

Date of Hearing: April 9, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1755 (Steinorth) – As Amended April 4, 2018

**SUBJECT:** Bicycle operation

**SUMMARY:** Requires that a person operating a bicycle on a Class I bikeway, as defined, have all the rights and be subject to all the provisions that apply to the driver of a vehicle for the purposes of an accident that causes injury or death, except those provisions that have no application.

**EXISTING LAW:**

- 1) Provides that a bicyclist operating upon a highway has all the rights and is subject to all laws applicable to drivers of motor vehicles, except those provisions which by their nature have no application.
- 2) Defines a highway as publicly maintained and open to the use of the public for purposes of vehicular travel.
- 3) Defines bikeways as facilities that provide for and promote bicycle travel, specifically:
  - a) Class I Bikeway - a bike path with completely separated right-of-way for the exclusive use of bicycles and pedestrians.
  - b) Class II Bikeway - a bike lane providing restricted right-of-way designated for use by bicycles.
  - c) Class III Bikeway - a bike route that provides right-of-way on-street or off-street designated by signs and markings, shared with pedestrians and motorists.
  - d) Class IV Bikeway - a cycle track or separated bikeway with right-of-way designated exclusively for bicycle travel adjacent to the roadway but separated from vehicular traffic, with a physical barrier defined.
- 4) Authorizes local jurisdictions to construct bikeways on roads other than state highways.
- 5) Requires a driver of a vehicle involved in an accident resulting in injury or death of another person to immediately stop the vehicle at the scene of the accident and fulfill numerous requirements, as defined, including reasonable rendering assistance to the injured person.
  - a) Authorizes penalties for violations of these requirements for an accident resulting in injury of imprisonment in state prison or county jail for not more than one year, by a fine between \$1,000 and \$10,000, or by both.
  - b) Authorizes penalties for violations of these requirements for an accident resulting in death of imprisonment for in state prison for two, three, or four years; imprisonment in county jail for between 90 days to one year; or by a fine between \$1,000 and \$10,000; or

by both. Allows for the court to reduce or eliminate any imprisonment in the interest of justice.

- c) Requires the court to take into account the defendant's ability to pay any fine and may reduce the amount of the fine.

**FISCAL EFFECT:** Unknown

**COMMENTS:** In June of 2017, a Sacramento runner was hospitalized with serious injuries after being hit by a bicyclist on a local bike trail or Class I bikeway. The bicyclist fled the scene, leaving the injured runner on the trail. The bicyclist did not report the accident nor render assistance to the runner. Under current law, the offender in this case, once found, could have been prosecuted for a hit-and-run offense if the accident occurred on a public roadway. However, since this accident occurred on a Class I bikeway, the bicyclist could not be charged with a hit-and-run crime. In fact, the Sacramento County District Attorney's Office, at the time of the incident, noted that their investigation was hindered because the California Vehicle Code is not clear on whether the case would qualify as a hit-and-run.

Specifically, under current law bicyclists are generally subject to all of the "rules of the road," and treated in the same manner as the driver of a vehicle. However, this does not apply if the bicyclist is operating on a Class I bikeway. A Class I bikeway is a fully separated bikeway or trail that is exclusively used for bicyclists and pedestrians, and prohibits motor vehicles.

According to the author, "this unfortunate incident exposes a glaring hole in our current vehicle code, particularly during a time in which the state is transitioning to more active forms of transportation infrastructure – none of the rights or responsibilities regarding a hit-and-run applies to a bicyclist if they are on a bike path. They are not legally required to stop and exchange information when involved in a collision on a trail. They cannot be prosecuted for fleeing the scene of an accident when it occurs on a bike path or trail, and law enforcement cannot pursue a search warrant when investigating the collision. This disparity in law makes it almost impossible to prosecute hit-and-run collisions on trails, and makes resolving future incidents seemingly unachievable."

California has thousands of miles of separated bikeways and trails, and current state policies encourage and fund their continued development. In fact, the 2017 State Bicycle and Pedestrian Plan set a target to triple bicycling and double walking by 2020, and also to reduce bicycle and pedestrian fatalities by 10% per year. To achieve these goals, one of the recommendations in the plan is to increase local and regional networks of high-quality bicycle and pedestrian facilities, including Class I fully separated bike paths and trails. Additionally, with the passage of SB 1 (Beall), Chapter 5, Statutes of 2017, funding for the state's Active Transportation Program (ATP), which funds bikeway projects, nearly doubled. As the state continues to champion a move to more active transportation policies and programs, enforcement laws must evolve to keep pace. This bill would simply bring bikeways and trails in line with public roadways for the purposes of a hit-and-run accident.

Writing in support of the bill, the California Police Chiefs Association states, "This bill would bring parity to our current hit-and-run statutes and improve law enforcement's ability to prosecute future incidents. In doing so, AB 1755 would allow local law enforcement to hold individuals accountable for their reckless behavior."

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Police Chiefs Association

**Opposition**

None on file

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