

constitute an immediate hazard, and must continue to yield until they can proceed with reasonable safety.

- 8) 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.
- 9) 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.

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 entered the intersection, or are approaching the intersection on the intersecting highway close enough to constitute an immediate hazard, and continue to yield the right-of-way to those vehicles 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, 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 the 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:
 - a) Changes in the frequency of collisions;
 - b) Changes in the severity of collisions;
 - c) Causes of and contributing factors in collisions;
 - d) Location of collisions, including an analysis of collision data;
 - e) Time of day of collisions;

- f) Ages of bicyclists involved, including a breakdown of minors versus adults; and
 - g) Types of bicycles involved in collisions, specifically differences between traditional bicycles and electric bicycles.
- 4) Requires the provisions of the 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. Oregon became the third state to adopt the Idaho stop the same year. Since then, 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 would create 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, the bill requires the bicyclist to yield the right-of-way to any vehicles that have entered the intersection, or are approaching the intersection on the intersecting highway close enough to constitute an immediate hazard. Additionally, bicyclists would only be allowed to continue through the intersection when it is reasonably safe to proceed. The pilot would sunset on January 1, 2028.
- 3) 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.
- 4) As previous noted, 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."
- 5) To collect the necessary data to properly evaluate the safety of the change, the 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.
- 6) *Technical amendments.* To clarify that a bicycle must yield to a vehicle stopped at an intersection and yield to pedestrians in an intersection, the author will accept the following technical amendments:

- 7) On page 5, line 27 of the bill, revise Section 22450 (d) so it reads as follows:
- 8) 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 stopped at the entrance to the intersection**, have entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, **and to pedestrians as required by section 21950**, and shall continue to yield the right-of-way to those vehicles **and pedestrians** until it is reasonably safe to proceed.
- 9) *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.”
- 10) *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.
- 11) 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.”

- 12) *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.”
- 13) 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.”

RELATED LEGISLATION:

AB 1103 (Olberholte, 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. An amended version on the bill would have established a pilot program in at least three cities to allow a person operating a bicycle and approaching a stop sign to make a turn or proceed through an intersection without stopping. AB 1103 was heard twice but died in the Assembly Transportation Committee.

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

POSITIONS: (Communicated to the committee before noon on Wednesday,
June 23, 2021.)

SUPPORT:

California Bicycle Coalition (sponsor)
Active San Gabriel Valley
Adventure Cycling Association
Asian Pacific Islander Forward Movement
Berkeley; City of
Better World Group; the
Bicycle Kitchen/la Bici-cocina
Bike Bakersfield
Bike East Bay
Bike Lodi
Bike Santa Cruz County Education Fund
Bike SLO County
Bikesd
Bike Ventura
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 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 (Napa Bike)
Natural Resources Defense Council (NRDC)
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 (SAFE)
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:

Advocates for Highway and Auto Safety
California Association of Highway Patrolmen
California Coalition for Children's Safety and Health
California Police Chiefs Association
Del Norte Local Transportation Commission
Impact Teen Drivers
Peace Officers Research Association of California (PORAC)
Valley Children's Healthcare

OTHER:

Department of the California Highway Patrol (Concerns)

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

| | | | |
|--------------------|---------------|----------------------|---------------|
| Bill No: | AB 604 | Hearing Date: | June 29, 2021 |
| Author: | Daly | | |
| Version: | 2/11/2021 | | |
| Urgency: | No | Fiscal: | Yes |
| Consultant: | Melissa White | | |

SUBJECT: Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest

DIGEST: This bill continuously appropriates interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account (RMRA) to the California Department of Transportation (Caltrans) for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program (SHOPP).

ANALYSIS:

Existing law:

- 1) Levies a variety of taxes and fees on gasoline, diesel fuel, and motor vehicles including, but not limited to, a per gallon gasoline excise tax, an excise and sales tax on diesel fuel, an annual vehicle registration fee, an annual fee based on the market value of the vehicle, and an annual fee for zero-emission vehicles.
- 2) Directs the revenue generated from these transportation taxes and fees to different accounts to be used for various transportation programs.
- 3) Creates the RMRA and directs that funds deposited into the account be spent on basic road maintenance and rehabilitation, critical safety projects, and several other transportation programs.
- 4) Does not explicitly assign interest earnings in state transportation accounts to specific programs.

This bill:

- 1) Requires any interest earned on revenues in the RMRA be deposited in the RMRA.
- 2) Restricts the RMRA interest from being allocated for administrative costs and various transportation programs, and requires the interest earnings be continuously appropriated to Caltrans for maintenance of the state highway system of for purposes of the SHOPP.
- 3) Adds the RMRA interest amounts to the list of expenditures Caltrans must report annually to the California Transportation Commission (CTC).

COMMENTS:

- 1) *Purpose.* According to the author, “SB 1 is clear on how revenues deposited into the RMRA will be distributed. However, it does not explicitly account for the funds generated through interest earnings. This bill clarifies existing law on the use of these interest earnings to ensure that state transportation funds remain dedicated for their intended purpose – safe and reliable roadways.”
- 2) *Road Repair and Accountability Act of 2017 (SB 1).* In 2017, the Legislature passed and Governor Brown signed into law SB 1 (Beall, Chapter 5, Statutes of 2017), known as the Road Repair and Accountability Act, which provides approximately \$5 billion per year for roads, transit, and active transportation programs. SB 1 increased resources to help address some of the state’s transportation needs and put in place increased accountability and oversight measures for transportation funding. Specifically, SB 1 increased various fuel taxes and vehicle fees to generate this funding, including a 12-cent per gallon increase in the gasoline excise tax, a 20-cent per gallon increase in the diesel fuel excise tax and an increase in the sales tax on diesel fuels by an additional 4% increment. SB 1 also created a transportation improvement fee (TIF), a registration fee charged to a vehicle owner based on the market value of the vehicle; and an annual \$100 vehicle registration fee on zero-emission vehicles model year 2020 and later.

These revenues are deposited into various accounts for allocation to specific programs and uses. In addition to existing accounts, SB 1 created the RMRA, which receives about \$3 billion annually in SB 1-generated revenues, including the gasoline excise tax, part of the diesel excise tax, part of the TIF, and the zero-emission vehicle fee. These revenues are deposited over the course of a fiscal year as they are collected. Funds in the RMRA are required to be spent

on basic road maintenance and rehabilitation, critical safety projects, and several other transportation programs.

Specifically, SB 1 dedicates the revenues deposited into the RMRA for a number of program in fixed amounts annually: \$200 million for the Local Partnership Program to support self-help counties; \$100 million for the Active Transportation Program for bicycle and pedestrian infrastructure; \$400 million for state bridge and culvert maintenance and rehabilitation; \$25 million for freeway service patrols; \$5 million for workforce development programs (until 2021–22), \$25 million for regional and local planning grants; and \$7 million for transportation-related research. The remaining revenues are divided equally between the SHOPP and the Local Streets and Roads Program.

- 3) *Where does the interest go and where should it go?* The RMRA regularly carries a cash balance to ensure the availability of funds, similar to the General Fund and other special funds. The state deposits this balance in the interest-earning Pooled Money Investment Account (PMIA). The RMRA then receives associated interest earnings. For 2020–2021, these interest earnings are estimated to be \$30 million. RMRA revenue for local streets and roads programs is dispersed on a monthly basis and does not contribute toward state interest earnings because interest on these funds is earned in local investment accounts.

While SB 1 did dedicate revenue in the RMRA to fund specific programs, SB 1 did not dedicate interest earnings in the RMRA to specific purposes, therefore, the interest earnings accrue in the RMRA. To clarify the use of interest earnings on RMRA revenues, the California Transportation Commission (CTC) recommended in its 2019 and 2020 Annual Reports to the Legislature that the Legislature make statutory changes to assign RMRA interest earnings to the SHOPP. According to the CTC, “this recommendation is consistent with SB 1’s legislative intent for the SHOPP to receive the balance of funds remaining in the RMRA after the fixed distributions specified in statute.”

Citing the importance of protecting the investments made in the state highway system, Governor Newsom included a proposal in the May Revision to the 2021-2022 State Budget to appropriate accrued and future interest, through 2027-28, from the RMRA to accelerate SHOPP projects. The State Budget recently adopted by the Legislature, AB 128 (Ting), incorporates this proposal by appropriating roughly \$73 million in accrued interest in the RMRA to the SHOPP for the budget year.

AB 604 would ensure that this fiscal policy continues in future years by continuously appropriating interest earnings derived from revenues deposited in RMRA to Caltrans for the SHOPP. Writing in support of the bill, the Auto Club of Southern California and AAA Northern California, Nevada, and Utah note, “state voters have repeatedly sent messages they want gas tax revenues to be prioritized for core improvements to road conditions and safety. As millions of Californians grapple with lost wages, AB 604 will ensure them RRMA funds (including interest earnings) will be reserved to protect all road users from unexpected household costs caused by poor infrastructure.”

RELATED LEGISLATION:

AB 2310 (Daly, 2020) -- Would have continuously appropriated interest earnings derived from revenues deposited in the RMRA to Caltrans for maintenance of the state highway system or for purposes of the SHOPP. The provisions of this bill were moved into AB 2285 (Committee on Transportation), Chapter 11, Statutes of 2020, but the provisions were later amended out in the Senate Appropriations Committee.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 23, 2021.)

SUPPORT:

Transportation California (sponsor)
American Automobile Association of Northern California, Nevada & Utah
American Council of Engineering Companies of California
Associated General Contractors of California
Auto Club of Southern California (AAA)
California Asphalt Pavement Association
California Construction & Industrial Materials Association
International Union of Operating Engineers, Cal-Nevada Conference
Northern California Carpenters Regional Council
Southern California Contractors Association
United Contractors (UCON)
Vulcan Materials Company

OPPOSITION:

None received.

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a public works project subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, and shall be enforced by the Department of Industrial Relations in the same way it carries out this responsibility under the Labor Code.

- 5) Requires these contracts to be let to the lowest responsible bidder, as specified, or to a contractor chosen by a competitive bidding process that employs objective selection criteria that may include, but are not limited to, the proposed design approach, features, functions, life-cycle costs, and other criteria deemed appropriate by the authority, in addition to price.
- 6) Provides specified requirements for these contracts regarding noticing bids, bidding procedures, bid securities and subcontracting.

This bill:

- 1) Eliminates a provision that requires LA Metro to make a finding, by a two-thirds vote of its members, that awarding specified contracts will achieve for LA Metro certain private sector efficiencies in the integration of design, project work, and components. The specified contracts are those with private entities that combine within a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management, acquisition, leasing, installation, and warranty of all or components of transit systems, including, without limitation, passenger loading or intermodal station facilities; and facilities on real property owned or to be owned by the authority.
- 2) Retains the required finding for the contracts specified above that also include operation and maintenance elements, if the inclusion of those elements is necessary, in the reasonable judgment of the authority, to assess vendor representations and warranties, performance guarantees, or life-cycle efficiencies; and does not conflict with collective bargaining agreements to which LA Metro is a party.

COMMENTS:

- 1) *Purpose.* According to the author, "as planning for the 2028 Olympic and Paralympic Games progresses, the Los Angeles County Metropolitan Transportation Authority (LA Metro) is tasked with delivering critical transportation infrastructure projects. AB 811 streamlines LA Metro's project delivery by removing the two-third vote requirement when design-build is used.

This measure will also bring LA Metro's enabling statutes in accord with all other transit agencies in the state—none of which have to abide by this two-third vote requirement.”

- 2) *LA Metro Contracting*. LA Metro is a county transportation commission created to fund, plan for, coordinate, build, and operate public transportation systems within Los Angeles County. LA Metro also serves as the regional transportation planning agency for the county, and administers local sales taxes levied to fund transportation projects within the county.

Among other powers, LA Metro is authorized to use the design-build to develop transit systems and facilities on property owned by the authority. Design-build refers to a procurement and project delivery method in which both the design and construction of a project are procured from a single entity. Design-build stands in contrast to the traditional design-bid-build contracting method whereby work on a project is divided into two separate phases: design and construction. Under design-bid-build, the government agency is responsible for the design of the project, either by designing it itself or by contracting with a private entity to do so. When designs are completed, the agency solicits bids from the construction industry and hires the responsible low bidder to build the project. Design-build combines these two phases into a single, comprehensive contract. Design-build is used to minimize risks for the project sponsor and to reduce the delivery schedule by overlapping the design phase and construction phase of a project.

These contracts may include operation and maintenance within the contract and may be awarded to either the lowest bidder or the bidder that offers the best value based on objective selection criteria, including proposed design approach and life-cycle costs of the project. State law prescribes the manner in which LA Metro must solicit bids, deems the projects to be public works, and establishes other requirements for these contracts entered into by LA Metro, including making specific findings before awarding a contract. Specifically, before awarding a contract, LA Metro's governing board of directors must adopt, by a two-thirds vote, a finding that awarding the contract will achieve certain private sector efficiencies in the integration of design, project work, and components.

- 3) *2028 Summer Olympic and Paralympic Games*. The 2028 Summer Olympic and Paralympic Games are scheduled to take place in Los Angeles from July through September, 2028. This will be the third time that the city has hosted the Summer Olympics, making it the first North American city and the third worldwide to host the Games three times. According to an LA Metro blog post in September 2017, shortly after Los Angeles won its bid to host the Olympics,

“in terms of local transportation, a lot will change between now and 2028. That is thanks to Measure R and Measure M, the two transportation ballot measures approved by L.A. County voters in 2008 and '16, respectively. Many Olympic events will be clustered in a few areas around our region, with three major ‘sports parks’ adjacent to rail or bus rapid transit lines in downtown Los Angeles, the Sepulveda Basin in the San Fernando Valley and the Long Beach waterfront. Other venues are also near transit (Santa Monica Beach, the Rose Bowl, the new football stadium in Inglewood, StubHub Center, to name a few) or will be served by shuttle buses from transit and other destinations.”

To meet the transportation goals needed for the games, LA Metro launched the Twenty-Eight by '28 initiative, which highlights 28 LA Metro projects for potential completion by the 2028 Summer Olympic and Paralympic Games. According to LA Metro, “The 2028 Games are an opportunity to advocate for resources to accelerate these projects, and a milestone to show what can be accomplished by working collaboratively as a region – with benefits to Los Angeles County for generations to come. The Metro Board approved a list of projects, which includes projects already slated for completion by 2028, as well as projects with later delivery dates with potential for acceleration...Not all Measure M investments scheduled for completion by 2028 are included in the Twenty-Eight by '28 list, and the list does not replace commitments made in the Measure M Ordinance.”

Specifically, LA Metro is prioritizing a handful of high-priority rail transit projects known as the “Metro 4 Pillar Projects” that described as zero-emission rail line expansions and new connections to prepare the transportation infrastructure to support direct connection to the 2028 Olympic Games venues. These projects include: the Green Line Extension to Torrance; a four mile zero-emission rail extension to Torrance; the West Santa Ana Branch Transit Corridor, a new 19 mile zero-emission rail corridor connecting southeast LA County to downtown Los Angeles; Sepulveda Transit Corridor, a “mega infrastructure project,” to deliver transit alternatives to the 405 freeway, connecting the San Fernando Valley to the west side of Los Angeles; and the Gold Line Eastside Extension, a zero-emission rail extension from East Los Angeles to Whittier.

To help support this effort, Governor Gavin Newsom included \$1 billion in the 2021-2022 May Revision of the State Budget to deliver critical projects in time for the 2028 Olympics.

- 4) *AB 811 Updates LA Metro Contracting.* As previously noted, LA Metro is authorized to use design-build contracting for transit and other projects.

Current statute contains a requirement that the LA Metro board of directors first approve, by a two-thirds vote, a finding that the design-build method of project delivery is efficient. Only then can the board approve the subsequent contract award in a separate action each time they wish to utilize design-build for a capital project. The procurement process cannot begin until the finding has been approved. LA Metro's design-build statute was created in the 1990's and includes this two-step approval process for design-build contract awards. When implemented, design-build was not as common a delivery method for capital construction projects as it is today.

As the sponsor of the bill, LA Metro notes, "Metro is sponsoring AB 811 to accelerate project delivery as LA County prepares the transportation infrastructure to support the mobility demands of the 2028 Los Angeles Olympic and Paralympic Games." Further, "due to the success of the design-build method of project delivery, subsequent design-build laws have been passed that do not require the initial approval of a finding – and AB 811 aligns Metro's authorizing statute with the state's other design-build statutes. No other transportation agency in California has to take this extra step. This proposal brings LA Metro's enabling statute into accord with other transit agencies by streamlining the approval process for the utilization of design-build by removing the superfluous two-thirds vote requirement."

AB 811 maintains LA Metro board of directors' approval of all design-build contracts. Additionally, the bill maintains the requirement for the board of directors to have a two-thirds vote finding for any contracts that include maintenance and operations, to determine if the inclusion is necessary and does not conflict with collective bargaining agreements to which LA Metro is a party.

RELATED LEGISLATION:

AB 2514 (L. Rivas, 2020) — Was substantially similar to this bill. AB 2514 was held in the Assembly Local Government Committee.

AB 1594 (Bloom, 2018) — Would have added passenger rapid transit, subways, and heavy rail to the types of fee-producing infrastructure for which a local government can enter into a public-private partnership (P3). The bill also would have repealed the requirement for LA Metro, prior to awarding a design-build or P3 contract, to adopt a finding with a two-thirds vote that awarding the contract will achieve efficiencies in the integration of design, project work, and components. AB 1594 was held on the Senate Floor.

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

POSITIONS: (Communicated to the committee before noon on Wednesday,
June 23, 2021.)

SUPPORT:

Los Angeles County Metropolitan Transportation Authority (sponsor)

OPPOSITION:

None received.

-- END --

This bill:

- 1) Expands the existing video enforcement program for enforcing parking prohibitions to include all public transit operators.
- 2) Expands the automated parking enforcement to include bus and transit stops, in addition to bus-only lanes.
- 3) Authorizes transit agencies to share the relevant data, video, and images of parking violations collected with the local parking enforcement entity and local agency in the jurisdiction where the violation occurred.
- 4) Requires a transit agency to issue only warning notices for 30 days and to make a public announcement of the program at least 30 days prior to commencement of issuing notices of parking violations.
- 5) Permits the registered owner to review the video image evidence of the alleged violation during normal business hours at no cost.
- 6) Requires that the video evidence be destroyed either six months from the date the information was first obtained or 60 days after final disposition of the citation, whichever date is later, unless there is no evidence of a violation, in which case it shall be destroyed in 15 days.

COMMENTS:

- 1) *Author's Statement.* Bus only lanes are important transit infrastructure. Lanes are clearly identified with pavement markings and signage, yet still frequently ignored. Unfortunately, bus lane violations and parked cars negatively affect the reliability of public transit and pose safety issues to riders. Camera enforcement is cost-effective and ideal for busy streets where parking enforcement is not realistic. AB 917 will deter drivers from violating bus only lane designations, ensure the reliability of public transit, and help transit remain competitive in our efforts to reduce congestion.
- 2) *Transit Slump.* Despite increased investment, transit ridership has been declining for years. When COVID hit transit ridership dropped precipitously by as much as 90%. The government has provided substantial financial relief, about \$3.8 billion in the Los Angeles area alone. It has been recovering slowly but still far below pre-COVID levels.

- 3) *Bus Only Lanes.* Some transit agencies have established bus-only lanes during specified hours as a way of making transit more attractive. San Francisco was the first to be authorized for a pilot program to utilize video enforcement for their bus-only lanes. Their assessment was that video enforcement reduced the travel time on their routes, citing an example of a six minute saving on a 21 minute route in the morning and a two minute saving on a 19 minute route in the afternoon. That pilot was viewed as a success and the pilot program was made permanent.

The only other transit agency authorized to pilot video enforcement for their bus-only lanes is AC Transit in the Oakland/Berkeley area who was given that authority in 2016. In October 2020 AC Transit began using that authority so their experience is brief. That authority expires at the end of 2021.

- 4) *Violations are Costly.* The parking fines that would be automatically enforced are expensive. For San Francisco and Oakland the fine is \$110; in Los Angeles the fine is \$96. Fines for parking in a bus zone, which this bill proposes to include in the automated enforcement program, is substantially higher: \$250 in Los Angeles and \$357 in San Francisco. These are non-trivial amounts for many drivers. Payment plans are allowed but they simply spread the fine payment over several months; they do not lower the fines and there is often a cost to enroll. San Francisco allows community service in lieu of paying the fine, which is credited at \$17 an hour. The bill sponsors contend that few citations will be issued and that the point of the program is compliance, not increasing revenue.
- 5) *What's the Evidence?* The evidence supporting video enforcement is based on the San Francisco experience which showed it reduced travel time by two minutes to six minutes, though there was no analysis of whether that reduced travel time increased ridership. (Many factors go into an individual's decision to ride transit, including cleanliness, a feeling of safety, and convenience; speed of the trip is but one.) The evidence for AC Transit is scant, based on a very short, non-typical period during the depths of COVID. They note that they encountered more parking violations than they expected. But the data also included ticket counts at bus stops skewing the comparison because automated enforcement in bus stops is not a part of the pilot. LA Metro notes that it is expanding its transit-only lanes hoping to increase travel speeds by 30%. But it is not known how much of that speed increase would be due to automated enforcement, as compared to simply creating a transit-only lane with human enforcement. They self-report field observations of 15 violations per hour on one of their routes.

- 6) *Alternatives*. Everyone agrees that transit service needs to be much improved if transit ridership is to grow and vehicle miles travelled shrink. This bill offers one narrow solution to a much bigger problem, but there are many more possibilities. Specific to this bill, there are alternatives to automated video enforcement which are less punitive, such as painting transit-only lanes distinctively, better signage, a strong and ongoing public information campaign, and enhanced human enforcement.

Rather than deploying automated video enforcement on a statewide scale, an alternative may be to allow LA Metro to start with a pilot program for transit-only lane enforcement just as the other two transit operators did. That way evidence on the effectiveness of that particular form of enforcement can be gleaned and examined. AC Transit's pilot program can also be extended to provide sufficient time to acquire experience and demonstrate results. There's no evidence to support extending the automated video enforcement to bus stops, and the much higher fines raise questions about the fairness of the penalty.

- 7) *Hyper Vigilance*. This year the Legislature has considered many bills to automatically enforce our traffic laws, from speed limits to school bus stops to parking. There are reasons to support them all, but the consequence would be a tightly policed road system with many more expensive tickets issued to the rich and poor for actions both potentially harmful and not. Drivers could be forgiven for being slightly paranoid and resentful at this heightened surveillance.

Double Referral. This bill is double referred to the Judiciary Committee.

RELATED LEGISLATION:

SB 1051 (Hancock Chapter 427, Statutes, 2016) — Authorized a pilot program for video enforcement of parking violations in transit-only traffic lanes for AC Transit.

AB 1287 (Chiu, Chapter 485, Statutes 2015) — Removed the sunset on the authority of San Francisco's pilot program for video enforcement of parking violations in transit-only traffic lanes.

AB 1041 (Ma, Chapter 325, Statutes, 2011) — Extended the sunset on the authority of San Francisco's pilot program for video enforcement of parking violations in transit-only traffic lanes to January 1, 2016.

AB 101 (Ma, Chapter 377, Statutes, 2007) — Authorized San Francisco to establish a pilot program for video enforcement of parking violations in transit-only traffic lanes which expired January 1, 2012.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 23, 2021.)

SUPPORT:

Alameda Chamber of Commerce
Alameda-contra Costa Transit District (ac Transit)
California Transit Association
Center for Independent Livingthe
Central City Association of Los Angeles
Disability Rights Education & Defense Fund (DREDF)
Fast Link Dtl
Fastlinkdtla
Foothill Transit
Long Beach Public Transportation Company (long Beach Transit)
Long Beach Transit
Los Angeles County Metropolitan Transportation Authority
Mayor Eric Garcetti
Natural Resources Defense Council
Oakland African American Chamber of Commerce
Oakland Chamber of Commerce
Sacramento Area Council of Governments
San Diego Metropolitan Transit System
San Francisco Bay Area Rapid Transit District (BART)
San Francisco Municipal Transportation Agency (SFMTA)
San Mateo County Transit District (SAMTRANS)
Shawn Fong
United Seniors of Oakland and Alameda County

OPPOSITION:

ACLU California Action
East Bay Community Law Center
Lawyers' Committee for Civil Rights of The San Francisco Bay Area
Western Center on Law & Poverty

Safer Streets LA
Western States Trucking Association

-- END --

- d) Allows the department to authorize the lease of all real property not presently needed or used for highway purposes pending the sale or exchange of such property.
- 3) Establishes rules and procedures for disposal of the state's surplus residential property, which is defined to mean "land and structures that, at the time of purchase by the state, the state had intended to remove the residences thereon and to use the land for state purposes" (The Roberti Act, Government Code Sections 54235 - 54238.9).

This bill:

- 1) Authorizes Caltrans to sell excess real property to the city or county, where the property is located, as follows:
 - a) The real property must, per recorded covenant, be developed only for the creation of:
 - i. Housing that is affordable to households whose gross income does not exceed 120 percent of the area median income (AMI);
 - ii. An emergency shelter; or
 - iii. A feeding program.
 - b) The sales price must be the original acquisition price paid by Caltrans, without adjustment for inflation; and
 - c) Caltrans must identify the property eligible for sale pursuant to this subdivision and notify the relevant city or county of the property's eligibility for sale;
- 2) Requires that the city or county where the property is located must:
 - a) Notify Caltrans of its interest in accepting or declining the sale of property within 60 days of receiving notice of eligibility for sale;
 - b) Ensure the real property is used for the purposes detailed above in 1), for a term of at least 55 years, and that any new units added to the property are used only for such purposes;
 - c) Record with the county recorder the covenants or restrictions required by this bill; and

- d) Ensure that, at all times, uses of the property remain compatible and do not interfere with the maintenance, operations, and safe use of remaining adjacent or nearby Caltrans real property and any transportation facilities.
- 3) Exempts the transfer or sale of property from the California Environmental Quality Act (CEQA).
- 4) Declares that all properties sold pursuant to this section are sold “as is” and that Caltrans has no further obligation or liability whatsoever for conditions existing at the time of the sale, and that CEQA, site remediation, and rezoning are the sole responsibility of the purchaser, as specified.
- 5) Requires that the covenants or restrictions required by this bill must run with the land and must be enforceable against the original purchaser receiving the property from Caltrans and all successors in interest.
- 6) Exempts this bill from applying to real property sales of surplus residential property governed by the Roberti Act.
- 7) States that it is the intent to promote the use of skilled and trained labor for the potential affordable housing projects resulting from this bill.

COMMENTS:

- 1) *Author’s Statement.* At a time when the state is facing a severe housing shortage, this bill will authorize Caltrans to sell excess land to cities and counties at a lower cost to promote the development of affordable housing. As cities and counties struggle to meet their housing needs, this bill will help lower costs and make affordable housing projects more feasible. This will provide our communities another tool to address California’s housing crisis and better serve those Californians in greatest need—those without a home.
- 2) *A Real Bargain.* When it sells or leases property, Caltrans must generally do so at fair market value. There are notable exceptions, such as when unused parcels are leased at below market rates for emergency shelters and feeding programs. Exceptions to fair market value are also allowed for certain properties that were acquired for the construction of the 710 freeway, which may be sold at original acquisition price. These non-fair market value sales create a potential windfall for the buyer. For example, Caltrans recently proposed to dispose of a property for \$879,300, which was the original acquisition price plus inflation. The fair market value of the property was \$3,185,000. This bill authorizes Caltrans to sell excess property to the city or county where it is located at original

acquisition price not adjusted for inflation provided that the property is used for affordable housing, an emergency shelter, or a feeding program.

- 3) *Housing Crisis.* California's affordable housing crisis is well documented. This bill will make a limited amount of affordable housing property available at a steeply discounted rate. Caltrans has identified about 30 parcels suitable for affordable housing.
- 4) *Labor Requirement.* The bill states its intent to use skilled and trained labor in the construction of affordable housing projects resulting from this bill. Affordable housing developers object to this requirement concerned that a lack of skilled and trained labor will delay any projects and the additional cost of a skilled and trained workforce will render any affordable housing project economically unviable.
- 5) *No Conflicts.* This bill does not conflict with the various bills dealing with disposal of excess property along the 710 freeway in Los Angeles county. Those properties are exempted from the bill on Page 5, lines 1-3.

Double Referral. This bill is double-referred to the Environmental Quality Committee.

RELATED LEGISLATION:

SB 51 (Durazo, 2021) — This bill would lower the costs for surplus properties owned by Caltrans within the State Route 710 corridor to preserve and create affordable housing. This bill also would revise the sales process for the corridor's residential properties in the City of Los Angeles. This bill also would amend local surplus land procedures. *This bill is pending in the Assembly Housing and Community Development Committee.*

SB 381 (Portantino, 2021) — This bill makes changes to the Roberti Act to encourage the sale of homes owned by the California Department of Transportation for low- and moderate-income housing in the State Route 710 corridor in South Pasadena. *This bill is pending in the Assembly Housing and Community Development Committee.*

AB 512 (Holden, 2021) — This bill would lower the costs for excess, unimproved properties owned by Caltrans within the State Route 710 corridor to create affordable housing. *This bill is pending in the Senate Transportation committee.*

SB 9 (Beall, 2020) — This bill would have made changes to the Roberti Act to encourage the sale of homes owned by Caltrans for low- and moderate-income rental housing and makes changes to the Surplus Lands Act. *This bill died in concurrence on the Senate floor.*

SB 211 (Beall, Chapter 343, Statutes, 2019) — This bill authorizes the State Department of Transportation (Caltrans) to enter into lease agreements with a local entity for purposes of establishing an emergency shelter or feeding program, as specified.

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

According to the Assembly Committee on Appropriations:

- 1) Estimated ongoing costs of \$695,000 (General Fund (GF)) annually to the Department of Housing and Community Development (HCD) for 4.5 staff to support Caltrans implementation, conduct transactions, supervise projects and design programs, among other tasks. Staffing levels are based on the estimated number of properties (approximately 30 sites) Caltrans is scheduled to dispense with and those parcels being sold over a period of four to six years.
- 2) Unknown foregone revenues (GF) related to provisions requiring Caltrans to sell unimproved surplus properties at their original purchase price, with no inflation adjustment, rather than at fair market value. Lower property prices would result in an unknown reduction of revenues, the amount of which will depend on the fair market value of each property at the time of sale and which properties are sold. Revenues from these sales go to the General Fund to pay for transportation bond debt. Under this bill, the foregone revenues will be subsidizing the purchase of property for affordable housing developments.
- 3) Potential cost savings, likely in the low hundreds of thousands of dollars annually, to Caltrans for reduced property maintenance costs as a result of property sales.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 23, 2021.)

SUPPORT:

American Planning Association California Chapter
California Apartment Association
California State Association of Counties
Csac
Rural County Representatives of California
Urban Counties of California

Aids Healthcare Foundation
California Housing Partnership Corporation

OPPOSITION:

California Coalition for Rural Housing
California Council for Affordable Housing
California Housing Consortium
California Housing Partnership
Housing California
Non Profit Housing Association of Northern California
Southern California Association of Nonprofit Housing

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: AB 1238

Hearing Date: 6/29/2021

Author: Ting

Version: 4/12/2021

Urgency: No

Fiscal: No

Consultant: Randy Chinn

SUBJECT: Pedestrian access

DIGEST: This bill repeals provisions of law prohibiting pedestrians from entering a roadway and specifies that pedestrians shall not be subject to a fine or criminal penalty for crossing or entering a roadway when no cars are present.

ANALYSIS:

Existing law:

- 1) Requires pedestrians to yield the right-of-way to all vehicles on a roadway so as to not constitute an immediate hazard.
- 2) Requires drivers 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.
- 3) Prohibits a pedestrian from suddenly leaving a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard.
- 4) Prohibits a pedestrian from unnecessarily stopping or delaying traffic while in a marked or unmarked crosswalk.
- 5) Requires pedestrians to not enter a roadway when they are facing a steady circular yellow or a yellow arrow signal.
- 6) Requires pedestrians to follow the instructions of a traffic signal.
- 7) Requires pedestrians to walk on the left hand edge of a roadway when outside of a business or residence district.
- 8) Authorizes local authorities to adopt ordinances prohibiting pedestrians from crossing roadways at locations other than crosswalks.

- 9) Provides that any of the above violations are an infraction. Fines, inclusive of surcharges and fees, are \$196.

This bill:

- 1) Removes the prohibition against pedestrians entering a roadway when facing a circular yellow or yellow arrow signal.
- 2) Removes the requirement that pedestrians obey traffic signals.
- 3) Defines “immediate hazard” as existing if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision.
- 4) Removes the prohibition against pedestrians crossing mid-block.
- 5) Provides that a pedestrian shall not be subject to a fine or criminal penalty for crossing or entering a roadway when no cars are present.
- 6) Removes the requirement that pedestrians walk close to the edge of the roadway.
- 7) Removes the authority of local governments to prohibit pedestrians from crossing at other than crosswalks.

COMMENTS:

- 1) *Purpose.* According to the author, this bill was introduced to protect vulnerable pedestrians against arbitrarily racially biased pre-textual policing, burdensome fines and fines, and unnecessary, and potentially lethal, interactions with law enforcement.

Supporters note an analysis¹, using data collected under California’s Racial and Identity Profiling Act, of the 15 largest law enforcement departments. The data shows that over 250,000 non-traffic citations were issued in 2019, which are low-level violations of state laws and municipal codes that are punishable by fines. Supporters contend that the analysis shows substantial racial disparities in enforcement, and that these types of citations are not commonly given in

¹ “Cited for Being in Plain Sight: How California Polices Being Black, Brown, and Unhoused in Public” by Lawyers’ Committee for Civil Rights of the San Francisco Bay Area; September 2020.

white, wealthy neighborhoods. They argue that this demonstrates ongoing harassment of minority communities.

The analysis does indeed show substantial racial disparities in the issuance of non-traffic citations in the largest cities and counties in California. But the analysis does not show that jaywalking is much of a problem. The vast majority of the citations seem to be related to homelessness and alcohol use. Less than 5% are for jaywalking.

- 2) *Steep Fine*. The penalty for pedestrian violations such as jaywalking is \$196, which is a \$25 base fine plus an additional \$96 in penalties and surcharges and \$75 in fees.
- 3) *Jaywalking Around the World*. In the United States jaywalking is typically a crime, either a misdemeanor or an infraction. Earlier this year Virginia enacted a new law doing away with jaywalking as a crime. Nevada just passed legislation reducing the penalty for jaywalking from a misdemeanor to a civil penalty, or fine. Looking abroad, jaywalking is not a crime in the U.K. and the Netherlands.
- 4) *Pedestrian Safety*. The California Office of Traffic Safety reports that California has the highest pedestrian death rate in the nation, nearly 25% higher than the national average. The Federal Highway Administration reports that 75% of pedestrian fatalities occur at non-intersection locations. The California Highway Patrol (CHP) notes that in 2019 there were 1021 pedestrians killed by vehicles statewide, similar but slightly higher than prior years, of which 667 were the result of the pedestrian crossing against traffic controls or safety laws. The CHP is concerned that the bill will cause confusion for the public, increase pedestrian related crashes, and reduce overall traffic safety.

Pedestrian death rates seem to be higher in poorer neighborhoods. An analysis from Governing² shows that pedestrian death rates were 230% higher in 2008-2012 in areas with poverty rates of greater than 30% than where poverty rates were less than 5%. Similarly, pedestrian death rates were more than double in low income areas compared to high income areas. Some of this may be attributable to more walking in lower income areas. But this may also be due to a relative lack of pedestrian infrastructure. An analysis by Bridging the Gap³, found that 89% of high income areas had sidewalks compared to 49% of low

² "Pedestrians Dying at Disproportionate Rates in America's Poorer Neighborhoods"; by Mike Maciag; Governing.com; July 23, 2014

³ "Income Disparities in Street Features that Encourage Walking"; Bridging the Gap; March 2012.

income areas, and that 13% of high income areas had marked crosswalks compared to 7% in low income areas.

- 5) *Recommendations of others.* Many safety agencies offer guides for pedestrian safety. The National Highway and Traffic Safety Administration (NHTSA) has 10 walking safety tips on its website which include:
- a) Be predictable. Follow the rules of the road and obey signs and signals.
 - b) Walk on sidewalks whenever they are available.
 - c) If there is no sidewalk, walk facing traffic and as far from traffic as possible.
 - d) Whenever possible, cross streets at crosswalks or intersections, where drivers expect pedestrians.

While California's Office of Traffic Safety does not have its own pedestrian safety program, it provides grants to local organization who do, such as the San Diego Police Department. Their program, called Circulate San Diego, provided smart walking tips substantially similar to the NHTSA tips above.

While there seems to be a consensus on best pedestrian safety practices, it doesn't necessarily follow that the best practices should be turned into laws with accompanying enforcement mechanisms. If people voluntarily follow the best practices without the threat of a fine, is the law necessary? And are jaywalking laws fair if lower income areas have fewer ways to walk without jaywalking?

- 6) *Balancing Justice and Safety.* There seems to be ample evidence that minorities are disproportionately subject to enforcement of minor transgressions like jaywalking. Minimizing opportunities for discriminatory enforcement seems like a worthy pursuit. Yet it is also true that California leads the nation in pedestrian fatalities and that substantial resources are being devoted to reducing those fatalities through programs like Vision Zero. Will the solution proposed by this bill to minimize opportunities for discriminatory enforcement unintentionally increase California's already high pedestrian fatality rate? Parties may disagree, but evidence either way is lacking. Given this, the best way to address the issue may be to establish this as a pilot program with regular reporting on safety and citations. The author may wish to amend the bill in this way.

RELATED LEGISLATION:

AB 390 (Santiago, Chapter 402, Statutes, 2017) — Authorizes pedestrians to enter a crosswalk when the countdown symbol is displayed provided the crossing is completed before the countdown ends.

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

From the Assembly Appropriations Committee — Reductions in state and local penalty assessment revenues of an unknown amount (General Fund, various special funds, local funds). The base fine for a jaywalking violation is \$25; however, after inclusion of all penalties and surcharges, the total fine amount is \$197. If this bill resulted in issuance of 20,000 fewer jaywalking citations, the total revenue loss would be \$3.94 million, \$3.52 million of which goes to various state funds, including the state General Fund. These numbers are presented as an illustration of potential costs.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 24, 2021.)

SUPPORT:

ACLU California Action
 Active San Gabriel Valley
 Albany Strollers & Rollers
 Alliance for Community Transit - Los Angeles
 Asian Pacific Islander Forward Movement
 Ban Sup (single Use Plastic)
 Berkeley City Council District 7, Office of Councilmember Rigel Robinson
 Berkeley; City of
 Bicycle Kitchen/la Bici-cocina
 Bike Bakersfield
 Bikesd
 Bikeventura
 California Bicycle Coalition
 California Immigrant Policy Center
 California Interfaith Power & Light
 California Pan-ethnic Health Network
 California Walks
 Center for Community Action & Environmental Justice
 Changelab Solutions

Circulate San Diego
City Heights Community Development Corporation
Clergy and Laity United for Economic Justice
Climate Action Campaign
Climate Resolve
Coalition for Humane Immigrant Rights
Coalition for Sustainable Transportation
Communities United for Restorative Youth Justice
Community Legal Services in East Palo Alto
Courage California
Day One
Disability Rights California
Dolores Huerta Foundation
East Bay Community Law Center
Ella Baker Center for Human Rights
Greenfield Walking Group
Inland Empire Biking Alliance
Inner City Law Center
Innercity Struggle
Institute for Transportation & Development Policy
Investing in Place
Jobs to Move America
LA Forward
Labor Community Strategy Center
Lawyers' Committee for Civil Rights - San Francisco
Lawyers' Committee for Civil Rights of The San Francisco Bay Area
Leadership Counsel for Justice & Accountability
Legal Link
Legal Services of Northern California
Los Angeles County Bicycle Coalition
Los Angeles Neighborhood Land Trust
Los Angeles Walks
Marin County Bicycle Coalition
Nacto
Natural Resources Defense Council
Pasadena Complete Streets Coalition
People for Mobility Justice
Place It!
Policylink
Prevention Institute
Public Counsel
Rails-to-trails Conservancy

Ride: in Living Color
Sacramento Area Bicycle Advocates
Safe Routes Partnership
San Diego County Bicycle Coalition
San Francisco Bicycle Coalition
Santa Ana Active Streets
Santa Barbara Bicycle Coalition
Santa Monica Safe Streets Alliance
Santa Monica Spoke
Shasta Living Streets
Silicon Valley Bicycle Coalition
Spur
Streets are For Everyone (SAFE)
Streets for All
Sunrise Movement LA
Sustainable Claremont
The Greenlining Institute
Throop Unitarian Universalist Church, Pasadena
Transform
Trust for Public Land
Venice Community Housing Corporation
Vision Zero Network
Walk Bike Berkeley
Walk Long Beach
Walk San Francisco
Walksacramento
Western Center on Law & Poverty
Women Organizing Resources, Knowledge and Services
Young Women's Freedom Center

OPPOSITION:

California Association of Highway Patrolmen
California Coalition for Children's Safety and Health
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

Department of The California Highway Patrol

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

| | | | |
|--------------------|-------------|----------------------|------------|
| Bill No: | ACR 19 | Hearing Date: | 06/29/2021 |
| Author: | Gallagher | | |
| Version: | 4/12/2021 | | |
| Urgency: | No | Fiscal: | Yes |
| Consultant: | Katie Bonin | | |

SUBJECT: National Purple Heart Trail

DIGEST: This resolution designates specified portions of State Highway Routes 20 and 70 in the City of Marysville in the County of Yuba for inclusion in the National Purple Heart Trail.

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Highway Route 20 from postmile 0.000 to postmile R3.389 and Route 70 from postmile 13.604 to postmile 15.850 in the City of Marysville in the County of Yuba for inclusion in the National Purple Heart Trail. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the life and service of all the men and women who have been wounded or killed in combat by extending the Purple Heart Trail into the City of Marysville via State Highway 20 and 70.
- 2) *Purple Heart Trail.* Chartered by Congress in 1958, the Military Order of the Purple Heart (MOPH) is composed of military men and women who have received the Purple Heart medal for wounds suffered in combat. In 1992, MOPH worked with Congress to establish the Purple Heart Trail as a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have received the Purple Heart medal.
- 3) *Multiple segments already designated.* Previously, the Legislature has designated the following state highway segments for inclusion in the National Purple Heart Trail:
 - a) The entire routes of Interstate 5 and Interstate 80 in California (SCR 14, Chapter 79, Statutes of 2001)
 - b) SR 101 from post mile 9.67 in Monterey County to post mile 36.16 in Santa Barbara County (ACR 12, Chapter 84, Statutes of 2009)
 - c) SR 223 from SR 99 to SR 58, in the County of Kern (SCR 105, Chapter 95, Statutes of 2010)
 - d) SR 101 in Santa Barbara and Ventura counties (SCR 27; 2013)
 - e) In the county of Colusa, portions of SR 5, 16, 20 and 45 (ACR 191; 2016).
- 4) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

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

POSITIONS: (Communicated to the committee before noon on Wednesday,
June 23, 2021.)

SUPPORT:

Marysville Vfw Post 948

OPPOSITION:

None received.

-- END --

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the South Yuba River Bridge over State Highway Route 49, R21.857, South Yuba River Bridge No. 17-07, in the County of Nevada, as the Vietnam Veterans Memorial Bridge. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the life and service of the men and women who served in the Vietnam War.
- 2) *Background.* The Vietnam War began in 1954 and ended in 1975. The war started soon after the Geneva Conference, which divided Vietnam into two nations.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 23, 2021.)

SUPPORT:

Nevada County Consolidated Veterans Council

OPPOSITION:

None received.

This resolution designates State Route 99 from post mile 20.400 at Eldrid Avenue near the community of Dairyville to post mile 24.529 near Arch Street in the City of Red Bluff in the County of Tehama as the "Farm-to-Fork Corridor." The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to recognize the quality and quantity of agricultural commodities that are produced in and transported through Northern California via State Route 99.
- 2) *Background.* The City of Sacramento is known as "America's Farm-to-Fork Capital" and this resolution seeks to recognize the gap between farm and fork.
- 3) *Cornering the Market.* In 2019 this author carried legislation designating the southern end of this segment of SR 99 at the intersection with SR 70 as a "Farm to Fork Corridor" (ACR 44; Chapter 107 of 2019). With this resolution the author is naming the northern end of this segment as a "Farm to Fork Corridor". Only 95 miles are left undesignated.
- 4) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 23, 2021.)

SUPPORT:

None received.

OPPOSITION:

None received.

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