

Transportation Equity Caucus

The Transportation Equity Caucus is a diverse coalition of organizations promoting policies that ensure access, mobility, and opportunity for all. Moving forward together, we are charting a new course for our nation through transportation investments that ensure that everyone can participate and prosper.

Transportation is an imperative part of life. It is the connector for people's work, medical care, worship, recreation, and essentials for life. We believe that transportation is a part of the nationwide focus on ending the harm and killing of Black bodies by law enforcement. In that work we have concerns with Highway Safety Programs administered by the National Highway Traffic Safety Administration (NHTSA) under 23 USC 402. As NHTSA addresses this concern, [President Biden's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) should be used in this work defining safety for all communities and addressing the use of enforcement in transportation.

The Equity Caucus seeks to transform transportation policy to reject law enforcement as an approach to improve transportation safety and to ensure the erasure of racism in all safety policies. To make sure Black Indigenous People of Color (BIPOC) and other marginalized communities thrive, transportation safety approaches must demonstrate tangible and intentional progress that dismantle structural racism. There must also be conversation and work about the definition of public safety and how this is defined differently in communities. BIPOC communities do not equate law enforcement with safety, in fact enforcement and the use of law enforcement can mean harm and/or death. While the rejection of law enforcement and the elimination of police violence are some goals, the following framework may help policymakers make substantial progress in ending systems of oppression within traffic safety.

Step One: Accountability – Current traffic safety grant programs lack basic data about whether or not they are used in ways that lead to racial disparities in enforcement. Better data collection is needed to create intentional change and create equity.

Step Two: Harm Reduction – Current traffic safety grant programs presume that enforcement is effective in practice and causes no or minimal harm to policed communities. This has been proven wrong in multiple reports. Embracing harm reduction through the expansion of the eligibility for non-enforcement activities so that more community groups could be funded for traffic safety work is one of many potential solutions.

Step Three: Enforcement neutrality in traffic safety – Current traffic safety grant programs require enforcement and judge grant recipients solely on enforcement-related activities. Removing requirements for traffic law enforcement and changing activity performance measures so that they are inclusive of police reform and ending police violence is a concrete move toward creating equity and rejecting law enforcement as a necessity to improve traffic safety.

Step Four: Abolition – Current traffic safety grant programs can fund traffic law enforcement in many ways and the limited data that is available suggests that a minimum of \$100 million in federal funding is spent on traffic law enforcement each year. Removing eligible activities that can only be accomplished through enforcement or removing law enforcement as eligible grant recipients would be an intentional move toward rejecting law enforcement as an approach to improving traffic safety. This should be paired with programmatic changes to support BIPOC and marginalized communities working together to improve their safety in public spaces through community-oriented traffic safety programs. This has been done in [Berkeley, CA where they have eliminated low level traffic enforcement](#).

Suggested improvements to the 402 Highway Safety Grants Program

Performance Measures

The success of Highway Safety Grants are evaluated based on performance measures from a 2008 report by [National Highway Traffic and Safety Administration](#) (NHTSA) and the Governors Highway Safety Administration.¹ The report outlines 14 performance measures: 10 of those are core safety measures, such as fatalities per Vehicle Miles Traveled (VMT), one is observed seatbelt use, and 3 are “activity measures” measuring citations issued for seat belt non-usage and speeding, and arrests for impaired driving during grant funded activities. In 2018, the core safety measures were updated to require identical core safety measures for Highway Safety Grants and the Highway Safety Improvement Program administered by [Federal Highway Administration](#) (FHWA).² However the activity measures have not been reviewed since 2008.

Given the increased awareness of the link between traffic stops and the killing of unarmed Black people,³ the citation and arrest-based “activity measures” must be reevaluated. A new set of performance measures must be created by a commission that includes experts in racial profiling, police violence and reform, as well as community organizations with an interest in traffic safety and expertise in police reform. New performance measures can contribute to racial justice and traffic safety improvements that focus on outcomes, not just changing behavior.⁴

Data Collection

We believe that in order for states to receive 402 funds they must have an active program prohibiting racial profiling.

States must report citations issued and arrests as required for the “activity measures,” but are not required to report on: number of stops, number of stops resulting in citations, racial and ethnic demographics of the driver, the officer, or the neighborhood in which the stop was made, or return on investment⁵. Requiring similar data and analysis on a national basis is necessary to

¹ 23 USC 402(k)(5)

² <https://www.nhtsa.gov/highway-safety-grants-program/state-performance-targets>

³ A 2021 study by NPR found that more than a quarter of killings of unarmed black men started as traffic stops.

<https://www.npr.org/2021/01/25/956177021/fatal-police-shootings-of-unarmed-black-people-reveal-troubling-patterns>

⁴ https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf (“Whereas traditional road safety strives to modify human behavior and prevent all crashes, the Safe System approach also refocuses transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.”)

⁵ Return on investment can be measured by cost per citation specific to the program goals. For instance, how many drunk driving citations were issued using 402 drunk driving funds.

understand the impact of, and to end, racial and ethnic disparities funded through these federal dollars.

In reviewing racial and ethnic disparities in traffic enforcement, a Connecticut study looked at law enforcement participation in the 402 grant funded DUI enforcement program.⁶ The study found that federally-funded DUI enforcement significantly contributed to the racial and ethnic disparities, when measured in stops and citations, but indicated a low return on investment. In testimony to the House Committee on Transportation & Infrastructure, Ken Barone, who leads the Connecticut program, gave an example where 1,608 stops as part of a drunk driving enforcement program resulted in only one drunk driver being charged. In part, this is because these campaigns occur more frequently in areas where Black or Latino motorists are more likely to drive and the enforcement techniques used by law enforcement focus more on equipment offenses and less on driving behavior. Speeding programs did not show the same disparity. Connecticut has used this data to change law enforcement policy and practices. In fact, small changes to law enforcement practices through data analysis have led to less racial and ethnic disparities and increased roadway safety (i.e. the identification of more drunk drivers).

Requiring similar data and analysis on a national basis is necessary to understand the impact of these programs on racial and ethnic disparities.

NHTSA and many of its state and local grantees do not collect or analyze demographic data on traffic stops, citations, or arrests⁷ which is why a national study is necessary. A national study could help Congress understand the scope of the issue of data collection and analysis, and how federal policy can best ensure that future funding results in data collection and the reduction of racial disparities in traffic stops, citations, and arrests, as well as the harm and killing of Black Indigenous People of Color (BIPOC).

In January 2021 an investigative report [Fatal Police Shootings of Unarmed Black People Reveal Troubling Patterns](#) was released by National Public Radio (NPR) reporter Cheryl W. Thompson. She found that, since 2015, police officers have fatally shot at least 135 unarmed Black men and women nationwide. NPR reviewed police, court and other records to examine the details of the cases. *At least 75% of the officers were white. **More than a quarter of the killings occurred during traffic stops.*** The report goes on to discuss more troubling patterns for the murder of multiple Black men and women by law enforcement.

Changes to Eligibility

The most effective way to improve safety on our roads is to build safer roads. Roads designed for voluntary compliance with their posted speed limits and with safe places for people to bike, walk, and roll are effective at creating safer behaviors and better compliance with traffic laws. Creating safer roadways is not just about infrastructure spending, but is also about investing in using equity in all decisions. To support safer and more equitable roadways, the Highway Safety Grant program should add eligibilities to:

⁶ <http://www.ctrp3.org/>

⁷ <https://www.spotlightpa.org/news/2019/09/pa-state-police-stopped-tracking-driver-race/>

- Train city and state transportation staff to build using a safe systems approach, and specific engineering solutions proven to reduce speeding and improve safety. This could build off of the work of the FHWA Every Day Counts road diet initiative.
- Work with communities and engage with those who have lived experience and are directly impacted to define safety within that community.
- Build community support for infrastructure safety improvements that will influence behavior and be willing to engage in the possibilities of creating systems that dismantle oppression and racism in this work.

Remove requirements for enforcement in use of funds

Recipients of 402 funding are required to provide assurances that they will engage in national law enforcement mobilizations and sustained enforcement of certain laws according to [23 USC 402\(b\)\(1\)](#). Removing this requirement would allow Governors and state highway safety offices to explore new models of traffic safety that do not rely on coercive traffic law enforcement.

We believe that these recommendations are indicated in the language of President Biden's EO on Advancing Racial Equity - February 2021:

Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.

It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

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