

CIVILRIGHTS
Anita Hairston
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Lexer Quamie: Hello and welcome to today's webinar, Transportation Equity: A Civil Rights Issue. I am Lexer Quamie with the Leadership Conference on Civil and Human Rights and I'm excited to be your moderator for today's session. First, many thanks for joining us today. This webinar is presented to you by the Transportation Equity Caucus which is co-chaired by the Leadership Conference and Policy Link. The Equity Caucus is a diverse coalition of more than 90 organizations working together to advance policies to ensure access, mobility and opportunity for all. Following this webinar, I encourage you to visit our website, equitycaucus.org. There you can download valuable resources and view more details about the Equity Caucus's policy priorities and principles.

The Transportation Equity Caucus is charting a new course for our nation's transportation investments to ensure that everyone can participate and prosper. This course is guided by the four principles you see on your screen. If we can go back one slide – and so during today's discussion we'll focus on that fourth principle, invest equitably and focus on results. Several transportation investments must bring benefits to people with disabilities, low income communities, people of color and other vulnerable groups.

We chose today to hold our webinar to coincide with the 50th anniversary of the signing of the Civil Rights Act of 1964 which was July 2nd. During this webinar, you'll hear about how key provisions of the Act are used today. In

fact, Dr. King recognized the importance of transportation connecting and dissecting communities and wrote in 1969 that urban transit systems have become a genuine civil rights issue. Now, almost 50 years later, in spite of other significant social and economic gains, transportation still remains a crucial civil rights priority.

As we can see on the next slide, the statistics are grim. For example, racial minorities are four times more likely than whites to rely on public transportation for their work commute. Also of the nearly two million people with disabilities who never leave their homes, more than half a million never leave their home because of transportation difficulties. Forty-one percent of residents in small towns and rural communities have no access to transit at all. All communities are affected by misguided investments or under-investing in our transit systems, and we hope that that sentiment is reflected later today when the President makes remarks about our infrastructure and economy.

Today, we are fortunate that there are seasoned leaders with us on this webinar who are working daily to address these challenges. But before I introduce our wonderful lineup of speakers, I want to invite Mary Lee, Deputy Director of Policy Link Center for Health, Equity and Place to provide the welcoming remarks. Mary is a practicing attorney with more than 25 years of experience using civil rights, land use and economic development strategies to revitalize neighborhoods and enhance public participation in the policy arena. Mary?

Mary Lee: Thank you, Lexer. I'm honored to join you today to commemorate the milestone of the signage of the Civil Rights legislation. For me, it's not only a historic event but a personal one. My parents were civil rights activists in the

community that I grew up in, in Los Angeles, and they believed that as so many of their peers did at the time, their neighbors, their friends that passage of these laws would change their lives and change the history in the course of our country. The Civil Rights legislation really was a result of decades of activism and as some of you may know, there were a variety of components or planks in the civil rights platform in the 1960s.

Transportation was a prominent one and it doesn't always get acknowledged as such, but clearly the bus boycotts and the focus on public accommodation has incorporated that transit kind of context. But along with transit, housing, education, jobs and voting rights were prominent portions of what the battle was about. Those are the same issues that are priorities today, and that's why I think it is so historic and so important that we're having this discussion at the 50th anniversary.

People of color and low income residents of communities across the country are still confronting the same issues, and they confront them simultaneously all at once. They have to contend really with the cumulative impact of all of these things. Progress has been made but it's incremental, and although the restrictions that we see today are not quite as obvious, perhaps it's not visible signage or racial restrictions that we see stopping people from going about their daily lives in overt ways. The types of impacts that are perhaps more difficult to pinpoint are having devastating consequences. The racial and economic disparities that we see and many of the statistics that left are just resided are deepening the gulf between rich and poor and between people of color and whites in our country.

So as difficult as this is, we really have a huge challenge in front of us, and now it is what our speakers are going to address today, the questions about where projects are sited and how they are financed. A strategy that's proven to be so effective in all of these arenas, transit as well as housing and others, have the litigation and that's part of what our speakers are going to focus on.

But I'm going to close my welcoming remarks to all of the listeners here to really challenge you, challenge you to keep looking for ways in every one of these arenas, particularly transit as we're discussing today, to implement the laws that folks fought so hard to see passage of, but to look for new ones as well and to make sure that it isn't enough to pass the laws. We need to work past that to implementation. We're not going to achieve the kinds of goals that we want just with the passage of a law. The laws have to be utilized, and as I think the goal of our call today is to work toward outcomes, to work toward results, and that's what we need in our country, equal results without regardless to race, without regardless to statuses and economic standing. So thanks again for letting me join and I'm so interesting in hearing what the comments of our speakers will be.

Lexer Quamie: Thank you so much, Mary, we really appreciate it. Now on to our speakers, I'll introduce them in order in which they'll speak. First you'll hear from Anita Earls. Anita is the Executive Director of the Southern Coalition for Social Justice and a civil rights attorney with 25 years of experience. Anita will discuss a complaint filed under Title VI of the Civil Rights Act at the Department of Transportation alleging that residents of a South Carolina neighborhood were excluded from the decision-making process which resulted in the demolition of a major bridge connecting the community to an adjacent town.

Second, you'll hear from Ellis Jacobs. Ellis has been a public interest attorney in the Dayton, Ohio area for 35 years. There, he works with Advocates for Basic Legal Equality or ABLE where his advocacy led to a decision by the Federal Highway Administration requiring the City of Beaver Creek, Ohio to allow the transit authority to extend bus service to the Beaver Creek mall area. This was notably the first time the Federal Highway Administration found the jurisdiction in violation of Title VI based on a complaint filed by the citizen's group.

Finally, Karen Rotger serves as senior staff attorney for the American Civil Liberties Union of Wisconsin and heads its poverty, race and civil liberties projects. She will discuss how she worked with advocacy groups to bring about an agreement in Wisconsin to create and expand bus routes linking Milwaukee inner city residents to employment opportunities in the suburbs.

Before I turn to Anita though, I want to share three important notes with all of you participants. First, following this webinar you will receive a link to access the speakers' slides and audio presentations. So please don't feel like you have to write down everything you see on the screen. Second, after all four speakers' presentations, I will facilitate a discussion using your questions. So please feel free to use this chat feature on your screen to submit your questions at any time during the webinar, but we'll take them at the end. You'll also have a chance to ask your questions verbally if you prefer at the end.

Third, we will be live tweeting during the webinar and encourage you to do so as well if you're able using the hashtag transportation equity. We also

encourage you to participate in our online Twitter conversation immediately following the webinar for 15 minutes using the hashtag transportation equity. So follow us at civilrights.org or at Policy Link.

With that, it is my pleasure to turn the floor over to Anita Earls of the Southern Coalition for Social Justice.

Anita Earls: Thank you, Lexer, and hello, everyone. I'm going to tell you a story about a Southern Side community in Greenville, South Carolina if we can have the next slide. This is really an example of what can happen when multiple transportation decisions are made over time that don't take into account the needs of low income and a poor neighborhood and most of these decisions were about where to place highways. But let me tell you briefly about Southern Side. It's long been a historically rich and vibrant area for African-American residents. The community center that you're looking at opened in 1980 and the neighborhood is home to six churches, five small parks, it's adjacent to trails, swamp rabbit trail and it's not that far from downtown Greenville.

The next slide shows you this orange is how the City of Greenville defines the community for its planning purposes and what you'll see there, the railroad tracks that go through the middle of the Southern Side area. The next slide shows you the racial breakdown. So this is a community that at the time we filed this complaint it was 77%, almost 78% African-American, 3% Hispanic and 18% White, so the green shading, the darker the green the more concentration African-American residents.

The other thing that this shows you is the issue that was created when the Pete Hollis road was built, you can see if you look at the top arrow where there's a circle, you can see the road there named Pete Hollis. That bridge is a bit over the railroad tracks but it cut off access to the neighborhood and then the Hampton Avenue bridge which was a bridge that residents of the neighborhood used to walk over the railroad tracks to get to the other side of the neighborhood which might include relatives or businesses or sort of a number of reasons why they want to get over there, that's the bridge that a decision was made to close the bridge and then really restricting access for residents. So what this is about is a pedestrian bridge over the railroad tracks.

The next slide gives you - you can see the picture on the left shows the bridge that was demolished in 2012 and the area that was closed off to residents. So when that happened, you can see on the next slide people had to somehow get across these railroad tracks which are actively used and are obviously a big barrier to pedestrians getting access. On the next slide you'll see the path that people have to take to get to the other side that's over a mile and a half, and the picture in the bottom right hand corner is as you're beginning to go up over the Pete Hollis bridge over those railroad tracks but you can see it's in places a six-lane huge road and the sidewalk area is very narrow and doesn't provide any protection to pedestrians between the cars and the sidewalk.

So the community did become organized. The next slide will show you some of the community meetings where we filed a Title VI complaint in January of 2013 and this particular meeting was when people came down to learn what was going on there, to hear from community residents about why this pedestrian bridge was so important to them. But I think another important

part of the story is that this was not the first decision that had cut off access to the neighborhood.

So there were two elements to their complaint, both that the process didn't involve the community, so they couldn't weigh in on why this was important to them, and in particular it involved South Carolina Department of Transportation making a decision when the city and county officials were eager to be able to maintain pedestrian access and there were varying estimates about the existing bridge, but some of those estimates suggested that they could actually repair the existing bridge for less than what they had to invest to demolish it. So there were a lot of reasons why a little bit of delay to allow the community to get involved and allow local officials to weigh in might have resulted in a much better solution.

But now through the process of the Title VI process, the next slide just highlights some of the progress that has been made. There has been, and especially to the credit of city and council officials and local elective members of the legislature, they've been working hard to find funding for the pedestrian bridge. They've got some funding, not enough to build it. The state officials are continuing to make efforts to find additional funding. The community has continued to stay engaged and I think this history of how decisions over time blocked access to the neighborhood is an important history that has come to light.

So those are some of the benefits that I would say the community has achieved so far in working through the Title VI process. It's not finished yet and we're still hoping for a positive resolution, but this is an example of a community being able to use the civil rights laws to bring attention to their

situation and to try to get some funds spent that will continue to allow their community to have access across this barrier that the railroad tracks create.

Lexer Quamie: Thank you very much, Anita, for sharing the story and experience of those living in Greenville, South Carolina. We're going to transition now to Ellis Jacobs from Advocates for Basic Legal Equality, and Ellis will talk about using Title VI of the Civil Rights Act to address Beaver Creek, Ohio's attempt to place burdens on putting bus stops at its mall and thus blocking transit service, and the successful finding by the Department of Transportation. So Ellis, I turn it over to you, and if you could also just explain what Title VI of the Civil Rights Act says or does.

Ellis Jacobs: Sure, I'll be glad to do that. Thanks, Lexer, and hello to everybody on this. Let's go to the next slide here, and now the next slide. If we go to the one after that – thanks, alright. As Lexer said, I work in Dayton, Ohio and in 2010 the local Regional Transit Authority approached the City of Beaver Creek to extend bus service out to Beaver Creek, and that led to a three-year long struggle that galvanized a large part of the community before those buses were finally able to run.

If we can go the next slide, you can sort of see some of the geography here. This is a map that has a whole lot of information on it. I don't imagine that you can actually see all that, but you can see in the center you have the City of Dayton and of to be right lower corner, that area rolled off is Beaver Creek. The yellow line running through the center is the Regional Transit Authority bus route one which is the route that the RTA wanted to expand past or presently stopped at a local four-year community college, Wright State University, and they wanted to extend it into that little green area you see. It

would then turn and cross I-675 to Beaver Creek, and in Beaver Creek we have one of the fastest growing areas in the Miami Valley. It's where there's a large mall, a brand new hospital opened recently, there are trade schools and a whole lot of other retail. It's one of the fastest growing job areas in this community.

So RTA saw as part of their mission getting the people from where they live to where their jobs are, so they wanted to extend their bus route into Beaver Creek and they applied to do that. Now I should mention that Dayton you can see there, the map shows you the ratio breakdown in the City of Dayton. The west side of Dayton is largely African-American. Dayton overall is 42% African-American. Beaver Creek which sits on the edge of Dayton is 2% minority. Now RTA ridership is 73% minority. So when RTA applied to be able to have this bus service, Beaver Creek already had a thick book of design criteria that you had to satisfy in order to set up a bus stop. Let's go to the next slide if we could.

RTA worked with the city for about a year and satisfied all those design criteria and then it went to the City Council, and the City Council's ordinances basically gave the council basically essentially unfettered discretion in adding additional criteria, deciding whether or not to in fact let you have your bus stop, and the council had an initial hearing and there was a group called LEAD, Leaders for Equality and Action in Dayton, which is a church based civil rights group that's very dynamic, has worked on a whole lot of other issues, has a great reputation in the community. LEAD was advocating or extending this bus route. So LEAD attended the hearings at the city of Beavercreek. In fact at the public hearing, the only people that spoke about this were in favor of it, but when it came time for the second reading, city

council members had started to get emails from people that lived in Beavercreek. The most memorable email talked about, “Don’t let West Dayton force its way into Beavercreek.” Now, West Dayton is the African American part of Dayton and I think everybody understood what was being said. Many other people weighed in with the idea that the buses would bring crime to the mall in Beavercreek. So after a couple of weeks of this when they finally took a vote, the Beavercreek City Council voted 6-0 against allowing the buses to come to Beavercreek and before they took that vote, they insisted on certain additional criteria like they said, “If you’re going to bring these bus stops here, they’ve got to be heated and air-conditioned.” The head of the local RTA said that, “The only place he’d ever seen heating and air-conditioned bus stops was in Dubai.” The city council said, “If you want to come here, you got to have 18 inch thick concrete pad,” instead of 10 inches that they have downtown where they have thousands of buses and again, head of the RTA says, “You know, the only place I’ve seen 18 inch concrete pads is with Atlantic B52.” You just don’t need that. So the city came up with these unreasonable, expensive requirements and when the RTA said of course, “We can’t meet these,” they voted against them. This provoked a community outrage.

Let’s go to the next slide if we could. LEAD took the lead in organizing a demonstrations, individual letter writing campaigns. Here you see a march that went on the route that the buses were not being allowed to drive - across the bridge. They went across I-675 from the community college to the mall area. So people got the opportunity to walk that walk and to see just how dangerous it would be for somebody trying to get to their job at the mall from where the bus stopped. As part of the overall campaign- and I emphasize as

part of the overall campaign - my organize able, ABLE, filed a Title VI complaint on behalf of community residents.

Title VI is the part of the Federal Civil Rights Act that it essentially said that if you're going to accept federal dollars, you can't do things that have the effect of discriminating against African Americans and when we filed that complaint, we filed it with the Federal Highway Administration and initially I think they were a little confused by our complaint because when they looked at it, they saw a complaint about bus stops and they thought, "Well, maybe this belonged to the Federal Transit Administration," but I think they finally understood that no, we intended to file it with them. The reason we filed it with them is because the City of Beavercreek, over the last decade, has received about \$60 million in Federal Highway money to improve their roads. Again, as part of Title VI, when you accept the federal dollars, essentially what you're saying is that all the operations of any department of local government that accepts this federal dollars is going to be bound by the Title VI requirements that they cannot have practices, criteria, or methods of administration which have the effect of discrimination.

So that was our argument and that was ultimately the argument that FHA thought made sense and so they launched an investigation in April of - we filed a complaint in August of 2011. In April of 2012 they sent out a team. The Federal Highway Administration did to do a really good and thorough investigation. They literally walked the walk across that bridge. They rode the route where the bus route would go. They came to a community meeting that LEAD organized for 250 packed the church in Dayton and talked about how they - individuals stood up and said, "I want to be able to get the jobs out near the Beavercreek mall, but I can't get there because public transit doesn't

run there,” and job councilor stood up and said, “This is where the jobs are. We want to be able to send people but we can’t send the people there that don’t have cars,” and so after a little period of consideration - and I must admit, people then got a little worried. They were wondering when this decision was going to come out. The investigation was in April of 2012. In March of 2013 we got a decision and the decision said that African Americans disproportionate relied upon bus service. There was no legitimate justification for the burdens that the City of Beavercreek wanted to put on the bus stops and that Beavercreek was in violation of Title VI and it recommended to Beavercreek that they fix their process, this process they gave the city commission unfettered discretion on turning down bus stops and that they re-hear the particular application that they had rejected. The threat in the letter was that if you don’t do these things, we will suspend or terminate - we can suspend or terminate your federal highway money and refer the matter to the US Department of Justice. So there was a little hemming and hawing by Beavercreek in deciding what they wanted to do, but they heard from their attorneys that they could fight this and it would cost them a lot of money and they would probably lose.

So if we can go to the last slide. So in January or in the fall of 2013, Beavercreek agreed. Yes, they would allow the bus stops and on January of 2014, the buses began running and here hopefully you see. My screen went dark. Hopefully you see pictures of the very first bus riders early, early Sunday morning. It was cold and nasty but a lot of people came out to ride the bus. The head of the regional transit authority, who you see in one of these pictures, drove the bus and the good news is that ridership on this particular route has been good. The Dayton Newspaper took a look at crime rates at the mall and of course no surprise now, that crime had not gone up. In

fact, it had sort of gone down a bit since the buses began running. So three years later, the buses ran in Beavercreek. It was a success story not just in the fact that we were able to transit extended to a really important area and connect people with jobs but in the way it truly did bring the community together. This is one of these struggles that people instantly understood what it was about and instantly knew where they stood and it became something that was talked about widely in the community and it's something that I think will provide the basis for further work on transportation equity in this area.

Lexer Quamie: Thank you very much, Ellis. We really appreciate it and congrats again on your work and your success. I'm definitely looking forward to see how things continue to develop and also just sharing with us the impact and the power of Title VI and that it really provides protection from disclamation based not only on race, not just based on race but also your color and national origin. We're going to look at another piece of Civil Rights Legislation, the National Environmental Protection Act. So we're going to hear from Karyn Rotker from the ACLU of Wisconsin and she's going to discuss how her coalition used NEPA to create and expand bus routes linking Milwaukee inner city residents to employment opportunities in the suburbs. While she's speaking, I wanted to remind you to please feel free to start thinking about your questions and use the Q&A box because once Karen concludes, we will open it up for discussion either using the box or any questions you may have verbally. So thank you, Karyn.

Karyn Rotker: Thank you, Lexer. Thanks to all the other speakers. Please go on to the next slide. So I want to talk about transportation justice transit advocacy which is something that here in Milwaukee has been going on for at least a decade if not longer. I know I saw one of the early slides said something like about

20% nationwide I think it was of African Americans depend on transit. In the Milwaukee metropolitan region, it's somewhere around 50% of African Americans lack cars or driver's licenses or both and it's not quite that bad, but it's close with Latinos. So when we're talking here about transit equity and transit justice, we're talking about racial issues. We have advocated in lots of different ways. There are a lot of community groups that have been involved for years whether that's speaking at public hearings, attending planning metropolitan planning organization re-certification meetings, filing administrative complaints - just going through a whole host of projects. So by the time we got to this story about the zoo interchange, and it is called the zoo interchange because it's a bus to Milwaukee County Zoo, we already had a lot of organizations with some background who had been fighting for equity for years.

Next slide. So the zoo interchange is in the western part of Milwaukee County. In addition to what I said in terms of the racial effects of transit dependents, it is really critical to look at the demographics and the racial segregation in the region. Milwaukee County, which includes the City of Milwaukee, the County as a whole is about 27% African American. If you look in that sort of gray line to the left of Milwaukee County where that's Waukesha County, west of 124th Street, that county is about 2% African American. We do not have a Regional Transit Authority. There are a few commuter busses that go from the suburbs to downtown city of Milwaukee that go from the predominantly white suburbs to the downtown city of Milwaukee, but residents of the inner city of Milwaukee cannot access suburban counties by transit and that is where a huge amount of the job growth over the past decade has been. So the state and federal transportation officials had this plan, long had this plan that they had to rebuild the

interchange. It is true that the interchange was old. Parts of it were crumbling, but they went ahead and a fairly expansive, not just rebuilding but expanding capacity, expanding - changing ramp location. Some of that for safety but again, increasing the number of lanes and just creating a \$1.7 billion project. Transit and the needs of transit dependent riders and transit dependent communities were not considered in that process.

Next slide. Two of our - well, two of the organizations who have long been active and who became our clients. One is Milwaukee Inner City Congregations Allied for Hope, MICCAH, side note. Yes. This is the ACLU representing a faith based organization. Second is also the Black Health Coalition of Wisconsin. Both of whom were concerned about the lack of access to jobs also issues such as the air quality - the air quality plans in the region specifically said that they were depending on increasing transit to improve air quality which disproportionately affects people of color who have for example, African Americans have very high asthma rates, but one of the most critical, if there's obviously a profound racial employment disparity, the black [male] joblessness rate. That's not the official unemployment rate but it's the rate of people who have also workforce is more than 50%. So there are huge racial issues here as well as the urban sprawl issue. We've decided to go ahead with a lawsuit under the National Environmental Protection Act, which is called NEPA. Now, NEPA requires not only that you look at if a project is covered by NEPA, and most major transportation projects will be, not only that you look at the "classic environmental issues," how many trees are you cutting down? How many wetlands are you filling? But you also have to look at interrelated social and economic effects. We made a number of arguments in our court case including that a social effect, particularly in a segregated region with racial transit disparities, is the refusal or failure to look

at the effect of continuing to expand highway capacity and who would benefit from that? It'd be more likely to be white drivers while transit, public transit capacity was declining and thus hurting communities of color, that that is a social effect. We argued that the air quality effects of not providing the transit that the regional plans said we're supposed to be provided had to be looked at. That they had not been meaningfully looked at when I get to what the court decisions have - later the court actually referred to those air quality analysis as a pipedream, that looking at urban sprawling again, the demographic effect of urban sprawl was increasing highway capacity without allowing transit access to these communities was the kind of interrelated social effect that had to be evaluated in this case. We filed the lawsuit in 2012.

You can go to the next slide. In May of 2013 - well, we filed the lawsuit in August of 2012 after what's called the record of decision, which is the final decision that the project is going to move forward was issued. In the winter of 2013, we filed for a preliminary injunction. We filed the case in federal court in Milwaukee. We asked the court to - actually, I take that back. We filed in Madison but we ended up getting assigned to a judge from Milwaukee. We asked the court to temporarily block completion of the interchange project on the grounds that these issues of transit equity and other issues that I explained had not been evaluated. NEPA requires a full and thorough evaluation of these issues. It doesn't require a specific decision or a specific outcome, but it does require that the process itself be expansive and thorough and accurate. We asked the court to block further construction on the \$1.7 billion, on a portion of the \$1.7 billion project, in particular the part that would've added east - west lanes, making it easier for people to access the west white suburban communities and to order the State and Federal transportation officials to go back and re-evaluate the project to meet these

needs. In its decision of May of 2013, the court found that we were likely to succeed on the merits of those three claims. In other words, the court found that he thought we were right that they had not adequately evaluated the effects on transit dependent communities of increasing highway capacity while transit declined had called the air quality assessment a pipe dream and said that the effects on urban sprawl, which is again, segregated urban sprawl here, of expanding the highway had not been evaluated. He also found that our clients were likely to suffer irreparable harm if the process moved forward. In looking at the case, the court said because NEPA is itself a law that focuses on process, if you move ahead without the proper process occurring, then people are going to be harmed. The court did not make a decision on that point on the factors that weigh on the other side like whether the State would be harmed by a delay in the project and the overall public interest of this, but once the decision was issued laying at that we were likely to win on a number of these claims, the defendants asked us to go into mediation to try to resolve this problem.

The mediation agreement was signed at the end of May this year, so it took close to a year to get a mediation agreement and what the agreement provides is \$13.5 million for bus routes. They are bus routes from the most heavily minority, or the most heavily African American neighborhoods in the North side of Milwaukee to access job opportunities in suburban communities in this predominantly white county or in other adjacent locations. We anticipate that we will be able to get two to three bus routes over four years. It's a four year settlement - that we will be able to get two to three bus routes set up. There are likely two that are going to start ongoing in August. Part of the mediation agreement gave our clients, the Black Health Coalition of Wisconsin and MICCAH joint decision making authority along with Wisconsin Department

of Transportation in picking what the routes would be. So our clients were very clear. To the extent that routes access the suburbs, it tends to be from downtown business locations and our clients were very clear that they wanted the access to be in locations where communities of color lived. We are in the process of finalizing and developing those routes. There's also some money in that settlement agreement that will be usable both for marketing and community outreach and involvement to as Ellis said in his case, "Make sure we got people riding the buses and accessing those job opportunities." The money is for four years because that's the construction period that the zoo interchange will be under construction but we are cautiously optimistic and even hearing from some of the suburban employers, we are trying to make this work in the hope that this will be a first step to setting up some permanent solutions to the lack of transit in our region especially the lack of transit for communities of color. So thank you.

Lexer Quamie: Karyn, thank you so much and thank you to all of our speakers in particular, Karyn. I think your case study really highlights the need of really having diverse partners, faith, social justice, health partners at the table to advocate for transportation equity. So thank you and congratulations on what I would say is a victory. We want to turn it over now to the audience and open it up to you all as participants to have a dialogue now. So if you have any questions, we'll open up the line if there are folks who want to ask the speakers any questions or please feel free to use the comment box and type your question.

Operator: As a reminder, if you'd like to ask a question on the phone lines, please press the * and 1 on your touchtone telephone. Again that is the * and 1 on your touchtone phone.

Lexie Quamie: While you all are doing that or thinking of your questions, I'll just get it started with one question which is, as you know, Congress is within the midst of beginning debate around re-authorization of the next transportation bill. Are there specific ways or policy changes that they should consider to ensure better community involvement at all stages of the transportation decision making process? That's for any or all of our speakers.

Ellis Jacobs: Well, I'll jump in. This is Ellis. The experience we had in Ohio was that people filed their complaints and then didn't really know if it was moving and how quickly it would move and while the Federal Highway Administration did an exemplary investigation, in our instance, and came out and met with members of the community, there is really no requirement that they come out and meet with members of the community. I don't know if this is for Congress or really just for the regulatory agencies themselves. It would be great for them to make public their internal policies on handling complaints and those policies should contain requirements on how quickly they move on and requirements that they come and actually meet with affected people in the communities being affected. I think that would go a long way towards helping people feel that the complaint process is effective and that they are being heard.

Karyn Rotker: This is Karyn. Let me just jump in. Again, I'm not sure if this is regulatory or in re-authorization, I think it is important that a lot of these entities function with advisory committees who give information on sort of these planning processes. I think it is absolutely critical that these advisory bodies include community representation. I think too often, the communities themselves are seen as not experts. The experts are academics or professionals in ivory

towers. I think that various processes to bring the communities directly into the decision making process is really important.

Lexie Quamie: [Audio Gap] Karyn, thank you Ellis.

Operator: We do have questions on the phone if we're prepared to take those.

Lexie Quamie: Yes. Please do. Thank you.

Operator: We'll go first to the site of AT people. Please go ahead. Your line is open.

Male: Thank you. Here in the San Francisco Bay area, we actually had a full blown trial in Darensburg versus Metropolitan Transportation Commission where it was a partial victory at the trial court level. Then it went up to the Court of Appeals and the Court of Appeals – at least one of the concurring opinions – said the Civil Rights Act doesn't apply in Northern California. I'm wondering what your experience has been both at the trial court level but if any of you had to take any of these things on appeal, if you had a better luck than we did with the night circuit.

Karyn Rotker: This is Karyn. We did not bring our case directly under Title 6 because at least, the Supreme Court about over a decade ago said you had to show intentional discrimination to directly sue in court under Title 6, although the Federal Agencies can certainly enforce it without a showing of intentional discrimination. So we brought ours under NEPA. We did not have to defend it on appeal as it turns out which was fortunate. I think we would have been prepared to do so if it had been necessary.

Ellis Jacobs: Yes, this is Ellis. I agree with Karyn for the very same reason we brought the administrative complaint under Title 6 with the agency itself. I can say that the agency was concerned about the Darenburg decision. We argued and distinguished our situation from yours while you were looking at the overall plan and impact of transit options in a broad area and we said ours is distinguished because we're talking about a very specific route and the facts can be clearly identified and the impacts quantified. I think they bought the argument that our situation was distinguishable from Darenburg.

Karyn Rotker: I think – this is Karyn again. I'm certainly happy to share with Lexa and can forward our court decision so folks can get a sense of the actual decision for those who were interested in reading legal information and maybe some of these other decisions also can be shared because that might be helpful for some people.

Male: That would be very helpful.

Lexie Quamie: Thank you. So we'll make sure to send not only the court decision in the Milwaukee case but any other relevant documents that our other speakers want to share with you all as well as their contact information. So you'll get all of that with a copy of the slides following the webinar. Thanks for that question.

Operator: Thank you. We'll go next to the site of Linda Merrick. Please go ahead. Your line is open.

Linda Merrick: Hi, everybody. Thanks so much for doing this webinar and my apologies but I had a conflicting call so I got on late and so I have two things: one is I do just want to reiterate what other folks have said about the importance of

including the – raising both the need for and including requirements for community engagement in transit planning. We're doing some organizing around transit justice in Denver and that's really the focus of our work to lift up the voices of communities who are impacted by transit and get our regional transit folks to include those kinds of requirements within the planning processes so I love hearing this conversation. The other thing is that we're doing a general grassroots organizing and civic engagement in low income communities of color in Milwaukee and I didn't hear all of the Milwaukee presentation so I would love to – if there is anything that's more details but not necessarily the court decision, maybe a one-pager or something that could be – that had gotten around the folks in addition to the slides that would be awesome. So I could share it with our folks in Wisconsin.

Linda Merrick: I don't know if I have the on-pager but we'll be in touch. We'll figure out a way to communicate and share information about it for sure.

Karyn Rotker: Thank you.

Lexie Quamie: I'll make sure that you all get in touch. Thanks for the question and for the point as well, Linda. Appreciate your joining.

Operator: We'll go next to the site of Michael Bullock. Please go ahead. Your line is open

Michael Bullock: Yes, before I [Audio Gap] question to ask – ask my question. I'd like to make it very clear how valuable I think these presentations had been. I am a transportation chair for an environmental group in San Diego and I'm thinking so differently now about Sorrento Valley where a lot of high-tech jobs are. Qualcomm is there and a lot of biotech. It's served by one train and when you

get off that train, it's a long way. We have kind of urban sprawl of companies and if you don't drive in the Sorrento Valley, you are extremely limited and of course, I have been thinking that this train, which is the backbone of our transit system, needs to be more frequent, needs to be electrified. It needs to run later at night, all these things and I'm thinking about it very differently [laughter] than I did when I first started hearing your presentation. So I just want to make that clear.

Anyway, my question is this – and I wrote it out so I'll just read this question. Since climate destabilization, which is where the earth is currently headed, it will eliminate most life forms on the planet including our own species. Do you see our climate crisis as a civil rights issue? That's the first question.

The second one is a little more in line with what you've been talking about, I think. And it's this. Since car parking is very expensive to provide – in any case, it's very expensive – do you think its cost should be unbundled? I put in parentheses (to not decrease wages and to not increase rent and other costs including the cost of food). So those are my two questions.

Lexie Quamie: Thanks for your point, Michael and for the compliment. I really appreciate that. I'll turn it over to the speakers if you have a response to either question either around climate change as a civil rights issue or car parking and unbundling.

Karyn Rotker: This is Karyn. I don't know about car parking in exactly the way he framed it, but I actually think that one of the issues that can be looked at particularly because generally, especially if you're thinking of litigation, you want to be commenting on the planning processes. As these projects are moving forward is, what is the effect on say, for example, urban communities of creating lots

of parking lots and bigger highways. Does that help or hurt the communities and the communities of color who live in these cities? And if you had – there is some research, recent research that shows providing less parking and smaller highways actually is better for the urban centers. So I think that looking at that and evaluating the facts obviously, it's very specific to each community might be something that someone would want to raise, is what is the effect of parking and how does it benefit or burden the community?

Michael Bullock: Thank you very much.

Lexie Quamie: We've got time for a couple more questions if you could just limit it to one question per person, thank you. We'll just try to squeeze in a couple more.

Operator: We'll go next to the site of David Harris. Please go ahead. Your line is open.

David Harris: Yes, thank you. Today, the president announced that because the housing – I mean the transportation trust fund is being depleted, that he's going to be issuing new regs regarding reimbursement to states, and I was wondering what the adverse impacts that may have on state governments for addressing transportation equity issues.

Karyn Rotker: This is Karyn again unless someone else wants to – I mean, we've been - without seeing the regulations or what he's doing, it's hard to say that with – are they going to reduce highway expansion funding which might be one thing or if it cuts transit funding more or at all or just proportionately, that obviously could have an adverse effect. If it reduces the number of sprawling highways, maybe that helps some communities. We would have to see. I don't think the regulations are out yet of if they are, they've come out while we were on [Laughter] this webinar.

David Harris: No, he's changing the reimbursement of...

Karyn Rotker: Or the formula itself but I mean, without seeing exactly what it's going to include, I don't have a specific answer. I think it's possible it could have an effect but without seeing it, it's hard to say exactly what that effect would be.

David Harris: Thank you.

Lexie Quamie: Yes, I think time will tell, David. I would say, like Karyn, without really knowing the details, it's hard to opine but certainly, we do find ourselves in sort of a broader state of fear knowing that Congress has not yet been able to act to find adequate funding to plug the hole in the highway trust fund. So, I think that it's encouraging that perhaps there are other ways that we can take executive action to make sure that the funds get to the states but I think the details – the devil would be in the details. Thanks for your question, though and for flagging that. Are there other questions before we turn to Twitter?

Operator: Yes, we will go next to the site of Debbie Goldberg. Please go ahead. Your line is open.

Debbie Goldberg: Hi, thanks. This is a great webinar. Thank you all for doing this. Despite the request for one question, I have – it would be really helpful if someone who comes from the Fair Housing world and not the transportation world, if somehow in the follow up to this webinar, you could point those of us who are less familiar with transportation to some resources for understanding what the equity requirements of the different transportation programs might be if there are any. My question is actually a little bit different which is that HUD right now is in the midst of putting out a new rule on something called “Affirmatively Furthering Fair Housing” which is going to require

jurisdictions that get HUD funding to think about in a more deliberate way than so far, how their housing and other community development resources – which is something that’s interpreted pretty broadly – are used in ways that promote fair housing. So it’s thinking about the connections between housing resources, transportation resources, education resources, etcetera, etcetera, to try and promote greater equity across a variety of social groups, some of which are defined under the Fair Housing Act. I’m wondering whether folks who are working in the transportation world are aware of this rule, whether you all have been thinking about how we could collectively leverage our efforts here to have maximum impact. If you’ve got advice that we can give our members who work in local places, for example our board chair is from Dayton and hopefully has been working with [unintelligible]. So, who our members at the local level can link up with to try and leverage our resources more effectively in making these kinds of connections for folks on the ground.

Ellis Jacobs: Well, being the guy from Dayton, I assume you’re talking about either Jim or Dean...

Debbie Goldberg: Jim. [Laughter]

Ellis Jacobs: We see the work we did on transportation equity as being just one piece of the whole. The whole certainly includes housing and economic development. The direction of development in cities like ours, of [unintelligible] cities has just been horrible. The cities have shrunk, they’ve gotten poor and all of the development and all of the quality housing has fled to the suburbs. So we need to try to link all of these opportunities, every little bit of leverage we have together to try to change that dynamic. I’m looking forward to learning more about the affirmative duty requirement because I certainly think it’s something that we need to work into this. The other thing that we do try to work into our

work is the idea in which it has some very powerful tools to guarantee that people have access to transportation and access to public accommodations and housing. That also works into the overall fabric of the sort of thing we need to be involved in.

Mary Lee: Lexie, can I join in just quickly? This is Mary.

Lexie Quamie: Yes. Please do. Thank you. I was actually going to talk about PolicyLink, work around the guidance but please go ahead, Mary.

Mary Lee: I'll do it as we come to an end.

Lexie Quamie: You'll be our final word, yes.

Mary Lee: Well, I don't know about being the final word but I do want to say to the person that asked the question that PolicyLink is one of really a network of organizations across the country who have the luxury of working on all of these issues, housing, as well as transportation, workforce development, health, and really all the same sectors that people and communities experience. As I said, at the front end, folks are contending with all of these issues. We sometimes have advocacy groups that are only working on one aspect, but you've put your thumb on it. We do need to see how the equity strategies overlap and can advance in the respective fields so I'd invite you to go to our website – we're running out of time to talk about it more specifically – but I invite you to go to our website. We have lots of ways to promote information in these various realms and to connect people to each other.

Our frame is equity so however the issue is coming up, whether it's in job creation or small business opportunities, transportation, health, housing,

schools, reentry for people coming out of the criminal justice system, and many other issues. We really do take that frame of how can we advance equity and using the civil rights statutes. Doing the kind of litigation that you heard described today is a prominent way to do it but it certainly has to be done in conjunction with the kind of community engagement that you talked about, other speakers talked about but again, really knowing that people are struggling in so many aspects of their lives and are entitled to results in every one of those arenas. So keep up your work on housing. Thank you so much for acknowledging the connections to transportation and let's all move forward together.

Lexie Quamie: Thanks Mary. Just specifically to underscore, I know that PolicyLink and also the Leadership Conference and several other members of the Transportation Equity Caucus did weigh in during the rule-making process for the [unintelligible] furthering fair housing guidance and are certainly thinking - as Mary said - about how we can continue to leverage the connection between housing and transportation and education so thank you for flagging that. I did want to thank you all who were able to get in with your questions. I also want to thank you Mary, Anita, Elis and Karen for being our speakers today. I wanted to also encourage you to continue the conversation on Twitter. We'll be online for the next 15 minutes taking any additional questions using the hash tag #TransportationEquity. By way of follow-up, I'll make sure that you all receive some of the resources that we discussed and contact information for our speakers. So again, thank you so much again for joining this afternoon for today's webinar on Transportation Equity: A 21st Century Civil Rights Issue. Have a wonderful day.

Mary Lee: Thank you.

Operator: Bye-bye.

Ellis Jacobs: Thank you.

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