 Introduced by Representatives McCullough of Williston, Bartholomew of
Hartland, Beyor of Highgate, Burke of Brattleboro, Christie of
Hartford, Conquest of Newbury, Deen of Westminster,
Devereux of Mount Holly, Donovan of Burlington, Fagan of
Rutland City, Frank of Underhill, Greshin of Warren, Head of
South Burlington, Heath of Westford, Jerman of Essex,
Kitzmiller of Montpelier, Krebs of South Hero, Kupersmith of
South Burlington, Lenes of Shelburne, Lippert of Hinesburg,
Macaig of Williston, Marcotte of Coventry, Martin of
Springfield, Masland of Thetford, McCormack of Burlington,
Mrowicki of Putney, Pearson of Burlington, Peltz of Woodbury,
Poirier of Barre City, Ram of Burlington, Russell of Rutland
City, Sharpe of Bristol, Spengler of Colchester, Stevens of
Waterbury, Stevens of Shoreham, Till of Jericho, Webb of
Shelburne, Wilson of Manchester, Wizowaty of Burlington,
Woodward of Johnson, Yantachka of Charlotte, and Young of
Glover

Referred to Committee on

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

Statement of purpose of bill as introduced: This bill proposes to require that operators of motor vehicles:

1. (1) pass vulnerable users at specified distances depending on the operator’s speed;
2. (2) refrain 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. (3) yield to vulnerable users when turning.

An act relating to passing and yielding to vulnerable users

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

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

§ 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS
(a) Passing motor vehicles. Motor vehicles proceeding in the same direction may be overtaken and passed only as follows:
1. (1) The driver of a motor vehicle overtaking another motor vehicle proceeding in the same direction may pass to its left at a safe distance, and
when so doing shall exercise due care, shall not pass to the left of the center of the highway unless the way ahead is clear of approaching traffic or vulnerable users, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

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

(b) Passing vulnerable users. The operator of a motor vehicle approaching or passing a vulnerable user as defined in subdivision 4(81) of this title shall exercise due care, which includes increasing clearance, to pass the vulnerable user safely, and shall cross the center of the highway only as provided in subdivision (a)(1) of this section and section 1035 of this title. An operator shall be presumed to be exercising due care when operating the motor vehicle completely in the adjacent lane, or when allowing a clearance of at least three feet when the motor vehicle is traveling at 30 miles per hour or less and at least one additional foot of clearance for every 10 miles per hour above 30 miles per hour.
Sec. 2. 23 V.S.A. § 1035 is amended to read:

§ 1035. LIMITATIONS

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

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

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

(2) When approaching within 100 feet of, or traversing, any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices; or
(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

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

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

§ 1022. TRAFFIC-CONTROL SIGNALS

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

(1) Green signal:

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and vulnerable users or to pedestrians lawfully within the intersection or on an adjacent crosswalk at the time the signal is exhibited.

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

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

* * *

(3) Steady red signal:

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

(B) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one way street into a one way street, after stopping as required by subdivision (A) of this subdivision. This traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic, including vulnerable users, lawfully using the intersection. No motorist shall turn right when facing a red arrow signal indication unless a regulatory sign is present which permits this movement.
(C) Unless otherwise directed by a pedestrian-control signal as provided in section 1023 of this title, pedestrians facing a steady red signal alone shall not enter the roadway.

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

§ 1047. VEHICLE TURNING LEFT—GENERAL DUTY TO YIELD

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

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

§ 1048. STOP OR YIELD INTERSECTIONS

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

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

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

However, if the driver is involved in a collision with a vehicle or vulnerable
user in the intersection, after driving past a yield sign without stopping, the
collision shall be deemed prima facie evidence of the driver’s failure to yield
right of way.
Sec. 6. 23 V.S.A. § 1049 is amended to read:

§ 1049. VEHICLE ENTERING FROM PRIVATE ROAD

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

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2013.