



Legislation & Policy Subcommittee
July 21, 2021 10:30am – 11:25am
Virtual Meeting

Attendees:

State

Leigh Ann Von Hagen (VTC)
Catherine Bull (VTC)
Trish Sanchez (VTC)
Hailey Graf (NJT)

Non-Profit

Laura Cerutti (TransOptions)
Sonia Szczesna (TSTC)
Janna Chernetz (TSTC)
Jim Hunt (NJBWC/Morris Area Freewheelers)
Debra Kagan (NJBWC)

I. Summary

The subcommittee meeting included a brief review of the findings identified through research on vulnerable road user laws and automated speed enforcement. This involved a brief presentation by Leigh Ann and Catherine, followed by a discussion of preliminary input from BPAC members. A more thorough outline will be presented at a separate meeting. The subcommittee then consulted on other research efforts that should be prioritized. This included the creation of a compilation of bicycle and pedestrian legislation that has been proposed in New Jersey in order of importance, as well as deriving recommendations, that can be presented to the rest of BPAC. Further research efforts included investigation into Automated Vehicles particularly in their ability to be supported by existing infrastructure and in being able to determine/ detect safe passing distance for bicycle and pedestrians. Lastly, the subcommittee expressed interest in contacting Middlesex County to obtain some of the research they have conducted and in having potentially someone present their findings at the next BPAC meeting, as well as have someone from the Office of Tourism or experience in Bike Tourism present to BPAC on their experience.

II. Agenda Items

- a. Updates on Strategic Highway Safety Plan – VRU & ASE
 - i. Leigh Ann and Catherine presented a brief introduction to the Strategic Highway Safety Plan Pedestrian and Bicyclists Action Item #1.A.3.a on vulnerable road user laws and automated speed enforcement. Catherine introduced the bulk of the literature review which involved reviewing legislations across the country, best practices, and producing policy considerations for New Jersey. More specifically, the research for vulnerable road user is broken down into who is a vulnerable road user, what is a vulnerable road user law, why are they needed, different state legislations, ineffective and effective implementation, case studies in the form of interviews, analysis of existing New Jersey laws, and policy considerations for New Jersey.



Vulnerable Road User laws was introduced as legislation to protect road users who are not in cars through harsher penalties, raising awareness about sharing the roadway, filling legal gaps, and that they are after the fact or take effect when an injury has occurred. As a result, the law relies on a deterrence effect which is mostly through education of drivers to be more attentive of sharing the roadway. A separate presentation will be set up to present the full research conducted. Leigh Ann then further introduced that the purpose of this research is not to create a model law, but to give all the facts of such legislations which would then go to NJDOT for next steps. Jim introduced a brief history of the legislations mentioning that New Jersey does have safe passing for equestrians, move over for EMS, of which there is a lot of overlap. The defining of users protected has been defined broadly. Jim recommended that there should be more articulation into the relationship on what laws New Jersey does have, whereas currently it is perceived as though it were a brand-new law instead of an adjunct to existing laws.

Janna stated that in 2012, the firm that she used to work for had a package of safety bills where they tried to move them all together, including safe passing, vulnerable road users, codifying BPAC, and motor vehicle legislations. So, this bill has been hanging around for some time. Jim recommended that it would be interesting to look at a comprehensive safety look at what is missing to determine the success rate of introducing an omnibus bill as opposed to individual laws. Janna mentioned that they tried to pass a comprehensive bill because the main block even for the recent safe passing bill was getting it through Senator Sacco.

Leigh Ann further describes that the research has so far included what has happened since implementation and less how they adopted the legislation. Some initial research was conducted to other non-transportation legislations as to who is being held accountable and what do they pay, i.e., compensation. Janna added that New Jersey's existing careless driving law allows persons to plead any points down to careless driving with a monetary fine. In 2012, the original proposed law was to make the vulnerable road user non-allegeable for a plea. Whereas existing laws that are fined under Title 39, could potentially be pled down. Leigh Ann asked if there are other Title 39 non plea bargain offenses. Janna added that probationary licenses also fall into this category, where probationary license holders cannot plea to careless driving which was established as an efficiency law. Janna further recommended that research into this topic would also be helpful.

Jim clarified that since vulnerable road user happened after the fact, it is not a protection law, but rather a penalty law. Such laws are also limited by lack of police data and the degree of the police investigation, where Jim gave the example that he still waiting on getting information from an incident that happened in March. Janna also added that causation can also be a barrier when trying to advance a vulnerable road user law. Jim added the legal definition of



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the shoulder falls into same category. Leigh Ann added that some of these questions can be used as the next steps as interview questions.

Catherine briefly described the research conducted on automated speed enforcement which would look at the difference between automated speed enforcement and red-light running laws of which New Jersey had a 5-year program, but did not choose to renew. The research also looked at the benefits and limitations, case studies, state comparisons, New Jersey laws, and considerations for New Jersey. The benefits, which include high rate of violation detection, physical safety of operators, more equitable operation without profiling, and greater efficiency. Leigh Ann added that NJDOT has only tasked the group with gathering the facts and conducting informative interviews.

Jim asked if bicycles and scooters are defined in red light running by cameras.

Leigh Ann answered that the cameras do not detect bicycles, despite available capability as they are limited to license plates. Janna added that bicycles may not be heavy enough or software sophisticated enough. Janna further added that people making legal right turns got ticketed due to crossing at red light triggering software.

Leigh Ann added that legislatively cameras will most likely just be used for gathering license information, but some municipalities do have cameras trained on intersections. An intersection in Asbury Park is being studied to determine if there is a way to use video feed to determine near misses.

Jim added that similar concerns that maybe encountered, like the recent safe passing, is that the law is well and good if the bicycles do what they are supposed to do. There also been concerns with licensing laws in Perth Amboy.

Leigh Ann added that the research did not specifically look at red light cameras, but more specifically on speed cameras. Specifically, because of the recent political opposition of red-light cameras. Janna then asked how one would go about catching someone on micro mobility without a license plate. Jim added that the only way is for licensing bicycles, but then that gets back into the equity issues. Sonia then mentioned the law that is being proposed to remove bicycle registrations. Leigh Ann also mentioned that there are two other legislations proposed including a 5-year program for ASE in work zones and the Automated Enforcement Inoculation Act.

Sonia mentioned a bill proposed that would allow bicycles to pass through stop signs. Jim specifies that it is referred to as the Idaho Stop Law of which several other states have now adopted it.

Catherine continued the presentation mentioning that separate interviews will also be conducted, and a separate meeting date will be set up to present findings. Jim added that special attention should be paid to Pennsylvania particularly because they have both a 4-foot safe passing and it will be interesting to see if their ASE law will reinforce safety of the safe passing law.

Leigh Ann added that Pennsylvania has only just passed an ASE law but not implemented speed cameras statewide yet. Sonia mentioned that a pilot program was implemented for just Philadelphia. Sonia added that the specific ASE pilot program proposes to use funding for state police to do more speed



enforcement. Jim inquired if it be possible to include a connection between speed cameras and vision zero or roadway design changes.

b. Survey of Group Members – Subcommittee Project Ideas

- i. Sonia proposed conducting a scan of Existing Bike/ Ped legislation that has been proposed in NJ. Where the findings would be presented to BPAC in order of what's important and recommendations. Or research could be conducted on federal legislation and present to BPAC.
- ii. Jim supported both ideas and added that there should be a push for AVs and the size of AVs, as well as what it is going to mean for road capacity.
- iii. Sonia added that it is suspected that Princeton will be proceeding with an AV pilot which should be included in the research. Janna added that previous research was conducted to determine if the existing infrastructure can support AVs when it came to interacting with bicyclists and pedestrians, particularly if AVs can pick up lines being painted on the road, unmarked crosswalks, among others. Jim added that part of the discussion of Safe Passing was that it would give instruction to AI designers on being able to detect and determine the safe passing distance.
- iv. Sonia then asked if there is anything that the group would want to prioritize. Jim mentioned that the priority should be Vision Zero, including answering the questions: 'How do you know it works?' and 'How do other places define that?' With a comprehensive look at Vision Zero across the country, what happens when cities take the lead, what happens at the federal level, in order to fully understand the implementation step whether it starts with policy or legislation. *(Debra Kagan (NJBWC) joined meeting)* Leigh Ann added that some scan of Vision Zero was done for Middlesex County, which is currently not shareable as it is under review by the county. It was also not clear in scope of work whether it would be shared publicly. Middlesex County is updating entire master plan, where the county is exploring adopting a vision zero policy. Sonia mentioned that Denise submitted form to become coalition member, reached out however she is currently on vacation. Leigh Ann mentioned that James Sinclair is leading the Middlesex County Bicycle and Pedestrian Master Plan, Aashna Jain and Sam Rosenthal are leading the vision zero component, Sean is conducting a right of way analysis, and Leigh Ann is overseeing all of it. Leigh Ann said that this committee could be able to ask the county to present and Sonia asked if the committee can officially recommend a Vision Zero policy. Leigh Ann that as part of the vision zero action plan, a vision zero scan was conducted across the country looking at best practices like Jersey City, and Aashna conducted a high injury network analysis for the entire county. All of which is still under review as of Friday. The high injury network analysis will determine the next demonstration projects and other intervention actions, of which Trish Sanchez is the outreach and engagement specialist for the plan. Debra suggested to ask Middlesex County to present at the next BPAC meeting, if possible.
- v. Jim added that he would also be interested in exploring the support for bicycle tourism in New Jersey through public outreach and if there is a legislative piece



that is enacted for that. Could be a good economy engine. Sonia added that the Office of Tourism, as well as the county, has expressed previous enthusiasm about the trails and greenway summit. Asked if there was any way to get someone from their office to come and present to BPAC. Jim asked if there are any legislations in some states that jumpstarts these efforts in some way. Sonia mentioned that Rails to Trails had Bike Utah got thirty-five million in state funding in active transportation and presented on all the efforts they have conducted. Perhaps one of these professionals would be interested in presenting to BPAC. Consider exploring obtaining funding for innovative pilot programs for VEO or others to see how they work. Janna mentioned that there maybe a list of similar successful programs. Leigh Ann recommended to contact Brendan Latimer to present on Newark Go. Further recommended that an additional micro mobility summit is probably needed at complete street summit. Jim mentioned that the East Coast Greenway Fundraising Ride from New York to Philly on August 28th and 29th is coming up and is still available for registration. Debra mentioned that Amy Camp may be a source of someone that has worked with Tourism Departments.

III. Relevant Links

- a. [Scan of Existing Bike/Ped legislation that has been proposed in NJ](#)
- b. Interview List and Questions
 - i. https://drive.google.com/drive/folders/1MMraBkoComSzEhc_upLOYKos242K0EV6?usp=sharing
- c. Overall Folder of SHSP Action
 - i. https://drive.google.com/drive/folders/1eTF_uYRmCSWO8YIMomT7pxGmoAc2Rq3?usp=sharing
- d. Automated Enforcement Inoculation Act (S486)
 - i. https://www.njleg.state.nj.us/2020/Bills/S0500/486_I1.PDF
- e. Superpedestrian unveils rider safety technology after Navmatic acquisition
 - i. <https://mindthezag.com/tech/superpedestrian-unveils-rider-safety-technology-after-navmatic-acquisition/>