

SECTION VI: EFFECTIVE TRANSPORTATION GOVERNANCE

IN THIS SECTION, THE BENCHMARKING REPORT LOOKS AT THE GOVERNANCE OF AGENCIES RELATED TO TRANSPORTATION PLANNING, CONSTRUCTION, OPERATION, AND MAINTENANCE. THIS INCLUDES DETAILED LOOKS AT SEVERAL FEDERAL TRANSPORTATION FUNDING PROGRAMS.

Use this section to discover mechanisms and programs used by federal transportation agencies to fund bicycling and walking projects.

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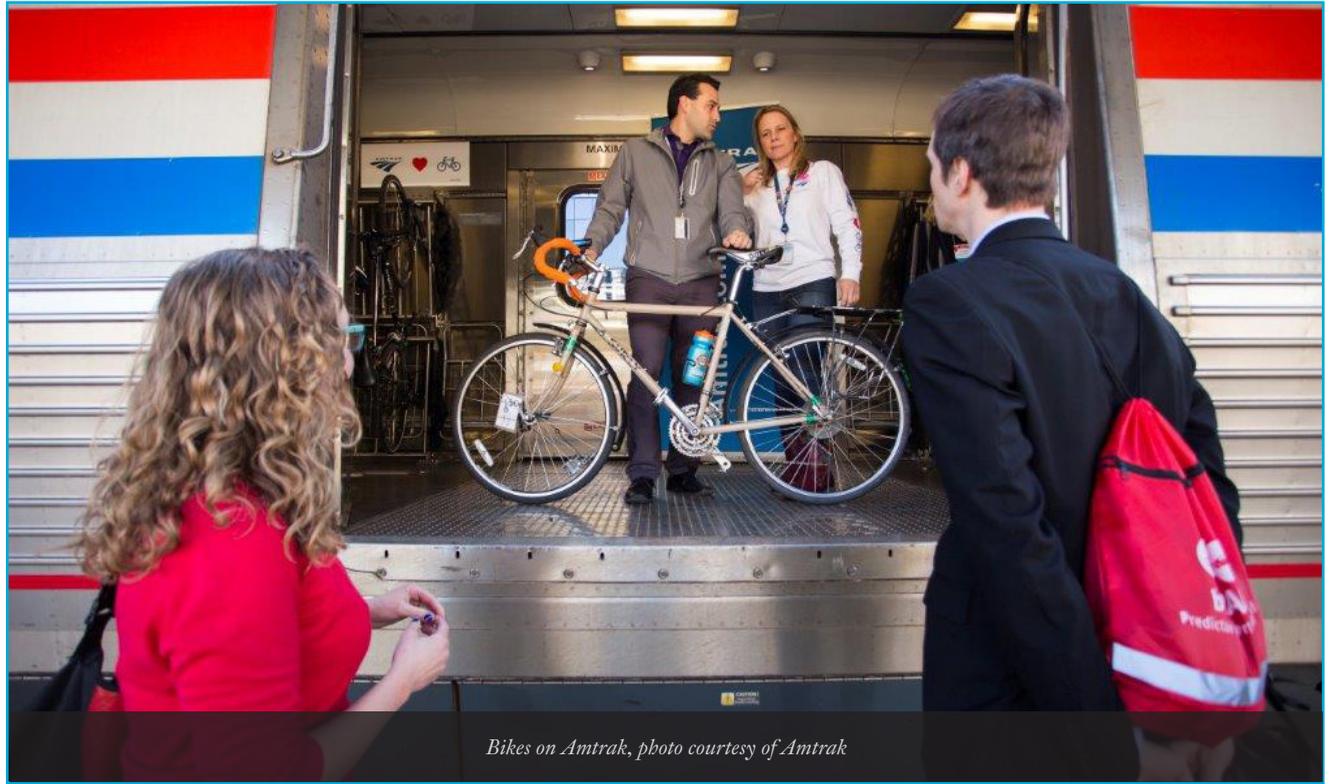
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Bikes on Amtrak, photo courtesy of Amtrak

“[T]he concept of “governance” can be defined to include “elected and nonelected government officers, nongovernmental organizations, political parties, interest groups, policy entrepreneurs ... [and other] relevant actors in the decision-making processes that produce government action.”¹ The literature on governance is premised on the understanding that governance includes public and private players who collaboratively guide public policy and decision-making.²

Many stakeholders are involved in transportation, and their relationships can often differ according to each state or community. The American Association of State Highway and Transportation Officials (AASHTO) lists at least 25 major stakeholders in transportation governance and finance, without listing major entities such as law enforcement, first responders, and the President of the United States.³

This section introduces common transportation governance relationships relevant to either increasing bicycling and walking or making bicycling and walking safer through planning, designing, and building infrastructure. This is not intended to be an exhaustive discussion of each stakeholder and its relationship to other entities regarding public policy and decision-making.

¹ M. Shapiro. Indiana Journal of Global Legal Studies (2001). *Administrative Law Unbounded: Reflections on Government and Governance*. Available at <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1219&context=ijgls>.

² Eno Center for Transportation, Transit Center. *Getting to the Route of It: The Role of Governance in Regional Transit* at p. 11. Available at <https://www.enotrans.org/wp-content/uploads/Transit-Governance.pdf?x43122>.

³ American Association of State Highway and Transportation Officials. *Transportation Governance and Finance* (November 2016) at p. 19. Available at http://www.financingtransportation.org/pdf/50_state_review_nov16.pdf.

» MAKING THE CASE: UNDERSTANDING TRANSPORTATION GOVERNANCE STRUCTURES TO PROMOTE BIKING & WALKING

Topic 1 - The Governance Model of Federal Funding for Physical Infrastructure

Most of America's built environment is created by three public-sector actors: 1) the federal government, 2) the state governments, and 3) local/regional governments. Interest has also grown in involving private-sector entities in project financing, development, maintenance, and operation.

For most federal transportation funding, the funding governance process looks like the following:

1

CONGRESS AUTHORIZES A PROGRAM, SETS THE ALLOCATION METHOD

FOR FUNDING AUTHORIZED BY THE PROGRAM, AND SETS PROJECT ELIGIBILITY AND OTHER REQUIREMENTS.

The current transportation authorization law is the Fixing America's Surface Transportation (FAST) Act, which was passed by Congress in 2015 and sets policy and funding levels through 2020.⁴

2

THE U.S. DEPARTMENT OF TRANSPORTATION (U.S. DOT)—THROUGH ITS VARIOUS ADMINISTRATIONS SUCH AS THE FEDERAL

HIGHWAY ADMINISTRATION (FHWA) AND FEDERAL TRANSIT ADMINISTRATION (FTA)—ADMINISTERS FUNDING PROGRAMS AS AUTHORIZED BY CONGRESS. GENERALLY, STATES AND LOCAL AGENCIES RECEIVE U.S. DOT FUNDING.

- Formula funding is distributed according to a statutory formula that sets an apportionment level. It may be distributed to a state DOT, a Metropolitan Planning Organization (MPO), or even other public agencies. When funding bypasses a state DOT and goes to another agency within the state, it is called sub-allocated funding, and a state DOT may or may not have a role in how that funding is used.
- Grant funding is distributed according to administrative review of projects per grant program criteria.

⁴ Federal Highway Administration. *Fixing America's Surface Transportation Act or "FAST Act."* Available at <https://www.fhwa.dot.gov/fastact/>.

3

THE RECIPIENT OF FEDERAL FUNDING IMPLEMENTS PROJECTS AND OBLIGATES FEDERAL FUNDING AUTHORITY BASED ON THE ELIGIBILITIES AND REQUIREMENTS OF THE TYPE OF FEDERAL FUNDING RECEIVED. TWO TYPES OF ORGANIZATIONS RECEIVE AND ALLOCATE MOST FEDERAL TRANSPORTATION FUNDS:

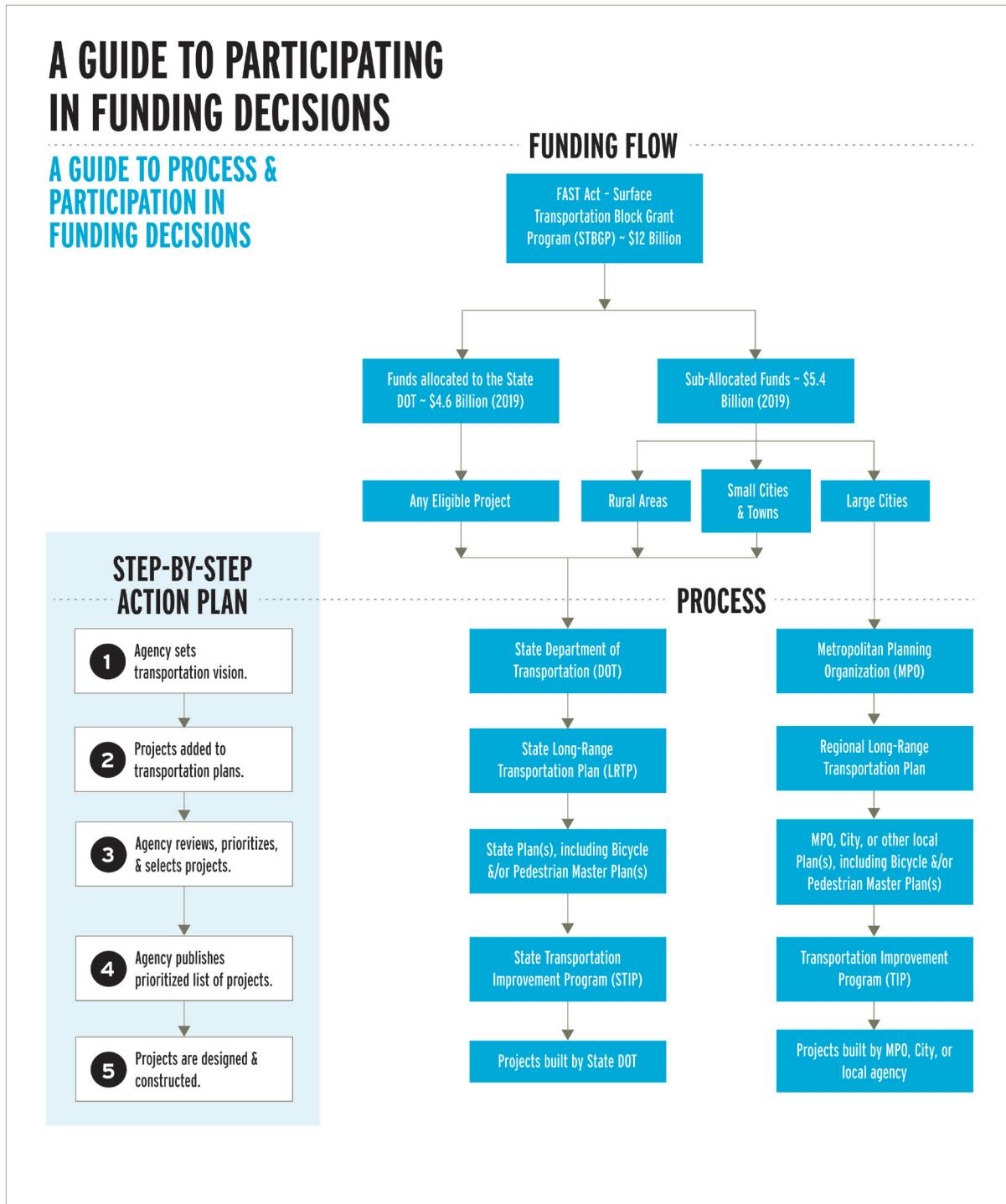
- State DOTs receive federal funding directly and are given authority over funds distributed to local decision makers. For projects to receive federal funding, they must be in a state planning document called a Statewide Transportation Improvement Plan (STIP), which is adopted at least every four years. Each STIP consists of state DOT projects and projects from MPOs.
- MPOs are federally regulated entities composed of multiple local jurisdictions in metro areas with a population over 50,000. The United States currently has more than 400 MPOs, each tasked with creating a Transportation Improvement Plan (TIP) that guides federal investments in its metro area at least every four years. Regional councils perform this function in some areas.

The next two pages provide flowcharts of the Surface Transportation Block Grant Program and the Transportation Alternatives Program. Together, these two programs have provided more than half of the federal funds used for bicycling and walking projects and programs in recent years.



Aerial view of bicycle track at Monterey Road School, photo courtesy of Atascadero Unified School District

FIGURE 3.6.1 - FEDERAL FUNDING THROUGH THE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

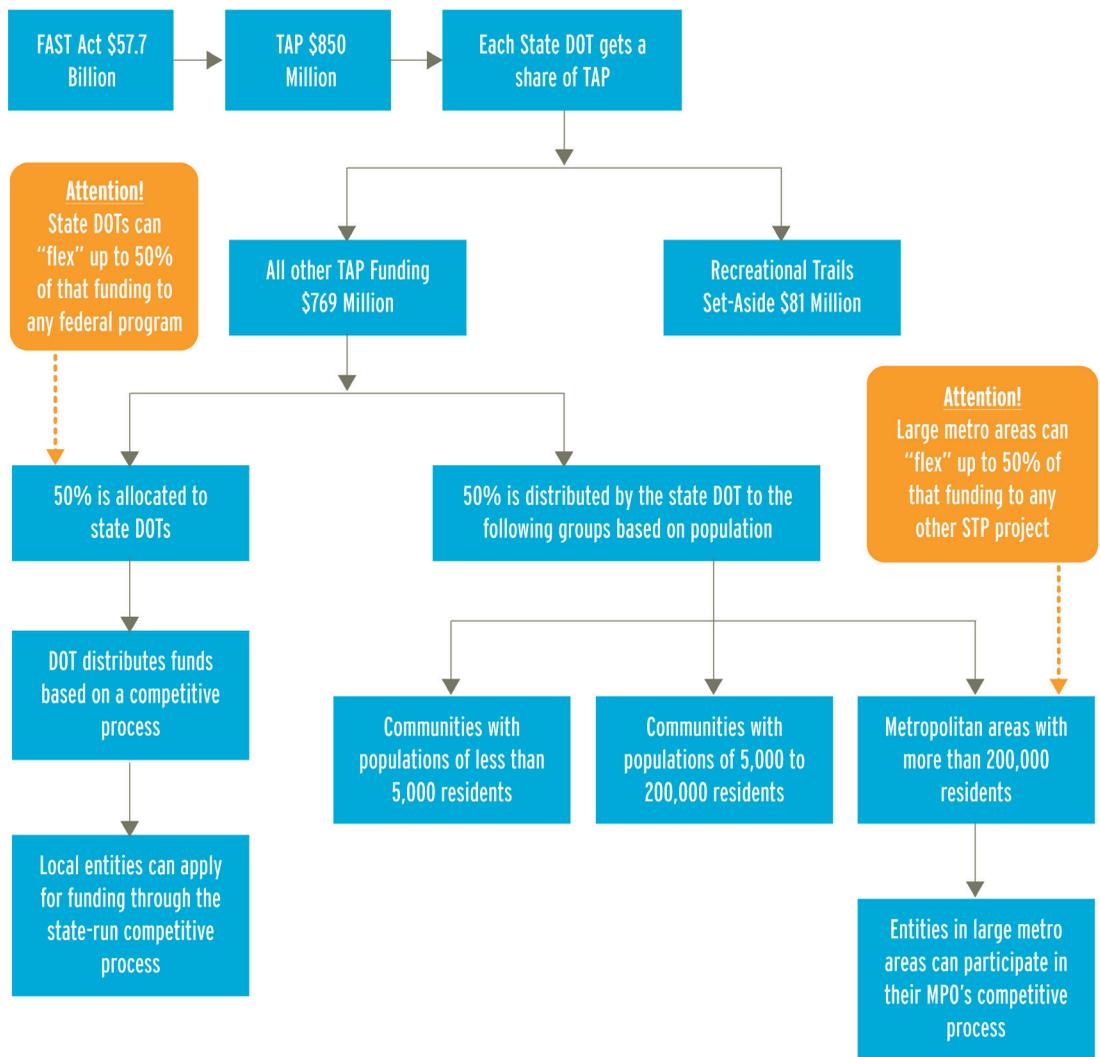


The Surface Transportation Block Grant Program (STBGP) is one of the biggest and most flexible federal funding sources. Under the FAST Act, an increasing amount of STBGP is sub-allocated to local communities. This makes it an attractive source for bicycling and walking investment. Aside from transportation alternatives funds, STBGP is often used for bicycling, walking and multimodal projects due, in part, to the fact that more than 50 percent of STBGP is sub-allocated to local communities of all sizes. In addition, STBGP is one of the few programs that allows funding be spent on bicycle non-infrastructure projects such as education.

FIGURE 3.6.2 - FEDERAL FUNDING THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM

TRANSPORTATION ALTERNATIVES PROGRAM

(SURFACE TRANSPORTATION BLOCK GRANT PROGRAM, SUBSECTION H)



Local entities eligible to apply for funding are school districts, local governments, local transportation planning agencies, tribal governments, public land management agencies, and transportation safety-related nonprofit organizations.

Under the FAST Act, Congress changed the Transportation Alternatives Program (TAP) from a stand-alone program to a set-aside program within the Surface Transportation Block Grant Program (STBGP). The Federal Highway Administration and most state departments of transportation still refer to these funds as the transportation alternatives program (TAP), but some refer to it as the Transportation Alternatives Set-Aside (TASA). Eligible projects include:

- **ON-ROAD AND OFF-ROAD TRAIL FACILITIES** for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act
- **INFRASTRUCTURE-RELATED** projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs
- **CONVERSION AND USE OF ABANDONED RAILROAD CORRIDORS FOR TRAILS** for pedestrians, bicyclists, or other non-motorized transportation users
- **CONSTRUCTION OF TURNOUTS**, overlooks, and viewing areas
- **COMMUNITY** improvement activities
- **ENVIRONMENTAL** mitigation activities
- **THE RECREATIONAL TRAILS PROGRAM** eligibilities defined under 23 U.S.C. 206 of Title 23
- **SAFE ROUTES TO SCHOOL PROGRAM-ELIGIBLE** projects and activities listed at section 1404(f) of SAFETEA-LU (the federal transportation bill was originally enacted in 2005), including infrastructure-related projects and non-infrastructure-related activities
- **PLANNING, DESIGNING, OR CONSTRUCTING BOULEVARDS** and other roadways largely in the right-of-way of former Interstate System routes or other divided highways

⁵ Federal Highway Administration. *Safety Culture and the Zero Deaths Vision*. Available at <https://safety.fhwa.dot.gov/zerodeaths/>.

⁶ Federal Highway Administration. *Fixing America's Surface Transportation Act or "Fast Act" Fact Sheet-Highway Safety Improvement Program* (last modified February 8, 2017). Available at <https://www.fhwa.dot.gov/fastact/factsheets/hsipfs.cfm>.

Topic 2 - The Governance Model for Road Safety

In the United States, road safety is a shared responsibility for a handful of federal agencies organized under the U.S. DOT, but these are generally two types of agencies: 1) modal agencies that build things (i.e., FHWA and FTA) and 2) regulatory agencies that regulate vehicles and behaviors [i.e., the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA)]. This split in responsibilities can be extremely helpful but can also be challenging as agencies and reports may focus on their area of responsibility instead of a more comprehensive or complementary approaches to safety.

In the United States, looking at two agencies can help citizens understand the governance split between built environment and behavioral traffic safety: the FHWA and NHTSA.

The Federal Highway Administration (FHWA) has a strategic goal to ensure the “nation’s highway system provides safe, reliable, effective, and sustainable mobility for all users.”⁵ This is accomplished through the work of the agency and its administration of congressionally authorized funding for roadways, most notably the Highway Safety Improvement Program (HSIP). To receive HSIP funding, each state must develop a State Strategic Highway Safety Plan (SHSP) that is based on safety data and developed by the state transportation department in consultation with at least 10 entities. The SHSP is then used to direct HSIP funding provided to each state (over \$2 billion each year nationwide).⁶

THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) has a strategic goal to ensure the “nation’s highway system provides safe, reliable, effective, and sustainable mobility for all users.”

FIGURE 3.6.3 - FEDERAL SAFETY PLANNING THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM

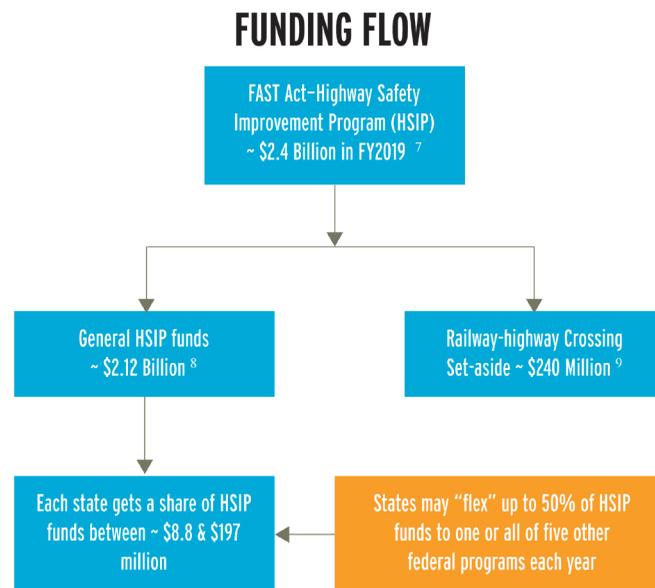
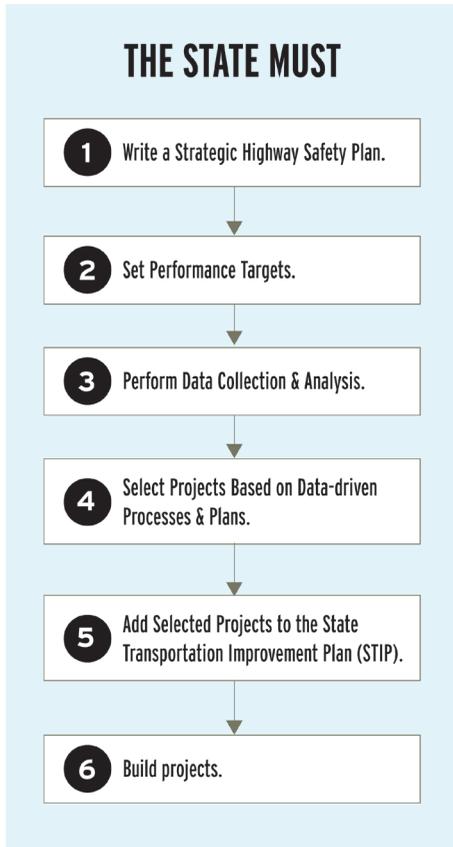
HIGHWAY SAFETY IMPROVEMENT PROGRAM

THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS SAFETY INFRASTRUCTURE PROJECTS ON ANY PUBLIC ROAD, NOT JUST HIGHWAYS.

Bicycle and walking safety projects eligible under HSIP include bike lanes, paved shoulders, trail-highway intersections, sidewalks, crosswalks, signal improvements, curb cuts and ramps, and traffic calming.

The FAST Act expanded eligibilities to include the following projects:

- Installation of vehicle-to-infrastructure communication equipment
- Pedestrian hybrid beacons
- Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands



The National Highway Traffic Safety Administration’s (NHTSA) strategic plan states, “Safety is NHTSA’s top priority. We are the lead agency for traffic safety in the United States, with the mission to save lives, prevent injuries, and reduce economic costs due to roadway crashes through education, research, safety standards, and enforcement activities.” ¹⁰ NHTSA defines

⁷ See Footnote 6.

⁸ Federal Highway Safety Administration. *Highway Safety Improvement Program*. Available at <https://safety.fhwa.dot.gov/hsip>.

⁹ Federal Highway Safety Administration. *Fixing America’s Surface Transportation Act or “Fast Act” Fact Sheet-Railway Highway Crossings Program* (last modified February 8, 2017). Available at <https://www.fhwa.dot.gov/fastact/factsheets/railwayhwycrossingsfst.cfm>.

¹⁰ National Highway Traffic Safety Administration. *Strategic Plan: The Road Ahead, 2016-2020* at p. 11. Available at <https://www.nhtsa.gov/staticfiles/administration/pdf/12532-NHTSA-StrategicPlan-2016-2020.pdf>.

the “Three Lanes on NHTSA’s Road to Zero” as 1) proactive vehicle safety, 2) advanced safety technology, and 3) human choices.

Notably missing is any reference to the built environment, which is outside of NHTSA’s legislative mandate. NHTSA does play a role in supporting built environment changes implemented by FHWA or local communities, but this is within the context of NHTSA’s behavioral safety role (e.g., bicyclist and pedestrian safety is discussed in NHTSA’s strategic plan under Strategic Goal 4: Human Choices – Objective 1: Promote Innovative Solutions for Behavior Safety—Strategy: Reduce Pedestrian and Bicyclist Fatalities.).

Similar to FHWA, NHTSA accomplishes its goals through agency actions and by administering congressionally authorized funding. In NHTSA’s case, two programs support people who promote bicycling and walking: 1) the State and Community Highway Safety Grant Program, and 2) the National Priority Safety Program. These programs are commonly referred to by their sections in the United States Code (USC): sections 23 USC 402 and 23 USC 405, respectively.

The State and Community Highway Safety Grant (402) Program pre-dates the creation of NHTSA¹¹ and is NHTSA’s primary funding program. To receive funding, states must develop and report on grant funding via a Highway Safety Plan (HSP) that uses data-driven performance measures.¹² Until 2012, the HSP (NHTSA) and SHSP (FHWA) were not required to have similar goals or approaches. In 2012, Congress passed the Moving Ahead for Progress in the 21st Century Act (MAP-21), which

required coordination of HSP and SHSP.¹³ The HSP developed by each state is used to direct 402 funds in each state (approximately \$600 million per year nationwide). Funds administered under the 402 program can be used on a wide variety of traffic safety activities, including programs to:

- Improve pedestrian and bicycle safety
- Reduce speeding
- Reduce drug- and alcohol-impaired driving
- Reduce crashes from unsafe driving behavior
- Improve enforcement of traffic safety laws
- Improve traffic records
- Support school-based driver’s education classes

Notably missing from those eligible activities is automated enforcement, which uses cameras, radars, and/or other sensors to issue citations for drivers who do not obey speed limits or red lights. Under current law, “No 402 funds can be spent on the implementation of automated enforcement programs.”¹⁴ However, in a recent report where the National Transportation Safety Board (NTSB) recommended automated speed enforcement, NTSB noted that the Governors Highway Safety Association (GHSA), International Association of Chiefs of Police, American Association of State Highway and Transportation Officials, and National Association of City Transportation Officials have all adopted positions supporting automated speed enforcement.¹⁵ The Centers for Disease Control and Prevention also highlights NHTSA and FHWA speed camera operational guides and notes the effectiveness of automated enforcement at reducing both speeding and crashes¹⁶ Automated speed enforcement is likely to improve safety for people who bike and walk since they are more sensitive to changes in speed than persons in motor

11 The program was first authorized in 1966. NHTSA was created in 1970. See Governors Highway Safety Association (GHSA). *Section 402, State and Community Highway Safety Grant Program*. Available at <https://www.ghsa.org/about/federal-grant-programs/402>. See also U.S. Department of Transportation. *Understanding the National Highway Traffic Safety Administration*. Available at <https://www.transportation.gov/transition/understanding-national-highway-traffic-safety-administration-nhtsa>.

12 Federal Highway Administration. *Section 402: State Highway Safety Programs* (January 21, 2015). Available at <https://safety.fhwa.dot.gov/legislation-and-policy/policy/section402>.

13 See Footnote 12.

14 See GHSA Footnote 11.

15 National Transportation Safety Board (July 25, 2017). *Reducing Speeding-related Crashes Involving Passenger Vehicles*. Safety Study NTSB/SS-17/01 at 38. Available at <https://www.nts.gov/safety/safety-studies/Documents/SS1701.pdf>.

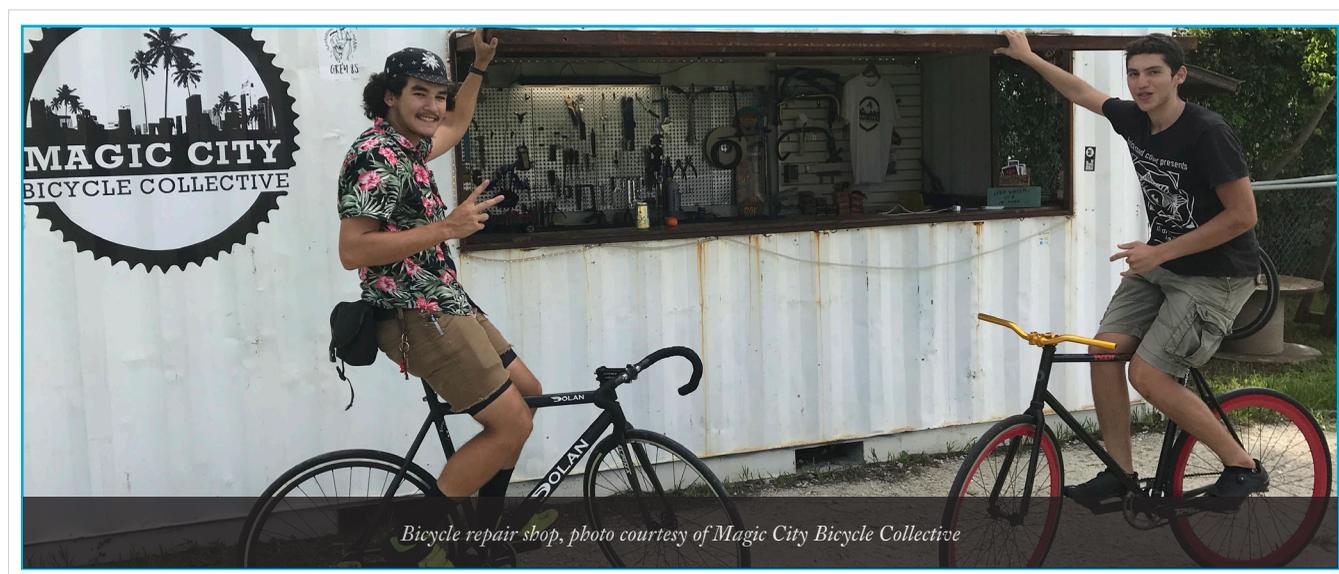
16 National Center for Injury Prevention and Control Division of Unintentional Injury Prevention. *Fact Sheets, Motor Vehicle Safety, Automated Speed-Camera Enforcement* (December 2, 2015). Available at <https://www.cdc.gov/motorvehiclesafety/calculator/factsheet/speed.html>.

vehicles.¹⁷ You can find more information about state laws regarding automated enforcement in Chapter IV: Show Your Data II: States.

The National Priority Safety (405) Program provides grants for seven priority areas identified by Congress in the Fixing America's Surface Transportation (FAST) Act. The FAST Act created 23 USC 405(h), the priority safety program for non-motorized safety. Through this program, states are eligible for 5% of Section 405 funds, and they received \$13.9 million in Fiscal Year 2018.¹⁸ States are eligible if their annual combined pedestrian and bicyclist fatalities exceed 15% all traffic fatalities, and if states provide a 20% match for funds. In 2017, every state eligible applied for and received funding through the 405(h) program.¹⁹

"[S]tates may use grant funds only for training law enforcement on state laws applicable to pedestrian and bicycle safety, enforcement mobilizations and campaigns designed to enforce those state laws, or public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of those state laws."²⁰ For more information on eligibility and funding, please see the Chapter IV: Show Your Data I: Nation.

In 2017, the GHSA published "A Right to the Road: Understanding and Addressing Bicyclist Safety,"²¹ which provided examples of how state highway safety offices and others are addressing bicyclist safety using 402 and 405 funds. A similar report on pedestrian safety efforts, *Everyone Walks: Understanding and Addressing Pedestrian Safety*,²² was published in 2015.



17 B. Poole, S. Johnson, and L. Thomas. Pedestrian and Bicycle Information Center (December 2017). *An Overview of Automated Enforcement Systems and Their Potential for Improving Pedestrian and Bicyclist Safety*. Available at http://www.pedbikeinfo.org/cms/downloads/WhitePaper_AutomatedSafetyEnforcement_PBIC.pdf. ("Research on the relationship of speed and crash severity at speeds under 30 mph shows an increase of 1 or 2 mph in vehicle impact speed results in significantly higher risk of severe injury and fatality for pedestrians (Kroyer et al. 2013).")

18 Data adapted from Governors Highway Safety Administration presentation. *2018 National Bike Summit. Institutional Approaches to Traffic Safety*. Available at <https://bikeleague.org/2018NBSpresentations>.

19 National Highway Transportation Safety Administration. Office of Grants Management and Operations. *FY 2017 154 & 164, S. 402, S. 405 and 1906 Authorized Grant Amounts* (July 24, 2017). Available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/154_164_402_and_405_award_summary_-_fy_2017_full_year.pdf.

20 Governors Highway Safety Administration. *National Highway Transportation Safety Administration FY2017 Section 405 Grant Determinations Table*. Available at <https://www.ghsa.org/about/federal-grant-programs/405>.

21 Governors Highway Safety Association. *A Right to the Road: Understanding and Addressing Bicyclist Safety* (September 2017). Available at <https://www.ghsa.org/sites/default/files/2017-09/2017BicyclistSafetyReport-FINAL.pdf>.

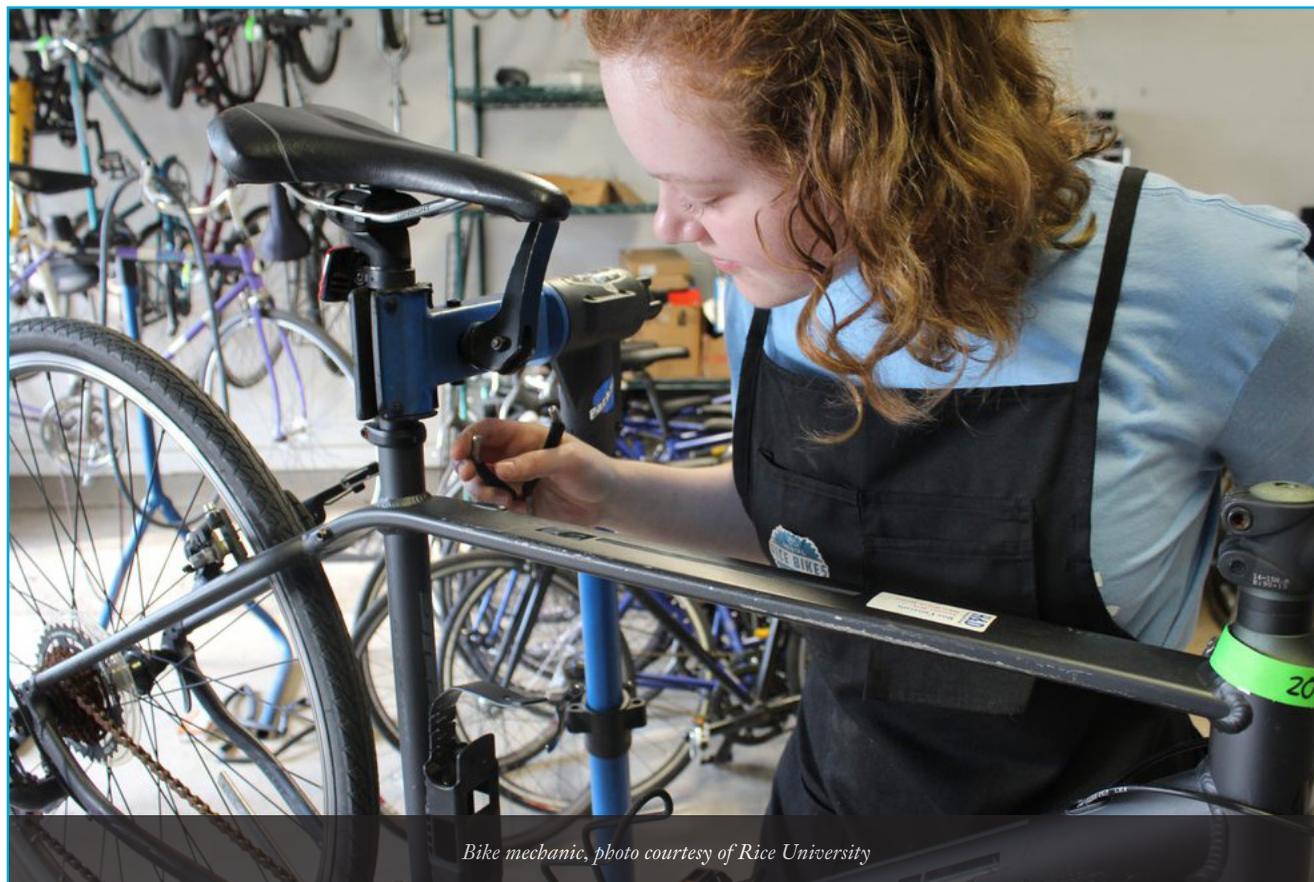
22 Governors Highway Safety Association. *Everyone Walks: Understanding and Addressing Pedestrian Safety*. Available at <https://www.ghsa.org/resources/everyone-walks-understanding-and-addressing-pedestrian-safety>.

Topic 3 - The Governance Model for Building Bicycling & Walking Infrastructure

Bicycle and pedestrian infrastructure can be funded in a wide variety of ways. While funding can shape when and how projects are built, it can also distract from broader trends in how infrastructure is built. Below are some of the ways that communities and states are building biking and walking infrastructure, regardless of funding or financing sources.

FIGURE 3.6.4 - EXAMPLES OF HOW BIKING & WALKING INFRASTRUCTURE IS BUILT

WHY INFRASTRUCTURE IS BUILT	DESCRIPTION AND EXAMPLE(S)
In a routine manner	<p>This is when bicycle or pedestrian infrastructure is built because of existing policies such as Complete Streets that incorporate the creation of bicycle and pedestrian infrastructure in routine activities, such as repaving and resurfacing.</p> <p>In 2016, the FHWA published a guide called "Incorporating On-Road Bicycle Networks into Resurfacing Projects," which found that "the cost for adding bike lanes during a resurfacing project is approximately 40% the cost of adding the lanes as a standalone project."²³ The report also discusses how the City of Oakland, CA, incorporates bike lanes during repaving through its Complete Streets checklist.²⁴</p>
According to a capital plan	<p>This is when bicycle or pedestrian infrastructure is built because it is part of a capital plan to improve biking and walking such as a bicycle and/or pedestrian master plan.</p> <p>Louisville, Kentucky's 2010 Pedestrian Master Plan identified \$37.5 million in capital investments to implement high priority improvements identified in the plan.²⁵</p>
In response to a crash/crisis	<p>This is when bicycle or pedestrian infrastructure is built because of an event that brings attention to the state of current infrastructure.</p> <p>In 2017, New York City installed a bicycle lane on Classon Avenue in response to the death of a bicyclist in 2016.²⁶ Also in 2017, the Maryland Department of Transportation's State Highway Administration announced that a signal would be installed where the Matthew Henson Trail crosses Veirs Mill Road after two people were killed while crossing at that intersection.²⁷</p>
According to a legal settlement or other action	<p>This is when bicycle or pedestrian infrastructure is built because of a legal action that is focused on the insufficiency of infrastructure. The most common type of action is likely to be pedestrian improvements required for compliance with the Americans with Disabilities Act (ADA).</p> <p>Numerous cities have settled lawsuits brought under the ADA. For example, Seattle agreed to build 1,250 curb ramps every year for 18 years as part of a settlement under the ADA.²⁸ Sidewalk funding is further discussed in Chapter 3 Section VII: Funding and Financing Transportation.</p>
As an interim or pilot project	<p>This is when bicycle or pedestrian infrastructure is built in a low-cost, often-expedited manner with the provision that the infrastructure is not permanent.</p> <p>In 2016, the city of Macon, GA, created the world's largest pop-up bicycle network with 90 volunteers creating 5 miles of bike infrastructure using paint and cones.²⁹ This one week pop-up network led to bike counts over 800% higher than observed before the network, and 71% of people surveyed supported building a protected bike network in Macon.³⁰</p>



Bike mechanic, photo courtesy of Rice University

23 Federal Highway Administration. FHWA-HEP-16-025. *Incorporating On-Road Bicycle Networks into Resurfacing Projects* (March 2016) at p. 40. Available at https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/resurfacing/resurfacing_workbook.pdf.

24 See Footnote 23 at pp. 18-19 (in cited source).

25 Louisville, Kentucky, Metro. *Pedestrian Master Plan—Sidewalks-Latent Demand* (Chapter 4, Implementation) at 6. Available at https://louisvilleky.gov/sites/default/files/bike_louisville/4_draft_-_chapter_4_implementation.pdf.

26 R. Holliday Smith. DNA Info. Fort Green and Dumbo—Transportation (New York). *Classon Avenue Will Get New Bike Lane Following Death of Cyclist* (June 16, 2017). Available at <http://www.dnainfo.com/new-york/20170616/clinton-hill/new-bike-lane-classon-avenue-lauren-davis-cyclist-death>.

27 K. Ryan. WTOP. *Red Lights Going Up at 2 Md. Pedestrian Crossings* (March 29, 2017). Available at <https://wtop.com/maryland/2017/03/red-lights-going-md-pedestrian-crossings>.

28 S. Fesler. The Urbanist. *SDOT Unveils First Five-Year Pedestrian Implementation Plan* (February 8, 2018). Available at <https://www.theurbanist.org/2018/02/08/sdot-unveils-first-five-year-pedestrian-implementation-plan/>

29 880 Cities. *Macon Connects: Findings from the World's Largest Pop-up Bike Network*. Available at <https://www.880cities.org/images/macon-connects-street-makeover-report.pdf>.

30 See Footnote 29 at p.3 (in cited source).

» EMBRACING EQUITY: ADDRESSING THE LEGACY OF “URBAN RENEWAL”

In a previous era, the federal government spent over \$425 billion to pave 48,000 miles of interstate highways based on a federal map that took them not just through rural areas between cities and states, but also directly through cities.³¹ “By the 1960s, federal highway construction was demolishing 37,000 urban housing units each year.”³²

Former U.S. DOT Secretary Anthony Foxx leaned into this issue with the Every Place Counts and Ladders of Opportunity initiatives and by publicly discussing “his case that bulldozing highways through where poor people lived was public policy in the mid-20th century.”³³ Under the Ladders of Opportunity initiative, three principles for addressing the historic legacy of highway construction in urban areas were proposed:

- **PRINCIPLE ONE:** While transportation needs to connect people to opportunities, it may also “invigorate opportunities within communities.”
- **PRINCIPLE TWO:** Projects take into account communities that “have been on the wrong side of transportation decisions” and figure out ways to make them stronger.
- **PRINCIPLE THREE:** The projects could be built for and by the communities they go through.³⁴

These principles suggest the need for benchmarks identifying communities that have been on the wrong side of transportation decisions, quantifying opportunities within communities, and ensuring projects are built for and by affected communities. One potential benchmark, although not based on past transportation decisions, is the “opportunity zones” designation created in the 2017 Tax Cut and Jobs Act. The “opportunity zone” designation provides favorable tax treatment for private investments in low-income areas designated by states.³⁵

The institutional values or blind spots that led to the building of highways through disenfranchised communities are likely to continue to confront people who seek to improve biking and walking. As highways reach the end of their functional life and are maintained, expanded, or altered, and bicycle and pedestrian networks are built for the first time, it is important that transportation institutions realize the history that may contribute to mistrust of these investments and proactively work with communities affected by projects to mitigate and address their concerns.

31 J. Stromberg. Vox. Highways Guttled American Cities. *So Why Did They Build Them?* (May 11, 2016). Available at <https://www.vox.com/2015/5/14/8605917/highways-interstate-cities-history>.

32 R. Mohl. Poverty & Race Research Action Council. Civil Rights Research. *The Interstates and the Cities: Highways, Housing, and the Freeway Revolt* (Original Release 2002) at p. 2. Available at <http://www.prrac.org/pdf/mohl.pdf>.

33 A. Halsey III. The Washington Post. *A Crusade to Defeat the Legacy of Highways Rammed through Poor Neighborhoods* (March 29, 2016). Available at https://www.washingtonpost.com/local/trafficandcommuting/defeating-the-legacy-of-highways-rammed-through-poor-neighborhoods/2016/03/28/ffcfb5ae-f2a1-11e5-a61f-e9c95c06edca_story.html?utm_term=.cfcf3983146a

34 Phillipsen. Smart Cities Dive. *Overcoming U.S. Highway Injustices: From Displacement to Opportunity* (no date listed). Available at <https://www.smartcitiesdive.com/ex/sustainablecitiescollective/overcoming-us-highway-injustices-displacement-opportunity/1168653>.

35 Adam Looney. Brookings Institution (2/26/2018). *Will Opportunity Zones help distressed residents or be a tax cut for gentrification?* Available at <https://www.brookings.edu/blog/up-front/2018/02/26/will-opportunity-zones-help-distressed-residents-or-be-a-tax-cut-for-gentrification/>.

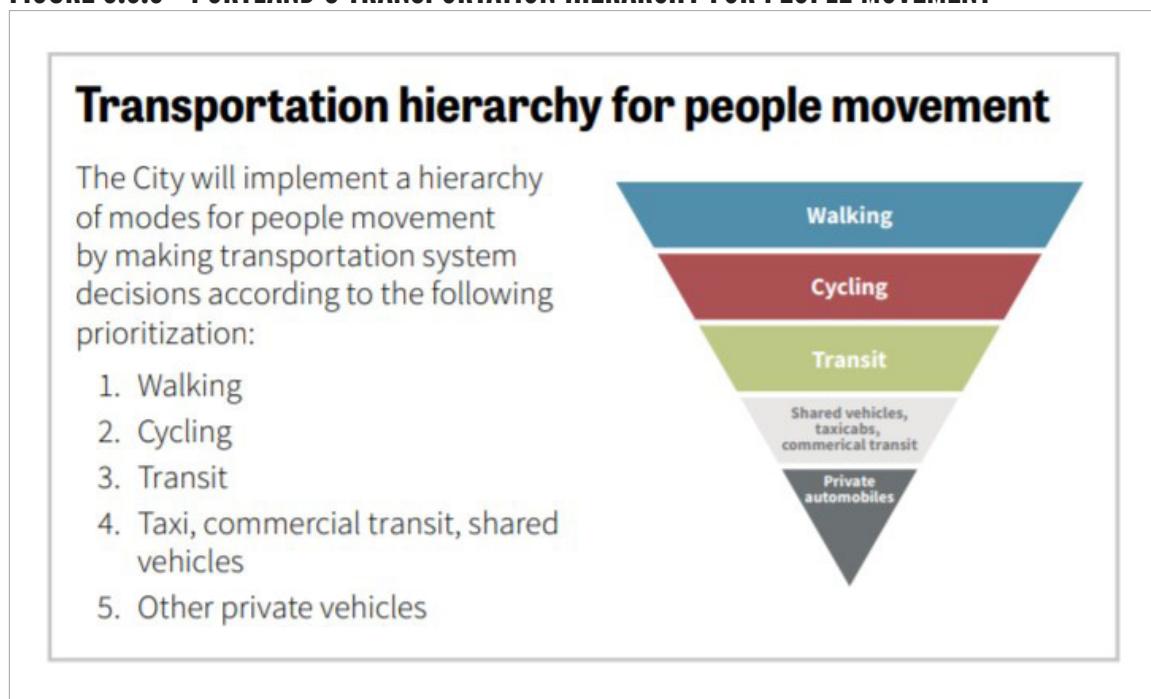
» ADVANCING UNDERSTANDING: EXPLICIT TRANSPORTATION HIERARCHIES

One way communities have begun to change the transportation context is by adopting a transportation hierarchy in their policies, giving a reference point for how they will plan and develop their transportation system.

In Portland, Oregon, this process led to adoption of a “sustainable transportation hierarchy” in its 2009 Climate Plan, which was reaffirmed in its 2015 Climate Plan. Portland’s transportation hierarchy is a statement from the city that it will include the movement of people by walking, cycling, transit, and shared vehicles before private automobiles. While the city’s hierarchy was adopted for environmental reasons, it also reflected the view that costs of various transportation modes such as walking, cycling, and transit are more affordable than transportation by private automobiles.

The formal adoption of an explicit transportation hierarchy in Portland appears to be somewhat unique and no comparative research of city or state hierarchies was found in the development of the 2018 Benchmarking Report.

FIGURE 3.6.5 - PORTLAND’S TRANSPORTATION HIERARCHY FOR PEOPLE MOVEMENT ³⁶



³⁶ City of Portland and Multnomah County. *Climate Action Plan (June 2014): 2050 Vision for Portland and Multnomah County. Local Strategies to Address Climate Change* at p. 86. Available at <https://www.portlandoregon.gov/bps/article/531984>.