



Transportation in the Formation and Operation of Human Trafficking Policy and Its Implications for Transit Riders

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16. Abstract Human trafficking is a federal crime and a criminal offense in every state. In the 2010s, policymakers enlisted transportation agencies and businesses to raise awareness and issued standards for institutional conduct. Anti-trafficking laws, task forces, and agency-led initiatives operate at many scales, creating a mosaic of policies and programs when viewed at the megaregional scale. However, few studies explore the conceptual links or policy connections between human trafficking and transportation. We address this gap by historicizing anti-trafficking politics, investigating why policymakers envisioned a role for transportation in the anti-trafficking movement, and systematically describing relevant international, federal, and state law. We argue that transportation provided opportunistic policymakers with a legal justification and communication infrastructure to elicit tips for law enforcement on alleged trafficking. Whereas research on how fear of crime affects transit ridership is extensive, how fear of surveillance, police harassment, and discrimination affect ridership is under-explored. We consider how anti-trafficking measures on transit could discourage ridership among already-marginalized riders by increasing their exposure to harassment, criminalization, detention, and deportation. Next, through scrupulous review of state legal codes in a purposive sample of six states, we inventory legislation that connects transportation to human trafficking. We end with a provocation to transportation policymakers and scholars to interrogate prevailing conceptions of care in future discussions about human trafficking, transit security, and transportation justice.		

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Executive Summary

Human trafficking is a federal crime and a criminal offense in every state. In the 2010s, policymakers enlisted transportation agencies and businesses to raise awareness and issued standards for institutional conduct. Anti-trafficking laws, task forces, and agency-led initiatives operate at many scales, creating a mosaic of policies and programs when viewed at the megaregional scale. However, few studies explore the conceptual links or policy connections between human trafficking and transportation. We address this gap by historicizing anti-trafficking politics, investigating why policymakers envisioned a role for transportation in the anti-trafficking movement, and systematically describing relevant international, federal, and state law. We argue that transportation provided opportunistic policymakers with a legal justification and communication infrastructure to elicit tips for law enforcement on alleged trafficking. Whereas research on how fear of crime affects transit ridership is extensive, how fear of surveillance, police harassment, and discrimination affect ridership is under-explored. We consider how anti-trafficking measures on transit could discourage ridership among already-marginalized riders by increasing their exposure to harassment, criminalization, detention, and deportation. Next, through scrupulous review of state legal codes in a purposive sample of six states, we inventory legislation that connects transportation to human trafficking. We end with a provocation to transportation policymakers and scholars to interrogate prevailing conceptions of care in future discussions about human trafficking, transit security, and transportation justice.

Chapter 1. Introduction

Human trafficking is a federal crime and a criminal offense in every state. Paraphrasing from the federally-codified definition, the U.S. Department of Transportation (DOT) defined the crime as “a form of modern day slavery that involves the use of force, fraud, or coercion to obtain labor or a commercial sex act; and the commercial sexual exploitation of children under any circumstances” (Advisory Committee on Human Trafficking, 2019). The U.S. government mounted a campaign against human trafficking about 25 years ago through legislation and diplomacy at the United Nations. In the 2010s, Congress and state legislatures took steps to inscribe anti-trafficking into the policy agenda for domestic, surface transportation, including public transit. Through legislation, grants, and task forces, policymakers enlisted agencies and businesses to promote public awareness and issued standards for institutional conduct, such as mandatory workforce training on recognizing and reporting suspected cases.

Anti-trafficking initiatives in the U.S. appear to have broad support from the American public, elected officials in Congress and statehouses, and successive presidential administrations, leading some to conclude that “fighting modern slavery is a political valence issue that everyone can get behind” (Farrell et al., 2019). Similarly, and with seemingly little public debate, anti-trafficking efforts have also taken root in the transportation sector, where broad commitments to the issue are visible through DOT’s involvement in the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) and through the Federal Transit Administration’s (FTA) own Human Trafficking Awareness and Public Safety Initiative. More tangible demonstrations of the sector’s anti-trafficking work include training federal and state DOT employees, transit workers, and truck drivers to identify and report human trafficking and posting signs, making service announcements, and running billboards with instructions for reporting tips in transportation facilities (Advisory Committee on Human Trafficking, 2019).

Anti-trafficking initiatives have garnered little attention from transportation scholars, raising general questions about how these policies have manifested within U.S. transportation agencies. Yet, such activities warrant particular attention in light of contemporary questions surrounding the appropriate role for public surveillance and policing of public transportation. This paper seeks to address these gaps first by providing a systematic overview of how federal and state anti-trafficking policies have involved the transportation sector and, second, by investigating the

implications of such policies—particularly for transit agencies and the communities they serve—with respect to the existing transportation literature on surveillance and policing.

In the first section of this paper, we trace the emergence of anti-trafficking movements since the turn of the 20th century. This history shows that movements initially mounted to protect women and girls from trafficking have often masked other agendas for preserving racial, ethnic, and gender boundaries. It also shows that human trafficking definitions are contested and promote criminalization and surveillance. In the second section, we examine the transportation and adjacent literatures to consider the effects of increased surveillance on public transit usage, understanding that many anti-trafficking initiatives promote supervision of transit riders. In the third and fourth sections, we document the uptake of anti-trafficking as a transportation policy objective.

Chapter 2. Methods

After critically reviewing the scholarly literature and archival policy documents to situate our research in the history of anti-trafficking, we selected six states for a comparative policy analysis. We chose a purposive sample from among the states with the most legal codes cited in LexisNexis' 50-state survey of anti-trafficking laws and those cumulatively awarded the most funding for anti-trafficking initiatives from the FTA in 2020. From this shortlist, we selected states with diverse policy regimes, transportation contexts, and geopolitical characteristics. Then, through scrupulous review of references to human trafficking in each state's legal code, we collected and analyzed state statutes to show the array of ways state laws compel the transportation sector to undertake anti-trafficking efforts.

Chapter 3. The History of Anti-Trafficking

This section traces how widespread societal concerns about “human trafficking” emerged at different points over the 20th and 21st century. It reveals that human trafficking is not a new issue and that there has historically been little agreement on how to define it. Further, this history also reveals that movements to quash trafficking have, at various points, been complicated and even co-opted by the politics of race, gender, and immigration.

Historians of anti-trafficking locate the movement’s origins in Europe and the U.S. during the postbellum years. Although some may consider the transatlantic slave trade to be the first instance of human trafficking in American history, we follow critical anti-trafficking scholars in deliberately excluding these events from our historical account. Comparisons between antebellum slavery and human trafficking often entail trivializing the pre-Civil War atrocities, appropriating them to draw support for anti-trafficking efforts, and imposing new mechanisms of racial control self-righteously and paternalistically in the name of salvation (Beutin, 2023; Donovan, 2006; Kempadoo & Shih, 2022). In the early 20th century, moral crusaders and Progressive reformers called for action and vigilance in the face of so-called “white slavery,” or the prospect that European women would be abducted “for prostitution in South America, Africa, or ‘the Orient’ by nonwestern men or other subalterns” or that, in an increasingly urban and industrialized America, young women would be led by force or deception to prostitute themselves (Doezema, 1999, p. 24). Historical work has established that such scenarios were more myth than reality. Widespread “stories of sexual danger [that] fascinated white Americans” were in fact expressions of fear of, and backlash to, “the pace and direction of social transformation” at the close of the Victorian Era (Donovan, 2006, pp. 1–2). Forces including the influx of new immigrants, urbanization, women’s entrance into the workforce, and the Great Migration facilitated social interactions that transgressed established racial, ethnic, and gender boundaries. Various interests deployed white slavery stories as “an elastic resource” to stoke fear and advance contradictory agendas, from women’s suffrage to anti-immigration, to criminalization of cross-racial mingling (Donovan, 2006, p. 20).

Over the first half of the 20th century, efforts to draw attention to trafficking emerged first within individual countries and then spread internationally through two key associations, the International Abolitionist Federation and the International Bureau for the Suppression of the White Slave

Traffic. Beginning in 1904, countries from Albania to Uruguay entered into international accords to coordinate information exchange on “the traffic,” aid for women and girls in ports and railway stations, and government repatriation of foreign women engaged in prostitution (Limoncelli, 2010). Further, the nascent League of Nations included in its agenda “the execution of agreements with regard to the traffic in women and children” (*The Covenant*, 1920). Movement historians conclude that, despite roots in feminist activism, the movement fell short of its objective to protect women because of internal divisions over how to treat voluntary sex work and whether states should exercise their power to constrain women’s movement and engagement in sexual labor, foreshadowing similar, heated debates at the United Nations almost a century later (Bromfield, 2016; Doezema, 1999; Limoncelli, 2010).

The trafficking cause lost steam in the postwar period but the seeds of its resurgence in the late 1990s were sown in the preceding decades. The 1960s counterculture’s free love movement challenged sexual morals and raised new questions for feminists to ponder. In the 1970s, newly empowered ‘sex radicals’ organized for recognition and rights, including sex workers who advocated for decriminalization and against stigma and maltreatment by law enforcement (Weitzer, 1991). Meanwhile, the New Right was gathering strength, rallying evangelicals to political action by appealing to the so-called “moral majority.” In the “sex wars” of the 1980s, feminists debated the conception of sexual liberation. These debates centered on the extent to which pornography, prostitution, and other forms of sexual deviance, should be understood as exploitative or emancipatory (Echols, 2016). The evangelical right and feminists in favor of abolishing prostitution formed a coalition that would eventually rebirth the anti-trafficking movement.

Feminist historians note that the ‘pro-sex’ faction prevailed over the abolitionist feminists (Walters, 2016). In response, moral crusaders found a new outlet for their activism. Also in the 1980s, the ‘battered women’s movement,’ which took issue with the criminal justice system’s view of domestic violence as a private matter, fought for legal reform through coalition-building, infiltrating prosecutors’ offices, and pursuing high-impact litigation (Kim, 2020). Bolstered by Ronald Reagan’s law-and-order politics, the feminist anti-violence agenda aligned with the victims’-rights movement, which underwrote tough-on-crime policies that prescribed more prosecutions and harsher sentences for intimate partner violence. With anti-violence activists as role models, moral crusaders charted a new path in global humanitarianism by seizing on the

newly-expanded role for non-profits in the U.N. and the new allowances for faith-based organizations to receive federal funding in the U.S. (Bernstein, 2010). By the late 1990s, the anti-trafficking movement was reborn.

The U.N. resolved to cohere a unified anti-trafficking regime by establishing the U.N. Convention against Transnational Organized Crime in December 1998. In a reprise of the 1904 international accords on anti-trafficking, the Convention negotiations were a “battleground” for competing views on whether someone can consent to selling sex (Goździak & Vogel, 2020; Weitzer, 2007). After two years of feverish debate, the delegates agreed to use “sexual exploitation” in the definition but left the term undefined (Jordan, 2002), and the General Assembly passed the resulting articles in November 2000. The Convention collapsed human trafficking under “transnational organized crime,” along with “criminal” migrancy, drug trafficking, and arms dealing, and left the legal and conceptual distinctions between trafficking and prostitution fuzzy and contested. The resulting articles, widely known as the *Palermo Protocol*, propagated ambiguous legal definitions and prescriptions for criminal-legal approaches to national legal contexts across the globe. In the U.S., Congress and states passed laws over subsequent years criminalizing human trafficking.

In more recent years, public and political concern for human trafficking has spiked again in the context of surging transnational migration, pressure on urban housing markets, calls for racial justice, paradigm shifts around gender and sexuality, and growing populism. Trafficking remains fertile terrain for proxy political debate about the status of racialized, gendered, ethnicized, and criminalized identities. Narratives about human trafficking have circulated widely through movies like *Taken* (Morel, 2009), public awareness campaigns (such as the Blue Campaign), and conspiracy theories linked to Q’Anon (Moran et al., 2023). For Chuang (2014, pp. 3–4), the “promiscuous conflation” of concepts under the term “human trafficking” “re-labels abuses as more extreme than is legally accurate, in what appears to be a strategic effort to garner increased commitment to their eradication.” This conflation of human trafficking with other societal issues is a through-line in the history of anti-trafficking; sensationalized narratives stoke suspicion in everyday encounters while running interference against public scrutiny of the broader policy agenda. By underwriting the surveillance, control, and restriction of people’s movement as a form of protection or rehabilitation, anti-trafficking constrains access to places and opportunities. As

such, anti-trafficking campaigns undermine the transportation sector's very *raison d'être*, making the uptake of such efforts worthy of critical examination.

Chapter 4. Understanding the Impacts of Surveillance on Public Transit Ridership and Personal Mobility

Anti-trafficking campaigns exemplify the broader “punitive populist” orientation to crime that responds to widespread fear of crime by deputizing agents and actors beyond the formal state apparatus of policing and punishment to exact more quotidian and pervasive social controls intended to prevent or detect crime (Garland, 2002). To date, transportation researchers have focused on how crime, or perceptions thereof, influence travel behavior (Ceccato & Loukaitou-Sideris, 2020; Goddard et al., 2006; Technical Activities Division et al., 2006), but empirical research on how surveillance influences travel behavior is lacking. However, sociological research suggests that surveillance and policing can further jeopardize the security of marginalized transit riders, deteriorate perceptions of the system, and discourage ridership.

Agitating for vigilance against human trafficking invites, habituates, and even valorizes suspicion of deviance, abjection, and markers of otherness. This surveillance exposes users to criminal supervision on transit through direct observation and the production of travel records. Being the target of misplaced suspicion makes a lasting impression that could tip the scales against riding transit. In the first empirical study of whether “criminal contact is indeed associated with individuals avoiding certain institutions,” Brayne (2014, pp. 368, 379) validated that “individuals wary of surveillance may deliberately and systematically avoid institutional contact that puts them ‘in the system’,” and found that “lower levels of criminal justice involvement may be as consequential for institutional involvement as more serious contact.” Given that most transit agencies participate in partnerships to exchange best practices and intelligence about suspicious activity with local, state, and federal law enforcement, including the Department of Homeland Security (DHS) and Department of Justice (DOJ), contact with transit police could quickly put riders ‘in the system’ (Bye et al., 2020, p. 18). These risks are substantially higher for Black and brown individuals who are subjected to more frequent stops, frisks, and searches even when controlling for several other variables (Carroll & Gonzalez, 2014; Gelman et al., 2007; Hannon, 2020). Although Brayne’s findings are not necessarily generalizable to most transportation contexts, they nonetheless illustrate that heightened surveillance on public transit may motivate transit avoidance.

Surveillance and policing may motivate transit avoidance even for those without serious, firsthand police contact. Wariness of surveillance can develop from an accumulation of petty and indirect racial antagonisms. Feagin's (1991) interviews with black subjects showed that "microlevel events" of harassment and violence in public cumulatively comprise "an invasion of the microworld by the macroworld of historical racial subordination" that interferes with daily life. Meanwhile, Barajas et al. (2016) found that even isolated incidents of racially-motivated discrimination have significant effects on immigrants' attitudes towards transit. Whether direct or "vicarious"—those of friends, relatives, or community members—, these incidents are prescient in perceptual compositions of police and tend to have a cumulative effect over time (Brunson, 2007; Feagin, 1995). Riders viewed with suspicion and arbitrarily apprehended by police are likely to be saddled with fear, distrust, and anger that can disrupt their lives and stifle the appeal of transit—effects that can ripple out across communities.

Even riders with neither direct nor vicarious encounters with police or discrimination on transit may be deterred by heightened surveillance. People wary of attracting police attention attune to which places are heavily-supervised so they can avoid exposure to police contact. Based on extensive interviews with 45 men in Philadelphia between the ages of 25-34, Fader (2021, pp. 301–304) noted that

Patrol cars circulating through the neighborhood, public transit officers stationed at the Frankford Terminal, and surveillance cameras in businesses—many of which are connected to the main police monitoring feed—are a constant reminder to men that they are being watched... Approximately half of the men in the Frankford study [...] remained indoors for long stretches of their waking hours, reducing their exposure to people and situations that could result in trouble [such as...] public transportation stops.

This attunement, known as being "copwise," suggests that we must disaggregate between fear of crime victimization and fear of police contact when considering how transit security affects ridership levels (Stuart, 2016). Increasing arrests on transit based on flimsy evidence of human trafficking may deter potential copwise riders, further diminishing their access to opportunities.

Heightened surveillance and policing could have downstream effects when children learn, imitate, and acquire the travel habits of copwise friends, family, and distant others through "travel socialization" (Baslington, 2008). For instance, Smart and Klein's (2018, p. 139) analysis of a national, longitudinal dataset showed "that exposure to transit early in life leads to greater

likelihood of using public transportation and decreases an individual's level of auto ownership later in life." Travel socialization can reproduce the effects of each antagonistic encounter on transit across future generations.

Most conceptions of transportation justice consider the distribution of transportation benefits. At the most progressive end of the spectrum, "restorative equalization... requires prioritizing disadvantaged communities to receive a disproportionate share of benefits to mitigate prior inequities" (Karner et al., 2020). However, bringing a critical geography lens reminds us that

It is not simply a question of unequal distribution... It is that the mobility and control of some groups can actively weaken other people... We need to ask [...] whether our relative mobility and power over mobility and communication entrenches the spatial imprisonment of other groups. (Massey, 1995)

The treatment of alleged traffickers and victims varies widely according to age, citizenship status, jurisdiction, and arbitrary circumstances of the apprehension, but scholars have demonstrated that anti-trafficking policies often reinforce systems of oppression and spatial injustice. In the best of circumstances, non-citizen trafficking victims may obtain citizenship as a result of the criminal case. However, since voluntary economic migration and asylum are restricted, immigrants who come to the U.S. become, by definition, engaged in criminal activity, either as "victim" or "criminal" (Stumpf, 2006). Although noncitizen trafficking victims may be eligible for a special, temporary visa, they are often detained for their own "protection," deported, or both sequentially (Musto, 2013; Shih, 2021), regardless of their visa eligibility (Farrell et al., 2019, p. 167). Trafficking cases handled by the criminal justice system can also be perilous, even for trafficking survivors. Legal scholars have shown that anti-trafficking laws have "been ineffective in decreasing [gender-based] violence," but rather encouraged the criminalization of victims themselves by prompting a backlash against women who "used force or were accused of using force" to defend themselves (Goodmark, 2022, pp. 8–10). Yet, even when there is no criminal charge against the victim whatsoever, prosecutors can have victims detained on the alleged suspicion that they may not testify against the defendant, or as a consequence for refusing to, where they are often "not entitled to constitutional protections, counsel, or compensation for their time" and may be "held in the same prisons as those arrested for crimes against them" (Goodmark, 2022, p. 63). These outcomes illustrate the irony that anti-trafficking campaigns often result in states forcibly moving migrants out of the country or restricting their mobility by incarcerating them.

Chapter 5. Articulating a Role for the Transportation Sector in Anti-Trafficking

Transportation-focused anti-trafficking policies typically assert that transportation is a key logistical component of trafficking, even though federal prosecutors have been clear that transportation does not inhere in trafficking crimes (*National Strategy*, 2022). For example, DOT’s Advisory Committee on Human Trafficking (ACHT) (2019, pp. 4, 9) attributed their mandate to the assumption that “traffickers often rely on the transportation industry” to traffic victims and victims rely on transportation for “escape and recovery.” Our review of human trafficking policy and the attendant discourse points to a more elaborate theory for the conceptual link and policy nexus to transportation. First, transportation gave federal lawmakers a wedge into the jurisdictional terrain of trafficking. Then, policymakers used speculations about the logistics of trafficking operations to rationalize interventions in the transportation sector because its systems provided the political communications infrastructure required to implement the anti-trafficking agenda. Opportunistic reinforcement of these conceptual links helped justify federal anti-trafficking initiatives and appropriating transportation resources to support them.

In 1910, Congressional lawmakers leveraged the specter of women crossing state and national borders to claim jurisdiction under the commerce clause where it would otherwise be an encroachment on the “police powers” delegated to states in the Tenth Amendment. The resulting law, the Mann Act, or “White Slave Traffic Act,” was passed

to further regulate interstate commerce and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.

More recently, as the UN Convention drew to a close in 2000, Congress passed the Trafficking Victims Protection Act (TVPA) to define and criminalize trafficking. Through the passage of TVPA, the connection between trafficking and transportation ended with the legislative authority that transportation granted federal lawmakers.

The federal government redefined the role for transportation when the federal government redoubled its efforts to prosecute trafficking cases. Despite a decade of anti-trafficking policy, there remained a discrepancy between estimations of trafficking, criminal cases, and prosecutions—discrepancies that have persisted. In 2017, the U.N. estimated there to be nearly 25 million victims of trafficking worldwide, a widely circulated figure (*Global Estimates*, 2017). By

contrast, a 2019 Federal Bureau of Investigation report that aggregated data from 48 states and Puerto Rico counted 708 alleged human trafficking offenders. Whereas many scholars remain unconvinced that prevalence estimates are reliable or meaningful (Goździak & Bump, 2008; Yea, 2017), anti-trafficking advocates cited “under-identification” to mobilize resources. In a report submitted to the DOJ, Farrell et al. (2012) investigated how to generate more “success” with identifying and prosecuting cases. The report’s chief recommendation was to raise awareness, which could generate more tips, cases, and prosecutions.

The criminalization of trafficking by Congress and by state legislatures means that key measures of progress against it lie in the numbers of arrests and prosecutions. Beginning in 2010, federal policymakers have deployed transportation opportunistically to generate new case leads. In 2010, DHS launched the Blue Campaign, an “initiative to combat human trafficking through enhanced public awareness, victim assistance programs, and law enforcement training and initiatives” (*Secretary Launches Campaign*, 2010). At launch, there was no mention of the transportation sector, but President Obama soon appointed DOT to the PITF and made it DHS’ primary partner on the Blue Campaign. The transportation industry extended the Campaign’s reach, enlisting its workforce as administrators and facilities as a platform for messaging and a venue for law enforcement to police. In 2012, the PITF published a strategic plan that used the DOT as an example of the “very few government agencies [that] have the authority to include the development and provision of services to victims of human trafficking in their missions” (*Federal Strategic Action Plan*, 2012, p. 26). The Combating Human Trafficking in Commercial Vehicles Act of 2018 instructed DOT to form the ACHT to coordinate “prevention efforts across DOT modal administrations and with other federal agencies,” as well as transportation stakeholders at the state and local level. These initiatives promote public awareness campaigns across modes, with more stringency where federal jurisdiction allows. The fact that the sector is subject to broad oversight and lends itself to the activities of the anti-trafficking policy regime provides a more compelling explanation for the nexus than speculations about the logistics of trafficking operations.

Though public awareness generates more tips, research shows that the concerns underlying them are not grounded in meritorious legal allegations of human trafficking. Bouche et al. (2016, p. 17) analyzed the quantity of arrests and prosecutions with respect to state investments in victim assistance, task forces, law enforcement trainings, reporting on prevalence or services, posters with the hotline number, and investigative tools:

Requiring the National Human Trafficking Hotline number to be posted in public places is the most important provision for increasing the number of human trafficking arrests (though mandating the posting of the national hotline does not predict prosecution).

The resulting arrests do, however, increase criminal prosecutions for offenses other than trafficking:

Although human trafficking suspects were convicted of human trafficking crimes in only 45% of the studied cases, human trafficking suspects were convicted of any state crime in 72% of the cases. (p. 95)

Public awareness campaigns are also the easiest, cheapest ways for law enforcement to generate tips. Farrell et al. (2012, p. 99) found that, out of 140 human trafficking cases, the most common method of identification (39%) were tips from the community, including service providers. Public campaigns, though they may increase tips, do not improve human trafficking identification, but instead drive arrests indiscriminately.

In lieu of legislative mandates that would be outside their jurisdiction, DOT has encouraged the expansion of anti-trafficking measures on public transit through modest funding initiatives and political pressure. FTA funding has contributed to transit-related anti-trafficking programs in at least 12 states through the Human Trafficking Awareness and Public Safety Initiative by awarding \$5.4 million USD in 2020 to support employee trainings, public awareness campaigns, technical assistance, and the implementation of digital surveillance and reporting tools. DOT has also targeted state and local departments of transportation, transit agencies, and private transportation industry actors to participate by encouraging them to sign a pledge to promote “industry leadership, industry training and education, policy development, public awareness, and information sharing and analysis” through Transportation Leaders Against Human Trafficking .

Public awareness campaigns on public transit are increasing as states expand anti-trafficking initiatives. The federal government has such programs by pressuring states to enact legislation and providing funds and subsidies to transit agencies through less direct channels. In 2004, the DOJ published the *Model State Anti-Trafficking Criminal Statute*. Advocacy groups soon followed suit, publishing their own templates for state legislation (Farrell et al., 2012).¹ Between 2003 and 2013, every state passed legislation criminalizing trafficking. In 2018, California became the first state

¹ See, for instance, “Uniform Act on Prevention of and Remedies for Human Trafficking” (National Conference of Commissioners of Uniform State Laws, 2013).

to mandate anti-trafficking training for transit employees. Table 1 provides shows our findings on the breadth of transportation-related anti-trafficking legislation in the state sample. However, a simple cross-check of transit agencies with such programs, FTA funding recipients, and state laws suggests that a handful of transit agencies pursue anti-trafficking programs even without FTA funding or a state mandate. For instance, 45% of transit agencies work with law enforcement on anti-trafficking initiatives, 15% participate in a task force, 24% train employees, and 12% make public service announcements (Bye et al., 2020, pp. 47–48, 69). Federal subsidies to transit agencies, including the more than \$2 billion USD that DHS has provided in direct funding, may offset these costs (Bye et al., 2020). Although the variation in scale and design of anti-trafficking initiatives makes them difficult to encapsulate, their cumulative impact is substantial.

Chapter 6. State Policy Directives for Anti-Trafficking in Transportation

States require public transportation operators to provide soft and hard infrastructure for anti-trafficking campaigns and surveillance. We use soft infrastructure to refer to the transportation workforce's time, attention, institutional capacity, and proximity to the public. The transportation industry maintains contact with, and collects data on, the traveling public in the regular course of operating the system: driving buses; managing transportation facilities; administering drivers' education programs, licenses, and vehicle registration; arranging travel; managing user accounts; and tracking system usage. By hard infrastructure, we mean the transportation industry's material resources: facilities like transit stations, airports, and rest stops; vehicles; digital communication technologies such as websites, cameras, screens, and sound systems; and analog communication devices such as posters, bus wraps, decals, and license plates. In this section, we report the results of the data we collected on state policies connecting trafficking to transportation (see Table 1).

TABLE 1 Provisions of Anti-Trafficking Statutes Related to Transportation by State

State	Federal Government	California	Florida	Georgia	New York	Ohio	Texas
▼ Policy Directives Pertaining to Human Trafficking on Transportation							
Raise public awareness (any means)	•	•	•	•	•	•	•
Post signs in transportation facilities to raise awareness	•	•	•	•	•	•	
Train law enforcement	•	•	•	•	•	•	•
Train civilian workers or require for professional licensing (any sector)	•	•	•		•	•	•
Train transportation employees	•	•					•
Incorporate training in commercial driver's education curriculum				•			•
Withhold or revoke commercial driver's license for trafficking offense	•		•	•			•
Privileges or promotes vigilante 'crime stoppers'		•	•				•
▼ Facility Types Attended to in Policy Directives							
Airports	•	•	•	•	•		
Passenger Rail	•	•	•	•			
Light Rail	•	•		•			
Bus Stations	•	•		•	•		
Truck Stops, Rest Areas, Welcome Centers, etc.	•	•	•	•	•	•	
▼ Transportation Stakeholders Impacted by Policy Directives							
US and state DOTs	•		•	•	•		•
State DMVs				•			•
Private facilities managers		•		•		•	
Frontline transportation workers		•					
Aviation workers	•	•					
Drivers or truckers	•	•	•	•	•	•	•
Mass transit riders		•	•	•	•		

Legend

	Policy Directives	Facilities	Transportation Stakeholders
	Not applicable.		
	No requirement.	No mention.	No deliberate consideration.
•	Action is encouraged or funded.	Indirect reference to facilities.	Target of awareness campaign, encouraged to enact awareness or training policy, or compelled, among broader class of stakeholders (e.g. DOTs among "state agencies"), to enact policy.
•	Action required.	Facilities expressly cited.	Target of training or compelled to enact policy.

* Uniform Act on Prevention of and Remedies for Human Trafficking

Our inventory considers three types of legal provisions. The first type are provisions that specifically utilize transportation infrastructure. Although the details vary, we found four primary forms of these provisions: (1) raising public awareness by requiring postage of signs containing the phone number for the National Human Trafficking Resource Center Hotline; (2) training workers on definitions, indicators, and reporting protocols for human trafficking; (3) incorporating human trafficking training or awareness into the process for obtaining a drivers' license or registering a vehicle; and (4) withholding or revoking commercial driver's licenses for a trafficking offense. The second type of provision that we included affects transportation infrastructure but

does not directly address the sector. This includes training law enforcement on human trafficking and encouraging civilians to provide tips through ‘crime stoppers’ organizations. The third and final type of provisions included are those that relating to public awareness or workforce training, regardless of whether they utilize transportation infrastructure. This allows us insight into the occasions where legislators excluded the transportation sector from such requirements.

No two states in the sample contain the same anti-trafficking provisions. However, there are a few commonalities: every state has provisions that require law enforcement training, promote public awareness in some form, and directly affect drivers or truckers. Public awareness requirements are the most common provisions to utilize transportation facilities; the only state without is Texas. Texas (Gov’t Code § 2054.252), however, is also the only state sampled to require the Department of Motor Vehicles to solicit donations to an anti-trafficking fund in the course of administration functions, which may be credited towards certain fees. California (Civ Code §§ 52.5) and Georgia (§ 16-5-47) require signage at every facility type cited in the sample, whereas other states were more selective. In descending order, the transportation facilities most often subject to these requirements are truck stops (5), airports (4), bus stations and passenger rail (3), and light rail (2). Whereas these provisions are designed to reach the traveling public as well as truckers, Georgia’s (Rule 375-5-3-.17) and Texas’ (Education Code § 132.006; Transportation Code § 522.035) requirements to incorporate training into commercial drivers’ education curricula narrows in on the transportation industry specifically.

Although workforce training requirements are also common, occurring in every state except Georgia, only in California and Texas do they apply to transportation workers. In California, any entity required to post signs, including transit operators, truck stops, and non-transportation-related establishments, must also "provide at least 20 minutes of training" to employees (Civ Code §§ 52.6). By contrast, Texas (Transportation Code § 201.407) requires that TxDOT "develop and make available" training to employees but does not set requirements for other transportation workers. Meanwhile, Ohio (§ 4743.07) specifically recommends that all license- or certification-granting government bodies require anti-trafficking training, providing example of how legislators may design workforce training policies that systematically exclude transportation workers.

Synthesizing these findings with the literature clarifies how anti-trafficking provisions encourage criminal supervision of immigrants and sex workers on transportation. Although trafficking is distinguishable from both prostitution and smuggling on the basis that the relationships are non-

consensual, so long as all activities are illegal, the question is who gets punished and how, rather than whether a crime took place. Three states, including California, Florida (F.S. 16.555), and Texas (Gov't Code § 414), further encourage reporting tips based on flimsy evidence through crime stoppers programs, which authorize organizations to collect tips and forward them to law enforcement for a reward. For those states that share trafficking data across federal, state, and local agencies through fusion centers (6 U.S.C. 124h), such as Texas (Gov't Code § 421), tips can quickly pass through the chain of custody to immigration enforcement. This work illustrates the historical throughline connecting the white slavery panic to the moral crusades, to contemporary anti-trafficking initiatives on transportation.

Chapter 7. Conclusion

Few studies explore the legislative and conceptual links between human trafficking and transportation. Our work suggests that policymakers envisioned a role for the transportation sector in part because they could leverage the physical and social infrastructure of transportation to generate tips for law enforcement on potential criminal activity. Specifically, we propose that this connection can be attributed to (1) the fact that transportation systems cross state borders, providing the federal government with the original legal justification to intervene at all; (2) policymakers looking for platforms from which to launch anti-trafficking campaigns may be opportunistic with the authority they possess over public transportation facilities and their employees. We have argued that these awareness campaigns exacerbate racialized surveillance and policing, causing distress that may discourage transit use, thereby further constraining access to opportunities. “Rescuing” trafficking victims from their circumstance often inflicts another form of violence, even for those labeled victims, including criminalization, victim detention, and deportation. The transportation sector must confront the violence entailed in complacency with the prevailing anti-trafficking regime.

By way of intervention, we invite transportation leaders to bring an ethics of care lens to the transit security discourse. Whereas “human rights–based policy can leave intact harmful patterns of power that serve to exclude, oppress, or marginalize... those who are gendered, racialized, or differently abled,” Greenswag (2019, p. 921) argued that bringing a critical ethics of care lens “to unearth the underlying causes of social contexts can work to not only offer an alternative set of possible solutions to a problem but [...] to challenge the patterns of power [...] that serve to render persons socially, economically, and politically insecure in the first place.” By focusing on narratives of interpersonal violence, anti-trafficking campaigns condone the systemic violence that they are complicit in perpetuating. Ticktin (2011, p. 20) introduced the oxymoronic term “armed love” to explain such paradoxes, asking,

in the context of large movements of people and goods that mark our era, what does it mean to allow [...] sexually violated bodies to cross borders while impoverished ones cannot?

This research helped unearth the context of trafficking and its connections with transportation. Anti-trafficking campaigns betray a lack of consideration for marginalized transit users, particularly immigrants, sex workers, riders of color, and the formerly incarcerated, including

criminalized victims and alleged traffickers. A critical care ethics approach calls on us to center all of them in every stage of the transportation decision-making, including but not limited to when it pertains to transit security.

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