

Cycling: Traffic laws need to catch up

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Not only are our roads designed for cars, our traffic laws are written for cars, and bikes are more like a fleeting afterthought.

Cyclists have the same rights and responsibilities as drivers, but this principle ignores some big differences that are not reflected in traditional road design, nor in the B.C. Motor Vehicle Act.

It is not that clear, for example, in which situations cyclists are allowed to pass cars on the right. When in a bike lane, you can, but “only with caution.”

I guess that means that as a cyclist you can still be found at fault if something unexpected happens.

It's my understanding that, when you're biking on the shoulder, you're not allowed to pass on the right. That's because a shoulder is not considered a travel lane, although it's commonly used in the same way as a bike lane. That is terribly confusing.

It's also not always clear if passing is allowed on a wide curb lane. Certainly, passing a car on the right can be dangerous, for example when crossing an intersection, or when a car is turning right in front of a cyclist going straight. There are many situations though where cyclists find themselves passing cars when it absolutely makes sense to do so, but legally, it's not clear whether they're allowed to.

Many arguments can be made to permit cyclists to practice rolling stops, as they're allowed to in Idaho, where a stop sign can be treated as a yield sign by cyclists. Many people on bikes already do that anyway. Keeping your momentum as well as your balance is important for cyclists, who arguably can be more at risk when crossing an intersection after coming to a full stop at a stop sign.

Some bike routes in Maple Ridge have quite a few stop signs, and it just doesn't make sense to get your feet on the ground at every single one of them, when it is actually often safer just to slow down and proceed when the coast is clear. I'm all for introducing a 'stop is yield' law for cyclists in B.C., or perhaps at least some stop signs can be changed to yield signs.

In a cyclist-car collision, the onus is on the cyclist to prove that the driver was at fault. This really doesn't make sense. As a cyclist, you're much more likely to end up unconscious on

the pavement, oblivious to what just happened. It's obvious that that responsibility should befall on the driver, as the operator of a fast-moving vehicle that easily weighs 100 times more than a bicycle and has tremendous destructive capacity.

Another argument for putting the onus on the driver, is that in at least half of all car/cyclist collisions, the driver is found to be at fault.

Then there is the issue of whether and when cyclists are legally allowed to take the lane, or ride in the middle of it. Cyclists are taught that they are allowed to take the lane in certain situations, for example when preparing to make a left turn, or when there are parked cars along the curb, to avoid getting 'doored'.

According to ICBC's Learn to Drive Smart manual, 'if the lane is narrow, a cyclist also has the right to move out toward the middle for safety'.

Cyclists are also being taught this practice by the Canadian Cycling Association through its CANBIKE courses, as well as in BikeSense, a cycling instruction manual that is based on B.C. law.

I took the lane a few months ago when riding my bike on a narrow curb lane on Lougheed Highway in front of Valleyfair Mall. The driver of a tow truck obviously felt I had no right to be there when he scared the daylight out of me by cutting me off aggressively and honking angrily. When I filed my first complaint ever with the RCMP against the driver, there was not a smidgen of doubt in my mind that I was right, and he was wrong.

I was left speechless when I was told by an RCMP officer that the Motor Vehicle Act actually does not specifically say that taking the lane by cyclists is allowed. The officer felt that when turning left or when passing parked cars it was allowed, but not when the lane is narrow. I guess he interpreted the law differently than ICBC.

When the officer told me that he could charge me with obstructing traffic and taking the lane if I decided to pursue my complaint, I decided not to, for various reasons which I won't get into here. I did end up having a great chat with the officer's friendly superior, Insp. Dan Splinter, who is a cyclist himself and was sympathetic to my position. He did point out to me, however, that the Ridge Meadows RCMP detachment cannot take a position on this, because ultimately it would be up to the courts to decide how exactly the Motor Vehicle Act should be interpreted.

Of course, this is totally absurd. On the one hand, we have ICBC teaching both drivers and cyclists the latter have the right to take the lane when it is narrow, and on the other hand law enforcers say that's wrong.

If you decide to practice what you've been taught, you may end up paying a fine, or having to hire a lawyer to defend yourself in court.

The B.C. Motor Vehicle Act is supposed to provide clarity to all road users as to how they are supposed to behave on the roadway. With more bikes on the road, and all the innovative road designs we're now just starting to see, it's all the more important that our traffic laws catch up with the times, and recognize that people on bikes have different needs than drivers.

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