

RESOLUTION 06-05-2014

DIGEST

Vehicle Code: Failure to Stop at a Freeway Onramp Light; Reduction in Fine

Amends Vehicle Code sections 21453 and 42001.15 to provide a separate violation for failure to obey a freeway onramp signal and reduce the fine for a violation from \$100.00 to \$50.00.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

Similar to Resolution 02-05-2013, which was disapproved.

Reasons:

This resolution amends Vehicle Code sections 21453 and 42001.15 to provide a separate violation for failure to obey a freeway on ramp signal and reduce the fine for a violation from \$100.00 to \$50.00. This resolution should be approved in principle because it specifically requires drivers to obey freeway onramp traffic control signals, but lowers the fine for disobedience as the failure to obey a freeway onramp signal has less serious safety consequences for other drivers than the failure to obey a traffic signal at an intersection.

Currently, the Vehicle Code does not recognize a distinction between going through a red light at an intersection and going through a red light on a freeway or highway onramp. While there is no question the potential harm from intersection accidents is far greater, ramp meters also reduce the number of freeway accidents by providing a smoother traffic flow. Research shows most freeway accidents occur during stop-and-go traffic. When many vehicles merge onto an already crowded freeway at once, drivers on the freeway are forced to slow down, potentially causing sudden speed changes, backups, and crashes. Ramp meters create a safer, less congested freeway by controlling the frequency and spacing of vehicles merging onto the road. This resolution recognizes these dangers and codifies that failing to stop at a red light on a freeway or highway onramp is a violation of the Vehicle Code. It also addresses the reality that such violations are less dangerous than disobeying a red light at an intersection by lowering the fine. This resolution differs from Resolution 02-05-2013 – which eliminated both the fine and the requirement that a vehicle stop at a freeway onramp signal light – in that it does not eliminate the requirement to obey the signal light, but still provides for lower fines.

TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to amend California Vehicle Code sections 21453 and 42001.15 to read as follows:

§ 21453

- 1 (a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but
- 2 if none, before entering the crosswalk on the near side of the intersection or, if none, then before
- 3 entering the intersection, and shall remain stopped until an indication to proceed is shown,
- 4 except as provided in subdivision (b).
- 5 (b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required
- 6 by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way
- 7 street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians
- 8 lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching
- 9 so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-

10 of-way to that vehicle until the driver can proceed with reasonable safety.
11 (c) A driver facing a steady red arrow signal shall not enter the intersection to make the
12 movement indicated by the arrow and, unless entering the intersection to make a movement
13 permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering
14 the crosswalk on the near side of the intersection, or if none, then before entering the
15 intersection, and shall remain stopped until an indication permitting movement is shown.

16 (d) A driver facing a steady circular red signal alone, at a freeway or highway onramp
17 signal, shall stop at a marked limit line, but if none, before the signal, and shall remain stopped
18 until an indication to proceed is shown.

19 ~~(d)~~ (e) Unless otherwise directed by a pedestrian control signal as provided in Section
20 21456, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

21
22 § 42001.15

23 (a) Every person convicted of an infraction for a violation of subdivision (a) or (c) of
24 Section 21453, subdivision (c) of Section 21454, or subdivision (a) of Section 21457 shall be
25 punished by a fine of one hundred dollars (\$100).

26 (b) Every person convicted of an infraction for a violation of subdivision (d) of Section
27 21453, shall be punished by a fine of fifty dollars (\$50).

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

The Problem: California Vehicle Code section 21453 currently provides that a motorist who proceeds through a steady red circular signal is guilty of an infraction with a base fine of \$100 imposed. The problem is that this section is enforced at freeway onramp meters making individuals subject to the same fines as a motorist who drives directly through a circular red signal at an intersection with cross-traffic even though the signals serve vastly different purposes and have vastly different degrees of danger associated with a violation.

The Solution: This Resolution adds a new subdivision (d) to Vehicle Code section 21453 to create a specific violation for failing to stop at circular red signals used at freeway and highway onramps and modifies the existing penalties in Vehicle Code section 42001.15 to provide a \$50 fine for failing to stop at an onramp meter versus the \$100 fine for failing to stop at intersection traffic signal.

This Resolution is consistent with the different purpose onramp signals serve as compared to signals at intersections. Freeway onramp signals are intended as a means of regulating the flow of traffic on freeways during peak periods in an effort to avoid gridlock. There is virtually no danger involved in a failure to obey a freeway onramp signal because there is no cross-traffic and the person must always remain safe in merging with freeway traffic which is proceeding in the same direction. By comparison, traffic signals at intersections serve a different, more important, purpose of controlling entry of traffic into the intersection so as to protect cross-traffic from imminent danger of side-impact collision. Given the different functions and associated risks of danger, a violation of an onramp signal should receive a lower fine.

LEGISLATIVE HISTORY

Not known.

IMPACT STATEMENT

The proposed resolution does not affect any other law, statute or rule.

AUTHOR AND/OR PERMANENT CONTACT: Darin Wessel, Manning & Kass, Ellrod, Ramirez, Trester, LLP, 550 W. C Street, Suite 1900, San Diego, CA 92101; (619) 515-0269; dlw@manningllp.com

RESPONSIBLE FLOOR DELEGATE: Darin Wessel