

By Legislators Smith and Barnhart

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 182 OF 2021), ENTITLED "THREE-FOOT SAFE PASSING LAW", BE LIFTED FROM THE TABLE**

BE IT MOVED, that Local Law (Intro. No. 182 of 2021) entitled "Three-Foot Safe Passing Law" be lifted from the table.

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
<b>AGENDA/CHARTER</b>

**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  
Monroe County Legislator  
District 18



Kathleen Taylor  
Monroe County Legislator  
District 19



Robert Colby  
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District 20



Joshua Barouth  
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Sabrina LaMar  
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Vincent R. Felder  
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District 22



Calvin Lee, Jr.  
Monroe County Legislator  
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Frank Keophetlasy  
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Linda Hasman  
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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~~.