



## BPAC Policy & Legislative Subcommittee Meeting

February 2, 2022 10:15 am to 11:10 am

Online Zoom Meeting

### Attendees:

- Sonia Szczesna, TSTC (chair)
- Catherine Bull, BPRC
- Susan Blickstein, SGB
- John Boyle, BCGP
- Haley Graf, NJT
- Debra Kagan, NJBWC
- Mike Manzella, Asbury Park
- Peri Nearon, NJDHS
- Andrew Tabas, NJ Future
- Andrew Besold, Montgomery County
- Corey Hannigan, BPRC
- Leigh Ann Von Hagen, BPRC
- Jessica O'Connor, NJMVC
- Janna Chernetz, TSTC
- Joe Rapp, NJDOT
- Sutapa Bandyopadhyay, FHWA
- Khalid Shaikh, NJDOT

### Meeting Notes:

- "Personal Conveyance" as used in N.J.S. 39:4-92.4 Discussion (TSTC):
  - A new four-foot "Safe Passing Law" has just been passed, but there is a potential issue with the language and what defines "personal conveyance."
  - Creation of a new term is suggested:
    - Investigated legal precedent, and "personal conveyance" is a term of art, seen often in property wills and estates, and can mean "personal conveyance of land."
    - In NJ Code, "personal conveyance" falls under "recreational vehicle" (i.e. motor vehicle) including tractors. We don't want someone to contest a ticket and use this argument.
    - "Micromobility device" or "low-speed micro-mobility device" have precedent to cover bikes and scooters in Florida, Ohio, and Washington.
  - Discussion and Next Steps:
    - Defining a new term comes with administrative complexity, but it's worth bringing "micromobility" into the public consciousness and legislative lexicon, potentially paving the way for future laws and projects.
    - It's already an established term in the planning world, but definitions can vary. We want to make sure that it is broad enough to cover the target "use-case" of this law, while being specific enough to not include larger vehicles like tractors, etc.
    - Wheelchairs are excluded, as they are defined as "pedestrians."
    - The BPRC worked on a "micromobility" definition. New website page: <http://njbikeped.org/micromobility/>
    - NJBWC/TSTC would need the sponsors of this bill to introduce a new bill to amend it by striking "personal conveyance" and replacing it with the new term. Would also need a new definition



under Title 39. We should assume it will be a “huge hassle” so that we can manage our expectations.

- NJBWC/TSTC likely won’t resolve it in time for the rollout, but we are still “ahead” of any complications and can include that in our messaging during the rollout when educating law enforcement.
- Concern raised in chat that manufacturers may not care about what the law allows, <https://www.theverge.com/22722099/vanmoof-v-electric-bike-price-specs-date-preorder>

- [Title 39 & Parking-Protected Bike Lanes](#) (BPRC):

- Asbury Park mentioned that Title 39 seems to generally have issues with definitions, as bicycles are seemingly defined as “vehicles” elsewhere in the Title. They explained that there were Title 39 issues with parking protected bike lanes for a project within Asbury Park’s jurisdiction, but which used NJDOT funding, and thus needed DOT review. There were issues with Title 39 and distance from parked vehicles to the curb. AP was able to proceed after adding a “vertical element” to the design for parking protected bike lanes. They also mentioned that being able to proceed “incrementally” can often be essential to a project’s feasibility, so requiring curb-protection could be an issue for projects with tight funding at the outset.
- It was mentioned that curb-protected bike lanes can make plowing more problematic.
- BCGP explained the circumstances of PA’s similar law to Title 39 and parking protected bike lanes and emphasized how vulnerable even popular bills can be to opposition in state legislatures. Philadelphia has pivoted to classifying them as “pilot” projects. But flexposts are a “maintenance nightmare” and they are moving towards “hardening-up” their bike lanes.
- TSTC offered to review the law and provide an opinion. They may also want to have an interim meeting to be ready to propose something by next BPAC.
- NJDOT asked about the process of updating Title 39, and if this issue is on the radar. TSTC suggested it might be possible to bundle amendments to Title 39 together, as there are multiple items in motion.
- BPRC expressed concerns that amending the law could hold up protected bike lane rollouts for five years, like in PA. Hopefully we can clarify the interpretation of the law and get these projects approved.

- [Legislative Report as of 02/02/2022](#)

- Discussed legislation relevant to walking and bicycling to review and flag, and highlighted ones that need special attention.
- Logs will be in this folder: [Legislation Tracker](#)
  - BPRC mentioned that the school district and hazardous route definition issue comes up frequently but doesn’t make progress due to cost and property tax issues.
  - TSTC mentioned “Drew’s Law” for a 15mph speed limit near public parks.
  - Discussed enhanced crosswalks in Bergen County.
  - Discussed a Complete Streets bill related to disabilities that wasn’t reintroduced (the “autism bill”).
    - Bill: A1116 Sponsors: Chaparro (D33); Benson (D14); Mukherji (D33) +4
    - Summary: Requires DOT to implement Complete Streets policy that considers persons with certain disabilities.
    - Subjects: Human Services-Developmental Disabilities; Transportation-Highways, Roads And Bridges; Transportation-Public Transit
    - Related: 2022:S147; 2020:A5337; 2020:S3439
    - Progress: 1st House: Referred to Committee



- Status: 01/11/2022 – Assembly Transportation and Independent Authorities
- Discussed other bills that should be flagged:
  - Bike-Ped Advisory task force for zero deaths initiatives.
  - “Speed Limit Sanity Act” - requires posted speed limit on certain limited access highways be based on speed at which 85 percent of vehicles are traveling.
    - BPRC mentioned it may be addressed in the MUTCD update.