

**CHAPTER 202. APPLICATION AND REVIEW PROCESS FOR
PEDALCYCLES ON STATE-DESIGNATED FREEWAYS—STATEMENT
OF POLICY**

- Sec.
202.1. Exception to prohibition.
202.2. Permit application review process.
202.3. Assistance by Department.
202.4. Appeal of denial of application.

Authority

The provisions of this Chapter 202 issued under the Vehicle Code, 75 Pa.C.S. § 3511, unless otherwise noted.

Source

The provisions of this Chapter 202 adopted April 5, 1996, effective April 6, 1996, 26 Pa.B. 1563, unless otherwise noted.

§ 202.1. Exception to prohibition.

Under 75 Pa.C.S. § 3511(a) (relating to pedalcycles prohibited on freeways), a person may not operate or ride a pedalcycle on a freeway within this Commonwealth. A pedalcycle is a vehicle that is propelled solely by human-powered pedals. However, 75 Pa.C.S. § 3511(b) does permit pedalcycle operation for processions or events of National, State or regional interest and for operation by a pedalcyclist who is 16 years of age or older or is accompanied by a pedalcyclist 18 years of age or older on routes for which the Department of Transportation determines there is no safe, reasonable alternate route.

§ 202.2. Permit application review process.

(a) A permit for pedalcycle operation on a freeway under State jurisdiction shall comply with the following application review process:

(1) The applicant shall provide, on a form provided by the Department of Transportation (Department), the following information:

(i) A description of the proposed route, referenced by interchange names or numbers, or both. State route and section numbers, obtainable from a district office, may also be used.

(ii) 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 applicant's form shall be submitted for initial processing to the Central Office Bicycle/Pedestrian Coordinator, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, Harrisburg, Pennsylvania 17105-2047, telephone (717) 783-8444. The application will be forwarded to the appropriate district office for review and recommendation before being returned to the Central Office Bicycle/Pedestrian Coordinator for final determination. The

review by the district office may entail the consideration of information in addition to that submitted by the applicant.

(b) The district office, within 45 days of receipt of the original application, will make one of the following recommendations to the Central Office Bicycle/Pedestrian Coordinator:

(1) Approve because the following apply:

(i) No other reasonable route is available based on the length or safety of the route.

(ii) Safe access is available. The shoulder can be used as a designated bikeway. The Department may consider the following when determining safe access availability:

(A) There is a paved shoulder of sufficient width and acceptable riding surface to accommodate a designated bike route.

(B) Milled rumble strips are present.

(2) Approve in part because a section of the requested route may meet criteria and alternate routes satisfy the remainder.

(3) Disapprove because one or more of the following apply:

(i) The requested route cannot safely accommodate bicycles, (the shoulder may be too narrow or its condition may be of such poor quality that it cannot accommodate bicycles).

(ii) A reasonable, safer alternate route is available.

(iii) The applicant has failed to provide additional information after a request to provide the information was made.

(c) The Department may consider, among other factors, the following in evaluating an alternate route:

(1) The length of the detour.

(2) The average daily traffic (ADT). An ADT of less than 500 is favorable.

(3) The speed limit. A speed limit lower than 35 mph is favorable.

(4) The presence or absence of potentially hazardous conditions, including the following:

(i) Pavement condition.

(ii) Driveways.

(iii) Narrow shoulders, paved or unpaved.

(iv) No paved shoulders.

(v) Narrow motor vehicle lanes.

(vi) Pedestrian traffic.

(vii) Railroad tracks, especially skewed crossings.

(viii) Narrow bridges.

(ix) Poor sight distance.

(x) Rough road surface.

(xi) Parked vehicles.

(xii) Turning trucks.

(xiii) Percent of truck, bus and recreational vehicle traffic.

§ 202.3. Assistance by Department.

The Department of Transportation (Department) will make every reasonable effort to assist and work with an applicant to solicit pertinent information so that the Department can make a well informed decision. Each application will be judged on the merits on a case by case basis. When an application has been approved and before the scheduled event, the Department will erect signs at both the ramp entrance and exit points indicating that permission has been granted for pedalcycles to use the route and notifying motorists of the presence of pedalcyclists.

§ 202.4. Appeal of denial of application.

If an application is denied, the applicant may appeal the decision of the Department of Transportation (Department) by submitting, within 20 days of the Department's decision, a written request for an administrative hearing to the Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096. The applicant's written request shall be accompanied by a \$100 filing fee.

Source

The provisions of this § 202.4 amended September 2, 2011, effective September 3, 2011, 41 Pa.B. 4772. Immediately preceding text appears at serial page (232809).

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(358422) No. 444 Nov. 11

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