

**Act 47 Exception Application Process
(Permitting Bicycle Travel on Freeways)**

Attached is a revised application process to permit Pedalcycle travel on the shoulders of freeways within the Commonwealth.

This process has been developed by the Bureau of Highway Safety and Traffic Engineering in accordance with the provisions of Title 75, Section 3511(b) (2). Section 3511 was added to the Vehicle code by Act 47 in June 1992. The Act banned pedalcycles on state-designated freeways but allowed for exceptions through the establishment of a permit process.

Briefly, the process establishes that the District will make a field view of the requested route and any possible alternates and make a recommendation to the Central Office Bicycle/ Pedestrian Coordinator. A final recommendation will then be made by the Bureau of Highway Safety & Traffic Engineering for approval by the Deputy Secretary for Highway Administration. Notice of approval will then be placed in the Pennsylvania Bulletin. An approved freeway section is open to any qualified pedalcyclist in accordance with the provisions of Section 3511.

Attached are six items:

Attachment A – Section 3511 of Title 75 (Vehicle Code)

Attachment B – Sample Notification of the Exception
Process to be placed in the Pennsylvania
Bulletin

Attachment C – Sample Application form for Operating
Pedalcycles on Freeways

Attachment D - Department Response Process and
Application Evaluation Criteria

Attachment E – Other Considerations

Attachment F – Freeway Signing for Bicycles

Section 3511 of Titles 75 (Vehicle Code)

§ 3511. Pedalcycles prohibited on freeways.

(a) General rule.—No person shall ride a pedalcycle on a freeway.

(b) Exceptions.--

- (1) The department and local authorities, on highways under their respective jurisdictions, may issue permits for a procession or event prohibited under subsection (a) upon a determination that:
 - (i) The pedalcycle procession or event is of a national, State or regional interest; and
 - (ii) The results of an engineering and traffic study indicate that the procession or event can be conducted with safety.

(2) On State-designated freeways, pedalcycles may be authorized under the following limitations:

- (i) the pedalcycler is 16 years of age or older or is accompanied by a pedalcycler 18 years of age or older.
- (ii) A written request for review of the freeway route based on the potential unavailability of a reasonable alternate route is mad to the department.
- (iii) The department determines that no reasonable alternate route exists.
- (iv) The department publishes a notice in the Pennsylvania Bulletin authorizing pedalcycle access to the freeway. The notice shall constitute approval for the persons authorized under subparagraph (i) to ride a pedalcycle on the State-designated freeway.

(c) Action by local authorities.—Action taken by local authorities regarding permission to use pedalcycles on freeways under their jurisdiction shall be:

- (3) by ordinance of the local governing body; or
- (4) by a commission of public official authorized to act on specified matters.

(d) Operation on shoulder.—If the department authorizes pedalcycle access to a freeway, the pedalcycle shall be operated upon the shoulder of that freeway whenever practicable

(June 11,1992, P.L.266, No.47, eff 60 days; Dec. 15, 1995, P.L.655, No 72, eff. 60 days)

1995 Amendment. Act 72 added subsec. (d).

1992 Amendment. Act 47 added section 3511.

Sample Notice for the Pennsylvania Bulletin

Bureau of Highway Safety & Traffic Engineering; Notice of Exception Process for permitting Pedalcycles on Pennsylvania freeways under Title 75 (Vehicle Code), Chapter 35, Subchapter A, Section 3511.

In June of 1992, the Pennsylvania Legislature passed Senate Bill 559 (later known as Act 47) amending Title 75, Pennsylvania Consolidated Statutes to include Section 3511. The general rule of Section 3511 established a statutory ban of pedalcycles on state-designated freeways within the Commonwealth. The Section also stipulates that pedalcycles may be authorized on freeways provided the Department of Transportation establishes an application review process to administer requests for exceptions.

In compliance with the above-referenced statutes, the Department has established the following process:

1. The applicant prepares a form containing the following information:
 - A description of the proposed route, referenced by interchange names and/or numbers; state route and section numbers (obtainable from the District Office) may also be used.
 - A justification of the route request and a statement as to why an alternate route is not practical or possible; plans, contour maps, photographs, and other documentation may be included.
2. The form is submitted to Central office Bicycle/Pedestrian Coordinator for initial processing.
3. The form is sent to the District Office for review and recommendation. The recommendation is made to the Central Office Bicycle/Pedestrian Coordinator.
4. The final decision is made by the Central Office Bicycle/Pedestrian Coordinator.
5. The signature of the Secretary of Transportation or Deputy Secretary for Highway Administration is obtained.
6. The applicant is notified in writing after a decision is rendered. If the application is approved, the applicant is informed that riding may be permitted sunrise to sunset only.
7. If the application is approved, notification is placed in the Pennsylvania Bulletin.

Applications shall be filed with the Department of Transportation, Bureau of Highway Safety & Traffic Engineering, Office of the Bicycle/Pedestrian Coordinator, P. O. Box 2047, Harrisburg, PA 17105-2047.

Interested persons may direct their request for applications of inquiries to David C. Bachman, Bicycle/Pedestrian Coordinator, Bureau of Highway Safety & Traffic Engineering, P. O. Box 2047, Harrisburg, PA 17105-2047.

**Department Response Process
And Application Evaluation Criteria**

1. The application package is submitted to the Central Office Bicycle/Pedestrian Coordinator and redistributed to the District Bicycle/Pedestrian Coordinator(s) for review.
2. The District Office should determine that the road in question is indeed a freeway as per the definition provided in Title 75.
3. Field View

The District Bicycle/Pedestrian Coordinator and representatives from the District Traffic and Maintenance Units (Plans Unit optional) should then field view the roads in question and provide conditions and recommendations to the Central Office Bicycle/ Pedestrian Coordinator. At a minimum, the field view should determine:

- Alternates--length, condition, geometrics, etc.
 - Freeway section---condition, shoulder type, width, shoulder condition (pavement integrity).
4. The District will make one of the following recommendations within 45 days of receipt of the original application:
 - Approve
 - No other reasonable route available based on length or safety
 - Safe access available (shoulder can be used as a designated bikeway)
 - Approve in part
 - Section of requested route may meet criteria, alternate routes may satisfy the remainder.
 - Disapprove
 - Requested route cannot safely accommodate bicycles (for example, the shoulder may be too narrow or its condition may be of such poor quality that it cannot accommodate bicycles).
 - Reasonable, safe alternate available
 - Insufficient information
 - Additional information must be provided before a decision can be rendered.

- The following should be considered in evaluating an alternate route:
 - Length of detour
 - ADT (less than 500 is favorable)
 - Speed limit (lower than 35 MPH is favorable)
 - The presence/absence of potentially hazardous conditions, including, but not limited to, the following:
 - pavement condition
 - driveways
 - intersections
 - narrow shoulders, paved or unpaved
 - no paved shoulders
 - narrow motor vehicle lanes
 - pedestrian traffic
 - railroad tracks, especially skewed crossings
 - narrow bridges
 - poor sight distance
 - rough road surface
 - parked vehicles
 - turning trucks
 - percent truck, bus, and recreational vehicle traffic
 - The following should be considered when evaluating the freeway for acceptability for bicycles:
 - Paved shoulder of sufficient width and acceptable riding surface to accommodate a designated bike route.
 - Presence of milled rumble strips.
5. The District office submits the recommendation to Central Office for final approval.

Other Considerations

1. PennDOT will make every reasonable attempt to work with an applicant to solicit all pertinent information so that the Department can make a well-informed decision. Each application will be judged on merit on a case-by-case basis. However, an applicant may appeal a final decision. The applicant must submit a request in writing within 20 days to the Administrative Docket Clerk, Room 521 T&S Building, Harrisburg, PA 17120. A minimum fee of \$100.00 will be charged to the applicant.
2. The applicant will be notified that in the future, should conditions change, re-application may be permitted.
3. Central Office and District Bicycle/Pedestrian Coordinators will each keep a map showing those sections of freeways which are opened and make the map available upon request.
4. Signs must be erected at both the ramp entrance and exit points to: (1) grant bicyclist permission to use the route and (2) notify motorists of the presence of bicyclist. See Attachment F.

Bicycle Signs - Justifications

1. R5-3-1A (Motor Vehicles and Bicycles Only)

The Motor Vehicles and Bicycles Only sign (R5-3-1A) shall be used at all freeway entrance ramps for those sections of freeway where bicycles as well as motor vehicles are permitted. It should be placed at the beginning of the ramp where bicyclist can see it and before motorists are involved with the actual merge movement onto the freeway proper.

2. R5-3-1B (Bicyclist Must Use Shoulder)

The Bicyclist Must Use Shoulder sign (R5-3-1B) shall be used only on freeway segments where bicyclist are permitted. They shall be placed along the roadway so they can be viewed by both bicyclist and motorists. The purpose of the sign is to direct bicyclist to the proper position on the highway and to alert motorists of the presence of bicyclist on the freeway.

3. R5-3-1C (All Bicyclist Must Exit)

The All Bicyclist Must Exit sign (R5-3-1C) shall be used at a freeway interchange exit ramp beyond which bicycles are not permitted.

4. R5-3-1D (Bicycle Restrictions)

The Bicycle Restrictions sign (R5-3-1D) shall indicate the age restrictions for bicyclist on freeways. The R5-3-1D shall be mounted below the Motor Vehicles and Bicycles Only Sign (R5-3-1A).