

Proposed Local Law Number 11 Of 2023

County Of Ulster

A Local Law Providing For The Protection Of Vulnerable Road Users Bill Of Rights At Trail Crossings

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. TITLE.

This Local Law shall be known and referred to as “Vulnerable Road Users’ Right-of-Way at Trail Crossings.”

SECTION 2. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature hereby finds that road users face a range of vulnerabilities which threaten public health, safety and well-being.

The Legislature further finds that 17 pedestrians and 8 bicyclists have died, and 77 pedestrians and 34 bicyclists have been seriously injured on streets and roads in Ulster County between January 1, 2016 and February 16, 2023.

In an effort to align Ulster County with the historic 2022 Infrastructure Bill, address long standing inequities in our transportation system, and to respond to the current health and safety crisis of traffic violence in this county, we offer this Vulnerable Road Users Bill of Rights.

United States Department Of Transportation (USDOT) Secretary Pete Buttigieg has stated: “Ensuring equity and accessibility for every member of the traveling public is one of the Department of Transportation’s highest priorities.” Ulster County is compelled by USDOT and by recent unprecedented incidents of traffic violence to respond to issues of safety and opportunity on our roadways.

We recognize that dangerous street designs impede accessibility for those who travel without a car. Prevailing street design paradigms often do not adequately protect vulnerable road users and dissuade many from traveling without a privately owned vehicle.

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Transportation is required for access to such opportunities as employment, education and health care. Historically equal access to high-quality, reliable and safe transportation has been limited or out of reach for too many. Improved access could address disparities in the distribution of opportunities by race and income. Lack of mobility is closely tied to long standing inequities deeply rooted in racism, economic injustice and the destruction of communities.

The Legislature further finds that motor-vehicle transportation presents inherent risks to Vulnerable Road Users especially those outside of motor vehicles.

The Legislature deems that 20 miles an hour is the maximum speed that is safe for motor-vehicles to travel when near people, according to the World Health Organization; and therefore within hamlets, villages, cities and other sufficiently densely populated areas, as well as near destinations such as recreation centers, libraries, hospitals, and large residences and workplaces, 20 miles an hour is an appropriate speed limit; and we therefore urge New York State to authorize municipalities to enact appropriate speed limits to protect all road users.

The Legislature therefore finds it necessary to enact laws better to protect Vulnerable Road Users.

SECTION 3. DEFINITIONS.

As used in this local law the following terms shall have the meanings indicated:

- A. "Vulnerable Road User" ("VRU") shall mean any of the following:
1. A pedestrian
 - a. An individual in a wheelchair or other device driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments.
 - b. Persons using service animals, plus the animal itself.
 - c. an individual waiting to board, or just having alighted, mass transit including but not limited to a bus, taxicab, shuttle, train, ferry and streetcar.
 - d. Any other individuals existing upon a roadway and outside of any vehicles

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2. Any rider of a horse, mount or other animal, plus the animal itself.
 3. An individual who is on the highway because the individual is engaged in construction, maintenance, repair or a similar function while on that part of the highway.
 4. An individual who
 - a. is an emergency-services personnel, and
 - b. is acting in the course of their duties, and
 - c. is not in or on a motor vehicle, streetcar or other motor vehicle running only upon rails, motorized snow vehicle, traction engine, farm tractor, self-propelled instrument of husbandry or road-building machine.
 5. An individual on a bicycle or on a motor-assisted bicycle.
 6. A person who due to race or economic disparity has been excluded from the expectation of safe, accessible transportation.
- B. "Trail" shall mean any public pathway for travel other than by motor vehicle, including but not limited to sidewalks, rail trails and hiking trails.
- C. "Crossing" shall mean any intersection between a public roadway & a trail

SECTION 4. TRAIL CROSSINGS WITH COUNTY ROADS.

- A. At every crossing between a County roadway and a trail, trail users shall have right of way.
- B. Motorists upon roadway shall stop and yield to trail users of any mode at all crossings.
- C. Trail users shall not be required to stop or yield to motorists at crossings with County roadways.
- D. County shall install and maintain traffic-control devices in order to enforce this Section, pursuant to New York State Vehicle and Traffic Law.

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**SECTION 5. COUNTY TRAIL CROSSINGS WITH NON-COUNTY
ROADWAYS.**

For every crossing between a County-owned trail and roadways other than County roadways, County shall urge roadway's owner to adopt County's standard for crossings as in Section 4, above.

SECTION 6. SEVERABILITY.

In the event that any portion of this Local Law is found to be preempted by state law, or otherwise invalidated, such finding will not have any effect on either the remaining portions or applications of this Local Law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York State Secretary of State.