

Better Ohio Bicycling Bill Passed

by Fred Oswald and Cal Kirchick

HB 389, the Better Ohio Bicycling Bill, which was proposed by the Ohio Bicycle Federation, passed the Ohio Legislature and was signed into law by the governor in June. The new law, which takes effect on Sep. 21, makes Ohio bicycle traffic law conform more closely with the Uniform Vehicle Code and with the best practices of knowledgeable cyclists. You can read the bill as passed by the 126th Ohio General Assembly at www.legislature.state.oh.us/bills.cfm?ID=126_HB_389.

H.B. 389 includes several important reforms to Ohio law, including:

1. Clarify and limit power of local authorities to regulate bicycle operation.
 - Such regulation may not be inconsistent with safe practices or with the uniform rules of the road.
 - Local authorities may not require cyclists to ride on sidewalks, nor may they close streets (other than freeways) to bicycle use.
 - Special local rules governing cycling are not effective unless signs are posted - for example requiring the cyclists ride single file or requiring use of helmets.
 - Licensing rules cannot be applied to non-residents.
2. Eliminate misinterpretation of bicycle road position (the “far right rule”). It is now clear that you can ride to the left to:
 - Avoid potholes, puddles, glass and other debris or other road hazards;
 - Avoid parked, stopped or disabled vehicles;
 - Make a left turn or ride to stay out of a right turn only lane.
3. Clarify and rationalize bicycle safety equipment requirements
 - Either a blinking or steady red light can serve as a rear light.
 - A lamp in the rear that is as visible as a reflector satisfies the requirement for a rear reflector.
 - Wheel reflectors and front reflectors are no longer required.
 - You need not have a bell.
 - A helmet mounted light satisfies the headlight requirement. Also a generator light is acceptable. Nothing prohibits the use of a blinking white light.
4. Exempt cyclists from a requirement to give continuous turn signals. Cyclists need not give hand signals when both hands are required to control the bicycle.
5. Give courts sentencing discretion including remedial bicycle training. Cyclists convicted of traffic violations do not receive points on their drivers licenses.
6. Allow passing of slow traffic in “no passing zones” under certain conditions

This legislation better aligns Ohio law with provisions of the Uniform Vehicle Code, accepted nationwide as the benchmark for traffic law. HB 389 was supported by the Ohio Department of Public Safety, The Ohio State Highway Patrol and The Ohio Department of Transportation.

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We have further information in the form of questions & answers below.

Suggested Interview Questions (and Answers) About House Bill 389, the Ohio Bicycle Federation’s Better Ohio Cycling Bill

Q: I see this bill changes several Ohio Laws. What are its most important features?

A: We had two priorities that have been addressed: (1) uniform laws and (2) encouraging (or not discouraging) safe lane position. There were also several secondary issues.

Q: What do you mean by uniform laws and why don’t we have them now?

A: We need traffic laws that do not change arbitrarily as we go between communities. In addition, all road users should follow the same driving rules. Uniformity makes the roads more predictable, thus safer. The changes in HB 389 also make Ohio’s bicycling laws more consistent with the Uniform Vehicle Code.

Until now, any community could “regulate the operation of bicycles” with no restriction. This leads to a crazy quilt of non-uniform laws, many of which mandate unsafe practices. In contrast, when you drive a car, you have one set of driving rules everywhere in the state. Local officials can customize driving rules only in limited ways that are consistent with safety, for example, by designating a one-way street. But then they must post signs to tell about the change.

Q: You mentioned mandating “unsafe practices”. Can you give an example?

A: Sure. Some cities required riding on sidewalks. These laws are no longer effective. Sidewalk cycling is unsafe, especially at speed, because then cyclists violate the expectations of other drivers — they suddenly appear on a collision course at intersections and driveways. Sidewalk cyclists are also a hazard to pedestrians. Unfortunately, there are many other bad laws I could cite. The problem is most people, including government officials, do not understand proper bicycle operation. That leads to bad laws.

Q: Isn’t someone on a bike like a pedestrian?

A: No. A bicycle is a vehicle. It can travel several times as fast as someone walking, especially downhill. A bike cannot stop instantly or step backward or sideways. It has brakes like a vehicle and it turns like a vehicle — because it is one. The safest way to operate a bicycle is by driving it, following the same rules as other drivers. The problem is most people are not properly trained in bicycle driving. (We emphasize that word driving — it is important to think — and act — like the driver of a vehicle when operating a bike.)

Q: How many communities have bad local laws?

A: When we surveyed 65 communities in the Cleveland area, we found about half mandate one or more unsafe practices. You can see the survey, ratings and examples of bad laws at www.crankmail.com. (Crankmail is a cycling newsletter for NE Ohio.)

Q: You mentioned current law encouraging safe lane position. What do you mean and how is present law wrong?

A: Ohio law requires riding “as near as practicable” to the edge of the road. First, this is discriminatory. Worse, that word “practicable” is often confused to mean “as close as possible” to the curb. Most people do not realize that a cyclist should keep a safety zone to his right and should stay out where other people are looking for traffic. Also, where the lane is too narrow for safe passing, cyclists should ride near the center of the lane so other drivers realize that they need to change lanes to pass. Otherwise, many are tempted to “squeeze past” at an unsafe distance. Our bill added material to deal with this misunderstanding but the law is still discriminatory.

Q: Gee, I was taught that it is safer to stay out of the way of cars.

A: We have a huge problem with “bicycle safety” training given by people with little experience or knowledge. They teach the wrong things.

An excessive effort to stay out of the way generally makes the cyclist much less visible, thus less safe. For example, dodging between parked cars or hugging the curb, as mentioned earlier. This makes the motorist’s job much harder because a bicycle can “appear out of nowhere” on a collision course. We are all better off if cyclists are more visible and more predictable.

Q: You mention several things that are counter-intuitive, especially riding near the middle of the traffic lane. Where can we learn more?

A: There is educational material on the Ohio Bicycle Federation website: www.ohiobike.org. Included is a list of cycling instructors in the state — you can take a Road-1 class to learn much more. We should also mention the booklet “Ohio Bicycling Street Smarts” distributed by the Dept. of Public Safety and financed by our “Share the Road” auto license plates.

Q: Will the new law make all those bad local ordinances go away?

A: Unfortunately, it’s not that easy. After Sept. 21, most of the worst ordinances will be invalid because they violate the basic rules of road or they will be unenforceable because of lack of proper signage, but we still need community officials to replace them with better laws. We have a set of Model Laws that local officials can access from our website: www.ohiobike.org. We also have a Cyclist Friendly Communities program — they can improve conditions and make cycling safer and maybe get an award from the Ohio Bicycle Federation. Details are on the website, ohiobike.org.

Q: I see your bill also addresses several other issues, including safety equipment and even rules for “no passing zones”.

A: Right. Some of the safety equipment is of marginal value. Who needs a bell when we can yell a warning? And all of those reflectors make some people think they don’t need lights at night. But reflectors do not work unless headlights shine on them. Instead, we need to get people to use lights at night, both front and back.

When an engineer establishes a no passing zone, he must assume the vehicle being passed is traveling only a little less than the speed limit and the vehicle passing is going at the limit. This takes a lot of space on the road. Under current law, it would be illegal to pass a vehicle moving as little as 1 mm a month. Almost everyone would pass under this condition. Our rule simply makes it legal so long as it is safe.

Q: Finally, I’ve heard that you have been rating bicycling laws of several states. How does Ohio compare?

A: Before HB 389, we got a D rating, near the bottom of 14 states covered so far. When the new law goes into effect on Sept. 21, Ohio will be on top with an “A” rating, ahead of Nevada, N. Carolina and the Uniform Vehicle Code.

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