

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 122 (Boerner Horvath) – As Introduced December 18, 2020

Policy Committee: Transportation Vote: 10 - 4

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill authorizes a person on a bicycle who approaches a stop sign to, instead of coming to a complete stop, yield the right-of-way to any other vehicle in or approaching the intersection, and requires a vehicle that approaches the intersection subsequent to the bicyclist having entered the intersection to yield to the bicyclist. The bill also requires the California Highway Patrol (CHP) to submit a report to the Legislature, by January 1, 2027, on the effects of changes made by the bill, including injuries, death and safety. Finally, the bill remains in effect only through January 1, 2028.

FISCAL EFFECT:

Minor, absorbable costs for CHP to collect data and prepare a report to the Legislature.

COMMENTS:

- 1) **Background.** Existing California law requires any vehicle, including a bicycle, that approaches an intersection with a stop sign to make a complete stop before entering the intersection. This may be the law, but it seems seldom to be the practice, as many, if not most, bicycle riders slow when approaching a stop sign, but proceed through the intersection when no other vehicle is present. This practice is so common that many states have codified it, in one way or another, perhaps most notably the state of Idaho, which, since 1982, has allowed the rider of a bicycle who approaches a stop sign to treat the sign as a yield sign, and to treat a traffic signal as a stop sign when no other traffic is present and as a yield sign when making a right turn.

More recently, other states have followed Idaho's suit, more or less. For example, Delaware, in 2017, changed its laws to allow a bicyclist travelling on a one-lane or two-lane road to treat a stop sign as a yield sign. Now, the states of Arkansas, Oregon and Washington have road rules similar, with some variation, to the "Idaho stop" or the "Delaware yield."

This bill is more Delaware than Idaho. It allows a bicyclist to treat a stop sign as a yield sign, but makes no special provisions for a bicycle approaching a traffic signal.

Cycling involves danger. As noted in the policy committee analysis of this bill, traffic collisions killed 455 cyclist in California between 2016 and 2018. Yet, again as reported in the policy analysis, between 2015 and 2020, only 25 cyclists have died as a result of failing to stop at a stop sign and, according to the California Highway Patrol, the cyclist was at fault

in 22 of those cases. Since common cycling practice is to—illegally—treat stop signs as yield signs, it seems, in general, it is possible for a cyclist to pass through an intersection with a stop sign safely without coming to a stop every time. Indeed, an evaluation of the Delaware yield, by Bike Delaware, showed a decrease in cyclist injury-accidents following implementation of the Delaware yield.

Nonetheless, the bill is opposed by the California Association of Highway Patrolmen, who worry the bill will put public safety at risk. And California is a much larger state, with many more large congested cities than any of the state's that have implemented similar laws. This bill, should it become law, will provide the Legislature, in several years' time, the data to evaluate the safety of the Delaware yield as practiced in California.

- 2) **Purpose.** This bill is intended to make cycling safer. The author contends cycling safety has improved in the states that have enacted similar laws. Similarly, the California Bicycle Coalition, which sponsors the bill, asserts:

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.

- 3) **Related Legislation.** AB 1103 (Olberholte), of the 2017-18 Legislative Session, would have allowed a person operating a bicycle to 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 vehicle or pedestrian is in the intersection. The bill died in the Assembly Transportation Committee.

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