

In the Court of Absurd Results

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Imagine you're driving your car on a road with multiple lanes. You're in the right lane, and for some reason, the lane to the left of you backs up, and traffic stops. No problem, your lane is still open, so you continue driving, passing all of the cars stopped in the lane to your left.

Then you see the lights in your rearview mirror—you're pulled over by a law enforcement officer, who issues you a citation for passing on the right. Later, in traffic court, you explain to the Judge that traffic in the lane to your left was stopped, while your lane was open, and that is why you were passing on the right. Despite your defense, the Judge decides that you were in violation of the law, and tells you that you should have either merged into the left lane, or stopped in your lane and waited for traffic in the left lane to begin moving again.

An absurd interpretation of the law? Absolutely. The decision is not only contrary to what the law actually says, it also leads to a result so absurd that any Judge should realize that it is obviously not the law.

Now imagine that you're on a bike.

Increasingly, cyclists are being cited—and more disturbingly, being convicted—for passing a line of stopped vehicles. These convictions are not only contrary to what the law actually says, but as the hapless driver in the scenario above knows, they lead to a result so absurd that the Judges hearing these cases should realize that the prosecution's case is not the law.

Recently, cyclist Curtis Adams was cited in Logan, Utah "[for improper passing on the right side of a vehicle](#)." Believing that he was riding lawfully, in what he described as "an absolutely standard practice," Adams decided to fight his citation. Appearing in Logan City Justice Court, Adams explained in his defense that passing motor vehicles on the right allows cyclists to "stay as far to the right as possible." Furthermore, it was reported, Adams explained that

lining up behind stopped cars at a red light is dangerous because drivers are "anxious" to pass slower cyclists when the light turns green and that visibility is reduced.

However, noting that the same law that prohibits drivers from passing on the right also applies to cyclists, the Logan City prosecutor countered that

Common practice does not supersede the actual law. The evidence shows that he pulled into the same lane where there was already

traffic. The vehicle in that lane had a right to be there; he did not.

In what the local paper described as “a legal victory for the City of Logan,” Adams was found guilty of the misdemeanor charge; the judge agreed with Adams that the practice is common, but declared it to be unsafe. Furthermore (and contrary to what Utah law allows), the Judge suggested that in the interest of safety, Adams should dismount and walk his bike across the intersection. And with that, Logan had its great legal victory.

Well, it wasn't *that* great a victory.

After all, the Judge's decision has no value as precedent. Another Judge could decide the next case properly, according to what the law actually is. In fact, this Judge could—and *should*—decide the next case according to what the law actually is.

But I'm getting ahead of myself. Let's go back to *why* the Logan City Police Officer, the Logan City Prosecutor, and the Logan City Judge are all wrong on the law.

In Utah, as in other states, cyclists have [all of the rights and all of the duties](#) applicable to other vehicle operators. Among other things, this means that unless otherwise specified, the provisions of the vehicle code are applicable to cyclists.

In this case, the applicable statute is Section [41-6a-704](#) of the Motor Vehicles Code, which specifies that

the operator of a vehicle overtaking another vehicle proceeding in the same direction shall...promptly pass the overtaken vehicle on the left at a safe distance

Well, that seems pretty straightforward, doesn't it? The law requires vehicle operators to pass on the left, and “common practice” notwithstanding, Adams did not pass on the left. That's how the Court saw it.

Only it's not quite as straightforward as that.

You see, I just did the same thing the Logan City Police Officer, the Logan City Prosecutor, and the Logan City Judge did—I left out a crucial exception to the law. In the Motor Vehicles Code, the law does indeed *generally* require vehicle operators to pass on the left. But there is also an exception to the rule—an exception that I excised out, as indicated by the ellipsis.

That exception is section [41-6a-705](#) of the Motor Vehicles Code, which states two circumstances in which a vehicle operator may pass on the right; one of those circumstances is that a vehicle operator may pass on the right of another vehicle

on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

The law further specifies two conditions that must be met by the vehicle operator passing on the right: The pass may only be made "[under conditions permitting the movement with safety](#)," and the vehicle operator may not drive off the roadway to make the pass.

The question here is whether the roadway is "of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle"—specifically, whether the roadway is wide enough to allow a motor vehicle and a bicycle to safely share the lane. If the lane is of such width that Adams would be required under Utah law to share the lane with motor vehicles by riding as close as practicable to the right, then under Utah law, he would also be entitled to pass on the right. On the other hand, if the lane is of such narrow width that under Utah law, Adams would be permitted to take the lane, then he would not be able to pass on the right and claim that, as the law requires, he is passing "with safety" (but note that "passing with safety" is a function of both passing distance and the speed differential between the two vehicles). In other words, under the law, Adams must make a reasonable decision as to whether the lane is of sufficient width to safely share, and that decision would apply both when traffic is moving, and at a standstill; he can't have his cake and eat it too.

But neither can the prosecutor; if the lane is too narrow for Adams to pass safely on the right, then the law permits Adams to take the lane when traffic is moving.

To hold otherwise would be to hold that when a lane is of sufficient width such that the law requires cyclists to share the lane with motor vehicles, the law allows motor vehicles to pass cyclists, but does not allow cyclists to pass motor vehicles. The result is a roadway on which cyclists are required by "law" to always fall back, and never pull ahead. This is a result so absurd that Judges *should* realize that it is obviously not the law.