



Regional Transportation Planning Agency - Local Transportation Commission
Monterey County Service Authority for Freeways & Expressways
Monterey County Regional Development Impact Fee Joint Powers Agency
Email: info@tamcmonterey.org

TECHNICAL ADVISORY COMMITTEE

Thursday, February 2, 2023

****9:30 AM****

REMOTE CONFERENCING ONLY

There will be NO physical location of the meeting.

Please see all the special meeting instructions at the end of this agenda

Join meeting online at:

<https://us02web.zoom.us/j/950428194?pwd=T0N6RkZXWmN3UDAwTEZpUE9iVTIzQT09>

OR

By teleconference at: +1 669 900 6833

Meeting ID: 950 428 194 | Password: 185498

Complete agenda packets are on display at the Transportation Agency for Monterey County office and at these public libraries: Carmel, Monterey, Salinas Steinbeck Branch, Seaside, Prunedale, and King City. Any person who has a question concerning an item on this agenda may call the Agency Secretary to make inquiry concerning the nature of the item described on the agenda. Please recycle this agenda.

1. ROLL CALL

Call to order and self-introductions. According to Transportation Agency and Committee bylaws, Committee membership consists of representatives from the Transportation Agency voting and ex-officio members, and other agencies that may be appointed by the Transportation Agency. Currently the Committee membership includes representatives from 12 Cities, the County, MST, Caltrans, City of Watsonville, the Air District, and AMBAG, for a total of 18 members. Five members of the Technical Advisory Committee, representing voting members of the Transportation Agency Board of Directors, constitute a quorum for transaction of the business of the committee. If

you are unable to attend, please contact the Committee coordinator. Your courtesy to the other members to assure a quorum is appreciated.

2. PUBLIC COMMENTS

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of the Committee. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 5:00 pm the Thursday before the meeting, and such comments will be distributed to the Committee before the meeting.

Alternative Agenda Format and Auxiliary Aids: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

3. BEGINNING OF CONSENT AGENDA

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

3.1 APPROVE the draft Technical Advisory Committee Minutes for January 5, 2023.

- Montiel

END OF CONSENT AGENDA

4. RECEIVE presentation on upcoming climate adaptation grant programs and **PROVIDE** input on project applications.

- Guther

California has received funding from the federal government for several grant

funding programs for which applications are due in March 2023 at the soonest. These programs will provide funding for projects that adapt transportation infrastructure to the past, present, and future effects of climate change.

5. **REVIEW** and **PROVIDE FEEDBACK** on the 2023 Regional Surface Transportation Program guidelines.

- Strause

The Transportation Agency periodically programs Regional Surface Transportation Program and Transportation Development Act 2% Bicycle and Pedestrian funds to local projects in both a formula share (fair share) and a competitive program. New in the 2023-2026 RSTP Program, \$1,000,000 has been allocated to a Quick-Build Project Pilot Program.

6. **REVIEW** recently adopted laws enacted in 2023 that impact mobility.

- Bilse

Several Assembly Bills and Senate Bills were enacted this year that change existing laws, revise the vehicle code or enable new local ordinances that potentially effect mobility. Some of the most important changes resulted from AB 1909, or the OmniBike Bill, that changes several sections of the vehicle code to clarify that the rules for automobiles should not always apply to bikes. Other Assembly Bills are discussed in this report.

7. **ANNOUNCEMENTS**

8. **ADJOURN**

ANNOUNCEMENTS

Next Committee meeting will be held on
Thursday, March 2, 2023, at 9:30 A.M.

**Transportation Agency for Monterey County
Conference Room
55-B Plaza Circle, Salinas CA 93901**

A quorum of voting members is required to be present in the same room to hold this meeting.

There will be a zoom link for hybrid participation.

Voting members: please note that the circumstances in which you may remotely teleconference have been severely curtailed and require prior notice and only certain justifications. Click [here](#) for more detail.

If you have any items for the next agenda, please submit them to
Doug Bipse, Technical Advisory Committee Coordinator
Doug@tamcmonterey.org

Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to maria@tamcmonterey.org by 5:00pm the Monday before

the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County
www.tamcmonterey.org
55B Plaza Circle, Salinas, CA 93901
TEL: 831-775-0903
EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

CORRESPONDENCE, MEDIA CLIPPINGS, and REPORTS - No items this month



Memorandum

To: Technical Advisory Committee
From: Maria Montiel, Administrative Assistant
Meeting Date: February 2, 2023
Subject: **Draft TAC Minutes**

RECOMMENDED ACTION:

APPROVE the draft Technical Advisory Committee Minutes for January 5, 2023.

ATTACHMENTS:

- ▣ Draft January TAC Minutes

TECHNICAL ADVISORY COMMITTEE MINUTES

Meeting held via Zoom

Draft Minutes of Thursday, January 5, 2023

COMMITTEE MEMBERS	MAR 22	APR 22	MAY 22	JUN 22	JUL 22	AUG 22	SEP 22	OCT 22	NOV 22	DEC 22	JAN 23
R. Harary, Carmel-by-the-Sea (R. Culver)	P(A)	P(A)	P	P	N	P	P	P	P	N	E
J. Guertin, Del Rey Oaks	-	-		P	O	-	-	-	-	O	-
P. Dobbins Gonzales, Vice Chair (vacant)	P	P		-		P	-	P	P		P
D. Pike, Greenfield (T. Nisich)	P/P(A)	P		P	M	P	P	-	P	M	
O. Hurtado, King City (S. Adams)	P	P	P	-	E	P	P	P	P	E	P
B. McMinn, Marina (E. Delos Santos)	P	P	P	P	E	P	P	P	P	E	P
M. Garcia, Monterey Chair (A. Renny, F. Roveri)	P	P	P	P	T	P	P	P	P	T	P
D. Gho, Pacific Grove (J. Halabi)	P	P		P	I	P	P	P	P	I	-
A. Easterling, Salinas (vacant)	P	P		P	N	P	P	-	P	N	P
L. Gomez, Sand City (V. Norgaard)	P	-	P	P	G	P	P		P	G	P
N. Patel, Seaside (P. Grogan /L. Llantero)		P		-		P	P	P	P		-
O. Espinoza, Soledad (L. Gomez)	P	-	P	-		-	P	-	-		P
C. Alinio, MCPW (E. Saavedra)	P	P	P	P		P	P	P	E		E
M. Taylor, AMBAG (P. Hierling)	P	P	P	P		P	P	P	P		P
J. Xiao, Caltrans (K. McClendon)	P	P	P	P		P	P	P	P		P
S. Campi, CSUMB		P	P			-	P	P	E		P
T. Bell, MBARD		-	-	-		-	P	P	P		P
Vince Dang, MST (M. Deal M. Overmeyer)	P	P(A)	P	P		P	P	P	P		

4. 2023 COMMITTEE VICE-CHAIR

Doug Bilse, Principal Engineer, opened the discussion with the Committee on selecting a Vice-Chair for 2023. Mr. Bilse commented that the new Vice-Chair will serve for the 2023 calendar year.

M / S / C: McMinn / Espinoza/ unanimous

Motion: Nominating Patrick Dobbins as Vice-Chair for 2023.

5. ADAPTIVE SIGNAL OPERATIONS

Doug Bilse, Principal Engineer, introduced Jason Spencer from Western Systems, and Zach Hoiting presented on adaptive signal control improvements. He noted that adaptive signal control improves signal performance metrics by 10 percent or more. In systems with extremely outdated signal timing, and experiencing under-saturated conditions, the improvement of operating in adaptive mode can improve signal performance by 50 percent or more. Optimizing adaptive signal operations is contingent on good vehicle detection for all movements and real-time data being sent to the traffic management center.

Mr. Hoiting noted that the improvements from adaptive operations might not be as dramatic in areas where: 1) traffic signals operate in coordination, 2) demand is stable/predictable during typical commute periods, 3) performance is regularly monitored, and 3) signal timing is well maintained.

In conclusion Mr. Hoiting noted that in the United States, adaptive signal control technologies are being used on less than one percent of all signalized intersections. Considerations for upgrading to adaptive signal operations include: hardware cost, staff expertise necessary to configure and maintain the system, and communications to the traffic signals.

6. CALTRANS MID-MILE BROADBAND INITIATIVE

Doug Bilse, Principal Engineer introduced Genaro Diaz from Caltrans. Mr. Diaz reported that California is preparing a project that will enhance broadband connections throughout the state to improve access to education, health services and employment opportunities. The California Department of Technology (CDT) is the lead agency with Caltrans managing the construction phase of the project. He noted that the Middle-Mile Broadband Initiative is the first step to creating an open-access, middle-mile network that will build infrastructure to bring high-speed broadband service to unserved and underserved communities, regardless of technology used, on equal economic and service terms. In conclusion Mr. Diaz reported that the California Department of Technology released a statewide construction evaluation map that includes a 10,000-mile network of proposed broadband links spanning the entire state with repeater hubs installed in 50-mile intervals and vaults expected to be available every half mile. Monterey County can expect roughly 665 miles of broadband infrastructure. He noted that all construction for this \$6B project is scheduled to be completed by December 2026.

Andrew Easterly asked if this work is being coordinated with other entities such as network providers. Mr. Diaz noted that this is not intended to be a stand-alone project and third-party entities are being consulted by the CDT.

Mr. Easterly followed up with a question on what construction methods are being implemented? Diaz said numerous approaches are being used including micro-trenching, plowing, drilling, and boring.

Todd Muck asked how the last-mile projects are being coordinated with the mid-mile initiative. Mr. Diaz noted that the End-mile facilities is the limitation on improved service to communities and there are funding opportunities (e.g., grants) available to assist those types of projects. Mr. Diaz noted that he is TAMC's liaison for this project and is available for collaborations with other entities.

Patick Dobbins noted that in May 2022 the south Salinas Valley cities received a \$250,000 grant and Monterey Bay Economic Partnership (MBEP) is coordinating this effort. Mr. Dobbins noted that they meet quarterly, and those efforts are underway.

7. US 101 BUSINESS PLAN

Doug Bilse introduced Madylin Jacobs from Caltrans, and Matt Welker from Caltrans reported that the Draft 101 Business Plan has been completed. He noted that the Central Coast Coalition was formed to raise awareness of the US 101 Corridor within the boundaries of Caltrans District 5 as a major economic asset to the state and nations and encourage investment in the corridor. This follows the template used by the Fresno region to fund projects along State Route 99. The purpose of the US 101 Business Plan is to provide the data, strategy, and community support needed to help secure financial investment in the US 101 corridor. It does not identify new projects. The Business Plan can serve as an important unifying document that represents our region coming together to identify the major issues, needs, and priorities for the corridor. The report is available on the Santa Barbara County Council of Governments webpage and the link is provided in the staff report. In conclusion Mr. Welker noted that it's a valuable symbol of this important partnership that can assist future grant applications for the projects contained within the Business Plan project list. The draft will be available for public review and Caltrans staff will be collecting questions and comments until February 1, 2023. Comments can be submitted via email at matthew.welker@dot.ca.gov

8. ANNOUNCEMENTS

Joanna Xiao announced that the 2023-24 Sustainable Transportation Planning Grant Application Call for Applications will be released next week. She noted that applications are due on Thursday, March 9, 2023, by 5 P.M., and grant announcements are anticipated in summer 2023. She mentioned that a virtual workshop will be held on January 26, 2023, 9:30am

Doug Bilse, Principal Engineer announced the next meeting is scheduled for February 2, 2023 and asked members to submit any topics for consideration on future agendas

Patrick Dobbins announced the next APWA award ceremony is scheduled for the evening of February 8, 2023 at the Steinback Hall and Hartnell College campus.

9. ADJOURN

The meeting was adjourned at 11:05 a.m.



Memorandum

To: Technical Advisory Committee
From: Alissa Guther, Assistant Transportation Planner
Meeting Date: February 2, 2023
Subject: **Climate Adaptation Grants**

RECOMMENDED ACTION:

RECEIVE presentation on upcoming climate adaptation grant programs and **PROVIDE** input on project applications.

SUMMARY:

California has received funding from the federal government for several grant funding programs for which applications are due in March 2023 at the soonest. These programs will provide funding for projects that adapt transportation infrastructure to the past, present, and future effects of climate change.

FINANCIAL IMPACT:

The grant programs presented today have a range of possible financial awards. The Regional Resilience Grant has \$150,000 to \$650,000 for planning grants and \$800,000 to \$3 million for implementation grants, with no match funding required. The Adaptation Planning Grant Program awards will range from \$150,000 to \$650,000. The Caltrans Climate Adaptation Program has \$100,000 to \$1.5 million available for individual applicants. The California Transportation Local Transportation Climate Adaptation Infrastructure Program has \$50 million total for the upcoming fiscal year, and we are awaiting to receive the final individual grant funding ranges once the guidelines are released.

DISCUSSION:

TAMC has been coordinating with the Association of Monterey Bay Area Governments (AMBAG) to facilitate successful applications to several grant programs. The Governor's Office of Planning and Research has released the Adaptation Planning Grant Program (**web attachment 1**) and Regional Resilience Program (**web attachment 2**); Caltrans has released a Climate Adaptation Grant Program (**web attachment 3**); and the California Transportation Commission plans to release a local transportation infrastructure climate adaptation program (**web attachment 4**).

TAMC is coordinating with AMBAG and the County of Monterey to create a proposal for corridor and county wide transportation vulnerability assessments that will provide the framework for planning and implementation efforts in the region to address the risks of climate change.

TAMC staff will present the programs to the Technical Advisory Committee and outline the strategy for the upcoming grant applications.

WEB ATTACHMENTS:

- [Governor's Office of Planning and Research Adaptation Planning Grant Program](#)
- [Governor's Office of Planning and Research Regional Resilience Program](#)

- [Caltrans Climate Adaptation Program \(Section 4\)](#)
- [California Transportation Commission local transportation infrastructure climate adaptation program](#)



Memorandum

To: Technical Advisory Committee
From: Janneke Strause, Transportation Planner
Meeting Date: February 2, 2023
Subject: 2023 Programming Guidelines & Competitive Grants

RECOMMENDED ACTION:

REVIEW and **PROVIDE FEEDBACK** on the 2023 Regional Surface Transportation Program guidelines.

SUMMARY:

The Transportation Agency periodically programs Regional Surface Transportation Program and Transportation Development Act 2% Bicycle and Pedestrian funds to local projects in both a formula share (fair share) and a competitive program. New in the 2023-2026 RSTP Program, \$1,000,000 has been allocated to a Quick-Build Project Pilot Program.

FINANCIAL IMPACT:

The three-year estimated funding of Regional Surface Transportation Program is \$3.6 million for fair share and up to \$9.75 million for the competitive program. The \$9.75 million includes \$9 million of new Regional Surface Transportation Program funds and \$750,000 of new Transportation Development Act 2% for bicycle and pedestrian project funds. In addition, \$1,000,000 of Regional Surface Transportation Program funds are allocated to a Quick-Build Project Pilot Program. The deadline for billing to the prior funding cycle is three years after approval of the grants, or August 31, 2023.

DISCUSSION:

The Surface Transportation Block Grant Program (formerly "Regional Surface Transportation Program") is a federal program that provides states and local jurisdictions with funding for highway improvements, street rehabilitation and transportation enhancements. The Transportation Agency receives an annual apportionment of Regional Surface Transportation Program funding, passed through the State. Because Monterey County didn't have an urbanized area with a population of greater than 200,000 in the 1990 census, it qualified for the state exchange program, whereby Caltrans keeps the federal Surface Transportation Block Grant Program apportionments for a region and gives the regional agency an equivalent amount of state cash.

The Transportation Agency distributes Regional Surface Transportation Program funding in both fair-share and competitive programs. Monterey County and the cities receive fair-share Regional Surface Transportation Program funds based on a formula of 50% population and 50% centerline miles. The total fair share allocation over the next three years is \$3.6 million.

The Transportation Agency distributes the remaining portion of the Regional Surface Transportation Program funding on a competitive basis to transportation projects based on a variety of criteria, including safety, traffic volume and

project readiness. The competitive grants process starts with a call for project and the release of grant application materials, then the Technical Advisory Committee will establish a subcommittee to review and rank project proposals. In addition to the traditional competitive program, the 2023 cycle includes funding for a Quick-Build Project Pilot Program. The Quick-Build Project Pilot Program applications are also evaluated by the Technical Advisory Committee but scored through a separate application and scoring criteria.

Project proposals for the **Competitive Program** will be evaluated based on the following scoring rubric for a total of 100 points:

Screening Criteria:

1. The proposed project will be implemented within 3 years.
2. The project is consistent with local and regional plans.
3. For intersection projects, an Intersection Control Evaluation has been or will be completed.
4. A pre-construction baseline Before Study has been or will be completed.

Section A - Project Information & Regional Significance (25 points total)

1. Traffic volumes in the corridor - 5 points
2. The project will mitigate safety hazards - 5 points
3. The project serves regional travel - 5 points
4. The project benefits Disadvantaged Communities - 5 points
5. The project benefits people with disabilities - 5 points

Section B - Complete Streets (25 points total)

1. Stakeholder outreach was conducted - 5 points
2. The project is expected to reduce bicycle level of traffic stress - 5 points
3. The project incorporates complete streets treatments - 5 points
4. The project improves bicycle, pedestrian or transit design features - 2.5 points
5. This is a maintenance project with complete street enhancements - 2.5 points
6. The project improves access and/or closes a gap for transportation disadvantaged communities - 5 points

Section C - Project Readiness & Cost Effectiveness (25 points total)

1. Project is ready to bid within three years - 5 points
2. Request for funding will fully-fund the project - 5 points
3. Project has completed the environmental phase - 5 points
4. Project has completed the design / right-of-way phase - 5 points
5. The project has a positive benefit / cost ratio - 5 points

Section D - Prior Project Delivery Performance (25 points total)

1. The jurisdiction is maximizing the use of fair-share RSTP - 10 points
2. The jurisdiction has delivered previously awarded competitive projects on time - 10 points
3. This funding request does not fund a cost-overrun - 5 points

Project proposals for the **Quick-Build Project Pilot Program** will be evaluated based on the following scoring rubric for a total of 100 points:

Screening Criteria:

1. The proposed project will be implemented within 2 years.
2. The project is consistent with one of the following design guides or local or regional plan:
 1. Monterey Bay Area Complete Streets Guidebook
 2. Safe Routes to Schools Plan

3. Monterey County Active Transportation Plan
 4. NACTO's Urban Bikeway Design Guide
 5. NACTO's Urban Street Design Guide
 6. Other
3. A pre-construction baseline Before Study has been or will be completed.

Quick-Build Project Information & Narrative (50 points total)

1. The project will quickly address an urgent safety need or improve comfort for non-motorized users, including students, older adults, and disadvantaged communities - 0-10 points
2. Engaged the community in the identification and initial planning of the project - 0-5 points
3. Plans include continuous community engagement for the duration of the project - 0-5 points
4. The project scope is flexible and adjustable based on community feedback - 0-5 points
5. The quick-build project's progress and performance will be measured - 0-10 points
6. The quick-build project provides a foundation for a potential permanent infrastructure project - 0-10 points
7. There is a maintenance strategy in place for the quick-build project - 0-5 points

Transportation Agency staff has updated its policies and procedures related to the Regional Surface Transportation Program, which will require each local jurisdiction to enter into a new three-year master funding agreement with the Transportation Agency in order to be eligible to receive funds. Transportation Agency staff will provide an update at the Committee meeting on the guidelines, as well as review policies for the distribution of fair share allocations, the timely use of funds, use of interest, project eligibility, and discuss criteria and procedures for the grant cycle. Under the attached schedule, grant applications will be due to TAMC on June 1, 2023, and a final vote on the selected projects will take place at the August TAMC Board meeting.

ATTACHMENTS:

- ▢ 2023 Competitive Grants Schedule
- ▢ 2023 Fund Estimate

WEB ATTACHMENTS:

[2023 RSTP Guidelines & Grant Application](#)

Transportation Agency for Monterey County
Regional Surface Transportation Program
2023 Competitive Grant Schedule

DRAFT

Tasks	Schedule
TAMC Board Action	
Grant application approval	March 22, 2023
Call for projects	March 22, 2023
Establish Review Committee	
Bicycle & Pedestrian Committee nominates committee members	May 3, 2023
Technical Advisory Committee nominates members	May 4, 2023
Grant Applications Due	
Applications due to TAMC	June 1, 2023
Review Committee Scores Applications	
Review committee members complete scoring of applications	June 22, 2023
Review of Committee Recommendations by Standing Committees	
Bicycle and Pedestrian Committee will review the committee recommendations and provide input to the Technical Advisory Committee	August 2, 2023
Technical Advisory Committee will recommend approval of projects for funding to the Board	August 3, 2023
TAMC Board Approval	
Board approves projects for Competitive Grants via resolution	August 23, 2023

Transportation Agency for Monterey County
Regional Surface Transportation Program
2023 Fund Estimate

DRAFT

Fund Estimate:

FY 23/24	\$ 6,000,000
FY 24/25	\$ 6,000,000
FY 25/26	\$ 6,000,000
Total Fund Estimate	\$ 18,000,000

Fund Distribution:

RSTP Reserve (10% of total)	\$ 1,800,000
Rail Project set aside	\$ 2,600,000
Total Funds Available	\$13,600,000

Jurisdiction	2022 Population	2022 Centerline Miles	3-Year Fair Share Funding
Carmel-by-the Sea	3,041	27.00	\$ 36,857.20
Del Rey Oaks	1,539	9.60	\$ 15,004.55
Gonzales	8,340	20.40	\$ 52,924.53
Greenfield	19,634	35.19	\$ 113,072.90
King City	13,331	30.70	\$ 82,883.86
Marina	21,457	75.28	\$ 156,625.39
Monterey	28,082	102.93	\$ 208,940.31
Pacific Grove	14,761	65.18	\$ 119,769.53
Salinas	159,932	291.23	\$ 925,168.86
Sand City	372	4.99	\$ 6,023.13
Seaside	32,068	76.04	\$ 201,345.18
Soledad	26,308	35.70	\$ 141,229.01
County of Monterey	104,851	1,231.00	\$ 1,540,155.54
Fair-Share Total:	433,716	2,005.24	\$ 3,600,000

Quick-Build Project Pilot Program	\$ 1,000,000
Balance of RSTP for Competitive	\$ 9,000,000
Transportation Development Act 2%	\$ 750,000
Estimated amount available from deprogrammed competitive projects	\$ -
Estimated Competitive Grant Funding	\$ 9,750,000

* California Department of Finance - 2021 Population
(<http://www.dof.ca.gov/Forecasting/Demographics/Estimates>)

* Centerline miles from 2021 Measure X Audits



Memorandum

To: Technical Advisory Committee
From: Doug Bilse, Principal Engineer
Meeting Date: February 2, 2023
Subject: **2023 Legislative Update**

RECOMMENDED ACTION:

REVIEW recently adopted laws enacted in 2023 that impact mobility.

SUMMARY:

Several Assembly Bills and Senate Bills were enacted this year that change existing laws, revise the vehicle code or enable new local ordinances that potentially effect mobility. Some of the most important changes resulted from AB 1909, or the OmniBike Bill, that changes several sections of the vehicle code to clarify that the rules for automobiles should not always apply to bikes. Other Assembly Bills are discussed in this report.

FINANCIAL IMPACT:

The implementation of the bills discussed in this report do not include or identify any new funding sources. The resulting changes to the vehicle code and associated infractions are considered 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. AB 1909 provides that no reimbursement is required by this act.

DISCUSSION:

Several Assembly and Senate Bills were approved last year that go into effect in 2023 that impact mobility. Some of these new rules represent a revolutionary change in the way California treats bicyclists. Until now, the California Vehicle Code (CVC) has generally treated bikes as cars. Bicyclists were required to cross intersections with cars. Cars are required to be registered with the state and bicyclists were required to register with cities. Electric bicycles (e-bikes), like cars, were banned from some bikeways. The OmniBike Bill recognizes that bikes are not cars and acknowledges that forcing bike riders to behave like auto drivers (a practice known as vehicular cycling) targets aggressive bike riders and disincentivizes less experienced bike users.

Some of the new laws change the way e-bikes are regulated in California. In 2021, more people bought electric bikes than electric cars in the U.S., and sales do not appear to be slowing down. CVC 231 now states that an "electric bicycle is a bicycle" and therefore not a motor vehicle. This determination that an e-bike is not a motorized vehicle is an important distinction because CVC section 21209(a) stipulates that "no person shall drive a motor vehicle in a bicycle lane...." CVC section 312.5 defines an electric bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) that also falls into one of the following 3 classes:

- Class 1 (low-speed pedal-assisted electric bicycle): a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

- Class 2 (low-speed throttle-assisted electric bicycle): a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- Class 3 (speed pedal-assisted electric bicycle): a bicycle equipped with a motor that provides assistance only when the rider is pedaling, that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.

All other motorized vehicles that do not meet the definition of an e-bike (e.g., scooters, mopeds) must follow the laws established for automobile use, including insurance and registration. Pedicabs can be considered electric bicycles, but CVC Section 21215.5 allows a local authority to impose more stringent operating or equipment requirements on a pedicab.

Assembly Bill 1909 (OmniBike Bill)

Governor Gavin Newsom signed Assembly Bill 1909 into law on September 16, 2022 (**attachment 1**). AB 1909 is referred to as the OmniBike Bill because it is an omnibus bill combining several provisions. It makes changes to the CVC to recognize that car rules do not always work for bikes. The following are ways the OmniBike Bill will increase bike access and legalize safe bike riding:

1. Creates a margin of safety: In 2013, California passed a 3-foot passing rule which has proven difficult to enforce due to the challenge of measuring the distance between two moving objects. Someone on the driver's side of a car may have difficulty estimating a 3-foot distance on the opposite side of their vehicle. The OmniBike Bill changes CVC section 21760 to require people driving cars to pass a bike the same way they would a car, by going into the next lane, wherever possible.
2. Improves access for e-bikes: The CVC previously prohibited the operation of a motorized bicycle (e.g., mopeds) or a class 3 electric bicycle on all bicycle paths or trails, bikeways, bicycle lanes, equestrian trails, or hiking or recreational trails. The CVC previously allowed a local authority to additionally prohibit the operation of class 1 and class 2 electric bicycles on any of these facilities. The OmniBike Bill removed the universal prohibition of class 3 electric bicycles on all of these facilities, but CVC 21208.5 allows a local authority that so desires to establish an ordinance to prohibit the operation of a class 3 electric bicycle on any of these facilities. The new law allows a local authority that so desires to prohibit any class of electric bicycle on an equestrian trail, or hiking trail, or recreational trail. A person using any class of e-bike is now allowed to bike anywhere a bike is allowed, unless a sign is posted that specifically prohibits that e-bike class from using that facility. A local authority must adopt an ordinance before prohibiting a class 3 electric bike on a specific bike path, lane, trail, or bikeway. A local authority must take action before prohibiting class 1, 2 or 3 electric bikes from a specific equestrian, hiking or recreation trail.
3. Walk signals are for bikes: Many intersections have advance walk signals for pedestrians (also referred as a leading pedestrian interval, or LPI), a safety measure that allows pedestrians to start crossing the street 3 to 7 seconds before cars are allowed to move. This allows pedestrians to be more visible to turning vehicles by giving them a head start to claim their space on the street before conflicting vehicles enter the intersection. The OmniBike Bill changed CVC section 21456 to make it legal for people on bikes to start crossing the street with the pedestrian signal rather than waiting for the light to turn green for cars. Assembly Bill 2264 (**attachment 2**) is connected to the Omnibike Bill and requires advance walk signals at intersections managed by Caltrans, except when prohibited by the California Manual on Uniform Traffic Control Devices. This requirement only applies to Caltrans signals, but other California agencies are likely to gradually implement advance walk signals.
4. No more bicycle licensing ordinances: Many California cities have ordinances requiring people to register or get a license for their bikes. That led to many bicyclists riding illegally unaware of the licensing law. It is believed that police may have used this law to selectively target certain bike riders and may have led to other biased law

enforcement. The OmniBike Bill changed CVC section 39003 to ban municipalities from prohibiting the operation of an unlicensed bike, though they can still offer voluntary licensing programs.

5. Mid-Block Crossing is allowed: The OmniBike Bill includes a provision tied to Assembly Bill 2147 (**attachment 3**) which prevents police from stopping pedestrians or ticketing people for crossing the street outside of a crosswalk (i.e., "jaywalking") when they make a safe midblock crossing, but it does allow for tickets to be issued for unsafe mid-block street crossings where there is an immediate danger of a crash.

Other relevant bills include (see **web attachments**):

Assembly Bill 1946

This bill requires the California Highway Patrol (CHP) to work with other traffic safety stakeholders such as the California Office of Traffic Safety, to develop statewide safety and training programs for electric bicycles. This training program is scheduled to launch on the CHP's website in September 2023 and is expected to consist of electric bicycle riding safety, emergency maneuver skills, rules of the road, and laws pertaining to electric bicycles.

Assembly Bill 2000

This bill includes parking lots and off-street parking facilities as locations where it is a crime to engage in speed contests, exhibitions of speed, or sideshow activities.

Assembly Bill 1732

This bill authorizes law enforcement agencies to request the CHP to activate a "Yellow Alert" for fatal hit-and-run crashes and encourages local media to disseminate the information contained in a Yellow Alert.

Senate Bill 1472

This bill expands the criteria for "gross negligence" as it relates to the crime of vehicular manslaughter. Drivers involved in sideshow activity, exhibition of speed, or speeding over 100 mph resulting in a fatality can now be charged with vehicular manslaughter with gross negligence.

ATTACHMENTS:

- ▢ OmniBike Bill (AB 1909)
- ▢ AB 2264
- ▢ AB 2147

WEB ATTACHMENTS:

- [Assembly Bill 1946](#)
- [Assembly Bill 2000](#)
- [Assembly Bill 1732](#)
- [Senate Bill 1472](#)



AB-1909 Vehicles: bicycle omnibus bill. (2021-2022)

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Date Published: 09/19/2022 02:00 PM

Assembly Bill No. 1909

CHAPTER 343

An act to amend Sections 21207.5, 21760, and 39002 of, and to amend, repeal, and add Sections 21456 and 21456.2 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1909, Friedman. Vehicles: bicycle omnibus bill.

Existing law generally regulates the operation of bicycles upon a highway. A violation of these provisions, generally, is punishable as an infraction.

(1) Existing law prohibits the operation of a motorized bicycle or a class 3 electric bicycle on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, as specified. Existing law authorizes a local authority to additionally prohibit the operation of class 1 and class 2 electric bicycles on these facilities.

This bill would remove the prohibition of class 3 electric bicycles on these facilities and would instead authorize a local authority to prohibit the operation of any electric bicycle or any class of electric bicycle on an equestrian trail, or hiking or recreational trail. The bill would also authorize the Department of Parks and Recreation to prohibit the operation of an electric bicycle or any class of electric bicycle on any bicycle path or trail within the department's jurisdiction.

(2) Existing law requires a vehicle at an intersection controlled by a traffic control signal, or traffic light, to stop or proceed as directed by the signal. Existing law makes these provisions applicable to pedestrians and bicycles, as specified. Under existing law, a pedestrian facing a solid red traffic control signal may enter the intersection if directed to do so by a pedestrian control signal displaying "WALK" or an approved "walking person" symbol.

This bill would, commencing January 1, 2024, extend this authorization to cross the intersection to a bicycle, unless otherwise directed by a bicycle control signal.

(3) Existing law requires the driver of a motor vehicle that is passing or overtaking a bicycle to do so in a safe manner, as specified, and in no case at a distance of less than 3 feet.

This bill would additionally require a vehicle that is passing or overtaking a vehicle to move over to an adjacent lane of traffic, as specified, if one is available, before passing or overtaking the bicycle.

(4) Existing law authorizes a local authority to adopt a bicycle licensing ordinance or resolution, as specified. Existing law authorizes a local authority that has adopted a bicycle licensing ordinance or resolution to prohibit a

resident of that jurisdiction to operate a bicycle in a public place within the jurisdiction unless the bicycle is licensed.

This bill would instead prohibit a jurisdiction from requiring any bicycle operated within its jurisdiction to be licensed.

(5) By changing the existing elements of existing infractions, 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.

(6) This bill would incorporate additional changes to Section 21456 of the Vehicle Code proposed by AB 2147 to be operative only if this bill and AB 2147 are both enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21207.5 of the Vehicle Code is amended to read:

21207.5. (a) Notwithstanding Sections 21207 and 23127 of this code, or any other law, a motorized bicycle shall not be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation.

(b) The local authority or governing body of a public agency having jurisdiction over an equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of an electric bicycle or any class of electric bicycle on that trail.

(c) The Department of Parks and Recreation may prohibit the operation of an electric bicycle or any class of electric bicycle on any bicycle path or trail within the department's jurisdiction.

SEC. 2. Section 21456 of the Vehicle Code is amended to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2.5. Section 21456 of the Vehicle Code is amended to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. Section 21456 is added to the Vehicle Code, to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown. Except as otherwise directed by a bicycle control signal described in Section 21456.3, the operator of a bicycle facing a pedestrian control signal displaying a "WALK" or approved "Walking Person" symbol may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to any vehicles or pedestrians lawfully within the intersection.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) This section shall become operative on January 1, 2024.

SEC. 3.5. Section 21456 is added to the Vehicle Code, to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown. Except as otherwise directed by a bicycle control signal described in Section 21456.3, the operator of a bicycle facing a pedestrian control signal displaying a "WALK" or approved "Walking Person" symbol may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to any vehicles or pedestrians lawfully within the intersection.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall become operative on January 1, 2024.

SEC. 4. Section 21456.2 of the Vehicle Code is amended to read:

21456.2. (a) Unless otherwise directed by a bicycle signal as provided in Section 21456.3, an operator of a bicycle shall obey the provisions of this article applicable to the driver of a vehicle.

(b) Whenever an official traffic control signal exhibiting different colored bicycle symbols is shown concurrently with official traffic control signals exhibiting different colored lights or arrows, an operator of a bicycle facing those traffic control signals shall obey the bicycle signals as provided in Section 21456.3.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 5. Section 21456.2 is added to the Vehicle Code, to read:

21456.2. (a) Unless otherwise directed by a bicycle signal as provided in Section 21456.3, or as otherwise provided in subdivision (a) of Section 21456, an operator of a bicycle shall obey the provisions of this article applicable to the driver of a vehicle.

(b) Whenever an official traffic control signal exhibiting different colored bicycle symbols is shown concurrently with official traffic control signals or pedestrian control signals exhibiting different colored lights or arrows, an operator of a bicycle facing those traffic control signals shall obey the bicycle signals as provided in Section 21456.3.

(c) This section shall become operative on January 1, 2024.

SEC. 6. Section 21760 of the Vehicle Code is amended to read:

21760. (a) This section shall be known and may be cited as the Three Feet for Safety Act.

(b) The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the requirements 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.

(c) A driver of a motor vehicle 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. The driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane of travel shall, if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle.

(d) If the driver of a motor 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.

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

(2) If a collision occurs between 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), (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be imposed on that driver.

SEC. 7. Section 39002 of the Vehicle Code is amended to read:

39002. (a) A city or county, which adopts a bicycle licensing ordinance or resolution, shall not prohibit the operation of an unlicensed bicycle.

(b) It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

SEC. 8. Sections 2.5 and 3.5 of this bill incorporate amendments to Section 21456 of the Vehicle Code proposed by both this bill and Assembly Bill 2147. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 21456 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 2147, in which case Sections 2 and 3 of this bill shall not become operative.

SEC. 9. 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 B of the California Constitution.



AB-2264 Pedestrian crossing signals. (2021-2022)

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Date Published: 09/26/2022 09:00 PM

Assembly Bill No. 2264

CHAPTER 496

An act to amend Section 21450.5 of the Vehicle Code, relating to pedestrians.

[Approved by Governor September 23, 2022. Filed with Secretary of State
September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2264, Bloom. Pedestrian crossing signals.

Under existing law, a pedestrian control signal showing a "WALK" or approved "Walking Person" symbol means a pedestrian may proceed across the roadway in the direction of the signal. Under existing law, a pedestrian facing a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal, as specified, means a pedestrian may start crossing the roadway in the direction of the signal but requires the pedestrian to finish crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol, as specified.

Existing law defines a traffic-actuated signal as an official traffic signal, as specified, that displays one or more of its indications in response to traffic detected by mechanical, visual, electrical, or other means. Upon the first placement or replacement of a traffic-actuated signal, as specified, existing law requires the traffic-actuated signal to be installed and maintained to detect bicycle or motorcycle traffic on the roadway.

This bill would require a traffic-actuated signal to be installed and maintained to have a leading pedestrian interval, and to include the installation, activation, and maintenance of an accessible pedestrian signal and detector, upon the first placement or replacement of a state-owned or operated traffic-actuated signal. The bill would also require an existing state-owned or operated traffic-actuated signal capable of being implemented with remote installation or in-person programming to be programmed with a leading pedestrian interval when maintenance work is done on the intersection in which the traffic-actuated signal is located, if the signal is in a residential, business, or business activity district, a safety corridor, a school zone, or an area with a high concentration of pedestrians and cyclists, as specified. These requirements would not apply when prohibited by the California Manual on Uniform Traffic Control Devices. The bill would, for these purposes, define a "leading pedestrian interval" as an official traffic control signal that advances the "WALK" signal for 3 to 7 seconds while the red signal halting traffic continues to be displayed on parallel through or turning traffic, and define "accessible pedestrian signal and detector" as an integrated device that communicates information about the "WALK" and "DON'T WALK" intervals at signalized intersections in nonvisual formats, including audible tones, speech messages, and vibrotactile surfaces, to pedestrians who are blind or have low vision.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21450.5 of the Vehicle Code is amended to read:

21450.5. (a) A traffic-actuated signal is an official traffic control signal, as specified in Section 445, that displays one or more of its indications in response to the presence of traffic detected by mechanical, visual, electrical, or other means.

(b) Upon the first placement of a traffic-actuated signal or replacement of the loop detector of a traffic-actuated signal, the traffic-actuated signal shall, to the extent feasible and in conformance with professional traffic engineering practice, be installed and maintained to detect lawful bicycle or motorcycle traffic on the roadway.

(c) Cities, counties, and cities and counties shall not be required to comply with the provisions contained in subdivision (b) until the Department of Transportation, in consultation with these entities, has established uniform standards, specifications, and guidelines for the detection of bicycles and motorcycles by traffic-actuated signals and related signal timing.

(d) (1) Upon the first placement or replacement of a state-owned or operated traffic-actuated signal, a traffic-actuated signal shall be installed and maintained to have a leading pedestrian interval, and shall include the installation, activation, and maintenance of an accessible pedestrian signal and detector that complies with sections 4E.08 to 4E.13 of the California Manual on Uniform Traffic Control Devices in effect on December 31, 2022.

(2) An existing state-owned or operated traffic-actuated signal capable of being implemented with remote installation or in-person programming shall have a leading pedestrian interval programmed when maintenance work is done on the intersection in which the traffic-actuated signal is located, if the traffic-actuated signal is in any of the following areas:

(A) A residential district.

(B) A business district.

(C) A business activity district.

(D) A safety corridor.

(E) A school zone.

(F) An area with a high concentration of pedestrians and cyclists, as determined by the Department of Transportation pursuant to Section 22358.7.

(3) The requirements in paragraphs (1) and (2) do not apply when prohibited by the California Manual on Uniform Traffic Control Devices.

(4) As used in this subdivision, a "leading pedestrian interval" means an official traffic control signal that advances the "WALK" signal for three to seven seconds while the red signal halting traffic continues to be displayed on parallel through or turning traffic.

(5) As used in this subdivision, an "accessible pedestrian signal and detector" means an integrated device that communicates information about the "WALK" and "DON'T WALK" intervals at signalized intersections in nonvisual formats, including audible tones, speech messages, and vibrotactile surfaces, to pedestrians who are blind or have low vision.



AB-2147 Pedestrians. (2021-2022)

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Date Published: 10/03/2022 09:00 PM

Assembly Bill No. 2147

CHAPTER 957

An act to amend Sections 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21961, and 21966 of, and to add and repeal Section 21949.5 of, the Vehicle Code, relating to pedestrians.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, Ting. Pedestrians.

Existing law imposes various duties relating to the rules of the road, including, but not limited to, traffic signs, symbols, and markings, and pedestrians' rights and duties. Existing law prohibits pedestrians from entering roadways and crosswalks, except under specified circumstances. Under existing law, a violation of these provisions is an infraction. Existing law establishes procedures for peace officers to make arrests for violations of the Vehicle Code without a warrant for offenses committed in their presence, as specified.

This bill would prohibit a peace officer, as defined, from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power. The bill would require the Commissioner of the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, to submit a report to the Legislature on or before January 1, 2028, regarding statewide pedestrian-related traffic crash data and any associated impacts to traffic safety, including an evaluation of whether and how the changes made by this bill have impacted pedestrian safety.

This bill would incorporate additional changes to Section 21456 of the Vehicle Code proposed by AB 1909 to be operative only if this bill and AB 1909 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21451 of the Vehicle Code is amended to read:

21451. (a) A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(b) A driver facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by that green arrow or any other movement that is permitted by other indications shown at the same time. A driver facing a left green arrow may also make a U-turn unless prohibited by a sign. A driver shall yield the right-of-way to other traffic and to a pedestrian lawfully within the intersection or an adjacent crosswalk.

(c) A pedestrian facing a circular green signal, unless prohibited by sign or otherwise directed by a pedestrian control signal as provided in Section 21456, may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(d) A pedestrian facing a green arrow turn signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, shall not enter the roadway.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (c) or (d) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 2. Section 21452 of the Vehicle Code is amended to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway and shall not enter the roadway.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (b) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 3. Section 21453 of the Vehicle Code is amended to read:

21453. (a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

(b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.

(c) A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.

(d) Unless otherwise directed by a pedestrian control signal as provided in Section 21456, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (d) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 4. Section 21456 of the Vehicle Code is amended to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 4.5. Section 21456 of the Vehicle Code is amended to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4.6. Section 21456 is added to the Vehicle Code, to read:

21456. (a) If a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

(1) A "WALK" or approved "Walking Person" symbol means a pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown. Except as otherwise directed by a bicycle control signal described in Section 21456.3, the operator of a bicycle facing a pedestrian control signal displaying a "WALK" or approved "Walking Person" symbol may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to any vehicles or pedestrians lawfully within the intersection.

(2) A flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol with a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal may start to cross the roadway in the direction of the signal, but must complete the crossing prior to the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol when the "countdown" ends.

(3) A steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol or a flashing "DON'T WALK" or "WAIT" or approved "Upraised Hand" without a "countdown" signal indicating the time remaining for a pedestrian to cross the roadway means a pedestrian facing the signal shall not start to cross the roadway in the direction of the signal, but any pedestrian who started the crossing during the display of the "WALK" or approved "Walking Person" symbol and who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the steady "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

(c) This section shall become operative on January 1, 2024.

SEC. 5. Section 21461.5 of the Vehicle Code is amended to read:

21461.5. (a) It shall be unlawful for any pedestrian to fail to obey any sign or signal erected or maintained to indicate or carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 6. Section 21462 of the Vehicle Code is amended to read:

21462. (a) The driver of a vehicle, the person in charge of an animal, a pedestrian, and the motorist of a streetcar shall obey the instructions of an official traffic signal applicable to them and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 7. Section 21949.5 is added to the Vehicle Code, to read:

21949.5. (a) On or before January 1, 2028, the Commissioner of the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, shall submit a report to the Legislature regarding statewide pedestrian-related traffic crash data and any associated impacts to traffic safety, including an evaluation of whether and how the changes made to this chapter and Article 3 (commencing with Section 21450) of Chapter 2 by the act that added this section have impacted pedestrian safety.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2032.

SEC. 8. Section 21950 of the Vehicle Code is amended to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave 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. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 9. Section 21953 of the Vehicle Code is amended to read:

21953. (a) Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing

the roadway, such pedestrian shall yield the right-of-way to all vehicles on the highway so near as to constitute an immediate hazard.

(b) This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 10. Section 21954 of the Vehicle Code is amended to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 11. Section 21955 of the Vehicle Code is amended to read:

21955. (a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 12. Section 21956 of the Vehicle Code is amended to read:

21956. (a) A pedestrian shall not walk upon a roadway outside of a business or residence district otherwise than close to the pedestrian's left-hand edge of the roadway.

(b) A pedestrian may walk close to their right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

(c) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of this section unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 13. Section 21961 of the Vehicle Code is amended to read:

21961. (a) This chapter does not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of an ordinance adopted by a local authority pursuant to this section, unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 14. Section 21966 of the Vehicle Code is amended to read:

21966. (a) A pedestrian shall not proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (a) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

(2) This subdivision does not relieve a pedestrian from the duty of using due care for their safety.

(3) This subdivision does not relieve a bicyclist from the duty of exercising due care for the safety of any pedestrian within the roadway.

SEC. 15. Sections 4.5 and 4.6 of this bill incorporate amendments to Section 21456 of the Vehicle Code proposed by both this bill and Assembly Bill 1909. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 21456 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 1909, in which case Section 4 of this bill shall not become operative.