

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>.

For explanation of the law rating system, see <http://www.geocities.com/fredoswald/law-reform.html>

Send new info. or direct questions to Fred Oswald, <fredoswald@yahoo.com>

Rating of New York Bicycle Traffic Laws

New York Bicycle Traffic Laws earn a TENTATIVE rating of F- (39 points)

Note: A bicycle IS (NOT) defined as a vehicle in New York.

A: 91 to 98 points	(89-90 is A-, over 99 is A+)
B: 79 to 86 points	(87-88 is B+, 77-78 is B-)
C: 66 to 74 points	(75-76 is C+, 64-65 is C-)
D: 52 to 61 points	(62-63 is D+, 50-51 is D-)
F: 40 to 47 points	(48-49 is F+, below 40 points is F-)

Traffic Law Defects	
	Mandates riding wrong way (Automatic failing score) [-100]
	Mandates riding on sidewalk (creates failing score) [-80]
	Prohibits bicycles from all main streets (a “stealth” sidewalk law) [-80]
	Lower deduction if prohibition applies only where speed limit is above 50 mph [-30]
	Lower deduction if engineering study, alternate route & signs reqd. [-30]
	Mandates riding on sidewalk only for under age 16 [-30]
-20	Mandates riding on sidepath, shoulder or bike lane [-40]
	Lower deduction if applies only where sidepath is “usable” and signed [-25]
	Restriction only for under age 16 [-25]
	Lower deduction if includes UVC “far right” type exceptions [-20]
	Lower deduction if also includes CA “right turn authorized” exceptions [-15]
	§ 1234. Riding on roadways, shoulders, bicycle or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, any bicycle or in-line skate shall be driven either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder ...
-30	Unlimited local “regulation of the operation of bicycles” (non-uniform laws) [-30]
	Lower deduction if allows only local sidepath ordinance. [-20]
	Allows local bicycle ban only on major highway [-15]
	Local authorities may mandate registration (rather than voluntary program) [-1]
	§ 316. Entitled to free use of highways. The authorities having charge or control of any highway, public street, park, parkway, driveway, or place, shall have no power or authority to pass, enforce or maintain any ordinance, rule or regulation by which any person using a bicycle or tricycle shall be excluded or prohibited from the free use of any highway, public street, ... But nothing herein shall prevent the passage, enforcement or maintenance of any regulation, ordinance or rule, regulating the use of bicycles or tricycles in highways, public streets, driveways, parks, parkways ...
	“Shall ride within 3 feet of right edge of road” (or similar unsafe rule) [-25]
	“Shall ride as close as practicable to the right-hand curb”, with no exceptions [-20]
	Lower deduction if includes all UVC exceptions [-10]
-4	Mandatory helmet law that includes adult cyclists [-6]
	Lower deduction if applies only to children under 12 [-3]
	Additional deduction if law lacks strong “contributory negligence” exclusion [-10]
	§ 1238. Passengers on bicycles under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear. 7. The failure of any person to comply with the provisions of this section shall not constitute contributory

	negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action. [There is a similar provision for pre-existing local ordinances but apparently not for any new ones.]	
	Prohibits normal vehicular left turn	[-10]
	“Shall ride single file” (no exceptions)	[-10]
	Lower deduction depending on exceptions	[-5]
	Motor vehicle restrictions that should not apply to bicycles: (following too closely, racing, parking lights, tire tread depth, etc.)	[up to -5]
-3	Irresponsible brake requirements (skid braked wheel, etc.)	[-3]
-2	“Nuisance” safety equipment required (bell, front, wheel & pedal reflectors, etc)	[-2]
	Right-arm right turn signal not authorized	[-2]
?	Unreasonable turn signal requirement (continuous, or even if not safe)	[-2]
	Authorizes bicycle-specific traffic control devices	[-2]
-1	Lacks provision allowing bicycle access to freeway shoulders	[-1]
	Slow vehicle “as close as practicable to the right-hand curb”	[-1]
	Missing language “intent is to facilitate overtaking” in slow veh. rule	[-1]
-1	Other excessive or unnecessary regulation § 1238. Passengers on bicycles under one year of age prohibited	
-2	Minor Defects (scored as a group)	
Y	Lacks provision allowing preparing for left turn early	
Y	Lacks exception to no-passing zone rule for passing of slow vehicles	
Y	Lacks language prohibiting “points” for bicycle violations	
	“Give way to the right on audible signal”	
Y	Lacks cycling skills course for violators	
	Police explicitly authorized to inspect bicycles	
	Lacks child seat or trailer language or allow child in backpack	
	Lacks language authorizing additional lights or reflectors	
Y	Lacks language saying riding two abreast does not impede traffic if no conflicting traffic	
	Poor definition of bicycle (not recognizing recumbents or trikes)	
Positive Factors (points added)		
?	Have issued a good state “Bicycle Drivers' Manual” and/or --- Drivers Handbook has vehicular cycling info.	[up to +15]

?	Cycling education program (possibly financed by Share the Road license plate)	[+5]
?	Permits <u>and</u> requires motorists to merge into a bike lane before turning.	[+2]
	Expressly permits but does not require cycling on (non-freeway) shoulders.	[+2]
?	Local authorities may reduce the fine for bicycling offenses	[+2]
+2	Language to discourage unsafe sidewalk riding § 19-176 Bicycle operation on sidewalks prohibited. b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. ...	[+2]
	Other positive factors	[?]

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