

1 *[potential addition to S.309 – from H865]*

2 * * * Use of Roadway by Pedestrians, Bicycle Operators,
3 and Vulnerable Users * * * *[Secs. 1-4 of H865 with amendments]*

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

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

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

12 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

13 * * *

14 (b) Approaching or passing vulnerable users. ~~The operator of~~ individual
15 operating a motor vehicle approaching or passing a vulnerable user as defined
16 in subdivision 4(81) of this title shall exercise due care, which includes
17 reducing speed and increasing clearance to a ~~recommended~~ distance of at least
18 four feet, to pass the vulnerable user safely, and shall cross the center of the
19 highway only as provided in section 1035 of this title. ~~A person~~ An individual
20 who violates this subsection shall be subject to a civil penalty of not less than
21 \$200.00.

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

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

10 § 1055. PEDESTRIANS ON ROADWAYS

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 [Repealed.]~~

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

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

17 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

18 (a) ~~A person~~ Due care and riding on the right. An individual operating a
19 bicycle upon a roadway shall exercise due care when passing a standing
20 vehicle or one proceeding in the same direction. Bicyclists generally shall ride

1 as near to the right side of the improved area of the highway right-of-way as is
2 safe, except that a bicyclist:

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

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

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

8 (C) overtaking another vulnerable user.

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

15 (b) ~~Persons riding~~ Riding two abreast. Individuals operating bicycles upon
16 a roadway may not ride more than two abreast except on paths or parts of
17 roadways set aside for the exclusive use of bicycles or except as otherwise
18 permitted by the Commissioner of Public Safety in connection with a public
19 sporting event in which case the Commissioner shall be authorized to adopt
20 such rules as the public good requires. ~~Persons~~ Individuals riding two abreast

1 shall not impede the normal and reasonable movement of traffic and, on a
2 laned roadway, shall ride within a single lane.

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

6 (1) Stop sign or flashing red signal.

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

10 (i) slow down;

11 (ii) if required to avoid an immediate hazard, stop pursuant to
12 subsection 1024(a), applicable to flashing signals, or 1048(b), applicable to
13 stop signs, of this subchapter; and

14 (iii) yield the right of way to any vehicle in the intersection or
15 approaching on another intersecting highway so closely as to constitute an
16 immediate hazard during the time the bicyclist will be within the
17 intersection unless the bicyclist has the right of way pursuant to section 1046
18 of this subchapter, which provides that when two vehicles approach or enter an
19 intersection from different highways at approximately the same time, the driver
20 of the vehicle or bicyclist on the left shall yield the right of way to the driver of
21 the vehicle or the bicyclist on the right.

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

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

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