

- (d) Order of urgency and budgeting for execution thereof
- (e) Grade separation problem and approach studies to bridges, tunnels, parkways, etc
- 6 Physical and mechanical regulatory devices
 - (a) Methods used to determine proper location and use
 - (b) Comparison of various methods of regulation
 - (c) Effect of typical installation of traffic lights
 - (d) Markings and signs
- 7 Trucking
 - (a) Terminal facilities
 - (b) Effect upon other traffic
 - (c) Limiting grades, types of pavement and demand for roadway width
 - (d) Operating costs
 - (e) Suggested solutions
- 8 Mass transportation
 - (a) Consideration of relation between use of streets by cars and other vehicles
 - (b) Schedules, methods and cost of operating
 - (c) Loading and terminal facilities
- 9 Pedestrian movements
 - (a) Reasons for pedestrian congestion
 - (b) Analysis of pedestrian counts
 - (c) Education of pedestrians
- 10 Regulation and enforcement
 - (a) Methods of enforcing regulation
 - (b) Effect upon vehicles and pedestrians
 - (c) Violations bureaus
 - (d) The court.
 - (e) The accident problem

Notes have been prepared and a preliminary draft of the first section of the outline is being developed

LAW OBSERVANCE AND ENFORCEMENT METHODS

MUNICIPAL PHASES

BURTON W MARSH, *Project Chairman*

Traffic Engineer, City of Philadelphia

While in certain American cities, traffic law observance is notably good, it may safely be stated that in the great majority of municipalities, observance is very unsatisfactory

The importance of good observance is too little appreciated. Students of traffic generally agree that good public observance of reasonable

traffic rules is one of the surest ways of reducing traffic fatalities. There are also important economic relationships. Good observance reduces congestion, the yearly economic cost of which in the United States amounts to hundreds of millions of dollars. Good observance also improves the attractiveness and convenience of use of streets, and increases the accessibility of business districts to potential purchasers. Thus observance aids materially in retaining and enhancing real estate values and hence fosters prosperity. Furthermore, the startlingly large economic losses involved in accidents are materially reduced by good observance, as facts presented hereinafter will demonstrate. Finally, the public attitude toward observance of traffic laws inevitably affects its attitude toward observing other laws, so that from this angle, the importance of good traffic law observance is not to be minimized.

The status of traffic law observance in any community is definitely related to a number of other factors. Important among these factors are

- 1 Reasonableness of traffic rules and regulations. It is well known that good observance can only be expected for regulations which are generally deemed sensible, necessary and reasonable. They should also be as simple and as few in number as possible. The Uniform Vehicle Code and the Model municipal Traffic Ordinance, developed by the National Conference on Street and Highway Safety, constitute valuable guides to states and municipalities in setting up reasonable regulations.
- 2 Effective and sensible signs, signals and markings, wisely used.
- 3 Adequate public understanding and appreciation of traffic regulations, of the reasons for them, of results to be accomplished, and of methods of proper observance.
- 4 Uniform, impartial and business-like enforcement.

RELATIONSHIP BETWEEN ENFORCEMENT AND LAW OBSERVANCE.

To enforce traffic laws is to compel obedience of them. The fact that so much compulsion seems necessary is a clear indication of serious deficiency in one or more of the first three factors presented above. The strong American attitude of mind favoring the liberty of the individual is another factor which reduces voluntary observance and thus makes enforcement necessary.

Thus, although enforcement should only be necessary for a small perverse minority, it is all too much invoked for large proportions of our citizenry when the really needed steps to reduce violations, are the effective promulgation of reasonable regulations and the education of the public as to the saneness, necessity and value of them and as to how the individual is expected to act in compliance with the said laws.

Observance and enforcement are thus seen to be vastly different in

connotation Of the two, observance is by far the more important, as is realized if one considers the utter impossibility of securing general obedience by compulsion

Nevertheless,—especially when coupled with the other correctives mentioned—uniform, impartial and business-like enforcement can do much to impress upon the general public the importance and necessity of obedience to sensible traffic regulations Such enforcement can be most effective when related directly to accident prevention It has, in several instances, been clearly demonstrated that an application of business-like enforcement, coupled with effective education and official corrections, will result in marked decreases in traffic fatalities

For example, in St. Louis, following a large increase in traffic fatalities in 1928, a law enforcement campaign superimposed on effective continuous educational work fostered primarily by the St. Louis Safety Council, resulted in 1929 in a decrease in fatalities from 215 to 162 or 24.6 per cent

In Evanston, Illinois, a similar procedure involving splendid enforcement technique resulted in 199 days without a single fatality

In Jackson, Michigan, basically similar methods resulted in 30 per cent reduction in the accident record This reduction was accompanied by an increase of 69 per cent in arrests and 67 per cent increase in convictions for traffic violations

In Detroit on several occasions, business-like enforcement accompanied by varying degrees of education has resulted temporarily in marked decreases in fatalities The reduction in 1928 was from 397 to 330, a decrease of 16.7 per cent Unfortunately these campaigns have been only temporary in nature Their full potential value has never been developed and sustained because there was not a sufficiently strong foundation of general public sentiment

Some as yet incomplete studies by the National Safety Council show, for the years 1928 and 1929, a high correlation and small probable error between business-like enforcement and reduction in fatalities Studies of earlier years do not show a positive correlation The probability is that within the past few years enforcement methods in the cities studied have improved, that traffic education has become more effective and that regulations and signs, signals and markings have been more sensibly applied

Enforcement troubles

In many,—probably the majority of—American cities, traffic law enforcement is not satisfactory. Some of the main reasons for this situation are as follows

- 1 State laws and municipal regulations governing enforcement are often antiquated, unreasonable, inconsistent or inadequate In a few cases at least, far too much “red tape” is involved Lack of uniformity is another very general trouble

2 The police, in numerous municipalities, are not properly organized to cope effectively with the traffic law enforcement situation. In many cases, there is no separate traffic division of police. Even where such divisions exist, there are, in only a few communities effectively organized traffic law enforcement units utilizing modern methods and equipment (such as Evanston's Accident Prevention Squad).

3 The police, who initiate the enforcement procedure, are often inadequately trained as to the traffic regulations, as to the handling of violators, as to court procedure and the laws of evidence, and as to the preparation for and the making of a convincing statement on the case.

4 There is, in many municipalities, a deficiency in the number of traffic officers effectively engaged in traffic work.

5 There is often not a proper cooperation and coordination between traffic police, their departmental superiors and the judicial official or officials handling traffic cases. For example, arresting officers sometimes have to use their own off-duty time in court on traffic cases.

6 Even in many serious cases of violations involving accidents, there is often no prosecuting attorney. Even if there is a prosecuting attorney, it is only rarely that the prosecution is effectively prepared for and carried out.

7 In many cities, traffic cases have not been segregated to a Traffic Court, or if the number of traffic cases is small, to the part-times of some one judge without rotation. The following quotation from "Traffic Courts and Violations Bureaus" published by the National Safety Council, illustrates well the lack of uniformity and the lack of a traffic trained viewpoint which arise when different judges hear traffic cases.

"In a period of fourteen months, sixteen judges heard traffic cases. Each had different ideas on traffic violations, with the result that the percentage of cases dismissed varied from 41 to 100 and the average fine imposed varied from about 2.00 to 9.50 dollars. In cities where traffic cases are heard in regular courts along with other cases the lack of uniformity is even more noticeable."

8 In many cases, there is serious congestion of the courts by traffic cases. Relatively few municipalities have put into effect a simplified procedure (or Violations Bureau) for handling minor cases, so that serious cases, often involving accidents, may be given the thorough consideration which they warrant.

9 Business-like methods are not in general, used. Records of traffic cases are often not properly kept. Thus for example, it is often impossible for the judge to have before him for each docketed case, a record of the individual's past violations and of the disposition of each case. If traffic cases are heard in different courts, the keeping of such a composite record, would be difficult and costly, and reference to it would be burdensome. Even if all traffic cases are heard in one court, such rec-

2 The police, in numerous municipalities, are not properly organized to cope effectively with the traffic law enforcement situation. In many cases, there is no separate traffic division of police. Even where such divisions exist, there are, in only a few communities effectively organized traffic law enforcement units utilizing modern methods and equipment (such as Evanston's Accident Prevention Squad)

3 The police, who initiate the enforcement procedure, are often inadequately trained as to the traffic regulations, as to the handling of violators, as to court procedure and the laws of evidence, and as to the preparation for and the making of a convincing statement on the case.

4 There is, in many municipalities, a deficiency in the number of traffic officers effectively engaged in traffic work.

5 There is often not a proper cooperation and coordination between traffic police, their departmental superiors and the judicial official or officials handling traffic cases. For example, arresting officers sometimes have to use their own off-duty time in court on traffic cases.

6 Even in many serious cases of violations involving accidents, there is often no prosecuting attorney. Even if there is a prosecuting attorney, it is only rarely that the prosecution is effectively prepared for and carried out.

7 In many cities, traffic cases have not been segregated to a Traffic Court, or if the number of traffic cases is small, to the part-times of some one judge without rotation. The following quotation from "Traffic Courts and Violations Bureaus" published by the National Safety Council, illustrates well the lack of uniformity and the lack of a traffic trained viewpoint which arise when different judges hear traffic cases.

"In a period of fourteen months, sixteen judges heard traffic cases. Each had different ideas on traffic violations, with the result that the percentage of cases dismissed varied from 41 to 100 and the average fine imposed varied from about 2.00 to 9.50 dollars. In cities where traffic cases are heard in regular courts along with other cases the lack of uniformity is even more noticeable."

8 In many cases, there is serious congestion of the courts by traffic cases. Relatively few municipalities have put into effect a simplified procedure (or Violations Bureau) for handling minor cases, so that serious cases, often involving accidents, may be given the thorough consideration which they warrant.

9 Business-like methods are not in general, used. Records of traffic cases are often not properly kept. Thus for example, it is often impossible for the judge to have before him for each docketed case, a record of the individual's past violations and of the disposition of each case. If traffic cases are heard in different courts, the keeping of such a composite record, would be difficult and costly, and reference to it would be burdensome. Even if all traffic cases are heard in one court, such rec-

ords may not be properly kept, because of lack of personnel, inadequate space or facilities, improper filing system, or lack of appreciation on the part of the judge of the value of well-kept records

10 The judge or judges hearing traffic cases are sometimes not properly qualified for their position. Despite the fact that traffic violations frequently involve the maiming of persons, serious and economically costly non-injury accidents and that other violations are economically very costly, traffic cases are frequently heard by politically appointed magistrates with little or no knowledge of law or of the fundamentals of the traffic problem, and sometimes without a judicial type of mind. It is even a fact that some traffic magistrates are utterly out of sympathy with traffic regulations, as witness the Chicago judge who dismissed *All* of the traffic cases brought before him, and of the six others who dismissed over 80 per cent of their traffic cases.

11 It is difficult to secure witnesses to testify in traffic cases. Among the reasons for this condition are court delays, unfair treatment of witnesses, and a belief that the testimony will be futile.

12 As viewed from the surface, probably the leading trouble with enforcement in many communities, is the practice of preventing justice from taking its impartial course by the use of *INFLUENCE* in any number of places in the enforcement procedure. This practice is popularly known as "fixing" or "fronting." The following are some of the most frequent methods of "fixing":

a The traffic or police officer may be bought or frightened off, so that the case never goes any further. In fairness, it must be stated that in the great majority of cases, traffic officers will not drop their cases when they believe that they have good ones, and when they know that the case will be fairly adjudicated and that they will not have to spend too much time in court.

b Especially where there is no business-like method of checking, certain cases may never reach the court. In other words, someone who is supposed to collect the tags or notices of violation from individual officers and to send them to the court, may destroy or "lose" certain "fixed" cases.

c There are several ways that cases may be prevented from being adjudicated at the court. Certain court attaches or the magistrate himself may "fix" cases, so that they "disappear." Another method is to let certain cases be among those which never receive court action, because the "court" fails to keep up on its work.

d The magistrate may discharge fixed cases, either with or without any hearing. This method is not to be confused with cases which the magistrate thoroughly considers and honestly discharges for any one of several good reasons.

e Even when a case has been carried to the issuance of a warrant,

it may be "fixed," as for example, by the "inability" of the officer to serve the warrant

f Sometimes "Courtesy Cards" are issued to favored individuals and the police are given to understand that holders of such cards are to be given preferred consideration as to tagging and arresting. Sometimes there are "lists" in station houses of persons or numbers of automobiles to be given special preferred treatment. If an officer does his duty in cases involving preferred individuals, he sometimes finds that he is soon reassigned to some unpleasant duty, often in a very outlying section of the city.

The responsibility for fixing is often placed upon "politics" but the widespread recourse to this practice clearly indicates that the fundamental blame must be accepted by the general public. A large number of requests for fixing is a certain indication of a lack of understanding of traffic regulations and the importance of obedience to them or else failure to appreciate their importance. Where the public is apathetic on the subject and where cheap politics holds sway fixing is apt to be rife. On the other hand, where there is an effective organized sentiment against fixing, and where courageous public officials are in control, fixing will generally be found to be reduced to a low amount. In substantiation of these statements, compare the following data.

1 Data from large cities having very poor records

a In one of the five largest cities in the country, the percentage of convictions to arrests has been as follows

per cent
1925-14 0
1926-24 5
1927-26 8
1928-10 9
1929- 9 7

In this city, the lack of discipline is very evident, violations are frequent and widespread, and their effect upon traffic conditions is serious.

b In another city of over 500,000, in 1928 out of approximately 150,000 tags issued for local violations 39.5 per cent paid voluntarily, less than 1 per cent were heard and fined or imprisoned, over 20 per cent were heard and discharged, and nearly 40 per cent were not acted upon at all by the magistrate hearing traffic violations. Even the generally more serious violations of the state vehicle code were laxly dealt with. Over 60 per cent of these state code cases were discharged.

In 1929, in the same city, the record was even worse. Among the local violations, only 0.2 per cent were heard and fined or imprisoned.

Nearly 70 per cent of the violations of the state vehicle code were discharged

2 Data from large cities having good records

a In one of the large eastern cities, the percentage of convictions to arrests has been

per cent
1925-96 3
1926-97 8
1927-97 2
1928-98 1
1929-97 9

b In another large city in the Middle West, the record in percentage of convictions to arrests has been.

per cent
1925-97 7
1926-98 2
1927-99 9
1928-98 8
1929-98 6

These reasons why traffic law enforcement is not satisfactory, illustrate the lack of proper organization and training, the lack of business-like methods, the serious effects of bad politics, and basically the lack of a strong and general public opinion convinced of the necessity for sensible traffic regulations effectively enforced

Nevertheless, the statistics last presented are indicative of the fact that some cities have made very encouraging records. How are these good results being secured

METHODS OF IMPROVING TRAFFIC LAW OBSERVANCE AND ENFORCEMENT

In general, improvement of traffic law observance and enforcement can be accomplished by correction of faults already mentioned

Some of the most important of such corrections are as follows

1. Reasonable traffic regulations. The adoption of the Uniform Vehicle Code by states and of the Model Municipal Traffic Ordinance by cities, is the best method of insuring reasonable and uniform traffic regulations

2. Signs, signals and markings. These must be effective, simple, sensible and wisely used. In cities, their application should be under the administration of a city traffic engineer

3. Traffic police. There should be, in all cities of any size, a separate traffic police division of adequate size. These divisions should be organized effectively to cope with their dispatching, enforcing and citi-

zen-informing functions Best modern practice calls for fixed post officers, a mobile patrolling squad, a group to enforce street use regulations, an accident prevention squad, a small group doing educational and officer-training work, a staff for keeping and analyzing records, and an adequate executive staff

Traffic officers should be effectively trained in their duties For this purpose, a continuing traffic officers' training school is recommended

4 Improvement in Enforcement Machinery and Procedure The chief executive of each city should analyze his traffic law enforcement machinery and its operation and should require thorough co-operation and co-ordination between its several parts He should insist that officers be not punished for doing their duty and that it is not necessary for them to spend undue time (especially their own time) in court on traffic cases

There should be a prosecuting attorney to take charge of and effectively prosecute all important cases

All traffic cases should be heard by the smallest possible number of judges remaining continuously on this work Where the number of traffic cases warrants it, there should be a separate traffic court with adequate record-keeping staff and facilities, and sufficient judges so that all cases will receive thorough and mature consideration

As an integral part of the traffic court, there should be a Violations Bureau or an agency to permit a simplified procedure for handling minor offenses by "non-repeaters" The National Safety Council bulletin entitled "Traffic Courts and Violations Bureaus" explains this idea and its application in detail

The Model Municipal Traffic Ordinance, in an Addendum following Section 59, presents valuable recommendations for the establishment and operation of a traffic violations bureau

Judicial officials hearing traffic cases should be high-grade members of the bar, selected for their qualifications for this work, and not for political reasons Such judges should then be protected against being forced to yield to improper influence and against losing their position for doing their duty To this end, the local bar association might well sponsor a qualified attorney for the position and might use its good influence to prevent his removal for political reasons

Traffic cases should be conducted with dignity but without undue delays. The value of witnesses' time should be considered, and witnesses should be courteously treated

5 "Fixing" The chief executive of the city, supported by leading civic groups, should insist that every traffic case be brought promptly to court or, in smaller communities, to the judge hearing traffic cases Organized public opinion would then demand that each case be promptly decided and disposed of upon its merits, without consideration of

political expediency or personal friendships "Fixing" is recognized to be one of the greatest obstacles to securing satisfactory traffic law observance, and enforcement—IT MUST NOT BE PERMITTED!

The elimination of fixing, after the corrections have been made, requires.

- a Strong executive officials in sympathy with good enforcement
- b. A strong and properly qualified judge, likewise in sympathy with good enforcement
- c A powerful and informed public opinion constantly supporting the above-mentioned officials

6 Finally, and most important of all, the achievement of satisfactory traffic law observance and enforcement, is dependent upon the continuous, effective education of the public, on all phases of traffic matters. Among all of the ways that communities "fall down" on traffic law observance and enforcement, their inadequacy along educational lines is the most important. In fact, few if any of the other corrections will be achieved and maintained without it. All safety organizations and civic groups should co-operate on making the general public really traffic-minded. A traffic commission, organized as recommended in the report of the Committee on Measures for Relief of Traffic Congestion of the Third National Conference on Street and Highway Safety, can be of great value in such educational work. It may often be the best group to sponsor such work. A good proportion at least of the funds necessary for such educational work should be appropriated by the municipality, as this is one of the most economical and effective expenditures which the city can make toward improving traffic conditions.

SUBJECTS WARRANTING FURTHER RESEARCH

There are many phases of the subject of Traffic Law Observance and Enforcement which warrant further study. Some of the questions which should be further investigated and reported upon by appropriate organizations are as follows.

- 1 (a) Why do persons violate traffic laws and regulations?
(b) What are the mind processes and reasons leading up to the violation?
- 2 (a) To what extent are serious traffic violations committed by repeaters?
(b) How can repeaters be more effectively dealt with?
- 3 Why are traffic law observance and enforcement poor in some places and good in others?
- 4 To what degree are various regulations violated?
- 5 (a) What methods are most effective in improving voluntary observance of traffic regulations?

- (b) To what extent is there economic justification for expenditures to improve voluntary observance?
- (c) To what extent does business-like enforcement result in increased observance?
- 6 What is the relationship between business-like enforcement and traffic accidents?
- 7 (a) How can traffic law violations most effectively be reduced?
- (b) What is the relative importance of the various deficiencies and miscarriages of enforcement, and how can they be most effectively reduced or eliminated?
- (c) What enforcement procedure and methods are most effective?
- (d) To what degree are various penalties real deterrents?
- (e) What should be the penalties for various violations?
- (f) What would be the advantages of uniformity in penalties in different jurisdictions?
- 8 (a) What procedure and methods can police officers use most effectively in reducing traffic violations?
- (b) What training will best fit them for this work?
- 9 What are the most effective organization and methods of operation for a traffic court?
- 10 (a) What are the essential qualifications for a judicial official who is to handle traffic cases?
- (b) How best can men with these qualifications be placed and maintained in such positions?
- 11 To what extent should enforcement procedure for use in municipalities be specified in the State Vehicle Code?
- 12 The state and county aspects of these questions also warrant consideration—also the problems of a Metropolitan area including numerous Municipalities

THE ACCIDENT-PRONE DRIVER

SIDNEY J WILLIAMS, *Project Chairman*

Director Public Safety Division, National Safety Council

It has long been agreed that the "human factor" is the chief element in causing or preventing accidents—that while a highway or a piece of machinery can be made safer by engineering or mechanical improvements and safeguards, and while the lack of these undoubtedly contributes to many accidents, still the skillful, alert person usually survives even the most hazardous situation, while the blundering, reckless individual often manages to involve himself or others in serious injury despite all possible safeguards.