

4.

By Legislators Smith and Barnhart

Intro. No. ____

MOTION NO. ____ OF 2021

PROVIDING THAT LOCAL LAW (INTRO. NO. ____ OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW", BE TABLED

BE IT MOVED, that Local Law (Intro. No. ____ of 2021) entitled "Three-Foot Safe Passing Law", be tabled.

File No. 21-0125.LL

ADOPTION: Date: _____

Vote: _____



The Office of the Monroe County Legislature

April 12, 2021

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. 210125
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
AGENDA/CHARTER

Subject: Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider

Honorable Legislators:

Thousands of Monroe County residents ride bicycles for their primary mode of transportation, exercise or recreation. This bi-partisan legislation increases protection for bicyclists, who face unique dangers on the road.

During the years 2018 and 2019, state data indicates 321 bicyclists were injured in crashes with motor vehicles in Monroe County. One of the bicyclists struck by a passing vehicle was Carolyn "Carrie" Ray, a beloved teacher from Clarkson, who died tragically in 2019, as a result of her collision and for whom this bill is named. This Legislation, if enacted, would be known as "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists" in honor of Carrie Ray.

This proposed legislation enacts a 3-foot minimum requirement for vehicles passing bicyclists on roadways. Thirty-three states have passing laws with distance guidelines of 3 feet or more. New York's law only requires a "safe distance" to pass bicyclists, which is too subjective. Suffolk County's Legislature, recognizing the need for a clear standard to ensure bicyclist safety, recently passed a 3-foot distance rule.

The main benefit of this legislation is that drivers would have clarity on what is a minimum safe passing distance and heightened awareness about how to safely pass bicyclists. Penalties exist in current law for unsafe passing.

This legislation recognizes that all of Monroe County's residents have a right to safely use our roads, whether they are on foot, bike, bus or car. Making our roads safer will lead to increased use of bicyclist infrastructure, outside exercise and activity, and enjoyment of living in Monroe County.

The specific legislative actions required are:

1. Schedule and hold a public hearing on the proposed local law.

2. Adopt the attached Local Law entitled, "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists" as written.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

This action will have no impact on the revenues or expenditures of the current Monroe County budget.

Respectfully submitted,



Jackie Smith
Monroe County Legislator
District 2



Rachel Barnhart
Monroe County Legislator
District 21



R. Edwin Wilt
Monroe County Legislator
District 1



Tracy DiFlorio
Monroe County Legislator
District 3



Frank X. Allkofer
Monroe County Legislator
District 4



Karla F. Boyce
Monroe County Legislator
District 5



Fred Ancello
Monroe County Legislator
District 6



Brian E. Marianetti
Monroe County Legislator
District 7



Matthew Terp
Monroe County Legislator
District 8



Paul Dondorfer
Monroe County Legislator
District 9



Howard Maffucci
Monroe County Legislator
District 10



Sean M. Delehanty
Monroe County Legislator
District 11



Steve Brew
Monroe County Legislator
District 12



Michael Yudelson
Monroe County Legislator
District 13



Justin Wilcox
Monroe County Legislator
District 14



George J. Hebert
Monroe County Legislator
District 15



Dr. Joe Carbone
Monroe County Legislator
District 16



Joseph D. Morelle, Jr.
Monroe County Legislator
District 17



John B. Baynes
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District 18



Kathleen Taylor
Monroe County Legislator
District 19



Robert Colby
Monroe County Legislator
District 20



Joshua Barouth
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District 24



Sabrina LaMar
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District 27



Vincent R. Felder
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District 22



Calvin Lee, Jr.
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District 25



Frank Keophetlasy
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Linda Hasman
Monroe County Legislator
District 23



Yversha M. Roman
Monroe County Legislator
District 26



Ernest S. Flagler-Mitchell
Monroe County Legislator
District 29

By Legislators Smith and Barnhart

Intro No. ____

LOCAL LAW NO. ____ OF 2021

ENACTING A LOCAL LAW ENTITLED “THREE-FOOT SAFE PASSING LAW”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. **Title.** This chapter shall be known as “Carrie Ray’s 3-Foot Passing Law to Protect Bicyclists.”

Section 2. **Legislative Intent.** This Legislature hereby finds and determines that it is the duty of Monroe County to protect the health, safety, and welfare of its residents. This Legislature also finds and determines that many Monroe County residents ride bicycles for exercise, recreation, and as a primary mode of transport. This Legislature further finds and determines that when riding on roads, cyclists are vulnerable to the actions of motor vehicle operators. This Legislature determines that vehicles passing bicyclists pose a threat to the health and safety of these bicyclists if passing too closely or from the right side of the road. This Legislature also finds that a minimum passing distance should be established to protect bicyclists in Monroe County. Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Monroe County.

Section 3. **Minimum distance requirements for motor vehicles passing bicycles.** The operator of a vehicle that is overtaking, from behind, a bicycle proceeding on the same side of the road shall pass to the left of such bicycle at a distance of at least three (3) feet until safely clear thereof.

Section 4. **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

____ Committee; _____, 2021 - CV:
File No. 21-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____

DATE: _____

EFFECTIVE DATE OF LOCAL LAW:

Added language is underlined.

Deleted language is ~~stricken~~.