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CYCLIST TRAFFIC AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions related to operating a bicycle on the roadway.

Highlighted Provisions:

This bill:

- ▶ provides that a person operating a bicycle approaching a stop sign shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping;
- ▶ provides that once a person operating a bicycle approaching a steady red traffic-control signal has stopped and yielded to all other traffic, the person may cautiously:
 - proceed straight through the steady red signal; or
 - turn left onto a highway that is a highway with a speed limit at or below 35 miles per hour and with two or fewer lanes of travel in each direction;
- ▶ provides that after slowing to a reasonable speed and yielding the right-of-way, if required, a person operating a bicycle approaching a steady red traffic-control signal may cautiously make a right-hand turn without stopping; and



28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-6a-305**, as last amended by Laws of Utah 2015, Chapter 412

36 **41-6a-902**, as last amended by Laws of Utah 2015, Chapter 412

37 **41-6a-1105**, as renumbered and amended by Laws of Utah 2005, Chapter 2



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **41-6a-305** is amended to read:

41 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**
42 **intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative**
43 **defense.**

44 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control
45 signal, except for a:

46 (i) pedestrian traffic-control signal that may use white and orange; and

47 (ii) rail vehicle that may use white.

48 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as
49 provided in this section.

50 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a
51 circular green signal may:

52 (A) proceed straight through the intersection;

53 (B) turn right; or

54 (C) turn left.

55 (ii) The operator of a vehicle facing a circular green signal, including an operator
56 turning right or left:

57 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
58 intersection or an adjacent crosswalk at the time the signal is exhibited; and

59 (B) may not turn right or left if a sign at the intersection prohibits the turn.

60 (b) The operator of a vehicle facing a green arrow signal shown alone or in
61 combination with another indication:

62 (i) may cautiously enter the intersection only to make the movement indicated by the
63 arrow or other indication shown at the same time; and

64 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
65 and to other traffic lawfully using the intersection.

66 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section
67 [41-6a-306](#), a pedestrian facing any green signal other than a green turn arrow may proceed
68 across the roadway within any marked or unmarked crosswalk.

69 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal
70 is warned that the allowable movement related to a green signal is being terminated.

71 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
72 [41-6a-306](#), a pedestrian facing a steady circular yellow or yellow arrow signal is advised that
73 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
74 may not start to cross the roadway.

75 (4) (a) Except as provided in Subsection (4)(c) or in Subsection [41-6a-1105\(6\)](#), the
76 operator of a vehicle facing a steady circular red or red arrow signal:

77 (i) may not enter the intersection unless entering the intersection to make a movement
78 is permitted by another indication; and

79 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
80 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
81 indication to proceed is shown.

82 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
83 [41-6a-306](#), a pedestrian facing a steady red signal alone may not enter the roadway.

84 (c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously
85 enter the intersection to turn right, or may turn left from a one-way street into a one-way street,
86 after stopping as required by Subsection (4)(a).

87 (B) If permitted by a traffic control device on the state highway system, the operator of
88 a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from
89 a one-way street into a one-way street after stopping as required by Subsection (4)(a).

90 (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

91 (A) another vehicle moving through the intersection in accordance with an official
92 traffic-control signal; and

93 (B) a pedestrian lawfully within an adjacent crosswalk.

94 (5) (a) This section applies to a highway or rail line where a traffic-control signal is
95 erected and maintained.

96 (b) Any stop required shall be made at a sign or marking on the highway pavement
97 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
98 shall be made at the signal.

99 (6) The operator of a vehicle approaching an intersection that has an inoperative
100 traffic-control signal shall:

101 (a) stop before entering the intersection; and

102 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

103 (7) (a) For an operator of a motorcycle[;] or moped, [~~or bicycle who is 16 years of age~~
104 ~~or older;~~] it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a
105 motorcycle[;] or moped[; ~~or bicycle~~] facing a steady circular red signal or red arrow:

106 (i) brings the motorcycle[;] or moped[; ~~or bicycle~~] to a complete stop at the intersection
107 or stop line;

108 (ii) determines that:

109 (A) the traffic-control signal has not detected the operator's presence by waiting a
110 reasonable period of time of not less than 90 seconds at the intersection or stop line before
111 entering the intersection;

112 (B) no other vehicle that is entitled to have the right-of-way under applicable law is
113 sitting at, traveling through, or approaching the intersection; and

114 (C) no pedestrians are attempting to cross at or near the intersection in the direction of
115 travel of the operator; and

116 (iii) cautiously enters the intersection and proceeds across the roadway.

117 (b) The affirmative defense under this section does not apply at an active railroad grade
118 crossing as defined in Section 41-6a-1005.

119 (8) A violation of this section is an infraction.

120 Section 2. Section 41-6a-902 is amended to read:

121 **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at**
122 **intersections or junctions of roadways -- Evidence.**

123 (1) Preferential right-of-way may be indicated by stop signs or yield signs under
124 Section [41-6a-906](#).

125 (2) (a) Except as provided in Section [41-6a-1105](#), or when directed to proceed by a
126 peace officer, every operator of a vehicle approaching a stop sign shall stop:

127 (i) at a clearly marked stop line;

128 (ii) before entering the crosswalk on the near side of the intersection if there is not a
129 clearly marked stop line; or

130 (iii) at a point nearest the intersecting roadway where the operator has a view of
131 approaching traffic on the intersecting roadway before entering it if there is not a clearly
132 marked stop line or a crosswalk.

133 (b) After having stopped at a stop sign, the operator of a vehicle shall yield the
134 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as
135 to constitute an immediate hazard.

136 (c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to
137 pedestrians within an adjacent crosswalk.

138 (3) (a) The operator of a vehicle approaching a yield sign shall:

139 (i) slow down to a speed reasonable for the existing conditions; and

140 (ii) if required for safety, stop as provided under Subsection (2).

141 (b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the
142 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as
143 to constitute an immediate hazard during the time the operator is moving across or within the
144 intersection or junction of roadways.

145 (ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within
146 an adjacent crosswalk.

147 (4) (a) A collision is prima facie evidence of an operator's failure to yield the
148 right-of-way after passing a yield sign without stopping if the operator is involved in a
149 collision:

150 (i) with a vehicle in the intersection or junction of roadways; or

151 (ii) with a pedestrian at an adjacent crosswalk.

152 (b) A collision under Subsection (4)(a) is not considered negligence per se in
153 determining liability for the accident.

154 (5) A violation of Subsection (2) or (3) is an infraction.

155 Section 3. Section **41-6a-1105** is amended to read:

156 **41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties,**
157 **prohibitions.**

158 (1) A person operating a bicycle or a moped on a roadway at less than the normal speed
159 of traffic at the time and place and under the conditions then existing shall ride as near as
160 practicable to the right-hand edge of the roadway except when:

161 (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

162 (b) preparing to make a left turn at an intersection or into a private road or driveway;

163 (c) traveling straight through an intersection that has a right-turn only lane that is in
164 conflict with the straight through movement; or

165 (d) reasonably necessary to avoid conditions that make it unsafe to continue along the
166 right-hand edge of the roadway including:

167 (i) fixed or moving objects;

168 (ii) parked or moving vehicles;

169 (iii) bicycles;

170 (iv) pedestrians;

171 (v) animals;

172 (vi) surface hazards; or

173 (vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side
174 within the lane.

175 (2) A person operating a bicycle or moped on a highway shall operate in the designated
176 direction of traffic.

177 (3) (a) A person riding a bicycle or moped on a roadway may not ride more than two
178 abreast with another person except on paths or parts of roadways set aside for the exclusive use
179 of bicycles.

180 (b) If allowed under Subsection (3)(a), a person riding two abreast with another person
181 may not impede the normal and reasonable movement of traffic and shall ride within a single
182 lane.

183 (4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle
184 rider may be directed by a traffic-control device to use the path and not the roadway.

185 (5) (a) A person operating a bicycle approaching a stop sign shall slow down and, if
186 required for safety, stop before entering the intersection.

187 (b) Except as provided in Subsection (7), after slowing to a reasonable speed or
188 stopping as required by Subsection (5)(a), the person shall yield the right-of-way to any vehicle
189 or pedestrian in the intersection or approaching on another highway so closely as to constitute
190 an immediate hazard during the time the person is moving across or within the intersection or
191 junction of highways, except that a person after slowing to a reasonable speed and yielding the
192 right-of-way, if required, may cautiously make a turn or proceed through the intersection
193 without stopping.

194 (6) (a) (i) Except as provided in Subsection (6)(b), a person operating a bicycle
195 approaching a steady red traffic-control signal shall stop before entering the intersection and
196 shall yield to all other traffic and pedestrians.

197 (ii) Except as provided in Subsection (7), once the person has stopped and yielded to
198 all other traffic and pedestrians as required by Subsection (6)(a)(i), the person may cautiously:

199 (A) proceed straight through the steady red signal; or

200 (B) turn left onto a highway that is a highway with a speed limit at or below 35 miles
201 per hour and with two or fewer lanes of travel in each direction.

202 (b) After slowing to a reasonable speed and yielding the right-of-way, if required, a
203 person operating a bicycle approaching a steady red traffic-control signal may cautiously make
204 a right-hand turn without stopping.

205 (7) Subsections (5)(b) and (6)(a)(ii) do not apply to an intersection with an active
206 railroad grade crossing as defined in Section [41-6a-1005](#).