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## KEEPING ABREAST OF REALITY

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One of the more antiquated provisions of the *Motor Vehicle Act* is found in section 183(2)(d), which provides:

“183(2)                    A person operating a cycle

(d)        must not ride abreast of another person operating a cycle on the roadway.”

From a cyclist’s perspective, the purpose of this law is not related to safety, though its drafters would likely argue it was designed to safely facilitate traffic flow. When read together with its infamous sister provision “a person operating a cycle must, subject to paragraph (a), ride as near as practicable to the side of the highway”, the statute appears to be a thinly veiled effort to get cyclists out of the way so as not to impede faster motor vehicles.

This kind of legal relic flies in the face of the practice of “taking the lane”, and in my humble view encourages motor vehicle operators to attempt to pass in an unsafe and illegal manner. In many situations involving narrow lanes not designed to be cohabited, a cyclist’s only safe and effective choice is to take the lane. Clearly this is much easier to do with a companion, riding side by side, and yet this is what the statute specifically and unambiguously prohibits.

This is not to suggest cyclists should consciously impede traffic. But it is legislative overkill to require cyclists to ride in single file to the extreme right side of a roadway, particularly in view of what dangers can arise from this requirement.

The legislation only looks more odious against the legislative framework in other more legally mature cycling jurisdictions. Two abreast cycling is practised safely and lawfully throughout the world and remains a common method of cycling in Europe and the United States. But in Canadian Provincial statutes, like the *Motor Vehicle Act*, we continue to afford inferior legal status to cyclists by failing to recognize the dangers inherent in the prohibition against riding two abreast.





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Interestingly, the *Motor Vehicle Act* provides that the shoulder is not the “roadway”. Accordingly, it is legal to ride two abreast in the shoulder. Such an inconsistency underscores the discriminatory flavor of these laws. Cyclists are broadly given the same rights and obligations as motorists, but can only ride side by side on the shoulder in British Columbia. Nothing says *second class* like the shoulder. If the true statutory intent is to accomplish safe and reasonable traffic flow, the prohibition against riding two abreast must be repealed and the law must be modernized to accord with modern practice.

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