

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 208 (Bigelow) – As Amended April 21, 2015

SUBJECT: Vehicles: highway: lane use

SUMMARY: Clarifies the existing requirement that slow-moving vehicles turn off when safe to do so when five or more vehicles are behind them in order to allow the faster-moving traffic to proceed to ensure that this requirement applies regardless of where the slow-moving vehicle is positioned on the highway.

EXISTING LAW:

- 1) Requires, on two-lane highways where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle behind which five or more vehicles are following to turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists in order to permit the vehicles following it to proceed.
- 2) Generally provides that a person riding a bicycle upon a highway has all rights and is subject to all laws applicable to the driver of a motor vehicle.
- 3) Requires a driver who is passing another vehicle proceeding in the same direction to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle.
- 4) Prohibits a driver from driving to the left of double solid parallel yellow or white lines except under very limited circumstances, such as passing another vehicle or entering a two-way left turn lane.
- 5) Requires a driver, when passing a bicycle, to provide at least three feet of space between his or her vehicle and the bicycle.
- 6) Requires a driver who is unable to provide three feet of space when passing a bicycle due to traffic or roadway conditions to slow to a speed that is reasonable and prudent and pass only when doing so would not endanger the safety of the bicyclist.
- 7) Defines "roadway" as that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- 8) Defines "highway" as a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

FISCAL EFFECT: None

COMMENTS: California law has long required that slow-moving vehicles turn off the roadway when safe to do so if five or more vehicles are behind them in order to allow faster-moving traffic to pass. This law applies to cars as well as to bicyclists and other road users. The term

"roadway" does not appear to encompass the shoulder since it is defined as the part of a highway used for vehicular travel. In other words, the roadway is only a part of the highway, the traffic lanes. "Highway" is the more expansive term that includes the roadway plus any shoulder.

In 2014, the Legislature passed and the Governor signed AB 1371 (Bradford), Chapter 331, Statutes of 2013, which requires drivers to provide at least three feet of space between their vehicle and a bicycle when passing the bicycle. If a driver is unable to provide the three feet of passing distance, he or she must slow to a reasonable and prudent speed and pass only when doing so will not endanger the bicyclist's safety.

The author introduced AB 208 because of concerns about the difficulty of drivers providing three feet of passing space on many narrow rural roads that are popular with bicyclists. On these roads, lines of cars may end up forming behind a bicyclist as drivers slow to a safe speed and wait for an opportunity to pass safely. In theory, in such a situation it would be incumbent upon the bicyclist to turn off at the next available opportunity to allow the drivers to pass safely, assuming an opportunity to turn off arises sooner than an opportunity for the vehicles to pass safely. However, if the bicyclist is on the shoulder (where a bicyclist may choose, but is not required, to ride) it is not clear that this law applies.

This bill replaces the term "roadway" with the broader term "highway" in the requirement that slow-moving vehicles turn off when safe to do so when five or more vehicles are behind them. This clarification will ensure that this requirement applies to bicyclists who may be on the shoulder of a narrow road but still impeding faster-moving traffic because drivers cannot safely provide three feet of passing distance.

According to the author, "the roads that wind through the California foothills provide automotive and bicycle enthusiasts with some of the most scenic rides in our country. These roads are usually very narrow and make it nearly impossible to respect the three-foot rule that was passed by the Legislature in 2014. AB 208 aims to improve safety conditions for both bicyclists and drivers on these narrow, winding roads."

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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