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BILL ANALYSIS



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Senate Bill 1224 (as enrolled)
Sponsor: Senator Michelle A. McManus
Senate Committee: Transportation
House Committee: Transportation

PUBLIC ACT 339 of 2006

Date Completed: 10-12-06

RATIONALE

Under the Michigan Vehicle Code, a person operating a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under the Code, except as specified in the Code and except as to certain provisions that by their nature do not apply to bicycles. Some people believed that this language was overly broad, and resulted in uncertainty for motorists and bicyclists alike that could lead to accidents. Reportedly, in 2004, 2,246 Michigan bicyclists were involved in accidents with motor vehicles. Twenty-one of the cyclists were killed and another 1,700 were injured. In order to enhance safety, it was suggested that more specific regulations regarding the operation and parking of bicycles, and yielding the right-of-way to bicyclists, be enacted.

CONTENT

The bill amended the Michigan Vehicle Code to do the following:

- **Require vehicle operators to yield the right-of-way to bicyclists under certain circumstances.**
- **Delete references to bicycles from provisions that apply to the operation of an electric personal assistive mobility device, low-speed vehicle, motorcycle, or moped, and establish provisions that apply to bicyclists specifically.**
- **Provide for bicycle parking.**

The bill took effect on August 15, 2006.

Bicycle Operation

Under the Code, a person operating an electric personal assistive mobility device, low-speed vehicle, or moped upon a roadway must ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Previously, this requirement also applied to a person operating a bicycle. The bill deleted the reference to a bicycle.

Under the bill, a person operating a bicycle upon a highway or street at less than the existing speed of traffic must ride as close as practicable to the right-hand curb or edge of the roadway, except as follows:

- When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.
- When preparing to turn left.
- When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.
- When operating a bicycle upon a one-way highway or street having two or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable.
- When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles,

or if the lane is too narrow to permit a vehicle to overtake and pass a bicycle safely.

The Code prohibits a person riding an electric personal assistive mobility device, a motorcycle, or a moped upon a roadway from riding more than two abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles. Previously, this also applied to a person riding a bicycle. The bill eliminated the reference to a bicycle. The bill prohibits two or more bicyclists operating upon a highway or street from riding more than two abreast, except upon a path or portion of the highway or street set aside for the use of bicycles.

Under the Code, where a usable and designated bicycle path is provided adjacent to a highway or street, an electric personal assistive mobility device operator may, by local ordinance, be required to use that path. The bill deleted a previous reference to a bicyclist, and eliminated a provision requiring a rider younger than 16 to use a designated bicycle path unless accompanied by an adult.

Under the Code, a person operating a motorcycle, moped, low-speed vehicle, or electric personal assistive mobility device may not pass between lanes of traffic, but may pass on the left of traffic moving in his or her direction in the case of a two-way street, or, in the case of a one-way street, on the left or right of traffic in an unoccupied lane. Previously, this also applied to a person operating a bicycle. The bill eliminated the reference to a bicycle.

The Code requires a person operating an electric personal assistive mobility device on a pedestrian sidewalk to yield the right-of-way to a pedestrian and give an audible signal before overtaking and passing the pedestrian. The bill eliminated a previous reference to a bicycle, but added a similar provision applicable specifically to a person operating a bicycle upon a sidewalk or pedestrian crosswalk.

The bill also prohibits a person from operating a bicycle upon a sidewalk or pedestrian crosswalk if that operation is prohibited by an official traffic control device. The bill specifies that a person operating a bicycle lawfully upon a sidewalk or pedestrian crosswalk has all of the rights

and responsibilities applicable to a pedestrian using that sidewalk or crosswalk.

Bicycle Parking

Under the bill, an individual may park a bicycle on a sidewalk except as prohibited by an official traffic control device. An individual may not park a bicycle on the sidewalk in a manner that impedes the lawful movement of pedestrians or other traffic.

The bill allows a person to park a bicycle on a highway or street wherever parking is allowed for motor vehicles, at any angle to the curb or the edge of the highway, and abreast of another bicycle. A person may not park a bicycle on a highway or street in a manner that obstructs the movement of a legally parked motor vehicle.

Also, an individual must park a bicycle on a highway or street in compliance with the Code and any local ordinance, except as otherwise provided in the bill.

Yielding the Right-of-Way

The Code sets forth the actions that a vehicle operator may take at different traffic control signals, and requires that the operator yield the right-of-way to pedestrians and other vehicles. A person who fails to yield as required is responsible for a civil infraction.

If a traffic signal is green, vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at that place prohibits either turn. Traffic must yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent sidewalk at the time the signal is shown. The bill requires vehicular traffic also to yield to bicyclists within the intersection or an adjacent crosswalk.

Under the Code, vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or a limit line when marked, or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a one-way or two-way street into a two-way street, or a one-way street going in the direction of the right turn; or may make a left turn from a one-way or two-way street into a one-way

roadway going in the direction of the left turn, unless prohibited by a traffic control device. The vehicular traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. The bill requires that vehicular traffic also yield to bicyclists lawfully within an adjacent crosswalk.

Under the Code, vehicular traffic facing a steady green arrow indication may enter the intersection only to move as indicated by the arrow, or as permitted by other indications shown at the same time. The traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Under the bill, vehicular traffic also must yield to bicyclists lawfully within an adjacent crosswalk.

MCL 257.612 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill does not create any new rights for bicyclists, but clarifies existing provisions and codifies common-sense practices, potentially creating a better awareness and understanding of bicyclists on the road. Especially during a time of rising gasoline prices and increased concerns about obesity and health, bicycling for transportation and recreation should be encouraged. The bill should result in the establishment of a safer environment for both riders and motorists, leading to increased enjoyment of Michigan's roads by all.

The Code's language is fairly broad, stating that bicyclists have the same rights and responsibilities as motor vehicle operators unless otherwise specified. This has led to confusion for many people regarding where and how a bicycle may be ridden, and what action drivers should take when bicyclists are present. Evidently, many motorists are not even aware that bicyclists legally may ride on the roadway. During a meeting of the Senate Transportation Committee, a member of the Kalamazoo Bicycle Club stated that the Club had requested an interpretation of certain sections of the Code

from Kalamazoo County's legal counsel so that members could avoid being ticketed while riding.

One provision that could cause confusion and danger, for example, was the requirement that bicyclists ride "as near to the right side of the roadway as practicable". This did not clearly allow cyclists to leave the right edge in many circumstances in which it is unsafe and impractical to keep to the right, such as where debris is present or the roadway is damaged. In addition, when a bicyclist is approaching a corner where there is a right-turn lane, it is dangerous for the cyclist to remain to the far right when he or she is going straight. Under the bill, in these and other specific situations, a bicyclist does not have to ride next to the right edge. The bill also will enhance safety by giving bicyclists the same rights as pedestrians in crosswalks, and will promote the use of bicycles by allowing them to be parked on sidewalks unless otherwise prohibited.

Bicycling regulations can cause confusion for those coming to Michigan from other states, as well as residents. The National Committee on Uniform Traffic Laws has proposed a Uniform Vehicle Code containing model rules for the operation of bicycles, which different states have adopted to various extents. The bill includes some of these regulations, which will help create consistency for out-of-State drivers and bicyclists.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.