



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: May 4, 2021
TO: Christine Daniel, City Manager
FROM: Sheri Hartz, City Clerk
SUBJECT: Resolution Of The City Council Of The City Of Emeryville In Support Of Assembly Bill 1238 (Ting) – Freedom to Walk Act

RECOMMENDATION

This report offers the City Council the opportunity to consider adoption of a Resolution supporting AB 1238 (Ting) – Freedom to Walk Act.

BACKGROUND

At the April 6, 2021 regular City Council meeting Council Member Medina requested and received majority support that an item be added to the May 4, 2021 City Council meeting agenda for the City Council to consider adopting a Resolution of support for pending state legislation and authorizing the Mayor to send a letter of support. This report addresses AB 1238.

DISCUSSION

Council Member Medina requested that the City Council consider supporting AB 1238 (Ting). The Legislative Counsel's Digest includes the following regarding this bill:

“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 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.”

FISCAL IMPACT

There are no direct fiscal impacts to the City from the adoption of this Resolution.

STAFF COMMUNICATION WITH THE PUBLIC

This item was requested by Council Member Medina at the April 6, 2021 meeting.

CONFLICT OF INTEREST

Not applicable

CONCLUSION

Whether to adopt a Resolution supporting AB 1238 is at the Council's discretion.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**

Christine Daniel, City Manager

ATTACHMENTS

- Draft Resolution
- Draft Letter for Mayor's Signature on behalf of the entire Council
- AB 1238 Full Text