

TRANSPORTATION EQUITY ACT REAUTHORIZATION: HOW GOOD FEDERAL TRANSPORTATION POLICY CAN WORK FOR LATINOS

By Eric Rodriguez and Patti Goerman*

INTRODUCTION

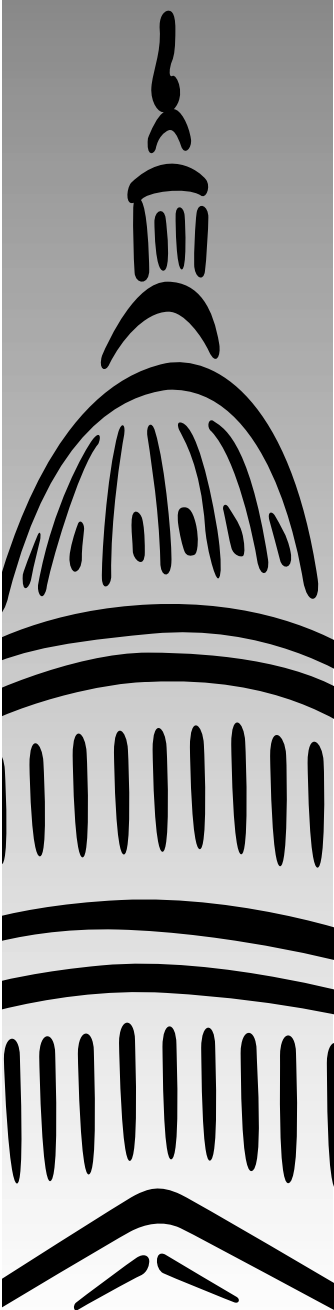
Congress is currently working to reauthorize the Transportation Equity Act for the 21st Century (TEA-21). TEA-21 guides federal spending on transportation programs, services, and projects and helps to shape the nation's infrastructure. Both chambers in Congress have passed their versions of the legislation (S.1072 in the Senate and H.R. 3550 in the House), which now must be reconciled in a House-Senate conference committee. Despite having considerable bipartisan support in each chamber of Congress, the outlook for the legislation remains unclear.

The principal stumbling block is the overall funding level in each bill. The Senate version is set at \$318 billion over six years while the House version is estimated to be close to \$284 billion. The White House has issued a veto threat against both bills to protest a funding level that they view as too high, in addition to a provision in the House version that would allow funding levels to be revisited next year. The Administration has requested that the final bill be limited to \$275 billion. Currently, it remains unclear whether there is sufficient room for a compromise or even what process may be pursued to reach an agreement and final passage. Nevertheless, if it moves forward to conference committee, transportation legislation could be one of the more pivotal pieces of federal legislation enacted this year, and the bill has the potential to have a significant and meaningful impact on the economic status and job prospects of the nation's Latinos.

Though not commonly viewed as a "Latino" issue, federal transportation policies have enormous implications for Hispanic workers and for the neighborhoods where they reside. Like other Americans, Latinos care about living in safe and healthy communities and getting a chance to find good

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** The term "Hispanic" and "Latino" are used interchangeably throughout this brief and refer collectively to Mexicans, Puerto Ricans, Cubans, Central and South Americans, Dominicans, and others of Spanish and Latin American descent. Latinos can be of any race; therefore, unless denoted as "non-Hispanic," persons of Hispanic origin may be included in both the "Black" and "White" racial categories. Data on Latinos do not include the 2.8 million residents of Puerto Rico.



paying jobs; ends that can be accomplished through the development and enforcement of effective federal transportation policies. This paper brings attention to key policy issues for Latinos in TEA-21 reauthorization, and points lawmakers to areas of the legislation that can produce meaningful results for the Hispanic community.

BACKGROUND

Often overlooked by community advocates at the national, state, and local levels, transportation policy plays a crucial role in shaping the economic status and job prospects of workers as well as the condition and development of communities. One of the most important aspects of federal transportation policy is its potential for job creation. It is estimated that \$1 billion in federal transportation investment will create approximately 47,500 jobs throughout the economy within the first year.¹ Public policies and federal investments that generate jobs are much needed in the Latino community. In April of 2004, the Latino community faced a 7.2% unemployment rate, compared to the 5.6% rate for the overall population. The number of unemployed Latinos topped 1.3 million in April.² Moreover, Latinos are in many of the fields and industries that may be positively impacted by federal transportation spending. For example, according to the Bureau of Labor Statistics, in 2003 more than 23.7% of workers in construction and extraction occupations, including construction laborers, brick masons, and highway maintenance workers, were Latino.³ Federal transportation policy also provides benefits for users and consumers of transportation services. Roads, bridges, highways, buses, and trains help to connect workers and families to jobs, businesses, public services, schools, and doctors.

Hispanics now constitute 13% of the total population, numbering nearly 40 million people, and make up a growing share of direct consumers of transportation services in rural and urban communities nationwide.⁴ For instance, Latinos account for 18% of public transit users, and in major urban areas Latinos and African Americans together make up 54% of public transportation users.⁵ Affordable transportation options are becoming more critically urgent for the expanding Latino community which spends nearly one-fifth (18.6%) of scarce household income on transportation.⁶

U.S. businesses have also increasingly turned an eye toward the burgeoning Hispanic consumer market. Making transportation a priority, and more accessible to Latinos, is a sound business practice. This is especially critical given the fact that Latino buying power is projected to rise to over \$900 billion by 2007.⁷ Because Latinos are less inclined to shop online, standard modes of transportation, such as public transit, remain central to accessing this market.

The reauthorization of the nation's largest transportation bill is an opportunity to build on the strengths of current law and address the challenges as they relate to Latinos, including those with limited English proficiency. Poorly-made transportation decisions can create isolated communities, drive up the cost of commuting or housing for residents, and damage the environment in neighborhoods. Federal transportation

policy should adequately serve and equitably benefit Latinos. However, a number of structural barriers are in place that hinder the ability of transportation service providers and agencies to better serve Hispanic residents. As a result, Latinos do not evenly reap the benefits of federal transportation policies, and as users, workers, and residents they often find themselves on the losing end of state and local transportation decisions. This paper highlights the challenges affecting Latinos in the transportation system and provides policy recommendations for addressing barriers.

TRANSPORTATION POLICY ISSUES: CHALLENGES FOR LATINOS

Insofar as policy-makers seek to develop a better federal transportation system for all Americans, there are several broad areas that merit serious consideration from a Latino perspective. As such, this paper explores pertinent issue such as the skills gap in the area of transportation employment, uneven community engagement, and language and civil rights barriers.

Transportation Employment and Jobs: Skills Gap

Federal resources are used to construct major highway projects, repair existing roads, or establish new bus lines, and these tasks create labor demands. Private- and government-related jobs are also created from expanding existing federal transportation programs and fulfilling statutory requirements in TEA-21. There is little doubt that federal transportation funding generates jobs; however, not all federal expenditures on transportation have an equal job creation impact. The amount and type of labor required depends on the task. Moreover, while the job creation benefits of federal transportation expenditures are clear, the ability of Latinos especially to access these job opportunities, or to benefit from these jobs, is limited.

As mentioned earlier, in 2003 Latinos made up 23.7% of the more than eight million people working in construction and extraction occupations. However, within this category, Hispanic workers tended to be overrepresented in the lowest-paying jobs, such as construction laborers (35%) and highway maintenance workers (15.5%).⁸ Although the Department of Transportation (DOT) and many state transportation administrators have acknowledged the mismatch between the skills requirements required of top jobs and the disproportionate numbers of Latinos who are relegated to low-skilled, low-wage, and labor intensive occupations in the transportation industry, which is in part due to limited English proficiency and lower educational attainment, the response to address such barriers has been mixed and, for the most part, inadequate.

Efforts to train adult workers for transportation jobs has been uncoordinated among transportation agencies as well as with other systems such as the Workforce Investment Act (WIA), the principal federally-funded employment and training system. Specifically, within the Latino community, while there are over 100 community-based Hispanic-serving organizations throughout the nation providing job-training services for adult workers, few reported any relationship with federal, state, or local transportation agencies. Of the limited number of groups that provide

job-related training services, such as truck driving certification and highway construction projects, none reported receiving funding from TEA-21 for these purposes.

The disconnection between the growing Latino workforce and the professional transportation field is best documented by DOT data: only slightly more than 5% of all workers at DOT were of Latino descent in 2003.⁹ However, as a youthful population with more than 8.1 million Latino children enrolled in K-12 schools in 2000, and Hispanic children under 18 years of age now becoming the second-largest group of students after non-Hispanic Whites,¹⁰ there exists an opportunity to look ahead in addressing the worker void.

In addition to the disconnection between the demand for skilled transportation professionals and the inadequate educational and training pipeline that connects students and workers to these jobs, there is a need to address the retirement of the workforce in the transportation sector. In 2001, a DOT article noted that the Federal Highway Administration projected that 45% of its work force would be eligible to retire by 2010.¹¹ State and local transportation agencies as well as contractors are faced with similar challenges, driving up demand for engineers, managers, administrators, and other transportation professionals.

There is a number of small, albeit isolated, programs within DOT aimed to help meet these challenges. The scope of the problem suggests that a coordinated, strategic, and well-funded effort is needed to open up the transportation system to current and future Latino workers.

Transportation Policy-Setting: Uneven Community Engagement

Public engagement in planning and decision-making is critical to ensuring that transportation projects adequately address the needs of communities. Maintaining transparency by soliciting public input and providing adequate information throughout the planning process can increase support for transportation projects and prevent further project delays, often detrimental and costly to transportation projects.

Current transportation law requires that state Departments of Transportation and Metropolitan Planning Organizations (MPOs) make an effort to identify and consider the needs of underserved groups, including minority and low-income communities, when planning new projects. Unfortunately, there are no meaningful provisions to ensure the adequate implementation of this rule. This has led to a lack of uniformity in its implementation with some community residents left out of the process.¹² Stronger federal direction is needed to ensure that Hispanic-serving community-based organizations and Latino community leaders are brought into the transportation decision-making process and that planning-related information is shared in a format that is appropriate to the local community.

Active engagement of Latinos and Hispanic-serving community-based organizations (CBOs), in the planning process is especially critical, given the rise of new immigrant communities and emerging “gateways” throughout the nation. Many Hispanics find

themselves geographically isolated with limited mobility in states in the Southeast and the Midwest. For example, between 1990 and 2000 the Hispanic population increased by 394% in North Carolina, by 208% in Alabama, and by 153% in Iowa.¹³

Unfortunately, a disproportionate segment of the immigrant growth in emerging communities is composed of persons with limited English proficiency. As such, traditional transportation infrastructures have not been updated to address the needs of this community. Additionally, the limited number of Hispanic-serving organizations and community leaders engaged and well-informed about the states' transportation systems compounds the challenge in these states and communities, and their ability to identify effective policies and practices.

System-Wide Access: Language and Civil Rights Barriers

As workers, transportation users, and residents, limited English-proficient (LEP) persons often face greater barriers to participation in the transportation system than the Latino population as a whole. The 2000 Census found that 24% of Latinos speak English either not well or not at all, and data show that about one-quarter of the LEP population use public transportation to get to work.

The share of LEP persons using public transportation could be even higher, but the inability to speak to transit operators or read information about public transportation routes causes many people to avoid using public transportation altogether, even though it may be the safest and most affordable option. Moreover, from a market perspective, it can be argued that LEP persons should not be overlooked, as they are untapped consumers for transportation providers that have yet to transition to expanding LEP service access.

In 2000, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," was issued to reduce language barriers. As per the order, DOT issued its *Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries* in 2001.¹⁴ The purpose of the DOT guidance is to delineate the responsibilities of institutions that receive federal funding with respect to LEP populations. In addition, the guidance aims to assist these agencies in providing LEP persons with meaningful access to programs, services, and information free of charge. Though the DOT guidance is valuable, it remains unclear how effectively it has been implemented and what progress, if any, has been made since its issuance. Though there have been some noticeable improvements, particularly in information-sharing and translation of materials about transportation options in some high-density LEP areas such as New York City, progress appears to be uneven at best and hardly system-wide in its reach. Additional monitoring and documentation of implementation, research on best practices, technical assistance for administrators, accountability, and enforcement are needed to ensure meaningful access for LEP persons.

POLICY RECOMMENDATIONS

Legislation to reauthorize the Transportation Equity Act for the 21st Century is voluminous and contains many features and provisions with implications for Latinos. That said, NCLR has identified select provisions that, if retained and/or modified, could have a particularly beneficial impact on the nation's Hispanics.

Workforce Development

Aspects of the Senate and House transportation reauthorization bills could improve the job prospects of Latinos by addressing the skills gap issue and strengthening the education and training pipeline. They include:

1. **Section 5205(e) of H.R. 3550, Surface Transportation Workforce Development, Training, and Education.** The language would allow states to use funds for job training activities including those associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities expressly for women and minorities. It would authorize 100% federal share of the cost of activities, considerably increasing the incentive for states. One minor technical improvement to this language would list the services that community-based job training organizations provide as among the services that could be supported. Many community-based organizations provide a wide range of linguistically and culturally appropriate services. Such services are critical to improving the employability of LEP persons and other Latinos with limited training. However, CBO programs do not have adequate access to transportation training dollars and there is no equivalent or comparable language in the Senate bill. *NCLR supports the retention of the House language on surface transportation workforce development and urges conferees to add a CBO reference to that section as a technical modification.*
2. **Dwight David Eisenhower Transportation Fellowship Program, and the Garrett A. Morgan Technology and Transportation Futures Program.** These two programs are designed to expose students to the transportation field and industry. The Dwight David Eisenhower program provides fellowships to undergraduates, graduate students, and faculty to carry out transportation-related research and training. The Garrett A. Morgan program similarly provides outreach to K-12 students to promote math, science, and technology studies related to the transportation industry. While the Morgan program has been in existence since 1997, it has never received official funding. Both of these programs have made an effort to reach out to minority students through institutions such as Hispanic-Serving Institutions and Historically Black Colleges and Universities. The programs are in need of adequate support in order to continue outreach to students who have not traditionally been involved in the transportation field. The Garrett Morgan program, in particular, has lacked clear direction, a legislative mandate, resources, and structure. The Senate bill, S.1072 would authorize \$18 million over six years for the Eisenhower Fellowship, while H.R. 3550 would codify

the Garrett Morgan program, authorized at \$5.5 million over six years. *NCLR supports the Senate language for Eisenhower and urges conferees to retain the House language for the Garrett Morgan program. Moreover, NCLR encourages the inclusion of report language that expressly encourages administrators of these programs to provide targeted outreach to increase Latino enrollment and participation in these programs.*

3. **Local Hiring Agreements.** Local hiring strategies have great potential for increasing low-income and minority group participation in large transportation-related construction projects.¹⁵ Minority communities have often been subject to the inconvenience of these projects being undertaken in their neighborhoods without the compensating job and economic development gains. Under current transportation law (TEA-21), there is little to encourage transportation administrators or contractors to hire workers from local areas. Unfortunately, local hiring agreements or implementation of hiring preferences for transportation projects are the exception, rather than the norm. Currently, neither transportation bill contains language to encourage local hiring. However, Representative Millender-McDonald (D-CA) proposed an amendment to H.R. 3550 to encourage working with community stakeholders, including CBOs, to develop local hiring efforts. The measure was not considered on the House floor. *NCLR urges lawmakers to consider the issue in conference and incorporate the Millender-McDonald amendment.*
4. **The Job Access/Reverse Commute (JARC) Program.** This federal transportation program, in particular, has great potential to address a major transportation challenge for Latinos and to engage more Hispanic-serving institutions. The JARC program has provided transportation to many former welfare recipients and low-income workers to assist them in accessing jobs that would otherwise be out of their reach. The JARC program was designed originally as a competitive grant program in which CBOs serving Latinos and other populations could compete for grants on a level playing field. However, today nearly all of JARC program funds are earmarked. Latino-serving institutions, even those engaged in operating workforce development or welfare-to-work programs, have not been able to access JARC resources regardless of need or their ability to implement effective programs. Only in selected cases have JARC funds trickled down to Latinos.* Both bills make improvements in the program: the House includes language increasing the federal share on capital projects to 80% while the Senate would maintain a \$10 million cap on Reverse Commute Projects and open up eligibility to welfare recipients. However, neither bill adequately addresses the problem of shutting out Latino service providers. The House would establish a funding formula that would likely

* For example, California Department of Transportation (CALTRANS) reportedly received a grant for \$8 million for the Agriculture Industry Transportation Services Pilot Project under TEA-21. With this grant CALTRANS created a program to provide safe, affordable public transportation to seasonal farmworkers commuting to agricultural work sites in four counties in California. California DOT officials estimate that one part of the project, for which they purchased four buses and 134 vans, has served approximately 1,200 agricultural workers to date. In addition, a new fixed bus route service has carried about 340,000 passengers since May of 2002.

spread too thinly available resources, though funding growth over time could mitigate that concern. The Senate would essentially maintain the current structure, which has yielded marginal benefit at best for Latinos to date. *NCLR encourages, as a possible remedy, to set aside resources for competitive grants under any agreed upon structure.*

Participation in Transportation Planning

NCLR recommends the following provisions that encourage, and create incentives and enable transportation administrators to engage Latino community stakeholders:

- 1. Public Participation Plans.** Both the House and Senate bills contain positive language that would improve coordination and participation in planning efforts. Specifically, section 5303 of S.1072 requires that MPOs create “participation plans” that must be updated every four years. The plan would also include accessible meeting times and locations and visualization techniques. The section, similar to the House version, also includes a requirement that representatives of public transit users shall participate in the development of the plan. The Senate includes similar language for statewide transportation planning as well. *NCLR recommends that the participation plan from S. 1072 be adopted and Senate language on participation be accepted by conferees with a minor technical modification. Conferees should add language to the methods of participation listing that reference the accessibility for persons of limited English proficiency.*
- 2. Planning Activities Pilot Program.** H.R. 3550 contains a Planning Activities Pilot Program which calls for planning and public participation in activities related to highway and public transportation projects. It also calls for improvements in data collection and analysis related to all transportation users, including low-income and minority individuals. *NCLR supports the Planning Activities Pilot Program in the Managers Amendment of H.R. 3550, but urges conferees to ensure that both outreach and data collection extend to persons of limited English proficiency as a part of this program. We therefore recommend as a technical modification that language on the inclusion of LEP populations be added to the amendment.*
- 3. Notice and Public Hearing Requirements.** Both H.R. 3550 and S.1072 include positive changes with respect to notice and public hearing requirements as part of its General Provisions. Specifically, S.1072 modifies Section 5323 to specify holding a “public hearing on the project if the project affects significant economic, social, or environmental interests.” *NCLR supports the Senate language, and recommends that conferees adopt this language during conference.*

Transportation “Systems Change” Research

As noted above, there is a dire need for greater in-depth research and documentation on how well state transportation agencies and MPOs are handling population growth and demographic changes. Research is needed to guide administrators and help

policy-makers shape federal transportation policies in ways that meet the demands of businesses, residents, employers, and other stakeholders. Although there are numerous areas of the transportation reauthorization bills that cover research, several are noteworthy:

- 1. Transportation Equity Research.** Section 3042 of H.R. 3550 establishes a Transportation Equity Research Program that would support research focusing on the impacts of transportation on low-income and minority populations. *NCLR recommends adoption of the Transportation Equity Research Program with added language that includes a study of immigrant and LEP populations. In addition, we recommend a higher funding level than the \$1 million annual amount passed in H.R. 3550 for this program.*
- 2. National Highway Institute (NHI) and Local Technical Assistance Program (LTAP).** NHI develops and administers courses largely for state transportation administrators. LTAP responds to the capacity-building and technical needs of local transportation agencies. NHI and LTAP could be effective conduits for educating transportation providers, administrators, and workers about effective implementation of the DOT LEP guidance as well as civil rights and equity challenges in the transportation system. One of the indications that the guidance has not become fully operational at DOT is that the lack of coursework and training on these issues has not been institutionalized throughout NHI and LTAP. Both the House and Senate bills propose increased funding for these efforts. *NCLR recommends that conferees accept the Senate language which sets higher funding levels, and strongly urges lawmakers to adopt language to ensure that NHI focuses on transportation issues related to demographic and population changes and specifically on the growth in immigrant communities where English is a second language.*
- 3. GAO study on the Department of Transportation's Implementation of its LEP Guidance.** The extent to which Latinos and immigrant communities are being served by programs designed to engage LEP populations in the transportation industry is unclear. There are indications that the implementation could be more comprehensive. Better implementation of DOT's LEP guidelines would enable LEP persons to make increased use of transportation services and to participate in the transportation planning process more effectively. A study is needed to assess DOT's progress and to highlight its efforts with regards to implementation of its published guidance. It is also essential to identify challenges and barriers to implementing this guidance and to identify ways in which implementation could be improved. *NCLR supports the addition of language authorizing a GAO study on DOT's progress in implementing its guidance on providing services to persons with limited English proficiency.*

CONCLUSION

Overall, Latinos are major stakeholders in the transportation reauthorization debate. In light of the economic difficulties currently facing our nation, meaningful attention needs to be paid to the job creation potential of federal transportation investments. To that end, the Senate funding mechanism and authorization levels are superior to the House's. Moreover, funding levels for public transportation specifically need to be guaranteed and protected. But as this paper shows, increased funding alone does not guarantee better policy outcomes for Latinos. Much work is needed to ensure that Latino users, consumers, businesses, and workers are fully integrated into the federal and state transportation systems whereby the benefits may be evenly shared.

ENDNOTES

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