

1 S.121

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; vulnerable users; bicyclists; passing; turning; bicycle  
6 lanes

7 Statement of purpose of bill as introduced: This bill proposes to:

8 (1) specify circumstances when motor vehicle operators shall be  
9 presumed to be exercising due care in passing vulnerable users;

10 (2) prohibit motor vehicle operators from driving to the left side of the  
11 center of a roadway to pass a vehicle or vulnerable user unless the left side is  
12 clearly visible and free of oncoming traffic and vulnerable users for a sufficient  
13 distance to permit safe overtaking and passing and unless passing can be  
14 accomplished without interfering with the operation of any vehicle or with any  
15 vulnerable user; and

16 (3) require motor vehicle operators to yield to vulnerable users when  
17 turning.

18 An act relating to passing and yielding to vulnerable users

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

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

3 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

4 (a) Passing motor vehicles. Motor vehicles proceeding in the same  
5 direction may be overtaken and passed only as follows:

6 (1) The driver of a motor vehicle overtaking another motor vehicle  
7 proceeding in the same direction may pass to its left at a safe distance, and  
8 when so doing shall exercise due care, shall not pass to the left of the center of  
9 the highway unless the way ahead is clear of approaching traffic and  
10 vulnerable users, and shall not again drive to the right side of the roadway until  
11 safely clear of the overtaken vehicle.

12 (2) Except when overtaking and passing on the right is permitted, the  
13 driver of an overtaken motor vehicle shall give way to the right in favor of the  
14 overtaking motor vehicle on audible signal and shall not increase the speed of  
15 his or her vehicle until completely passed by the overtaking vehicle.

16 (b) Passing vulnerable users. The operator of a motor vehicle approaching  
17 or passing a vulnerable user as defined in subdivision 4(81) of this title shall  
18 exercise due care, which includes increasing clearance, to pass the vulnerable  
19 user safely, and shall cross the center of the highway only as provided in  
20 subdivision (a)(1) of this section and section 1035 of this title. An operator  
21 shall be presumed to be exercising due care when operating the motor vehicle

1 completely in the adjacent lane, or when allowing a clearance of at least three  
2 feet when the motor vehicle is traveling at 30 miles per hour or less and at least  
3 one additional foot of clearance for every 10 miles per hour above 30 miles per  
4 hour.

5 Sec. 2. 23 V.S.A. § 1035 is amended to read:

6 § 1035. LIMITATIONS

7 (a) No vehicle shall be driven to the left side of the center of the roadway in  
8 overtaking and passing another vehicle or a vulnerable user proceeding in the  
9 same direction unless authorized by the provisions of this chapter and unless  
10 the left side is clearly visible and free of oncoming traffic and vulnerable users  
11 for a sufficient distance ahead to permit overtaking and passing to be  
12 completed without interfering with the operation of any vehicle or with any  
13 vulnerable user approaching from the opposite direction or with the operation  
14 of any vehicle or with any vulnerable user overtaken. In every event, the  
15 overtaking vehicle shall return to an authorized lane of travel as soon as  
16 practicable and, if the passing movement involves the use of a lane authorized  
17 for vehicles approaching from the opposite direction, before coming within  
18 200 feet of any approaching vehicle or vulnerable user.

19 (b) A vehicle shall not pass another vehicle or vulnerable user from the rear  
20 under any of the following conditions:

1           (1) when approaching or upon the crest of a grade or upon a curve in the  
2 highway where the driver's view is in any way obstructed;

3           (2) when approaching within 100 feet of, or traversing, any intersection  
4 or railroad grade crossing unless otherwise indicated by official traffic control  
5 devices; or

6           (3) when the view is obstructed upon approaching within 100 feet of any  
7 bridge, viaduct, or tunnel.

8           (c) The ~~foregoing~~ limitations of this section do not apply upon a one-way  
9 roadway, or when subdivision 1031(a)(2) of this title applies, ~~or where a~~  
10 ~~vehicle is turning left into an alley, private road, or driveway.~~

11       Sec. 3. 23 V.S.A. § 1022 is amended to read:

12       § 1022. TRAFFIC-CONTROL SIGNALS

13           (a) Whenever traffic is controlled by traffic-control signals exhibiting  
14 different colored lights, or colored lighted arrows, successively one at a time or  
15 in combination, only the colors green, red, and yellow may be used, except for  
16 special pedestrian signals carrying a word legend, and the signals shall indicate  
17 and apply to drivers and ~~pedestrians~~ vulnerable users as follows:

18           (1) Green signal:

19                   (A) Vehicular traffic facing a circular green signal may proceed  
20 straight through or turn right or left unless a sign prohibits either turn.

21       Vehicular traffic, including vehicles turning right or left, shall yield the right of

1 way to other vehicles and vulnerable users or to pedestrians lawfully within the  
2 intersection or on an adjacent crosswalk at the time the signal is exhibited.

3 (B) Vehicular traffic facing a green arrow signal, shown alone or in  
4 combination with another signal, may cautiously enter the intersection only to  
5 make the movement indicated by the arrow, or such other movement as is  
6 permitted by other signals shown at the same time. Vehicular traffic shall  
7 yield the right of way to pedestrians lawfully within an adjacent crosswalk or  
8 to other traffic or vulnerable users lawfully using the intersection.

9 (C) Unless otherwise directed by a pedestrian-control signal, as  
10 provided in section 1023 of this title, pedestrians facing a green signal may  
11 proceed across the roadway within any marked or unmarked crosswalk, but not  
12 when the sole green signal is a turn arrow.

13 \* \* \*

14 (3) Steady red signal:

15 (A) Vehicular traffic facing a steady circular red signal alone shall  
16 stop at a clearly marked stop line, but if none, shall stop before entering the  
17 crosswalk on the near side of the intersection.

18 (B) Except when a sign is in place prohibiting a turn, vehicular traffic  
19 facing any steady red signal may cautiously enter the intersection to turn right,  
20 or to turn left from a ~~one-way~~ one-way street into a ~~one-way~~ one-way street,  
21 after stopping as required by subdivision (A) of this subdivision (3). This

1 traffic shall yield the ~~right of way~~ right of way to pedestrians lawfully within  
2 an adjacent crosswalk and to other traffic and vulnerable users lawfully using  
3 the intersection. ~~No~~ A motorist shall not turn right when facing a red arrow  
4 signal indication unless a regulatory sign is present which permits this  
5 movement.

6 (C) Unless otherwise directed by a pedestrian-control signal as  
7 provided in section 1023 of this title, pedestrians facing a steady red signal  
8 alone shall not enter the roadway.

9 \* \* \*

10 Sec. 4. 23 V.S.A. § 1047 is amended to read:

11 § 1047. VEHICLE TURNING ~~LEFT~~ —GENERAL DUTY TO YIELD

12 The driver of a vehicle intending to turn ~~to the left~~ within an intersection or  
13 into an alley, private road, or driveway shall yield the right of way to any  
14 vehicle ~~approaching from the opposite direction which is either within the~~  
15 ~~intersection or~~ or vulnerable user so close as to ~~constitute an immediate hazard~~  
16 present a risk of collision.

17 Sec. 5. 23 V.S.A. § 1048 is amended to read:

18 § 1048. STOP OR YIELD INTERSECTIONS

19 (a) Preferential right of way at an intersection may be indicated by “stop”  
20 signs or “yield” signs.

1 (b) Except when directed to proceed by an enforcement officer or  
2 traffic-control signal, every driver of a vehicle approaching a stop intersection  
3 indicated by a stop sign shall stop at a clearly marked stop line, but if none,  
4 before entering the crosswalk on the near side of the intersection, or, if none,  
5 then at the point nearest the intersecting roadway where the driver has a view  
6 of approaching traffic on the intersecting roadway before entering the  
7 intersection. After having stopped, the driver shall yield the right of way to  
8 any vehicle which has entered or to any vulnerable user who has entered the  
9 intersection from another highway or ~~which~~ is approaching so closely on ~~said~~  
10 the highway as to constitute an immediate hazard during the time when ~~such~~  
11 the driver is moving across or within the intersection.

12 (c) The driver of a vehicle approaching a yield sign shall in obedience to  
13 the yield sign slow down to a speed reasonable for the existing conditions and,  
14 if required for safety to stop, shall stop before entering the crosswalk on the  
15 near side of the intersection, or, if none, then at the point nearest the  
16 intersecting roadway where the driver has a view of approaching traffic on the  
17 intersecting roadway. After slowing or stopping, the driver shall yield the right  
18 of way to any vehicle and to any vulnerable user in the intersection or  
19 approaching on another highway so closely as to ~~constitute an immediate~~  
20 ~~hazard~~ present a risk of collision during the time the driver is moving across or  
21 within the intersection. ~~However, if~~ If the driver is involved in a collision with

1 a vehicle or vulnerable user in the intersection, after driving past a yield sign  
2 without stopping, the collision shall be deemed prima facie evidence of the  
3 driver's failure to yield the right of way.

4 Sec. 6. 23 V.S.A. § 1049 is amended to read:

5 § 1049. VEHICLE ENTERING FROM PRIVATE ROAD

6 The driver of a vehicle about to enter or cross a highway from an alley,  
7 building, private road, or driveway shall yield the right of way to all vehicles  
8 and vulnerable users approaching on the highway.

9 Sec. 7. EFFECTIVE DATE

10 This act shall take effect on July 1, 2015.