 25 feet from a speed of 10 mph on dry, level, clean pavement [§316.2065(14)].
- A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped; an adult bicyclist may carry a child in a backpack or sling, child seat or trailer designed to carry children [§316.2065(3)].

***LIGHTING EQUIPMENT [§316.2065(8)]**

A bicycle operated between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from 500 feet to the front and both a red reflector and a lamp on the rear exhibiting a red light visible from 600 feet to the rear. Additional lighting is permitted and recommended. ***The risk of fatal or incapacitating injury increases sharply at night.***

BICYCLE HELMET [§316.2065(3)(d,e)]

A bicycle rider or passenger under 16 years of age must wear a bicycle helmet that:

- is properly fitted;
- is fastened securely;
- meets a nationally recognized standard.

Under federal law, bicycle helmets are required to meet the standards of the Consumer Product Safety Commission.

Bicycle helmets, properly fitted and secured, have been found effective at reducing the incidence and severity of head, brain and upper facial injury. (Head injuries account for about one third of the hospital emergency room visits of injured cyclists.)

Use of helmets by adult role models promotes use

among youth. Agencies should consider rewarding children who comply with this section, as well as warning those who don't.

HEADSET NOT TO BE WORN [§316.304]

A cyclist may not wear a headset, headphone or listening device, other than a hearing aid, while riding.

(Loud headphones can damage hearing and shut out the outside world. However, no cyclist should depend on hearing before turning or changing lane position.)

Laws for all drivers (motorists & cyclists)

Impartial enforcement of traffic law on all roadway users improves the climate for bicycle enforcement.

***DRIVING ON RIGHT SIDE OF ROADWAY**

[§316.081]

Upon all two-way roadways of sufficient width, a vehicle must be driven on the right half of the roadway. Exceptions include (a) when overtaking and passing another vehicle under the rules governing

such movement (*see Overtaking and Passing a Vehicle, below*) and (b) when an obstruction exists making it necessary to drive to the left of the center of the highway. However, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction within such distance as to constitute an immediate hazard.

A cyclist driving against the direction of traffic on the roadway should be warned or cited. This is a major contributing factor in bicycle-motor vehicle crashes; motorists entering and leaving the roadway at intersections and driveways do not expect traffic to approach from the wrong direction. (For riding on paved shoulders, see "Position on roadway" under "Laws for bicycle drivers" below.)

***OBEDIENCE TO TRAFFIC CONTROL DEVICES** [§316.074]

A driver must obey all applicable traffic control devices (signs, markings, and traffic signals).

***ENTERING STOP OR YIELD INTERSECTIONS** [§§316.123 & 316.130(7)]

In the U.S., the STOP sign has been the sign most commonly used to control priority at intersections and public driveways; YIELD signs may also be used for this purpose.

A driver who approaches a STOP or YIELD sign must, before proceeding into the intersection, (1) stop at a marked stop line, if present, and otherwise before the crosswalk (at a STOP sign) (2) yield to a pedestrian crossing in the crosswalk (whether marked or unmarked) and (3) yield to drivers in the crossing road. The legal difference is that, at a YIELD sign, the driver is required to slow to a speed reasonable for the existing conditions but need stop only if necessary to yield or otherwise necessary for safety.

Proper yielding prevents crashes; stopping and proceeding without yielding does not. A study by the Insurance Institute for Highway Safety found that 70 percent of crashes that occurred at one- and two-way stop signs involved stop sign violations, but in two thirds of these cases, the driver **did** stop; the crash occurred when the driver then proceeded without yielding.

Sight distance triangles at some intersections where stop signs have been installed are sufficient that a driver who slows on such an approach can complete a scan (left and right) for potentially conflicting traffic and still have time to yield, if necessary. Nevertheless, the law requires a driver to stop at a stop sign, even when it can be seen without making a full stop that no potentially conflicting traffic is approaching. Enforcement should prioritize motor-

ists and cyclists who fail to prepare to yield at stop or yield intersections. Enforcement of the "full stop" requirement at a stop sign should be applied even-handedly to motorists and cyclists, or it will not be perceived as impartial.

TRAFFIC CONTROL SIGNALS [§316.075]

Vehicular traffic must comply with indications of traffic signals.

An electrical circuit with loops embedded in the pavement is commonly used to detect vehicles waiting for a green light at a signalized intersection. These loops are essentially metal detectors. Many bicyclists are unaware of this system or do not understand how it works. The most sensitive position for a two-wheeled vehicle is (usually) directly over a pavement cut, but if the detector's sensitivity is set too low, a bicycle or motorcycle may not be detected; the signal will stay red until a car stops over the loop. An unresponsive loop should be reported to the local traffic engineering office.

***YIELDING ON ENTRY TO ROADWAY**

[§316.125(2)]

The driver of a vehicle emerging from an alley, building, private road or driveway shall stop the vehicle immediately prior to driving onto a sidewalk crossing, and shall yield to all vehicles and pedestrians which are so close thereto as to constitute an

immediate hazard. *Failure to observe this rule is a typical factor in crashes involving sidewalk cyclists.*

***OVERTAKING AND PASSING A VEHICLE**

[§§316.083, 316.085]

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle or other non-motorized vehicle must pass the bicycle or other non-motorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other non-motorized vehicle. *See the exception discussed below in "When overtaking on the right is permitted." To pass a cyclist with safe clearance, it may be necessary for a motorist to enter (at least partially) the next lane, when and where it is safe to do so.*

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit passing to be made without interfering with the operation of any vehicle approaching from the opposite direction. In every event an overtaking vehicle must return to an authorized lane of travel as soon as

practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle [§316.085].

The prohibition of passing in a no-passing zone does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway [§316.0875(3)]. *Thus, when a cyclist is traveling so slowly as to constitute an "obstruction," a motorist may cross the center line in a no-passing zone to pass the cyclist if the way is clear to do so, i.e., when it can be seen that any oncoming traffic is far enough ahead that the motorist could finish passing before coming within 200 feet of an oncoming vehicle.*

About 1 percent of bicycle-motor vehicle crashes involve motorists who misjudge the width or length necessary to pass a cyclist. Close passing causes some cyclists to "hug the curb," or ride on the sidewalk, where crash risk actually increases.

***METHOD OF TURNING RIGHT AT INTERSECTIONS [§316.151(1)(a)]**

Both the approach for a right turn and the turn are to be made as closely as practicable to the right-hand curb or edge of the roadway. ***For this reason,***

a driver preparing to turn right should—after yielding to any bicycle driver present—enter or closely approach a bicycle lane, if one is present. This reduces conflicts with following drivers, makes the driver's intention more clear than signaling alone, and prevents an overtaking cyclist from trying to pass on the right and possibly colliding. A motorist who makes a sharp right turn immediately after passing a cyclist has turned incorrectly.

***NOT TO DRIVE UNDER THE INFLUENCE**

- It is unlawful to operate any vehicle while under the influence of alcohol or drugs [§316.193].
- The requirement to submit to a breath test [§316.1932] does not apply to a cyclist, since consent is deemed to have been given only by a person with a driver license who is operating a motor vehicle.
- It is unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle, or while one is a passenger in or ON any vehicle [§316.1936(2)].

DUTY TO EXERCISE DUE CARE

- Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or bicyclist [§316.130(15)].

- Any person operating a vehicle upon the streets or highways within the state shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person [§316.1925].

APPROPRIATE DRIVING SPEED

The driver of every vehicle shall drive at an appropriately reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist by reason of roadway conditions [§316.185]. Speed shall be controlled [§316.183] and decreased below speed limit [§316.185] as may be necessary to avoid colliding with any person or vehicle.

Laws for bicycle drivers

***POSITION ON ROADWAY [§316.2065(5)]**

A cyclist on a roadway who is not traveling as fast as the "normal speed of traffic" must ride as close as practicable to the right hand curb or edge of the roadway, except in the following situations:

- when passing another vehicle;

- when making a left turn (see "Method of turning at intersections" above);
- when reasonably necessary to avoid conditions including, but not limited to, a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard;
- when a lane is too narrow for a bicycle and another vehicle to travel safely side by side.

A cyclist should maintain at least 2 feet of clearance from a curb or pavement edge.

Since the minimum clearance for passing a bicyclist (at moderate speed) is 3 feet (Florida Driver's Handbook) and the total width of larger motor vehicles (with extending mirrors) is commonly 8 feet or more, a lane with less than 14 feet of usable width is usually too narrow for motor traffic to pass. Consequently, where restricted conditions prevent inclusion of bicycle lanes or paved shoulders on laned urban roadways, the Florida Department of Transportation's Manual of Uniform Minimum Standards recommends an outside lane width of 14 feet as the "minimum width that will allow passenger cars to safely pass bicyclists within a single lane," i.e., without the need for passing motorists to use part of the next lane ("Curb Lanes," see chapter 9 at <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.htm>).

A cyclist riding past parallel-parked cars should maintain a clearance of 4 feet (>1 meter) to avoid risk of collision with an opening car door.

- A cyclist going straight through an intersection should not ride in a lane marked exclusively for right turns, i.e., one marked or signed with the word "ONLY" (see "Obedience to traffic control devices" above).
- A bicyclist operating on a one-way street with two or more traffic lanes may ride as close to the left-hand edge of the roadway as practicable.
- *Paved shoulders – Where a curb is not present, the right-hand edge of a roadway is the line between the roadway and the shoulder. Since the definition of "roadway" excludes the shoulder [§316.003], cyclists are not required to ride on paved shoulders, although they may prefer to do so. A cyclist may ride only along a right-side paved shoulder, i.e., must ride in the direction of traffic, since this is the only practical way to comply with the requirement to obey all applicable traffic signals and signs [§316.074].*

RIDING TWO ABREAST [§316.2065(6)]

- Cyclists may ride two abreast only within a single lane and when not impeding traffic.

- Cyclists may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

In a lane "too narrow for a bicycle and another vehicle to travel safely side by side" (see "Position on roadway" above), passing cyclists "at a safe distance" requires use of the next lane (see "Overtaking and passing a vehicle" above). In this case, cyclists riding two abreast cause no additional impediment to traffic.

METHOD OF TURNING AT INTERSECTIONS

[§316.151]

Left turn –

A cyclist intending to make a left turn is entitled to full use of the lane from which a driver may legally make a left turn. Option: instead of making a left turn as a motorist does, a cyclist may proceed through the rightmost portion of the intersection and turn as close to the curb or edge as practicable at the far side. Before proceeding in the new direction of travel, the cyclist must comply with any official traffic control device.

Right turn –

See "Method of turning right at intersections" under "Laws for all drivers" above

SIGNALING A TURN OR STOP

[§§316.155(2)(3) & 316.157(1)]

A signal of intention to turn must be given during the last 100 feet traveled by a vehicle before turning. If a cyclist needs both hands for control, the signal need not be given continuously.

A cyclist signals intent to:

- turn left – by extending the left arm and hand horizontally;
- turn right – by extending the right hand and arm horizontally, or by extending the left hand and arm upward;
- stop or suddenly reduce speed– by extending the left hand and arm downward.

WHEN OVERTAKING ON THE RIGHT IS PERMITTED [§316.084]

Overtaking on the right is permitted upon a street or highway with unobstructed pavement not occupied by parked vehicles, of sufficient width for two or more lines of moving traffic in each direction. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety.

*A cyclist traveling in a bicycle lane, or in a lane wide enough for motor vehicles and bicycles to share (see "Roadway position" above) may pass motor vehicles on the right, **but must take care to avoid turning vehicles.** Passing is allowed in these cases since there is sufficient width for two lines of moving traffic (one of which is bicycle traffic).*

Laws for sidewalk riders: operating as a pedestrian

- A cyclist riding on a sidewalk or crosswalk has the rights and duties of a pedestrian [§316.2065(10)] *and therefore may ride in either direction. However, equipment and passenger regulations still apply since the cyclist is still a "bicycle rider." Sidewalks are not designed for bicycle speeds, but bicycles are permitted where not prohibited by local ordinance (use is prohibited downtown in many cities).*
- At a signalized intersection, a cyclist approaching on a sidewalk must obey the instructions of any applicable pedestrian control signal. *That is, he may start to cross a roadway in a crosswalk only during a steady Walk phase, if one is displayed. If no pedestrian signal is provided, the cyclist may proceed in accordance with the signal indications for the parallel roadway traffic flow [§316.084].*
- A cyclist riding on a sidewalk or crosswalk must yield the right-of-way to pedestrians and must give

audible warning before passing [§316.2065(11)].

- Vehicles may not be propelled by other than human power on sidewalks or bicycle paths [§316.1995].

Bicycle crash investigation

Careful reporting of bicycle crashes can help traffic safety specialists choose effective countermeasures. Some bicycling-related factors are not adequately addressed in the standard crash form. Noting these in the narrative will help provide information to assess what factors did (or did not) contribute to the crash, and assure fair treatment of all parties. Some injuries to bicyclists do not involve motor vehicles but can be serious. Officers present should record the following information when relevant:

General

- Position of sun, time of day, glare factor.
- Surface hazards: surface debris, standing water, potholes, pipe lids, railroad tracks, pavement subsidence or cracks, etc. that might have caused the cyclist to swerve.
- View obstructions: trees, bushes, parked cars,

utility poles, etc. that might have interfered with the cyclist's and motorist's views of each other.

- Site location: was the cyclist in a bike lane? On some curbed roadways, a shoulder strip is separated by an edge line but is not signed or marked as a bike lane. Legally, a bike lane is present only where a strip is designated with Bike Lane signs and/or symbol markings.

The cyclist

- Lamps and reflectors: If crash occurred after sunset, bicycle headlamp, taillamp and rear reflector should have been in use. Non-use should be reported as "Defective/Improper Lights" (details should be given in narrative). If lamps were damaged in crash, are the batteries charged? Was other reflective material used (panniers, ankle straps, backpack, etc.)?

- Helmet: Use should be reported in "Safety Equipment" box.

- Injured cyclist should save all clothing and equipment damaged in the crash, refrain from repairing or cleaning such items and have injuries properly examined and documented.

The motorist

- Did the motorist fail to scan for a cyclist approaching from the right on a sidewalk?
- If a motorist alleges he didn't see a cyclist in daylight where views were unrestricted, the possibility of drug or alcohol use, distractions or fatigue should be considered.

Fatalities and incapacitating injuries

- Do not move the bicycle until its location and position has been photographed or otherwise accurately recorded.
- The bicycle should be thoroughly inspected by the investigator.
- The bicycle should be held as evidence and only released when the case is closed.

Mopeds

A moped is "[a]ny vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground..." [§316.003(77)].

Mopeds are classified as motor vehicles for purposes of driver license law [§322.01(26)]. A person operating a moped is therefore required to have a driver license [§322.03]. A moped must be registered [§320.0803]. Rules on roadway position are the same as for bicycles [§316.208(2)]. A moped may not be propelled on a sidewalk with its motor operating [§316.208(4)].

Motorized scooters

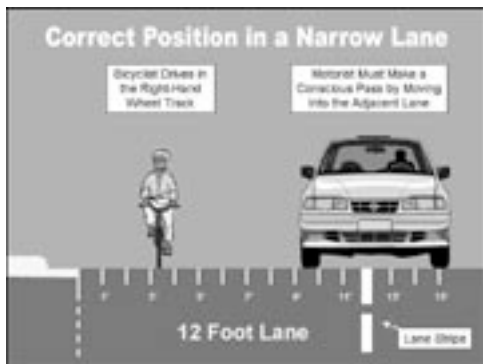
A motorized scooter is "[a]ny vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground" [§316.003(82)]. Motorized scooters are classified as motor vehicles under driver license law [§322.01(26)]. A person who operates a motorized scooter is therefore required to have a driver license [§322.03].

When is a lane share-able?

Florida's 3 feet minimum separation rule (see page 13) poses questions for both cyclists and drivers of motor vehicles. Although the law allows cyclists to leave the right-hand side of the lane if the lane is too narrow (see page 17), nothing in the statutes defines how wide such a lane should be.

FDOT's recommendation is 14 feet, which gives cyclists a maneuverable width and still allows the minimum passing feet separation. Riding too far right in a narrow lane may encourage motorists to squeeze by at an unsafe distance. In a lane too narrow (less than 14 feet) for motorists to pass safely, moving left





into the right-hand vehicle track should cause motorists to move into the adjacent lane to maintain the required separation.

