



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Support for AB 2147: Jaywalking Decriminalization

RECOMMENDATION

Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.

BACKGROUND

Assembly Bill 2147 amends the California Vehicle Code to decriminalize certain actions taken by pedestrians when no immediate hazards are present. Specifically, this bill:

- Prohibits officers from stopping pedestrians for violating traffic signals (including crossing on red and yellow lights or on the incorrect turn signal) when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for violating pedestrian crossing signals when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for crossing outside of an intersection when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for walking on the right-hand side of the road when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for violating local jaywalking ordinances when no immediate hazard is present.
- Still requires pedestrians, bicyclists, and drivers to exercise due care for safety.

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.

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

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 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 in many jurisdictions. 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 held true in the City of Berkeley in 2019-2020 with the limited data available through RIPA, with Black residents being about 4.5 times more likely than white residents to be stopped. However, this past year, the rates of stops between white and Black residents were almost equivalent.

Assembly Bill 2147 adjusts AB 1238 from the previous legislative cycle, which was vetoed by Governor Newsom. In his veto message, the Governor acknowledged the issue with jaywalking offenses being used as a pretext to stop people of color, but refused to sign the bill out of fear that it would inadvertently increase the already high numbers of pedestrian deaths in California.<sup>2</sup>

In order to ensure that this bill does not jeopardize the safety of pedestrians, AB 2147 decriminalizes, rather than legalizes, jaywalking. The bill amends the current vehicle code to instruct police to not enforce jaywalking provisions, "*unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power*" rather than repealing the provisions entirely. AB 2147 also makes it clear that pedestrians must still exercise "due care for their safety." Thus, this bill prevents police from using jaywalking laws to make arbitrary citations while still ensuring the safety of pedestrians.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

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<sup>2</sup> <https://www.gov.ca.gov/wp-content/uploads/2021/10/AB-1238-1082021.pdf>

Katie DaQuino, Intern

Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2147](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2147)

April 12, 2022

The Honorable Phil Ting  
Assemblymember, 19th District  
State Capitol, Room 8230  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 2147**

Dear Assemblymember Phil Ting,

The Berkeley City Council writes to express our support for Assembly Bill 2147, which would decriminalize safe walking patterns and decrease the use of pedestrian violations as a pretext for police to stop people of color. AB 2147 is a critical bill that maintains pedestrian safety while protecting minorities from a common form of preemptive police stop.

Jaywalking laws were put in place to shift blame from drivers to pedestrians during the proliferation of car ownership. These laws make it harder for pedestrians to navigate cities that are primarily built for cars, with inadequate crosswalks and other pedestrian infrastructure. There is no threat in crossing the street when no vehicles are approaching; yet, the enforcement against such violations continues to put pedestrians at risk of steep fines.

Moreover, police have often used jaywalking laws to discriminate against Black pedestrians, resulting in a pattern of Black pedestrians being stopped at higher rates than white pedestrians for these minor violations of the vehicle code.

The Berkeley City Council is in full support of AB 2147, as it will reduce discriminatory stops and make navigating cities as a pedestrian more accessible.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks  
Assemblymember Laura Friedman