

Testimony...

Good morning.

My name is Bruce Burgess. I am a resident of Middlebury, Vermont and have been a Vermont resident for the last 42 years.

Regarding my credentials to address today's committee, I am:

I am the founder of a bicycle touring business known as Bicycle Holidays, which I operated for 17 years.

I am a former Assistant director of Vermont Bicycle Touring.

I am the author of the Vermont Pedestrian and Bicycle Facility Planning and Design Manual, 2002.

I am a former member of the NCUTLO, or the National Committee on Uniform Traffic Laws and Ordinances when the bicycle became defined as a "vehicle" in the Uniform Vehicle Code.

For the record, I desire to take a neutral position on this bill while offering comments on how improvements may be made to it.

Regarding today's topic, I contend that Senate Bill 123, which provides special privileges to operators of bicycles, will have the following effect.

1) It will result in an increase of the number of bicycle riders not stopping signs, and entering intersections without coming to a complete stop.

2) It will increase the conflict between motor vehicles and bicycles,

3) It will exacerbate conflicts between operators of motor vehicles and operators of bicycles.

But primarily, I want to address how this bill fails to address the interaction of motor vehicles and bicycles at intersections.

I openly admit to being a proponent of the Uniform Vehicle Code that defines a bicycle as a vehicle. The UVC is a model ordinance that seeks to establish uniformity in traffic laws among the states. States are encouraged to adopt the provisions of the UVC into their own traffic laws and ordinances. But states are not required to do so.

The UVC defines the bicycle as a vehicle. Vermont defines the bicycle as a device.

Some individuals point to 23 VSA 1136c, in which “every person riding a bicycle is granted all of the rights and subject to all of the duties applicable to operators of vehicles” as an adequate substitute for defining the bicycle as a vehicle. But it is not. It is an inadequate solution to how vehicles and bicycles should relate to one another, especially at intersections.

1136c addresses individuals. Traffic laws at intersections address how inanimate objects, not individuals, should relate to one another.

Let’s look at Page 6 of the bill. This relates to Section 46, 23 VSA 1048 – STOP OR YIELD INTERSECTIONS.

Lines 12 through 17 read as follows, “After having stopped, the driver (of a vehicle – implied), shall yield the right-of-way to any vehicle (emphasis added) that has entered the intersection from another highway or that is approaching so closely on said highway as to constitute and immediate hazard during the time when the driver is moving across or within the intersection.”

It doesn’t say “shall yield the right of way to any vehicle OR BICYCLE that has entered the intersection.

With S. 123 proposing to allow bicycle riders to not come to a complete stop at stop signs, and with bicycles not being legally defined as vehicles, the potential for conflict with motor vehicles will likely increase, either in the courtroom or emergency room.

How can this be fixed?

One way is to define the bicycle as a vehicle in order for interaction between motor vehicles and bicycles to be better understood. However, this also must be followed by myriad of other changes throughout the vehicle code. Traffic laws are not simple and often arcane.

For now, and to keep it simple, I suggest that the words “OR BICYCLE” should be inserted on line 14 of page 6 on this bill, and then in all other instances where interactions between motor vehicles occur in the vehicle code should be similarly adjusted through the Vermont Statutes Annotated.

Lastly, education among all highway users relating to the special privileges being afforded to bicycle riders becomes even more important.

Hardly a day goes by in Middlebury when someone, whose knowledge of traffic law is limited, posts a comment on the internet newsletter Front Porch Forum regarding the scoff-law attitude of bicyclists not stopping at stop signs. I could reproduce the comments from these “experts”

but I will leave it there for now. Thank you for the opportunity to provide my comments to the committee.

Sincerely,

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