

AMENDED IN ASSEMBLY APRIL 12, 2021

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1238

Introduced by Assembly Member Ting

February 19, 2021

An act to amend Sections ~~21452 and 21462~~ 21452, 21462, 21950, and 21954 of, to repeal Sections 21956 and 21961 of, and to repeal and add Section 21955 of, the Vehicle Code, relating to pedestrians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as amended, Ting. Pedestrian access.

Existing law makes various provisions relating to the rules of the road, including but not limited to, traffic signs, symbols, and markings, and pedestrians' rights and duties. Under existing law, a violation of these provisions is an infraction.

Existing law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified.

This bill would delete that prohibition.

Existing law requires the ~~diver~~ *driver* of a vehicle and other specified persons, including a pedestrian, to obey the instructions of any official traffic signal applicable to the person and placed as provided by law, unless otherwise directed by a police or traffic officer, or other specified conditions exist.

This bill would exempt a pedestrian from that requirement.

Existing law prohibits a pedestrian from crossing at any place except a crosswalk between adjacent intersections controlled by traffic control signal devices or by police officers. Existing law requires a pedestrian to walk close to the left-hand edge of a roadway outside of a business or residence district, except as specified.

This bill would repeal those provisions. The bill would prohibit a pedestrian who crosses or enters a roadway when no cars are present from being subject to a fine or criminal penalty.

Existing law declares that provisions relating to pedestrian access do not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

This bill would delete that authorization.

Existing law prohibits a pedestrian from suddenly leaving a curb or other place of safety and walking or running into the path of a vehicle that is so close as to constitute an immediate hazard. Under existing law, a pedestrian who is not within a marked crosswalk or an unmarked crosswalk at an intersection is required to yield the right-of-way to all vehicles so near as to constitute an immediate hazard.

This bill would state that an immediate hazard exists if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision.

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 21452 of the Vehicle Code is amended
- 2 to read:
- 3 21452. (a) A driver facing a steady circular yellow or yellow
- 4 arrow signal is, by that signal, warned that the related green
- 5 movement is ending or that a red indication will be shown
- 6 immediately thereafter.
- 7 (b) A pedestrian facing a steady circular yellow or a yellow
- 8 arrow signal, unless otherwise directed by a pedestrian control
- 9 signal as provided in Section 21456, is, by that signal, warned that
- 10 there is insufficient time to cross the roadway.
- 11 SEC. 2. Section 21462 of the Vehicle Code is amended to read:
- 12 21462. The driver of a vehicle, the person in charge of an
- 13 animal, and the operator of a streetcar shall obey the instructions

1 of an official traffic signal applicable to the person and placed as
2 provided by law, unless otherwise directed by a police or traffic
3 officer or when it is necessary for the purpose of avoiding a
4 collision or in case of other emergency, subject to the exemptions
5 granted by Section 21055.

6 *SEC. 3. Section 21950 of the Vehicle Code is amended to read:*

7 21950. (a) The driver of a vehicle shall yield the right-of-way
8 to a pedestrian crossing the roadway within any marked crosswalk
9 or within any unmarked crosswalk at an intersection, except as
10 otherwise provided in this chapter.

11 (b) This section does not relieve a pedestrian from the duty of
12 using due care for ~~his or her~~ *their* safety. No pedestrian may
13 suddenly leave a curb or other place of safety and walk or run into
14 the path of a vehicle that is so close as to constitute an immediate
15 hazard. *An immediate hazard exists if the approaching vehicle is*
16 *so near or is approaching so fast that a reasonably careful person*
17 *would realize that there is a danger of collision.* No pedestrian
18 may unnecessarily stop or delay traffic while in a marked or
19 unmarked crosswalk.

20 (c) The driver of a vehicle approaching a pedestrian within any
21 marked or unmarked crosswalk shall exercise all due care and shall
22 reduce the speed of the vehicle or take any other action relating to
23 the operation of the vehicle as necessary to safeguard the safety
24 of the pedestrian.

25 (d) Subdivision (b) does not relieve a driver of a vehicle from
26 the duty of exercising due care for the safety of any pedestrian
27 within any marked crosswalk or within any unmarked crosswalk
28 at an intersection.

29 *SEC. 4. Section 21954 of the Vehicle Code is amended to read:*

30 21954. (a) Every pedestrian upon a roadway at any point other
31 than within a marked crosswalk or within an unmarked crosswalk
32 at an intersection shall yield the right-of-way to all vehicles upon
33 the roadway so near as to constitute an immediate hazard. *An*
34 *immediate hazard exists if the approaching vehicle is so near or*
35 *is approaching so fast that a reasonably careful person would*
36 *realize that there is a danger of collision.*

37 (b) The provisions of this section shall not relieve the driver of
38 a vehicle from the duty to exercise due care for the safety of any
39 pedestrian upon a roadway.

- 1 ~~SEC. 3.~~
2 *SEC. 5.* Section 21955 of the Vehicle Code is repealed.
3 ~~SEC. 4.~~
4 *SEC. 6.* Section 21955 is added to the Vehicle Code, to read:
5 21955. Notwithstanding any other law, a pedestrian shall not
6 be subject to a fine or criminal penalty for crossing or entering a
7 roadway when no cars are present.
8 ~~SEC. 5.~~
9 *SEC. 7.* Section 21956 of the Vehicle Code is repealed.
10 ~~SEC. 6.~~
11 *SEC. 8.* Section 21961 of the Vehicle Code is repealed.