



**TESTIMONY OF WADE HENDERSON, PRESIDENT AND CEO, THE LEADERSHIP  
CONFERENCE ON CIVIL AND HUMAN RIGHTS**

**HEARING ON  
“IMPROVING AND REFORMING  
THE NATION’S SURFACE TRANSPORTATION PROGRAMS”**

**SUBCOMMITTEE ON HIGHWAYS AND TRANSIT  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**MARCH 29, 2011  
Washington, DC**

Subcommittee Chairman Duncan, Ranking Member DeFazio, and members of the Subcommittee: I am Wade Henderson, President and CEO of The Leadership Conference on Civil and Human Rights. Thank you for the opportunity to submit testimony for the record on reauthorization of our nation’s federal surface transportation programs.

The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. Founded in 1950 by A. Philip Randolph, Arnold Aronson, and Roy Wilkins, The Leadership Conference works in support of policies that further the goal of equality under law through legislative advocacy and public education.

I applaud the Subcommittee for holding this hearing on a matter of great significance to the civil and human rights community. Smart and equitable transportation systems connect us to jobs, schools, housing, health care services—and even to grocery stores and nutritious food. But millions of low-income and working-class people, people of color, and people with disabilities live in communities where quality transportation options are unaffordable, unreliable, or nonexistent. For The Leadership Conference, transportation policy is a key civil rights issue and one that is critical to ensuring opportunity for all. The choices we make with respect to federal transportation policy—what we build, where we build it, who builds it, what energy powers it—have an enormous impact on our economy, our climate, our health, and on our ability as a society to achieve the American Dream.

Critical decisions about transportation policy often are made only by those with the leverage and resources that underserved communities don’t have. It’s not surprising, then, that transportation decisions and spending do not benefit all populations equally. As a result, the negative effects of

some transportation decisions—dissecting neighborhoods of low-income families and people of color, physically isolating them from needed services and businesses, and disrupting once-stable communities—are broadly felt and have lasting effects. The report of our sister organization, The Leadership Conference Education Fund, “*Where We Need to Go: A Civil Rights Roadmap for Transportation Equity*,” discusses some of these effects and is the first in a series of reports examining the key roles transportation and mobility play in the struggle for civil rights and equal opportunity.

The work this year to reauthorize the federal transportation law provides a significant opportunity to begin to correct many of the mistakes of the past and to lay a foundation for more equitable transportation options that will serve us well into the future. We urge Congress to invest in a responsible manner that builds a nation where every person in every urban area or rural hamlet can participate and prosper.

### **Transportation policies and job access**

Our transportation policy has the potential to expand economic opportunity for low-income and underrepresented workers by connecting them to highway, transit, and rail construction jobs. Transportation spending generates jobs for workers in the construction industry and also has indirect effects on job creation by increasing the efficiency of the transportation system and improving business productivity. Our transportation policy threatens to exacerbate many Americans’ isolation from jobs and resources. At a time of high unemployment and unprecedented income inequality, equity in transportation policy is one of the most pressing civil and human rights issues our nation faces.

The pending reauthorization of our federal surface transportation law is an opportunity to unleash the major job creation potential of transportation-related projects. The next reauthorization should dedicate transportation funds toward the recruitment, training, and retention of underrepresented workers<sup>1</sup> in the transportation sector. Incorporating a construction careers program into the surface transportation authorization will create substantial opportunities for low-income workers to move into the middle class, as well as broad benefits to workers, communities, contractors, and the construction industry as a whole. The next reauthorization should also strengthen and enforce contracting goals for disadvantaged business enterprises. The construction industry, a leading economic indicator, was badly hit by the recession, worse than any other industry.<sup>2</sup> But spending money just to repair infrastructure or create new infrastructure is not enough.

Investing in public transportation also is an essential ingredient for continued economic growth. The American Public Transportation Association estimates that 36,000 jobs are created or supported for every \$1 billion invested in public transportation; and every \$1 invested in public

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<sup>1</sup> Of the roughly eight million people employed in the transportation construction industry in 2008, African Americans comprised only six percent and women comprised less than three percent. U.S. Bureau of Labor Statistics, “Household Data Annual Averages, Table 11: Employed Persons by Detailed Occupation, Sex, Race, and Hispanic Origin,” 2008.

<sup>2</sup> *Construction Employment Rises in 20 States Between October and November*, Associated General Contractors of America Dec. 17, 2010; Daniel Massey, *Hard Hats Among the Hardest Hit*, Crain’s New York, Feb. 28, 2011.

transportation generates almost \$4 in economic benefits.<sup>3</sup> Public transportation services across the country are being drastically cut and fares continue to rise at a time when working families and low-income people most need quality, affordable transportation options to find and retain work opportunities. More than 80 percent of the nation's transit systems are considering or have recently enacted fare increases or service cuts, including reductions in rush-hour service, off-peak service and geographic coverage.<sup>4</sup> The mass of unemployed workers includes large number of transit-dependent individuals who can no longer get to work because their ride has been cut or eliminated. Nearly 20 percent of African-American households, 14 percent of Latino households, and 13 percent of Asian households live without a car, compared with only 4.6 percent of Whites.<sup>5</sup> The severe transit cuts are causing a mobility crisis, preventing transit-dependent individuals from getting to work because their rides are gone. Our transportation policy could stimulate growth and opportunity for low-income individuals by connecting them to jobs and opportunity.

But we cannot get our economy back on track if millions of individuals are unable to travel to work. Congress should maintain funding for development and construction of new public transit lines, which put people to work and provide low-cost transportation choices. Also, transit systems should be provided with flexibility to use federal funds for operating costs to maintain critical service that keeps people connected to communities.

To help provide critically needed jobs and job access, we support:

- Establishing a construction careers program that would target jobs to low-income workers, ensure quality job training, support quality pre-apprenticeship training programs, and use community workforce agreements.
- Promoting workforce development, such as the Transportation Job Corps, which would create a career-ladder grant program within the Federal Transportation Administration at the U.S. Department of Transportation (DOT) to help existing workers retain jobs in the public transportation industry, while also recruiting and preparing young adults from low-income communities and communities of color, who are underrepresented in transit sector jobs.<sup>6</sup>
- Enhancing the DOT's On-The-Job Training Program to apply to transit, railways, and all other surface transportation projects in order to increase the workforce available to

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<sup>3</sup> *Job Impacts of Spending on Public Transportation: An Update*, American Public Transportation Association, April 29, 2009 at [http://www.apta.com/gap/policyresearch/Documents/jobs\\_impact.pdf](http://www.apta.com/gap/policyresearch/Documents/jobs_impact.pdf).

<sup>4</sup> *Impact of the Recession on Public Transportation Agencies*, The American Public Transportation Association, Survey Results March 2010 at [http://www.apta.com/resources/reportsandpublications/Documents/Impacts\\_of\\_Recession\\_March\\_2010.pdf](http://www.apta.com/resources/reportsandpublications/Documents/Impacts_of_Recession_March_2010.pdf)

<sup>5</sup> Brookings Institution and UC-Berkeley, "Socioeconomic Differences in Household Automobile Ownership Rates" at <http://gsppi.berkeley.edu/faculty/sraphael/berubedeakenraphael.pdf>. Thirty-three percent of poor African Americans and 25 percent of poor Latinos lack automobile access, compared to 12.1 percent of poor whites. PolicyLink, "The Transportation Prescription: Bold New Ideas for Healthy, Equitable Transportation Reform in America."

<sup>6</sup> Rep. Nadler's H.R. 929, The Transportation Job Corps Act of 2011 would create a career ladder grant program within the U.S. Department of Transportation's Federal Transit Administration. The Act would also require FTA to establish national and regional councils to identify skill gaps and create programs to train an array of employees, including mechanics, managers, and paratransit providers.

complete these projects and increase the participation of women, minorities, and disadvantaged individuals.<sup>7</sup>

- Preserving and expanding Section 5310, which provides needed transportation services for seniors and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. We also support the Job Access and Reverse Commute (JARC) program, which makes funds available to provide new and expanded transportation services to enable low-income individuals to access job training and work. The JARC program helps address the barrier of the cost of car ownership by providing funds to support the development of new transportation services that fill gaps in existing services. In addition, we support the New Freedom program, which serves a critical transportation need in the disability community. These programs should be strengthened by improved oversight and transparency to help nonprofit partners provide much needed assistance to these communities.

### **Transportation policies and affordable housing**

Transportation decisions have contributed to economic and racial segregation in our metropolitan areas. Due to the lack of affordable and accessible transportation services, aging Americans, including persons with disabilities, often remain isolated and segregated in their homes with few options to become integrated members of their communities.

Neighborhoods that are accessible only by car are off limits to those who can't afford automobiles or lack the ability to drive, even if housing costs are within their means. The transportation reauthorization should create resources to help communities undertake transit-oriented development that encourages creation of affordable housing and supports critical community services.

Effective coordination of transportation and housing policy is essential for achieving transportation equity. Our transportation policies should:

- Reward and promote affordable housing near public transportation by reforming funding programs and providing station area planning grants to local communities; and
- Reduce transportation costs in places where housing costs are low by strengthening reverse-commute systems or expanding public transit service to low-income neighborhoods or communities, people with disabilities, and seniors.

### **Transportation and access to affordable health options**

Isolation from health care providers also has serious consequences for many disadvantaged communities. Low-income people and people of color disproportionately lose out on educational and work opportunities due to health problems. Higher percentages of African Americans and Latinos compared with Whites live in areas with substandard air quality.<sup>8</sup> Inadequate access to

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<sup>7</sup> Currently, the program only applies to Federal Highway Administration-funded projects. <http://www.fhwa.dot.gov/ojtss.htm> States can use On-The-Job funds to provide services such as: pre-employment counseling; orientation to the expectations and requirements of the highway construction industry; basic skills improvement; support for contractor recruiting, counseling, or remedial training. Funds can also be used for job site mentoring and post-graduate monitoring.

<sup>8</sup> Minority children disproportionately suffer from asthma; among Puerto Rican children, the rate is 20 percent and among African-American youngsters, the rate is 13 percent, compared with the national childhood average of 8 percent. *The New York Times*, "For Minority Kids, No Room to Breathe," Aug. 29, 2007, <http://www.nytimes.com/ref/health/healthguide/esn->

transportation has exacerbated health disparities, forcing many low-income patients to miss appointments—often worsening their medical problems.

The high cost of transportation forces low-income families to limit spending for other basic needs, including out-of-pocket health care expenses and nutritious food.<sup>9</sup> On the other hand, accessible and affordable transportation options can make a difference in the lives of people seeking quality health care.

Because a very small percentage of federal funds have been used for affordable public transportation and for active transportation (*i.e.* walking, biking) opportunities, people without access to cars have been isolated from opportunities and services—including health care providers. By under-investing in walkable communities, rapid bus transit, rail and bicycle-friendly roads, our policies contribute to high concentrations of poor air quality in urban areas, pedestrian fatalities, obesity, and asthma. All of these public health risks have disproportionately affected low-income people and people of color.

### **Reforming the planning process**

States and regions need to improve accountability and transparency by focusing on outcomes of transparent investments. Planning must be inclusive and foster a robust public engagement process. Our transportation policy has been made by bodies that do not represent all constituents equally.<sup>10</sup> We should reform the transportation planning process to be more outcome-oriented, using measures that promote equity, including mobility, job access, health, safety, and making investments in local communities. We recommend that:

- Agencies be charged with documenting how input from stakeholders was considered in the development of a coordinated transportation plan;
- States and regions be engaged in a strategic transportation planning process and develop strategic, performance-driven, outcome-oriented plans that expand opportunity and benefit economically distressed populations.

### **Civil rights compliance and enforcement**

Effective and equitable transportation projects are essential to the well-being of transit-dependent communities by providing access to employment, affordable housing, education, and health care. Our next transportation bill should ensure vigorous enforcement of existing civil rights legislation and pursue improved civil rights protections in federal statutes covering recipients of public funds. The bill should strengthen administrative enforcement of Title VI of the Civil Rights Act of 1964 by providing additional funding for enhanced monitoring, technical assistance, and enforcement activities. The need for enforcement is acutely felt in public transportation, where billions of dollars in investments are at stake, and the most disadvantaged

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<sup>9</sup> Low- and moderate-income households spend 42 percent of their total annual income that on transportation, including those who live in rural areas, as compared to middle-income households, who spend less than 22 percent of their annual income on transportation. Bureau of Transportation Statistics, Consumer expenditure Survey, 2000.

<sup>10</sup> Thomas W. Sanchez, “An Inherent Bias? Geographic and Racial-Ethnic Patterns of Metropolitan Planning Operations Boards.” at [http://www.brookings.edu/reports/2006/01transportation\\_sanchez.aspx](http://www.brookings.edu/reports/2006/01transportation_sanchez.aspx).

communities sustain a disproportionate share of transportation-related burdens inhibiting their access to affordable, accessible, and reliable transit.

We recommend that the surface transportation reauthorization:

- Expand resources to strengthen enforcement of civil rights provisions to ensure that recipients of federal funds meet non-discrimination requirements. One cause of the current accountability gap is a shortage of federal workers to administer existing civil rights provisions. The bill should direct more resources toward compliance reviews, technical assistance, and investigation of Title VI complaints, including complaints related to discriminatory language barriers in transportation services.<sup>11</sup>
- Maintain the Transportation Equity Research Program, which funds research projects to understand the impact of transportation planning, investment, and operations on low-income, minority, and transit-dependent populations.<sup>12</sup>
- Conduct an equal opportunity assessment to collect and evaluate existing demographic data reported by DOT fund recipients that would help federal, local, and state transportation officials to avoid the lapses in civil rights safeguards in the construction and operation of federally-funded transportation projects.
- Restore the right of private individuals and entities to pursue legal enforcement of DOT's Title VI anti-discrimination regulations as a means of ensuring nondiscrimination in transportation when federal enforcement fails. This will give local communities a tool to redress existing transportation disparities while ensuring inclusive treatment and equitable outcomes in future investments.

There is much at stake for the civil and human rights community in the next federal transportation bill. As Congress considers how best to rebuild and repair our nation's roads, bridges, railways and ports, and where and how to prioritize investments in public transportation and pedestrian and bicycle access, it's vital that the needs of communities of color, low-income people, people with disabilities, seniors, and the rural poor are considered.

Thank you for your leadership on this important issue.

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<sup>11</sup> Pursuant to Executive Order 13166, each Federal agency must examine the services it provides and develop and implement a system by which Limited English Proficiency persons can meaningfully access those services.

<sup>12</sup> The Transportation Equity Research Program has funded at least six projects addressing research needs in a range of communities, *e.g.*, research on the impact of transportation investments and land-use policies on the ability of inner-city Detroit residents to access jobs and essential non-work activities.