

**TRANSPORTATION CABINET
Kentucky Bicycle and Bikeways Commission
Office of the Secretary
(Amendment)**

601 KAR 14:020. Bicycle safety standards.

RELATES TO: KRS 189.030(1), 189.450[Chapter 189]

STATUTORY AUTHORITY: KRS[174.125,] 189.287

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.287 requires the cabinet to promulgate administrative regulations to establish standards for bicycle safety and equipment. This administrative regulation establishes the equipment and safety requirements required in the operation of a bicycle.~~[KRS Chapter 189 sets forth many bicycle safety standards that can be overridden by administrative regulations promulgated by the Transportation Cabinet. The Bicycle and Bikeways Commission authorized by KRS 174.125 has suggested that with the ever growing use of bicycles in Kentucky additional or different standards are necessary for the safety of the traveling public. This administrative regulation sets forth the required bicycle safety standards].~~

Section 1. Definitions. (1) "Bicycle":

(a) Means a device with an attached seat propelled solely or primarily by human power upon which a person may ride astride or upon, regardless of the number and size of the wheels in contact with the ground; and

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(b) Does not mean a:

Wheelchair designed for a person with a disability;

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(2) "Hazard" means a condition present on the roadway that constitutes a danger to a bicycle rider such as but not limited to:

- (a) A fixed or moving object;
- (b) A parked or moving vehicle;
- (c) A pedestrian;
- (d) A surface irregularity; or
- (e) An animal.

(3) "Wide lane" means a single traffic lane, greater than or equal to fourteen (14) feet in width not including the gutter pan.

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Section 2.~~[Front]~~ Lights and Reflectors. (1) A bicycle operated on a highway during the hours or atmospheric conditions described in KRS 189.030

(1) shall display at least~~[be equipped with]~~ one (1) front light on either the bicycle or the bicyclist that is visible for 500 feet and capable of revealing ~~[which clearly reveals]~~ substantial objects at least fifty (50) feet in front of the bicycle~~[ahead and which is visible for 500 feet].~~

(2)~~[Section 2. Rear Lights or Reflectors.]~~ A bicycle ~~if~~, ~~when~~ operated on a roadway or highway shoulder~~[,] shall display on either the bicycle or the bicyclist~~~~[so that it is visible from the rear of the bicycle]:~~

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(a) ~~(1)~~ One (1) red reflector or red light visible for at least 100 feet from the rear of the bicycle; and (b) One (1) red light or a flashing red light visible from the rear of the bicycle for at least 500 feet ~~(2)~~ during the hours or atmospheric conditions described in KRS 189.030(1) ~~, one (1) red light or flashing red light visible for at least 500 feet.~~

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Section 3. Horn or Bell. (1) A bicycle may be equipped with a bell, horn, or other device capable of making an abrupt sound, but shall not be equipped with a siren or whistle.

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(2) A ~~Every~~ person operating a bicycle shall shout or sound the bell, horn, or other sound device as necessary to warn pedestrians or other bicycles of the approach of the bicycle ~~whenever necessary as a warning of the approach of the bicycle to pedestrians or other bicycles, but shall not sound the horn or sound device unnecessarily.~~

(3) A bicycle shall not be equipped with a siren or whistle.

Section 4. Brakes. A bicycle shall not be operated on a roadway or highway shoulder without a brake or brakes adequate to control the movement of, ~~and~~ to stop, the bicycle within fifteen (15) feet at a speed of ten (10) miles per hour on a dry, level, clean pavement.

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Section 5. Seat. (1)(a) A bicyclist ~~if, when~~ operating on a roadway or highway shoulder shall ride ~~on or~~ astride or upon a seat attached to the bicycle ~~a permanently attached bicycle seat.~~

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(b) A bicyclist operating on a roadway or highway shoulder may transport a person or persons, astride or upon a seat or carrying device attached to the bicycle in a manner in which the seat or device is designed and manufactured to be used.

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(2) ~~Section 6. Passengers.~~ A bicycle ~~when being~~ operated on a roadway or highway shoulder shall not carry more than the number of persons for which the bicycle is ~~was~~ designed or is safely equipped.

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Section 6. Transporting a Package and Attaching to a Motor Vehicle. (1) ~~7. Packages.~~ A bicyclist ~~when~~ operating on a roadway or highway shoulder shall not carry a package, bundle, or article that prevents the operator from keeping ~~at least~~ one (1) hand on the handle bars.

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(2) ~~Section 8. Prohibition Against Attaching to Vehicles.~~ A bicyclist ~~when~~ operating on a roadway or highway shoulder shall not attach either the bicycle or himself or herself to a motor ~~any other~~ vehicle.

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Section 7. ~~9.~~ Operation of Bicycles. (1) A bicycle shall be operated in the same manner as a motor vehicle, except that the following traffic conditions established in paragraphs (a) and (b) of this subsection shall apply.

(a) ~~(1)~~ A bicycle may be operated on the shoulder of a highway unless prohibited by law or ordinance. Where bicycle travel on shoulders is permitted, it shall not be required.

(b) ~~(2)~~ If a roadway lane is marked for the exclusive use of bicycles, the operator of a bicycle shall use the lane unless:

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1. Travelling in excess of 10 mph;

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2. Preparing for or executing a left turn;

- 3. Passing a slower moving vehicle;
- 4. Avoiding a hazard;
- 5. Avoiding the door zone of a parked vehicle; or
- 6. Approaching a driveway or intersection where vehicles are permitted to turn right from a lane to the left of the bicycle lane.

~~(2) whenever feasible;~~

~~(3) Not more than two (2) bicycles shall be operated abreast in a single roadway lane unless part of the roadway is exclusively for bicycle use.~~

~~(3) A bicycle operated in a roadway lane with other vehicle types shall keep to the right unless:~~

~~(a) The lane is too narrow to be considered a wide lane. A bicycle may be ridden far enough to the left to prevent overtaking vehicles from attempting to pass in the same lane;~~

~~(b) Preparing for and executing a left turn;~~

~~(b) Passing a slower moving vehicle;~~

~~(c) Approaching an intersection or driveway where right-turn movements are permitted. A bicycle may be ridden far enough to the left to avoid potential conflicts with right turning vehicles;~~

~~(d) It is necessary to avoid a hazard. A bicycle may be ridden far enough to the left to provide a reasonable safety space to the right;~~

~~(e) The bicycle is operating on a one (1) way street with two (2) or more marked traffic lanes. A bicyclist may keep to the left side of the roadway subject to the conditions in paragraphs (a) through (d) of this subsection;~~

~~(f) Preparing for and executing a left turn;~~

~~(g) It is necessary for a cyclist to use a lane other than the right lane to continue his or her route; or~~

~~(h) The bicycle is operating at a speed consistent with the prevailing flow of traffic.~~

~~(4)(a) A bicycle may be operated on a sidewalk or a crosswalk unless prohibited by law or ordinance.~~

~~(b) A bicyclist operating on a sidewalk or crosswalk shall have the rights and duties of a pedestrian in the same circumstances.~~

~~(c) A bicyclist using a sidewalk or crosswalk shall:~~

~~1. Slow to the speed of an ordinary walk where pedestrians are present or reasonably expected to be present or when approaching a crosswalk, driveway, or other crossing where a motor vehicle is expected; and~~

~~2. Not suddenly leave the sidewalk or crosswalk and move into the path of another vehicle that is close enough to constitute an immediate hazard.~~

~~3. Yield to pedestrians using the sidewalk or crosswalk.~~

~~(d) A bicyclist operating on a sidewalk or crosswalk shall obey an official traffic control device applicable to a pedestrian unless otherwise directed by a police officer or other officially designated person.~~

~~(e) A bicyclist operating on a sidewalk or crosswalk shall yield the right of way to a vehicle if crossing the road at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection.~~

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Deleted: (c) The lane is too narrow to be considered a shared lane. A bicycle may be ridden far enough to the left to prevent overtaking vehicles from attempting to pass in the same lane;

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(5) A bicyclist operating on a roadway or highway shoulder may proceed after stopping and when safe, against a red light if a traffic signal fails to detect the bicycle.

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Section 8. Bicycle Parking. (1) Unless prohibited, a bicycle may be parked on a sidewalk if it does not impede the movement of pedestrians or traffic.

(2) A bicycle may be parked in the roadway at an angle to the curb or edge of the roadway at a location where bicycle parking is allowed.

(3) A bicycle shall not be parked or stopped as established for a vehicle in KRS 189.450(5)(b) through (j).

(4) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of a roadway where parking of vehicles is allowed.

MICHAEL W. HANCOCK, P. E., Secretary
REBECCA GOODMAN, Executive Director
D. ANN DANDELO, Office of Legal Services
APPROVED BY AGENCY: February 4, 2014
FILED WITH LRC: February 6, 2014 at noon
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2014 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.
CONTACT PERSON: D. Ann DANDELO, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann D'Angelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for bicycle safety and equipment.

(b) The necessity of this administrative regulation: This regulation is necessary to inform the public of the requirements for bicycling on public roads in the state of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 189.287 requires the cabinet to promulgate an administrative regulation that establishes equipment and safety requirements for the operation of a bicycle.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will update the current bicycle standards to inform the general public.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will add a definitions section; clarify the use of reflective lighting; update safety requirements in transporting a passenger; and clarify safety requirements in the use of highway lanes by bicycles.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation has not been amended since 1994. This amendment is necessary to update the bicycle safety standards currently in place.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies and updates the bicycle safety and equipment standards required by KRS 189.287.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will inform the public of the most current safety and equipment standards.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will set the standards for all bicyclists using public highways, crosswalks, or sidewalks within the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The bicyclists will have to comply with the safety requirements if riding in a public place.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no fees involved with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Bicyclists will have the most current safety and equipment requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation: There are no known costs associated with the amendments to this administrative regulation.

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no need for the cabinet to increase fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established by this regulation either directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering is not applied because it is not applicable to this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation does not impact state or local government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 189.287.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will not be any effect on the expenditures of a state or local agency.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate additional revenue.

(c) How much will it cost to administer this program for the first year? No administrative costs are required or expected.

(d) How much will it cost to administer this program for subsequent years? No subsequent administrative costs are anticipated.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+-)

Expenditures (+-)

Explanation: