



Ensuring Equity and Inclusion through the Surface Transportation Authorization Act of 2009

Analysis and Recommendations

For decades, low-income people and communities of color have been relegated to the slow lane of transportation policy, planning, and investment. The new \$450 billion transportation authorization, being considered by Congress, is an opportunity to transform the way this country makes transportation investments and put disadvantaged communities on the fast-track to prosperity.

The draft bill introduced by Chairman Oberstar and approved this week by the House Subcommittee on Highways and Transit offers a reform-minded framework for fixing our nation's transportation system. While there is promising language in the legislation about establishing measures and incentives for high performance, environmental sustainability, improved public health, and creation of livable communities—there are many unanswered questions about how this translates to specific policy changes and how implementation will happen.

PolicyLink, the Transportation Equity Network, and the Gamaliel Foundation call on the House Transportation and Infrastructure Committee to ensure real benefits for lower-income people and communities of color by incorporating the following recommendations into the Surface Transportation Authorization Act of 2009 (STAA).

Increase Access to Jobs and Workforce Development Opportunities

Transportation provides access to good paying jobs both in the construction of all types of transportation projects—highways, transit, roads, and bridges, and in the operation of transportation and transit systems. Except for a brief discussion of a National Workforce Development Council, most of the sections of the bill that cover these issues are blank with details “to be supplied.” Specific provisions are needed to ensure access to these living wage jobs for those who have been historically underrepresented in the transportation workforce, such as low-income people, minorities, and women. We call for the inclusion of the following provisions in the bill:

- Strengthen the workforce investment provision in existing law (US Codes, Title 23, Section 140) by increasing the currently allowable ½ percent of all federal highway dollars to be used for the recruitment, training, and retention of underrepresented workers in highway construction projects to a mandatory 1 percent. This should also be expanded beyond highway construction to transit and rail projects. One step in the right direction is H.R. 2444, introduced by Representative Norton, which mandates that ½ of 1 percent of highway funds shall be used for job training.
- Make mandatory, on all highway and transit projects, the “Sense of Congress” on workforce development that was part of the last transportation authorization (SAFETEA-LU Section 1920). Implementation of this provision would mean that 30 percent of work hours on large projects are reserved for low-income people, ex-offenders, women, and minorities.
- Ensure quality job training opportunities by maximizing the use of registered apprentices when located near a transportation project.
- Use Community Workforce agreements whenever possible. Agencies and contractors should utilize agreements that establish uniform labor standards across all contractors and labor organizations working together on projects, which are the most effective means to achieve project stability and to meet targeted hiring and training goals in the community where the work is to be performed.

Provide Transportation Options for All

Federal and state transportation investment has been automobile-centric, resulting in sprawling patterns of metropolitan development, exacerbating climate change, and isolating lower-income people and communities of color, who rely more heavily on public transit. STAA does not go far enough in moving away from the current bias towards highway building to a “mode-neutral” funding system that allows localities to invest in ways that meets the transportation needs of all residents. The following provisions would strengthen STAA:

- While STAA provides some flexibility to allow states and localities to use transportation funds to cover the costs of operating transit systems, it does not provide strong enough or clear enough language for this critical need. We recommend incorporating key elements of H.R. 2746—introduced by Representatives Carnahan and Matsui which allows public transit agencies to flex part of their transit funding for operating expenses. It removes the restriction that prevents transit systems in areas with more than 200,000 in population from using federal transit funds for operating.
- STAA only provides for a 4 percent overall funding increase for resources specifically committed to public transportation (from 18 to 22 percent of total funds). Far more resources are needed for public transportation and far greater clarity and specificity is needed so localities can choose how to spend the other 78 percent (\$337.4 billion)

of dollars, either for additional transit investments, for biking/walking infrastructure, or for roads and bridges.

- STAA recognizes the importance of ensuring our transportation system works for all users by including complete streets policy requirements in the bill. The complete streets provisions could be strengthened by adopting the following two changes: 1) require, not just encourage, states and metropolitan planning organizations (MPOs) to adopt complete streets policies; and 2) apply the comprehensive street design policies and principles called for in STAA to any project receiving federal funding, not just federal-aid highway projects. This would be consistent with H.R. 1443, the Complete Streets Act of 2009, offered by Representative Matsui earlier this year with support from 18 members of the Transportation and Infrastructure Committee.
- STAA includes a major consolidation of federal transportation programs—either combining or eliminating 75 existing funding programs. While this holds promise for more effective implementation of transportation dollars at the local level, we must ensure that this does not decrease overall expenditures to provide transportation options for lower-income people. For example, STAA consolidates three programs that serve the transportation disadvantaged—the current Elderly Individuals and Individuals with Disabilities Formula program, the Job Access and Reverse Commute (JARC) formula program, and the New Freedom program—into a streamlined Coordinated Access and Mobility Program (CAMP). More detail is needed in the draft transportation bill to ensure that this consolidation actually delivers more resources for low-income people, the elderly, and people with disabilities. Additionally, the development of the CAMP program should be seamlessly integrated into the broader planning efforts outlined in the bill.

Strengthen Transparency and Accountability through Institutional Reform

A reformed transportation system must ensure that the decision-making processes used by Metropolitan Planning Organizations (MPOs) and state Departments of Transportation (DOTs) are representative, responsive, and accountable, and that they select projects that ensure equitable outcomes. STAA provides an opportunity to strengthen these goals through institutional reform. Therefore, we call on Congress to include the following in the transportation authorization:

- Keep the MPO certification requirements for proportional voting as stated in the current STAA Section 3004. This language helps to ensure an equitable distribution of benefits because most MPO boards are over-represented by suburban interests because of the current “one-area, one-vote” system. Proportional voting will ensure that population drives voting power.
- Strengthen the provisions stated in Section 3004 to include language that requires that the voting membership of MPOs must be structured, and their membership selected, in a manner which ensures that people of all incomes and races have a meaningful role in decision-making.
- Improve transparency by requiring that MPOs use a participatory public process to determine the criteria for selecting transportation projects.

Establish a Clear Vision and Purpose through National Transportation Objectives

The opening paragraph of the STAA states that the purpose of the legislation is to address mobility and access needs, improve the condition and connectivity of the transportation system, provide transportation choices, promote environmental sustainability, public health, and livability. Within each program area there is some discussion of performance measures to help achieve these purposes. While this is a step in the right direction, the purposes outlined in the introduction must be connected to program-specific performance measures in order to be measured and achieved. And, despite the inclusion of performance measures, there are few quantifiable metrics to assess progress. The accountability and transparency provisions of the bill would be dramatically strengthened by integrating the national transportation objectives outlined in HR 2724—introduced by Representatives Holt, Inslee, and Carnahan with broad public and community support from groups such as Transportation for America, the Transportation Equity Network, PolicyLink, and many others.

STAA has the foundation for much-needed reform, but ensuring an equitable transportation system will require hammering out the details.

We stand ready to support members of the Transportation and Infrastructure Committee and House leadership to craft a transformative bill that will foster equity and inclusion in America.

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