

## **Policy Recommendations for the U.S. Department of Transportation To Promote Sustainable Communities**

This document identifies a number of high-priority opportunities for the Department of Transportation (DOT) to promote sustainable communities within its existing and planned programs. The vast majority of these changes can be accomplished without legislation.

### **1) Establish specific livability criteria for allocation of discretionary spending transportation programs.**

The \$1.5 billion TIGER discretionary grant program, created in the American Reinvestment and Recovery Act (ARRA) and continued at \$600 million in FY10 DOT Appropriations bill, is a highly visible example of incorporating livability criteria, including factors such as fuel and travel time savings, carbon emission reductions and economic and public health benefits, into the grant decision-making process. While incorporating livable and sustainable communities criteria was an important first step in taking into account the full breadth of benefits from investing in transit, to date there has been little guidance from DOT regarding the specifics of this criteria. We support the replication of these livability criteria in other DOT discretionary programs. It will be critical that DOT provide more specificity on what such a criteria includes--i.e. Specific goals related to safety, greenhouse gas emission reductions, improvements to public health, increased transportation choices, etc. Estimating these kinds of livability benefits, and including strategies to report on performance should be pursued by DOT.

### **2) Better incorporate and reward affordable housing and environmental benefits within federal review and ratings for transit New Starts and Small Starts.**

The January 13th announcement by Secretary LaHood regarding the relative weight of the Cost Effectiveness Index (CEI) in rating proposed transit projects was met with enthusiasm from transit, economic development and community development stakeholders. This is an important policy action taken by USDOT to support livable communities. The December 2009 Notice of Funding Availability (NOFA) for urban circulator and bus programs to support livability was also met with much interest. These are important advances, and we believe that there is significant opportunity in the upcoming re-evaluation of the CEI and ratings process to give greater consideration to affordable housing and environmental benefits of proposed transit investments. Both of these could be advanced by including a greater focus on the regional impact of the investment rather than only focusing on the immediate project impacts.

Specifically, we support using existing statutory authority to create incentives for the preservation and creation of mixed-income housing near transit. The Secretary has discretion to include an "other factor when evaluating new corridors for funding. This should be used to reward projects that demonstrate a significant commitment to the preservation or creation of long-term affordable and mixed income housing within the proposed corridor. The elevated project rating would be dependent on the project sponsor demonstrating a commitment to adopt, or having already adopted, funding and land use policies that ensure families of all income levels can afford to live within the proposed corridor throughout the lifespan of the New Starts/Small Starts investment. In addition, we recommend that local investments in affordable housing within the transit corridor be counted toward the required match of federal dollars in the New Starts / Small Starts program. This

would create a strong incentive for communities to commit local funds for affordable housing to ensure that families of all incomes can afford to live within walking distance of public transit.

**3) Disseminate best practices on use of existing DOT programs and flexibility within programs to promote livable community principles.**

For instance, US DOT use of STP funds to create metropolitan livability programs, best practices and case studies on metropolitan areas that have utilized scenario planning and blueprint planning, and/or have coordinated long-range transportation investments with housing, economic development or regional growth plans. Best practices and case studies in the use of CMAQ, STP, historic preservation, enhancements and safety program funds to support livability principles. These materials should be shared with both grantees and regional offices of FTA, FRA and FHWA.

**4) Create expanded technical assistance to communities and state DOTs on livable transportation programs and projects**

Existing authority and contracts to provide technical assistance on the development and implementation of livability policies and programs should be fully utilized and expanded. AASHTO and APTA both provide technical assistance programs to their members that could be informed by this work, and expanded to focus on livable transportation. FTA and FHWA have contracts with organizations such as Project for Public Spaces, the Surface Transportation Policy Partnership, and the Center for Transit-Oriented Development that could be better coordinated and expanded to provide increased technical assistance. DOT could bring together grantees that provide technical assistance to identify opportunities for coordination and areas or topics that need a stronger focus and TA support.

**5) FHWA should issue guidance to division offices and state DOTs clarifying that while level of service (LOS) is a useful technique for studying traffic distribution across a transportation network and for assessing the need for improved public transit, it is *not a minimum criterion* for federal cost participation in road or street projects.**

The guidance document should address the following principles:

- The simplified versions of LOS used in many statewide and metropolitan planning processes (e.g., simple peak hour V/C estimates) are too inaccurate and unreliable to serve as criteria for prioritizing transportation investment projects and should be phased out.
- Roadway LOS should not be used in planning and design processes unless it is part of a multimodal LOS system that evaluates service levels for all modes of travel. Pursuant to provisions of the federal transportation planning statutes and regulations in effect since 1991, transportation improvement programs and long-range transportation plans must reflect balancing of mobility and access across transportation modes.
- Roadway LOS – however calculated – is not a minimum criterion to be used in project planning and design.

**6) FHWA should re-issue bicycle-pedestrian accommodation guidance to state DOTs and MPOs to reflect a Complete Streets approach, and should start data collection and project evaluation to prepare for a federal complete streets policy requirement.**

Given that Congressional guidance on Complete Streets is expected within the next year or two, FHWA should take the following three-step approach:

1) FHWA should re-issue the 2000 “Design Guidance: Accommodating Bicycle and Pedestrian Travel: A Recommended Approach” and make these changes:

- Incorporate more definitive language on the need to accommodate all modes
- Add reference to public transportation users and vehicles, older people, and people with disabilities.
- Elevate the already good recommended policy language, and
- Make reference to the growing adoption of Complete Streets policies at the local level.

FHWA, in cooperation with FTA, should also provide resources and technical assistance to state DOTs and MPOs to assist them in adopting and implementing policies, including: workshops and trainings, best practices, model policies, and a step by step guide to policy development.

2) Rulemaking

Within a year, FHWA should initiate a rulemaking process concurrent with Congressional deliberations by publishing a Notice of Proposed Rulemaking and launching a national dialogue on complete streets policy provisions and evaluation criteria. The Notice should state an intent to ensure that all street and highway projects that involve new routes or substantial reconstruction of existing facilities must accommodate the needs of all users, including pedestrians, cyclists, minorities, older adults, and those with disabilities, as well as current and future requirements of public transit routes.

3) Data Collection and Project Evaluation Criteria

FHWA should start collecting data needed to assess how well federal funds are supporting multi-modal complete streets projects as well as better information on travel by non-motorized modes. FHWA should also devise an evaluation system to determine the extent to which federally funded projects make safe accommodations for all modes. Current grantees could report on how their project improves accommodation for all users or complete a checklist on the inclusion of complete streets type street improvements (such as sidewalks, bike lanes, crosswalks, countdown signals, curb bulb-outs, etc). This could begin to build a new base of information while encouraging a multi-modal approach.

**7) Require additional reporting from State DOTs and Metropolitan Planning Organizations (MPOs) on transportation funding decisions and outcomes with the stated objective of achieving transparency of and convenient public access to information about the use of federal surface transportation funding.**

The model set by Administration management and reporting on ARRA (White House memorandum M-09-10) can serve as a baseline for implementing this recommendation. Like current ARRA reporting systems (see Recovery.gov), data should be compiled, organized and made available on the Internet through a plain-English website. Beyond that, a new federal surface transportation performance monitoring and reporting website should have built-in provisions for data access and

analysis. A comprehensive glossary should be provided and data reporting from all agencies and grantees should be standardized to support both routine reports and ad hoc investigation.<sup>1</sup>

**8) Recommendations that require close coordination between DOT and HUD, EPA:**

**A. Improve consolidated planning process between federally required long-range transportation, housing and environmental plans.**

- Add a section to 24CFR 91 requiring coordination with regional transportation planning agency, including but not limited to consideration of (a) impacts of planned transportation investments on housing market analysis and barriers to meeting regional housing affordability goals; (b) maximizing the power of federal housing funds to increase overall household affordability through location-based distribution that takes into account the accessibility and affordability of transportation options; and (c) guiding economic growth and community development through targeted CDBG distribution that aligns with regional and neighborhood transportation investments.
- Issue guidance on how to use existing consolidated planning statute and process to better integrate local housing plans with regional transportation, economic development and environmental objections. Guidance and/or supporting documents that could be made available through HUD website should include re-posting Growing Smart to provide guidance on updating local zoning and codes, and links to research that show the benefits and strategies of integrating housing with land use, climate and transportation.

The implementation of HUD's Sustainable Communities grants will be an important opportunity for USDOT to work with selected communities, particularly through DOT regional offices, to identify potential barriers and data needs from MPOs, transit agencies and state DOTs, with an eye towards achieving a more simplified and consolidated planning process. The initial findings from this year's grants should inform reauthorization of the federal surface transportation bill.

**B. Establish a Sustainable Communities research consortium.**

Public and private data and research experts should be part of a new federal partnership to develop a shared database for better evaluating and articulating sustainable community objectives and performance measures. This would then expedite public adoption of these tools through a streamlined federal peer review process, and open source data collection.

**C. Work with HUD and EPA to develop a shared set of "smart location" criteria that would direct federal investments in environmental protection, housing and community development, and transportation to priority areas.**

DOT, HUD and EPA could apply these criteria to discretionary grant programs and use them as a mechanism to align and effectively target federal programs to promote sustainable communities and increase the return on federal investments. By defining location efficiency, the agencies can also help states, localities and regions identify specific geographical areas within the

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<sup>1</sup> Please refer to Smart Growth America's Administrative Recommendations for the Department of Transportation (December 2009) for additional details and reporting measures pertaining to FHWA Fiscal Management Information System (FMIS), FTA Transportation Electronic Award Management (TEAM), FTA National Transit Database (NTD), and Bureau of Transportation Information (BTS).

transportation network that should be top priority for federal transportation program funding. DOT can provide technical assistance to grantees to map these locations so that communities can see the boundaries of the areas that satisfy these criteria; and provide guidance to communities about how to use this information.

Smart location criteria should take into account a variety of sustainability factors, such as the proximity to sensitive lands, distance from public transit stops and job centers, availability of existing infrastructure, and presence of essential community facilities, and be usable in markets of all sizes and in urban, suburban and rural areas. The criteria compiled by Smart Growth America provide a useful place to start.<sup>2</sup>

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<sup>2</sup> Please see Appendix A, “Smart Growth America: Smart Location Criteria to Promote Sustainable Communities” for a matrix of proposed criteria.