

New Jersey Bicycle and Pedestrian Advisory Council (BPAC) **Legislative & Policy Subcommittee**

The New Jersey Bicycle and Pedestrian Advisory Council (BPAC) is coordinated by the Alan M. Voorhees Transportation Center, in conjunction with the New Jersey Department of Transportation. The goal of the New Jersey Bicycle and Pedestrian Advisory Council (BPAC) is to advise the New Jersey Department of Transportation (NJDOT) on policies, programs, research, and priorities to advance bicycling and walking as safe and viable forms of transportation and recreation.

The following is a brief overview of the top policy objectives and recommendations for improving bicycle and pedestrian safety in New Jersey as prepared by the members of BPAC Legislative & Policy Subcommittee.

Objective 1: Equip the state's transportation agencies to achieve efficiencies and better execute upon the administration's transportation goals.

NJDOT

- Implement a policy of adopting the latest national guidelines for road design as soon as possible but within a year of their release.
- Create an implementation plan for the state's Complete Streets policy such that various road treatments are standardized.
- Ensure that the Complete Streets Implementation Plan is embedded in all road and bridge projects, in order to close the existing gap in understanding and execution among Bureau of Commuter and Mobility Strategies and other units within the Department, especially Capital Project Management and Major Access.
- Ensure that NJ Turnpike and Garden State Parkway projects that affect local roads include Complete Streets designs and construction.
- Include in the capital program resources to ensure that Complete Streets Implementation Policy is included in all projects, from beginning to end.
- Track all NJDOT projects for compliance with the department's Complete Streets Policy.
- Include Complete Streets staff in regional/district offices
- Replace all vacated positions and fill all positions that have acting heads with permanent staff. Increase staff to facilitate demand expected from the doubling of local aid under the new TTF.

NJTransit

- Create a first mile/last mile strategy and implementation plan for the train and bus network, and begin to execute this plan station-by-station, bus-stop by bus-stop, throughout the state.
- Adopt policies and best practices for bike storage and transport on mass transit.
- Coordinate with NJDOT to increase implementation of new park-and-rides and promote use of current facilities.

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Objective 2: Reduce motorist, pedestrian and cyclist traffic deaths to zero statewide

Stop the deaths of the more than 10 people a week now killed on NJ roads. By taking action to implement a Vision Zero policy, New Jersey can become a state leader in safer, accessible streets that accommodate all users beyond that of complete streets implementation.

Background

Many of New Jersey's roads are dangerous due to outdated design standards. At the close of 2017, 205 pedestrians and bicyclists lost their lives on NJ roads; this number represents 32 percent of all roads deaths in 2017.¹ In 2016, more than 25 percent of traffic deaths in the state were pedestrians and bicyclists. For 2017, NJ saw a 13 percent increase in pedestrian deaths.

NJ has led the nation with adoption of a Complete Streets policy that has yet to realize its full potential. Municipalities and counties that have passed policies have not fully implemented them. Many state and local roads lack maintained sidewalks and well lit, marked crosswalks. Bicycle facilities are almost non-existent. Setting a clear target of zero deaths can jumpstart universal adoption and enforcement.

What is Vision Zero?

Vision Zero originated in Sweden in 1997 and is a successful international initiative based on the principle that safety is a responsibility is shared by transportation planners, engineers and road users and "that it can never be ethically acceptable that people are killed or seriously injured when moving within the road transport system."

Vision Zero is a growing movement now endorsed by the State of Washington and in 25 US cities. These governments use Vision Zero best practices to guide strategy. Cities such as New York and Philadelphia have comprehensive Vision Zero policies to achieve zero traffic deaths by 2024 and 2030 respectively.²

NJDOT has adopted a Towards Zero Deaths Policy (TZD).³ TZD policies have been popular among Departments of Transportation, however these policies have historically lacked action plans and offer no end target of zero. For example, Pennsylvania DOT (PennDOT) has set a goal of 50% reduction in traffic deaths by 2030. NJDOT's policy has no target date at all.

Recommendation

We encourage the Governor-elect to issue within the first 100 days an Executive Order that sets forth a Vision Zero goal of eliminating deaths by a certain date and to create a Vision Zero Task Force.

The Task Force shall:

- Identify short and long data driven strategies with measurable goals and target dates for reducing traffic deaths and serious injuries.

¹ NJ State Police Fatal Accident Statistics - <http://www.njsp.org/info/fatalacc/>

² Vision Zero Network -<https://visionzeronetwork.org/>

³ NJ Department of Transportation Highway Safety Page - <http://www.state.nj.us/transportation/about/safety/>

- Develop a comprehensive and coordinated action plan to reduce traffic deaths and serious injuries through an equitable approach to engineering, education and enforcement systems that analyzes physical design rather than only highlighting user blame.
- Engage the public by establishing an interactive website with which to gather information and raise awareness of plans and events.
- Report annually on findings and progress.

Task Force members may include appointments from:

- State Agencies:
Office of the Governor, NJ Department of Transportation, NJ Department of Law and Public Safety, NJ Department of Health, NJ Department of Human Services, NJ State Police, NJ Department of Community Affairs, NJ Turnpike Authority
- Transportation Authorities and Public Stakeholders:
NJ Transit, Port Authorities, Metropolitan Planning Organizations, Transportation Management Associations, Bicycle and Pedestrian Advocates, Senior Citizens, Advocates, County and/or Municipal transportation officials

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Objective 3: Advance legislation to protect pedestrians and bicyclists.

The following are the top legislative priorities related to pedestrian and bicyclist safety:

2016-2017 Legislative Session

- [A1348](#) (Sumter/Pinkin/Vainieri-Huttle) Requires motorists operating vehicles to maintain reasonable and safe distance when overtaking pedestrians and certain bicycles. This is commonly referred to as a "Safe Passing Law." NJ is currently the only state on the east coast and one of only 11 in the nation that does not offer any type of safe passing protection.
- [A1362](#) (Eustace) Increases penalties for careless driving when violation results in injury or death to pedestrian. This is also referred to as a "Vulnerable User law."
- [CS A1461](#) (Lampitt) Establishes Pedestrian and Bicycle Safety Advisory Council.
- [S2894](#) (Gill/Oroho) Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information. *(Possibly to be passed in 2016-2017 legislative session.)*

Recommended additional legislation

- Anti-dooring Law - establish penalties for drivers who open car doors into the pathway of bicyclists and drivers. New Jersey is one of only 10 states that do not have anti-dooring laws.
- Vulnerable User Law- broader bill that includes *any Title 39 violation* that results in injury or death to a pedestrian or bike rider. Such a bill was introduced in the 2014-2015 legislative session. A958 (Singleton) required a person convicted of a motor vehicle violation to pay a fine of \$1,000 to be deposited into the "Pedestrian Safety Enforcement and Education Fund" and successfully complete a remedial training course of not less than four hours if the court determines that the violation was the proximate cause of a collision resulting in serious bodily injury or death of a pedestrian, a person using a wheelchair, motorized wheelchair, or electric personal assistive mobility device, a driver or rider of a horse, a driver or rider of a bicycle, a person operating on roller skates, a skateboard, or a motorized skateboard, or a person in an area of highway construction or repair engaged in the construction, reconstruction, repair, or maintenance of the highway lawfully occupying the highway.
- Prohibition of parking in bike lanes - establish penalties for drivers who park in bike lanes. The current law is ambiguous as to whether or not a motorist can be ticketed for parking in a designated bike lane.
- Specific right for bicyclists and pedestrians to use the shoulder for travel. Currently Title 39 is vague and a source of confusion.
- Expand the mandatory Personal Injury Protection ("PIP") coverage afforded under NJ automobile insurance policies so that a policyholder's PIP benefits extend to crash victims who do not have their own auto/PIP coverage--as is presently the case in New York.

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Objective 4: Expand the vision of Complete Streets. Capitalize on all the benefits of strategic and deliberate road design. Emerge once again as a national leader.

Revise and update the 2009 State Complete Streets Policy to reflect all the benefits derived from strategic road design.

Incentivize and encourage municipalities/counties to adopt and implement the revised Complete Streets Policy and those who have existing policies to make appropriate updates/amendments. NJDOT and NJ Transit should support the efforts of municipalities and counties to advance the principles of complete streets.

Background

[NJDOT adopted a Complete Streets](#) policy in December of 2009. Montclair was the first municipality in the state to adopt a policy, which was done in October 2009. Over the past 8 years, Complete Streets has grown substantially in terms of adopted policies as well as how Complete Streets are viewed. Since then, [8 counties and 137 municipalities have passed policies](#) and Complete Streets has come to mean more than simply adding sidewalks, crosswalks and bike lanes. When the conversation began, Complete Streets was the road to improved personal safety: eliminating road fatalities (motorists, pedestrians and cyclists), reducing crash severity and injury, and minimizing crime risk. This is still as relevant as ever, especially here in NJ - an FHWA Pedestrian and Bicycle Safety Focus State due to its high pedestrian fatality rate.

In 2017, that conversation has evolved into something bigger and greater:

Complete Streets is a road to economic vitality: increased foot traffic for downtown businesses, marketing and branding tools, transportation tourism, and active transportation events such as summer streets/open-streets events.

Complete Streets is the road to better health: providing outlets for increased physical activity and social connectivity all with the goal of lowering the risk of obesity, reducing chronic disease and promoting wellness.

Complete Streets is the road to opportunity and equity: it's a tool to assure policies are implemented and funding is distributed and other resources are used equitably and responsibly in all neighborhoods; especially when it comes to improving non-auto focused transportation systems and access to transportation.

Complete Streets is the road to achieving environmental benefits: improved air quality, water quality, and stormwater management, reduced GHG emissions.

Recommended Actions

- Update NJDOT's 2009 Complete Streets Policy to include all the benefits derived from strategic road design.
- All NJDOT projects must be vetted through a process which ensures CS principles are considered.

- Currently, the implementation of the Department's Complete Streets policy is overseen solely by the Bureau of Commuter and Mobility Strategies; once conceptual designs leave that office, these principles are not understood and therefore are often eliminated from plans and designs, such that many projects that are constructed by NJDOT do not contain Complete Streets features. This is due to a lack of knowledge and lack of an agency-wide policy of implementing Complete Streets. Instill an agency-wide adoption of Complete Streets principles, not one that is isolated within the planning department, such that these principles are included in all road and bridge projects.
- Adoption of a Complete Streets implementation policy at all NJDOT leadership levels.
- Training of all project management/engineering staff in Complete Streets principles and how they are to be implemented in all projects.
- Hold staff accountable for following the policy by including reviews against the CS implementation policy for all project designs to ensure that the policy is being followed.
- Work with NJDEP to ensure that stormwater and other environmental regulations do not get in the way of including sidewalks, bicycle lanes and multi-use paths in NJDOT projects.
- Better police officer training on Title 39 as it pertains to bicyclists and pedestrians.

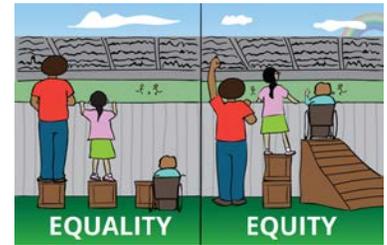
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Objective 5: Build an equitable transportation network.

Transportation and Equity (Environmental Justice) Overview

An equitable transportation network provides the safe and efficient passage of all. Environmental Justice is defined by the federal government as, "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." In transportation, this also includes car-less households, the young, elderly, those with health disadvantages, and limited English proficiency. It is important to note that transportation equity does not mean transportation equality. Equality depicts the same **resources** being provided for everyone, but we all have different needs. Equity provides the same **experience** for everyone so that regardless of your individual needs, you have the same shared experience. Existing laws and regulations governing EJ/Equity in transportation include: Title VI of the 1964 Civil Rights Act; The Americans with Disabilities Act (ADA) of 1990; Executive Orders 12898 and 13166 (President Bill Clinton); and USDOT Order on Environmental Justice 5610.2(a).



Actions to Promote Transportation Equity Across the State

1. Issue an Environmental Justice Executive Order that directs relevant state departments, agencies, and authorities (including NJDOT, NJDOH, and NJDEP) to coordinate their efforts to mitigate disproportionate and adverse environmental burdens on disadvantaged communities; involves multiple levels of government, MPOs (NJTPA, DVRPC, SJTPO), and impacted communities working concertedly to improve air quality and foster mobility for all; and initiates pilot programs that showcase cross-agency collaboration with communities.
2. Promote regional trail networks and Complete Streets that ensure mobility for all.
3. Invest in improved public transit, ensuring full consideration of the needs of those who do not have cars due to socioeconomic status, not simply by choice.
4. Ensure that a fair share of federal transportation monies are dedicated to disadvantaged communities and that funded projects mitigate congestion and improve air quality.
5. Involve disadvantaged communities in all levels of transportation planning, design, implementation, and maintenance.
6. Design transportation facilities that fit harmoniously into an existing community. Projects undertaken by NJDOT should be done in harmony with the character and fabric of the existing community. They should be functional and connect to people and to places in a logical, strategic way.
7. **Seek meaningful legislation that supports “cumulative impacts” of facility and transportation infrastructure siting.**
8. Ensure that monies received through Natural Resource Damage settlements are prioritized to reach communities that have experienced disproportionate and adverse environmental burdens. For example, the projects that these settlement monies are used for could be those that reduce air pollution and improve local mobility, such as Complete Streets, trails, and enhanced transit opportunities.

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Objective 6: Create a statewide off-road recreational and transportation multi-use trail network modeled on the Circuit Trails⁴ in the Greater Philadelphia Area and the proposed Empire State Trail Network⁵ in New York State.

Background

Trail networks provide transportation and recreational options to all who live nearby, enabling them to reach various destinations, such as places of employment, shopping, parks, and other destinations in a safe, traffic-free mode. These networks can easily connect through Complete Streets street build-outs so that individuals can get from point A to point B safely, using both on-road and off-road segments.

Recommended Actions

The state should make a substantial commitment to creating a robust shared use path network with a backbone that will connect the state's major cities and provide transportation and recreational options for all residents. With a mass-transit system that is underfunded and neglected for decades, a greenway network will provide those connections in the near-term and will support an extended mass transit system in the long-term. Such a multi-use network also addresses the need for resiliency by providing emergency evacuation routes for all residents, including those who do not have access to a car.

The state should:

- Provide beginning-to-end resources so that a network can be planned and developed seamlessly. All phases of the development of the network should be part of the project.
- Design the network such that every citizen will live within 2 miles of a connection to the network.
- Partner with local and regional advocacy groups, conservancies and agencies that are already stewarding these projects, so as to learn and share best practices.
- Leverage previous investments in trail projects by incorporating existing trails in the state and building out the network from these trails.
- Work with municipalities and counties to pool resources, identify funding and address maintenance of these trails during the development of the network.
- Increase funds for Local Aid Bikeways from \$1M to \$5M and Safe Streets to Transit from \$500K to \$3M annually.

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⁴ <http://circuittrails.org/>

⁵ <http://www.hudsongreenway.ny.gov/Trailsandscenicbyways/EST.aspx>

Rethinking Federal Aid Programs in New Jersey

NJ had \$6.2 million in 2014 TAP funds lapse effective on October 1, 2017. Out of the four states (NJ, GA, MD and NC) in the nation who lost these funds, New Jersey lost the highest amount. The loss is termed a “lapse” and refers to federal funds allocated to New Jersey that expired and thus were returned to the Federal Highway Administration (FHWA) from the state.

More urgently, the state is set to lose close to \$90 million in federal transportation dollars in 2018 unless a Task Force is created immediately to address the issue and come up with a plan to safeguard these funds. It is understood that the \$90 million projected lapse is comprised of TAP, HSIP, CMAQ, and STP; these are all federal transportation funds that were awarded to the state to help address our abysmal road fatality rates. Some of these funds were awarded under ARRA in 2009; other amounts were awarded under MAP-21 in years 2012-2014.

TAP (Transportation Alternatives Program) are federal transportation funds that are awarded to states for “construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation,” among other similar uses. New Jersey receives approximately \$17.5 million each year in TAP funds, which are also used to fund the state’s Safe Routes to School program.

TAP funds are then awarded to towns and counties through competitive solicitation rounds organized by NJDOT and the state’s three MPOs. Towns and counties submit applications for funds to implement bike and pedestrian infrastructure projects, such as bike lanes, greenways and shared use paths, crosswalks, curb extensions, countdown signals and other traffic calming devices. As TAP is a reimbursement program, towns must complete the projects and then apply for reimbursement of the project costs.

The 2017 lapse in funding dates back to TAP grants awarded in 2014. These funds were earmarked for municipalities and counties to complete bike and pedestrian projects, and it is understood that the awardees never claimed the reimbursement. The typical reason for not claiming these funds is that most towns and some counties do not have the capacity to meet the myriad and complicated federal regulations required. Therefore, even when a town receives the award, they never complete the project or the process to claim the funds.

NJDOT dedicates substantial resources to administration of the TAP program for issuing the solicitations, reviewing and selecting applications for awards, offering presentations and workshops on the requirements of the program, and providing a pool of consultants to assist towns in the development of plans, specifications and estimates. Therefore while NJDOT dedicates substantial resources to administration of the TAP program, it does not provide sufficient support to local governments that often don't have the resources to properly administer federal funding.

The loss of the 2017 funds, more importantly, the projected 2018 lapse, is a missed opportunity of significant proportions when one considers the economic, health and environmental benefits to communities and the lives that could have been saved through projects that these monies would have funded.

The Highway Safety Improvement Program (HSIP) is a core Federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned roads. HSIP is a data driven process to prioritize funding the most significant infrastructure and behavioral safety issues on NJ roads. However, to date very little of the HSIP funding is used to address pedestrian and bicycle infrastructure needs.

The current NJDOT screening method for determining priority projects does not take into account information that is of particular importance to people who walk and bike including, sidewalk characteristics, socioeconomic information, health, environmental justice, density, and surrounding land use. The Highway Safety Manual is used as a primary source for prioritizing funds. New Jersey is the only state that mandates use of the Highway Safety Manual for HSIP scoring. Projects must use the Highway Safety Manual to calculate the cost/benefit ratio. Projects must have a score of 1.0 or greater to be considered for HSIP funding, however pedestrian and bicycle projects always score low (under 1.0). There is not a lot of information or data on the effect of countermeasures for pedestrian and bicycle projects to prioritize these projects. A systematic look at pedestrian and bicycle data collection, available proxy measures, and suitable countermeasures is needed.

In addition, CMAQ (Congestion Mitigation and Air Quality) and STP (Surface Transportation Program) funds allocated to New Jersey are also in danger of being rescinded by the Federal Highway Administration and should be included in any funding discussions.

Suggestions for the state to consider in the coming months to avoid another lapse in TAP funds:

- ***Create a Federal Aid Task Force immediately to address the projected 2018 lapse, including a survey of how other states successfully spend these funds. The Task-Force should include pedestrian and bicycle advocates.***
- Assign additional state resources to assist towns and counties in meeting the federal requirements for spending these funds.
- Monitor towns and counties that have received the awards to ensure that they are making steady progress towards project completion. Be ready to either assign additional support or pull back awards when towns have not reached specific milestones by certain dates, so that these funds can be awarded elsewhere.
- TAP funds are eligible for the planning, concept and feasibility phases of projects; NJDOT currently limits their use to final design and construction. Make these federal funds available for all phases of projects, from inception through to construction, so that projects are funded beginning-to-end, rather than the disjointed structure used today where funding for the initial planning and concept work is often a struggle to locate. Using TAP for all phases of projects will ensure that resources are engaged in the projects from the beginning, making the process more efficient and the projects more likely to be completed.
- Focus TAP funds on larger, regional projects that are managed by counties and by towns that have the capacity to manage federal funds.
- Use state funds (Municipal and County Aid funds) for projects in smaller towns. Often, TAP awards are so small relative to the effort required to receive them that many

towns forgo the reimbursement, citing that it is not worth their time to request the funds.

- All NJDOT Divisions that make decisions on the use of federal-aid funds should have a designated pedestrian and bicycle safety expert assigned to be part of the creation, review and updating of policies, procedures and funding distribution decisions.
- A systematic look at pedestrian and bicycle data collection, available proxy measures, and suitable countermeasures should be researched and prioritized for pilot studies.
- HSIP and other data driven funding processes should allow proxy measures of importance to pedestrians and cyclists that include addressing health and equity.
- MPOs should be further integrated into all funding processes from concept through implementation.

Here are a few of these regional-scale projects from around the state:

1. Capital-to-Coast Trail, running from Trenton to Manasquan, crossing through two counties and two MPOs
2. Continuing the build-out of the 257 miles of Circuit Trails in Mercer, Camden, Burlington and Gloucester counties of which 160 remain to be constructed.
3. Funding the Northern Valley Greenway
4. Essex-Hudson/Ice & Iron Greenway in Essex and Hudson Counties
5. Cape May County's budding trail network
6. Morris Canal Greenway
7. East Coast Greenway

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