



# City of Emeryville

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## OFFICE OF THE CITY COUNCIL

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April 27, 2021

The Honorable Laura Friedman  
Chair, Assembly Transportation Committee  
1020 N Street, Room 1112  
Sacramento, CA 95814

### **RE: Support for AB 1238 (Ting): Freedom to Walk Act**

Dear Assemblymember Friedman:

The City of Emeryville is pleased to write this letter in support of AB 1238, the Freedom to Walk Act. This much needed reform would repeal California “jaywalking” laws by legalizing certain common and safe street crossings that currently qualify as traffic infractions. To be clear, the Freedom to Walk Act does not change existing law that already requires pedestrians to avoid potentially hazardous situations on the roadway. Instead, it would protect vulnerable pedestrians against racially-biased, pretextual policing; inequitable fees and fines; unnecessary, and potentially lethal, interactions with law enforcement. Furthermore, it would remove impediments to walking around one’s own neighborhood, facilitating healthy and safe travel that is necessary to meet California’s environmental goals.

Jaywalking laws do more than turn an ordinary and logical behavior into a crime; they also create opportunities for police to racially profile. A jaywalking ticket can turn into a potentially life-threatening police encounter, especially for Black pedestrians, who are disproportionately targeted and suffer the most severe consequences of inequitable law enforcement. It is clear these laws are not enforced fairly. Across California, police departments stop Black pedestrians more often than their white counterparts. Data from the California Racial and Identity Profiling Act (RIPA) shows that, between 2018 and 2020, Black Californians were up to 4.3 times more likely than white Californians to be stopped for jaywalking.

Our state has a long history of over-policing, criminalization, and incarceration that imposes disparate impacts on Black Californians. One major contributor to the disparity is “pretextual policing,” the practice of stopping someone for a minor traffic violation in order to conduct an investigation unrelated to the stop. Mid-block pedestrian crossing (i.e. ‘jaywalking’) is a commonsense, everyday behavior that shouldn’t lead to a confrontation with police. Now is the time for California to address the criminalization of harmless pedestrian actions across California and answer the demand for racial justice by repealing unjust jaywalking laws.

The criminalization of common pedestrian behavior also leads to fines, fees, and penalties that place an undue burden on the people least able to afford them. Many low-income people rely on walking as their only way to get where they need to go. Jaywalking tickets can lead to hundreds of dollars in fines and fees they cannot afford to pay. In some counties, outstanding jaywalking tickets can become a pretext for warrants and arrests, further impoverishing low-income residents. This is part of a long history of police departments overly enforcing such minor infractions because of government dependence on the criminal justice system to raise revenue. California has been moving away from these kinds of regressive approaches to revenue-raising. Fines for jaywalking, an infraction that causes no injury to the community, should be eliminated.

Furthermore, existing rules prohibiting common behavior reflect and reinforce an obsolete belief that public roadways belong primarily to people in motor vehicles. Streets are rarely designed to make walking safe or convenient. Jaywalking represents a rational adaptation to an unfriendly built environment: signal timing that prioritizes vehicular traffic, lack of crossings between common destinations, long distances between crosswalks are all characteristics of an unfriendly built environment. In the absence of safe and accessible pedestrian infrastructure, residents do their best to access school, work, grocery stores, or parks. The most convenient or shortest route to walk may include crossings where there are no crosswalks. Criminalizing a rational, predictable response to poor infrastructure is unjust.

Compounding the injustice is the inequities in street design across neighborhoods. High-speed roads that lack adequate crossings, lighting, and sidewalks, are disproportionately concentrated in Black and Brown neighborhoods. Because of this, law enforcement are often policing communities for their lack of governmental services and improper land use planning; issues that white affluent neighborhoods do not similarly face. People should not be penalized for decades of infrastructure neglect and auto-first street design.

Walking is a key component of a sustainable transportation system, and the state should be doing everything in its power to encourage more people to walk in order to reduce driving and climate change impacts from transportation, improve public health, and improve air quality. State and local agencies have been investing significant resources in planning and building safe, connected, and protected pedestrian infrastructure on local streets and roads. Repealing unjust jaywalking laws should be aligned with these vital investments.

There is no evidence that jaywalking laws keep people safe. In fact, we know that these laws make many Californians unsafe by exposing them to pretextual policing and unnecessary encounters with law enforcement. California is in the process of reforming its laws regarding the use of public spaces. Several categories of infractions have already been eliminated in recent years at the state level, including vending without a permit and possession of marijuana. It's time to add jaywalking to this list.

Support for AB 1238 (Ting): Freedom to Walk Act

**We urge your support of AB 1238, the Freedom to Walk Act.**

Sincerely,

Dianne Martinez  
Mayor