

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 13, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller *Gerry F. Miller For* Council File No: --
Chief Legislative Analyst Assignment No: 13-05-0387

SUBJECT: Resolution to support AB 1371, legislation which would require motorists passing bicyclists to give the bicyclist no less than three feet of space

CLA RECOMMENDATION: Adopt Resolution to include in the City's 2013 – 2014 State Legislative Program SUPPORT for AB 1371 (Bradford), which would create standards for vehicles attempting to pass bicycles, specifically requiring a motorist to pass at no less than three feet from a bicyclist, and establishes penalties for violations.

SUMMARY

On May 1, 2013, the Department of Transportation (DOT) forwarded a bill response report to the Chief Legislative Analyst's Office seeking a City position on AB 1371, the Three Feet for Safety Act. AB 1371 would require a motorist passing a bicyclist to give the bicyclist at least three feet of space. The report notes that this bill would create a much safer roadway environment for cyclists in the City of Los Angeles, as motorists often pass cyclists on the street at high rates of speed and close distances.

Upon review, this Office has prepared the attached Resolution in support of the bill. The Resolution seeks an official position of the City of Los Angeles to support AB 1371, which would create standards for vehicles attempting to pass bicycles, specifically requiring a motorist to pass at no less than three feet from a bicyclist, and establishes penalties for violations.

BACKGROUND

AB 1371 (Bradford), the Three Feet for Safety Act, was introduced on February 22, 2013. The Act would require the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle. The Act would prohibit, except in specific circumstances, passing a bicyclist at a distance of less than three feet. AB 1371 would also make the violation of the provisions outlined in the Act an infraction punishable by a \$35 fine, which increases to \$220 if a collision occurs between a motor vehicle and bicyclist causing bodily harm to the bicyclist, if the driver is found to be in violation of the provisions created under the Act.

AB 1371 would address a significant threat to the safety of bicyclists, and would be beneficial to bicyclists in Los Angeles. bicyclists in the City are often subject to harassment by aggressive

drivers who drive too close to them. Further, many drivers are unaware of the danger posed when closely passing bicyclists.

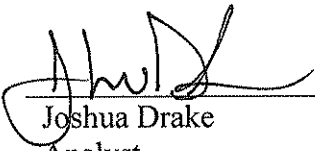
This is the third time a bill addressing this issue has been introduced; two similar bills were introduced in previous legislative sessions, but vetoed by Governor Brown. The Governor raised concerns over the state's exposure to lawsuits resulting from accidents caused by cars crossing double yellow lines to avoid bicycles, as well as vagueness in previous versions of the Three Feet for Safety Act. However, AB 1371 addresses these issues and outlines specific rules for passing bicyclists.

DEPARTMENTS NOTIFIED

Department of Transportation
Police Department

BILL STATUS

02/22/2013	Bill introduced, referred to Committee on Transportation
04/08/2013	Amended and re-referred to Committee on Transportation
04/23/2013	Passed as amended in Committee
02/25/2013	Referred to the Committee on Appropriations



Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, while bicycles are allowed under law to share the road with automobiles, there is significant confusion on how and when a motorist can safely pass bicycles on the road; and

WHEREAS, current law requires motorists to pass without interfering with the safe operation of the overtaken bicycle, but does not specify a safe passing distance, nor does it give law enforcement the parameters needed to identify unsafe passage of bicyclists; and

WHEREAS, motorists often pass bicyclists aggressively at unsafe distances, and many drivers are unaware of the safety issues created by close passes; and

WHEREAS, incidences of bicyclists being struck by passing vehicles are not uncommon, and many individuals who would like to utilize a bicycle do not because they are afraid of being hit or killed by a motorist; and

WHEREAS, The Department of Transportation (DOT) has stated that Los Angeles in particular suffers from this problem, as motorists and bicyclists share congested roads, and close passes at high speeds are a common occurrence; and

WHEREAS, DOT supports enactment of legislation which would increase the safety of bicyclists in the City of Los Angeles; and

WHEREAS, AB 1371 (Bradford) known as the Three Feet for Safety Act, establishes a minimum passing distance of three-feet for automobiles passing bicycles on California streets; and

WHEREAS, AB 1371 is widely supported by transit and bicycle advocates who believe that this type of legislation is necessary to promote the safety of bicyclists; and

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for AB 1371, which would create standards for vehicles attempting to pass bicycles, specifically requiring a motorist to pass at no less than three feet from a bicyclist, and establishes penalties for violations.