

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 2761 (Obernolte) – As Introduced February 16, 2018

FOR TESTIMONY ONLY

SUBJECT: Yield: inoperative traffic signal

SUMMARY: Allows an individual to run a red light if they reasonably believe the light has been red too long, under certain conditions. Specifically, **this bill** allows an individual to run a red light if they have stopped at the intersection, and then proceeded with caution when safe to do so if the traffic-actuated signal displays a steady circular red indication or red arrow indication and then subsequently fails to display a green indication within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the presence of the vehicle.

EXISTING LAW:

- 1) Requires a driver facing a steady circular red signal to stop and to remain stopped until an indication to proceed is shown, except a driver may turn right, or turn left from a one-way street onto a one-way street.
- 2) Requires a driver facing a steady red arrow signal to not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop and remain stopped until an indication to proceed is shown.
- 3) Requires a driver of a vehicle approaching an intersection to yield the right-of-way to any vehicle which has entered the intersection from a different highway.
- 4) Requires a driver to stop at an intersection when the traffic control signals are inoperative and allows the vehicles to proceed with caution when safe to do so.
- 5) Defines driver as a person who drives or is in actual physical control of a vehicle. The term “driver” does not include the tillerman or other person who, in an auxiliary capacity, assists the driver in the steering or operation of any articulated firefighting apparatus.
- 6) Defines a vehicle as a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.
- 7) Subjects a person operating a bicycle or a pedicab on a highway to all the requirements in the vehicle code that are applicable to the driver of a vehicle.

FISCAL EFFECT: This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Consequences of running a red light: According to the Federal Highway Administration (FHWA), 3,529 people were killed as a result of red light running between 2010 and 2014, or more than 1,000 more individuals than U.S. soldiers that have died in our 17 year conflict in Afghanistan. In fact, in the previous decade, nearly 9,000 individuals were killed as a result of red light running. An estimated 165,000 people are injured annually by red light runners. These accidents cost our economy \$230 billion annually.

Legal defense for running a red light: FHWA reports that nearly 93% of drivers believe running a red light is unacceptable, yet 1 in 3 admit to doing so in the past 30 days. This bill provides drivers with a legal defense for running a red light.

Existing statute generally does not provide defenses for violations of the rules of the road. Under this bill, however, a driver is not in violation of running a red light if the signal displays a steady circular or red arrow indication, and that it subsequently fails to display a green indication within a reasonable period of time because of a signal malfunction or because the signal failed to detect the driver or vehicle.

By doing this, a driver could claim that they believed the light had been red for too long, and it must have malfunctioned and they decided to proceed through the intersection. This change could make it harder for prosecutors or city attorneys to prove a red light violation, as they may have a burden to show the signal did not malfunction or detect the presence of a driver.

The insurance industry, writing in opposition to this bill, argues that “Allowing individual drivers to make determinations of when it is ‘safe’ to violate traffic lights is fundamentally bad for highway safety and will lead to increased accidents and fatalities. AB 2761 would cause disruption on our roadways that would not only be detrimental to safety, it would also insert ambiguity into the very clear liability principles that insurers rely on for assessing fault when accidents occur at intersections.”

Detecting bicycles and motorcycles: Traffic-actuated signals change when they detect that a vehicle is waiting at the stop light rather than simply changing the signal on a pre-set interval. By doing this, traffic-actuated signals help maintain the flow of traffic and improve safety. Older-style traffic-actuated signals worked by using loop detectors that are imbedded in the pavement that detect the vehicle’s weight and prompt a signal change.

Because these detectors relied on the vehicles weight to close the loop and prompt a signal change, smaller vehicles such as motorcycles and bicycles go undetected by these systems. As a result, these vehicles must either wait until a vehicle approaches to trigger a signal change or ignore the light.

On August 27, 2009, Caltrans issued Traffic Operations Policy Directive 09-06, requiring the incorporation of devices used to detect the presence or passage of vehicles (including motorcycles), bicycles, or pedestrians at signals. This policy directive included specifications for the detection systems, established requirements for where detectors should be placed relative to the stop limit line and signal light intervals. These requirements and specifications were ultimately included in the California Manual on Uniform Traffic Control Devices.

Last year the Legislature approved and Governor Brown signed SB 672 (Fuller), Chapter 432, Statutes of 2017, which removed the sunset date on the requirement that cities and counties, when installing traffic-actuated signals, install and maintain systems that can detect bicycles and motorcycles.

Committee concerns: While motorcycles and bicycles may have trouble triggering some traffic signals, current law requires new traffic signals to be able to detect them. Further, unlike most states that have approved a similar law to this, this bill extends the red light running defense to all vehicles, not just bicycles and motorcycles. This bill further fails to define what a reasonable amount of time is, leaving it up to the driver.

When technological solutions exist, it is unclear why the Legislature should provide a legal defense to one of the most deadly violations of the rules of the road.

REGISTERED SUPPORT / OPPOSITION:**Support**

American Motorcyclist Association

Opposition

American Insurance Association

California Police Chiefs Association

National Association of Mutual Insurance Companies

Pacific Association of Domestic Insurance Companies

Personal Insurance Federation of California

Property Casualty Insurers

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093