

AMENDED IN SENATE JUNE 2, 2004
AMENDED IN SENATE JUNE 24, 2003
AMENDED IN SENATE JUNE 4, 2003
AMENDED IN ASSEMBLY APRIL 29, 2003
AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1408

Introduced by Assembly Member Wolk
(~~Coauthor: Senator Torlakson~~) (*Coauthors: Senators Chesbro and Machado*)

February 21, 2003

~~An act to amend Section 21201 of, to add Section 298 to, and to repeal and add Sections 21202 and 21208 of, the Vehicle Code, relating to vehicles. An act to amend Section 8670.25.5 of, and to add Section 8670.14.5 to, the Government Code, relating to resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1408, as amended, Wolk. ~~Vehicles: bicycles: equipment: operation~~ Resources: underground fuel pipelines: status.

(1) Existing law requires the administrator for oil spill response to report to the Governor and the Legislature on an annual basis regarding the adequacy of oil spill prevention and response programs.

This bill would require the administrator to assess the condition of all underground fuel pipelines in the state and report to the Legislature not later than January 1, 2006, regarding the condition of each pipeline.

(2) Existing law requires a party responsible for the discharge or threatened discharge of oil in marine waters to report the discharge to the Office of Emergency Services, as specified. Failure to comply with this reporting requirement is punishable as a misdemeanor for a first offense, and as a misdemeanor or a felony for a second or subsequent offense.

This bill would require the party to report the discharge immediately. The bill thereby would establish a state-mandated local program by changing the definition of an existing crime.

(3) 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.

~~(1) Existing law requires a bicycle operated on a roadway to be equipped with brakes that meet a specified standard, and on a highway during darkness to be equipped with certain brakes and lighting equipment.~~

~~This bill would revise the standard for brakes and apply that standard to a highway. The bill would require additional lighting equipment to be used when a person operates a bicycle on a highway during darkness.~~

~~(2) Existing law prohibits a person from operating on the highway a bicycle equipped with handlebars so raised that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.~~

~~This bill would exempt recumbent bicycles from that provision.~~

~~(3) Existing law requires a person operating a bicycle upon a roadway to ride as close as practicable to the right-hand curb or edge of the roadway, except as specified.~~

~~This bill would recast certain provisions in existing law relating to the operation of bicycles on a roadway.~~

~~(4) The bill would make technical, nonsubstantive changes in existing law.~~

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

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

1 SECTION 1. ~~Section 298 is added to the Vehicle Code, to~~
2



1 *SECTION 1. Section 8670.14.5 is added to the Government*
2 *Code, to read:*

3 8670.14.5. *The administrator shall assess the condition of all*
4 *underground fuel pipelines in the state and report to the*
5 *Legislature not later than January 1, 2006, regarding the*
6 *condition of each pipeline.*

7 *SEC. 2. Section 8670.25.5 of the Government Code is*
8 *amended to read:*

9 8670.25.5. (a) Without regard to intent or negligence, any
10 party responsible for the discharge or threatened discharge of oil
11 in marine waters shall report the discharge *immediately* to the
12 Office of Emergency Services pursuant to Section 25507 of the
13 Health and Safety Code.

14 (b) Immediately upon receiving notification pursuant to
15 subdivision (a), the Office of Emergency Services shall notify the
16 administrator, the State Lands Commission, the California Coastal
17 Commission, the California regional water quality control board
18 having jurisdiction over the location of the discharged oil, and take
19 the actions required by subdivision (d) of Section 8589.7. If the
20 spill has occurred within the jurisdiction of the San Francisco Bay
21 Conservation and Development Commission, the Office of
22 Emergency Services shall notify that commission. Each public
23 agency specified in this subdivision shall adopt an internal
24 protocol over communications regarding the discharge of oil and
25 file the internal protocol with the Office of Emergency Services.

26 (c) The 24-hour emergency telephone number of the Office of
27 Emergency Services shall be posted at every terminal, at the area
28 of control of every marine facility, and on the bridge of every tank
29 ship in marine waters.

30 (d) This section does not apply to discharges, or potential
31 discharges, of less than one barrel (42 gallons) of oil unless a more
32 restrictive reporting standard is adopted in the state oil spill
33 contingency plan prepared pursuant to Section 8574.1.

34 (e) Except as otherwise provided in this section and Section
35 8589.7, a notification made pursuant to this section shall satisfy
36 any immediate notification requirement contained in any permit
37 issued by a permitting agency.

38 *SEC. 3. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *the only costs that may be incurred by a local agency or school*



1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

7 ~~read:~~

8 298. —The “door zone” is the section of a street adjacent to a
9 parked vehicle that would be unsafe for use by vehicles or bicycles
10 in motion if one or more doors of the vehicle were opened.

11 ~~SEC. 2. —Section 21201 of the Vehicle Code is amended to~~
12 ~~read:~~

13 21201. —(a) ~~A person may not operate a bicycle on a highway~~
14 ~~unless it is equipped with a brake that enables the operator to stop~~
15 ~~the bicycle within 15 feet from a speed of 10 miles per hour on dry,~~
16 ~~level, clean pavement.~~

17 (b) ~~A person may not operate upon any highway a bicycle that~~
18 ~~is of a size that prevents the operator from safely stopping the~~
19 ~~bicycle, supporting it in an upright position with at least one foot~~
20 ~~on the ground, and restarting it in a safe manner.~~

21 (c) ~~A person may not operate on a highway a bicycle equipped~~
22 ~~with handlebars so raised that the operator must elevate his or her~~
23 ~~hands above the level of his or her shoulders in order to grasp the~~
24 ~~normal steering grip area. Recumbent bicycles are exempt from~~
25 ~~this provision.~~

26 (d) ~~Every bicycle operated upon a highway during darkness~~
27 ~~shall be equipped with all of the following:~~

28 (1) ~~A lamp that meets both of the following conditions:~~

29 (A) ~~Is attached to the bicycle or the operator.~~

30 (B) ~~Emits a white light that illuminates the highway in front of~~
31 ~~the bicycle while the bicycle is in motion and is visible from a~~
32 ~~distance of 300 feet from the front and sides of the bicycle.~~

33 (2) ~~On the rear of the bicycle, with a steady or flashing red or~~
34 ~~yellow light, or with a red or yellow reflector that meets the~~
35 ~~requirements of the Consumer Product Safety Commission for~~
36 ~~bicycle rear reflectors, or Standard J594 of the Society of~~
37 ~~Automotive Engineers for reflex reflectors.~~

38 (3) ~~A white or yellow reflector on each pedal. A person~~
39 ~~operating a bicycle may wear reflectorized shoes or a reflective~~
40 ~~band wrapped around each leg or ankle to meet this requirement.~~



1 The pedal reflectors, reflectorized shoes, or reflective bands shall
2 be visible from the front and rear of the bicycle from a distance of
3 200 feet.

4 ~~SEC. 3.—Section 21202 of the Vehicle Code is repealed.~~

5 ~~SEC. 4.—Section 21202 is added to the Vehicle Code, to read:~~

6 ~~21202.—(a) A person operating a bicycle upon a roadway~~
7 ~~shall, if the lane is wide enough for a bicycle and vehicle to safely~~
8 ~~travel side-by-side, ride as close to the right-hand edge of the~~
9 ~~roadway as necessary to enable faster traffic to overtake and pass~~
10 ~~the bicycle, except under one or more of the following~~
11 ~~circumstances:~~

12 ~~(1) When operating the bicycle at or above the speed of traffic~~
13 ~~moving in the same direction.~~

14 ~~(2) When overtaking and passing another bicycle or vehicle~~
15 ~~proceeding in the same direction.~~

16 ~~(3) When preparing for a left turn.~~

17 ~~(4) When conditions or approaching conditions make it unsafe~~
18 ~~to continue close to the edge of the roadway, including, but not~~
19 ~~limited to, hazards from fixed or moving objects, vehicles,~~
20 ~~bicycles, pedestrians, animals, surface defects, debris, or~~
21 ~~construction zones.~~

22 ~~(5) When doing so would require the bicyclist to ride in the~~
23 ~~door zone of one or more parked cars.~~

24 ~~(6) When approaching a location where a right turn is~~
25 ~~authorized.~~

26 ~~(7) When there is no overtaking traffic, or when traffic is not~~
27 ~~able to overtake and pass under the present conditions.~~

28 ~~(b) A person operating a bicycle upon a roadway with a single~~
29 ~~direction of travel may ride as near the left-hand edge of the~~
30 ~~roadway as is prudent and reasonable.~~

31 ~~(c) For purposes of this section, “pass” means to execute a~~
32 ~~passing maneuver at a safe distance from the overtaken bicycle or~~
33 ~~vehicle without interfering with the safe operation of that bicycle~~
34 ~~or vehicle.~~

35 ~~SEC. 5.—Section 21208 of the Vehicle Code is repealed.~~

36 ~~SEC. 6.—Section 21208 is added to the Vehicle Code to read:~~

37 ~~21208.—(a) When a bicycle lane, as defined in subdivision (b)~~
38 ~~of Section 890.4 of the Streets and Highways Code, has been~~
39 ~~established pursuant to Section 21207, a person operating a~~
40 ~~bicycle upon the roadway at a speed that is less than the speed of~~



1 ~~traffic moving in the same direction at that time shall ride within~~
2 ~~the bicycle lane, except that the person may move out of the~~
3 ~~bicycle lane under the following situations:~~
4 ~~(1) When overtaking and passing another bicycle or vehicle~~
5 ~~proceeding in the same direction.~~
6 ~~(2) When preparing for a left turn.~~
7 ~~(3) When conditions or approaching conditions make it unsafe~~
8 ~~to continue close to the edge of the roadway, including, but not~~
9 ~~limited to, hazards from fixed or moving objects, vehicles,~~
10 ~~bicycles, pedestrians, animals, surface defects, debris, or~~
11 ~~construction zones.~~
12 ~~(4) To avoid operating a bicycle in the door zone.~~
13 ~~(5) When approaching a location where a right turn is~~
14 ~~authorized.~~
15 ~~(6) When there is no overtaking traffic, or when traffic is not~~
16 ~~able to overtake and pass under the present conditions.~~
17 ~~(b) A person operating a bicycle may not leave a bicycle lane~~
18 ~~until the movement can be made with reasonable safety, and until~~
19 ~~he or she gives an appropriate signal in the manner provided in~~
20 ~~Chapter 6 (commencing with Section 22100) of Division 11.~~

