

Date of Hearing: March 20, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 825 (Bryan) – As Introduced February 13, 2023

SUBJECT: Vehicles: bicycles on sidewalks

SUMMARY: Prohibits a local authority from prohibiting the operation of a bicycle on a sidewalk adjacent to a highway that does not include a bikeway, as defined, and requires a person riding a bicycle to yield the right of way to pedestrians. Specifically, **this bill:**

- 1) Prohibits a local authority from prohibiting the operation of a bicycle on a sidewalk adjacent to a highway that does not include a class I, II or IV bikeway.
- 2) Establishes a speed limit of 10 miles per hour (mph) on a sidewalk for bicycles.

EXISTING LAW:

- 1) Permits local authorities, by ordinance, to prohibit the use of a bicycle on sidewalks. (Vehicle Code Section (VEH) 21100)
- 2) Defines a “bicycle” to include electric bicycles. (VEH 231)
- 3) Defines “bikeway” to mean all facilities that provide primarily for, and promote, bicycle travel. For purposes of this article, bikeways shall be categorized as follows:
 - a) Bike paths or shared use paths, also referred to as “Class I bikeways,” which provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.
 - b) Bike lanes, also referred to as “Class II bikeways,” which provide a restricted right-of-way designated for the exclusive or semiexclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted.
 - c) Bike routes, also referred to as “Class III bikeways,” which provide a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.
 - d) Cycle tracks or separated bikeways, also referred to as “Class IV bikeways,” which promote active transportation and provide a right-of-way designated exclusively for bicycle travel adjacent to a roadway and which are separated from vehicular traffic. Types of separation include, but are not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking. (Streets and Highway Code Section 890.4)

FISCAL EFFECT: Unknown

COMMENTS:

According to the National Highway Traffic Safety Administration, riding a bicycle on a sidewalk is often unsafe for both cyclists and pedestrians using the sidewalk. Sidewalks are not designed for high speed travel, and the travel speed of a bicycle can often result in a decrease in visibility for cyclists by cars, potentially placing them in danger at intersections or driveways.

A review of 23 studies on cycling safety summarized in the report *The Impact of Transportation Infrastructure on Bicycling Injuries and Crashes* estimates that the risk of collisions while riding on the sidewalk is 1.8 to 16 times that of riding on the road. While, the risk of collisions increases as a result of bicycles on sidewalks sometimes it may be necessary. According to the University of California Berkeley Safe Transportation Research and Education Center (SafeTrak), bicycling on a sidewalk can become a safety imperative for cyclists on roadways where traffic is too fast, the roadway lacks bike lanes, the lighting is insufficient, or the roadway is in bad repair.

According to the author, “People of color should not be criminalized for choosing to use their bicycle on the sidewalk when there is no safe bike infrastructure on the street. AB 825 will prohibit local authorities from restricting cycling on the sidewalk when a proper bike lane does not exist. Without safe bicycle infrastructure, cyclists should be able to use their best judgment about where they should ride for their own safety and the safety of those around them.”

Cycling infrastructure enhances safety, increases the number of cyclists and reduces the need for sidewalk riding. Bicyclist fatalities have been going up in recent years. In 2020, 938 cyclists lost their lives in the United States, a 9.2% jump from the previous year and the highest level since 1987. Bicycle infrastructure, including bike lanes, separated bike lanes, and bike paths all play an important role in improving cyclist safety. In *Cycling for Sustainable Cities*, Professor Rune Elvik notes that studies on bicycle infrastructure have generally found that there is a 30-40% lower injury risk for cyclists on roadways with bicycle lanes, bicycle paths, or on traffic calmed streets with few cars and low speeds.

Bicycle infrastructure also increases the number of cyclists on the roads. From 2007 to 2014, Boston added 92 miles of bike lanes. The number of cyclists commuting to work doubled, while the probability of getting injured was reduced by 14%. New York City from 1996 to 2016 expanded conventional bike lanes from 250 lane miles to 1,100 lane miles. Cycling trips more than doubled to more than 134 million a year. During that same time the fatality rate dropped by 71% and the risk of serious injury dropped 73%.

When New York City added bike lanes and a road diet on Prospect Park West, neither vehicle throughput nor travel times changed, while safety significantly improved. The percentage of cars exceeding 40 mph fell from 47% to 2%, while illegal sidewalk riding by cyclist fell from 46% to 3%. Cycling volumes doubled, while the number of injuries were reduced by half.

Streets for All, the sponsors of this bill, argue “without safe bicycle infrastructure, cyclists should be able to use their best judgment about where they should ride for their own safety and the safety of those around them. Over 130 cyclists die from collisions with cars each year in California. In 2022, Traffic deaths in Los Angeles hit a 20-year high and 53% were pedestrians and cyclists.

AB 825 will prohibit local authorities from restricting cycling on the sidewalk when a proper bike lane does not exist. People of color should not be criminalized for choosing to use their bicycle on the sidewalk when there is no safe bike infrastructure on the street.”

Low income persons of color are more likely to be stopped for riding on a sidewalk. A Los Angeles Times investigation found that from 2017 to July of 2021, 70% of bicyclists that L.A. County sheriff’s deputies pulled over were Latinos, even though that group makes up only about half of the county’s population. 85% of bike riders were searched, while only 21% were cited at the time. In response, the County of Los Angeles legalized sidewalk riding on streets that lacked a bike lane, similar to the approach taken in this bill.

New Violations for Cyclist on Sidewalks: While this bill removes the authority for local authorities to prohibit cycling on sidewalks unless there are certain types of bike lanes on the road it also creates new offenses for cyclists on sidewalks, including a 10 mph speed limit and a requirement to yield to pedestrians. Both of these provisions would apply statewide and would be infractions. Infractions carry a base fine up to \$100. Traditionally the Judicial Council has established a base fine of \$35 for most moving offenses. After taking into account various fees that are attached to base fines, a \$35 base fine traditionally results in a \$234 ticket.

Committee Comments: This bill attempts to increase cyclist safety by striking a balance between pedestrians and cyclists on sidewalks. The bill recognizes that riding on a sidewalk is dangerous by adding a speed limit for cyclists on sidewalks, while also requiring cyclists to yield to pedestrians. It also continues to permit localities to prohibit bicycle riding on sidewalks, but only if the city has taken the steps to provide cyclists with bicycle lanes, which have been shown to not only reduce injuries to cyclists but also increase the number of cyclists on the road. While the bill, according to the author, attempts to reduce unnecessary police stops by people of color, this bill in an attempt to also ensure pedestrian safety on sidewalks, has the potential to increase police stops by adding new violations for cyclists.

Previous Legislation:

AB 1909 (Friedman) Chapter 343, Statutes of 2022 eliminated the statewide ban of class 3 electric bicycles on a bicycle path bikeway and bicycle lanes, removed the authority for local authorities to prohibit electric bicycles on bicycle paths, and required vehicles to change lanes when passing a bicyclist, when feasible.

AB 1371 (Bradford) Chapter 331, Statutes of 2013 specified that 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.

SB 1464 (Lowenthal) of 2012 would have set requirements for the safe passing of bicyclists by motor vehicles and establishes fines and penalties for failure to abide by these requirements. That bill was vetoed by the Governor on the grounds that the bill authorized a dangerous maneuver (crossing double yellow pavement markings) and would weaken the state's defense to lawsuits.

REGISTERED SUPPORT / OPPOSITION:

Support

Streets for All (sponsor)
Active San Gabriel Valley
Happy City Coalition
Marin County Bicycle Coalition
Napa County Bicycle Coalition
Norwalk Unides
San Diego County Bicycle Coalition
Stop4Aidan

Opposition

Livable California

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