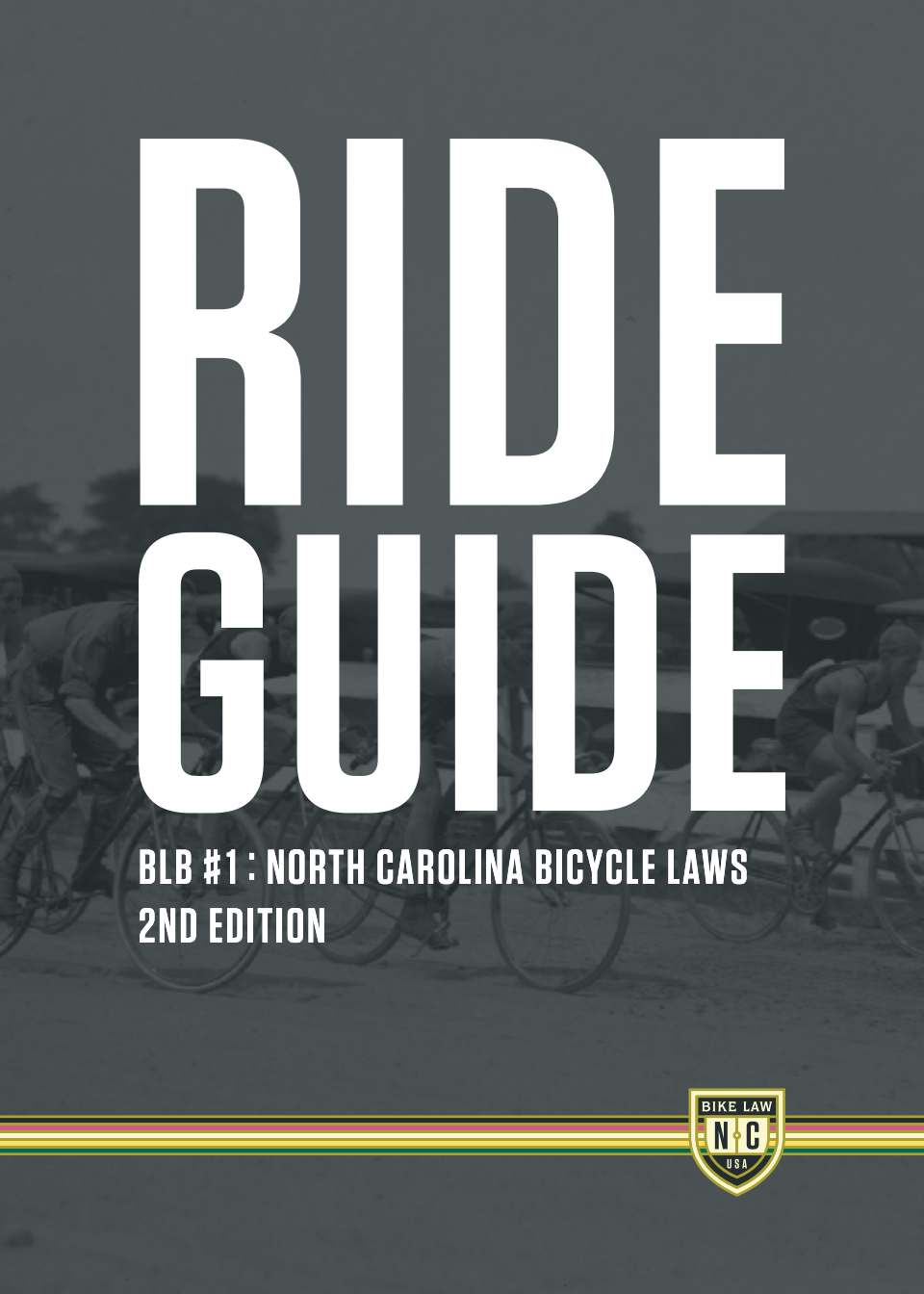


RIDE GUIDE

BLB #1 : NORTH CAROLINA BICYCLE LAWS
2ND EDITION

BIKE LAW N C USA

Ride Guide

BLB #1
2019
2nd EDITION

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INTRODUCTION

Anyone who wants to learn about bicycle laws and safety in North Carolina could easily come to the conclusion that there are far more questions than answers. If you are confused, you are not alone. The fact is that law enforcement, insurance adjusters and those involved in the legal system often misapply the laws affecting bicycles. Their confusion stems typically from preconceptions and cultural bias about bicyclists, different laws in other states and misinformation spread by others.

Those applying North Carolina law also often misunderstand the distinction our law makes between vehicles and motor vehicles. Because misconceptions abound, when problems – crashes, road rage, police interaction – arise, the bicyclist is often at a loss to explain behavior that seemed to the bicyclist to be the most reasonable course of action under the circumstances.

That's why I am writing this booklet. The purpose of it is to pull together the available legal resources with our own knowledge, training and personal experiences to create a reference for all levels of bicycle riders in North Carolina. I also hope it will serve as a resource for anyone who needs to understand the rights and responsibilities of bicycles and the responsibilities of motorists in certain commonly occurring interactions with bicycles.

The booklet is meant to provide general information and answers to everyday questions about the rules of the road pertaining to bicyclists. I leave questions of liability, insurance and post-collision advice to another day. In any case, this book is not intended to provide legal advice. When such questions arise, you should contact a bicycle attorney before talking with anyone else, like an insurance company representative. Consultations at Bike Law for bicyclists are free. The problem you have is likely one we

have helped others with many times before. We understand what you are talking about because we ride too. We hope this book will make your ride safer and more enjoyable!

Sincerely,

Ann Groninger

www.bikelaw.com/northcarolina





AUTHOR

Ann Groninger is a North Carolina attorney since 1995 and has been representing cyclists around the state for over 15 years. During that time, she has spoken with various groups around the state to help educate cyclists about their legal rights. She has also been involved in local advocacy groups to promote cycling and improve cycling safety. Ann lives and works near the center of Charlotte, North Carolina, and is thankful to be able to ride a bike most places she needs to go on a daily basis and also recreationally.

EDITORS AND CONTRIBUTORS

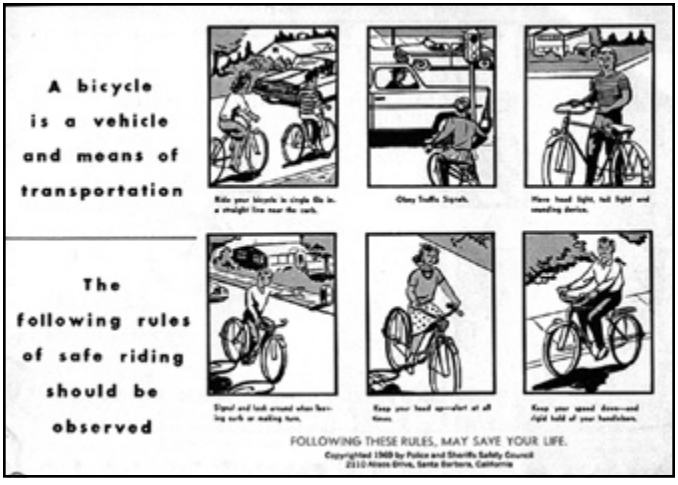
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Also, a thank you to the following well-known bicycle safety advocates for their review and input:

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Mike Sule is the executive director of Asheville on Bikes, a 501(c)3 organization which he helped found in 2006 and whose mission is to cultivate the culture of urban and commuter riding through advocacy and education. A long-time resident of Asheville, North Carolina and publicly recognized community leader for the group, Sule focuses on promoting ridership and advocacy through involvement in local, regional and state level bicycling and events for the bicycling community and those interested in bicycling issues. Asheville on Bikes also provides resources such as safety information and commuter classes to cyclists, and youth cycling programing in the Asheville area.



GENERAL PRINCIPLES

A Bicycle is a Vehicle:
North Carolina law defines a bicycle as a vehicle. That means bicycle riders generally have the same rights and responsibilities motorists, when riding on the road. A bicycle is not, however, a motor vehicle, which the law defines separately as a special class of vehicle. Most traffic laws governing the rules of movement, such as stopping for red lights, apply to all vehicles. Other laws such as license and registration requirements apply only to motor vehicles. Although most of these exceptions are obvious, others take some careful reading, interpretation and the application of logic and experience.

Reference:
N.C. Gen. Stat. § 20-4.01(49) Vehicle - Every device in, upon, or

by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application.

N.C. Gen. Stat. § 20-4.01(23) Motor Vehicle - "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds…"

In the following sections you will learn about some of the laws that were not meant to apply to bicycles. Law enforcement and others deciding responsibility in collisions (insurance adjusters, attorneys, judges) often mistakenly apply these motor vehicle laws to bicycles.

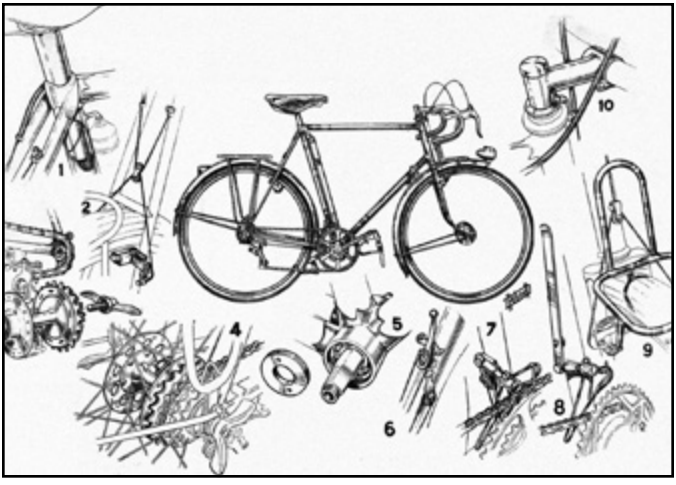
Applying Logic, Judgment and Experience:
If you think about it, this is what you do when you drive a car. We know what the law says we are supposed to do and what the safety rules are, but most often we use our instinct to apply those rules. This is why more experienced drivers are better drivers. The same is true for bicyclists. The more you ride a bicycle and encounter traffic, the more you will understand what to do in various situations. But first you must have a basic understanding of what the rules are.

Visibility and Predictability are the Keys to Safety:
A bicycle rider following traffic rules as closely as possible is the most predictable to motor vehicle traffic. As mentioned above, however, it is not always possible for a bicycle to act as a motor vehicle. Or, a bicyclist may make a reasonable choice to act differently than a motor vehicle would; for example, when a bicyclist decides it is safer or more efficient to use a sidewalk or shoulder, instead of the roadway. In

those instances, the bicyclist should keep a careful lookout, act predictably by using signals and communicating with traffic, if possible, and be as visible as possible.

Bicycling and Alcohol:
Impaired bicycling is illegal. In the past, it was not. But in this case, in 2006, the word "bicycle" was removed from the exceptions listed at the end of the statute, so it is now illegal to ride a bicycle in North Carolina when one of the following conditions is met.

> ***§ 20-138.1.*** Impaired driving.
> (a) Offense. - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:
> (1) While under the influence of an impairing substance; or
> (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or
> (3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.



EQUIPMENT REQUIREMENTS

If you are an adult riding during daylight hours, all you need is a bike! Once you venture into the world of bicycling, it does not take long to realize that you can spend a lot of money on gear and equipment. After you buy the original bicycle, you can upgrade everything from pedals to saddle to wheels, gearing, etc.; commuters can accessorize with carriers and bells; and cycling specific clothing can be a never ending budget buster.

There are a few equipment requirements for children or anyone riding at night:

Helmets Required for Children:
Helmets ARE required for children under the age of 16.

Reference:

N.C. Gen. Stat. § 20-171.9 (a).

The law even requires the helmet to "be of good fit fastened securely upon the head with the straps of the helmet."

The majority of states have no bicycle helmet requirements at all. North Carolina is one of 12 states with the under 16 rule. That said, you should wear a helmet. I realize there are conflicting positions on this topic. It is important to note that a helmet will not protect the bicycle rider from all or even most head injuries. However, it may help prevent an injury or minimize the extent of one and that makes it worth wearing.

Lighting required at night:

Bicyclists riding in the dark are now required to have both a front and rear light, both visible from 300 feet. Reflective clothing is an alternative (possibly more affordable) option to a rear light. The lighting law changed in 2016 and continues to be a bit confusing. (Why not use the word reflector; what is a reflex mirror?) Also, is a reflector required when the bicyclist has an operating rear light on the bicycle? Such a requirement would make no sense, as the visibility of the light would supersede that of the reflector. The purpose of retaining the "reflector" language can only have been intended as a backup for when the light fails.

Reference:

N.C. Gen. Stat. § 20-129. Required lighting equipment of vehicles.

(e) Lamps on Bicycles. – Every bicycle shall be equipped with a reflex mirror on the rear and both of the following when operated at night on any public street, public vehicular area, or public greenway: (1) A lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle. (2) A lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 300 feet to the rear of such bicycle or the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle.



WHERE TO RIDE

No, there is no index of cue sheets, greenways or mountain bike trails at the end of this book. What I mean is where do you put your tires down? Where a cyclist should be on the road (or off it) may be the hottest policy discussion in bicycling. There is much debate on the topic, often between motorists and bicyclists while driving. The reality is that North Carolina's traffic laws allow a lot of flexibility on where a bicyclist may ride on the road, or off. Although some laws provide guidance, choosing the best place to ride requires some cycling-specific knowledge and becomes easier with experience.

Stay off fully controlled access highways such as interstates: North Carolina law prohibits bicycle riding on fully controlled access highways. When such highways exist, there are always alternate routes for a bicyclist to take.

Reference:

N.C.A.C. Title 19A 2E.0409 Operating Non-motorized Vehicles
It is unlawful for any person to ride any animal, or to operate a bicycle or horse drawn wagon or any non-motorized vehicle or moped on any interstate or other fully controlled access highway.

Which side of the road to ride on:

First a quick mention about where you should never ride, and that is on the road facing, or against, oncoming traffic. Wrong-way cycling is a leading cause of collisions between bicyclists and motor traffic. It is unsafe and if you are on the road, the law says you have to act like a vehicle. Therefore, you ride in the direction of traffic.

Reference:

N.C. Gen. Stat. § 20-146 (a): Drive on right side of highway; exceptions.
Upon all highways of sufficient width a vehicle shall be driven upon the right half of the highway except as follows:
(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
(2) 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;
(3) Upon a highway divided into three marked lanes for traffic under the rules applicable thereon; or
(4) Upon a highway designated and signposted for one-way traffic.

As you can see, there are exceptions to the rule and bicycles may use the exceptions if they apply.

Side note: If riding on the sidewalk is legal where you are riding (see below) and you choose the sidewalk, try to ride with the flow of traffic. Cars turning into traffic are more likely to look and see you if you are coming from the direction of traffic.

Occupying the lane:
Ok, so we're going in the right direction, but where in the lane or lanes do you ride? For now let's just talk about riding straight. We'll talk about turning in another chapter.

North Carolina law requires vehicles (remember, a bicycle is a vehicle) moving slower than the posted speed limit to drive in the right hand lane available for through traffic or "as close as practicable" to the curb or right side of the road.

Reference:
N.C. Gen. Stat. § 20-146(b): Drive on right side of highway; exceptions.
Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

For those familiar with this statute, the "close as practicable to the right-hand curb" language gets the most action. Unfortunately, for many motorists, police and others, that language becomes "ride on the shoulder" or "ride far enough right for cars to pass you in the same lane." That is not what this law intends and I hope this book gives you the tools to convince others it does not mean that.

First of all, back up to the first part of the phrase, "shall be driven in the

right-hand lane then available for thru traffic, or…" The use of the word "or" means there are two possibilities, depending on the availability of a right-hand thru lane. If you have two lanes going straight in the same direction, the situation is clear: as long as you are in the right hand lane, you are following this law.

But what if there is only one thru lane in your direction of travel? Does that lane qualify as the "right hand lane," or are you required to operate as far right as "practicable" within that lane? And if you are, what does practicable mean? Motorists do not give this any thought; they operate in the center of the lane, with the expectation that passing drivers will use a separate lane. Bicyclists, however, may find themselves in a lane that is wide enough for other drivers to pass them within the same lane. Bicyclists often tend to stay to the right within such a lane for the convenience for other drivers. But most marked lanes are too narrow for safe same-lane passing of a bicyclist by a motor vehicle, invalidating the justification for the bicyclist to stay to the right of the lane.

When dealing with a single travel lane, it is important for a bicyclist to understand what the "close as practicable to the right-hand curb or edge of the highway" means. This language is not further defined anywhere in North Carolina law so we are left to apply our judgment, experience and logic. Surely no one could logically conclude that "practicable" requires behavior that is unsafe. Riding far to the right of a lane is, more often than not, unsafe.

Consider these factors:
How fast is other traffic traveling?
How wide is the lane?
Am I riding beside parked cars where doors could be opened?
Where am I the most visible?
Are there obstacles or debris in the road?
Is there a usable bike lane?

The higher the speed limit, the more room you want between you and a passing motorist. This does not mean ride further over to the right to give the motorist room to pass. If you do this, motorists will squeeze by you without leaving the lane. Motorists often misjudge their width; the result being you may get hit with a side rearview mirror or run off the road.

Most cycling safety experts today agree that it is safest for the bicyclist to ride far enough into the lane (also known as "controlling the lane" or "occupying the lane") to make it clear to motorists that they must move into the next lane to pass. Riding closer to the center of the lane also makes you more visible to motorists who may cross your path at driveways and intersections, and keeps you away from hazards at the edge of the road.

If riding past parked cars, you also need to avoid the Door Zone: Stay at least 5 feet away from parked cars to avoid being "doored." It's unlikely that you'll be able to stop in time when someone opens a car door right in front of you, and you won't have time to merge left safely. On some streets avoiding the door zone means you'll be using an entire travel lane, but you're allowed to do so to avoid the greater danger of suddenly striking an open door and being thrown left into traffic.

When you think of all the different factors involved, it becomes obvious that what is practicable depends on the situation. Bicycle safety instructors typically teach that practicable means safe and practical. Considering the above factors will help you decide what is safe and practical.

Sometimes you'll hear people say that bicycles are not allowed to "impede traffic." This concept is a fallacy. A bicycle rider cannot be charged with impeding traffic. The North Carolina statute prohibiting driving so slow as to impede traffic applies only to motor vehicles.

Reference:

§ 20-141. (h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

Once you've calmly explained to the police officer or irate motorist at a traffic light what the law says and all the practical reasons you've taken the lane, you can add, "the North Carolina Driver's Manual even tells motorists that bicycles are allowed to use the full lane:"

North Carolina Driver Handbook (NCDOT/DMV):

Bicycle riding is an important means of transportation, particularly for traveling to and from work and school. Because bicycles are vehicles, bicyclists must obey the same traffic laws as other drivers. Bicyclists usually ride on the right side of the lane, but are entitled to the use of a full lane.

https://www.ncdot.gov/dmv/license-id/driver-licenses/newdrivers/Documents/driver-handbook.pdf Chapter 6, p. 84.

Hold your line:

Never swerve in and out between parked cars or on and off of shoulders in an attempt to stay far to the right all of the time. You may swerve directly in front of an overtaking vehicle when nobody expects a conflict. Ride in a reasonably straight line, providing yourself with enough usable pavement to maneuver safely. LOOK BACK when you must merge laterally. (See Chapter on Intersections, Turning and Merging)

Conclusion:

A bicyclist may use a full marked lane regardless of the number of lanes. Now, a word about courtesy toward other traffic. Safe and courteous

bicycling helps promote good will between motorists, bicyclists and pedestrians. For example, if you do find yourself in a wide travel lane and it is safe to do so, you could consider sharing the lane with traffic. You should also signal and communicate with traffic so drivers understand what you are doing and act accordingly.

That said, bicyclists routinely have to refute complaints from car drivers that "roads are built for cars." Wrong. Roads are not built for cars, but for the traveling public. Everyone has a right to travel regardless of whether the person owns a motor vehicle. Roads are designed to accommodate cars as one of the mobility conveyances which also include bicycle, horse and wagon, farm equipment or other means which may or may not have a motor.

If we all follow the rules and look out for each other, we can all get along.



BIKE LANES

North Carolina does not require bicyclists to use bike lanes when they exist. There is a big debate about whether bike lanes are safe. We'll save that for another day. In the meantime, let's just say there are plenty of reasons a cyclist may want to avoid a bike lane and use the full traffic lane instead. The more intersections and parking lot entrances along the road, the more reasons there are. Also, as discussed above, bicyclists riding far to the right of a lane are less visible to oncoming cars turning left across their paths. The fact is that many drivers have no idea what to do with bike lanes. Either they don't even notice the bicyclist in the bike lane, or it does not occur to them that they should not cut the cyclist off by turning right immediately in his or her path. Drivers seem to equate bicyclists in bike lanes with slow moving pedestrians and expect them to be able to react and stop instantly, which is not possible. If you are riding in a bike lane, be aware of these possibilities.

Bike paths and multi-use paths:
Again, there is no law requiring you to use these, if they exist. If you are on such a path and must intersect with a drive or roadway, use the same precautions you would as if riding on a sidewalk (below).

Sidewalks:
Sidewalks can be confusing and another area of great debate. Usually it is safer to ride on the road. But there are times where it would be perfectly reasonable to ride your bicycle on a sidewalk. A sidewalk may provide a convenient or essential route to a multi-use path or bike rack, for example. A sidewalk makes it easy to backtrack a short distance on a one-way street. In some places a bicyclist is unable to trigger a traffic light and therefore uses the pedestrian signal to cross. And some people simply feel more comfortable on a sidewalk if the speed and volume of traffic are heavy.

So if you choose the sidewalk, how should you ride it?

Let's start with the rules. Sometimes riding on the sidewalk is legal and sometimes it's not. And you won't find the answer in a state statute or DMV driver's manual. You have to look at the municipal code for the city where you're riding. Many cities outlaw riding on sidewalks in center city areas. A few outlaw it altogether. You just have to know where you are and check it out. See www.municode.com and if you can't find it there, check the city's website.

North Carolina law does anticipate that there will be bicycles on sidewalks because it provides a small measure of protection for them by requiring drivers leaving driveways and parking lots to look for bicyclists (and pedestrians) before crossing a sidewalk.

> **Reference:**
> ***N.C. Gen. Stat. § 20-173*** (c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall

> yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway.

Bicycles on sidewalks also mean bicycles in crosswalks. No law in this state requires bicyclists to dismount their bicycles or stop before entering a crosswalk (unless of course there is a stop sign or light for the path or sidewalk). What is not prohibited is by definition legal.

That said, if you choose the sidewalk, do not count on drivers knowing or obeying this law. Ride slowly or slow down and look before crossing driveways and entrances with limited visibility or when entering crosswalks. If you must ride against traffic on the sidewalk, take even more care.



INTERSECTIONS, TURNING AND MERGING

As a bicyclist you are more likely to be involved in an intersection collision than in any other type of collision. This statistic should come as no surprise; there are more variables for drivers and bicyclists to take in and process when turning at, or even traveling through, intersections than when driving straight. More variables mean more room for misjudgment and miscommunication and more opportunity for inattention to cause problems.

When approaching intersections, turning or merging on your bicycle, it is important to remember our general concepts: (1) a bicycle is a vehicle and, when possible, must follow the rules of the road, (2) be visible and (3) be predictable.

Obeying traffic signals:
Bicyclists must stop for red traffic lights and stop signs. The law requires

us to wait until the light turns green before going and come to a complete stop at a stop sign. You can argue all day long that it makes sense for a bicycle to be able to roll through a stop sign or start after stopping at a red light before the light turns green and I will probably agree with you; unfortunately that is not the law. If police stop you or you are involved in a collision as a result of ignoring this law, you will likely be at fault.

Sometimes a lone bicycle will not trip the traffic signal to turn green. You might be able to get the light to turn green by tripping the buried loop sensor. If the light does not turn green and there are no other vehicles in sight, treat it like you would a broken traffic light by stopping and waiting until it is safe to proceed. It may help to report the signal to the town's engineering department so they know that it does not work properly for bicyclists.

N.C. Gen. Stat. ***§ 20-158.*** Vehicle control signs and signals.

(b) Control of Vehicles at Intersections.

(1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.

(2) a. When a traffic signal is emitting a steady red circular light controlling traffic approaching an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete stop and unless prohibited by an appropriate sign, that approaching vehicle may make a right turn.

b. Any vehicle that turns right under this subdivision shall yield the right-of-way to:

1. Other traffic and pedestrians using the intersection; and
2. Pedestrians who are moving towards the intersection, who are in reasonably close proximity to the intersection, and who are preparing to cross in front of the traffic that is required to stop at the red light.

Proper positioning at intersections:
Bicyclists and other drivers should always make turns from the appropriate side of the traveled way: the left side when turning left, and the right side when turning right. When riding straight through an intersection, bicyclists should merge into a through lane rather than proceed straight from a right turn lane.

When approaching an intersection, use the rightmost lane headed to your destination. Use the right part of a lane when faster users should pass you on the left; use the left part of a lane when you want to allow right-turning drivers to pass you on the right. This does not mean your right to occupy the lane (discussed in the previous Chapter) goes away as you approach an intersection. The same safety concepts apply but you are adding a level of communication to let other vehicle drivers know your intentions.

N.C. Gen. Stat. § 20-153. Turning at intersections.
(a) Right Turns. - Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
(b) Left Turns. - The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in the direction upon the roadway being entered.

Note: Where there are two left-hand turn lanes, positioning in the extreme left lane will place the cyclist in the outside or left hand lane when the turn is completed and then force them to merge back into the right hand lane. In this case the cyclists should make the turn from the rightmost left-hand turn lane.

It is critical that you LOOK BACK and to the side before any lateral movement in order to yield properly and avoid violating the right of way of other road users. Some bicyclists like to ride with mirrors attached to handlebars or helmets; mirrors are fine, but do not use one as a substitute for looking back.

> ***N.C. Gen. Stat. § 20-146.*** (d) (1) Yield before moving laterally
> A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

> ***N.C. Gen. Stat. § 20-154.*** Signals on starting, stopping or turning
> (a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, …

When preparing to turn left, move laterally and approach the center line or use a left turn lane if one is available. When preparing to turn right, approach the rightmost side of the roadway or use a right turn only lane. When proceeding straight, stay out of right-turn only lanes and use the rightmost thru-lane, if on a two-way street, instead.

Use hand signals and merge into your turning position early. If you wait too long you may be unable to merge and will be stuck in the wrong lane or position. Don't risk swerving across the path of traffic at the last instant. It's far safer to get in line, even if other drivers must wait behind you for a few seconds. Merging very early may puzzle some drivers who

aren't used to seeing cyclists operate away from the curb, but it makes you easier to predict and is much safer than trying to merge too late.

Communicate with other traffic:
Communication is a major component of driving predictably and safely. Using proper signals is a key to communicating with other traffic. This is why motor vehicles have turn signals. A bicyclist or other vehicle without built-in signals must use hand signals to communicate.

North Carolina law sets forth the requirement to use signals and the specific hand signals to be used:

> ***§ 20-154.*** Signals on starting, stopping or turning
> (a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section, plainly visible to the driver of such other vehicle, of the intention to make such movement. The driver of a vehicle shall not back the same [sic] unless such movement can be made with safety and without interfering with other traffic.
>
> (b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division.

Left turn -- hand and arm horizontal, forefinger pointing.
Right turn -- hand and arm pointed upward.
Stop -- hand and arm pointed downward.

(b1) Notwithstanding the requirement set forth in subsection (b) of this section that a driver signal a right turn by extending his or her hand and arm from beyond the left side of the vehicle, an operator of a bicycle may signal his or her intention to make a right turn by extending his or her hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle.

Control of a bicycle often requires both hands, particularly when braking at turns. Thankfully, there is a lot of flexibility built into the law, allowing for different types of signals, depending on the vehicle. And using an alternative signal or method of communication does not automatically put the bicyclist at risk of fault:

N.C. Gen. Stat. § 20-154 (d) A violation of this section shall not constitute negligence per se.

Again, communication is key. If the bicyclist cannot use a continuous hand signal, the bicyclist should use whatever body language and signals to let motorists know his or her intentions. When an arm signal is impractical, common strategies for bicyclists to indicate turning or merging intentions include lane positioning, a head turn, or using eye contact.



PASSING

This section mainly discusses what motorists should do when they approach bicyclists on the road and wish to pass. Chances are that you yourself drive a car and, although you are also a bicyclist and are careful when you encounter bicyclists in your car, you probably have never been told the rules for such encounters.

Let's start with our general principle: as we discussed earlier, a bicyclist has the right to occupy the travel lane. A bicyclist has an equal right to the roadway and is not required or expected to get out of the way of motorists.

Passing distance:
Many states (as well as the Uniform Vehicle Code) require at least 3 feet of passing distance when one vehicle overtakes another. Some states require a "safe" passing distance. In North Carolina, the law is "at least

two feet." As many of us know, two feet is usually not enough to safely pass a bicyclist, who needs space to maintain balance and avoid pavement hazards. The two foot requirement does not take into account speed differential, wind blast, flying debris, and splashing water, all which can be dangerous to bicyclists.

> ***N.C. Gen. Stat. § 20-149.*** Overtaking a vehicle
> (a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle….

Many people overlook the words "at least"' before "two feet." You could interpret "at least" to mean that you can give as much space as possible but no less than two feet. Or, you could read it to mean that more than two feet is required when the situation calls for it. The law generally does require vehicles to drive with "due caution and circumspection and at a speed or in a manner so as [not] to endanger or be likely to endanger any person or property." If the conditions are such that a motorist cannot pass a bicyclist safely with two feet of clearance (ie. most of the time) then the motorist still has an obligation to pass safely. If the "safe" passing distance is more than two feet, then the motorist must allow more than two feet.

> ***§ 20-140.*** Reckless driving
> (a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.
> (b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

The North Carolina driver's handbook provides additional guidance and

instructs drivers, when passing cyclists, to use "abundant clearance." The handbook instruction clearly anticipates that motor vehicle drivers will have to go into the next lane in order to pass a bicycle.

> **Pass With Care:**
> A bicyclist staying to the right in their lane is accommodating following drivers by making it easier to see when it is safe to pass, and easier to execute the pass. Drivers wishing to pass a bicyclist may do so only when there is abundant clearance and no oncoming traffic is in the opposing lane. The safest way to pass a bicyclist is to change lanes. To pass a cyclist lawfully, a driver must follow vehicle passing laws. Please see NCGS Sections 20-149 and 20-150.
> ***https://www.ncdot.gov/dmv/license-id/driver-licenses/newdrivers/Documents/driver-handbook.pdf Chapter 6, page 85***

Bicyclist's obligation:
Once the bicyclist is being passed, he may not do anything to prevent the pass. I mention this requirement specifically in order to say that it does not require the bicyclist to move over to the right in order to let a motorist pass. It just means that once the motorist is passing, the bicyclist must do his best to hold his line and not increase speed or swerve to the left to prevent the motorist from passing.

> ***§ 20-149.*** Overtaking a vehicle
> (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle while being lawfully overtaken on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Waving motorists by:
This question comes up frequently in bicycling group discussions. Most bicyclists want to be as courteous as possible to motorists and want to

know whether it is legal to wave motorists by when the bicyclist can see ahead that the way is clear. The answer is that the law does not prohibit waving motorists by. However, if the bicyclist makes a mistake and a collision occurs, the bicyclist may be partly at fault.

Motorists crossing a double yellow line:
In the first edition of this book, I discussed passing on a solid double yellow line and said that, ideally, our state legislature would pass a law allowing motorists to pass on a solid double yellow, when it is safe to do so. In 2016, that law was passed;

> ***N.C. Gen. Stat. § 20-150.*** Limitations on privilege of overtaking and passing.
> (a) The driver of a vehicle shall not drive to the left side of the center of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.
> (b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.
> (c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless permitted so to do by a traffic or police officer. For the purposes of this section the words "intersection of highway" shall be defined and limited to intersections designated and marked by the Department of Transportation by appropriate signs, and street intersections in cities and towns.
> (d) The driver of a vehicle shall not drive to the left side of the centerline of a highway upon the crest of a grade or upon a curve in the highway where such centerline has been placed upon such highway by the Department of Transportation, and is visible.

Previously, section (e) prohibited the solid double yellow passing. The new section (e) reads as follows:

> (e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted. The prohibition in this section shall not apply when the overtaking and passing is done in accordance with all of the following:
>
> (1) The slower moving vehicle to be passed is a bicycle or a moped.
> (2) The slower moving vehicle is proceeding in the same direction as the faster moving vehicle.
> (3) The driver of the faster moving vehicle either (i) provides a minimum of four feet between the faster moving vehicle and the slower moving vehicle or (ii) completely enters the left lane of the highway.
> (4) The operator of the slower moving vehicle is not (i) making a left turn or (ii) signaling in accordance with G.S. 20-154 that he or she intends to make a left turn.
> (5) The driver of the faster moving vehicle complies with all other applicable requirements set forth in this section.

This new law does not allow a free-for-all for passing. Drivers are now allowed to pass bicyclists (and moped drivers) in no passing zones in the limited circumstances where: (1) there is enough sight distance to see that the way is clear, (2) the driver allows 4 feet of passing distance or moves completely into the other lane and (3) does not pass when the cyclist is making or is about to make a left turn.

Will making passing easier help make the roads safer for bicyclists? Most drivers already pass bicyclists in no passing zones; although it was

technically illegal the restriction was rarely enforced. When done correctly, it promotes peaceful co-existence between drivers and bicyclists. When drivers pass bicyclists without enough distance between themselves and the bicyclists or without enough sight distance ahead, the maneuver is very dangerous. The new law and enforcement of existing laws (see below - speed restrictions) provide important safety measures for a practice that most already follow.

> ***N.C. Gen. Stat. § 20-141.*** Speed restrictions.
> (m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

Keep in mind that in other passing situations, the distance in North Carolina remains 2 feet.

Bicyclists passing on the right:
Bicyclists passing cars on the right is another common source of friction between bicyclists and motorists. A bicyclist approaching stopped traffic is narrow enough to make his way forward to the right of stopped vehicles. This is understandable, as the bicyclist wants to keep his momentum going and shorten his trip time. At the same time, it frustrates motor vehicle drivers, as the same car may have to pass the same bicyclist multiple times. Most importantly, it can be dangerous and, unless an exception applies, illegal.

All exceptions apply in situations where there are separate, marked travel lanes. In other words, if a motor vehicle, or traffic in general, is stopped in one lane and there is a right turn lane or other travel lane to the right that is moving, you may pass on the right.

Although the statute does not specifically mention them, a bike lane should be considered a separate travel lane. However, use extreme caution if you are in a bike lane passing cars on the right. Motorists turning right toward you or left across your path and cars entering the road from parking lots or driveways have an obligation to look for bicycles in the bike lane and merge right when it is safe to do so, but they often fail to do so. Be aware of this danger and keep a careful lookout.

> ***N.C. Gen. Stat. § 20-150.1.*** When passing on the right is permitted. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
> (1) When the vehicle overtaken is in a lane designated for left turns;
> (2) Upon a street or highway with unobstructed pavement of sufficient width which have been marked for two or more lanes of moving vehicles in each direction and are not occupied by parked vehicles;
> (3) Upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement when such street or highway is free from obstructions and is of sufficient width and is marked for two or more lanes of moving vehicles which are not occupied by parked vehicles;
> (4) When driving in a lane designating a right turn on a red traffic signal light.



GROUP RIDING

Benefits of group riding:
Many bicyclists who ride recreationally enjoy riding in groups. Group rides are a great way to interact with friends and enjoy the outdoors at the same time. They also help with training, as riders push each other and work to get stronger.

Riding next to another bicyclist or group of bicyclists does take up more space and therefore makes you more visible, which is safer. Also, a group of bicyclists will usually occupy the lane, requiring motorists to wait until they can safely pass in the next lane.

The downside:
Bicycle group riding is a popular activity around the state and is growing. Yet when you hear motorists complain about bicyclists, the complaint

you hear most often is about the "group of 50 cyclists blocking rush hour traffic" or a similar complaint about a large group. You get the idea.

So what is the law on group riding, and how do you square group riding with the concepts of safety and courtesy we have discussed already?

Group rides and riding two abreast is legal:
First, there is no state law addressing group riding. Anyone who tells you the law requires you to ride single file is incorrect except in very limited places, typically designated by county or municipality. On almost all roads, riding two abreast is perfectly legal. Some municipalities have "no more than two abreast" ordinances that are often mistaken for requiring single file riding. Check out your municipal code at www. municode.com to see if there are any areas that apply to your ride.

You may sometimes hear motorists say that bicyclists should ride single file, as a courtesy to motorists. By doing so, the bicyclists sacrifice some of their safety advantage by allowing motorists to pass in the same lane. Also, it is not necessarily true that it is easier for motorists to pass bicyclists riding single file. Six bicyclists riding two abreast are (very roughly) about the length of two and one-half cars; at single file, they are twice that length and require more time to drive around. Riding two abreast also increases the group's efficiency at intersections.

There is no law obligating bicyclists to make passing easy for motor vehicle drivers. A smart and courteous bicyclist, however, chooses his or her route and bicycling time wisely. If riding recreationally, it is preferable to choose as many lesser traveled routes as possible or routes where it is easier for motorists to pass, if possible, and not ride lengthy stretches of congested arterials during rush hour traffic. Since our roads and neighborhoods are not typically built with bicycle connectivity in mind, it is not always possible to avoid busier roads. As a bicyclist you have the absolute legal right to use the road as you wish,

within the rules of the road. You have an obligation to others – including other bicyclists who will share your reputation – to use your rights wisely.

Bicycle racing:
Finally, a word about really fast group rides: they are fine; as long as the group is riding safely and following the rules (including the speed limit), no law specifically prohibits fast group rides. North Carolina law does, however, prohibit bicycle racing, outside of a sanctioned event. What constitutes a race? The law does not answer that question; most likely it would apply to an organized event, but the provision is an important reminder to think about how we conduct ourselves when riding in groups.

> ***N.C. Gen. Stat. § 20-171.2.*** Bicycle racing
> (a) Bicycle racing on the highways is prohibited except as authorized in this section.
> (b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
> (c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.



HARASSMENT OF BICYCLISTS

Some states have laws specifically prohibiting the harassment of bicyclists and making it a crime. North Carolina does not. However, some general laws prohibit some behavior that falls under the description of harassment:

> ***N.C. Gen. Stat. § 14-33*** Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.
> (a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor.
> …..
> (c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1

misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:
(1) Inflicts serious injury upon another person or uses a deadly weapon;
(2) Assaults a female, he being a male person at least 18 years of age;
(3) Assaults a child under the age of 12 years;
…
(d) Any person who, in the course of an assault, assault and battery, or affray, inflicts serious injury upon another person, or uses a deadly weapon, in violation of subdivision (c)(1) of this section, on a person with whom the person has a personal relationship, and in the presence of a minor, is guilty of a Class A1 misdemeanor. A person convicted under this subsection, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court.

§ 14-277.1 Communicating Threats: (a) A person is guilty of a Class 1 misdemeanor if without lawful authority:
(1) He willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another;
(2) The threat is communicated to the other person, orally, in writing, or by any other means;
(3) The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
(4) The person threatened believes that the threat will be carried out.
(b) A violation of this section is a Class 1 misdemeanor.

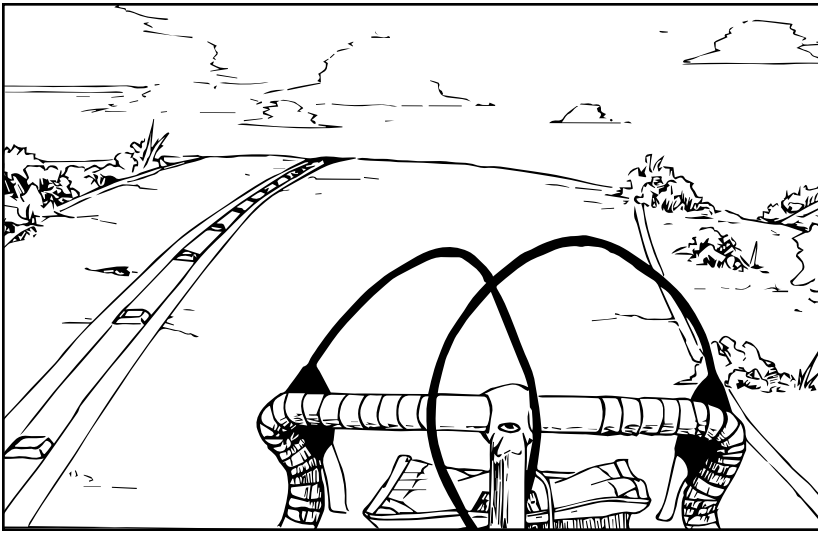
In very severe situations, it may be appropriate to apply North Carolina's anti-stalking law, although I am aware of no case in which anyone has attempted to apply this statute in a situation involving a car and a bicyclist.

Taking out charges: Incidents of bicyclist harassment should be reported to police, especially if documented by video or if there is a witness present. However, police are often hesitant to take out charges. In those instances, the individual bicyclist may pursue criminal charges against the offending person on his or her own. Be sure that all of the elements listed for assault or communicating threats are present. If in doubt, call an attorney for advice.

VULNERABLE USER LAWS

In a previous section, we discussed starting, stopping and turning. A new law, passed in 2016, adds punishments for violators of this section when a bicyclist is injured:

> **N.C. Gen. Stat. §20-154** (a1) A person who violates subsection (a) of this section and causes a motorcycle or bicycle operator to change travel lanes or leave that portion of any public street or highway designated as travel lanes shall be responsible for an infraction and shall be assessed a fine of not less than two hundred dollars ($200.00). A person who violates subsection (a) of this section that results in a crash causing property damage or personal injury to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than five hundred dollars ($500.00) unless subsection (a2) of this section applies.
>
> (a2) A person who violates subsection (a) of this section and the violation results in a crash causing property damage in excess of five thousand dollars ($5,000) or a serious bodily injury as defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars ($750.00). A violation of this subsection shall be treated as a failure to yield right-of-way to



a motorcycle or bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the trial judge shall have the authority to order the license of any driver violating this subsection suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), (5), and G.S. 20-16.1(g).

We believe these punishments should be increased significantly. To help support these, and other, legislative efforts on behalf of bicyclists, please support your local bicycle advocacy group and your statewide advocacy group: BikeWalkNC by becoming a member.

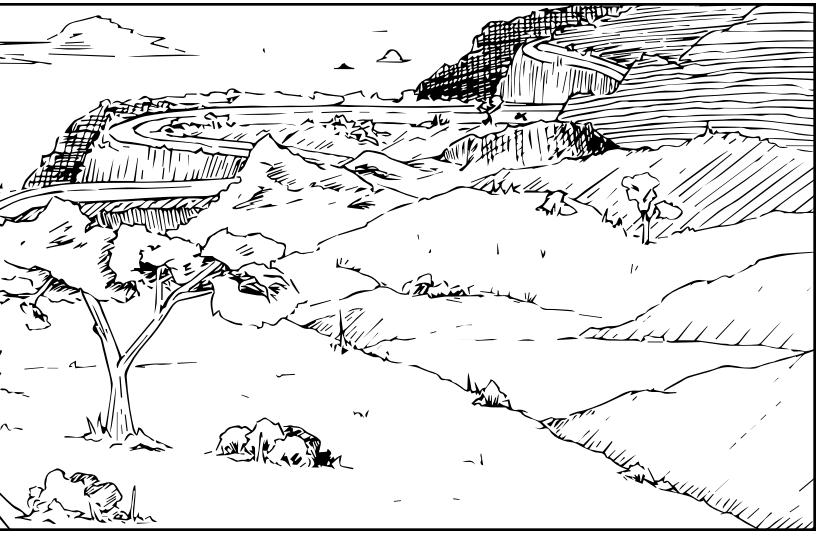


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WRAP-UP

I hope this information has been helpful to you in understanding the laws that pertain to bicycles. Now, go out, ride safely, have fun and spread the word! We thank you for keeping our roads and their users safe.



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