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Op-Ed: Transportation and the Police: Reconsidering Traffic Enforcement

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JUNE 11, 2020 | ROMIC AEVAZ

This article is the first piece in a Transportation and the Police op-ed series by Eno's Romic Aevaz.

Millions of people across the country have demanded major transformation of public safety after the killings of George Floyd, Breonna Taylor, and the countless other Black Americans – often unarmed – by the police. Among the most prominent elements of public safety that falls under the jurisdiction of police is traffic enforcement. Given the disproportionate and often violent impact of traffic enforcement on Black and brown communities, major changes to traffic enforcement are needed to create a fairer and more just approach to traffic safety.

Much of today's traffic safety infrastructure and laws originally stem from the work of [William Phelps Eno](#), often referred to as the Father of Traffic Safety. At a time with little to no regulation of traffic movement on public streets, Mr. Eno [lobbied](#) for the creation of rules governing the flow of movement on public streets, culminating in his publication of the world's first city traffic plan, the *Rules of the Road*. This plan was adopted by New York City in 1909 and later by Paris and London.

While Mr. Eno introduced traffic safety concepts like stop signs, pedestrian safety islands, turn signals, and driving on one side of the road, he also authored the first manual for police traffic regulations. A 1909 [article](#) from the Washington Evening Star and Chicago Record-Herald quotes Eno's three principles of traffic regulation:

1. We must have concise, simple and just rules, easily understood, obeyed and enforced under legal enactment.
2. These rules must be so placed and circulated that there can be no excuse for not knowing them.
3. The police must be empowered and ordered to enforce them, and men should be trained for that purpose.

This enforcement-centric approach to traffic safety underpins the major role of police in traffic safety today, which has expanded considerably with the adoption of the automobile. Much has been written linking the [evolution of policing](#) in the United States to the [growing popularity of the automobile in the 20th century](#), as well as the erosions of Fourth Amendment rights during traffic stops [by the Courts](#). In [Atwater v City of Lago Vista](#), the U.S. Supreme Court ruled that “If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence” – in this case, failure to wear a seat belt – “he may, without violating the Fourth Amendment, arrest the offender.”

Today, traffic stops remain the public's most common interaction with law enforcement. [Existing research](#) has shown that police are [20% more likely](#) to stop Black drivers, [twice as likely](#) to threaten or use force against Black and Latinx drivers, and more likely to search their cars [under less suspicion](#) of wrong-doing than white drivers. These patterns perpetuate a dehumanizing, daily fear of being profiled and stopped by the police for the color of one's skin. For too many of our Black neighbors, a routine traffic stop under the pretense of a moving violation can quickly turn deadly. [Walter Scott](#) was killed by an officer after being pulled over for a broken brake

light, [Sandra Bland](#) for a failure to signal a lane change, and [Samuel Dubose](#) for a missing front license plate. Philando Castile, who was killed by an officer during a traffic stop in 2016, had previously been stopped by the police [nearly 46 times](#), mostly for minor moving violations.

Not only can traffic stops for minor moving violations turn deadly at the hands of law enforcement, they often serve as an [entryway](#) into the criminal justice system and a [cycle of debts](#) and [incarceration](#). Inability to pay a ticket or misdemeanor fine can place a driver at greater risk of being stopped or arrested for failure to pay, having their license suspended, and being jailed for driving without an active license. Some states, including [Illinois](#) and [Washington, D.C.](#) have eliminated license suspensions for unpaid fines, a move that other states should adopt. However, states and localities can and should do more to address the racially and economically unequal impact of punitive traffic enforcement laws in our communities.

Institutional and Policy Changes

From an institutional perspective, Philadelphia may serve as a potential model for delegating traffic safety to a non-police force. In 2019, Philadelphia [voters approved](#) a charter amendment that would create a new class of public safety officers tasked with handling traffic safety. These officers would be unarmed and unable to arrest individuals, but will be authorized to direct traffic and issue some citations. However, citing budget constraints, the hiring of these officers and the full details of their role and authority has been [delayed](#) until 2022.

While the impact of this change will be unknown until it is enacted, states and localities should consider similar approaches to traffic safety. Delegating traffic enforcement to an unarmed team of traffic safety personnel without authority to arrest individuals and limited ability to issue citations may reduce the public's most routine interaction with law enforcement. But such a system may still uphold inequities under the current system if traffic stops and enforcement of citations and fines remains a primary goal.

Other potential solutions may include automated traffic enforcement, though automation alone is not a panacea if equity considerations in camera deployment and the criminalization of unpaid fines are left unaddressed. Additionally, [at least 11 states](#) prohibit or limit the use of traffic enforcement cameras, and their implementation is often rife with political and legal challenges.

While Washington, D.C. relies heavily on automated traffic enforcement cameras, a [report](#) by the DC Policy Center found that drivers in predominantly Black neighborhoods were over 17 times more likely to receive an automatic moving violation than in a predominantly white neighborhood. These disparities persist despite similar instances of crashes per capita. While the underlying data are unable to

shed light on the demographics of the drivers, the report suggests considering the unequal racial and economic impacts of automated traffic enforcement when locating cameras, and consider adopting a sliding-scale for traffic fines tied to income.

From prioritizing street design and non-punitive public safety interventions to removing traffic enforcement from police entirely, communities must explore solutions to promote traffic safety without an overreliance on enforcement or criminalization. Officials should use this moment to not only listen and respond to the lived experiences of communities directly impacted by traffic enforcement, but also to elevate and incorporate existing voices advocating for traffic safety approaches that acknowledge the inequitable and often violent impact of traffic enforcement on Black and brown residents.

Transportation and the Police Part 2: The Enforcement Problem in Pedestrian and Bicycle Safety, will be published in next week's edition of Eno Transportation Weekly.

The views expressed above are those of the author and do not necessarily reflect the views of the Eno Center for Transportation.

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