

Representative Carol Spackman Moss proposes the following substitute bill:

1                   **TRAFFIC CONTROL SIGNS FOR BICYCLES**

2                   2018 GENERAL SESSION

3                   STATE OF UTAH

4                   **Chief Sponsor: Carol Spackman Moss**

5                   Senate Sponsor: Todd Weiler

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**LONG TITLE**

7                   **General Description:**

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

10                  **Highlighted Provisions:**

11                  This bill:

12                  ▶ provides that a person operating a bicycle approaching a stop sign shall yield the  
13                  right-of-way to any vehicle in the intersection or approaching on another highway  
14                  so closely as to constitute an immediate hazard during the time the person is moving  
15                  across or within the intersection or junction of highways, except that a person after  
16                  slowing to a reasonable speed and yielding the right-of-way if required, may  
17                  cautiously make a turn or proceed through the intersection without stopping;

18                  ▶ provides that once a person operating a bicycle approaching a steady red  
19                  traffic-control signal  $\rightarrow$  at certain intersections  $\leftarrow$  has stopped and yielded to all  
20                  other traffic, the person may  
21                  cautiously:

- 22                  • proceed straight through the steady red signal; or  
23                  • turn left onto a highway that is a highway with one lane in each direction;  
24                  ▶ provides that after slowing to a reasonable speed and yielding the right-of-way, if



25 required, a person operating a bicycle approaching a steady red traffic-control signal

26 may cautiously make a right-hand turn without stopping; and  
27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **41-6a-305**, as last amended by Laws of Utah 2015, Chapter 412

35 **41-6a-902**, as last amended by Laws of Utah 2015, Chapter 412

36 **41-6a-1105**, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

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

40 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**  
41 **intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative**  
42 **defense.**

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

45 (i) pedestrian traffic-control signal that may use white and orange; and  
46 (ii) rail vehicle that may use white.

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

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

51 (A) proceed straight through the intersection;  
52 (B) turn right; or  
53 (C) turn left.

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

56 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the

57 intersection or an adjacent crosswalk at the time the signal is exhibited; and  
58       (B) may not turn right or left if a sign at the intersection prohibits the turn.  
59       (b) The operator of a vehicle facing a green arrow signal shown alone or in  
60 combination with another indication:  
61           (i) may cautiously enter the intersection only to make the movement indicated by the  
62 arrow or other indication shown at the same time; and  
63           (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk  
64 and to other traffic lawfully using the intersection.  
65       (c) Unless otherwise directed by a pedestrian traffic-control signal under Section  
66 [41-6a-306](#), a pedestrian facing any green signal other than a green turn arrow may proceed  
67 across the roadway within any marked or unmarked crosswalk.

68       (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal  
69 is warned that the allowable movement related to a green signal is being terminated.  
70       (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
71 [41-6a-306](#), a pedestrian facing a steady circular yellow or yellow arrow signal is advised that  
72 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian  
73 may not start to cross the roadway.

74       (4) (a) Except as provided in Subsection (4)(c) or in Subsection [41-6a-1105\(6\)](#), the  
75 operator of a vehicle facing a steady circular red or red arrow signal:  
76           (i) may not enter the intersection unless entering the intersection to make a movement  
77 is permitted by another indication; and  
78           (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or  
79 unmarked crosswalk on the near side of the intersection and shall remain stopped until an  
80 indication to proceed is shown.  
81       (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
82 [41-6a-306](#), a pedestrian facing a steady red signal alone may not enter the roadway.  
83       (c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously  
84 enter the intersection to turn right, or may turn left from a one-way street into a one-way street,  
85 after stopping as required by Subsection (4)(a).  
86       (B) If permitted by a traffic control device on the state highway system, the operator of  
87 a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from

88 a one-way street into a one-way street after stopping as required by Subsection (4)(a).

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

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

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

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

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

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

100 (a) stop before entering the intersection; and

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

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

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

107 (ii) determines that:

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

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

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

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

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

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

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

120       **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at  
121 intersections or junctions of roadways -- Evidence.**

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

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

126           (i) at a clearly marked stop line;

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

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

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

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

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

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

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

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

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

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

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

- 150                         (ii) with a pedestrian at an adjacent crosswalk.
- 151                         (b) A collision under Subsection (4)(a) is not considered negligence per se in
- 152 determining liability for the accident.
- 153                         (5) A violation of Subsection (2) or (3) is an infraction.
- 154                         Section 3. Section **41-6a-1105** is amended to read:
- 155                         **41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.**
- 157                         (1) A person operating a bicycle or a moped on a roadway at less than the normal speed
- 158 of traffic at the time and place and under the conditions then existing shall ride as near as
- 159 practicable to the right-hand edge of the roadway except when:
- 160                         (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
- 161                         (b) preparing to make a left turn at an intersection or into a private road or driveway;
- 162                         (c) traveling straight through an intersection that has a right-turn only lane that is in
- 163 conflict with the straight through movement; or
- 164                         (d) reasonably necessary to avoid conditions that make it unsafe to continue along the
- 165 right-hand edge of the roadway including:
- 166                         (i) fixed or moving objects;
- 167                         (ii) parked or moving vehicles;
- 168                         (iii) bicycles;
- 169                         (iv) pedestrians;
- 170                         (v) animals;
- 171                         (vi) surface hazards; or
- 172                         (vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side
- 173 within the lane.
- 174                         (2) A person operating a bicycle or moped on a highway shall operate in the designated
- 175 direction of traffic.
- 176                         (3) (a) A person riding a bicycle or moped on a roadway may not ride more than two
- 177 abreast with another person except on paths or parts of roadways set aside for the exclusive use
- 178 of bicycles.
- 179                         (b) If allowed under Subsection (3)(a), a person riding two abreast with another person
- 180 may not impede the normal and reasonable movement of traffic and shall ride within a single

181 lane.

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

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

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

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

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

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

199 (B) turn left onto a highway that is a highway with one lane in each direction.

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

203 (7) Subsections (5)(b) and (6)(a)(ii) do not apply to an intersection  $\hat{H} \rightarrow :$

203a (a)  $\leftarrow \hat{H}$  with an active

204 railroad grade crossing as defined in Section 41-6a-1005  $\hat{H} \rightarrow [ z ] ;$  or

204a (b) where any highway at the intersection has more than one lane of travel in each  
204b direction, excluding turn lanes.  $\leftarrow \hat{H}$