

# L. Micha Ordway, Esq.

Bousquet Holstein PLLC



## Did You Know?

*Legal Insights that All Bicycle Riders Should Know.*

September 2015  
Volume 1 ♦ Issue 2

In my last post, I explained the genesis of my interest in bicycling and covered some of the unique ways in which New York law treats bicyclists. To be honest, I understated the scope of my passion for bicycling. In addition to watching just about every major pro tour race that I can find, I spend a considerable amount of my free time reading about racing, riding, training, the latest equipment, developments in the cycling industry, the UCI, the war on doping in the sport ... I probably should not continue. BTW, I also run (a lot) and am very active in the Central New York running community. For much of the rest of my time, I am a practicing litigation and labor & employment attorney at Bousquet Holstein PLLC, handling a wide variety of matters for a very diverse group of clients.

Although the first of my posts (and quite a few thereafter) will relate to bicycling, the future installment of my "DID YOU KNOW?" posts will cover a range of other topics including running, exercise, life in general and most certainly the law.

### ***For this week's installment:***

In New York, the Vehicle and Traffic Laws apply to bicyclists. As such, every person riding a bicycle upon a roadway shall be granted all the rights of a vehicle. However, bicyclists are also bound by all of the duties applicable to the driver of a vehicle except as to those provisions which by their nature can have no application.

As a funny aside, one would think that the posted speed limit would be one of those provisions which by their nature can have no application to a bicyclist. While I cannot honestly say that I have researched this issue here in New York, I just might have once received a speeding ticket for doing 55 mph in a 30 zone during a training ride - that was way back in my racing days in Massachusetts however. Not much of a chance of me riding that fast now that I am a more "mature" rider here in New York ... but that's a topic for a different post.

### ***Did you know?***

- No person shall operate a bike unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- Every new bicycle shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

Requiring reflectors is a legitimate regulation in my opinion but it is a bit funny considering that reflectors are the first thing that most serious bicyclists throw out as soon as we get our new ride home. And how many of us actually have a bell? What is not funny, however, is what may happen to the bicyclists who rides in the twilight or dark without having reflectors. Regardless of the serious injuries that could occur, the lack of reflectors could be an issue of comparative negligence for the rider seeking to recover damages from the driver who struck him/her down while riding in the near dark. The same issue would exist for the bicyclist involved in accident who failed to have a bell and use it to provide an audible signal.

**Until next time.**



**BOUSQUET HOLSTEIN** PLLC

**L. Micha Ordway, Esq.**

Direct: 315.701.6441 ♦ lordway@bhlawpllc.com

110 West Fayette Street, Suite 900 ♦ Syracuse, New York 13202 ♦ 315.422.1391 ♦ www.bhlawpllc.com