
Title 39 & Parking Protected Bike Lanes



Corey Hannigan

Background

- An issue was raised by Asbury Park after initial lack of approval for a parking protected bike lane.
- **Title 39:4 -135** was cited as a reason not to approve parking-protected bike lanes, "bike lanes should be driver's side of parked vehicles."
- While other NJ municipalities like Jersey City, Newark and Hoboken do have parking-protected lanes, these are likely not state or federally-funded.
- PA legislature has introduced a bill to amend their own legal language.



What is the purpose of Title 39:4-135?

Title 39:4 -135 – Parking; direction and side of street; angle parking; one -way street – *“The operator of a vehicle shall not stop, stand or park the vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of traffic, on the right -hand side of the road and with the curb side of the vehicle within six inches of the edge of the roadway”*

- From a cursory search of attorney message boards, tickets and complaints relate to parking against the flow of traffic, or outside a designated parking area.

Title 39:1-1 Definitions

- *“**Roadway**” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term ‘roadway’ as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.*
- *“**Vehicle**” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or low-speed electric bicycles, low-speed electric scooters, or motorized bicycles*

It appears that the edge of the outer motor vehicle lane is the edge of the roadway, as the bike lane is not intended to be used for “vehicular” travel.

What about similar laws in other states?

- Pennsylvania's language is less specific than NJ, defines roadway and vehicle differently, and does not mention bicycles.
- They are attempting to fix this with HB 140 , currently under review within the state senate.

Title 75 Pa. C.S.A. Vehicles § 3354. Additional parking regulations:

- Two-way highways. -- *Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.*
- One-way highways. -- *Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.*

Title 75 §102. Definitions

- "Highway." *The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.*
- "Vehicle." *Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.*

What about similar laws in other states?

- New York (State) has similar language to NJ. and defines roadway and vehicle similarly to NJ.
- NYSDOT has approved parking -protected bike lanes :

"On the Queens side of the bridge, NYSDOT is still at work on some of the key infrastructure connections, particularly along Laurel Hill Boulevard. That street will eventually include a new parking protected bike lane," Trottenberg wrote.

<https://qns.com/2019/09/dot-will-speed-up-efforts-to-provide-safe-approaches-to-the-kosciuszko-bridge-for-cyclists-and-pedestrians/>

NY Article 32: S 1203. Additional parking regulations:

- *Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a two-way roadway shall be so stopped, standing, or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or edge of the roadway.*
- *Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a one-way roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve inches of the left-hand curb or edge of the roadway.*

VAT - Vehicle & Traffic, Title 1 - WORDS AND PHRASES DEFINED, Article 1 - (100 - 161) Words and phrases defined.

- *S 140. Roadway. That portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the shoulder and slope. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.*
- *S 159. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.*

What about similar laws in other states?

- Connecticut mentions bikeways specifically.

CT Statute 14-251: Parking vehicles:

- No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, **except if a bikeway** , as defined in § 13a-153f, **or such bikeway's buffer area** , as described in the federal Manual on Uniform Traffic Control Devices, **is in place between the parking lane and the curb** , such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area.

If the language requires amending, Connecticut's language could provide a useful model.

Alternatives

- Another option is “curb-protected” bike lanes .



- Concrete can be laid quickly and provides more “permanent” protection than parked cars, which can ignore markings and park in the bike lane anyway, forcing vulnerable road users into moving traffic. (NYC struggles with this issue on a daily basis.)

Concerns

In 2017, the city of LA was sued (and lost) because a parking protected bike lane forced a wheelchair user to exit his vehicle directly into the bike lane with no immediate way to access the sidewalk.

(source: <https://www.uzetalaw.com/post/parking-protected-bike-lanes-can-create-disability-barriers-and-violate-the-ada>).

- Such issues can potentially be avoided by ensuring accessibility is part of the public entities' redesign process. For example –
 - Install as a raised bike lane (e.g. level with the sidewalk or with a low-grade slope up to the sidewalk). More expensive but also more desirable for all users.
 - Ensure curb-cuts are placed within a reasonable distance to ensure that wheelchair users are not forced “to roll in the bike lane and avoid cyclists for a significant period of time in order to reach a sidewalk.”
- However, this still remains a concerning legal precedent with implications for all parking-protected bike lanes.



Next Steps

- Protected bike lanes reduce crashes of all kinds (and thus fatalities), and dramatically increase bicycle mode -share, which brings significant public health benefits and reductions to per -capita GHG emissions.
- Parking-protected bike lanes are a lower -cost way to roll out new protected bike lanes.

There are multiple potential approaches for getting parking protected bike lanes approved for projects.

- Confirm if the existing language allows for the “edge of the roadway” to be defined independently of the curb or shoulder.
- If not, then the language should be revised. New legislation could reference CT Statute 14 -251, or PA House Bill 140.
- Curb-protected bike lanes could be considered as an alternative.
- However, we must simultaneously address legitimate accessibility concerns for people with disabilities .

Questions?