



Law Enforcement and Vulnerable Road Users

Survey Report

November 2019



AGENCY OF TRANSPORTATION
DEPARTMENT OF HEALTH



Introduction

The Law Enforcement and Vulnerable Road Users Survey was sent to law enforcement professionals in Vermont to gain a better understanding of traffic safety enforcement strengths, barriers and attitudes across Vermont. The survey was open between June 27, 2019 and August 6, 2019 in Survey Gizmo. There were 175 respondents to the survey. The following report is a summary of the responses, with select themes and quotes highlighted.

Throughout the survey there were themes that emerged related to law enforcement and the safety of vulnerable road users.

- Law enforcement professionals identified traffic safety, and specifically pedestrian and bicycle safety, as important topics within their communities and organizations.
- Many professionals noted that lack of time, money, and limited staffing, as well as balancing other calls and responsibilities were main barriers to spending more time on pedestrian and bicycle safety.
- Community awareness of and adherence to laws among all road users was identified as a knowledge gap.
- Infrastructure was also identified as a barrier to safe walking and cycling, particularly in rural areas where there are few sidewalks, bike lanes and limited street lighting.

We asked about how citations related to bike and pedestrian safety were upheld in court. We learned that charges are often dismissed in courts and professionals may avoid giving tickets to avoid courts or because the fines are perceived as too high.

We sought to identify if there is a perceived need for additional training specific to vulnerable road users and had a mixed response. 42% of respondents felt that there was a need for further training in their organization and 53% stated they would attend a training on pedestrian and bicycle safety.

These responses identify opportunities for further collaboration with the law enforcement community, including collaboration with the engineering and public works communities, traffic court judges and the general public travelling in their communities. Another

opportunity identified was the on-going need to educate people travelling in Vermont about the rules of the road and the need to create a culture of respect on our Vermont roadways.

We hope readers of this report will use the findings to strengthen existing efforts around pedestrian and bicycle safety in their communities and to develop or maintain partnerships with law enforcement professionals throughout the state.

Thank you to the law enforcement professionals who responded to this survey to help inform future collaboration around road safety in Vermont.

Survey Questions and Responses

1. What county do you work in?

We received responses from 12 of the 14 Vermont counties (there were no responses from Essex and Grand Isle counties), as well as statewide law enforcement.

County	Percent of responses	Count of responses
Addison	11.4%	20
Bennington	9.7%	17
Caledonia	3.4%	6
Chittenden	15.4%	27
Franklin	5.7%	10
Lamoille	2.3%	4
Orange	3.4%	6
Orleans	1.7%	3
Rutland	12.6%	22
Washington	12.6%	22
Windham	6.3%	11
Windsor	8.6%	15
Statewide	6.9%	12

2. Which type of agency do you work for?

About half of the responses came from municipal agencies. State agencies represented 29% and county agencies, 21%.

Agency type	Percent	Count
Municipal	49.1%	86
County	21.7%	38
State	29.1%	51

3. How many years have you been employed in law enforcement?

The experience of the respondents ranged from less than one year to over 40 years, with an average of about 15.5 years.

4. What percentage of your time is spent on traffic enforcement?

The responses ranged from 0% to 100% of time spent on traffic enforcement, with an average of 41%.

5. Do you incorporate pedestrian and bicycle safety into traffic patrols?

Response	Percent	Count
Yes	46.6%	81
No	37.4%	65
Other	11.5%	20
Not applicable (no traffic patrols)	4.6%	8

Most of the “other” responses indicated that this occasionally occurred or only when noticed. One response mentioned that the rules are difficult to enforce and lead to complaints from residents.

6. How does your department prioritize traffic and speed enforcement activities in your community?

This open-ended question yielded a variety of thoughtful responses. Below are some patterns and selected answers.

“We are expected to be present, visible and enforcing traffic and speed laws whenever not responding to calls or working on cases.”

Many respondents mentioned that time spent in traffic enforcement is impacted by time spent on other calls, criminal cases, and other responsibilities. Some responded that location and time spent on traffic and speed enforcement was up to the discretion of the officer. Many respondents wrote that traffic enforcement is a top priority for their departments. Some respondents mentioned certain minimums for time spent on traffic enforcement. A few respondents mentioned that writing a certain number of tickets was required to avoid negative consequences.

“if you don't write enough tickets you will be in the chief's office”

Many respondents mentioned contracts, grants and agreements that directed traffic patrols. Many respondents mentioned locations for enforcement chosen through high traffic and high crash locations, citizen requests for speed enforcement, and speed cart and speed survey data. Directed and saturation patrols were frequently mentioned. Traffic patrols as a way to identify other misconduct (i.e. criminal) were mentioned by a few respondents.

7. What do you see as the main barriers that prevent your agency from making traffic enforcement a higher priority in your community?



The main themes identified in the responses were staffing, money, resources, time and competing priorities. There were a number of responses related to traffic court, and these included charges getting dismissed and the time spent in court. At least one response mentioned a shift to giving warnings to avoid traffic court. Several responses mentioned the complaints from citizens about receiving tickets, and the associated negative perception.

“Complaints from citizens about police being too aggressive with traffic enforcement”

Multiple responses mentioned the burden of time spent on paperwork and documentation. One response mentioned training as a barrier. One recommendation came around the time spent on paperwork.

“Staffing is a big issue. We may have a fully staffed office, however a majority of our officers are on "special teams" and miss days on the road due to working for their special team. Also, call volume and the paperwork that coincides with it. Time spent dealing with the clerical sides of our job is generally overwhelming. Perhaps state-wide templates for each particular crime, like the DUI affidavit should be designed and implemented so officers do not have to start from scratch on each and every arrest they make. This would alleviate time spent behind a desk and improve the time spent on the road.”

11. Please indicate if you agree or disagree with the following statement: I can improve the safety of members of my community who choose to walk or bike.

The majority of respondents (53.2%) believe they can improve the safety of members of my community who choose to walk or bike. A large percentage of respondents (38.5%) felt neutral about their ability to improve the safety of community members.

Response	Percent	Count
Strongly disagree	5.3%	9
Disagree	3.0 %	5
Neutral	38.5%	65
Agree	48.5%	82
Strongly agree	4.7%	8

12. Do you see a need for further training in pedestrian and bicycle safety in your organization?

Response	Percent	Count
Yes	41.6%	72
No	52.6%	91
Other - Write In	5.8%	10

Of the ten “Other” comments, 4 responses were open to the idea of additional training and 4 responses mentioned a desire for cyclists to take a training.

13. If offered, would you attend additional training in pedestrian and bicycle safety?

Response	Percent	Count
Yes	53.2%	92
No	38.7%	67
Other - Write In	8.1%	14

14. What training format would best suit your needs? (online training, in-person, written, other)

Both online and in-person were cited as acceptable training formats by a large number of respondents. Some respondents mentioned the value of discussion in an in-person format. Another participant mentioned the possibility of a Skype training. A few participants mentioned additional barriers, including cost to in-person trainings and limit of trainings allowed.

“consider adding a webinar training for all state officers”

15. Are there any concerns you have about making changes to current enforcement practices around traffic and pedestrian & bicycle safety? If yes, please explain more.

There were many responses of no concerns (69). 64 were left blank. Of the remaining responses, multiple concerns were around lack of community and judicial support for increased enforcement.

“Yes, more enforcement would help, but it is a no win for police”

“[Law enforcement] would be chastised by the public if we took enforcement action against cyclists and or pedestrians when appropriate.”

Some responses were about the need to educate people walking and biking in their communities on safe behaviors and applicable laws. A few responses indicated the need to lower fines for bike violations, while other responses called for greater fines. One respondent called for bicycle registration. Infrastructure improvements were again identified as a need.

“I don't think the majority of pedestrian and bicycle safety is an enforcement problem, I think that it is a huge infrastructure problem”

“I think that the money is better spent toward road improvement that would increase the safety of everyone.”

16. Do you feel knowledgeable about what laws are designed to keep pedestrians and bicyclists safe?

Response	Percent	Count
Very knowledgeable	29.5%	51
Somewhat knowledgeable	50.9%	88
I could use more training on enforcing these laws	19.7%	34

17. What laws do you think are most important to pedestrian and bicyclist safety?

Multiple respondents cited a general lack of respect among road users towards other road users and the need for all people to share the roadways. A few respondents indicated all or nearly all laws are important to pedestrian and bicycle safety. Many respondents cited laws that apply to people operating motor vehicles, including obeying speed limits, ban on portable electronic devices, impairment, safe passing (or “4 foot passing law”) and the Move Over law.

“Giving appropriate space when overtaking cyclist or pedestrian without crossing into the on-coming lane of traffic when there is on-coming traffic. Lack of public knowledge in this area. Seems to be acceptable to put on-coming traffic in danger rather than stopping/slowng before passing ped or cyclist.”

Among vulnerable users, obeying traffic control devices, lane positioning, the direction of travel, correctly using crosswalks, understanding the right of ways and having people riding bikes follow the same rules of the road as people driving motor vehicles (as applicable) were common responses. Appropriate safety equipment, including helmets and lights at night among cyclists and reflective gear among people walking, was mentioned multiple times. One comment was about children riding bicycles on sidewalks.

Multiple respondents mentioned the term “jaywalking,” which is intended to imply crossing a street illegally. This term was historically used as an insult, and is considered an offensive term to some in the walking community. Where people are able to both safely and legally cross a street varies based on traffic control signals and the particular road’s design. VT law [23 V.S.A. § 1052](#), indicates that pedestrians must yield the right of way when crossing outside of a crosswalk (marked or unmarked) and that a person may not cross the road “between adjacent intersections at which traffic-control signals are in operation.”

Some responses mentioned the [law of riding two abreast](#). There were some responses that mentioned riding one abreast, which may have been a recommendation for a law, or may reflect confusion about laws that apply to cyclists. There were also comments about staying as far right as possible.

“Making bicyclists aware that they cannot impede the normal flow of traffic is most important to me because most bicyclist aren’t aware of this law.”

Selection of laws mentioned by law enforcement	
23 V.S.A. § 1021	§ 1021. Obedience to traffic-control devices
23 V.S.A. § 1022	§ 1022. Traffic-control signals
23 V.S.A. § 1023	§ 1023. Pedestrian-control signals
23 V.S.A. § 1033	§ 1033. Passing motor vehicles and vulnerable users
23 V.S.A. § 1035	§ 1035. Limitations
23 V.S.A. § 1039	§ 1039. Following too closely, crowding, and harassment
23 V.S.A. § 1048	§ 1048. Stop or yield intersections
23 V.S.A. § 1051	§ 1051. Pedestrians' right of way in crosswalks
23 V.S.A. § 1055	§ 1055. Pedestrians on roadways
23 V.S.A. § 1065	§ 1065. Hand signals
23 V.S.A. § 1095b	§ 1095b. Handheld use of portable electronic device prohibited
23 V.S.A. § 1097	§ 1097. Excessive speed
23 V.S.A. § 1136	§ 1136. Application of subchapter; rights and obligations of bicyclists under other laws
23 V.S.A. § 1139	§ 1139. Riding on roadways and bicycle paths
23 V.S.A. § 1141	§ 1141. Equipment on bicycles
23 V.S.A. § 1201	§ 1201. Operating vehicle under the influence of alcohol or other substance; criminal refusal; enhanced penalty for BAC of 0.16 or more

18. How often have you enforced the safe passing law?

The Safe Passing law refers to [23 V.S.A. § 1033](#). A majority of answers to this question were rarely or never (50). There were some respondents who said they regularly enforce this law (10), and other who mention a handful of times (11). There were a handful of respondents who noted that this law is tough to enforce.

"I'll stop operators who appear too close to vulnerable users; however, I have never seen a "violation" I'd feel comfortable ticketing an operator for. There are too many moving parts to the law that would make it, in my opinion, almost impossible to obtain a conviction in traffic court."

19. Has your department received complaints about safe passing violations? If so, how many (approximately)?

Many respondents were not certain of the number or frequency of complaints. Some respondents said they frequently received complaints (daily and weekly in summer months), but the majority said they did not receive many. Some respondents mentioned complaints about unsafe cyclist behavior, unsafe passing of school buses and snow plows, and unsafe passing of motor vehicles by other motor vehicle drivers.

20. Please describe your experience with citations around pedestrian and bicycle safety in court?

102 responses indicated that they had no or limited experience with these citations in court, 34 respondents left the response blank. Among the remaining responses, there was the feeling that judges dismiss the cases or reduce the fines (14). One respondent indicated that they avoid writing tickets because the fines are too high.

“Apparently the word of the violator holds more weight than that of law enforcement.”

“Judges tend to dismiss these types of tickets rather than send a message that people need to be more cognizant to those in crosswalks.”

“Acceptable if enforcement is on vehicle operator but not if on cyclist or pedestrian.”
“Traffic citations are very hit/miss in traffic court as a general rule. Most convictions seem to be defaults as a result of defendant no-show. Judges often rule for defendants despite officer testimony.”

21. Are there educational materials that would help you to improve pedestrian and bicycle safety in your community (ex: written warnings)?

The response to this question was evenly split between those who believe that more educational materials would be helpful, and those that don't believe they would make a difference. Some suggestions included PSAs, TV ads, social media posts, specific education in driver's education classes, and materials with applicable laws to provide to people in violation of law. Some mentioned the need to reach people from out-of-state, change our culture, and get more media attention to issues and responsibilities. A few respondents mentioned the use of tickets instead of written warnings for behavior change (this was likely due to the wording of the question).

22. Do you have the capacity and funding to integrate pedestrian and bicycle safety into your existing enforcement efforts?

Response	Percent	Count
Yes	28.0%	46
No	50.6%	83
Other - Write In	21.3%	35

“I think [it's] possible to incorporate during special events like beginning of new school year and walk to school events or take your bike to work day”

23. Are you willing to be contacted about partnering on an enforcement operation specific to pedestrian or bicycle safety?

Response	Percent	Count
Yes	26.4%	43
No	73.6%	120

For a list of law enforcement in your area who are willing to partner on an enforcement operation, please reach out to the survey team.

For more information, please contact:

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