

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

This bill:

- 1) Prohibits a local authority from prohibiting the operation of a bicycle on a sidewalk adjacent to a highway or corridor that does not include a Class I, Class II, or Class IV bikeway.
- 2) Requires a person riding a bicycle upon a sidewalk to yield the right-of-way to any and all pedestrians.
- 3) Requires a person riding a bicycle upon a sidewalk to yield to all traffic when entering a roadway or driveway from the sidewalk.
- 4) Prohibits a person from operating a bicycle upon a sidewalk at a speed in excess of 10 miles per hour (mph).

COMMENTS:

- 1) *Purpose of bill.* According to the author “People of color should not be criminalized for choosing to use their bicycle on the sidewalk when there is no safe bike infrastructure on the street. AB 825 will prohibit local authorities from restricting cycling on the sidewalk when a proper bike lane does not exist. Without safe bicycle infrastructure, cyclists should be able to use their best judgment about where they should ride for their own safety and the safety of those around them.”
- 2) *Bicycle sidewalk riding.* According to the National Highway Traffic Safety Administration, riding a bicycle on a sidewalk is often unsafe for both cyclists and pedestrians using the sidewalk. Sidewalks are not designed for high speed travel, and the travel speed of a bicycle can often result in a decrease in visibility for cyclists by cars, potentially placing them in danger at intersections or driveways. Several studies have shown that crash and injury risks are higher to cyclists on bicycle paths that are shared with pedestrians than on paths that are separated or dedicated to cycles. In particular, a review of 23 studies on cycling safety summarized in the report “The Impact of Transportation Infrastructure on Bicycling Injuries and Crashes” estimates that the risk of

collisions while riding on the sidewalk is 1.8 to 16 times that of riding on the road primarily because of unexpected or blind conflicts with crossing or turning traffic at intersections, doorways, and driveways.

Caltrans notes in their Highway Design Manual that sidewalks should not be designated for bicycle travel. Wide sidewalks that do not meet design standards for bicycle paths or bicycle routes also may not meet the safety and mobility needs of bicyclists. Wide sidewalks can encourage higher speed bicycle use and can increase the potential for conflicts with turning traffic at intersections as well as with pedestrians and fixed objects. In residential areas, sidewalk riding by young children too inexperienced to ride in the street is common. It is inappropriate to sign these facilities as bikeways because it may lead bicyclists to think it is designed to meet their safety and mobility needs. Bicyclists should not be encouraged (through signing) to ride their bicycles on facilities that are not designed to accommodate bicycle travel.

While, the risk of collisions increases as a result of bicycles on sidewalks sometimes it may be necessary in some specific cases. According to a video by the University of California Berkeley Safe Transportation Research and Education Center (SafeTrak), bicycling on a sidewalk can become a safety imperative for cyclists on roadways where traffic is too fast, the roadway lacks bike lanes, the lighting is insufficient, or the roadway is in bad repair. However they also note that this creates a situation where the most vulnerable people must compete for the smallest share of the roadway. Ultimately the appropriate solution is not to allow for bicycles on sidewalks but to install the necessary infrastructure to allow for both safe bicycle and pedestrian travel.

- 3) *Bicycle infrastructure.* Bicyclist fatalities have been going up in recent years. In 2020, 938 cyclists lost their lives in the United States, a 9.2% jump from the previous year and the highest level since 1987. Bicycle infrastructure, including bike lanes, separated bike lanes, and bike paths all play an important role in improving cyclist safety. In “Cycling for Sustainable Cities”, Professor Rune Elvik notes that studies on bicycle infrastructure have generally found that there is a 30-40% lower injury risk for cyclists on roadways with bicycle lanes, bicycle paths, or on traffic calmed streets with few cars and low speeds. For example, when New York City added bike lanes and a road diet on Prospect Park West, neither vehicle throughput nor travel times changed, while safety significantly improved. The percentage of cars exceeding 40 mph fell from 47% to 2%, while illegal sidewalk riding by cyclist fell from 46% to 3%. Cycling volumes doubled, while the number of injuries were reduced by half.

However not all bicycle infrastructure is equally safe. For example, a 2012 study from the University of British Columbia showed that while protected bike lanes reduced cyclist injuries by 90 percent, mixed-used trails reduced injuries by only 60 percent. Furthermore, a 2015 study by Canadian researchers found that cyclists who crashed on sidewalks or mixed-use paths sustained worse injuries than even those who crashed on major roads.

- 4) *Pretextual and discriminatory stops.* A 2020 report analyzing data collected under California's Racial and Identity Profiling Act showed that over 250,000 non-traffic citations were issued in 2019, which are low-level violations of state laws and municipal codes that are punishable by fines. Data from this report showed racial disparities in enforcement: these are not citations police commonly give in white, wealthy neighborhoods. Though the citations are criminal, there is no right to an attorney, and therefore little recourse for people who are targeted for enforcement because of their race. The result is hundreds of dollars in fines and fees people cannot afford to pay. In recognition of the racial disparities in enforcing low-level violations the Legislature has moved to remove several of these violations from statute. For example, last year the Legislature passed AB 2147 (Ting, Chapter 957, Statutes of 2022) which prohibited peace officers from stopping a pedestrian for jaywalking. This committee recently passed AB 1082 (Kalra) which would prohibit local authorities from towing vehicles for having five or more expired parking tickets. SB 50 (Bradford) would prohibit peace officers from initiating a traffic stop for specified low-level infractions.

When it comes to the specific issue of riding bicycles on sidewalks it would seem there are also racial disparities in enforcement. A Los Angeles Times investigation found that from 2017 to July of 2021, 70% of bicyclists that L.A. County sheriff's deputies pulled over were Latinos, even though that group makes up only about half of the county's population. 85% of bike riders were searched, while only 21% were cited at the time. In response, the County of Los Angeles legalized sidewalk riding on streets that lacked a bike lane, similar to the approach taken in this bill.

- 5) *Speeding along.* In an attempt to address safety concerns regarding bicycling on sidewalks this bill establishes a 10 mph speed limit for bicycling on the sidewalk. Some sort of speed limitation seems important for safety, but an established statewide limit may not be appropriate. Firstly due to difference in local conditions 10 mph may be too stringent or, more likely, too lenient in areas where sidewalks are particularly crowded or in poor repair. Secondly, given the intent of this bill is to reduce unnecessary police stops adding a new speed limit may undercut that goal. The committee and author may wish to

remove the statewide 10 mph speed limit and instead specify that a local jurisdiction should not prohibit bicycling on a sidewalk unless they are traveling at an unsafe speed or in an unsafe manner.

- 6) *Local conditions.* Current law authorizes local jurisdictions to restrict bicycle use on sidewalks as they see fit, presumably in recognition of local differences in cycling and pedestrian culture and infrastructure that modifies the risk of the behavior. This bill takes the approach of removing that assessment from local jurisdictions and leaving the safety risk assessment up to individual cyclists. The argument by supporters is that cyclists are able to determine, based on the amount of traffic, the state of repair of local roads and sidewalks, and other factors, where and how quickly is safe to ride. While it is true that changes in local conditions may result in the safest option not aligning with a more general policy, research does not suggest cyclist's perception of safety always correlates with actual injury risk. A 2012 study of 690 injured adult cyclists found that cyclists' perceptions of safety did align with risk regarding the relative safety of major streets, but that their perceptions were out of step with actual risk particularly for mixed-use paths.

Many cities have commercial districts where pedestrians will be entering and leaving the sidewalk from doorways. Many cities in California also have a thriving tourism industry, creating crowded streets around attractions. In locations such as these cycling seems particularly risky and likely to result in either a collision with a pedestrian or injury to a cyclist as they swerve off the sidewalk to avoid a pedestrian. The author and committee may wish to amend the bill to allow cities to restrict bicycling on sidewalks in business activity districts.

- 7) *Where's the data?* Los Angeles County has recently eliminated its sidewalk riding restrictions and reported no spike in crashes, but the state's localities are extremely varied and there is no guarantee that the same policy will have no effect if applied across the entire state. The amendments recommended in this analysis would create important exemptions in the highest-risk areas, but there is no guarantee these provisions will be sufficient to ensure safety. Given the existing data suggesting that riding on a sidewalk is generally dangerous it would be valuable to monitor the effects of this bill to ensure there are no adverse safety impacts. The author and committee may wish to amend the bill to require report to the Legislature by the CHP on the safety impacts of this bill by 2029 and to add a 2031 sunset.

RELATED LEGISLATION:

AB 1909 (Friedman, Chapter 343, Statutes of 2022) eliminated the statewide ban of class 3 electric bicycles on a bicycle path bikeway and bicycle lanes, removed the authority for local authorities to prohibit electric bicycles on bicycle paths, and required vehicles to change lanes when passing a bicyclist, when feasible.

AB 1371 (Bradford, Chapter 331, Statutes of 2013) specified that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

SB 1464 (Lowenthal, 2012) would have set requirements for the safe passing of bicyclists by motor vehicles and establishes fines and penalties for failure to abide by these requirements. That bill was vetoed by the Governor on the grounds that the bill authorized a dangerous maneuver (crossing double yellow pavement markings) and would weaken the state's defense to lawsuits.

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

According to the Assembly Appropriations Committee state costs for this bill are likely to be minor.

POSITIONS: (Communicated to the committee before noon on Wednesday, July 5th.)

SUPPORT:

ACT

Active San Gabriel Valley

Activesgv

California Bicycle Coalition

Climate Resolve

Costa Mesa Alliance for Better Streets

County of Los Angeles Board of Supervisors

Culver City Democratic Club

East Bay for Everyone

Happy City Coalition

Marin County Bicycle Coalition

Move Santa Barbara County

Napa County Bicycle Coalition (napa Bike)

Norwalk Unides

San Diego County Bicycle Coalition

San Francisco Bicycle Coalition
Stop4aidan
Streets are For Everyone
Streets for All (sponsor)
Telegraph for People

OPPOSITION:

California Association of Bicycling Organizations
Mission Street Neighbors
New Livable California Db a Livable California
Orange County Bicycle Coalition

ARGUMENTS IN SUPPORT: According to a coalition of supporters including Streets for All, “Currently, municipalities regulate the use of a bicycle on the sidewalk. Some cities like Merced, Costa Mesa, Fullerton, Victorville, and others have made it legal to bike on the sidewalk. However, cities like Moreno Valley, Berkeley, Inglewood, Norwalk, Newport Beach, and others have not legalized it. About 8 million California residents live in a city where it is illegal, or where there are limited areas where cycling on the sidewalk is allowed.

Cyclists are subject to traffic stops by police, which are prone to bias and often lead to searches and violent encounters for people of color. A Los Angeles Times analysis of more than 44,000 bike stops between 2017 and 2021 by Los Angeles County Sheriff’s deputies found that 70% of those stopped were Latino cyclists. The investigation found that deputies searched 85% of the people stopped, but that 92% of the searches found nothing illegal, less than 6% recovered illegal drugs, and less than 0.5% recovered weapons. Demonstrably, these stops are wildly ineffective and create dangerous opportunities for escalatory behavior for all parties involved.

Compared to other types of stops, officers were 3.2 times as likely to perform a search, 3.8 times as likely to detain the individual, and 2.7 times as likely to handcuff the individual, statewide, during bicycle stops. “Overall, officers were more likely to search, detain, or handcuff a person during a bicycle-related stop when compared to stops for reasons other than bicycle violations.”

Additionally, without safe bicycle infrastructure, cyclists should be able to use their best judgment about where they should ride for their own safety and the safety of those around them. Over 130 cyclists die from collisions with cars each year in California. In 2022, Traffic deaths in Los Angeles hit a 20-year high and 53% were pedestrians and cyclists.”

ARGUMENTS IN OPPOSITION: According to the California Association of Bicycling Organizations, “We find that the changes from AB 825 would be unsound, both for pedestrians who would have to share the sidewalk even in crowded business districts and for bicyclists, because it reinforces the misconception that it's safer on the sidewalk than the street except where there is a properly designated bikeway facility. CABO opposes this bill, for the following reasons:

It would enable unrestricted sidewalk bicycling on many business district streets whose sidewalks might be crowded with pedestrians. Mixing bicycles and pedestrians in this environment would be unsafe for everyone, might discourage walking, and could hurt local businesses.

Most quiet residential streets do not have or need designated bicycle facilities. This bill would allow sidewalk bicycling on streets where a local jurisdiction has decided there is reason to prohibit bicycling.

Electric bicycles would then also be allowed on these sidewalks. Electric bicycles are easily powered to speeds unsafe on sidewalks sharing with pedestrians.

Most important, the bill proceeds from the false assumption that unless there is a bicycle facility present, it would be safer to bicycle on the sidewalk. In fact, the opposite is true. In 1994, a peer-reviewed study in the journal of the Institute of Transportation Engineers showed that bicyclists on sidewalks incurred 1.8 times as great a risk of collision with a motor vehicle as those on the adjacent roadway, primarily because of unexpected or blind conflicts with crossing or turning traffic at intersections, doorways, and driveways. Furthermore, many bicyclists ride on sidewalks against the direction of adjacent roadway traffic. Wrong-way sidewalk bicycling is 4.5 times as dangerous as right-way. If the goal is to promote safety, we should be discouraging sidewalk bicycling, not encouraging it”

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