

Date of Hearing: May 8, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 390 (Santiago) – As Introduced February 9, 2017

SUBJECT: Pedestrian crossing signals

SUMMARY: Authorizes pedestrians to enter a crosswalk when the countdown symbol is displayed if there is sufficient time left on the countdown for the pedestrian to reasonably complete the crossing safely.

EXISTING LAW:

- 1) Requires Caltrans, after consultation with local authorities, to adopt uniform standards for all traffic control devices to be used on California streets and highways.
- 2) Authorizes a person to start to cross the roadway in the direction of the signal when a "WALK" or approved "walking person" symbol is displayed.
- 3) Prohibits a person from starting to cross a roadway when a flashing or steady "DON'T WALK," "WAIT," or "upraised hand" symbol is displayed.
- 4) Authorizes a pedestrian that has partially completed the crossing when the flashing or steady "DON'T WALK," "WAIT" or approved "upraised hand" symbol to proceed to a sidewalk or safety zone or otherwise leave the roadway.

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

COMMENTS: The purpose of traffic control devices (e.g., signs and signals) is to promote roadway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel. Regulations regarding signs are set forth in the Manual on Uniform Traffic Control Devices (MUTCD). In California, development of the MUTCD is the responsibility of the California Traffic Control Devices Committee (CTCDC), which is convened and chaired by the California Department of Transportation (Caltrans). Meetings of the CTCDC serve as requisite public hearings prior to promulgating rules related to traffic signs, signals, and pavement markings. Only signs provided for in the MUTCD can be lawfully placed on public roads.

CTCDC is the officially-recognized advisory body in the area of traffic control. The committee consists of representatives of state, local and federal transportation agencies, academia, law enforcement, local jurisdictions, and the automobile clubs. The scope of the CTCDC's work includes review and approval of all traffic control devices. The role of CTCDC is to promote the uniform and functional design and application of traffic control devices; gather, disseminate, and exchange information among state, national and local agencies; serve as a forum to review and evaluate traffic control device proposals; obtain and report to the parent organizations on legislation; conduct and review research and development and practices regarding traffic control devices; advise Caltrans on standards and policy for traffic control devices in California; review the MUTCD pertaining to traffic control devices; and provide advice with regard to MUTCD revisions.

With regard to pedestrian control signals, the MUTCD and existing law specify that when the word "WALK" or a "walking person" symbol are displayed, pedestrians are allowed to leave the curb and proceed across the roadway in the direction of the signal. When the words "DON'T WALK" or "WAIT" or an "upraised hand" symbol are displayed, a pedestrian is prohibited from leaving the curb to cross but is allowed, if they have already left the curb, to continue across the roadway to the other side or to a safety island. These laws were instituted before the inception of countdown timers.

Countdown timers were first put into use on a trial basis in San Francisco in 2001 as a way to let pedestrians know the amount of time left to cross the roadway after the "walking person" symbol is displayed but before the steady "upraised hand" symbol is displayed and the signal changes, allowing cross traffic to proceed. This time period is known as the clearance interval.

Countdown timers were first addressed in the MUTCD in 2003 for optional use and in the 2009 the MUTCD required the use of countdown timers for all pedestrian signal heads where the pedestrian change interval is more than seven seconds. The MUTCD specifies that when countdown signals are used, they must always be displayed simultaneously with the flashing "upraised hand" symbol that then prohibits a pedestrian from leaving the curb to cross.

The author asserts that most pedestrians are unaware that they are not supposed to cross when the flashing upraised hand and the countdown timer are displayed and are surprised when they are cited for this violation. While most jurisdictions seldom cite for this offense, recently, the Los Angeles Police Department (LAPD) began citing regularly for this violation. In fact, the Los Angeles Times recently published that LAPD cites this violation four times more often than any other pedestrian offense. While the fine for this violation is low, with a base fine of \$25, after fees and other assessments, the final cost of the citation comes in at just under \$200. The author introduced this bill to protect pedestrians from being cited and from incurring the associated financial burden.

The author points out that several jurisdictions in the United States, including New York City, Salt Lake City, Indiana, and South Carolina have passed ordinances allowing pedestrians to enter the crosswalk if there is sufficient time to cross safely.

Arguing in support of this bill, the California Bicycle Coalition writes that an individual hurrying to cross a street within the time allotted by the countdown clock is reasonable behavior and causes no harm or delay to traffic traveling in the opposite direction. They go on to say that penalizing a pedestrian who does this is unfair, discourages people from walking, and is counterproductive to the larger state goal of increasing active transportation modes.

Committee concerns:

- 1) This bill could make it difficult for law enforcement to enforce the law relative to countdown timers because of the subjective language in the bill. For example, if a pedestrian leaves the curb with only a two seconds left on the countdown and was still in the crosswalk when the light changed, thereby holding up cross traffic, it would be difficult for an officer to cite this individual because the pedestrian could argue that they thought there was "sufficient time left on the countdown" and that they believed they were able to "reasonably" make it across the roadway.

- 2) Many cities, including Los Angeles, have instituted Vision Zero programs to eliminate traffic deaths. For Los Angeles, Vision Zero seeks to eliminate all traffic deaths by 2025. To achieve this goal, transportation engineers, law enforcement, advocates, and policymakers have committed to working together to create safer streets with a focus being on protecting vulnerable road users such as children, older adults, pedestrians, and bicyclists. This bill, while it provides relief to pedestrians being ticketed for crossing when the countdown signal (and upraised hand) is displayed in some ways runs counter to the Vision Zero efforts in that it encourages (rather than discourages) pedestrians to enter the crosswalk in the waning seconds of the countdown clock making them increasingly vulnerable to being struck by vehicles who begin to cross with the expectation that pedestrians will yield to the "upraised hand" symbol.

Suggested amendment: Given that the CTCDC is a body that has traffic engineers and other experts that are designated to review issues related to signs and signals and their operation, it stands to reason that this issue should be brought before this body to ensure that this change does not have unintended consequences or safety or other repercussions. The committee may wish to consider amendments to this bill that would direct the CTCDC to evaluate the safety aspects of the countdown timers and also their unintended consequences, e.g., pedestrian citations.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Los Angeles (Sponsor)
California Bicycle Coalition

Opposition

None on file

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