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1995 MAY 15 PM 8:48

May 15, 1995

CAMBRIDGE MA.

Cambridge City Council
c/o City Clerk
City Hall
Central Square

RE: Bicycle Law Enforcement

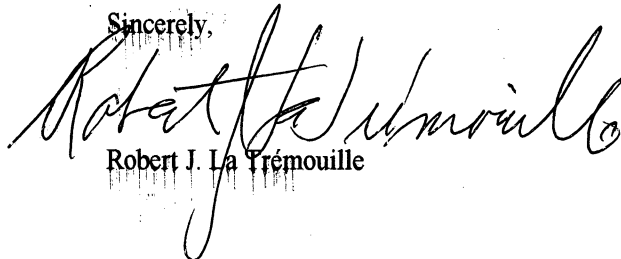
TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL

I was fascinated watching your discussion on bicycle this evening because it bore such a great relevance to much of the discussion during my show, "The Cambridge Environment" on Cambridge Cable Channel 19 last night with Astrid Dodds. It is my understanding that some city employees are confused as to the nature of state law concerning the operation of bicycles. I think I recall being aware of comparable statements from city officials.

Enclosed for the information of the Council is a copy of General Laws c. 85 s. 11B, taken from its most recent publication in West's Massachusetts General Laws Annotated. Please note the following among other things:

Every person operating a bicycle upon a way . . . shall be subject to the traffic laws of the commonwealth . . . except that: . . . (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. . . .

Sincerely,



Robert J. La Trémouille

Library References

Automobiles § 37, 115.
 Licenses § 14(1).
 WESTLAW Topic Nos. 48A, 238.
 C.J.S. Motor Vehicles §§ 26, 44, 56, 63 et seq.
 C.J.S. Licenses § 34.

Comments.

Injuries to children, see M.P.S. vol. 11,
 Martin and Hennessey, § 482.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

Notes of Decisions

Jury questions 1

1. Jury questions

In actions for injuries received by 12-year-old plaintiff when bicycle which he was riding on wrong side of business street at night was struck by automobile owned and operated by defendants, questions whether plaintiff's violations of

law of road by failure to turn to right of middle of street on meeting automobile and to have light attached to his bicycle were proximate causes of accident was for jury. *Butler v. Curran*, (1939) 18 N.E.2d 340, 302 Mass. 1.

Contributory negligence of intestate, killed by truck approaching from rear, while riding bicycle without lights was for jury. *Hoxie v. Bardwell* (1934) 191 N.E. 640, 287 Mass. 121.

§ 11B. Bicycles; operation and equipment; regulations; federal product safety standards, effect; races; violations; penalties

Every person operating a bicycle upon a way, as defined in section one of chapter ninety, shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the commonwealth and the special regulations contained in this section, except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal by either hand his intention to stop or turn, and (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. A person operating a bicycle on the sidewalk shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.

Operators of bicycles shall be subject to the following regulations:

(1) The operator shall ride single file on any way except when passing.

(2) The operator shall not ride other than upon or astride a permanent and regular seat attached to the bicycle. The operator shall not carry another person on said bicycle, except on a "baby seat", so called, attached to the bicycle in which such other person shall be able to sit upright; provided, however, that such seat is equipped with a harness to hold such other person securely in the seat and that protection is provided against the feet of such other person hitting the spokes of the wheel of the bicycle; and provided, further, that any such passenger between the ages of one year to four years, inclusive, shall wear a helmet. Said helmet shall fit the person's head and be equipped with straps to secure it in place and shall meet the standard for helmets of the American National Standards Institute (ANSI Z 90.4) or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for use in

bicycling. The operator shall not carry any person under the age of one year on said bicycle.

(3) The operator shall give an audible warning whenever necessary to insure safe operation of the bicycle; provided, however, the use of a siren or whistle is prohibited.

(4) The operator shall park his bicycle upon a way or a sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.

(5) The operator shall not permit the bicycle to be drawn by any other moving vehicle. The operator shall not tow any other vehicle or person, except that bicycle trailers properly attached to the bicycle which allow for firm control and braking may be used.

(6) The operator shall not carry any package, bundle or article except in or on a basket, rack, trailer or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.

(7) Every bicycle operated upon a way shall be equipped with a braking system to enable the operator to bring the bicycle traveling at a speed of fifteen miles per hour to a smooth, safe stop within thirty feet on a dry, clean, hard, level surface.

(8) During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display to the front of his bicycle a lamp emitting a white light visible from a distance of at least five hundred feet, and to the rear of said bicycle either a lamp emitting a red light, or a red reflector visible for not less than six hundred feet when directly in front of lawful lower beams of headlamps on a motor vehicle. A generator powered lamp which emits light only when the bicycle is moving shall meet the requirements of this clause.

(9) During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display on each pedal of his bicycle a reflector, or around each of his ankles reflective material visible from the front and rear for a distance of six hundred feet, and reflectors or reflective material, either on said bicycle or on the person of the operator, visible on each side for a distance of six hundred feet, when directly in front of lawful lower beams of headlamps of a motor vehicle. This clause shall not prohibit a bicycle or its operator to be equipped with lights or reflectors in addition to those required by clauses (8) and (9).

(10) No bicycle shall be operated upon a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle manufacturer is prohibited.

(11) The operator of a bicycle shall report any accident involving either personal injury or property damage in excess of one hundred dollars, or both, to the police department in the city or town in which the accident occurred.

Any federal product safety standards relating to bicycles which are more stringent than the requirements of clauses (7) through (10), inclusive, shall supersede said requirements.

Competitive bicycle races are sponsored by and, provided further, the approval of the appropriate authorities regarding the motor races, including, but not limited by agreement between the parties.

Violations of any provision more than twenty dollars or more shall not authorize the provisions of this section of eighteen in violation of the department, or in a town or city, a period not to exceed one year by a minor under the age of twenty-one nor shall such violation be a criminal offense. Added by St.1961, c. 518, § 2; St.1983, c. 274

St.1971, c. 484, approved the ninth sentence, inserted the word "sixteen" for "twenty."

St.1973, c. 806, § 2, approved and rewrote the section, which

"Operators of bicycles shall be subject to the rules and regulations so far as they are reasonably applicable to them, shall not ride other than singly or in groups of two or more on a highway set aside for the exclusive use of bicycles. No operator of a bicycle defined in section one of chapter 8 shall permit any person in excess of the weight of the bicycle which such bicycle is designed to carry to ride thereon with him, and no operator of a bicycle shall permit it to be operated as a moving vehicle. Every bicycle shall have, during the period from one half an hour after sunset to one half an hour before sunrise, a white light visible from a distance of not less than five hundred feet toward which the bicycle is traveling, and on the rear a red light visible from a distance of not less than three hundred feet when in the upper beams of headlamps of a motor vehicle, and shall display a portion of the rear fender of the bicycle on both sides of the area of about five square feet in marking of white or reflective material or reflectorized tape. No bicy-

Competitive bicycle races may be held on public ways, provided that such races are sponsored by or in cooperation with recognized bicycle organizations and, provided further, that the sponsoring organization shall have obtained the approval of the appropriate police department or departments. Special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast, may be established by agreement between the police department and the sponsoring organization.

Violations of any provision of this section shall be punished by a fine of not more than twenty dollars. The parent or guardian of any person under age eighteen shall not authorize or knowingly permit any such person to violate any of the provisions of this section. A bicycle operated by a person under the age of eighteen in violation of this section may be impounded by the police department, or in a town which has no police department, by the selectmen, for a period not to exceed fifteen days. A violation of any provision of this section by a minor under the age of eighteen shall not affect any civil right or liability nor shall such violation be considered a criminal offense.

Added by St.1961, c. 518, § 4. Amended by St.1962, c. 346; St.1971, c. 484; St.1973, c. 806, § 2; St.1983, c. 274; St.1990, c. 476, § 1.

Historical and Statutory Notes

St.1971, c. 484, approved June 30, 1971, in the ninth sentence, inserted "is or" and substituted "sixteen" for "twenty" inches.

St.1973, c. 806, § 2, approved Sept. 21, 1973, rewrote the section, which prior thereto read:

"Operators of bicycles shall conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety, shall not ride other than upon or astride a permanent and regular seat attached thereto, and in groups of two or more shall always ride in single file except on paths or sections of the highway set aside for the exclusive use of bicycles. No operator of a bicycle upon any way as defined in section one of chapter ninety shall permit any person in excess of the number for which such bicycle is designed and equipped to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle. Every bicycle operated during the period from one half an hour after sunset to one half an hour before sunrise shall display on the front a white light which shall be visible for not less than five hundred feet in the direction toward which the bicycle is proceeding or facing, and on the rear a red reflector visible for not less than three hundred feet to the rear when in the upper beams of the headlamps of a motor vehicle, and shall display on the lower portion of the rear fender and on the upper portion of both sides of the front fork, on an area of about five square inches in each case, a marking of white or reflectorized paint or reflectorized tape. No bicycle shall be operated

unless equipped with a suitable bell, horn or other device capable of giving a signal audible for at least one hundred feet, except that no bicycle shall be equipped with nor shall any person use upon a bicycle a siren or whistle. Every bicycle shall be equipped with an adequate brake which will enable the operator to stop the bicycle quickly and evenly. Violation of any provision of this section shall be punished by a fine of one dollar. Any such violation by a minor under the age of eighteen shall not be considered a criminal offense. If a minor under the age of eighteen operates a bicycle in violation of any such provision the police department, or, in a town which has no organized police department, the selectmen, may, with the consent of the parent or guardian of such minor, impound such bicycle for a period not exceeding fifteen days. This section shall apply only to a bicycle at least one wheel of which is or exceeds sixteen inches in diameter. A violation of any provision of this section by a minor under the age of eighteen shall not affect any civil right or liability."

Section 6 of St.1973, c. 806, provides:

"No bicycle shall be offered for sale or rent unless it meets the requirements of clause (7) of section eleven B of chapter eighty-five of the General Laws, inserted by section two of this act, and no new bicycles shall be offered for sale or rent after January first, nineteen hundred and seventy-four, unless it meets the requirements of clauses (8) and (9) of said section

S-182

Consent Communication #4

Comm. was received from Robert
LaTremouille regarding bicycle
law enforcement.

In City Council May 22, 1995

Placed on file