

## The “Safe Passing” Law: What It Means for Vermont’s Roadway Users

New legislation that offers protections to Vermont’s “vulnerable” roadway users was signed by Governor Douglas on May 20. The law, Act 114, defines pedestrians, people in wheelchairs, bicyclists, people on horseback, roller skiers and others as “vulnerable users.” Essentially, those who aren’t completely encased in metal are much more susceptible to injury and are, therefore, in this category of roadway users.

The Vermont Bicycle & Pedestrian Coalition (VBPC), a statewide nonprofit education and advocacy organization, spearheaded a grassroots effort that resulted in the “Safe Passing” bill clearing key committees and both chambers of the legislature. The full text of the new law can be viewed on the home page of the VBPC: [www.vtbikeped.org](http://www.vtbikeped.org)

In brief, here’s how the law will benefit all bicyclists and pedestrians in Vermont:

- Motorists are now required to pass bicyclists, pedestrians, people on horseback, roller skiers, and other vulnerable roadway users with “due care, which includes increasing clearance, to pass the vulnerable user safely”
- All those in motor vehicles now are prohibited from throwing objects at vulnerable users and from harassing them in other ways, such as approaching them too closely and too rapidly
- Bicyclists may now (legally) indicate their intention to make a right turn by using their right arms
- Bicyclists may now (legally) move to the left to make a left turn, avoid a hazard in the roadway, or pass another roadway user
- Bicyclists, when riding at night, are now required to have a light on the rear (attached to either the bike or cyclist) or at least 20 square inches of rear-facing reflective material/reflectors on the bicycle/bicyclist

All of the above changes will help improve conditions on Vermont’s roadways for those who enjoy bicycling, running, walking, horseback riding, roller skiing, roller skating, and other activities.

Although it’s been a widely-accepted practice that a bicyclist can signal a right turn with his or her right arm, it is now permitted by law. It’s important for a bicyclist to move to the left to prepare to make a left turn or avoid a hazard in the road. Nevertheless, this move has never been described officially in statute and sometimes other roadway users interpret it as inappropriate or illegal.

While the new law offers protections, it also calls upon bicyclists to display a greater degree of responsibility for safety. For the first time, a bicyclist, while riding at night, is required to have a red light on the rear or a minimum amount of reflective material. The light or the reflective material may be mounted on either the bike or the bicyclist. The law gives the bicyclist plenty of flexibility, while at the same time, requiring that the bicyclist be highly visible to other roadway users.

Prior to the passage of this law, if a driver or passenger in a car threw an object at a vulnerable roadway user, the only legal recourse was to charge them with littering. Clearly, harassment and littering are two, very different offenses.

Unfortunately, there are roadway users who are ignorant, thoughtless, and/or arrogant. Some are motorists, some are bicyclists, and some are pedestrians. The VBPC works to encourage all roadway users to demonstrate respect and courtesy for all other roadway users. Bikes were on the roads before cars and horses were on the roads before bikes. Equestrians, bicyclists, pedestrians, and motorists will be sharing Vermont's roads for a long time into the future. With a little mindfulness and consideration, such sharing can be a pleasant experience for all.

The Vermont Bicycle & Pedestrian Coalition is happy to respond to questions and comments about the new legislation. Feedback may be directed to Executive Director Nancy Schulz at (802) 225-8904 or [Nancy@VTBikePed.org](mailto:Nancy@VTBikePed.org)