

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville In Support Of Assembly Bill 1238 (Ting) – the Freedom To Walk Act

WHEREAS, AB 1238, the Freedom to Walk Act would provide much-needed reform, repealing California “jaywalking” laws by legalizing certain common and safe street crossings that currently qualify as traffic infractions, and

WHEREAS, the Freedom to Walk Act does not change existing law that already requires pedestrians to avoid potentially hazardous situations on the roadway, but protects vulnerable pedestrians against racially-biased, potentially lethal, interactions with law enforcement, and

WHEREAS, AB 1238 would remove impediments to walking around one’s own neighborhood, facilitating healthy and safe travel that is necessary to meet California’s environmental goals, and

WHEREAS, jaywalking laws, aside from turning ordinary behavior into a crime, also create opportunities for police to racially profile, creating a potentially life-threatening police encounter, especially for Black pedestrians who are disproportionately targeted and suffer the most severe consequences of inequitable law enforcement, and

WHEREAS, 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, and

WHEREAS, a 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, such as mid-block pedestrian crossing (i.e. ‘jaywalking’), and

WHEREAS, the criminalization of common pedestrian behavior can lead to hundreds of dollars in fines and fees and outstanding jaywalking tickets can become a pretext for warrants and arrests, further impoverishing low-income residents, and

WHEREAS, this practice is part of a long history of over-enforcement of minor infractions because of government dependence on the criminal justice system to raise revenue but California has been moving away from this kind of revenue-raising, and

WHEREAS, existing rules reinforce the belief that public roadways belong primarily to people in motor vehicles and jaywalking represents a rational adaptation to an unfriendly built environment: signal timing that prioritizes vehicular traffic, lack of crossings between common destinations, and long distances between crosswalks are all characteristics of an unfriendly built environment, and

WHEREAS, compounding the injustice is the inequities in street design across neighborhoods, where high-speed roads that lack adequate crossings, lighting, and sidewalks, are disproportionately concentrated in Black and Brown neighborhoods, and

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WHEREAS, there is no evidence that jaywalking laws keep people safe but in fact, expose them to pretextual policing and unnecessary encounters with law enforcement, and,

WHEREAS, as 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 year, it is time to add jaywalking to this list; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that it expresses its support for Assembly Bill 1238 (Ting), and the California legislature to pass and Governor Gavin Newsom to sign into law Assembly Bill 1238 and, be it, further

RESOLVED, by the City Council of the City of Emeryville that copies of this Resolution will be sent to the Office of California Assembly Member Ting, along with a copy of the letter referenced below and be it further

RESOLVED, the Mayor of Emeryville shall submit a letter of support for Assembly Bill 1238 to the Office of The Honorable Laura Friedman Chair, Assembly Transportation Committee.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 4, 2021, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

Andrea Visveshwara

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INTERIM CITY ATTORNEY