

Date of Hearing: January 8, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1103 (Obernolte) – As Amended January 3, 2018

SUBJECT: Bicycles: yielding

SUMMARY: Establishes a pilot program, as specified, in at least three cities to allow a person operating a bicycle and approaching a stop sign to make a turn or proceed through an intersection without stopping. Specifically, **this bill:**

- 1) Authorizes at least three cities to implement a five year pilot program, commencing January 1, 2020, to allow a person operating a bicycle and approaching a stop sign to make a turn or proceed through an intersection without stopping.
- 2) Requires the bicyclist to slow to a reasonable speed and yield the right-of-way to any vehicle, bicycle, or pedestrian in the intersection or approaching the intersection from another street or highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection. Also, requires the bicyclist to stop, if required for safety, before entering the intersection and then proceed after yielding the right-of-way.
- 3) Requires the cities that elect to participate in the pilot to include one small, medium, and large city representing rural, suburban and urban environments.
- 4) Requires the participating cities to:
 - a) Adopt a resolution by the city council, in consultation with local law enforcement, that includes the number and location of the intersections selected for the pilot program, including the selection criteria and procedure;
 - b) Erect signs at the selected intersections as approved by the California Department of Transportation (Caltrans), in accordance with the Uniform Traffic Control Devices process;
 - c) Create education and outreach materials to inform the public; and,
 - d) Annually report pilot program data to the California Highway Patrol (CHP), as specified.
- 5) Authorizes a city to terminate its participation in the pilot program at any time.
- 6) Requires CHP to annually report the data collected to the Legislature.
- 7) Sunsets the program on January 1, 2025.

EXISTING LAW:

- 1) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles, including stopping at stop lights and stop signs.

- 2) Requires the driver of a vehicle to yield the right-of-way to any vehicles that have entered the intersection or are approaching the intersection from an intersecting highway close enough to constitute an immediate hazard, then proceed through the intersection.
- 3) Requires a driver of a vehicle to stop at the marked limit line for a red light or a stop sign, and allows a driver to proceed with a right hand turn or left hand turn from a one-way street onto a one-way street after stopping, if no vehicles or pedestrians have approached or are approaching the intersection.
- 4) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 5) Requires all pedestrians to obey all official signs and signals, as defined.
- 6) Establishes a process for Caltrans to develop and approve, through a public process, highway and street signs and markings.

FISCAL EFFECT: Unknown

COMMENTS:

Background: The pilot program envisioned in this bill is modeled after legislation enacted in Idaho over 35 years ago. The original so-called “Idaho Stop” law was approved as part of a comprehensive revision of the traffic code in 1982, in response to concerns over clogging the court system with minor traffic offenses, such as a cyclist failing to stop at stop signs. The original Idaho stop law allowed bicyclists to treat stop signs and traffic signals as yield signs. In 2005, the law was amended to restrict that signals be treated as stop signs, except that right turns on red remain as yield. Since that time, other states have considered the law, including Oregon, Minnesota, Arizona, Montana, Oklahoma, Arkansas, and Utah, with a limited form of this practice being authorized in Colorado. In 2017, Delaware adopted the Idaho stop as part of the Bike Friendly Delaware Act (HB 185), which updated a number of bicycle-related rules of the road.

As the state and regions continue to work toward the goal of reducing Greenhouse Gas (GHG) emissions, as well as cutting other forms of air pollution, increasing the mode shift from single occupant car trips to other forms of transportation, such as bicycling, is an important element for success. To that end, the Caltrans Strategic Management Plan includes a goal to increase non-auto modes, including tripling bicycle trips and doubling pedestrian and transit use by 2020. Additionally, the state is making investments in bicycling and pedestrian infrastructure, and safety education and training through the Active Transportation Program (ATP). Furthermore, the state and local jurisdictions are also putting local dollars into building “complete streets” with bikeways and pedestrian facilities. In fact, with the passage of SB 1 (Beall), Chapter 5, Statutes of 2017, funding for the ATP program will nearly double, as will funding for local streets and roads and state highways, with complete street elements eligible for all funds. These types of investments will improve the safety of the roadways for drivers and bicyclists by clearly designating space on the road for use by cyclists, such as dedicated bike lanes.

As more people shift from their cars to bicycles as a form of transportation, safety is a paramount concern. The 2017 Caltrans Bicycle and Pedestrian plan notes that in recent years as road fatalities have decreased, bicycle and pedestrian fatalities have increased. It is widely understood, and recommended in the plan, that data should be improved on bicyclists’ behaviors, including trips, injuries, and fatalities to better understand the cause of these crashes; however, it

is clear that as the state promotes more alternative transportation modes, strategies to increase safety must follow suit. For example, the plan includes detailed strategies to support the recommendations from the California Strategic Highway Safety Plan (SHSP) for reducing bicyclists' fatalities and injuries which focus on improving education and enforcement to promote safe multi-modal travel. Specifically, the plan includes recommendations for designing safer street crossings, adding bicycle content to driver's testing, adopting elementary school and adult bicycle safety curriculum, updating police training material to include high-risk bicycling and driving behaviors, and support diversion programs for bicyclists ticketed for improper behavior.

This bill is intended to further encourage bicycling and collect data that is currently lacking. According to the author, "AB 1103 establishes a pilot program for local jurisdictions that opt-in to allow bicycles to use stop signs as yield signs at designated intersections. Allowing a bicycle to yield at a stop sign helps the bicyclist maintain momentum which helps him or her keep better control of the bicycle. This allows the bicyclist to clear through the intersection more quickly, avoiding unnecessary collisions. Other jurisdictions – such as the State of Idaho and the City of Paris, France – have successfully implemented this procedure which is believed to be the most cost-effective way to make the roads safer for bicyclist. Executing a pilot program will allow us to collect safety data specific to the communities in our unique state. Once the pilot is over and the Legislature has received the report, we will have the data necessary to decide whether this procedure is right for California."

As evidence that the Idaho stop is safe, the author cites a study written in 2010 by Jason Meggs, a graduate of the University of California Berkeley, School of Public Health that looked at cycling behavior and the effects of the Idaho law. The study compared the accident rates in Boise to similar sized cities in California, including Sacramento and Bakersfield. In Idaho, researchers found that the year after passage of the law bicycle injury rates in the state declined by 14.5%. The study looked at aggregate injury rates, including numerous types of collisions.

The New AB 1103: The previous version of this bill would have authorized the Idaho Stop statewide, with no additional requirements for enforcement, education, or reporting. This committee heard the bill as an informational item on May 8, 2017, to receive testimony from stakeholders. Recent amendments to this bill create a five-year pilot program for at least three cities to deploy, study, and report on the Idaho stop in their jurisdictions. Specifically, this bill authorizes three cities -- a small, medium and large city representing urban, suburban, and rural areas – to opt-in to the pilot through adoption of a resolution by the city council. The city must designate the intersections in the city that will be authorized Idaho Stop locations. The selection of these locations must be done in consultation with local law enforcement. The selected intersections are required to have specified signage, developed and approved by Caltrans through an existing process, to indicate the yield instead of a stop for bicyclists. Additionally, the participating cities are required to annually report specific data to the CHP and in turn the CHP will report the data to the Legislature.

Writing in support of the previous version of the bill, the statewide deployment of Idaho Stop, the California Bicycle Coalition notes that side streets are often punctuated with stop signs at every intersection, making them less attractive for people bicycling if they are required to stop every block and lose valuable momentum. It asserts that a typical person bicycling safely will use reasonable judgment when there is no oncoming or crossing traffic at an intersection, and often roll through stop signs on these side streets to maintain their momentum and will still yield

the right-of-way and come to a full stop if necessary if they encounter other vehicles or people walking or bicycling as they approach the intersection.

The coalition further states that, “penalizing this safe bicycling practice with unnecessary enforcement at stop signs is counterproductive to the larger goal of increasing bicycling, and discourages people bicycling from using side streets if they are required to come to a full stop every block. AB 1103 would make this reasonable practice of treating stop signs as yield signs while bicycling explicitly legal, ensuring that law enforcement do not unfairly penalize this behavior and discourage people from bicycling.”

Writing in opposition to the statewide deployment of Idaho Stop, the California Teamsters state that “much of highway safety is based on predictability. Our traffic laws are designed to instill predictable vehicle and pedestrian behavior. Unfortunately, this bill would insert unpredictability into the traffic safety equation, and our members, driving 80,000 pound vehicles, would be left to wonder whether any approaching bicyclist is going to stop or dart out into the intersection.” Similarly, the Automobile Club of Southern California and AAA Northern California, Nevada & Utah believes that any change in traffic laws that give drivers room for personal interpretation of traffic control devices can unsafely erode their effectiveness at a macro level.

Writing in opposition to the Idaho Stop pilot program, as proposed in the current version of this bill, the National Association of Mutual Insurance Companies, the Pacific Association of Domestic Insurance Companies, and the Personal Insurance Federal of California note that the proposed change in our traffic laws is overly broad and would ultimately be detrimental to all road users. They further state that this disruption would not only be detrimental to safety, it would also insert ambiguity into the very clear liability principles that insurers rely on for assessing fault when an accident occurs. Finally, they add that a pilot program would create different rules across local jurisdictions, forcing road users to familiarize themselves with the varied rules across different cities and as individual intersections.

Committee comments:

Lack of Data: As noted by the Meggs study, the lack of detailed data on injury crashes and fatalities for bicyclists and pedestrians is of concern. The issue of data reporting for active transportation has been a focus in recent federal safety rulemakings and is thoroughly discussed in the 2017 Caltrans State Bicycle and Pedestrian Plan as a priority strategy to help reduce crashes. According to the CHP, in 2015, statewide there were 382 collisions with the primary collision factor being a bicyclists’ failure to stop at a stop sign, while only 1 citation was issued to a bicyclist for failure to stop at a stop sign without being involved in a collision. This data is not comprehensive and may not reflect what is happening in localities around California. It is unclear whether cyclists are being cited and how failure to stop at a stop sign may be a causal factor for collisions. It is difficult to draw a direct cause and effect between the data we have and whether the Idaho stop would be safer or more hazardous to cyclists, pedestrians, and drivers.

The pilot program envisioned in this bill requires data collection by the participating city, with annual reporting requirements to CHP. Specifically, the city must report on the number and types of intersections selected for the pilot program, the total number of traffic incidents involving bicycles, and the increase or decrease from the prior years in the number of fatal collisions involving bicyclists. Additionally, CHP must then report these statistics to the Legislature. The author may want to consider changing the reporting requirement for the CHP

and having the pilot cities report directly to the Legislature. Also, the bill's required data to report could be clarified to include annual increases and decreases of all incidents involving bicycles, both fatalities and injury collisions at the designated intersections and the entire city.

Making streets safer for cyclists: As previously noted, the state and localities are working on many different areas to encourage cycling and make it safer for cyclists, pedestrians and motorists. The 2017 Caltrans State Bicycle and Pedestrian plan explores numerous strategies to achieve these goals, including increased bicycle safety training and education for both cyclists and drivers, and increased enforcement of current laws. However, the plan does not include recommendations for changes to bicycle traffic laws, including the Idaho stop.

Predictability of Behavior: Traffic laws set forth predictable "rules" that vehicles, and bicyclists, use to provide orderly movement of traffic and safe interactions with others. Deploying the Idaho stop could introduce unpredictable behavior by cyclists as they alone decide when it is safe to enter an intersection without stopping. This bill's pilot program would deploy the idea of the Idaho stop in controlled way, with community buy-in and numerous safeguards. The additional requirements for adoption through a public process, designated intersections, approved signage, and public outreach and education campaigns could provide an opportunity to study the effects of the change and collect needed data which the state can use to further deliberate a possible statewide approach. However, the pilot would create different rules of the road for cyclists in various cities across California, which could lead to confusion for both motorists and cyclists who travel to different jurisdictions.

Which cities? As mentioned, this bill authorizes at least three cities to participate in the pilot program. The cities must be a small, medium and large city representing urban, suburban, and rural areas. It is unclear exactly how many cities would be chosen, which cities may meet the criteria, how a city would apply if interested in participating, and who at the state level would determine the pilot cities. The author may want to clarify that the pilot is limited to three cities, and work with stakeholders to designate the three cities that are interested in participating and meet the criteria envisioned.

REGISTERED SUPPORT / OPPOSITION:

(Letters submitted for the January 3, 2018, version of the bill)

Support

None on file

Opposition

National Association of Mutual Insurance Companies
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California

(Letters submitted for the April 6, 2017, version of the bill)

Support

Bicycle Commuter Coalition of the Inland Empire

Bike Bakersfield
Bike Davis
California Bicycle Coalition
California Delivery Association
City Bicycle Works
Coalition for Clean Air
Desert Bicycle Club
Different Spokes Bicycling Club of Southern California
East Sacramento Bike Shop
Fresno Cycling Club
High Desert Cycling
Los Gatos Bicycle Racing Club, Inc.
Public Health Advocates
Sacramento Trailnet
San Jose Bicycle Club
Santa Rosa Cycling Club
Shasta Wheelmen
Silicon Valley Bicycle Coalition
Solano Cycling Club
Sylvia Bingham Fund
Yolo Solano Air Quality Management District
5 private citizens

Opposition

AAA Northern California, Nevada & Utah
Amalgamated Transit Union
Automobile Club of Southern California
Bay Area Transportation Working Group
California Coalition for Children's Safety and Health
California Council of the Blind
California Police Chiefs Association
California Teamsters Public Affairs Council
CSAC Excess Insurance Authority
League of California Cities
San Francisco Aging and Adult Services Advisory Council
3 private citizens

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