

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 11-23: MOTOR VEHICLES AND TRAFFIC – TRAFFIC SIGNALS, DEVICES, AND ENFORCEMENT ACTION PLAN

SUMMARY

The Office of Legislative Oversight (OLO) finds the racial equity and social justice (RESJ) impact of Bill 11-23 is indeterminant. While Black, Indigenous, and Other People of Color (BIPOC) Montgomery County Public Schools (MCPS) student pedestrians could disproportionately benefit from traffic improvement recommendations of infrastructure reviews, it is unclear how these recommendations will translate into investments for affected school zones. Further, it is unclear the extent to which BIPOC constituents will be the primary beneficiaries of proposed traffic safety investments in downtown and town center areas, and the pending automated traffic enforcement plan.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 11-23

Vision Zero is a strategy for eliminating all traffic fatalities and severe injuries, while increasing safe, healthy, and equitable mobility for all. Since its inception in Europe in the 1990s, a growing number of jurisdictions in the United States have adopted Vision Zero action plans.³ Montgomery County adopted its own action plan in 2016 and outlines the following goals:

Using data-informed and equitable approaches, Montgomery County will systematically update the roadway network to create complete, safe streets and build a culture of safety through purposeful campaigns and engagement to eliminate serious and fatal collisions by 2030.⁴

Bill 11-23, The Safe Streets Act of 2023, proposes the following actions to advance the County's Vision Zero goals:⁵

- require an infrastructure review for pedestrian-related collisions within a County's school zone;
- prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- require certain traffic control devices at crosswalks in the County's downtown and town center areas;⁶
- require the County Executive to provide an automated traffic enforcement plan; and
- generally amend the law regarding motor vehicles and traffic control.

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Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan, was introduced by the Council on February 28, 2023.

In August 2022, OLO published a RESJIS for Bill 24-22, Streets and Roads. Please refer to this RESJIS for more background on transportation infrastructure and racial equity.⁷

VISION ZERO AND RACIAL EQUITY

Racial equity is a central component of the Vision Zero movement. As explained by the Vision Zero Network:

In order to transform broken systems into safe systems, Vision Zero efforts must recognize that many communities have been systemically discriminated against in transportation practices, and that not all communities are starting from the same place, in terms of traffic safety investments and practices. And, specifically, the harms caused by racial bias in policing showcase the urgent need to improve upon the traditional approach to traffic safety. As advocates for safe mobility, we must work hard to ensure that Vision Zero efforts improve – not exacerbate – negative, unintended consequences, particularly in communities of color and low-income communities.⁸

The network proposes three broad strategies for integrating equity in Vision Zero: rethinking the role of enforcement; investing where needs are greatest; and engaging the community.⁹

Historically inequitable policies and practices in transportation infrastructure have fostered disparities in traffic-related injuries by race and ethnicity. Researchers note that unsafe street infrastructure conducive to traffic accidents – such as inadequate sidewalks and crosswalks, and major arterial roads that prioritize speed and car volume over pedestrian safety – often characterize low-income communities.¹⁰ Racial and ethnic differences in the social determinants of health have also been cited as drivers of racial disparities in traffic-related injuries.¹¹ National data on traffic injury shows that:

- Indigenous and Black Americans have the highest rate of traffic deaths at 145.6 and 68.5 per 100,000, followed by White (55.2 per 100,000), Latinx (46.9 per 100,000) and Asian (15.3 per 100,000) Americans.¹²
- Black cyclists have per mile fatality rates four times higher than White cyclists, and Latinx cyclists have per mile fatality rates 70 percent higher than White cyclists.¹³
- For motorcycle crashes, Black victims were 1.5 times more likely to die from their injuries than similarly injured White victims, even though they were 30 percent more likely to have been wearing helmets.¹⁴
- Black and Indigenous Americans have pedestrian deaths two to three times higher than White Americans. Further, the lower the income of the census tract, the more likely a person is to be struck and killed while walking.¹⁵

Available local data also demonstrates disparities in traffic injuries by race and ethnicity:

- Between 2011 and 2015, Latinx pedestrians were most likely to be killed in a traffic incident (2.9 per 100,000) followed by Black pedestrians (1.6 per 100,000) and White pedestrians (0.9 per 100,000).¹⁶

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- Between 2011 and 2015, Black vehicle occupants were most likely to be killed in a traffic accident (4.3 per 100,000) followed by White vehicle occupants (3.4 per 100,000) and Latinx vehicle occupants (3.2 per 100,000).¹⁷
- Local communities in Montgomery County with higher rates of poverty, persons of color, and younger residents have higher collision rates compared to the rest of the County.¹⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 11-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO identified several stakeholders that would be impacted by this Bill:

- **MCPS student pedestrians, as well as parents, staff, and other pedestrian stakeholders** could benefit from traffic improvement recommendations in County school zones leading from infrastructure reviews of collisions involving student pedestrians going to and from school. This change could disproportionately benefit BIPOC student pedestrians, as they are likely overrepresented in schools located in areas of the County with higher collision rates and pedestrian crashes (Appendix, Figure 1).¹⁹
- **Constituents residing in downtown and town center areas** could benefit from increased safety through the implementation of right turn restrictions at intersections and the installation of traffic control devices at crosswalks. It is uncertain the extent to which downtown and town center areas overlap with areas of the County where BIPOC or White residents are overrepresented; thus, there is insufficient information to determine if there could be disproportionalities by race and ethnicity among constituents residing in these areas.
- **Constituents and other stakeholders using County roads** could benefit from increased safety through the development of an automated traffic enforcement plan for the County. Since the plan is pending completion, there is insufficient information to determine who the primary beneficiaries will be and if there could be disproportionalities by race and ethnicity among them.

For the second question, OLO considered the effect this Bill could have on reducing transportation inequities in the County. While BIPOC MCPS student pedestrians could disproportionately benefit from traffic improvement recommendations of infrastructure reviews, it is unclear how these recommendations will translate into traffic safety investments for affected school zones. Further, it is unclear the extent to which BIPOC constituents will be the primary beneficiaries of proposed traffic safety investments in downtown and town center areas, and the pending automated traffic enforcement plan.

Taken together, OLO finds the RESJ impact of Bill 11-23 is indeterminant.

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RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.²⁰ OLO finds the RESJ impact of Bill 11-23 is indeterminant. As such, OLO does not offer recommended amendments.

CAVEATS

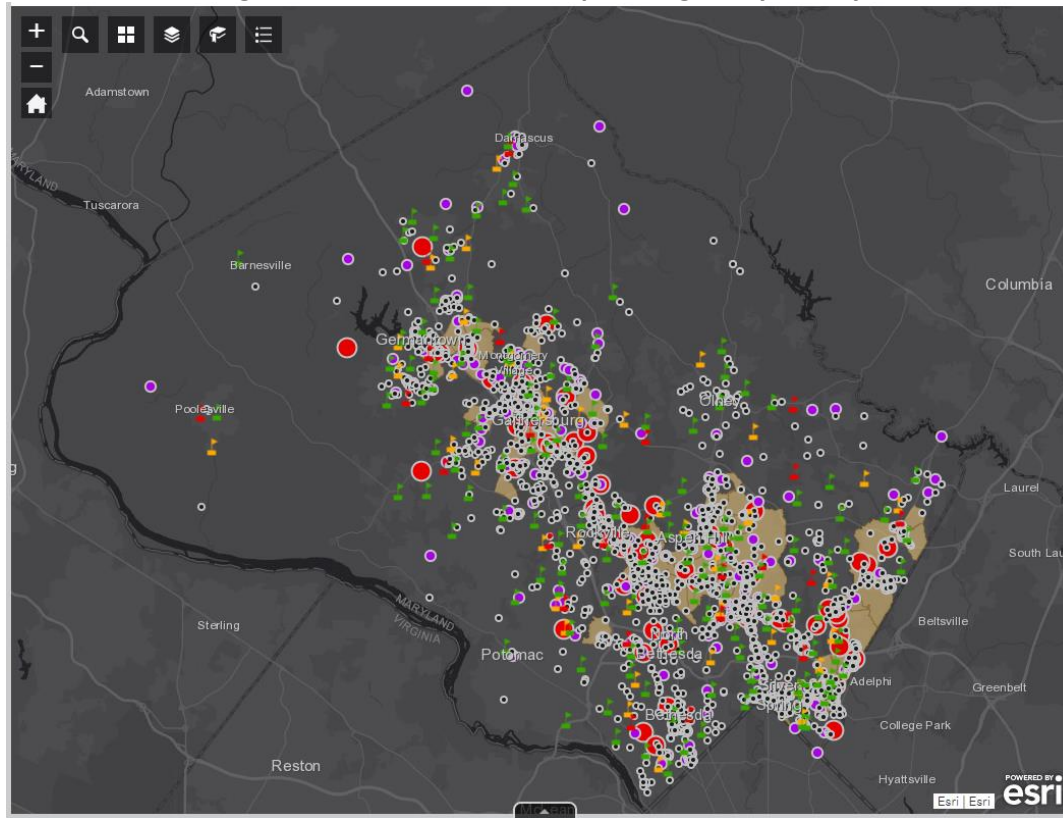
Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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APPENDIX

Figure 1: Pedestrian Crash Map, Montgomery County



Source: 2015-2020 Montgomery County Interactive Crash Map, Montgomery Planning.

Legend

	Pedestrian Involved, Fatality		MCPS Elementary School		Equity Focus Area ²¹
	Pedestrian Involved, Serious Injury		MCPS Middle School		
	Pedestrian Involved, Minor/No Injury		MCPS High School		

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¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ Vision Zero Homepage, Vision Zero Network. <https://visionzeronetwork.org/about/what-is-vision-zero/>

⁴ Introduction Staff Report for Bill 11-23, Montgomery County Council, Introduced February 28, 2023. https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2786_1_23771_Bill_11-2023_Introduction_20230228.pdf

⁵ Ibid

⁶ Certain traffic control devices include a “leading pedestrian interval” (LPI), which gives pedestrians the opportunity to enter the crosswalk at an intersection 3-7 seconds before vehicles are given a green indication.

⁷ RESJIS for Bill 24-22, Office of Legislative Oversight, August 22, 2022. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2022/Bill24-22.pdf>

⁸ Safe Mobility is a Right: Vision Zero Communities Should Commit to Equity from the Start, Vision Zero Network. <https://visionzeronetwork.org/resources/equity/>

⁹ Ibid

¹⁰ “Dangerous by Design 2022,” Smart Growth America and National Complete Streets Coalition, July 2022. <https://smartgrowthamerica.org/dangerous-by-design/>

¹¹ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes,” John Hopkins Medicine, September 23, 2010. https://www.hopkinsmedicine.org/news/media/releases/black_motorcyclists_even_in_helmets_more_likely_to_die_in_crashes

¹² “An Analysis of Traffic Fatalities by Race and Ethnicity,” Governors Highway Safety Association, June 2021. <https://www.ghsa.org/resources/Analysis-of-Traffic-Fatalities-by-Race-and-Ethnicity21>

¹³ Kea Wilson, “Study: Black Cyclists Die 4.5x More Often than White Cyclists,” StreetsBlogUSA, June 14, 2022. <https://usa.streetsblog.org/2022/06/14/study-black-cyclists-die-4-5x-more-often-than-white-riders/>

¹⁴ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes”

¹⁵ “Dangerous by Design 2022”

¹⁶ “Equity and Severe and Fatal Collisions,” Montgomery County Vision Zero Two-Year Action Plan, November 2017. https://www.montgomerycountymd.gov/visionzero/Resources/Files/Montgomery_20County_20Vision_20Zero_202_20Year_20Action_20Plan.pdf

¹⁷ Ibid

¹⁸ “Equity Framework,” Montgomery County Vision Zero, December 2019. <https://www.montgomerycountymd.gov/visionzero/Resources/Files/Equity%20Task%20Force%20Framework%20FINAL.pdf>

¹⁹ Because of school zoning policies, BIPOC students are likely overrepresented in schools located in BIPOC communities, which have higher collision rates (refer to 18, “Equity Framework”). Also refer to visual analysis of pedestrian crashes in Appendix Figure 1.

²⁰ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

²¹ Equity Focus Areas are parts of Montgomery County that are characterized by high concentrations of lower-income people of color, who may also speak English less than very well. More information: <https://montgomeryplanning.org/planning/equity-agenda-for-planning/the-equity-focus-areas-analysis/>