

AMENDED IN SENATE AUGUST 21, 2014
AMENDED IN SENATE JULY 1, 2014
AMENDED IN SENATE JUNE 18, 2014
AMENDED IN ASSEMBLY JANUARY 23, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY APRIL 25, 2013
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
(Coauthors: Assembly Members Bloom, Gatto, Lowenthal, and
Wieckowski)

February 22, 2013

An act to amend Section 42872.1 of the Public Resources Code, to amend Sections 890.4, 890.6, ~~891, 891.5, and 2551~~ and 891 of, to add Section 885.1 to, and to repeal Section 891.1 of, the Streets and Highways Code, and to amend Sections 231.5 and 21211 of the Vehicle Code, relating to bikeways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1193, as amended, Ting. Bikeways.

(1) Existing law defines "bikeway" for certain purposes to mean all facilities that provide primarily for bicycle travel. Existing law categorizes bikeways into 3 classes of facilities.

This bill would ~~instead revise and reclassify these “bikeways” as bike paths, bike lanes, bike routes, and cycle tracks, as specified. additionally categorize cycle tracks or separated bikeways, as specified, as Class IV bikeways.~~

(2) Existing law requires the Department of Transportation, in cooperation with county and city governments, to establish and update 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 of those minimum safety design criteria and uniform specifications and symbols.

This bill would revise these provisions to require the department, in cooperation with local agencies, ~~agencies and in consultation with the existing advisory committee of the department dedicated to improve access for persons with disabilities,~~ to establish minimum safety design criteria for each type of bikeway with consideration for the safety of vulnerable populations, as specified, and would require the department to publish the new criteria by January 1, 2016. The bill would authorize a local agency to utilize other minimum safety criteria *that meet specified conditions* if adopted by resolution at a public meeting, as specified.

(3) Existing law requires the Department of Transportation to establish, by June 30, 2013, procedures for cities, counties, and local agencies to be granted exceptions from the requirement to use design criteria and uniform specifications for purposes of research, experimentation, testing, evaluation, or verification. Existing law requires the department, by November 1, 2014, to report to the transportation policy committees of both houses of the Legislature the steps that the department has taken to implement those requirements, including, but not limited to, information regarding requests received and granted by the department from July 1, 2013, to June 30, 2014, inclusive, for those exceptions, and the reasons the department rejected any requests for those exceptions.

This bill would repeal those requirements.

~~(4) The bill would also make technical and conforming changes to various cross-references in state code provisions.~~

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is the goal of the state to increase the number of trips
4 Californians take by ~~bicycle~~ *bicycling, walking,* and other forms
5 of active transportation in order to help meet the state’s greenhouse
6 gas emissions reduction goals, improve Californians’ health by
7 helping more people be active, and stimulate the economy.

8 (b) Protected bikeways are ~~proven to attract many more people~~
9 ~~to bicycling and to reduce collision rates compared to unimproved~~
10 ~~streets or streets with typical bike lanes.~~ *part of a vital*
11 *transportation infrastructure used by many to commute to and*
12 *from work and other destinations. Unlike trails or pathways used*
13 *for recreation, protected bikeways provide alternatives to vehicles*
14 *that otherwise would transport citizens across the state’s roads*
15 *and highways.*

16 (c) Property and businesses adjacent to protected bikeways
17 experience increases in real estate values and sales compared to
18 unimproved streets.

19 (d) Bicycling accounts for 2,000,000 trips every day in
20 California, showing ~~growth in all groups, in particular among~~
21 ~~people of color.~~ *the important role that bicycles play in*
22 *transportation.*

23 (e) Safe street-level bikeways are proven to reduce bike riding
24 on the sidewalk, wrong-way riding, and other illegal or unsafe
25 bicycling practices.

26 (f) It is the objective of the state to encourage the planning,
27 design, and construction of protected bikeways, *so as to foster*
28 *bicycling as a means of transportation,* in a manner that improves
29 safety for all users, including motorists, transit users, pedestrians,
30 and persons with disabilities, with special attention to the needs
31 of visually impaired persons.

32 ~~SEC. 2. Section 42872.1 of the Public Resources Code is~~
33 ~~amended to read:~~

34 ~~42872.1. (a) This section shall be known, and may be cited,~~
35 ~~as the Rubberized Pavement Market Development Act.~~

1 ~~(b) In accordance with the tire recycling program authorized by~~
2 ~~Section 42872, the department shall award grants in the following~~
3 ~~manner:~~

4 ~~(1) To cities, counties, and other local governmental agencies~~
5 ~~for the funding of public works projects that utilize rubberized~~
6 ~~pavement.~~

7 ~~(2) To state and local governmental agencies, including regional~~
8 ~~park districts, for the funding of disability access projects at parks~~
9 ~~and bike paths as defined in subdivision (a) of Section 890.4,~~
10 ~~relative to projects that utilize rubberized pavement.~~

11 ~~(c) (1) Except as provided in paragraph (2), the department~~
12 ~~shall award the grants pursuant to subdivision (b) in the amount~~
13 ~~of two dollars (\$2) for every 12 pounds of crumb rubber used in~~
14 ~~a public works or disability access project by a state or local~~
15 ~~governmental agency, including a regional park district.~~

16 ~~(2) The department may adjust the amount of grants awarded~~
17 ~~pursuant to paragraph (1) to an amount that is greater than, or less~~
18 ~~than, two dollars (\$2) for every 12 pounds of crumb rubber if the~~
19 ~~department finds this adjustment would further the purposes of~~
20 ~~this article.~~

21 ~~(d) This section shall become inoperative on June 30, 2019,~~
22 ~~and, as of January 1, 2020, is repealed, unless a later enacted~~
23 ~~statute, that becomes operative on or before January 1, 2020,~~
24 ~~deletes or extends the dates on which it becomes inoperative and~~
25 ~~is repealed.~~

26 ~~SEC. 3.~~

27 ~~SEC. 2.~~ Section 885.1 is added to the Streets and Highways
28 Code, to read:

29 885.1. This chapter shall be known, and may be cited, as the
30 Protected Bikeways Act of 2014.

31 ~~SEC. 4.~~

32 ~~SEC. 3.~~ Section 890.4 of the Streets and Highways Code is
33 amended to read:

34 890.4. As used in this article, “bikeway” means all facilities
35 that provide primarily ~~for~~ *for, and promote*, bicycle travel. For
36 purposes of this article, bikeways shall be categorized as follows:

37 (a) ~~Bike paths, paths or shared use paths, also referred to as~~
38 ~~“Class I bikeways,”~~ which provide a completely separated
39 right-of-way designated for the exclusive use of bicycles and
40 pedestrians with crossflows by motorists minimized.

1 (b) Bike lanes, *also referred to as “Class II bikeways,”* which
2 provide a restricted right-of-way designated for the exclusive or
3 semiexclusive use of bicycles with through travel by motor vehicles
4 or pedestrians prohibited, but with vehicle parking and crossflows
5 by pedestrians and motorists permitted.

6 (c) Bike routes, *also referred to as “Class III bikeways,”* which
7 provide a right-of-way on-street or off-street, designated by signs
8 or permanent markings and shared with pedestrians and motorists.

9 (d) ~~Cycle-tracks,~~ *tracks or separated bikeways, also referred to*
10 *as “Class IV bikeways,” which promote active transportation and*
11 *provide a right-of-way designated exclusively for bicycle travel*
12 *adjacent to a roadway and which are protected from vehicular*
13 *traffic. Types of separation include, but are not limited to, grade*
14 *separation, flexible posts, inflexible physical barriers, or on-street*
15 *parking.*

16 ~~SEC. 5.~~

17 *SEC. 4.* Section 890.6 of the Streets and Highways Code is
18 amended to read:

19 890.6. (a) The department, in cooperation with county and
20 city governments, shall establish minimum safety design criteria
21 for the planning and construction of each type of bikeway identified
22 in Section 890.4 and roadways where bicycle travel is permitted.

23 ~~The~~

24 (b) *The* criteria shall include, but not be limited to, the design
25 speed of the facility, minimum widths and clearances, grade, radius
26 of curvature, pavement surface, actuation of automatic traffic
27 control devices, drainage, and general safety, with consideration
28 for the safety of vulnerable populations, such as children, seniors,
29 persons with impaired vision, and persons of limited mobility. The
30 criteria shall be published by January 1, 2016, and updated
31 biennially, or more often, as needed.

32 (c) *The criteria shall be established in consultation with the*
33 *existing advisory committee of the department dedicated to*
34 *improving access for persons with disabilities.*

35 ~~SEC. 6.~~

36 *SEC. 5.* Section 891 of the Streets and Highways Code is
37 amended to read:

38 891. (a) All city, county, regional, and other local agencies
39 responsible for the development or operation of bikeways or
40 roadways where bicycle travel is permitted shall utilize the

1 minimum safety design criteria established pursuant to Section
 2 890.6, except as provided in subdivision (b), and shall utilize the
 3 uniform specifications and symbols for signs, markers, and traffic
 4 control devices established pursuant to Section 890.8.

5 (b) An agency may utilize minimum safety design criteria other
 6 than those established by Section 890.6 if ~~the criteria are adopted~~
 7 ~~by resolution at a public meeting as a standing policy or if the~~
 8 ~~criteria are included in the description of a project approved at a~~
 9 ~~public meeting; all of the following conditions are met:~~

10 (1) *The alternative criteria have been reviewed and approved*
 11 *by a qualified engineer with consideration for the unique*
 12 *characteristics and features of the proposed bikeway and*
 13 *surrounding environs.*

14 (2) *The alternative criteria, or the description of the project*
 15 *with reference to the alternative criteria, are adopted by resolution*
 16 *at a public meeting, after having provided proper notice of the*
 17 *public meeting and opportunity for public comment.*

18 (3) *The alternative criteria adhere to guidelines established by*
 19 *a national association of public agency transportation officials.*

20 SEC. 7:

21 SEC. 6. Section 891.1 of the Streets and Highways Code is
 22 repealed.

23 ~~SEC. 8. Section 891.5 of the Streets and Highways Code is~~
 24 ~~amended to read:~~

25 ~~891.5. The Sacramento Area Council of Governments, pursuant~~
 26 ~~to subdivision (d) of Section 2551, may purchase, operate, and~~
 27 ~~maintain callboxes on bike paths as defined in subdivision (a) of~~
 28 ~~Section 890.4.~~

29 ~~SEC. 9. Section 2551 of the Streets and Highways Code is~~
 30 ~~amended to read:~~

31 ~~2551. (a) A service authority for freeway emergencies may~~
 32 ~~be established in any county if the board of supervisors of the~~
 33 ~~county and the city councils of a majority of the cities within the~~
 34 ~~county having a majority of the population of cities within the~~
 35 ~~county adopt resolutions providing for the establishment of the~~
 36 ~~authority.~~

37 ~~(b) The resolutions may designate the county transportation~~
 38 ~~commission for the county, created pursuant to Division 12~~
 39 ~~(commencing with Section 130000) of the Public Utilities Code~~
 40 ~~or council of governments formed pursuant to Chapter 5~~

1 ~~(commencing with Section 6500) of Division 7 of Title 1 of the~~
2 ~~Government Code, as the service authority for freeway~~
3 ~~emergencies. The powers of a commission or council of~~
4 ~~governments so designated are limited to those of the service~~
5 ~~authority.~~

6 ~~(e) The Metropolitan Transportation Commission may function~~
7 ~~as the service authority for freeway emergencies in any or all of~~
8 ~~the Counties of Santa Clara, San Mateo, Alameda, Contra Costa,~~
9 ~~Marin, Solano, Sonoma, Napa, and the City and County of San~~
10 ~~Francisco upon adoption of a resolution by the commission to act~~
11 ~~as a service authority and upon ratification of the commission's~~
12 ~~resolution in a particular county by the board of supervisors of the~~
13 ~~city and county or by the board of supervisors of the county and~~
14 ~~by the city councils of the cities within the county having a majority~~
15 ~~of the population of the cities within the county.~~

16 ~~(d) (1) The Sacramento Area Council of Governments may~~
17 ~~function as the service authority for freeway emergencies in any~~
18 ~~or all of the Counties of Sacramento, Yolo, Yuba, Sutter, and San~~
19 ~~Joaquin, or any other county that is not within another multicounty~~
20 ~~service authority, upon adoption of a resolution by the council to~~
21 ~~act as a service authority and upon ratification of the resolution in~~
22 ~~a particular county by the board of supervisors of the county and~~
23 ~~by the city councils of the cities within the county having a majority~~
24 ~~of the population of the cities within the county.~~

25 ~~(2) The Sacramento Area Council of Governments may also~~
26 ~~exercise, as a service authority, in any of those counties, the powers~~
27 ~~specified in Section 891.5 pertaining to callboxes on bike paths as~~
28 ~~defined in subdivision (a) of Section 890.4.~~

29 ~~(e) As used in this chapter, "authority" and "service authority"~~
30 ~~mean a service authority for freeway emergencies created pursuant~~
31 ~~to this chapter.~~

32 ~~SEC. 10. Section 231.5 of the Vehicle Code is amended to~~
33 ~~read:~~

34 ~~231.5. A "bicycle path" or "bike path" is a bike path as defined~~
35 ~~in subdivision (a) of Section 890.4 of the Streets and Highways~~
36 ~~Code.~~

37 ~~SEC. 11. Section 21211 of the Vehicle Code is amended to~~
38 ~~read:~~

39 ~~21211. (a) No person may stop, stand, sit, or loiter upon any~~
40 ~~bike path as defined in subdivision (a) of Section 890.4 of the~~

- 1 ~~Streets and Highways Code, or any other public or private bicycle~~
2 ~~path or trail, if the stopping, standing, sitting, or loitering impedes~~
3 ~~or blocks the normal and reasonable movement of any bicyclist.~~
4 ~~(b) No person may place or park any bicycle, vehicle, or any~~
5 ~~other object upon any bike path or bicycle path or trail, as specified~~
6 ~~in subdivision (a), which impedes or blocks the normal and~~
7 ~~reasonable movement of any bicyclist unless the placement or~~
8 ~~parking is necessary for safe operation or is otherwise in~~
9 ~~compliance with the law.~~
10 ~~(c) This section does not apply to drivers or owners of utility~~
11 ~~or public utility vehicles, as provided in Section 22512.~~
12 ~~(d) This section does not apply to owners or drivers of vehicles~~
13 ~~who make brief stops while engaged in the delivery of newspapers~~
14 ~~to customers along the person's route.~~
15 ~~(e) This section does not apply to the driver or owner of a~~
16 ~~rubbish or garbage truck while actually engaged in the collection~~
17 ~~of rubbish or garbage within a business or residence district if the~~
18 ~~front turn signal lamps at each side of the vehicle are being flashed~~
19 ~~simultaneously and the rear turn signal lamps at each side of the~~
20 ~~vehicle are being flashed simultaneously.~~
21 ~~(f) This section does not apply to the driver or owner of a tow~~
22 ~~vehicle while actually engaged in the towing of a vehicle if the~~
23 ~~front turn signal lamps at each side of the vehicle are being flashed~~
24 ~~simultaneously and the rear turn signal lamps at each side of the~~
25 ~~vehicle are being flashed simultaneously.~~