



MEETING HIGHLIGHTS:

Traffic Safety & Enforcement

Friday, April 16, 2020

10:00AM – 12:00 PM

Presented Via Zoom; 85 attendees

All presentations and related meeting handouts are located on the RSTF Website:

www.dvrpc.org/Committees/RSTF

A message from the RSTF co-chairs and DVRPC staff:

The April 16 Regional Safety Task Force (RSTF) meeting focused on the role of enforcement strategies in traffic safety planning, in light of the racial justice movement that began in earnest last summer. We are deeply grateful and appreciative to everyone that participated in this challenging conversation.

Upon reviewing the survey responses, it was clear that our messaging ahead of the meeting unintentionally downplayed the focus on racial bias in policing that became a central theme of the discussion. This was an error on our part and added to creating a space where not all participants felt safe to speak openly, especially during the breakout discussions. Our law enforcement colleagues play an important role on the RSTF. We look to them to help guide our discussion on the most effective enforcement strategies that can help eliminate deaths and serious injuries on our regional roadway network.

Tackling issues related to race in transportation safety can be fraught, but it is more important than ever for groups like the RSTF. We look forward to continuing these conversations with all of you.

Sincerely,

Patricia Ott, RSTF Co-chair

Sharang Malaviya, RSTF Co-chair

Kevin Murphy, DVRPC

Marco Gorini, DVRPC

Welcome Remarks

The meeting was called to order at 10:00 AM by Marco Gorini, DVRPC, and Patricia Ott, MBO Engineering and RSTF co-chair. Ms. Ott first reiterated the goal of the RSTF: to reduce roadway crashes and eliminate serious injuries and fatalities from crashes in the Delaware Valley. Ms. Ott stated that this meeting is part of a continuing conversation at DVRPC and that all previous meetings can be found on the DVRPC webpage. She then introduced the Regional Safety Task Force's new co-chair, Sharang Malaviya, Traffic Safety Supervisor at PennDOT's District 6-0 office. Ms. Ott closed out by outlining the goals for the meeting, which included starting a discussion on the role of traffic safety in law enforcement in the region and identifying topics of interest that could benefit from further research.

Mr. Gorini kicked off the meeting by placing audience members into breakout rooms in order to introduce themselves to one another as well as to provide some ground rules that would help facilitate respectful conversation. The rooms were open for six minutes so that everyone could go over their group agreements collectively.

Keynote Speaker: Sarah Seo, Columbia Law School

After the breakout rooms closed, Mr. Gorini introduced the meeting's keynote speaker: Sarah Seo, professor of law at Columbia University and author of *Policing the Open Road*. Ms. Seo's presentation took a historical perspective on the origins of policing in the United States and the intersections between crime control and traffic safety. She began the conversation by discussing a "paradox of American freedom": the rise of the automobile in the 20th century symbolized a sense of freedom in the car, despite becoming the most highly policed part of American life. Her book examines how these legal definitions of freedom changed over time: when drivers first took to the road, it was difficult for driving laws to be fully enforced, which led to an increase of policing in order for civilians to take the law seriously. However, this style of policing was exacerbated through the lens of race and class: while the 4th amendment in the U.S Constitution protects individuals from "unreasonable" search and seizure, racial minorities were often treated with greater suspicion and even unconstitutional practices at the hands of the police during a traffic stop.

Ms. Seo elaborated on her research by presenting case studies of individuals who had to face substantially difficult encounters with law enforcement during a traffic stop. These cases demonstrated how over time, constitutional laws allowed and facilitated the growth of the police's discretionary authority. She described how Stanley Johnson, a Black teenager in the 1930s, and Sandra Bland, a 28-year-old Black woman arrested in 2015, both suffered what were ultimately dire consequences after having an altercation with the police from their car. Ms. Seo concluded her presentation by stating that the greatest challenge of traffic enforcement is figuring out how to incorporate better policing within the meanings of "freedom" that we have established since the birth of the automobile. The use of discretionary power has led to more specific problems of discriminatory policing of minorities--a consequence that we are still grappling with today.

Keynote Speaker Breakout Rooms/Q&A

Following Ms. Seo's presentation, RSTF members returned to their small groups to share reactions and brainstorm questions for Ms. Seo. Groups developed questions on the role of fines and other financial incentives that influence police departments and their priorities, how automated enforcement can address issues around the unjust treatment of racial minorities, challenges with gun control, the shifting culture around traffic enforcement and the public's perception of its role, and the history that has fed into the

feeling of insecurity for many when armed police officers approach a vehicle. Ms. Seo's responses included discussion of the lack of data on pretextual stops, her advocacy for automated enforcement, and the general sense that police are expected to do too much in addressing both crime safety and traffic safety.

Traffic Safety Update

Kevin Murphy, Manager of the Office of Safe Streets, presented a brief update on traffic safety data in the DVRPC region. Mr. Murphy discussed how killed and severe injury (KSI) crashes increased across the region from 2015-2019, and despite a decrease in overall traffic volumes during 2020, the upward trend in fatalities continued (based on preliminary data). Mr. Murphy then presented a few slides covering recent work which considers the linkages between crash trends and demographics, as well as infrastructure.

- In *Crashes and Communities of Concern* DVRPC's analyses revealed that low-income and minority groups (among others) are at a greater risk for high severity crashes, partially due to broader infrastructure-related factors.
- The 2021 Vision Zero Philadelphia conference featured transportation leaders sharing ideas of best practices and highlighted emerging research. For instance, Charles Brown presented the concept of "Arrested Mobility," a framework to understand the multiple ways that Black people lose the right to move in public space, including issues of infrastructure and over policing.
- *Countermeasures that Work* (2017) published by the National Highway Traffic Safety Administration (NHTSA), is a guide to federally funded strategies used by police to address traffic safety, providing analysis of strategy effectiveness.
- The Vision Zero Network, a national organization helping communities mobilize to end traffic deaths and serious injuries, is reconsidering the role of law enforcement in traffic safety, and recently held a webinar entitled "Changing the Role of Policing in Traffic Safety: Berkeley Leads Early Progress" to spotlight innovations in Berkeley, CA that support racial justice in the city's transportation safety work.

Local Panel Discussion

A local reaction panel with questions moderated by Waffiyah Murray (City of Philadelphia) followed the traffic safety update. The panel consisted of Carmetta Dickerson (Town Watch Integrated Services), Shannon Purdy (NHTSA), Nilda Ruiz (Asociación Puertorriqueños en Marcha), and Nicholas Schock (Gloucester County Prosecutor's Office). Panelists introduced themselves and their role in traffic safety and enforcement. Ms. Dickerson discussed the importance of community engagement and the need for a better understanding in communities of the challenges that police face in executing traffic stops that can escalate unexpectedly. Ms. Ruiz echoed the need for community engagement and emphasized concerns that automating enforcement of most traffic stops does not eliminate the potential for bias. Ms. Purdy highlighted the importance of diversifying how safety grants are issued because enforcement alone is not sufficient, it must be paired with other strategies like education and engineering. Mr. Schock's comments focused on the role of automated enforcement as both a possible way forward, but also one with limitations in terms of the current state of technology and people's willingness to adopt it. A more detailed transcript of the panelists' conversation can be found below.

Local Panel Q&A

Waffiyah Murray: Philadelphia Councilmember at Large Isaiah Thomas introduced legislation to ban police stops for low level offenses such as a broken taillight, or tinted windows, and instead proposed drivers be mailed tickets or warnings for such violations. What are your thoughts on this and how it can impact traffic violence and enforcement?

Carmetta Dickerson: It's an ongoing conversation, but needs to be a conversation with both the community and the police. The Civilian Police Academy [that someone had mentioned in the chat] gives you the mindset of both sides, as an individual and how the police are trained. Someone mentioned about why [police] approach a car and have their hands on their gun, it's that it is a protective measure, because police don't know who it is they're pulling over.

Nilda Ruiz: I think that it'll certainly stop [some of] the interactions between police and community folks, but I don't necessarily think that it's going to stop cases completely. There still can be a lot of bias as to where these cameras are put or where these automated cameras are placed. I don't think it'll stop the bias, but at least it'll stop some of the interactions between police and the minorities that can turn out to be so fatal. So, at least it's one step in the right direction.

Waffiyah Murray: There are several grant funded traffic related projects that often require a law enforcement component. What advice do you have for cities wanting to take more of an education/engineering focused approach to traffic violence over enforcement?

Shannon Purdy: One of the things that I fear is that our highway safety community has fallen into a rhythm of giving out based grants only because it's what has historically worked. In the 1980s, there was a surge of advocacy behind Mothers Against Drunk Driving (MADD), and high visibility enforcement things like "click it or ticket" came out, and this was a countermeasure that worked. But if you see a traffic safety problem in a community and the only thing you use is law enforcement, you will fail. You cannot solely rely on the police to do this job right. [It's also about] design, environmental, involvement of community, etc. that are helping to tackle this problem. I don't know of any other federal level grants that require enforcement. If there's a grant that requires enforcement, it's not on our dime.

Carmetta Dickerson: There was a Zoom meeting recently about environmental improvements on Washington Avenue, and the biggest hurdle was that only a small sector of people were surveyed and several people were left out. They're putting bike lanes there that are behind angled cars in the parking lane, and I think it was more of a hazard than an improvement. Something very important was missed there.

Waffiyah Murray: What are the panel's thoughts on automated enforcement including in-vehicle technology like interlock devices, and the role that they can play in traffic enforcement?

Nicholas Schock: I think automated enforcement certainly has a role in [traffic safety], but in New Jersey, the blowback was so harsh against it that we got rid of it completely. It can't be the end all and be all, and it's impossible to automate total enforcement. The technology is not there, so I don't think you can completely alleviate the need for some sort of actual human interaction as well, and detection.

Shannon Purdy: I'm going to talk more about in-vehicle automation, because total automation is still an ongoing conversation. The COVID pandemic has shown a sobering picture of what's happening: people are dealing with trauma and stress and are taking it out on the roadway when they get behind the wheel. I

think that in-vehicle technology can have an important promise in reducing impairment [while driving]. Because again, that's not an issue that should be left to enforcement alone. It's not a problem with poor driving. So the car could prevent them from starting it to begin with.

Nicholas Schock: I agree with Shannon, but it's important to draw a distinction between intervention and enforcement. I think both of them combined can help us in a great way. I think it will be a hard sell to get [everyday people] on board with buying a brand new car that has all of these government safety requirements. On a personal level, I think the closest we'll get to Zero Fatalities is through fully autonomous vehicles.

Waffiyah Murray: What role can and should community members play in the decision making process around traffic safety?

Nilda Ruiz: I think we can create a platform where the community members can have a place where they can talk and create gatherings where it can be led by Black and Latino voices: making sure the community members know that there are opportunities to give input and shape the solutions for their communities, finding out where advocacy needs to happen, and what we need to bring into the room to make it happen. We've been leading a similar kind of effort with walkability. We also believe in uplifting the work that is already done around the community. We need to invest in these communities and in systems that will make it safer. So when you talk about enforcement, most of these people are minority groups getting the ticket. Then you ask the question, well, where's the money going? Is it coming back to our community? Most of the time it goes to the state or to another community.

Carmetta Dickerson: On Washington Ave, there were students that had to cross the street, but the timing of the lights was not sufficient enough for these students to make it across. When people are designing these traffic patterns, [a lot of] activities are not addressed. They only address things when the community is out there, and by this time, somebody may have already gotten killed. We need to start looking at behavior problems before we deal with the streets. People are coming from all over with different perspectives about what somebody may think it's a great idea, but it may be because they have the loudest mouth. Before we spend all this money, we need to really do our homework.

Waffiyah Murray: Are there measures within the police force that can better hold officers accountable for making mistakes that inevitably happen during traffic stops or after using unnecessary force?

Nicholas Schock: I think we're in a place right now where we're better equipped to handle this probably than we ever had been. Especially with an increase in body-worn cameras and civilians and surveillance from everywhere. Everything is recorded from every angle and available for everybody, so the processes are in place for citizens to file complaints or review officers' conduct through internal affairs and stuff like that. Again, I think it's a little bit better now than it probably ever has been.

A follow-up question from the audience about the role of police training within traffic safety was prompted.

Nicholas Schock: New Jersey is very progressive in this area and our Attorney General has provided quite a bit of training, which is required for everyone. They developed what they call the CLEAR Institute. They didn't really add anything in except for attitude, and they recognized that deficiency and really saw a need to change that. So they have developed and pushed out a lot of that training for us here in the state that everybody is required to go to. It's not just a one and done style thing. You really have to have your head in the sand to hide from that style of issues. I think we're really confronting it head on here, at least in our state.

Concluding Remarks

After the panel, Paul Carafides, DVRPC updated the group on PA's Move Over Law, which has been stiffened with higher fines. Mr. Malaviya concluded the program with gratitude to the participants for sharing their insights regarding a difficult but critical topic in traffic safety. The next RSTF meeting is scheduled for June 2021.

RSTF Goal: *To reduce roadway crashes and eliminate serious injuries and fatalities from crashes in the Delaware Valley*

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Meeting Attendee List

Paul Carafides
Keith Hamas
Nicholas Digirolamo
Brian Donovan
Scott Alexander
Scott Kubisiak
Frank Neary
John Doyle
Nilda Ruiz
Richard Vona
Laura Cerutti
Mary Sandone
Ian Schwarzenberg
Sarah Seo
Larry Kubli
Mark Stiansen
Lori Aguilera
Shari Leichter
Wayne Shelton
Lee Benson
Eric Heitmann
Shawn Dietrich
Olivia Lamborn
Christopher Puchalsky
William Riviere
Liz Rogan
James Mcguire
Dan Steele
Kevin Murphy
Sean Meehan
Waffiyah Murray
William Spaeth
Miranda Adams
Patricia Ott
Chi-hyun Kim
Troy Love
Krys Johnson
Nicholas Schock
Kelvin Mackavanagh
Joseph Rapp
Sharon Goldberg
Carly Mannon
Michael Clemmons
Sharang Malaviya
Morgan Hugo
Christine Norris

Eric Quinn
Thomas Shaffer
Shannon Purdy
Doris Lynch
Lily Reynolds
Bethany Shumaker
Michael Boyer
Karin Morris
Cassidy Boulan
Darrell Merritt
Kelley Yemen
Alyson Strigle
Howard Delzingaro
Przemyslaw Lenarczyk
Misha Rodriguez
Edward Boothman
Kristen Scudder
Will Fraser
Katherine Norris
Maridarlyn Gonzalez
Leo Hegarty
Arnold Anderson
Carmetta Dickerson
Michael Mastaglio
Jeffrey Maurer
Mel Musie
Tracy Noble
Charles Feggans
Christopher Renfro
Christopher Grossmick
Tom Evans
Mark Washington
Kate O'connor
Casey Ross
Patricia Dinatale
Jennifer Marandino
Rosemarie Anderson
Suzanne O'hearn
Mickey Curran
William Yarzab