



Smart Growth America

Improving lives by improving communities



Transportation  
for America

LOCUS



National Complete  
Streets Coalition

## **We envision a country where no matter where you live, or who you are, you can enjoy living in a place that is healthy, prosperous, and resilient.**

*Smart growth is the affordable, equitable, and sustainable path to recovery and prosperity.*

**Updated: December 10, 2020**

Dear President-elect Biden:

We write to provide an updated suite of policy recommendations following a productive and engaging conversation with members of your agency review team. We believe that addressing our national challenges of racial inequity, the climate crisis, and an economic recession caused by the COVID-19 pandemic can only be accomplished through a holistic approach that connects transportation, housing, and infrastructure policy. In this updated document, we recommend a series of actions and legislation that will help us make meaningful progress on these goals.

Land use and spread out development patterns have directly led to more and longer trips for people and goods as well as more land and energy being consumed for development and are directly perpetuated by federal housing, economic development, transportation and infrastructure policy. We must look past the approach laid out in the 1956 Highway Act that continues in today's program. The challenges and priorities of the mid-20th century are out of date and sometimes at odds with those of the 2020s. Today, people who cannot drive or afford a vehicle have difficulty participating in the economy and traveling safely. Pedestrian and cyclist deaths are increasing, with Black and Hispanic Americans dying and being injured at disproportionately higher rates.<sup>1</sup> Sixty percent of transit riders are people of color, and these riders are disadvantaged by a nationwide underinvestment in transit and unsafe pedestrian conditions.<sup>2</sup> Transportation represents the largest share of carbon emissions, and those emissions are rising because most Americans have no choice but to drive even very short distances, and because the federal transportation program supports investments that require increases in driving.<sup>3</sup>

Neighborhoods that are inclusive, healthy, prosperous, and resilient are very rare, accelerating a decades-long housing affordability crisis. Despite the enormous demand for walkable, resilient communities, the federal government—the largest single investor in the U.S. real estate—continues to maintain a de facto national housing policy that favors and heavily subsidizes sprawling development patterns, increasing driving and associated emissions and putting people in places farther from jobs and necessities, increasing their transportation expenses. A 2013 report found

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<sup>1</sup> *Dangerous By Design*. Smart Growth America. January 2019. <https://smartgrowthamerica.org/dangerous-by-design/>

<sup>2</sup> *Who Rides Public Transportation*. American Public Transportation Association. January 2017.

[www.apta.com/wp-content/uploads/Resources/resources/reportsandpublications/Documents/APTA-Who-Rides-Public-Transportation-2017.pdf](http://www.apta.com/wp-content/uploads/Resources/resources/reportsandpublications/Documents/APTA-Who-Rides-Public-Transportation-2017.pdf)

<sup>3</sup> *Carbon Pollution from Transportation*. Environmental Protection Agency.

[www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation](http://www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation)

that the U.S. federal government annually spends or commits over \$450 billion in the U.S. real estate market through direct expenditures, tax and loan commitments.<sup>4</sup> A majority of those funds are directed to single family homeownership in car-dependent, suburban communities that are most vulnerable to climate change.

**Simply pumping more money into outdated policies will fail to meet this moment. Now is the time for change enabling us to build back better.**

## **Climate change and equity must be addressed together**

We must acknowledge the inseparable relationship between climate change and equity, and that the best strategies to improve the built environment to address one challenge also address the other. We can make a significant dent in the growth of emissions simply by satisfying the pent-up market demand for affordable homes in the kinds of walkable, connected communities where residents drive less each day. Providing these more affordable homes would help make the transition to a lower carbon economy in a way that doesn't place a heavier burden on those with less means. Solutions that allow people to get around outside of a car can reduce emissions in the near term, and they come with co-benefits, like saving money on transportation, more physical activity, and access to necessities for people without a car.

A detailed description of the relationship between land use, transportation, and climate change, and specific policy recommendations can be found in **Driving Down Emissions**, available here: [www.t4america.org/maps-tools/driving-down-emissions/](http://www.t4america.org/maps-tools/driving-down-emissions/). Complementary policies to invest in city and suburban transportation can be found in **A Green New Deal for City and Suburban Transportation** here: [https://transitcenter.org/wp-content/uploads/2020/03/20.03\\_GND-Transit\\_use\\_v4.pdf](https://transitcenter.org/wp-content/uploads/2020/03/20.03_GND-Transit_use_v4.pdf). Finally, a detailed overview of strategies to improve health and equity can be found here: <https://thriving.us/>.

## **Our recommendations are designed to achieve the following outcomes:**

- 1. Improve racial equity**
- 2. Respond to the urgent threat of climate change**
- 3. Promote fiscal responsibility**

Below are policy recommendations from Smart Growth America (SGA) for the incoming Biden administration. It includes recommendations from programs under SGA's umbrella, including Transportation for America (T4America), LOCUS: Responsible Real Estate Developers and Investors, and the National Complete Streets Coalition. The guide includes three sections:

- 1. Day one executive actions**
- 2. Executive actions in the first 100 days**
- 3. Medium- and long-term initiatives in consultation with Congress.**

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<sup>4</sup> *Federal Involvement in Real Estate: A Call to Action*. Smart Growth America. January 2013.  
<https://smartgrowthamerica.org/resources/federal-involvement-in-real-estate-a-call-for-examination/>

## Day one executive actions

### 1. **Climate change and environmental justice**

- Re-establish the greenhouse gas (GHG) performance measure for transportation that the Trump administration repealed. Follow up with annual state GHG rankings. [DOT]
- Re-establish the Federal Interagency Working Group on Brownfields and Environmental Justice to address brownfields cleanup, redevelopment and environmental justice issues in a more coordinated approach and to link environmental protection with economic development and community revitalization. [EPA]
- Allow rural transit systems to receive funding from the Low and No Emission bus program so long as they comply with the 5311 program (i.e., provide a waiver from the 5307 urban transit requirements). [DOT]

### 2. **Equity**

- Require all federal agencies to issue guidance for determining how investments impact racial and economic equity and to use this guidance as a criterion for discretionary grant programs. [White House with all infrastructure agencies]

### 3. **Safety**

- Require the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) to issue guidance to states and metropolitan planning organizations (MPOs), instructing them not to set safety targets that would be higher than the existing level of pedestrian and cyclist fatalities, as many states have routinely done under the current performance management system. [DOT]
- Release 2019 Fatality Analysis Reporting System (FARS) data. [DOT]

### 4. **Community development and housing**

- Extend the eviction moratorium for economically distressed and "rapidly changing" communities near transit and issue COVID-19 emergency funding programmatic waivers to provide immediate tenant and landlord rent relief. [HUD]

## Executive actions in the first 100 days

### ● **Climate change and environmental justice**

- Provide guidance for transportation agencies to measure GHG at the project level. [DOT]
- Identify the most vulnerable residents for climate change and environmental contamination and use disaster relief powers to provide immediate preemptive relocation assistance to residents into communities of opportunity that are healthy, resilient and prosperous. [Federal Emergency Management Agency (FEMA), the National Oceanic and Atmospheric Administration (NOAA), and the Environmental Protection Agency (EPA)]
- Conduct a legal review of state constitutions and statutes to determine where true barriers exist to spending user fees on bike, pedestrian and transit facilities, and recommend incentives for states to remove such barriers. [DOT]
- Increase the capacity of disadvantaged communities and communities of color to create Brownfields to Healthfields (B2H) projects—such as healthcare facilities, healthy food outlets including farmers markets, and urban agriculture including community and school gardens—by better coordinating technical assistance programs between the Department of Health and Human Services [HHS], Department of Energy [DOE], and EPA.
- Repeal the June 29, 2018, Federal Transit Administration (FTA) Dear Colleague to public transit agencies regarding the Capital Investment Grant program, specifically the treatment

- of federal loans, inclusion of a geographic diversity factor in grant awards, and encouraging a low federal cost share. [DOT]
- Provide proposed Capital Investment Grant project allocations to Congress along with the annual budget. [DOT and the Office of Management and Budget (OMB)]
  - **Equity**
    - Create a national Geographic Information System (GIS)-based resource that allows transportation agencies to measure current levels of access to jobs and services by all modes of travel—specifically for underrepresented populations—and assess the impact of planned projects. [DOT]
    - Identify infrastructure that creates barriers to mobility (such as highways or rail beds that divide a community). Then prioritize resources to address those barriers and the disparities they create (e.g., by removing infrastructure barriers or creating new connectivity). [DOT]
    - Prioritize federal-local partnerships by establishing a new White House Office of Community Mobilization, an interagency and intergovernmental office dedicated to building federal-local partnerships that advance public-private projects to address climate, public health, racial, and economic disparities.
    - Establish a “race to the top” for affordable housing production by encouraging local communities to remove exclusionary zoning laws. [HUD]
  - **Safety**
    - Collect locations of all collisions resulting in death or serious injury, highlighting those involving cyclists and pedestrians, and produce a detailed map of an annual High Injury Network and update the FARS accordingly. [DOT]
    - Identify changes to the process for compiling FARS data so that the release of annual data can occur in the half of each calendar year. [DOT]
    - Collect data about fatalities and serious injuries for inclusion in FARS involving people living with disabilities or using assistive devices as a separate category and not part of the category that includes devices classified as “toys.” [DOT]
    - Revise the New Car Assessment Program to take into account the risk that automobile design poses to pedestrians and cyclists and the driver’s ability to see pedestrians (particularly children and people using wheelchairs and mobility-assistive devices). [DOT]
    - Identify standards and guidance within the Manual on Uniform Traffic Control Devices (MUTCD) that are hostile to or difficult for those outside of a vehicle—such as the 85th percentile rule for setting speed limits—and update them. [DOT]
    - Issue guidance clarifying enforcement of section 23USC 109(m) "protection of nonmotorized transportation traffic" that prohibits federal approval of projects that harm bike and pedestrian safety. [DOT]
    - Update the Highway Capacity Manual to improve standards for pedestrians and cyclists based on modern measures of safety and the perception of safety, including the level of traffic stress and crossing delays as opposed to volume and capacity. [DOT]
  - **Update modeling to achieve desired outcomes**
    - Analyze and update all transportation models to assess and improve accuracy. [DOT]
      - Issue guidance for including short trips (such as those made by biking, walking, and driving) in transportation modeling;
      - Issue guidance requiring the measurement of induced demand for driving with tools for conducting that analysis in the project development process;
      - Require transportation agencies to review the accuracy of their models by comparing past projections with actual outcomes, reporting their findings, and updating the models when there are discrepancies; and

- Remove the 20-year traffic projection requirement as part of project justification. Allow projects to be built using current conditions or traffic projection horizons that the agency can demonstrate it is able to accurately predict.
  - Clarify that MPOs are not required to use unreliable transportation demand models to develop long range transportation plans (LRTPs).
- **Access to federal funds**
  - Simplify applications for discretionary programs, such as the Better Utilizing Investments to Leverage Development (BUILD) program, by creating an online application and benefit-cost analysis (BCA) process so that small, rural and limited-capacity agencies can more easily access federal funds. [DOT]
  - Create a streamlined Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation and Improvement Financing (RRIF) online application similar to conventional lenders where the applicant is able to submit project description, credit, financial and information and documentation and receive a pre-approval determination. [DOT]
- **Technical guidance**
  - Issue guidance clarifying the appropriate use of the common transportation design standard known as level of service (LOS), taking into account the impacts on induced demand, climate change, equity, and health outcomes. [DOT]
  - Re-activate the Location Affordability Portal created by DOT and HUD and establish a location efficiency and equitable development scoring criteria to be applied to federal decisions involving location of new facilities, particularly those that serve the public. [White House, HUD, DOT, and the General Services Administration (GSA)]
  - Update the [value of time guidance](#) to address actual projected time savings for a whole trip, rather than assuming that time savings accrue due to faster vehicle speeds on limited portions of the network. [DOT]
  - Develop universal curb standards to help local communities and tool developers create customized local curbside management strategies. Development can be informed by the [Principles for Universal Curbside Language & Standards](#), created with 15 cities in our Smart Cities Collaborative. [DOT]
- **Passenger rail**
  - Review the Amtrak Board of Directors and assess the balance of the board with respect to support for and experience with long distance, state-supported, and Northeast Corridor routes, as well as civic and elected leaders from local communities served by the existing network. [White House and DOT]
  - Convene potential regional rail commissions—modeled after the Southern Rail Commission—to begin creating institutions capable of building out new and expanded interstate rail systems. [DOT]
- **Community development and housing**
  - Establish a pilot "housing recapture and reposition" program, which would buy failing market rate units to create long term affordable housing. [HUD]
  - Revive and strengthen fair housing enforcement and reinstate the Obama Administration's Affirmatively Furthering Fair Housing Rule and Disparate Impact Rule. [HUD]
  - Integrate proximity to transportation and walkable places into location scoring criteria across all housing programs in order to reduce the overall cost of living to residents by reducing embedded transportation costs. [HUD]
  - Deploy the \$20 billion of unused RRIF transit-oriented development funds to increase funding for affordable housing and equitable transit-oriented development. [DOT]

- Conduct fiscal or impact analyses regarding the effects of programmatic and funding requirements on affordable housing development and supporting infrastructure and government services in different communities across the country. [White House with all infrastructure agencies]
- Conduct racial wealth audits of federal housing-related programs to assess whether these programs affirmatively contribute to reducing racial wealth inequities. [HUD and USDA]
- Reinstate and expand President Obama’s Ladders of Opportunity Initiative. [White House]
- Direct DOT, HUD, EPA, USDA and the Economic Development Administration (EDA), to create a policy for federal investments and actions to accelerate the production of equitable transit-oriented development and community revitalization projects. [White House]

## Medium and long-term initiatives in consultation with Congress

1. **Economic stimulus:** The economic collapse brought on by COVID-19 has necessitated urgent action to protect our economy. Any equitable and sustainable recovery must prioritize emergency steps required to avert economic disaster and focus on catalyzing a long-lasting recovery in the wake of this prolonged crisis. We must invest wisely to provide a foundation for long-term economic growth. Funds should go to investments that create the most jobs for each dollar spent, build lasting economic prosperity, and ultimately help all Americans have the opportunity to live in a place that is healthy, prosperous, and resilient. Our detailed recommendations for any economic stimulus can be found here:  
<https://smartgrowthamerica.org/resources/emergency-stabilization-economic-recovery-recommendations/>.
  - We want to highlight the urgent need to provide an additional \$32 billion for public transit, to preserve service and jobs today, and ensure economic growth and opportunity tomorrow. Without emergency funding, public transportation systems are facing an existential crisis—many agencies are already proposing to slash service in their new budget years, with some cuts coming right at the time millions of Americans could be returning to work in 2021. The impact on the economy would be devastating and lead to a radically uneven recovery. A set-aside for planning grants will help local communities leverage available resources to advance transformative, job creating projects.
  - To remove infrastructure projects that are a barrier for communities of color to access jobs and essential services, a stimulus should include a competitive grant program to redesign or deconstruct the outdated infrastructure that has hindered the growth of low-income and minority communities (such as highways, rail beds and other barriers) and establish land trusts to ensure the existing residents of these communities benefit from the removal of the asset and are not priced out.
  - Provide funds for quick build projects that are proven to bring immediate returns, like ADA access, sidewalks and crosswalks.
2. **Surface transportation authorization:** Reforming our nation’s transportation system is necessary to reduce emissions that contribute to climate change and harm public health. Transportation is the single largest source of greenhouse gases (GHG), and the majority of these emissions come from driving. While electric vehicles (EVs) and vehicle efficiency standards are essential, they are not sufficient to meet emissions reduction goals. Neither will these technologies improve access to jobs and services for those who cannot afford to own or operate a car, nor will they improve safety or reduce congestion—in fact, they could take us

further from those goals. Providing safe and convenient ways for people to travel through their communities using shorter or fewer car trips and other modes of transportation is essential to addressing these challenges and supporting our economic recovery from the COVID-19 crisis. Further, despite significant investment, including a massive stimulus in 2009 and long-term reauthorizations in 2012 and 2015—our infrastructure maintenance backlog has continued to grow. To recover and grow America requires high quality infrastructure, and this begins with prioritizing the repair of our existing assets.

Any surface transportation authorization should **1)** prioritize maintenance, **2)** design for safety over speed, and **3)** focus on improving access to jobs and services for everyone, including those who drive and those who don't. The House of Representatives included these policies as part of the INVEST in America Act. This legislation starts the work of connecting transportation funding to the outcomes communities need from their transportation systems. A surface transportation authorization should also begin to give the same amount of money to transit as it does to highways and provide operating support for public transit agencies. [A House resolution to equalize highway and transit spending](#) was introduced on December 10 by Reps. Jesús G. "Chuy" García (IL-4), Ayanna Pressley (MA-7), and Hakeem Jeffries' (NY-8) with a total of 33 House cosponsors. Our detailed recommendations for reauthorization can be found here: <https://t4america.org/reauthorization/>.

3. **Housing finance and government-sponsored enterprise (GSE) reform:** The federal government, through numerous programs including Fannie Mae, Freddie Mac, the Federal Housing Administration, the Home Mortgage Interest Deduction, and others, currently exerts tremendous influence on housing. Despite this substantial federal involvement in the market, Black home ownership rates are falling and housing prices and rental rates are outpacing gains in income. In many booming markets, long-time residents and businesses are forced to flee rising costs of living, while middle-income households cannot find housing they can afford. Unaffordable housing is one of the greatest barriers to economic prosperity. Current federal programs miss opportunities to address these problems and, in some cases, exacerbate them. The effect of these dynamics is often felt most acutely in the places where low- and middle-income households are experiencing the greatest economic stress: in hot job markets with high housing costs. These markets are often where the widest range of new jobs are being created and where people seeking opportunity would most likely migrate. Historically, people have bettered their conditions by moving to communities of opportunity. Persistently high housing costs prevent that. Any housing and GSE reform package must:
  - Support balanced housing choices in suburbs, cities, and rural communities,
  - Reinvest in America's existing communities and neighborhoods,
  - Provide a safety net for American families, and
  - Help more Americans reach the middle class.
4. **Regular appropriations:** Robust and predictable annual funding is critical for discretionary affordable housing, community development and transportation programs such as Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME) and BUILD, the national and Northeast Corridor passenger rail networks, the public transit Capital Investment Grant (CIG) program, the Consolidated Rail Infrastructure and Safety Improvement (CRISI) program, and the Restoration and Enhancement (R&E) Program for rail. Without such funding, local communities are unable to maximize these programs to improve mobility and access to jobs and opportunities.

## Conclusion

Money alone cannot rectify structural inequities in the built environment. Instead we must reform and better utilize the vast quantities of direct spending, tax credits, loan programs, formula funds, and financing that already exist, and create targeted new programs when necessary—even in a stimulus bill.

As the new administration looks for opportunities to make the economy work better for everyone, address racial inequities, and respond to climate change, it's important to remember the large role of housing, land use, and transportation in determining household costs, access to opportunity, wealth accumulation, and the amount of our carbon emissions. The federal government has enormous opportunities to help low- and middle-income Americans enjoy the economic progress that the top half of wage earners have experienced for some time while responding to the urgent threat of climate change.

##

**About Smart Growth America:** Smart Growth America envisions a country where no matter where you live, or who you are, you can enjoy living in a place that is healthy, prosperous, and resilient. We empower communities through technical assistance, advocacy, and thought leadership to realize our vision of livable places, healthy people, and shared prosperity.

<https://smartgrowthamerica.org>

Transportation for America, the LOCUS Coalition of Responsible Real Estate Developers & Investors, and the National Complete Streets Coalition are programs of Smart Growth America.

