

GEORGIA BICYCLE LAW ENFORCEMENT POCKET GUIDE

A review of Georgia's bicycle
traffic laws to help with warnings,
citations, and crash reports.

1st edition, January 2006

All citations are to the 2005 Georgia Code



Bicycles are vehicles



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1. The Challenge of Bicycle Traffic Enforcement

Operating in traffic is a cooperative activity, governed by rules. Traffic rules incorporate practices found, through collective experience, to facilitate safe and efficient travel. Since not everyone has enough experience or education to appreciate the rationale of the rules, seasoned and informed enforcement is necessary to help instill safe habits. Officers exercise discretion in enforcement actions; an effective officer is prepared to explain the principles involved when a cyclist or motorist uses poor judgment. Key traffic principles for cyclists include:

- **A cyclist is safer riding with traffic than facing it.**
A cyclist who rides facing oncoming traffic increases his risk of being hit by a motorist by two to four times. Drivers entering and exiting the roadway at side streets and driveways do not expect bicycle traffic to approach from the wrong direction.
- **A front light must be used on a bicycle after sunset to alert other drivers.**
Frontward illumination is needed to alert drivers and on-coming traffic. A rear reflector is also needed. Additional lighting can be utilized.

Nighttime collisions are much more likely to result in an incapacitating injury or death. According to the Georgia DOT, about 46 percent of fatal bicycle crashes in Georgia occur during non-daylight hours (even with fewer cyclists riding then). Five percent of bicycle crashes occurring during non-daylight hours result in fatalities compared to one percent of crashes in daylight hours.

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

A cyclist should ride to the right to facilitate passing by faster vehicles, but should follow a predictable line. 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 in the same lane. (Moving left in such a lane helps cue an overtaking driver who might otherwise misjudge passing space.)

- **Cyclists on roadways fare best when they act and are treated as drivers of vehicles.**

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. Crashes in traffic are typically caused by avoidable errors. In 70 percent of police-reported bicycle-motor vehicle crashes, the cyclists involved had violated traffic rules; in about 45 percent, motorists had violated the rules. Riding as far as possible from other traffic (e.g., by riding on a sidewalk) increases crash risk by removing the cyclist from areas where motorists expect to see and encounter vehicular traffic. Note that sidewalk cycling entails a set of additional movement conflicts and issues, and its legality varies much by jurisdiction, roadway, and age.

Notes

2. What to Enforce

In a national study*, the following violations were identified as common contributing factors in crashes involving bicycles and motor vehicles.

Cyclist

Riding against traffic on roadway	15%
Failure to yield, entering roadway mid-block	12%
Failure to yield at stop or yield sign	10%
Cycling at night without lights	10%
Failure to yield, signalized or uncontrolled intersection	7%

Motorist

Failure to yield at stop or yield sign	10%
Failure to yield, entering roadway from driveway	7%
Failure to yield, turning left in front of oncoming cyclist	6%
Failure to yield, signalized or uncontrolled intersection	4%
Right turn in front of cyclist	4%

*W.W. Hunter, W.E. Pein, and J.C. Stutts, Bicycle Crash Types: A 1990's Informational Guide, Report No. FHWARD-96-104, Federal Highway Administration, 1997.

3. Vehicles & Traffic: Uniform Rules of the Road Synopsis

Citations are to the Georgia Motor Vehicles and Traffic: Uniform Rules of the Road Law (Title 40, Chapters 1 and 6, Official Code of Georgia Annotated). Any comments are shown in *italic* and parentheses – e.g. *(sample text)*.

Legal status of cyclist [§40-1 and §40-6]

A bicycle is defined as a vehicle [§40-1-1(75)] *(for purposes of the Uniform Rules of the Road Law)*. A bicycle with an electric helper motor that cannot propel it faster than 20 mph on level ground is included in this definition [§40-1-1(15.5)]. A person operating a bicycle is not required to have a driver's license [§40-1-1(15)].

A person in control of a vehicle on a street or highway is a driver [§40-1-1(14)]. *(As a driver, a cyclist must follow the traffic rules common to all drivers. As the driver of a bicycle, she or he must also obey rules adopted specially for bicycles.)*

A cyclist has all of the rights to the roadway applicable to any driver, except as to the special regulations for bicycles [§40-6-291, 292, 293, 294,

295, 296, 297, 298]. Cyclists who violate traffic laws will be subject to the same penalties as drivers of motor vehicles, except that no penalty shall be assessed against a cyclist's motor vehicle driver's license.

Infractions of bicycle regulations in Title 40 Motor Vehicles and Traffic, Chapter 6 Uniform Rules of the Road, Part 1 Bicycles and Play Vehicles, is a misdemeanor [§40-6-298]. *(For an infraction by a child cyclist, an officer could consider issuing a verbal or written warning.)*

Passengers

[§40-6-292]

No bicycle shall be used to carry more persons at one time than the number for which it is designed [§40-6-292 (b)].

A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped; an adult bicyclist may carry a child in a sling, child seat or trailer designed to carry children [§40-6-292 (c,d)]

Violations of subsections (c) and (d) of this Code section shall not constitute negligence or be considered evidence of liability [§40-6-292 (e)]. No person under the age of 16 years failing to comply with sub-

sections (c) and (d) may be fined or imprisoned [§40-6-292 (f)].

Clinging to Vehicles [§40-6-293]

No person riding a bicycle shall attach the same of himself to any vehicles upon the roadway [§40-6-293].

Riding on Roadways and Bicycle Paths [§40-6-294]

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable except

- when turning left
- avoiding hazards to safe cycling
- when the lane is too narrow to share safely with a motor vehicle [§40-6-294 (a)].

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder [§40-1-1 (53)].

(A cyclist should maintain at least 18 to 24 inches of clearance from a curb or pavement edge [Georgia DOT, Georgia Bike Sense Guide]. When parked vehicles exist on the roadway, bicyclists should ride

a predictable line outside the danger area.

Since the recommended minimum clearance for passing a bicyclist (at moderate speed) is 3 feet [Governor's Office of Highway Safety and Georgia DOT, Georgia Bike Sense Guide] and the total width of larger motor vehicles (with extending mirrors) is commonly 8 feet or more, a lane with less than 14 feet of usable width is usually too narrow for motor traffic to pass.

Moving to the left or even taking the center of the lanes is legal in the abovementioned circumstances. Staying to the right is not always required and not always the safest place to be.

Right-turn only lanes are for vehicles turning right. Persons riding bicycles shall not use these lanes if they are not turning right.)

Persons riding bicycles shall not ride more than two abreast except on paths or parts of roadway set aside for the exclusive use of bicycles [§40-6-294 (b)].

Carrying Articles **[§40-6-295]**

No person operating a bicycle shall carry any package, bundle, or other article which prevents him from

keeping at least one hand upon the handlebars [§40-6-295].

Lights and Other Equipment **[§40-6-296]**

A bicycle operated between sunset and sunrise must be equipped with a light on the front exhibiting a white light visible from 300 feet to the front and a red reflector on the rear which shall be visible from 300 feet to the rear when directly in front of the upper beams of headlights on a motor vehicle [§40-6-296(a)]. ***(Additional lighting is permitted. The risk of fatal or incapacitating injury increases sharply at night.)***

Every bicycle sold or operated shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level pavement [§40-6-296(b)].

No bicycle shall be equipped or operated while equipped with a set of handlebars so raised that the operator must elevate his hands above his shoulders in order to grasp the normal steering grip area [§40-6-296(c)].

Bicycle Helmet

[\$40-6-296(e)]

A bicycle rider or passenger under 16 years of age must wear a bicycle helmet that:

- is of good fit;
- is fastened securely;
- meets a nationally recognized standard.

Violations of subsections of this Code section shall not constitute negligence or be considered evidence of liability [§40-6-296(e)(5)]. No person under the age of 16 years failing to comply with any provision of this subsection may be fined or imprisoned [§40-6-296(e)(6)].

(Under federal law, bicycle helmets are required to meet the standards of the Consumer Product Safety Commission. Bicycle helmets, 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 cyclists. Use of helmets by adult role models promotes use among youth. Agencies should consider rewarding children who comply with this section, as well as warning those who don't.)

Obedience to Traffic Control Devices **[§40-6-20]**

A driver must obey all applicable traffic control devices (signs, markings, and traffic signals) [§40-6-20(a)]. *(Traffic Signals - An electrical circuit with loops embedded in the pavement is commonly used to detect vehicles waiting for a green light at a signalized intersection. When a vehicle with a conductive (metallic) undercarriage or wheels stops over the loop, electrical current induced in the metallic surfaces changes the circuit's inductance, actuating a switch. Thus, these loops can detect the presence of any wheel rims made of metal, including non-ferrous metals such as aluminum and titanium used in many lightweight bicycles.)*

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.

Stop Signs and Yield Signs **[§40-6-72]**

Except when directed by a police officer, every driver of

a vehicle approaching a stop sign shall stop at a clearly marked stop line, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After stopping the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard [§40-6-72(b)].

The driver of a vehicle approaching a yield sign shall stop at a clearly marked stop line, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard. If such a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima-facie evidence of his failure to yield the right of way [§40-6-72(c)].

Signaling a Turn or Stop **[§40-6-124 & §40-6-125]**

Any stop or turn signal when required shall be given either by means of the hand and arm or by signal lights [§40-6-124(a)].

If a cyclist needs both hands for control, the signal need not be given continuously.

A cyclist signals intent to:

- **Turn left** – by left hand and arm horizontally;
- **Turn right** – by left hand and arm upward;
- **Stop or decrease speed** – by left hand and arm extended downward. [§40-6-125].

Overtaking and Passing Generally **[§40-6-42]**

The driver 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 [§40-6-42(1)].

When Overtaking and Passing on the Right is Permitted

[§40-6-43]

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- When the vehicle overtaken is making or about to make a left turn; or
- Upon a street or highway with unobstructed pavement of sufficient width for two or more lanes of moving vehicles in the direction being traveled by the overtaking vehicle [§40-6-43(a)(1,2)].

If otherwise authorized, the driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway [§40-6-43 (b)].

(A cyclist traveling in a bicycle lane, or in a lane wide enough for motor vehicles and bicycles to share (see roadway position above) may pass motor vehicles on the right, but must still take care to avoid turning vehicles. This is allowed since in these cases there is either provision of a

lane or sufficient width for two lines of moving traffic; one of which is bicycle traffic.)

Vehicle Turning Left

[§40-6-71]

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard [§40-6-71].

Notes

4. Other Laws for Drivers

(Impartial enforcement of traffic law on all roadway users improves the climate for bicycle travel and enforcement.)

Reckless Driving

[§40-6-390]

Any person who drives a vehicle in reckless disregard for the safety of persons or property commits the offense of reckless driving [§40-6-390(a)].

Aggressive Driving

[§40-6-397]

A person commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent [§40-6-397(a)].

Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high and aggravated nature [§40-6-397(b)].

Driving Under the Influence [§40-6-391]

A person shall not drive or be in actual physical control of any moving vehicle while [§40-6-391(a)]:

- Under the influence of alcohol to the extent that it is less safe for the person to drive [§40-6-391(a)(1)];
- Under the influence of any drug to the extent that it is less safe for the person to drive [§40-6-391(a)(2)];
- Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive [§40-6-391(a)(3)].

Leaving the Scene of an Accident [§40-6-270]

The driver of any vehicle involved in an accident resulting in injury to or the death of any person or in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident or shall stop as close thereto as possible and forthwith return to the scene of the accident and shall:

1. Give his name and address and the registration number of the vehicle he is driving;

2. Upon request and if it is available, exhibit his operator's license to the person struck or the driver or occupant of or person attending any vehicle collided with; and
3. Render to any person injured in such accident reasonable assistance, including the transporting, or the making of arrangements for the transporting, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such transporting is requested by the injured person. The driver shall in every event remain at the scene of the accident until fulfilling the requirements of this subsection. Every such stop shall be made without obstructing traffic more than is necessary [§40-6-270 (a)].

If such accident is the proximate cause of death or a serious injury, any person knowingly failing to stop and comply with the requirements of subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years [§40-6-270 (b)].

5. Bicycle Crash Investigation

Many bicycle crashes look as if they are single vehicle incidents. An officer should immediately determine if another vehicle was involved and attempt to learn the identification of that vehicle from the injured bicyclist, witnesses, and clues from the scene. Leaving the scene of a crash may constitute a felony if the crash causes a death or serious injury and may constitute a misdemeanor if the crash causes other injury or vehicle damage.

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. These should be noted in the narrative. These will help support data collection needs and assure fair treatment of all parties.

Some injuries to bicyclists do not involve other vehicles but can be serious and accurate reporting is still needed. When present, officers should record appropriate information. The following should be kept in mind:

In General

- **Visibility** - position of sun, time of day, glare factor.
- **Surface hazards** - Surface debris, water, potholes, utility covers, railroad tracks, bridge joints, 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. Legally, a bike lane is present only where a strip is designated with Bike Lane signs and/or symbol markings and is a minimum of 4' wide.

The Cyclist

- **Lights and reflectors** - If crash occurred at night-time, bicycle headlight and rear reflector should have been in use. Non-use should be reported as "Defective/ Improper Lights" and details should be given in the narrative. If lights were damaged in crash, are the batteries charged? Was other reflective material used (on panniers, backpack, ankle straps, etc.)?

- **Helmet** - Use should be reported in “Safety Equipment” box.
- **Injured cyclists should save all clothing and equipment** damaged in the crash; refrain from repairing or cleaning such items; and have injuries properly examined and documented.

The Motorist

- Did the motorist fail to scan for a cyclist approaching from the right on a sidewalk?
- If a motorist alleges he did not see a cyclist, were views unrestricted or is there a possibility of drug or alcohol use (what actions were taken by the motorist before and after the crash)? Is there driver fatigue? Were there distractions inside or outside of the vehicle?

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.

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Georgia **SHARE THE ROAD** specialty license plates will become available in 2006. Proceeds will be administered by the Governor's Office of Highway Safety for motorist and bicyclist safety and interaction education and awareness programs and media campaigns; adult and child bicycling safety training, workshops, and educational materials; assistance in forming local bicycle advisory committees; law enforcement education and implementation programs for policing by bicycle and policing to improve bicycling conditions; and "share the road/yield to bicycles/bicyclists may use full lane" sign installations.

For more information about this guide, please contact:



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