

Date of Hearing: April 11, 2016

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 2509 (Ting) – As Amended April 6, 2016

**SUBJECT:** Operation of bicycles: speed

**SUMMARY:** Expands the allowable exceptions to the requirement that a person operating a bicycle ride as close as practicable to the right-hand curb, including when riding in a Class I, II, or IV bikeway; when riding in a Class III bikeway within the path of a shared lane marking; or when riding beside another bicycle.

**EXISTING LAW:**

- 1) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles.
- 2) Requires a person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at the time shall ride as close as practicable to the right-hand curb or edge of the roadway.
- 3) Provides exceptions to this rule when:
  - a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - b) Preparing for a left turn;
  - c) It is necessary to avoid hazards or if the lane is too narrow, as defined; and,
  - d) When approaching a right-hand turn.
- 4) Allows a person operating a bicycle to ride near the left-hand curb or edge of the roadway that is practicable on a highway that carries one-way traffic.
- 5) Requires the driver of a motor vehicle who is passing a bicyclist in the same direction on a highway to pass at a distance of at least three feet between the vehicle and the bicycle. It also requires the driver, if unable to provide three feet of passing distance, to slow to a reasonable speed and to pass only when doing so will not endanger the bicyclist.
- 6) Provides that when a slow-moving vehicle, or bicycle, has five or more vehicles in line behind it on a two-lane highway, and passing is unsafe because of oncoming traffic or other conditions, the slow-moving vehicle must turn off the highway at the nearest safe turnout to allow other vehicles to pass.
- 7) 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.
- 8) Authorizes local jurisdictions to construct bikeways on roads other than state highways.
- 9) Generally requires a bicyclist who is riding in a bicycle lane at less than the normal speed of traffic moving in the same direction to ride within the bicycle lane.

**FISCAL EFFECT:** Unknown, this bill was keyed non-fiscal by the Legislative Counsel.

**COMMENTS:** The passage of AB 1371 (Bradford), Chapter 331, Statutes of 2013, established the Three Feet for Safety Act (Act), which requires a driver to provide three feet “buffer zone” between the vehicle and the bicycle when passing. Any driver who is unable to provide the minimum three-foot passing distance due to traffic or roadway conditions must slow to a reasonable and prudent speed when passing only when doing so would not endanger the safety of the bicyclist.

AB 1371 was sponsored by the City of Los Angeles and enacted to counter increasing harassment of cyclists by aggressive drivers who were driving too close. This activity was responsible for thousands of accidents in the Los Angeles area, causing catastrophic injuries or death for bicyclists. The Act clarified the law of behavior for the motorists when encountering bicyclists in the shared roadway and helped make the road more user-friendly for cyclists.

According to the author, AB 2509 is complimentary to AB 1371 by giving further clarity to the interaction of motorists and bicyclists in the shared roadway. The author notes that in many cities, most commuter traffic occurs in the shared roadway, which is a street or highway without a designated bikeway and therefore cyclists are forced to travel in the vehicle lane and share space with automobiles. In this case, current law requires cyclists to ride as close as practicable to the right-hand curb or edge of the roadway when moving less than the normal speed of traffic.

Current law includes exceptions to this rule, including when a cyclist is overtaking and passing another bicycle or vehicle, preparing for a left turn or right-hand turn, is necessary to avoid hazards, including fixed objects or pedestrians, or if the lane is too narrow. This bill would expand the current exceptions to this requirement by including all classes of formal bikeways. The author contends that current law does not recognize designated bikeways for the purposes of defining cyclist’s behavior, and the change would provide that cyclists traveling in designated bikeways do not also have to be required to ride as close to the right-hand curb or edge as practicable. Cyclists are currently required to stay in a designated bikeway.

Additionally, AB 2509 allows for cyclists to ride beside one another in any of the excepted situations. In writing in support of this bill, the California Bicycle Coalition, states that riding side-by-side in pairs or in a group makes bicycling more comfortable, enjoyable, and safe, especially for families riding with children or for people who may be new to bicycling. Clearly

permitting side-by-side riding will help to promote bicycling by allowing people bicycling to ride and converse with friends and family. The Coalition goes on to say that existing law still requires people bicycling to ride to the right and move out of the path of vehicle travel if they are impeding multiple vehicles, so permitting side-by-side riding will not result in changes to traffic flow.

*Committee concerns:* AB 2509 attempts to clarify that cyclists have the ability to utilize the full width of designated bikeways, however, even in designated bikeways, side-by-side riding may not be able to be accomplished within that right-of-way, therefore possibly pushing cyclists closer into vehicular lanes and in the path of vehicles. Additionally, cyclists riding side-by-side may be forced into the vehicular lanes to avoid conditions such as fixed objects, like a parked car or a surface hazard. This could impede the motorists' ability to comply with other rules of the road and the three foot for safety rule.

As the state and regions continue to work toward the goal reducing greenhouse gas emissions, as well as cutting other forms of air pollution, as set forth in AB 32 (Nunez), Chapter 488, Statutes of 2006, increasing the mode shift from single occupant car trips to other forms of transportation is an important element for success. As the California Bicycle Coalition notes that one strategy for increasing bicycling is to invest in more bikeways in local communities across the state, which provide safe facilities that encourage use by people who may be new to riding. The state is making many of these investments through the Active Transportation Program, and local jurisdictions are putting local dollars into building bikeways as well. As we continue to incentivize bicycle transportation for commuting and recreation, we must fully understand the implications of co-use roadway, and enact rules of the road for cyclists and motorists that can be enforced uniformly.

*Previous legislation:* AB 1371 (Bradford), Chapter 331, Statutes of 2013, established the Three Feet for Safety Act, which requires a driver to pass at a distance of at least three feet between the vehicle and the bicycle on a roadway.

AB 208 (Bigelow), Chapter 265, Statutes of 2015, requires that when a slow-moving vehicle has five or more vehicles in line behind it on a two-lane highway, and passing is unsafe because of oncoming traffic or other conditions, the slow-moving vehicle must turn off the highway at the nearest safe turnout to allow other vehicles to pass.

SB 1464 (Alan 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. SB 1464 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. SB 1464 was vetoed by the Governor.

SB 910 (Alan Lowenthal) of 2011, would have established a minimum three-foot passing distance and required vehicles to slow to 15 mph when passing a bicyclist with less than three feet of passing distance. SB 910 was vetoed by the Governor.

AB 60 (Nava) of 2008, would have required drivers to pass bicyclists with a minimum clearance of three feet, a violation of which would have been an infraction punishable by a \$250 fine. In addition, AB 60 would have made it a misdemeanor or felony if the person operating the motor

vehicle in violation of the above requirement caused great bodily harm to the bicycle operator. AB 60 was returned to the Chief Clerk pursuant to Joint Rule 56.

AB 1941 (Nava) of 2006, would have prohibited a vehicle from driving in a designated two-way left-turn lane, for purposes of overtaking and passing a bicycle or merging into adjacent lanes of travel. AB 1941 would have required motor vehicle drivers to leave a minimum three foot clearance when passing a bicyclist with violations assessed with base fine of \$250. In addition, AB 1941 would have made it a felony or a misdemeanor, upon conviction, for a person driving a motor vehicle to cause great bodily injury or death to the bicyclist. AB 1941 failed passage in this committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Bicycle Coalition (Sponsor)  
Bike East Bay  
Bike Santa Cruz County  
Bike SLO County  
California Association of Bicycling Organizations  
Chico Velo  
Inland Empire Biking Alliance  
Livable Communities, Inc.  
Marin County Bicycle Coalition  
Napa County Bicycle Coalition  
San Diego County Bicycle Coalition  
Santa Barbara Bicycle Coalition  
Silicon Valley Bicycle Coalition

**Opposition**

None on file

**Analysis Prepared by:** Melissa White / TRANS. / (916) 319-2093