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Public Counsel
INNER CITY LAW CENTER
Walk Bike Berkeley
LOS ANGELES NEIGHBORHOOD LAND TRUST
CITY HEIGHTS COMMUNITY DEVELOPMENT

July 14, 2021

The Honorable Anthony J. Portantino
Chair, Senate Committee on Appropriations
State Capitol, Room 5050
Sacramento, CA 95814

**Re: Support—AB 1238 (Ting), Freedom to Walk Act**

Dear Chair Portantino:

The California Bicycle Coalition, California Walks, Los Angeles Walks, and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area are pleased to co-sponsor Assembly Bill 1238, the Freedom to Walk Act. On behalf of the undersigned organizations and our respective members across California, we submit this letter in strong support for the Freedom to Walk Act, AB 1238. This much needed reform would repeal California "jaywalking" laws by legalizing certain common and safe street crossings that currently qualify as traffic infractions. The Bill 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.

**AB 1238 Will Have Little to No Impact on State Revenue**

Any analysis of AB1238's fiscal impact must consider the low collection rates and high collection costs of jaywalking fines and fees. Across the board, collection rates are exceptionally low for court fines and fees (in 2017–18, for instance, the courts collected only 15% of the outstanding debt owed to them [page 1]). Given that those cited for jaywalking are especially likely to be indigent, it follows that the collection rates are likely even lower for jaywalking debt. To calculate the fiscal impact of AB1238 based on the sheer amount of outstanding jaywalking debt ignores that much of this debt is uncollectible or that collection costs are often too high to justify.

It is also critical to note that AB 1238 does not eliminate all jaywalking enforcement. The bill will leave Vehicle Code sec. 21954 on the books, prohibiting pedestrians from crossing the street in ways that cause an immediate hazard. While we hope that AB 1238 will reduce jaywalking enforcement, we know that it will not eliminate such enforcement entirely. Given this, when considering the fiscal impacts of AB 1238, it must be remembered that not all jaywalking-related revenues will be eliminated.

Finally, it is worth considering the positive impact that AB 1238 would have on law enforcement spending. By decriminalizing safe-street crossings, the bill aims to reduce unnecessary police enforcement of jaywalking. This will inevitably conserve law enforcement resources. We know that law enforcement agencies spend huge sums to enforce quality of life laws similar to jaywalking. One study found that San Francisco spent $20.6 million enforcing quality of life infractions against the homeless population. Of that, 90% resulted from policing. This demonstrates that enforcing low-level infractions, like jaywalking, can have a substantial cost for law enforcement. Given this, decriminalizing safe street crossings has the potential to conserve substantial resources for agencies across the state. Such savings should be factored into fiscal analyses of AB 1238.

**AB 1238 Will Reduce Unnecessary and Potentially Life-Threatening Police Interactions**
While AB 1238 will have a minimal impact on state revenue, it will have a substantial impact on California's communities of color. A jaywalking stop can easily turn into a 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. 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.

**AB 1238 Will Leave Fewer People Burdened by Excessive Fines and Fees**
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.For many low-income people, walking is their primary mode of transportation. Yet, because of jaywalking tickets, their common sense actions can lead to crushing debt and, in some counties, warrants and arrests for failure to pay. For good reason, California has been moving away from these kinds of regressive approaches to revenue-raising. AB 1238 takes us one step closer to an equitable legal system.

**AB 1238 Promotes Safer and more Sustainable Transportation Options**
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.In the absence of safe and accessible pedestrian infrastructure, residents do their best to access school, work, grocery stores, or parks. At times, this may involve jaywalking. Criminalizing a rational, predictable response to poor infrastructure is unjust.

Inequities in neighborhood design leave lower-income neighborhoods less pedestrian–friendly than others. Because of this, policing jaywalking often amounts to punishing people for the lack of governmental services and improper land use planning in their community. People should not be penalized for decades of infrastructure neglect and auto-first street design.

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.

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

Sincerely,

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