



COMMONWEALTH OF VIRGINIA

Colonel Gary T. Settle
Superintendent

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DEPARTMENT OF STATE POLICE

P. O. Box 27472, Richmond, VA 23261-7472

Lt. Colonel Tracy S. Russillo
Deputy Superintendent

November 30, 2021

The Honorable Delores L. McQuinn
Virginia House of Delegates
900 E. Main Street
Richmond, Virginia 23219

Dear Delegate McQuinn,

The 2021 General Assembly charged the Department of State Police with convening a workgroup to consider issues related to bicyclists treating stop sign as yield signs. The workgroup was to review laws adopted in other states related to this issue, safety data, and any other issues deemed appropriate.

Accordingly, the Department of State Police convened a workgroup comprised of stakeholders from state and local law-enforcement agencies, the Department of Motor Vehicles, the Department of Transportation, traffic safety organizations, and bicycle enthusiast and advocates.

The workgroup identified nine states which have adopted similar legislation. The workgroup focused attention on legislation adopted by the state of Delaware, as their safety data showed an actual reduction of crashes within and in close proximity to intersections after passage. The Delaware law included certain criteria which must be met in order for a cyclist to treat a stop sign as a yield sign, which were not contained in House Bill 2262 (2021 Session – Delegate Hurst). The Delaware law reads as follows:

Bicycle approaching or entering intersection

- 1. A bicycle operator approaching a stop sign at an intersection with a roadway having 3 or more lanes for moving traffic shall come to a complete stop before entering the intersection.*
- 2. A bicycle operator approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection.*
- 3. A bicycle operator approaching a stop sign at an intersection with a roadway having 2 or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed*

or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection, except that a person, after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping.

4. A bicycle operator approaching an intersection shall always yield the right-of-way to any vehicle which has already entered the intersection.

5. When a bicycle and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle on the right.

The consensus of the workgroup is if Virginia seeks to achieve a similar result to that of Delaware, the proposal should be substantially similar to that of Delaware. As the consensus was not unanimous, workgroup participants were afforded the opportunity to submit a written response for consideration by the committee. The written responses are attached for the committee's review.

I remain available should the committee have any questions related to the study.

Sincerely,



Gary T. Settle
Superintendent

GTS/RCM

Cc: The Honorable David W. Marsden
Attachments

Bicycle Crash Data Summary

SUMMARY STATISTICS

Bicycle Crashes by Year (2015 to 2020)

Year	Fatal Crashes		Injury Crashes		PDO Crashes		Total Crashes
	Number	% of Total	Number	% of Total	Number	% of Total	
2015	15	2.2%	653	94.8%	21	3.0%	689
2016	10	1.6%	608	95.9%	16	2.5%	634
2017	14	2.1%	619	92.4%	37	5.5%	670
2018	13	2.1%	591	93.4%	29	4.6%	633
2019	13	2.0%	614	94.3%	24	3.7%	651
2020	8	1.4%	531	94.8%	21	3.8%	560
Average	12	1.9%	603	94.2%	25	3.9%	640



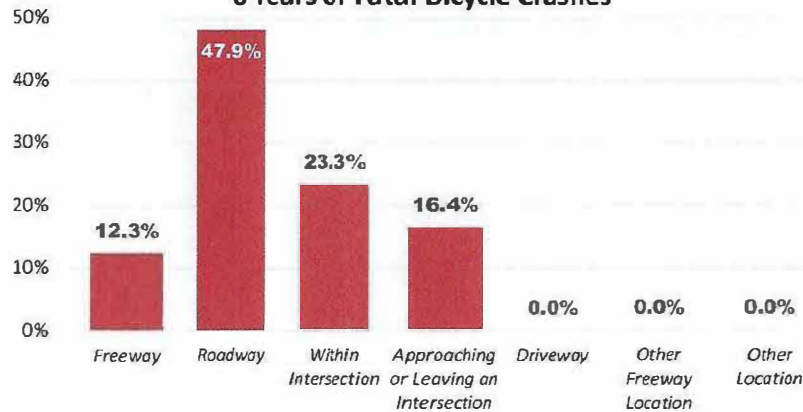
Crash Location in Relation to Roadway

Calendar Years 2015-2020

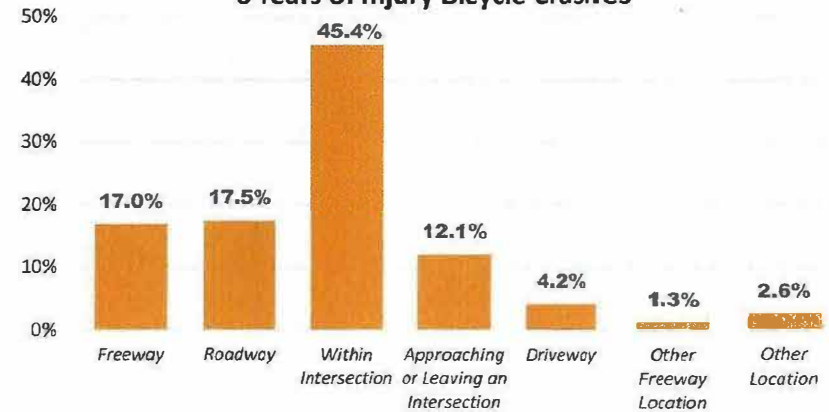
6 Years of All Bicycle Crashes

Relation to Roadway	Fatal Crashes	Injury Crashes	PDO Crashes	Total Crashes
Freeway	9	613	22	644
Roadway	35	631	25	691
Within Intersection	17	1,641	82	1,740
Approaching or Leaving an Intersection	12	438	10	460
Driveway	0	152	3	155
Other Freeway Location	0	46	1	47
Other Location	0	95	5	100
TOTAL	73	3,616	148	3,837

6 Years of Fatal Bicycle Crashes



6 Years of Injury Bicycle Crashes

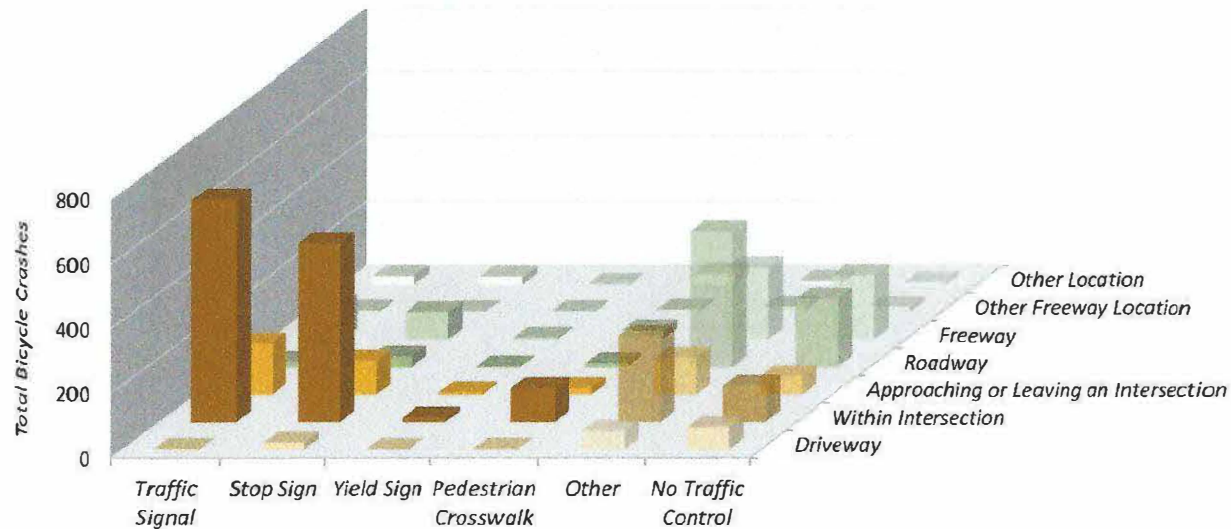


Traffic Control by Relation to Roadway

Calendar Years 2015-2020

6 Years of All Bicycle Crashes (*Fatal Crashes*)

	Driveway	Within Intersection	Approaching or Leaving an Intersection	Roadway	Freeway	Other Freeway Location	Other Location	Total
Traffic Signal	3	689 (6)	158 (6)	16	106	5	26	1,003 (12)
Stop Sign	22	554 (5)	105 (2)	32 (1)	85	2	24	824 (8)
Yield Sign	1	14 (1)	7	2	5	2	1	32 (1)
Pedestrian Crosswalk	2	105	20	11	27	7	32	204 (0)
Other	58	266 (4)	114 (4)	420 (32)	223 (8)	15	10	1,106 (48)
No Traffic Control	69	112 (1)	56	210 (2)	198 (1)	16	7	668 (4)
Total	155 (0)	1740 (17)	460 (12)	691 (35)	644 (9)	47 (0)	100 (0)	3,837 (73)



Bicycle Rider Action

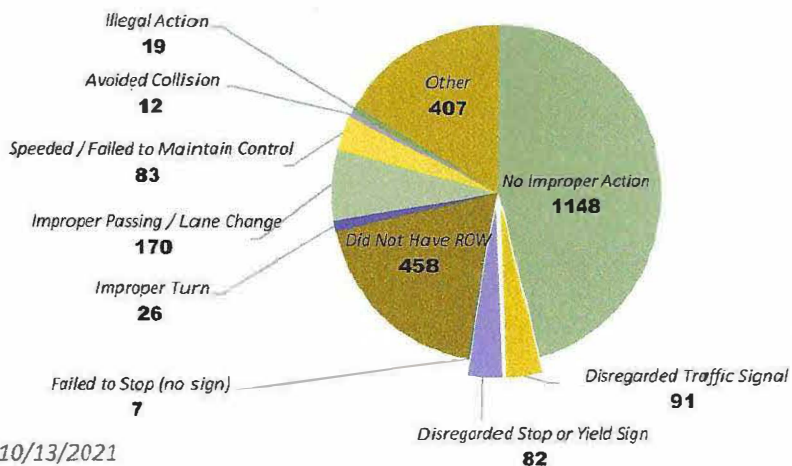
Calendar Years 2016-2020

	Riders In Fatal Crashes	Riders In Injury Crashes	Riders In PDO Crashes	Riders In All Crashes
No Improper Action	11	1,089	48	1,148
Disregarded Traffic Signal	4	82	5	91
Disregarded Stop or Yield Sign	0	80	2	82
Failed to Stop (no sign)	0	6	1	7
Did Not Have ROW	8	439	11	458
Improper Turn	0	25	1	26
Improper Passing / Lane Change	2	162	6	170
Speeding / Failed to Maintain Control	3	78	2	83
Avoided Collision	0	12	0	12
Illegal Action	0	16	3	19
Other	16	380	11	407
Total	44	2,369	90	2,503

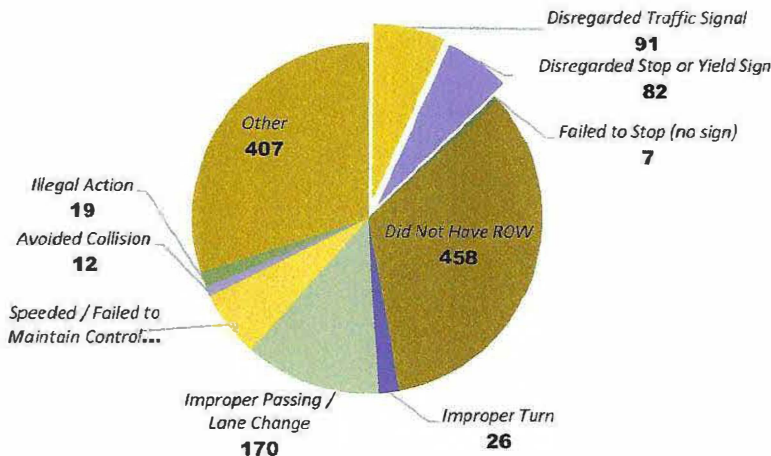
Rider Action Groups:

- No Improper Action
- Disregarded Traffic Signal
- Disregarded Stop or Yield Sign
- Failed to Stop (no sign)
- Did Not Have ROW
- Improper Turn
 - Improper Turn Right
 - Improper Turn Left
 - Other Improper Turn
 - Improper Turn Wrong Lane
- Improper Passing / Lane Change
 - Improper Passing
 - Other Improper Passing
 - Overtaking on Curve
 - Wrong Side of the Road
 - Improper Lane Change
 - Cutting In
- Speeding/Failed to Maintain Control
 - Exceeded Speed Limit
 - Exceeded Safe Speed
 - Fail to Maintain Control
 - Following Too Close
 - Over Correction
- Avoided Collision
 - Crowded Off Highway
 - Avoiding Other Vehicle
 - Avoiding Animal
 - Avoiding Object in Road
- Illegal Action
 - Disregarded Official
 - Hit and Run
 - Eluding Police
- Other
 - Blinded by Headlights
 - Driving Without Lights
 - Fail to Signal
 - Improper Parking Location
 - Other
 - NA

5 Years of All Rider Actions



5 Years of Improper Rider Actions

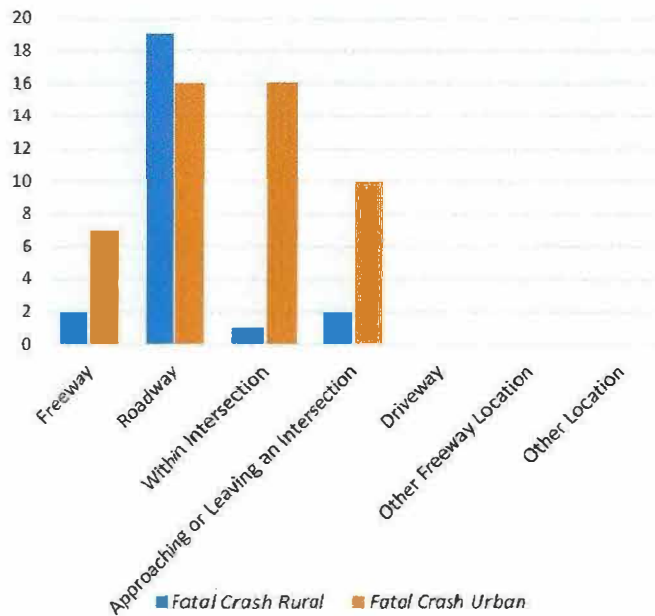


Crash Relation to Roadway by Urban vs Rural

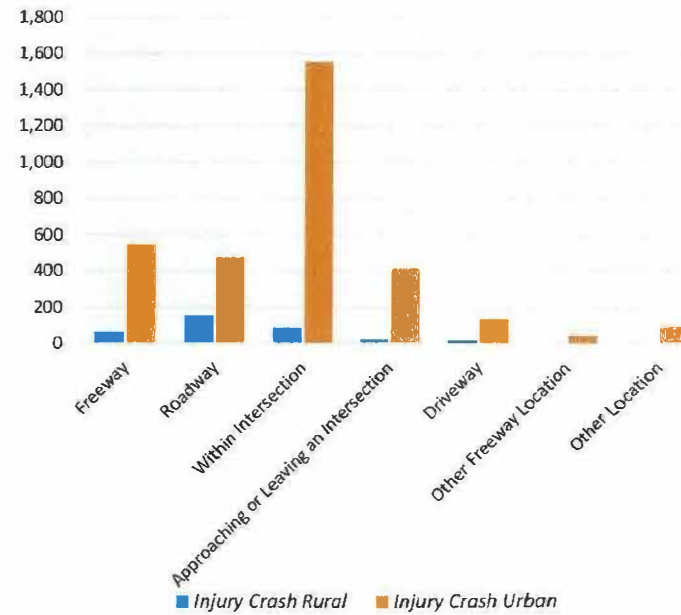
Calendar Years 2015-2020

SEVERITY	RURAL	URBAN
Fatal Crashes	33%	67%
Injury Crashes	10%	90%

Fatal Crashes Involving Bicycles
Rural vs Fatal Crashes



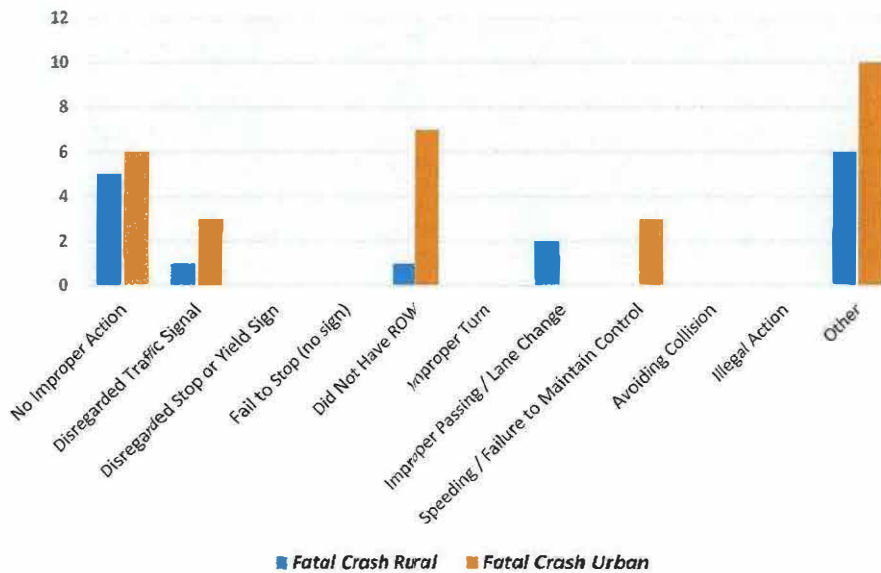
Injury Crashes Involving Bicycles
Rural vs Injury Crashes



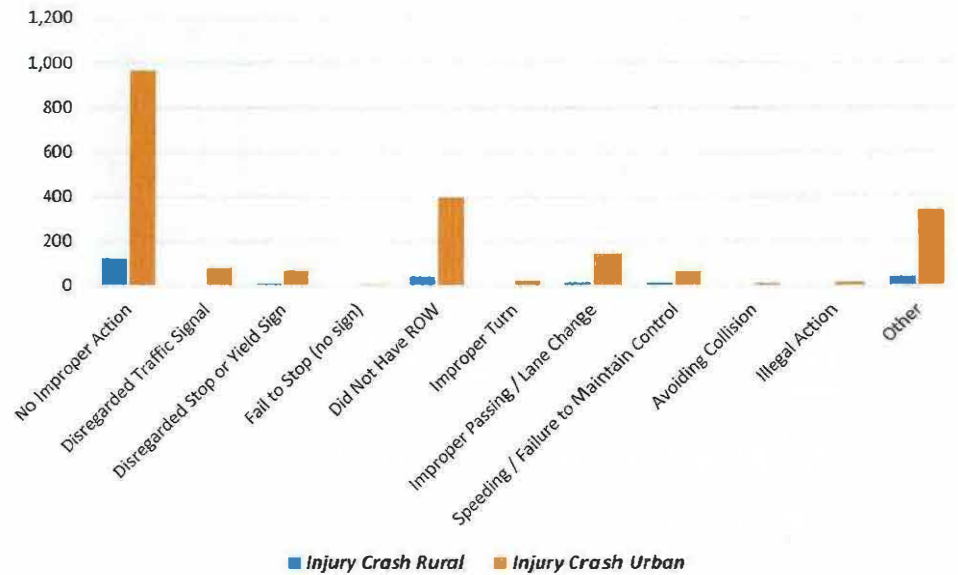
Rider Behavior by Urban vs Rural

Calendar Years 2016-2020

Bicycle Riders in Urban vs Rural Fatal Crashes



Bicycle Riders in Urban vs Rural Injury Crashes



November 15, 2021

Major Ronald C. Maxey, Jr.
Virginia State Police - Bureau of Field Operations
7700 Midlothian Turnpike, North Chesterfield, VA 23235

Re: Safety Stop Workgroup

Major Maxey,

Thank you for the opportunity to serve on the study group for 2021's HB2262 related to the component of the bill called the Safety Stop or Stop as Yield.

Virginia Bicycling Federation, incorporated as a 501(c)3 in 1995, is Virginia's statewide, all-volunteer, bicyclist advocacy organization with members and directors in every corner of the Commonwealth. The organization has a long track record of helping the General Assembly, gubernatorial administrations, and localities with policies to save lives, prevent crashes, and increase access to bicycling for all who may choose to. And the benefits are numerous, including healthy transportation and recreation, tourism and economic development, freedom afforded by having multiple transportation options, and more. Considering the Commonwealth's robust cycling history dating well into the 19th century, our expansive and world-class trail and bikeway networks, extensive bike accommodations like bike share and increasing options of bike use on rail and transit, areas with high bike mode share relative to peer localities and states, and laws that benefit the ease and safety of bike travel, Virginia has steadily climbed the national ranking of Bicyclist Friendly States regularly published by the League of American Bicyclists. In 2019, Virginia first broke the Top 10 in the Nation at #9. According to economic impact studies from sources like the 2015 World Cycling Championships and the Virginia Capital Trail Foundation, cycling brings millions of visitors to Virginia to ride and contribute to local economies, and when the experience is good, people will keep coming back.

A peer in the study group, Dr. Ralph Beuhler at Virginia Tech, is a specialist in bicycling urbanism and has found significant evidence that increasing cycling safety is made most effective by increasing the number of people who ride. Amsterdam and Portland are just two notable examples of places that have made great strides to increase cycling safety and the number of people who can reasonably bike for transportation and recreation. When a large percentage of people bike (or know someone who bikes), they recognize the validity of the people using these tools and show more respect toward their safety. I have long said that bicyclists make the best drivers. We should embrace policies that make biking an easier choice and not just for the experienced and fearless road warrior.

The Safety Stop is dubbed that for a reason, it has been shown in various studies to decrease crashes. The data is most robust in Delaware where they saw over a 5-year period a 23% reduction in bicyclist-involved crashes at intersections and an 11% reduction in bicyclist-involved crashes overall. There were similar findings in Idaho going

back several decades. There were no data submitted by any members of the study group counter to these findings, and apparently there are no data available to suggest that the Safety Stop contributes to any additional danger to bicyclists or drivers. Since Idaho's first passage of this law in 1982, nine total states have adopted some form of it. None have overturned it. Delaware, confident in the benefit to all road users, chose to make the law permanent at the end of its four-year sunset clause in 2021. I would hope in deciding this issue that would greatly benefit bicyclists, and by virtue of increased traffic flow also benefit drivers, that unspecified anecdotal evidence be minimally weighted.

Virginia Department of Motor vehicles presented helpful data related to bicyclist crashes in Virginia to the study group. Members of the group, including law enforcement, were surprised at how low the numbers were related to bicyclists failing to yield or stop. In fact, the data show out of the 44 fatal bike crashes, zero bicyclists were killed in the five year period of 2016-2020 for disregarding a stop or yield sign. The single biggest category for fatal bike crashes showed no improper action from the bicyclist, a full 25% of all fatal bike crashes. Dr. Buehler suggests that these are likely among the fatal crashes that can be avoided by affording bicyclists more agency in their traffic movements.

Final thoughts about the rationale for and benefits of the Safety Stop:

Bicyclists are vulnerable road users, and they know it. We lose the fight with a car every time. If the worry is that reckless riders who are already blowing through stop signs will now be legally allowed to do it, they won't. They still have to yield. If the worry is that law-abiding bicyclists will now blow through stop signs, they won't. They already value their safety.

Bicyclists often ride through neighborhoods due to lower traffic, lower speeds, and friendlier environments. However, neighborhoods often have frequent stop signs as an obsolete method of calming driver traffic. These stop signs have been shown to discourage driver compliance with the stop, a dangerous combination. Bicyclists can only apply human power and the experience is unnecessarily inefficient and exhausting. This discourages proper bicycling and diminishes the "safety in numbers" strategy that literally makes the difference between a good place to ride and a bad, unsafe one.

Because yielding at stop signs does not significantly contribute to bicyclist danger, it does not need to be illegal. Law enforcement can focus on work that really matters instead of targeting bicyclists or responding to unnecessary complaints by superficial onlookers. If crashes will be reduced and fatalities themselves are already not a major problem, then first response obligations can also be reduced to the benefit of all local governments and the citizens who have to pay for these services.

Virginia has a chance to make bicycling better for Virginians and visitors, for our transportation and for our economy. We can make the choice considering the data and the experiences of real world places, or we can choose based on anecdote and gut

feelings. The bicyclist community that lives in or visits Virginia hopes you will consider this change.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brantley Tyndall", written in a cursive style.

Brantley Tyndall
President
Virginia Bicycling Federation



November 10, 2021

Major Ronald C. Maxey, Jr.
Virginia State Police – Bureau of Field Operations
7700 Midlothian Turnpike
North Chesterfield, VA 23235

RE: Workgroup on Stop Signs as Yield – HB 2262

Dear Major Maxey:

We appreciated the opportunity to participate in the work group established by HB 2262 to review issues related to allowing bicycle operators to treat stop signs as yield signs.

Founded in 1898, IIAV is part of the nation's oldest and largest association of independent insurance agents, representing a network of more than 300,000 agents and agency employees nationwide and over 5,000 in the Commonwealth of Virginia. Its members are insurance businesses that offer customers a choice of policies from a variety of insurance companies. Independent agents offer all lines of insurance – property, casualty, life, health, employee benefit plans and retirement products and while we are concerned about each of these issues, we are also concerned about legislation related to business operations and safety. As I mentioned in introductions during the meeting, we support the use of seat belts, motorcycle helmets and life jackets on boats. We are also a proud member of the Drive Smart Virginia organization.

We studied the background material provided to the work group with great interest especially as it related to legislation from other states. We were also extremely interested in the Bicycle Crash Data Summary provided by DMV and Virginia Tech and pleased to see that Virginia bicycle crashes are – from my personal perspective – surprising low. That said, I believe that I mentioned in the discussions that the insurance industry does not specifically track bicycle crashes because such covered crashes are in fact so low and are recorded as “pedestrian” accidents. I believe someone mentioned that Virginia ranks 17th among states with the lowest crashes.....so I guess there remains some room for improvement.



I believe there is possibly some merit to the compromise with the proposed language based on Delaware law for under certain and specific circumstances to allow bicyclists to proceed through a intersection by yielding and not stopping – only on roadways having 2 or fewer lanes.

And therein lies the problem. The rules of the road where applicable to both motor vehicles and bicyclists are fundamentally the same. I would further argue that road construction and design are substantially designed with the motor vehicle in mind. If we continue down the path of creating exceptions, then the “rules of the road” become muddied. Could not the operator of a motor vehicle make similar arguments to comport to the Delaware law and suggest that some Stop signs could/should be treated as Yield? One would think that a Stop sign was placed at an intersection for a reason and if not, VDOT should be contacted to review the placement.

When this issue was discussed with members of our Legislative Committee and others, I received many arguments against such a proposal and of course everyone has an anecdote of when they saw a bicyclist ignoring the rules of the road anyway – in both rural or urban settings. No doubt – and as we heard during discussions – the bicyclist community can certainly describe their experiences of when a motor vehicle operator didn’t exactly follow the rules to the possible harm of the bicyclist.

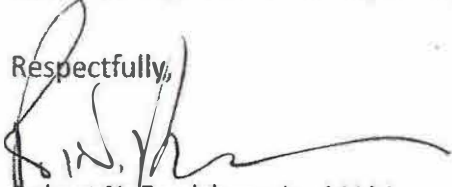
The arguments in support of such a proposal as contemplated based on energy and time costs or the bicyclist’s exposure to pollution are red herrings. Safety should be the primary point of our discussions.

The insurance industry at the moment is focused on a surge in traffic fatalities despite substantially reduced driving during the pandemic; possibly attributable to increases in fast and risky behavior in driving. While it’s apparent that rules to “share the road” are not universally followed by either party – bicyclists or motor vehicle operators – changes to these rules are not warranted at this time.

So the bottom line for us and for the reasons described, we would not support a change in the Code allowing bicycle operators to treat stop signs as yield signs....even on a limited basis based as Delaware law. It seems that enforcement would be difficult at best but we’ll leave that to others. We would also suggest that – based on our discussions with those outside the insurance community - opposition would be shared by the vast majority of the public and urge legislators to seek the input from their constituents on such a change.

Thank you again for allowing us to participate in this workgroup and I remain,

Respectfully,

A handwritten signature in black ink, appearing to read "R. N. Bradshaw, Jr.", with a long horizontal flourish extending to the right.

Robert N. Bradshaw, Jr., MAM
President & CEO
Independent Insurance Agents of Virginia

cc: IIAV Legislative Committee
IIABA
APCIA



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen Brich
Commissioner

December 1, 2021

To: Major Ronald C. Maxey, Jr., Virginia State Police

Re: HB2262 Working Group – VDOT Comments

The Virginia Department of Transportation (VDOT) appreciates the opportunity to participate in the Virginia State Police's (VSP's) working group convened per HB2262 to review issues related to allowing bicycle operators to treat stop signs as yield signs.

In the first working group meeting, it was agreed that language contained in the Delaware law may be an acceptable compromise. VSP developed a draft Virginia law based on Delaware's, shared the draft with the working group, and requested written responses no later than November 15, 2021, noting that responses will be included in the final report. Attached are VDOT's initial observations and comments on the draft law developed by VSP.

VDOT appreciates the opportunity to participate in this working group.

Sincerely,

Jo Anne Maxwell

JoAnne Maxwell
Director, Governance and Legislative Affairs

Attachment

cc: Mr. Stephen C. Brich, P.E., Commissioner of Highways
Mr. Barton A. Thrasher, P.E., Chief Engineer
Mr. Kevin Gregg, Chief of Maintenance and Operations
Mr. Raymond Khoury, P.E. State Traffic Engineer
Ms. Masha Fiol, Director of Planning

WE KEEP VIRGINIA MOVING

ATTACHMENT

VDOT would offer several initial observations and comments and recommendations on the draft legislation developed by the VSP. The draft legislation was developed for working group input and is based on an existing Delaware law that allows bicycle operators to treat some stop signs as yield signs.

General Comments

The draft legislation would allow a bicyclist to treat a stop sign as a yield sign at certain intersections based on the number of lanes. This concept of bicyclists treating a stop sign is commonly referred to as an “Idaho stop,” as Idaho’s vehicle code has allowed this practice since the 1980s. More recently, at several other states (WA, OR, UT, AR, and DE, among several others) have adopted similar laws.

VDOT offers no official position on this legislative concept. VDOT would however, offer initial observations and comments set forth below, which are intended to identify potential impacts, to avoid unintended consequences, and to guide holistic consideration of the topic for those drafting potential future legislation. Taking into consideration these comments would significantly aid VDOT in institutionalizing any enacted bill into its methodologies and practices to manage Virginia’s transportation system.

Scope of Impact of Proposed Legislation

To effectively operate and maintain its roadway system, VDOT must plan and design the network for use consistent with the rules of the road as codified by the *Code of Virginia*. As part of any review of changes to the rules of the road, VDOT considers the system-wide implications, ascertaining the impact across the whole of the Commonwealth’s diverse road network. VDOT is responsible for operating and maintaining the nearly 58,000-mile state highway system. VDOT estimates that there are over 300,000 intersections on this system with the vast majority of those having stop control on one or more intersection approaches. These numbers do not include the roadway mileage or intersections owned and maintained by localities (cities, Henrico & Arlington Counties, and certain towns). As such, this proposal will have far-reaching impacts across the entire Commonwealth, revising the meaning of a stop sign at intersections ranging from small, low traffic volume neighborhood intersections within subdivisions to large, high-speed rural intersections with high traffic volumes.

Uniformity in the Meaning of a Stop Sign

Critical to safe and efficient travel is a uniform system of traffic control devices (TCDs), including traffic signs, pavement markings, signals, and several others. For maximum effectiveness TCDs must command respect and result in consistent actions from users. Currently, a stop sign in Virginia has consistent meaning applied to all users. Furthermore, a stop sign in Virginia should have the same meaning as one in another state. The Federal Highway Administration emphasizes the criticality of uniformity in its Manual on Uniform Traffic Control Devices (MUTCD) which defines the application of traffic control devices across the nation. From MUTCD Section 1A.01, Paragraph 01:

Uniformity of devices simplifies the task of the road user because it aids in recognition and understanding, thereby reducing perception/reaction time. Uniformity assists road users, law enforcement officers, and traffic courts by giving everyone the same interpretation. Uniformity assists public highway officials through efficiency in manufacture, installation, maintenance, and administration. Uniformity means treating similar situations in a similar way.

This draft legislation would add Virginia to a small list of other states that removed this national uniformity for one of the most prevalent TCDs, and it results in a stop sign having different meanings for various users based on their mode of transportation and the number of lanes present on a highway.

Additional Considerations & Potential Implementation Actions

The [Virginia Strategic Highway Safety Plan](#) highlights the “4 Es” of safety – Engineering, Enforcement, Education, and Emergency Medical Services. The proposed legislation will implicate a component of the Enforcement “E”. As was shared at the first working group meeting, this legislation is aimed to legalize an already common bicyclist behavior. However, if this concept is codified, it will require consideration and action of the other “Es”, notably Engineering and Education, to safely and successfully integrate the concept into how road users navigate the system. VDOT and other agencies maintaining roadways will need to review and revise policies, practices, and processes for how they plan, design, operate, and maintain stop sign intersection controls (the Engineering “E”). Additionally, VDOT and other highway safety partners, would work to educate a host of stakeholders to include road users (both bicyclists and vehicle drivers, including young children bicyclists), law enforcement, media, and other stakeholders to create clear expectations on this new operational practice at stop signs.

Detailed Comments and Recommendations on Draft Legislation Text

VDOT offers the initial observations and comments below on various sections of the draft legislation. There are significant nuances that should be considered when drafting legislation for bicyclist rules of the road, especially given that the Code (§46.2-100) defines a bicycle operator to be a vehicle when operated on the highway for purposes related to Chapter 8 of Title 46.2.

Most critical to VDOT would be the inclusion of a provision that would enable road maintaining agencies to install an additional TCD at certain stop signs requiring bicyclists to come to a full stop when an engineering evaluation determines a stop to be more appropriate than a yield condition. This provision would likely be used sparingly at site-specific locations where engineers determine that safety concerns, such as limited sight distances, hidden drives, or other conditions are such that bicyclists need to stop, not yield at that particular location.

For clarity, the below table references line numbers of the draft legislation developed for working group input. A copy of the draft legislation, with line numbers developed solely for this response, is included as the last page of this attachment.

Draft Legislation Line(s)	Initial Observation	Comment
4, 6, 8	<p>The Code of Virginia includes separate definitions for highways, roadways, shared-use paths, bicycle lanes, and other facilities. It is not clear if the intent of the law is to apply only to bicycles approaching on a roadway, or if those approaching on shared use paths and separated bike lanes are to be included as well.</p> <p>Further, per §46.2-100, bicycles are considered vehicles while operated on a highway. There are also other users/modes defined in the Code, such as certain electric power-assisted bicycles, that may need to be more specifically identified if they are to be included in the “Stop as Yield” legislation.</p>	<p>Judicious construction of the legislation would serve to ensure that the intended terms defining transportation facilities (highways, roadways, shared-use paths, bicycle lanes, and/or others) and the intended users/modes (vehicles, bicyclists, electric power-assisted bicycle) <u>as defined by the Code</u> are appropriately and holistically addressed.</p>
4, 8	<p>Unclear if the number of lanes (3 lanes in line 4, 2 lane in line 8) is applicable to either:</p> <ul style="list-style-type: none"> A. The number of lanes on the approach of the facility the bicyclist is traveling on B. The number of lanes on the facility being crossed <p>Option A is likely more appropriate as the bicyclist should be able to readily know the number of lanes on the approach they are on. In many cases, the bicyclist likely will not know how many lanes are on the facility being crossed until they are close to or within the intersection.</p> <p>Further, clarity is needed to know if turn lanes and/or bike lanes are considered to be included in the lane counts.</p>	<p>Adding language to clarify intent related to the facility to which the number of lanes applies would be prudent. Additionally, adding language to clarify if turn lanes and bike lanes are included in such lane counts would be beneficial.</p>
5, 7, 9	<p>The Code of Virginia includes detailed requirements for vehicles approaching a stop and yield sign in §46.2-821,</p>	<p>Consider referencing §46.2-821 or incorporating applicable language from that section for consistency. Judicious</p>

Draft Legislation Line(s)	Initial Observation	Comment
	including identification of where the driver is required to stop and/or yield. The requirements for bicyclists at stop and yield signs should be consistent. As earlier noted, per §46.2-100, bicycles are considered vehicles while operated on a highway.	construction of language would ensure that no conflicts with §46.2-821 result for bicycles that are considered vehicles while operated on a highway per the definitions in §46.2-100.
6	Validate that “vehicle” in this section also constitutes bicyclists in all cases. There may be a unique use case at the intersection of two shared-use paths within their own unique right-of-way whose purpose is not vehicular travel, where a bicyclist may not be a “vehicle” according to §46.2-100.	Evaluation of potential use cases, to ensure they are covered, would address this issue.
8	The draft would seem to not accommodate situations in which use of a traffic control device that, as a specific exception (and perhaps based on an engineering evaluation,) would require bicyclists to come to a complete stop, not yield, at a stop sign. There may be site-specific safety constraints (limited sight distances, hidden entrances, and/or other features) where VDOT’s engineers may desire to establish such a stop requirement. As written, VDOT would have no way to require such a stop.	Inclusion of a qualifier, similar to the construction of §46.2-835 for right-turn on red, to enable VDOT and other agencies to use such a traffic control devices. Example of such language might be: <i>“Except where a traffic control device is placed requiring bicyclists to come to a complete stop, a bicycle operator approaching a stop sign....”</i>
15-19	Question whether the content set forth in sections 4 & 5 is necessary given that these topics are covered by other sections of the Code? If addressed by other sections of Code, there could be unintended consequences.	Review necessity of including these statements. Amendment, deletion or retention based on results should be based on said review..

DRAFT LEGISLATION BASED ON DELAWARE MODEL

1 **§46.2-903.1: Bicycle approaching or entering intersection**

2 *Notwithstanding any other provision of law, the following shall apply to the operator of a bicycle when*
3 *approaching or entering an intersection:*

4 *1. A bicycle operator approaching a stop sign at an intersection with a roadway having 3 or more lanes*
5 *for moving traffic shall come to a complete stop before entering the intersection.*

6 *2. A bicycle operator approaching a stop sign at an intersection where a vehicle is stopped in the*
7 *roadway at the same stop sign shall come to a complete stop before entering the intersection.*

8 *3. A bicycle operator approaching a stop sign at an intersection with a roadway having 2 or fewer lanes*
9 *for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After*
10 *slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the*
11 *intersection or approaching on another roadway so closely as to constitute an immediate hazard during*
12 *the time the person is moving across or within the intersection, except that a person, after slowing to a*
13 *reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed*
14 *through the intersection without stopping.*

15 *4. A bicycle operator approaching an intersection shall always yield the right-of-way to any vehicle which*
16 *has already entered the intersection.*

17 *5. When a bicycle and a vehicle enter an intersection from different roadways at approximately the same*
18 *time, the operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle*
19 *on the right.*