



## Emerging Active Transportation Policies that Promote Equitable, Safe Mobility

### Policy Statement

July 2023

#### American Heart Association Position

The American Heart Association (AHA) is committed to promoting evidence-based, equity-focused active transportation policies that improve pedestrian and bicyclist safety infrastructure and reach historically under-resourced communities.

Innovative and grassroots-driven policies that promote equitable and safe mobility are emerging across the country and are often rooted in the lived experiences of communities. Acceptance of these policies is growing. The American Heart Association advocates for pilot opportunities to conduct robust implementation and outcome evaluation on these new policies to assess the health, safety, and equity impact. These issues should also be coupled with a commitment to active transportation infrastructure investment.

Ensuring equitable, safe mobility for all is an AHA priority with the goal to provide the positive effects of physical activity, access to essential community resources, less traffic congestion, and positive environmental and economic benefits.

#### Introduction

Physical activity is key to improving and maintaining cardiovascular health.<sup>1</sup> Yet, a quarter of adults in the U.S. report being inactive, and rates among American Indian/Alaska Native, Black and Hispanic adults are even higher.<sup>2</sup> A myriad of reasons may affect a person's physical activity levels, and lack of access to safe spaces due to environmental or societal reasons often play a role.<sup>3</sup>

Active transportation, including walking, biking and rolling, can provide opportunities for physical activity. Adequate built environment infrastructure is critical for accessibility, connectivity to essential community destinations and safety. The American Heart Association has advocated for Complete Streets policies, which ensure streets are designed and redesigned with users of all ages, abilities and modes of transportation in mind; Safe Routes to School policies, which include programming and infrastructure projects that encourage students to walk and bike to school; along with federal, state and local investments in biking and walking infrastructure to provide more equitable opportunity for all people in all communities to be active.

Yet, disparities persist and additional solutions are needed. People in under-resourced communities continue to face persistent underinvestment in active transportation infrastructure. Those in low-income areas also have disproportionately higher rates of death while walking.<sup>4</sup> And they experience disparate enforcement of biking and walking laws.<sup>5</sup> Committed to addressing structural racism and promoting antiracist policies,<sup>6</sup> AHA supports safe active transportation policies that build pedestrian and bicyclist-friendly infrastructure. It's also critical to remove barriers for people equitably engaging in it.

This policy statement summarizes an environmental scan of emerging active transportation policies (see Table 1) that may promote equitable, safe mobility. We collected information mostly through expert interviews with five active transportation and racial justice advocates, conducted January–February 2023, along with a review of existing literature. We searched the PubMed database ([www.pubmed.gov](http://www.pubmed.gov)) and GoogleScholar ([scholar.google.com](http://scholar.google.com)) in March and April 2023, using terms such as “repeal jaywalking,” “speed limits pedestrian safety,” “vision zero health impact,” “vulnerable road user laws” and “equitable active transportation.”

While quantitative evidence supporting several of these policies is not yet available, the qualitative data and lived experiences of people in historically under-resourced communities or those facing structural racism is emerging and have spurred implementation of some of these policies. Lived experience is an important consideration and should be embedded in policymaking related to active transportation. This statement is a complement to the American Heart Association’s Active Transportation Policy Statement published in July 2017.<sup>7</sup>

Table 1: Summary of Emerging Active Transportation Policies Considered in this Statement

Emerging Policies
Repeal of Walking- and Biking-Related Traffic Laws
Lower Speed Limits
Vision Zero
Vulnerable Road User Laws
Safe Routes to School State Coordinators
Stronger Implementation of Active Transportation Policies
Enhanced Access to Parks
Safer State Highways

### Repeal of Walking- and Biking-Related Traffic Laws

An emerging movement is decriminalizing mobility by repealing jaywalking and other walking and biking-related traffic violations, such as riding a bicycle on the sidewalk. This grew out of a recognition that people in under-resourced communities are often subject to racialized enforcement of these laws.<sup>8</sup> For example, in 2019 StreetsBlog NYC found that law enforcement issued 397 tickets for illegal or unsafe crossing in New York City; 89.8% went to Black and Hispanic people, though they comprise just 55% of the city’s population.<sup>9</sup> Once stopped for a violation of a low-level offense, these interactions with law enforcement could potentially escalate.

Charles T. Brown, a leading equitable mobility advocate and Equitable Cities CEO, points out that nearly 1 in 5 Black households lacks access to a car and Black people are more likely to live in communities with poor infrastructure, such as missing or inadequate sidewalks. This can force pedestrians to walk in the street and unknowingly break traffic rules — subjecting them to enforcement encounters.<sup>10</sup>

Jaywalking and other pedestrian walking and biking-related traffic laws were initially passed in the name of safety. Yet the impact on safety is questionable. A 2021 study that looked at disproportionately high rates of bicycle citations issued to Black and Latino cyclists in Chicago found little correlation between locations most dangerous to bikers (where many bike injury crashes occur) and where most citations were issued (Black and Latino neighborhoods). This suggests “bicycle tickets are only weakly associated with safety needs, if at all.”<sup>11</sup> A Department of Justice report looking at bicycle stops and citations in Tampa Bay had similar findings.<sup>12</sup> Without clear data showing that these traffic laws *improve* safety, and with growing evidence of racialized enforcement, it’s reasonable to consider repealing the laws.

Several states and cities have repealed or amended their jaywalking laws in recent years:

- In 2021, Virginia eliminated jaywalking as a primary offense so law enforcement officers could no longer stop pedestrians. It’s now a secondary offense, meaning a person can only be charged if police stop them for something else first.<sup>13</sup>
- Later in 2021, Kansas City eliminated jaywalking from its criminal code.
- Nevada then reduced jaywalking from a misdemeanor to a civil infraction.<sup>14</sup>
- In 2022, California passed the “Freedom to Walk” bill, which allows pedestrians to cross the street at places other than an intersection as long as it is safe to do so; they may be ticketed only if there is an immediate danger of collision.<sup>15</sup>
- In January 2023, Denver repealed its jaywalking laws.<sup>16</sup>
- During the 2023 legislative session, advocates tried to get jaywalking laws in Washington state repealed, but the bill didn’t pass.<sup>17</sup> They’ll continue their efforts in the 2024 session.

Given that these laws recently passed, there are little data or evaluation showing the impact on pedestrian safety and encounters with law enforcement. However, in 2022 America Walks analyzed pedestrian safety data following passage of Virginia’s repeal and found no significant effect on safety numbers.<sup>18</sup> Further evaluation is needed.

Advocates may find it necessary to take a multi-phase approach. Some states have preempted municipalities from repealing jaywalking laws, necessitating first an effort to repeal preemption and then moving on to city or county-level repeal.

It's important to couple the repeal of jaywalking and other policies with complementary policies, including additional investment in the built environment to make up for historical underinvestment that has resulted in inadequate biking, walking, and mobility infrastructure. Improved street design (slower speeds, protected sidewalks) that prioritize the safety of all users is also important.<sup>19</sup>

### Lower Speed Limits

Despite ongoing efforts to improve active transportation infrastructure, pedestrians continue to suffer injury and death at alarming rates. Between the first half of 2019 and 2022 pedestrian deaths increased 18%.<sup>20</sup> Lowering speed limits could significantly reduce these rates.

Research published in 2016 showed that in a vehicle-pedestrian crash, a vehicle speed of just 12 mph (20 km/h) is likely to cause fatal or serious injury to pedestrians.<sup>21</sup> Cars and trucks continue to grow larger and heavier — potentially increasing the danger to pedestrians. In fact, in January 2023, the Chair of the National Transportation Safety Board, Jennifer Homendy, highlighted the dramatic increase in size and weight of electric vehicles in particular, "The battery pack [of a GMC Hummer EV] alone weighs over 2,900 pounds -- about the weight of a Honda Civic...that has a significant impact on safety for all road users."<sup>22</sup>

Under-resourced communities are more likely to have major roads and four-way intersections with higher speed limits that lead to higher rates of pedestrian injury.<sup>23</sup> So pedestrians in these communities may experience greater reduction in risk with lower speed limits.

There is broad agreement that lower speed limits could make it safer for pedestrians and bicyclists to travel through communities. In fact, safer speeds are one of the five objectives in the United States Department of Transportation Safety Strategy.<sup>24</sup> Some states and cities have achieved incremental progress. For example, in 2016 Massachusetts passed legislation that allowed cities and towns to reduce speed limits in population-dense areas from 30 mph to 25 mph.<sup>25</sup> In 2017 the City of Boston went on to lower its default speed limit from 30 mph to 25 mph. Research found that speed limit reduction was effective in reducing average speeds and improving road safety.<sup>26</sup> However municipalities interested in reducing speeds face barriers. Historically, street design has been focused on moving cars quickly (with the safety of other road users an afterthought).<sup>27</sup> The Federal Highway Administration (FHWA) publishes national guidelines for setting speed limits. The FHWA's Manual on Uniform Traffic Control Devices (MUTCD) recommends speed limits are set within 5mph of the speed that 85% of drivers travel at or below.<sup>28</sup> However, when setting speeds, engineers may apply this recommendation without considering context-specific factors like pedestrian activity, leading to dangerously high speed limits. Beyond problematic road design guidelines, some states may have overt preemption that prohibits municipalities from setting speed limits lower than those set at the state level. Other states may require municipalities to seek approval from their state transportation departments. These variations by state could make it difficult for municipalities and advocates to understand the stakeholders, decision-makers and processes involved in achieving safer speeds for their communities.

Active transportation advocacy groups support lower speed limits, but efforts have yet to gain broad momentum. Street design remains focused on keeping traffic flowing and reducing speed limits gets in the way of this goal. Advocates will need to be prepared to overcome this long-embedded way of thinking. Moreover, advocates may wish to push FHWA to update the MUTCD guidance on how speed limits are set to prioritize context sensitive design over high speeds. The lack of momentum to lower speed limits may also be due to how challenging it can be to repeal preemption and/or navigate state bureaucracy. It may also be difficult for non-experts to understand the highly technical nature of transportation engineering and the complexity of varying design standards set at different levels of government for different types of roads. Educational tools to help advocates navigate these challenges would be helpful.

It's worth noting that a related policy is gaining momentum among walking advocates. It recommends municipalities adopt intelligent speed assistance (ISA) for their fleets. This technology helps fleet drivers adhere to posted speed limits by limiting the maximum speed. This doesn't necessarily require formal legislation but can be done via executive or administrative action. New York City's pilot shows that fleet drivers with ISA complied with the speed limit 99% of the time.<sup>29</sup> ISA is gaining traction beyond municipal fleets; in 2024 the European Commission will require all new cars to come equipped with ISA. Uptake could grow in the United States if the National Highway Safety Administration's New Car Assessment Program considered the availability of ISA on new cars in its ratings program.

### Vision Zero

Dangerous roads are a risk to those who choose to walk, bike, or roll as well as a major deterrent to people who would like to be active in other ways. Heavy traffic and vehicle speeds can keep people from enjoying the health benefits of physical activity.<sup>30</sup>

As recognized in the American Heart Association's 2017 policy statement on active transportation, Vision Zero is a growing movement that rejects historical passive acceptance of roadway deaths; instead, it wholly shifts the paradigm to maximize the safe systems approach<sup>31</sup> to achieve zero deaths. This approach accepts that humans make mistakes and it employs safety design and policies, such as improvements to street design and slower speed limits, to prevent crashes and reduce harm.

As of August 2022, more than 45 communities<sup>32</sup> have formally committed to Vision Zero through an executive order, council resolution or administrative action. The U.S. Department of Transportation (USDOT) National Roadway Safety Strategy's vision of eliminating roadway fatalities through a safe systems approach,<sup>33</sup> as well as USDOT's new Safe Streets and Roads for All Grant Program that awarded \$800 million to 511 communities,<sup>34</sup> further bolster the movement toward achieving zero deaths.

Since 2017, Vision Zero has evolved. In the early years of Vision Zero implementation in the United States, some community advocates expressed concerns about the reliance on enforcement to achieve its aim, noting that enforcement of traffic laws may lead to over-

policing. Since then, Vision Zero has shifted to emphasize the criticality of centering equity in Vision Zero plans. This includes:

- Prioritizing neighborhoods with disproportionately high rates of pedestrian and bicyclist injuries and fatalities (often neighborhoods with histories of systematic disinvestment or underinvestment).
- Using an overlay of a city's high injury network and its communities of concerns to aid in prioritizing implementation.
- Ensuring ongoing, authentic engagement with priority communities.
- Moving away from traffic stops for enforcement to avoid over-policing.
- Deploying automated enforcement tools, such as speed cameras, in an equitable way.
- Considering graduated fines/fees that reduce the burden for low-income people.
- Reemphasizing the need to design and redesign streets for all users so enforcement is ultimately less necessary.

While there is great momentum around establishing Vision Zero policies, some challenges to implementation remain. Just as some states preempt municipalities' abilities to lower speed limits, some states restrict how streets are designed, limiting a municipality's ability to use traffic calming strategies such as narrowing lanes. Similarly, the state may regulate the use of speed cameras, making it difficult for a municipality to use automated enforcement. Public perception of traffic calming and enforcement strategies may also be a barrier to effective implementation. Advocates may wish to couple public education with their work with implementing agencies.

### Vulnerable Road User Laws

In recent years, several states have considered vulnerable road user laws. The term "vulnerable road user" generally means people walking, biking or rolling.<sup>35</sup>

Recent legislative proposals have sought to establish penalties for injuring or killing vulnerable road users. Some states have used these proposals to appropriately close gaps in punishments for harm caused. However, in a majority of states, advocates question the need for these laws where punishments for injuring or killing someone are already clearly established. A 2013 paper in *The New Zealand Medical Journal* points out that drivers are unlikely to be aware of pre-crash careless behaviors until a crash happens, so the laws would provide little deterrence effect.<sup>36</sup> These laws also could be inequitably enforced, putting some people at greater risk of over-policing.

Generally, advocates are more focused on creating safer transportation infrastructure so all users can travel safely, rather than establishing additional punitive measures. However, it may also be helpful to promote additional driver education about existing traffic laws and the consequences of unsafe driving, including distracted or impaired driving.

### Safe Routes to School State Coordinators

The Infrastructure Investment and Jobs Act established significant new levels of support for active transportation, including Safe Routes to School. It allows for new flexibility in numerous areas, including the ability to use a portion of the Transportation Alternatives Program funding for Safe Routes to School program staffing. This newly available funding could make it timely for states to hire a dedicated Safe Routes to School coordinator at their Department of Transportation. The Safe Routes Partnership has found that states, such as California, Massachusetts, New Jersey and Washington, with a dedicated coordinator(s) have some of the strongest, most effective programs. “Coordinators... play an important role in making sure that Safe Routes to School funding is accessible, liaising between school systems and transportation professionals, and providing technical assistance to schools and communities.”<sup>37</sup>

A state coordinator may also ensure that under-resourced communities are prioritized in grant-making and technical assistance. Advocates may wish to take advantage of current federal funding and pursue legislation to require a coordinator for their state’s Safe Routes to School program.

### Stronger Implementation of Active Transportation Policies

Communities have passed more than 1,700 Complete Streets policies in the United States, according to Smart Growth America.<sup>38</sup> Many communities have also adopted bicycle and/or pedestrian plans to improve safety and connectivity. Yet the enforceability and quality of policy implementation varies across communities.

Efforts are emerging to pass complementary policies that compel municipalities and states to implement stronger active transportation policies. For example, Cambridge, Massachusetts passed an ordinance requiring that any road reconstruction must include protected bike lanes if that road is in the bicycle plan’s protected network of bike lanes.<sup>39</sup>

Advocates who feel active transportation policies have been passed “in name only,” or are being implemented too slowly, may wish to consider this approach.

### Enhanced Access to Parks

Parks are an essential community asset. They can promote physical activity and community connectedness.<sup>40</sup> The Community Preventive Services Task Force (CPSTF) found park, trail and greenway infrastructure improvements (when combined with other activities such as community engagement and programming) can increase the number of people who engage in physical activity.<sup>41</sup> CPSTF also found the economic benefits exceed the costs of these infrastructure improvements; every dollar spent led to \$3.10 worth of benefits.<sup>42</sup>

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Some communities may lack access to parks due to inadequate infrastructure linking streets, sidewalks and trails to parks. Advocates should prioritize these communities in pursuing local or state funding to improve parks, trails and greenway infrastructure.

It’s important to note that robust investment in parks and park access can increase gentrification by making neighborhoods more desirable, leading to increased home values. As values rise it may become harder for low-income residents to continue to afford living in these neighborhoods, forcing them to relocate.<sup>43</sup> Recent research has provided suggested strategies to mitigate or prevent gentrification and displacement (See Table 2 for a list of these strategies).<sup>44</sup>

**Table 2:** Typology of displacement prevention and mitigation strategies

Category	Definition	Examples
1. Preservation	Preserve existing affordable rental units	<ul style="list-style-type: none"> <li>• Right to purchase laws</li> <li>• Demolition control</li> </ul>
2. Protection	Help long-time residents who wish to stay in the neighborhood	<ul style="list-style-type: none"> <li>• Employer assisted housing</li> <li>• Rent skewing</li> </ul>
3. Inclusion	Ensure that a share of new development is affordable	<ul style="list-style-type: none"> <li>• Inclusionary zoning policy</li> <li>• Density bonuses</li> </ul>
4. Revenue generation	Harness growth to expand financial resources for affordable housing	<ul style="list-style-type: none"> <li>• Tax Increment Financing (TIF)</li> <li>• Housing trust funds</li> </ul>
5. Incentives/disincentives	Create incentives for developers of affordable housing, and/or discourage developers from increasing rents	<ul style="list-style-type: none"> <li>• Anti-speculation taxes</li> <li>• Impact fees</li> </ul>
6. Property acquisition	Facilitate acquiring sites for affordable housing	<ul style="list-style-type: none"> <li>• Expropriation</li> <li>• Community land trusts</li> </ul>
7. Stabilization	Stabilizing long time/historical residents by securing long-term housing	<ul style="list-style-type: none"> <li>• Individual development accounts</li> <li>• Down payment assistance</li> </ul>
8. Community engagement/education	Educate and engage with community members on factors related to affordable housing and displacement	<ul style="list-style-type: none"> <li>• Coalition building</li> <li>• Awareness campaigns</li> </ul>
9. Cross-cutting	Overarching thematic approaches related to displacement or affordable housing	<ul style="list-style-type: none"> <li>• Health in all policies</li> <li>• Community planning</li> </ul>

Source: Serrano, N., Realmuto, L., Graff, K.A. et al. Healthy Community Design, Anti-displacement, and Equity Strategies in the USA: A Scoping Review. *J Urban Health* 100, 151–180 (2023). <https://doi.org/10.1007/s11524-022-00698-4>

## Safer State Highways

Following the construction of the interstate highway system in the 1950s and 60s, some state highways became less frequently traveled. As a result, some state transportation departments deprioritized them for maintenance. Some of these highways run through highly populated, often low-income areas — leaving inadequate infrastructure for safe active transportation.

An effort in Oregon<sup>45</sup> would make overdue safety improvements to a stretch of state highway and transfer ownership to the local municipality.

This approach may be of particular interest among municipalities implementing Vision Zero policies that identify state-owned highways running through their community are among the most dangerous. Through an analysis using the National Highway Transportation Safety Administration’s Fatality and Injury Reporting System Tool, the League of American Bicyclists found that roads owned by state highway agencies accounted for more pedestrian deaths than roads owned by any other type of agency.<sup>46</sup>Improving safety infrastructure along these corridors will be critical to reaching Vision Zero goals.

Summary Policy Guidance

Emerging Policy	AHA Considerations and Position	Equity Considerations
<p>Repeal of Walking- and Biking-Related Traffic Laws</p>	<ul style="list-style-type: none"> <li>• Momentum is building to repeal policies, such as jaywalking laws. Virginia, Kansas City, Missouri, Nevada, California and Denver have effectively repealed their laws.</li> <li>• Evaluation is needed to show the impact on pedestrian and bicyclist safety and those using mobility-assist devices, as well as the effect on police-pedestrian/bicyclist interactions.</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement of walking and biking-related traffic violations is racialized.</li> </ul>
<p>Lower Speed Limits</p>	<ul style="list-style-type: none"> <li>• Research shows pedestrians are more likely to survive a crash when vehicles are traveling at lower speeds.</li> <li>• Barriers exist for municipalities interested in lowering speed limits, including preemption or complex approval processes with state transportation departments.</li> <li>• It may be difficult for advocates to understand the technical nature of road engineering and/or navigating complex state bureaucratic processes. Educational tools and</li> </ul>	<ul style="list-style-type: none"> <li>• Low-income communities are more likely to have major roads with higher speed limits.</li> <li>• These communities may experience greater reduction in risk to pedestrians by lowering speed limits.</li> </ul>

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	<p>technical assistance are needed.</p>	
Vision Zero	<ul style="list-style-type: none"> <li>• Vision Zero wholly shifts the road design paradigm to maximize the safe systems approach<sup>47</sup> to achieve zero deaths.</li> <li>• Momentum is growing, with 45 cities having formally committed to Vision Zero.</li> <li>• State engineering guidelines or processes may make it difficult for municipalities and advocates to make changes to road design. Education for advocates would be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Center equity.</li> <li>• Ensure projects in neighborhoods with the greatest need are prioritized.</li> <li>• Shift away from reliance on traffic stops for enforcement.</li> </ul>
Vulnerable Road User Laws	<ul style="list-style-type: none"> <li>• In many states, punishments for injuring or killing a pedestrian or bicyclist are already established.</li> <li>• Generally, advocates are more focused on creating safer transportation infrastructure, rather than establishing additional punitive measures.</li> </ul>	<ul style="list-style-type: none"> <li>• Concerns exist as to whether these laws would be inequitably enforced and lead to over-policing.</li> </ul>
Safe Routes to School State Coordinators	<ul style="list-style-type: none"> <li>• States with a dedicated Safe Routes to School coordinator have some of the strongest, most effective programs.</li> <li>• Newly available funding in the federal Infrastructure Investment and Jobs Act provides states an opportunity to hire a dedicated coordinator.</li> </ul>	<ul style="list-style-type: none"> <li>• A coordinator may help ensure under-resourced communities are prioritized in grant-making and technical assistance.</li> </ul>
Stronger Implementation of Active Transportation Policies	<ul style="list-style-type: none"> <li>• Enforceability and quality of implementation of active transportation policies have been inadequate in some communities.</li> <li>• Advocates could pass complementary policies to compel municipalities to strengthen implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• More rapid implementation of active transportation policies that prioritize under-resourced communities could realize benefits sooner.</li> </ul>

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Enhanced Access to Parks	<ul style="list-style-type: none"> <li>• Additional investment in infrastructure could provide greater access and allow for increased usage.</li> </ul>	<ul style="list-style-type: none"> <li>• Some communities may lack access to parks due to inadequate infrastructure linking streets, sidewalks and trails to parks.</li> <li>• Risk of gentrification/displacement exists.</li> </ul>
Safer State Highways	<ul style="list-style-type: none"> <li>• Some state highways have been deprioritized for maintenance. Efforts are emerging to require overdue safety improvements to a stretch of state highway and transfer ownership to the local municipality.</li> </ul>	<ul style="list-style-type: none"> <li>• These highways may run through highly populated, often low-income areas, leaving inadequate infrastructure for safe active transportation.</li> </ul>

### Conclusion

Active transportation and public health advocates continue to pursue proven and innovative ways to improve opportunities for all people to safely move through their communities and engage in physical activity. The American Heart Association supports opportunities for robust implementation and outcome evaluation of emerging policies to assess the health, safety, and equity impact. Additional federal, state and local investment in active transportation infrastructure that prioritizes people in under-resourced communities and broader implementation of safer road design standards like those in Complete Streets also remain critical. Together these policies may accelerate our ability to ensure equitable, safe access to active transportation.

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