

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1193

Introduced by Assembly Member Ting

February 22, 2013

An act to amend Section 891 of the Streets and Highways Code, relating to bikeways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1193, as amended, Ting. Bikeways.

~~(1) Existing~~

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

~~This bill would instead require all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications and symbols for signs, markers, and traffic control devices established pursuant to industry standards.~~

By requiring local public officials to apply different bicycle safety design criteria, the bill would impose a state-mandated local program.

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

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

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

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

- 1 SECTION 1. Section 891 of the Streets and Highways Code
- 2 is amended to read:
- 3 891. (a) ~~Notwithstanding Sections 890.6 and 890.8, all~~ All
- 4 city, county, regional, and other local agencies responsible for the
- 5 development or operation of bikeways or roadways where bicycle
- 6 travel is permitted shall utilize all minimum safety design criteria
- 7 and uniform specifications and symbols for signs, markers, and
- 8 traffic control devices established pursuant to ~~industry standards~~
- 9 *Sections 890.6 and 890.8, except as provided in subdivision (b).*
- 10 (b) The department, ~~by June 30, 2013,~~ shall establish procedures
- 11 to permit exceptions to the requirements of subdivision (a) for
- 12 purposes of research, experimentation, testing, evaluation, or
- 13 verification. *To the extent that a design exception is determined*

1 *to be consistent with generally accepted professional engineering*
2 *practice and is approved pursuant to the procedures adopted under*
3 *this subdivision, that determination shall constitute substantial*
4 *evidence on the basis of which a reasonable legislative body or*
5 *public employee could have approved the plan or design within*
6 *the meaning of Section 830.6 of the Government Code. The*
7 *department shall not deny funding to a project because it is*
8 *excepted pursuant to this subdivision.*

9 ~~SEC. 2. If the Commission on State Mandates determines that~~
10 ~~this act contains costs mandated by the state, reimbursement to~~
11 ~~local agencies and school districts for those costs shall be made~~
12 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
13 ~~4 of Title 2 of the Government Code.~~