



CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson, Councilmember Ben Bartlett,  
Councilmember Lori Droste, and Mayor Jesse Arreguin

Subject: Support for AB 1238 and AB 122

### RECOMMENDATION

Send letters to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bills' authors in support of AB 1238 and AB 122, which would repeal jaywalking laws and allow bicyclists to treat stop signs as yield signs.

### BACKGROUND

#### **AB 1238**

Assembly Bill 1238, the Freedom to Walk Act, would repeal jaywalking laws that penalize pedestrians for crossing streets even when no immediate hazard is present. Specifically, this bill would:

- Prohibit fines for crossing the street outside of an intersection when no cars are present
- Allow pedestrians to use a crosswalk on a yellow light
- Repeal existing law specifying what side of the street pedestrians must walk on
- Prohibit local authorities from passing stricter jaywalking ordinances

Jaywalking laws were originally created by auto industry-aligned special interest groups during the rise of mass automobile ownership. In response to an increasing number of pedestrian fatalities, many cities tried to impose built-in speed limits on automakers. Automakers fought back, lobbying for jaywalking regulations that would shift responsibility away from drivers and onto pedestrians, thus allowing cars to continue traveling at unsafe speeds.<sup>1</sup>

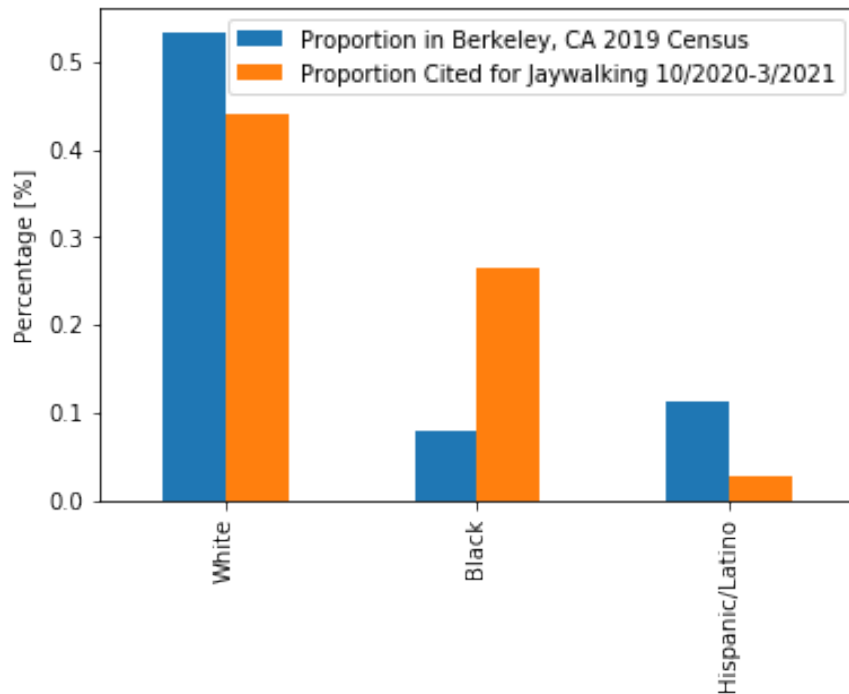
Today, pedestrians in California can face fines up to \$250 for crossing the street outside of a crosswalk — a higher fine than most parking and traffic citations. Existing law operates under the false assumption that jaywalking is inherently dangerous, even when no vehicles are present, and unfairly and severely penalizes pedestrians.

The prevalence of jaywalking is a reflection of the car-centric way in which we design our streets. Automobile traffic is consistently prioritized over bicyclist and pedestrian safety, resulting in a hostile walking environment with wide multi-lane streets, large

<sup>1</sup> <https://www.vox.com/2015/1/15/7551873/jaywalking-history>

distances between crosswalks, pedestrian beg buttons, and inadequate sidewalks. The lack of pedestrian-friendly infrastructure is even more apparent in low-income neighborhoods of color, which have suffered decades of neglect. Pedestrians should not be penalized for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of jaywalking laws is inequitable. Across California, police departments stop Black pedestrians at a significantly higher rate than white pedestrians. Black pedestrians are 4.3 times more likely to be cited for jaywalking in San Diego, 3.7 times more likely in Los Angeles, and 5 times more likely in Sacramento. This pattern holds true in the City of Berkeley with the limited data available through RIPA, with Black residents being about 4.5 times more likely than white residents to be stopped (white residents: 15 stops, 71.3k residents; Black residents: 9 stops, 9.3k residents).



Source: RIPA data, using codes ['VC 21453(D) PED AGAINST RED LIGHT/ETC (I)', 'VC 21955 JAYWALKING (I)', 'VC 21456(B) PED AGAINST NO WALK SIGN (I)', 'VC 21461.5 PED FAIL OBEY TRAFFIC SIGN (I)', 'VC 21950(B) PED IN XWALK STOP/ETC VEH (I)', 'VC 21452(B) PED FAIL RESPOND SIGNAL (I)']. Compiled by Amy Guo, Intern.

**AB 122**

Assembly Bill 122 would permit bicyclists to treat stop signs as yield signs, also known as an “Idaho Stop.” Currently, California Vehicle Code requires bicyclists to abide by the same laws as motorists — that is, to come to a full stop at a stop sign, even if the street is completely empty or no vehicles are close enough to constitute an immediate hazard.

However, it is much more difficult to stop and restart repeatedly on a human-powered vehicle than it is in a car. For bicyclists who may not be as athletic, or who ride older and more inefficient bikes, this requires a significant exertion of energy and may deter them from biking longer distances. Highlighting the disparate impact of mandatory stop signs on bicyclists, a 2001 UC Berkeley Physics Department study determined that on routes with frequent stops, a person operating a bike must exert five times the energy in order to maintain speed.<sup>2</sup>

The Idaho Stop law, allowing bicyclists to treat stop signs as yield signs, has been in effect in the State of Idaho since 1982. A 2010 UC Berkeley School of Public Health Environmental Science Division study, which compared injury and fatality rates in Idaho with data from structurally similar cities in states still lacking a traffic stop exemption, found that these conventions make our streets safer.<sup>3</sup> Quantitative results demonstrated Idaho conditions to be 30.4 percent safer for bicyclists overall, with an immediate 14.5 percent decrease in injuries in the year following the law's implementation. In researcher interviews with police officers, public officials, bicycle advocacy groups, and the general public, "these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law."

Recognizing the safety benefits of such a law and the climate imperative to improve the convenience of bicycling in Berkeley, Council referred to the Transportation Commission in 2019 to consider deprioritizing enforcement of the Idaho Stop convention. Because the City does not have jurisdiction over state vehicle code, AB 122 is needed to codify the traffic law exemption rather than just deprioritizing enforcement of it.

AB 1238 and AB 122 would repeal punitive laws that have not had any proven positive effect on safety, and in the case of Black people and other people of color, have resulted in unnecessary police interactions that actually threaten their safety. Given Council's stated commitment to reimagine public safety and reduce traffic-related interactions between police and civilians, the City of Berkeley should support AB 1238 and AB 122, and send the attached letters of support to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the bills' authors.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

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<sup>2</sup> <https://nacto.org/wp-content/uploads/2012/06/Fajans-J.-and-M.-Curry.-2001..pdf>

<sup>3</sup> <http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: AB 1238 letter of support

2: AB 122 letter of support

3: AB 1238 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1238](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1238)

4: AB 122 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB122](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB122)

May 11, 2021

The Honorable Phil Ting  
Assemblymember, 19th District  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1238**

Dear Assemblymember Phil Ting,

The Berkeley City Council would like to convey our full support for Assembly Bill 1238, which is a much-needed reform that would protect pedestrians against racially-biased and pretextual policing; inequitable and excessive fines; and unnecessary, potentially lethal interactions with law enforcement.

Crossing a street is not inherently dangerous if there is no immediate hazard present — rather, it is a crime that was invented by automakers to place the blame for collisions on pedestrians and avoid building in speed limits in their vehicles. Walking is a key component of a sustainable transportation system. Jaywalking laws criminalize transportation and heavily penalize pedestrians for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of these unnecessary jaywalking laws disproportionately impact Black people in cities and counties across California, including the City of Berkeley, and can lead to dangerous and deadly police encounters.

By repealing jaywalking laws, AB 1238 would encourage sustainable modes of transportation and reduce opportunities for racial profiling and inequitable policing. The Berkeley City Council supports AB 1238 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks

May 11, 2021

The Honorable Tasha Boerner Horvath  
Assemblymember, 76th District  
State Capitol, Room 4130  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 122**

Dear Assemblymember Tasha Boerner Horvath,

The Berkeley City Council would like to convey our full support for Assembly Bill 122 to permit bicyclists to treat stop signs as yield signs, legalizing a common, safe, and energy-conserving maneuver.

The law currently treats bicyclists and motorists the same in this regard, despite it being much more difficult to stop and restart repeatedly on a bicycle. The additional exertion of energy required to come to frequent full stops acts as a deterrent to bicycling, in direct opposition to our climate imperative to encourage more people to bike instead of drive.

In addition, Black people and people of color are disproportionately stopped and cited by law enforcement for vehicle code infractions, including when riding a bike. AB 122 will provide clarity to the law and prohibit law enforcement from using harmless infractions as pretext to detain and cite, while also decreasing potentially lethal interactions with law enforcement.

In 2019, the City of Berkeley started the process of deprioritizing enforcement of the Idaho Stop convention. Codifying the exemption for bicyclists in state law is critical for achieving our sustainability and racial equity goals across California. The Berkeley City Council supports AB 122 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks