

Date of Hearing: May 8, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1103 (Obernolte) – As Amended April 6, 2017

SUBJECT: Bicycles: yielding

SUMMARY: Allows a person operating a bicycle make a turn or proceed through an intersection without stopping if no vehicle or pedestrian is in the intersection or constitutes an immediate hazard to the cyclist while they are in the intersection. Specifically, **this bill:**

- 1) Allows a bicyclist approaching a stop sign to cautiously make a turn or proceed through the intersection without stopping after slowing to a reasonable speed and yielding the right-of-way to any vehicle 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.
- 2) Requires a bicyclist to stop before entering the intersection if required for safety, and proceed through the intersection after yielding the right-of-way.

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 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.
- 3) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 4) Requires all pedestrians to obey all official signs and signals, as defined.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: This bill is modeled after legislation enacted in Idaho 35 years ago. The original so-called “Idaho stop” law was approved as part of a comprehensive revision of traffic code in 1982, in response to concerns over clogging the court system with minor traffic offences, 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 and Utah, but other than a limited form of this practice being authorized in Colorado, no other state approved it for statewide use.

The state and regions continue to work toward reducing greenhouse gas emissions and other forms of air pollution by increasing the mode shift from single occupant car trips to other forms of transportation, such as bicycling. To this end, the California Department of Transportation

(Caltrans) Strategic Management Plan includes a goal to triple bicycle trips and double pedestrian and transit use by 2020. Additionally, the state is making significant investments in bicycling and pedestrian infrastructure through the Active Transportation Program (ATP). Furthermore, state and local jurisdictions are 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.

As more people shift from their cars to bicycles as a form of transportation, safety is a paramount concern. The draft Caltrans Bicycle and Pedestrian plan notes that from 2005 to 2014 while road fatalities decreased by 25%, bicycle fatalities increased by 10%. 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 in bicycle content to driver’s testing, elementary school and adult bicycle safety curriculum, updating police training material to include high-risk bicycling and driving behaviors, and support of diversion programs for bicyclists ticketed for improper behavior.

This bill is intended to further encourage bicycling. According to the author, “AB 1103 will allow bicyclists to maintain momentum when approaching an intersection with stop signs. By maintaining momentum, bicyclists can keep better control of their bikes and avoid unnecessary collisions with vehicles. This practice will also divert cyclists away from busier streets with stop lights onto less hazardous side streets. This bill would also help California meet green energy goals by encouraging bicycle use.”

As evidence that the Idaho stop is safe, the author cites a study conducted in 2010 by Jason Meggs, a graduate of the UC 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.

Writing in support of this bill, 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, 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.

There is also concern regarding the affect this bill would have on pedestrians, the California Council of the Blind offer, “the ability to travel safely is an essential ingredient to our ability to live independent and productive lives. If AB 1103 is enacted, it will dramatically affect this safety and will severely compromise our ability to continue to lead independent lives without fears of injury or death.”

Finally, the CSAC Excess Insurance Authority believes that the potential consequence to a public entity of the passage of the bill would be increased exposure to litigation as a result of traffic accidents.

Committee concerns:

- 1) *Lack of Data:* As noted by the Berkeley study, the lack of detailed data on injury crashes and fatalities for bicyclists and pedestrians is of concern. This issue of data reporting for active transportation has been a focus in recent federal safety rulemakings and is thoroughly discussed in the draft Caltrans State Bicycle and Pedestrian Plan as a priority strategy to help reduce crashes. According to the California Highway Patrol, 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 bicyclists 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.
- 2) *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. This bill would introduce unpredictable behavior by cyclists as they alone decide when it is safe to enter an intersection without stopping. The California Police Chiefs Association, “allowing bicyclists to make an in-the-moment decision as to whether they are going to follow traffic signs or not will result in driver confusion and distraction, potentially resulting in more serious or fatal crashes.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Bicycle Coalition
California Delivery Association
1 Private citizen

Opposition

AAA Northern California, Nevada & Utah
Amalgamated Transit Union
Automobile Club of Southern California
Bay Area Transportation Working Group
California Council for the Blind
California Police Chiefs Association
California Teamsters Public Affairs Council
CSAC Excess Insurance Authority
San Francisco Aging and Adult Services Advisory Council
1 Private citizen

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