

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

---

DATE: May 4, 2017

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

FROM: Sharon M. Tso *Sharon M. Tso* C.F. No.: 17-0002-S70  
Chief Legislative Analyst Assignment No.: 17-05-0509

SUBJECT: AB 390 (Santiago) "Pedestrian Crossing Signals"

CLA RECOMMENDATION: Adopt Resolution (Huizar - Bonin) to include in the City's 2017-18 State Legislative Program SUPPORT for AB 390 (Santiago) that would authorize a pedestrian facing a countdown signal to proceed across the roadway in the direction of the signal if there is sufficient time left on the countdown to reasonably complete the crossing safely.

## SUMMARY

Pedestrian countdown signals are designed to enhance the effectiveness of notifying individuals before a signal changes direction. Providing a pedestrian countdown device helps a person better understand how much time is available to cross the street and also enables pedestrians to stop on a median refuge, where provided, and wait for the next phase if time remaining is too short to finish crossing safely.

The California Vehicle Code (CVC) Section 21456 stipulates that pedestrians shall not start to cross the roadway when a pedestrian control signal displays a flashing or steady "DON'T WALK" or "WAIT" or "Upraised Hand" symbol. Only when a pedestrian is facing a "WALK" or approved "walking person" symbol, may they proceed across the roadway in the direction of the signal. Existing law, also known as the "jaywalking law," states that a pedestrian who begins to cross against a flashing or steady "DON'T WALK" or "Upraised Hand" symbol, even if there is sufficient time to safely cross an intersection, is subject to a citation.

When CVC Section 21456 was enacted in 1981, countdown signals did not exist and most pedestrians remain unaware that it is illegal to enter the crosswalk during the countdown phase. Unfortunately, state law has not been amended to clarify the meaning of (and compliance for) when a pedestrian may cross at a controlled intersection with countdown displays. As a result, there is much confusion about when a pedestrian is permitted to cross.

The Los Angeles Department of Transportation (LADOT) has indicated that current enforcement of the existing "jaywalking law" provision often does not align with the general understanding of the right-of-way, as it pertains to countdown timers. The common understanding is that pedestrians have the right-of-way in a crosswalk for the duration of a green signal. The CVC is silent on the applicable right-of-way where there is a countdown timer.

On March 29, 2017, the Council approved legislative positions for the 2017-2018 State Legislative Program, as submitted by the Department of Transportation (17-0002-S28). Included in the report was a recommendation to support or sponsorship of legislation that would amend CVC Section 21456 to clarify that a pedestrian has the right-of-way when crossing the street in a crosswalk, regardless of whether the pedestrian entered the crosswalk when the countdown timer had already begun, provided the pedestrian had reasonable time to cross when entering the crosswalk and was not unduly delaying traffic. The Department's report stated that clarification of the pedestrian right-of-way will assist the City in implementation of the Vision Zero Initiative.

On February 9, 2017, Assembly Member Santiago introduced AB 390 that would authorize a pedestrian facing a countdown signal to proceed across the roadway in the direction of the signal if there is sufficient time left on the countdown to reasonably complete the crossing safely.

### BACKGROUND

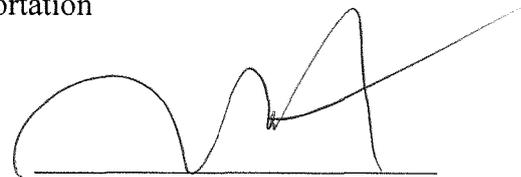
On May 4, 2014, the Police Department (LAPD) and the Department of Transportation reported on the enforcement of crosswalk intersection pedestrian signals and how enforcement actions complement or conflict with the City's Vision Zero Initiative. The Departments provided the following summary of several policy changes enacted by cities and states across the nation to address the actual use of the new pedestrian countdown displays:

- In early 2000, Salt Lake City, Utah, passed a countdown signal ordinance to allow the pedestrian to enter the crosswalk during the flashing "Upraised Hand" interval in conjunction with time remaining on the countdown clock "only if such pedestrian is able to safely walk completely across the street or to a safety island before the signal shows no remaining time." A local ordinance would not be possible in California because it violates provisions of the CVC.
- Similarly, in 2009 the Texas Department of Transportation amended the Texas Manual on Uniform Traffic Control Devices with a new meaning of flashing upraised hand when pedestrian countdown displays are present. Specifically, pedestrians may enter the intersection on the flashing upraised hand when a countdown display is present if they are able to travel to the far side of the traveled way by the time conflicting traffic receives a green signal.
- In 2012, Indiana amended their state code to state that if a countdown pedestrian signal indication is also shown with a flashing "Don't Walk," a pedestrian may cross if the pedestrian is able to proceed to the sidewalk or safety island by the time the steady "Don't Walk" signal is shown, and a person who drives a vehicle shall yield the right-of-way to the pedestrian.
- In 2015, South Carolina amended their Code of Laws such that "for pedestrian crosswalks equipped with countdown indicators, a pedestrian may cross if he can complete the crossing during the remaining time shown."

On March 29, 2016, Resolution (Huizar-Bonin) (C.F. 16-0148) was approved that recommended support for new State legislation to update pedestrian laws to include new and safe guidelines for countdown signal crosswalks.

BILL STATUS

4/17/2017 Committee hearing postponed.  
2/21/2017 Referred to the Assembly Committee on Transportation  
2/9/2017 Introduced

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Maria Souza-Rountree  
Analyst

Attachments:

1.AB 390 (Santiago)

SMT:msr

ASSEMBLY BILL

No. 390

---

Introduced by Assembly Member ~~Santiago~~ *Members Santiago and Ting*

February 9, 2017

---

An act to amend Section 21456 of the Vehicle Code, relating to pedestrians.

LEGISLATIVE COUNSEL'S DIGEST

AB 390, as introduced, Santiago. Pedestrian crossing signals.

Under existing law, a pedestrian facing a "WALK" or approved "Walking Person" symbol may proceed across the roadway in the direction of the signal.

This bill would authorize a pedestrian facing a "countdown" signal to proceed across the roadway in the direction of the signal if there is sufficient time left on the countdown to reasonably complete the crossing safely.

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

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

1 SECTION 1. Section 21456 of the Vehicle Code is amended  
2 to read:  
3 21456. Whenever a pedestrian control signal showing the words  
4 "WALK" or "WAIT" or ~~DONT~~ "DON'T WALK" or other  
5 approved symbol is in place, the signal shall indicate as follows:  
6 (a) "WALK" or approved "Walking Person" symbol. A  
7 pedestrian facing the signal may proceed across the roadway in

1 the direction of the signal, but shall yield the right-of-way to  
2 vehicles lawfully within the intersection at the time that signal is  
3 first shown.

4 (b) A "countdown" signal indicating the time remaining for a  
5 pedestrian to cross the roadway. A pedestrian facing the signal  
6 may proceed across the roadway in the direction of the signal if  
7 there is sufficient time left on the countdown to reasonably  
8 complete the crossing safely.

9 (b)

10 (c) Flashing or steady—~~DONT DON'T WALK~~ or "WAIT" or  
11 approved "Upraised Hand" symbol. ~~No~~ A pedestrian shall *not* start  
12 to cross the roadway in the direction of the signal, but any  
13 pedestrian who has partially completed crossing shall proceed to  
14 a sidewalk or safety zone or otherwise leave the roadway while  
15 the "WAIT" or—~~DONT DON'T WALK~~ or approved "Upraised  
16 Hand" symbol is showing.

17

18

19 REVISIONS: \_\_\_\_\_

20 Heading—Line 1. \_\_\_\_\_

21

O