

DRAFT
Summary Notes
CALIFORNIA BICYCLE ADVISORY COMMITTEE

April 4, 2013 10:00AM to 3:00PM
Veterans Affairs Building, Room 513, 5th Floor
1227 O Street, Sacramento, CA 95814

Members Present: (Includes teleconference attendees)

Alan Wachtel, CBAC Chair, California Association of Bicycling Organizations (CABO)
Jim Baross – San Diego County Bicycle Coalition
Sean Co – Metropolitan Transportation Commission
Daniel Klinker – California State Association of Counties (CSAC)
Scott Loso – CHP
Michelle Mowery – League of California Cities/City of Los Angeles DOT
Dave Snyder – California Bicycle Coalition (CBC)

Members Absent:

Marie Haddad – California State Automobile Association
Victoria Custodio – California Department of Public Health
Hamid Bahadori – Automobile Club of Southern California

Others Present: (includes Teleconference attendees, but is not an exhaustive list:

Jennifer Dolan– Wyant, Alta Planning
Deborah Lynch – Caltrans, Bicycle Facilities Coordinator, Interim Executive Secretary
Michelle DeRobertis - Santa Clara Valley Transportation Authority
Robert Shanteau – Consulting Traffic Engineer
Alan Thompson – - SCAG
Ty Polastri – Lake Tahoe Bicycle Coalition
David Takemoto– Weerts – UC Davis, CABO District 3 Representative
Chris Ratekin – Caltrans Complete Streets
Dale Benson – D07
Beth Thomas – D04
Allan Crawford – City of Long Beach Coordinator
Bob Planthold – Chair California Walks Board of Directors
David Kemp – City of Davis, Active Transportation Coordinator
Katherine Hess – City of Davis Public Works
Brian Alconcel – Caltrans Division of Traffic Operations
John Cinatl – Retired Caltrans
Alan Forkosh – CABO
Emily Mraovich – Caltrans Division of Planning
Roxann Namazi – City of Davis Public Works
Charles Nelson – Lake Tahoe Bicycle Coalition
Maggie O’Mara – Caltrans, Division of Design
Nicholas Don Paladino – Fresno Cycling Club
Kevin Pokrajac – Caltrans Division of Local Assistance

Matt Ramsey – CHP
Chad Riding – Caltrans, District 3
Marie Schelling – CHP
Cindy Parka – Bike Bakersfield
Dan Allison – Bicycle Advocate

1. **Welcome, Introductions, and Announcements**

There was discussion on initiating new members and having those that are interested send Deborah Lynch a resume by email. CBAC to review resumes and Caltrans would make the final decision on new members. Jim Baross would like to have a deadline for resumes to be accepted.

2. **Review and Approval of Previous, Meeting Notes**

Alan Wachtel asked for a motion to approve the previous Meeting Minutes and Jim Baross 2nd the approval, adopted as corrected.

3. **District Reports – FYI**

None

4. **New Business**

- a. Alan Wachtel would like to step down as CBAC Chairman and Michelle Mowery has offered to take his place. Jim Baross will stay as Co-chair.
- b. Discussion on Bike Corrals – Brian Alconcel’s, Traffic Operations, handout:

For Bike Corrals, Brian Alconcel presented their position and concerns (placement, location, delineation, crashworthiness) last year in powerpoint presentation and commented at the last CBAC meeting, in person, that Design and Traffic Operations have not yet resolved this issue at our joint discussions. Our preference is to place bicycle parking in the furnishing zone of the sidewalk, outside of the pedestrian zone. Next, as in the case of the City of Coronado, placing a bicycle corral on the side street, near the intersection, may be more appropriate until the Department can include criteria, guidance, and procedures in our manuals.

As requested in my powerpoint presentation last year, the following actions from CBAC will help to resolve the Department's concerns:

1. Encourage Traffic Operations, Legal, and Design to reach consensus on concern about “fixed objects” and horizontal clearance requirement.
2. Recommend uniform guidance on appropriate placement, location, and delineation
 - Increase expectation
 - Increase visibility
 - reduce potential for direct collision
3. Share studies on design and crashworthiness of standard racks used for on-street bicycle parking corrals
 - Mitigate severity of crash
 - Allow forgiveness when struck

Please note Jim Baross has been asked to give a presentation at the June meeting on bike corrals on state highways in Coronado.

5. Status Reports

- a. Status Report revising 9C.07, Option 02a, regarding use of shared lane marking on roadways with a speed limit above 35mph, Bob Shanteau, HQ Traffic Operations, Brian Alconcel (handout) and Maggie O'Mara:

In the case of Section 9C.07, Option 02a, regarding use of a shared lane marking on roadways with a speed limit above 35mph, the following recommendation was submitted to the CA MUTCD Branch in April 2012:

Although it was not part of the discussions by the CTCDC regarding this new language in Part 9 that was added to existing federal language, it was agreed that circumstances could merit a Shared Lane Marking be placed on roadways that have a speed limit above 35 mph. However, with or without the added language, the original federal language would not prohibit an engineer from documenting the reasons why he or she deviated from a "should" condition and decided to place a Shared Lane Marking on a roadway with a speed limit above 35 mph.

CVC 21202 subsection (3) describes an exception to riding as close as practicable to the right-hand curb or edge of the roadway: "When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge." The term "substandard width lane" is further defined as a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane. This seems like a more appropriate definition of "too narrow" since it is backed by law.

Although there is no opposition to include additional language to give clarification of when it might be appropriate to deviate from federal guidance it was suggested that we improve the language as follows:

02a The Shared Lane Marking may be placed on roadways that have a speed limit above 35 mph, ~~where there is bicycle travel and there is no marked bicycle lane or shared-use path and the right hand traffic lane is too narrow to allow automobiles to safely pass bicyclists~~ based on engineering judgement, if the right-hand lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane . Refer to CVC 21202 subsection (3).

Bob Shanteau made the motion to support the language under 02a above and Michelle Mowery 2nd the motion. It was approved unanimously.

6. Unfinished Business / Follow Up Items from Prior Meetings

- a. Discussion on implementation of AB 819 – Alan Wachtel

This bill does not address the use of design exceptions using Highway Design Manual (HDM) standards and is too vague to use for funded local bikeways.

- b. Intersection Update & Roundabouts – Jerry Champa

Jerry Champa will give an update at the next CBAC meeting in June.

- c. CEWP implementation process AB 819 – Kevin Herritt, Design Guidance

Please see handouts:



Final Draft Copy for Review CEWP Guidan



Final Draft Copy for Review AB 819 Const

Alan Wachtel and Jim Baross stated that the flow chart for the “Construction Evaluated Program” does not include a checklist or approvals as in the MUTCD or HDM. Kevin Herritt stated that once the local agency approves its project and determines that the project proposes the construction of bicycle facilities that they will require evaluation for potential inclusion in the HDM. However, the local agency must develop a CEWP using the format and instructions provided in Figure 2 of the flow chart. Kevin also explained that the goal of the CEWP is to ensure the necessary documentation of the proposal, so that if successful, the knowledge gained by utilizing the proposal will allow others to benefit from it and potentially result in changes to the design guidance in the HDM.

- d. Buffered Bike Lanes – Dan Gutierrez

This presentation will be held at the next CBAC meeting in June.

- e. Language for HDM on Median Bikeways – Michelle Mowery, Maggie O’Mara, Kevin Herritt and Michelle DeRobertis

Please see report from the Median Bike Path Subcommittee below by Michelle DeRobertis:

BACKGROUND

In May 2012, the standard statement of the HDM 1003.1 was changed from:

Bike paths shall not be designed in the medians of freeways or expressways ..

to

Bike paths shall not be placed in the medians of State highways or roadways especially freeways or expressways.

without any evidence or research showing that median bike paths are a problem, and without bringing the change to the CBAC.

The problem is that the prohibition of median bike paths has been expanded to include all local streets, and also to conventional state highways.

In working with the subcommittee, there is frustration at being asked to prove that the operational considerations of median bike paths can be met. This could take another 6 months of finding research or interviewing cities with existing median bike paths or

otherwise showing that operationally they work fine and then word-smithing. They have ridden enough of them; that there is no need to wait for a research study. Even more relevant than my personal experience, Median Bike Paths were permitted in the HDM for decades. They were prohibited in 2012 without informing CBAC and without any research, case studies or even anecdotes showing that there are operational or other problems. The standard was changed without any research or studies showing any problems, but to allow them again takes research? This is a double standard. In addition, not involving CBAC is a violation of the policy that created CBAC.

Proposed Motion

There was a proposed motion from CBAC to ask the DOD to revert to the prior standard statement by May 2013, i.e., within one month.

If the DOD will not revert to the prior standard statement within one month, CBAC would like to ask DOD to come to the June CBAC meeting to present an explanation of how these statements in the HDM 1003.1(7) justify a blanket “shall not” statement.

- a) Right-turns from the center of roadways for bicyclists are unnatural and unexpected by motorists.
- b) Devoting separate phases to bicyclist movements to and from a median path at signalized intersections increases intersection delay.
- c) Left-turning motorists must cross one direction of motor vehicle traffic and two directions of bicycle traffic, which increases conflicts
- d) Where intersections are infrequent, bicyclists will enter or exit bike paths at midblock.
- e) Where medians are landscaped, visibility between bicyclists on the path and motorists at intersections may be diminished. See Chapter 900 for planting guidance

Next Steps

In addition, it was suggested that the Median Bike Path subcommittee continue to work on further changes to the text, since I believe we all agree that better guidance is needed; but at least the prohibition of median bike paths on local roads will have been removed, and the HDM standard for median bike paths for local roads and conventional highways will have returned to pre May 2012 condition of permissible.

Alternative Motion

Alternatively, if CBAC is ready to vote on new text to replace the above 5 bullet points to recommend to DOD, the subcommittee has a draft that has not yet reached consensus. This can be a handout at the April CBAC if CBAC chooses.

7. Legislative Update – Alan Wachtel

- a. AB 840:

b. LEGISLATIVE COUNSEL'S DIGEST

c.

d.

~~e. AB 840, as amended, Ammiano. Vehicles: driver's licenses:~~

~~f. driver's test: bicycles. application requirements.~~

g.

~~h. Existing law requires every application for an original or a
i. renewal of a driver's license to contain specified information,
j. including, but not limited to, a brief description of the applicant
k. for the purpose of identification and a legible print of the thumb or
l. finger of the applicant.~~

~~m. This bill would additionally require that every application for an
n. original or a renewal of a driver's license also contain a statement
o. requiring the applicant to acknowledge that he or she knows of the
p. dangers of distracted driving.~~

~~q. Under existing law, an applicant for a driver's license is
r. required to submit to an examination appropriate to the type of motor
s. vehicle or combination of vehicles the applicant desires to drive.
t. The examination includes, among other things, a test of the applicant's
u. knowledge and understanding of the law governing the operation of
v. vehicles upon the highways, and the applicant's ability to read and
w. understand simple English used in highway traffic and directional
x. signs.~~

~~y. This bill would require the examination to also include a test of
z. the applicant's knowledge and understanding of the provisions of the
aa. California Driver Handbook relating to bicycling, including, but not
bb. limited to, bicycle markings, bicycle lanes, and bicycles in travel
cc. lanes.~~

~~dd. Vote: majority. Appropriation: no. Fiscal committee: yes.~~

~~ee. State-mandated local program: no.~~

CBAC members liked the original language on this bill and would like to see it placed back in AB 840. Jim Baross made a motion to support the original language and Michelle Mowery 2nd the motion.

b. AB 206:

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Bill No. 206

Introduced by Assembly Member Dickinson

January 30, 2013

An act to add Section 35400.8 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 206, as amended, Dickinson. Vehicles: length limitations: buses: bicycle transportation devices.

Existing law imposes a 40-foot limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Existing law exempts from this limitation an articulated bus or trolley and a bus, except a school bus, that is operated by a public agency or passenger stage corporation that is used in a transit system if it is equipped with a folding device attached to the front of the vehicle that is designed and used exclusively for transporting bicycles, does not materially affect efficiency or visibility of vehicle safety equipment, and does not extend more than 36 inches from the front of the body of the bus or trolley when fully deployed. In addition, existing law prohibits a bicycle that is transported on the above-described device from having the bicycle handlebars extend more than 42 inches from the front of the vehicle.

This bill would authorize the Sacramento Regional Transit District to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles if the use of the device meets certain requirements, including, but not limited to, that the device does not extend more than 40 inches from the front of the bus when fully deployed, and that the handlebars of the bicycles being transported do not extend more than 46 inches from the front of the bus. The bill would require the district to submit a report, containing specified requirements, to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing on or before December 31, 2018.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento Regional Transit District.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

c. AB 417:

LEGISLATIVE COUNSEL'S DIGEST

AB 417, as amended, Frazier. Environmental quality: California Environmental Quality Act: bicycle transportation plan.

The California Environmental Quality Act~~begin delete (CEQA)end delete~~~~begin insert, known as CEQA,end insert~~ requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report~~begin delete (EIR)end delete~~~~begin insert, known as an EIR,end insert~~ on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the

project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.

~~begin delete~~

~~Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires OPR to assist with, among other things, the orderly preparation of programs of transportation.~~

~~end delete~~

Existing law authorizes a local agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves or determines to carry out that project, to file notice of the determination with the county clerk in the county in which the project is located.

This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with ~~begin delete~~ OPR ~~and end delete~~ the county clerk. ~~begin delete~~ This bill would require OPR to post specified information on its Internet Web site, as prescribed. ~~end delete~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

This division does not apply to a bicycle (a) transportation plan prepared pursuant to Section 891.2 of the Streets and Highways Code for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles.

Prior to determining that a (b) project is exempt pursuant to this section, the lead agency shall do both of the following:
Hold noticed public hearings (1) in areas affected by the bicycle transportation plan to hear and respond to public comments.
Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the

proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

Include measures in the (2) bicycle transportation plan to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts.

(c) ~~begin delete (1) end delete begin delete end delete~~ Whenever a local agency determines that a project is not subject to this division pursuant to this section, and it determines to approve or carry out that project, the notice shall be filed with ~~begin delete the Office of Planning and Research and end delete~~ the county clerk in the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152.

~~begin delete~~

~~3The Office of Planning and (2) Research shall post on its Internet
4Web site each lead agency filing a notice of determination pursuant
5to this section, as required pursuant to Section 21152.1, a link to
6the Internet Web site for any plan that was exempt pursuant to this
7section, and any action or proceeding alleging noncompliance with
8this division for a plan that was exempt pursuant to this section,
9the cause of the action, and the case outcome.~~

~~end delete~~

This section shall remain in (d) effect only until January 1, 112018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

d. AB 738:

Introduced by Assembly Member Harkey
(Coauthors: Assembly Members Bigelow and Hagman)

February 21, 2013

An act to add Section 830.7 to the Government Code, and to add Section 21207.1 to the Vehicle Code, relating to public entity liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 738, as introduced, Harkey. Public entity liability: bicycles.

Existing law specifies that a public entity or a public employee shall not be liable for an injury caused by the plan or design of a construction of, or an improvement to, public property in specified cases. Existing law allows public entities to establish bicycle lanes on public roads.

This bill would provide that a public entity or an employee of a public entity acting within his or her official capacity is not be liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1.

Section 830.7 is added to the *Government Code*, to read:

830.7.

A public entity or an employee of a public entity (a) acting within his or her official capacity shall not be liable under this chapter for an injury caused to a person riding a bicycle as defined in Section 231 of the Vehicle Code while traveling on a roadway if the public entity has provided a bike lane on that roadway pursuant to Section 21207 of the Vehicle Code or Section 3891.8 of the Streets and Highway Code. For purposes of this section, “bike lane” is as defined in Section 890.4 of the Streets and Highways Code.

The immunity set forth in this (b) section is applicable regardless of whether the bicyclist was within the bike lane at the time of the accident. This immunity is also applicable regardless of whether the reason the bicyclist was not using the bike lane was in accordance with the exceptions listed in Section 21208 of the Vehicle Code.

This section shall not limit (c) the ability of a bicyclist to pursue legal remedies against other individuals or entities involved in the accident.

SEC. 2.

Section 21207.1 is added to the *Vehicle Code*, to read:

Public entities that establish bicycle lanes pursuant to Section 21207 or Section 891.8 of the Streets and Highways Code are immune from liability in accordance with Section 830.7 of the Government Code.

e. AB 1193 (basically the same language as AB 819)

Introduced by Assembly Member Ting

February 22, 2013

**An act to amend Section 891 of the Streets and Highways Code, relating to bikeways.
LEGISLATIVE COUNSEL'S DIGEST**

AB 1193, as amended, Ting. Bikeways.

Existing law requires the Department of Transportation, in cooperation with county and city governments, to establish minimum safety design criteria for the planning and construction of bikeways, and requires the department to establish uniform specifications and symbols regarding bicycle travel and bicycle traffic related matters. Existing law requires all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications and symbols for signs, markers, and traffic control devices established pursuant to that law.

Existing law also requires the department, by June 30, 2013, to establish procedures to permit exceptions to the above requirements for purposes of research, experimentation, testing, evaluation, or verification.

This bill would prohibit the department from denying funding to a project because it is excepted pursuant to these procedures.

~~begin delete~~

~~The bill would provide, to the extent that a design exception is determined to be consistent with generally accepted professional engineering practice and is approved pursuant to the procedures adopted under these provisions, that determination constitutes substantial evidence on the basis of which a reasonable legislative body or public employee could have approved the plan or design without liability.~~

~~end delete~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1.

Section 891 of the *Streets and Highways Code*
is amended to read:

891.

All city, county, regional, and other local agencies (a) responsible for the development or operation of bikeways or roadways where bicycle travel is permitted shall utilize all minimum safety design criteria and uniform specifications and

symbols for signs, markers, and traffic control devices established pursuant to Sections 890.6 and 890.8, except as provided in subdivision (b).

The department shall (b) establish procedures to permit exceptions to the requirements of subdivision (a) for purposes of research, experimentation, testing, evaluation, or verification.~~begin delete To the extent that a design exception is determined to be consistent with generally accepted professional engineering practice and is approved pursuant to the procedures adopted under this subdivision, that determination shall constitute substantial evidence on the basis of which a reasonable legislative body or public employee could have approved the plan or design within the meaning of Section 830.6 of the Government Code.end delete~~ The department shall not deny funding to a project because it is excepted pursuant to this subdivision.

f. AB 1371:

Introduced by Assembly Member Bradford

February 22, 2013

An act to amend Sections 21460 and 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Bradford. Vehicles: bicycles: passing distance.

Under existing law, a driver of a vehicle overtaking (1) another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would enact the Three Feet for Safety Act, which would require the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit, with specified exceptions, the driver of the motor vehicle that is overtaking or passing a bicycle

proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. The bill would make a violation of these provisions an infraction punishable by a \$35 fine. The bill would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to the bicyclist, and the driver is found to be in violation of the above provisions.

Existing law prohibits a person from driving a vehicle to (2) the left of double parallel solid lines, or double parallel lines, one of which is broken, except under certain circumstances, including when the driver is turning to the left at any intersection or into or out of a driveway or private road or making a U-turn under the rules governing that turn.

~~This bill would prohibit a person driving a vehicle from crossing over any part of any double parallel solid white lines except in the above situations or when entering or exiting designated areas of exclusive or preferential use lanes, as provided. The bill would permit a driver of a motor vehicle to cross double parallel solid lines or double parallel lines, one of which is broken, to pass a person operating a bicycle in the same direction, if in compliance with a specified provision. The bill would also provide that when the driver of a motor vehicle drives to the left of certain double parallel lines, as specified, to pass a person operating a bicycle and is involved in a collision, the driver is solely liable for the damages suffered by any person who is involved in the collision, regardless of the conditions of the roadway.~~ ~~begin delete~~ ~~end delete~~ ~~begin insert~~ ~~end insert~~ ~~provision and specified conditions are met.~~ ~~end insert~~

Because this bill would create a new crime and would expand the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.
The people of the State of California do enact as follows:

SECTION 1.

Section 21460 of the *Vehicle Code* is amended to read:

21460.

If double parallel solid yellow lines are in place, a (a) person driving a vehicle shall not drive to the left of those lines, except as permitted in this section.

If double parallel solid white (b) lines are in place, a person driving a vehicle shall not cross any part of those double solid white lines, except as permitted in this section or in Section 921655.8.

If double parallel lines, one (c) of which is broken, are in place, a person driving a vehicle shall not drive to the left of those lines, except as follows:

If the driver is on the side (1) of the roadway in which the broken line is in place, the driver may cross over the double lines or drive to the left of the double lines if the driver is overtaking or passing other vehicles.

As provided in Section (2) 21460.5.

The markings, as (1) (d) specified in subdivision (a), (b), or (c), do not prohibit a driver from crossing the markings, if either of the following applies:

The driver is turning to the (A) left at an intersection or into or out of a driveway or private road.

The driver is making a U-turn (B) under the rules governing that turn.

The markings, as specified in (2) subdivision (a), (b), or (c), shall be disregarded if authorized signs have been erected designating off-center traffic lanes as permitted under Section 2821657.

Raised pavement markers may (e) be used to simulate painted lines described in this section if the markers are placed in accordance with standards established by the Department of Transportation.

The driver of a motor vehicle (f) on a two-lane highway may drive to the left of either of the markings specified in subdivision (a) or (c) to pass a person operating a bicycle proceeding in the

same direction if in compliance with ~~begin deleteSection 21751. If a driver of 37a motor vehicle drives to the left of the markings specified in 38subdivision (a) or (c) to pass a person operating a bicycle and is~~

~~P4—1involved in a collision, the driver of the motor vehicle that drove
2to the left of the markings is solely liable for any damages suffered
3by any person involved in the collision, regardless of the conditions
4of the roadway. end delete~~begin insertSection 21751 and if both of the following
5conditions are met:end insert
begin insert

The left side of the road is (1) clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing of the bicycle to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction.

The driver operates the motor (2) vehicle to the left of either of the markings specified in subdivision (a) or (c) only to the extent reasonably necessary to comply with Section 21750.1.

SEC. 2.

Section 21750 of the *Vehicle Code* is amended to read:

21750.

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, subject to the limitations and exceptions set forth in this article.

SEC. 3.

Section 21750.1 is added to the *Vehicle Code*, to read:

21750.1.

This section shall be known and may be cited as (a) the Three Feet for Safety Act.

The driver of a motor vehicle (b) overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the provisions of this article applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the highway.

A driver of a motor vehicle (c) shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

If the driver of a motor (d) vehicle is unable to comply with subdivision (c), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

3A violation of subdivision (1) (e) (b), (c), or (d) is an infraction punishable by a fine of thirty-five dollars (\$35).

If a collision occurs between (2) a motor vehicle and a bicycle causing bodily injury to the operator of the bicycle, and the driver of the motor vehicle is found to be in violation of subdivision (b), 8(c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be imposed on that driver.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII

B of the California Constitution because

the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII of the California Constitution.

g. AB 1194

Introduced by Assembly Members Ammiano and V. Manuel Pérez
(Coauthors: Assembly Members Alejo, Levine, and Pan)

February 22, 2013

An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL’S DIGEST

AB 1194, as amended, Ammiano. Safe Routes to School Program.

Existing law creates the Safe Routes to School Program, administered by the Department of Transportation in consultation with the Department of the California Highway Patrol. Existing law requires the ~~begin delete department end delete~~ ~~begin insert Department of Transportation end insert~~ to award grants to local government agencies based on the results of a statewide competition, under which proposals submitted for funding are rated based on various factors. Existing law provides for the program to be funded from state and federal funds, as specified. This bill would ~~begin insert~~ provide that the program may fund both construction and noninfrastructure activities, as specified. The bill would ~~end insert~~ require the program to be funded by an annual appropriation in the budget act of not less than \$46,000,000, consisting of federal and state transportation funds eligible to be expended for this purpose. ~~begin insert~~ The bill would require 20% of program funds to be used for noninfrastructure activities, as specified. ~~end insert~~ The bill would authorize the transfer of the responsibility for selecting projects and awarding grants from the Department of Transportation to the California Transportation Commission, at the discretion of the Transportation Agency. ~~begin insert~~ The bill would require the Department of Transportation to employ a full-time coordinator to administer the program. ~~end insert~~ The bill would also delete references to a superseded federal transportation act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

The people of the State of California do enact as follows:

SECTION 1.

Section 2333.5 of the *Streets and Highways Code* 2 is amended to read:

2333.5.

The department, in consultation with the (a) Department of the California Highway Patrol, shall establish and administer a “Safe Routes to School” ~~begin delete construction end delete~~ ~~begin delete for construction end delete~~ ~~begin insert~~ with the following elements: ~~end insert~~ ~~begin insert~~ (1) ~~end insert~~ ~~begin insert~~ end insert ~~begin insert~~ Construction ~~end insert~~ of bicycle and pedestrian safety and traffic calming projects.

begin insert

Noninfrastructure-related (2) activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

end insert

The department shall award (b) grants to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

Demonstrated needs of the (1) applicant.

Potential of the proposal for (2) reducing child injuries and fatalities.

Potential of the proposal for (3) encouraging increased walking and bicycling among students.

Identification of safety (4) hazards.

Identification of current and (5) potential walking and bicycling routes to school.

Use of a public participation (6) process, including, but not limited to, a public meeting that satisfies all of the following:

Involves the public, schools, (A) parents, teachers, local agencies, the business community, key professionals, and others.

Identifies community (B) priorities and gathers community input to guide the development of projects included in the proposal.

Ensures that community (C) priorities are reflected in the proposal.

Secures support for the (D) proposal by relevant stakeholders.

Benefit to a low-income (7) school, defined for purposes of this section to mean a school where at least 75 percent of students are eligible to receive free or reduced-price meals under the National School Lunch Program.

The program shall be funded (c) by an annual appropriation in the Budget Act of not less than forty-six million dollars (\$46,000,000), consisting of federal and state transportation funds eligible to be expended for this purpose.

Any federal funding received (d) by the state that is designated for "Safe Routes to School" projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.

Prior to the award of any (e) construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a freeway, state highway, or county road, the department shall consult with, and obtain approval

from, the Department of the California Highway Patrol, ensuring that the “Safe Routes to School” proposal complements the California Highway Patrol’s Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

The department is encouraged (f) to coordinate with law enforcement agencies’ community policing efforts in establishing and maintaining the “Safe Routes to School”~~begin delete constructionend delete~~ program.

In the development of (g) guidelines and procedures governing this program, the department shall fully consider the needs of low-income schools.

Up to 10 percent of program (h) funds may be used to assist eligible recipients in making infrastructure improvements, other than schoolbus shelters, that create safe routes to schoolbus stops that are located outside the vicinity of schools.

At the discretion of the (i) Transportation Agency, the responsibility for selecting projects and awarding grants under this section pursuant to the statewide competitive grant process may be transferred from the department to the commission.

begin insert

P4 Twenty percent of (j) program funds shall be used for noninfrastructure-related activities as described in paragraph (2) of subdivision (a). Up to 20 percent of the funds used for noninfrastructure-related activities shall be used for a statewide technical assistance resource center.

end insertbegin insert

The department shall employ a (k) full-time safe routes to school coordinator to administer the Safe Routes to School program.

end insert

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8. Topics for Next Meeting / Additional Items / Adjourn

See above.

Next Meeting June 6, 2013, Department of Transportation, 1227 O Street, Room 513, Sacramento, CA (Veterans Affairs Building), 10AM to 3PM.