

# Georgia Bicycle Traffic Law

**Question: Bicycles should be operated like cars, right?**

**Answer: Yes and No. (But definitely much more "Yes.")**

There is no national traffic law. Each state writes its own laws and regulations. This is especially true for bicycles and bicyclists. Bicycle-specific traffic laws and regulations vary greatly from state to state.

In Georgia, as in most states, the bicycle is legally a "vehicle". In the remaining states, where the bicycle itself is not legally a vehicle (it may be be a "device" for example) the operator of a bicycle is still required and entitled to the rights and responsibilities of a vehicle operator or at least given the right to use the roads and required to obey traffic law.

In Georgia, the "vehicle" classification means that general vehicular traffic law applies to bicycles and the operation of a bicycle. In fact, a vast majority of vehicle code and operation regulations apply to all classes of vehicles and thus include bicycle operation. However the vehicular code and various regulations include many specific qualifications for specific classes of vehicles.

- Wherever the code or regulation uses the phrase "vehicle" that section applies to all vehicles, including bicycles. Operation at traffic signals and stop signs would be examples.
- When the term "motor vehicle" is used, that portion does not apply to bicycles. Requirements for licensing, registration, and insurance would be examples.
- Whenever the specific term "bicycle" is used, that portion applies only to bicycles or bicycle operators. Special braking and lighting requirements are examples.
- Cyclists walking their bicycles are pedestrians, and they must follow the laws and regulations covering pedestrians.

In understanding traffic law and regulations, it is important to understand the LEGAL definition of terms. In addition to the distinctions among "vehicle" "non-motorized vehicle" and "bicycle" as noted above- an important legal distinction exists in the difference between the terms "highway" and "roadway".

**Highway:** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Roadway:** That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Note that this means that a sidewalk or bicycle path may or may not be part of a highway, but neither are ever a part of the roadway.

In most states, including Georgia, local governments may make special provisions that do not specifically conflict with state code, allowing for some regulations that are local regulations only. For example, regulations governing sidewalk bicycling are sometimes in a legal sort of never-never land (see below). The only way to know of these is to ask locally or observe posted signs.

**The following excerpts are those subsections of Georgia traffic law that deal specifically with bicycle operation.**

#### 40-6-3 [SELECTED EXCERPTS ONLY]

(a) The provisions of this chapter relating to the operation of vehicles refer to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given Code section;

(2) The provisions of this chapter shall apply to a vehicle operated at shopping centers or parking lots or similar areas which although privately owned are customarily used by the public as through streets or connector streets;

(6)(A) Subject to the approval of the governing authority of the county or municipality, the provisions of this chapter shall apply to a vehicle operated within a privately owned residential area located within the corporate boundaries of a municipality or located within the boundaries of a county, provided the owner of the privately owned residential area files with the governing authority of such county or municipality:

(b) Notwithstanding the provisions of subsection (a) of this Code section, any law enforcement officer shall be authorized to write an accident report regarding any motor vehicle accident occurring on private property. [GBF NOTE: Notice the "motor vehicle" wording here. This section is perhaps ambiguous regarding bicycle-only accidents and also just what "authorized" implies.]

#### 40-6-8.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or from otherwise regulating such use as may seem best to such owner. [GBF NOTE: This would appear to grant such things as bicycle operation restrictions at shopping centers, but NOT restrictions on public property such as public schools.]

#### 40-6-290.

The provisions of this part applicable to bicycles shall apply whenever a bicycle is operated upon a highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this part. [GBF NOTE: Notice the phrase "exclusive" when referring to non-highway paths. Something essentially non-existent in Georgia or the United States.]

#### 40-6-291.

The provisions of this chapter that apply to vehicles, but not exclusively to motor vehicles, shall apply to bicycles, except that the penalties prescribed in subsection (b) of Code Section 40-6-390, subsection (c) of Code Section 40-6-391, and subsection (a) of Code Section 40-6-393 shall not apply to persons riding bicycles.

#### 40-6-292.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto and shall allow no person to ride upon the handlebars.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) No person shall transport a child under the age of one year as a passenger on a bicycle on a highway, roadway, bicycle path, or sidewalk; provided, however, that a child under the age of one year may be transported on a bicycle trailer or in an infant sling so long as such child is seated in the bicycle trailer or carried in an infant sling according to the bicycle trailer's or infant sling's manufacturer's instructions, and the bicycle trailer is properly affixed to the bicycle according to the bicycle trailer's manufacturer's instructions or the infant sling is properly worn by the rider of the bicycle according to the infant sling's manufacturer's instructions and such child transported in a bicycle trailer or infant sling is wearing a bicycle helmet as required under paragraph (1) of subsection (e) of Code Section 40-6-296.

(d) No child between the ages of one year and four years shall ride as a passenger on a bicycle or bicycle trailer or be transported in an infant sling unless the child is securely seated in a child passenger bicycle seat, bicycle trailer, or infant sling according to the child passenger bicycle seat's, bicycle trailer's, or infant sling's manufacturer's instructions and the child passenger seat or bicycle trailer is properly affixed to the bicycle according to the child passenger bicycle seat's or bicycle trailer's manufacturer's instructions or the infant sling is worn according to the infant sling's manufacturer's instructions.

(e) Violation of subsections (c) and (d) of this Code section shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(f) No person under the age of 16 years failing to comply with subsections (c) and (d) of this Code section may be fined or imprisoned.

40-6-293.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

40-6-294.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when turning left or avoiding hazards to safe cycling, when the lane is too narrow to share safely with a motor vehicle, when traveling at the same speed as traffic, or while exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that every person operating a bicycle away from the right side of the roadway shall exercise reasonable care and shall give due consideration to the other applicable rules of the road. As used in this subsection, the term "hazards to safe cycling" includes, but is not limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path has been provided adjacent to a roadway and designated for the exclusive use of bicycle riders, then the appropriate governing authority may require that bicycle riders use such path and not use those sections of the roadway so specified by such local governing authority. The governing authority may be petitioned to remove restrictions upon demonstration that the path has become inadequate due to capacity, maintenance, or other causes.

(d) Paths subject to the provisions of subsection (c) of this Code section shall at a minimum be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials, and such paths shall provide accessibility to destinations equivalent to the use of the roadway.

(e) Electric assisted bicycles as defined in Code Section 40-1-1 may be operated on bicycle paths.

40-6-295.

No person operating a bicycle shall carry any package, bundle, or other article which prevents him from keeping at least one hand upon the handlebars.

40-6-296.

(a) Every bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of 300 feet to the front and with a red reflector on the rear of a type approved by the Department of Public Safety which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector.

(b) Every bicycle sold or operated shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level pavement.

(c) No bicycle shall be equipped or operated while equipped with a set of handlebars so raised that the operator must elevate his hands above his shoulders in order to grasp the normal steering grip area.

(d) No bicycle shall be equipped, modified, or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground, nor shall any bicycle be operated if so equipped.

(e)(1) No person under the age of 16 years shall operate or be a passenger on a bicycle on a highway, bicycle path, or sidewalk under the jurisdiction or control of this state or any local political subdivision thereof without wearing a bicycle helmet.

(2) For the purposes of this subsection, the term "bicycle helmet" means a piece of protective headgear which meets or exceeds the impact standards for bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(3) For the purposes of this subsection, a person shall be deemed to wear a helmet only if a helmet of good fit is fastened securely upon the head with the straps of the helmet.

(4) No bicycle without an accompanying protective bicycle helmet shall be rented or leased to or for the use of any person under the age of 16 years unless that person is in possession of a bicycle helmet at the time of the rental or lease.

(5) Violation of any provision of this subsection shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(6) No person under the age of 16 failing to comply with any provision of this subsection may be fined or imprisoned.

40-6-297.

(a) It shall be unlawful for any person to sell a new bicycle or a pedal for use on a bicycle unless the pedals on such bicycle or such pedals are equipped with reflectors of a type approved by the Department of Public Safety. The reflector on each pedal shall be so designed and situated as to be visible from the front and rear of the bicycle during darkness from a distance of 200 feet. The commissioner of public safety is authorized to promulgate rules and regulations and establish standards for such reflectors.

(b) This Code section shall not apply to any bicycle purchased prior to July 1, 1972, by a retailer for the purpose of resale.

40-6-298.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this part.

40-6-299.

The Board of Public Safety is authorized to promulgate rules and regulations to carry this part into effect and is authorized to establish regulations for any additional safety equipment or standards it shall require for bicycles.

## **Electric Bicycle Laws in the State of Georgia - Georgia Code 40-1-1 Part 15.5**

(15.5) 'Electric assisted bicycle' means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. For such a device to be considered an electric assisted bicycle, it shall meet the requirements of the Federal Motor Vehicle Safety Standards, as set forth in 49

C.F.R. Section 571, et seq., and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied. The electric motor in an electric assisted bicycle shall:

(A) Have a power output of not more than 1,000 watts;

(B) Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and

(C) Be incapable of further increasing the speed of the device when human power alone is used to propel the device at or more than 20 miles per hour.

40-6-294.(e) Electric assisted bicycles as defined in Code Section 40-1-1 may be operated on bicycle paths.

## **Special Considerations for Pedestrian, Path and Trail Cycling**

**Sidewalk cycling is a significant contributing factor in bicycle/motor vehicle collisions.** A common perception is that someone is safer cycling on the sidewalk than on the roadway - and many motorists and even law enforcement officers irresponsibly believe and repeat that dangerous message. Sidewalk cycling is statistically the most dangerous type of cycling. When a driver enters or turns, left or right, onto or leaving a street driveway or alley, they are not looking for, or expecting to encounter, a bicyclist- especially one coming from the wrong direction and/or on the sidewalk. Since sidewalk cyclists may be traveling 12 mph to 20 mph instead of perhaps 3-4 mph of a pedestrian, a motorist has little chance of stopping for a bicyclist crossing his/her path at an intersection or driveway. Nor can the cyclist avoid the motorist. The motorist's defense "I just didn't see him(her)" is generally a valid one. The cyclist almost literally came out of nowhere.

Section 40-6-144 of the Georgia Code requires that "No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized driveway". The Georgia Code defines bicycles as vehicles; therefore this law applies not only to motor vehicles but to bicycles as well. Excluding multi-use paths, sidewalks are designed for pedestrian travel. Use by cyclists can raise safety issues in the interaction between pedestrians and bicyclists, and also for vehicles entering/exiting access point along the roadway where motorists may not be anticipating a cyclist to be present. Additional information on the rights and responsibilities for bicyclists is provided in the Georgia DOT publication, Georgia Bike Sense.

Due to some ambiguity about the definition of "vehicle", some local jurisdictions have enacted more explicit regulations prohibiting bicycles from using sidewalks within certain districts or jurisdictions. For example, within Athens-Clarke County, bicycles are prohibited from using the sidewalks in areas within a district zoned as business or in an area defined as a downtown tax district. In the City of Atlanta, bicycles are similarly restricted within the business districts and central business district. In addition, there is an age restriction imposed that prohibits anyone over the age of 13 from riding on any sidewalk in any zoning district. Where bicyclists are traveling on sidewalks, right of way should always be yielded to pedestrians.

### **Trail and Path Regulations:**

**NOTE: A bicycle path and a bicycle lane are two completely different physical and legal concepts.** Basically, a bicycle lane is a marked lane on the roadway generally intended for the primary use of operation of bicycles. A bicycle path is separated from the roadway and may or may not be for the exclusive use of bicycles. In Georgia, mandatory use of a bicycle path adjacent to a roadway can only be required if that path is for the exclusive use of bicycles (no pedestrians).

Georgia has a number of recreational trails and shared use paths throughout the state that are built to accommodate pedestrians, cyclists, and other non-motorized users. An example of such a path is the Silver Comet Trail that stretches from west Atlanta to Alabama. Georgia Code does not specifically regulate the use of such paths, however it does specify that shared use paths must meet the minimum accepted design guidelines set forth by the American Association of State Highway and Transportation Officials (AASHTO) [Code Section 40-6-294 (d)]. Shared use paths, while not specifically regulated by law, require similar etiquette as would be used on the road. User should yield to pedestrians on foot and keep to the right so as to allow other users to pass

on the left. All signs and markings should be obeyed and users should pull off to the side of the path if they intend to stop. The Georgia Bike Sense guide is available from GDOT and provides additional information on how path users -- cyclists, walkers and others -- can safely share the space.