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H.685

Introduced by Representatives Lalley of Shelburne, Andrews of Westford,
Bartholomew of Hartland, Bongartz of Manchester, Brumsted
of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury,
Cole of Hartford, Dodge of Essex, Dolan of Waitsfield, Elder of
Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham,
LaMont of Morristown, Leavitt of Grand Isle, Masland of
Thetford, McGill of Bridport, Noyes of Wolcott, Nugent of
South Burlington, O'Brien of Tunbridge, Ode of Burlington,
Stone of Burlington, Templeman of Brownington, and Torre of
Moretown

Referred to Committee on

Date:

Subject: Pedestrians; pedestrian safety; motor vehicles; bicycle and pedestrian
facilities; National Historic Preservation Act; town highways;
crossing flags

Statement of purpose of bill as introduced: This bill proposes to amend the
definition of pedestrian to include all individuals in a wheelchair or other
personal mobility device, to require four feet of clearance when a motor
vehicle is passing a vulnerable user, to eliminate the prohibition of pedestrians
walking along or adjacent to the roadway when there is a sidewalk, and to

1 amend what traffic-control signals a bicycle operator must follow. This bill
2 also proposes to allow for municipalities to utilize crossing flags at crosswalks
3 and require the Agency of Transportation to amend its agreement with the
4 Federal Highway Administration to have the creation of bicycle and pedestrian
5 facilities be an exempt or screened activity for purposes of review under the
6 National Historic Preservation Act.

7 An act relating to pedestrians and pedestrian safety and bicycle and
8 pedestrian facilities

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

10 * * * Use of Roadway by Pedestrians, Bicycle Operators,
11 and Vulnerable Users * * *

12 Sec. 1. 23 V.S.A. § 4(67) is amended to read:

13 (67) “Pedestrian” means any ~~person~~ individual ~~afoot or operating a~~
14 wheelchair or other personal mobility device, whether motorized or not and
15 ~~shall also include any person 16 years of age or older operating~~ including an
16 electric personal assistive mobility device. ~~The age restriction of this~~
17 ~~subdivision shall not apply to a person who has an ambulatory disability as~~
18 ~~defined in section 304a of this title.~~

1 Sec. 2. 23 V.S.A. § 1033 is amended to read:

2 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

3 * * *

4 (b) Approaching or passing vulnerable users. The ~~operator of~~ individual
5 operating a motor vehicle approaching or passing a vulnerable user as defined
6 in subdivision 4(81) of this title shall exercise due care, which includes
7 reducing speed and increasing clearance to a ~~recommended~~ distance of at least
8 four feet, to pass the vulnerable user safely, and shall cross the center of the
9 highway only as provided in section 1035 of this title. ~~A person~~ An individual
10 who violates this subsection shall be subject to a civil penalty of not less than
11 \$200.00.

12 (c) Approaching or passing certain stationary vehicles. The ~~operator of~~
13 individual operating a motor vehicle approaching or passing a stationary
14 sanitation, maintenance, utility, or delivery vehicle with flashing lights shall
15 exercise due care, which includes reducing speed and increasing clearance to a
16 recommended distance of at least four feet, to pass the vehicle safely, and shall
17 cross the center of the highway only as provided in section 1035 of this title. ~~A~~
18 ~~person~~ An individual who violates this subsection shall be subject to a civil
19 penalty of not less than \$200.00.

1 Sec. 3. 23 V.S.A. § 1055 is amended to read:

2 § 1055. PEDESTRIANS ON ROADWAYS

3 (a) ~~Where public sidewalks are provided, no person may walk along or~~
4 ~~upon an adjacent roadway.~~ [Repealed.]

5 (b) ~~Where public sidewalks are not provided, any~~ Any pedestrian walking
6 along and upon a highway shall, when practicable, walk only on the left side of
7 the roadway or its shoulder facing the direction of possible oncoming traffic.

8 Sec. 4. 23 V.S.A. § 1139 is amended to read:

9 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

10 (a) ~~A person~~ Due care and riding on the right. An individual operating a
11 bicycle upon a roadway shall exercise due care when passing a standing
12 vehicle or one proceeding in the same direction. Bicyclists generally shall ride
13 as near to the right side of the improved area of the highway right-of-way as is
14 safe, except that a bicyclist:

15 (1) Shall ride to the left or in a left lane when:

16 (A) preparing for a left turn at an intersection or into a private
17 roadway or driveway;

18 (B) approaching an intersection with a right-turn lane if not turning
19 right at the intersection; or

20 (C) overtaking another vulnerable user.

1 (2) May ride to the left or in a left lane when taking reasonably
2 necessary precautions to avoid hazards or road conditions. Examples include
3 objects on the road, parked or moving vehicles, pedestrians, animals, surface
4 conditions that may impair the bicyclist's stability, or safety hazards caused by
5 a narrow road or steep embankment, road geometry, or unfavorable
6 atmospheric conditions.

7 (b) ~~Persons riding~~ Riding two abreast. Individuals operating bicycles upon
8 a roadway may not ride more than two abreast except on paths or parts of
9 roadways set aside for the exclusive use of bicycles or except as otherwise
10 permitted by the Commissioner of Public Safety in connection with a public
11 sporting event in which case the Commissioner shall be authorized to adopt
12 such rules as the public good requires. ~~Persons~~ Individuals riding two abreast
13 shall not impede the normal and reasonable movement of traffic and, on a
14 laned roadway, shall ride within a single lane.

15 (c) Obedience to traffic-control devices and traffic-control signals. An
16 individual operating a bicycle shall follow all traffic-control devices and
17 traffic-control signals governing motor vehicles with the following exceptions:

18 (1) Stop sign or flashing red signal.

19 (A) An individual operating a bicycle approaching a stop sign or a
20 traffic-control signal where a red lens is illuminated with rapid intermittent
21 flashes shall:

1 (i) slow down;

2 (ii) if required to avoid an immediate hazard, stop pursuant to
3 subsection 1048(b) of this title; and

4 (iii) yield the right-of-way to any vehicle in the intersection or
5 approaching on another intersecting highway so closely as to constitute an
6 immediate hazard during the time the bicyclist will be within the intersection.

7 (B) If an individual operating a bicycle meets the requirements of
8 subdivision (A) of this subdivision (c)(1), the individual may cautiously make
9 a turn or proceed through the intersection without stopping.

10 (2) Pedestrian-control devices and pedestrian-control signals. An
11 individual operating a bicycle while crossing an intersection may follow
12 pedestrian-control devices and pedestrian-control signals when present except
13 where otherwise indicated by traffic-control devices and traffic-control signals
14 and provided that the bicyclist shall yield to pedestrians in the crosswalk.

15 (d) Riding on a partially controlled access highway. Bicycles may be
16 operated on the shoulders of partially controlled access highways, which are
17 those highways where access is controlled by public authority but where there
18 are some connections with selected public highways, some crossings at grade,
19 and some private driveway connections. The Traffic Committee may
20 determine that any portion of these highways is unsafe and therefore closed to
21 ~~bicycle operation~~ bicyclists.

* * * Crossing Flags * * *

Sec. 5. 19 V.S.A. § 319 is added to read:

§ 319. USE OF CROSSING FLAGS

The selectboard with general supervision and control over a town highway may install crossing flags at crosswalks on the town highway in accordance with all of the following:

(1) Crossing flags shall only be placed at legal crosswalks.

(2) Containers to hold crossing flags shall be attached to poles or posts using zip ties or other temporary mounting materials. Containers that obstruct existing signs or cause damage to objects in the town highway right-of-way are not allowed and may be removed by the selectboard or the Agency of Transportation.

(3) Containers to hold crossing flags shall be located within five feet of the crosswalk.

(4) Instructions on how to use a crossing flag shall be posted in conjunction with the containers to hold crossing flags.

(5) Crossing flags shall be a minimum of 10 inches by 10 inches in size, made with orange or fluorescent yellow-green material, and include reflective material.

1 * * * National Historic Preservation Act Review; Report * * *

2 Sec. 6. AMENDMENTS TO AGREEMENT RELATED TO REVIEW

3 UNDER THE NATIONAL HISTORIC PRESERVATION ACT

4 (a) The Agency of Transportation, in consultation with the Vermont State
5 Historic Preservation Officer and the Advisory Council on Historic
6 Preservation, shall seek to amend the Programmatic Agreement Among the
7 Federal Highway Administration, the Vermont State Historic Preservation
8 Officer, the Advisory Council on Historic Preservation, and the Vermont
9 Agency of Transportation Regarding the Federal-Aid Highway Program in
10 Vermont, to categorize the creation of new bicycle and pedestrian facilities as
11 either exempt activities, listed in Appendix A, or screened activities, listed in
12 Appendix B.

13 (b) The Agency of Transportation shall provide a written update on its
14 efforts to amend the Programmatic Agreement Among the Federal Highway
15 Administration, the Vermont State Historic Preservation Officer, the Advisory
16 Council on Historic Preservation, and the Vermont Agency of Transportation
17 Regarding the Federal-Aid Highway Program in Vermont as required under
18 subsection (a) of this section to the House and Senate Committees on
19 Transportation not later than November 15, 2024.

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* * * Effective Date * * *

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Sec. 7. EFFECTIVE DATE

3

This act shall take effect on July 1, 2024.