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An Advocacy Guide to Repealing Harmful Traffic Laws: Setting Up Your Policy Campaign for Success

The murder of George Floyd at the hands of police brought national attention to the racist policies embedded in our public safety system. This included a deep look at how traffic laws like jaywalking and other minor offenses disproportionately target Black, Brown, and Indigenous people. In the past few years, efforts to address racialized enforcement have led to policy change at the local and state levels. Advocates in [Kansas City, Missouri](#) and [Denver, Colorado](#) led successful campaigns to repeal jaywalking laws in their cities. On the state level, [California](#), [Virginia](#), and [Nevada](#) decriminalized jaywalking in an effort to reduce harm to communities of color, low-income communities, and unhoused populations. [Washington](#) and Hawaii are currently pursuing decriminalization policies in 2023 legislative sessions.

Despite these gains, policy change remains relatively slow. Advocates are up against longstanding public perceptions that equate safety with increased police enforcement. As we think about repealing traffic laws, we must consider where community members are in their thinking. Not all community members are familiar with the history of traffic laws and how they [disproportionately target Black and Brown communities](#), nor are they aware of the research about the [ineffectiveness of jaywalking laws in improving safety](#). One way to accelerate change is through building connections with others with shared goals and sharing knowledge and experience. As people and organizations working toward just, equitable, connected, and convenient transportation, we have the opportunity to learn from one another as we work to change or repeal traffic laws

that lead to racialized enforcement. Advocates in Denver looked to the success of Kansas City when building their policy campaign. Washington and Hawaii are looking to other states that have garnered widespread support for repealing jaywalking. This exchange of ideas, resources, and expertise is necessary to achieving the larger goal: making a safe and equitable transportation system and reducing harm to Black, Brown, and Indigenous people.

This guide offers strategies for repealing traffic laws related to walking and biking that are racially enforced. That is, laws that do not fulfill their intended purpose of community safety, and instead, place certain groups of people at higher risk of conflict with law enforcement. This guide is intended for advocates and organizations that are considering starting policy campaigns to repeal traffic laws that lead to racialized enforcement. Policy campaigns are not one-size-fits-all. The policies in this guide are meant to be adapted to fit the needs of your organization, your partners, and your stakeholders. As you explore the guide, consider how to shape these different approaches to address public safety in your community.

When you are ready to launch your campaign, review our complementary publication [Taking on Traffic Laws: A How-To Guide for Criminalizing Mobility](#), which takes an in-depth look at Kansas City, Missouri's successful journey to repeal jaywalking laws.



How do Jaywalking Laws Lead to Racialized Enforcement?

Many people perceive that jaywalking laws keep the public safe, but the data tell a different story. Learn more about the history of jaywalking laws and how they negatively impact Black, Brown, and Indigenous people by reading our [companion guide](#) or watching this [short video](#) produced by Spin.

Addressing Racialized Enforcement Through Public Policy

Policy change is one of the most effective ways to address racialized traffic enforcement. This is because racialized traffic enforcement is not a naturally occurring problem, it is “man made.” Racialized enforcement is the result of policies put in place by people. This means that people also have the power to change these policies and stop racialized enforcement. The laws and norms governing a society reflect its values. As you consider the types of policy changes to pursue, it is also important to pursue policy changes that aligns with and advances the values that reflect your commitment to safety and mobility justice. These values will anchor your campaign and keep you focused on your overarching goal of stopping racialized enforcement. Here are some values to guide your work going forward:

- To date, our transportation system has prioritized the movement of cars; sacrificing the safety and mobility of people outside cars - people walking, bicycling, and using mobility devices. Accordingly, traffic laws and policies must be put into place to overcome this disparity and place a greater focus on the safety of people walking, biking, and using mobility devices.
- Enforcement of traffic laws should seek to reduce harm to Black, Brown, and Indigenous communities.
- Quantitative and qualitative data should be valued in the evaluation of a law’s efficacy.
- Perceived safety for some should not come at the cost of real harm to others, especially harm to Black, Brown, and Indigenous people.

State and local governments have the ability to adopt policies that target Black, Brown, and Indigenous people walking, biking, rolling, and driving and align with the above values, including:

LOCAL POLICY OPTIONS

- Repeal laws that classify jaywalking as a primary offense
- Remove fines for jaywalking
- Repeal minor traffic violations that lead to pretextual stops (ex. failure to display license plate number, expired registration, failure to wear a seatbelt)
- Pass funding bills to support walking, biking, and rolling infrastructure
- Transfer traffic responsibilities from the police department to local transportation agency

STATE POLICY OPTIONS

- Repeal laws that classify jaywalking as a primary offense
- Remove fines for jaywalking
- Pass funding bills to support walking, biking, and rolling infrastructure



How Preemption Might Impact Your Campaign

[Preemption](#) is a legal doctrine where a higher level of government can supersede the power of a lower state of government when regulating a specific issue. This is usually a dynamic between state and local government, and it also plays out between the federal government and the states. For example, the state of Kansas preempts local municipalities from changing certain mobility and transportation laws, so local governments are not allowed to change local mobility and transportation laws without explicit state permission. Advocates in Kansas City had to contend with preemption when working to repeal jaywalking laws. As you pursue change in your community, consider consulting a legal expert to see how preemption might impact your legislative efforts. Potential legal partners might be defense attorneys, legal aid organizations, or other legal experts in your community. You can also look to your professional or personal network for people who can offer legal services pro bono.

Starting Conversations about Racialized Enforcement

Racialized enforcement can be a contentious topic. Despite [shifting views on policing](#) and [growing support for police reform](#), many communities are hesitant to repeal laws that they perceive improve safety. Conversations about racialized enforcement require nuance and a bit of ground softening to ensure that your policy campaign gets off to a strong start. These conversations are an important part of coalition building and community-driven policy design. The [Voices for Healthy Kids Racial Equity Message Guide](#) was designed to help advocates advance conversations about structural racism and equitable policies. Along with reviewing that guide, here are additional tips for talking about racialized enforcement in your community:

RESEARCH THE COMMUNITY WHERE YOU ARE WORKING

Every community has their own history when it comes to traffic laws. You should research the history of jaywalking in your town, city, or state and how it has impacted people, especially people of color and disabled individuals. Take a look at what current traffic laws are on the books and who is being impacted. You can find this information online, through open data portals, at libraries or cultural institutions, in news archives, or by simply having conversations with community members. Research will tell you a lot about how people perceive traffic laws in relation to safety. Is traffic safety a community concern? Is over-policing and racial profiling a community concern? What else do community members care about? How can your

campaign offer a solution to these issues?

While community research should be ongoing, your initial learnings can inform next steps for organizing your campaign. Use this opportunity to engage new partners and develop a strategy for crafting a campaign message that is relevant and effective. For more information about conducting community research, check out [Let's Get Together: A Guide for Engaging Communities and Creating Change](#).

FIND YOUR PEOPLE

There are a number of community partners and allies who might be interested in repealing traffic laws. Even if they do not work in transportation, they might work in adjacent sectors and have priorities that align with yours. The same people disproportionately impacted by traffic violence are also impacted of other systemic issues like inadequate housing, food insecurity, lack of quality healthcare, and discrimination on the basis of disability. All of these issues impact the health and safety of Black, Brown, and Indigenous people and fall under the larger social justice umbrella. Improving the lives of Black, Brown, and Indigenous people requires working together to address larger systemic inequities. Seek out organizations and advocates working in justice movements like food, housing, climate, disability, voting rights. Public health and education partners can also be key allies in strengthening support for your campaign.

Washington State Explores Their History of Jaywalking

[Free Walk to Washington](#) is working on legislation to decriminalize jaywalking and protect people walking. Part of their campaign includes a webpage about the [history of jaywalking in Washington](#). They trace the origins to an anti-jaywalking law passed in Spokane, WA in 1918 and go on to share research about how jaywalking laws are ineffective and lead to racial profiling. Visitors to the page can also learn how other states and cities across the country are repealing jaywalking laws. Putting jaywalking in a local context is a way to introduce the issue to the public and make it relevant to their lives. Having a central online source for this information allows for widespread access.

DIVE INTO DATA

Showing evidence of how certain types of enforcement negatively impact Black, Brown, and Indigenous communities helps make a strong case for repealing traffic laws. It is also important to show how many of these laws do not make it safer to walk, bike, and roll. Crash data, near-miss data, and traffic stop data are powerful storytellers. Find out who manages this data in your community. It might be a local agency, a police department, or an academic institution. If you're not sure where to start, try reaching out to a local advocacy group that might know who has access to the data. You can also try asking the local transportation department if they have crash data or near-miss data that is publicly available.

Changing Hearts, Minds, and Laws Through Strategic Communications

The general public likely perceives traffic laws like jaywalking as safe, and repealing these laws would make streets less safe. Local elected officials might be wary of voting for a policy that constituents perceive as unsafe, making it difficult for advocates to reach their goal. This means you must work to win over the hearts and minds of the general public and local elected officials who are accountable to their constituents. Effective messaging and storytelling are powerful tools for changing public sentiment. Messaging tells the public what your campaign seeks to accomplish and how they can get involved in the movement. Garnering widespread public support will help make the case to decision-makers that they should support your proposed policy changes. Try out these basic media messaging strategies:

CRAFT YOUR MESSAGE

Clear and consistent messaging leads to strong policy campaigns. Decriminalizing traffic laws is an intersectional issue, but it is important to have a primary focus. Create four or five talking points that lead back to the central message. The [“Free to Walk Washington” campaign](#) provides [three reasons for repealing traffic laws in Washington state](#): safety, equity, and efficiency. Each reason has additional talking points that refer back to the central message of why repealing jaywalking is important. Here are a few talking points you might want to consider having in your communications plan:

- Jaywalking laws do not make it safer to walk and roll
- Black and Brown people are usually targeted more for jaywalking violations, which can lead to negative interactions with police

- Repealing jaywalking can keep people safe and reduce the harm done to Black, Brown, and Indigenous communities
- Better street design improves safety for people walking, biking, and rolling, not jaywalking laws

Not a Data Expert? A Local College or University Can Help!

Traffic stop data can be complicated due to issues with reporting/underreporting, lack of full context around the traffic stop, or a lack of data in general. However, we need good data to demonstrate why repealing traffic laws will increase safety and reduce harm to Black, Brown, and Indigenous people. Colleges and universities have the knowledge, expertise, and resources to help you gather data to support your campaign. Howard University in Washington, D.C. manages the city's traffic data through their [Transportation Research Center](#). The university is also actively involved in the District's police reform efforts and transportation equity projects. Researchers at University of Tennessee Knoxville conducted surveys showing that [voters were more likely to support a gas tax increase if it led to investments in walking and biking infrastructure](#). While that example is not directly related to enforcement, it shows community interest in improving traffic safety. A similar survey could be conducted about reallocating traffic enforcement funds to walking and biking projects or alternative policing programs.





Takeaways from the Decriminalization of Enforcement of Commercial Tobacco Control Laws

Commercial tobacco enforcement highlights many of the same inequities found in traffic law enforcement. The tobacco industry regularly markets their products to Black, Brown, Indigenous and other under-served communities that face higher risks of health-related issues. The high prevalence of tobacco products has led to increased tobacco enforcement in communities of color, adding another layer of inequity. Public health professionals and partners are trying to balance efforts to reduce tobacco use without contributing to the over-policing of Black, Brown, and Indigenous people. Advocates argue that arresting people, especially kids of color, for possessing tobacco products is just as or more harmful than them getting cigarettes. Public health advocates' efforts are similar to transportation advocates working to improve bike and pedestrian safety while leading campaigns to repeal traffic laws. A coalition of local, state, and national public health partners produced a [series of recommendations for addressing systemic racism in tobacco enforcement](#). It makes the equity case for removing enforcement while still supporting a larger goal of improving health in communities of color. Transportation advocates can use this model to create a similar statement that addresses racial equity in traffic enforcement. The public health field is finding success by uniting under one message and showing a broad coalition of support. As you craft your campaigns, consult public health partners about strategies that worked for them. Or better yet, ask them to join your efforts and offer to join theirs!

AGREE ON A LIMITED NUMBER OF TALKING POINTS

To change public opinion and the minds of decisionmakers requires consistent messaging. Decide on a limited number of talking points to limit the risk of muddled messages and confusion. One way to do this is by creating a message wheel. A message wheel is a centralized talking point that all others lead back to. It is often used by researchers to explain complex topics to the wider public. Work with your communications team or coalition partners to come up with your message wheel and share it with other key staff. Your message wheel will ensure that your communications are focused and making the point you want to make. Check out this [message wheel](#) created by Voices for Healthy Kids to help advocates working on healthy school meal campaigns. A similar format can be used by transportation advocates. Remember, learning from other sectors will only make our work stronger!

STAY CONSISTENT ON SOCIAL MEDIA

Social media is a powerful tool for creating policy change. Just like with print and news media, your social media toolkit should include a message box, bulleted talking points, sample posts, and sample images. You should also make sure your social media assets are consistent across platforms in the messaging and visual identity. [Color of Change](#), the U.S.'s largest online racial justice organization, uses [social media](#) to build momentum for their public campaigns. Social media is also an effective way to engage young people in policy change. Check them out if you are looking for a strong model to follow.

IDENTIFY AND TRAIN YOUR SPOKESPERSON

Too many spokespeople can lead to muddled messaging. Determine who will be the key spokesperson for your campaign. In many cases this might be an Executive Director or Communications Manager. This person must understand the centralized message and adjacent talking points outlined in your message wheel. Make sure this person has time to practice communicating their message before speaking to the public.

DEVELOP RELATIONSHIPS WITH THE PRESS

If you are leading a public decriminalization campaign, you should be interacting with the press. It is important to understand different media outlets and their goals. Look for opportunities to engage press partners whose goals and views align with your campaigns. A media roundtable is a great way to connect with press while controlling the narrative you want to put out. In other instances, media outlets might be interested in sharing human interest stories instead of taking an explicit position on a campaign issue. Be prepared to nail your talking points and stick to your centralized message, even if the person you are talking with might have other goals. Also, keep in mind that not all journalists are transportation or law experts. Frame your message using plain language that someone working outside your field will be able to understand. A good rule is drafting three to five talking points at an 8th grade level. This will help improve your conversations with press and with community members.

To learn more, watch this [media advocacy training](#) presented by Voices for Healthy Kids. To learn more about op-eds and letters to the editor as campaign strategies, visit this [training](#).

PREPARE COMMUNITY MEMBERS TO SPEAK TO THE PRESS

Sharing stories by community members directly impacted by racialized enforcement can mobilize people around your campaign. When working with impacted community members, it is important to find the right person to tell the story. This person should be adequately prepared to tell their story without contradicting your central message. Offer them a media training or other opportunities to practice their talking points. Most importantly, people who have been impacted by racialized enforcement are often dealing with on-going trauma and grief. Revisiting that experience might be difficult so you have to make it worth it for the spokesperson. Along with media training, consider what else you can offer to make this person feel safe and comfortable talking to the press. Consider pairing storytelling with data to ground a personal experience in a larger societal context.



Say It's About Safety

People who oppose repealing traffic laws often cite pedestrian safety as a concern. As advocates, we can use our platform to counter these messages while still keeping safety at the forefront. One tip is to clearly define what “safety” means in the context of transportation equity. Safety means:

- Not being injured or killed as a result of traffic violence
- Not being bullied or harassed
- Not having to contend with physical threats, violence, or intimidation
- Being able to move about one's community in one's full expression of self

This framing does not put traffic safety and personal safety in opposition. It sets up a conversation about how repealing traffic laws can have safe and equitable outcomes for people walking and rolling, especially Black, Brown, and Indigenous people.

Allies in Advocacy: Partnering with Disability Rights Groups

Disability rights organizations have long advocated for equitable transportation policies. Disabled individuals are forced to navigate streets that are not designed with accessibility in mind. They also face negative interactions with police due to lack of training, implicit bias, and a public safety system built on inequitable enforcement. Overlaps between disability rights campaigns and traffic law repeal campaigns reveal opportunities to support each other's efforts. [Disability Rights Washington](#) has a disability mobility initiative as part of their larger platform. [Disability Rights California](#) provides legal information to help disabled individuals assert their rights when interacting with law enforcement. As you build your coalition, make sure to include disabled individuals and advocates whose priorities align with your campaign. Showing widespread support and cross-sector collaboration will not only help your campaign, but will advance the larger movement towards safe and equitable transportation.



Lastly, advocates need to make the case to funders for why decriminalization campaigns are necessary. Shifting funding priorities can destabilize or stall policy campaign efforts, and we cannot afford these interruptions. Rather than responding to funding opportunities, advocates may need to be proactive in educating members and funders about the high cost of not investing in this type of equity work. If you are a membership organization, consider making an appeal to your members for donations to fund advocacy efforts.

Funding Your Campaign

Executing a successful policy campaign requires a variety of resources. One of the most important resources is dedicated funding for staff time. Having funded staff positions to lead advocacy work can help centralize leadership and increase sustainability for your campaign. BikeWalkKC led Kansas City's traffic law repeal efforts. Their work was funded by a local health foundation that was interested in health equity initiatives. The public health sector is also supporting transportation equity initiatives in Hawaii. As mentioned previously, public health partnerships can play a powerful role in advocacy work. Consider reaching out to your local health foundations or public health department to determine if your policy campaign is aligned with their equity initiatives.

We also know that a lot of policy campaigns are supported through volunteer time. Many advocates working on Denver's campaign to repeal jaywalking volunteered their time, energy, and expertise. They were also able to work with a city council intern who helped develop resources. If you're working with a limited budget, or no budget, try reaching out to another organization, local agency, or elected official's office to see if they have a paid intern who can assist with the campaign. Interns, paid by you or a partner agency, can provide a range of support from collecting data to writing reports. This will relieve some of the burden on volunteers to do everything and offers advocacy experience to someone who is just starting out.

Conclusion

Addressing racialized traffic enforcement is a crucial step to creating a more just and equitable transportation system. In order to be successful, advocates must demonstrate that repealing certain traffic laws does not sacrifice safety. This requires shifting the narrative about what kinds of policies make streets safer and for whom. Historically, transportation policies have prioritized cars over people, and traffic enforcement has disproportionately impacted Black, Brown, and Indigenous communities. Today, there are opportunities to not only build a new narrative, but to put policies in place that reduce harm to Black, Brown, and Indigenous people while having long-lasting benefits for people walking, biking, and rolling. The strategies outlined in this guide and its companion resource, [Taking on Traffic Laws: A How-To Guide for Decriminalizing Mobility](#), can set advocates on a path to making safer streets a reality.

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