



March 25, 2024

From: Jonathon Weber, Director of Advocacy and Complete Streets — Local Motion

To: Senate Transportation Committee Members

Re: S.309 Vulnerable user traffic regulation amendments from H.685

Dear Senate Transportation Committee members,

Thank you for considering updates to Vermont's vulnerable road user traffic regulations. The proposed reforms are straightforward, no-cost changes that will help make our transportation infrastructure safer and more efficient for all users.

Below is a discussion of each provision being considered, including the relevant language and explanation of its importance. Data on the safety benefits associated with stop-as-yield and bicycle use of pedestrian signal provisions is also included in those sections. We hope you find this information useful and look forward to further discussion.

Pedestrian Definition Fix

Relevant language

23 V.S.A. § 4(67) is amended to read:

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

What it does

As currently written, the statute recognizes electric wheelchair users as pedestrians, but not users of manual users or other mobility devices. The proposed change addresses this and removes an unnecessary age restriction that would have prevented users without an ambulatory disability as defined in 23 VSA 304a from being legally considered pedestrians when using an electric personal assistive mobility device.

Why we support it

The legal classification of "pedestrian" extends important rights and responsibilities, including right-of-way in crosswalks (23 V.S.A. § 1051). It is important that we ensure that users of manual wheelchairs are extended this protection.

Safe Passing Distance Requirement

Relevant language

23 V.S.A. § 1033 is amended to read:

§ 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

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

What it does

This change takes what is currently an “optional” safe passing distance of 4 feet between a driver and vulnerable user and makes that 4-foot distance a requirement.

Why we support it

While enforcing this requirement may be challenging, we believe that it’s important for State law to instruct users that 4 feet is the minimum safe passing distance and is a requirement. This change will also support use of MUTCD signage that encourages safe passing distance, something that is currently not allowed due to safe passing distance not being required in Vermont.

Removal of Sidewalk Use Requirement

Relevant language

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

§ 1055. PEDESTRIANS ON ROADWAYS

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

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

What it does

Current statute requires people to walk on sidewalks when present. This change removes that requirement.

Why we support it

Sidewalks in VT are often cracked, lifted, and generally in very poor condition and unusable by those using assistive devices like wheelchairs and walkers. In the winter, ponding often results in sidewalks being unusable—and that’s when they have been plowed. People walking and rolling always prefer to be on a sidewalk—it is much more comfortable and safe feeling. However, we do not believe that walking in the street should be illegal as it is sometimes a necessary practice for some of our most vulnerable users.

Allowing Stop-as-yield

Relevant language

23 V.S.A. § 1139 is amended to read:

§ 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

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

(1) Stop sign or flashing red signal.

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

(i) slow down;

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

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

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

What it does

This would require a person on a bike to slow down when approaching stop signs or flashing red lights. If there are no other vehicles or immediate hazards present, the person biking may cautiously make a turn or proceed through the intersection without stopping.

Why we support it

- Interactions with cars at intersections create the most dangerous scenarios for people on bikes.
- Stop-as-yield improves safety by helping people on bikes get through intersections more quickly while cars are not present at them.
- This also reduces delay for motorists, and the frequency of confusing intersections in which motorists waive bicyclists through intersections regardless of who actually has right-of-way.
- The [National Highway Traffic Safety Administration conducted a comprehensive review of stop-as-yield laws](#) and concluded that: “Many States have enacted bicyclist stop-as-yield laws to enhance safety and protect cyclists. Based upon the current research and data available, these laws showed added safety benefits for bicyclists in States where they were evaluated, and may positively affect the environment, traffic, and transportation.”

Safety Data

- A comprehensive review of stop-as-yield laws [by the National Highway Traffic Safety Administration](#) found that:
 - Bicyclist injuries from traffic crashes declined 14.7% after Idaho adopted its stop-as-yield law¹
 - Traffic crashes involving bicyclists at stop sign intersections fell by 23% in the 30 months after the passage of Delaware’s stop-as-yield law, compared to the previous 30 months.²
 - There is no evidence showing that bicyclist stop-as yield laws have increased bike conflicts with other bikes or pedestrians.³

¹ Meggs, J. N. (2010, August). Bicycle safety and choice: Compounded public cobenefits of the Idaho law relaxing stop requirements for cycling. University of California, Berkley. <https://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version2.pdf>

² “Delaware Yield Crash Data.” Bike Delaware Inc, 28 Sept. 2020, www.bikede.org/delaware-yield-crash-data/#page-content.

³ “Bicyclist “Stop-As-Yield” Laws and Safety Fact Sheet.” U.S. Department of Transportation National Highway Traffic Safety Administration, Mar. 2022.

FAQ

Where has stop-as-yield already been enacted?

State	Enacted	Yield At Stop Sign	Red Signal As Stop Sign
Arkansas (§ 27.51-1803)	2019	Yes	Yes
Delaware (§ 4196A)	2017	Yes	No
Idaho (§ 49-720)	1982	Yes	Yes
North Dakota (§ 39-10.1-05.1)	2021	Yes	No
Oklahoma (§ 47.11-202.1)	2021	Yes	Yes
Oregon (§ 683.1)	2020	Yes	No
Utah (§ 41-6a-902 & § 41-6a-1105)	2021	Yes	Yes
Washington (§ 46.61.190)	2020	Yes	No

Won't this make people on bikes disregard stop signs or flashing red lights entirely?

People on bikes have a strong survival incentive to treat stop signs and flashing red lights responsibly. In its research on this subject, the National Highway Traffic Safety Administration says:

Bicyclists have greater incentive to yield, as they are at high risk for injury at intersections. One study cites research showing that pedestrians and bicyclists exert more care and attention before crossing red signals than green (Leth et al., 2014). A naturalistic study of bicyclists in Florida's Tampa Bay area found that bicyclists highly complied with general traffic rules (88.1% in the daytime, 87.5% at night) (Lin et al., 2017).

What about e-bikes?

People riding e-bikes have the same strong survival incentive to behave responsibly at intersections as people on traditional bikes. And, the cost for them to stop is lower as they are able to more easily regain their speed. Vermont law treats e-bikes the same as traditional bikes with regard to traffic regulations, as does the language under consideration here.

What about "same road, same rules?"

Historically, we've relied on "same road, same rules." To express how bicyclists should behave on the road. While this is useful messaging, it fails to acknowledge that a person on a bike has different operational needs from a person driving, just like a person walking has different needs from a person driving. We believe that instead of arbitrarily saying people on bikes should follow the same rules as people driving, that people on bikes should follow rules that make them and the users around them safer, just like drivers should follow rules that make them and the users around them safer.

Bicycle Use of Pedestrian Signals

Relevant language

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

§ 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

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

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

What it does

The “leading pedestrian interval” refers to the time during which pedestrian signals are active and parallel car traffic still has a red light at a signalized intersection. The leading pedestrian interval allows pedestrians to establish themselves in the roadway and increase their visibility to drivers. Leading pedestrian intervals are typically 3-7 seconds in length. This provision allows a person on a bike to proceed through an intersection during that 3-7 second leading pedestrian interval, instead of having to wait for the green light. The language requires that people on bikes yield to pedestrians.

Why we support it

Like stop-as-yield, this provision allows a person on a bike to get away from the intersection before cars begin moving. Interactions with cars at intersections create the most dangerous scenarios for people on bikes. Signalized intersections create unique dangers for people biking, as people on bikes are often positioned to the right of drivers, rather than in front of them. This positioning can contribute to “right hook” crashes, in which a driver turns right through the path of a person biking, and “left hook” crashes, in which a driver turns left into a person on a bike going straight through the intersection.

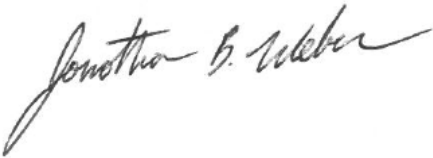
By utilizing the leading pedestrian interval to get through the intersection before cars begin moving, the chances of right-hook crashes are reduced, and the visibility of bicyclists is generally increased, as they will be directly in drivers’ line of sight, rather than being to their side, often in blind spots. This will also help to reduce delay for drivers, as they will not be stuck behind bicyclists at intersections.

Data on safety

- [NYC DOT performed a study](#) on bicycle use of pedestrian signals, and found that:
 - 80% of people biking already use the leading pedestrian interval in the way that this language would legalize.
 - No crashes included in the study period were associated with bicycle use of the leading pedestrian interval.
 - Study sites had a lower number of overall crashes than in any of the three prior years, while control sites maintained a similar number of crashes to the preceding period.
 - No negative effect on pedestrian safety was found to be associated with bicycle use of the leading pedestrian interval.
 - Bicycle use of pedestrian signals is legal in California ([see 21456.\(a\)\(1\)](#))

Thank you for your support for people walking, biking, and rolling in our state.

Sincerely,

A handwritten signature in black ink that reads "Jonathon B. Weber". The signature is written in a cursive, flowing style.

Jonathon Weber, Director of Advocacy and Complete Streets