

**Assembly Bill No. 1238**

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Passed the Assembly September 9, 2021

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*Chief Clerk of the Assembly*

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Passed the Senate September 8, 2021

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

AB 1238, 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 eliminate that prohibition until January 1, 2029.

Existing law requires the 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 until January 1, 2029.

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 until January 1, 2029. 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 until January 1, 2029.

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 remove that authorization until January 1, 2029.

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, until January 1, 2029, 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.

Commencing January 1, 2023, this bill would require the Department of the California Highway Patrol to submit an annual report to the Legislature regarding pedestrian injuries and fatalities. This reporting requirement would be repealed on January 1, 2029.

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

SECTION 1. Section 21452 of the Vehicle Code is amended to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway.

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 2. Section 21452 is added to the Vehicle Code, to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control

signal as provided in Section 21456, is, by that signal, warned that there is insufficient time to cross the roadway and shall not enter the roadway.

(c) This section shall become operative on January 1, 2029.

SEC. 3. Section 21462 of the Vehicle Code is amended to read:

21462. (a) The driver of a vehicle, the person in charge of an animal, and the operator of a streetcar shall obey the instructions of an official traffic signal applicable to the person and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 4. Section 21462 is added to the Vehicle Code, to read:

21462. (a) The driver of any vehicle, the person in charge of any animal, any pedestrian, and the operator of any streetcar shall obey the instructions of any official traffic signal applicable to them and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

(b) This section shall become operative on January 1, 2029.

SEC. 5. Section 21950 of the Vehicle Code is amended to read:

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

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. 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. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to

the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

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

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 6. Section 21950 is added to the Vehicle Code, to read:

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

(b) This section does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

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

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

(e) This section shall become operative on January 1, 2029.

SEC. 7. Section 21954 of the Vehicle Code is amended to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard. 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.

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

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 8. Section 21954 is added to the Vehicle Code, to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

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

(c) This section shall become operative on January 1, 2029.

SEC. 9. Section 21955 of the Vehicle Code is repealed.

SEC. 10. Section 21955 is added to the Vehicle Code, to read:

21955. (a) Notwithstanding any other law, a pedestrian shall not be subject to a fine or criminal penalty for crossing or entering a roadway when no cars are present.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 11. Section 21955 is added to the Vehicle Code, to read:

21955. (a) Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

(b) This section shall become operative on January 1, 2029.

SEC. 12. Section 21956 of the Vehicle Code is repealed.

SEC. 13. Section 21956 is added to the Vehicle Code, to read:

21956. (a) No pedestrian may walk upon any roadway outside of a business or residence district otherwise than close to their left-hand edge of the roadway.

(b) A pedestrian may walk close to their right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

(c) This section shall become operative on January 1, 2029.

SEC. 14. Section 21961 of the Vehicle Code is repealed.

SEC. 15. Section 21961 is added to the Vehicle Code, to read:

21961. (a) Commencing January 1, 2023, the Department of the California Highway Patrol shall submit an annual report to the Legislature regarding pedestrian injuries and fatalities, in compliance with Section 9795 of the Government Code.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 16. Section 21961 is added to the Vehicle Code, to read:

21961. (a) This chapter does not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

(b) This section shall become operative on January 1, 2029.

Approved \_\_\_\_\_, 2021

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*Governor*