

Date of Hearing: March 28, 2022

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Laura Friedman, Chair

AB 1909 (Friedman) – As Amended March 21, 2022

**SUBJECT:** Vehicles: bicycle omnibus bill

**SUMMARY:** Comprehensively changes rules of the road and restrictions on bicycle operations.

Specifically, **this bill:**

- 1) Eliminates the statewide ban of class 3 electric bicycles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail.
- 2) Authorizes a local authority having jurisdiction over an equestrian trail or hiking or recreational trail to prohibit the operation of an electric bicycle of any class on that trail.
- 3) Eliminates local authority on banning class 1 and 2 electric bicycles on bike paths.
- 4) Allows bicyclists to follow leading pedestrian intervals at intersections.
- 5) Requires motor vehicle operators, when overtaking or passing a bicycle in the same direction, to move over a lane of traffic when possible.
- 6) Eliminates local authority to require bicycle registration.

**EXISTING LAW:**

- 1) Defines an “electric bicycle” as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.
- 2) Prohibits class 3 electric bicycles from operating on a bicycle path or trail, bikeway, bicycle lane established pursuant to section 21207 of the Vehicle Code, equestrian trail, or hiking or recreation trail.
- 3) Allows local authorities to restrict class 1 and 2 electric bicycles on a bicycle path or trail, equestrian trail, or hiking or recreational trail.
- 4) Requires that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.
- 5) Allows local jurisdictions to require bicycle registration.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

*Zero Emission Vehicle (ZEV) climate goals.* Transitioning California's transportation system away from gasoline to ZEVs is a fundamental part of the state's efforts to reduce greenhouse gas (GHG) emissions and help meet the state's goals to reduce GHG emissions 40% below 1990 levels by 2030. Currently, emissions from the transportation sector account for over 50% of GHG emissions in the state of California. Governor Newsom's Executive Order (EO) N-79-20, dated September 23, 2020, establishes the goal that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. The EO further requires that 100% of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. In order to accomplish this goal, the EO requires CARB to develop passenger and medium- and heavy-duty vehicle regulations that would increase over time the volume of new ZEVs sold in the state.

*Electric Bicycle Popularity.* A study from Bloomberg Green indicates that choosing to ride a bicycle just one day a week can decrease an individual's carbon footprint by as much as 67%. Each trip on a bicycle avoids 150 grams of carbon dioxide emissions per kilometer ridden. Collectively, this can have a major impact on the ability of California to achieve its climate goals. The popularity of electric bicycles has increased significantly in the last five years. Adoption of electric bicycles increased by 145% from 2019 to 2020 in the United States, double the number of electric cars. This highlights the immense opportunity to promote bicycle and electric bicycles as a means of fighting climate change.

*Health Benefits.* There are a number of health benefits that are associated with riding a bicycle. These health benefits include reducing the risk of depression, cardiovascular disease, diabetes, blood pressure, total fat mass, abdominal circumference, weight, insulin sensitivity, breast cancer, colorectal cancer, and mortality. For older adults, benefits were found for muscle strength, reducing fractures, fat-free mass, improving walking speed, reducing dementia and Alzheimer's disease, and preventing cognitive decline and disability. Cycling for transport enables individuals to incorporate physical activity into daily life. Furthermore, it is accessible, practical and convenient for population groups with low levels of participation in sports and other forms of leisure-time physical activity.

Elderly individuals often do not have the physical capacity to ride a conventional bicycle. Electric bicycles provide an opportunity for this population to choose bicycling as an alternate mode of transportation, to enjoy more mobility, autonomy, and social connection. Additionally, they can benefit from all of the positive health effects described above.

*Current Bicycle Infrastructure.* The California Department of Transportation (Caltrans) provides the following guidance regarding Class I Bikeway (Bike Path) as defined in Chapter 100 of the Highway Design Handbook. Class I Bikeways are also defined in section 890.4 of the Streets and Highways code. Generally, Class 1 bike paths should serve corridors not served by streets and highways or where wide right of way exists, permitting such facilities to be constructed away from the influence of parallel streets. Bike paths should offer opportunities not provided by the road system. They can either provide a recreational opportunity, or in some instances, can serve as direct high-speed commute routes if cross flow by motor vehicles and pedestrian conflicts can be minimized. The most common applications are along rivers, ocean fronts, canals, utility right of way, abandoned railroad right of way, within school campuses, or within and between parks. There may also be situations where such facilities can be provided as part of planned developments.

Class II bike lanes are established along streets in corridors where there is significant bicycle demand, and where there are distinct needs that can be served. The purpose should be to improve conditions for bicyclists in the corridors. Bike lanes are intended to delineate the right of way assigned to bicyclists and motorists and to provide for more predictable movements by each. But a more important reason for constructing bike lanes is to better accommodate bicyclists through corridors where insufficient room exists for side-by-side sharing of existing streets by motorists and bicyclists. This can be accomplished by reducing the number of lanes, reducing lane width, or prohibiting or reconfiguring parking on given streets in order to delineate bike lanes. In addition, other things can be done on bike lane streets to improve the situation for bicyclists that might not be possible on all streets (e.g., improvements to the surface, augmented sweeping programs, special signal facilities, etc.). Generally, pavement markings alone will not measurably enhance bicycling.

This bill would amend current law that restricts the use of class 3 electric bicycles on Class I Bikeways. Additionally, it would remove local control from regulating class 1 and 2 electric bicycle operation on a Class I bikeways. Cyclists riding conventional bicycles can operate them at speeds similar to, or faster than class 1 or 2 electric bicycles (20 miles per hour). Class I Bikeways often have speed limit signs, indicating the speed for the bike path. All cyclists are vulnerable vehicle operators and should be afforded access to bicycle infrastructure reduced vehicle collisions.

*Safety Concerns.* Currently one of the largest barriers to riding a bicycle is safety concerns. According to the National Highway Traffic Safety Administration (NHTSA), California saw 3.9 fatal accidents per 1 million residents from 2016-2018, the sixth highest fatality rate in the country. Additionally, NHTSA points out that in California, 43% of cyclist fatalities occur at intersections. Highlighting the need for bicycle infrastructure, injury risk is 30-40% lower when cycling in a bike lane or on a bike path.

The United States Department of Transportation (USDOT) has introduced the National Roadway Safety Strategy (NRSS). Under the NRSS, USDOT has set a goal to strive for zero roadway fatalities. Zero is the only acceptable number of deaths on our highways, roads, and streets. The United States Department of Transportation is committed to taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways. However, no one will reach this goal acting alone. Reaching zero will require USDOT to work with the entire roadway transportation community and the American people to lead a significant cultural shift that treats roadway deaths as unacceptable and preventable.

To achieve this goal, USDOT is adopting a safe systems approach, with the principles that death and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is crucial. To address these concerns to get to zero, NRSS sets across five complementary objectives corresponding with a safe systems approach: safer people, safer roads, safer vehicles, safer speeds, and post-crash care.

Cyclists are the most vulnerable vehicle operators on the road. The National Association of City Transportation Officials contends that simply building bicycle infrastructure is insufficient; there need to be additional measures to keep cyclists safe. Caltrans also points out that generally, pavement markings alone will not measurably enhance bicycling. In order for the state to align with USDOT and work toward achieving zero fatality roadways, comprehensive safety measures must be instituted for cyclists.

*Leading Pedestrian Interval.* A leading pedestrian interval (LPI) is an official traffic control signal that advances the “WALK” signal for three to seven seconds while the red signal halting traffic continues to be displayed on parallel and through or turning traffic. This tool has gained in popularity to protect the safety of pedestrians. It allows for increased visibility of pedestrians as well as the opportunity to cross the street without being confronted by a vehicle. York City conducted a pilot project where cyclists were able to take advantage of the LPI, increasing their visibility, allowing them to get out ahead of traffic and allowing them to avoid confrontation with vehicles making right-hand turns. The results of the study indicated that when cyclists used the LPI, injuries to cyclists decreased by over 26%.

*Three Feet for Safety Act.* The California Legislature passed the Three Feet for Safety Act as part of AB 1371 (Bradford) Chapter 331, Statutes of 2013. This act specifies that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. If the vehicle operator is not able to provide three feet of clearance when passing a cyclist, they must slow to a reasonable and prudent speed. Law enforcement officials find this rule difficult to implement as officers must make a judgement call of the distance between the vehicle and the bicycle.

This bill would amend the Three Feet for Safety Act by requiring motor vehicle operators to make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle. This provision is identical to language in section 21809 of the Vehicle Code, requiring motor vehicles to move over a lane when passing a stationary emergency vehicle. According to the National Conference of State Legislatures, five states, including Washington and Delaware, have implemented similar legislation to improve safety for cyclists.

*Other Barriers to Cycling.* California created a statewide bicycle registration program pursuant to AB 3329 (Bedham) Statutes of 1974, where cities and local jurisdictions may collect a registration fee from cyclists to officially license bicycles. Many locals found that the revenue from registration fees was insufficient to cover the cost of the program and chose not to require bicycle registration in their jurisdictions or to abandon the bicycle licensing program altogether. Additionally, there is evidence that the registration system does not help in the recovery of stolen bicycles, a key argument for requiring bicycle registration. A number of cities in the state continue to enforce bicycle registration requirements, creating one additional barrier to cyclists getting out on the road. This bill would remove local authorities from requiring bicycle registration, however, they may continue to operate bicycle registration programs on a volunteer basis. Any barriers to bicycle adoption are barriers to cyclists’ safety as a number of studies have shown that the more cyclists that are on the road, the safer they are.

*According to the author,* “As a cyclist, I brought forward AB 1909 to help provide all Californians with the safe opportunity to enjoy a healthy, clean alternative mode of transportation. Decreasing barriers to bicycle ridership is imperative to achieving California’s climate goals. AB 1909 offers more route options to e-bike users and implements important safety measures for bicycles. This approach will significantly decrease the number of fatalities and injuries to cyclists, while simultaneously increasing public health and fighting climate change.”

According to Streets For All, a supporter of the bill “In California, cyclist deaths make up 4 percent of all auto accidents. This is twice the national average, making California first in the nation in cyclist deaths. Streets For All supports AB 1909 as it makes common sense safety enhancements and reduces barriers for wider adoption and use of bicycles which are critical for addressing the state’s climate crisis and mobility needs.

AB 1909 will also increase cyclist safety by allowing cyclists to take advantage of the leading pedestrian interval, a useful intersection safety tool where the walk sign changes prior to the red light. According to the National Highway Traffic Safety Administration, 43% of cyclist fatalities in California occur at intersections. Results from a New York City pilot project where cyclists were able to take advantage of the leading pedestrian interval yielded a decrease in cyclist injuries by 26%.

The state currently bans class 3 e-bikes on bike paths. AB 1909 will remove this ban and allow class 3 e-bikes to operate on bike paths at a maximum speed of 20 miles per hour. This action will add route options for e-bikes and will also increase rider safety as there is safety in numbers; the more cyclists on the road, the safer it is to cycle.

Decreasing barriers to bicycle ridership is imperative to achieving California’s climate goals. AB 1909 offers more route options to e-bike users and implements important safety measures for bicycles. This approach will significantly decrease the number of fatalities and injuries to cyclists, while simultaneously increasing public health and fighting climate change. For these reasons, we are proud to support AB 1909.”

*Committee Comments:* This bill makes comprehensive amendments to current law in order to protect cyclists and decrease barriers to more citizens choosing to ride a bicycle.

*Related and previous legislation:*

AB 1096 (Chiu) Chapter 568, Statutes of 2015. Defined electric bicycle and created 3 class definitions. Banned class 3 bicycles from a bicycle path or trail, equestrian trail, or hiking or recreational trail and allows local jurisdictions to limit operation of Class 1 and 2 electric bicycles on a bicycle path or trail, equestrian trail, or hiking or recreational trail.

AB 1371 (Bradford) Chapter 331, Statutes of 2013. Specifies that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

SB 1464 (Lowenthal) of 2012 would have sets requirements for the safe passing of bicyclists by motor vehicles and establishes fines and penalties for failure to abide by these requirements. That bill was vetoed by the Governor on the grounds that the bill authorized a dangerous maneuver (crossing double yellow pavement markings) and would weaken the state's defense to lawsuits.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Bicycle Coalition

Los Angeles County Bicycle Coalition  
Move LA, A Project for Community Partners  
Sierra Club  
Streets For All

**Opposition**

None on file

**Analysis Prepared by:** Aaron Kurz / TRANS. / (916) 319-2093