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# Bicycling in New York State



## Bicycle and Pedestrian Laws

### SECTIONS OF THE VEHICLE & TRAFFIC LAW PERTAINING TO BICYCLES & PEDESTRIANS

#### DEFINITIONS:

- **Section 101. Authorized emergency vehicle.** Every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, environment emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.
- **Section 102. BICYCLE.** Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.
- **Section 102-a. BICYCLE LANE.** A portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.
- **Section 102-b. BICYCLE PATH.** A path physically separated from motorized vehicle traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way and which is intended for the use of bicycles.
- **Section 109. Controlled-access highway.** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
- **Section 118. 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.
- **Section 130. PEDESTRIAN.** Any person afoot or in a wheelchair.
- **Section 140. ROADWAY** That portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the shoulder and slope. 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.
- **Section 143-a. SHOULDER.** That improved portion of a highway contiguous with the roadway
- **Section 159. VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

#### EARPHONES

- **Section 375 (24-a).** It shall be unlawful to operate upon any public highway in this state a motor vehicle, limited use automobile, limited use motorcycle or bicycle while the operator is wearing more than one earphone attached to a radio, tape player or other audio device.

#### ACCIDENT REPORTS

- **Section 605. Report required upon accident. (b)** Every person operating a bicycle which is in any manner involved in an accident on a public highway in this state in which any person is killed, other than the operator, or suffers serious physical injury as defined pursuant to subdivision ten of Section 10.00 of the penal law, shall within ten days after such operator learns of the fact of such death or serious physical injury, report the matter in writing to the commissioner. If such operator is physically incapable of making such report within ten days, he or she shall make the report immediately upon recovery from the physical incapacity. If such operator is an unemancipated minor who is incapable of making such report for any reason, the parent or guardian of such operator shall make such report within ten days after learning of the fact of such accident. Every such operator of a bicycle, or parent or guardian of such unemancipated minor operator, shall make such other and additional reports as the commissioner shall require.

#### EMERGENCY VEHICLE

- **Section 1104 (c).** Except for an authorized emergency vehicle operated as a police vehicle or bicycle, the exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp so that from any direction under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.

- **Section 1104 (d).** An authorized emergency vehicle operated as a police, sheriff or deputy sheriff vehicle may exceed the maximum speed limits for the purpose of calibrating such vehicles' speedometer. Notwithstanding any other law, rule or regulation to the contrary, a police, sheriff or deputy sheriff bicycle operated as an authorized emergency vehicle shall not be prohibited from using any sidewalk, highway, street or roadway during an emergency operation.

#### DUE CARE

- **Section 1146. Drivers to exercise due care.** Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary.

#### TURNS

- **Section 1160. Required position and method of turning at intersections.** The driver of the vehicle intending to turn at an intersection shall do so as follows:
  - **(a) Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway or, where travel on the shoulder or slope has been authorized, from the shoulder or slope.
  - **(b) Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
  - **(c) Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane of the roadway lawfully available to traffic moving in the direction of travel of such vehicle or, where travel on the shoulder or slope has been authorized, from the shoulder or slope, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
  - **(d) When markers, buttons, signs, or other markings are placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, signs, or other markings.**

#### RESTRICTED HIGHWAYS

- **Section 1229-a. No person, unless otherwise directed by a police officer, shall: (b)** Occupy any space of a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, with: an animal-drawn vehicle; herded animals; a pushcart; a bicycle; except in the performance of public works or official duties, or on paths or parts of such highway provided for such uses.
- **Highway Law, Section 316. Entitled to free use of highway.** The authorities having charge or control of any highway, public street, park, parkway, driveway, or place shall have no power or authority to pass, enforce or maintain any ordinance, rule of regulation by which any person using a bicycle or tricycle shall be excluded or prohibited from the free use of any highway, public street, avenue, roadway, driveway, parkway, park, or place, at any time when the same is open to the free use of persons having and using other pleasure carriages, except upon such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages. But nothing herein shall prevent the passage, enforcement or maintenance of any regulation, ordinance or rule, regulating the use of bicycles or tricycles in highways, public streets, driveways, parks, parkways, and places, or the regulation of the speed of carriages, vehicles or engines, in public parks and upon parkways and driveways in the city of New York, under the exclusive jurisdiction and control of the department of parks and recreation of said city, nor prevent any such authorities in any other city from regulating the speed of any vehicles herein described in such a manner as to limit and determine the proper rate of speed with which such vehicle may be propelled nor in such manner as to require, direct or prohibit the use of bells, lamp and other appurtenances nor to prohibit the use of any vehicle upon that part of the highway, street, park, or parkway, commonly known as the footpath or sidewalk.

#### OPERATION OF BICYCLES ARTICLE 34

- **Section 1230. Effect of regulations.**
  - **(a)** The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

- (b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside for the exclusive use of bicycles.
- **Section 1231. Traffic laws apply to persons riding bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.
- **Section 1232. Riding on bicycles.**
  - (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he ride with his feet removed from the pedals.
  - (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- **Section 1233. Clinging to vehicles.**
  - 1) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway.
  - 2) No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway. The provisions of this Section shall not apply to:
    - i) vehicles in an emergency operation as defined in Section one hundred fourteen-b of this chapter; and
    - ii) farm type tractors used exclusively for agricultural purposes or other farm equipment; and
    - iii) riding on the open, uncovered cargo area of a truck with the permission of the operator of such truck; and
    - iv) vehicles employed by a municipality for local garbage collection; and
    - v) vehicles participating in a parade pursuant to a municipal permit.
  - 3) No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one or subdivision two of this Section.
- **Section 1234. Riding on roadways, shoulders, bicycle lanes and bicycle paths.**
  - (a) Upon all roadways, any bicycle shall be driven either on a usable bicycle lane or, if a usable bicycle lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.
  - (b) Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles upon a shoulder, bicycle lane or bicycle path intended for the use of bicycles may ride two or more abreast if sufficient space is available, except when passing a vehicle, bicycle or pedestrian standing or proceeding along such shoulder, lane or path, persons riding bicycles shall ride single file. Persons riding bicycles upon a roadway shall ride single file when being overtaken by another vehicle.
  - (c) Any person operating a bicycle who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.
- **Section 1235. Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars.
- **Section 1236. Lamps and other equipment on bicycles.**
  - (a) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side.
  - (b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
  - (c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
  - (d) Every new bicycle shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

- (e) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this Section.
- **Section 1237. Method of giving hand and arm signals by bicyclists.** All signals herein required to be given by bicyclists by hand and arm shall be given in the following manner and such signals shall indicate as follows:
  - **1)** Left turn. Left hand and arm extended horizontally.
  - **2)** Right turn. Left hand and arm extended upward, or right hand and arm extended horizontally.
  - **3)** Stop or decrease speed. Left hand and arm extended downward.
- **Section 1238. Passengers on bicycles under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear.**
  - **1)** No person operating a bicycle shall allow a person who is under one year of age to ride as a passenger on a bicycle nor shall such person be carried in a pack fastened to the operator. A first violation of the provisions of this subdivision shall result in no fine. A second violation shall result in a civil fine not to exceed fifty dollars.
  - **2)** No person operating a bicycle shall allow a person one or more years of age and less than five years of age to ride as a passenger on a bicycle unless:
    - (a) such passenger is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards) or the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps; and
    - (b) such passenger is placed in a separate seat attached to the bicycle and such seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.
  - **3)** Any person who violates the provisions of subdivision two of this section shall pay a civil fine not to exceed fifty dollars.
  - **4)** The court shall waive any fine for which a person who violates the provisions of paragraph (a) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet which meets the requirements of paragraph (a) of subdivision two of this section. Further, the court shall waive any fine for which a person who violates the provisions of paragraph (b) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a seat which meets the requirements of paragraph (b) of subdivision two of this section. The court may waive any fine for which a person who violates the provisions of subdivision two of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or seat. Such waiver of fine shall not apply to a second or subsequent conviction under paragraph (a) or (b) of subdivision two of this section.
  - **5)** No person, one or more years of age and less than fourteen years of age, shall operate or ride as a passenger on a bicycle unless such person is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards) or the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.
  - **6)**
    - (a) Any person who violates the provision of subdivision five of this section shall pay a civil fine not to exceed fifty dollars.
    - (b) The court shall waive any fine for which a person who violates the provision of subdivision four of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.
    - (c) The court may waive any fine for which a person who violates the provisions of subdivision five of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program.
  - **7)** The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf

of such person, nor in any way diminish or reduce the damages recoverable in any such action.

- **8)** A police officer shall only issue a summons for a violation of subdivision two or five of this section to a parent or guardian of a person less than fourteen years of age if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.
- **9)** Subdivisions five and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or who is one or more years of age and less than fourteen years of age from operating or riding as a passenger on a bicycle without wearing a bicycle helmet. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from operating or riding as a passenger on a bicycle without wearing a helmet.

(NOTE: Public Health Law, Section 206, authorizes the NYS Commissioner of Health to establish a statewide bicycle helmet public education and awareness program and a statewide bicycle helmet distribution program for persons who can demonstrate an economic hardship that precludes them from purchasing a helmet.)

#### LOCAL AUTHORITY

- **Sections 1621(a)(2), 1641(1), and 1660(12)** give the state Department of Transportation, cities and villages, and towns, respectively, the authority to "Prohibit, restrict or regulate the operation of vehicles on any controlled-access highway or the use of any controlled-access highway by any limited use vehicle, pedestrian, horseback rider or vehicle or device moved by human or animal power."
- **Sections 1641(6), 1650(6) and 1660(2)** allow cities and villages, a county superintendent of highways and a town board, respectively, the authority to: "Order signs or markings to identify the portion of the highway to be used for bicycle travel"

#### MOTORIZED BICYCLES

- **Section 2268. Motor-assisted vehicle.** Notwithstanding any other provision of this chapter, a vehicle which is primarily designed to be propelled by human power shall not be entitled to registration as a limited use vehicle because of the addition of a motor. The commissioner shall determine whether any vehicle is primarily designed to be propelled by human power.

#### PEDESTRIANS' RIGHTS AND DUTIES ARTICLE 27

- **Section 1150. Pedestrians subject to traffic regulations.** Pedestrians shall be subject to traffic-control signals as provided in section eleven hundred eleven of this title, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.
- **Section 1151. Pedestrians' right of way in crosswalks.**
  - **(a)** When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.
  - **(b)** No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impractical for the driver to yield.
  - **(c)** Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- **Section 1151-a. Pedestrians' right of way on sidewalks.** The driver of a vehicle emerging from or entering an alleyway, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alleyway, building entrance, road or driveway.
- **Section 1152. Crossing at other than crosswalks.**
  - **(a)** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
  - **(b)** Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
  - **(c)** No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians

shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

- **Section 1153. Provisions relating to blind or visually impaired persons.**
  - (a) Notwithstanding the foregoing provisions of this article every driver of a vehicle approaching an intersection or crosswalk shall yield the right of way to a pedestrian crossing or attempting to cross the roadway when such pedestrian is accompanied by a guide dog or using a cane which is metallic or white in color or white with a red tip.
  - (b) No person, unless blind or visually impaired, shall use on any street or highway a cane which is metallic or white in color or white with a red tip.
  - (c) This section shall not be construed as making obligatory the employment of the use of a guide dog or of a cane or walking stick of any kind by a person blind or visually impaired.
- **Section 1155. Pedestrians to use right half of crosswalks.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- **Section 1156. Pedestrians on roadways.**
  - (a) Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
  - (b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Upon the approach of any vehicle from the opposite direction, such pedestrian shall move as far to the left as is practicable.
- **Section 1157. Pedestrians soliciting rides, or business.**
  - (a) No person shall stand in a roadway for the purpose of soliciting a ride, or to solicit from or sell to an occupant of any vehicle.
  - (b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
  - (c) No person shall occupy any part of a state highway, except in a city or village, in any manner for the purpose of selling or soliciting.