

MOTION BY SUPERVISOR HOLLY J. MITCHELL

May 4, 2021

Support for AB 1238, The Freedom to Walk Act to Decriminalize Walking

In California, citations for jaywalking are disproportionately given to people of color and low-income households, and these encounters with police can turn violent and even deadly. In Los Angeles County (County), Black people account for 9 percent of the population, but 23 percent of total jaywalking stops and citations, and are three times more likely to receive a jaywalking citation than white people from Los Angeles County Sheriff’s deputies and 3.7 times more likely to receive a citation from officers of the Los Angeles Police Department.

Just recently, police shot and killed Kurt Reinhold, a 42-year-old black man in San Clemente, after debating whether Mr. Reinhold was crossing at a controlled intersection or not. Mr. Reinhold was a father to two children.

Citations cost \$197 for crossing the street in manners that are not permissible by law. Although jaywalking laws are seen as tools for traffic safety, analysis of crash data between people walking and people driving has revealed that the number one cause of death in a car crash is the speed of the vehicle, rather than behavior from people walking. Traffic safety improvements that redesign streets and increase pedestrian amenities are more effective at reducing traffic fatalities than any other strategy. For instance, installing an “all pedestrian phase” signal (pedestrian scramble) reduces pedestrian crashes by up to 35 percent.

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Assemblymember Phil Ting (D-San Francisco) introduced AB 1238, The Freedom To Walk Act, to right size existing jaywalking laws. This bill would promote the fair and equitable use of streets by legalizing crossings when safe. This bill repeals provisions of the law that restrict common sense pedestrian travel and clarifies 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 to clarify when enforcement is appropriate.

AB 1238 currently has nearly 100 supporters including organizations that serve as pre-eminent pedestrian safety experts. To date, no formal opposition has been recorded.

In March 2021, Virginia became the first state to decriminalize jaywalking. It is time that California took similar action to limit deadly interactions. It is time that California focus on proven safety solutions to keep our communities safe and repeal laws that cause more harm to communities than they repair.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS

Direct the Chief Executive Office, Legislative Affairs and Intergovernmental Relations Branch, along with the Department of Public Works, to conduct an analysis of AB 1238, including consultation with national pedestrian safety experts like the National Association of City Transportation Officials and Vision Zero Network, and report back on their findings in two weeks.

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