

# FREEDOM TO WALK AND ROLL

## Decriminalizing Walking & Rolling on Public Streets

Land Use, Transportation, and Infrastructure Committee  
January 10, 2023

Council President Jamie Torres, District 3  
Councilmember Jolon Clark, District 7  
Councilmember Candi CdeBaca, District 9



# OVERVIEW

**Background & Research Conducted**

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**Proposed Solution**

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**Stakeholder Engagement**

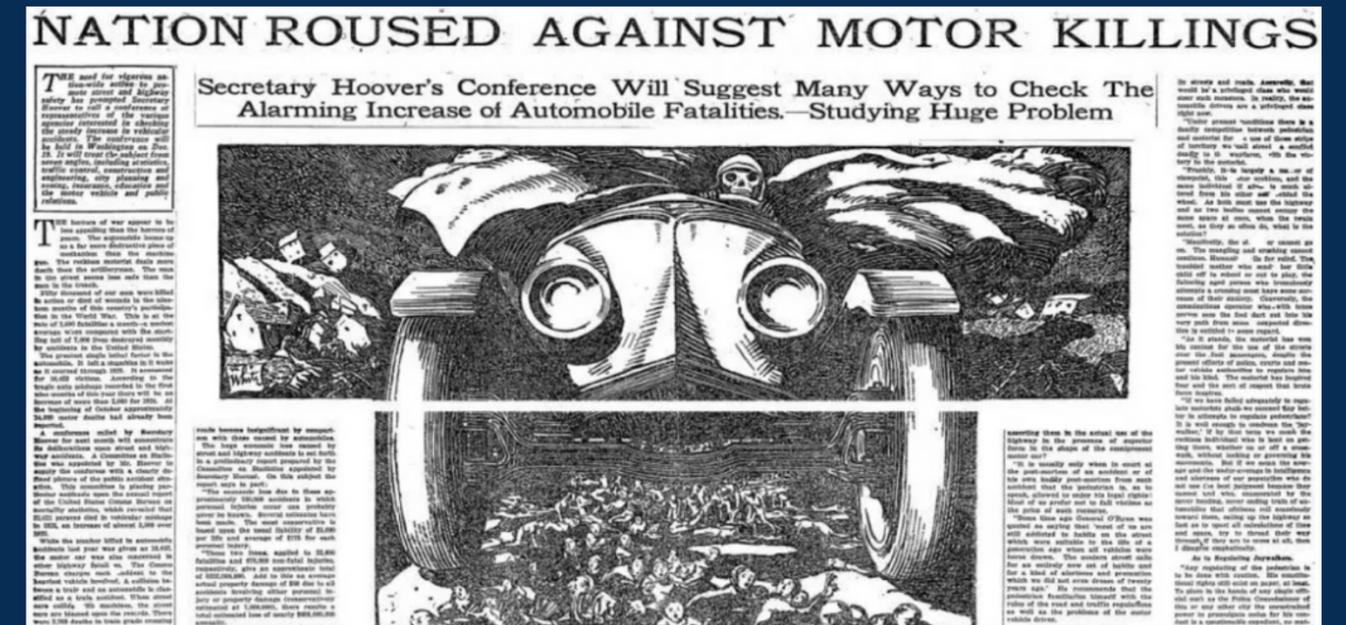
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# BACKGROUND

## History of Jaywalking Laws

- Until the 1920s, streets were largely regarded as public spaces for pedestrians; it was drivers' responsibility to avoid pedestrians and if an automobile hit a pedestrian, the driver was charged with manslaughter regardless of the circumstances of the accident.
- After seeing this dynamic as a threat to their sales and profits, automotive and manufacturing interest groups campaigned to make walking more restrictive than driving through the creation of jaywalking laws.



New York Times

# BACKGROUND

## Current Jaywalking Law Classification & Processing

- Citation is considered a Class B Traffic Infraction, carrying fines of \$65-\$95 depending if it is a Municipal, Traffic, or Criminal citation
- Criminal and Municipal citations include a mandatory court appearance; Traffic citations can be paid prior to a court appearance, but only if there are not additional charges in the citation
- Regardless of citation division, there is no jail time sentenced for jaywalking citations

\*Information provided by Denver County Court

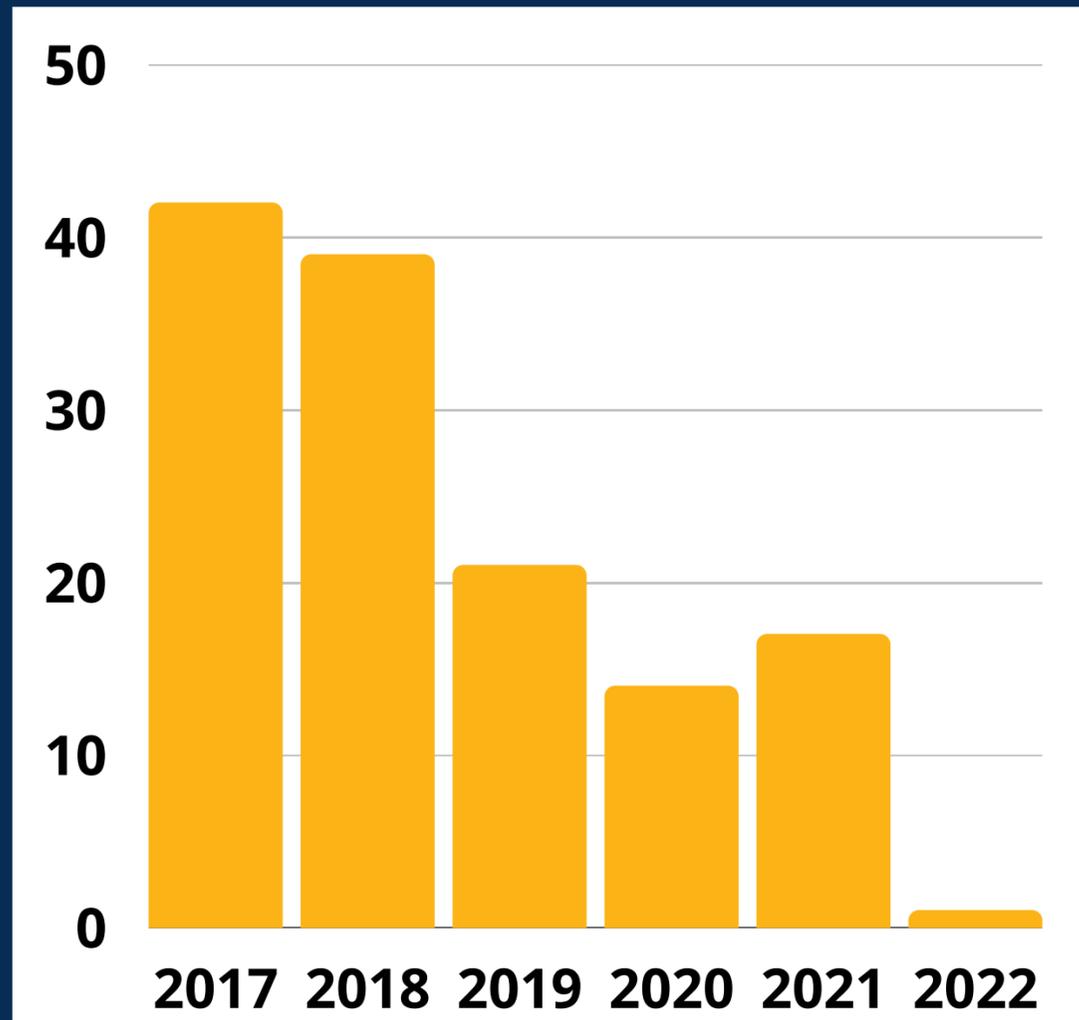
# OVERVIEW OF RESEARCH

## Statutes / Ordinances Evaluated

- Article VIII. - Pedestrians (Sec. 54-535. Subject to traffic-control devices)
- Article VIII. - Pedestrians (Sec. 54-536. - Control signals)
- Article VIII. - Pedestrians (Sec. 54-541. Crossing at right angles)
- Article VIII. - Pedestrians (Sec. 54-542. - Prohibited crossing of roadways)
- Article VIII. - Pedestrians (Sec. 54-543. - Walking along roadways)
- Article IX. - Bicycles, Electric Personal Assistive mobility Devices, and Electric Scooters (DIVISION 2. Sec. 54-606. - Riding on roadways and bicycle lanes)

# JAYWALKING CITATIONS

## CITATIONS ISSUED SINCE 2017



\*Data obtained from Denver County Court

**135**

TOTAL CASES

**82**

MUNICIPAL

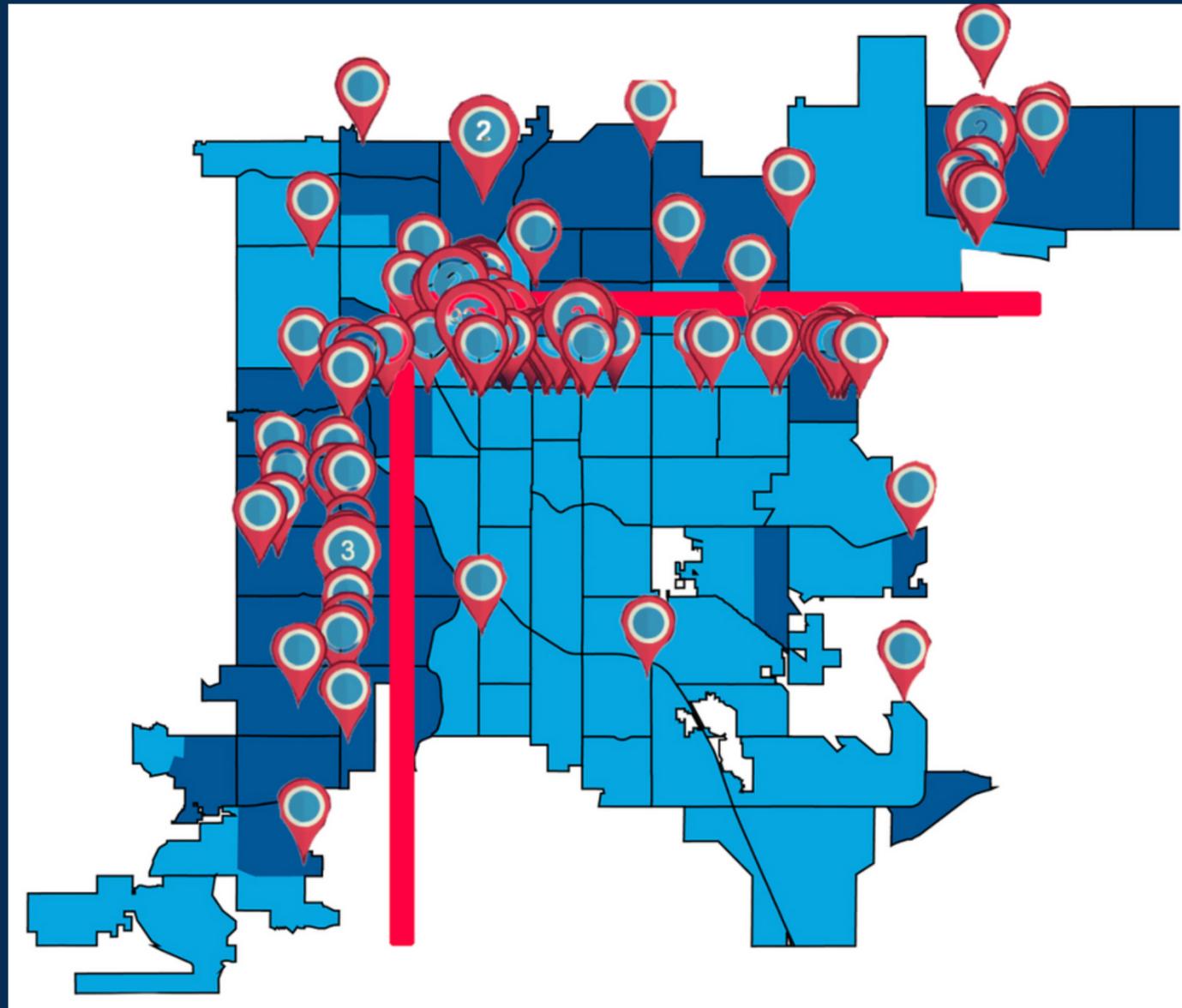
**42**

TRAFFIC

**10**

CRIMINAL

# CITATION LOCATIONS



## MOST COMMON LOCATIONS

East Colfax  
South Federal Blvd  
North Peoria  
West Colfax

Citations follow the Inverted L and are reflective of neighborhood inequities across Denver.

\*Today, less than 50% of population living in the dark blue area are white

# CITATION DEMOGRAPHICS

## HOMELESS, TRANSIENT, OR VAGRANT

**25%**

of jaywalking tickets since 2017 were given to individuals identified as homeless, transient, or vagrant

## GENDER

**83%**

of jaywalking tickets since 2017 were given to individuals identified as male

# CITATION DEMOGRAPHICS

## RACE

56%

Percent of jaywalking tickets given to **WHITE** individuals (80% of Denver's overall population is WHITE)

41%

Percent of jaywalking tickets given to **BLACK** individuals (10% of Denver's overall population is BLACK)

3%

Percent of jaywalking tickets given to **ASIAN** individuals (4% of Denver's overall population is ASIAN)

# CITATION DEMOGRAPHICS

## RACE & GENDER

**44%** WHITE MALES

**11%** WHITE FEMALES

**34%** BLACK MALES

**7%** BLACK FEMALES

**2%** ASIAN MALES

**<1%** ASIAN FEMALES

# RESEARCH CONCLUSIONS

- Although only 10% of Denver's population is Black, a staggering 41% of jaywalking citations are given to Black residents
- 25% of citations were given to individuals identified as homeless, transient, or vagrant
- Jaywalking citations are reflective of neighborhoods inequities; most citations were given in majority-minority neighborhoods
- Denver's jaywalking laws are more strict than the State's

# PRETEXTUAL STOPS

We reviewed individual Summons provided by Denver County Court for individuals who were charged with both a jaywalking citation as well as an additional charge. These cases showed that jaywalking citations were all officer-initiated calls that were used as a pretextual stop for charging residents with additional infractions that would be better suited for STAR response, rather than a police response, such as possession of drug paraphernalia and trespassing.

# GAPS IN DATA

- No data collected by Denver County Court on persons with disabilities
- DPD reports do not differentiate between white non-Hispanic or white-Hispanic, thus unable to provide verifiable statistics on impact to Hispanic communities
- DPD reports do not discretely track whether there was an impediment to traffic when a jaywalking ticket was given
- Denver's Crash Data Dashboard does not indicate the cause of death or injury beyond being caused by an automobile

# VISION ZERO

According to the 2021 Vision Zero Annual Report, the most common reason cited by DPD for fatal crashes included:

- Reckless, careless, and aggressive **driving**, including speeding
- Impairment (DUI)
- Failure to wear seat belts in vehicles or helmets on motorcycles



## Denver Vision Zero: 2021 Annual Report

Our goal: Zero traffic-related deaths and serious injuries in Denver by 2030

# PEDESTRIAN SAFETY

- Federal Research has shown that crashes that seriously injure pedestrians occur just as much in intersections as they do mid-block.
- Jaywalking is not an offense in the UK, but their pedestrian death rate is half of that in the US which is largely attributed to pedestrian-friendly street design.

# PEDESTRIAN SAFETY

- 30% of sidewalks are more narrow than the standard 3 feet wide, making it difficult for wheelchairs, strollers, or walkers to use. This incomplete network and poor maintenance may make it safer for pedestrians and people in wheelchairs to cross mid-block to a side walk on the other side of the street.
- Many sidewalks in Denver go unshoveled in the winter; pedestrians and people in wheelchairs often find it safer to walk on plowed streets rather than on icy sidewalks.
- Few signalized places to cross. Denver Moves goals will take a very long time.

# BENEFITS: DECRIMINALIZING JAYWALKING



We are aligning our laws with how streets are already **safely** being used today

# ORDINANCE CHANGE GOALS

- Modernize Denver's code to bring it in line with how streets are already (safely) being used today
- Decrease unnecessary interactions between law enforcement and communities of color (following the recommendations of the Reimagining Policing Task Force)
- Give Denver the legal ability to bring back the incredibly popular Shared Streets program

# WHAT DOES THIS PROPOSAL DO?

- Aligns Denver's code language regarding walking and rolling across and along streets with Colorado state law. Denver's language is stricter.
- Replaces criminalization with language that advises safe crossing of roads
- Encourages law enforcement to make enforcing state-level jaywalking laws their lowest priority

# WHAT DOES THIS PROPOSAL NOT DO?

This ordinance does not cede right-of-way to pedestrians where they do not already hold priority

Pedestrians will remain legally required to yield the right-of-way to vehicles when crossing outside of marked crosswalks

*"Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway."*

C.R.S. 42-4-803

# PRECEDENT

## KANSAS CITY, MO

decriminalized jaywalking in May of 2021 with the support of their Vision Zero program.

## VIRGINIA

updated law in January of 2021 so that police can not stop residents for jaywalking as a primary offence, with support of Towards Zero Deaths. No significant changes in pedestrian injury rates since.

## CALIFORNIA

passed the Freedom to Walk Act in October of 2022, which decriminalize safe street crossing when traffic permits, whether or not a pedestrian is within a marked/unmarked crosswalk.

## UNITED KINGDOM

(and many European countries) do not have jaywalking laws, yet the UK's pedestrian fatality rate is half that of the United States.

# TASK FORCE RECOMMENDATIONS

## REIMAGINING POLICING AND PUBLIC SAFETY TASK FORCE RECOMMENDATIONS

### MINIMIZE UNNECESSARY INTERACTION OF LAW ENFORCEMENT AND THE CRIMINAL LEGAL SYSTEM WITH THE COMMUNITY BY...

- Decriminalizing traffic offenses often used for pretextual stops.
- Prohibiting Denver Police from conducting searches in relation to petty offenses or traffic violations.
- Removing police officers from routine traffic stops and crash reporting and explore non-police alternatives that incentivize behavior change to eliminate traffic fatalities.
- Eliminating the need for traffic enforcement by auditing and investing in the built environment to promote safe travel behavior.

# BENEFITS: DECRIMINALIZING JAYWALKING

- When sidewalks are in disrepair or unshoveled in winter, pedestrians, wheelchair users, and stroller pushers could legally use the street (as far to the side as possible) per Colorado law.
- When no oncoming vehicles are present, any citizen could cross a street outside of a crosswalk without fear of being ticketed.
- Conflict between Denver law and our popular shared streets program would be eliminated - this conflict was cited as a reason for discontinuing the program
- Limited enforcement resources would be spared the burden of enforcing a law that has not been shown to improve citizen safety

# STAKEHOLDER ENGAGEMENT PROCESS

## General Timeline of Events

*Nov 2021*

Hosted panel discussion on Decriminalizing Multimodal Transportation

*Jan-April 2022*

Policy Research alongside Denver Bicycle Lobby and Denver Streets Partnership; DBL 1:1 meetings with Council Members

*May-Sept 2022*

Draft ordinance developed from Legislative Counsel; Feedback from multimodal and social justice advocates

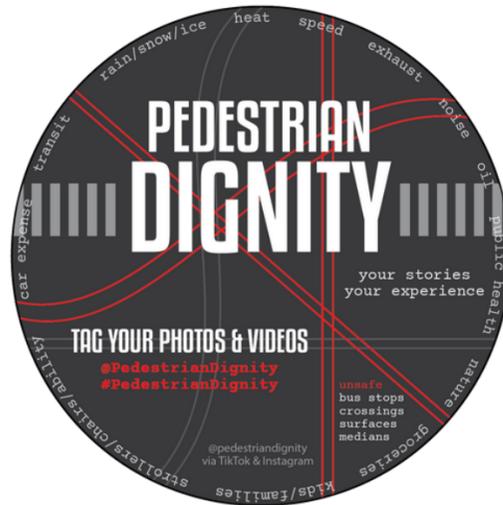
*Oct-Dec 2022*

Continued public outreach + garnering endorsements

# STAKEHOLDERS ENGAGED

- The Denver Reimagining Police Task Force, representing 40+ community organizations in the Denver-metro area
- Denver Streets Partnership
- Denver Bicycle Lobby
- D9 Multimodal Transportation Advisory Committee
- INC Denver Transportation Committee

# ENDORSEMENTS



Rocky Mountain NAACP State Conference



the Conflictcenter



# QUESTIONS



# APPENDIX

## PEDESTRIAN DEATHS DUE TO AUTOMOBILES IN LAST 5 YEARS, BY AGE

### Auto vs. Pedestrian Traffic Deaths

Age Group	Deaths
<18	2
18-24	6
25-44	34
45-64	50
65+	17
<b>Total</b>	<b>109</b>

\*provided by the Office of the Medical Examiner

# APPENDIX

## PEDESTRIAN INCIDENTS OVER LAST 5 YEARS, INTERSECTION / NON-INTERSECTION

### Fatalities:

Road Description	Fatalities
Non-intersection	47
At intersection/intersection related	30
Under investigation	6
Driveway access related	3
Parking lot	1
Alley related	1
Highway interchange	1

### Serious bodily injuries:

Road Description	Serious Bodily Injuries
At intersection/intersection related	204
Non-intersection	154
Parking lot	23
Under investigation	8
Alley related	7
Driveway access related	4
Highway interchange	2

### Fatalities

33.7% at intersection/intersection related

66.3% all else

### Serious bodily injuries

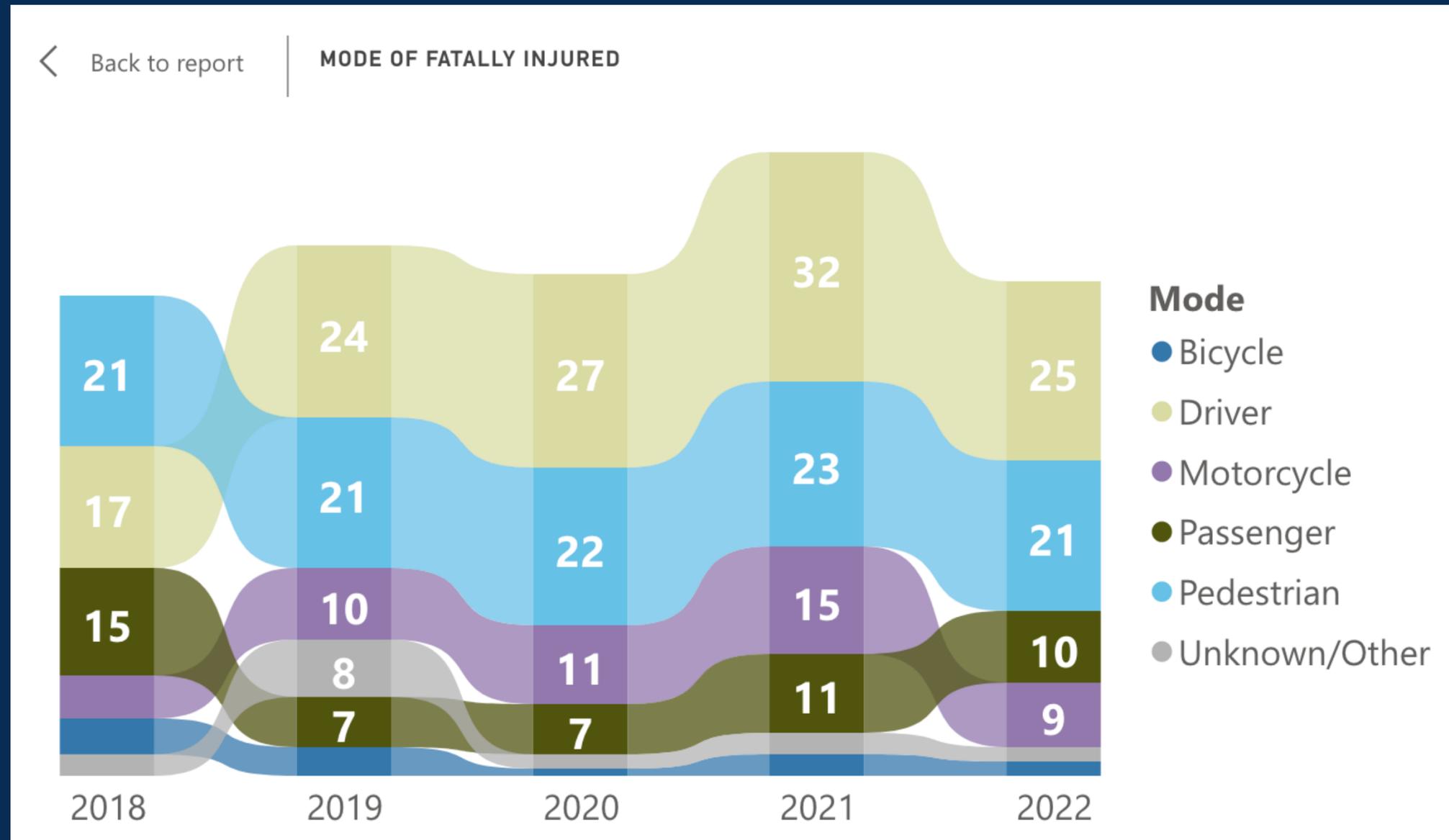
50.7% at intersection/intersection related

49.3% all else

\*provided by the Dept of Transportation and Infrastructure and the Denver Police Dept

# APPENDIX

## MODE OF FATALLY INJURED OVER LAST 5 YEARS



\*provided by the Office fo the Medical Examiner