NJ Safe Passing Law Overview
Acknowledgements

Safe Passing Law coordination is being funded through:

NJ Department of Transportation
NJ Division of Highway Traffic Safety

Thank you to all partner organizations and people providing time and expertise to assist in these efforts.
The NJ Safe Passing Law (Title 39:4-92.4) requires drivers to use “due caution” when they see vulnerable people on the road.

- Drivers must move over a lane if possible (while following existing laws).
- Drivers must provide a distance of at least 4 feet when passing vulnerable road users.
- Otherwise, drivers must slow to 25mph and be prepared to stop until they can pass safely.
What is “safe passing”?
Why is the law essential?

It aims to prevent near misses, injuries and deaths that can occur when motorists pass cyclists or pedestrians on the road.

2021 was deadliest year for NJ bicyclists & pedestrians in 30 years.

23% increase in pedestrian fatalities

44% increase in bicyclist fatalities
Why is the law essential?

Laws like this **contribute to a cultural shift** towards safer travel habits by establishing:

- **A right to the road** for people (on foot, bicycle, scooter or wheelchair) as **legitimate road users**.

- **A responsibility of faster, heavier** road users to be **cautious around vulnerable road users**.

- **A standard buffer** of 4 feet, increasing road users’ level of **comfort and safety**.
Frequently Asked Questions

Is it really that big of a deal for a driver to hurry up and squeeze by someone sharing the road?

• Yes. **Fatalities are on the rise.**
• Every day, people experience **risky passes** that leave no margin for error, sometimes with **fatal consequences**
How will police enforce the law?

• The first step is direct education given to drivers who violate the law. The Safe Passing Law joins the Move Over Law and the Stop and Stay Stopped Law in providing police with a specific citation for unsafe driving.
What is the penalty if a driver doesn’t follow the Safe Passing Law?

• **$100 fine** ($500 if bodily injury) and **two points** on your driving record.
Frequently Asked Questions

How will people learn about the Safe Passing Law?

- **State agencies and advocacy groups** are working together to spread the word via social media posts, electronic signs, yard signs, news articles and special events.
I’ve heard this sometimes referred to as “Oscar’s Law.” Who was Oscar?

- **Oscar Zanoni** was a beloved 44-year-old Metuchen resident.
- Unable to operate a car due to childhood illness, he was well known for **riding his electric bicycle everywhere**.
- Tragically, in 2020 he was **fatally struck by a tractor-trailer** while riding his e-bike on Route 27 near Vineyard Road in Edison, NJ.
- The bill was introduced in his honor by three Democratic lawmakers representing NJ’s 18th legislative district, which includes Metuchen and Edison.
What if there isn’t enough space on a narrow road to give 4 feet while passing?

• If a 4-foot safety zone is not available, drivers must **slow to 25mph** and be prepared to stop **until they can pass safely** without endangering those sharing the road.
What if the vulnerable road user is in the shoulder, or a painted bike lane?

- Slow down to 25mph, approach with due caution, and move over a lane if possible. Leave 4 feet of space from the person sharing the road—not the painted line on the road.
What if the vulnerable road user is in a traffic circle or roundabout?

• Slow down, approach with due caution, and yield to the person sharing the circle until it is safe to pass.
Frequently Asked Questions

How do I pass a single line of cyclists, runners, or walkers? What if they are travelling two-abreast?

Cyclists may legally take the full lane for their own safety. They can also legally ride two-abreast as far to the right as “practicable”, providing they do not “impede traffic.”

Slow down, approach with due caution, and yield until it’s safe to pass every person in the group with four feet of space.

Only move back into the lane when safely beyond the front of the group. Do not cut off the group to make a turn in front of them.
How does Safe Passing relate to other NJ road safety laws?

- The “Slow Down, Move Over” Law requires motorists approaching authorized vehicles with emergency lights flashing to slow down or move one lane over from the incident.

- The law “protects essential workers like emergency responders, highway crews, tow truck operators, and others when working along the road” (i.e., ‘vulnerable road users’).
How does Safe Passing relate to other NJ road safety laws?

- The “Stop and Stay Stopped” Law requires drivers to stop when pedestrians are crossing a marked intersection, and yield to pedestrians crossing at unmarked intersections.

- The law “reinforces the importance of pedestrians using crosswalks, their safety zone, and for motorists to recognize that when approaching crosswalks, they must be alert for pedestrians.”
How does Safe Passing relate to other NJ road safety laws?

- Thanks to enthusiastic support and outreach efforts from NJDOT, DHTS, and others, these laws were great successes, and show NJ is working continuously to reduce road fatalities.
- The Safe Passing Law builds on the success of these existing NJ road safety laws by expanding protections for vulnerable road users.
General observations from research

- Separated infrastructure is more effective than Safe Passing Laws alone in reducing crashes.
- The law keeps vulnerable people safer on roads that lack separated infrastructure.
- It increases the space given by careful drivers and reduces the feeling of danger.
- Drivers will only comply if they believe the law is reasonable and enforceable.
- An awareness campaign is essential. Success relies on wide public awareness.
- The "4 foot" distance is meaningful: It protects a falling cyclist from colliding with a passing vehicle.
Methods of enforcement

Codaxus C3FT device can measure passing distances.

Vulnerable road users can use personal video as evidence in court.
Thoughts on education and outreach

- The Safe Passing Law is primarily an educational tool rather than a means to punish negligent motorists.
- It can be a significant step towards increasing bicycle safety, but only if people are aware of its existence.
- There should be visible displays (e.g., bumper stickers or posters) in places frequented by motorists (like gas stations or MVC testing sites).
Thoughts on messaging

- Campaigns should focus on **behavior change** rather than simply informing.
- Emotional campaigns are **more effective** at increasing safety.
- **Avoid fear-based emotional campaigns** that portray micromobility as unsafe.
- Safety campaigns that **personalize and humanize** vulnerable road users are ideal.
More thoughts on messaging

- Events and giveaways reach a **narrow audience** and offer either **too much or too little info**.
- **Try not to divide** your audience. Aim to portray micromobility as a **mainstream, ordinary option for transportation**.
- **Try to explain everyone’s needs and behaviors**.
- **Use an easy-to-understand** message applicable to a **wide range** of people.
Support from local advocates

- Successful campaigns rely on local champions and broad reach.
- Reach out to your own contacts and local groups to help increase awareness of the Safe Passing Law.
- Consider telling five friends about the new law and encourage them to tell five friends as well!
For more information, visit:

**NJ Bicycle & Pedestrian Resource Center, Rutgers:**

**NJ Bike & Walk Coalition:**
[https://njbwc.org/team4nj/](https://njbwc.org/team4nj/)