



Submission to the New Brunswick  
Minister of Public Safety on  
Amendments to M-17 Motor Vehicle Act

BY THE CYCLING ADVOCACY COALITION

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## This amends the Motor Vehicle Act by;

- a) adding rules respecting bicycle lanes
- b) requiring motorists to leave at least one metre of space between their vehicle and a bicycle it is passing
- c) expanding the description of a bicycle to include other similar human powered vehicles
- d) adding specific rules regarding bicycles on sidewalks
- e) replacing rules regarding cycling on the extreme right
- f) allowing local authorities to designate sidewalks as trails and regulate the use of bicycles there on
- g) adding alternate right turn hand signal for cyclists
- h) adding human powered to “vehicle” definition clarifying policing of bicycle activity on highways

## Definitions

### Existing paragraph to be repealed

“bicycle” means every device propelled by human power upon which any person may ride, having two tandem wheels;(bicyclette)

### Repealed paragraph substituted by

"bicycle" means every human powered vehicle having two, three, or four wheels with its design and propulsion basis similar to a typical bicycle utilizing a pedal type system to initiate vehicle movement including electric motor assisted; (bicyclette)

### Add paragraphs

"bicycle lane" means a marked restricted lane on a roadway designated by signage for use by cyclists;

"cyclist" means any person riding a bicycle;

"sharrow" means a roadway where motorized vehicles and bicycles share the same lane, indicated by pavement markings of a bicycle with two chevrons.

#### **Existing paragraph to be repealed**

"vehicle" means every device in, upon or by which any person or property is or may be or drawn upon a highway excepting devices moved by human power or used exclusively upon stationary rails or tracks; (véhicule)

#### **Repealed paragraph substituted by**

"vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, propelled or driven by any kind of power, including human power excepting devices used exclusively upon stationary rails or tracks; (véhicule)

## **Powers of local authorities**

#### **Add subsection**

113(1) (j) designate a sidewalk or any portion thereof as a trail; and

(j.1) authorize and regulate the use of bicycles on such trails, and, for greater certainty, a sidewalk so designated is subject to all other provisions of this Act.

## **Rules of the road**

#### **Add subsections**

149(3) No driver of a motor vehicle may pass a bicycle travelling in the same direction unless the driver can do so safely, after reducing the vehicle's speed and ensuring that a reasonable distance can be kept between the motor vehicle and the bicycle during the manoeuvre. A reasonable distance is 1.5 metres on a road where the maximum authorized speed limit is more than 50 km/h or 1 metre on a road where the maximum authorized speed limit is 50 km/h or less.

149(4) The reasonable distance required in subsections 149 (3) refers to the distance between the extreme right side of the motor vehicle and the extreme left side of the bicycle including all projections and attachments.

149(5) The collision of a motor vehicle with a person operating a bicycle is prima facie evidence of a violation of subsection 149(3)

152(4) The driver of a motor vehicle may cross a line to pass a bicycle in accordance with Subsection 149(3) if the driver can do so safely.

156.2 The driver of a motor vehicle shall not operate the vehicle in a bicycle lane unless;

- (a) it is necessary to do so to complete a lawful manoeuvre, or
- (b) the driver has encountered a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that makes it impracticable not to do so, and
- (c) in all situations the driver yields the right of way to any cyclist lawfully in the bicycle lane.

## Signals

### **Add subsection**

164 (b) (1) alternate for cyclists, to indicate a right turn the right hand and arm shall be extended horizontally.

## Bicycles

### **Add subsection**

176(1) A police officer who finds any person contravening this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself.

### **Existing subsection to be repealed**

179(1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

### **Repealed subsection substituted by**

179(1) A cyclist who is not riding in a bicycle lane shall ride as far to

the right side of the roadway as practicable or on the paved right-hand shoulder of the roadway unless the cyclist is;

- (a) in the process of making a left turn in the same manner as a driver of a motor vehicle,
- (b) travelling in a rotary or roundabout,
- (c) passing a vehicle on the vehicle's left
- (d) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that prevents the person from safely riding to the right side of the roadway;
- (e) traveling in a lane not sufficiently wide enough to allow safe passing by a motor vehicle
- (f) traveling at the same speed as traffic.

**Existing subsection to be repealed**

179(2) Persons riding bicycles upon a roadway shall not ride abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**Repealed subsection substituted by**

179(2) Except when passing, cyclists on a roadway shall ride in single file.

**Existing subsection to be repealed without replacement**

179(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

**Add subsections**

179(4) No person shall ride a bicycle on a sidewalk except those sidewalks designated by local authorities under section 113 (1) (j)(j.1)

179(5) Where a roadway has a bicycle lane for bicycles travelling in the same direction that a cyclist is travelling, the cyclist shall ride in the bicycle lane unless it is impracticable to do so including but not limited to;

- (a) making a left turn in the same manner as a driver of a motor vehicle,
- (b) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard

179(6) A cyclist on a highway shall ride in the same direction as the flow of traffic unless travelling in an established dedicated lane indicated by signage for two way or counter-flowing bicycle traffic.

#### **Existing subsection to be repealed**

181(1) No person shall operate a bicycle at night unless it is equipped with a lamp on the front that emits a white light visible from a distance of at least one hundred fifty metres to the front and with a red reflector on the rear of type approved by the Registrar which shall be visible from one hundred metres to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle, but a lamp emitting a red light visible from a distance on one hundred fifty metres to the rear may be used in addition to the red reflector.

#### **Repealed subsection substituted by**

181(1) No person shall operate a bicycle at night unless it is equipped with a lamp on the front that emits a white light visible from a distance of at least one hundred fifty metres to the front and with a red reflector on the rear of type approved by the Registrar which shall be visible from one hundred metres to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle, but a lamp emitting a red light ,flashing or steady, visible from a distance on one hundred fifty metres to the rear may be used in addition to the red reflector.

## **Miscellaneous Rules**

#### **Add underlined sentence**

189 No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open upon the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Special attention is to be afforded the possibility of cyclists approaching.

## **Parking rules**

#### **Add subsection**

193(1)(o) in a bicycle lane