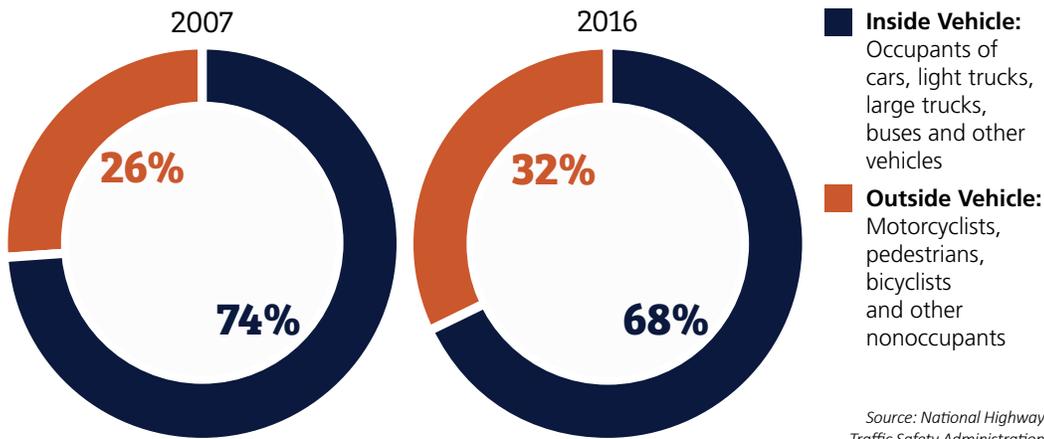


Percentage of Fatalities Inside And Outside Vehicles



State Safe Bicycle Passing Laws

BY DOUGLAS SHINKLE

Bicyclist traffic deaths, after a period of encouraging decreases in the late 2000s, have increased significantly in the current decade. According to the [most recent data from the National Highway Traffic Safety Administration \(NHTSA\)](#), the number of bicyclist deaths, 840, were the most in a year since 1991.

In the past 10 years, nonoccupants of vehicles, such as motorcyclists, pedestrians and bicyclists, have made up a larger and larger percentage of overall traffic fatalities. In 2007, 26 percent of traffic fatalities consisted of these nonoccupants, whereas by 2016 they had risen to 32 percent of the overall fatalities. This dynamic is likely a combination of a few factors, including increased trips by bike, improvements in vehicle safety leading to decreases (or smaller increases) in motor vehicle deaths, and a resurgence of vehicle miles traveled by motorists.

State Action

According to a 2015 [analysis of bicycle crashes between 2008 and 2012](#) by the Insurance Institute of Highway Safety (IIHS), 9 percent of crashes and 45

percent of fatalities involved a vehicle hitting the bicyclist from behind or the side while traveling in the same direction. Furthermore, [according to NHTSA](#), in 2016, bicyclists were struck by the front of the vehicle in 78 percent of fatal crashes.

In response to such crashes and overall concern about bicyclist safety, states have developed “3-foot,” or “safe” passing laws. The laws are intended to prevent crashes and create a less stressful and more predictable riding environment. They seek to ensure that, when passing bicycles, motor vehicles allow adequate space to avoid sideswiping bicyclists or causing them to overcorrect to avoid a vehicle.

Skeptics doubt such laws can be enforced and whether 3 feet allows sufficient space for bicyclists. In addition, many bicyclists argue that laws dictating they must ride to the far right of a lane are of more concern. This is because they often encourage passing too closely. They can also leave bicyclists vulnerable to being “doored” by a parked car or encountering roadside debris. Advocates state that these passing laws at least create a legal framework to protect bicyclists who are hit or “buzzed” from behind, create a less arbitrary standard and raise awareness of the importance of safe passing.

Did You Know?

- There were 840 bicyclist traffic deaths in 2016, the highest amount since 1991.
- According to the Insurance Institute of Highway Safety, 45 percent of fatal bicycle crashes between 2008 and 2012 involved a vehicle hitting the bicyclist from behind or the side while traveling in the same direction.
- Thirty-two states have a law requiring a motorist to provide at least 3 feet of space when passing a bicyclist.

Wisconsin became the first state to enact such a law in 1973 and several more states have since enacted such measures. As of July 2018, 32 states and the District of Columbia have enacted laws requiring motorists passing bicycles to leave 3 feet of space or more between them.

Two states have laws that go beyond 3 feet. Pennsylvania has a 4-foot passing law. South Dakota enacted a two-tiered passing law in 2015. It requires vehicles to leave 3 feet for passing bicyclists on roads with posted speeds of 35 mph or less, and a minimum of 6 feet on roads with speed limits greater than 35 mph.

Additionally, North Carolina has a 2-foot passing requirement for motorists, and allows passing in a no-pass zone if a motorist leaves 4 feet of clearance.

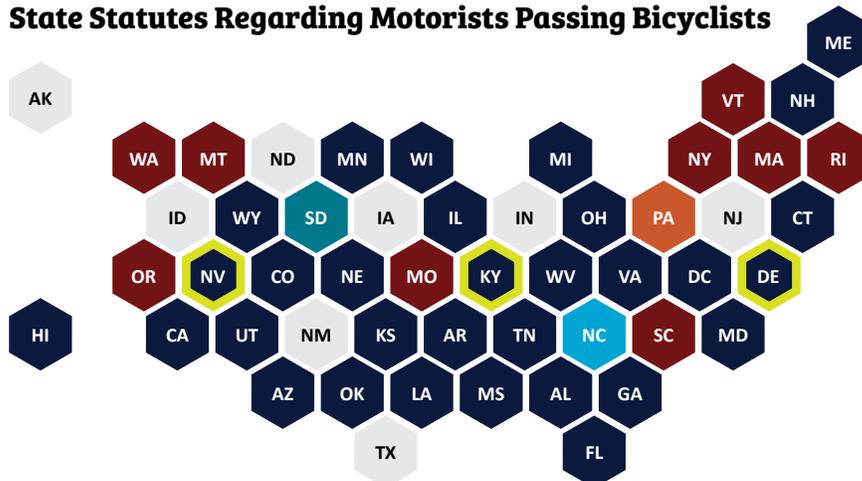
One relatively new refinement to safe passing laws is to require a motorist to completely change lanes when passing a bicyclist if there is more than one lane proceeding in the same direction. Three states— Delaware, Kentucky and Nevada—currently require this. In Kentucky, for example, state law reads, “Vehicles overtaking a bicycle proceeding in the same direction shall: If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the immediate left, if the lane is available and moving in the lane is reasonably safe.”

A number of states also clarify that a motorist may cross a double yellow line in a no-passing zone, if safe to do so, in order to pass a bicyclist. Illinois revised its safe bicycle passing law in 2017 to allow this, if: the bicyclist is traveling at less than half the posted speed, the driver is able to pass without exceeding the speed limit, and there is sufficient distance to the left of the center line for the vehicle to pass.

Nine other states have general laws providing that motorists must pass at a “safe distance.” These laws typically state that vehicles must pass bicyclists at a safe distance and speed. Montana’s law, for example, requires a motorist to “overtake and pass a person riding a bicycle only when the operator of the motor vehicle can do so safely without endangering the person riding the bicycle.”

One criticism of safe passing laws is that they are difficult to enforce. However, a new technology may change that. It equips bicycles operated by police with an ultrasound detector that measures the distance between the bicyclist and cars, thus allowing officers to conduct enforcement campaigns. Chattanooga, Tenn., and Austin, Texas, are two cities [using this new technology](#).

State Statutes Regarding Motorists Passing Bicyclists



- Requires passing distance of 2 feet; 4 feet in no-passing zones
- Requires minimum passing distance of 3 feet
- Requires minimum passing distance of 4 feet
- Require passing at a “safe distance”
- No specific law for passing bicyclists
- Requires 3 feet of passing distance on roads with speed limits of 35 mph or less; 6 feet on roads over 35 mph
- Requires motorists to completely change lanes when passing a bicyclist if there is more than one lane proceeding in the same direction.

Source: NCSL, 2018

Federal Action

NHTSA is undertaking a research project to determine the effectiveness of safe bicycling laws, as thus far the impact of such laws is not well understood. Data collection is currently occurring in two localities before, during and after a [High Visibility Enforcement program](#) aimed at reinforcing safe passing distances. The study is also looking at how different distance requirements influence actual passing distance. The results of the study should be available in early 2020.

The last federal transportation funding reauthorization, Fixing America’s Surface Transportation Act (FAST Act), created a new grant program aimed at decreasing bicyclist and pedestrian fatalities and injuries. States where the amount of bicyclist and pedestrian traffic deaths exceeds 15 percent of total annual statewide traffic deaths will be eligible for approximately \$14 million in annual grant funds under [Section 405h](#). The non-motorized safety incentive grants [were awarded to all 25 states](#) that applied for the grant for fiscal year 2018. A state may only use the funds to train law enforcement on state bicyclist and pedestrian laws, institute campaigns to enforce those laws, and conduct public education and engagement about the laws.

Additional Resources

- [NCSL webpage, Safely Passing Bicyclists](#)
- [Bicycle Safety, National Highway Traffic Safety Administration](#)

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