

GOVERNOR'S VETO
AB 122 (Boerner Horvath, et al.)
As Enrolled September 3, 2021
2/3 vote

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, until January 1, 2028.

- 1) Add details for what is required in the California Highway Patrol (CHP) report to the Legislature on January 1, 2027, on the safety effects of this bill.
- 2) Provide that the changes made by this bill shall not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.
- 3) Make technical, clarifying changes.

Governor's Veto Message

This bill would allow a person riding a bicycle to proceed through a stop sign as if it were a yield sign until January 1, 2028.

While I share the author's intent to increase bicyclist safety, I am concerned this bill will have the opposite effect. The approach in AB 122 may be especially concerning for children, who may not know how to judge vehicle speeds or exercise the necessary caution to yield to traffic when appropriate.

Fatalities and serious injuries have been on the rise on the state's roads since 2010. The Statewide Integrated Traffic Records System shows that, since 2015, there were 3,059 crashes involving bicycles at an intersection in which the primary collision factor was failure to stop at a stop sign. The data indicates bicyclists were determined to be at fault for 88 percent of the collisions resulting in fatalities and 63 percent of those involving injuries.

I fully support safe and equitable access to the state's transportation network for bicyclists. The California Climate Action Plan for Transportation Infrastructure describes how the state will invest in the transportation network to create safe and accessible bicycle and pedestrian infrastructure. The Department of Transportation (Caltrans) and the California State Transportation Agency are increasing active transportation investments and will release design guidance on traffic calming measures this year to encourage more walking and biking through a safe systems approach. For these reasons, I am returning this bill.

COMMENTS

Cycling is on the rise in California. According to the California Transportation Plan 2050 (CTP 2050), a publication from 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 cyclists killed every year in California. Between 2015 and 2020, 25 cyclists have died as a result of failing to stop at a stop sign. 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 issued in 2015 to 191 issued in 2019 and 51 in 2020. In comparison, CHP issued 14,461 tickets for all vehicle types failing to stop at a 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. Since this bill was heard in the Assembly, the Oklahoma, Utah and North Dakota have also passed a version of the Idaho Stop or Delaware Yield as law.

This bill is not the Idaho stop, and is similar to the law passed in Delaware and Washington, which requires bicyclists 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 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, zero 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 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.

Arguments in Support

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."

Arguments in Opposition

According to the California Association of Highway Patrolmen, "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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, minor, absorbable costs for CHP to collect data and prepare a report to the Legislature.

VOTES

ASM TRANSPORTATION: 10-4-1

YES: Friedman, Berman, Daly, Kalra, Lee, Medina, Nazarian, O'Donnell, Ward, Wicks

NO: Fong, Mathis, Davies, Nguyen

ABS, ABST OR NV: Gipson

ASM APPROPRIATIONS: 12-3-1

YES: Lorena Gonzalez, Bonta, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, McCarty, Reyes

NO: Megan Dahle, Davies, Fong

ABS, ABST OR NV: Bigelow

ASSEMBLY FLOOR: 53-11-15

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chiu, Cooley, Cunningham, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Lorena Gonzalez, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, O'Donnell, Petrie-Norris, Quirk, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Stone, Ting, Valladares, Villapudua, Ward, Akilah Weber, Wicks, Wood, Rendon

NO: Chen, Choi, Megan Dahle, Davies, Fong, Lackey, Nguyen, Patterson, Seyarto, Smith, Voepel

ABS, ABST OR NV: Bigelow, Chau, Cooper, Flora, Frazier, Gallagher, Gipson, Gray, Holden, Muratsuchi, Quirk-Silva, Ramos, Reyes, Salas, Waldron

SENATE FLOOR: 31-5-4

YES: Allen, Archuleta, Atkins, Becker, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

NO: Borgeas, Dahle, Melendez, Nielsen, Ochoa Bogh

ABS, ABST OR NV: Bates, Caballero, Jones, Stern

ASSEMBLY FLOOR: 49-19-11

YES: Aguiar-Curry, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chiu, Cunningham, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lee, Levine, Low, Maienschein, Mayes, McCarty, Medina, Mullin, Nazarian, Petrie-Norris, Quirk, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Santiago, Stone, Ting, Ward, Akilah Weber, Wicks, Wood, Rendon

NO: Bigelow, Chen, Choi, Cooley, Megan Dahle, Davies, Flora, Fong, Frazier, Gallagher, Lackey, Mathis, O'Donnell, Patterson, Salas, Seyarto, Smith, Voepel, Waldron

ABS, ABST OR NV: Arambula, Chau, Cooper, Gipson, Muratsuchi, Nguyen, Ramos, Rodriguez, Blanca Rubio, Valladares, Villapudua

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