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## **The Challenge of Bicycle Law Enforcement [F.S. 316.2065]**

Operating in traffic is a cooperative activity, governed by laws. Traffic laws incorporate practices found, through experience, to facilitate safe and efficient travel. Since not everyone has enough experience to appreciate the rationale of the laws, seasoned and informed enforcement is necessary to help instill safe habits. Law Enforcement members exercise discretion in enforcement actions; an effective method involves being prepared to explain the laws as they apply and 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. Many times, crashes in traffic are caused by avoidable errors. In 70 percent of police-reported bicycle-motor vehicle crashes, the cyclists involved had violated traffic laws; in about 45 percent, motorists had violated the laws. Cyclists who understand how the traffic laws support cyclist safety are more likely to follow the laws.

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

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

- ***Lamps are required equipment on a bicycle after sunset to alert other drivers.***

A red rear reflector may not be recognized as being attached to a moving vehicle. A frontward-facing white light is needed to illuminate a path of travel and 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. Though allowed by law, flashing white lights on the front of a bicycle are not as detectable as a steady white light.

- ***A cyclist traveling more slowly than other traffic should ride in the rightmost through lane, except to pass, to make a left turn, or when necessary to avoid hazards. When a lane is too narrow to share, the cyclist may control the entire lane.***

A cyclist should ride in the rightmost through lane to make it easier for faster vehicles to pass, and 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 very far right within the travel lane 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.) Most travel lanes are too narrow for a cyclist and motorist to safely share side by side. Lanes wide enough to be safely shared are often restriped to include a bicycle lane.

## 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 CyclingSavvy Edition, available from Florida Bicycle Association.*

The following statistics\* were identified as actual or likely contributing factors in bicycle-motor vehicle crashes.

### Cyclist -

Failed to yield right of way . . . . .	14.43%
Riding against traffic (head-on) . . . . .	6.37%

### Motorist -

Failure to yield right of way . . . . .	24.70%
Careless or Negligent driving . . . . .	10.15%

### General Statistics -

Drivers in fatal bicycle crashes / Florida residents . . . . .	96%
Bicyclist fatalities / Florida residents . . . . .	96%
Drivers moving straight at time of crash . . . . .	43.50%
Drivers turning right at time of crash . . . . .	29.97%
Crashes involving bicyclists during clear weather . . . . .	.81%
Crashes involving bicyclists during day light hours . . . . .	74.99%
Crashes involving bicyclists at intersections . . . . .	55.49%

*\*Source: Florida's Integrated Report Exchange System (FIRES), USF Center for Urban Transportation Research Data Collection and Analysis (2015).*

# 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 Bicyclist

A bicycle is defined as a vehicle [§316.003(4)]. Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. A person under the age of 16 may not operate or ride upon a motorized bicycle.

Any person who drives or is in actual physical control of a vehicle on a highway is a driver [§316.003(20)]. Every person propelling a vehicle by human power has all of the rights and duties applicable to the driver of any other vehicle, except as to special regulations for bicycles [§316.2065(1)]. A bicyclist is not required to have a driver license [§322.01(44)].

- ***A person propelling a vehicle by human power upon and along a sidewalk or crosswalk has all the rights and duties of a pedestrian [§316.2065(09)], as well as certain other duties (see “Laws for sidewalk riders” in another section).***

- 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 should 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)].
- Local authorities may require bicycle registration or prohibit riding on sidewalks and roads under their jurisdiction, etc. [§316.008(1)(h)].

## **Equipment and Passengers**

### **\*Lighting Equipment** [§§316.2065(7)]

Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required. ***The risk of fatal or incapacitating injury increases sharply at night. Moderately priced bike lights cost far less than a trip to the emergency room.***

### **Brakes** [§316.2065(13)]

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.

## **Bicycle Helmet** [§316.2065(3)(d)]

A bicycle rider or passenger under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head with a strap and that meets the federal safety standard for bicycle helmets. *The federal safety standard for bicycle helmets is adopted by the Consumer Product Safety Commission. It comprises a standard for helmets for riders age five and older and another for riders age one and older. Bicycle helmets, when 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 bicyclists.) Use of helmets by adult role models promotes use among youth. The lack of a bicycle helmet does not indicate carelessness or fault in a crash on the part of a bicyclist.*

## **Headset Not to be Worn** [§316.304(1)]

No person shall operate a vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid. This does not apply to using a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear [§316.304(2)(d)].

*(Loud headphones can damage hearing and shut out the outside world.)*

## **Carrying a Passenger** [§316.2065(3)(a)(b)]

A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling or in a seat or carrier that is designed to carry a child that secures and protects the child from the moving parts of the bicycle.

## **Laws for All Drivers (Motorists & Cyclists)**

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

### **Duty to Exercise Due Care** [§316.130(15)]

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and give warning when necessary and exercise proper precaution upon observing any child or any obviously confused or incapacitated person. 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. Failure to drive in such a manner shall constitute careless driving [§316.1925].

### **\*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 bicyclist, 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)].



## **\*Driving on Right Side of Roadway** [§316.081]

Upon all two-way roadways of sufficient width, a vehicle shall be driven upon 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; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard.

***A bicyclist 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.***

## **\*Obedience to Traffic Control Devices** [§316.074]

The driver of any vehicle shall obey the instructions of any official traffic control device (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.

Enforcement should prioritize motorists 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 evenhandedly to motorists and cyclists, or it will not be perceived as impartial.

## **Traffic Control Signal Devices** [§316.075]

Vehicular traffic must comply with indications of traffic control signal devices.

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. 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.

## **Intersection Where Traffic Lights Are Inoperative**

[§316.1235]

The driver of a vehicle approaching an intersection in which the traffic lights are inoperative shall stop in the manner indicated in [§316.123(2)] for approaching a stop intersection.

### **\*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**

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 completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In every event the 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 the obstruction exists making it necessary to drive to the left of the center of the highway [§316.0875(3)]. *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 one 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.***

### **When Overtaking on the Right is Permitted [§316.084]**

(1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions: (a) when the vehicle overtaken is making or about to make a left turn; (b) 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; (c) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles. (2) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. *A bicyclist traveling on a roadway in a bicycle lane, or in a lane wide enough for motor vehicles and bicycles safely to share (see "Roadway position") may pass motor vehicles on the right, because there is sufficient width in this case for two lines of moving traffic—motor vehicle traffic and bicycle traffic. However, the cyclist should proceed with care—"only under conditions permitting such movement in safety." Cars or trucks may turn at driveways, or at the next intersection.*

### **\*Method of Turning Right at Intersections**

[§316.151(1)(a)]

Both the approach for a right turn and the turn shall 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 Stand or Park in a Bicycle Lane** [§316.1945(1)(b)6]

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stand or park a vehicle, whether occupied or not, in a bicycle lane, except momentarily to pick up or discharge a passenger or passengers.

### **Appropriate Driving Speed** [§316.185]

The fact that the speed of a vehicle is lower than the prescribed limits shall not relieve the driver from the duty to decrease 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 or may exist with respect to pedestrians or other traffic or by reason of weather or other roadway conditions, and speed shall be reduced as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care [§316.130(15)]. Speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care [§316.183(1)].

# Laws for Bicycle Drivers

## \*Position on Roadway

[§316.2065(5)]

(a) Any person operating a bicycle upon 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 lane marked for bicycle use

or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

- when overtaking and passing another bicycle or vehicle proceeding in the same direction;
- when preparing for a left turn;
- when reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. A "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) A bicyclist operating on a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

*A bicycle lane is a lane marked with a stripe and symbols for the preferential use of bicycles on a roadway (motorists may enter or cross*



a bicycle lane, after exercising due care, to turn into or off a roadway at intersections and driveways). The official symbol marking used in Florida to designate a bicycle lane is shown in the above figure (FDOT Design Standards Index 17347 and Florida Greenbook).

A cyclist may leave a bicycle lane for any of the purposes listed in the law. Bicycle lanes are typically designed for through travel. (To make a right turn where a right turn lane is provided to the right of a bicycle lane, a cyclist should leave the bicycle lane, since continuing in the bike lane to the intersection and making a sharp right turn could surprise a motorist in the right turn lane.)

Where no bicycle lane is marked, a cyclist going through an intersection should not ride in a lane marked exclusively for turns, i.e., one marked or signed with the word "ONLY."

**Roads with curbs:** the gutter is not part of the "roadway," i.e., not "ordinarily used for vehicular travel" [§316.003(70)]. Cyclists need to keep clear of the gutter area; pavement joints, drain grates or debris can cause steering difficulties or damage. On lower-speed curbed streets, parallel parking of vehicles adjacent to the curb is commonly allowed.

**A cyclist riding past a parallel-parked car generally needs to maintain clearance of 4 feet to avoid risk of collision with an opening driver-side door. Doors on some vehicles swing open more than 3 ft.**

**Roads with flush shoulders:** where no bicycle lane is marked, a white edge line is typically marked to indicate the edge of the roadway; any pavement to the right of the edge line is shoulder pavement, not a bicycle lane unless it is marked with the bicycle lane symbol.

Since the definition of "roadway" excludes shoulders, cyclists are not required to ride on paved shoulders that are not marked as bicycle lanes, although they may prefer to do so. A cyclist who rides on a



paved shoulder typically needs to maintain 2 feet of clearance from the pavement edge. The cyclist should still travel on the right because (1) this reduces crash risk at intersections and driveways (drivers don't expect traffic on shoulders to approach from the "wrong" direction) and (2) whenever the cyclist enters the roadway (e.g., to pass a pedestrian or other cyclist, cross an intersection, avoid debris or obstructions, etc.), ride-side operation becomes mandatory.

**Outside traffic lanes:** as the minimum clearance for passing a bicyclist is 3 feet [§316.083, 316.085] and the total width of larger motor vehicles (with extending mirrors) is commonly 8 feet or more, an outside traffic lane less than 14 feet wide is typically not wide enough to accommodate a cyclist and passing motor traffic within the lane. The Florida Department of Transportation's Manual of Uniform Minimum Standards for Streets and Highways (chapter 9, [www.fdot.gov/roadway/floridagreenbook/fgb.shtm](http://www.fdot.gov/roadway/floridagreenbook/fgb.shtm)) advises: "Wide outside lanes on curbed roadways are through lanes that provide a minimum of 14 feet in width, which allows most motor vehicles to pass cyclists safely within the travel lane. Bicycle lanes are preferred for arterial and collector roadways, however, in some conditions, such as resurfacing projects, wide outside lanes may be the only practical option for a bicycle facility." Lanes wide enough to share tend to get restriped as a bike lane and a travel lane over time. Most travel lanes are NOT wide enough to share. In some cases, an R4-11 "Bikes May Use Full Lane" sign may be installed to clearly indicate when a lane is too narrow to share. (please see graphics on pages 24–25).

### **Operation on Limited Access Highways** [§316.091(4)]

No person shall operate a bicycle or other human-powered vehicle on the roadway or along the shoulder of a limited access highway, including bridges, unless official signs and a designated, marked bicycle lane are present at the entrance of highway

indicating that such use is permitted pursuant to a pilot program of the Department of Transportation.

*A limited access facility is “a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access” [§316.003(33)].*

## **Riding Two Abreast** [§316.2065(6)]

Bicyclists may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Bicyclists riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

*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 bicyclist intending to make a left turn is entitled to the full use of the lane from which the turn may legally be made. Option: instead of making a left turn as a motorist does, a bicyclist 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 bicyclist shall comply with any official traffic control device or police officer regulating traffic.

## **Right turn -**

See “Method of turning right at intersections” under “Laws for all drivers.”

## **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 bicyclist needs both hands for control, the signal need not be given continuously. No person may stop or suddenly decrease speed without first giving an appropriate signal to the driver of any vehicle immediately to the rear, when there is an opportunity to give such signal.

### **A bicyclist 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 decrease speed by extending the left hand and arm downward.

## **Laws for Sidewalk Riders: Operating as a Pedestrian** [§316.2065(9)]

- A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has the rights and duties of a pedestrian. *A bicyclist riding on a sidewalk has the rights of a pedestrian, and so may ride in either direction. (However, it is safer to ride in the direction of traffic since drivers do not expect bicyclists to come from the other direction at driveways and crosswalks.)* 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 some cities).

- A bicyclist riding on a sidewalk or crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before passing [§316.2065(10)].
- At a signalized intersection, a bicyclist approaching on a sidewalk must obey the instructions of any applicable pedestrian control signal [§316.130]. *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 bicyclist may proceed in accordance with the signal indications for the parallel roadway traffic flow.*
- A person may not drive any vehicle other than by human power upon a bicycle path, sidewalk or sidewalk area [§316.1995], except if municipalities allow golf carts or utility vehicles on sidewalks at least 5ft wide and must yield to pedestrians [§316.2126(1)(e)].

## **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. Potentially relevant information includes:

### **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. A bike lane is present only where when a strip is designated with bicyclist symbol markings.

## **The Cyclist**

- Lamps and reflectors: If crash occurred after sunset and bicycle headlamp and/or tail lamp were in use, enter the "Lighting" code in the "Safety Equipment" fields of the "Non-Motorist" section (note details in narrative). If lamps were damaged in crash, are the batteries charged? The "Reflective Clothing" code can be used for worn reflective items (ankle straps, backpack, etc.).
- Helmet: Note use in the "Safety Equipment" fields.
- 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.
- If a cyclist alleges they didn't see a motorist in daylight where views were unrestricted, the possibility of drug or alcohol use, distractions or fatigue should be considered.

## **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.

## **Micromobility Devices and Motorized Scooters**

A micromobility device is “[a]ny motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles.” [§316.003(38)].

A motorized scooter is “[a]ny vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground” [§316.003(45)].

## **Requirements**

- The operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle. Local governments may prohibit the operation of

micromobility devices and motorized scooters on roads under their jurisdiction [§316.2128(1)].

- A motorized scooter or micromobility device is not required to satisfy registration, insurance or licensing requirements [§316.2128(2)].
- A person is not required to have a driver license to operate a motorized scooter or micromobility device [§316.2128(3)].
- A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued by the National Weather Service [§316.2128(4)].

## **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(41)].

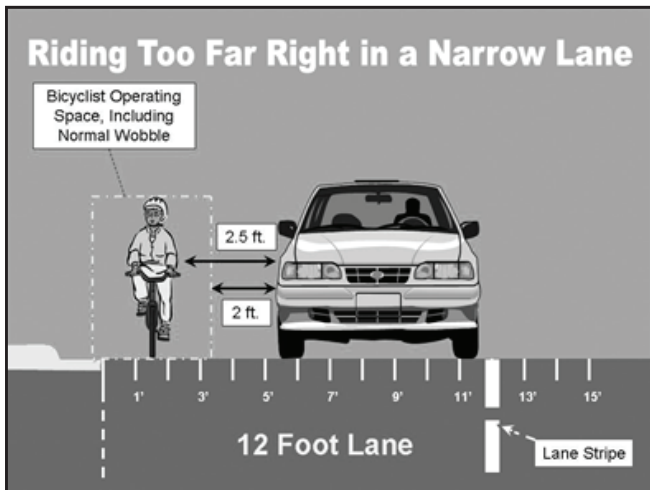
Mopeds are classified as motor vehicles for purposes of driver license law [§322.01(27)]. A person operating a moped is therefore required to have a driver license [§322.03]. A moped must be registered and have a license plate [§320.0803].

Rules on roadway position are virtually the same as for bicyclists [§316.208(2)]. A moped may not be propelled upon and along a sidewalk while the motor is operating [§316.208(4)].

## When is a Lane Shareable?

Florida's 3 feet minimum separation rule (see page 11) 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.

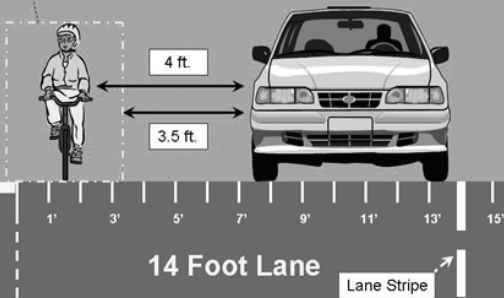
FDOT's recommendation is 14 feet, which gives cyclists a maneuverable width and still allows the minimum passing feet separation. Riding too far right in a narrow lane may encourage motorists to squeeze by at an unsafe distance. In a lane too narrow (less than 14 feet) for motorists to pass safely, moving left into the center or left third of the travel lane will clearly indicate to motorists the need to "change lanes" to pass to maintain the required separation.





## Correct Position in a Shareable Lane

Bicyclist Operating Space, Including Normal Wobble



## Correct Position in a Narrow Lane

Motorist Must Make a Conscious Pass by Moving Into the Adjacent Lane

