

RSTF 2020

# TRAFFIC SAFETY CULTURE

AND THE LAW



# Housekeeping

- Number of attendees
- Webinar recorded
- Use Chat feature for questions and to relay technical issues
- Mic and video features enabled for breakout groups

# Opening Remarks

- **Patricia Ott, P.E., RSP**, Managing Member, MBO Engineering, LLC

## RSTF Goal:

To reduce roadway crashes and eliminate serious injuries and fatalities from crashes in the Delaware Valley

**Share the conversation!**

Use **#rstf** during today's meeting, and tag **@DVRPC**

For minutes and recordings of previous meetings, visit:  
<https://www.dvrpc.org/Committees/RSTF/>

# Survey Results: Police Enforcement in Transportation Safety Planning

*“Following nationwide protests responding to police violence against racial minorities, some traffic safety advocates have argued against the use of strategies that rely on police enforcement in transportation safety planning...”*

# Survey Results: Police Enforcement in Transportation Safety Planning

- Data Topics
    - Enforcement effectiveness/location/factors
  - Discussion Topics
    - Exploring the role of police enforcement in traffic safety
    - Alternative strategies
  - Speaker Requests
    - Emphasis on inclusivity and community representation
    - Community enforcement researchers
- **Meeting planned for early 2021**

# Introduction

- **Kevin Murphy**, Manager, Office of Safe Streets,  
Delaware Valley Regional Planning Commission



**The Delaware Valley Regional Planning Commission** is the federally designated Metropolitan Planning Organization for a diverse nine-county region in two states: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey.



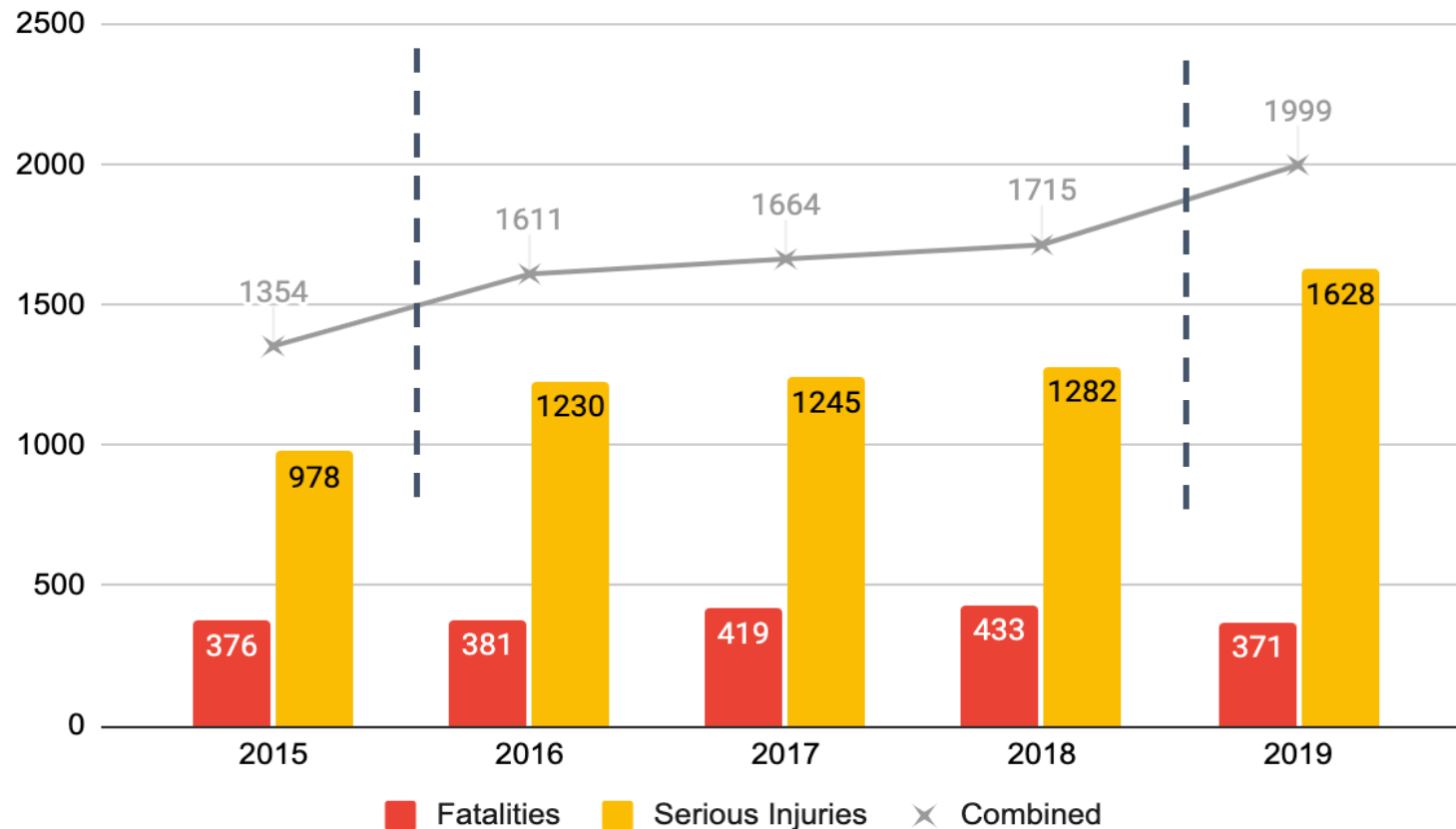
**DVRPC's vision** for the Greater Philadelphia Region is a prosperous, innovative, equitable, resilient, and sustainable region that increases mobility choices by investing in a safe and modern transportation system; that protects and preserves our natural resources while creating healthy communities; and that fosters greater opportunities for all.

**DVRPC's mission** is to achieve this vision by convening the widest array of partners to inform and facilitate data-driven decision-making. We are engaged across the region, and strive to be leaders and innovators, exploring new ideas and creating best practices.





# Total KSI – Regional Trend (by person) 2014-2018



RSTF 2020

FOCUS ON

TRAFFIC SAFETY  
CULTURE



dvrpc

❖ Media

❖ Law

❖ Health

# Intro to Traffic Safety Culture

-March 2020

“Traffic Safety Culture” is the **shared belief system** of a group of people that influences road user behaviors and stakeholder actions that impact traffic safety.

“A zero (traffic) deaths vision requires a change—a shift in culture both within transportation agencies and other organizations as well as within communities.”

*Nic Ward*

# Traffic Safety Culture and the Media

## -June 2020

### Media's Influence

- How the media portrays crashes shapes our opinions
- Victim blaming can be an unintentional consequence of news coverage based on limited evidence

### Opportunities for Change

- Neutral language avoids unconscious blame assignment
- Crash statistics help explain how seemingly episodic events are part of larger trends
- “Crash” not “Accident”

# Media Toolkit Action Item

## Action Item Update:

- The media toolkit working group met and has a draft of the toolkit to share with local media partners

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Search the site  THE CORONAVIRUS PANDEMIC

### 6 tips for reporting on gun policy and gun violence

#### Related Posts

Covering NASCAR's ties to the Confederate flag and conservative politics: 5 tips for journalists

7 tips for journalists reporting on surprise medical bills

# Featured Speakers

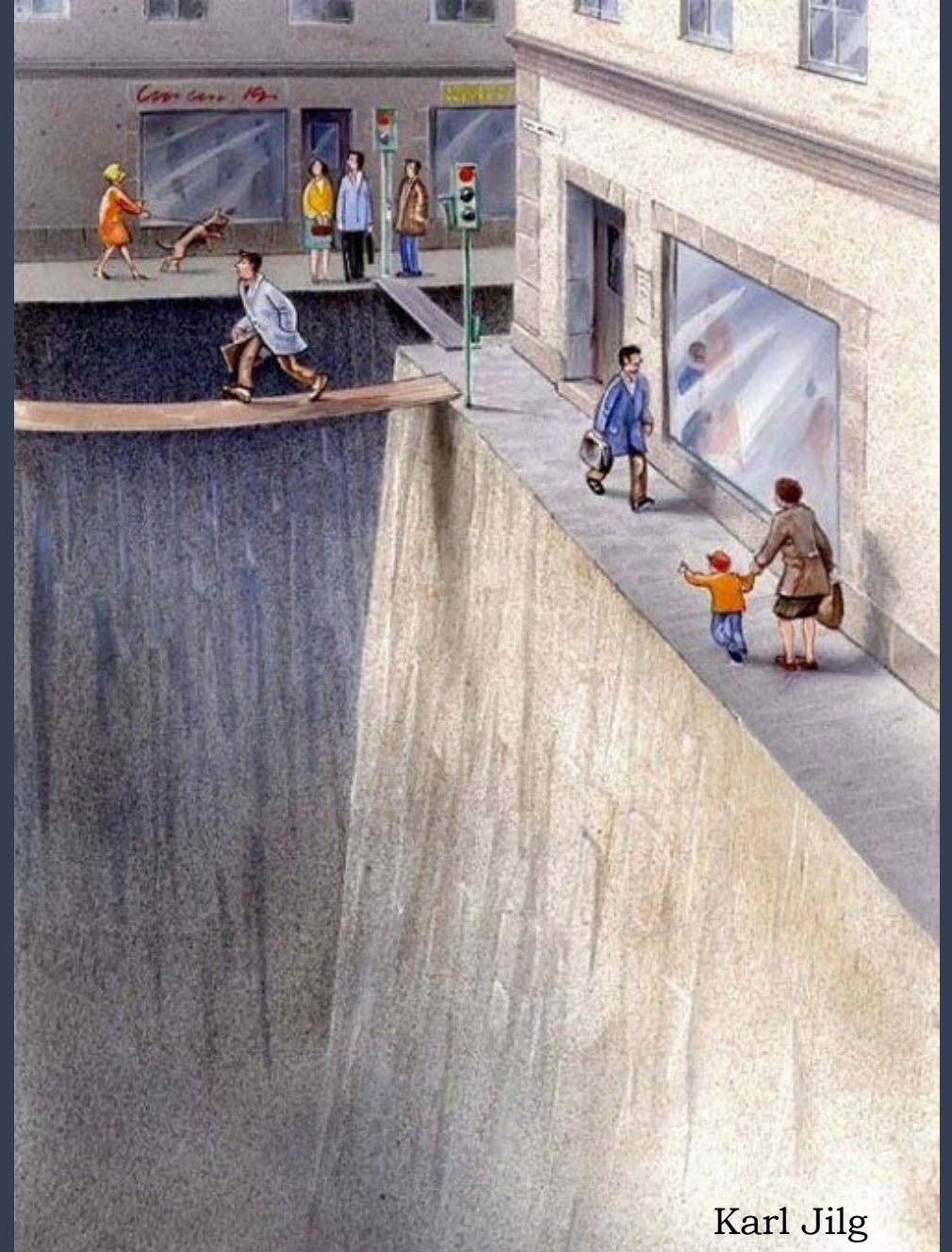
- **Gregory Shill**, Associate Professor, University of Iowa College of Law
- **Fiona Peach**, Senior Policy Advisor, New York City Mayor's Office of Operations

**Add questions for the featured speakers to the Chat! We will have a short Q&A following both presentations.**

# Secondhand Driving and the Law: How Compulsory Exposure to Cars Undermines Public Health

Professor Gregory H. Shill  
University of Iowa College of Law  
gregory-shill@uiowa.edu  
@greg\_shill

Delaware Valley Regional Planning Commission  
Regional Safety Task Force  
October 15, 2020



Karl Jilg

GREGORY H. SHILL

# Unsafe Streets' New Liability

In New York, a recent court case could affect the

NEW YORK UNIVERSITY LAW REVIEW

CURRENT ISSUE

Volume 95, Number 2

MAY 2020

## Should Law Subsidize Driving?

GREGORY H. SHILL

IDEAS

# Americans Shouldn't Have to Drive, but the Law Insists on It

The automobile took over because the legal system helped squeeze out the alternatives.

JUL 9, 2019

Gregory H. Shill

Law professor

*The Atlantic*



## NEWS

- > [Media Contacts](#)
- > [CPH Identity Standards](#)
- > [CPHB Digital Signage](#)
- > [Digital Signage Guidelines](#)

## CDC awards \$4.2 million grant to UI Injury Prevention Research Center

*Published on July 30, 2019*

The U.S. Centers for Disease Control and Prevention (CDC) has awarded a \$4.2 million grant over five years to the University of Iowa to continue the Injury Prevention Research Center ([IPRC](#)) in the College of Public Health. The grant will help Iowa researchers identify risks and factors that present opportunities for injury and violence prevention strategies, and develop and evaluate interventions and methods to turn those interventions into public action.

“The grant allows us to continue to address critical issues in injury and violence, including adverse childhood experiences, opioid overdoses, sexual violence, and roadway safety,” says Corinne Peek-Asa, director of the IPRC and professor of occupational and environmental health.



**Corinne Peek-Asa**

The center engages in coordinated efforts with other injury prevention centers across the country to conduct research and provide expert knowledge to inform and strengthen injury and violence prevention efforts. The center also includes four interdisciplinary research projects led by investigators across the Iowa campus:

- Childhood Stressors and Cardiovascular Disease Risk in Adulthood: A Longitudinal Investigation of Divergent Explanatory Models (Mark Berg, Sociology/ UI Public Policy Center, Project Lead)
- Implementation of an Opioid Medication Care Plan to Reduce Fall Injuries among Rural Older Adults (Carri Casteel, Occupational and Environmental Health, Project Lead)
- Translation of an Evidence-Based Teen Dating Violence Prevention Program into Rural Community-Based Prevention Networks (Karisa Harland, Emergency Medicine, Project Lead)
- [Impact of State Driver Licensing Policies on Older Driver Crash Involvement Rates \(Cara Hamann, Epidemiology, Project Lead\)](#)

# Iowa Law Review Symposium

## “The Future of Law and Transportation”

Friday, November 6, 9:30-  
5:45 ET

[https://tinyurl.com/  
TransportationLaw2020](https://tinyurl.com/TransportationLaw2020)

#TransportationLaw2020



# Overview

1. Scale of the problem
2. Scope of the problem
3. How we can do better

# 1. Scale of the problem

Twin crises: public health and climate

Common root: “secondhand driving,” or mandatory driving exposure

- Given the paradigm, “choices” is misleading
- System burdens everyone, but unequally
- Also impairs economic growth, quality of life

# First crisis: public health

One New York newspaper nailed the legal connection:

*“We have gloated too much over the usefulness of the motor car to consider it . . . a dangerous menace to safety.*

*We put it into reckless hands. We make no effective laws against its misuse.”*

# First crisis: public health

One New York newspaper nailed the legal connection:

## THE COST OF AUTOMOBILE WORSHIP

**H**OW many more lives must be sacrificed before we stop worshipping the automobile long enough to scrutinize the man behind it?

In the latest motor car tragedy in which two lives were crushed out in the Bronx two heavy touring cars were racing abreast through White Plains avenue at a rate which bystanders estimated to be forty miles an hour. One car mounted the sidewalk, killed a baby in a baby carriage, hurled the father against the wall and crashed on to mangle a man standing on a corner. In charge of this machine was a twenty-year-old chauffeur.

It is against the law to carry a dangerous weapon. Is a pistol any more dangerous than a mass of steel half as big as a locomotive shot through public thoroughfares by an irresponsible youth whose one thought is to "show her speed" and pick up a race with some daredevil like himself?

We have gloated too much over the usefulness of the motor car to consider it in its other aspect as a dangerous menace to safety. We put it into reckless hands. We make no effective laws against its misuse.

Until rigid examination and adequate penalties make it a sober and serious business to drive an automobile in this State, until we realize that the character of the owner or driver is more important to the public safety than the make of the machine, we need expect no check to the present motor frenzy with its riotous disregard of human life.

The Cost of Automobile Worship  
*New York World, 1913*

# First crisis: public health

- 36,750 to 40,000 Americans killed each year in crashes, 2016-18 (over 100/day)
- 4.5M serious crash injuries (one every 7 seconds)
- “Accidents” but most are preventable
- **Preliminary COVID update:** in many places, crash deaths & rates are increasing

# A neglected piece of the public health crisis

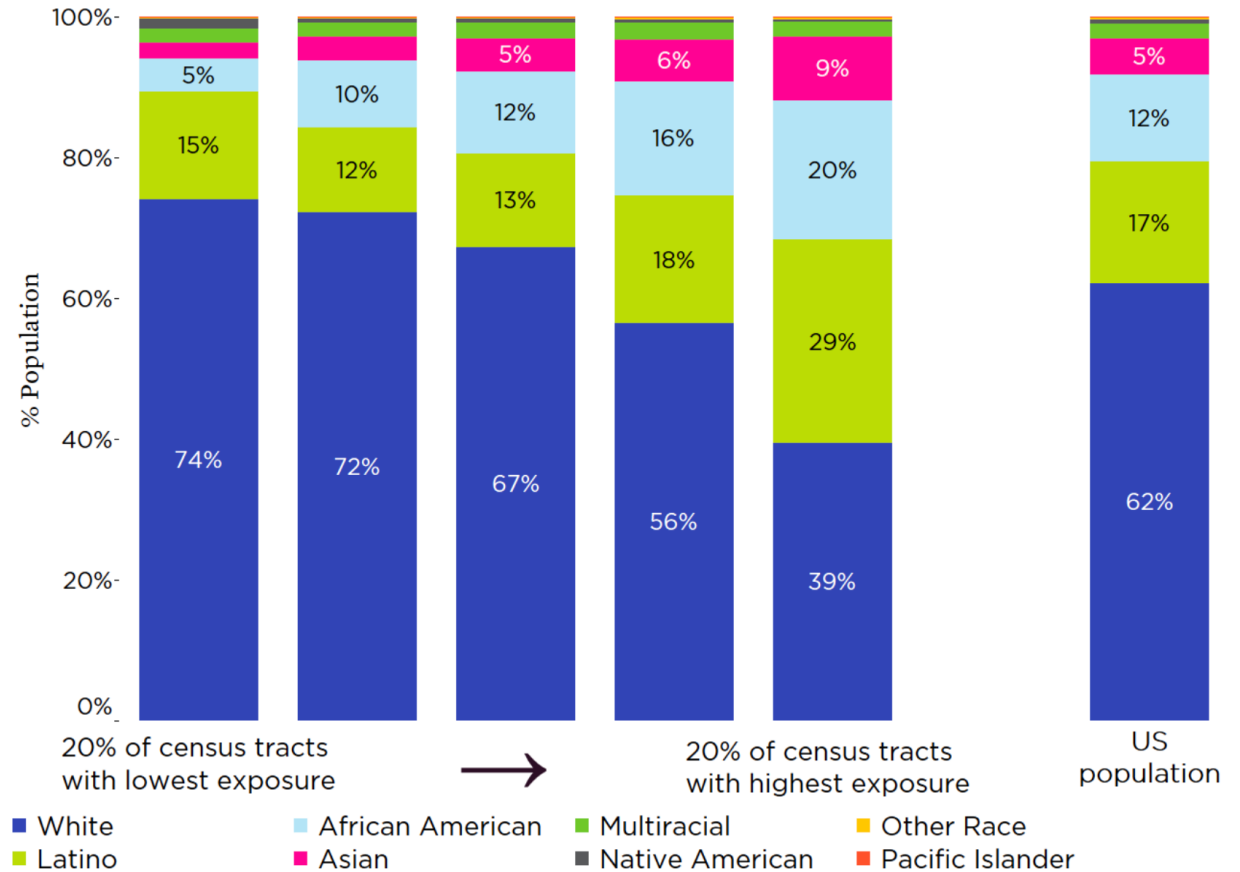
- 58,000 additional people are killed every year by car emissions (tailpipe and non-tailpipe)
- **94,750** Americans were killed by car use in 2018 (vehicular crashes + vehicular emissions)
- Per DOT formula, \$909B in losses from car deaths
  
- COVID seems to be aggravating unequal distribution





## Numbers that Take Your Breath Away: COVID-19, Air Pollution, and Equity

Exposure to On-Road PM<sub>2.5</sub> Pollution



- COVID seems to be aggravating unequal distribution

# Unequal distribution: surge in deaths of people walking and biking



Chart: Governors Highway Safety Association 2018

# Unequal distribution: surge in deaths of people walking and biking



- Pedestrians 2-3x more likely to die when hit by SUVs and pickups
- Children 5-9 years old 4x more likely (NHTSA 2015)

## Death on foot: America's love of SUVs is killing pedestrians

America's love for SUVs is killing pedestrians, and federal safety regulators have known for years.

Eric D. Lawrence, Nathan Bomey and Kristi Tanner, Detroit Free Press/USA TODAY NETWORK

Updated 10:52 a.m. EDT July 1, 2018

Severest impacts on seniors, children, people of color, the poor, wheelchair users

- “*Even after controlling for differences in population size and walking rates, we see that drivers strike and kill*”:
  - People over 50
  - People of color
  - People walking in low-income communities

“...at much higher rates.”

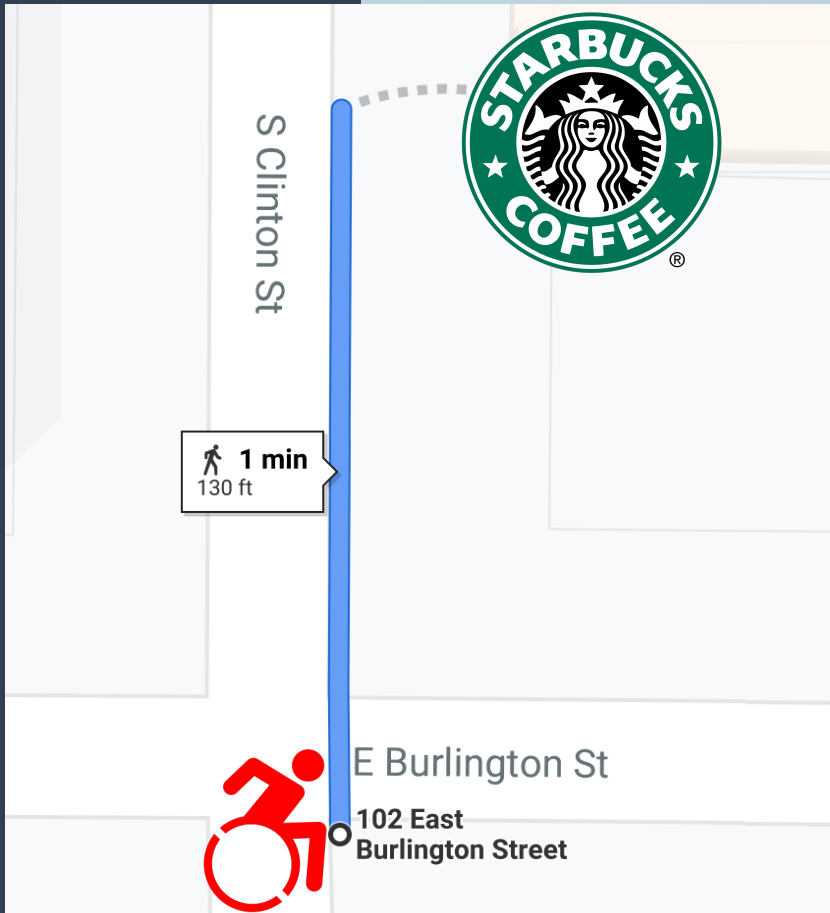
(Smart Growth America, *Dangerous by Design* 2019)



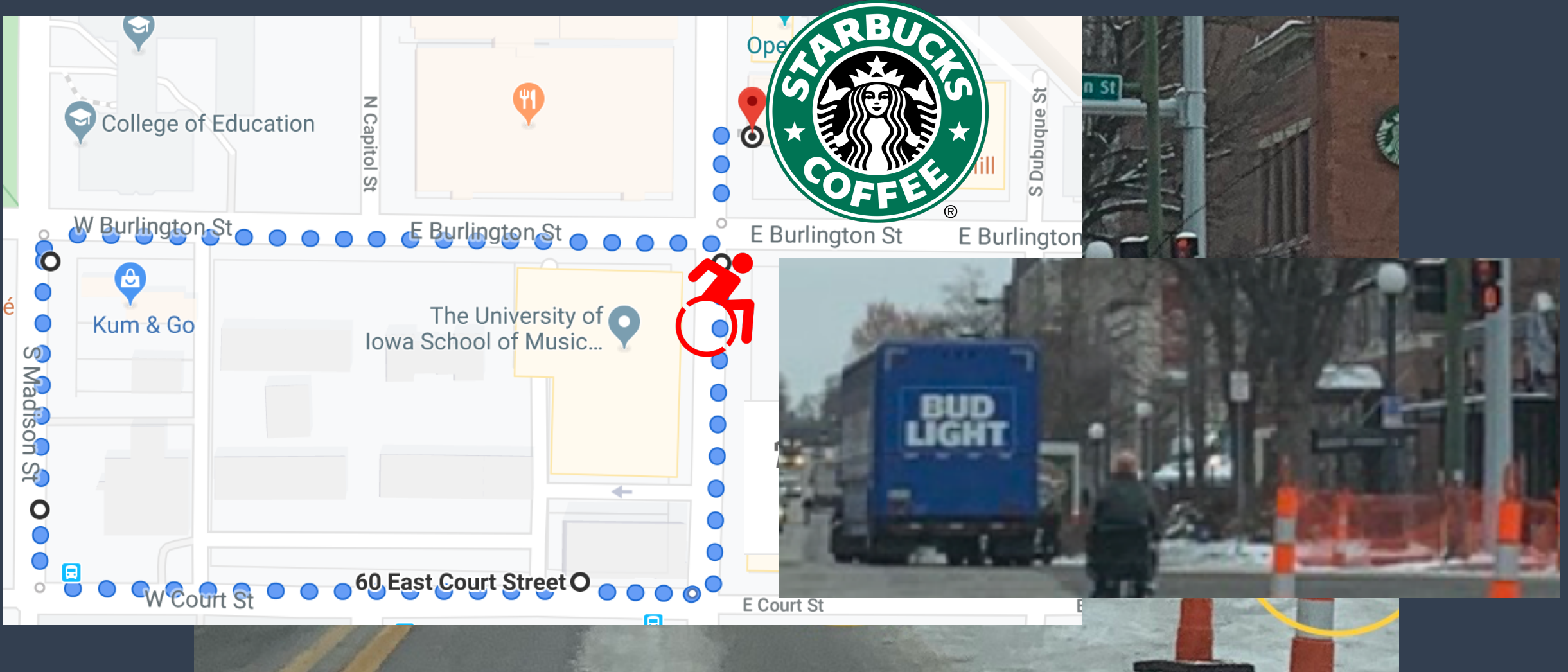
**36% likelier to be killed by motorists**

(Kraemer & Benton, *Disparities in Road Crash Mortality among Pedestrians Using Wheelchairs in the USA: Results of a Capture–Recapture Analysis* 2015)

# The world we live in but don't see



# The world we live in but don't see



# Second crisis

- Changed climate
- Using narrowest possible definition (“operating emissions”), still the #1 source of US GHGs
- Excludes cement, asphalt, car manufacturing

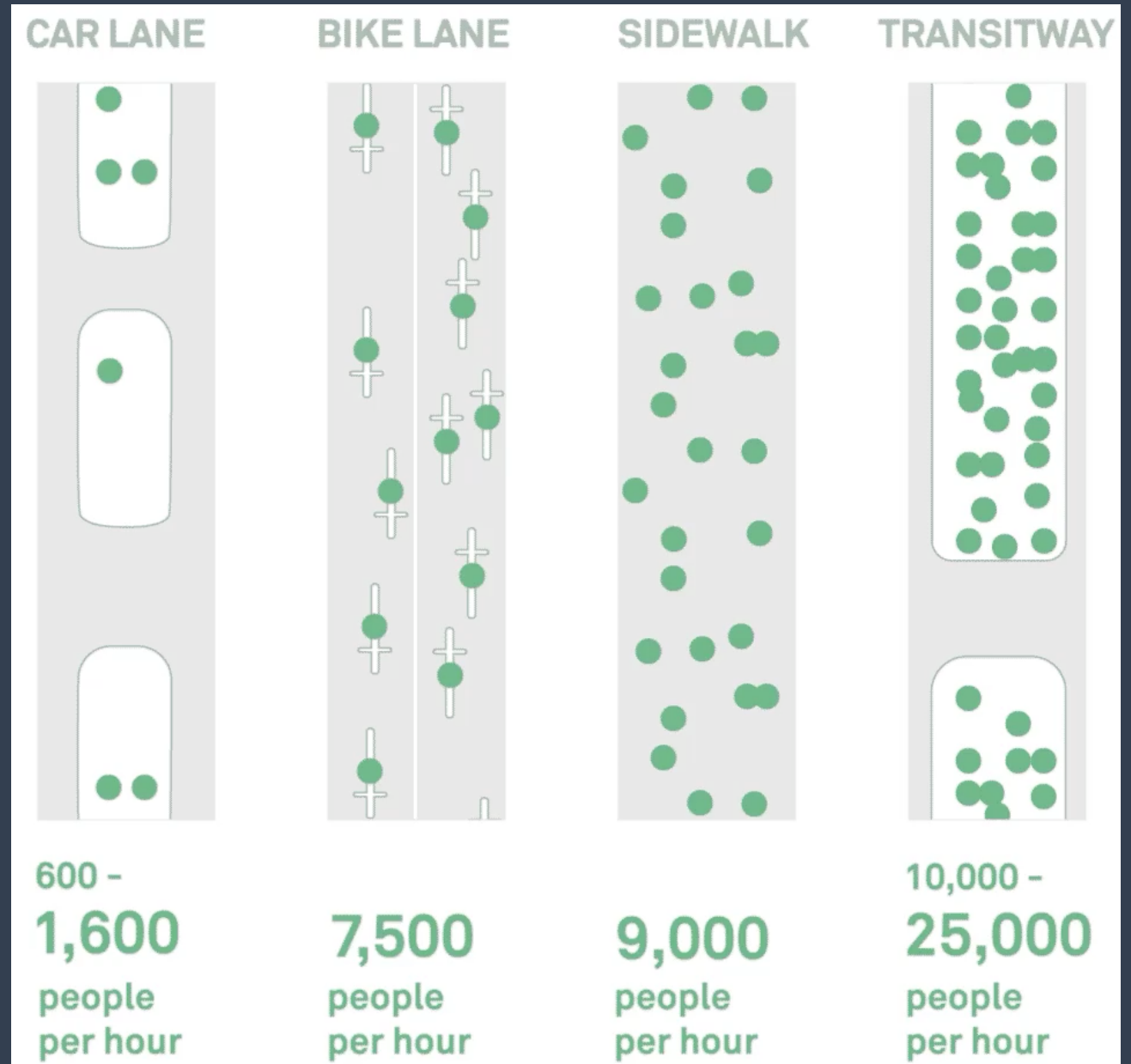


Image: [Howard TJ](#)

# Second crisis

- Cars are the #1 source of US greenhouse gas emissions
- Why?
  - Default mode. In metro Des Moines, personal vehicles = 88% of trips.
  - In cities, cars are an inefficient technology.
- Transitway up to 41x as efficient as car lane

Graphic: NACTO

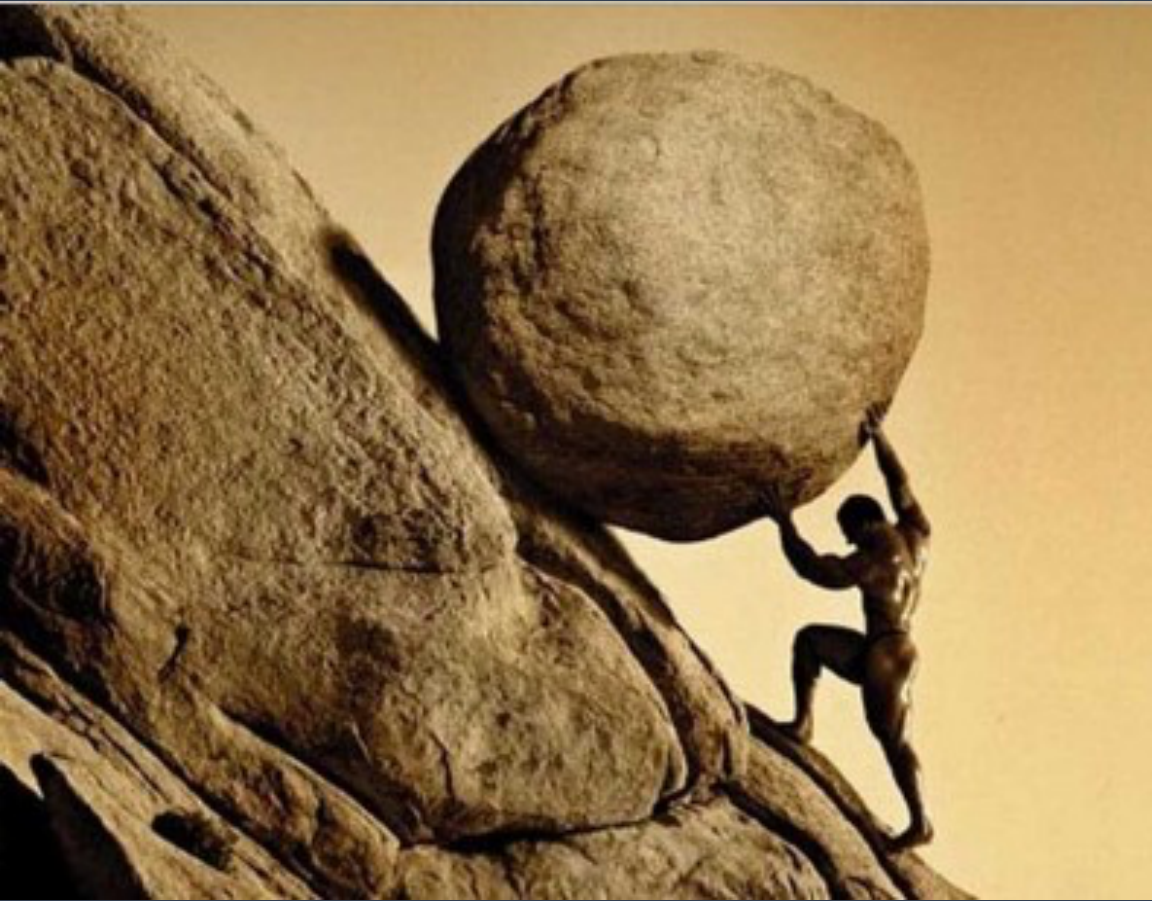




# Secondhand driving

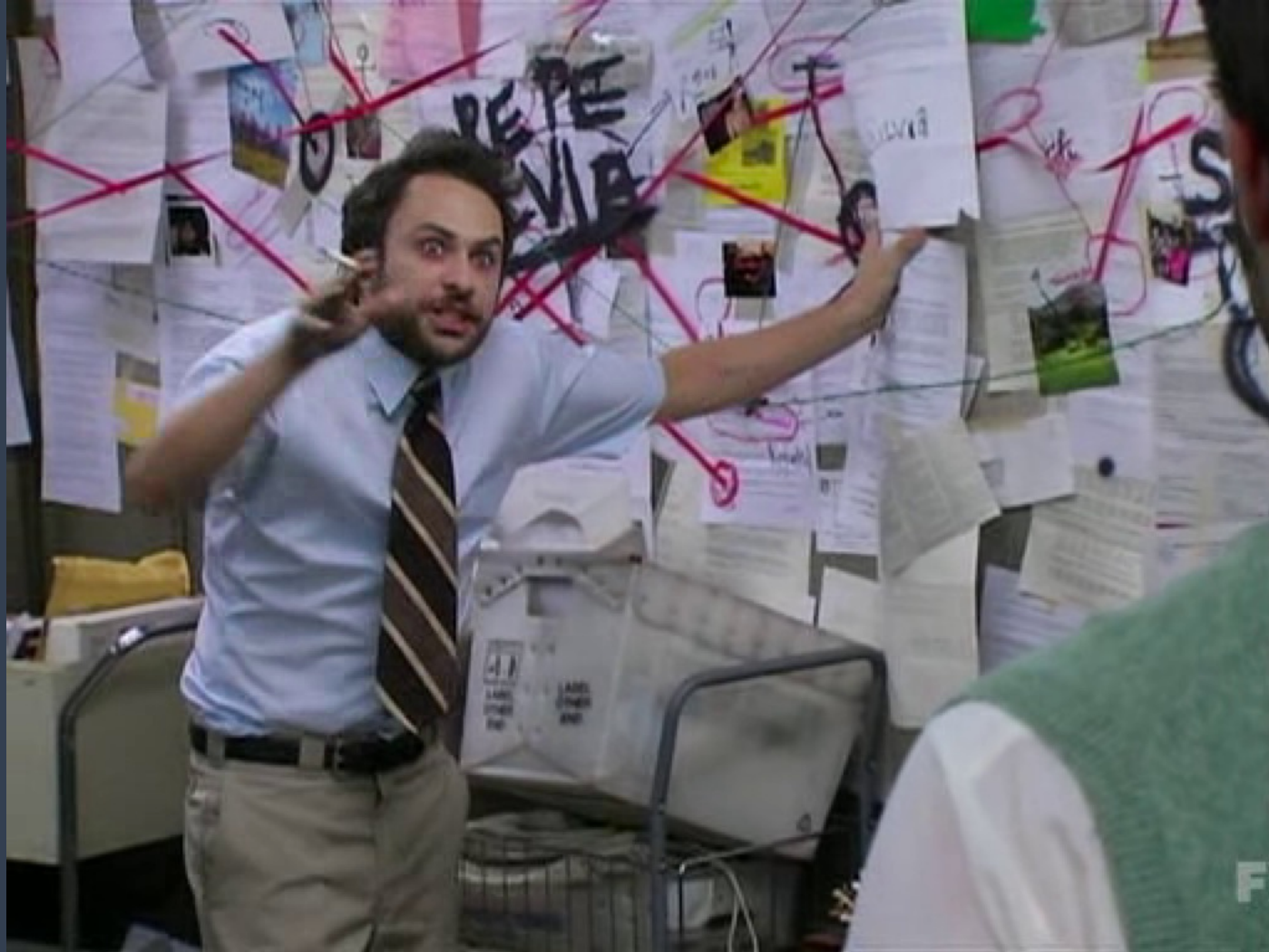
- Public health and climate crises suggest both the level of driving (VMT) & costs are very high
- Individuals can't "opt out" of networks like transport
- To reduce secondhand driving exposure, collective action is needed

## 2. Traffic safety culture & the law: scope



© 2016 Jamie Carstairs

## 2. Traffic safety culture & the law: scope



# How law promotes driving

*A. At the systems level, law increases level & risks of driving*

## 1. Laws regulating driving directly:

- a. “Level of Service” / 85th percentile method in MUTCD
- b. Insincere speed limits, chronic underenforcement, federal funds conditioned on use of dangerous standards, etc.

# How law promotes driving

*A. At the systems level, law increases level & risks of driving*

## 1. Laws regulating driving directly:

c. High-performing solutions outlawed by states

- i. Red light cameras (TX), HOV lanes (ID for Boise)
- ii. Light rail projects (IN for Indianapolis)
- iii. Speed cameras (NY\* for NYC) \*liberalized 2019

# How law promotes driving

## *A. At the systems level...*

### 2. Land use regulation

- a. Parking quotas
- b. Land use rules: city-building has been outlawed
  - a. Bans on mixed uses, unrelated adults sharing housing
  - b. Exclusionary zoning: minimum yard sizes, max FARs

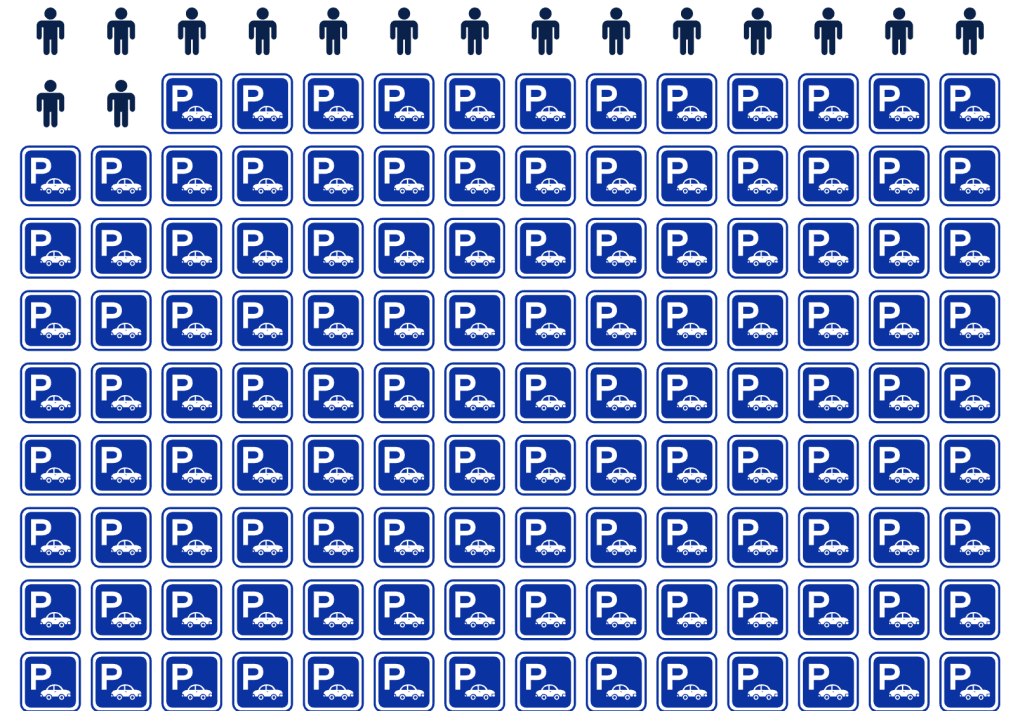
## Can't find a parking spot? There are 1.6 million in Des Moines

Kevin Hardy, The Des Moines Register | Published 8:34 p.m. CT July 13, 2018 | Updated 10:41 p.m. CT July 13, 2018

## 2. Land use regulation

- a. Parking quotas
- b. Land use rules: city-built outlawed
  - a. Bans on mixed uses, unrel
  - b. Exclusionary zoning: minir

### People and parking in Des Moines



● Population (2016) ● Parking Spaces

Source: Mortgage Bankers Association

Share

# How law promotes driving

*A. At the systems level, law increases level & risks of driving*

## 3. Environmental law

a. CAFE standards focus only on tailpipe emissions

i. Do not regulate PM2.5 (15,000 deaths/year) or PM10

ii. Non-exhaust emissions “currently account for more than 90 percent of PM10 and 85 percent of PM2.5 emissions from traffic” (Timmers & Achten 2016)

b. LTV (minivans, pickups, SUVs) special treatment (child peds hit by SUVs are 4x as likely to be killed vs. by cars)



# How law promotes driving

*A. At the systems level, law increases level & risks of driving*

## 4. Vehicle safety standards

- a. Unlike ~44 countries, US auto safety regulators have not adopted rules protecting non-occupants
- b. Existing regime likely encourages risk compensation (moral hazard)

# How law promotes driving

*A. At the systems level, law increases level & risks of driving*

4. Insurance as moral hazard

a. Inadequate bodily injury coverage requirements

5. Tax

a. EV subsidy of \$7,500 for luxury electric cars, zero for e-bikes

b. Inequitable commuter subsidies (zero for active transit)

c. Mortgage interest deduction

# How law promotes driving

*B. At the individual level, law increases level & risks of driving*

1. Tort: negligence instead of strict liability

2. Criminal

- i. Traffic violence wildly under-prosecuted
- ii. Creation of special, lesser homicide offense (vehicular manslaughter) emblematic of systemic failure

### 3. How we can reduce secondhand driving



## *Mayor Signs Law to Ban Smoking Soon At Most Bars*

By MICHAEL COOPER

New Yorkers will still be able to light cigarettes in bars this St. Patrick's Day. But by the end of March, thanks to a law signed yesterday by Mayor Michael R. Bloomberg, smoking will be banned in almost all bars and restaurants in New York City.

Mayor Bloomberg called the smoking ban one of the most important things he has done in his life, saying that it would save "literally tens of thousands of lives."

# Reducing secondhand driving

Amsterdam  
1970s

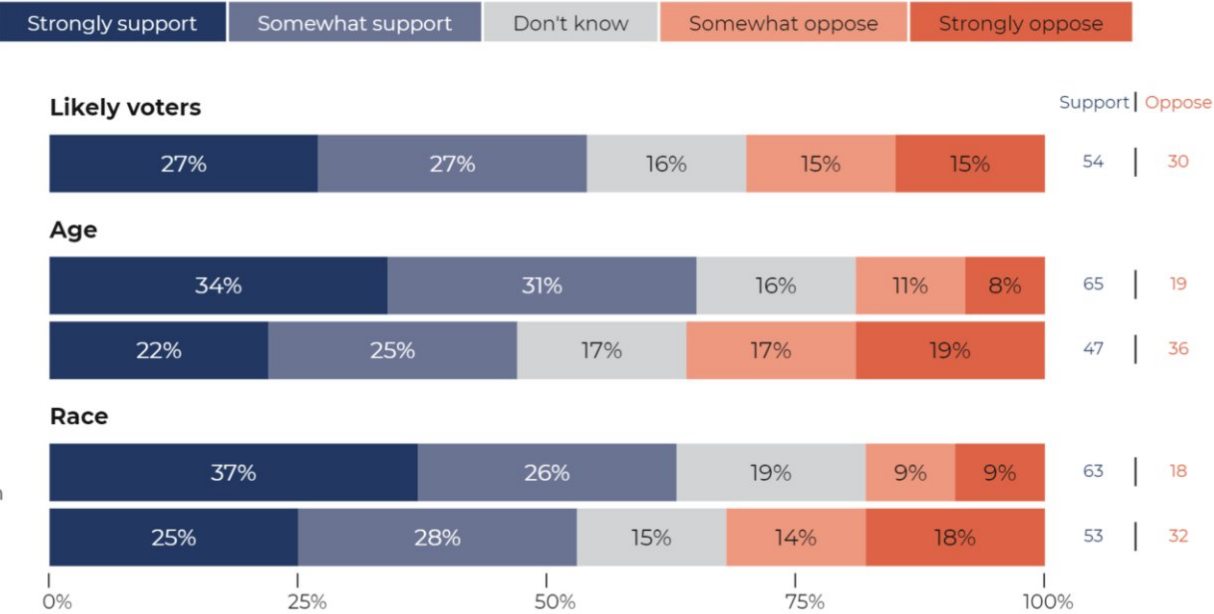
Amsterdam  
2015



# Reducing secondhand driving

## Voters Support Removing Traffic Enforcement From Police Jurisdiction

Traffic laws and traffic safety are currently overseen by armed police officers. Would you support or oppose removing traffic enforcement from police and creating a division of traffic safety within state or local departments of transportation whose employees would enforce traffic laws rather than the police?



Data for Progress

DATA FOR PROGRESS

# Thank you! Looking forward to your questions

Prof. Gregory Shill, University of Iowa College of Law  
@greg\_shill | gregory-shill@uiowa.edu

## Further Resources

- NACTO (nacto.org)
  - NACTO COVID-19 Transportation Response Center
  - NACTO Urban Street Design Guide
- Strong Towns (strongtowns.org)
- Smart Growth America (smartgrowthamerica.org)
- Sustainable Development Code (sustainablecitycode.org)

# Breakout Groups

- Each group will be assigned a facilitator to lead discussion
- One notetaker needed from each group
- Discussion will cover:
  - Reactions to speakers
  - Reflections on *RSTF 2020: Year of Traffic Safety Culture*
  - Action item development, if time permits



# Closing Remarks

- **Kelley Yemen**, Director of Complete Streets, City of Philadelphia


# Closing Remarks

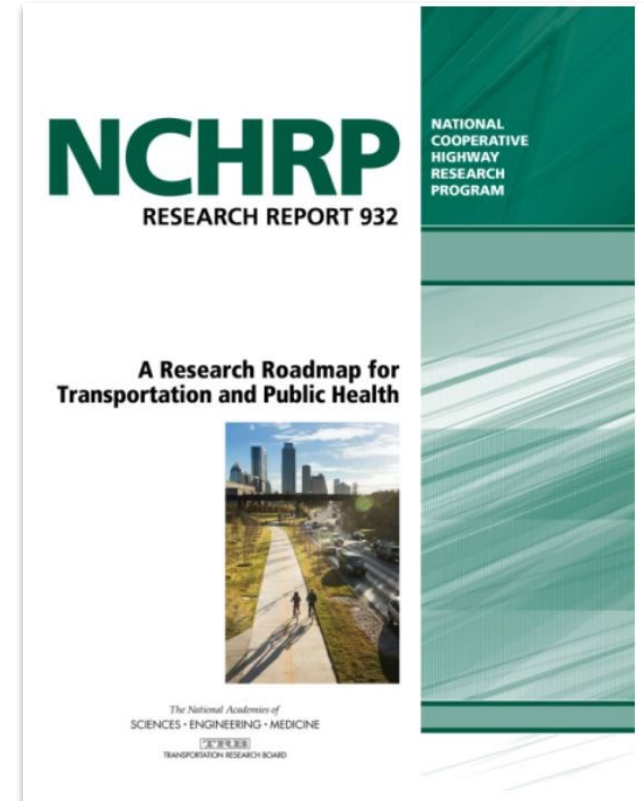
October is **National Pedestrian Safety Month** and **Distracted Driving Month**



**Please share with your networks!**

# Closing Remarks

- Ongoing Ped & Bike Info Center Webinar Series on Transportation and Public Health (now through Oct. 28)
- Webinar series follows guidance from NCHRP Publication 932 
- Next RSTF 2020 meeting will cover similar topics



# Next Meeting

Look out for a save-the-date for December 2020

The logo for RSTF 2020 Traffic Safety Culture and Health is contained within a rounded rectangular frame. At the top, 'RSTF 2020' is written in red. Below it, 'TRAFFIC SAFETY CULTURE' is written in large teal letters, and 'AND HEALTH' is written in white on a teal background. At the bottom of the frame are four circular icons: a warning sign, a newspaper labeled 'NEWS', a scale of justice, and a heart with an ECG line. Below the icons is the 'dvrpc' logo.





**PLEASE COMPLETE THE MEETING  
SURVEY!**

## **Contact**

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