

**RESOLUTION NO. 163-2021, ADOPTING LOCAL LAW
NO. 13-2021, A LOCAL LAW TO ENSURE THE SAFETY OF
BICYCLISTS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 4, 2020, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE SAFETY OF BICYCLISTS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 13-2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE THE SAFETY OF BICYCLISTS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that it is the duty of Suffolk County to protect the health, safety, and welfare of its residents.

This Legislature also finds and determines that many Suffolk County residents ride bicycles for exercise, recreation, or 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 Suffolk County and penalize those who disregard the safety of these vulnerable road users.

Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Suffolk County.

Section 2. Minimum distance requirements for motor vehicles passing bicycles.

The operator of a vehicle which 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. The three-foot distance requirement shall not apply on roads which have clearly marked bicycle lanes, as defined by New York Vehicle and Traffic Law §102-a.

Section 3. Penalties.

- A. Any person committing the above referenced offense shall be guilty of a violation, punishable by a fine not to exceed \$225 for a first offense, \$325 for a second offense, and \$425 for any third or subsequent offense(s).
- B. This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. 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 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: March 16, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 5, 2021

After a public hearing duly held on March 29, 2021
Filed with the Secretary of State on April 21, 2021