

1 S.135

2 Introduced by Senators Baruth, Ashe, Collins, French, McCormack, and

3 Zuckerman

4 Referred to Committee on

5 Date:

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

7 lanes

8 Statement of purpose of bill as introduced: This bill proposes to require that

9 operators of motor vehicles:

10 (1) pass vulnerable users at specified distances depending on the
11 operator's speed;

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

17 (3) yield to vulnerable users when turning.

18 An act relating to passing and yielding to vulnerable users

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

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

2 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

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

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

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

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

1 feet when the motor vehicle is traveling at 30 miles per hour or less and at least
2 one additional foot of clearance for every 10 miles per hour above 30 miles per
3 hour.

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

5 § 1035. LIMITATIONS

6 (a) ~~No~~ A vehicle shall not be driven to the left side of the center of the
7 roadway in overtaking and passing another vehicle or a vulnerable user
8 proceeding in the same direction unless authorized by the provisions of this
9 chapter and unless the left side is clearly visible and free of oncoming traffic
10 and vulnerable users for a sufficient distance ahead to permit overtaking and
11 passing to be completed without interfering with the operation of any vehicle
12 or with any vulnerable user approaching from the opposite direction or with
13 the operation of any vehicle or with any vulnerable user overtaken. In every
14 event, the overtaking vehicle shall return to an authorized lane of travel as soon
15 as practicable and, if the passing movement involves the use of a lane
16 authorized for vehicles approaching from the opposite direction, before coming
17 within 200 feet of any approaching vehicle or vulnerable user.

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

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

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

4 (3) ~~When~~ when the view is obstructed upon approaching within 100 feet
5 of any bridge, viaduct, or tunnel.

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

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

10 § 1022. TRAFFIC-CONTROL SIGNALS

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

16 (1) Green signal:

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

19 Vehicular traffic, including vehicles turning right or left, shall yield the ~~right of~~
20 ~~way~~ right-of-way to other vehicles and vulnerable users or to pedestrians

1 lawfully within the intersection or on an adjacent crosswalk at the time the
2 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~~ right-of-way to pedestrians lawfully within an adjacent
8 crosswalk or to other traffic, including vulnerable users, lawfully using the
9 intersection.

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

14 * * *

15 (3) Steady red signal:

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

19 (B) Except when a sign is in place prohibiting a turn, vehicular traffic
20 facing any steady red signal may cautiously enter the intersection to turn right,
21 or to turn left from a ~~one-way~~ one-way street into a ~~one-way~~ one-way street,

1 after stopping as required by subdivision (A) of this subdivision. This traffic
2 shall yield the right-of-way to pedestrians lawfully within an adjacent
3 crosswalk and to other traffic, including vulnerable users, lawfully using the
4 intersection. No motorist shall turn right when facing a red arrow signal
5 indication unless a regulatory sign is present which permits this 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~~
14 right-of-way to any vehicle ~~approaching from the opposite direction which is~~
15 ~~either within the intersection or~~ or vulnerable user so close as to ~~constitute an~~
16 ~~immediate hazard~~ 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~~ right-of-way at an intersection may be
20 indicated by “stop” 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~~
8 right-of-way to any vehicle which has entered, or to any vulnerable user who
9 has entered the intersection from another highway or ~~which~~ is approaching so
10 closely on ~~said~~ the highway as to constitute an immediate hazard during the
11 time when such 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~~ right-of-way to any vehicle or to any vulnerable user in the intersection
19 or approaching on another highway so closely as to constitute an immediate
20 hazard during the time the driver is moving across or within the intersection.
21 ~~However, if~~ If the driver is involved in a collision with a vehicle or vulnerable

1 user in the intersection, after driving past a yield sign without stopping, the
2 collision shall be deemed prima facie evidence of the driver's failure to yield
3 ~~right of way~~ 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~~ right-of-way to
8 all vehicles or vulnerable users approaching on the highway.

9 Sec. 7. EFFECTIVE DATE

10 This act shall take effect on July 1, 2013.