

*[The following is a slightly edited/corrected version of the draft that Brian Kane, Transportation Board chair, distributed on August 15, 2023. Edits by David Trevvett highlighted in red.]*

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ARTICLE IX of the Traffic Rules and Regulations of the Town of Brookline is deleted, and in its place the following is inserted.

#### ARTICLE IX: Micro-mobility

Micro-mobility devices provide important low- and zero-carbon transportation options for Brookline residents, workers, and visitors of all ability levels. The Transportation Board seeks to recognize and legitimize the use of micro-mobility devices, while minimizing risks to users, pedestrians, and other patrons of the public way. Like bike riders, micro-mobility users should:

- Generally, ride in the street rather than on the sidewalk.
- Not ride on the sidewalk in commercial areas.
- Yield to pedestrians, especially when **they are** crossing the street.
- Use lights and/or reflectors when riding at **dusk, at** night, or in inclement weather.

All micro-mobility users under the age of 17 are required to wear helmets when riding on the public way or on Town of Brookline property.

Massachusetts General Laws c. 90 § 14, among other things, states: “In passing a vulnerable user, the operator of a motor vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed.” The intention of this is to require less vulnerable roadway users to give way to more vulnerable users in the interest of safety. Brookline accepts this, and in its attempts to recognize and codify the intent of this **statute**, the following hierarchy of vulnerability shall be observed by all those using the public way in the Town of Brookline.

1. The slowest pedestrian or non-mechanized wheeled mobility device user.
2. Individuals walking, biking, and rolling on non-mechanized personal transportation devices or personal non-mechanized wheeled mobility devices.
3. Mechanized personal transportation or wheeled mobility device users, with the individual utilizing such devices at the slowest travel speed being considered the most vulnerable.

At all times, unless otherwise ordered by an authorized official, the less vulnerable shall give way to the more vulnerable. Any individual that is less vulnerable shall pass an individual that is more vulnerable at a safe distance of at least 4 feet and at a reasonable and proper speed.

Individuals with the same level of vulnerability shall also only pass one another at a reasonable and proper speed, and a reasonable and proper distance.

## **Explanation**

Massachusetts General Laws c. 90 § 14 (Precautions for safety of other travelers), signed into law in January 2023, and effective April 2, 2023 states: “In passing a vulnerable user, the operator of a motor vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed.” Under law, Massachusetts now defines “vulnerable user” on the public way to include:

- People walking and biking
- Roadside workers
- People using wheelchairs
- Motorized bicycles, scooters, skateboards, roller skates, and other micromobility devices
- Horse riders and horse-drawn carriages
- Farm equipment

Based on this new law, the Traffic Rules and Regulations of Brookline must be updated. The intention of this update is to codify the intention of this new statute to ensure that less vulnerable users yield to more vulnerable users. As per state law, the less vulnerable user must pass the more vulnerable user at a distance of at least 4 feet (1.2 meters). Users with the same vulnerability level may pass each other with reasonable precaution. For instance, if a bicyclist (mechanized or self-propelled) dismounts, they assume a pedestrian’s vulnerability level and may pass another pedestrian with reasonable precautions.

There is no way that our Traffic Rules and Regulations can possibly anticipate every case or possible interaction. Instead, this update seeks to enshrine the concept that is also enshrined now in State Law – that the most vulnerable users of our public ways deserve protection and that those with less vulnerability slow down to ensure that those with more vulnerability feel safe and secure using their and our public ways.