

LOCAL LAW
INTRODUCTORY NO. 12-26
CHAUTAUQUA COUNTY

A LOCAL LAW REQUIRING OPERATORS OF MOTOR VEHICLES TO MAINTAIN A
SAFE DISTANCE OF THREE FEET WHEN OVERTAKING NON-MOTORISTS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Title. This Local Law shall be known and referred to as the “Chautauqua County Safe Passing Law.”

2. Purpose and Intent. The purpose of this Local Law is to require motor vehicle operators to maintain a safe distance of at least three feet when overtaking non-motorists on the side of the road. The Chautauqua County Legislature finds that it has a duty to protect the health, safety, and welfare of its residents. Many Chautauqua County residents ride bicycles for exercise, recreation, and as a primary mode of transportation. New York Vehicle and Traffic Law Section 1122-a requires motorists to pass bicyclists at a “safe distance,” but does not mandate a specific three-foot minimum. Many safety advocates and organizations like the New York Bicycling Coalition recommend a three-foot defined safe passing law.

Additionally, many other non-motorists utilize Chautauqua County roads or may be present on the side of the road, including but not limited to pedestrians, persons riding mounted animals, persons operating horse-drawn carriages or “horse and buggies,” emergency services personnel including firefighters, EMTs, and police, construction workers, and operators of tractors or other farm equipment. This Legislature finds that all such non-motorists are vulnerable to the actions of motor vehicle operators, and determines that motor vehicles passing such non-motorists from behind can pose a threat to the health and safety of such non-motorists if passing too closely. Therefore, this Legislature finds that a minimum passing distance should be established to protect all such non-motorists in Chautauqua County.

3. Definitions. “Non-Motorist” means any person traveling or present on the side of road who is not actively operating a motor vehicle, including but not limited to bicyclists, pedestrians, persons riding mounted animals, persons operating horse-drawn carriages or “horse and buggies,” first responders and emergency services personnel including firefighters, EMTs, and police, construction workers, and operators of tractors or other farm equipment.

4. Minimum Distance Requirements For Motor Vehicles Passing Non-Motorists. The operator of a motor vehicle that is approaching or overtaking from behind a non-motorist on the same side of the road as such motor vehicle shall pass to the left of the non-motorist at a distance of at least three (3) feet until safely clear thereof. The three-foot distance requirement shall not apply to the overtaking of bicyclists on roads with clearly marked bicycle lanes as defined by New York Vehicle and Traffic Law Section 102-a. If an operator of a motor vehicle does not have sufficient space to approach or pass a non-motorist at a distance of at least three feet, the operator must slow down and overtake the motorist in a safe manner.

5. Compliance With New York Vehicle and Traffic Laws. Nothing in this Local Law shall be deemed to authorize conduct in violation of any provision of the New York Vehicle and Traffic Law.

6. Penalties.

a. Any person failing to comply with this Local Law shall be guilty of a violation and subject to a fine not to exceed \$225 for a first offense, \$325 for a second offense, and \$425 for a third or any subsequent offense(s).

b. This section does not preclude a person from being charged with, convicted of, or punished for any other violation of law.

7. Applicability. This law shall apply to all actions occurring on or after the effective date.

8. Severability. If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

9. Effective Date. This local law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Nelson