

Date of Hearing: March 22, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 122 (Boerner Horvath) – As Introduced December 18, 2020

SUBJECT: Vehicles: required stops: bicycles

SUMMARY: Permits a person riding a bicycle approaching a stop sign to yield the right-of-way to any vehicles that have stopped at the entrance of the intersection, have entered the intersection, or are approaching the intersection, and to continue to yield the right-of-way until it is reasonable to proceed.

EXISTING LAW:

- 1) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles, including stopping at stop lights and stop signs.
- 2) Requires a driver of a vehicle to stop at the marked limit line for a red light or a stop sign, and allows a driver to proceed with a right hand turn or left hand turn from a one-way street onto a one-way street after stopping, if no vehicles or pedestrians have approached or are approaching the intersection.
- 3) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 4) Requires all pedestrians to obey all official signs and signals, as defined.
- 5) Requires a vehicle approaching a “Yield right-of-way” sign to yield the right-of-way to any vehicles which have entered the intersection, which have entered the intersection, or which are approaching the intersection, and to continue to yield the right-of-way until they can proceed with reasonable safety.

FISCAL EFFECT: Unknown

COMMENTS: Cycling is on the rise in California. According to the California Transportation Plan 2050 (CTP 2050), a publication from California Department of Transportation (Caltrans) that provides a blueprint for the future of California transportation, “In the months following the outbreak of COVID-19, more Americans embraced active travel. California cities that typically have low bicycle ridership, such as Riverside and Oxnard, experienced a 90% to 125% increase in bicycle miles traveled. Stockton, Bakersfield, Fresno, Sacramento, and San Diego also experienced increases of more than 50%. Trends suggest that travelers shifted from transit to active travel when risks increased. In San Francisco, many residents who needed to make essential trips opted to walk or bike. Recreational biking and walking have also skyrocketed. The Rails-to-Trails Conservancy observed a 110% increase in trail use compared to the same period in 2019.”

CTP 2050 estimates that bicycle and pedestrian travel could increase by 45% by 2050. It goes on to note that this increase only represents a half percent mode shift away from auto use, and that “If we are to achieve our climate goals and improve public health and quality of life in California

communities, we must do more to make active transportation a viable and competitive mode of transportation.”

One of the impediments towards increased bicycle use is traffic safety. Traffic collisions killed 455 cyclist in California between 2016 and 2018, the highest rate in any three-year period since the mid-1990s. According to the National Highway Traffic Safety Administration, 27% of cyclist fatalities occur at intersections.

Failing to stop at a stop sign makes up a very small portion of the number of cyclist killed every year in California. Between 2015 and 2020, 25 cyclists have died as a result of failing to stop at a stop sign. California Highway Patrol (CHP) data places the fault with the cyclist in 22 of the 25 cases. In addition, 2,744 cyclists have been injured as a result of someone failing to stop at a stop sign, 1,729 of which law enforcement attributed the cyclist to be at fault.

Very few tickets for failing to stop at a stop sign are issued by CHP. According to CHP, 767 cyclists have received a ticket for failing to stop at a stop sign between 2015 and 2020. Those numbers have been steadily declining, with 267 tickets being issued in 2015 to 191 being issued in 2019 and 51 in 2020. In comparison, CHP issued 14,461 tickets for failing to stop at a stop sign in 2020 alone.

In order to enhance cyclist safety at intersections, Idaho enacted a law in 1982 providing that instead of being required to stop at a stop sign, cyclists in Idaho are permitted to yield at a stop sign. In addition, cyclists can treat a red light as a stop sign if traveling through the intersection, and as a yield sign if making a right hand turn. As a result, this law is often referred to as the “Idaho stop.”

Idaho stood alone in such a law until 2017, when Delaware passed what some are referring to as the “Delaware yield.” Unlike the Idaho stop, Delaware’s law allows cyclist to treat stop signs as yield signs only on two lane roads. The law was set to sunset in four years.

In 2019, Arkansas joined Idaho in becoming the second state to allow bicyclists to treat stop signs as yield signs and traffic lights as stop signs. Oregon became the third state to adopt the Idaho stop the same year. In 2020 Washington joined Delaware in introducing the “Delaware yield.” However, unlike Delaware, Washington’s law is applicable on all roads and does not contain a sunset clause.

According to the author, “We must do a better job in improving cyclist safety in California. This pandemic has resulted in a significant increase of Californians opting for bicycling whether for recreation or by economic necessity. We owe it to them to ensure that we are enacting Stop-As-Yield in a judicious and timely manner. Other states have already learned that when cyclists are allowed to yield at stop signs, they choose safer streets and will spend less time in dangerous intersections. Cyclists in other states are safer as a result. It is now our time implement these policies to help our cyclists.”

This bill is not the Idaho stop, and is similar to the law passed in Delaware and Washington, which requires bicyclist to treat a stop sign as a yield sign. Contrary to the way opponents have characterized it, yielding requires a vehicle to come to complete stop if there is a hazard impeding their trip. According to the California Driver Handbook 2020 edition, “A 3-sided red YIELD sign indicates that you must slow down and be ready to stop, if necessary, to let any vehicle, bicyclist, or pedestrian pass before you precede.” Accordingly, this bill would require a

bicyclist to slow down as they approach an intersection, and come to a complete stop at an intersection if there is oncoming traffic.

The California Association of Highway Patrolmen, who are opposing this bill, argue “There is a lot going on at intersections and we feel that allowing bicyclists to simply yield rather than stop will create a public safety risk.”

The Delaware yield may provide some safety benefits for cyclist. Bike Delaware, a cycling advocacy group behind the “Delaware Yield” collected data from the Delaware State Police both 30 months before and 30 months after the passage of the Delaware Yield. Both prior to and after the change, 0 cyclists were involved in fatal crashes at a stop sign-controlled intersection. In addition, injury crashes involving cyclists at a stop sign-controlled intersection decreased by 23%, helping contribute to an 11% decrease overall for all crashes involving cyclists.

According to the California Bicycle Coalition, the sponsors of this bill, “A full stop on a bicycle requires significant extra work for the person bicycling to pedal back up to a normal riding speed. Therefore, a typical person bicycling safely will use reasonable judgment when there is no oncoming or crossing traffic at an intersection, and often roll through stop signs on side streets to maintain their momentum. Penalizing this safe bicycling practice with unnecessary enforcement at stop signs is counterproductive to the larger goal of increasing bicycling, and discourages people bicycling from using side streets if they are required to come to a full stop every block. Transportation is in a period of flux as society moves away from motor vehicles and toward increased pedestrian, cyclist, and motor scooter traffic. Legalizing this safety stop for cyclists will make intersections much safer for cyclists, pedestrians, and motorists.”

AAA of Northern California and the Automobile Club of Southern California have taken an “oppose unless amended” position. Both argue that a sunset provision should be added and yearly data should be provided to evaluate the safety effects of the law. AAA has also questioned whether this bill should apply to electric bicycles, arguing that class 3 electric bicycles ability to reach 28 miles per hour should exclude them from this law.

Committee Comments: Changing the law to remove the requirement for cyclist to stop at stop signs recognizes the behavior of cyclists today. According to research conducted at DePaul University, where the University observed the behavior of nearly 900 cyclists in Chicago, only 4% of cyclists come to a full stop at four-way stops. The report also found that 65% of cyclists stop at traffic lights and then proceed through them, regardless of the light, if there is no cross traffic, and that 66% of cyclists yield at stop signs when cross traffic is present.

This bill, however, has several drafting errors. Instead of modeling the language after what is required for a vehicle at a yield sign, this bill models the vehicle code section for what a vehicle is supposed to do when stopped at an intersection with a stop sign where stop signs are not erected upon all approaching the intersection. The Committee suggests conforming the language to match what a vehicle currently has to do at a yield sign, which is the author’s intent behind this bill.

Also, the bill applies the requirement to yield for both electric bicycles and bicycles. Existing law already applies all of the rules of the road for bicycles to electric bicycles, and the Senate Transportation Committee Omnibus Bill SB 814 of the current legislative session further

clarifies that when the term “bicycle” is used, it also includes “electric bicycle.” Therefore, stating both electric bicycle and bicycle in this bill is unnecessary. The Committee suggests using only the word “bicycle” as all rules of the road that apply to bicycles also apply to electric bicycles and using both phrases in this code section may cause confusion. The Committee is not suggesting removing “electric bicycle” as AAA has requested in their letter. Regardless of how fast a bicycle is going, they will still be required to slow down as they approach an intersection with a stop sign in order to comply with the law, just as a cyclist without electric assist going 28 miles per hour would be required to do as well. Class one and class two electric bicycles are also incapable from going faster than 20 miles per hour with electric assist.

Further, while several states have implemented a version of the Idaho Stop, none of these states have a city the size of Los Angeles. Washington State’s largest city, Seattle, has a population smaller than that of San Francisco, the fourth largest city in California. It may be helpful to collect data to see if the safety benefits Delaware saw as a result of enacting this law would also apply to larger cities. However, requiring the CHP to report to the Legislature yearly as AAA suggests is unnecessary, in part because the data is available to the public on a yearly basis and the Committee has never had an issue requesting such data from CHP.

When Delaware passed their law authorizing the “Delaware Yield,” they placed a sunset clause on the provision so they can evaluate its safety benefits (the law sunsets this year).

The Committee suggests that California follow Delaware’s lead and place a sunset clause on this provision and require the CHP to conduct a study and provide the Legislature with the safety effects of the proposed change. A five year review should provide a holistic picture to the Legislature.

As follows, the Committee suggests striking the existing language in the bill and replace it with the following amendments:

SECTION 1. Section 22450 of the Vehicle Code is amended to read:

22450. (a) Except as otherwise provided in subdivisions (d) and (e), the driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

(b) The driver of a vehicle approaching a stop sign at a railroad grade crossing shall stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(c) Notwithstanding any other provision of law, a local authority may adopt rules and regulations by ordinance or resolution providing for the placement of a stop sign at any location on a highway under its jurisdiction where the stop sign would enhance traffic safety.

(d) A person riding a bicycle approaching a stop sign at the entrance to, or within, an intersection shall, upon arriving at the sign, yield the right-of-way to any vehicles that have entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until it is reasonably safe to proceed.

(e) A person riding a bicycle, having yielded as prescribed in subdivision (d), may enter the intersection. The driver of any other approaching vehicle shall yield the right-of-way to that bicycle while it is within the intersection.

(f) The Commissioner of the California Highway Patrol shall submit a report to the Legislature, on or before January 1, 2027, about the effects of bicycles operating under the provisions of subdivisions (d) and (e). The report shall include, without limitation, information about statewide injury and fatal traffic crash data and any associated traffic-related safety issues. The report shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

The original vehicle code section 22450 would be reinstated on January 1, 2028, unless the Legislature makes the changes this bill provides for permanent before then.

Previous Legislation:

AB 1103 (Olbermolte) of 2017 would have allowed a person operating a bicycle make a turn or proceed through an intersection without stopping if no vehicle or pedestrian is in the intersection or constitutes an immediate hazard to the cyclist while they are in the intersection. That bill died in the Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Active San Gabriel Valley
 Adventure Cycling Association
 Asian Pacific Islander Forward Movement
 Berkeley City Council
 Better World Group; the
 Bicycle Kitchen/la Bici-cocina
 Bike Bakersfield
 Bike Davis
 Bike East Bay
 Bike Santa Cruz County Education Fund
 Bike Slo County
 Bikesd
 Bikeventura
 California Association of Bicycling Organizations
 California Bicycle Coalition
 California Mountain Biking Coalition
 California Walks
 City Heights Community Development Corporation
 City of Sacramento
 Climate Action Campaign
 Climate Resolve
 Coalition for Clean Air
 Coalition for Sustainable Transportation
 Community Environmental Council
 Davis Bike Club

Day One

East Side Riders Bike Club
Fresno Cycling Club
Inland Empire Biking Alliance
Institute for Transportation & Development Policy
Investing in Place
Leadership Counsel for Justice and Accountability
League of American Bicyclists
Los Angeles County Bicycle Coalition
Los Angeles Walks
Marin County Bicycle Coalition
Merced Bicycle Coalition
Move LA
Napa County Bicycle Coalition (napa Bike)
Natural Resources Defense Council (NRDC)
Pasadena Complete Streets Coalition
People for Mobility Justice
People For Bikes
Planning and Conservation League
Policylink
Sacramento Area Bicycle Advocates
Sacramento Trailnet
Safe Routes Partnership
San Carlos Bikes
San Diego County Bicycle Coalition
San Francisco Bicycle Coalition
San Jose Bike Clinic
Santa Barbara Bicycle Coalition
Santa Monica Safe Streets Alliance
Santa Monica Spoke
Shasta Living Streets
Silicon Valley Bicycle Coalition
Sonoma County Bicycle Coalition
Southern Sierra Cyclists
Stockton Bicycle Club
Streets for All
Streets for Everyone
Streets for People Bay Area
Transform
Trust for Public Land
Vision Zero Network
Walk Bike Berkeley
Walk Bike Glendale
Walk Long Beach
Walk Sacramento

Oppose

California Association of Highway Patrolmen

Oppose Unless Amended

American Automobile Association of Northern California, Nevada & Utah
Automobile Club of Southern California

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