

## Bicycle Positioning on Public Ways<sup>1</sup>

The Bicycle Coalition of Maine always recommends safe, legal, and courteous travel by all bicyclists, pedestrians, drivers and other users of Maine's public ways at all times. [move to bottom of document?]

There is considerable confusion over what is a legal, safe and courteous position for a bicycle rider, or a group of bicycle riders, on Maine's roadways. Motorists often question the legality of bicycle riders "taking the lane," and many bicycle riders do not know what rights they are given under state law. Many persons using Maine's roads do not understand where bicycle riders may operate on public ways.

### What the Law Says

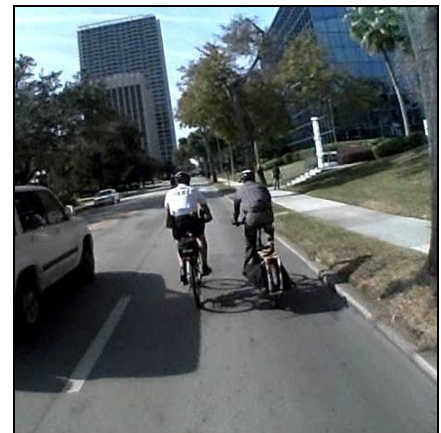
Maine State Law (Title 29-A, Chapter 19, Section 2063(2)) appears to give persons on bicycles broad discretion regarding where they ride on a public way. According to statute:

A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or: a bicycle rider must ride "on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or

- A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;
- B. When preparing for or making a left turn at an intersection or into a private road or driveway;
- C. When proceeding straight in a place where right turns are permitted; and
- D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.

Maine state law (Title 29-A, Chapter 19, Section 2063(2-A)) further says that "a person operating a bicycle or roller skis may travel on paved shoulders", but does explicitly require that bicycle riders use shoulders.

A recent case decided by the Maine Law Court law appears to clarify that a bicycle is not always obligated to stay far to the right in saying that if "at least one of the exceptions to the requirements of section 2063(2) [is present] the statute is inapplicable." (Maine Supreme Judicial Court, December 16, 2014, Semian v. Ledgemere). This statement means that if any of the conditions outlined in §2063(2) A-D are present, the statute does not apply, and a bicycle rider is free to choose what they consider a safe lane position.



<sup>1</sup> See 29-A M.R.S. § 101 (92).

## How BCM Interprets the Law

We believe that a reasonable interpretation of Maine State Law:

- Allows persons on bicycles to use paved shoulders if the person feels they are safe to use;<sup>2</sup> **and**
- Permits persons on bicycles to ride anywhere on roadways when:
  - Travelling far right on the roadway is unsafe,
  - Passing or overtaking,
  - The rider is preparing for a left turn or traveling straight where right turns are permitted,
  - Avoiding hazardous conditions (e.g. parked cars, pedestrians, puddles, glass, broken surface, etc.) on the far right of the roadway,
  - Traveling at the normal speed of traffic moving in the same direction,<sup>3</sup>
  - The lane is too narrow to be shared by a bicyclist and a motor vehicle.<sup>3</sup>

There is no Maine statute that explicitly states that it is unlawful or illegal for bicyclists to ride two (or more) abreast or that bicyclists must ride single file at all times. We believe that under those circumstances where it is legal for a single bicycle rider to use any part of the traffic lane, it is equally legal for multiple bicycle riders to use any portion of the travel lane without an expectation that they operate in single file.

Bicyclists should be aware, however, that individual municipalities may have local ordinances that speak more specifically to the issue of riding two abreast. These ordinances may govern the conduct of bicyclists while they are riding within specific regions of the state.<sup>4</sup>

### An Example

Susan and her daughter, Molly, and her friend Beth are riding their bikes to Molly's school on a two-lane road (one lane for northbound travel and one lane for southbound travel). The road has narrow travel lanes that are less than 12 feet wide and parking lanes on both sides with many parked cars. Susan, Beth and Molly determine that conditions on the far right are unsafe, and that they are safer riding two abreast in the travel lane, so they decide to "control the lane" (i.e. occupy the entire travel lane with their bicycles).

The group's decision is reasonable under Maine law because the width of the travel lane is too narrow to allow a car and a bike to safely share the lane with three feet between the users, and there are parked cars along the way that present door hazards, so conditions include an exception. Susan, Beth and Molly reasonably believe that motor vehicles will not afford them a safe distance (at least three feet) when passing them if they ride single-file, and by occupying the full travel lane, they are encouraging drivers to completely change lanes to pass them. They also believe that they are making it easier for drivers to pass them by operating in a shorter length formation than single file, which would take up at least 24 feet of space.

### Questions to Ask When Bicycles Are Using the Whole Travel Lane

1. Is the lane too narrow for a bicycle and a motor vehicle to share with three feet between them?
2. Are there hazards on the road's edge--e.g. bad pavement, debris-- that make staying far to the right unsafe?
3. Is the bicycle rider approaching diagonal railroad tracks?
4. Is the bicycle rider passing parked cars?
5. Is the bicycle rider setting up to make a left turn?
6. Are the bicycles going straight at a location where right turns are permitted?
7. Are the bicycles on a stretch of roadway where a pass is unsafe?

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<sup>2</sup> See 29-A M.R.S. § 2063(2-A); see also 29-A M.R.S. § 101(83), (91) & (92).

<sup>3</sup> See 29-A M.R.S. § 2063(2).

<sup>4</sup> See e.g. Cape Elizabeth, Me Code §14-1-3 (Jan. 9, 1990).

## Example

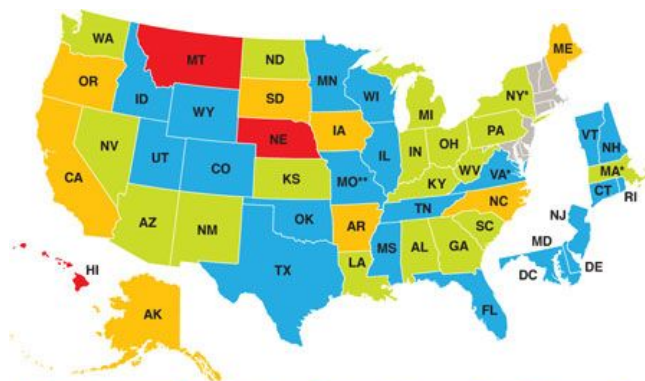
Susan and her daughter, Molly, and her friend Beth are riding their bikes to Molly's school on a two-lane road (one lane for northbound travel and one lane for southbound travel). The road has narrow travel lanes that are less than 12 feet wide and a parking lane with many parked cars in it. Susan, Beth and Molly determine they are safer riding two abreast in the travel lane and decide to "control the lane" (i.e. occupy the entire travel lane with their bicycles). The group's decision is reasonable under Maine law because the width of the travel lane is too narrow to allow a car and a bike to safely share the lane with three feet between the users, and there are parked cars along the way that present door hazards, so conditions include an exception. Susan, Beth and Molly reasonably believe that motor vehicles will not afford them a safe distance (at least three feet) when passing them if they ride single-file, and by occupying the full travel lane, they are encouraging drivers to completely change lanes to pass them. They also believe that they are making it easier for drivers to pass them by operating in a shorter length formation than single file, which would take up at least 24 feet of space.

## Further Discussion

Bicyclists who make a choice to ride two abreast should be aware of the ambiguities and controversies surrounding differing interpretations of Maine law on this issue. Some enforcement officers, motorists, and other individuals or entities may disagree with our position. We urge bicyclists who ride two abreast to do so only when it is safe, reasonable, and appropriate under the circumstances. All users of any public way should provide reasonable accommodations for vehicular and other traffic using traffic lanes of the way, as well as for bicycles and other non-vehicular traffic in the shoulder.<sup>5</sup>

When motorists encounter bicyclists riding two abreast in any portion of a public way or a shoulder, it is not unreasonable for the motorists to slow down and wait for a safe place to pass the bicyclists. In Maine, it is legal for a motor vehicle to pass bicyclists in a 'No Passing Zone' if it is safe to do so. While there may be ambiguity in the law as to whether it is appropriate to ride two abreast in particular circumstances, Maine law always explicitly and unambiguously requires motorists to exercise due care when passing any number of bicyclists.<sup>6</sup> It is unlawful for a motor vehicle to pass a bicyclist when the driver of the motor vehicle is unable to provide a safe distance between the bicyclist and the motor vehicle.<sup>7</sup> This rule of law applies regardless of whether a rider is riding single file or two abreast.

Thirty-nine states in the U.S. have adopted explicit two abreast riding statutes.<sup>8</sup> Such laws have helped clarify acceptable behavior on the roadways in those states, particularly with respect to bicycle-driver interactions during group rides. The *Uniform Vehicle Code*, a set of model U.S. traffic laws prepared by the National Committee



vehicular traffic"); 29-A M.R.S. § 101(91) (defining vehicle to exclude bicycles); 29-A M.R.S. § 2051 (discussing bicycle operation in ways); 29-A M.R.S. § 2063(2) (discussing bicycle operation in ways); 29-A M.R.S. § 2051 (discussing 5. 29-A M.R.S. § 2063(2-A) (giving bicyclists the right to travel in shoulders).

Explicitly Prohibited | Permitted BUT MUST NOT IMPEDE TRAFFIC | Permitted WITH NO PROHIBITION ON IMPEDING TRAFFIC | Implicitly Permitted

<https://www.bicycling.com/2010/04/15/two-by-two/> (last accessed July 29, 2013)(map and research by

Bob Mionske and Rick Bernardi).



on Uniform Traffic Laws and Ordinances, has a model statute that explicitly permits two abreast riding in certain circumstances.<sup>9</sup> However, this model statute has not yet been adopted in Maine.

I would turn this last paragraph around, and state that the ambiguities in Maine law create frustration for motorists and confusion as to the rights of bicyclists on the road. (We understand that the behavior of groups of bicyclists can be a source of frustration to motorists, and that the ambiguities in Maine law are problematic. ) We support efforts to clarify Maine law through the enactment of clear and explicit legislation that permits and governs two abreast riding. Such legislation would likely result in safer roadways for all users and bring Maine law into conformity with the majority of the states that have already adopted legislation on two abreast riding.

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<sup>9</sup> U.V.C. § 11-1206 (“Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.”); see also U.V.C. § 1-186 (defining “roadway” as “[t]hat portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively”).