



CONSENT CALENDAR  
April 25, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Mayor Jesse Arreguin (Co-Sponsor)

Subject: Letter in Support of AB 73 (Idaho Stop)

### RECOMMENDATION

Send a letter to Assemblymember Tasha Boerner Horvath (cc: Governor Gavin Newsom, Senator Nancy Skinner, Assemblymember Buffy Wicks) in support of AB 73, which would allow bicyclists 18 years of age and older to treat all-way stop signs as yield signs.

### BACKGROUND

AB 73 would allow bicyclists to treat stop signs as yield signs at intersections with an all-way stop. This maneuver is often referred to as an “Idaho Stop,” as Idaho was the first state to allow cyclists to treat stop signs as yield signs in 1982. Currently, California Vehicle Code requires bicyclists to execute a full stop at all stop signs like motorists are required to.

AB 73 would permit cyclists 18 years of age and older to treat stop signs as yield signs. Cyclists under 18 years of age who are stopped for failing to yield at an intersection would be given a warning citation. AB 73 also requires the Commissioner of the California Highway Patrol to submit a report to the State Legislature by January 1, 2029 evaluating the impacts of implementing the Idaho Stop. The bill would sunset on January 1, 2031.

Assemblymember Tasha Boerner Horvath previously authored AB 122 (2021-2022), which was a very similar bill. AB 122 would have also legalized the Idaho Stop, but it did not include an exemption for youth under 18 years of age. Although AB 122 passed the Assembly and the State Senate, Governor Gavin Newsom vetoed it on the grounds that it would be dangerous for young cyclists under 18 years of age to be encouraged to roll through stop signs instead of fully stopping.<sup>1</sup>

In response to the veto, AB 1713 was introduced in early 2022 by Assemblymember Boerner Horvath, which incorporated the exemption for youth under 18. However, the bill was ultimately held on the Senate Floor pending further conversations with the California State Transportation Agency (CalSTA), Caltrans, and California Highway

<sup>1</sup> <https://www.gov.ca.gov/wp-content/uploads/2021/10/AB-122-1082021.pdf>

Patrol (CHP). AB 73 effectively builds upon the language of these bills, which previously were supported by the Berkeley City Council.

*Rationale for Recommendation*

It is common practice for bicyclists to treat stop signs as yield signs. Since bicycles do not have the same mass and size as motor vehicles, a properly executed Idaho Stop is safe for cyclists themselves and for nearby pedestrians. A 2010 UC Berkeley School of Public Health Environmental Science Division study evaluating the impacts of the “Idaho Stop” found an immediate 14.5 percent decrease in injuries in the year following the law’s implementation in Idaho.<sup>2</sup> The study found that cities in Idaho are 30.4 percent safer for cyclists overall, and researchers stated that “these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law.”

The Idaho Stop is also a racial justice issue; although existing law applies to all cyclists, people of color are disproportionately stopped by police for rolling through stop signs on bikes. Between 2016 and 2018, 59.4 percent of people stopped in bicycle traffic stops in Oakland were Black, while only comprising 23.6 percent of the total population.<sup>3</sup> Beyond disproportionately burdening people of color with fines, allowing police officers to stop cyclists simply for rolling through a stop sign creates unnecessary opportunities for police harassment that may escalate to use of force.

FINANCIAL IMPLICATIONS

Sending this letter has no direct financial implications. However, the passage of AB 73 would result in a very minor reduction in fine revenue for the City from traffic stops.

ENVIRONMENTAL SUSTAINABILITY

Sending this letter has no direct environmental sustainability implications. However, permitting the Idaho Stop would encourage cycling, a sustainable mode of transportation, by reducing the fear of being stopped by police for minor infractions — especially for people of color who are disproportionately impacted by police violence and fines.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Sam Greenberg, Legislative Assistant, [samgreenberg@berkeleyca.gov](mailto:samgreenberg@berkeleyca.gov)

Attachments:

- 1: Letter in Support of AB 73
- 2: AB 73 Bill Text 03-09-20

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<sup>2</sup><http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

<sup>3</sup> [Black Cyclists Are Stopped More Often Than Whites, Police Data Shows \(bicycling.com\)](#)





Assemblymember Tasha Boerner Horvath  
State Capitol  
Sacramento, CA 95814

**RE: City of Berkeley's Support for AB 73**

Dear Assemblymember Boerner Horvath,

The Berkeley City Council writes to express its strong support for AB 73, which would allow bicyclists 18 years and older to treat stop signs as yield signs at intersections with all-way stops. The "Idaho Stop" has already been proven to be a safe and effective maneuver in many states throughout the country, including Idaho, Oregon, and Arkansas.

People riding bicycles often already treat stop signs as yield signs because the Idaho Stop is safe and more efficient than a full stop. Slowing down safely instead of stopping fully allows cyclists to conserve energy, and making this safe and common maneuver legal would encourage Californians to bike to destinations instead of driving.

It is also important to acknowledge that, because current law is enforced selectively, police disproportionately stop people of color for failing to execute a full stop on a bicycle. This opportunity for racially biased policing not only leads people of color to bear a higher burden of fines for traffic violations, but also to more encounters with police and potential for use of force.

State after state is legalizing the Idaho Stop because treating cyclists the same as cars at intersections has proven to be unnecessary and counterproductive. It is time for California to do the same, and the Berkeley City Council thanks you for your leadership on this important issue.

Sincerely,  
The Berkeley City Council

cc: Governor Gavin Newsom  
Senator Nancy Skinner  
Assemblymember Buffy Wicks

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 73**

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**Introduced by Assembly Member Boerner Horvath**

December 13, 2022

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~~An act relating to vehicles.~~ *An act to amend, repeal, and add Sections 21800 and 22450 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as amended, Boerner Horvath. ~~Vehicles.~~ *Vehicles: required stops: bicycles.*

*Existing law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction.*

*This bill would require a person who is 18 years of age or older riding a bicycle upon a two-lane highway when approaching a stop sign at the entrance of an intersection with another roadway with two or fewer lanes, where stop signs are erected upon all approaches, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle. The bill would impose a warning citation*

AB 73

— 2 —

for a first violation by a person who is under 18 years of age and fails to stop when approaching a stop sign at the entrance of an intersection.

The bill would also require the Commissioner of the California Highway Patrol to submit a report to the Legislature, as specified, regarding the effects of this bill.

These provisions would be repealed on January 1, 2031.

By changing the elements of an existing crime, this bill would impose a state-mandated local program.

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.

~~Existing law requires the driver of any vehicle, including a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to stop before entering the intersection. A violation of this requirement is an infraction.~~

~~This bill would state the intent of the Legislature to enact legislation relating to a stop-as-yield pilot program seeking to improve the flow of traffic by allowing both drivers and bicyclists to move safely at an intersection where there is a stop sign.~~

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 21800 of the Vehicle Code is amended to  
2 read:

3 21800. (a) The driver of a vehicle approaching an intersection  
4 shall yield the right-of-way to any vehicle ~~which~~ that has entered  
5 the intersection from a different ~~highway~~. highway, including a  
6 bicycle that has entered the intersection after yielding as required  
7 by subdivision (d) of Section 22450.

8 (b) (1) When two vehicles enter an intersection from different  
9 highways at the same time, the driver of the vehicle on the left  
10 shall yield the right-of-way to the vehicle on ~~his or her~~ their  
11 immediate right, except that the driver of any vehicle on a  
12 terminating highway shall yield the right-of-way to any vehicle  
13 on the intersecting continuing highway.

1 (2) For the purposes of this section, “terminating highway”  
2 means a highway ~~which~~ *that* intersects, but does not continue  
3 beyond the intersection, with another highway ~~which~~ *that* does  
4 continue beyond the intersection.

5 (c) When two vehicles enter an intersection from different  
6 highways at the same time and the intersection is controlled from  
7 all directions by stop signs, the driver of the vehicle on the left  
8 shall yield the right-of-way to the vehicle on ~~his or her~~ *their*  
9 immediate right.

10 (d) (1) The driver of any vehicle approaching an intersection  
11 ~~which~~ *that* has official traffic control signals that are inoperative  
12 shall stop at the intersection, and may proceed with caution when  
13 it is safe to do so.

14 (2) When two vehicles enter an intersection from different  
15 highways at the same time, and the official traffic control signals  
16 for the intersection are inoperative, the driver of the vehicle on the  
17 left shall yield the right-of-way to the vehicle on ~~his or her~~ *their*  
18 immediate right, except that the driver of any vehicle on a  
19 terminating highway shall yield the right-of-way to any vehicle  
20 on the intersecting continuing highway.

21 (e) This section does not apply to any of the following:

22 (1) Any intersection controlled by an official traffic control  
23 signal or yield right-of-way sign.

24 (2) Any intersection controlled by stop signs from less than all  
25 directions.

26 (3) When vehicles are approaching each other from opposite  
27 directions and the driver of one of the vehicles intends to make,  
28 or is making, a left turn.

29 (f) *This section shall remain in effect only until January 1, 2031,*  
30 *and as of that date is repealed.*

31 *SEC. 2. Section 21800 is added to the Vehicle Code, to read:*

32 *21800. (a) The driver of a vehicle approaching an intersection*  
33 *shall yield the right-of-way to any vehicle that has entered the*  
34 *intersection from a different highway.*

35 *(b) (1) When two vehicles enter an intersection from different*  
36 *highways at the same time, the driver of the vehicle on the left*  
37 *shall yield the right-of-way to the vehicle on their immediate right,*  
38 *except that the driver of any vehicle on a terminating highway*  
39 *shall yield the right-of-way to any vehicle on the intersecting*  
40 *continuing highway.*

1 (2) For the purposes of this section, “terminating highway”  
2 means a highway that intersects, but does not continue beyond the  
3 intersection, with another highway that does continue beyond the  
4 intersection.

5 (c) When two vehicles enter an intersection from different  
6 highways at the same time and the intersection is controlled from  
7 all directions by stop signs, the driver of the vehicle on the left  
8 shall yield the right-of-way to the vehicle on their immediate right.

9 (d) (1) The driver of any vehicle approaching an intersection  
10 that has official traffic control signals that are inoperative shall  
11 stop at the intersection, and may proceed with caution when it is  
12 safe to do so.

13 (2) When two vehicles enter an intersection from different  
14 highways at the same time, and the official traffic control signals  
15 for the intersection are inoperative, the driver of the vehicle on  
16 the left shall yield the right-of-way to the vehicle on their immediate  
17 right, except that the driver of any vehicle on a terminating  
18 highway shall yield the right-of-way to any vehicle on the  
19 intersecting continuing highway.

20 (e) This section does not apply to any of the following:

21 (1) Any intersection controlled by an official traffic control  
22 signal or yield right-of-way sign.

23 (2) Any intersection controlled by stop signs from less than all  
24 directions.

25 (3) When vehicles are approaching each other from opposite  
26 directions and the driver of one of the vehicles intends to make,  
27 or is making, a left turn.

28 (f) This section shall become operative on January 1, 2031.

29 SEC. 3. Section 22450 of the Vehicle Code is amended to read:

30 22450. (a) ~~The~~ Except as otherwise provided in subdivision  
31 (d), the driver of any vehicle approaching a stop sign at the entrance  
32 to, or within, an intersection shall stop at a limit line, if marked,  
33 otherwise before entering the crosswalk on the near side of the  
34 intersection.

35 If there is no limit line or crosswalk, the driver shall stop at the  
36 entrance to the intersecting roadway.

37 (b) The driver of a vehicle approaching a stop sign at a railroad  
38 grade crossing shall stop at a limit line, if marked, otherwise before  
39 crossing the first track or entrance to the railroad grade crossing.



1 (c) Notwithstanding any other provision of law, a local authority  
2 may adopt rules and regulations by ordinance or resolution  
3 providing for the placement of a stop sign at any location on a  
4 highway under its jurisdiction where the stop sign would enhance  
5 traffic safety.

6 (d) *A person who is 18 years of age or older riding a bicycle*  
7 *upon a two-lane highway approaching a stop sign at the entrance*  
8 *to, or within, an intersection with another roadway with two or*  
9 *fewer lanes, where stop signs are erected upon all approaches to*  
10 *the intersection shall, upon arriving at the sign, yield the*  
11 *right-of-way to any vehicles that have stopped at the entrance to*  
12 *the intersection, have entered the intersection, or that are*  
13 *approaching on the intersecting highway close enough to constitute*  
14 *an immediate hazard, and to pedestrians as required by Section*  
15 *21950, and shall continue to yield the right-of-way to those vehicles*  
16 *and pedestrians until it is reasonably safe to proceed.*

17 (e) (1) *The Commissioner of the California Highway Patrol*  
18 *shall submit a report to the Legislature, on or before January 1,*  
19 *2029, about the effects of bicycles operating under the provisions*  
20 *of subdivision (d) and subdivision (a) of Section 21800. The report*  
21 *shall include, without limitation, information about statewide*  
22 *injury and fatal traffic crash data and any associated traffic-related*  
23 *safety issues, including, but not limited to, a detailed analysis of*  
24 *the following issues:*

25 (A) *Changes in the frequency of collisions.*

26 (B) *Changes in the severity of collisions.*

27 (C) *Causes of and contributing factors in collisions.*

28 (D) *Location of collisions, including an analysis of collision*  
29 *data.*

30 (E) *Time of day of collisions.*

31 (F) *Ages of bicyclists involved, including a breakdown of minors*  
32 *versus adults.*

33 (G) *Types of bicycles involved in collisions, specifically*  
34 *differences between traditional bicycles and electric bicycles.*

35 (2) *The report required by this subdivision shall be submitted*  
36 *in compliance with Section 9795 of the Government Code.*

37 (f) *This section does not affect the liability of a driver of a motor*  
38 *vehicle as a result of the driver's negligent or wrongful act or*  
39 *omission in the operation of a motor vehicle.*

1 (g) A person who is under 18 years of age riding a bicycle who  
2 fails to stop as required in subdivision (a) shall receive a warning  
3 citation for a first violation.

4 (h) This section shall remain in effect only until January 1, 2031,  
5 and as of that date is repealed.

6 SEC. 4. Section 22450 is added to the Vehicle Code, to read:

7 22450. (a) The driver of any vehicle approaching a stop sign  
8 at the entrance to, or within, an intersection shall stop at a limit  
9 line, if marked, otherwise before entering the crosswalk on the  
10 near side of the intersection.

11 If there is no limit line or crosswalk, the driver shall stop at the  
12 entrance to the intersecting roadway.

13 (b) The driver of a vehicle approaching a stop sign at a railroad  
14 grade crossing shall stop at a limit line, if marked, otherwise before  
15 crossing the first track or entrance to the railroad grade crossing.

16 (c) Notwithstanding any other provision of law, a local authority  
17 may adopt rules and regulations by ordinance or resolution  
18 providing for the placement of a stop sign at any location on a  
19 highway under its jurisdiction where the stop sign would enhance  
20 traffic safety.

21 (d) This section shall become operative on January 1, 2031.

22 SEC. 5. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

31 ~~SECTION 1. It is the intent of the Legislature to enact~~  
32 ~~legislation relating to a stop-as-yield pilot program seeking to~~  
33 ~~improve the flow of traffic by allowing both drivers and bicyclists~~  
34 ~~to move safely at an intersection where there is a stop sign.~~