

Transportation Equity Caucus

The Transportation Equity Caucus is a diverse coalition of organizations promoting policies that ensure access, mobility, and opportunity for all. Moving forward together, we are charting a new course for our nation through transportation investments that ensure that everyone can participate and prosper.

Transportation is an imperative part of life. It is the connector for people's work, medical care, worship, recreation, and essentials for life. We believe that transportation is a part of the nationwide focus on ending the harm and killing of Black bodies by law enforcement. In that work we have suggestions for how the Prohibiting Racial Profiling program can be improved and better implemented. 23 USC 1906. We also believe that [President Biden's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) should be used in this work defining safety for all communities and addressing the use of enforcement in transportation.

1906 Program: Prohibiting Racial Profiling

The Prohibiting Racial Profiling program was originally created in [Safe Accountable Flexible Efficient Transportation Equity Act](#) (SAFETEA LU), and then was reauthorized in the [Fix America Surface Transportation Act](#) (FAST). The purpose of the program is to help states, who have policies or practices against racial profiling, collect data to detect if racial profiling is occurring. The program has the potential to help states and their law enforcement agencies create a goal to provide data analysis and performance measurements that many communities request. Unfortunately, the program is woefully underutilized right now, with only 4-5 states using the funding for this purpose. This number is an estimate because there are not reporting mechanisms set up to identify the exact number.

The potential for this program is highlighted in the work from Connecticut. The state has partnered with a University to analyze the data, share that data with law enforcement departments, policy experts, and the public to identify and advocate for policy and programmatic changes. Variations of the [Connecticut model](#) have been implemented in Rhode Island, Oregon, and California.

These suggested changes will help increase usage and benefit from the program.

Eligible Activities

Currently the 1906 program funds only the collection and analysis of traffic stop data. To meet the goals of the program, the following changes are necessary:

1- Right now that statute is interpreted to just address traffic stops of drivers. It should also address traffic stops and citations of people being pedestrians who roll and walk and those who are bicycling. Enforcement data of bike helmet laws in Texas and bike light laws in Florida, show racial bias. Thus to truly address racial profiling in traffic stops we must include these stops, as well as jaywalking and other infractions.

2- Currently only data collection and analysis is eligible. To make progress the program should also fund reporting out this information as well as outreach to law enforcement leadership, the public, and policy experts, to develop policy and programmatic changes.

3- One of the reasons the program is underutilized is a lack of communication between state Transportation and Justice departments. Funding a qualified third party to educate appropriate agencies and offer technical assistance with the start up of the program will improve implementation.

Funding for 1906 Program

These added eligible activities will require significantly increased investment in the program. At least triple the 1906 program funding which is for research, public education and participation, and policy reform. This is necessary to ensure a fully functioning program.

Redirecting Funding

The current program includes a perverse incentive, that allows states who don't use the funding for its intended purpose, to then use it for their choice of other enforcement programs. This is troublesome because a state that does not want to address racial profiling can deliberately choose not to do so and benefit from that action by having more funding for other programs. In these times when communities are demanding that law enforcement be held accountable for their actions, this redirection of funding is contrary to those requests and harmful to Black Indigenous People of Color (BIPOC). This is exactly why we are engaging in work to remove enforcement in transportation and bring this information into the nationwide focus on ending the harm and killing of BIPOC.

Instead, funding not used for the intended purpose, should be reallocated to:

- Fund a national report on aggregate data from this program, and report on any trends, best practices and recommendations.
- Fund other programs that can create safety within a community that do not entail enforcement.
- Be redistributed to qualified states engaging in the program for eligible activities.

We believe that these recommendations are indicated in the language of President Biden's EO on Advancing Racial Equity - February 2021:

Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.

It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

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