

Bike Accidents: Collisions With Cars at Intersections

by Bob Mionske

Learn about liability when bikes and cars collide at intersections -- and how to avoid these crashes and accidents.

Although intersections represent a relatively small portion of a cyclist's travel route, they are where a cyclist is most at risk of getting hit by a car or otherwise involved in a car accident. Only 11% of bicycle accidents involve a collision with a car; but of these, 45% take place in intersections. (Contrary to popular fears, the majority of bicycle accidents -- 59% -- involve only the cyclist, who loses control of the bike and crashes.)

In order to minimize the risk of intersection accidents with cars, cyclists need to maximize their visibility, understand the rules of the road, learn to recognize some of the most dangerous intersection hazards, and take safety precautions when approaching and riding through an intersection.

It also pays to learn the basic legal rules of liability -- that is, who is responsible for an accident. Cyclists who don't follow road rules or don't keep a proper lookout might be deemed responsible for an accident. And cyclists who do follow the rules of the road but are nevertheless hit by a driver who doesn't follow the rules of the road may be surprised to find that the driver and police blame the cyclist for the crash.

So to avoid liability for an accident after being hit by a car, cyclists must understand -- and follow -- both the basic legal rules of liability and the rules of the road.

How to Avoid Bike Accidents at Intersections

Intersections pose a special risk to cyclists for many reasons: Cars often underestimate the speed of a bike; cars often don't expect bikes to be on the road so car drivers aren't watching for bikes; and even if cars are on the lookout for bikes, they sometimes just don't see them because bikes are smaller and can blend into the background (due to the biker's clothing, the sun, and other factors).

Cyclists should keep this in mind and take extra precautions to avoid accidents at intersections by:

- increasing the visibility of the bike and cyclist (with front and rear lamps, reflective clothing, and brightly colored clothing)
- being on the lookout -- a legal requirement for bikes and cars alike
- riding defensively, and
- learning to execute emergency maneuvers to avoid collisions. The free pamphlet, *Bicycling Street Smarts*, provides information on such maneuvers (see www.bikexpert.com, click "My Publications" then "Bicycling Street Smarts"). Also, the League of American Bicyclists provides information on classes that

teach emergency maneuvers (see www.bikeleague.org, click “Programs,” then “Bike Education”).

Who is at Fault -- the Bike or the Car ?

Legally speaking, in nearly every state a bicycle is considered to be a “vehicle” and therefore, just like motorists, cyclists must follow the rules of the road. When it comes to collisions occurring at intersections, liability usually boils down to who had the right-of-way -- the car or the bike.

Right-of-way rules: No traffic signals. Generally, when two vehicles approach an intersection not controlled by a traffic signal, the vehicle arriving first has the right of way. If the vehicles arrive at the same time, the vehicle to the right has the right-of-way. This is also the rule for vehicles approaching intersections controlled by stop signs -- the vehicle to the right has the right of way. If, however, the intersection consists of a minor street intersecting with a major street, then the traffic on the major street has the right-of-way.

Right-of-way rules: Traffic signals. The right-of-way at intersections controlled by signals is determined by the signal. If a signal sensor is unable to detect the presence of a bicycle, the cyclist can (1) position the bicycle closer to the sensors embedded in the road, and if that doesn't work, wait until it is safe to cross against the light, or (2) cross at the crosswalk.

Having said that, there are other legal considerations that come into play depending on the type of intersection and whether the car is turning or going straight through. These different intersection situations require cyclists to use different defense techniques to avoid accidents.

Types of Intersection Accidents

Here are some of the more common situations when bikes and cars meet at intersections.

Accidents at Stop Signs

The most frequent type of intersection collisions, representing 9.7% of all intersection accidents, occur at intersections where the cyclist has a stop sign and the motorist does not. After stopping at the stop sign, the cyclist then rides out into the intersection in front of a car that has the right-of-way. Absent other factors, the cyclist is at fault. Most of these accidents occur among riders younger than age 15, indicating that a young person's inability to accurately judge the distance and speed of approaching cars is the main factor in these accidents.

Second in frequency, representing 9.3% of all intersection accidents, is when the cyclist has the right-of-way on a street without a stop sign and the car approaches from a street that does have a stop sign. After stopping at the stop sign, the car then drives out into the

intersection, in front of the cyclist who has the right-of-way. Absent other factors, the accident will be attributed to the driver. If, however, the cyclist is riding *against* traffic (as happens in 60% of these sorts of collisions), both the cyclist and the driver may be at fault.

The best way to avoid these accidents is to:

- maximize your visibility
- keep a proper lookout when approaching an intersection, and
- adjust your lane position to the left as you approach an intersection so that you are more visible to drivers.

Never Ride Against Traffic

Because bicycles are considered “vehicles” and must obey traffic laws, cyclists who ride against traffic are breaking the law. Not only that, riding against traffic is dangerous and accounts for a large portion of bike accidents. Drivers don’t expect to see bikes coming the wrong way, which leaves those cyclists susceptible to collisions. Also, when a cyclist rides against traffic, there is often little time to maneuver away from an imminent collision. Finally, wrong-way cyclists pose a risk to the cyclists riding with traffic. Avoiding accidents caused by wrong-way cycling is easy: don’t do it.

Bike’s Failure to Yield

Representing 7.1% of all intersection accidents, this is the third most frequent type of intersection accident. The cyclist stops at the intersection, which may be either controlled or uncontrolled, and then rides into the intersection without yielding -- perhaps because she didn’t see the car or misjudged the car’s distance or speed. Often, the cyclist is young. In these accidents the cyclist is usually at fault.

Car Turning Left: The “Left Cross”

In this accident, the motorist and bicyclist approach the intersection from opposite directions, and as they enter the intersection, the motorist turns left, colliding with the cyclist. Usually the motorist doesn’t see the cyclist or misjudges the cyclist’s speed. In most cases, the driver of the car will be liable to the cyclist.

The cyclist can take safety measures to reduce the risk of these accidents:

- maximize your visibility
- adjust your speed at the intersection so that you can brake quickly if necessary
- consider taking the entire lane through the intersection to increase your visibility to cars (the trade-off of this approach is that you may annoy motorists behind you), and

- don't attempt to cross the intersection by riding into the crosswalk from the sidewalk -- this makes it even more difficult for the motorist to see you.

Car Turning Right: The “Right Hook”

There are several ways that accidents can happen when cars make right turns at intersections.

- The car passes a bike as both approach an intersection, and then the car turns right at the intersection, cutting the cyclist off.
- The bike passes a slower car on the right, and the car makes a right turn into the bike.
- The car and bike are waiting at a light. The car turns right when the light changes, cutting off or perhaps hitting the bike.

In most of these situations, the car will be at fault. But again, regardless of fault, a cyclist can take measures to reduce the chance of such an accident.

- Keep a proper lookout -- use a mirror, and check your mirror as you approach the intersection.
- Be prepared to brake suddenly in case a car cuts you off.
- Adjust your lane position by riding closer to the car lane or taking the entire right lane as you cross the intersection.
- Consider crossing at the crosswalk -- but note that riding into the crosswalk from the sidewalk puts you at risk of being hit by both left and right-turning drivers, who won't be expecting a cyclist to suddenly enter the crosswalk. You can reduce your chances of being hit in the crosswalk by walking your bike across, as a pedestrian.
- Never pass a car on the right at intersections or driveways. Either slow down to match the pace of the car or take the lane and pass on the left.
- Avoid being in a car's blind spot while approaching from behind or while waiting at traffic lights.
- Use a “bicycle box” where available. (Portland, Oregon is beginning to experiment with these European innovations). These position cyclists ahead of other vehicles at intersections.

Why Liability Matters

The ultimate goal of safe cycling is to avoid accidents altogether. But cyclists who violate right-of-way rules also face another potential hardship -- if an accident results, they might be found at fault for the accident. This means if the motorist is hurt or the car is damaged, the cyclist will be responsible. And if the cyclist is hurt, he or she may not be able to recover for injuries, medical expenses, lost wages, or pain and suffering.

The “almost stop.” One liability rule bears special mention. In some states, if the cyclist doesn't come to a complete stop at an intersection, the cyclist may be barred from any

recovery, even if the motorist is mostly responsible for an accident. This may be true even if the cyclist came to an “almost stop”. In order to preserve your rights, you must come to a complete stop when required to by law, although, contrary to popular misconception, you are not required to put a foot down to come to a complete stop.

For a complete discussion of almost every type of bike accident imaginable, including issues of liability and safety tips for avoiding them, get *Bicycling & The Law: Your Rights as a Cyclist*, by Bob Mionske (Velo Press).

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