

## Introduction – Transportation Equity

This P&R special issue on transportation equity reveals historical continuities and discontinuities in transportation infrastructure policy and action from the early 20th century through today. Collectively, the authors explore how the power of federal transportation investments have shaped neighborhoods and regions, and by extension the uneven access to opportunities available to people depending on their race, ethnicity, socioeconomic status, and geography. The pieces also shine a spotlight on the countervailing force of grassroots organizing—from the highway revolts of the 1960s and 1970s to coalition-building for anti-displacement and equitable transit-oriented development today—that protects the integrity of Black, brown, and immigrant communities that have borne the brunt of the negative impacts of transportation projects. As we face a time of tremendous change, uncertainty, and regression in all aspects of U.S. life, the lessons from these authors offer a warning for the trajectory of current federal transportation policy and inspiration for continued resistance among diverse communities.

– Ariel Bierbaum, guest editor

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## Dividing Lines and the Infrastructure of Racial Inequality

Deborah N. Archer

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### Introduction

In 2019, nine-year-old Amira Johnson sat at her kitchen table with a pen and paper, determined to protect her great-grandmother's home in Sandridge, South Carolina. The house had been in her family for generations, a cornerstone of the historically Black community founded by people once enslaved in Horry County. But that year, Amira learned that the South Carolina Department of Transportation (SCDOT) planned to build a four-lane, high-speed road that would cut through Sandridge, swallowing homes, businesses, and pieces of history.

In her handwritten letter, Amira asked SCDOT to reconsider. “My great-grandma is 79 years old and has no busin moving,” she wrote. “If you were me, you would be mad because they are taking away your homes. Be fair for once in your life.” Her letter reminded SCDOT of South Carolina's

history of Black oppression, poignantly asking, “Did you know that Black people did not have freedom?”

Despite Amira's plea and the outcry of other Sandridge residents, plans for the proposed Conway Perimeter Road are moving forward. Its impact on Sandridge will be devastating. Like so many Black communities before it, Sandridge stands to lose everything—its homes, its land, its connection to history, and the tight-knit community that generations of its residents fought to build.

The segregation and exclusion of predominantly Black communities is so common as to seem inevitable today. Of course, it is anything but. Defenders of the status quo often say that segregation is a product of millions of personal choices—that poor people made bad decisions, that Black people prefer to live near other Black people and white people prefer to live near other white people. Even when they acknowledge the prevalence of discrimination, they blame it on the actions of individual bad apples, shrugging their shoulders and bemoaning how difficult it is to change people's hearts and minds. In this view, segregation is inevitable, and no amount of government intervention can make a difference.

In fact, government has made all the difference. When we expand our understanding of government-sponsored segregation beyond racial covenants and redlining, it is clear

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(*Dividing Lines and the Infrastructure of Racial Inequality*, Continued from page 1)

that it is not just the invisible lines created by local, state, and federal law that divide us. It is also the physical, literal lines running through and around our communities – lines that may seem innocuous, or merely practical or necessary, but that are part of the architecture of racial inequality. The nation’s transportation system is an essential element of that infrastructure.

The story of transportation in America is a paradox. Our highways, roads, and railroads represent progress and mobility. But they have also served as tools of displacement and exclusion. In the twentieth century, many city officials used transportation infrastructure as a powerful tool to enforce white supremacy; to ensure that some people and communities would benefit from economic investment, while others would be starved for economic opportunity. Some would have views of the skyline, waterfront, or parks, while others had front row seats to traffic racing along the overpass. Which side you were on was far too often determined by race.

## Transportation, Race, and Place

You cannot separate the story of transportation in America from the story of American racism. Racism is about place on multiple levels. White supremacy depends on Black people knowing “their place” in the social hierarchy and staying there. It demands that Black people know and adhere to the constraints that it puts on their lives; and it enforces those limits, often brutally, when Black people resist. But one of the most effective means that white supremacy has of ensuring that Black people know their place socially is to keep them in their place *physically*. What better way to let people know that their lives are limited—that they can never be who they want to be—than by penning them in, constraining their movement, determining where they can and cannot live, or work, or walk, or rest, or play.

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***It is not just the invisible lines created by local, state, and federal law that divide us. It is also the physical, literal lines running through and around our communities.***

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### In memoriam

This issue of *Poverty & Race* is dedicated to Alan Houseman, who passed away in late February. Alan was one of PRRAC’s original founders in 1989, and continued to support PRRAC’s work during his long and impactful tenure as the head of the Center for Law and Social Policy (CLASP).

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# The Freeway Revolts – then and now

Karilyn Crockett

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In 1954, the Supreme Court’s *Brown v Board of Education* decision to outlaw “separate but equal” doctrine energized civil rights strategists. The following year, forty-two-year-old Rosa Parks refused to give up her seat on a segregated Montgomery bus and helped launch a 381-day boycott that successfully integrated the city’s public bus system. This victory prompted Martin Luther King Jr. to found a new, regional civil rights organization. Initially called the Southern Negro Leaders Conference on Transportation and Non-violent Integration and later renamed the Southern Christian Leadership Conference (SCLC), this organization took aim at racially

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***Citizen-led freeway revolts began in San Francisco in the 1950s and soon seized cities in every region of the country.***

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segregated bus systems in the American south. King and his allies understood transportation access as both a test of and frontier for legal citizenship for Black Americans. By targeting access to transportation infrastructure, King and Parks followed in the footsteps of a long line of activists including Louisiana’s Homer Plessy. When Plessy lost his judicial appeal to sit in a white railway car in 1896, he set in motion a range of legal and direct action strategies that defined the modern civil rights movement.

Against this backdrop, 1960s-era interstate highway projects and the revolts they spurred take on renewed meaning and force. Citizen-led freeway revolts began in San Francisco in the 1950s and soon seized cities in every region of the country. By 1967, the newly created Federal Highway Administration began to track a rising number of highway controversies plaguing its

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## Welcome to PRRAC’s new Executive Director!

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PRRAC is excited to announce that Thomas Silverstein will be PRRAC’s new executive director. Thomas is no stranger to PRRAC and its work. As early as 2008, when he was a legal assistant at the Lawyers’ Committee for Civil Rights Under Law, Thomas collaborated with PRRAC on the work of the National Commission on Fair Housing and Equal Opportunity. Since then, Thomas has become a national leader in multiple approaches to advancing fair housing and community development, including impact litigation, amicus participation, regulatory and legislative policy advocacy, and the provision of technical assistance to states, local governments, and public housing authorities.

Thomas comes to PRRAC from his position as Director for the Fair Housing and Community Development Project at the Lawyers’ Committee, where he leads the Project’s impact litigation docket, using the Fair Housing Act to foster the development of inclusive communities, expand access to opportunity, and fight displacement. Additionally, he currently serves as Visiting Clinical Lecturer in Law at the Yale Law School and previously taught a fair housing clinic at the University of Maryland Francis King Carey School of Law.

In addition to participating in the Alliance for Housing Justice and the Fair Housing and Lending Task Force of the Leadership Conference on Civil and Human Rights, Thomas has spearheaded efforts to provide legal and policy support to grassroots housing justice organizations such as the Tenant Union Federation, the Right to the City Alliance, and Popular Democracy, among others.

Thomas has written extensively on the intersection of civil rights, housing, and land use, including publications in journalistic outlets such as *Newsweek*, *SCOTUSblog*, and *Shelterforce*, as well as academic articles in the *A.B.A. Journal of Affordable Housing and Community Development Law* and the *University of Baltimore Journal of Land and Development*. Thomas has also published in PRRAC’s journal *Poverty and Race*: “Combatting State Preemption without Falling into the Local Control Trap,” 26:4 (2017) and “Negating Objections to Housing Decommodification through Strategic Tenant Movement Support for Comprehensive Economic and Social Rights,” 33:2 (2024).



Indeed, far too much of the country's transportation system has effectively been planned, funded, and operated to parcel access to jobs and opportunity along racial lines; to force communities of color to bear a disproportionate share of the harms that come with any construction project and to reap disproportionately few rewards; and help compound the physical and economic exclusion and isolation of predominantly Black communities. In his writing, W.E.B. DuBois often focused on what he called the color line, the role that race and racism play in dividing America. He understood the deep and reinforcing connections between race and space. In his 1903 classic *The Souls of Black Folks*, DuBois wrote that "[u]sually in cities each street has its distinctive color, and only now and then do the colors meet in close proximity." Indeed, across the country there are streets more known for how they divide people by race rather than for how they connect. These are the physical manifestations of the color line. Such roads are ubiquitous, and yet we barely notice them.

Transportation is far more than a means of moving people back and forth. Transportation systems shape who is allowed to feel like they belong. They determine who enjoys access to the many opportunities that this country offers, who gets to live with safety and dignity, and conversely, who gets locked out and left behind. Transportation infrastructure is the infrastructure of equitable education. It is the infrastructure of good health and economic opportunity. Transportation infrastructure is also the infrastructure of a vibrant democracy. You cannot tell the story of America's second reconstruction without mentioning the 1954 Montgomery bus boycott, the Freedom Riders who tested the right to interstate travel, or the protesters who took to the streets across the deep south marching for the right to vote. Black freedom fighters have long fought for the right to equitably use transportation, and they have long used transportation infrastructure as platforms to make their demands heard.

Although many groups have been harmed by highways and the like, and have stories to tell about the resulting devastation, Black people have had a unique experience. This fact stems from multiple causes: the distinctive historical relationship between Black people and transportation; the intentional racial discrimination that has driven transportation infrastructure development in Black communities; the layering of transportation infrastructure on top of decades of discriminatory housing laws, policies, and practices; and the stark second-class status of Black Americans that persists in other areas of American life to this day.

## Defending Jim Crow

One reason why transportation infrastructure has proved such an important tool in white supremacy is that removing a

physical barrier can be even harder than changing a segregationist law. As the judicial decisions and civil rights laws of the 1950s and 1960s made it more difficult to isolate Black communities using zoning laws and other regulations, urban planners turned to road construction, public transportation policy, and other physical tools to do the work of segregation they could no longer legally enforce. Those efforts kicked

into high gear when the Court signaled the fall of segregation with *Brown v. Board of Education*, decided in 1954. The Interstate Highway Act, for example, presented many governors, mayors, and city planners with a means to fight back. Communities around the

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***The interstate highway system was not built on a blank slate; its spurs were routed through existing neighborhoods.***

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country began to rely on transportation infrastructure — highways, public transportation, roads, and sidewalks — to do the work of oppression.

The nation's interstate highway system's routes were built against the backdrop of the massive resistance to integration that *Brown* inspired. Celebrated as a feat of engineering and a driver of American economic growth, interstate highways were often built over Black neighborhoods—destroying homes, businesses, communities, and lives. These practices were intentional, reflecting a broader pattern of prioritizing white suburbanites over Black urban communities. By the time Congressional hearings on the Federal-Aid Highway Act of 1956, which facilitated creation of the highway system, began, the modern civil rights movement and the pro-segregation resistance that it inspired were both in full swing. The highway system could have been constructed to further the promise of *Brown*. Instead, it became an essential element of the re-segregationist opposition.

The newly built highways facilitated flight of white Americans to growing, whites-only, suburbs. They would also restructure the urban communities those new suburbanites left behind. The interstate highway system was not built on a blank slate; its spurs were routed through existing neighborhoods. In 2017, the United States Department of Transportation estimated that more than 475,000 households and more than a million people were displaced nationwide as a direct result of the original construction of the highways. Millions of others were left in hollowed-out communities after the bulldozers finished their work. The neighborhoods that were destroyed, the families that were forced to move, and the communities that were physically quarantined, were overwhelmingly Black and poor. So, just as the interstate highway system aided the development of white suburbs, it drove the physical and economic destruction of Black communities.

Many predominantly Black neighborhoods were systematically sequestered because they lacked the power to effectively fight back, or because they were perceived as having

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# Using Title VI to challenge discriminatory transportation investments: Looking back and looking forward

Aaron Golub, Alex Karner, Gabriel Quiñones-Zambrana

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## Title VI and transportation planning overview

The federal laws that govern major planning and infrastructure development processes have historically offered opportunities to improve planning processes and project outcomes. While there is no specific federal statute pertaining to the fairness of transportation systems, Title VI of the 1964 Civil Rights Act offers a sweeping anti-discrimination framework for any activities relying on federal funding. Assistant Attorney General Thomas Perez under President Obama used to refer to Title VI as the “sleeping giant” of civil rights law;

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its “breadth of coverage is extensive and it can address a huge array of injustices: from environmental racism to discriminatory profiling, and from disparities in health care and basic services to inequities in transportation, housing, and education” (Perez, 2010).

While true that Title VI has sometimes played an important role in addressing discrimination in transportation systems, we wonder whether the giant has been slayed by subsequent jurisprudence, executive actions, and a shift in the overall political climate that has upended the fundamental ways we define discrimination. Here, we review the overarching framework of Title VI and elaborate upon some of the challenges it has faced over the past several decades related to its interpretation and enforcement. In doing so, we build on Jerret Yan’s 2013 review of the promises and challenges of using Title VI to create more equitable transportation systems. We note the profound shift in the use of Title VI following the landmark *BRU vs. Los Angeles Metropolitan Transportation Authority (MTA)* case in 1996 and the Supreme Court’s *Sandoval* decision in 2001.

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## Transportation Equity: A Serious Turn in the Federal Road as Trump Administration Takes Aim at Reversing Years of Progress

Mariia V. Zimmerman

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When I started writing this article in early February 2025, the assaults on the equity work of the Biden administration were fresh. I had served as part of the senior executive leadership team at the US Department of Transportation (USDOT), and my job included guiding much of this work. I have been deeply frustrated to watch the rapid dismantling of all that we had worked to achieve on behalf of millions of Americans who were not benefitting from traditional federal transportation policies and investment decisions.

The attacks on equity come as a reaction against the progress made to create a transportation system that works

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better for all. It is important not to lose sight of the work by the last administration. On his first day in office, President Biden elevated equity through [Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#). For the next four years of we positioned equity as a north star for our policy and programmatic work.

Over the past four years, the Biden USDOT infused equity outcomes for people and communities into federal transportation policy and funding. The goal was to correct for decades of disinvestment within underserved communities and to improve the performance of the transportation system for all. The administration elevated equity as one of USDOT’s core strategic outcomes within the Department’s [FY2022-FY2026 Strategic Plan](#), articulating a goal to “Reduce inequities across our transportation systems and

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(Using Title VI to challenge discriminatory transportation investments, Continued from page 5)

Building on Yan's observations regarding the shift to administrative from judicial review of disparate impact claims, we highlight key recent transportation-civil rights cases and close with some thoughts about the prospects for Title VI in the context of a Supreme Court and federal administration that do not acknowledge the existence of discrimination.

## Background and legal basis

Title VI of the Civil Rights Act includes several sections relevant to prohibiting discrimination in transportation systems. Section 601 of the statute lays out a basic prohibition against discrimination in the actions by all recipients of federal funding, while section 602 allows federal agencies to promulgate rulemaking to enforce Title VI among federal recipients. As a result, communities seeking to address discrimination could pursue actions through judicial review or administrative review.

Indeed, civil rights enforcement has historically been a critical tool in the fight for advancing transportation equity and mobility justice. Some of the better-known success stories are inspiring. Take the example of the *Los Angeles Bus Riders*

*Union/Sindicato de Pasajeros (BRU/SDP) vs. Los Angeles MTA*. In the mid-90s, the BRU/SDP used Title VI to argue a disparate impact theory challenging the MTA's plan to expand rail service while raising fares for bus riders. Bus riders were (and continue to be) more likely to be people of color and low-income people than rail riders, and the actions were determined to create a disparate impact which demanded remedy. That case was settled in federal court, resulting in a 10-year consent decree that expanded bus service and held down fare increases.

## Supreme Court limits judicial review

Later developments would limit the effectiveness of judicial review of Title VI claims. Yan (2013) highlighted the challenges to judicial review, including the nuance involved in defining and measuring inequities, and the other complexities facing decision makers in light of multiple modes, geographies, funding streams and types of benefits and burdens created by transportation systems. The high-water mark for judicial action was the aforementioned *BRU/SDP* case.

Yan (2013), however, chronicled the significant shifts in interpretation and enforcement of Title VI in the period since the 1996 *BRU/SDP* settlement. Most notably, the 2001 Supreme Court decision in *Alexander v. Sandoval* engendered a seismic shift in Title VI jurisprudence. A central issue before the Supreme Court was whether private individuals could sue to enforce disparate-impact regulations under Title VI, or if enforcement was limited to administrative

review by federal agencies. Overturning the District Court and the Eleventh Circuit Court of Appeals, the Supreme Court, in a 5-4 decision, held that private individuals cannot sue to enforce disparate-impact regulations. This ruling shifted enforcement responsibility from the courts to federal agencies, meaning that the ferocity with which claims would be investigated would depend upon political appointees, significantly narrowing the scope and potential of Title VI litigation.

## Modest wins under an administrative enforcement regime

Following *Sandoval*, administrative enforcement of Title VI claims became the de facto standard approach for addressing discrimination claims. The almost-impossible evidentiary standard required to prove intentional discrimination claims ensured that this would be the case. Several

examples of administrative enforcement of Title VI demonstrate that it can be used administratively under a disparate impact framework to advance fair transportation systems.

But we must again note that this administrative review depends upon the political and ideological leanings of the administration. Historically, Republican administrations have been much less willing to investigate and enforce disparate impact claims. The three administrative actions discussed below all occurred under Democratic administrations. The first two were initiated and decided under President Obama and the third under President Biden.

In 2011, the Leaders for Equality and Action in Dayton (LEAD) filed a complaint with the Federal Highway Administration (FHWA), alleging that the City of Beavercreek, Ohio discriminated against Black transit riders. The complaint centered on the city's rejection of a request from the Greater Dayton Regional Transit Authority (RTA) to install three bus stops near a suburban mall. The city attempted to impose multiple requirements on the RTA that it had not previously entertained, including installing surveillance cameras and heating and cooling, among others. After an investigation, the FHWA ruled in 2013 that Beavercreek violated Title VI and ordered the city to take corrective action, requiring the installation of the bus stops under the monitoring of the Ohio Department of Transportation.

A second example of administrative action is from Corpus Christi, Texas (highlighted in this journal in the April-June 2016 issue). Residents of the Hillcrest neighborhood filed a Title VI complaint in early 2015, claiming that the proposed Harbor Bridge replacement project would have a disproportionately negative and discriminatory effect on the

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# Making Transit Investment Work for Communities in Maryland

Sheila Somashekhar, Kathryn Howell, and Gerrit-Jan Knaap

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For the past decade, the [Purple Line Corridor Coalition \(PLCC\)](#) has focused on one question: what does it take to make a multi-billion dollar transit project work equitably for communities along the line? The coalition is a broad and organized response to a planned light rail line in Maryland's suburbs of Washington, DC. [The Purple Line](#) will connect some of the region's most ethnically and socioeconomically diverse communities with jobs, schools, and recreation across the region. The coalition's goal is to drive the benefits of new mobility and investment to communities along the transit corridor, while mitigating the displacement risk that often comes with large scale infrastructure investments like transit in existing low- and moderate-income communities. PLCC's work offers a model for equitable growth and change, guided by a clear long-term vision, committed partners, and the persistence to find win-wins, no matter the circumstances.

## About the Purple Line Corridor

The Washington, D.C. area's metrorail system spiders out from downtown Washington, with legs that reach up into Maryland and down into Virginia suburbs. Automobile transport easily connects the ends of the "spider legs" via the beltway that surrounds the city, but public transit has historically been more limited in connecting different parts of suburban Maryland to one another. The Purple Line, now under construction, is a planned 21-station light rail line that spans 16 miles across suburban Montgomery and Prince George's Counties, touching a diversity of neighborhoods. It will be the DC area's first suburb-to-suburb rail connection. The arrival of the Purple Line portends an exciting new level of mobility in the region, and with it, transformative change and growth. It will expand mobility for historically underserved communities, linking dense residential neighborhoods with major job centers and

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spurring new investment. With a price tag of over \$9 billion, it is by far the state's largest infrastructure investment in decades.

The transit corridor is also home to more than 180,000 people, two thirds of whom are people of color. For at least the last two decades, the corridor has been one of few areas in the DC region that offer affordable housing - primarily in unsubsidized buildings - and affordable commercial space - often in aging strip malls - in the region. These dense residential neighborhoods and bustling commercial districts offer a sense of community and neighborhood identity. However, in the high-cost DC area market, new transit presents both opportunity and displacement risk.

The DC area's history of development and gentrification suggests that communities risk loss of affordable housing, and loss of connection to place, history and culture.

Immigrant, Latino, and Black communities are likely to feel these displacement impacts most intensely. In fact, research by NCSG has shown that gentrification and displacement is already underway. Residents are enduring what researchers call Purple Line "[anticipation effects](#)" that have already [resulted in disproportionate](#)

[property value increases](#) along the Purple Line (Peng et al., 2023). This is especially true in family-sized two-, three-, and four-bedroom rental units, where renters within a half mile of the Purple Line might now pay a premium of between \$450 and \$1,200 relative to adjacent areas. [National research](#) suggests that transit-induced gentrification is likely to continue or even accelerate once the light rail is open (Chava & Renne, 2022).

Displacement pressures impact small businesses too. Many of the corridor's locally owned businesses are economic and cultural anchors in their communities. Yet they face construction disruption, rising rents, and redevelopment pressures. [Recent research](#) suggests that gentrification-driven pressures have resulted in higher rates of business closure along the Purple Line compared to other areas (Finio, 2023).

PLCC, a project of the [University of Maryland's National Center for Smart Growth \(NCSG\)](#), connects people and partners in the region with the goal of pooling expertise, influence, and resources to mitigate displacement risks and ensure equitable benefits for residents and small businesses

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communities they affect. ...” with four strategic objectives addressing expanding access; wealth creation; power of community; and proactive intervention, planning, and capacity building. USDOT created a set of accompanying key performance indicators it annually tracked, and committed to specific actions that were further detailed in its annual Equity Action Plans required by the White House to help implement EO 13985 and [E.O. 14091](#). (Note: these action plans are no longer available on the USDOT website, but are archived at the [Repository and Open Source Access Portal](#) (ROSA P)).

This focus on identifying and addressing transportation inequities at the federal level had not happened previously. Certainly, the larger national discourse on racial equity in 2020 and 2021 motivated some federal efforts. But they also reflected the realities of evolving transportation practice in states and regions where equity issues were elevated within planning and decision making. These efforts also responded to a growing body of research, including by the [National Academies of Science, Engineering, and Medicine](#), which documented transportation disparities on specific populations and geographies.

In framing equity as a strategic national transportation objective, USDOT Secretary Buttigieg elevated smart and inclusive transportation investments as integral components of delivering the world’s leading transportation system, while acknowledging that the current transportation system distributes benefits and burdens unevenly across communities because of historic and persistent patterns of segregation and inequity.

Perhaps most importantly, USDOT not only had policy commitments to advance equity it had the money to implement these actions and make investments to address disparities in the transportation system. The passage of the [Infrastructure Investment and Jobs Act](#) (IIJA, also referred to as the Bipartisan Infrastructure Law by the Biden-Harris Administration) in November 2021 provided USDOT over \$660 billion in funding to allocate via grants and formula funds across the country on nearly every form of transportation from historic investments in transit and passenger rail to equally historic investments in highways, bridges, airports, pipelines and goods movement. The passage of the [Inflation Reduction Act](#) the following August, enabled infrastructure investments to specifically address climate change and help to reconnect communities. Through these federal dollars, USDOT worked to ensure that projects selected for funding supported community wealth building goals. This included USDOT directly awarding over \$2 billion in direct procurement to small, disadvantaged businesses in Fiscal Year 2023 and state DOTs developing project labor agreements for 319 Federal Highway Administration projects totaling \$9.9

billion, including \$3.2 billion with local hire preferences (See [“Delivering Progress for America: 2021-2023”](#).)

The following pages synthesize a few of the notable transportation equity actions taken by the Biden Administration that are now under attack. These focus on three main areas: funding transportation projects to reduce disparities, addressing transportation harms imposed on communities, and greater transparency regarding transportation potential benefits and burdens.

## **Funding transportation projects to advance equity outcomes and reduce disparities.**

Through President Biden’s [Justice 40 Initiative](#) led by the White House Council on Environmental Quality (CEQ), USDOT aligned its discretionary funding to advance equity and climate outcomes and identified forty Justice 40 (J40) [Covered Programs](#), in the areas of clean energy and energy efficiency, clean transportation, training and workforce devel-

opment, and the remediation and reduction of legacy pollution. Policy guidance was issued to all parts of USDOT that provided suggested language for inclusion, where appropriate, into Notices of Funding Opportunity (NOFO) across all USDOT discretionary grant programs. [Executive Order 14008](#) directed CEQ to develop a

new tool called the Climate and Economic Justice Screening Tool, otherwise known as CEJST, that federal agencies including USDOT used to identify disadvantaged” communities as determined by the extent they were experiencing burdens in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development.

This focus on directing funding to disadvantaged communities was a recognition that transportation mobility is an essential ingredient for economic security. Individuals that lack transportation access to reliable, affordable, and convenient transportation options have been shown to have reduced earnings, higher unemployment rates, and [a myriad of negative socio-economic and health impacts](#). Prior to IIJA, there was extremely limited federal funding directly available to communities to meet their local transportation needs. As a result, these communities were not able to fully participate and contribute to the national economy. [IIJA](#) not only provided significant amounts of federal transportation funding, but the majority of new USDOT discretionary grant programs it created were available to eligible local and tribal

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***The passage of the Inflation Reduction Act enabled infrastructure investments to specifically address climate change and help to reconnect communities.***

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(Using Title VI to challenge discriminatory transportation investments, Continued from page 6)

historically Black community. This community was already marginalized due to industrial development and existing highways. The investigation found that the project might violate Title VI, as it could deepen segregation and expose residents to greater environmental hazards. In response, both the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) entered into a Voluntary Resolution Agreement (VRA). The agreement outlined measures such as a voluntary relocation program with financial support for homeowners and renters, assistance for local businesses and churches, community liaison services, and environmental mitigations like pollution control and park enhancements.

In late 2021, the North Houston Highway Improvement Project (NHHIP), a \$7 billion initiative by the Texas Department of Transportation (TxDOT) aiming to reconstruct Interstate 45 North between Houston and the North Sam Houston Tollway, was paused while the FHWA investigated potential Title VI violations. Community advocates alleged that TxDOT failed to address serious harms and disregarded community concerns. To resolve these issues, FHWA and TxDOT signed a VRA, allowing the project to move forward. The agreement outlined measures to mitigate community impacts, including detailed design improvements, stakeholder engagement, affordable housing initiatives, right-of-way acquisition, flood mitigation, and construction oversight.

## Limits of Title VI

As we have demonstrated, the power of Title VI has weakened over time. Earlier judicial review seemed to hold significant potential for altering planning and project outcomes, as illustrated in the *BRU/SDP* case. The examples of administrative review are lackluster in comparison, resulting in pauses or voluntary agreements without the teeth of a court-convened consent decree.

Looking forward, additional challenges are on the horizon. In 2023, the Supreme Court put forth an extraordinary set of propositions in *Students for Fair Admissions v. Harvard* when they struck down affirmative action in college admissions. Ultimately, they ruled that the protections against discrimination embodied within Title VI also extend to white and Asian students claiming that they have been harmed by college admissions policies that allow race to be used as a factor. The court's decision claims that "Eliminating racial discrimination means eliminating all of it." The notion that policies designed—however imperfectly—to rectify the historical and ongoing injustices faced by Black and brown

Americans are themselves discriminatory is absurd on its face. When reviewing any type of race-conscious policy or practice, the courts have long differentiated between "invidious" policies that harm "racial minorities" and "benign" policies that benefit them. The prior jurisprudence makes clear that the potential harms at issue for civil rights enforcement are those suffered by minority groups.

These limitations suggest that other means are likely to be more effective in engendering material changes in transportation conditions. Title VI is simply no longer the right tool to effect transportation policies and infrastructure that advance equity and justice goals.

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***The notion that policies designed—however imperfectly—to rectify the historical and ongoing injustices faced by Black and brown Americans are themselves discriminatory is absurd on its face.***

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## What's next? Looking beyond Title VI

It was already clear during the first Trump administration that it was going to create headwinds to progress on anti-discrimination oversight and enforcement in the transportation arena. The words equity, justice, and civil rights did not appear in the administration's strategic transportation plan, and EPA's council on environmental justice was weakened, among other harmful measures.

At the onset of the second Trump administration, the priorities for the U.S. Department of Transportation are becoming even clearer. Shortly after his confirmation, Transportation Secretary Sean Duffy promulgated two policy memoranda. One set out the priorities for discretionary transportation funding. Specifically, the memorandum noted that locations with high birth and marriage rates as well as compliance with the administration's immigration priorities would be prioritized for funding. This directive stands in stark contrast to the Biden administration's policy to direct funding towards communities with the greatest need under the Justice40 initiative.

The second memorandum described purging USDOT of all "woke" policies and practices. Whereas in prior Republican administrations, civil rights enforcement was put on a back burner, it seems that in this one, any protections that have been developed will be attacked and actively rolled back. Even the meager protections afforded by the Federal Transit Administration's circulars on environmental justice and civil rights are likely to be repealed. And based on the administration's interpretations of civil rights law, as embodied in their various anti-DEI executive orders and the dear colleague letter sent by the U.S. Department of Education, those interested in advancing civil rights must look beyond Title VI.

What might this look like? We propose that building power among those at risk of discrimination is a key method  
(Continued on page 16)

staff. From displacing historic urban populations to creating traffic-choked roadways and empty downtown cores, America’s mid-twentieth century roadbuilding campaign violently reorganized cities and precipitated many population-level harms that remain unresolved today. Local opposition to interstate highway plans erupted in Chicago, New Orleans, Philadelphia, New York, Miami, Boston, Memphis and Houston.

Although President Dwight Eisenhower’s 1956 Federal-Aid Highway Act offered cities near limitless funding for their interstate highways, this period’s auto-centered exuberance yielded a shrinking set of housing and employment options for residents of cities. The interstate highway system’s 40,000 miles, later expanded to 42,000 miles, destroyed entire neighborhoods and subverted a younger generation’s hope for racial, economic and political integration. By the early 1960s, federal highway construction and urban renewal demolitions were displacing more than 70,000 families, mostly non-white, from their homes annually (Mohl, 42). Scholars estimate that between 1959 and mid-1971 more than one million individuals were displaced by urban renewal alone. Of these displaced individuals, 60 percent were non-white (Pfau, Lawlor, Hochfelder and Sewell, 2024). These figures signify the demographic impact of a hostile and racist vortex of urban dislocation just as the majority of Black families and workers move into U.S. cities.

Tom Lewis, Raymond Mohl, Mindy Thompson Fullilove and others have documented the history of U.S. highway expansion and its disproportionate negative effects on African American and working class urban populations. Often more

than single-issue fights to halt interstate roads, many anti-highway campaigns were rooted in traumatic memories of previous displacement, what Mindy Thompson Fullilove has termed “rootshock.” Whether citizen opposition to highways erupted as large-scale protests or more muted forms of

dissent, this period marks an existential crisis for urban residents fighting not only against highways but for housing, jobs and space.

Highway plans joined a bevy of national and local policies that prioritized the housing, employment and consumer needs of middle class white Americans and the downtown and suburban landscapes built for them. The lasting result was a federally-subsidized pattern of white homogeneity unfurled through roads, single-family homes and suburban office parks built at dizzying speeds and scales. These new landscapes further codified racial segregation for a generation of Americans who witnessed many of the civil rights movement’s seminal battles and victories.

### **A tale of two cities – freeway opposition in New Orleans and Boston** *New Orleans*

In 1960 the City of New Orleans seized land in the Tremé neighborhood to construct an extension of the I-10 highway. Considered the oldest African American neighborhood in the United States, the Tremé is further distinguished by its history of

land ownership by free people of color and later formerly enslaved Africans beginning in the 1800s. Notably, the Tremé was home to civil rights pioneer Homer Plessy. The 1966

(Continued on page 12)

### **The Remnant**

Debris spreads like the scattering of bones on the seabed, coral growing around the long history of bodies jettisoned.

This is a myth. The artist must imagine a biblical calamity. The truth is that, soon, sand will cover all evidence, soon, even the ancestors singing deep in the ocean will not be heard. Soon, in the soft rumble of walls of water moving, deafness will be all that is left.

The space beneath the freeway, all the vehicles emptied, the pillars holding up the interlocking maze of asphalt and cement, is the graveyard of all desire. We will walk among the broken planks, the empty cars, the tattered garments, and here we will find ourselves alone, the wind moving with the constant hum of air circling the void.

To hold ourselves intact, we must close our eyes and imagine green, and then, for sustenance, drag our tongues across our foreheads, to taste the salt and sweet of our hope.

— Kwame Dawes

Excerpted from *Sturge Town*. Copyright (c) 2023 by Kwame Dawes. Used with permission of the publisher, W. W. Norton & Company, Inc. All rights reserved.

along the Purple Line. PLCC is pursuing a form of change that safeguards long-term affordable housing, catalyzes reinvestment, drives a new market of transit riders to local businesses, and enhances a sense of belonging for existing and future residents.

## PLCC History

Soon after the Purple Line was announced in 2013, local groups expressed a mix of views about the project's impacts in the community. While longtime transit advocates celebrated the Purple Line's future benefits on regional mobility, community groups raised important questions about displacement impacts. NCSG, as a trusted local institution with a strong track record in research, policy, and community engagement, was able to bring multiple sets of voices together to explore common solutions.

These early conversations led to the creation of the [Purple Line Community Development Agreement](#), a regional commitment to community goals "beyond the tracks." They also led to the creation of the PLCC, a public-private-community collaborative pursuing equitable growth and displacement prevention along the Purple Line. PLCC's coalition-based structure was inspired by other transit collaboratives that were emerging around the country, such as [Mile High Connects in Denver](#), [Elevated Chicago](#), and the [Central Corridor Funders Collaborative in Minneapolis](#), which were coalescing groups around concrete equitable development goals.

NCSG seeded PLCC with basic administrative capacity and facilitated conversations that helped establish clear coalition goals. Founding coalition partners included [CASA](#) - a local immigrant advocacy group that had already become a leading grassroots voice on the Purple Line's displacement impacts; [Enterprise Community Partners](#) - a national affordable housing nonprofit; the two county planning departments; and elected leaders from the two counties. Each group brought their networks and assets to gain attention and build local momentum. PLCC has since grown into a well-known regional effort, with involvement from elected officials, public agencies, local and regional nonprofits, community leaders, developers, and a major healthcare system.

PLCC's work to build and sustain collective will has become more sophisticated over the years. Detailed action plans, such as the [PLCC Housing Action Plan](#), are the culmination of intensive and thoughtful engagement processes. Such plans provide direction for the work of "action teams," composed of cross-sector partners and community leaders committed to equitable development progress. In the case of housing, the coalition established a north star of no net loss of

homes affordable to households earning \$72,000 annually - which was 60% of area median income in 2019 and closer to 50% now. PLCC also has a [Small Business Action Team](#) that is supporting locally owned microbusinesses in six commercial districts across the transit corridor. Similarly, PLCC is anchoring collaborative initiatives focused on issues such as cultural preservation and walkability.

Underlying the coalition's work is an understanding that communities along the line are seeking benefits that can take many forms. Some seek stable and affordable housing that will allow them to benefit from new transit, rather than being priced out of the community. Others seek safe and easy access to new employment opportunities. Still others are hopeful that the Purple Line will lead to new investment in their neighborhoods - bringing change while honoring the strong local identities of the neighborhoods along the line. PLCC's work cuts across jurisdictional boundaries and individual agendas, creating connections and solutions that address these multiple goals and respond to varied local contexts.

## Success Stories in Progress

With less than three years remaining before the Purple Line is operational, the coalition has contributed to important equitable development wins. Collectively, PLCC has

[strengthened a local right of first refusal policy](#) that has become a crucial tool for preserving affordable housing; provided hands-on support to place-based nonprofit organizations on proven models for small business support; offered [trainings](#)

[to community groups](#) on how to participate in creating equitable housing near transit; raised and deployed millions of dollars in private philanthropic capital to support the creation of [nearly 1,000 affordable homes](#) - and [spearheaded continued fundraising](#) to pursue goals that no one entity can achieve alone. PLCC has attracted capacity and resources to achieve concrete progress, and the community response is still unfolding. Following are a few stories that help paint a picture of the coalition's impact and continued vision.

### Story in Progress: Community Ownership at The Leeland

In 2020, PLCC began offering technical assistance to affordable housing development projects, fulfilling a need that long-standing PLCC housing partners had articulated. Early-stage projects led by market rate developers, congregations, and others without affordable housing expertise were

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*(The Freeway Revolts – then and now, Continued from page 10)*

arrival of the I-10 interstate highway leveled Claiborne Avenue and decimated the Tremé's cultural and commercial core. Famed highway builder Robert Moses had planned a previous road, the Riverfront Expressway, to cut through the French Quarter, but a coalition of well-connected preservationists and white residents successfully defeated that plan. Residents of the Tremé were not so fortunate. There were not yet federal laws requiring public meetings for highway projects so many Tremé residents reported that they were unaware of the highway plan.

In a quick sequence of events more 200 towering oak trees, 100 businesses and 100 homes were ripped from the center of the neighborhood and replaced by concrete. As news of the highway plan began to circulate, local members of the Congress of Racial Equality and the NAACP had been engaged in a multi-year boycott of New Orleans'

downtown segregated retailers. The boycott began when five Black and two white university students staged a sit-in at the Woolworth's lunch counter on September 9, 1960 to protest the store's refusal to serve Black students. The demonstration grew to include a picket line stretching seven blocks and a 35 store boycott. When residents learned what was happening in the Tremé, they voiced their opposition to the highway. But it was too late. Tremé's heart was gone. For some residents, the national fight against racial segregation had diverted their attention to a proposed highway plan that sounded abstract until it wasn't. Many former residents recall this period with a mix of anger and grief. Residents remain outraged by the city's decision to demolish the Claiborne Avenue commercial district and place an elevated highway through the Tremé. Reeling from their failed efforts to stop the road, residents launched the Tremé Community Improvement Association as a resident advocacy organization.

### **Boston, MA**

Whereas Black residents in New Orleans were not able to stop I-10's devastating arrival, Black activists in Boston joined a multi-racial coalition and defeated the urban expansion of I-95 in 1972. The interstate and its Inner Belt threatened vibrant Boston neighborhoods in Roxbury, the South End, Jamaica Plain and Hyde Park as well as Cambridge, Somerville and beyond. Greater Boston's highway battle was a late addition to the nation's cauldron of freeway revolts. For many years the city of Cambridge remained the hold out vote needed to advance Massachusetts' highway plans. A quirk in state law required unanimous agreement of state legislators whose districts were crossed by the proposed highway projects. A single veto by any affected municipality halted

construction. For years, Cambridge maintained the sole "no" vote until state law was repealed in 1965; and Cambridge lost its veto power. With thousands of homes and businesses now under immediate threat, a grassroots movement of citizen protests erupted. A group of Cambridge Italian, Greek, French and Black residents, students, radical planners and clergy began a movement that seemed all but doomed.

But by the late 1960s the combined fury of the civil rights, Black Power and anti-war movements had matured to produce a cadre of seasoned activists. A younger generation of Black activists called for a more radical movement based on the political principles of community control and nationalist self-determination. Following Martin Luther King Jr.'s assassination in 1968, Boston chapters of the Black United Front and the Black Panther Party rose to prominence and advanced an urban

agenda based on devolved decision-making and insurgent planning. Both organizations protested I-95 and its impact on Boston's Black residents. A close friendship between Chuck Turner, a local leader of the regional coalition to stop the highway, and Stokely Carmichael, former chair of the Student Nonviolent Coordinating Committee and "Honorary Prime Minister" of the Black Panther Party, proved pivotal to Boston's anti-highway organizing tactics. In 1969, Black nationalists joined with thousands of residents, students and activists from Boston, Cambridge, Somerville and surrounding suburbs to march to the state house to demand the road be halted. Increasingly loud calls for local control coupled with new federal environmental policy (the National Environmental Policy Act of 1969) that required advanced notice for public meetings and environmental impact statements for federally funded projects had shifted the political calculus, and in December 1972 Governor Francis Sargent killed the project.

### **Freeway revolts, Act 2 – Decommissioning**

When the interstate highway system was declared complete in 1992, several hundred miles of federal roads had already been decommissioned for various reasons including replacement by mass transit as enabled by Section 137(b) of the 1973 Federal-Aid Highway Act. Yet, in the early 2000s multiple mid-sized cities questioned the centrality of metropolitan highways and launched new plans to decommission them. This wave of highway removals has revived old questions about the necessity of running interstate highways through urban centers while further stoking long-time

(Continued on page 13)

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*(The Freeway Revolts – then and now, Continued from page 12)*

residents who remember the bruising initial construction of these roads. As cities like Minneapolis (I-94) and New Orleans (I-10) advocate for removal of multi-lane highways that have damaged largely Black neighborhoods, other cities like Akron, Syracuse, and Rochester, NY have already begun demolition of their historic interstates.

## **Rochester, NY**

As Rochester's African American population tripled in size between 1950 and 1960, a strong cultural and social hub was built in the Third and Seventh Wards. The Third Ward's Clarissa Street neighborhood anchored a bustling commercial corridor; however, its residents were largely excluded from Rochester's twentieth century economic growth. Decades of racially discriminatory lending, infrastructure development, employment and real estate practices solidified generational wealth building for Rochester's white business leaders and landowners and kept the city's downtown core a racially and spatially segregated landscape. By the 1960s, Rochester's business and political leaders chased the dream of a federally-funded highway as a bulwark for the city's economic fortunes. Interstate 490 was proposed as the solution for luring suburban and increasingly affluent, white shoppers and workers back to downtown. Although this 2.7 mile ring road was fiercely protested by African-American residents living along its projected route, the routing of the Inner Loop through the Third & Seventh Ward neighborhoods destroyed the few institutional and wealth-building gains secured by African-Americans in the Clarissa Street neighborhood.

In 2014, Rochester's city leaders announced a plan to remove the Inner Loop and reconnect neighborhoods once bisected by the road. This decision signaled a historic reversal and the rise of new planning paradigms emphasizing connectivity, mobility and equity. One Rochester official stated: "This is not just transportation. This is not just community development. It is focused on racial equity and healing old wounds and making sure that current residents and residents that were displaced will benefit" (Brian Sharp, Democrat & Chronicle 10/13/21).

But long before the city of Rochester removed its Inner Loop, former residents of the Clarissa Street neighborhood began hosting a yearly reunion to reclaim space, memories and relationships lost beneath the city's downtown highway. Formed in 1996, the Clarissa Street Reunion Committee began as a volunteer effort to connect past and present Black

Rochester residents. Each summer for nearly 30 years, Clarissa Street residents have gathered to share family memories, enjoy sizzling barbecues and listen to updates on each other's lives. Clarissa Street Reunion Committee leaders like Katherine Sprague Dexter, whose family anchors five generations of African American presence in Rochester, remember the violent period of removals and have pledged to demand redress. Through annual gatherings, storytelling and a collaboration with local teenagers to produce a documentary film, Ms. Dexter and her neighbors have rallied to preserve the history of the Clarissa Street neighborhood while planning the city's highwayless future. Some residents who remember life before the Inner Loop was built have grown skeptical of urban design visions that they believe do not reflect their current needs or address past collective losses.

Buoyed by federal, state and city funding, Rochester is working to address its mid-twentieth century planning failures by developing new plans that better reflect the needs of current and long-time residents. In reference to the Inner Loop's removal, a manager for the city of Rochester remarked, "Equity is huge on this... This is not just transportation. This is not just community development. It is focused on racial equity and healing old wounds and making sure that

current residents and residents that were displaced will benefit" (Brian Sharp, Democrat and Chronicle, 10-13-21). Although the term equity has become a lightning rod in federal government circles, it is policy shorthand for a commitment to break from past processes and policies that delivered benefits to some populations and disproportionate harms to others. For equity planning to fulfill its meaning, cities like

Rochester engaged in large-scale transportation infrastructure development and repair must center those populations most negatively affected by past planning projects. These projects have caused lasting generational harm and attempts at population-level repair must consider social and cultural interventions alongside physical design goals. As mayors in cities like Rochester and New Orleans engage in contemporary reckonings with their interstate highways and the painful histories they symbolize, planners, elected officials and business leaders have an opportunity to show that they have learned these lessons. ■

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***Long before the city of Rochester removed its Inner Loop, former residents of the Clarissa Street neighborhood began hosting a yearly reunion to reclaim space, memories and relationships lost beneath the city's downtown highway.***

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(Transportation Equity: A Serious Turn in the Federal Road, Continued from page 8)

governments to apply for federal funding, alongside state departments of transportation, transit agencies, and other transportation entities.

As part of its Equity Action Plan, USDOT established a [key performance indicator \(KPI\) to increase by 5% the number of U.S. DOT discretionary grant applicants from disadvantaged communities](#) who had not previously applied for USDOT funding. This goal was met in FY2023 with [30% of unique grant applicants coming from disadvantaged communities](#). An increase in the number of new projects happening in disadvantaged communities using formula funds from J40 covered programs also increased, with almost 2,500 such projects funded in FY2023.

USDOT exceeded its FY2022 and FY2023 Justice40 goals. Departmental analysis of its forty J40-covered programs found that 55% of benefits were identified for disadvantaged communities, totaling \$27.2 billion and 3,439 projects.

## Addressing transportation harms imposed on communities

Among the J40 covered programs that garnered the most attention from equity advocates and critics is the new [Reconnecting Communities Pilot Program \(RCP\)](#) established in IJIA, and expanded through the [Neighborhood Access and Equity Program](#) funded through IRA. In total, over \$4 billion in federal funding was provided by Congress to improve mobility and access through these programs designed to help repair and reconnect communities that had been negatively impacted by past transportation investments. The demand for these funds continually outpaced available funding each year that it was available.

On January 10, 2025, [USDOT announced](#) the final round of program recipients with \$544.6 million in grant awards for 81 projects in 31 states. In total across all three years, 257 communities were selected to receive Reconnecting funding, covering 47 states, Washington, DC, and Puerto Rico. Nearly 96% of funding went to disadvantaged communities, with 15% of awards to projects in rural communities and 5% to Tribal communities.

Beyond the program's focus on transportation reconnection and accessibility, RCP also included a focus on [aligned equitable development strategies](#). [Initial analysis of these grants](#) (noting that many of the planning and capital projects have not yet started) validates its potential to create substantial equity benefits, while noting that interventions funded often focused more on mitigation of harms than on addressing systemic inequities built into transportation planning and design.

The decimation and separation of communities of color by highway construction during the Interstate era is perhaps the most frequently identified example of why this pilot program was necessary. Examples such as the [Chinatown Stitch project](#) in Philadelphia and the [“Highway to Nowhere” in West Baltimore](#) highlight the destructive legacy some

highway projects have had on the cultural, economic and social community fabric across decades; and also the power of community organizing and persistence. USDOT created [story maps](#) for each of its three years of grant announcements to help capture the history and hopes of several communities that were selected for funding.

In addition to funding Reconnecting projects, USDOT also funded technical assistance through the [Reconnecting Communities Institute](#) to help communities develop strategies to reduce residential and business displacement, to develop robust and inclusive community engagement strategies, and to deploy innovative design solutions to help reconnect communities.

## Greater transparency regarding transportation potential benefits and burdens

During the Biden Administration, USDOT leadership committed resources and staff and established new partnerships to improve analytics and access to data that identified the variety of socio-economic, environmental, and transportation burdens faced by communities. These new tools promote transparency by giving stakeholders, decision makers, and transportation professionals access to federal data. This open access, particularly for historically overburdened and underserved communities in urban and rural areas, helps to ensure that project designs and transportation plans benefit these communities and maximize the impact of the nation's infrastructure.

For example, for decades, housing insecurity and food insecurity have been concepts that help to inform federal policy making including at the US Department of Housing and US Department of Agriculture. However, there was no equivalency to discuss transportation insecurity, which is somewhat astonishing given that transportation is the second largest household expenditure behind housing for most American families. [In 2022, transportation accounted for 15% of average household spending](#), with rural and lower income households spending significantly higher percentages.

As part of its equity action metrics, [USDOT set a transportation cost burden performance goal to see a 5% reduction in this metric by 2030](#), as this will be an indication that transportation costs are becoming less of a strain on households. Transportation cost burden is a measure of the percentage of income a household spends on transportation. The cost of transportation, as well as the modes of transportation available and used, impacts the total dollars that households spend on transportation. Transportation cost is a measure of transportation affordability. Transportation cost burden falls the hardest on lowest income families. According to a 2023 analysis by the Bureau of Transportation Statistics [lower income households spent 30% of their after-tax income on transportation in 2022](#).

(Continued on page 20)

too much power. In Birmingham, Alabama, officials used I-59 and I-65 to help maintain racial segregation. In 1926, Birmingham, like many other cities, adopted a racial zoning ordinance dividing the city into racial districts that required the legal separation of Black and white neighborhoods. Although the United States Supreme Court struck down racial zoning in 1917, Birmingham flouted the Court's ruling and found a way to keep it going. It was not until 1950 that a federal appeals court struck down Birmingham's racial zoning law. So, Birmingham officials—led by notorious segregationist “Bull”

Connor—used the construction of I-59 and I-65 to advance their segregationist agenda, using the new highways in the same way they had previously used racial zoning lines. These highways were ultimately built along a route mirroring the zoning boundaries of the old racial zoning ordinance, creating a permanent buffer between white and Black communities.

The destruction of a Black community to make way for I-95 in the Overtown section of Miami, Florida provides an example of how construction of the interstate highway system was used to destroy vibrant and economically self-sufficient Black communities. I-95 tore through the center of Overtown, a large Black community then considered to be the center of economic and cultural life for Black people in Miami. The destruction of Overtown was the realization of a decades-long campaign by white business leaders to remove Black residents and claim that land to expand Miami's central business district. By the late 1960s, Overtown was dominated by the highway; there was no evidence of why it was once called the Harlem of the South. No corner of Overtown was saved. They demolished homes, churches, apartment buildings and businesses. Although nearly 40,000 Black people lived in Overtown before the highway expansion, only about 8,000 remained in a hollowed-out community after the highway was built.

Finally, the construction of the highways upended Black communities by breaking them apart and destroying the social connections that give communities life. In Nashville, I-40 was built through the main Black business district which had been home to 128 Black-owned businesses. In addition to destroying most of those businesses, six Black churches were destroyed and fifty local streets were dead-ended.

These examples are just the tip of the iceberg. Virtually every state has a story about a highway destroying a Black community or other community of color. Those communities and their residents bear the marks of decades of accumulated disadvantage—racial segregation, concentrated poverty, and economic isolation.

Although they may be the most familiar, highways were not the only transportation infrastructure coopted as tools of

segregation and division. Like much of the nation's interstate highway system, many roads were built as physical boundaries to shield white communities from Black people who wanted to break free of their Jim Crow confines. In cities around the country, governmental powers were deployed under the guise of urban planning and street safety to build roads and street grids that appeased the segregationist desires of white citizens. And, beyond acting as lines of demarcation that determined where and how people lived, roads and street grids were manipulated to complicate the process of traveling from

Black neighborhoods to and through white ones, locking people in or shutting them out, or both. Like a board game that becomes ever more difficult to play with each roll of the dice, street grids were laid out in ways that restricted Black mobility.

For many urban planners, it was not enough to keep Black residential communities separate from white residential communities. They had to create obstacles to keep Black people from even getting close to where white people lived. The subtle and not-so-subtle uses of street-planning techniques included dead-ending streets; converting roads to one-way streets that repeatedly lead drivers away from white communities; turning through-streets into cul-de-sacs; changing the names of streets as they passed from white to Black communities; and refraining from paving streets as they approached racial boundaries. Sometimes, municipalities used subtle tactics to limit Black access. Other times, localities made no attempts to disguise the segregationist intent behind nominally race-neutral practices.

## **Evading the Reach of the Law**

In many ways, these physical barriers have been more effective than purely legal barriers, because as hard as it is to change a racist law or discriminatory social norm, it can be even harder to tear down a highway or redesign a street grid. The racialization of transportation infrastructure has revealed both the power and limits of our civil rights laws. These are the laws we see as among the greatest achievements of the civil rights movement; laws sometimes referred to as constituting a Second Reconstruction. Yet the nefarious genius in using highways, roads, public transportation, and pedestrian infrastructure to cement racial inequality was the belief, on the part of planners, that the exclusionary impact of transportation infrastructure would both outlast existing laws that facilitated racial exclusion and skirt possible future laws that promoted integration. These predictions have proven to be largely correct.

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### ***The racialization of transportation infrastructure has revealed both the power and limits of our civil rights laws.***

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(Using Title VI to challenge discriminatory transportation investments, Continued from page 9)

that can be used to advance civil rights protections going forward. Community based organizations (CBO), like transit rider unions (e.g. BRU/SDP), can amplify the individual voices of public transit passengers, turning them into a collective roar that agencies would find impossible to ignore. Transit operator unions can also be brought into the fold, finding common cause with passengers in building reliable, convenient, and affordable public transit systems. Local, regional and perhaps even state government could step in to increase engagement at this time of gutted federal oversight in order to ensure that potential discrimination or disparate impacts are avoided. And where that shows little promise, CBOs can also provide a counterweight to agency-led “public involvement” efforts that have historically sidelined genuine community input in favor of agency perspectives. The philanthropic community could also prioritize building community capacity to take on these new roles, understanding that CBOs’ efforts will be doubled in the absence of a federal partner.

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**Building power among those at risk of discrimination is a key method that can be used to advance civil rights protections going forward.**

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Building power collectively, CBOs can articulate unmet needs and push back against agency narratives. When communities can lead earlier in the planning or project development process, they can steer narratives and project priorities instead of using complaints and legal actions later in the process. These types of initiatives might bring additional benefits if organizing translates into other areas of life, including housing and labor. While we may lament the loss of Title VI protections, it may be possible to build a more just world through these emerging actions. ■

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Community ownership at The Leeland. Photo credit: Enterprise Community Partners

hitting barriers that they could not surmount. Since that time, PLCC's specialized assistance has supported several projects that advance the coalition's no net loss housing goal.

For example, in 2022, tenants at The Leeland, a 15-unit building in Takoma Park, faced potential displacement when the property was put up for sale. This diverse group of artists, teachers, and service workers turned to the City of Takoma Park for help, seeking to exercise their rights under the City's Tenant Opportunity to Purchase Act.

With limited time to secure funding, PLCC stepped in to assist the tenants and their nonprofit partner, Mi Casa, Inc. Specifically, PLCC supported the tenant union in preparing grant applications, identified key funding opportunities, and helped overcome barriers to public financing, reframing the purchase as a model for community land ownership. In 2023, the tenants successfully purchased the building. PLCC has continued helping the Leeland to raise significant funds for renovations and energy upgrades.

Since engaging with the Leeland, PLCC has begun supporting a growing movement of tenants seeking to purchase their buildings along the Purple Line. PLCC helped the City of Takoma Park establish a \$500,000 fund to support future tenant acquisitions. The coalition is now assisting

tenants of two other rental complexes, as they explore the opportunity to purchase their buildings. In this example, PLCC's development technical assistance supported preservation of 15 affordable homes, while helping to make tenant purchase a more viable pathway to housing stability along the Purple Line.

### ***Story in Progress: Place-based Investments in Long Branch***

Long Branch, a gateway community for a diverse immigrant population, will soon have two Purple Line stations. In 2012, Montgomery County contracted with [Montgomery Housing Partnership \(MHP\)](#), a local nonprofit housing developer, to revive the area's business league and support a struggling main street. MHP, with partners including the University of Maryland, began investing in small-scale, low-cost, but highly visible improvements. This kick-started stronger buy-in and leadership from the business community. Since that time, the [Long Branch Business League \(LBBL\)](#), staffed by MHP, has organized community events, launched a "Discover Long Branch" shared social media platform, and

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(*Making Transit Investment Work for Communities in Maryland*, Continued from page 17)

invested in murals that give the neighborhood a uniquely visible identity.

Meanwhile, PLCC began organizing its Small Business Action Team in 2018, with MHP as an early partner. The team established place-based management models, such as Main Streets, as a key strategy for commercial district management led by organizations with deep neighborhood ties. For the past five years, PLCC has been working to strengthen local capacity for proven place-based management models, putting more power into the hands of community partners and small business leaders to shape their neighborhoods and local economies. PLCC has offered training to community-based groups, organized Main Streets walking tours for local leaders, raised funds for specialized and coordinated technical assistance to businesses, and facilitated partnerships with UMD design courses to activate the commercial district. In 2023, Montgomery County created a new place-based management grants program to support the organizations like the LBBL. PLCC's platform enables neighborhood-based groups across the transit corridor to share lessons, expand their work, and achieve goals established by local businesses.

### **Story in Progress: Queensway Restaurant Tipping the Scales**

Queensway Restaurant has fed the local community award-winning Nigerian food for nearly three decades. The restaurant is housed in Riverdale Plaza, an 11-acre aging strip mall site just steps from the future Riverdale Park-Kenilworth Purple Line station. The Purple Line is expected to bring new value to this land, and the community knows that redevelopment is likely.

Tinu, Queensway's owner, wants to stay in the community. PLCC partners like [Latino Economic Development Center](#) initially connected with Queensway through technical assistance in 2020. This led to a long-term relationship with the coalition, involving multiple partners. Over time, partners have supported Queensway to establish a social media presence, strengthen the restaurant's catering operation, and assist with branding and retail strategy – all of which enhances the business's resilience in case Queensway is displaced from its current location.

In 2022, after being notified that Queensway's air conditioning was not operating during peak summer, PLCC organized a walk-through of the site with local leaders. The team sampled Queensway's delicious food offerings – amid heat, peeling paint, and unkempt sidewalks. Representatives of the Town of Riverdale Park attended the walk and notified



*Tinu and Queensway food*  
Photo credit: Catherine Rytkonen

the group that there was a new commercial code enforcement policy that could address some of these issues. Within a few months, basic repairs had taken place that improved the daily experience for Tinu and her customers.

The walk also inspired PLCC to ask questions about how communities can benefit from the eventual redevelopment of the many single-story suburban-style strip malls that occupy much of the land near Purple Line stations. PLCC is now identifying strategies to influence equitable redevelopment of these sites, with input from community groups, developers, and data experts. With support from PLCC's established network of organizations, Tinu is continuing to anchor her community with good food – and pushing her ecosystem to find solutions for legacy businesses that wish to stay in their changing Purple Line communities.

### **Moving Forward in 2025**

Media coverage of the Purple Line often focuses on the project's failures, including its high price tag. But the Purple Line is also a story of collaboration, persistence, and tenacity. Advocates fought for decades to bring this transit investment to the Maryland suburbs, facing political battles and lawsuits along the way. Similarly, organizers and local leaders came together in new ways when it became clear that the Purple Line would bring unprecedented change to the communities along the Line. PLCC emerged as an important local force through hard-won battles and a network of people willing to work toward new possibilities, even against great odds.

Over the past decade, the Purple Line corridor has faced a pandemic, [unplanned work stoppages](#), and [extended construction delays](#). Each of these moments could have ended the work, but instead served as an inflection point and an opportunity to drive progress forward in ways that met the challenges of the moment.

As PLCC plots its work in 2025, political changes once again bring uncertainty and fear to Purple Line communities. The coalition is actively organizing conversations with partners about how to navigate an environment where threats of funding losses and immigration raids loom large. Although solutions in this work are rarely easy, the coalition will continue leaning on its greatest strength – a resilient and creative network of groups working toward a common vision. The path PLCC is carving along the Purple Line corridor – along with other similar efforts that have taken root around the country – requires commitment that transcends the politics of a particular moment in time. Ultimately, success

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Murals give the Long Branch neighborhood a uniquely visible identity.  
Photo credit: Enterprise Community Partners

along the Purple Line contributes to a larger movement that will help other communities benefit from major infrastructure investments long into the future. ■

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(*Dividing Lines and the Infrastructure of Racial Inequality*, Continued from page 15)

American laws prohibiting racial discrimination in public decision-making often employ broad and powerful language that, in theory, cover racially oppressive transportation policy. The language of existing legislation *should* offer pathways to challenge the racial discrimination that has guided infrastructure decisions, and to challenge the decades of accumulated structural racial inequality that made Black communities the path of least resistance for planners and their bulldozers. In practice, however, the prevailing interpretations and applications of these laws by the federal courts have severely constrained those laws' potential. Far too often courts have interpreted or applied the laws to *limit* their power within an ecosystem that gives undue deference to public officials, while placing undue burdens on community members who are challenging municipal actions. The courts have found that they can explain away stark racial disparities and evidence of intent to harm Black communities. Or, perhaps more accurately, they can explain away the intent to protect white communities at all costs.

## Conclusion

There is an irony in all of this. Roads, highways, and public transportation investments have been instrumental in connecting far-flung communities to one another. The

American economic engine, and the wealth and opportunity it has provided for generations, would not be possible without them. For many Americans, the open road is synonymous with freedom. But this nation's transportation infrastructure was never intended to provide those opportunities to everyone.

From collapsing highways to pockmarked roads to unreliable and inadequate public transportation systems, the need to rebuild is manifest. Today, America's transportation infrastructure is crumbling from age and underinvestment. The collapse of the Key Bridge in Maryland is but one stark example. Spatial racism persists of course, and Black lives, homes, and communities continue to be valued less than others. In a nation where political power is deeply intertwined with race and economic power, it is not surprising that Black communities continue to disproportionately bear the burden of transportation infrastructure development.

As we rebuild, we have a choice to make. We can exacerbate past harms by continuing to make choices that benefit some communities at the expense of others. Or we can choose a new path and use this opportunity to truly build America's transportation infrastructure back better. But we cannot truly repair our infrastructure until we understand its troubling history. ■

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(*Transportation Equity: A Serious Turn in the Federal Road*, Continued from page 14)

To help track this goal and enable communities to more easily do their own analysis on transportation and other types of burden, USDOT created the [Equitable Transportation Community \(ETC\) Explorer](#). This included a newly established [Transportation Disadvantaged Index](#) to reflect how a community is experiencing disadvantage relative to transportation investments. Transportation disadvantage was determined based upon federal data that considered these specific factors: Transportation Insecurity, Health Vulnerability, Environmental Burden, Social Vulnerability and Disaster Risk Burden. The Biden USDOT [encouraged applicants to its discretionary funding programs to use the ETC Explorer to increase understanding of transportation disadvantage at the community level and prioritize projects that mitigate or reverse the causes of transportation disadvantage.](#)

## The road ahead

Transportation equity is at a crossroads. State departments of transportation, metropolitan planning organizations, local governments and the transportation industry itself have made substantial progress over the last decade to acknowledge the inequities of past transportation decisions, mitigate against environmental and transportation access burdens on communities, deploy more inclusive community engagement practices, and prioritize new investments in transit, road

safety, accessible transportation, complete streets and reconnecting communities.

Yet in devastatingly stark contrast to the progress of the past four years under President Biden, the demonization and decimation of diversity, equity, and inclusion actions are a [banner for President Trump. Since he took office on January 20, 2025](#), we've seen unprecedented attacks on the people, policies, programs and institutions designed to generate equitable outcomes and upon the social safety net itself.

In the transportation space, this has included the elimination of programs and decimation of information focused on equity outcomes and also of the firing of staff, the [rescission of funding](#) and the claw back of contracts, and targeting policies and programs that benefit local communities and [metropolitan areas](#).

For example, the Equitable Transportation Community Explorer and other equity related data sets have now all been removed from USDOT's website. While the Trump USDOT takes the posture that it's not against funding projects benefiting Black and Brown communities but that [funded projects need to be merit based](#), it is hard to understand how that is possible when it simultaneously removes any data or analytic tools that can help to quantify these impacts and potential benefits.

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*(Transportation Equity: A Serious Turn in the Federal Road, Continued from page 20)*

Additionally chilling are the accompanying [attacks by the Trump Administration on future transportation equity research](#). Contracts previously announced for research on transportation equity, safety and climate have been rescinded, USDOT research staff have been furloughed, and the Trump administration instructed researchers to halt on-going projects and redrafted language to align with their new Executive Orders attacking any form of diversity, equity and inclusion considerations. This encroachment into what historically has been non-partisan research is intentionally designed to limit the ability of researchers and practitioners to understand and address the complexities of the nation's transportation system and future mobility needs. In practical terms, this is another blow to universities and private companies that relied on federal funding and signals to public agencies that equity in any form is not to be tolerated by this administration.

USDOT Secretary Duffy issued a [January 29, 2025 memorandum](#) that laid out these policy shifts. Included within the new Secretary's "[woke rescission](#)" directive is a requirement for all of USDOT, "to identify and eliminate all orders, directives, rules, regulations, notices, guidance documents, funding agreements, programs, and policy statements, or portions thereof, which were authorized, adopted, or approved between noon on January 20, 2021 and noon on January 20, 2025, and which reference or relate in any way to climate change, "greenhouse gas" emissions, racial equity, gender identity, "diversity, equity, and inclusion" goals, environmental justice, or the Justice 40 Initiative."

As a result, many of the J40 program funds have been [rescinded or frozen by Trump Administration](#), including [dismantling resources and programs to support local road safety](#). This is particularly chilling given that low-income, elderly and people with disabilities are [disproportionately killed or injured in traffic accidents](#), with rural and Tribal communities experiencing some of the highest fatality rates.

USDOT also issued a [policy order](#) that, while proposing to remove political ideology from transportation funding, requires that preference be given to communities with "marriage and birth rates higher than the national average, including in administering the Federal Transit Administration's Capital Investment Grant program, among other things. An early analysis of this directive [by the Urban Institute](#) shows, not surprisingly, that those communities most in need of transportation investment will be left behind. Beyond USDOT, we also see even more concerning rollbacks of long standing regulatory policies and enforcement of Title VI and the Americans with Disabilities Act by the [Trump Administration's Department of Justice and Executive Orders](#) framing these well-established rights to fair treatment and accommodation as "woke" DEI policies.

Policies that target poor people have historically focused on individuals. Now, these efforts are expanding to target the institutions that support the poor, including the legal system designed to protect them. So much is being broken, so fast, that by the time this article is published the federal landscape

may look even more desolate for over-burdened populations and the communities in which they live.

Perhaps most concerning is the very real risk that the real goal by federal policy makers is to roll the federal transportation program back even further by removing long-standing environmental, safety, and accessibility regulations and standard planning practices designed to ensure that communities have a voice and legal standing to push against bad transportation projects. Reauthorization of federal transportation legislation will likely begin later this year, with IIJA funding and authorizations expiring at the end of FY2026. Republicans in Congress and the Trump Administration have signaled a desire to return to a considerably limited federal transportation program threatening the future of federal funding for transit, bicycle and pedestrian projects that provide vital mobility and accessibility options for underserved populations, and creating a framework likely hostile to equity and climate outcomes that will guide the next five years, at least, of federal transportation policy and programs.

While federal transportation policy may not be a natural area of focus for those working on issues such as housing justice, poverty reduction, and community development, the ability of people and communities to access affordable, reliable and safe transportation has a direct impact on their health and wealth. Transportation investment decisions made in the 1950s (and earlier) are still having impacts on communities today, as seen through the Reconnecting Communities program. The decisions being made today and in the next federal transportation reauthorization bill will impact current and future generations, either by reinforcing disparities and concentrating poverty; or by providing a pathway to greater opportunity and inclusion. This requires all of us to step up and consider the role we must play to defend equity and equality as essential American values. ■

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