

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.231 **Name of Bill:** Motor vehicles; vulnerable users; bicyclists; passing; turning; bicycle lanes

Agency/Dept: Vermont State Police **Author of Bill Review:** Lt. Garry Scott

Date of Bill Review: 02-18-2015 **Related Bills and Key Players:** VTrans

Status of Bill: (check one)

Upon Introduction **As passed by 1st body** **As passed by both bodies**

Recommended Position:

Support **Oppose** **Remain Neutral** **Support with modifications identified in # 8 below**

Analysis of Bill

- 1. Summary of bill and issue it addresses.** (1) specify circumstances when motor vehicle operators shall be presumed to be exercising due care in passing vulnerable users; (2) prohibit motor vehicle operators from driving to the left side of the center of a roadway to pass a vehicle or vulnerable user unless the left side is clearly visible and free of oncoming traffic and vulnerable users for a sufficient distance to permit safe overtaking and passing and unless passing can be accomplished without interfering with the operation of any vehicle or with any vulnerable user; and (3) require motor vehicle operators to yield to vulnerable users when turning.

- 2. Is there a need for this bill?** NO. There have been zero (0) bicycle fatalities in Vermont in the past four years. There are fewer than 110 bicycle vs motor vehicle crashes in Vermont on an average year. Of the bicycle vs motor vehicle crashes that do occur almost 40% of the crashes are the fault of the bicyclist. There were five (5) pedestrian fatalities in 2014 and six (6) in 2013. There were ninety-nine (99) pedestrian injury crashes in 2014 and one hundred and thirty-two (132) in 2013. The pedestrian was found to be at fault in the majority of these crashes.
This Bill requires a three foot clearance around vulnerable users and additional foot of clearance for every 10 mph above 30 mph. Vermont's roadway infrastructure cannot support this type of regulation.

- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**
There would not be a fiscal implication for the State Police but there would be serious programmatic implications. It would be very difficult to determine how close a vehicle had travelled near a vulnerable user especially having a set distance of three feet. There would be no way to enforce this law. Motor vehicle and bicycle safety is always very difficult subject to navigate in Vermont. The roads are narrow and there is limited space for bike lanes.

- 4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**
VTrans would be opposed to this Bill and would most likely have fiscal implications to assist in implementing the law.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (for example, public, municipalities, organizations, business, regulated entities, etc)

6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why?

Some bicycle/pedestrian coalitions as they see it would make it safer for bicyclist to ride.

6.2 Who else is likely to oppose the proposal and why?

The Vermont Safety Highway Alliance and VTrans.

7. **Rationale for recommendation:** Data does not support this Bill. There are fewer than three hundred (300) combined motor vehicle crashes involving pedestrian and bicycles. In most cases the motorist is not at fault.

Local Motion (bicycle pedestrian safety group) is currently implementing a training program for law enforcement to assist in the investigation of crash investigation between motor vehicles and bicycles and pedestrians. Vermont has a limited season for bicycle riding due to the extreme weather changes. There needs to be stronger educational programs for “vulnerable” users on riding with and around motor vehicle traffic. The majority of bicycle riders do not obey traffic laws and frequently move from being a pedestrian to a bicycle in traffic. These movements confuse motorists and can result in collisions. The language in this Bill does not allow a vehicle to pass another vehicle if a bicycle rider is coming in the opposite direction even if it can be done safely.

8. **Specific modifications that would be needed to recommend support of this bill:** None, this Bill does not make sense.

9. **Gubernatorial appointments to board or commission?** No

Secretary/Commissioner has reviewed this document



Date: 03/11/15