



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

FYI - related to **35**
 Agenda Item # 11.a.
 PRC Oct. 23, 2019
 Meeting

ACTION CALENDAR
 October 29, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Referral: Measures to Address Traffic Enforcement and Bicycle Safety

RECOMMENDATION

1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement of the Idaho Stop and Dead Red conventions for persons operating a bicycle, after the operator has yielded to any other road users with the right of way, by prohibiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Sections 22450(a) and 21453(a).
2. Refer to the City Manager to develop a ticket diversion program to educate bicyclists as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants.
3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.

SUMMARY

The proposed Resolution seeks to improve safety and incentivize bicycling by creating common-sense traffic enforcement priorities that align with our stated Vision Zero goals. This item further asks staff to create a ticket diversion program for bicyclists and explore adding and reconfiguring traffic calming measures and stop signage to maximize the efficiency of travel on bicycle boulevards.

BACKGROUND

Currently, VEH Section 21200 requires bicyclists and other pedal-operated vehicle riders to abide by the same laws as motorists. Under VEH Section 22450(a), "the driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway." Under VEH Section 21453(a), "a driver facing a steady circular red signal alone shall stop [...] before entering the intersection, and shall remain stopped until an indication to proceed is shown," unless turning right. If ticketed for violating either section, bicyclists receive the same monetary fine as a motorist:

around \$200 for rolling through a stop sign, and around \$400 for proceeding through a red light.

As of September 2015, new amendments to VEH Section 42005(3) created the option for cities and local law enforcement departments to implement a ticket diversion program for bicyclists, offering an educational alternative to heavy fines.¹ Although the UC Berkeley Police Department waives on-campus infraction fines in exchange for proof of Bicycle Education & Safety Training class attendance, the City at large does not offer any such option to reduce or waive fees.²

This results in ticketing practices like those demonstrated on August 13th, August 21st, and September 6th of this year, when Berkeley residents observed BPD officers issue a series of \$200 citations to bicyclists for rolling through stop signs. According to traffic enforcement division data, 55 total stops of this nature have occurred since July 2019, with 36 resulting in fines.³ The City should consider developing a ticket diversion program to replace overly punitive fines with bicyclist education.

For bicyclists, confusion may arise from the inconsistent legal status of this common energy-conserving maneuver, known as the 'California roll' or 'Idaho Stop' at a stop sign. When approaching an empty intersection with traffic light signals, the 'Dead Red' convention allows cyclists to proceed after stopping and waiting to verify that the intersecting road is clear, in order to compensate for the under-detection of bikes by traffic signal sensors.

Application of traffic stop laws to bicyclists and human-powered vehicle operators is not uniform between states, nor enforced consistently across California cities. In 1982, the state of Idaho passed a law allowing bicyclists to treat stop signs as yield signs, and red lights as stop signs.⁴ In the following decades, similar Idaho Stop and Dead Red laws have been adopted by other states, including Delaware's 2017 passage of an amendment to "permit safe yielding by bicycle operators at stop sign-controlled intersections with minor roads."⁵ This year, Oregon enacted new legislation permitting bicyclists "to enter [an] intersection controlled by specified traffic control devices without stopping," effective January 1, 2020.⁶ Currently undergoing debate in Utah, House Bill 161 proposes the same revisions to the state traffic code.⁷

Internationally, Paris recently adopted Idaho Stop and Dead Red policies at right turns and T-junctions, in conjunction with a larger initiative to incentivize bicycling.⁸ Prior to

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB902

² <https://ucpd.berkeley.edu/laws-and-policies/vehicles-and-bicycles-campus>

³ <https://www.sfchronicle.com/bayarea/article/Berkeley-cyclists-cry-foul-over-238-citations-14432685.php?psid=mC2Zz>

⁴ <https://legislature.idaho.gov/statutesrules/idstat/title49/t49ch7/sect49-720/>

⁵ <https://ohs.delaware.gov/bicycle.shtml>

⁶ <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB998>

⁷ <https://le.utah.gov/~2019/bills/static/HB0161.html>

⁸ <https://www.bbc.com/news/magazine-33773868>

adoption, France tested rolling stops in Bordeaux and other small cities, and was encouraged by the resulting decrease in collisions between bicycles and cars.

Achieving a similar outcome in the City of Berkeley would differ in implementation because the City does not have jurisdiction over state vehicle code. Instead of codifying a traffic law exemption, the City would deprioritize enforcement of the Idaho Stop and Dead Red conventions by prohibiting the use of City funds or resources in issuing citations or otherwise conducting enforcement. Because this proposal does not entail a change to vehicle code, it would not affect any legal ramifications, as found in a court of law, of a bicyclist-at-fault collision caused by violation of California Vehicle Code Sections 22450(a) or 21453(a).

A 2010 UC Berkeley School of Public Health Environmental Science Division study, which compared injury and fatality rates in Idaho with data from structurally similar cities in states still lacking a traffic stop exemption, found that these conventions make our streets safer.⁹ Quantitative results demonstrated Idaho conditions to be 30.4 percent safer for bicyclists overall, with an immediate 14.5 percent decrease in injuries in the year following the law's implementation. In researcher interviews with police officers, public officials, bicycle advocacy groups, and the general public, "these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law."

Currently, Office of Traffic Safety (OTS) statistics consistently rank the City of Berkeley number one in bicycle-related injury collisions, when compared to fifty-seven other cities of similar population density.¹⁰ Adoption of the Idaho Stop and Dead Red conventions should be explored as one possible mitigation strategy.

In addition to evidentiary merit as a bicyclist safety initiative, this proposal would also improve the quality and convenience of bike travel. Highlighting the disparate impact of mandatory stop signs on bicyclists, a 2001 UC Berkeley Physics Department study determined that on routes with frequent stops, a person operating a bike must exert five times the energy in order to maintain speed.¹¹ In absence of oncoming traffic, permitting bicyclists to conduct a rolling stop conserves energy without increasing collision risk. It also allows bicyclists to more quickly clear the intersection, where they are most vulnerable to being hit by a driver. Equipped with twice the visual field of an average SUV, bicycle riders are uniquely qualified to determine if a complete stop is required for safety.¹²

Another action the City should take to improve bicycling safety is to calm and divert motor vehicle traffic on bicycle boulevards, as outlined in the Chapter 5.2.3 of the

⁹ <http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

¹⁰ <https://www.ots.ca.gov/ots-and-traffic-safety/>

¹¹ <https://nacto.org/wp-content/uploads/2012/06/Fajans-J.-and-M.-Curry.-2001..pdf>

¹² <http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

Bicycle Plan.¹³ Infrastructure such as traffic circles, diverters, bulbouts, and speed humps can improve mobility experience by establishing bicycle priority and reducing the speed and volume of automobile traffic. Along bicycle boulevards at intersections where stop signs do not achieve their stated purpose of managing conflicting traffic flows, the City should consider reconfiguring signage or replacing stop signs with more effective traffic calming measures.

These proposals are consistent with the goals and policies laid out by Vision Zero¹⁴ and the Bicycle Plan,¹⁵ which champion “a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities.”

FINANCIAL IMPLICATIONS

Adoption of the Resolution may slightly reduce ongoing City expenditures associated with the enforcement of civil penalties relating to traffic stop law violation by bicyclists. Staff time will be necessary to explore options for a bicycle ticket diversion program and consider signage changes.

ENVIRONMENTAL SUSTAINABILITY

Improved efficiency and ease of navigation will increase the mode share of bicycles and other human-powered vehicles, which aligns with the City’s Climate Action Plan and contributes to long-term sustainability.

CONTACT PERSON

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Attachments:

1: Resolution

¹³ [https://www.cityofberkeley.info/uploadedFiles/Public Works/Level 3 - Transportation/Berkeley-Bicycle-Plan-2017_Ch5_ProposedBikewayNetwork.pdf](https://www.cityofberkeley.info/uploadedFiles/Public%20Works/Level%203%20-%20Transportation/Berkeley-Bicycle-Plan-2017_Ch5_ProposedBikewayNetwork.pdf)

¹⁴ [https://www.cityofberkeley.info/Clerk/City Council/2017/12_Dec/Documents/2017-12-07_WS Item 02 Vision Zero Traffic Safety Policy - Pres.aspx](https://www.cityofberkeley.info/Clerk/City%20Council/2017/12_Dec/Documents/2017-12-07_WS_Item_02_Vision_Zero_Traffic_Safety_Policy_-_Pres.aspx)

¹⁵ [https://www.cityofberkeley.info/uploadedFiles/Public Works/Level 3 - Transportation/Berkeley-Bicycle-Plan-2017_Ch2_GoalsPoliciespdf.pdf](https://www.cityofberkeley.info/uploadedFiles/Public%20Works/Level%203%20-%20Transportation/Berkeley-Bicycle-Plan-2017_Ch2_GoalsPoliciespdf.pdf)

RESOLUTION NO. ##,###-N.S.

RESOLUTION SUPPORTING SAFE AND EFFICIENT BICYCLING PRACTICES AND DECLARING THAT THE CIVIL CITATION OF INDIVIDUALS OPERATING A BICYCLE IN A MANNER WHICH VIOLATES CALIFORNIA VEHICLE CODE SECTIONS 22450(A) OR 21453(A) SHALL BE AMONGST THE LOWEST PRIORITY FOR THE CITY OF BERKELEY

WHEREAS, California law requires bicyclists to abide by the same laws as motorists when approaching an intersection, even in the absence of oncoming traffic, despite the disparate impact of mandatory stops on the operator's safety and efficiency of travel; and

WHEREAS, at empty intersections, frequent stops create an undue burden on bicyclists by multiplying the amount of energy the operator must exert order to maintain speed over the course of a journey; and

WHEREAS, it is the stated goal of the 2017 Berkeley Bicycle Plan to become a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation; and

WHEREAS, the city's Vision Zero policy prioritizes enforcement of violations that cause the most severe and fatal injuries; and

WHEREAS, from 2006-2018, motorist-at-fault violations were the top four causes of severe and fatal collisions in Berkeley, accounting for 46% of all severe and fatal collisions; and

WHEREAS, bicyclists not stopping at stop signs comparatively cause very few severe and fatal collisions, comprising of only four collisions in 13 years; and

WHEREAS, incentivizing transportation by bicycle and other human-operated vehicles mitigates greenhouse gas emissions, and is aligned with the City's Climate Action Plan; and

WHEREAS, the City of Berkeley wishes to declare its desire not to expend City resources in any citation arising out of alleged violation of state traffic stop laws by a person operating a bicycle in an otherwise safe manner.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it shall be the policy of the City that no department, agency, board, commission, officer or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing civil penalties for the violation of California Vehicle Code Sections 22450(a) 21453(a) by a person operating a bicycle and approaching an empty intersection. When approaching a stop sign, the operator of a bicycle shall slow to a reasonable speed and yield the right-

of-way to any vehicle or pedestrian in the intersection, or approaching on another highway so closely as to constitute an immediate hazard, before cautiously making a turn or proceeding through the intersection without stopping. When approaching a red light signal, the operator of a bicycle shall stop and yield the right-of-way to any vehicle or pedestrian in the intersection, or approaching on another highway so closely as to constitute an immediate hazard, before cautiously making a turn or proceeding through the intersection without waiting for a green light signal. For the purposes of this resolution, the definition of 'cyclist' shall include a person operating a bicycle or other human-powered vehicle, including e-bikes.

BE IT FURTHER RESOLVED that this resolution does not authorize bicyclists to proceed through stop signs without stopping, or proceed against a red light signal, unless the intersecting roadway is empty of oncoming vehicles and pedestrians.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges bicyclists to take utmost safety precautions when proceeding through a stop sign or against a red light.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby declares that it shall be the policy of the City of Berkeley that the citation of bicyclists for violating California Vehicle Code Sections 22450(a) 21453(a) shall be amongst the lowest law enforcement priority for the City of Berkeley.

BE IT FURTHER RESOLVED that if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute, regulation or judicial decision, or its applicability to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and its applicability to any other agency, person, or circumstance shall not be affected.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Alameda County Supervisor Keith Carson, Assemblymember Buffy Wicks, State Senator Nancy Skinner, Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Kamala Harris, and that the Council of the City of Berkeley formally requests that they take action in their respective legislative bodies to sanction common-sense traffic stop exemptions for bicyclists.



CENTER FOR THE STUDY OF LAW AND SOCIETY

BERKELEY LAW

CSLS SPEAKER SERIES

Monday, October 21, 2019

NIKKI JONES

Associate Professor of African American Studies, UC Berkeley

“Color-Blind Cops: How Racism Makes Its Way into Everyday Policing”

(co-authors Kenly Brown, Eduardo Bautista Duran, Kaily Heitz,
Jasmine Kelekay, Gil Rothschild Elyassi, Geoffrey Raymond)

This paper presents preliminary findings from an analysis of over 80 hours of ethnographic interviews conducted with police officers during ride-alongs in a major metropolitan area in the western U.S. Specifically, we use micro-interactional concepts (Schegloff 2005, Van Manaan 1978), along with literature on everyday racism and spatial racism (Anderson 2014, Bonilla-Silva 2016), to document and explain the ways that officers’ seemingly race-neutral categorization of people and places informs, by their own account, how they interact with members of the public generally and, more specifically, how and why they manage encounters differently with people in “certain” parts of the city. In contrast to discussions of implicit bias, which suggests that officers are not conscious of the biases they deploy during interactions with the public, we show how officers consciously construct “nice” people and “people in the projects” as fundamentally different and how understandings of Black Space remain central to officers’ encounter logics even in places outside of Black Space (Anderson 2014). Our analysis reveals how tacit racist biases documented in classic ethnographies on policing have evolved into a form of institutional expertise that affirms disparate patterns of treatment in everyday policing. This reliance on colorblind forms of expertise acts as a vehicle for the construction and maintenance of spatial and racial inequality in the city. These distinctions are especially consequential in high-surveillance Black and Latinx neighborhoods where colorblind framing of racial difference legitimizes routine expressions of dominance and aggression during the earliest stages of encounters.

**PLACE
TIME
INFO
EMAIL**

Selznick Seminar Room, 2240 Piedmont Avenue

12:45 – 2:00pm. Coffee and water provided. Bag lunches welcome.

[https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/
csls@law.berkeley.edu](https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/csls@law.berkeley.edu)

CATHERINE ALBISTON, FACULTY DIRECTOR

