



Massachusetts State Police Academy Training Bulletin 2017-11

BICYCLING ON ROADWAYS



Legal Update: Effective April 2017, Chapter 456 of the Acts of 2016 adds section 4D to Chapter 89 of the General Laws, restricts operators of a motor vehicle from standing or parking upon an on-street path or lane designated by an official sign or marking for the exclusive use of bicycles, except in an emergency situation.

Bicycles on roadways are a common occurrence. Not only are bicycles used for recreation, but they are increasingly becoming the **primary mode of transportation** for many people. With this increase in bicycle use comes a higher proportion of motorist/bicycle interactions. In 2011, 677 cyclists were killed and an additional 48,000 were injured in motor vehicle traffic crashes. **The number of cyclists killed in 2011 is 9 percent higher than the 623 cyclists killed in 2010** (National Highway Traffic Safety Administration, U.S. Department of Transportation).

What are motorists' responsibilities as related to bicyclists?

M.G.L. Chapter 90 Section 14 – C.M.V.I. of \$40.00

- Motorists must yield to oncoming bicyclists when **turning left**. When a vehicle is turning left, the operator must yield the 'Right of Way' to vehicles and bicycles approaching from the opposite direction. This includes a bike that is to the right of oncoming traffic.
- If a motorist overtakes (passes) a bicycle proceeding in the same direction, the motorists must not make a **right turn** unless it is safely clear of the bicycle(s). **M.G.L. Chapter 90 Section 14 states that it is no longer a defense for a motorist causing a crash with a bicycle if the motor vehicle operator states that the bike was to the right of vehicular traffic.**

M.G.L. Chapter 90 Section 14 – C.M.V.I. of \$105.00

- No motorist shall open the door of a motor vehicle unless it can be done safely and without interfering with bicyclists, traffic and pedestrians.
- A motorist must slow down when approaching a bicyclist, pass at a **safe distance** and a reasonable and **proper speed**.

M.G.L. Chapter 90 Section 16 – C.M.V.I. \$55.00

- Motorists cannot use their horn to create harsh, unnecessary or objectionable noise in an effort to startle a bicyclist.

What are bicyclists' responsibilities as related to motorists?

Bicycles are allowed on all roadways, except on limited access or express highways where signs prohibit them:

- An express state highway is “a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections” CMR 720 9.08.
- Signs must be posted at onramps.
- **Bicycles are prohibited** on the Massachusetts Turnpike and the Metropolitan Highway System (the Boston Extension, the Callahan Tunnel, the Central Artery, the Central Artery North Area, the Zakim Bridge, the Maurice J. Tobin Memorial Bridge, the Sumner Tunnel, and the Ted Williams Tunnel). CMR 770 7.05.

Some state numbered routes have sections that are “express ways” with limited access where bicycling may be prohibited, but only if so marked. Other sections without on-and off-ramps permit bicycling (examples: state routes 2, 3, 6, 7, 9, and 28) only in certain areas.

M.G.L Chapter 85 Section 11B-C.M.V.I. \$20.00

- Bicyclists are allowed on all roadways, except on limited access or express highways where signs prohibit bicycles.
- Bicyclists are subject to all traffic laws. Exceptions to the normal rules of the road are riding on sidewalks safely while outside of business districts and bicyclists are allowed to pass on the right.
- Bicyclists must allow faster moving motor vehicles to pass them. **Bicyclists are allowed to use all lanes, but they should move to the right side of the road when necessary to allow a motor vehicle to pass**, provided that it is safe for the bicyclist to move to the right.
- Hand signals are required when turning. ***These signals need not be made continuously***, and shall not be made when the use of both hands are necessary for the safe operation of the bicycle.
- Bicyclists must keep one hand on the handlebars at all times.
- Bicyclists can pass on the right.
- Audible warning may be given to ensure safe operation, but the use of a siren or whistle is prohibited.
- Unless sponsored by a bicycle association and approved by the appropriate police department(s), no bike racing on public ways.

- No being towed on a bicycle or towing with a bicycle, with the exception that they may use bicycle trailers that are properly attached and allow for firm control and braking.
- Packages must be carried properly in a basket, rack, trailer, backpack or other device designed for such a purpose.
- No parking in a manner that obstructs vehicle or pedestrian traffic.
- No more than two bicycles can be operated side-by-side, and only in one lane.
- From a half hour after sunset to a half hour before sunrise, bicyclists must have a white lamp in front visible from up to 500 feet and a rear facing red light or reflector visible up to 600 feet.
- From a half hour after sunset to a half hour before sunrise, bicyclists must have a reflector on each pedal or your ankles, or reflective material on yourself or on the bicycle. The reflectors must be visible up to 600 feet from all sides.
- The bike must have a proper working brake system to stop from 15 mph within 30 feet.
- **Helmets are only required for children 16 and under**, except when a child is in an enclosed trailer or other protective device. A U.S. Consumer Product Safety Commission approved helmet is required.
- Bicyclists must report any crash involving personal injury and any crash involving property damage in excess of \$100 to the police in the municipality where it occurred.
- Children under the age of 1 may not be transported in a bicycle seat or trailer.

Parkways

Bicycling is permitted on *all* boulevards and parkways formerly under the control of the DCR, formerly the Metropolitan District Commission. (Portions of Soldiers Field Road and Storrow Drive are *express state highways*, but bicycling prohibition signs are not posted and there is at least one Court ruling, from the Brighton District Court, allowing cyclist to use Storrow drive). The DCR has authority to restrict bicycle use to designated paths and trails within its reservations (per 350 CMR 2.01(h)), but not to prohibit bicycle use of its roadways.

Disorderly Conduct

Bicycling on a roadway, even one with heavy traffic, is not “disorderly conduct” and cannot by itself be “disorderly conduct”. Bicycling is a legitimate purpose specifically granted by statute. Any person using the roadway in accordance with the traffic laws does not create a “hazardous or physically offensive condition.”

What About Common Sense?

You might think that, regardless of what the law says, bicyclists should keep off busy streets for their own safety. But studies show repeatedly that the driver approaching from behind is not the biggest threat to the bicyclist. More than 80% of car-bike collisions happen at intersections, and are related to crossing, entering, and turning movements. Half of bicycle fatalities occur in low-light conditions, where the failure of bicyclists to use lights is often the critical factor.



BICYCLE LAW ENFORCEMENT (2008 & 2011)

AS AMMENDED BY CHAPTER 525 OF THE ACTS OF 2008 & M.G.L. CHAPTER 85 SECTIONS 11B & 11E

When riding on a public ways, **bicyclists must obey the same basic traffic laws and regulations that apply to motor vehicle operators with a few exceptions.** Police officers are authorized by M.G.L. Chapter 85 Sec 11E to stop and cite bicyclists age 16 and older. Massachusetts Uniform Citations are used for the issuance of a bicycle violation. It is imperative that officer's check off the word 'bicycle' on the citation and **clearly indicate that the violator is a bicyclist.**

Bicycles are not subject to registration requirements – MGL Ch. 85 Sec 11D.

M.G.L. Chapter 85 Section 11E – Arrest (True Name Statute)

The only reason to arrest someone who has committed a bicycle infraction is: if the offender fails to state his true name and address or provides a false name and address after they are stopped for a 'traffic law violation' on a bike.

M.G.L. Chapter 85 Section 11B – C.M.V.I. of \$20.00

Operating under the Influence or Operating to Endanger on a bicycle is NOT ARRESTABLE under M.G.L. Chapter 90 Sec 24 as a bicycle is not a "motor vehicle". A pedal bicycle is powered by muscular power and therefore is **not** a '***motor vehicle***'.

- Order the bicyclist to stop and dismount the bike
- Issue a citation for \$20.00 for violations Chapter 85 Sec 11B
- If OUI, then assess the cyclist's sobriety using S.F.S.T's (only a PBT would be authorized) to determine if continued operation is unsafe to the cyclist and or the public
- Never arrest a cyclist for OUI unless he or she does not provide his or her name and address
- A barracks breathalyzer or blood test is not allowed
- Protective Custody (PC) remains an option if you have all the requirements set forth in M.G.L. Chapter 111B Section 8 (Probable Cause that someone has consumed enough alcohol to become incapacitated and is at risk of damaging property or injuring themselves or someone else)



How You Can Reduce Bicyclist Injuries and Deaths

There are a number of behaviors of motorists and bicyclists that are associated with the most common car-bike collisions – and all of them are violations of the traffic laws. Enforcing these laws can have a meaningful impact on preventing injuries and saving lives.

Key Bicyclist Violations

These are the infractions for which you should cite people who ride bicycles, as they are common cause car-bike collisions:

- Operating against traffic on the roadway.
- Operating at night without required headlight and rear light or reflector.
- Failure to obey traffic signals.
- Failure to yield at stop or yield signs or when entering the road.
- Failure to yield when moving across the road or when turning left.

Key Motorist Violations

These are the motorist violations that most often lead to car-bike collisions:

- Failure to yield to bicyclist when turning left.
- Improper right turn (passing bicyclist and immediately turning which does not give the bicyclist an opportunity to view a turn signal).
- Right turn on red without stopping.
- Speeding.
- Driving while intoxicated or distracted.
- Opening car door into traffic.

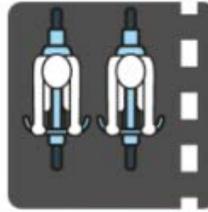


Civil Motor Vehicle Traffic Violations, committed by bicyclists are recorded on Massachusetts Uniform Citations. Police officers have the authority to enforce any applicable traffic law violations committed by bicyclists. The following is a useful guide for bicycle operation enforcement.

M.G.L. Chapter 85 Section 11E Authorizes Officers to use Motor Vehicle Citations to Cite Bicyclists (16+) BICYCLISTS MUST OBEY ALL TRAFFIC LAWS AND REGULATIONS OF THE COMMONWEALTH

<u>Bicycle Violations</u>	<u>M.G.L. or C.M.R.</u>	<u>Penalty</u>
1.) Bicycle Rider When Stopped For a Law Violation, Must Give Their True Name & Address	BICYCLES ARE NOT MOTOR VEHICLES Ch. 85-11E	Arrest (Only Arrestable Offense)
2.) Bicycle Riders Must Obey All Traffic Laws	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
3.) OUI or OTE While Driving a Bicycle	Ch. 85-11B	Civil \$20.00 (No Breathalyzer)
4.) Bike of Minor (under 18) Can Be Impounded for 15 days	Ch. 85-11B	Egregious Bicycle Operation
5.) Bicycle on a Prohibited State Highway	720CMR9.08(2)	Civil \$20.00 (Uniform Citation)
6.) Bicycle on Massachusetts Turnpike	700CMR7.06(4)(d)	Civil \$100.00 (Uniform Citation)
7.) Bicycle on Prohibited Express Highway or Roadways	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
8. Bicycle Riders Must Ride on the Correct Side of the Road	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
9.) No Child under Age 1 May Be Carried on a Bicycle	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
10.) Children Ages 1 to 4 Must Be In a Baby Seat or Trailer	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
11.) Bicyclists Must Yield to Pedestrians (Stop for Crosswalk)	Ch. 85-11B	Civil \$20.00 (Uniform Citation)
12.) All Bicycle Operation, Lighting & Equipment	Ch. 85-11B	Civil \$20.00 (Uniform Citation)

- **Bicyclists Can Ride Two Abreast, Must Keep to the Right (same as M.V.) and Must Allow MV Traffic to Pass.**
- **Bicycles Are Allowed To Ride On Certain Sidewalks Outside of Business Districts Unless Posted Otherwise**



You may ride two abreast.
Massachusetts General Law
c. 85 § 118(1)



It is illegal to door a cyclist.
Massachusetts General Law
c. 90 § 14



It is illegal to right hook
a cyclist.
Massachusetts General Law
c. 90 § 14



It is illegal to cut off a cyclist,
after passing.
Massachusetts General Law
c. 89 § 2



It is illegal to squeeze a
cyclist in a narrow lane.
Massachusetts General Law
c. 89 § 2



When going straight, a
cyclist has the right of way
over a car turning left.
Massachusetts General Law
c. 90 § 14

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