

Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1266 (Robert Rivas) – As Amended April 2, 2019

SUBJECT: Traffic control devices: bicycles

SUMMARY: Allows a bicycle to travel straight through an intersection, instead of making a right-hand turn, if there is a striped bicycle lane between the right-turn only lane and the travel lane, and requires Caltrans to develop standards for implementation. Specifically, **this bill:**

- 1) Allows a bicycle to travel straight through an intersection if there is a striped bike lane between the right-turn only lane and the adjacent through lane with appropriate pavement markings to ensure the bicycles may travel to the left of vehicles turning right.
- 2) Requires the California Department of Transportation (Caltrans) to develop standards for lane striping, pavement markings and appropriate regulatory signs to implement the bill.

EXISTING LAW:

- 1) Authorizes Caltrans or local authorities to erect official traffic control devices within or adjacent to intersections of highways under their respective jurisdictions to regulate or prohibit turning movements at those intersections.
- 2) Requires Caltrans to, after consulting with local agencies and holding public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices in the Manual on Uniform Traffic Control Devices (MUTCD).
- 3) Requires the erection of a sign giving notice, when a turn is required, of that requirement, except as specified.
- 4) Prohibits a driver of a vehicle from disobeying the directions of a traffic control device erected pursuant to that provision.
- 5) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles.
- 6) 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, except in specified circumstances.
- 7) Authorizes local jurisdictions to construct bikeways on roads other than state highways.
- 8) 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.
- 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.
- 10) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 11) Establishes a process for Caltrans to develop and approve, through a public process, highway and street signs and markings.

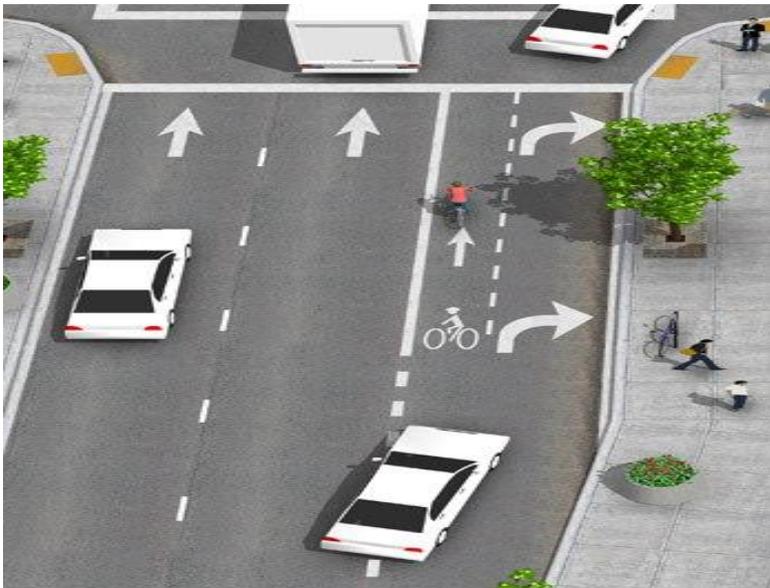
FISCAL EFFECT: Unknown

COMMENTS: As the state and regions continue to work toward the goal of reducing greenhouse gas (GHG) emissions, as well as cutting other forms of air pollution, increasing the mode shift from single occupant car trips to other forms of transportation, such as bicycling, is an important element for success. To that end, the Caltrans Strategic Management Plan includes a goal to increase non-auto modes, including tripling bicycle trips and doubling pedestrian and transit use by 2020. Additionally, the state is making investments in bicycling and pedestrian infrastructure, and safety education and training through the Active Transportation Program (ATP). Furthermore, the state and local jurisdictions are also putting local dollars into building “complete streets” with bikeways and pedestrian facilities. In fact, with the passage of SB 1 (Beall), Chapter 5, Statutes of 2017, funding for the ATP program nearly doubled, as did funding for local streets and roads and state highways, with complete street elements eligible for all funds. These types of investments will improve the safety of the roadways for drivers and bicyclists by clearly designating space on the road for use by cyclists, such as dedicated bike lanes.

As more people shift from their cars to bicycles as a form of transportation, safety is a paramount concern. The 2017 Caltrans Bicycle and Pedestrian plan notes that in recent years as road fatalities have decreased, bicycle and pedestrian fatalities have increased. Implementing a variety of strategies to increase safety must be pursued by the state and localities in a holistic approach, not just changing traffic laws. For example, the plan includes detailed strategies to support the recommendations from the California Strategic Highway Safety Plan (SHSP) for reducing bicyclists’ fatalities and injuries which focus on improving education and enforcement to promote safe multi-modal travel. Specifically, the plan includes recommendations for designing safer street crossings, adding bicycle content to driver’s testing, adopting elementary school and adult bicycle safety curriculum, updating police training material to include high-risk bicycling and driving behaviors, and supporting diversion programs for bicyclists ticketed for improper behavior.

One part of moving toward making our increasing multi-modal transportation network safer, including for pedestrians, bicycles, e-scooters, or other micro mobility options, is to review the state's traffic laws and standards and consider if any modifications should be made. Generally, unless otherwise indicated, all bicyclists must follow the same "rules of the road" as vehicles. Current law states that all vehicles, including bicyclists, must obey the right hand turn lane, even though the bike lane markings may direct cyclists to travel straight. This bill aims to clarify current law by allowing a bicyclist to move straight through an intersection when the striped bicycle lane is between the right-turn only lane and the travel lanes. According to the California Highway Patrol, since 2013, only seven bicyclists have been cited for a violation of this law. However, current law may cause confusion in the real world for vehicles, bicyclists and law enforcement.

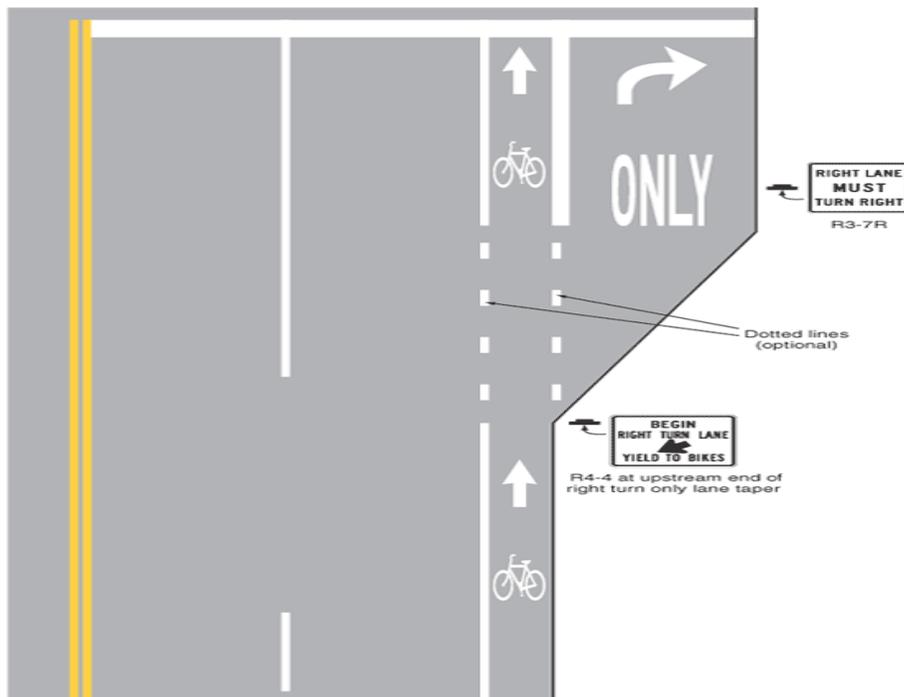
Specifically, when traveling in a bike lane, the approach to an intersection can sometimes be unsafe for cyclists where there is a dedicated right hand turn lane for vehicles and bicyclists are also traveling in the right hand travel lane. Some localities, as recommended by the National Association of City Transportation Officials (NACTO), may use a shared bicycle lane located on the left side of a right hand vehicle turn lane. NACTO is a national non-profit organization made up of 53 cities. NACTO has published several guidance documents as resources for urban planners that promote its vision for complete streets. According to NACTO, San Francisco is the locality in California currently using this standard. The shared lane is designed to maintain direction and space for cyclists where the bicycle lane would otherwise end prior to an intersection (see below):



However, the current standard followed by states and localities is required by the MUTCD, which is developed by the Federal Highway Administration (FHWA) and sets minimum standards and provides guidance to ensure uniformity of traffic control devices across the nation. The MUTCD is adopted by states, and states can add additional elements to meet the state's needs, which are then approved by FHWA. Specifically, any device that guides, warns, or regulates motorists on a public street or highway in California must conform to the standards developed by Caltrans based upon the MUTCD, published as the California Manual on Uniform Traffic Control Devices (CA MUTCD). Regarding the occurrence of a bicycle lane at a right

turn only lane, the MUTCD recommends the addition of a striped bicycle lane separated from the right-turn only lane, while maintaining the width of the right-turn only lane (see below):

Figure 9C-4. Example of Bicycle Lane Treatment at a Right Turn Only Lane



According to the author, “AB 1266 promotes bike safety by allowing cyclists, when indicated, to proceed straight through a turn lane when the bike lane is embedded in that right turn lane. This legislation will clarify that governing agencies can install shared lane markings within a turn lane in order to promote safety and transparency for both cyclists and motorists on the road.”

Writing in support, the sponsors the California Bicycle Coalition, state, “the problem is that design guidance for these features are not included in the state’s official Highway Design Manual. Without guidance for these markings, a city traffic engineer must consult an entirely different design manual in order to develop such markings, or choose to develop such markings in noncompliance with proper procedures for developing such designs. Similarly, without such features, the bicycle rider is faced with the choice of complying with the law by occupying the through lane, delaying traffic and incurring the enmity of drivers who can plainly see an empty right-turn lane to the right, or disobeying the law and being courteous by using the left portion of the right-turn lane.”

This bill additionally requires Caltrans to develop standards for lane striping, pavements markings, and appropriate regulatory signs to implement the new change. The California Traffic Control Devices Committee (CTCDC) is an advisory body to Caltrans and is made up of representatives of local government, automobile users, law enforcement, and active transportation. CTCDC helps develop the CA MUTCD, to provide for uniform standards for all official traffic control devices to be used on California streets and highways. The CTCDC would review the change encompassed in this bill, and recommend any updates needed to the CA MUTCD to implement it. FHWA is a participant in the CTCDC and would be able to voice possible concerns with any proposed change in design and markings.

Committee Comments: There continues to be debates regarding the guidelines developed by NACTO and the standards included in the MUTCD used by Caltrans, especially regarding bicycle facilities. As noted, as the state prioritizes active transportation many of these standards will need to be reviewed. However, adoption of standards in the CA MUTCD that are not consistent with federal requirements could potentially put some federal funding in jeopardy. This bill requires the CTCDC to develop standards for allowing the bicycle to travel safely through an intersection when a bicycle lane is placed between the right-turn only lane and the travel lane. As noted, there are options to implement this provision, which will be thoroughly debated by the CTCDC.

Related legislation: AB 697 (Ting), recasts provisions requiring a person operating a bicycle ride as close as practicable to the right-hand curb or edge of the roadway. This bill was amended to relate to higher education.

Previous legislation: SB 760 (Wiener) of 2018, would have allowed Caltrans and local agencies to consider additional street design guides such as the NACTO *Urban Street Design Guide*. SB 760 was approved by the Senate in this form, but was then gut and amended into a different bill which was not heard in this committee at the request of the author.

AB 694 (Ting) of 2017, would have recast provisions requiring a person operating a bicycle ride as close as practicable to the right-hand curb or edge of the roadway. This was not heard in this committee at the request of the author.

AB 2509 (Ting) of 2016, would have expanded 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. This bill died in Senate Transportation and Housing Committee.

AB 1193 (Ting), Chapter 495, Statutes of 2014, requires the Caltrans to develop minimum safety design criteria for cycle tracks and authorizes local governments to deviate from Caltrans' design criteria for bikeways under specified conditions.

REGISTERED SUPPORT / OPPOSITION:

Support

California Bicycle Coalition (sponsor)

Opposition

None on file

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