



February 24, 2021

To: Members of the U.S. House of Representatives' Committee on Transportation and Infrastructure - Subcommittee on Highways and Transit

RE: February 24, 2021 Hearing on "Examining Equity in Transportation Safety Enforcement"

Thank you for bringing attention to this important issue at today's hearing, "Examining Equity in Transportation Safety Enforcement" and for offering the chance to share input.

We write on behalf of the Vision Zero Network, a national nonprofit project working to advance the goal of Vision Zero: zero traffic deaths or severe injuries for *all* road users, including those of us walking, bicycling, riding transit or driving. We are proud to work closely with more than 40 communities across the U.S. which have made local or regional commitments to Vision Zero.

We write to share our serious concerns about the way police-led traffic enforcement strategies are used – and, too often, abused – in the U.S. And this includes the role that the National Highway Traffic Safety Administration (NHTSA) plays.

We urge you to use your policymaking and funding authority to help ensure that federal policies and funds support effective and equitable strategies to promote safety on our roads, sidewalks and bikeways. Too often, this appears not to be the case, to the serious detriment of the public.

Numerous studies (and high-profile incidents viewed by millions around the world) have shown racial bias in police-led traffic enforcement in the U.S.

Examples include the following:

- Police officers generally stop Black drivers at higher rates than white drivers. And, once stopped, Black and Hispanic drivers are searched more often than white drivers. (Source: <https://openpolicing.stanford.edu/findings/>)
- The problems are similar for people walking and bicycling. For instance, in 2019, 90% of the people that NYPD officers summonsed for jaywalking were Black or Latinx, though only 55% of New Yorkers are Black or Latinx. (Source: <https://bit.ly/3aQw2ub>)
- In Tampa, Florida, a 2015 analysis showed that while Black residents only made up about 40% of estimated bicycle riders, 73% of all bicycle stops made by the police department were of Black cyclists. (Source: <http://mediad.publicbroadcasting.net/p/wusf/files/201604/cops-w0801-pub.pdf>)
- In Jacksonville, FL, Blacks were three times as likely to be ticketed by police for a "pedestrian violation," receiving 55% of all pedestrian tickets while only accounting for 29% of the population, according to a study released in 2017. (Source: <https://features.propublica.org/walking-while-black/jacksonville-pedestrian-violations-racial-profiling/>)

Evidence of over-policing and racial bias is compounded when we recognize that Black people in the U.S. are also disproportionately more likely to be killed while walking in traffic crashes. (Source: <https://smartgrowthamerica.org/dangerous-by-design/>) This may not be a surprise, as

these communities' neighborhoods have been traditionally underserved by safe everyday transportation infrastructure, such "basics" as safe and interconnected sidewalks and bikeways, safe street crossings and low-speed safe streets.

What's Next?

We ask for an immediate, comprehensive and impartial review of NHTSA's enforcement-related spending to analyze both the effectiveness, in terms of measurable safety impacts, *and* evidence and impacts of racial bias. Programs that cannot demonstrate effectiveness *and* equitable means and ends should *no longer* be funded by NHTSA.

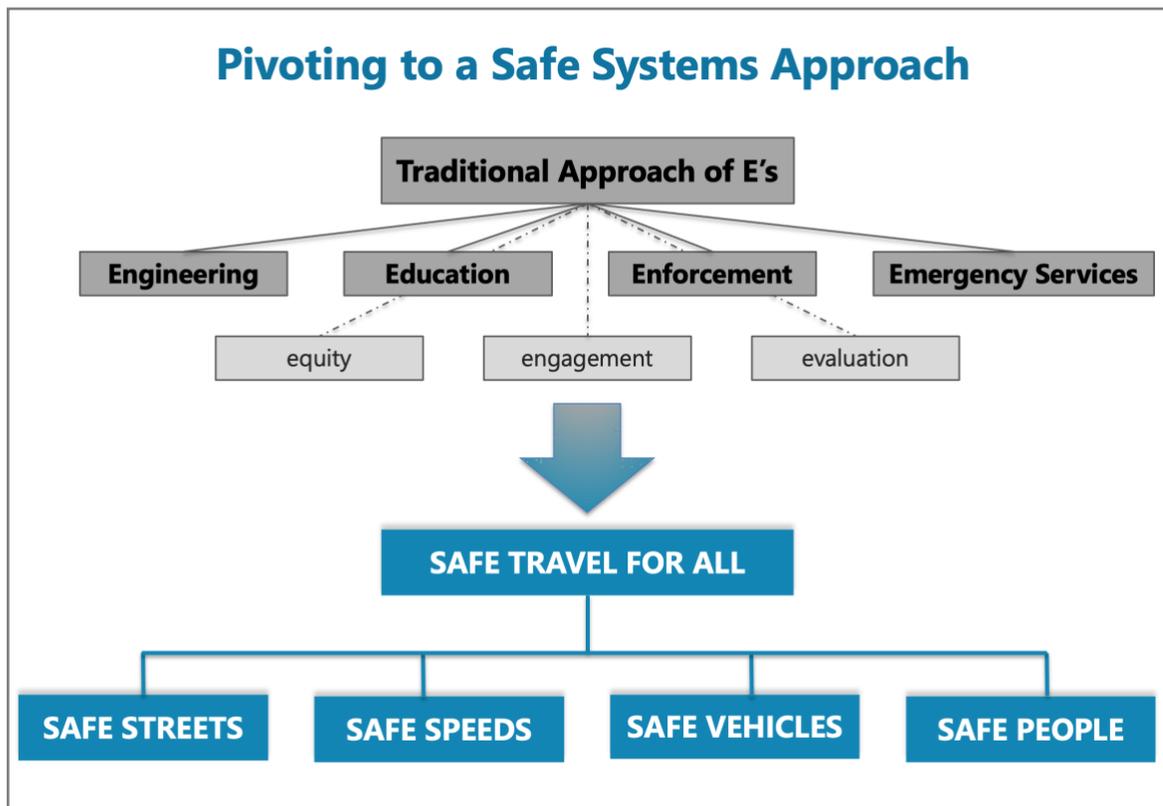
Alternative efforts that should be considered more appropriate to replace NHTSA funding of traditional police-led enforcement include investing in the following:

- Support of local communities' engagement to determine needs for their own safe, healthy, equitable, accessible transportation options (Ex: from Los Angeles Dept. of Transportation: <https://bit.ly/3pMPbRX>);
- Community-led planning processes to invest in self-enforcing street designs that do not rely on potentially biased police-initiated actions and that are more effective and financially sustainable;
- Investment in restorative justice programs that aim for positive behavior change versus punishments that disproportionately harm low-income and people of color;
- Resources to reform related, broken criminal justice systems that criminalize poverty rather than improve traffic safety, such as the practice of suspending drivers' licenses of people who cannot afford fines and fees (Ex: from NYC's Center for Court *Innovation* <https://visionzeronetwork.org/restorative-justice-strategies-for-safe-streets/>);
- Investment in the Safe Systems approach, as mentioned in the hearing February 24, 2021 by the National Safety Council. This includes prioritizing proactive, preventative measures, such as evidence-based strategies for designing streets safely and setting speeds at safe levels. (More from the Federal Highway Administration (FHWA): https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf);
- Flexibility for local and regional entities to access NHTSA 1906 funding to analyze and address issue of racial bias in traffic enforcement efforts, also mentioned during the hearing by multiple panel experts.

At the [Vision Zero Network](https://visionzeronetwork.org), we support a pivot from the traditional "E's" approach of traffic safety (Education, Enforcement, Engineering, etc.) to the **Safe Systems approach**, which prioritizes improving the underlying systems and policies that center safety for all road users – such as Complete Streets, lower speed limits, and practices and policies that focus on proactively making safe behaviors on the road the easy and obvious choices for road users. The Safe Systems approach recognizes that we cannot enforce nor educate our way out of the problem of nearly 40,000 traffic deaths each year, but that we can design systems that proactively encourage safe behavior.

(See graphic below)

Pivoting to a Safe Systems Approach



Rather than continuing the reactive and punitive approach of today's police-led enforcement work, NHTSA can and should follow the lead of other nations that have significantly improved their traffic safety rates by taking a public health-inspired approach to transportation safety, focusing on upstream measures to influence behavior. These upstream measures include streets redesigned for maximum safety, not maximum speed, and policies that give people options to walk, bike, ride transit and drive – safely.

Not only is Vision Zero -- and the Safe Systems approach underlying it -- the ethically responsible way to structure our decision making around traffic safety and related goals, it is also a more equitable and effective way than the traditional E's approach.

Analysis of traffic fatalities in 53 nations, conducted by the World Resources Institute, found that those adopting a Safe Systems-based approach, such as Vision Zero, achieved both the lowest rates of traffic fatalities and the largest reduction in fatalities over 20 years (1994 - 2015).

(Source: [Sustainable & Safe: A Vision and Guidance for Zero Road Deaths](#), World Resources Institute).

(See graphic below)



The U.S. has failed in ensuring people safe, healthy, equitable mobility options. Meanwhile, others across the globe are embracing the Safe Systems approach and modernization of policies and practices that have led to steady increases in safety. In fact, **the U.S. ranks 42nd out of 51 high-income nations for per capita traffic fatalities.**

We share the goal with you and others across the nation of wanting to ensure *all* people can move about our communities safely. We hope this review of NHTSA's funding of enforcement practices will result in important awareness-raising and changes to ensure traffic safety efforts funded by the federal government are equitable, as well as effective.

Thank you sincerely for your attention and leadership. If we can answer any questions or discuss further, please reach out to us at leah@visionzeronetwork.org and more information can be found at visionzeronetwork.org.

Sincerely,

Leah Shahum
Executive Director
Vision Zero Network