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# Minnesota's Bicycle Statutes

## Understanding Bicycle-related Statutes for Traffic Enforcement and Crash Investigation

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We are quickly entering what is often called “Bicycling Season” in Minnesota. While there are obviously a number of folks who ride year ‘round, the majority of Minnesota’s cyclists ride during the spring, summer and fall. As a result, more interactions between bicycles and motorized traffic will soon take place on roads, bike lanes, crosswalks, sidewalks and various paved paths around the state.

Early in my 28-year career as a Minnesota police officer, I developed an interest in cycling while teaching bike safety to schoolchildren. It encouraged me to get back on a bicycle for the first time in years. That evolved into a passion for both riding and training adult cyclists. That includes hundreds of police cyclists from around the United States and other countries. In retirement I work as a cycling expert, consulting with attorneys on lawsuits involving cyclists killed or seriously injured while biking. As a result, much of my work includes reviewing reports written by officers following such incidents. It has become apparent that many officers around the country lack a comprehensive understanding of the statutes applicable to cyclists and the motorists they interact with. That is because very few basic academies even cover them. The purpose of this article is to help officers better understand these statutes by putting them into a perspective most have never been introduced to. This will be done by referencing 2016 Minnesota statutes.

Most officers I speak with understand that bicyclists “have all the same rights and responsibilities” as other roadway users. This is true, and refers specifically to **169.222 OPERATION OF BICYCLE. Subdivision 1. Traffic laws apply. Every person operating a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles.** This means obeying all traffic rules, including traffic signs, signals, equipment and designated lane markings. Shoulders and right lanes occasionally merge into a right-turn-only lane. The commonly observed habit of cycling straight, rather than turning, from a right turn lane is not only confusing to motorists, it is also illegal and dangerous.

169.011 provides definitions that help us understand the laws. While a bicycle is by definition a “device,” 169.011 Subd. 92 tells us that a “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. In short, a bicycle is a vehicle. As this article will demonstrate, they operate like any other slow moving vehicles on the roadway.

A cyclist not stopping for a stop sign is an issue offi-

cers will encounter. Note that the statute 169.20 Subd 3 requires a vehicle driver to “stop” at a stop sign, requiring “cessation of movement.” Time spent stopped beyond that momentary stop is actually considered a “yield.” Statutes do not require a cyclist to put a foot down in order to stop. Many cyclists cease pedaling, slow to a very brief stop, and then pedal away without ever taking their feet off the pedals. If a cyclist pedals continuously up to and through a stop sign, they obviously failed to stop for the stop sign.

Most officers also seem to remember that bicyclists are required to ride close to the right-hand curb or edge of the roadway. This provision can be confusing. Specifically, 169.222 Subd. 4. reads: **Riding rules.** (a) “Every person operating a **bicycle upon a roadway** shall ride as close as **practicable** to the right-hand curb or edge of the roadway...” Note that it does not say “as far right as ‘possible’ or even “practical.” The phrase “as close to the right-hand curb or edge as practicable” is best defined as “as close to the right as is safe for the vehicle and the occupant(s).” The law lists several exceptions to the “close to the right” provision, specifically, when overtaking or passing another vehicle proceeding in the same direction;

1. preparing for a left turn at an intersection, driveway or private road;
2. reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, **or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge;** or
3. operating on the shoulder of a roadway or in a bicycle lane.
4. (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle shall travel in the same direction as adjacent vehicular traffic.

This section refers to a “narrow width lane” as a condition which makes it unsafe for the cyclist to continue along the right-hand curb or edge. Just what is a “narrow width lane?” Most public roadways have traffic lanes that are between 11 and 12 feet wide. Cyclists, who average about 2.5 feet wide, actually require a space four to five-feet wide to operate. This is not unique; passenger car drivers require a space roughly twice as wide as their vehicles to operate in as well. Cyclists make small movements of their handlebar and front tire to maintain balance, causing subtle side-to-side movement. They may also move laterally as they dodge various road surface hazards, making a 4-5 foot space necessary.

In addition, Section 169.18, Subd 3 addresses passing as follows: **Passing,** (3) *the operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on the roadway shall leave a safe distance, but in no case less than three feet clearance, when passing the bicycle or individual and shall*

*maintain clearance until safely past the overtaken bicycle or individual.* So, in addition to four to five feet of the traffic lane the cyclist requires, the passing laws require a space cushion of at least three feet more. That accounts for seven to eight feet of the 11 to 12-foot lane. Motor vehicles vary in width (outside mirror to outside mirror) from roughly six feet to more than 10 feet for large commercial vehicles. For perspective, the ubiquitous Ford F-150 pickup is just about eight feet wide, mirror-to-mirror. The bicyclist is entitled to seven or eight feet of the 12-foot lane. That leaves no room for most motor vehicles, including the smallest of cars, to safely and legally pass within the same lane! Also consider, the three-foot minimum passing distance still applies to cyclists using a bike lane. Merely remaining on the proper side of a painted line does not equate to a safe, legal passing distance.

This is an illustration of a lane that is too narrow to enable a motorist to safely pass a cyclist within the same lane. Twelve feet is a common lane width, but in fact, a lane more than 14 feet wide is required to allow most motorists to safely and legally pass a cyclist. While many motorists have long expected to pass cyclists in the same lane, there is nothing in the statutes that clearly allows – or requires -- one vehicle to pass another entirely within the same lane. Passing laws state that overtaking drivers “shall pass to the left thereof at a



**On this illegal pass, the shadow bar surrounding the cyclist represents the required minimum three-foot passing cushion off the right side of the truck** (graphic courtesy of IAmTraffic.org and Keri Caffrey)

*safe distance.*” Passing within the same lane, especially at speeds much greater than that of the cyclist, can hardly be considered a “safe distance” for the cyclist.

To compensate for the problem of a narrow lane, many knowledgeable and defensive cyclists will move left to “control” the lane, as allowed by statute, essentially sending the visual signal that there is not room within the lane to pass them. The vehicle wishing to pass will be required to move into an alternate lane. Should a cyclist move to the right instead, as most untrained

cyclists do, it is almost assured that motorists will take advantage of their “generosity” and pass them at mere inches away. Not a fun experience on a 35 to 65 mph roadway. It is for this reason many untrained cyclists report being “nearly hit” or “sideswiped”, and are afraid to ride on the road. As a result, millions of dollars are spent building bike lanes, bike paths and other bike-friendly facilities to keep uneducated and unskilled cyclists away from the road and other traffic. They are also intended to encourage more bicycle use.

Our system of traffic movement and right-of-way rules is based on the concept of “first-come, first-served.” The vehicle occupying the traffic lane first has the right of way. A cyclist occupying a traffic lane also has the “right” to that lane. They have no obligation to continually search behind them to determine if the overtaking vehicle is a tiny Fiat Spider or a full-size pickup in order to adjust their lane position accordingly. In a narrow lane, a defensive cyclist will operate with the mindset that every overtaking vehicle is too wide for safe passing, and will control the whole lane. The overtaking driver has the responsibility to yield to the cyclist and wait until it is possible to pass them safely. The cyclist does not have a duty to move over to the right, thereby sacrificing their safety, so as to enable the faster vehicle to pass. That said, some responsible cyclists, noticing a group building up behind them, will pull out the way enabling them to move past. This is a courtesy, not an obligation.

Some cycling friends have reported being stopped by the police and being told to get out of the traffic lane and move onto the shoulder, the sidewalk, or a bike path. A few have even reported getting ticketed for riding in a traffic lane. The *scope* of Chapter 169 regulates vehicular traffic operating on the highway; however, it also restricts driving to the roadway portion of the public way. The “roadway” is defined as “that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.” As noted, cyclists have all the rights and responsibilities as other vehicle operators – and that means the right to use the roadway as defined by law. While most Minnesota cyclists choose to ride upon a shoulder where it is safe and reasonable to do so, they cannot be required to ride there under the premise of “as close to the right as practicable...” Neither the shoulder nor the sidewalk is a legal part of the roadway. Keep in mind virtually all gutter areas, and many shoulders, are hazardous to ride on due to the amount of debris that gathers there. Moreover, many highways now have lane departure rumble strips installed making the shoulder a very tenuous and hazardous place to ride a bike.

Some motorists get upset when they have to slow down because they are following a cyclist who cannot travel at the speed of other traffic. While it is true that

cyclists typically cannot maintain normal vehicular speeds, motorists can easily go “cycling speed” until they can legally pass at a safe distance in an alternate lane. Occasionally motorists will call 911 to report a bicycle riding in “their” traffic lane. Dispatchers and officers should be trained that a bicyclist riding in a traffic lane is neither an emergency, nor likely unlawful.

169.15 – **Impeding Traffic; Slow Speed** applies only to “motor vehicles.” It does not apply to bicycles or horse-drawn vehicles. In addition, 169.18 **Driving Rules** subd.10 addresses “slow-moving vehicles.” That includes vehicles like farm tractors, golf carts, and heavily or wide loaded tractor-trailers, which cannot maintain normal speed of traffic. Those vehicles, like bicyclists, are required to use the right-most lane, and stay as close to the right as practicable. Doing so makes it easier to see around them when wishing to pass. It is rare for a motorist to honk or swear at a farmer on a tractor, an Amish buggy driver or an 18-wheeler driving slowly in the traffic lane. Yet that behavior is quite commonly directed at cyclists controlling a lane to merely assure their own safety. Comedian George Carlin once asked, “Have you ever noticed that everyone driving slower than you is an idiot, and everyone driving faster than you is crazy?” Too many impatient Minnesota drivers fail to understand there is no *guaranteed right* to constant speed. For that matter, neither is paying vehicle registration fees a requirement for the right to use a public roadway.

169.222, Subd 4 **Riding Rules** (4-c) reads, “Persons riding bicycles upon a roadway or shoulder shall not ride more than two abreast and shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.” It appears that because of the word “and”, only cyclists riding two abreast can “impede” the normal and reasonable movement of traffic. Single-file cyclists cannot, by definition, be considered as impeding traffic. Be aware, however, that groups of cyclists often ride two abreast to ride safely and to shorten the length of their group and reduce the time and distance required for motorists to pass them.

Many municipalities are building bike lanes to accommodate the movement of cycling traffic along their streets. “Bicycle lane” means a portion of a roadway or shoulder designed for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be distinguished from the portion of the roadway or shoulder used for motor vehicle traffic by physical barrier, striping, marking, or other similar device. Where the bike lane is built as part of the roadway, the bike lane is considered a legal lane and a legal part of the roadway. Right-of-way rules apply when driving across them. There is, however, no mandate in Minnesota for cyclists to use, or remain in, a bike lane. There are times when leaving the bike

lane is the safest action for a cyclist to take. Cyclists often leave a bike lane for reasons similar to the “close to right” exceptions. A cyclist should also leave the bike lane if a large vehicle, like a truck or bus, moves alongside them. Should the large vehicle make a right turn in front of the cyclist, it would trap them at the intersection or driveway with catastrophic results. Defensive cyclists will often leave a bike lane and merge into the regular traffic lane to increase their visibility and predictability. Cyclists are wise to never rely solely upon paint for their safety.

Another statute regarding bike lanes affects the drivers of motor vehicles. 169.19 **Turning, Starting, and Signaling** Subd 1 (g) reads: “Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver’s lane of travel to make a turn, the driver shall first signal the movement, then drive the motor vehicle into the bicycle lane prior to making the turn, but only after it is safe to do so. The driver shall then make the turn consistent with any traffic markers, buttons, or signs, yielding the right-of-way to any vehicles or bicycles approaching so close thereto as to constitute an immediate hazard.” Large vehicles, like buses and trucks, will likely be unable to move into (and block) the bike lane and safely complete their turn. As stated earlier, a cyclist remaining in the bike lane and passing to the right of one of these large, right-turning vehicles is making a life-threatening mistake by doing so. Cyclists should assume that every large vehicle passing them as they approach an intersection might make a right turn, and ride accordingly.



In recent years a new type of bicycle facility called a “sharrow” has appeared. A sharrow is identified by a symbol painted on the roadway that shows a bicycle and a chevron. It may also be accompanied by a black and white regulatory sign that reads “Bicycles May Use Full Lane.” That is what a sharrow

means. Often, on-street parking, combined with a narrow lane, makes it unsafe to install a normal bike lane. Traffic engineers want to make cyclists aware that controlling the entire lane is the safest way to operate in such situations, and motorists need to be made aware of it, too. In reality, all narrow lanes, especially those with on-street parking, or anywhere else it is unsafe for a motorist and cyclist to pass within the same lane, should be treated as if they are a sharrow.

A large number of bicycle crashes involve cyclists riding upon either a sidewalk or a paved bike or multi-use path which parallels the roadway much like a sidewalk. Crashes occur where they intersect with roadways. 169.222 **Operation of Bicycles** Subd (4-f) reads: “A person **lawfully operating a bicycle on**

**a sidewalk, or across a roadway or shoulder on a crosswalk**, shall have all the rights and duties applicable to a pedestrian under the same circumstances.” Regardless of whether the cyclist had been riding on a sidewalk or another type of bike facility, anytime they use a marked crosswalk, or an intersection without a crosswalk, pedestrian laws apply. It should go without saying, where crosswalks have traffic signals, pedestrians and cyclists must obey them. Nevertheless, whenever cyclists ride on a sidewalk or crosswalk, they are legally considered pedestrians.

Where there are no traffic control signals, 169.221 **Pedestrian** Subd 2 indicates, “Where traffic-control signals are not in place or in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway **within a marked crosswalk or at an intersection with no marked crosswalk**. The driver must remain stopped until the pedestrian has passed the lane in which the vehicle is stopped. **No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.**” This is in effect a “failure to yield right of way” violation by the pedestrian or sidewalk cyclist. Since stop signs do not apply to pedestrians, they do not apply to bicyclists on sidewalks. Here a sidewalk cyclist, who rides out in front of a motorist, would actually be violating, and cited under, the 169.21 pedestrian statutes.

Studies have shown that pedestrians entering a crosswalk while running rather than walking are about three times more likely to be unseen and struck by a motorist. Motorists typically search for pedestrians in and near the intersection at walking speeds. Cyclists approaching a crosswalk are likely to be travelling two to four times faster than the average pedestrian, who walks at about three miles per hour. Few drivers turning at an intersection search back a quarter (1/4) to half (1/2) a block away (especially behind them) to see if any cyclists are approaching. The cyclist does not have – and should not expect – the right of way until actually within the crosswalk or upon the roadway at an intersection without a marked crosswalk. As shown above, cyclists can’t suddenly leave the curb or place of safety and enter into the path of a vehicle too close to reasonably yield to them. It is important that officers investigating cyclist-related crashes in crosswalks, or at intersections that involve sidewalk or bike path use, understand this law when assessing and noting violations on police crash reports.

These are but some of the confusing and/or misunderstood statutes regarding bicyclists that are pertinent to law enforcement officers working crash scenes or enforcing traffic laws. Watch for a follow-up article on the most common bicycle crash types, and the errors/violations that cause them, in coming issues.