

POLICY STATEMENT



ASSOCIATION OF PEDESTRIAN
& BICYCLE PROFESSIONALS
Expertise for Active Transportation



POLICY STATEMENT: EQUITY AND TRAFFIC ENFORCEMENT

Overview of APBP Policy Statements

The Association of Pedestrian and Bicycle Professionals (APBP) supports the community of professionals working to create more walkable, bikeable places through facilitating the exchange of professional and technical knowledge and by promoting fundamental positions that are broadly acknowledged and acted upon by APBP members.

APBP Policy Principles:

1. APBP represents the professional expertise and practical experience of its members in transportation policy discussions to advance active and healthy communities.
2. APBP endorses active transportation as an integral part of transportation systems through all stages of planning, design, funding, and implementation.
3. APBP supports connected, convenient, and safe streets and pathways in every community and planning with the input of every member of a community.
4. APBP advances street designs that make walking and bicycling a viable option for everyone in every place.

Position

APBP believes safe and dignified mobility is a human right. Within this, equitable enforcement for people moving around public space is essential.

APBP believes the legacy practice of armed law enforcement officers enforcing traffic violations denies the communities we serve this right.

APBP supports the decisions made by several organizations to remove traffic enforcement as a component of safety initiatives.¹ APBP endorses efforts to reinforce transportation safety with a more holistic definition that includes freedom from crash risk along with other forms of harm including harassment and racism.

APBP is supportive of alternatives to the traditional model of armed law enforcement of traffic laws. Such recent

¹ Safety documents often refer to Enforcement as one of the “5 Es” which can vary but typically include *education, encouragement, engineering, enforcement, and emergency response*.

efforts include replacing armed law enforcement with other trained and unarmed staff to conduct traffic stops. Existing and emerging roadway and vehicle technology can also replace the safety function of traffic enforcement. APBP supports deployment of such technologies, provided that they are transparently and equitably planned and deployed.

APBP encourages an emphasis on self-reinforcing street designs which may reduce or eliminate the perceived need for enforcement (armed or otherwise) as a tool for roadway safety. Self-reinforcing design practices use geometric elements to encourage drivers to select speeds consistent with the posted speed limits and design intent of roadways.²

APBP believes that any continued law enforcement related to traffic stops must be monitored and analyzed for bias and potential harm to Black people, Indigenous people, and people of color (BIPOC) and to the LGBTQ community.

APBP supports changes to federal funding programs related to safety that would improve transparency regarding expenditures and effectiveness, implement data reporting requirements related to racial and social equity impacts, and remove mandates for spending on enforcement activities.

Background

Roadway enforcement has historically been the domain of armed law enforcement officers who interpret and enforce esoteric vehicle codes and municipal ordinances. Officers decide whom to pull over, whom to cite, and whom to arrest for any number of infractions. Research has repeatedly shown that this wide discretion, coupled with the ability to conduct pretextual stops, has resulted in devastating impacts to historically disadvantaged communities within the United States and Canada—creating material harm and serving as a background level of harassment that has degraded community trust in law enforcement. APBP acknowledges the recommendations in this statement are US specific upon publication and we will seek to add Canadian recommendations in future revisions.

This system nominally emphasizes transportation safety (i.e., risk of being involved in a crash) at the expense of personal safety and freedom of harassment in public spaces. In reality, roadway enforcement efforts often have an unknown benefit on the former and a known harmful impact on the latter. Traffic stops are the most common form of police-initiated contact, and Black people are more likely to be pulled over in traffic stops than white people or Latinx people.³ As Baumgartner, Epp, and Shoub write in *Suspect Citizens*: “...millions of Americans have been targeted for more intensive police attention outside of the gaze or knowledge of most middle-class whites.... It has been humiliating, frustrating, and unfair. Beyond all that, it has been ineffective.”⁴

Enforcement Introduces Harm

Watershed moments in the last decade and the organization of the Black Lives Matter movement have helped to shine a light on the long-running problem of bias in traffic stops. The traffic stop as a law enforcement tool exists within a larger framework of public safety management which includes the ability to pull over drivers or other road users as a pretext for another purpose – to search for contraband or other suspected law-breaking activity. The list of potential violations for a traffic stop is long enough that it provides justification for an officer to pull over almost anyone. As one California Highway Patrol Officer stated in an interview: “The vehicle code gives me fifteen hundred reasons to pull you over.”⁵

² Publication Number FHWA-HRT-17-098. Available online at <https://www.fhwa.dot.gov/publications/research/safety/17098/17098.pdf>

³ <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>

⁴ Baumgartner, Frank R., Derek A. Epp, and Kelsey Shoub. *Suspect citizens: What 20 million traffic stops tell us about policing and race*. Cambridge University Press, 2018.

⁵ Gary Webb, “Driving While Black,” *Esquire*, January 29, 2007. <https://www.esquire.com/news-politics/a1223/driving-while-black-0499/>

The result is an uneven distribution in who gets pulled over and dramatic consequences in how those encounters escalate. An NPR study found that since 2015, police officers have fatally shot at least 135 unarmed Black men and women across the United States, finding that more than 25 percent of these killings occurred during traffic stops.⁶

Research on the effectiveness of traffic enforcement with respect to roadway safety is limited at best. A total of \$279.9 million was allocated in the National Highway Traffic Safety Administration (NHTSA) fiscal year 2020 budget for the 23 USC 402 program.⁷ Federal funds flow from NHTSA to states and require assurance that recipients will engage in national law enforcement mobilizations and sustained enforcement of certain laws.

Obsolescence of The Enforcement E as Part of Traffic Safety

Recently, several organizations have acknowledged the failing of centering law enforcement as one of the main tools to keep people safe on roadways. In reality, armed enforcement of traffic laws has in many communities degraded trust, criminalized poverty, and shown limited effectiveness with respect to road safety. On top of that, it has resulted in innumerable examples of murder—of people driving, walking, biking, or simply occupying public space.

Several organizations have removed *enforcement* as one of their core tenets of road safety. The Safe Routes Partnership described its rationale for dropping enforcement as a core safety strategy, stating: “We recognize that there may be healthy, community-driven relationships with law enforcement that support some programs across the nation; however, we will no longer recommend such partnerships as foundational to the start, maintenance, or growth of a successful Safe Routes to School program.”⁸ The Bicycle Coalition of Greater Philadelphia also issued a statement discontinuing support for police enforcement as part of the city of Philadelphia’s Vision Zero policy.⁹

Alternatives

Alternative solutions do exist. Existing alternatives include the deployment of technology, such as automated speed enforcement, vehicle speed limiters, and red light cameras. Emerging alternatives have been pursued that remove armed law officers from some or all traffic stop duties, opting to replace them with other staff. These solutions are not perfect and require due consideration in implementation, but they hold promise in their ability to mitigate the discretion and bias of existing practices and to remove the opportunity for deadly escalation of interactions.

Recommendations

This statement provides eight recommendations which include actions that can be taken at various levels.

Safe Systems Approach. Agencies should adopt a safe systems approach to project delivery. The safe systems approach emphasizes proactive and systemic measures to address safety rather than reactive measures that chase crash hot spots and focus on individual behaviors. A safe systems approach recognizes the fallibility of humans and seeks to reduce the consequences of inevitable mistakes (crashes) to promote survivability. Improvements to vehicle design, roadway design, emergency and response times all provide layers of redundancy that increase the likelihood of survivability.

Self-reinforcing design is a tenet of a safe systems approach, which emphasizes a system-based (rather than individual-based, or blame-focused) approach to reducing safety risk on roadways. For example, a transportation agency can incorporate self-reinforcing roadway design elements so that drivers are far less likely

⁶“Fatal Police Shootings of Unarmed Black People Reveal Troubling Patterns.” NPR, January 25, 2021.

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

⁷ https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/fy_2021_nhtsa_congressional_justification.pdf

⁸ <https://www.saferoutespartnership.org/blog/dropping-enforcement-safe-routes-school-6-e%E2%80%99s-framework>

⁹ <https://bicyclecoalition.org/we-are-dropping-police-enforcement-from-vision-zero/>

to speed irrespective of enforcement presence.

Reducing the size and mass of the vehicles on the road would be another proactive, systemic step approach that should be pursued at the federal level. Both examples would be more effective in saving lives and protecting road users than deploying armed law enforcement. The recently released *Recommendations of the Safe Streets Consortium* details recommendations for implementing safe streets principles to promote safety and equity.¹⁰

Removing Enforcement from Safety Frameworks. As mentioned above, APBP supports organizations reexamining their priorities to promote road safety. Where possible, organizations should consider removing *enforcement* from their standard suite of tools to effect road safety. Money spent promoting enforcement can be put to higher and better use focusing on safe systems elements described above. If organizations do retain enforcement as a tenet of road safety (e.g., as part of a funding requirement), guidance should be revised to deliberately focus on technology-based and unarmed enforcement.

Data-Driven Enforcement. Some agencies may be required to engage law enforcement as a condition of safety grant funding. In those cases, APBP strongly encourages developing partnerships and agreements that promote data-based decision-making and deployment. For example, in 2013 the commissioner of the Fayetteville, North Carolina, Police Department instituted accountability reforms that included a requirement to record GPS data on all traffic stops, another requirement to obtain drivers' written consent to search vehicles, and included an order that drivers only be stopped for the most serious offenses. The department also pulled recent crash history data to focus high-visibility enforcement at locations with demonstrated crash history, coupled with press releases advertising the locations of the proposed enforcement. This focus on data, transparency, and evaluation was associated with reduced bias in enforcement and a reduction in motor vehicle injuries.^{11,12} Even so, such changes are imperfect and difficult to sustain. Non-enforcement related safety interventions would be preferred.

Technological Alternatives to Armed Enforcement. Technology affords opportunities to enforce traffic laws without bias. A 2017 National Transportation Safety Board (NTSB) report¹³ discusses the following three possible technological solutions for enforcing speed limits within cities:

- **Automated speed enforcement (ASE).** The report recommends that the seven states prohibiting ASE and the 27 states without ASE laws amend laws to authorize their use locally and at the state level.
- **Point-to-point speed enforcement.** This technology measures the time between two points along a roadway segment (e.g., a freeway) and infers the average speed. This technology is deployed in other countries.
- **Intelligent Speed Adoption (ISA).** Onboard technology in vehicles already can use GPS data to determine the speed limit and either warn drivers of their speed or prevent them from speeding.

NHTSA and Federal Highway Administration should play an active role in increasing the advancing research and adoption of these technologies. However, these technologies are not themselves complete and equitable. Their deployment and fee structures should be designed with social equity in mind—perhaps levied according to ability to pay.

Local and State Legislative Reforms. Several municipalities have recognized a need to reduce or remove existing authorities and responsibilities from police departments' purview. APBP is encouraged by cities who have led the way by reconsidering the role of traffic stops in the provision of public safety and encourages other cities to explore and adopt similar reforms. Some notable examples include:

¹⁰ <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-injury-research-and-policy/our-impact/documents/recommendations-of-the-safe-system-consortium.pdf>

¹¹ <https://injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6>

¹² <https://www.fayobserver.com/story/news/2021/02/24/driving-while-black-have-fayetteville-nc-police-gone-back-old-ways/4554029001/>

¹³ <https://www.nts.gov/safety/safety-studies/Documents/SS1701.pdf>

- San Francisco Mayor London Breed announced a plan for its Police Department to stop responding to neighbor disputes, reports on unhoused people, school discipline interventions, and other non-criminal activities.¹⁴
- Connecticut Governor Ned Lamont signed into law a bill that, among other things, banned consent searches in traffic stops.^{15,16}
- Portland, Oregon, Mayor Ted Wheeler announced a plan to remove Portland police officers from the multi-agency Transit Police.¹⁷
- Berkeley, California’s City Council passed recommendations to implement an evidence-based traffic enforcement model which includes, among others^{18,19}:
 - Minimize or de-emphasize as a lowest priority stops for low-level offenses.²⁰
 - Establishing a “Reimagining Public Safety Task Force” which includes an item to create a Berkeley Department of Transportation “to ensure a racial justice lens in traffic enforcement and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations.”²¹
- Oakland, California’s City Council commissioned a “Reimagining Public Safety Task Force” which issued 48 recommendations. Recommendations included the creation of a civilian Community Ambassadors program to respond to nonviolent incidents and moving most traffic enforcement out of the police department and into the city’s Department of Transportation.²²

APBP is supportive of efforts to decriminalize walking and other forms of mobility, including rewriting or eliminating state jaywalking laws which are enforced unfairly and result in disproportionately high numbers of interactions between law enforcement and Black residents. One such example is California Assembly Bill 1238, the Freedom to Walk Act.^{23,24} At the time of this writing, the bill has passed the Assembly and awaits the Governor’s signature.

Recommended Changes to Federal Practice. The PolicyLink Transportation Equity Caucus (TEC) has published reviews of NHTSA programs, including 23 USC 402 and USC 405 programs. Its review found that NHTSA administers approximately \$600 million each year in safety grants through these programs. The review notes a lack of transparency on spending, return on investment, focus on state goals, information on racial effects, and ultimately, outcomes. The associated requirements preclude recipients’ ability to fund alternatives solutions to support public safety. APBP supports the TEC’s proposed revisions to NHTSA programs that provide safety funding to states. Lastly, APBP supports the TEC’s proposed changes to the 1906 Racial Profiling Program to increase its usage and benefit. The reviews and recommendations may be found at the following links:

- [NHTSA: Role in Police Reform](#)
- [Review and Recommendations of the NHTSA 402 Program](#)
- [Review of NHTSA 1906 Racial Profiling Program](#)

¹⁴ <https://sfmayor.org/article/mayor-london-breed-announces-roadmap-new-police-reforms>

¹⁵ <https://www.cnn.com/2020/07/31/us/connecticut-police-reform-bill-signed/index.html>

¹⁶ <https://www.cga.ct.gov/2020/TOB/H/PDF/2020HB-06004-R00-HB.PDF>

¹⁷ <https://www.oregonlive.com/politics/2020/06/portland-mayor-ted-wheeler-to-unveil-police-reforms-other-plans-watch-live.html>

¹⁸ <https://www.berkeleyside.com/2021/02/24/berkeley-police-reform-traffic-stops-racial-disparities>

¹⁹ <https://www.nytimes.com/2020/07/09/us/berkeley-ca-police-department-reform.html>

²⁰ <https://www.berkeleyside.com/wp-content/uploads/2021/02/Motion-Item-1-Fair-and-Impartial-Policing.pdf>

²¹ <https://www.cityofberkeley.info/RIPST.aspx>

²² <https://www.oaklandca.gov/topics/reimagining-public-safety>

²³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1238

²⁴ <https://www.calbike.org/freedom-to-walk-campaign/>

APBP's policy statement development process/member participation

The Association of Pedestrian and Bicycle Professionals (APBP) relied on widely available information and tools to draft this policy statement.

APBP sought comments on a draft policy statement from its Policy Committee members and Equity and Inclusion Committee members. APBP's Board of Directors approved the statement on October 21, 2021. APBP members can suggest changes to any policy statement by contacting the association's executive director, policy committee chair, or board member. For more information, contact: Melanie Bowzer, Executive Director, at mbowzer@amrms.com.
