



MEMORANDUM

TO: House and Senate Committees on Judiciary
House and Senate Committees on Transportation

FROM: Xusana Davis, Executive Director of Racial Equity
Wanda Minoli, Commissioner of Motor Vehicles
Jennifer Morrison, Commissioner of Public Safety

SUBJECT: Final Act 106 of 2022, Section 1 Motor Vehicle Offenses Report

DATE: December 22, 2023

Executive Summary:

This report is submitted pursuant to an act (No.106) relating to secondary enforcement of minor traffic offenses which requires the Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety to jointly examine all motor vehicle violations for the purpose of making recommendations on whether statutes should be repealed, modified, or limited to secondary enforcement (Appendix A). A complete review of motor vehicle violations has been conducted and recommendations are submitted via this report. The results of five community engagement sessions and an online form, designed to seek feedback on traffic statutes from members of the community, are summarized in this report for Legislators' consideration.

Introduction:

In 2022, the Vermont Legislature passed Act 106 of 2022, which “requires the Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety to jointly examine all motor vehicle violations for the purpose of making recommendations on whether or not statutes should be repealed, modified, or limited to secondary enforcement.” At its introduction and throughout legislative deliberations, the legislation was described as an important measure to reduce disparities among motorists who experience traffic enforcement, specifically roadside traffic stops, in Vermont. Those documented disparities are most prominent when comparing race and ethnicity data of motorists and have persisted in Vermont traffic stop data for years, even during the COVID-19 pandemic when the state saw a marked decrease in the number of motorists and vehicles traveling Vermont roads. To the bill's sponsors and other supporters, and to the community at large, it was clear that deeper examination of Vermont's traffic enforcement protocols was necessary. As a result, Act 106 sought that deeper examination from key Departments with subject matter expertise in traffic and roadways, public safety, and racial and social justice. The Executive Director and the Commissioners assembled an inter-Departmental working group to review the traffic statutes and prepare for the required reporting.

Group contributors included:

- the Executive Director,
- research and policy staff of the Office of Racial Equity,
- the co-Director of Fair & Impartial Policing,
- policy staff of the Department of Public Safety,
- policy staff of the Department of Motor Vehicles, and
- additional staff with experience and expertise conducting traffic enforcement.

The working group met 36 times between June 2022 and December 2023. During and between those meetings, working group members reviewed all sections of title 23 and examined which provisions of the motor vehicle title could be modified or repealed for the purpose of simplifying, modernizing, and reducing systemic inequities in the traffic code. Following this initial review, working group members developed a preliminary list of those modifiable or repealable provisions. Certain themes emerged in that preliminary list, including items that:

- were no longer necessary due to modernization of technology, motor vehicles, or roadway infrastructure;
- carried too high a risk of biased enforcement due to broad officer discretion;
- were better suited for public education campaigns and general driver awareness efforts instead of being codified into law through penalties.

While these themes are not exhaustive, they represent a significant portion of the recommendations contained in this report. After this preliminary list was generated, the working group sought input from members of the public through a series of public forums and a complementing online survey. Combined, these outreach efforts garnered 103 responses from community members across the state. The working group performed a qualitative analysis of this community feedback and consulted with doctoral-level research experts to affirm the validity and quality of the working group's analysis process.

Working Group:

The Department of Public Safety convened a working group on June 17, 2022, to facilitate the review of motor vehicle violations in preparation of the required report.

Members invited to participated included:

Member	Title	Affiliation
Kevin Andrews	Captain, Enforcement and Safety Division	Department of Motor Vehicles
Daniel Bennett	Co-Director of Fair and Impartial Policing / Sergeant	Vermont State Police
Wade Cochran	Executive Director of Enforcement and Safety Division	Department of Motor Vehicles
Xusana Davis	Executive Director of Racial Equity	Office of Racial Equity
Anthony Facos	Executive Director of Enforcement and Safety Division	Department of Motor Vehicles
Jay Greene	Racial Equity Policy & Research Analyst	Office of Racial Equity
Barbara Kessler	Co-Director of Fair and Impartial Policing / Captain	Vermont State Police
Gordon Landrigan	Assistant Attorney General	Department of Motor Vehicles
Etan Nasreddin-Longo	Co-Director of Fair and Impartial Policing	Department of Public Safety
Ian Louras	Intern	Office of Racial Equity
Wanda Minoli	Commissioner	Department of Motor Vehicles
Jennifer Morrison	Commissioner	Department of Public Safety
Paul Ravelin	Lieutenant, Traffic Safety Unit	Vermont State Police
Matthew Rousseau	Chief of Driver Improvement	Department of Motor Vehicles
Eric Shepard	Sergeant	Williston Police Department
Michael Smith	Deputy Commissioner	Department of Motor Vehicles
Mandy Wooster	Executive Director of Policy Development	Department of Public Safety

Traffic Statute Review:

The working group met bi-weekly to provide recommendations on Title 23 motor vehicle violations to repeal, modify, or limit to secondary enforcement. The [Judicial Bureau Waiver Penalties](#)ⁱ guided the review of all statutes (~227) noted under the TRAFFIC heading. The working group recommendations for motor vehicle violation changes (21) are noted in the tables below. Only the sections of the statutes that have changed are presented under the proposed statute language, not the entire statute. The proposed language illustrates the intent of the recommendations.

Statutes recommended to be repealed:

Title 23 Statute	Recommendation: To Be Repealed
§ 1054. Pedestrians to use right half of crosswalksⁱⁱ	Repeal Statute.
§ 1241. Locking deviceⁱⁱⁱ	Repeal Statute.

Statutes recommended to be modified:

Title 23 Statute	Recommendation: To Be Modified
§ 1055. Pedestrians on roadways^{iv}	Add “when accessible” to section (a).
	<u>Proposed statute language:</u> § 1055 (a) Where public sidewalks are provided, and when accessible, no person may walk along or upon an adjacent roadway.
§ 1095a. Junior operator use of portable electronic devices^v	Junior Operators are not permitted to use GPS in the statute. Add language from § 1095b (used updated language from Act 41 of 2023 (S.99)).
	<u>Proposed statute language:</u> § 1095a (c)The prohibitions of this subsection shall not apply: (1) When use of a portable electronic device is necessary for an individual to communicate with law enforcement or emergency service personnel under emergency circumstances. (2) For use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle.
§ 1104. Stopping prohibited^{vi}	This statute does not account for a disabled vehicle. Add disabled vehicle language from § 1101.
	<u>Proposed statute language:</u> § 1104 (c)This section does not apply to any vehicle that is disabled while on the paved or main-traveled portion of a highway in a manner and to the extent that it is impossible or impractical to avoid stopping and temporarily leaving the disabled vehicle in that position, nor to stopping at a railroad grade crossing.

Title 23 Statute	Recommendation: To Be Modified
<p>§ 1118. Obstruction to driver's view^{vii}</p>	<p>Clarify language in (a) to capture intent.</p> <p><u>Proposed Statute Language:</u> § 1118 (a) A person shall not operate or attempt to operate a motor vehicle when more than three persons, including the operator, are occupying the front seat or seats or are in the front or driving compartment of any motor vehicle, except where such seat has been constructed to accommodate more than three persons and there is eighteen inches of seating capacity for each passenger or occupant in said front seat. In no case shall a vehicle be operated with more than four persons occupying the front seat or seats or who are in the front or driving compartment of the motor vehicle.</p> <p>(c) No passenger or object in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanisms of the vehicle and prohibits the driver to operate their vehicle without due regard to safety.</p>
<p>§ 1134. Motor vehicle operator; consumption or possession of alcohol or cannabis^{viii}</p>	<p>Equalize the fines of alcohol and cannabis. "Experimental studies of the effects of cannabis upon driving have reported more modest impairments than intoxicating doses of alcohol. Cannabis-impaired drivers appear to be more aware that they are impaired and attempt to compensate for their impairment by driving more slowly and taking fewer risks than alcohol-impaired drivers."^{ix}</p>
<p>§ 1134a. Motor vehicle passenger; consumption or possession of alcohol or cannabis^x</p>	<p>Equalize the fines of alcohol and cannabis as noted above in 23 V.S.A § 1134.</p>
<p>§ 1203. Administration of tests; retention of test and videotape^{xi}</p>	<p>Modify statute description, (J), and (K) - "Change "Videotape" to "Video".</p> <p><u>Proposed Statute Language:</u> § 1203. Administration of tests; retention of test and video (j) A video made of the alleged offense and subsequent processing may be erased or destroyed by the law enforcement agency no earlier than 90 days after final judgment, or, if no civil or criminal action is filed, no earlier than 90 days after the date the video was made.</p> <p>(k) A copy of a video made of the alleged offense shall be provided to the defendant within ten days after the defendant requests the copy and pays a \$45.00 fee for its reproduction. No fee shall be charged to a defendant whom the court has determined to be indigent.</p>
<p>§ 1221a. Defective equipment warning^{xii}</p>	<p>Extension to five business days.</p> <p><u>Proposed Statute Language:</u> § 1221a. Defective equipment warning The operator of a motor vehicle who receives a ticket for inoperative lights shall not be required to pay the civil penalty associated with the ticket provided that within five business days after receiving the ticket the issuing department receives proof that the defect has been repaired.</p>

Title 23 Statute	Recommendation: To Be Modified
§ 1701. Possession of motor vehicles with serial or motor numbers defaced^{xiii}	<p>Gender Neutral Language AND it may take more than 10 days, add language, “while the application is under review” and striking “and the application has been granted.”</p> <p><u>Proposed Statute Language:</u> § 1701. A person shall not knowingly keep in their possession or ownership for more than 10 days or while the application is under review a motor vehicle or vessel, the manufacturer's serial or motor numbers or identifying numbers assigned by the Commissioner of which have been changed, tampered with, obliterated, or defaced, unless the person has applied to the Commissioner for the assignment of a new number to be placed on the vehicle or vessel or motor and the application has been granted.</p>
§ 2083. Other offenses^{xiv}	<p>Modify "Traffic violation" to "civil offense" AND Gender Neutral Language.</p> <p><u>Statute Language:</u> § 2083 (b) Absent a showing of a knowing failure to deliver as provided in subdivision (a)(3) of this section, a person who fails to deliver their transferee a certificate of title within 30 days after the transfer commits a civil offense and shall be assessed a civil penalty of not more than \$1,000.00.</p>

Sections identified as needing only modifications for gender neutral and person first language:

Title 23 Statute	Recommendation: Gender Neutral and Person First Language
§ 1130. Permitting unlicensed or impaired person to operate^{xv}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 1130. Permitting unlicensed or impaired person to operate (b) No person shall permit a motor vehicle owned by them or under their control to be operated by another person if the person who owns or controls the vehicle knows that the other person has no legal right to operate the vehicle.</p>
§ 1135. Trespass by motor vehicle^{xvi}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 1135. Trespass by motor vehicle (a) A person commits the offense of trespass by motor vehicle if the person, knowing that they are not privileged to do so: (1) operates a motor vehicle and obstructs a private driveway, barway, or gateway; or (2) operates a motor vehicle and travels over a private road that is so marked, or travels over other private lands; or (3) operates a motor vehicle on any land that is owned or held by the State: (A) that is not a place or trail specifically designated and marked by the Secretary of Natural Resources for use by motor vehicles; or (B) contrary to any rule governing the use of the place or trail. (b) A person who violates this section shall be assessed a civil penalty of not more than \$100.00 for each offense or, if the violation results in damage to property, the person shall be assessed a civil penalty of not more than \$175.00 for each offense. (c) As used in this section, “motor vehicle” does not include an all-terrain vehicle or snowmobile. (d) This section shall not apply to any highway open to the public.</p>

Title 23 Statute	Recommendation: Gender Neutral and Person First Language
§ 1256. Motorcycles; headgear^{xvii}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 1256 A person may not operate or ride upon a motorcycle upon a highway unless they properly wear protective headgear of a type that conforms to the federal Motor Vehicle Safety Standards contained in 49 C.F.R. § 571.218, as may be amended. The requirement of this section shall not apply to occupants of fully enclosed autocycles.</p>
§ 1282. Operator, equipment, and inspection^{xviii}	<p>Modify to add "person with diabetes" instead of "a diabetic" (person first language) AND Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> §1282 (a) Before an individual may assume the duty of transporting school pupils in either a Type I or Type II school bus, they shall as a minimum:</p> <p>(2) Furnish the Department of Motor Vehicles or, in the case of an individual licensed in another jurisdiction, furnish their employer a certificate signed by a licensed physician, or a certified physician assistant, or a nurse practitioner in accordance with written protocols, that they are, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform their duties. Any newly diagnosed person with diabetes or established person with diabetes must be stabilized and must be certified by their personal physician that they have not had a hypoglycemic reaction (loss of consciousness or near loss of consciousness) for the last two years or since their last physical, whichever is longer. Any person with diabetes must be recertified every six months by their personal physician who must state that the patient has not had a hypoglycemic reaction during that time.</p> <p>(5) Furnish to their employer, prior to the first date of employment as a school bus driver, a copy of their three-year operating record.</p> <p>(d)(1) Not less often than every two years, and before the start of a school year, an individual licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall furnish the employer who employs them as a school bus driver the following:</p> <p>(A) a certificate signed by a licensed physician, a certified physician assistant, or a nurse practitioner in accordance with written protocols, certifying that the licensee is, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform their duties and that they meet or exceed the minimum hearing standards, based on voice testing, as prescribed by the Commissioner; and</p> <p>(B) a certificate signed by a properly registered and authorized medical doctor, ophthalmologist, optometrist, or nurse practitioner certifying that they meet or exceed the minimum vision standards as prescribed by the Commissioner.</p>
§ 1400. Permit to operate in excess of weight and size limits; State highways^{xix}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 1400 (a) A person or corporation owning or operating a traction engine, tractor, trailer, motor truck, or other motor vehicle</p>

Title 23 Statute	Recommendation: Gender Neutral and Person First Language
<p>§ 1400. Permit to operate in excess of weight and size limits; State highways</p>	<p>that desires to operate it over State highways or class 1 town highways in excess of the weight and size limits provided by this subchapter shall apply to the Commissioner for a permit. In their discretion, with or without hearing, the Commissioner may issue to the person or corporation a permit authorizing the person to operate the traction engine, tractor, trailer, motor truck, or other motor vehicle upon State highways and class 1 town highways as they may designate and containing the regulation subject to which the traction engine, tractor, trailer, motor truck, or other motor vehicle is to be operated. The permit shall not be granted until satisfactory proof is furnished to the Commissioner that the traction engine, tractor, trailer, motor truck, or other motor vehicle has been registered and the prescribed fee paid for a gross weight equal to a maximum legal load limit for its class. No additional registration fee shall be payable to authorize the use of the traction engine, tractor, trailer, motor truck, or other motor vehicle in accordance with the terms of the permit. The approval may be withdrawn for cause and may be withdrawn without cause any time after March 31 next following the date of issuance. When approval is withdrawn for cause or on March 31, the Commissioner shall forthwith revoke the permit; when approval is withdrawn otherwise, they shall revoke the permit within one month.</p>
<p>§ 1453. Baled products^{xx}</p>	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 1453 (b) The provisions of subsection (a) of this section shall not apply to a farmer engaged in farming operations where such transportation requires that they use the public highways; provided, however, that the farmer loads and transports the loads in a reasonably safe manner.</p>
<p>§ 2084. Report of theft, recovery of unclaimed vehicle^{xxi}</p>	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 2084 (a) An enforcement officer, sheriff, or constable who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle whose theft or conversion they know or has reason to believe has been reported to the Commissioner, shall forthwith report the theft or recovery to the Commissioner.</p> <p>(b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Commissioner, but the Commissioner may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Commissioner.</p> <p>(c) An operator of a place of business for garaging, repairing, parking, or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 30 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Commissioner. A vehicle left by its owner whose name and address are known to the operator or their employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking, or storing and shall be assessed a civil penalty of not more than \$25.00 for each day their failure to report continues.</p> <p>(d) The Commissioner shall maintain and appropriately index weekly any cumulative public records of stolen, converted, recovered, and unclaimed</p>

Title 23 Statute	Recommendation: Gender Neutral and Person First Language
§ 2084. Report of theft, recovery of unclaimed vehicle	<p>vehicles reported to them pursuant to this section. The Commissioner may make and distribute copies of the weekly records so maintained to enforcement officers upon request without fee and to others for the fee, if any, the Commissioner prescribes.</p> <p>(e) The Commissioner may suspend the registration of a vehicle whose theft or conversion is reported to them pursuant to this section; until the Commissioner learns of its recovery or that the report of its theft or conversion was erroneous, they shall not issue a certificate of title for the vehicle.</p>
§ 3203. Termination of registration^{xxii}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 3203. The registration of a snowmobile ends when the owner transfers title to another. The former owner shall immediately return to the Commissioner the registration certificate previously assigned to the transferred snowmobile with the date of sale, name, and residence of the new owner endorsed on the back thereof. When a person transfers the ownership of a registered snowmobile to another, files a new application, and pays a fee of \$3.00, they may have registered in their name another snowmobile for the remainder of the registration year without payment of any additional registration fee.</p>
§ 3204. Registration fees and dealer plates^{xxiii}	<p>Gender Neutral Language.</p> <p><u>Proposed Statute Language:</u> § 3204 (b) Dealer registration and plates; manufacturer plates; fees.</p> <p>(1) A person engaged in the business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner and to the requirements of chapter 7 of this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of their immediate family; and use at fairs, shows, or races when no charge is made for such use.</p>

Secondary Enforcement:

Secondary enforcement, for the purpose of our recommendation, means: When a motor vehicle stop has been conducted, the statute may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another violation of law. Please note - if after stopping for a primary offense that does not result in a ticket and an officer notes a secondary offense, that secondary offense can be ticketed. The secondary nature of the recommendation does not apply to the discovery of a violation outside of a motor vehicle stop (for example, discovery of a violation during a Department of Motor Vehicles administrative process that was not initiated by a traffic stop).

For transparency in our work, the working group chose to list the statutes we considered for purposes of making recommendations, wholly or in part, for secondary enforcement. The statutes listed below are inherently secondary in nature for purposes of enforcement when a traffic stop has been conducted. In their nature, they cannot be enforced as a primary violation. For this reason, our recommendation for secondary enforcement is limited to ensuring that these statutes remain secondary in nature either through awareness and training or codification of law or both.

Title 23 Statute	Recommendation: Secondary Enforcement
§ 203. Counterfeiting, fraud, and misuse; penalty^{xxiv}	<p>Modify all to be secondary except, (a)(1) Inspection sticker and number plate, (a)(2) inspection plate, and (a)(9) inspection sticker.</p> <p><u>Proposed statute language:</u> § 203 <u>Add section (c):</u> (c) When a motor vehicle stop has been conducted, an operator of a motor vehicle shall not be subject to enforcement of subsections (a)(3) through (a)(8) unless the operator has/had been detained for another suspected violation of law.</p>
§ 204. Surrender of license or registration^{xxv}	<p>Make Statute Secondary.</p>
§ 205. Notification of change of name or address^{xxvi}	<p>Make Statute Secondary.</p>
§ 307. Carrying of registration certificate; replacement and corrected certificates^{xxvii}	<p>Make Statute Secondary.</p>
§ 455. Use by others than dealer^{xxviii}	<p>Make Statute Secondary.</p>
§ 456. Employees' use of vehicles, motorboats restricted^{xxix}	<p>Make Statute Secondary.</p>
§ 800. Maintenance of financial responsibility^{xxx}	<p>Make Statute Secondary.</p>
§ 1012. Obedience to enforcement officers^{xxxi}	<p>Modify section (B) - first part secondary. Last sentence would remain a primary offense. AND Gender Neutral Language</p> <p><u>Proposed statute language:</u> § 1012 <u>Modify Section (b)</u> The operator shall: (1) produce their operator's license and the registration certificate for the motor vehicle. (2) If the operator does not have a valid Vermont operator's license or does not have the license on their person, the operator shall produce other suitable forms of identification. A person operating a motor vehicle shall promptly and carefully stop when signaled to stop by an enforcement officer wearing insignia that identifies the officer.</p> <p><u>Add section (e):</u> (e) When a motor vehicle stop has been conducted, an operator shall not be subject to enforcement of section (b)(1) unless the operator has/had been detained for another suspected violation of law.</p>

Statutes recommendations lacking consensus among stakeholders:

The working group is comprised of diverse perspectives and priorities. Naturally, we did not reach consensus on all recommendations. To provide transparency in our recommendation process, statutes in which we did not reach consensus are noted below:

Title 23 Statute	Recommendation: Lacking Consensus
§ 601. License required^{xxxii}	<p>Modify (B)(i) by removing "is lawfully present in the United States"</p>

Title 23 Statute	Recommendation: Lacking Consensus
§601. License Required	<p><u>Proposed statute language:</u> § 601 <u>Modify (B)(i):</u> (B)(i) is at least 18 years of age and has been in the United States for not more than one year; and</p> <p><u>Rationale:</u></p> <p>This requirement is due to the international treaties, and we do not have the authority to modify. Certain aspects of Title 23 have been modernized to be inclusive of Vermonters who are not documented, but provisions like this one have not yet been updated. A modification here would create more consistency throughout the title and less legal uncertainty for this vulnerable population.</p>
§ 1046. Vehicle approaching or entering intersection^{xxxiii}	<p>Group discussion included recommendations on leaving the statute as written and a suggestion to add a section (c) to make a violation of this statute secondary in nature unless the violation of this statute resulted in damages, personal injury, or death as noted below:</p> <p>(c) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation, or if the violation of this section results in property damage or personal injury, or death. An operator shall not be subject to enforcement of sections (b), (c)(2), and (d) unless the operator has/had been detained for another suspected violation of law.</p> <p><u>Rationale:</u></p> <p>Concerns were voiced about the potential for this statute being used as a pretext for stopping more people of color disproportionately.</p> <p>While this statute is most often enforced following a motor vehicle crash, it is important to retain the ability to enforce the statute absent those circumstances. Enforcement of law should not be contingent on negative outcomes (in cases of damages, injury, or death), it needs to retain that ability to be proactive to ensure public safety.</p>

Statutes recommendations to committees of jurisdiction:

As part of the work group’s review of statutes, they identified the following statutes for modification that did not require legislative change. These recommendations were made to specific committees of jurisdiction.

Title 23 Statute	Recommendation	Committee of Jurisdiction
§ 1005. Regulation of parking^{xxxiv}	Add provision that notes signs should be conspicuously posted.	Traffic Committee

Title 23 Statute	Recommendation	Committee of Jurisdiction
§ 1005. Regulation of Parking	<u>Proposed statute language:</u> § 1005 The Traffic Committee may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway under its jurisdiction where, in its opinion, stopping, standing, or parking is dangerous to those using the highway or would unduly interfere with the free movement of traffic. The signs shall be official signs and shall be placed in a location that is clearly visible to a person operating a vehicle in the area indicated by the sign under normal atmospheric conditions. No individual may stop, stand, or park any vehicle in violation of the restrictions stated on such signs.	
General Recommendation	Consider community feedback regarding assessing timing for pedestrian crossing with persons with mobility-related disabilities in mind.	Traffic Committee

Community Engagement Outreach:

This section of the report intends to provide insights into the level of engagement, the effectiveness of the community initiatives, difficulties and challenges discovered, and areas for improvement.

The workgroup held five community engagement events where residents were invited to participate in open dialogue pertaining to Act 106 of 2022. Events were hosted in Hinesburg, St. Johnsbury, Arlington, Putney, and Brookfield, VT. The locations were chosen to allow participation from residents in five broadly defined regions: Northwest, Northeast, Southwest, Southeast, and Central Vermont, respectively. A remote participation option was also available for each of the five forums through Zoom. The workgroup hired a professional facilitator with experience addressing equity in Vermont to facilitate the conversation between workgroup members and community participants. Workgroup members from the Office of Racial Equity, the Department of Public Safety, and the Department of Motor vehicles were present in-person and/or remotely for each event. Additionally, the group utilized an online form to solicit feedback.

During each community engagement event, the workgroup sought to make apparent the purpose of Act 106 of 2022 and explain the differences between a primary and secondary motor vehicle stop. The group answered community members’ questions about motor vehicle statutes in Title 23 and the impact of proposed changes on communities. Though the forums were prefaced with the intended purpose of these discussions, much of the dialogue at these forums was not specific to the proposed changes of Act 106 of 2022.

The five community engagement forums had a total of 13 community members in attendance. St. Johnsbury and Brookfield each had three participants, Hinesburg had five participants, and Arlington had two. Putney did not have in-person community members present. The inability to secure physical meeting locations in a timely manner prior to each event was our largest hurdle. Many facilities had not confirmed meeting accommodations within sufficient time to effectively advertise event locations to our communities. Residents did not have sufficient time to prepare for any prior needs to attend the community engagement assemblies. We do not believe that the poor attendance is in congruence with a lack of interest in Act 106 of 2022 since the online feedback form yielded 90 responses.

A significant challenge for the working group was the lack of a budget or mandate for community engagement from the Legislature in Act 106 of 2022. The working group did not have adequate resources to provide notices of language access, translate materials into other languages, or provide interpreters at the events. The lack of language access considerations meant that neither the community engagement sessions nor the online feedback forms included people

who use languages other than English. Future efforts to research public opinions on traffic statute updates in Vermont must include specific outreach to communities who use languages other than English.

Results of Community Engagement:

The Act 106 of 2022 workgroup is grateful to the 13 participants who attended the community engagement sessions and to the 90 respondents who completed the online feedback survey. We appreciate their willingness to share all the feedback provided.

Limitations:

There are three main limitations of the following analysis of the feedback the Act 106 working group received at the community engagement opportunities:

1. **The opinions and experiences of the 103 people who participated in the Act 106 community engagement opportunities do not represent the opinions and experiences of all adults in Vermont.** These results cannot represent the full range of opinions on traffic laws and traffic enforcement experiences from every adult in Vermont. People with an especially strong desire to contribute and fewer barriers to participation were more likely to attend a meeting or fill out the survey than people with barriers to participation. Examples of barriers to participation include lack of capacity to attend in-person meetings or difficulty accessing a computer or mobile device to respond to the online feedback form.
2. **Staff of the Office of Racial Equity performed the qualitative analysis. As with all qualitative analysis, these data might be interpreted differently by others.** A full description of the methods used, including a list of guiding questions used to conduct the discussions and a list of thematic analysis codes with definitions, is available in Appendix B: Qualitative Analysis Methods.
3. **Because neither the public outreach announcements nor the online feedback forms were translated into languages other than English, the results of the community engagement process presented here do not include responses from people who use languages other than English.** “People who use languages other than English” includes some immigrants, refugees, migrant workers, and d/Deaf, DeafBlind, or Hard of Hearing Vermonters who use signed languages. The workgroup recommends that Legislators and other policymakers conduct further outreach with the aid of interpreters and translators to seek input from people who use languages other than English.

Analysis of Community Input:

Participant characteristics:

A total of 103 people participated in the community engagement opportunities, including 13 participants at five in-person engagement events and 90 respondents to the online feedback form. Three of 13 participants at in-person sessions had professional experience working in traffic policy, regulation, or enforcement. Six of 90 respondents to the online survey reported professional experience working in traffic policy, regulation, or enforcement. Five of 13 participants at the in-person sessions described their experience being stopped by law enforcement officers in a traffic stop context, while 22 of 90 respondents to the online feedback survey reported their experiences with traffic stops.

Common themes shared both in-person and via the online feedback form:

Law enforcement officer conduct:

The Act 106 workgroup thought that it was important to intentionally create a space for participants to share their experiences with law enforcement officers while reserving time for discussion of changes to traffic statutes. The workgroup also considered the possibility of identifying traffic statutes that could be changed to address participants’ concerns, even if participants themselves did not have direct knowledge of which statutes or agency rules could be changed to address those concerns. The amount of feedback the working group received on law enforcement officer conduct makes sense considering the guiding questions asking participants to share their experiences with traffic statute enforcement. For a full list of guiding questions, see Appendix B: Qualitative Analysis Methods.

33 out of 103 participants shared feedback on the conduct of law enforcement officers in traffic stops. Of those 33, the working group received 23 reports of neutral to positive experiences interacting with law enforcement officers. In neutral to positive cases, participants felt that Vermont law enforcement officers acted professionally and courteously, with one participant saying, *“In the one traffic stop I was involved, in (sic) the police officer was courteous and did take into*

account my overall good driving record.” Another participant said, *“The officer was very polite.”* Others commented gratefully on how law enforcement officers had helped them secure their vehicles after roadside accidents or in winter weather conditions.

10 participants reported having negative experiences in their interactions with law enforcement officers. All four of the respondents to the online feedback form who self-identified as “Black” or “brown” shared experiences that led them to believe that law enforcement officers racially profiled them or treated them differently than White residents of the same regions. Eight respondents who self-identified as White (five respondents to the online feedback form and three in-person participants) commented on racial disparities in traffic enforcement or reported that they believe law enforcement officers treat them better than people of color because of their Whiteness. One respondent to the online feedback form who did not report their own race remarked, *“...it's no secret that Vermonters of color are disproportionately (sic) targeted during traffic stops. This needs to change.”* Vermont’s statistical analysis center Crime Research Group has additional resources discussing the challenges with measuring racial disparities in traffic stops.^{xxxv}

Both in-person and online form respondents discussed their desire for clearer and more accessible procedures for pursuing accountability for law enforcement officers whose conduct produced harmful outcomes. A respondent who reported their experience contesting a ticket that a judge dismissed because they had not violated any traffic laws said, *“...there may be more people who experienced what I did, and didn't feel comfortable "fighting" it because the justice system has never worked for them, and/or they didn't realize that what they did wasn't actually against the law...I think there should be clear procedures for filing complaints against law enforcement. If they are exhibiting behavior or practices that show they have not been properly trained then the public needs to know how to file formal complaints and have concerns heard.”*

Law enforcement officer training:

Four of 13 in-person engagement session participants and an additional six online feedback form respondents asked questions or made specific recommendations about improvements to law enforcement training. Participants’ topics of discussion included:

- Increased training on trauma-responsive practices to ensure officers understand how to deescalate a stressful traffic stop.
- Better training for law enforcement officers on standardized procedures for data collection, especially data collection for the purposes of measuring racial disparities in enforcement.
- Asking questions about to what extent officers received training to reduce racial bias in enforcement.

Of particular note was the focus on making the process of sharing traffic stop data more transparent and easier to understand for the average person. Legislators may refer to the Act 161 of 2022 Section 1A Law Enforcement Data Collection Report published November 2, 2023, for further recommendations on standardizing data collection procedures and training requirements for law enforcement officers.^{xxxvi}

One online feedback form respondent astutely asked, *“How is law enforcement educated on the laws given new hybrid or human power mobility devices entering the marketplace continuously?”* The Vermont State Legislature and law enforcement leadership should continue to engage with the question of how to update statutes and law enforcement training practices to reflect advances in mobility-related technology such as the increased availability of e-bikes and motorized personal mobility devices for people with disabilities.

Economic impacts of traffic enforcement and inspections:

Another topic that participants mentioned both in-person and in their online feedback forms was the economic impact of traffic enforcement. Two of 13 in-person participants and seven of 90 online feedback form respondents commented on the financial burden of various aspects of traffic enforcement. Some participants commented that people are excessively penalized for the consequences of poverty. When a person without the economic resources to repair their vehicle receives a fine for a vehicle maintenance issue, it creates a vicious cycle where they are forced to pay for the fines first instead of paying for repairs. Being forced to pay the traffic violation fine first instead of paying to repair their vehicle means they are more likely to be stopped in the future and ticketed again for the same unresolved maintenance issue. Respondents

shared that maintenance-related tickets are especially detrimental to residents in areas of the state where there are limited or no public transportation options.

Participants further shared their opinions that businesses who offer vehicle inspections use the inspections process to charge exorbitantly for repairs that they allege are necessary to ensure a vehicle passes inspection. The Department of Motor Vehicles could consider providing updated guidance to businesses that provide inspections to ensure they understand what is required to pass inspections and do not overcharge people for repairs unrelated to inspections. Vehicle inspections regulations are codified in Department of Motor Vehicles rule CVR 14 050 022. Inspection of Motor Vehicles.^{xxxvii} Legislators should engage with their constituents further on the topic of inspections expenses to better understand the broad range of opinions expressed by participants, some of whom asserted that inspections processes should not be changed.

Noise pollution and environmental justice:

One of 13 in-person participants and eight of 90 online feedback form respondents commented on excessive vehicle noise or exhaust fumes that they reported as disruptive and stressful. One online form respondent noted that noise and vehicle exhaust have significant health impacts on residents of their town, saying, “*Would love to know if noise and diesel truck health impacts are recognized at our state level as priorities especially for our underserved communities that all too often end up holding the bag for stuff like this.*” Most participants who commented on vehicle noise pollution also reported a desire for law enforcement officers to enforce local noise ordinances more strictly where local noise ordinances exist.

A common misconception among participants was the idea that modified mufflers or exhaust systems are not regulated in Vermont. In fact, a vehicle with a modified exhaust system would not pass inspection per CVR 14 050 022. One member of the workgroup with significant expertise in motor vehicle noise regulations stated that noise from unmodified vehicles may exceed 95 decibels, just five decibels less than an electric saw, without any added modifications.^{xxxviii} The fact that unmodified vehicles can be extremely loud makes regulation of vehicle noise more complex than simply banning modified exhaust systems as Vermont currently does. The Commissioner of Motor Vehicles was directed under Act 41 of 2023, Section 42 “Excessive Motor Vehicle Noise Report” to submit a report on “current and potential enforcement practices around excessive motor vehicle noise and...ways to limit excessive motor vehicle noise in Vermont” in consultation with the Commissioner of Public Safety and the Vermont League of Cities and Towns.^{xxxix} The Excessive Motor Vehicle Noise Report, once submitted to the Legislature in January 2025, will serve to inform the Legislature on solutions to address excessive motor vehicle noise. Legislators should engage further with their constituents to learn more about their concerns with traffic noise and air pollution.

Prioritizing traffic statute enforcement:

Many participants shared their opinions on which statutes should be enforced more and which should be deprioritized for enforcement. In response to the question, “If you could change anything about Vermont’s traffic laws and traffic law enforcement process, what would you change?” one respondent said, “*Regulate vehicle noise levels. Curtail aggressive driving and tailgating.*” Another responded, “*I’d like to see stricter enforcement of red light laws, following distances, distracted driving (cell phone, personal maintenance, etc), and aggressive driving violations.*” These two responses illustrate common themes mentioned by many of the respondents: concerns over aggressive or distracted driving, speeding (especially in areas with high numbers of pedestrians), and vehicles endangering pedestrians by going through red lights at intersections or turning right on red when pedestrians are crossing. Three participants in the online feedback form mentioned abolishing or limiting vehicles passing when there is a double yellow line. The preliminary findings of the Act 41 of 2023 Section 42 Excessive Motor Vehicle Noise Report due to be published in January 2025 support participants’ assertions that aggressive and distracted driving have increased since 2020. Five of 90 online feedback form respondents supported installing additional speed monitoring cameras at intersections or in areas where they observed vehicles speeding. The Legislative report pursuant to Act 55 of 2021 Section 40 entitled, “Vermont Speed Safety Cameras in Work Zones Report” contains recommendations to guide the implementation of a pilot program for speed cameras in work zones as well as commentary on the equity and civil rights concerns with permanent installation of speed cameras and automated enforcement of traffic violations.^{xl}

Themes shared primarily in the online feedback form:**Pedestrian safety and access to roads:**

Respondents to the online survey discussed a variety of topics related to pedestrian safety, law enforcement practices, and suggested changes to traffic statutes to make Vermont roads safer for pedestrians. 53 of 90 participants who responded via the online feedback form discussed the need to improve infrastructure to support pedestrian safety and enable other forms of transportation besides personal motor vehicles. “Pedestrian” is used broadly here to refer to any road user who is not driving or riding in a motor vehicle, including but not limited to people walking, rolling in wheelchairs, or bicycling. The focus on pedestrian safety in the online feedback forms is likely in part due to the organization Local Motion distributing information about the Act 106 community engagement opportunities to their mailing list. Appendix B: Qualitative Analysis Methods includes further discussion of the methods used to publicize the community engagement sessions.

Accessibility:

Many respondents to the online feedback form also mentioned their concerns that existing infrastructure is not built to be accessible to people with mobility-related disabilities. For example, one respondent noted, *“it appears that all crossing times are designed for people without mobility issues”*. Other respondents discussed the lack of sidewalks in their communities or sidewalks that are in such disrepair as to make them unusable for people rolling in wheelchairs, forcing pedestrians to walk or roll on streets instead. Comments such as these warrant further investigation into the necessary infrastructure upgrades to make Vermont roads safer and more accessible to people with disabilities.

Commentary on law enforcement presence in communities:

12 of 90 online feedback form respondents expressed concerns with the level of law enforcement presence in their communities with regards to traffic enforcement. One respondent noted, *“All of these points are based off my experiences in relatively rural communities - Huntington and surrounding areas. That said, there's very limited law enforcement around here due to the large amounts of roads and very small amounts of available policing hours.”* The comments were not limited to rurally located residents; respondents living in more urban areas of the state such as Burlington and surrounding municipalities also reported seeing less traffic enforcement activity than they would prefer. The respondents’ feedback makes sense given that many Vermont law enforcement agencies have vacancies in law enforcement positions.^{xli}

Participant opinions on the community engagement process:

Responses to the online feedback form question, “What does it mean to you when we ask for your feedback on traffic laws?” varied from gratitude to skepticism, or a mix of both. Some respondents expressed gratitude for the opportunity to provide feedback, while many expressed doubts that their input would make a difference. One respondent said, *“Perhaps there is a remote chance down the ‘road’ things might change. Hard not to be cynical,”* while another said, *“Hopefully our suggestions would lead to some kind of action.”* Legislators and policymakers should review the reports of previously requested study commissions and public engagement projects to ensure that the contributors’ hard work is not forgotten.

Reflections on the community engagement process:

Members of the public are eager for opportunities to provide input on transportation policy discussions on topics ranging from infrastructure to vehicle equipment regulations to law enforcement policies and practices. Members of the working group encourage Legislators and other policymakers to allocate funding as necessary to conduct further public engagement on these important topics and to ensure that future public engagement methods include people who use languages other than English. The Act 106 of 2022 Traffic Statute Review Report should be the beginning of the process of reforming Vermont’s traffic statutes, not the end of it. As one respondent on the online feedback form said, *“I think it is good that feedback is being gathered. It is a step in the right direction.”*

Conclusion:

The Working Group thanks the Legislature for its deliberation and action on the important issues outlined herein. These recommendations have been thoughtfully crafted to create maximum benefit for motorists, pedestrians, and others in

Vermont, while simultaneously maintaining a high standard for safety on the state's roadways. Notwithstanding this comprehensive review, the Working Group urges the Legislature and other policymakers in Vermont to seek input regularly and proactively from residents and visitors in the state on the traffic-related issues most acutely affecting them. Several of the recommendations herein will be forwarded to the Traffic Committee or will be proposed to the Department of Motor Vehicles and others as potential topics for public education campaigns. In this way, the Working Group aims to pursue a multisectoral approach to addressing the safety and equity concerns outlined in this report.

Appendix A:

No. 106. An act relating to secondary enforcement of minor traffic offenses.

(H.635)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. MOTOR VEHICLE OFFENSES REPORT

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine all motor vehicle violations for the purpose of making recommendations on whether or not statutes should be repealed, modified, or limited to secondary enforcement.

(b) The Executive Director and Commissioners jointly shall provide an interim report to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023 and a final written report to the committees on or before October 1, 2023.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 9, 2022

Appendix B: Qualitative Analysis Methods

Data collection:

The Office of Racial Equity sent out a detailed one-page infographic sheet and link to the Office of Racial Equity webpage explaining the purpose of the Act 106 of 2022 Traffic Statute Review project to the Office of Racial Equity email list on October 2, 2023.^{xliii} The Office of Racial Equity Act 106 of 2022 webpage and outreach email included a link to the online feedback form, which was created in Microsoft Forms. Leaders of the Vermont Social Equity Caucus included the one-page infographic sheet in the Social Equity Caucus newsletter on October 3, 2023.^{xliiii} Staff of the Office of Racial Equity sent a reminder email on October 4, 2023, encouraging people to join us at the first community engagement event or to fill out the online feedback survey. The announcement email was also posted to an internal State of Vermont employee Microsoft Teams channel with over 700 members. The Office of Racial Equity email list included approximately 1500 unique email addresses at the time the Act 106 of 2022 community announcement was sent out. The Department of Public Safety sent out five media email blasts to increase awareness and provide information on the Community Engagement events. The online feedback form was open for responses from October 2, 2023, to November 25, 2023. The working group is grateful to community-based organizations including Local Motion and the American Civil Liberties Union of Vermont for distributing the information about the Act 106 of 2022 community engagement opportunities, including the online feedback form link, to their constituents. The Act 106 working group thanks a representative of Local Motion for supplying research from other jurisdictions discussing Local Motion's recommendations.^{xliv}

The Executive Director of the Office of Racial Equity took detailed notes of participants' comments at all five in-person community engagement sessions where community participants attended. The following list of questions was used to guide the in-person facilitated discussions and the online feedback form:

1. What is your experience with traffic law enforcement?
2. What, if anything, went well in your experience(s)?
3. What, if anything, was confusing, frustrating, or seemed unfair or discriminatory?
4. If you could change anything about Vermont's traffic laws and traffic law enforcement processes, what would you change?
5. Is there anything you would like to learn about Vermont traffic laws and/or enforcement?
6. What does it mean to you when we ask for feedback on traffic laws?
7. Are there any traffic laws you think are outdated or need to be improved? Or a traffic law that doesn't exist but should?

The online feedback form gave respondents the option to report their name and/or email address but did not require a name or email address to submit the form. Respondents were only allowed to submit one response per person.

Data analysis:

The State of Vermont Office of Racial Equity Policy and Research Analyst used the qualitative research technique of thematic analysis to identify topics mentioned in the in-person engagement session notes and the online feedback form responses.^{xlv} Because the Office of Racial Equity Policy and Research Analyst was the only staff person conducting the data analysis, it was not possible to conduct the analysis in a masked fashion.^{xlvi} That is, the person responsible for the analysis had access to both the anonymized online feedback form identification numbers and the names and email addresses identifying the participants who provided them. The Policy and Research Analyst used anonymous identification numbers or alphanumeric codes to keep track of individual participants' statements from both the in-person notes and the online feedback survey. However, the Policy and Research Analyst made an effort to mask participant identities during the analysis by only including anonymous ID codes on the Microsoft Excel spreadsheets used to conduct the qualitative analysis.

The Policy and Research Analyst first read the in-person engagement session notes and sorted portions of participants' statements into a set of tables in Microsoft Excel according to which of the seven guiding questions the participant's statement best corresponded to. They did not assign thematic codes to the Act 106 workgroup members' comments at the

in-person sessions. They developed a list of 42 preliminary thematic codes. The 42 codes were then simplified to 13 codes for ease of coding.

After they sorted and added thematic codes to the in-person session notes, they performed the same thematic coding procedure with all 90 participants' responses to the online feedback form. The statement sorting process used to aid in analysis of in-person session notes was unnecessary for online feedback form responses because respondents answered the seven guiding questions directly. The Policy and Research Analyst reviewed the codes assigned to the in-person session notes and online feedback responses at least twice to ensure that thematic codes were uniformly assigned to all responses according to the definitions in "Table 1. Thematic Analysis Codes and Definitions". They added additional summary notes and reflections on each participant's qualitative data to track common themes that appeared. They used their summary notes to identify recurring themes to which they assigned three additional codes, bringing the total number of thematic analysis codes to 16. The additional codes identified after reviewing both in-person session notes and online feedback form responses included "accountability", "infrastructure", and "noise." Table 1 lists the thematic codes used to describe the participants' responses in alphabetical order along with the definition of each code.

Table 1. Thematic Analysis Codes and Definitions

Code	Definition
accountability	participant comments, questions, or recommendations about how to have their complaints regarding law enforcement officer conduct addressed, also includes general comments on the need to ensure that law enforcement officers and agencies are held accountable to the communities they serve
civilian education	participant comments, questions, or recommendations related to educating non-law enforcement residents or visitors in Vermont about traffic statutes, traffic enforcement, or road use in general ("civilian" here meaning anyone in Vermont who does not serve in a professional law enforcement role)
DMV	includes any comments on the functioning, administrative procedures, or day to day operations of the Department of Motor Vehicles (DMV), not including law enforcement activities, such as commercial vehicle inspection stations
economic impact	participant expressed concerns about the financial cost of fines/fees/inspections-related expenses to people subject to traffic stops; "fines/fees" means costs associated with traffic enforcement, vehicle inspections, or DMV administrative procedures
infrastructure	includes any participant comments on the need to change transportation infrastructure, defined here as physical aspects of the built environment used to travel (roads, bike lanes, pedestrian crossings, and associated signage/signals) and modes of transportation (such as a participant desire to increase public transit options)
LE non-traffic conduct	(note: LE stands for "law enforcement") includes any participants' comments on the conduct of law enforcement officers in the State of Vermont outside of a traffic enforcement context (traffic enforcement meaning side of the road traffic stop or DMV commercial vehicle inspection)
LE traffic conduct	includes any participants' comments on the conduct of law enforcement officers in Vermont in a traffic enforcement (that is, side of road traffic stop) context including Department of Motor Vehicles law enforcement personnel's activities in commercial vehicle inspections. Note that there were no comments on Agency of Natural Resources Department of Fish and Wildlife (ANR-DFW) officers' snowmobile and boat stops, although ANR-DFW officers are classified as law enforcement officers in Vermont statute.
LE training	participant comments, questions, or recommendations related to training procedures for law enforcement officers in Vermont
noise	participant comments on noise pollution (that is, vehicle traffic that is disruptively loud), note that these comments were often accompanied by concerns for air pollution and environmental justice for marginalized communities disproportionately subjected to air pollution, vehicle noise, or both

Code	Definition
non-statute	participant recommendations on topics other than traffic statute recommendations (for example, infrastructure upgrades, municipal governance reforms, changes to law enforcement agency oversight, etc.) This code can include participant comments on patterns of traffic enforcement by geographic region (urban vs. rural, interstate vs. urban streets) and comments from respondent sharing their perception that LE officers prioritize enforcement of some statutes and not others or some geographic regions and not others.
other bias	includes any participant comments related to perceived instances of other forms of bias in traffic enforcement practices or statutes, such as ableism, homophobia/transphobia, or classism (prejudice against people of lower socioeconomic status)
pedestrian	recommendation related to pedestrians or non-driver users of roadways (includes people cycling, walking, or wheelchair rolling on or near public roads)
racial bias	includes any participant comments related to perceived instances of racial bias in law enforcement officer behavior, traffic enforcement practices or traffic statutes
traffic statute	participant comments or recommendations related to the specific legislatively mandated charge of the Act 106 of 2022 working group (modifications to Title 23 including traffic statutes, designation of traffic statutes as primary vs. secondary enforcement)
traffic subject	participant sharing that they have been the subject of a traffic stop (that is, they were stopped by a law enforcement officer while driving a vehicle, being a passenger in a vehicle, or while riding a bicycle)
regulatory or policy	participant sharing that they have been involved in traffic regulatory processes, or in the process of referring people to or participating in judiciary system sequelae of traffic enforcement, or in the process of developing policies related to traffic enforcement or law enforcement (examples: respondent indicates they are part of a local Traffic Committee, serve in municipal or State government, work as a corrections officer, or formerly worked in any similar capacity)

Quantifying use of thematic codes:

The Policy and Research Analyst assigned codes to each participant’s response to each of the seven guiding questions. There was no limit to the number of unique codes that could be assigned to a participant’s statements. The Policy and Research Analyst later removed duplicate codes. Even if a participant discussed a particular theme multiple times in their statement, the participant received one instance of each relevant code. The Policy and Research Analyst removed duplicate thematic analysis codes to enable them to determine the number of participants who discussed a particular theme. They used the Microsoft Excel function “COUNTIF” to count the number of times they applied each thematic analysis code to each participant to produce “Table 2. Frequency of Each Thematic Analysis Code,” found on page 21.^{xlvii}

Table 2. Frequency of Each Thematic Analysis Code

Code	Count In-Person (n = 13)	Count Online Feedback (n=90)	Count Combined (n=103)	Percent in-person = count in-person / 13 * 100	Percent Online Feedback =count online feedback /90 * 100	Percent Combined = count among all participants /103 * 100
accountability	2	5	7	15%	6%	7%
civilian education	3	16	19	23%	18%	18%
DMV	2	1	3	15%	1%	3%
economic impact	2	7	9	15%	8%	9%
infrastructure	1	20	21	8%	22%	20%
LE non-traffic conduct	5	8	13	38%	9%	13%
LE traffic conduct	3	30	33	23%	33%	32%
LE training	4	6	10	31%	7%	10%
noise	1	8	9	8%	9%	9%
non-statute	9	62	71	69%	69%	69%
other bias	2	4	6	15%	4%	6%
pedestrian	0	53	53	0%	59%	51%
racial bias	5	11	16	38%	12%	16%
traffic statute	4	57	61	31%	63%	59%
traffic subject	5	22	27	38%	24%	26%
regulatory or policy	3	6	9	23%	7%	9%

Table 2. Frequency of Each Thematic Analysis Code shows how often the Policy and Research Analyst assigned each thematic analysis code to participants’ qualitative data. The “Count” columns note the number of participants whose qualitative data was assigned each code in the “Code” column. The “Percent” columns simply convert the number of participants’ stories which were assigned each code into a percent of the total number of participants for ease of interpretation.

Use of direct quotes from responses to the online feedback form:

Only respondents who opted in via the informed consent survey have been quoted in this report. Providing a name and email address were optional to complete the online feedback form. Of the 90 people who responded, 59 provided an email address. The Policy and Research Analyst sent an informed consent survey created in Microsoft Forms to all 59 respondents who provided an email address on December 5, 2023. The informed consent form asked for permission to use direct quotes in this or other Office of Racial Equity reports to the Legislature. They sent a reminder email to fill out the informed consent survey on December 14, 2023. The informed consent survey closed at 11:59PM on December 15, 2023. 38 of 59 respondents invited to complete an informed consent survey did so by the acceptance deadline. All 38 respondents agreed to the possibility of having a direct quote from their response used in the Act 106 report or other Office of Racial Equity reports to the Legislature.

ⁱ Judicial Bureau Waiver Penalties: <https://www.vermontjudiciary.org/media/8964>
ⁱⁱ 23 V.S.A. § 1054: <https://legislature.vermont.gov/statutes/section/23/013/01054>
ⁱⁱⁱ 23 V.S.A. § 1241: <https://legislature.vermont.gov/statutes/section/23/013/01241>
^{iv} 23 V.S.A. § 1055: <https://legislature.vermont.gov/statutes/section/23/013/01055>
^v 23 V.S.A. § 1095a: <https://legislature.vermont.gov/statutes/section/23/013/01095a>
^{vi} 23 V.S.A. § 1104: <https://legislature.vermont.gov/statutes/section/23/013/01104>
^{vii} 23 V.S.A. § 1118: <https://legislature.vermont.gov/statutes/section/23/013/01118>
^{viii} 23 V.S.A. § 1134: <https://legislature.vermont.gov/statutes/section/23/013/01134>

- ^{ix} Hall, W., & Degenhardt, L. (2014). Chapter 39 Harm Reduction Policies for Cannabis. In R. G. Pertwee (Ed.), *Handbook of Cannabis* (1st ed., pp. 691–709). Oxford University Press. <https://academic.oup.com/book/27329>
- ^x 23 V.S.A. § 1134a: <https://legislature.vermont.gov/statutes/section/23/013/01134a>
- ^{xi} 23 V.S.A. § 1203: <https://legislature.vermont.gov/statutes/section/23/013/01203>
- ^{xii} 23 V.S.A. § 1221a: <https://legislature.vermont.gov/statutes/section/23/013/01221a>
- ^{xiii} 23 V.S.A. § 1701: <https://legislature.vermont.gov/statutes/section/23/017/01701>
- ^{xiv} 23 V.S.A. § 2083: <https://legislature.vermont.gov/statutes/section/23/021/02083>
- ^{xv} 23 V.S.A. § 1130: <https://legislature.vermont.gov/statutes/section/23/013/01130>
- ^{xvi} 23 V.S.A. § 1135: <https://legislature.vermont.gov/statutes/section/23/013/01135>
- ^{xvii} 23 V.S.A. § 1256: <https://legislature.vermont.gov/statutes/section/23/013/01256>
- ^{xviii} 23 V.S.A. § 1282: <https://legislature.vermont.gov/statutes/section/23/013/01282>
- ^{xix} 23 V.S.A. § 1400: <https://legislature.vermont.gov/statutes/section/23/013/01400>
- ^{xx} 23 V.S.A. § 1453: <https://legislature.vermont.gov/statutes/section/23/013/01453>
- ^{xxi} 23 V.S.A. § 2084: <https://legislature.vermont.gov/statutes/section/23/021/02084>
- ^{xxii} 23 V.S.A. § 3203: <https://legislature.vermont.gov/statutes/section/23/029/03203>
- ^{xxiii} 23 V.S.A. § 3204: <https://legislature.vermont.gov/statutes/section/23/029/03204>
- ^{xxiv} 23 V.S.A. § 203: <https://legislature.vermont.gov/statutes/section/23/005/00203>
- ^{xxv} 23 V.S.A. § 204: <https://legislature.vermont.gov/statutes/section/23/005/00204>
- ^{xxvi} 23 V.S.A. § 205: <https://legislature.vermont.gov/statutes/section/23/005/00205>
- ^{xxvii} 23 V.S.A. § 307: <https://legislature.vermont.gov/statutes/section/23/007/00307>
- ^{xxviii} 23 V.S.A. § 455: <https://legislature.vermont.gov/statutes/section/23/007/00455>
- ^{xxix} 23 V.S.A. § 456: <https://legislature.vermont.gov/statutes/section/23/007/00456>
- ^{xxx} 23 V.S.A. § 800: <https://legislature.vermont.gov/statutes/section/23/011/00800>
- ^{xxxi} 23 V.S.A. § 1012: <https://legislature.vermont.gov/statutes/section/23/013/01012>
- ^{xxxii} 23 V.S.A. § 601: <https://legislature.vermont.gov/statutes/section/23/009/00601>
- ^{xxxiii} 23 V.S.A. § 1054: <https://legislature.vermont.gov/statutes/section/23/013/01046>
- ^{xxxiv} 23 V.S.A. § 1005: <https://legislature.vermont.gov/statutes/section/23/013/01005>
- ^{xxxv} Joy, R. (2020). *Traffic Stops & Race in Vermont: Data Collection and Analysis Part One*. Crime Research Group. https://crgvt.org/client_media/files/reports/traffic_stops_and_race_in_vermont_part_one_-_data_collection_january_2021.pdf and Joy, R. J. P. (2019). *Traffic Stops & Race in Vermont Part Two A Study of Six Jurisdictions*. Crime Research Group. https://crgvt.org/client_media/files/reports/traffic_stops_and_race_in_vermont_part_two_-_an_analysis_of_six_jurisdictions_january_2021rev.pdf
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- ^{xxxvii} Vermont Agency of Transportation. (January 1, 2020). CVR 14-050-022. INSPECTION OF MOTOR VEHICLES. Vermont Department of Motor Vehicles. <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=2b8917a0-1482-41d2-a6fc-54584cc44f52&nodeid=AAJAACAAOAB&nodepath=%2FROOT%2FAAJ%2FAAJAAC%2FAAJAACAAO%2FAAJAACAAO%2FAAJAACAAO&level=4&haschildren=&populated=false&title=14+050+022.+INSPECTION+OF+MOTOR+VEHICLES&config=00JAA3YmIXY2M5OC0zYmJlTQ4ZjMtYjY3Yi02ODZhMTViYWUzNmEKAFBvZENhdGFsb2dfKuGXoJFNHkuKZG9OqaaI&pddocfulpath=%2Fshared%2Fdocument%2Fadministrative-codes%2Furn%3AcontentItem%3A5XTD-2081-JK4W-M3CW-00008-00&ecomp=bgf5kkk&prid=917108fc-5885-4988-95a2-931ec22abfe4>
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- ^{xxxix} No. 41. An act relating to miscellaneous changes to laws related to vehicles.(2023). <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT041/ACT041%20As%20Enacted.pdf>
- ^{xl} Act 55 of 2021 Section 40 Vermont Speed Safety Cameras in Work Zones Report. (January 14, 2022). Vermont Agency of Transportation. Retrieved December 6, 2023, from <https://vtrans.vermont.gov/sites/aot/files/planning/Speed%20Safety%20Cameras%20in%20Work%20Zones%20Study%20-%20compressed.pdf>
- ^{xli} Ruehsen, E. (2022, June 12). Vermont police agencies are struggling to deal with severe staffing shortages. *VT Digger*. <http://vtdigger.org/2022/06/12/vermont-police-agencies-are-struggling-to-deal-with-severe-staffing-shortages/>
- ^{xlii} Traffic Statute Review Community Engagement. (2023). Racial Equity Advisory Panel and Office of Racial Equity. <https://racialequity.vermont.gov/traffic-statute-review-community-engagement>
- ^{xliii} Vermont Social Equity Caucus. (2023). Accessed December 19, 2023. <https://socialequitycaucus.wixsite.com/vt-social-equity/general-6-1>

^{xliv} A representative of Local Motion shared the following reports with the Act 106 working group for consideration regarding the recommendations from Local Motion:

New York City Department of Transportation. (2019). Bicyclists use of Leading Pedestrian Intervals: Pilot Program Results. New York City Department of Transportation. <https://www.nyc.gov/html/dot/downloads/pdf/bike-lpi-study-memo.pdf>

Bike Walk KC, & Safe Routes Partnership. (2022). Taking on Traffic Laws: A How-To Guide for Decriminalizing Mobility. Bike Walk KC. Retrieved December 20, 2023, from <https://bikewalkkc.org/takingontrafficlaws/>

National Highway Traffic Safety Administration. (2022). Bicyclist “Stop-As-Yield” Laws and Safety Fact Sheet. US Department of Transportation. <https://www.nhtsa.gov/sites/nhtsa.gov/files/2022-03/Bicyclist-Yield-As-Stop-Fact-Sheet-032422-v3-tag.pdf>

^{xlv} For a more detailed discussion of qualitative research methods, see Lester, J. N., Cho, Y., & Lochmiller, C. R. (2020). Learning to Do Qualitative Data Analysis: A Starting Point. *Human Resource Development Review*, 19(1), 94–106.

<https://doi.org/10.1177/1534484320903890>

^{xlvi} For a definition of masking (also known as “blinding” or a “single/double-blind study”) in research, see LaMorte, MD, PhD, MPH, W. W. (2021, September 1). *Randomization and Blinding (Masking)*. Module Boston University School of Public Health 4 - Epidemiologic Study Designs 1: Cohort Studies & Clinical Trials. <https://sphweb.bumc.bu.edu/otlt/MPH-Modules/PH717-QuantCore/PH717-Module4-Cohort-RCT/PH717-Module4-Cohort-RCT14.html>

^{xlvii} For more information on how to use the Microsoft Excel “COUNTIF” function, see Haq, R. (2022, June 26). How to Analyze Qualitative Data in Excel (with Easy Steps). *ExcelDemy*. <https://www.exceldey.com/analyze-qualitative-data-in-excel/>