
CONSENT

Bill No: AB 1755
Author: Steinorth (R) and Flora (R), et al.
Amended: 4/4/18 in Assembly
Vote: 21

SENATE TRANS. & HOUSING COMMITTEE: 12-0, 6/12/18
AYES: Beall, Cannella, Allen, Dodd, Gaines, Galgiani, McGuire, Roth, Skinner,
Vidak, Wieckowski, Wiener
NO VOTE RECORDED: Morrell

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 74-0, 4/26/18 (Consent) - See last page for vote

SUBJECT: Bicycle operation

SOURCE: Author

DIGEST: This bill subjects a person operating a bicycle on a Class I bikeway to all of the accident-related Vehicle Code provisions that apply to the driver of a vehicle on a highway.

ANALYSIS:

Existing law:

- 1) Subjects a person operating a bicycle on a highway (i.e., a publicly maintained facility open to public vehicular traffic) to all of the accident-related Vehicle Code provisions that apply to the driver of a vehicle on a highway.
- 2) Requires the driver of a vehicle involved in an accident that injures a person other than himself or herself, or results in the death of a person, to immediately stop the vehicle at the scene of the accident.

- 3) Requires the driver to give his or her name and current residence address to the person struck or the driver or occupants of any vehicle collided with, and to give the information to any traffic or police officer at the scene of the accident.
- 4) Requires the driver to render reasonable assistance to any person injured in the accident, including transporting, or making arrangements for transporting, any injured person for medical treatment if it is apparent that treatment is necessary or if such transportation is requested by any injured person.
- 5) Requires the driver, upon being requested, to exhibit his or her driver's license to the person struck or to the driver or occupants of any vehicle collided with, and to any traffic or police officer at the scene of the accident.
- 6) Requires the driver, in the event of death of any person resulting from the accident, and if there is no traffic or police officer at the scene of the accident, to report without delay the accident to the nearest office of the California Highway Patrol or the office of a duly authorized police authority.
- 7) Punishes a driver who violates these provisions by imprisonment in state prison or county jail for not more than one year, or by a fine of not less than \$1,000 or more than \$10,000, or by both such imprisonment and fine.
- 8) Punishes a driver who violates these provisions, if the accident results in death or the loss or permanent impairment of function of a bodily member or organ, by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than 90 days nor more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both such imprisonment and fine.
- 9) Subjects a driver who flees the scene of the crime after committing vehicular manslaughter or gross vehicular manslaughter while intoxicated to a term of five years in state prison if the allegation is admitted by the defendant or found to be true by the trier of fact.
- 10) Defines a Class I bikeway as a bike path with completely separated right-of-way for the exclusive use of bicycles and pedestrians.

This bill subjects a person operating a bicycle on a Class I bikeway to all the responsibilities and penalties (described above) that apply to the driver of a vehicle in the event of an accident that causes injury or death, except where those provisions that have no application by their very nature.

Background

In June of 2017, a Sacramento runner was hospitalized with serious injuries after being hit by a bicyclist on a local bike trail. The bicyclist fled the scene, leaving the injured runner on the trail. The bicyclist did not report the accident or render assistance to the runner. Under current law, if this accident had occurred on a public roadway, the offender would have been subject to prosecution for a hit-and-run offense. However, since this accident occurred on a Class I bikeway (a trail with a completely separated right of way that is exclusively reserved for bicyclists and pedestrians), it was theorized that the bicyclist - had he or she been identified - could not be charged with hit-and-run. The Sacramento County District Attorney's Office noted at the time of the incident that their investigation was hindered because the California Vehicle Code is not clear on whether the case would qualify as a hit-and-run.

While current law generally subjects bicyclists to all of the "rules of the road" and treats them in the same manner as vehicular drivers, those rules do not clearly apply to bicyclists operating on Class I bikeways. This bill removes any ambiguity about the responsibilities of bicyclists on these Class I bikeways.

Comments

- 1) *Author's statement.* "This unfortunate incident exposes a glaring hole in our current vehicle code, particularly during a time in which the state is transitioning to more active forms of transportation infrastructure – none of the rights or responsibilities regarding a hit-and-run applies to a bicyclist if they are on a bike path. They are not legally required to stop and exchange information when involved in a collision on a trail. They cannot be prosecuted for fleeing the scene of an accident when it occurs on a bike path or trail, and law enforcement cannot pursue a search warrant when investigating the collision. This disparity in law makes it almost impossible to prosecute hit-and-run collisions on trails, and makes resolving future incidents seemingly unachievable."
- 2) *The need is likely to increase.* California has thousands of miles of separated bikeways and trails, and current state policies encourage and fund their continued development. In fact, the 2017 State Bicycle and Pedestrian Plan set a target to triple bicycling and double walking by 2020, and also to reduce bicycle and pedestrian fatalities by 10% per year. To achieve these goals, one of the recommendations in the plan is to increase local and regional networks of high-quality bicycle and pedestrian facilities, including Class I fully separated bike paths and trails. Additionally, with the passage of SB 1 (Beall, Chapter 5,

Statutes of 2017), funding for the state's Active Transportation Program, which funds bikeway projects, nearly doubled. As the state continues to champion a move to more active transportation policies and programs, enforcement laws must evolve to keep pace. This bill simply brings bikeways and trails in line with public roadways for the purposes of a hit-and-run accident.

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

SUPPORT: (Verified 6/25/18)

California Police Chiefs Association

OPPOSITION: (Verified 6/25/18)

None received

ARGUMENTS IN SUPPORT: The author states, "There is no current mechanism in statute to allow law enforcement to charge a bicyclist who injures a pedestrian or another bicyclist on a Class I bikeway and then leaves the scene without offering assistance. This bill would resolve that deficiency."

ASSEMBLY FLOOR: 74-0, 4/26/18

AYES: Acosta, Aguiar-Curry, Arambula, Baker, Berman, Bigelow, Bloom, Bonta, Brough, Burke, Caballero, Calderon, Carrillo, Cervantes, Chau, Chávez, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Dahle, Daly, Eggman, Flora, Frazier, Friedman, Gallagher, Eduardo Garcia, Gipson, Gloria, Gonzalez Fletcher, Gray, Grayson, Harper, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager-Dove, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Quirk-Silva, Reyes, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon

NO VOTE RECORDED: Travis Allen, Fong, Cristina Garcia, Rodriguez

Prepared by: Howard Posner / T. & H. / (916) 651-4121
6/27/18 9:29:37

**** END ****