

---

THIRD READING

---

Bill No: AB 122  
Author: Boerner Horvath (D), Friedman (D) and Ting (D), et al.  
Amended: 7/8/21 in Senate  
Vote: 21

---

SENATE TRANSPORTATION COMMITTEE: 14-2, 6/29/21  
AYES: Gonzalez, Allen, Archuleta, Becker, Cortese, Dodd, McGuire, Min,  
Newman, Rubio, Skinner, Umberg, Wieckowski, Wilk  
NOES: Dahle, Melendez  
NO VOTE RECORDED: Bates

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 53-11, 4/22/21 - See last page for vote

---

**SUBJECT:** Vehicles: required stops: bicycles

**SOURCE:** California Bicycle Coalition

---

**DIGEST:** This bill permits a person riding a bicycle approaching a stop sign to yield the right-of-way, rather than stopping, to any vehicles that have stopped at the intersection, entered the intersection, or are approaching the intersection, and continue to yield the right-of-way until it is reasonably safe to proceed. Additionally, a person riding a bicycle must also yield to pedestrians crossing the roadway.

**ANALYSIS:**

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 and all pedestrians to obey all official signs and signals, as defined.

- 3) Requires the driver of a vehicle to stop at the marked limit line for a red light or a stop sign.
- 4) Requires the driver of a vehicle approaching an intersection to yield the right-of-way to any vehicle that has entered the intersection from a different highway.
- 5) Requires the driver of a vehicle on the left to yield the right-of-way to the vehicle on their immediate right, when two vehicles enter an intersection from different highways at the same time, or if the intersection is controlled from all directions by stop signs.
- 6) Requires the driver of a vehicle approaching a stop sign at an intersection to stop, as required, and then yield the right-of-way to any vehicles that have approached from another highway, or area approaching so closely as to constitute an immediate hazard, and must continue to yield until they can proceed with reasonable safety.
- 7) 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.
- 8) Requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

This bill:

- 1) Permits a person riding a bicycle approaching a stop sign at the entrance to, or within, an intersection, upon arriving at the sign, to yield the right-of-way, rather than stopping, to any vehicles that have stopped at the entrance to the intersection, have entered the intersection, or are approaching the intersection on the intersecting highway close enough to constitute an immediate hazard. A person riding a bike must also yield to pedestrians, and continue to yield the right-of-way to those vehicles and pedestrians until it is reasonably safe to proceed.
- 2) Requires the driver of a vehicle approaching an intersection to yield the right-of-way to a bicycle that has entered the intersection, after yielding pursuant to this bill, from a different highway.
- 3) Requires the Commissioner of the California Highway Patrol (CHP) to submit report to the Legislature, on or before January 1, 2027, about the effects of

bicycles operating under the provisions of this bill. Requires the report to include information about statewide injury and fatal crash data and any associated traffic-related safety issues, including but not limited to, a detail analysis of: changes in the frequency of collisions; changes in the severity of collisions; causes of and contributing factors in collisions; location of collisions, including an analysis of collision data; time of day of collisions; ages of bicyclists involved, including a breakdown of minors versus adults; and types of bicycles involved in collisions, specifically differences between traditional bicycles and electric bicycles.

- 4) Declares that the provisions of this bill do 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.
- 5) Requires the provisions of this bill to sunset on January 1, 2028.

## **Background**

- 1) *Bicycling in California.* Bicycling is on the rise in California. According to the California Transportation Plan 2050 (CTP 2050), a long range transportation plan developed by the 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."

Looking back, pre-COVID, at official travel data included in the CTP 2050, "in 2015, Californians took more than 13 million trips by biking or walking, making up nearly eight percent of total travel. Commuting by active modes has been slowly increasing since 2006, with about four percent of commuters now biking or walking to work. The rapid expansion of bike sharing programs starting in 2010 has contributed to the increase by providing residents with flexible, low-cost access to biking. E-bikes, which require less effort than a traditional bicycle and provide more range, are also contributing to growth. U.S. e-bike sales grew by 90 percent in the first quarter of 2019 compared to the previous year."

Looking to the future, the CTP 2050 estimates that bicycle and pedestrian travel could increase by 45% by 2050. The Plan 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.”

- 2) *State policies support more active transportation.* The state and regions continue to work toward reducing greenhouse gas emissions and other forms of air pollution by increasing the mode shift from single occupant car trips to other forms of transportation, such as bicycling and walking. The state is making significant investments in bicycling and pedestrian infrastructure through the Active Transportation Program (ATP). Furthermore, state and local jurisdictions are putting local dollars into building “complete streets” with bikeways and pedestrian facilities.

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. The 2021-22 state budget recently passed by the Legislature included \$500 million in additional funding for the ATP program, recognizing that program is greatly oversubscribed. In fact, ATP has a nearly \$2 billion backlog of projects, with just 11% of applications funded in the latest cycle.

Additionally, in June 2020, Caltrans adopted an Action Plan to increase biking and walking, stating, “expanding these transportation opportunities reduces dependence on driving, promotes safety and emphasizes social equity by reconnecting communities that have been divided by freeways and high-speed roads.” Specifically, as part of the recently adopted 2020 State Highway Operation and Protection Program (SHOPP), the department committed significant funding to integrating bicycle and pedestrian improvements into the State Highway System. More than 40% of the nearly 900 SHOPP projects include complete street investments, with an additional \$100 million in funds explicitly allocated to expand bicycle and pedestrian access.

- 3) *Sharing the road.* As more people shift from their cars to bicycles as a form of transportation, safety is a paramount concern. Traffic laws set forth predictable “rules” that vehicles and bicyclists use to provide orderly movement of traffic and safe interactions with others. According to the data released in 2020 by the National Highway Traffic Safety Administration (NHTSA), traffic collisions killed 455 cyclists in California between 2016 and 2018, the highest rate in any

three-year period since the mid-1990s. They also found that nearly 30% of cyclist fatalities occur at intersections.

According to the CHP, between 2015 and 2020, there were 3,059 crashes involving bicyclists at an intersection, in which the primary collision factor was failure to stop at a stop sign. Those crashes resulted in 25 fatalities. It was determined that for 22 of the 25 fatal crashes the bicyclist was at fault.

Additionally, 2,744 bicyclists 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.

When it comes to enforcement, 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 to motorists for failing to stop at a stop sign in 2020. Unlike crash and injury data, the citation data is not all-inclusive, as the CHP does not collect citation data from local law enforcement agencies.

- 4) *What is an Idaho stop?* The original so-called “Idaho stop” law was approved as part of a comprehensive revision of traffic code in 1982 by the State of Idaho, in response to concerns over clogging the court system with minor traffic offences, such as a cyclist failing to stop at stop signs. The original Idaho stop law allowed bicyclists to treat stop signs and traffic signals as yield signs. In 2005, the law was amended to restrict that signals be treated as stop signs, except that right turns on red remain as yield.

Since that time, other states have passed similar laws, with the most comprehensive being the state of Delaware. In 2017, Delaware passed what is now being referred 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 is set to sunset later this year. 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. Since then, Oregon, Washington, Utah, and North Dakota have passed variations of the “Delaware yield.”

## Comments

- 1) *Purpose.* According to the author, “we must do a better job in improving bicyclist 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 bicyclists are allowed to yield at stop signs, they choose safer streets and will spend less time in dangerous intersections. Bicyclists in other states are safer as a result and it is now our time implement these policies. All roads must be safe for all road users.”

- 2) *Is the Idaho Stop/Delaware Yield safer?* AB 122 creates a statewide five-year pilot program for the use of a Delaware yield on all roads in California by permitting a bicyclist to treat a stop sign as a yield. Specifically, this bill requires the bicyclist to yield the right-of-way to any vehicles that are stopped at an intersection, have entered the intersection, or are approaching the intersection on the intersecting highway close enough to constitute an immediate hazard. Additionally, bicyclists will also be required to yield for pedestrians at the intersection and will only be allowed to continue through the intersection when it is reasonably safe to proceed. The pilot will sunset on January 1, 2028.

It is unclear whether the Idaho stop/Delaware yield is safer for bicyclists and motorists. Lack of hard data has been an issue raised by both sides of this debate. Since the passage of the Delaware law in 2017, 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 law’s passage. 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.

As previous noted, in California, the CHP found that between 2015 and 2020, 25 cyclists have died as a result of failing to stop at a stop sign, with the cyclist at fault in 22 of the 25 cases, with citations issued for the practice extremely low. However, this data may not reflect what is happening in localities around California. It is difficult to draw a direct cause and effect between the data we have and whether the change in AB 122 would be safer or more hazardous to cyclists, pedestrians, and drivers. As noted by the Auto Club of Southern California (AAA), “today, existing data only tells us intersections are dangerous locations for all vehicle types including bicycles. In California, we simply do not have a complete picture about safety regarding bicyclists who fail to stop at intersections.”

To collect the necessary data to properly evaluate the safety of the change, this bill requires CHP to submit a report to the Legislature by January 2027 that details the statewide injury and fatal traffic crash data and other related traffic safety issues. The report will break down frequency and severity of collisions, including cases, locations, time of day, age of the bicyclist, and types of bicycles.

- 3) *Concerns.* According to the CHP, in a letter of concerns, “although the CHP has not taken a formal position on this bill, our mission makes it incumbent to highlight potential safety issues and foreseeable impacts of this bill.” Further, “permitting bicycles to stop-as-yield would put a high level of reliance on each bicyclist’s judgement, as well as perception and reaction time, to make a safe determination of right-of-way. However, differences in age, skill, and riding experience would create a safety risk that could increase crashes, injuries, and fatalities.”

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:** (Verified 8/16/21)

California Bicycle Coalition (source)  
 Active San Gabriel Valley  
 Adventure Cycling Association  
 Asian Pacific Islander Forward Movement  
 Better World Group  
 Bicycle Kitchen/La Biccocina  
 Bike Bakersfield  
 Bike East Bay  
 Bike Lodi  
 Bike Santa Cruz County Education Fund  
 Bike SLO County  
 Bike Ventura  
 BikeSD  
 Breathe California  
 California Association of Bicycling Organizations  
 California Mountain Biking Coalition  
 California Walks  
 City Council Member, City of Gilroy  
 City Heights Community Development Corporation  
 City of Berkeley  
 City of Emeryville

City of Encinitas  
City of Los Angeles  
City of Sacramento  
City of Woodland  
Climate Action Campaign  
Climate Resolve  
Coalition for Clean Air  
Coalition for Sustainable Transportation  
Community Environmental Council  
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 & Accountability  
League of American Bicyclists  
Local Government Commission  
Los Angeles County Bicycle Coalition  
Los Angeles Walks  
Los Feliz Neighborhood Council  
Marin County Bicycle Coalition  
Merced Bicycle Coalition  
Move LA  
Napa County Bicycle Coalition  
Natural Resources Defense Council  
Pasadena Complete Streets Coalition  
People for Mobility Justice  
Peopleforbikes  
Planning and Conservation League  
Policylink  
Prevention Institute  
Public Health Advocates  
Sacramento Air Quality Management District  
Sacramento Area Bicycle Advocates  
Sacramento Bike Hikers  
Sacramento Trailnet  
Safe Routes Partnership  
San Carlos Bikes  
San Diego Climate Action Campaign

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  
Streets are For Everyone  
Streets for All  
Streets for People Bay Area  
Supervisor Warren Slocum  
Transform  
Trust for Public Land  
Vision Zero Network  
Walk Bike Berkeley  
Walk Bike Glendale  
Walk Long Beach  
Walk Sacramento  
Yolo-Solano Air Quality Management District

**OPPOSITION:** (Verified 8/16/21)

Advocates for Highway and Auto Safety  
California Association of Highway Patrolmen  
California Coalition for Children's Safety and Health  
California Police Chiefs Association  
City of Torrance  
Del Norte Local Transportation Commission  
Impact Teen Drivers  
Valley Children's Healthcare

**ARGUMENTS IN SUPPORT:** According to coalition of bicycle, pedestrians, environmental, and equity advocates, “as bicycling continues to grow as everyday transportation for Californians, the main barrier people face is traffic danger on the road.” Further, “the Safety Stop does not change the normal rules of yielding at an intersection. People on bikes will still be required to yield to pedestrians and to other traffic in the intersection or approaching the intersection with the right-of-way. It simply legalizes common practice, which is to slow down as they approach

an intersection, check for traffic, proceed if it is safe, and stop if it is not. In fact, drivers of vehicles often deliberately encourage people on bikes to continue past a stop sign without stopping. People on bikes are often prepared to stop, but the driver waves them through inappropriately. While polite, this leads to confusion that can be dangerous. It is better to change and clarify the law to reflect practice so that everyone knows what to expect for safety purposes.

“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.”

**ARGUMENTS IN OPPOSITION:** Writing in opposition, the California Association of Highway Patrolmen, state, “current law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction. AB 122 would remove that requirement and instead only require the bicycles to yield to oncoming traffic. 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. In addition, the bill includes a sunset date of 2028 and is not limited to certain cities; it is statewide. At the very least, we believe the sunset date should be shorter and that the bill should be limited to a few localities rather than statewide.”

According to the California Coalition for Children’s Safety and Health, “AB 122 redefines Stop signs as yield signs for all ages of bicycle riders and will make California’s roads less safe. This traffic safety change is inherently dangerous to all bicycle riders, but especially dangerous for California’s millions of bicycle riding children, and those who have never driven a car and do not know how to judge vehicle speed, distance to stop, nor having an understanding what distracted driving means.” Further, “it takes a car two to three seconds to travel a quarter of a city block going 35 miles an hour – around 196 feet. It takes a bicycle club group of riders that slows a bit but continues riding and does not stop at a Stop sign 4-6 seconds to enter and clear an intersection. It takes a child 5-10 seconds or longer to peddle across an intersection. Stop sign protected intersections create traffic safety and predictability for all vehicles, motorcycle riders, pedestrians, and bicycle riders. Most crashes happen at intersections. AB 122 removes predictability from

intersections putting everyone at risk. If AB 122 passes and allows children and adults riding bicycles to go through Stop signs without stopping, everyone on the road will be at greater risk.”

ASSEMBLY FLOOR: 53-11, 4/22/21

AYES: 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

NOES: Chen, Choi, Megan Dahle, Davies, Fong, Lackey, Nguyen, Patterson, Seyarto, Smith, Voepel

NO VOTE RECORDED: Bigelow, Chau, Cooper, Flora, Frazier, Gallagher, Gipson, Gray, Holden, Muratsuchi, Quirk-Silva, Ramos, Reyes, Salas, Waldron

Prepared by: Melissa White / TRANS. / (916) 651-4121  
8/18/21 14:31:27

\*\*\*\* END \*\*\*\*