

AMENDED IN SENATE JUNE 20, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY MAY 1, 2000
AMENDED IN ASSEMBLY APRIL 13, 2000
AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Shelley

February 24, 2000

An act to add ~~Section 164.58~~ to Article 4 (commencing with Section 894.5) to Chapter 8 of Division 1 of the Streets and Highways Code, and to amend Sections 1666, 11219, 21455.6, 21950, ~~21953, 21955~~, 21956, and 42001 of, and to add Sections 21949, ~~21970, and 42001.17~~ 21950.5, 21970, 21971, 42001.17, and 42001.18 to, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Shelley. Vehicles: pedestrians: bicyclists.

(1) *Existing law, the California Bicycle Transportation Act, declares that it is the intent of the Legislature to establish a bicycle transportation system to, among other things, achieve the functional commuting needs of the public.*

The bill would establish the continuously appropriated Pedestrian Safety Account in the State Transportation Fund

to be available for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

(2) Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as specified.

This bill would prohibit any person from *unnecessarily* stopping a vehicle in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk ~~without leaving a specified clearance~~. The bill would thereby create a new crime and impose a state-mandated local program. *The bill would also impose specified fines for certain violations that result in bodily injury to anyone other than the driver.*

The bill would require the department to include at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code, as administered by the department, to verify that the applicant has read and understands the rights of pedestrians.

The bill would impose a mandatory penalty of \$100 for a first conviction of violating a specified provision that prohibits the driver of a vehicle from overtaking and passing a vehicle that has stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway.

~~The bill would create the Pedestrian Safety Account in the State Transportation Fund and would make the funds in the account available, upon appropriation by the Legislature, for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.~~

~~The bill would express the intent of the Legislature that, in making the above allocation, the Department of Transportation consult with the Department of the California Highway Patrol.~~



~~(2)~~

This bill would prohibit the removal of existing marked crosswalks without giving the public proper notice and opportunity to be heard, thereby imposing a state-mandated local program.

(3) Existing law authorizes the use of automated enforcement systems at official traffic control signals and requires any city using the systems to provide warning notices prior to issuing citations.

This bill would provide that the authorization to use automated enforcement systems does not include the use of photo radar for speed enforcement purposes by any jurisdiction.

(4) Existing law requires the Director of Motor Vehicles to prescribe rules and regulations for traffic violator schools regarding, among other things, the conduct of courses of education including the curriculum.

This bill would require the curriculum to include the rights and duties of motorists as they pertain to pedestrians.

~~*(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.*~~

(5) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state,



reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. This act shall be known and may be cited
2 as the Pedestrian Safety Act of 2000.

3 SEC. 2. The Legislature hereby finds and declares all
4 of the following:

5 (a) Pedestrians account for more than 20 percent of all
6 traffic fatalities in California.

7 (b) Pedestrian fatalities are the second leading cause
8 of accidental death for California children five to twelve
9 years of age.

10 (c) Nearly 5,000 pedestrians are injured every year on
11 California's streets and highways.

12 (d) Pedestrian safety projects currently receive less
13 than one percent of all transportation funding in
14 California.

15 (e) It is in the best interest of the people of the State
16 of California that the Legislature adopt policies that
17 address pedestrian safety and recognize the priority of
18 pedestrian safety projects in overall transportation
19 spending.

20 ~~SEC. 3. Section 164.58 is added to the Streets and
21 Highways Code, to read:~~

22 ~~164.58. (a) The Pedestrian Safety Account is hereby
23 created in the State Transportation Fund. The funds in
24 the account shall be available, upon appropriation by the
25 Legislature, for allocation by the department to local
26 governmental agencies approved for grants to undertake
27 pedestrian safety improvement projects, including, but
28 not limited to, projects designed to improve facilities for
29 pedestrians and bicyclists in areas where need has been
30 demonstrated by a high rate of pedestrian injuries or
31 fatalities.~~

32 ~~(b) It is the intent of the Legislature that the
33 department, in allocating funds pursuant to subdivision~~



1 ~~(a), consult with the Department of the California~~
2 ~~Highway Patrol.~~

3 *SEC. 3. Article 4 (commencing with Section 894.5) is*
4 *added to Chapter 8 of Division 1 of the Streets and*
5 *Highways Code, to read:*

6
7 *Article 4. California Pedestrian Safety Account*
8

9 *894.5. The Pedestrian Safety Account is hereby*
10 *established in the State Transportation Fund, and,*
11 *notwithstanding Section 13340 of the Government Code,*
12 *the money in the account is continuously appropriated to*
13 *the department for expenditure for the purposes*
14 *specified in Section 894.6. Unexpended moneys shall be*
15 *retained in the account for use in subsequent fiscal years.*

16 *894.6. (a) The department shall make grants*
17 *available to local governmental agencies based on the*
18 *results of a statewide competition that requires*
19 *submission of proposals for funding and rates those*
20 *proposals on all of the following factors:*

21 *(1) Needs of the applicant as demonstrated by a high*
22 *rate of pedestrian injuries or fatalities.*

23 *(2) Potential of the proposal for reducing pedestrian*
24 *injuries and fatalities.*

25 *(3) Potential of the proposal for encouraging*
26 *increased walking.*

27 *(b) Priority for grants shall be given to applicants with*
28 *the highest pedestrian injury and fatality rates.*

29 *(c) Eligible projects may include, but are not limited*
30 *to, traffic calming measures, intersection safety*
31 *improvements, traffic signal timing, and crosswalk*
32 *construction or improvements.*

33 *894.7. The department, in cooperation with county*
34 *and city governments, the Department of the California*
35 *Highway Patrol, and relevant stakeholders, shall adopt*
36 *the necessary guidelines for implementing this article.*

37 *SEC. 4. Section 1666 of the Vehicle Code is amended*
38 *to read:*

39 *1666. The department shall do all of the following:*

1 (a) Include at least one question in each test of an
2 applicant's knowledge and understanding of the
3 provisions of this code, as administered pursuant to
4 Section 12804 or 12814, to verify that the applicant has
5 read and understands the table of blood alcohol
6 concentration published in the Driver's Handbook made
7 available pursuant to subdivision (b) of Section 1656. In
8 order to minimize costs, the question or questions shall be
9 initially included at the earliest opportunity when the test
10 is otherwise revised or reprinted.

11 (b) Include with each driver's license or certificate of
12 renewal and each vehicle registration renewal mailed by
13 the department, information that shows with reasonable
14 certainty the amount of alcohol consumption necessary
15 for a person to reach a 0.08 percent blood alcohol
16 concentration by weight.

17 (c) Include at least one question in each test of an
18 applicant's knowledge and understanding of the
19 provisions of this code as administered pursuant to
20 Section 12804 or 12814, to verify that the applicant has
21 read and understands the rights of pedestrians. In order
22 to minimize costs, the question or questions shall be
23 initially included at the earliest opportunity when the test
24 is otherwise revised or reprinted.

25 SEC. 5. Section 11219 of the Vehicle Code is amended
26 to read:

27 11219. The director may prescribe rules and
28 regulations for traffic violator schools regarding the
29 conduct of courses of education including curriculum,
30 facilities, and equipment. The curriculum shall include,
31 but is not limited to, the rights and duties of a motorist as
32 they pertain to pedestrians. The director may also
33 prescribe rules and regulations for the conduct of
34 instructor training courses.

35 SEC. 6. Section 21949 is added to the Vehicle Code, to
36 read:

37 21949. (a) The Legislature hereby finds and declares
38 that it is policy of the State of California that safe and
39 convenient pedestrian travel and access, whether by foot,



1 wheelchair, walker, or stroller, is a basic civil right that
2 should not be denied to any resident of the state.

3 (b) In accordance with the policy declared under
4 subdivision (a), it is the intent of the Legislature that all
5 levels of government in the state, particularly the
6 Department of Transportation, do everything feasible to
7 provide convenient and safe passage for pedestrians on
8 and across all streets and highways, increase levels of
9 walking and pedestrian travel, and reduce pedestrian
10 fatalities and injuries.

11 SEC. 7. *Section 21455.6 of the Vehicle Code is*
12 *amended to read:*

13 21455.6. (a) A city council or county board of
14 supervisors shall conduct a public hearing on the
15 proposed use of automated enforcement systems
16 authorized pursuant to Section 21455.5 prior to that city
17 or county entering into a contract for the use of those
18 systems.

19 (b) The authorization in Section 21455.5 to use
20 automated enforcement systems does not authorize the
21 use of photo radar *for speed enforcement purposes* by any
22 jurisdiction.

23 SEC. 8. Section 21950 of the Vehicle Code is amended
24 to read:

25 21950. (a) The driver of a vehicle shall yield the
26 right-of-way to a pedestrian crossing the roadway within
27 any marked crosswalk or within any unmarked crosswalk
28 at an intersection, except as otherwise provided in this
29 chapter.

30 (b) This section does not relieve a pedestrian from the
31 duty of using due care for his or her safety. No pedestrian
32 may suddenly leave a curb or other place of safety and
33 walk or run into the path of a vehicle that is so close as to
34 constitute an immediate hazard. No pedestrian may
35 unnecessarily stop or delay traffic while in a marked or
36 unmarked crosswalk.

37 (c) The driver of a vehicle approaching a pedestrian
38 within any marked or unmarked crosswalk shall exercise
39 all due care and shall reduce the speed of the vehicle or
40 take any other action relating to the operation of the



1 vehicle as necessary to safeguard the safety of the
2 pedestrian.

3 (d) Subdivision (b) does not relieve a driver of a
4 vehicle from the duty of exercising due care for the safety
5 of any pedestrian within any marked crosswalk or within
6 any unmarked crosswalk at an intersection.

7 ~~(e) For the purposes of this section, a person shall be
8 considered to be within a marked crosswalk if that person
9 is in the roadway and is within three feet of the marking
10 nearest the person.~~

11 ~~SEC. 8. Section 21953 of the Vehicle Code is amended
12 to read:~~

13 ~~21953. Whenever any pedestrian crosses a roadway
14 other than by means of a pedestrian tunnel or overhead
15 pedestrian crossing, that pedestrian shall yield the
16 right-of-way to all vehicles on the highway so near as to
17 constitute an immediate hazard.~~

18 ~~This section shall not be construed to mean that a
19 marked crosswalk, with or without a signal device, cannot
20 be installed where a pedestrian tunnel or overhead
21 crossing exists.~~

22 ~~SEC. 9. Section 21955 of the Vehicle Code is amended
23 to read:~~

24 ~~21955. Between adjacent intersections controlled by
25 traffic control signal devices or by police officers,
26 pedestrians may not cross the roadway at any place
27 except in a crosswalk, unless the distance between the
28 adjacent intersections is more than one-quarter mile.~~

29 ~~SEC. 10.—~~

30 ~~SEC. 9. Section 21950.5 is added to the Vehicle Code,
31 to read:~~

32 ~~21950.5. (a) An existing marked crosswalk may not
33 be removed unless notice and opportunity to be heard is
34 provided to the public not less than 30 days prior to the
35 scheduled date of removal. In addition to any other public
36 notice requirements, the notice of proposed removal shall
37 be posted at the crosswalk identified for removal.~~

38 ~~(b) The notice required by subdivision (a) shall
39 include, but is not limited to, notification to the public of
40 both of the following:~~



1 (1) That the public may provide input relating to the
2 scheduled removal.

3 (2) The form and method of providing the input
4 authorized by paragraph (1).

5 SEC. 10. Section 21956 of the Vehicle Code is
6 amended to read:

7 21956. (a) No pedestrian may walk upon any
8 roadway outside of a business or residence district
9 otherwise than close to his or her left-hand edge of the
10 roadway.

11 (b) A pedestrian may walk close to his or her
12 right-hand edge of the roadway if a crosswalk or other
13 means of safely crossing the roadway is not available or if
14 existing traffic or other conditions would compromise the
15 safety of a pedestrian attempting to cross the road.

16 SEC. 11. Section 21970 is added to the Vehicle Code,
17 to read:

18 21970. (a) No person may stop a vehicle
19 unnecessarily in a manner that causes the vehicle to block
20 a marked or unmarked ~~crosswalk or sidewalk~~ without
21 leaving a minimum clearance of five feet for safe and
22 adequate passage by pedestrians or wheelchairs.

23 ~~SEC. 12.— crosswalk or sidewalk.~~

24 (b) Subdivision (a) does not preclude the driver of a
25 vehicle facing a steady circular red light from turning
26 right or turning left from a one-way street onto a one-way
27 street pursuant to subdivision (b) of Section 21453.

28 SEC. 12. Section 21971 is added to the Vehicle Code,
29 to read:

30 21971. Notwithstanding any other provision of law,
31 any person who violates subdivision (a) or (b) of Section
32 21451, subdivision (b) of Section 21453, subdivision (a) of
33 Section 21950, or Section 21952, and causes the bodily
34 injury of anyone other than the driver is guilty of an
35 infraction punishable under Section 42001.18.

36 SEC. 13. Section 42001 of the Vehicle Code is
37 amended to read:

38 42001. (a) Except as provided in Section 42000.5,
39 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,
40 42001.11, 42001.12, 42001.14, 42001.15, 42001.16, or



1 subdivision (a) of 42001.17, *or Section 42001.18*, or
2 subdivision (b) or (c) of this section, or Article 2
3 (commencing with Section 42030), every person
4 convicted of an infraction for a violation of this code or of
5 any local ordinance adopted pursuant to this code shall be
6 punished as follows:

7 (1) By a fine not exceeding one hundred dollars
8 (\$100).

9 (2) For a second infraction occurring within one year
10 of a prior infraction which resulted in a conviction, a fine
11 not exceeding two hundred dollars (\$200).

12 (3) For a third or any subsequent infraction occurring
13 within one year of two or more prior infractions which
14 resulted in convictions, a fine not exceeding two hundred
15 fifty dollars (\$250).

16 (b) Every person convicted of a misdemeanor
17 violation of Section 2800, 2801, or 2803, insofar as they
18 affect failure to stop and submit to inspection of
19 equipment or for an unsafe condition endangering any
20 person, shall be punished as follows:

21 (1) By a fine not exceeding fifty dollars (\$50) or
22 imprisonment in the county jail not exceeding five days.

23 (2) For a second conviction within a period of one
24 year, a fine not exceeding one hundred dollars (\$100) or
25 imprisonment in the county jail not exceeding 10 days, or
26 both that fine and imprisonment.

27 (3) For a third or any subsequent conviction within a
28 period of one year, a fine not exceeding five hundred
29 dollars (\$500) or imprisonment in the county jail not
30 exceeding six months, or both that fine and
31 imprisonment.

32 (c) A pedestrian convicted of an infraction for a
33 violation of this code or any local ordinance adopted
34 pursuant to this code shall be punished by a fine not
35 exceeding fifty dollars (\$50).

36 (d) Notwithstanding any other provision of law, any
37 local public entity that employs peace officers, as
38 designated under Chapter 4.5 (commencing with Section
39 830) of Title 3 of Part 2 of the Penal Code, the California
40 State University, and the University of California may, by



1 ordinance or resolution, establish a schedule of fines
2 applicable to infractions committed by bicyclists within
3 its jurisdiction. Any fine, including all penalty assessments
4 and court costs, established pursuant to this subdivision
5 shall not exceed the maximum fine, including penalty
6 assessment and court costs, otherwise authorized by this
7 code for that violation. If a bicycle fine schedule is
8 adopted, it shall be used by the courts having jurisdiction
9 over the area within which the ordinance or resolution is
10 applicable instead of the fines, including penalty
11 assessments and court costs, otherwise applicable under
12 this code.

13 ~~SEC. 13.~~

14 *SEC. 14.* Section 42001.17 is added to the Vehicle
15 Code, to read:

16 42001.17. Notwithstanding any other provision of law,
17 every person convicted of an infraction for a violation of
18 Section 21951 shall be punished as follows:

19 (a) For the first infraction, by a fine of one hundred
20 dollars (\$100).

21 (b) For a second infraction for a violation of Section
22 21951 occurring within one year of a prior infraction of
23 violating of that section that resulted in a conviction, by
24 a fine not exceeding two hundred dollars (\$200), as
25 provided in paragraph (2) of subdivision (a) of Section
26 42001.

27 (c) For a third or any subsequent infraction for a
28 violation of Section 21951 occurring within one year of
29 two or more prior infractions of violating that section that
30 resulted in convictions, by a fine not exceeding two
31 hundred fifty dollars (\$250), as provided in paragraph (3)
32 of subdivision (a) of Section 42001.

33 ~~SEC. 14. No reimbursement is required by this act~~
34 ~~pursuant to Section 6 of Article XIII B of the California~~
35 ~~Constitution because the only costs that may be incurred~~
36 ~~by a local agency or school district will be incurred~~
37 ~~because this act creates a new crime or infraction,~~
38 ~~eliminates a crime or infraction, or changes the penalty~~
39 ~~for a crime or infraction, within the meaning of Section~~
40 ~~17556 of the Government Code, or changes the definition~~



1 ~~of a crime within the meaning of Section 6 of Article~~
2 ~~XIII B of the California Constitution.~~

3 *SEC. 15. Section 42001.18 is added to the Vehicle*
4 *Code, to read:*

5 *42001.18. Notwithstanding any other provision of law,*
6 *every person convicted of an infraction for a violation of*
7 *Section 21971 shall be punished as follows:*

8 *(a) For the first infraction, by a fine of two hundred*
9 *twenty dollars (\$220).*

10 *(b) For a second infraction for a violation of Section*
11 *21971 occurring within one year of a prior violation of that*
12 *section that resulted in a conviction, by a fine of three*
13 *hundred twenty dollars (\$320).*

14 *(c) For a third or any subsequent infraction for a*
15 *violation of Section 21971 occurring within one year of*
16 *two or more prior infractions of violating that section that*
17 *resulted in convictions by a fine of three hundred seventy*
18 *dollars (\$370).*

19 *SEC. 16. No reimbursement is required by this act*
20 *pursuant to Section 6 of Article XIII B of the California*
21 *Constitution for certain costs that may be incurred by a*
22 *local agency or school district because in that regard this*
23 *act creates a new crime or infraction, eliminates a crime*
24 *or infraction, or changes the penalty for a crime or*
25 *infraction, within the meaning of Section 17556 of the*
26 *Government Code, or changes the definition of a crime*
27 *within the meaning of Section 6 of Article XIII B of the*
28 *California Constitution.*

29 *However, notwithstanding Section 17610 of the*
30 *Government Code, if the Commission on State Mandates*
31 *determines that this act contains other costs mandated by*
32 *the state, reimbursement to local agencies and school*
33 *districts for those costs shall be made pursuant to Part 7*
34 *(commencing with Section 17500) of Division 4 of Title*
35 *2 of the Government Code. If the statewide cost of the*
36 *claim for reimbursement does not exceed one million*
37 *dollars (\$1,000,000), reimbursement shall be made from*
38 *the State Mandates Claims Fund.*

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