

Recommendation to allow passing bicycles on North Carolina Highways

Any consideration of allowing a motorist to pass a bicycle in situations where it is not permissible to pass other vehicles needs to also consider the number of cycles, the manner in which they are riding (abreast, single file, etc). My recommendation is to treat this issue similar to the allowance of a motorcycle to proceed through a red light as shown in 20-158 (e).

§ 20-158. Vehicle control signs and signals.

(e) Defense. - It shall be a defense to a violation of sub-subdivision (b)(2)a. of this section if the operator of a motorcycle, as defined in G.S. 20-4.01(27)d., shows all of the following:

- (1) The operator brought the motorcycle to a complete stop at the intersection or stop bar where a steady red light was being emitted in the direction of the operator.
- (2) The intersection is controlled by a vehicle actuated traffic signal using an inductive loop to activate the traffic signal.
- (3) No other vehicle that was entitled to have the right-of-way under applicable law was sitting at, traveling through, or approaching the intersection.
- (4) No pedestrians were attempting to cross at or near the intersection.
- (5) The motorcycle operator who received the citation waited a minimum of three minutes at the intersection or stop bar where the steady red light was being emitted in the direction of the operator before entering the intersection.

We agree that it should be reasonable to allow a motorist to pass a slower moving cycle in a no passing zone when certain conditions exist. The reason for this agreement is that the no passing zones are established based upon the normal operations of a motor vehicle. For instance on a roadway where the speed limit is 55 mph, we expect that there should be sufficient passing sight distance for 55 mph operations in both direction, without interfering with the passed vehicle or the opposing direction vehicle. It clearly takes longer to pass a vehicle traveling 45 mph than a vehicle traveling 20 or lower. Therefore the sight distance requirements for passing a bicycle are significantly smaller.

My recommended approach is to add a Defense paragraph to 20-150 rather than indicating that the current language does not apply.

§ 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.

(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.

(e1) Defense. - It shall be a defense to a violation of sub-section (e) of this section if the operator of a motor vehicle shows all of the following:

- (1) Is overtaking and passing a bicycle or bicycles as defined by 20-171.1 proceeding in the same direction,
- (2) Is in compliance with subsections (a), (b), (c), and (d) of this section,
- (3) Provides a minimum of 4' or completely enters the left lane,
- (4) And the operators of bicycles that will be passed has not provided signal of their intention to perform a left turn,
- (5) And did not interfere with the bicycle(s) being passed

(f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left in or from an alley, private road, or driveway.

I believe this approach keep the purpose and safety of pavement markings that prohibit no passing. I believe it will also address the rare occasions where we have (or may) prohibit passing in multilane roadways with double solid white lines. I also believe this approach will separate the issue from the number of bicyclist, the position in the roadway, and whether they are riding abreast or not.