



**BICYCLING IN GEORGIA:
RIGHTS & RULES**

A LAW ENFORCEMENT POCKET
GUIDE

2nd Edition

www.georgiabikes.org

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Quick Reference

- ⇒ **Bicycles are vehicles** and have the same rights and responsibilities on public roads as motorists. [§40-1-1(75)], [§40-6-20(a)]
- ⇒ Motor vehicles must provide at least **three feet of safe passing distance** when overtaking a bicyclist. [§40-6-56]
- ⇒ Bicyclists are safest and most visible when they **travel on the roadway, not the sidewalk**. Sidewalk cycling is illegal for anyone over the age of 12 in GA. [§40-6-144]
- ⇒ **Bicycles must travel in the same direction as motor vehicle traffic**, even when in a designated bike lane. [§40-6-294(f)]
- ⇒ **Cyclists can— and should - take the whole travel lane where there are poor road conditions**, such as debris or potholes. [§40-6-294 (a)(b)]
- ⇒ **Bicyclists may lawfully ride two abreast**. [§40-6-294]
- ⇒ Verbal & physical **harassment of cyclists can cause life-altering injury or death**. Aggressive driving is considered a misdemeanor of high and aggravated nature in GA. [§40-6-397(b)]

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, informed enforcement is necessary to help instill safe habits.

An effective officer is prepared to explain the principles involved when a cyclist or motorist uses poor judgment.



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Traffic Law Principles for Cyclists

A bicycle is a vehicle and should be operated as such.

- ⇒ Signal your intentions
- ⇒ Always obey traffic control devices
- ⇒ Drive on the right-hand side of the road
- ⇒ Yield when changing lanes
- ⇒ Position yourself in the lane of travel based on destination.

A safe cyclist is a visible cyclist.

A white front light and a red rear-facing light (or reflector), visible from 300 feet, are required for nighttime riding. Additional lighting and reflective clothing is highly recommended.

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.

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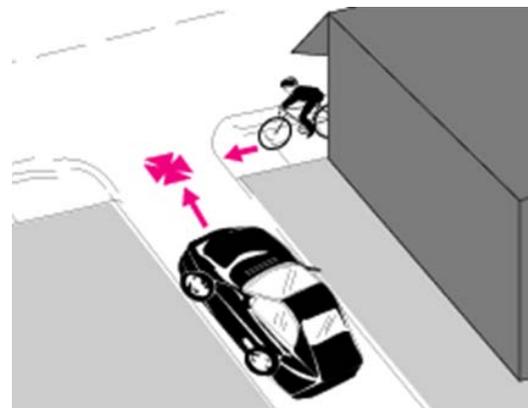
Bicycle Crash Types

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

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

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Notes



Sidewalk cycling and wrong-way travel are major risk factors for bicycle crashes.

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2. Legal Status of Bicyclists

All following 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*).

[§40-1 and §40-6]

A bicycle is defined as a vehicle. (*for purposes of the Uniform Rules of the Road Law*).

[§40-1-1(75)]

A bicycle with an electric helper motor that cannot propel it faster than 20 mph on level ground is included in this definition. 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. (*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 especially for bicycles.*)

[§40-1-1(14)]

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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

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

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
- ⇒ the lane is too narrow to share safely with a motor vehicle [§40-6-294 (a)(b)]

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A cyclist has all of the rights to the roadway applicable to any driver, except as to the special regulations for bicycles. 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.

[§40-6-291, 292, 293, 294, 295, 296, 297, 298]

An infraction 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 (*For an infraction by a child cyclist, an officer could consider issuing a verbal or written warning.*) [§40-6-298].

3. Vehicles and Traffic Enforcement

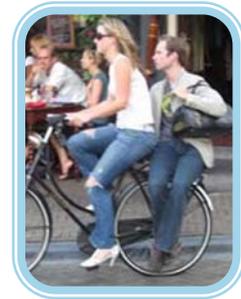
Uniform Rules of the Road

Passengers

No bicycle shall be used to carry more persons at one time than the number for which it is designed.

[§40-6-292 (b)]

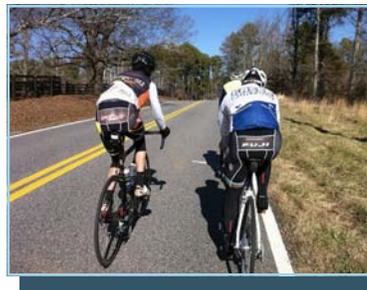
A bicycle may not be used to carry more persons at one



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Persons riding bicycles upon a roadway **shall not ride more than two abreast except on bicycle paths, bicycle lanes, or parts of roadways set aside for the exclusive use of bicycles, or when a special event permit issued by a local governing authority permits riding more than two abreast.**

[§40-6-294]



Any person operating a bicycle in a bicycle lane shall ride in the same direction as traffic on the roadway.

[§40-6-294(f)]

*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"*

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of clearance from a curb or pavement edge. When parked vehicles exist on the roadway, bicyclists should ride a predictable line outside the danger area.)

** What is able to be accomplished successfully and safely
 ^Paved area to the right of the white line

Hazards to Safe Cycling

The term 'hazards to safe cycling' includes, but shall not be limited to: surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which

threaten the safety of a person operating a bicycle.

[§40-6-294]



Sidewalks

No person (over age 12) shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized driveway.

[§40-6-144]

Carrying Articles

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

Every bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of 300 feet to the front and with a light on the back which shall emit a red light visible from a distance of 300 feet to the rear. Any bicycle equipped with a red reflector on the rear that is approved by the Department of Public Safety shall not be required to have a light on the rear of the bicycle. (Additional lighting is permitted.)



[§40-6-296(a)]

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

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*

[§40-6-296(e)]



*stickers indicating compliance (e.g. CPSC) can usually be found inside the helmet

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. Agencies should consider rewarding children who comply with this section, as well as warning those who don't.)

Obedience to Traffic Control Devices

A driver must obey all applicable traffic control devices (signs, markings, and traffic signals).

[§40-6-20(a)]

(Note on 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

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 slow down to a speed reasonable for existing conditions, and if required for safety to stop at a clearly marked stop line, if there is no stop line,

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- ⇒ Turn left – by left hand and arm extended horizontally
 - ⇒ Turn right – by left hand and arm upward *or* by right hand and arm horizontally extended
 - ⇒ Stop or decrease speed – by left hand and arm extended downward.
- [§40-6-125 and §40-6-291]

Overtaking and Passing Generally

The operator of a motor vehicle, when overtaking and passing a bicycle that is proceeding in the same direction on the roadway, shall leave a safe distance between such vehicle and the bicycle and shall maintain such clearance until safely past the overtaken bicycle. the term '**safe distance**' means not less than three feet.

[§40-6-56]



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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

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.

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Passing a Cyclist In a No Passing Zone

When an "obstruction" exists a driver may cross a solid yellow line and drive to the left of the center of the road.

An "obstruction" can be a slow moving vehicle (i.e. a bicycle). A driver crossing the centerline to pass an "obstruction" must yield to oncoming vehicles and must not move to the right until safe to do so. The cyclist in this situation must ride on the portion of the roadway permitted to cyclists, not change lanes or turn without signaling, and (with exceptions discussed earlier) not ride more than two abreast.

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When Overtaking and 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:

- ⇒ 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.

(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.) [§40-6-43 (b)]

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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

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

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

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4. Other Laws for Drivers

Vehicle Turning Left

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]

Reckless Driving

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

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

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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)]

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If such accident is the proximate cause of an injury other than a serious injury or if such accident resulted in damage to a vehicle which is driven or attended by any person, any person knowingly failing to stop or comply with the requirements of this Code section shall be guilty of a misdemeanor [§40-6-270 (c)]. (*Parts of this code section pertaining to conviction and penalties have been omitted.*)

Notes

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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.
- **Terrain & obstructions** - Hills, 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 there is a solid stripe, Bike Lane signs and/or symbol markings and is a minimum of 4' wide.

The Cyclist

- **Lights and reflectors** - If crash occurred at nighttime, bicycle headlight and rear light/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

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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:

Equipment" box.

- Injured cyclists should save all clothing and equipment damaged in the crash; refrain from repairing or cleaning such items; 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.
- Cyclists often carry a small information and/or identification kit for those cases where they might become incapacitated. These kits may include personal identification, insurance information, and

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