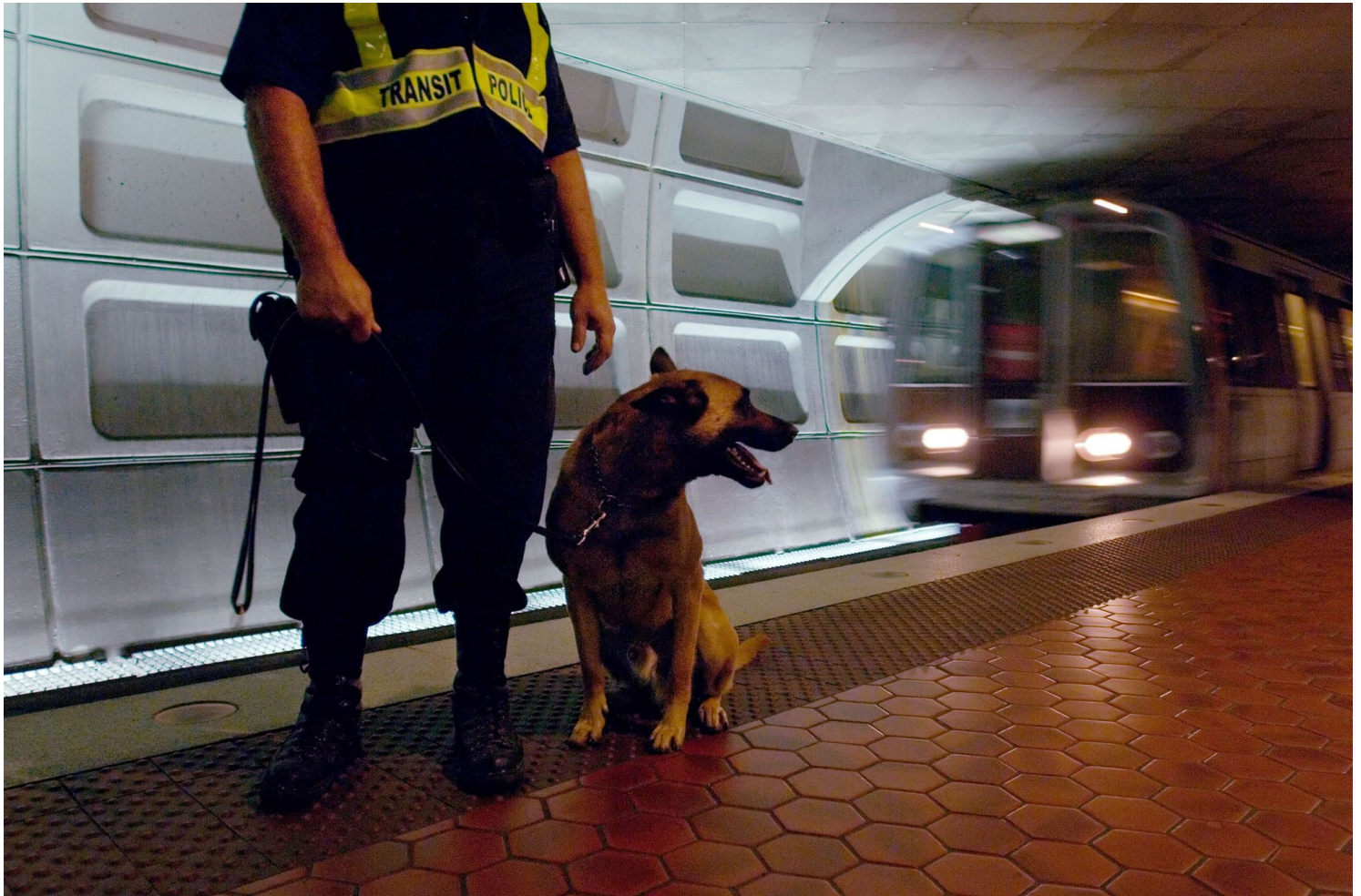


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A transit police officer on patrol in Washington, D.C.'s Metro.

Photographer: CHRIS GREENBERG



Public Transit Faces Its Own Police Reckoning

Activists and transportation planners are calling on U.S. transit agencies to rethink their reliance on law enforcement and fund better service instead.

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June 26, 2020, 4:00 AM PDT

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In March 1970, Whitney M. Young Jr., the executive director of the National Urban League,

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for public transit was a matter of “human rights and civil rights.”

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... said. “They have to look for jobs. They have to go downtown for welfare, for health. They have to shop, and a burden is thrown upon them that we think is unbearable” – that is, a lack of transportation.

This was a particular burden for Black people, Young explained. He referenced the McCone Commission, the government inquiry into the roots of the 1965 Watts uprising, which prescribed affordable housing, job-training programs, and improved public transportation to address the racial inequities and frustrations that had exploded in the South Los Angeles riots.

The commission, Young said, showed that “the inability of poor people to get to work rapidly” and “the difficulty and the expense of even looking for work ... has a very human and direct effect in increasing the tension and the feeling of despair and hopelessness in the Black community.”

Young, a civil rights leader remembered as a champion for socioeconomic justice, had barely finished speaking when Missouri Congresswoman Leonor Sullivan interrupted to share an anecdote, apparently in protest of Young’s account. St. Louis city planners had piloted a commuter bus in a “so-called ghetto area” in her district, she said, but no one wanted to ride it. A second white congressman, Bill Barrett, chimed in with a similar tale.

Young replied that if local residents had been included in planning these new bus routes, more people might have been interested in riding. Then his time was up. Though many other speakers would advocate for transit in six days of congressional testimony, no one else mentioned “civil rights” or “Black people,” even though the impetus for federal transit investment came as part of President Lyndon Johnson’s civil-rights-focused “Great

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Some of the same pain and anger that Young described 50 years ago exploded once again in late May, following the Minneapolis police killing of George Floyd. In many ways, Young's belief in the value of public transit echoes the same arguments that advocates for

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debates about the costs versus the benefits of buses and trains, while those calling attention to equity are often tokenized or "written off as the champions of 'the enemy of progress' – that is, equity," as the planner and anthropologist Destiny Thomas recently wrote in CityLab.

To disentangle race from the American transportation story, many voices are calling for a transformation of how transit systems are planned, funded, operated, and kept safe. On the agenda: ideas like offering free fares, defunding transit police, and re-orienting urban mobility around the needs of the people who rely on it, rather than the presumed whims of the car-owning suburbanites that many agencies covet. A number of activists, researchers, and industry professionals believe that a reckoning is overdue about what public transportation should do, who it serves, and who it is failing.

"Coronavirus exposed how all of our systems are intertwined with systemic racism, from our healthcare system to our transportation systems to the types of work people do. All of those things were exposed for people who have a lot of privilege day to day," said Naomi Doerner, a principal and director of equity, diversity, and inclusion at Nelson\Nygaard, a transportation planning consulting firm. "One dimension of that is how heavily transportation policy relies on police enforcement. We need to examine and be honest about that, and who it is impacting most."

Activists in a number of cities are calling on agencies to review the use of law enforcement on public transit networks, particularly as cities grapple with how to pay for bus and rail services in the face of huge pandemic-related budget shortfalls. The dangers posed by police on transit systems to the people of color who disproportionately ride them is well documented. Among the most searing incidents was the Bay Area Rapid Transit police officer who shot and killed Oscar Grant, a 22-year-old Black man, in 2009. Grant's death in Oakland was one of the first instances of cellphone footage of police brutality going online, and it set off a wave of anti-racist protests in the Bay Area and beyond. Countless

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Understand the story of the world's cities, communities, and neighborhoods with free, unlimited access to Bloomberg CityLab. Law enforcement represents a major expense for transit agencies. The Los Angeles County Metropolitan Transportation Authority has dedicated more than \$650 million over five

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agencies, to dramatically cut back service. To Oscar Zarate, an organizer with the social justice group SJA in Los Angeles, that's the wrong priority. "If [transit] budgets are so so much of it to the police?"

These critiques come as protesters call for cities to defund police departments more broadly. Some local governments seem to be listening, with more than a dozen recently pledging to trim police budgets and replenish other social services – incremental shifts that fall far short of the law enforcement overhaul that a large swath of the American public wants to see.

Public transit featured directly in the early days of the George Floyd protests, with agencies facing criticism for transporting detained demonstrators as well as police officers, especially in cities where police appeared to be instigating violence; sudden bus service outages during demonstrations and protest-related curfews were met with public outrage.

Demands by Zarate's group and others like it have pressed some city leaders to a week. Portland, Oregon's transit agency, TriMet, announced plans to divert \$1.8 million

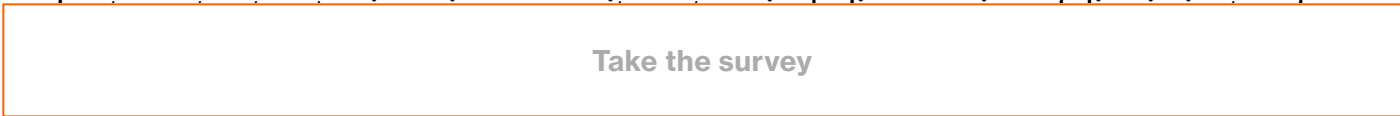
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 Metro Board of Directors will review options for a similar “community-based approach” to
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 policing buses and trains. Boston's transit police department has revised its use of force
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 policy, including an explicit ban on chokeholds, and Washington, D.C.'s WMATA is drafting a



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icism within and throughout our transit system,” Paul
 C. Smedberg, WMATA board chairman, said at a board meeting earlier this month.
 “Furthermore, we acknowledge the historic role of transportation in the civil rights struggle
 in the United States.”

But some observers say that policy reforms and budget tweaks are the tip of the iceberg. In
 addition to racist law enforcement practices by specific transit agencies, U.S. criminal
 statutes make riding public transit an exceptionally punitive space. “Our legal system, from
 federal to state to local governments, is shot through with a preference for driving,” said
 Gregory Shill, a law professor at the University of Iowa who studies transportation issues.
 “That means there’s a much more pervasive risk of experiencing physical harm by armed
 law enforcement when you’re a transit rider.”

As an illustration, Shill pointed to New York City, where in late October a group of NYPD
 officers drew guns, tackled, and frisked a 19-year-old Black subway rider before arresting
 him for allegedly failing to pay a \$2.75 fare, one of many brutal NYPD encounters filmed
 inside subway cars and stations last fall. In November, Governor Andrew Cuomo announced
 plans to hire 500 new MTA police officers at a cost of \$249 million, a decision that continues
 to draw the ire of local riders unions, especially with the MTA’s recent request to
hire further additional police officers as the city’s economy reopens.

“What we know about the devastating impact of policing in many communities in our city
 suggests we need a decisive shifts from those policies,” Danny Pearlstein, a spokesperson for
 the Riders Alliance in New York City, told the New York Daily News earlier this month. “We
 know from statistics that overpolicing in the subway hits communities of color by far the
 hardest.”



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 have lower overall crime rates than car travel. “Fears of crime on public transit are often more about fears of particular types of people than about crime itself,” stated a 2019 article for the media watchdog group FAIR about perceptions of danger aboard the New York City

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been partially replaced by new threats, the law enforcement infrastructure designed to thwart attackers remains in place.

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The racial impacts of transit policing are especially stark when transit enforcement codes are compared to vehicle traffic law (though racism in traffic enforcement has cost countless lives). In New York, an MTA rider can be legally arrested and sentenced to jail for not paying her fare, while a driver who blocks a bus lane with her car and delays dozens of commuters will receive a \$50- \$250 traffic fine, and such drivers rarely do in practice, Shill said. Similarly, “enforcement of laws proscribing striking pedestrians are rarely enforced, even against hit-and-run motorists who kill their victims,” he wrote in a recent legal article on this subject.

Those riding subways and buses are also more easily subject to police searches than they are inside private vehicles, he continued. Even within public transit itself, different modes present riders with different legal parameters: A commuter rail passenger heading home to Long Island who forgot her monthly pass can pay cash for a ticket and enjoy a beer while on board her train; another worker running late to catch the bus home to Brooklyn who discovers her Metrocard is out of cash can go to jail.

With transit ridership’s minority-leaning makeup, these legal disparities in how transportation modes are policed become issues of racism. “I’m not the first person to call this ‘transportation apartheid,’” Shill said.

Some advocates say transit systems need to have their own defund-really-means-abolish conversation about law enforcement officers, said Channing Martinez, a community activist and organizer with the L.A. Bus Riders Union. “Just seeing the police in a Metro station is like a psychological attack for a lot of people. It can even be a deterrent from riding.”

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New York City Police Department officers patrol in a subway station in New York City.

Photographer: Stephanie Keith/Getty Images North America

These barriers to freedom aboard transit are compounded by longstanding transportation funding gaps that reflected deeply embedded structural racism: During the postwar era, new federally funded urban highways displaced tens of thousands of Black and Brown families and destroyed millions of dollars in homes and businesses. And while the federal government did dramatically expand transit funding in the 1970s, as Young and dozens of others asked Congress to do, it was a fraction of the amount that roads and highways received. And many of those dollars went to expensive new rail systems that opened that decade in Atlanta, the Bay Area, and Washington, D.C. – systems that were designed to attract suburban riders more than they were to serve people who already used transit most.

City buses also received funding. But elected leaders and policymakers increasingly associated this mode in particular with poverty, says Peter Norton, a professor of history specializing in technology and cities at the University of Virginia. In the 1950s and 60s, “bus service went from being a public utility to a social welfare service,” and the attitude inside halls of power was that “it’s a shame that we have to spend money, but we owe poor people a little bit of help,” Norton said. Inextricable from this was that buses served riders of color at increasingly disproportionate rates.

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These dynamics have continued to play out over time. In the late 1990s, the L.A. Bus Riders

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most. They won, and a decade-long civil rights consent decree forced the agency to bulk up its bus investments. Their argument rejected the idea that transit was some kind of charity to the poor, and instead positioned transit and transit riders as a key component of a stable

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“If you think about unions, normally it’s workers trying to get all of their rights protected in a workplace,” he said. “We’ve often called bus systems ‘factories on wheels,’ because it’s

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ng ourselves a union was about building a base of

Black and Latinx folks to take on racism in the bus system.”

Even before the pandemic hit, declining transit ridership had presented fiscal challenges to the transit industry. Activists say that tax dollars that current pay for transit enforcement could be better spent on improving and expanding service. “When we talk about defunding the police, we’re also talking about where those funds can go,” Zarate said. “We want to make transit systems free, which would make it more economically accessible to vulnerable people,” many of whom are struggling more than before because of the pandemic, he added.

Shill agrees. “There’s a lot of money spent on transit policing, and we know that that has negative and often violent consequences for overpoliced vulnerable communities,” he said. “At the same time, those same communities need better service for transit, and the excuse for providing it has always been the lack of resources. I can’t help but notice that disconnect, given the history.”

Doerner added that there is “no shortage of ideas as to how to better spend those resources. It’s just a question of will, a will to reimagine and change how we have been doing things.”

Indeed, while BRU and other organizations have fought for transit justice for years in L.A. and other cities, their voices and role in shaping transit policy have often been overlooked – similar to the challenges that Young faced in being heard on Capitol Hill half a century ago.

“Civil rights groups have always been doing this work in cities, but it is a struggle to get recognition,” said Martinez. “Reporters go to Metro and city council to hear v

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