

# *The Role of Public Transportation in a Conservative Pro-Growth Agenda*

Jack Schenendorf<sup>1</sup>

As the 2016 election approaches, many conservatives have been developing pro-growth agendas designed to make America strong and confident once again. For the most part, these agendas embrace several common goals, including—

- Constitutionality: Using constitutional principles to restore government to its proper size, including the view by some that government should adhere to the limitations and intent of the Constitution as understood by the Founders;
- Economic Growth and Job Creation: Growing the economy and creating an environment conducive to job creation by reforming the tax code and reining in the regulatory state;
- Individual Autonomy and Empowerment: Bringing people back into the workforce and restoring upward mobility;
- Veterans: Treating veterans with the honor they deserve; and
- National Security: Keeping Americans safe and secure.

These agendas are usually silent on the subject of public transportation, but digging down it becomes apparent that they are almost always premised on reducing or eliminating the federal role and federal investment. There are several reasons why. Some conservatives believe that large public transit systems are a creation of the federal government that would cease to exist in a pure free market, in which an inherently superior mode of transportation—the private

---

<sup>1</sup> Jack Schenendorf, of Counsel, Covington & Burling LLP, concentrates on transportation and legislation with a particular focus on legislative strategy, legislative procedure, and the federal budget process. For nearly 25 years, Schenendorf served on the staff of the Committee on Transportation and Infrastructure of the U.S. House of Representatives. I am grateful to Ryan Mowery, an Associate at Covington & Burling LLP, for her assistance. Her research and writing skills, and her insights and counsel, were exceptional and much appreciated. Any mistakes or errors in the paper, however, are mine and mine alone.

automobile—would dominate. There is also a belief by some that public transportation tends not to serve core conservative constituencies, and therefore that transit is a “liberal issue.” But perhaps most importantly, there is a perception that transit should not be a priority for the federal government because the benefits of public transportation are purely local, not national. Thus, even if transit has a positive impact on individual communities, it does not contribute to economic growth, individual liberty, or national security on a broader scale, and therefore should be exclusively the province of state and local governments.

This paper addresses the importance of a federal role in public transportation, with a particular focus on how transit investment is critical to meeting the conservative agenda goals described above. Amid calls for complete devolution of transportation programs to state and local governments, it is critical to reexamine the longstanding historical (and indeed, Constitutional) role of the federal government in transportation, and the ability of a cooperative federal-state-local partnership to be a catalyst for the achievement of conservative policy goals on a national scale.

Because this paper approaches the issue of transit investment from a conservative point of view, we begin with a belief that the Constitution provides for a federal government of enumerated powers, authorized to act only to address truly national problems. Within this framework, we endeavor to show that a strong commitment to the principles of limited government, federalism, and encouragement of free markets and private enterprise is not in conflict with a federal commitment to transit. To the contrary, continued federal transportation investment, in partnership with state and local governments and the private sector, is essential to ensuring economic prosperity, empowering individual Americans, supporting our military and veterans, and maintaining national security.

Part I of this paper recounts the history of the federal government’s role in transportation dating back to the first Congress, and explains why federal involvement in transportation is a core Constitutional responsibility. It also summarizes the role that the federal government has continued to play, under conservative presidents and legislatures, to foster efficient and safe interstate transport. Parts II through V address the role of transit investment as a catalyst for the accomplishment of four specific policy goals: encouraging economic growth, increasing individual autonomy and empowerment, honoring our veterans, and ensuring efficient and secure emergency response.

## **I. Federal Support for Transportation is a Core Constitutional Responsibility and a Longstanding Tradition**

Since the founding, the federal government has played an active role in the creation, maintenance, and funding of transportation systems nationwide. This role was expressly contemplated by the Framers of the Constitution, even as they created a national government of enumerated powers, authorized to act only in select areas directly linked to the security and economic prosperity of the nation. Although some conservatives are often rightly wary of government involvement in projects well-suited to the private sector, the federal government has long been a key partner in the development of transportation systems on which private businesses and the public depend.

In an intentional expansion of national power from the Articles of Confederation, the Constitution explicitly granted Congress the power to “establish post offices and post roads.”<sup>2</sup> This power was interpreted broadly to authorize not only the *designation* of roads as byways for

---

<sup>2</sup> U.S. Const. art. I, § 8, cl. 7. *Cf.* Articles of Confederation art. 9 (providing for the creation of post *offices* only).

the postal service, but the *creation* of new roads as well.<sup>3</sup> Even more critically, Article I Section 8 of the Constitution grants Congress “the power [t]o regulate Commerce with foreign Nations, and among the several States.” This provision was intended to facilitate the movement of commercial goods across the young nation, and was viewed by the Framers as directly implicating a national role in transportation and infrastructure.

The First Congress immediately relied on the commerce power when it passed the “Lighthouse Act,” which provided for the transfer of “all lighthouses, beacons, buoys, [and] public piers” from local maintenance to federal control to ensure safe and efficient navigation of waterways.<sup>4</sup> The history of the enactment of the Lighthouse Act has been described as follows:

Given the importance of these installations, it is not surprising that Congress turned its attention to improving harbour facilities and lighthouse support early in its first session. Most of the nation’s lighthouses were destroyed or heavily damaged during the Revolution, and in the spring of 1789 Congress took an interest in rebuilding, repairing and better supporting coastal navigational aids. Despite his concerns about the power represented in the new central government, former Antifederalist Elbridge Gerry proposed a bill calling for federal assumption of lighthouse maintenance and construction. As a condition to this help, states had to cede to federal jurisdiction the immediate land surrounding the light stations. The son of an established and wealthy fish-merchant family from Marblehead, Massachusetts, Gerry had seen the need for navigational improvements firsthand when, in the winter of 1769, a single storm killed seventy of Marblehead’s fishermen and left 155 children orphaned. While government could do little to prevent storms, Gerry did see that improved navigational aids would bring the greatest good to the greatest number of citizens. Lighthouses and port improvements, therefore, were one way—and perhaps the most

---

<sup>3</sup> Joseph Story, *Commentaries on the Constitution* 397–99 (1833) (“It is obvious at a moment’s glance at the subject, that the establishment in the hands of the states would have been wholly inadequate to these objects; and the impracticality of any uniformity of system would have introduced infinite delays and inconveniences.”); see also Heritage Found., *The Heritage Guide to the Constitution: Post Office Clause*, <http://www.heritage.org/constitution/#!/articles/1/essays/45/post-office> (endorsing Story’s analysis).

<sup>4</sup> Act of Aug. 7, 1789, § 1, 1 Stat. 53.

benign way—that the new government could demonstrate its concern for the happiness and well-being of all its citizens.<sup>5</sup>

While navigational aids provided an obvious benefit to shipping by making it easier for foreign vessels to arrive safely in port, it is also clear that part of the motivation for passing the Lighthouse Act was to help local fishermen and citizens deal with local navigational problems.

The early nineteenth century saw national investment in transportation continue, with appropriations to construct public roads connecting new states to key waterways,<sup>6</sup> and investments in roads *within* newly admitted states.<sup>7</sup> Critically, these investments were made not only to address purely national needs, but to spur development in the states as well.<sup>8</sup> In the years following the Louisiana Purchase, President Thomas Jefferson authorized construction of the Cumberland Road to provide a commercial link between the eastern states and territories west of the Appalachian mountains. In his 1806 address to the Ninth Congress, President Jefferson described the need for federal investment in “the great purposes of public education, roads, rivers, canals, and such other objects of public improvement,” and argued that these investments would open lines of communication between the states and strengthen the nation as a whole.<sup>9</sup> James Madison also recognized the value of a national role in transportation, referring to “the

---

<sup>5</sup> Matthew McKenzie, *Navigating Federalism: Federalists, the Boston Marine Society, and the Establishment of Federal Authority in Boston, 1789–1792*, 16 *The Northern Mariner/Le marin du nord* No. 3, 5–6 (July 2006).

<sup>6</sup> Act of Apr. 30, 1802, 2 Stat. 175.

<sup>7</sup> Act of Mar. 3, 1803, 2 Stat. 226.

<sup>8</sup> See also *Indiana v. United States*, 148 U.S. 148, 149–50 (1893) (collecting statutes providing for national expenditures on roads in new states).

<sup>9</sup> Thomas Jefferson, *Sixth Annual Message to Congress* (Dec. 2, 1806).

great importance of establishing throughout our country the roads and canals which can best be executed under the national authority.”<sup>10</sup>

Congress continued to appropriate funds for road construction throughout the 1800s.<sup>11</sup> In 1824, Congress passed the General Survey Bill, 4 Stat. 22, which authorized the President to devote national resources on an annual basis to “such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail.”<sup>12</sup> In addition to its involvement in early roads, the national government became a partner in other surface transportation projects during the nineteenth century, including the Erie Canal and Pennsylvania’s Main Line of Public Works, a network of rail and canals linking Pittsburgh and Philadelphia.<sup>13</sup> In 1862, President Abraham Lincoln signed into law the Pacific Railway Act, 12 Stat. 489, which provided federal government support for the construction of the first transcontinental railroad, completed in 1869. Known for his reverence of the Framers, President Lincoln justified the railroad by reference to the national government’s early support for the Cumberland Road, and the Constitution’s specific

---

<sup>10</sup> James Madison, *State of the Union Address* (Dec. 5, 1815). Of course, even before the U.S. Constitution, conservative thinkers recognized the national importance of transportation investments as a vehicle for the creation of strong communities, encouragement of mobility and competition, and prevention of monopolies. See, e.g., Adam Smith, *The Wealth of Nations* 251 (1776) (“Good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of the country more nearly upon a level with those in the neighbourhood of the town. They are upon that account the greatest of all improvements.”); *id.* at 286 (describing transportation and infrastructure as one of “only three duties” of government).

<sup>11</sup> See Fed. Highway Admin., *America’s Highways 1776–1976*, at 23–26 (1976).

<sup>12</sup> *Id.* at 31.

<sup>13</sup> Paul Weyrich & William S. Lind, *Transit Means Business: Ten Reasons Why Conservatives Should Support New TEA Legislation* 13 (2003).

enumeration of the power to create post roads, to provide for the common defense and for the armed forces, and to regulate commerce among the states.<sup>14</sup>

From the earliest stages of the republic, transportation and infrastructure have thus been recognized as essential for our economic strength and security, and among the few core responsibilities of the federal government. This tradition has continued under conservative leadership in the modern era. In the early twentieth century, President Theodore Roosevelt spearheaded the creation of the Panama Canal, the largest public investment of its time, which solidified the United States' place as a world economic power and has facilitated international trade since its completion in 1914. In 1916, Congress enacted the Federal Aid Road Act, which appropriated funds for federal-state construction projects and was expanded repeatedly, leading to President Dwight Eisenhower's pioneering of the Interstate Highway System. Advocating in support of the Federal-Aid Highway Act of 1956, President Eisenhower stated that a modernized transportation system was "essential" "to relieve existing congestion, to provide for the expected growth of motor vehicle traffic, to strengthen the Nation's defenses, to reduce the toll of human life exacted each year in highway accidents, and to promote economic development."<sup>15</sup>

Though an advocate of a strong role for state and local governments in transportation, President Ronald Reagan nonetheless supported and signed the Surface Transportation Assistance Act in 1982, which more than doubled the federal gasoline tax and funded the Transit Account of the Highway Trust Fund, which remains a primary source of funding for transit improvements nationwide. Upon signing the bill, President Reagan stressed the importance of

---

<sup>14</sup> Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies During the Civil War* 172 (1997).

<sup>15</sup> Richard Weingroff, *Original Intent: Purpose of the Interstate System: 1954–1956*, <http://www.fhwa.dot.gov/infrastructure/originalintent.cfm>.

the “network of highways and mass transit that has enabled our commerce to thrive, our country to grow, and our people to roam freely and easily to every corner of our land.”<sup>16</sup> Although the proper division of responsibility between national and state governments has been a central issue for conservatives, transportation investment as a federal-state-local-private sector partnership is a practice that dates back to the Framers and has been continued by conservative leaders and advocated by leading conservative voices.<sup>17</sup>

Today, a significant portion of our nation’s public transportation systems, including transit, high speed rail, Amtrak, intercity bus, and urban commuter rail, are cross-border, carrying passengers from state to state and even into other countries. The importance of a federal role in transit therefore goes beyond the economic, personal liberty, and emergency responses benefits discussed in this paper (of which there are many). As the entity entrusted with the authority “to regulate Commerce with foreign Nations, and among the several States,” Congress, and the federal government more broadly, is uniquely able to ensure the multi-jurisdictional coordination necessary for our nation’s transportation systems to operate. So while there is a critically important place at the table for state and local governments, and for private business, the federal government’s role is not merely a tradition—it is *essential* to the safe and efficient functioning of our nation’s transit systems, as well as to our economy and security.

---

<sup>16</sup> Ronald Reagan, *Remarks on Signing the Surface Transportation Assistance Act of 1982* (Jan. 6, 1983).

<sup>17</sup> The loudest of these voices have included Paul Weyrich, co-founder of the American Legislative Exchange Council, The Heritage Foundation, and the Free Congress Foundation, and William Lind, both vocal advocates for rail transit.

## II. Growing the Economy and Creating an Environment for Job Creation

Economic growth and job creation are key conservative goals. Not surprisingly, most conservative agendas include proposals designed to foster economic growth, while removing the government burdens holding back America's job creators and workers. But reducing governmental burdens does not solve all of the problems facing job creators. For example, it does not solve the problem of congestion. Traffic congestion imposes costs on businesses that extend beyond the obvious vehicle and driver costs of delay: congestion negatively effects inventory costs, logistics costs, reliability costs, and just-in-time processing costs, and reduces market areas for workers, customers, and incoming/outgoing deliveries. America's businesses are not able to solve these problems on their own. Instead, this is an area that requires more, not less, government investment. Improving transportation systems across the United States to reduce congestion and maximize efficiency takes a strong, sustained commitment from the federal government in partnership with state and local governments, and the private sector. In other words, it takes the kind of effort that the federal government has often undertaken since its founding when it comes to transportation.

Unfortunately, investments in public transportation are often viewed myopically solely from the perspective of immediate job creation, and are therefore undervalued as drivers of large-scale economic growth. To be sure, investments in transit pay off by putting Americans to work—transit investments outpace other federal investments like energy, water, tax cuts, and even highway operations, when it comes to job creation.<sup>18</sup> But the economic benefits of public transportation extend far beyond the short-term creation of jobs through a longer-term,

---

<sup>18</sup> Am. Pub. Transp. Ass'n, *Economic Impact of Public Transportation Investment: 2014 Update* 38–41 (May 2014) ("*Economic Impact*") (estimating a gain of approximately 20,000 jobs per \$1 billion invested).

cumulative impact on economic productivity. Adequate investment in public transportation expands service and improves mobility, and if sustained over time can foster economic growth by providing, among other things:

- Reduced traffic congestion for those traveling by automobile and truck, leading to direct travel cost savings for businesses;
- Business operating cost savings associated with worker wage and reliability effects of reduced congestion; and
- Business productivity gained from access to broader labor markets with more diverse skills, enabled by expanded public transit service areas and reduced traffic congestion.

At a national level, these cost savings and other productivity impacts can make U.S. businesses more competitive in international markets.

Recent studies have concluded that for every federal dollar invested in public transportation, the U.S. GDP increases by anywhere from \$1.70 to \$2.00 and overall economic benefits reach up to \$4.00.<sup>19</sup> Safe and efficient public transportation boosts our nation's prosperity in a number of ways—it reduces congestion, strengthens key regional economies, encourages development and commercial growth, expands private businesses' access to the workforce, and facilitates international and interstate tourism. Conversely, leaving transportation in the hands of state and local governments alone would cause a drag on our nation's economy by rendering interstate transit more difficult and costly, short-circuiting the beneficial expertise

---

<sup>19</sup> See, e.g., Transp. Constr. Coal., *Transportation Infrastructure Investment: Macroeconomic and Industry Contribution of the Federal Highway and Mass Transit Program* 9 (Dec. 2014); *Economic Impact*, *supra* note 18, at 42; Michael P. Melaniphy, Testimony before the Senate Committee on Banking, Housing, and Urban Affairs, *MAP-21 Reauthorization: The Federal Role and Current Challenges to Public Transportation* (Mar. 6, 2014) (“APTA Testimony”).

and coordination that can be offered by the federal government, and eliminating a key funding source that keeps crucial transit networks moving. For as long as it continues to drive America's economic prosperity and growth, public transportation must remain a national priority.

As the United States population continues to grow, particularly in its largest urban areas, congestion is ever-present. And sluggish travel to, from, and within our nation's key economic centers is more than just a nuisance: Americans consume 2.9 billion gallons of fuel per year just sitting in traffic,<sup>20</sup> and the U.S. Department of Transportation's Chief Economist has estimated that over the next 20 years, the cost of congestion could amount to \$890.5 billion, or 4.3% of the economy.<sup>21</sup> Factoring in both wasted fuel and workers' lost hours, some studies have estimated the cost of congestion to the American economy at over \$75 billion per year.<sup>22</sup> Without improvements, "[c]ongestion is forecast to spread from the larger urban areas and a few intercity routes to large stretches of intercity highways in urban and rural areas," resulting in slowing or stop-and-go conditions on an additional 65,000 miles of the National Highway System that will slow down personal, business, and commercial travel alike.<sup>23</sup>

Public transportation has a significant role to play in reducing congestion and allaying its negative economic consequences. Rail and bus transit options have the potential to divert *billions* of vehicle miles away from our nation's highways.<sup>24</sup> Reducing the number of vehicles

---

<sup>20</sup> Larry Hanley, Testimony before the Senate Committee on Banking, Housing, and Urban Affairs, *MAP-21 Reauthorization: The Federal Role and Current Challenges to Public Transportation* (Mar. 6, 2014).

<sup>21</sup> Adrian Moore, *Washington's Road to Economic Decline* (Apr. 12, 2012), [http://www.realclearmarkets.com/articles/2012/04/12/washingtons\\_road\\_to\\_economic\\_decline\\_99612.html](http://www.realclearmarkets.com/articles/2012/04/12/washingtons_road_to_economic_decline_99612.html).

<sup>22</sup> Nat'l Surface Transp. Policy & Revenue Study Comm'n, *Transportation for Tomorrow 2* (Jan. 2008) ("*Transportation for Tomorrow*").

<sup>23</sup> U.S. Dep't of Transp., *2008 Status of the Nation's Highways, Bridges, and Tunnels: Conditions & Performance Report to Congress* 13-6 (2008).

<sup>24</sup> See *Economic Impact*, *supra* note 18, at 25–26.

on the road results in increased efficiency for the drivers that remain, enables key shipping routes to carry commercial traffic without delay, and will save more than \$11 billion over the next 20 years.<sup>25</sup> Indeed, the congestion-reducing effects of rail transit are already evident—one study concluded that in large cities with rail transit, congestion increases at a rate 42% lower than in cities without rail, and has even decreased in some locations.<sup>26</sup> The importance of transit for reducing congestion has also been recognized by leaders in private industry. Testifying before the National Surface Transportation Policy and Revenue Study Commission, the Group President of Caterpillar and Chairman of the Board for the U.S. Chamber of Commerce opined that “[i]ncreasing rail and transit capacity is critical to overall improvement of the surface transportation system because of the potential to alleviate road congestion.”<sup>27</sup>

Public transportation is particularly key to the regional economies that drive our national economy. The top 50 metropolitan areas in the United States generate 60% of the GDP, and suffer nearly 100% of the traffic congestion.<sup>28</sup> In light of the importance of those regions to our national growth and prosperity, the National Surface Transportation Policy and Revenue Study Commission recommended “that the federal government be a full partner—with states, local governments and the private sector—in addressing the looming transportation crisis,” because our highways and transit systems are “of vital importance to our economy, our national defense, and our emergency preparedness.”<sup>29</sup>

---

<sup>25</sup> *Id.* at 27.

<sup>26</sup> Weyrich & Lind, *supra* note 13, at 4.

<sup>27</sup> Gerald Shaheen, Summary of Testimony before the National Surface Transportation Commission, *Setting the Stage - Transportation and the Economy* (Nov. 15, 2006).

<sup>28</sup> Steve Heminger, Testimony before the Joint Field Hearing of the Senate Committee on Environment and Public Works & House Committee on Transportation and Infrastructure (Feb. 23, 2011), at 3.

<sup>29</sup> *Transportation for Tomorrow*, *supra* note 22, at 5.

The beneficial effects of transit for reducing congestion necessitate not only the creation of new public transportation systems, but also the upkeep of our existing systems. Around the country, years of overdue maintenance have resulted in the urgent need to repair aging transit systems, which has the potential to grind major cities to a halt. Consider one example—the Washington Metropolitan Area Transit Authority (“WMATA”) is currently undertaking a massive, year-long effort to perform critical repairs to its Metrorail system. Called “SafeTrack,” the project “accelerates three years’ worth of work into approximately one year” and will result in significant service changes throughout the DC metropolitan area.<sup>30</sup> Limited rail availability will almost certainly lead to increased congestion and slower commutes as workers look to cars or buses to get to work, and shutdowns on weekends and evenings will undoubtedly have an impact on the regional economy. One study of the DC area concluded that if the more than 1 million daily regional transit trips were switched to driving (assuming no roadway expansion), congestion would increase by at least 25% during rush hours.<sup>31</sup> This problem is not confined to just one metropolitan area: according to the Department of Transportation, the backlog of transit system preservation needs now totals \$85.9 billion.<sup>32</sup> Federal involvement is therefore important not only to spur development of new transit systems, but also to help coordinate and fund maintenance of the transit systems on which our largest regional economies depend.

---

<sup>30</sup> WMATA, *SafeTrack*, <http://www.wmata.com/rail/safetrack.cfm>.

<sup>31</sup> The Boston Foundation, *The Cost of Doing Nothing: The Economic Case for Transportation Investment in Massachusetts* 42–43 (Jan. 2013) (“*The Cost of Doing Nothing*”).

<sup>32</sup> APTA *Testimony*, *supra* note 19.

## THE STATUS OF THE NATION'S PUBLIC TRANSPORTATION SYSTEMS

Public transportation exists in all 50 states and the District of Columbia and U.S. territories. Transit ridership is at its highest level in generations and this trend is likely to continue, as the United States' population increases to an estimated 400 million people by 2050, and as a large segment of aging Americans seek to remain independent and mobile without the use of a car.

The transit industry has, however, a serious deferred maintenance and replacement backlog. The Federal Transit Administration cited an \$85.9 billion backlog in deferred maintenance and replacement needs with more than 40% of buses and 25% of rail transit assets in marginal or poor condition, according to the latest data from 2013. At the same time, with ridership increasing by 37% since 1995, public transit systems are challenged to increase service and capacity.

For example:

- More than one-third of the assets at the seven major rail transit systems analyzed (Chicago's CTA, Boston's MBTA, New York's MTA, New Jersey Transit, San Francisco's BART System, Philadelphia's SEPTA system, and Washington, D.C.'s WMATA system) are in marginal or poor condition. Many of these systems' assets are near or have exceeded their expected useful life and collectively face an estimated \$50 billion maintenance and repair backlog.
- In downstate Illinois, nearly 600 buses and paratransit vehicles that serve riders with disabilities are operating well past their recommended retirement date.
- In West Virginia, 11 locally operating transit systems rely on vehicles that exceed FTA's recommended retirement date, with more than half the vehicles in two of these agencies in this condition, and the others well on their way.
- In Kansas, the City of Paola provides nearly 45,000 rides per year on a single ten-year-old bus, while in Ottaway County, 10,400 passengers annually depend on two buses that are each more than 14 years old.
- Nationwide, about 28% of the facilities used by local transit agencies to house their operations staff and service their vehicles are in a marginal or poor state of repair. Inadequate capital funding to replace this type of infrastructure affects maintenance efficiency and the welfare of the workforce.

Currently, system needs far surpass resources from all levels of government.

An annual investment of \$43 billion for public transportation is necessary to improve system performance and condition, given an expected 2.4% annual growth in transit passenger miles of travel. If transit ridership growth rises to 3.5%, the level that would double transit passenger miles of travel in 20 years, investment in public transportation capital would have to increase to \$56 billion per year.

In contrast, in 2011, transit capital investment from all levels of government totaled \$17.1 billion, according to APTA.

To meet the demands of the nation's aging infrastructure network and growing population, a long-term financial commitment to public transportation—from all levels of government and the private sector—is essential. The federal government must provide the leadership and be the catalyst to make it happen.

*(Sources: 2015 AASHTO Bottom Line Report; FHWA/FTA 2013 Conditions and Performance Report; Dorval Carter, Chief Counsel, Federal Transit Administration, Testimony before the Senate Banking Subcommittee on Housing, Transportation, and Community Development (May 22, 2014); APTA Press Release, <http://www.apta.com/mediacenter/pressreleases/2016/Pages/Infrastructure-Week-Media-Call.aspx> (May 19, 2016))*

One of the most tangible ways in which public transportation fuels economic growth is by encouraging commercial development. This effect is especially evident in cities with rail transit. In Dallas, property values near stations on the DART light rail system rose by 25% in DART's first six years in operation, and commercial real estate near DART stations enjoyed a 64.8% increase in rental rates and rose in occupancy by nearly 50%.<sup>33</sup> In the Washington, D.C. area, property values within a half-mile of a Metrorail station are boosted significantly, adding 8.9% to commercial office properties.<sup>34</sup> Average office rents also rose significantly near Metrorail stations, while office vacancy rates dropped.<sup>35</sup> Property near rail transit systems is therefore prized by commercial developers and other private businesses. In Charlotte, North Carolina, the Lynx light rail project has attracted millions of dollars in new development since its opening in 2007, and the current Blue Line extension "is expected to trigger a development boom similar to the surge of new building that followed" the original line.<sup>36</sup>

Transit also helps to grow the economy by giving American businesses access to the broadest possible labor force. For example, as explained by Federal Reserve economist Rae Rosen, New York City draws on a labor pool of nearly 9 million people, which includes "a range of skills that couldn't be filled just in the five boroughs."<sup>37</sup> Transit allows businesses in the New York metropolitan area to employ workers from at least three states, a scenario that "doesn't

---

<sup>33</sup> Weyrich & Lind, *supra* note 13, at 6.

<sup>34</sup> *The Cost of Doing Nothing*, *supra* note 31, at 43.

<sup>35</sup> Weyrich & Lind, *supra* note 13, at 6.

<sup>36</sup> Ely Portillo, *Along the Blue Line Extension, New Developments are Taking Shape*, <http://www.charlotteobserver.com/news/business/biz-columns-blogs/development/article55922980.html> (Jan. 24, 2016).

<sup>37</sup> Rae Rosen, Testimony before the National Surface Transportation Commission, *Setting the Stage - Transportation and the Economy* (Nov. 15, 2006), at 30.

work without a very evolved and complicated transportation system.”<sup>38</sup> Businesses making location decisions therefore give serious consideration to the transportation networks connecting them to workers and markets, and firms in a number of key growing “clusters” of businesses, including biotech, social media, software, and telecom, report that they “see a need for increased public transportation.”<sup>39</sup> Many of these businesses (including, notably, Google in Silicon Valley and the Bay Area) have already invested in shuttle services, as road capacity limitations threaten to cause a shortfall of employees that would result in the loss of around \$32 billion per year in income.<sup>40</sup> If another 25% of the employee base of these businesses were able to use public transportation, that shortfall could be eliminated completely.<sup>41</sup>

Public transportation also drives the national economy by facilitating domestic and international tourism. Currently, 36 states are served by transit systems that cross state lines, including a mix of heavy rail, light rail, and bus. Many of these interstate systems provide coverage for large commercial centers that bring in significant revenue through tourism, including New York City and Washington, D.C. And in addition to helping tourists access urban destinations, transit helps keep them moving once they arrive. A recent survey found that over 75 million people, or nearly 60% of Americans planning an upcoming trip to a U.S. city, plan to use public transportation for activities once they arrive.<sup>42</sup> Travelers cited affordability, avoiding parking, and minimizing the stress of navigating a new city as top reasons to go with public

---

<sup>38</sup> *Id.* at 32.

<sup>39</sup> Am. Pub. Transp. Ass’n, *The Role of Transit in Support of High Growth Business Clusters in the U.S.* 21 (Dec. 2013).

<sup>40</sup> *Id.* at 24.

<sup>41</sup> *Id.*

<sup>42</sup> Am. Pub. Transp. Ass’n, *Press Release: Nearly 60 Percent of Americans will use Public Transportation While Visiting Top U.S. City Destinations This Summer* (May 27, 2016), <http://www.apta.com/mediacenter/pressreleases/2016/Pages/Travel-Like-a-Local.aspx>.

transit. While most transit-based tourism is found in urban areas, public transit in rural areas can also help drive local economies. Amtrak serves 46 states, and in addition to connecting major urban centers, it helps domestic and international tourists access hundreds of rural destinations. And a number of rural public transit systems are devised primarily for tourists who visit those areas to experience natural wonders like parks, or for recreation, such as skiing.<sup>43</sup>

In addition to vacationers from across the United States and the world, transit plays a key role in driving business travel. According to the U.S. Travel Association, business travel, including meetings, conventions, and other events, generates upwards of \$250 billion annually and supports over 2 million American jobs.<sup>44</sup> In cities with rail systems across the country, including Washington, D.C., Atlanta, Minneapolis, Portland, and San Francisco, hotels and meeting properties closest to transit enjoyed significantly higher room rates and higher occupancy rates than properties that were not convenient to transit.<sup>45</sup> Overall, regardless of national economic conditions, “cities with interconnected transportation systems realize increased economic vitality and competitiveness” when it comes to hosting business travelers.<sup>46</sup>

---

<sup>43</sup> See Jon E. Burkhardt et al., Nat’l Research Council: Transp. Research Bd., *Assessment of the Economic Impacts of Rural Public Transportation* 33 (1998) (“*Rural Transportation*”). By connecting distant regions of the United States and facilitating travel by Americans who do not have access to a personal vehicle, public transit is also a key means by which Americans exercise their right to travel, “a fundamental political liberty that existed before the adoption of the United States Constitution.” Richard Sobel & Ramon L. Torres, *The Right to Travel: A Fundamental Right of Citizenship*, 80 J. of Transp. L., Log. & Pol. 13, 14 (Jan. 2013); see also *Saenz v. Roe*, 526 U.S. 489, 498 (1999) (describing the right to travel as “firmly embedded” in U.S. law).

<sup>44</sup> Am. Pub. Transp. Ass’n, *A New Partnership: Rail Transit and Convention Growth* 1 (Nov. 2013).

<sup>45</sup> *Id.* at 4–19.

<sup>46</sup> *Id.* at 6.

## TRANSIT PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE

Like highways and freight rail, there are large-scale public transportation projects of national or regional significance throughout the country. Some are new construction or expansions; others are rehabilitation and modernization of systems that have far surpassed their design life.

One such example is the antiquated network of rail tunnels under the Hudson River between New York and New Jersey, which is 105 years old. The long-term solution is the construction of a new tunnel and new rail tracks, a part of the so-called Gateway Program to upgrade a portion of the Northeast rail corridor that serves more than 750,000 people a day on 2,000 intercity and commuter trains. The new rails and tunnel are estimated to cost \$14 billion.

Another example is Washington, D.C.'s Metrorail, which serves 700,000 riders a day. The problems on Metro are so severe and so widespread that federal officials threatened to shut down the system over myriad safety issues, including electrical fires. Metro has embarked on SafeTrack, an accelerated track work plan to address safety recommendations and rehabilitate the Metrorail system to improve safety and reliability. It will accelerate three years' worth of work into approximately one year. The plan significantly expands maintenance time on weeknights, weekends, and midday hours and includes 15 "safety surges"—long duration track outages for major projects in key parts of the system.

Transit projects of national and regional significance exist across the country. Addressing these projects will require increased investment from all levels of government and the private sector. It will be a challenge and will require creativity, foresight, and willpower. It will take all of the tools in the innovative financing toolbox.

The CREATE Program, which involves improvements to both railroad infrastructure and the local road system in Chicago, is an example of the creativity that will be required. This project will invest \$3.2 billion in capital projects to reduce train delays and congestion throughout the Chicago area along five rail corridors. Private and public contributions will fund the program, with the six railroad partners providing \$212 million (an amount equal to the potential economic benefits of the improvements to the rail industry). The remaining funds will come from federal, state, and local governments.

The CREATE Program is a first-of-its-kind, public-private partnership that includes a multimodal program (freight rail, passenger rail, and highway) providing significant benefits to the Chicago region and the Nation. The FHWA Illinois Division Office, in cooperation with the Illinois Department of Transportation and Chicago Department of Transportation, developed the Systematic, Project Expediting, Environmental Decision-making (SPEED) Strategy to address the CREATE Program in total. The SPEED Strategy supports systematic decision-making, provides an expeditious method of moving low-risk component projects forward, and assesses potential environmental impacts in a proportional, graduated way.

CREATE represents the kind of creative thinking that will be needed to address transit projects of national and regional significance.

If the federal government were to eliminate or reduce its support for public transportation, the economic impacts would be immediate. For example, in the absence of federal funding, the Dallas Area Rapid Transit System would need to cut its fixed route trips by 15–20%, including elimination of a significant quantity of the paratransit trips it provides to elderly and disabled riders.<sup>47</sup> The Capital Metro system in Austin, Texas would be forced to reduce bus service by a third without federal dollars, and the Metropolitan Transit Authority in Los Angeles would likely have to shutter an entire rail line, in addition to significant fare hikes.<sup>48</sup> Some systems would also risk losing independent sources of funding, which are often conditioned on the receipt of funds from the federal government. For example, the Jacksonville Transit Authority receives \$3.5 million annually in State Development Transportation Credits on a matching basis with federal funds—but those credits would be unavailable in the absence of a federal contribution.<sup>49</sup> Collectively, the economic benefits that transit provides have an impact that is truly national and therefore worthy of increased and sustained federal investment, in partnership with investment from state and local governments, and the private sector.

### **III. Empowering Individual Americans and Promoting Individual Liberty**

Public transportation can play a vital role in meeting another key conservative goal: bringing people back into the workforce and restoring the upward mobility. Growing the economy and creating an environment for job creation are not in and of themselves sufficient. As House Speaker Paul Ryan has said, “If you don’t have a job, we want you to be confident that you can find one—and take it.” To be able to find and take a job, you have to be able to get to

---

<sup>47</sup> *APTA Testimony*, *supra* note 19.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

the place offering the job. While public transportation will be an option for many, it will be a *necessity* for millions of Americans. It is the primary—or only—transportation option for people who cannot drive or do not have access to private vehicles. Without adequate public transportation, these Americans would not be able to get back into the workforce or move up to a better job. So while strong transit systems have the obvious effect of bringing Americans together in a way that encourages national unity and fosters a sense of community, they are also a powerful driver of individual liberty and autonomy, giving individuals the maximum level of freedom to select where to live, work, worship, shop, vacation, and access healthcare.

With greater mobility, more Americans are connected with opportunities that allow them to pursue their dreams and livelihoods. This is just one reason why the U.S. Chamber of Commerce and other growth-oriented groups support “a strong federal role in transportation” to keep our nation interconnected and help individuals get to work.<sup>50</sup> As one Chamber official has stated it:

Transit gets people to their jobs and helps grow the economy. It relieves traffic congestion, catalyzes economic development, and connects neighborhoods, communities, and regions. It transports people to health care appointments, school, recreation, and shopping, and it gives businesses the opportunity to reach customers.<sup>51</sup>

Commuters make up the largest share of transit users nationwide, and while “[g]etting commuters to jobs is only one of the functions of a transit system, [] it is arguably its most important.”<sup>52</sup> Data regarding transit use confirm that a majority of transit trips are to or from the

---

<sup>50</sup> See U.S. Chamber of Commerce, *Transportation: Our Position*, <https://www.uschamber.com/transportation>.

<sup>51</sup> Janet Kavinoky, Statement before the U.S. Senate Committee on Banking, Housing and Urban Affairs (Apr. 23, 2015), at 2.

<sup>52</sup> Adie Tomer et al., Brookings Inst., *Missed Opportunity: Transit and Jobs in Metropolitan America* 12 (May 2011).

passenger's workplace.<sup>53</sup> For the 80% of Americans living in urban areas, transit is indispensable. For example, according to data collected by the U.S. Census Bureau, nearly 60% of New Yorkers, 40% of Washingtonians, one-third of Bostonians, and over a quarter of Chicagoans use public transportation to get to work.<sup>54</sup> But while city dwellers are the heaviest users of public transportation, the benefits of transit are not limited to urban areas.

Implementation of new transit programs in small and midsize cities, as well as rural areas, has proven an effective way to increase access to employment. For example, within the first year following the opening of the new Green Line light rail service connecting Minneapolis and Saint Paul, Minnesota, residents of Saint Paul gained access to an average of over 2,000 additional jobs within 30 minutes by transit, an increase of over 5%.<sup>55</sup> The Purple Line, a 16-mile rail project in suburban Maryland, is projected to increase jobs access by 50–80%, and expand the 60-minute commuting zone into the Maryland suburbs by 176 square miles.<sup>56</sup> On the other hand, reductions in transit access can have sharp negative effects on job access—a study of the effects of reduced bus routes in Milwaukee, Wisconsin found that decreased access to employers resulted in a loss of approximately 30,000 jobs, many of which were low-skill jobs.<sup>57</sup> The study concluded that “[s]erious rebuilding efforts supported by secure and long-term sources

---

<sup>53</sup> See Am. Pub. Transp. Ass'n, *A Profile of Public Transportation Passenger Demographics and Travel Characteristics Reported in On-Board Surveys* 49–50 (2007).

<sup>54</sup> U.S. Census Bureau, *American FactFinder*, [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml#](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml#).

<sup>55</sup> Univ. of Minn. Ctr. for Transp. Studies, *Green Line LRT: Job Accessibility Impacts in Minneapolis and Saint Paul* 6 (June 2015) (noting that in many areas closest to the new stations, job access more than doubled).

<sup>56</sup> Ting Ma & Gerrit Jan-Knapp, *Analyzing Employment Accessibility in a Multimodal Network using GTFS: A Demonstration of the Purple Line, Maryland* 10–11 (2014).

<sup>57</sup> Univ. of Wisc. - Milwaukee Ctr. for Econ. Dev., *Public Transit and Access to Jobs in the Milwaukee Metropolitan Area, 2001–2014*, at 9–10 (Jan. 2015).

of funding will need to be undertaken to avoid further isolating transit-dependent job holders and job seekers from the region’s job growth centers.”<sup>58</sup>

Residents of rural areas have also benefitted from regional public transportation projects. Southern Alabama’s Baldwin Rural Area Transit System (“BRATS”) runs daily routes across Mobile Bay, connecting Baldwin County with Mobile, Alabama and allowing nearly a quarter of Baldwin County’s labor force to reach jobs in Mobile. BRATS is partially funded by the Federal Transportation Administration’s Section 5311 Program, which supports transit in rural areas with populations of under 50,000.<sup>59</sup> In Central Oregon, the Cascades East Transit (“CET”) (also partially funded by the FTA) provides bus service that links Bend, Oregon with other locations in the region. CET has been an enormous success, increasing its ridership by over 200% in two years, and a profile by the NADO Research Foundation reported that ridership has expanded beyond “a transit-dependent population (low-income, older adults and disabled customers) to a population that chooses public transit over other available transportation options.”<sup>60</sup>

Collectively, these and many other transit projects serving urban, suburban, and rural areas have a significant positive impact on job creation that transcends those communities.

While the benefits of increased access and autonomy imbue to all transit users, they are especially impactful for members of groups who, because of age, disability, or financial means, might otherwise be less mobile. A study by the U.S. Bureau of Transportation Statistics found

---

<sup>58</sup> *Id.* at 19.

<sup>59</sup> NADO Research Found., *Exploring the Role of Regional Transportation Projects as Rural Economy Drivers* 7–8 (July 2011).

<sup>60</sup> *Id.* at 11. For a collection of case studies of small town and rural transit systems, and their impacts on regional economies, see *Rural Transportation*, *supra* note 43. For an overview of the importance of the federal government as a partner in funding rural and tribal transit systems, see U.S. Gov’t Accountability Office, Report to the Committee on Banking, Housing, and Urban Affairs, *Federal Role Key to Rural and Tribal Transit* (June 2014).

that 6 million people living with disabilities in the United States had difficulty accessing transportation.<sup>61</sup> For these individuals, many of whom do not drive, the availability of transit is crucial to maintaining their independence and remaining vital, active members of their communities. With the older population projected to grow by nearly 80% over the next 20 years, continued federal support for transit assistance programs geared toward the needs of the elderly and disabled is warranted.<sup>62</sup>

Although many transit users are middle class or high-income earners,<sup>63</sup> transit is particularly critical for connecting low-income individuals and those using government assistance with productive employment. Low-income families have significantly lower levels of vehicle ownership compared to other households.<sup>64</sup> Lack of reliable car access is often a barrier to employment because, as conservatives have often argued, most job growth today is found outside central cities.<sup>65</sup> As a result, “public transit provides many low-income commuters with an essential service,” and is relied upon by close to 50% of welfare participants to access their jobs, which are often located in suburban areas.<sup>66</sup> Strong public transportation systems designed to connect welfare recipients with jobs are a worthy investment.

---

<sup>61</sup> Hanley, *supra* note 20.

<sup>62</sup> See generally Therese W. McMillan, Deputy Administrator, Fed. Transp. Admin., Statement before the U.S. Senate Special Committee on Aging (Nov. 6, 2013) (describing the need for such programs); Am. Pub. Transp. Ass’n, *Funding the Public Transportation Needs of an Aging Population* (March 2010) (examining the cost and funding needs of transit projects aimed at older people).

<sup>63</sup> Am. Pub. Transp. Ass’n, *Americans in Transit: A Profile of Public Transit Passengers* 3, 7 (Dec. 1992).

<sup>64</sup> Yingling Fan et al., *Impact of Light-Rail Implementation on Labor Market Accessibility: A Transportation Equity Perspective*, 5(3) J. of Transp. & Land Use 28, 28 (2012).

<sup>65</sup> *Id.*; see also Mark Alan Hughs, *Employment Decentralization and Accessibility: A Strategy for Stimulating Regional Mobility*, 57(3) J. of the Am. Planning Ass’n 292 (Summer 1991).

<sup>66</sup> Mineta Transp. Inst., *The Travel Behavior and Needs of the Poor: A Study of Welfare Recipients in Fresno County, California* 34 (Dec. 2001).

Finally, because “[w]orkers may be compelled by finances, family ties or community networks to remain in a neighborhood even if it does not perfectly suit their needs for employment,” effective transit options help provide Americans with the freedom to make the best choices for their families without being constrained by the locations of their jobs.<sup>67</sup> The National Rural Assembly, an organization of over 500 local, regional, and national organizations focused on rural communities, has described “lack of rural transportation alternatives as a barrier to access to higher education and career opportunities for young people.”<sup>68</sup> And small urban and rural transit users rely on transit for more than their commutes—over 65% of trips in non-urban areas are for shopping, dining, education, healthcare, and other purposes.<sup>69</sup> As one study explained:

In many rural areas, there may simply be no viable non-auto alternative to public transportation, particularly for the rural poor and elderly. In these cases, the alternative is either to do without the trips now provided by rural transit or to turn to second-best alternative destinations and activities. . . . For example, those persons who use transit for employment (or training/education) and lack alternative transportation would have to turn to another job, or another training or education program, or simply retire (if eligible), or become unemployed (probably the most likely alternative for many faced with no available transportation). . . . For those who depend on transportation for other uses — health, social services, shopping entertainment/community, and visits to friends/relatives — the alternatives to transportation are usually nonexistent or very limited (such as depending on the mail and telephone for part of this access).<sup>70</sup>

---

<sup>67</sup> Justin Tyndall, *Waiting for the R Train: Public Transportation and Employment*, *Urban Studies J.* (July 2015), at 25.

<sup>68</sup> Am. Pub. Transp. Ass’n, *Rural Communities Expanding Horizons: The Benefits of Public Transportation* (Mar. 2012).

<sup>69</sup> *Id.*

<sup>70</sup> *Rural Transportation*, *supra* note 43, at 33.

Even within more populated areas (and especially in high-congestion areas), transit helps Americans without car access reach churches, schools, stores, recreation areas, and healthcare providers of their choice.<sup>71</sup> Continued federal investment in urban, small city, and rural transit helps to ensure that individual decisions about where to live, play, worship, and seek medical care are not stifled.

#### **IV. Honoring our Veterans and Ensuring their Access to Jobs and Healthcare**

A key goal of conservatives is to ensure America honors our veterans. Access to public transportation that is reliable and affordable can go a long way toward empowering veterans and their families. It allows them to find and get jobs, access health care opportunities, and fully participate in their communities. Our nation's veterans live across America—in large cities, in suburbia, in medium and small cities and towns, in rural communities, and on tribal reservations. And like other benefits of transit discussed in this paper, empowering veterans is a national imperative that requires national leadership. The federal government—in partnership with state and local governments, and the private sector—must help develop and maintain public transportation systems that give our veterans access to employment and medical services. Strong transit systems can help to reduce the need for supplemental transportation services.

There are over 20 million military veterans in the United States today, and the importance of public transit for veterans is well-documented.<sup>72</sup> Yet veterans report that often, “in order to

---

<sup>71</sup> One study of healthcare access in Houston found that nearly 40% of residents in some neighborhoods relied on public transportation to get to the doctor. U.S. Chamber of Commerce, Statement to the U.S. Senate Committee on Banking, Housing, and Urban Affairs (Apr. 23, 2015), at 6.

<sup>72</sup> See generally, e.g., Del Peterson, Nat'l Ctr. for Transit Research, *Improving Veteran Mobility in Small Urban and Rural Areas* (Feb. 2014); Jaime Rall & Alice Wheat, Nat'l Conf. of State Legislatures, *A Mission to Serve: State Activities to Help Military Veterans Access Transportation* (Jan. 2013) (continued...)

obtain or retain employment, transportation issues required them to make decisions that lowered their quality of life and that of their families.”<sup>73</sup> Moreover, when veteran-focused services are located in areas inaccessible by public transit, veterans reported “significant obstacles” for transition back to civilian life.<sup>74</sup>

Communities across the country have taken different approaches to improving the mobility of veterans, often with the assistance of the federal government. A 2011 report by the Transit Cooperative Research Program summarized a number of these efforts, including long-distance bus travel, van pooling, and discounted rail service, and concluded that to ensure veterans’ needs are met, “broad scale, long-term efforts will be needed from key stakeholders at all levels of government,” including “[t]he continued involvement of federal agencies.”<sup>75</sup> Although many veterans live in urban areas already well-served by public transit, rural transit options are critical for the 30–40% of veterans who live outside major cities, who are disproportionately recent veterans of the wars in Iraq and Afghanistan, and are more likely to be disabled than their urban counterparts.<sup>76</sup>

Development and maintenance of reliable transit is even more necessary for veterans who, due to disability, homelessness, or both, have especially great difficulty accessing jobs and healthcare. Because nearly 80% of *homeless* veterans reside in downtown urban areas and do not have access to cars, public transit can be a highly effective tool for connecting individuals

---

(describing a host of federal-state-local partnerships); Transit Cooperative Research Program, *Research Results Digest 99: Improving Mobility for Veterans* (Apr. 2011) (“*Improving Mobility*”).

<sup>73</sup> U.S. Dep’t of Transp., UTC Spotlight Newsletter, *For Returning Military Vets, Transportation is Key to Reintegration as Civilians* (Feb. 2015).

<sup>74</sup> *Id.*

<sup>75</sup> *Improving Mobility*, *supra* note 72, at 7.

<sup>76</sup> Peterson, *supra* note 72, at iv.

with productive employment and education. A study by the Community Transportation Association found that when public transportation options were available, over 60% of homeless veterans served by the Department of Labor’s Veterans Reintegration Program were able to retain employment.<sup>77</sup>

The federal government has played an active role in supporting transit services for veterans, and these investments should remain a priority. The Department of Veterans Affairs’ Veterans Transportation Service (“VTS”) is a program that coordinates federal, state, and local transit entities to provide safe and reliable transportation to VA healthcare facilities. For many veterans who live in areas not served by large urban transit systems, alternative transit programs like VTS are essential. A report from the National Resource Center explained:

[M]ore and more of the health care services, jobs and social services needed by these veterans ha[ve] been concentrated in major metropolitan core areas, which makes life and mobility increasingly challenging for rural veterans, especially rural veterans with disabilities and rural veterans with limited economic and transportation resources.<sup>78</sup>

Other federal programs have been a key part of the effort to keep our veterans moving—the Veterans Transportation and Community Living Initiative (administered by the Federal Transit Administration in partnership with the Department of Veterans Affairs and Department of Defense) provides grant funding nationwide to facilitate veterans’ access to a variety of transit options, from fixed-route buses to on-demand paratransit services,<sup>79</sup> and United We Ride is an

---

<sup>77</sup> Cmty. Transp. Ass’n, *Employment Transportation for Homeless Veterans*, [http://web1.ctaa.org/webmodules/webarticles/articlefiles/Veterans\\_Brief\\_Homeless\\_Veterans\\_final.pdf](http://web1.ctaa.org/webmodules/webarticles/articlefiles/Veterans_Brief_Homeless_Veterans_final.pdf).

<sup>78</sup> Nat’l Resource Ctr. for Human Service Transp. Coordination, *Transportation for America’s Veterans and their Families* 3–4 (Nov. 2011) (“*NRC Report*”) (outlining alternative transit efforts in the Pacific Northwest, Central Texas, Michigan, and Florida).

<sup>79</sup> Fed. Transit Admin., *Veterans Transportation and Community Living Initiative*, [http://www.fta.dot.gov/grants/12305\\_13540.html](http://www.fta.dot.gov/grants/12305_13540.html).

inter-agency program focused on the provision of on-call transportation solutions for veterans and other populations. It would be challenging, and perhaps impossible, for individual states or local governments to replicate the combined expertise necessary for these and other programs to flourish.

In addition to providing access to necessary services, transit systems are a major employer of our nation's veterans. Among many others, WMATA partners with The Vets Group to recruit, train, and hire veterans, the Bay Area Rapid Transit ("BART") has a Veterans Preference Policy under which it seeks out veterans, and the Jacksonville Transit Authority has a policy of preferring veterans for management opportunities.<sup>80</sup> Numerous transit systems also offer discounted pricing to men and women who have served in the armed forces, making transit an even more affordable way for veterans to get around.<sup>81</sup> Our commitment to our nation's veterans demands that we maintain the federal government's role in providing safe, efficient, and affordable transportation options to keep our veterans moving.

## **V. Facilitating Emergency Response and Evacuations**

In addition to spurring economic growth, maximizing individual autonomy and mobility, and connecting veterans with the services they need, transit systems provide a key national security benefit—facilitating safe and efficient movement of Americans when disaster strikes. During an emergency, “transit can move the volume of people [necessary] in the short amount of

---

<sup>80</sup> See, e.g., <http://www.vetsgroup.org/wmata/>; <http://www.bart.gov/about/jobs>; <http://www.jtafla.com/about-jta/careers/military-preference/>.

<sup>81</sup> See, e.g., [http://www.transitchicago.com/travel\\_information/fares/military.aspx](http://www.transitchicago.com/travel_information/fares/military.aspx) (“Military Service Pass” for active duty service members and disabled veterans); <http://www.miamidade.gov/transit/patriot-passport.asp> (“Patriot Passport” program for disabled veterans); <http://tulsatransit.org/fares-passes/reduced-fare/> (half-price fares for all active military and veterans); *NRC Report, supra* note 78, at 6–7 (collecting additional programs).

time available,” unlike evacuations by automobiles alone which “result in almost immediate gridlock.”<sup>82</sup> The shortcomings of evacuation by automobile alone are borne out in recent history. For example, when between 1.5 million and 2.5 million Houston residents attempted to evacuate by automobile in advance of Hurricane Rita in 2005, the results included “massive traffic jams and vehicles that ran out of fuel or broke down for a period of 24 hours or more.”<sup>83</sup> As a result, most large urban areas include transit as a central component of their emergency response plans. In the event of a Category 3+ hurricane, transit is expected to evacuate 1.2 million people from the New York City metropolitan area.<sup>84</sup> Evacuation plans for other urban areas are similarly centered around transit—the Chicago Transit Authority estimates that up to 150,000 people per hour could be evacuated by a combination of rail and bus.<sup>85</sup> In Miami-Dade County, the hurricane evacuation plan includes a network of 130 hurricane bus stop locations that local residents can use to leave the area without adding congestion to highways.<sup>86</sup>

Incorporating transit into emergency evacuation plans is particularly important for transit-dependent individuals who lack personal vehicles or require mobility assistance. In many coastal cities with older populations, transit-dependent persons can exceed 10% of the overall population.<sup>87</sup> Failure to plan for the evacuation of these individuals can have tragic consequences. Fatalities during Hurricane Katrina were overwhelmingly older people: 71%

---

<sup>82</sup> Weyrich & Lind, *supra* note 13, at 12.

<sup>83</sup> Transp. Research Board, *Special Report 294: The Role of Transit in Emergency Evacuation* 8 (2008) (“*Transit in Evacuation*”).

<sup>84</sup> *Id.* at 86.

<sup>85</sup> *Id.* at 87.

<sup>86</sup> Miami-Dade Metro. Planning Org., *Simulation and Analysis of Potential Mass Evacuation of Miami-Dade Residents* 33 (June 2007).

<sup>87</sup> See Daniel S. Turner et al., *Transit Evacuation Planning: Two Case Studies* (June 2010) (exploring the evacuation needs of transit dependent populations in Mobile, Alabama and Wilmington, North Carolina).

were older than 60 and nearly half were over 75.<sup>88</sup> For these citizens, evacuation options that include accessible public transportation (rail or bus in more urban areas, and bus in rural areas) are imperative.

Transit is especially effective for no-notice emergencies like terror attacks. Following the September 11 attacks on the World Trade Center, rail and bus were critical for shuttling well over 1 million passengers out of affected areas and helping first responders and supplies reach the World Trade Center site.<sup>89</sup> In the aftermath of the attack on the Pentagon, “Metrorail became the mode of choice for transport from the area, evacuating several hundred thousand people from Washington and Northern Virginia within a few hours.”<sup>90</sup> Although evacuations necessitated by malevolent acts like terrorism are rare, emergency plans that incorporate public transit can be lifesaving for Americans living in high-density areas already prone to congestion.

In addition to moving people *away* from emergency situations, public transportation, including both highways and transit, also helps ensure the efficient deployment of first responders, relief workers, military personnel, supplies and other key emergency services into areas affected by disasters.<sup>91</sup> For example, heavy rail transit can play an important role when roads become congested. In the days and weeks following Hurricane Katrina, Amtrak and other heavy rail was used both for evacuations and for the delivery of necessary supplies and equipment after the storm.<sup>92</sup>

---

<sup>88</sup> U.S. Dep’t of Transp., UTC Spotlight Newsletter, *Needs Assessment for Multimodal Emergency Transportation Operations with a Focus on an Aging Population* (Feb. 2015).

<sup>89</sup> *Transit in Evacuation*, *supra* note 83, at 19.

<sup>90</sup> *Id.*

<sup>91</sup> See Fed. Transit Admin., *Emergency Relief Manual* 4–5 (2015).

<sup>92</sup> Comm’n Briefing Paper 4E-03, prepared for the National Surface Transportation Policy & Revenue Study Commission, *Evaluation of the Potential Use of All Modes in Evacuations During Times of* (continued...)

Because natural disasters, terrorist attacks, and other emergency situations do not recognize state and local borders, federal oversight and involvement in transit helps ensure the coordination necessary to move Americans to safety. Without federal involvement, there is no reason to expect that states (particularly, for example, inland states adjacent to hurricane zones) would build large-capacity evacuation routes to accommodate their local neighbors. The federal government is therefore rightly involved, in partnership with state and local governments and the private sector, in supporting public transportation as a key component of our nation's emergency preparedness.

## CONCLUSION

As some conservative groups advocate for a reduced, or even eliminated, role for the federal government in public transportation, it has never been more important to examine the link between transit and conservative policy goals. As explained above, national involvement in transportation is not new, and is not merely the creation of an increasingly oversized federal government. To the contrary, the federal government has been a key partner in creating, maintaining, and funding safe and efficient transportation systems since our nation's founding. From the Constitution's enumeration of post roads and interstate commerce to Congress, to the building of the Cumberland Road and assumption of jurisdiction over lighthouses, to today's surface transportation network, transportation systems in the United States have long relied on our national government's resources and expertise to flourish.

---

*Emergencies* 6 (Jan. 2007) (explaining a partnership following Hurricane Katrina between Amtrak and the Louisiana Department of Transportation under which Amtrak would provide future evacuation assistance).

Our nation likewise depends on transit. By supporting important regional economies, connecting private businesses with a broad labor market, reducing congestion, and encouraging development, transit is a key driver of economic growth and ultimately, our prosperity as a nation. Transit also empowers our nation on an individual level, connecting Americans with jobs, bringing individuals back into the workforce, and giving people the maximum liberty to decide where to live, worship, vacation, shop, and access healthcare. The ability of transit to empower individuals is especially critical when it comes to our nation's veterans. Honoring those who have served our country is a truly national issue, and without effective transit systems, many of our veterans would have difficulty getting to work and accessing healthcare and other services. Finally, public transportation is a key component of our national security and emergency preparedness, facilitating emergency evacuations and the deployment of needed supplies and assistance to every corner of our country when disaster strikes.

The payoff from federal investments in transit thus extends far beyond short-term job creation or isolated, local effects—public transportation strengthens our nation as a whole and make us more prosperous and competitive. Transit keeps our nation connected, and the federal government, working hand-in-hand with state and local governments and the private sector, is in the best position to facilitate the interstate (and sometimes international) coordination required for these systems to function optimally. So while decentralization and privatization are oft-cited as the best means for shrinking government and empowering Americans, public transportation remains uniquely well-suited to federal involvement. Public transportation is rightly a national priority, and an investment that conservatives, and all Americans, can support with confidence.