

AMENDED COPY AS OF 4/15/2021

Intro. Res. No. 1087-2021
Introduced by Legislator Hahn

Laid on Table 3/2/2021

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO PROTECT VULNERABLE
ROAD USERS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2021, a proposed local law entitled, "**A LOCAL LAW TO PROTECT VULNERABLE ROAD USERS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROTECT VULNERABLE ROAD USERS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that it is the duty of Suffolk County to protect the health, safety, and welfare of its residents.

This Legislature finds that Resolution No. 163-2021 requires three feet of space when passing a bicyclist in a vehicle on roadways.

This Legislature also finds and determines that, in addition to bicycling, many Suffolk County residents jog, walk, and ride scooters for exercise, recreation, or as a primary mode of transport.

This Legislature further finds that utility workers and emergency services personnel are frequently required to work alongside roadways throughout the County in the course of performing their duties.

This Legislature finds and determines that when riding, walking, jogging, or working near roads, these vulnerable road users are subject to the actions of motor vehicle operators.

This Legislature further determines that vehicles passing bicyclists, scooters, joggers, utility workers, emergency services individuals, and other pedestrians pose a threat to the health and safety of these vulnerable road users if passing too closely.

This Legislature also finds that a minimum passing distance should be established to protect vulnerable road users in Suffolk County and penalize those who disregard their safety.

Therefore, the purpose of this law is to amend Resolution No. 163-2021 to protect the health and safety of vulnerable road users in Suffolk County.

Section 2. Amendments.

Resolution No. 163-2021 are hereby amended as follows:

* * * *

Section 2. Definitions.

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

VULNERABLE ROAD USER – any of the following individuals:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway, including:

a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

d. An electric personal assistive mobility device; or

e. A wheelchair.

Section [2]3. Minimum distance requirements for motor vehicles passing [bicycles] vulnerable road users.

The operator of a vehicle which is [overtaking] passing, from either direction, a [bicycle] vulnerable road user [proceeding on the same side of the road] shall pass to the left of such [bicycle] vulnerable road user at a distance of at least three (3) feet until safely clear thereof. The three-foot distance requirement shall not apply to bicycles on roads which have clearly marked bicycle lanes, as defined by New York Vehicle and Traffic Law §102-a.

Section [3]4. Penalties.

* * * *

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: