
Transit-based Opportunity—Lessons from Dayton

Matthew Martin

The linkages between neighborhoods and academic achievement, health, and life outcomes have been thoroughly documented in research literature in recent decades.¹ Most recently, this work has even demonstrated that life expectancy can be predicted based on zip code,² and a growing body of research has begun to connect neighborhoods to infant mortality rates.³ Neighborhoods matter.

This reality creates urgent needs for families lacking viable options to move out of distressed neighborhoods, and for those whose long-standing connections to severely marginalized places give them reason to want to stay and engage in their revitalization. Basic needs such as the ability to afford to remain in one's home, and to feed one's children, are among those urgencies. People live in places with scarce resources for different reasons, including affordability and social ties. Regardless of motivations, when communities lack jobs, well-performing schools, healthful food sources and sound medical facilities, residents are forced to look elsewhere for them, or go without. Because of high poverty and limited automobile access for many in distressed communities, public transit is a critical need and a bridge to get to work, school, the grocery store and the doctor's office.

Where opportunity structures are failing, well-designed transportation systems thus provide a critical linkage between residents of distressed communities and areas in the region where opportunities and amenities are more robust. The Kirwan Institute for the Study of Race and Ethnicity of Ohio State University has thus stressed throughout its first decade of Opportunity Communities work that lives can be improved *both* by enhancing the

ability of low-income families to move into areas that enjoy richer opportunity assets, and by improving linkages to such assets while families remain connected to neighborhoods they seek to help improve.

The Dayton Story

A recent story from Dayton, Ohio underscores the importance of transportation equity, and sheds light on the power of public transit to link marginalized communities to opportunities throughout a region with differentially located assets. Beginning in March 2010, the Greater Dayton Regional Transit Authority (GDRTA) proposed a 1.5-mile extension of service, including the construction of six bus stops just inside the suburban bor-

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ders of the City of Beavercreek. From a transportation planning perspective, the additions made perfect sense: They would extend bus service from West Dayton, where poverty and unemployment rates were high, past the existing terminus at Wright State University, across I-675, into an area of rich commercial activity, including the popular Fairfield Commons Mall, where transit riders, employees of Wright-Patterson Air Force Base, as well as students and employees of Wright State University, could access employment and shopping opportunities, as well as medical and educational offices.

But the GDRTA knew that sensible ideas sometimes meet with resistance, so it took steps to assuage any concerns with its proposal. To move forward, the GDRTA needed the Beavercreek City Council to approve its application for the necessary permits; it

worked with the city's Public Service Division to ensure that all aspects of their proposal conformed to the city's Code. By November 2010, after several revisions reduced the proposed stops from six to three, Beavercreek's Public Services Director was satisfied that the application was ready to be forwarded to the City Council.

Opposition from Beavercreek

The Beavercreek City Council held its first public hearing on the GDRTA's plan in February 2011, at which Council members were informed that the application satisfied all design criteria for public transit stops included in the city Code. Beavercreek City staff gave an overview of the proposal, and the Director of GDRTA explained the agency's interest in enhancing transit riders' access to jobs, educational resources and other services that the new stops would enable. Only three members of the public spoke at the hearing, all in support. Despite this, some Council members expressed reservations, citing safety issues, negative feedback received from some of Beavercreek's residents, and questions about the benefits to the City. The matter was tabled for further deliberation.

Two more hearings followed over the next five weeks, during which Beavercreek Council members asked the GDRTA to satisfy 19 additional design standards, several well beyond the city's Code and never before demanded of any applicant. Things like: the installation of police call boxes at each of the stops; video surveillance cameras with real-time feed to the local police station; billing the GDRTA for police services; and a \$150,000 deposit from the transit authority for unanticipated costs. The GDRTA agreed to some of the Council's re-

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Matthew Martin (*mattmartin@kirwaninstitute@gmail.com*) is a Research Associate at the Kirwan Institute.

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quests in order to comply with all of the standards in the City's existing Code, but it balked at others, pointing out that many of the demands were highly unusual and cost-prohibitive. Over time, the opposition of some of Beaver Creek's residents had become clearer, suggesting that the matter had turned into a NIMBY scenario, with residents expressing fears about litter and public safety. When the matter was finally called, the City Council voted unanimously against the bus line extension.

FHWA Intervention

Following the decision, a local grassroots community organization known as Leaders for Equality and Action in Dayton (LEAD) partnered with Advocates for Basic Legal Equality, Inc. (ABLE) to file a complaint with the Federal Highway Administration's (FHWA) Office of Civil Rights. The complaint alleged that Beaver Creek's decision violated Title VI of the 1964 Civil Rights Act and Department of Transportation regulations prohibiting discrimination on the basis of race in federally-assisted programs, and would have a disparate impact on Dayton's communities of color. The Kirwan Institute supported the complaint with maps and demographic analysis that substantiated the disparate impact claim.

The FHWA launched an investigation, interviewing Beaver Creek staff and City Council members, along with representatives of other local transportation agencies. An open forum was held, during which attendees took a bus tour and walked the hazardous overpass that bridged the freeway to allow passage from the end of the existing bus route into Beaver Creek. Supplemental site investigations and data analysis, along with additional stakeholder engagement, played an added part.

In June of 2013, the FHWA issued its decision, finding as a preliminary matter that it had jurisdiction to con-

sider the case. On the merits, the agency agreed that Beaver Creek's decision had a disparate impact on African-American transit users, which placed in jeopardy millions of dollars in federal funding if the city refused to change course and allow construction of the stops to commence. In October 2013, the Beaver Creek City Council reluctantly reconsidered and voted to approve the GDRTA's application, 5-2. Following two months of collaboration between GDRTA and the City's public service division, transit service along Pentagon Boulevard began in January 2014.

Avoiding litigation and the potential loss of federal funds plainly played a role in the outcome of this story, and

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should be considered as a strategy by other communities with similar concerns. The case also highlights the importance of continued efforts to preserve the disparate impact standard. The *Mount Holly* housing bias case, recently settled, is a key example of how disparate impact claims are under attack. The Obama Administration and federal agencies must continue to push back, as without that standard, challenges like this would have no prospect of success. Additionally, initiatives like the HUD Sustainable Communities Program represent a more proactive approach to coordinating housing and transportation policy in a way that increases access to opportunity for all communities.

As we close out the year celebrating the 50th anniversaries of Dr. Martin Luther King Jr.'s "Letter From Birmingham Jail" and the March on Washington, as well as the 150th anniversary of the Emancipation Proclamation, the nation has paused to recognize both the strides we have made toward racial equality and the distance yet to be traversed. Hostility to a plan that would extend a bus route origi-

nating in a neighborhood that is 70% Black to one that is 75% White,⁴ shows us that more remains to be done to attain Dr. King's dream.

A Model for Other Regions

The dispute that played out between Dayton and Beaver Creek provides a model for other regions. Transportation can provide a critical link to opportunity, as can housing mobility and holistic place-based investments. While our communities work to improve conditions that impede opportunity and contribute to unwanted gaps in life outcomes, communities and families can be supported by creative transit-based policy, connecting people and communities to the opportunities they need in order to thrive.

¹ Turner, Margery Austin. "Why Housing Mobility? The Research Evidence Today" *Poverty & Race*, Jan./Feb. 2005.

² Robert Wood Johnson Foundation. "Short Distances to Large Disparities in Health" - Commission to Build a Healthier America, 2013.

³ Sue C. Grady, "Racial disparities in low birthweight and the contribution of residential segregation: A multilevel analysis" - *Science & Medicine*, Vol. 63, Issue 12, Dec. 2006, pp. 3013-3029, ISSN 0277-9536.

⁴ Based on 2011 American Community Survey estimates for the census tracts surrounding each end of GDRTA bus route 01. □

New on PRRAC's
website -
www.prrac.org

Integrated Pre-K education:

We joined members of the National Coalition on School Diversity in detailed comments on the Department of Education's new \$250M early education initiative - urging that the new program guidelines try to avoid separating low-income children of color from their middle-class peers. We also cited recent research that children in kindergarten and pre-K are the most segregated age group in America, by race, ethnicity and income.