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**Contention 1: Inherency**

**Current highway legislation increases fares for riders and does not resolve access problems in mass transit. The new bill removes federal capital funding requirements from previous legislation and neglects the increasing reliance on mass public transit.**

**Laing 6/12**

Keith, June 29, “Transit union says highway bill will raise public transportation fares for riders,”

<http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/235607-transit-union-says-highway-bill-will-raise-public-transportation-fares-for-riders>

**A union for employees of the public transportation system called the $120 billon highway bill a "death blow" to mass transit that will result in higher fares for riders**.  The Washington, D.C.-based Amalgamated Transit Union said **the compromise between the House and Senate on a long-sought surface transportation spending bill will limit public transit systems from using federal money that had traditionally had been used for new construction to help pay for operations**.  **The result will be higher fares for mass transit riders**, ATU President Larry Hanley said Friday.  "**This transportation bill is a death blow to public transportation; it not only does nothing to address the American mass transit crisis, but will make it much worse**,” Hanley said in a statement released by the union. “**It’s actually a tax increasing bill that will impose hidden taxes on commuters and transit riders by raising fares while forcing cash-strapped transit systems to cut more service**,” he continued. The ATU said **the original transportation bill that was approved earlier this year by the Senate had a provision dealing with the capital funding requirements for public transit systems. But the language did not survive the contentious conference negotiations** between the upper chamber and the House, the union said. **The transit union is also taking issue with the elimination of a provision in the Senate's version of the transportation bill that would have restored a $230 tax credit for commuters who take public transit to work. The benefit, which was included in the 2009 economic stimulus, expired at the beginning of 2012**. The credit has since been reduced to its original $125. Hanley said **neglecting to restore the $230 benefit would stifle public transportation ridership**. "**More and more Americans are relying on public transportation to get to and from work, school, the doctor and other daily tasks and this bill will hit them right in the pocket**,” he said. “We urge Congress not to pass **this failed legislation** which **continues to starve mass transit and further weaken our economic recovery**.”

### Transportation Equity 1AC

**Infrastructural investment and access remedies must begin with understanding the negative environmental consequences on socioeconomically disadvantaged groups. Transportation inequity exists through procedural, horizontal, and vertical forms of inaccessibility that can be addressed through a framework of environmental justice and equal protection under civil rights.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

A. Principles **Transportation equity obtains when fairness in mobility and accessibility levels across race and class becomes a reality in all places**. [n30](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n30) **Evaluating transportation equity requires an examination of:** (1) **the negative environmental consequences of transportation policies**; (2**) the discrepancies in resource allocation and investment; and** (3) **distribution of service among the various population groups, particularly among socioeconomically disadvantaged people**. [n31](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n31)

**The principles of transportation equity are deeply rooted in environmental justice. Environmental justice embraces the fundamental principle that all people and communities are entitled to fairness and equal protection of the environmental, health, housing, transportation**[\*62]  **and civil rights laws.** [n32](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n32) The EPA Office of Environmental Justice has defined fairness in the following way:

**Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group[,] should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies**. [n33](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n33)  **In the transportation context, environmental justice seeks to eliminate unfair and inequitable conditions; to demand that transportation plans and policies avoid, minimize, and mitigate negative impacts to particular communities; and to ensure that disadvantaged groups receive their fair share of benefits.** [n34](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n34) **Analysts use several models to evaluate transportation equity. These models** attempt to **elucidate the disparate outcomes in transportation planning, operation, maintenance, infrastructure, and expenditures**. [n35](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n35) To facilitate the evaluation, analysts place transportation users into groups based on geography, income, age, employment status, race/ethnicity, travel behavior, transportation access, and tax payments. [n36](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n36) Professor Todd **Litman sets forth** three **types of transportation equity**. [n37](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n37) **Horizontal equity** [n38](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n38) **addresses the fairness and cost-benefit allocation between individuals who are similarly situated in ability and need. Public policies should avoid favoring one group over another** because customers should generally "get what they pay for and pay for what they get." [n39](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n39) **Vertical equity with regard to income and social class** [n40](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n40) **addresses the distribution of costs and burdens between groups**[\*63]  **which differ in income or social class**. [n41](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n41) **Equity obtains when transportation policies favor disadvantaged groups, thereby compensating for overall inequity**. [n42](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n42) **Vertical equity with regard to mobility need and ability addresses the degree to which transportation systems serve groups who differ in transportation ability and need.** [n43](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n43) Professor Robert D. Bullard looked at disparate outcomes to define transportation inequity. [n44](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n44) **Procedural inequity analysis looks to the process by which transportation decisions are made; if the process includes a diverse group of public stakeholders; and if the decisions are carried out in a uniform, fair, and consistent manner.** [n45](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n45) **Geographic inequity analysis explores how transportation decisions affect various geographic areas and spatial locations. This analysis identifies disparities in the quality of transit services within a region and determines if the services within a specific location adequately meet the transportation needs of that location**. [n46](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n46) Social inequity analysis evaluates the distribution of transportation benefits and burdens across social groups. [n47](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n47)

### Transportation Equity 1AC

**Past civil right legislation and court decisions have not been effective to ensure environmental justice in regard to the intent to discriminate standard**

Cole and Foster 01

Luke is director of California rural legal assistance on race, poverty and the environment. Sheila is a professor at the Rutgers school of law. Pages 126-127 in *From the Ground Up.*

However, civil rights claims, particularly those based on constitutional principles of equal protection, have not been successful in transforming environmental decision-making processes to take into account the social, political, and economic vulnerability of poor communities of color. Courts have significantly watered down civil rights laws in the past twenty years, so what appears to the average person to be a clear civil rights violation might not fit the narrow legal definition of such a violation. As we discussed in chapter 3, courts have ruled that a government action that might have a discriminatory impact is not unconstitutional unless the decision maker had a discriminatory intent, something that is very hard to prove. Consequently, no plaintiff has prevailed in alleging a federal constitutional violation in an environmental justice suit, although this strategy has been tried in numerous jurisdictions around the country. The civil rights claims that promise the best avenue of relief are those based upon civil rights statutes, particularly those statutes that allow proof of a violation on the basis of discriminatory impact rather than discriminatory intent. Two central civil rights statutes that contain an impact standard and that are potentially available and appropriate in environmental justice struggles, are Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Title VI prohibits discrimination on the grounds of race, color, and national origin by “any program or activity receiving Federal financial assistance.” While litigants under Title VI itself must prove that a defendant intentionally discriminated, the regulations implementing Title VI across the federal government generally state that discriminatory effect (or disparate impact) alone is enough to show unlawful discrimination. Because of these differing standards, environmental justice cases have relied on the regulations that are used to implement Title VI, rather than on the statute itself. The discriminatory effect standard is codified in the regulations of most federal agencies including the Environmental Protection Agency and the Departments of Agriculture, Defense, Energy and Interior. Because many state agencies receive federal funding (often channeled through particular federal agencies), and because Title VI broadly define “programs or activity receiving Federal financial assistance, “Title VI may be applied against state and local agencies. Title VI applies to an entire state agency of even one part of that agency receives federal funding; because of this broad coverage, most state agencies likely to be encountered in an environmental justice suit are probably are probably also subject to Title VI.

### Transportation Equity 1AC

**A de-facto right to transportation exists but is wedded to inequality for all citizens. The 14th amendment provides a site for interpretation of equal access to the right of transportation.**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**The right to travel and freedom of movement act together to prohibit unjustified and burdensome restrictions on travel and mobility locally, across state borders, and internationally. Nowhere has it been suggested that these rights carry with them a concomitant right to transportation.** However, the existence of such a right to transportation is not as outrageous as it may seem at first glance. **Despite indications by the Supreme Court that a right to transportation is improbable, several constitutional sources and constitutionally based doctrines could plausibly give rise to a remedial right to transportation, or at least lend support to the existence of such a right: the Due Process Clause of the Fourteenth Amendment, the right to travel,****and freedom of movement.**This Note argues that **a de facto right to transportation exists and is supported by**, though not based on, **the right to travel and freedom of movement. Federal and state governments have devoted massive amounts of funding to transportation projects, creating a de facto right to transportation.** This devotion to the development of transportation networks is likely to continue given transportation's importance to economic development. **This de facto right to transportation must apply equally to all citizens through the Equal Protection Clause of the Fourteenth Amendment.** However, **this right currently does not exist equally for all classes - the urban poor, a large proportion of whom are minorities, are disproportionately excluded from its benefits. Transportation funding has been used primarily for the development of highways and roads, to the benefit of car owners. This focus on highway development has also disrupted other forms of urban mobility**. This Note argues for greater funding of urban mass transportation systems as a means of alleviating this disparity.

**Advantage One: Job Accessibility**

#### Mass transit is not able to get people to jobs, this will become especially crucial to low or middle income families due to high gas prices

Katz 11

Bruce Katz – Vice president and director at metropolitan policy program at Brookings 5/12

http://www.brookings.edu/events/2011/05/12-transit-jobs#ref-id=0512\_transit\_jobs\_puentes

It’s not enough to create more and better jobs if workers can’t get to them. Over the past several decades, employment has become increasingly decentralized. As what can only be described as an exit ramp economy in the United States. As of 2006, 45% of jobs in the top metropolitan areas were over ten miles away from the central business district. Only about a fifth of jobs are within three miles of the central business district. These location dynamics have completely upended the daily commute in the United States. In the US, getting from home to work has become a heroic act. As more people are commuting to their jobs, with gas prices just under four dollars a gallon, this is becoming a burden many families cannot afford. The ramifications of higher fuel prices are extensive, they’re damaging, to an already fragile economic recovery. Those that will be especially hurt by this are low and middle income families. The projected fuel cost for the average household will be about 825 dollars higher in 2011 than they were in 2010. That’s too high a price, and if history is any guide, many families will seek public transit, if it is available as a viable option especially for people commuting from the suburbs. As families seek transportation alternatives, how efficient and reliable are transit systems in the top 100 metropolitan areas? Is transit ready for what could be a transit moment? No. Are metros capable of growing in ways that support reliable and tolerable commutes? No. This is a scholarly report, not an academic activity. As far as the job deficit goes, again, it’s not enough to create jobs if we can’t people to those jobs.

### Transportation Equity 1AC

**Transportation inequity directly affects jobs access.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

**Transportation inequity adversely affects three critically important concerns of urban core residents: jobs, education, and health. The demand for transportation equity in the urban core extends far beyond "new" versus "old" or bus versus rail: it is firmly rooted in the health and prosperity of a people**. [\*70]  **Although high-paying jobs have remained in cities, many entry-level jobs suitable for low-income residents have moved to the sprawling outer-ring suburbs**. [n87](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n87) **Public transportation is often inadequate or unavailable for inner-city residents to make the reverse commute.** [n88](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n88) **These residents must either find someone who owns a car as is willing to drive them, rely on employee shuttles, or make treacherous walks from the nearest transit stop.** [n89](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n89) **This "spatial mismatch" is a formidable challenge for the reverse commuters in the urban core,** [**n90**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n90) **especially for welfare recipients who are making the mandatory transition** [**n91**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n91) **from welfare to work**. [n92](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n92)

#### Cuts in mass transit have greatly disadvantaged low income people and people of color in the job market

Ross 11

6/6, Janell, is a business reporter at the Huffington Post, based in New York. Previously she was an immigration, race and social issues reporter at The Tennessean in Nashville. Janell covered local politics, labor and higher education at The News & Observer in Raleigh and the Corpus Christi Caller-Times. Her work has also appeared in USA Today. Janell earned a bachelor's degree from Vassar College and a master's degree from the Columbia University School of Journalism. <http://www.huffingtonpost.com/2011/06/06/transit-cuts-costing-work_n_871032.html>

The people are in one place, many of the new jobs in another, according to a recent report. "Missed Opportunity: Transit and Jobs In Metropolitan America," a May [report](http://www.brookings.edu/~/media/Files/Programs/Metro/jobs_transit/0512_jobs_transit.pdf" \t "_hplink) from the Brookings Institute, found that nearly 70 percent of people in large metropolitan areas live near some form of public transit. And despite transit route coverage varying from region to region, one rule held true: it's city dwellers with low incomes that have the best access to public transportation. Suburban communities occupied by middle-income and low-income families have the least access. That would seem to benefit city-dwellers. But there's a problem. Employment decentralization is increasing, and many new jobs -- whether in retail, health care, educational services or manufacturing -- are located in suburban and even further-flung exurban neighborhoods, according to the report. The task of getting to newly-created jobs has grown more difficult for low income, public transportation-dependent workers. Most metro-area residents can only get to about 30 percent of jobs within 90 minutes using public transit, the report found. And it's even worse for those seeking low- and middle-skill jobs, as only about 25 percent of those jobs can be reached within that same timeframe using public transit. Low-income suburbanites, a large and growing group, face trouble, too. Because of limited transit networks in most suburbs, these workers can only access 22 percent of low- and middle-skill jobs, according to the report. Local governments have [cut back transit budgets](http://www.nytimes.com/2010/03/25/nyregion/25mta.html" \t "_hplink) and in many cases actual transit routes because of declining tax revenue and large pension and health care obligations. When many workers need public transit to get to work, scaling down transportation can also hurt a city's ability to recover, the report said. Top of Form Bottom of Form In April, The Huffington Post's William Alden[reported](http://www.huffingtonpost.com/2011/04/05/milwaukee-budget-cuts_n_844551.html" \t "_hplink) that in 2009 there were more than 40,500 jobs in Wisconsin alone that were inaccessible to people who do not have cars. In Milwaukee County budget cuts have slashed bus service, measured in hours, by 20 percent since 2001. Despite those sorts of cuts, across the country, public transportation

### Transportation Equity 1AC Cont…

use hasn't declined in any serious way. In the last quarter of 2010, public transport use was down by less than one percent when compared to ridership recorded during the same period in 2009, the [American Public Transportation Association](http://www.apta.com/mediacenter/pressreleases/2010/Pages/100912_Ridership.aspx" \t "_hplink) reported. This jobs-transportation disconnect has helped to fuel the nation's stunningly high black unemployment rate, Roderick Harrison, a Howard University Sociologist and fellow at the Joint Center for Political and Economic Research, [told The Huffington Post in April](http://www.huffingtonpost.com/2011/04/01/black-unemployment-rises-overall-drops_n_843891.html" \t "_hplink). "The jobs are being created in the sorts of places you can't get to without a car or without dedicating significant time and significant resources to the commute," Harrision said. Workers of color are disproportionately clustered in low-pay and low-skill jobs, making them more likely to be dependent on public transportation. That was the reality before the recession, and it hasn't changed now that the recession has ended, Harrison said. In May, the country's overall unemployment rate rose to what many analysts are describing as a disappointing 9.1 percent, according to the [Bureau of Labor Statistics](http://www.bls.gov/news.release/empsit.nr0.htm" \t "_hplink). While serious, it's better than the black unemployment rate, which has climbed to 16.2 percent. Latino unemployment also hit 11.9 percent in May. Americans have also been less prone to move to take jobs, making adequate public transit all the more important. Census data [released](http://marketplace.publicradio.org/display/web/2011/05/25/am-the-recession-changes-us-migration-patterns" \t "_hplink) last month indicates that since the recession first began, people are moving around the country less frequently than at any time since the government began tracking migration between states.

#### People in poverty are more likely to be able to get out of poverty if they have a greater job access through shorter commutes

Ong 98

Paul, dept of urban planning, professor of public policy and social research, UCLA

Welfare recipients face a number of obstacles to making the transition from welfare to work. One is their geographical separation from employment opportunities: many welfare recipients live in 'job-poor' neighbourhoods far from employment for which they are qualified. Combining administrative data on welfare recipients and employment in Los Angeles with data from the 1990 decennial census, we show that greater access to jobs in low-wage firms increases the likelihood that welfare recipients find employment in neighbourhood jobs. Moreover, welfare recipients who have long commutes earn less than those who find work closer to home, contrary to the pattern for most workers. These findings demonstrate that proximity to low-wage jobs benefits welfare recipients through reduced commuting expenses and increased earnings.

#### Poverty is the equivalent to a would-be thermonuclear war between the former-USSR and the US every 15 years.

James Gilligan 00, Department of Psychiatry Harvard Medical School, Violence: Reflections on Our Deadliest Epidemic, 2000, p 195-196.   
  
  The 14 to 18 million deaths a year cause by structural violence compare with about 100,000 deaths per year from armed conflict. Comparing this frequency of deaths from structural violence to the frequency of those caused by major military and political violence, such as World War II (an estimated 49 million military and civilian deaths, including those caused by genocide--or about eight million per year, 1935-1945), the Indonesian massacre of 1965-1966 (perhaps 575,000 deaths), the Vietnam war (possibly two million, 1954-1973), and even a hypothetical nuclear exchange between the U.S. and the U.S.S.R (232 million), it was clear that even war cannot begin to compare with structural violence, which continues year after year. In other word, every fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide, perpetrated on the weak and poor every year of every decade, throughout the world.

### Transportation Equity 1AC

**Advantage Two: Food Access**

People of color are disproportionally affected by food inequity due to lack of access and availability of supermarkets in their area.

**Hill 12,** Marc LamontProfessor, author and activist, Marc Lamont Hill is host of the nationally syndicated TVOne news show Our World With Black Enterprise, “Food Justice is Racial Justice”, [http://www.momsrising.org/blog/food-justice-is-racial-justice/#ixzz1zIh33M4H](http://www.momsrising.org/blog/food-justice-is-racial-justice/" \l "ixzz1zIh33M4H" \t "_blank), April 20th, **2012**

I have spent a lot of time in urban America looking at different neighborhoods and different cultures. I’m an anthropologist and I’ve examined the culture around food and some of the reasons why my community has the relationship to food that we do. One of the reasons that black people have the unhealthy eating habits that we dois that manyof uslive in food deserts. When you see the differences between affluent neighborhoods and poor black and brown neighborhoods, the contrasts are visually stunning**.** Take for example Columbia University where I live and work, there are high quality restaurants, healthy supermarket, and there are even gardens of fresh fruits and vegetables. However if you just head uptown on Broadway, you will know when you’ve arrivedin a poor community of color because suddenly there are 24 hour liquor stores, candy stores, bodegas, fast food joints, and Chinese take-out. There are fewer supermarkets and real restaurants. When you do see a supermarket, the meat isn’t fresh and it has a bad smell to it. To make matters worse, liquor stores because of their convenience becomes a central place where people buy food. The visual of these contrasts are deeply depressing. The physical and geographical barriers to accessing healthy food in food deserts are substantial. Decent supermarkets might be miles away, or there is no direct transportation. Or, there are a lot of highways and expressways that make it hard to navigate. But another equally powerful obstacle to accessing healthy food is the economic barrier. There might be a whole market or grocery store right around the corner, but fruits and vegetables are so over priced that the people who live there can’t afford them. The reality is that cheaper food is typically unhealthy food.Yes, there is a great deal of personal responsibility when it comes to choosing what we do and do not eat. And, we should make better choices. But, lets not pretend that anyone working 12hrs a day, who lives miles away from a decent grocery store, wouldn’t on many nights just grab fried chicken wings from the nearest 24hr take-out. These bad choices –however limited – indicate a culture of bad eating. Now, black and brown people not only need better access to healthy food, but we also need to be educated on how to make better food choices.However, it isthe lack of physical and economic access to healthy meals that has fueled this culture of unhealthy eating,which has led to a public health crisis that disproportionately impacts our communities**.** Food deserts aren’t just a social issue; they are a political issue. Just like there has been healthcare reform, we need government intervention in order to stem the tide of increased disease and death linked to diet and nutrition. There are surgeon general warnings on cigarettes and alcohol. There are laws to protect young people from purchasing these harmful substances. And a recent Pew poll shows that most people want stronger regulations on the snack foods sold to children in schools. In addition to regulating junk food, subsidies need to be creating to develop more community gardens, assist small businesses in making healthier food available, and bringing down the cost of high-quality fruits and vegetables in low-income communities.There is no better example of racism in the 21st Century than the relationship of black/brown people and the access to healthy foods. People think about racism as an individual act of prejudice or discrimination from one person to another.  That’s not what it’s about.  It’s about systems, structures and institutions.

### Transportation Equity 1AC

Food deserts don’t have adequate transportation for low income and racial minorities   
Chart, Natasha, Writer for news.change.org,  2009**-**06-25 “Food Deserts in America” <http://news.change.org/stories/food-deserts-access-in-america>

The USDA has finally released an eagerly awaited report on [food deserts in America](http://www.ers.usda.gov/Publications/ap/ap036/). These conclusions are presented in the summary: Of all households in the United States, 2.3 million, or 2.2 percent, live more than a mile from a supermarket and do not have access to a vehicle. An additional 3.4 million households, or 3.2 percent of all households, live between one-half to 1 mile and do not have access to a vehicle. Area-based measures of access show that 23.5 million people live in low-income areas (areas where more than 40 percent of the population has income at or below 200 percent of Federal poverty thresholds) that are more than 1 mile from a supermarket or large grocery store. However, not all of these 23.5 million people have low income. If estimates are restricted to consider only low-income people in low-income areas, then 11.5 million people, or 4.1 percent of the total U.S. population, live in low-income areas more than 1 mile from a supermarket.

Data on time use and travel mode show that people living in low-income areas with limited access spend significantly more time (19.5 minutes) traveling to a grocery store than the national average (15 minutes). However, 93 percent of those who live in low-income areas with limited access traveled to the grocery store in a vehicle they or another household member drove. ... Urban core areas with limited food access are characterized by higher levels of racial segregation and greater income inequality. In small-town and rural areas with limited food access, the lack of transportation infrastructure is the most defining characteristic.

**Hunger, food insecurity, poverty, and obesity are interlinked and disproportionally effect low-income communities amidst lack of access to supermarkets**

**Winne, 08** (Mark, Former Executive Director of the Harford Food System, 2008 “Closing the Food Gap: Resetting the Table in the Land of the Plenty”

As our knowledge of the connection between diet and health has in­creased, **the food gap has taken on yet another dimension, one that, iron­ically, includes the overconsumption of food. By overconsumption we generally mean a combination of eating too much of the wrong thing and too little of the right thing. Overweight and obese Americans now make up more than 60 percent of the population. Because of their association with the nation's increased diabetes rate and other diet-related illnesses, obesity and overweight are conditions that threaten the public health in ways that generally surpass the effects of hunger and food insecurity**. As such, **they have become central components of this country's food gap.**

Yet as we will see, **hunger, food insecurity, poverty, and overweight' obesity often have overlapping associations and connections, and as with supermarket abandonmel1t, the community or environmental context is just as important as the income of an individual household. What we now call "food deserts," for instance, are places with too few choices of healthy and affordable food, and are often oversaturated with unhealthy food out- lets such as fast-food joints. People who live in or near food deserts tend to be poorer and have fewer healthy food options, which in turn contributes to their high overweight/obesity rates and diet-related illnesses such as diabetes.**

### Transportation Equity 1AC

**The apriori issue is racism-It makes all forms of violence inevitable. It must be rejected in every instance**

Memmi 2k

MEMMI Professor Emeritus of Sociology @ Unv. Of Paris Albert-; RACISM, translated by Steve Martinot, pp.163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved, yet for this very reason, **it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism. One cannot even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim** (and which [person] man is not [themself] himself an outsider relative to someone else?). **Racism illustrates in sum, the inevitable negativity of the condition of the dominated;** that is it illuminates in a certain sense the entire human condition. **The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences.** Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is the very negation. This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism because racism signifies the exclusion of the other and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is “the truly capital sin.**”fn22 It is not an accident that almost all of humanity’s spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, **we have an interest in banishing injustice, because injustice engenders violence and death.** Of course, this is debatable. **There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death**. It is probably smarter to treat others with respect so that they treat you with respect. “Recall,” says the bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. **It is an ethical and a practical appeal** – indeed, it is a contract, however implicit it might be. In short, the **refusal of racism is the condition for all theoretical and practical morality. Because, in the end, the ethical choice commands the political choice. A just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.**

### Transportation Equity 1AC

**Plan: The United States Federal Government should substantially increase  its**[**transportation infrastructure**](http://en.wikipedia.org/wiki/Transportation_infrastructure)**investment in the United States by amending** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **of the Civil Rights Act of 1964 to establish transportation as a right**

**Contention 2 Solvency**

**The plan solves for the access of transportation through legislative acts that create transportation as a right.**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**One** potential **solution to the problem of unequal access to transportation by protected classes in urban areas is for Congress to amend Title VI of the Civil Rights Act of 1964 to authorize administrative agencies to promulgate disparate impact prohibitions such as that contained in** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000)**. The American landscape has developed over the course of centuries to disparately harm many members of minority and low-income groups. This process has sometimes occurred as the result of overt or invidious discrimination**. [n216](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n216) Oftentimes, however, **it has occurred as the result of processes that, although of nonracist intent, operate as a form of institutional racism. Codifying the disparate impact prohibitions of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **and similar regulations would provide a means,** albeit imperfect, **for disadvantaged groups to secure equal benefit from transportation funding.**Unfortunately, Congress's ability to codify disparate impact prohibitions is doubtful following City of Boerne v. Flores [n217](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n217) and Alexander v. Sandoval. [n218](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n218) City of Boerne limited Congress's Section 5 authority to the enforcement of rights explicitly granted by the Fourteenth Amendment; Congress may not enlarge the scope of those rights. [n219](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n219) The Court has read the Fourteenth Amendment as protecting rights only against disparate treatment, not disparate impact. Given the Court's refusal in Sandoval to recognize disparate impact regulations as effectuating the disparate treatment prohibitions of Title VI, it is not a significant leap to suggest that the Supreme Court would also invalidate a statutory prohibition against disparate impact as overreaching the remedial limits of Section 5. [n220](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n220) Even if this was not the case, the Court might find that a disparate impact prohibition to remedy transportation inequality does not satisfy the requirement of "congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end." [**n221**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n221)**Judicial skepticism about disparate impact prohibitions brings into question any proposed solution to the de facto denial of transportation benefits to a disproportionate number of members of protected classes in urban areas.** After all, **unless these groups can successfully prove that the current transportation regime is the result of systematic discrimination under the Supreme Court's limited Fourteenth Amendment meaning of the term, the greater provision of transportation benefits to the suburban wealthy over the urban poor is simply an unfortunate social ill, not a legal violation**. Under this view, granting a programmatic right to transportation to particular protected groups would be an unjustified form of benevolent discrimination.Of course, the creation of a legal right is not the only way in which Congress can address inequalities in transportation. **Various studies demonstrate the importance of transportation for economic development and escaping poverty.** [**n222**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n222) **In light of the economic and social importance [\*535] of transportation, Congress should devote resources to make equal access to transportation a reality. A successful congressional approach includes a focus on not only transportation networks, but also attention to overall development patterns. Encouraging smart growth**

### Transportation Equity 1AC Cont…

**by curtailing highway development, devoting resources to urban redevelopment, and accommodating alternative forms of transportation**, including the promotion of walking, has been shown to be an effective means of limiting sprawl, **improving the quality of the environment, and promoting social justice.**[n224](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n224) **These strategies, like the transportation problems they address, have effects that span racial, social, and economic boundaries but predominantly**

**impact those most affected by the current highway dominated transportation regime: the urban poor.**Conclusion In the end, a de facto right to transportation may indeed exist as a result of the massive government expenditures on transportation networks. Such expenditures are likely to continue because transportation is necessary for economic development, and the provision of transportation has come to be an expected duty of government. Thus, government-funded transportation may be a morally entrenched right, at least to the extent that curtailing or eliminating government funding for transportation infrastructure would result in significant political upheaval. As already mentioned, however, **a right is only a right if it is protected, subject to limited exceptions.** [**n225**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n225) **The burden of protecting rights belongs to public institutions,** [**n226**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n226) **usually federal and/or state governments,** depending on the nature of the right.**Given that mobility is primarily denied to those vulnerable groups who have been limited by segregation, suburbanization, and car dependence, the de facto right of transportation is really only a right for those who can afford the type of transportation the government prefers: automobiles**. However, the right to interstate travel and freedom of movement, and to a lesser degree, the right to intrastate travel, all support a view that mobility is valued and is instrumental in economic and social [\*536] development, and should thus be equally protected for all. Unfortunately, the Equal Protection Clause of the Fourteenth Amendment and related statutes, though intended to prevent preferential treatment of particular groups, have been limited to such an extent that they are of little use in the transportation context without clear and obvious evidence of discriminatory intent. **Because of the importance of mobility, and because it has been provided to some groups while denied to others, one solution is for Congress to amend Title VI of the Civil Rights Act of 1964 to include the disparate impact prohibitions of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000)**. Once amended,** and if validated by the Supreme Court, **the disparate impact prohibition on acts of the Department of Transportation will be a meaningful protection for minorities and the urban poor, who receive too few transportation benefits.** Alternately, **Congress could codify the right to transportation for the urban poor as a programmatic right - that is, through legislation that seeks to ensure urban transportation networks are adequately funded and low-income individuals have access to these networks**, perhaps by providing subsidies or by implementing reduced-fare programs. If either of these options proves to be politically or legally untenable, the most straightforward solution is for Congress to devote more resources to facilitating urban transportation networks that do not further promote the use of cars. This approach would benefit the urban poor and would have collateral benefits for every socioeconomic group by decreasing urban congestion and environmental degradation

### Transportation Equity 1AC

**We Must Fix Transportation Problems to Allow Access to Healthy Food**  
**Treuhaft**, Sarah and **Karpyn 10** Allison, Trained City Planner of PolicyLink and Director of Research and Evaluation at The Food Trust “The Grocery Gap: Who Has Access to Healthy Food and Why it Matters”[http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf 2010](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf%202010)

The evidence is clear that many communities—predominantly **low-income, urban communities of color and rural areas—lack adequate access to healthy food, and** the evidence also suggests that the lack of access **negatively impacts the health of residents and neighborhoods.** These findings indicate that **policy interventions to increase access to healthy food in “food deserts” will help people eat a healthy diet**, while contributing to community economic development. For many years, **impacted communities and their advocates have been implementing a variety of strategies to increase access to fresh, wholesome foods,** including: Attracting or developing grocery stores and supermarkets; Developing other retail outlets such as farmers’ markets, public markets, cooperatives, farmstands, community supported agriculture programs, and mobile vendors (and ensuring public benefits can be used at these venues); Increasing the stock of fruits, vegetables, and other healthy foods at neighborhood corner stores or small groceries Growing food locally through backyard and community gardens and largerscale urban agriculture; and **Improving transportation to grocery stores and farmers’ markets. Improving access to healthy food is a critical component of an agenda to build an equitable and sustainable food system. It is time for a nationwide focus to ensure that healthy food choices are available to all**, building on these local efforts and innovations. Smart public policies and programs should support communities in their efforts to develop, implement, and test strategies that increase healthy food access. **Government agencies at the local, state, and federal level should prioritize the issue of inequitable food access in low-income**, underserved areas. Programs and policies that are working should be expanded and new programs should be developed to bring more grocery stores and other fresh food retail outlets to neighborhoods without access to healthy foods. **Transportation barriers to fresh food outlets should be addressed.** Whenever possible, **policies to address food deserts should link with comprehensive efforts to build strong regional food and farm systems.** **Residents of low-income communities and communities of color in urban and rural areas have suffered for too long from a lack of access to healthy food.** With local and state programs showing enormous promise, now is the time for policymakers to enact policies that will catalyze the replication of local and state innovations and bring them to a national scale.

### Transportation Equity 1AC

#### Transit can help people reach jobs and education while also assisting in achieving social equity

Litman 12

Todd, founder and executive director of the Victoria Transport Policy Institute, an

independent research organization dedicated to developing innovative solutions to transport

problems ,<http://www.vtpi.org/tranben.pdf> 5/27/12

Transit helps achieve community equity objectives. It increases economic and social opportunities for people who are economically, physically and socially disadvantaged, and helps achieve equity objectives, such as helping physically and economically disadvantaged people access public services, education and employment opportunities (Allen 2008; CTS 2010). Transit helps reduce the relative degree that non-drivers are disadvantaged compared with motorists. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities. Similarly, a significant portion of students depend on public transit for commuting to schools and colleges, so a reduction in transit services can reduce their future productivity. A survey of adults with disabilities actively seeking work found 39% considered inadequate transport a barrier to employment (Fowkes, Oxley and Henser 1994). Increased employment by such groups provides direct benefits to users and increases overall productivity. Economic benefits to businesses are discussed in the Productivity Benefits section. Transit services can increase economic productivity by improving access to education and employment (as discussed in the *Mobility Benefits* section), reducing traffic congestion, roads and parking facility costs, accidents and pollution (as discussed in the *Efficiency Benefits* section), by increasing land use efficiencies, and by supporting certain industries, such as tourism (CTOD 2011). Transit system costs tend to be relatively easy to determine, since most show up in government agency budgets. The main challenge is therefore to identify all incremental benefits. The scope of impacts considered when evaluating public transport policies and projects varies significantly between jurisdictions (Gwee, Currie and Stanley 2008). Some impacts are difficult to monetize (measure in monetary units) with available analysis tools and data. Such impacts should be quantified as much as possible and described. For example, it may be impractical to place a dollar value on transit equity benefits, but it may be possible to predict the number and type of additional trips made by transportation disadvantaged people, and to discuss the implications of this additional mobility on their ability to access basic services, education and employment. *Mobility benefits* result from the additional mobility provided by a transportation service, particularly to people who are physically, economically or socially disadvantaged. These benefits are affected by the types of additional trips served. For example, transit services that provide *basic mobility*, such as access to medical services, essential shopping, education and employment opportunities, can be considered to provide greater benefits than more luxury trips, such as recreational travel. Public transit currently serves a relatively small portion of trips in most communities, but the trips it serves tend to be high value to users and society. Transit provides *basic mobility* by helping people reach important activities such as medical services, education and employment. This is particularly true of Demand Response service riders, who have moderate to severe disabilities that limit their mobility, and often are unable to use other travel options, such as walking, cycling or conventional taxis. Because users have few alternatives, Nguyen-Hoanga and Yeung (2010) find that paratransit service benefits far exceed their costs. Demand for such services, and therefore the benefits of providing public transit, tends to increase as the number of seniors, people with disabilities, and low income households increase in a community. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities.

### Inherency: Highway Funding

**Current highway legislation increases fares for riders and does not resolve access problems in mass transit. The new bill removes federal capital funding requirements from previous legislation and neglects the increasing reliance on mass public transit.**

**Laing 6/12**

Keith, June 29, “Transit union says highway bill will raise public transportation fares for riders,”

<http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/235607-transit-union-says-highway-bill-will-raise-public-transportation-fares-for-riders>

**A union for employees of the public transportation system called the $120 billon highway bill a “death blow” to mass transit that will result in higher fares for riders**.  The Washington, D.C.-based Amalgamated Transit Union said **the compromise between the House and Senate on a long-sought surface transportation spending bill will limit public transit systems from using federal money that had traditionally had been used for new construction to help pay for operations**.  **The result will be higher fares for mass transit riders**, ATU President Larry Hanley said Friday.  ”**This transportation bill is a death blow to public transportation; it not only does nothing to address the American mass transit crisis, but will make it much worse**,” Hanley said in a statement released by the union. “**It’s actually a tax increasing bill that will impose hidden taxes on commuters and transit riders by raising fares while forcing cash-strapped transit systems to cut more service**,” he continued. The ATU said **the original transportation bill that was approved earlier this year by the Senate had a provision dealing with the capital funding requirements for public transit systems. But the language did not survive the contentious conference negotiations** between the upper chamber and the House, the union said. **The transit union is also taking issue with the elimination of a provision in the Senate’s version of the transportation bill that would have restored a $230 tax credit for commuters who take public transit to work. The benefit, which was included in the 2009 economic stimulus, expired at the beginning of 2012**. The credit has since been reduced to its original $125. Hanley said **neglecting to restore the $230 benefit would stifle public transportation ridership**. “**More and more Americans are relying on public transportation to get to and from work, school, the doctor and other daily tasks and this bill will hit them right in the pocket**,” he said. “We urge Congress not to pass **this failed legislation** which **continues to starve mass transit and further weaken our economic recovery**.”

### Inherency: Highway Funding

**New highways projects limit the accessibility of low income and minorities to afford transportation. A new agenda must address equity, accessibility, and affordable solutions**

**The Leadership Conference Education Fund 11**, the nation’s premier civil & human rights collation “Where We Need to Go: A Civil Rights Roadmap for Transportation Equity” March 11 <http://www.civilrights.org/transportation/where-we-go.html>

*a. Transportation equity provides people with multiple transportation options*

**Creating and maintaining affordable and accessible transportation options are priorities. Ending the disproportionate investment in car-based transit must be a centerpiece of the transportation equity agenda.** Highways and streets without space for non-motorized traffic isolate those without access to cars and people with disabilities, force low-income people to overspend on transportation and forego other necessities, and contribute to pedestrian fatalities. **Civil and human rights advocates should encourage investments in “multi-modal” forms of transit**, including sidewalks, bike lanes, and dedicated street and highway lanes for rapid bus transit that can connect urban and low-income people to jobs. In addition, **our transportation policy should expand and improve service for people who depend on public transportation, including older adults, people with disabilities, people in rural areas, and low-income people. New highways exacerbate transportation inequities by increasing transportation costs for these communities and potentially putting jobs and affordable housing out of reach. An equity agenda should favor incentives to fix existing infrastructure and develop vacant or underutilized property within metro areas.** Although investment in non-automobile transportation options will undoubtedly benefit people with disabilities, policy makers must nonetheless seek guidance from accessibility experts when selecting projects in which to invest. People with disabilities live in every community, and the growing elderly population shares many of their concerns. **Transportation planning must therefore concern more than geography; it must also be about accessibility and maximizing usability.**

### Inherency: Transportation Inequity

**Government transportation infrastructure initiatives segregate poverty stricken areas; cuts in mass transit worsen the impact Bullard et al in ‘04**

(Robert Bullard**,** *Dean of the School of Public Affairs at Texas Southern University*, Glenn Johnson, *research associate in the Environmental Justice Resource Center and Assistant Professor in the Department of Sociology at Clark Atlanta University*, Angel Torres, *Environmental Justice Resource Center and Professor of Sociology at Clark Atlanta University*, “Introduction to Highway Robbery: Transportation, Racism and New Routes to Equity,” South End Press, 2004.) Accessed online at: <http://muse.jhu.edu/journals/new_literary_history/v042/42.1.hsu.html#f28>

**Many federally subsidized transportation construction and infrastructure projects cut wide paths through low-income and people of color neighborhoods. They physically isolate residents from their institutions and businesses, disrupt once stable communities, displace thriving businesses, contribute to urban sprawl, subsidize infrastructure decline, create traffic gridlock, and subject residents to elevated risks from accidents, spills, and explosions from vehicles carrying hazardous chemicals and other dangerous materials. Adding insult to injury, cutbacks in mass transit subsidies have the potential to further isolate the poor in inner-city neighborhoods from areas experiencing job growth—compromising what little they already have. So while some communities receive transportation benefits, others pay the costs.****[28](http://muse.jhu.edu/journals/new_literary_history/v042/42.1.hsu.html" \l "f28)**

**Despite efforts, federal environmental justice policies continue to unjustly saddle impoverished and African-American communities CEJ in ‘02**

(Center for Environmental Justice, *joint program of Project 21 and the National Center for Public Policy Research's Center for Environmental and Regulatory Affairs*, “What is Environmental Justice? Do Black Americans Want and Need It?,” National Center for Public Policy Research, March 2002.) Accessed online at: <http://www.nationalcenter.org/CEJ.html>

**Everyone benefits from a cleaner environment, but not everyone is forced to shoulder the same economic and regulatory burden to meet the government's standards for a clean environment. African-Americans and the poor are often forced to take on an unfair share of the costs and sacrifices that must be made to meet the government's environmental regulations. In 1994, President Bill Clinton signed Executive Order 12898 that required federal officials to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income Americans." Instead of easing the burden on these communities, the government's "environmental justice" policy has made things harder in many cases. Without reform, the government's attempt to address undue environmental harm to minorities will actually cause more harm.**

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### Inherency: Jobs

#### Mass transit is key for lower income people to be able to acquire and hold jobs, but it’s receiving cuts now

ES2 xx

Empire State Economic Security Campaign, a group founded by the people to talk about and try to resolve issues in New York. http://www.economicsecuritycampaign.org/issues\_ed.htm

Transportation is a major barrier faced by many welfare participants and low-income individuals in securing employment in New York State. National studies show that a person receiving welfare who owns a car (or has access to affordable, reliable transportation services) is likely to earn more per hour, work longer hours, stay on welfare for a shorter period of time, and retain their job for a longer period of time. The most difficult barrier to increased usage of mass transit by people moving from welfare to work, especially outside of the NYC Metro area, is that transit services may not operate at times or to locations needed by certain customers. This is especially true if the job hours are outside regular daylight working hours, or the job (or worker) location is outside of a core urban area. Many people leaving welfare for work and other low-income workers can only secure jobs that have irregular shifts. In addition to traveling to and from work, transportation is needed to and from childcare sites. Transportation systems are not just weak in moving inner-city residents to jobs in the suburbs and/or cross-town, they are also scarce in rural communities. New York State, contrary to popular perception, is primarily rural. Most of the counties outside of New York City have limited or non-existent transportation services. Over the last decade New York made significant investments in the development of Wheels to Work Programs. The program provided low-cost vehicles to welfare participants to enable them to obtain and maintain employment. Given that the majority of persons who have left the welfare rolls over the last few years have moved into low-paying, entry-level positions, it is critical that they have the transportation tools needed to advance in the workforce. Unfortunately, the programs were largely unsuccessful in providing training to participants as auto mechanics. Unfortunately, no funding for these programs was contained in the 2010-11 state budget. Mass Transit and the MTA New York City has also seen significant cuts in its mass transit services and repeated hikes in fares. Low-income people are especially impacted by fare hikes. One quarter of New York's workers use mass transit to get to work. Twice in the last year, the Paterson Administration diverted a total of $160 million of funds dedicated solely to transit to other purposes. The diversion of dedicated transit funds in the fall of 2009 directly triggered the worst transit service cuts in memory. These included axing 36 bus routes; eliminating 570 bus stops; killing all or parts of three subway lines; and burdening millions of city and suburban riders with greater waits, more crowding, extra transfers and longer trips. Commuter rail riders have had their trains eliminated and stops added to remaining trains. Paratransit service for individuals with disabilities has been made even less convenient or, in some communities, eliminated completely.

### Inherency: Jobs

#### Only 30% of jobs are accessible, and even then, there is a mismatch between who needs mass transit and where mass transit can take you

Puentes 11

Robert Puentes – Senior fellow and director at Brookings 5/12

http://www.brookings.edu/events/2011/05/12-transit-jobs#ref-id=0512\_transit\_jobs\_puentes

We found that 30% of jobs are accessible, or put differently, 70% of jobs in the nation’s largest metro areas are inaccessible to the average commuter. There are two important splits between cities and suburbs we need to keep in mind. Job access figures are much better for city neighborhoods than suburban ones. (41% - 22%). But again, it is not that a worker can reach all jobs, but that a worker can reach jobs throughout their metro area and what really matters is what kind of jobs you can get to and then are you qualified for those jobs that are out there. We found that workers in neighborhoods with transit were able to reach just over one quarter of low and medium skill jobs within 90 minutes compared to one third of high skill jobs within metro areas. So what occurs then is this mismatch; high income households are the neighborhoods with the worst transit coverage yet high skill jobs are the most accessible by transit. On the flipside, low income households are in neighborhoods with the best transit coverage, but they are, in many ways, less able to use transit to get to these jobs that they likely qualified for. These findings suggest that in many places there is a disconnect between where people live and where people work.

### **Inherency: Civil Rights Court Decisions**

**Past civil right legislation and court decisions have not been effective to ensure environmental justice in regard to the intent to discriminate standard**

Cole and Foster 01

Luke is director of California rural legal assistance on race, poverty and the environment. Sheila is a professor at the Rutgers school of law. Pages 126-127 in *From the Ground Up.*

However, civil rights claims, particularly those based on constitutional principles of equal protection, have not been successful in transforming environmental decision-making processes to take into account the social, political, and economic vulnerability of poor communities of color. Courts have significantly watered down civil rights laws in the past twenty years, so what appears to the average person to be a clear civil rights violation might not fit the narrow legal definition of such a violation. As we discussed in chapter 3, courts have ruled that a government action that might have a discriminatory impact is not unconstitutional unless the decision maker had a discriminatory intent, something that is very hard to prove. Consequently, no plaintiff has prevailed in alleging a federal constitutional violation in an environmental justice suit, although this strategy has been tried in numerous jurisdictions around the country. The civil rights claims that promise the best avenue of relief are those based upon civil rights statutes, particularly those statutes that allow proof of a violation on the basis of discriminatory impact rather than discriminatory intent. Two central civil rights statutes that contain an impact standard and that are potentially available and appropriate in environmental justice struggles, are Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Title VI prohibits discrimination on the grounds of race, color, and national origin by “any program or activity receiving Federal financial assistance.” While litigants under Title VI itself must prove that a defendant intentionally discriminated, the regulations implementing Title VI across the federal government generally state that discriminatory effect (or disparate impact) alone is enough to show unlawful discrimination. Because of these differing standards, environmental justice cases have relied on the regulations that are used to implement Title VI, rather than on the statute itself. The discriminatory effect standard is codified in the regulations of most federal agencies including the Environmental Protection Agency and the Departments of Agriculture, Defense, Energy and Interior. Because many state agencies receive federal funding (often channeled through particular federal agencies), and because Title VI broadly define “programs or activity receiving Federal financial assistance, “Title VI may be applied against state and local agencies. Title VI applies to an entire state agency of even one part of that agency receives federal funding; because of this broad coverage, most state agencies likely to be encountered in an environmental justice suit are probably are probably also subject to Title VI.

### Inherency: **Civil Rights Court Decisions**

**Past Supreme Court cases were ineffective to change the status of inequality within transportation policy, which left the intent to discriminate the leading precedent to access a remedy**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**In response to the problem of proving a discriminatory purpose, the U.S. Department of Transportation promulgated** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **pursuant to Title VI of the Civil Rights Act of 1964.** [**n200**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n200) **This regulation purported to establish a disparate impact cause of action against recipients of federal transportation funding.** [**n201**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n201) **Given the possible de facto existence of a right to transportation mentioned above,** [**n202**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n202) **this regulation might serve to ensure that transportation funding benefits various protected classes equally. Unfortunately, Alexander v. Sandoval** [**n203**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n203) **and Save Our Valley v. Sound Transit** [**n204**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n204) **suggest this is not the case.**Sandoval considered the question of whether [28 C.F.R. 42.104(b)(2)](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=28%20CFR%2042.104&countryCode=USA&_md5=00000000000000000000000000000000), a Department of Justice regulation with language similar to that of [49 C.F.R. 21.5(b)(2)](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000), could serve as the valid source of a [\*532] disparate impact right of action. [n206](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n206) **While withholding an opinion on the validity of a regulation prohibiting activities with a disparate impact,** [**n207**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n207) **the Court ruled that such a regulation, even if valid, may not grant a cause of action because doing so would go beyond the language of the authorizing statute.** [**n208**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n208) **By failing to rule on whether the disparate impact regulation was a valid exercise of administrative authority and restricting its opinion to the invalidation of the enforcement mechanism, the Supreme Court left an opening for the regulation's enforcement by other means, primarily through** [**42 U.S.C. 1983,**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=42%20USC%201983&countryCode=USA&_md5=00000000000000000000000000000000) **which authorizes a private right of action for state actions that infringe on "rights, privileges, or immunities secured by the Constitution and laws [of the United States]."** [**n209**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n209) **Thus, the Ninth Circuit in Save Our Valley considered whether the disparate impact prohibition of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **might be enforceable under 1983.** [**n210**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n210)

**In Save Our Valley, the plaintiff claimed discrimination in the form of a disparate impact resulting from a plan by the regional transportation authority to build a light rail at ground level through several minority neighborhoods**. [n211](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n211) This same rail was to be elevated or located below ground when running through other neighborhoods. [n212](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n212) **In denying this claim, the Ninth Circuit interpreted Sandoval as holding that agency regulations can never act as the source of individual rights absent Congress's authorization**. [n213](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n213) [\*533] The Ninth Circuit's Save Our Valley analysis highlights the logical inconsistency of Sandoval: **If an agency regulation purports to create an enforceable right that exceeds the authority granted by Congress, it is the right that is invalid, obviating any need to consider the validity of the enforcement mechanism. By invalidating the enforcement mechanism, the Supreme Court essentially said the disparate impact language does not create a right, because essential to the definition of "right" is that it is enforceable by some means - that it is protected**. [n214](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n214) If a private cause of action for disparate impact violations is invalid because Congress did not intend 2000d and 2000d-1 to reach disparate impact claims, then the disparate impact prohibition, by exceeding the granted authority, should not be enforceable by any other means and cannot be referred to as a "right." As such, it should not be enforceable by 1983 or any other means. Why the Court refused to explicitly invalidate the disparate impact prohibition of agency regulations promulgated pursuant to 2000d-1 is unclear, as invalidating the enforcement mechanism does the same thing, but creates more confusion. This is one case in which, for clarity's sake, the baby should have been thrown out with the bathwater. **Thus, the disparate impact prohibition of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **stands, though its effect is nonexistent and its life expectancy is probably limited.** [n215](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n215)

### Inherency: Civil Rights Legislation

**Current Articulations of civil rights laws are not equipped to handle transportation inequity**

**The Leadership Conference Education Fund 11**, the nation’s premier civil & human rights collation “Where We Need to Go: A Civil Rights Roadmap for Transportation Equity” March 11 <http://www.civilrights.org/transportation/where-we-go.html>

#### Our civil rights laws bar employers, federal, state, and local governments, and public accommodations from discriminating in access to health care, employment opportunities, housing, education, and voting. Although our laws promise to open doors to opportunity, this is a hollow promise for people who are physically isolated from jobs, schools, stores that sell healthy food, and health care providers. As our metropolitan areas have expanded and jobs and services have become more diffuse, equal opportunity depends upon equal access to affordable transportation. Americans in the lowest 20 percent income bracket, many of whom live in rural settings, spend about 42 percent of their total annual incomes on transportation, compared to 22 percent among middle-income Americans. Transportation investment to date has produced an inhospitable landscape for low-income people, people with disabilities, seniors, and many people in rural areas. People of color are disproportionately disadvantaged by the current state of transportation. The cost of car ownership, underinvestment in public transportation, and a paucity of pedestrian and bicycle-accessible thoroughfares have isolated urban and low-income people from jobs and services. Because many people with disabilities do not have the option to drive cars, lack of access to other modes of transportation disproportionately harms them. Similarly, seniors and people in rural areas often have limited transportation choices. This is the civil rights dilemma: Our laws purport to level the playing field, but our transportation choices have effectively barred millions of people from accessing it. Traditional nondiscrimination protections cannot protect people for whom opportunities are literally out of reach

### Inherency: Intent Standard

**Proof of intent to discrimination on a basis of transportation is an obstacle to equal protection that must be replaced with an examination of disparate impacts**

**Dombroski 05,** Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**One obstacle to overcome in establishing an equal protection claim in this context is the ability to prove that the disparate treatment occurs pursuant to a discriminatory purpose.**[n191](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n191) But protection against purposeful discrimination does only half the job; the elimination of such purposeful discrimination is illusory if a similar effect can be attained in an intentional but ostensibly neutral manner. **In the transportation context, one could argue that funding used for roads and mass transit services benefits all equally because none are explicitly denied equal access to these forms of transportation on account of race, gender, or some other protected characteristic.** As noted, however, **highway construction benefits whites and wealthier people more than it does minorities and those with lower incomes, and even acts to the detriment of protected classes.** [**n193**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n193) **A transportation scheme that disparately impacts minorities may indeed lack a discriminatory purpose; but it may also be that claimants simply lack sufficient evidence to show that an actual discriminatory purpose exists. Griggs v. Duke Power Co. recognized this problem, noting that discrimination is often accomplished through** ostensibly **neutral means,** **and as such, is especially dangerous**. [n194](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n194) However, several Court cases have established that disparate impact alone is not unconstitutional. A disparate impact merely serves as evidence of discriminatory [\*531] intent.**Despite the racial implications of suburbanization and segregation,** [**n197**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n197) **proving a discriminatory purpose in the development of transportation networks is a difficult if not impossible task, especially where the procedures employed and the asserted justifications seem legitimate.** **Thus, unless they can prove a discriminatory purpose, protected classes are unable to establish themselves as victims of a suspect classification.** **Where no discriminatory purpose is evident, government action is subject not to strict scrutiny**, but to the less rigorous rational basis scrutiny, which can be easily overcome by a showing that the act is rationally related to a legitimate government purpose.

### Inherency: Mass Transit Cuts

**Cuts to mass transit are being considered in 80% of metros in the country, effecting low income and minority peoples**

Murphy 10

He has been awarded the 2007 James Aronson Award for Social Justice Journalism, the 2007 PASS Award from the National Council on Crime and Delinquency and the New York Community Media Alliance Best Investigative or In-Depth Story (1st place 2007, 2nd place 2009), and has been a finalist for the Livingston Award. 4/30 www.citylimits.org/news/article\_print.cfm?article\_id=3970

New Yorkers spent around 141 million minutes getting to work today. If proposed cuts to subway and bus service take hold, many city residents will spend more time—and perhaps more money—getting to work. They will not be alone: According to the American Public Transportation Association, [80 percent of public transit systems](http://www.apta.com/mediacenter/pressreleases/2010/Pages/100401_funding_crisis.aspx%3Cbr%3E) around the country are considering combinations of service cuts and fare hikes to close budget gaps. The belt-tightening will affect millions of commuters. It will hit lower-income workers, who are more likely to be people of color, hardest. That's why Transportation for America (T4) —a coalition of public officials, transit and environmental advocacy groups, businesses and unions —is framing its pitch for better federal transportation funding in terms of [racial and economic justice](http://t4america.org/blog/2010/04/26/equity-caucus-stresses-need-for-equal-access-to-transportation-options/). "Transportation is back as a major civil rights issue but in a 21st century form," says Angela Glover Blackwell, the founder and CEO of [PolicyLink](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/Transportation-Equity-Executive-Summary.pdf), which is a partner with T4 in the T4 America Equity Caucus. "The focus is not on getting out of the back of the bus," she says, but improving transportation options for people who are most dependent on it, making sure transit jobs are available to populations most in need of work and making decisions about where to locate new transportation links—roads or rail—with an eye toward health issues, such as obesity and asthma, that disproportionately affect the poor. The equity coalition's focus is the federal transportation funding bill currently working its way through Congress. One "ask" is that 1 percent of U.S. Department of Transportation funding be earmarked for recruiting, training and retaining low-income people into transit jobs. It's part of a broader T4 agenda calling for federal policy that would foster [dramatic increases](http://t4america.org/docs/blueprint_summary.pdf) in the use of bikes, walking, mass transit and rail in lieu of cars and trucks. T4's website offers a system-by-system look at the [transit funding crisis](http://t4america.org/resources/transitfundingcrisis/%3Cbr%3E) and a state-by-state breakdown of [commuting problems](http://t4america.org/statefacts/%3Cbr%3E). According to PolicyLink, blacks and Latinos are up to four times more likely to ride mass transit than whites. When it comes to auto travel, the cost and time of car usage reflect complex race and income patterns. A 2008 Urban Institute report found that people living below the poverty line have [shorter car commutes than more affluent workers](http://www.urban.org/UploadedPDF/411760_rising_gas_prices.pdf), but pay a larger share of their income for car use than people living above the poverty line. Among all racial and ethnic groups below poverty, whites pay the biggest share of income toward gas. Above the poverty line, Latinos do. And Latinos in poverty spend the most time getting to work, followed by Asians, then blacks. Above poverty, Asians travel for the longest time, followed by blacks and then Latinos. Blackwell says some 110 cities—including Atlanta, where protesters recently [painted red Xs](http://www.ajc.com/news/atlanta/red-x-on-marta-475084.html) on parked public buses to symbolize the impact of cuts—are considering cuts to transit. "It's going to hurt efforts to protect the environment. It's going hurt low-income people. And it's going to hurt productivity in this country," she tells City Limits. According to the most recent Census Bureau survey data, 3 percent of New Yorkers take a taxi, bicycle or motorcycle to work, 11 percent walk and 30 drive. Fifty-six percent take public transportation. While New York City Transit's proposed cuts will generally hurt those groups most dependent on public transit—in other words, people with lower income—the geographic distribution of the cuts will also shape their demographic impact.

### Inherency: Mass Transit Cuts

#### Mass transit most effects the poor and minorities – they depend on it for everyday activities

Garofalo 2/9/12

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House Republicans have released a transportation bill that would eliminate the government’s dedicated funding stream for mass transit, instead counting on a plan that the Congressional Budget Office found would cover [just 5 percent of transit costs](http://thinkprogress.org/economy/2012/02/08/421674/boehner-oil-transport-plan-fail/). The New York Times called the bill “[uniquely terrible](http://www.nytimes.com/2012/02/09/opinion/a-terrible-transportation-bill.html),” while Transportation Secretary Ray LaHood, a Republican, called it “[the worst transportation bill](http://transportationnation.org/2012/02/02/lahood-transpo-bill-worst-bill-in-decades-most-partisan-ever/) I’ve ever seen during 35 years of public service.” Cuts to mass transit fall hard on low-income people who count on public transportation to get to work, go to school, and go about their lives. And they [fall hardest on low-income minorities](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/transportationRX_final.pdf), who, as the research organization Policy Link noted, as disproportionately likely to not own an automobile: As housing and jobs have moved farther apart, the distance has created employment barriers for anyone without unlimited ability to drive. Nineteen percent of African Americans and 13.7 percent of Latinos lack access to automobiles, compared with 4.6 percent of whites. Poverty complicates the problem: 33 percent of poor African Americans and 25 percent of poor Latinos lack automobile access, compared with 12.1 percent of poor whites. Cars owned by low-income people tend to be older, less reliable, and less fuel-efficient. This makes commuting to work unpredictable and more expensive, at best. “Communities of color, low-income Americans and people with disabilities [will be disproportionately impacted](http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/209551-civil-rights-group-opposes-public-transit-cut-in-260b-house-gop-transportation-bill) since they are the most transit dependent communities and negotiate their daily lives on mass transportation to reach employment, health care, and educational centers,” said the Leadership Conference on Civil and Human Rights. “These funding provisions will [impact the millions of Americans](http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/209551-civil-rights-group-opposes-public-transit-cut-in-260b-house-gop-transportation-bill) who rely on public transit systems to get to work, to school, or to the doctor,” agreed the American Transit Association. In addition to shortchanging transit and those who depend on it, the bill would also open up[nearly all of America’s coastal waters](http://thinkprogress.org/romm/2012/02/01/416245/house-transportation-bill-giveaway-to-big-oil/) to oil drilling. “It is really just one more attempt to promote the Republicans’ drill-now-drill-everywhere agenda and [the interests of their industry patrons](http://www.nytimes.com/2012/02/09/opinion/a-terrible-transportation-bill.html),” the Times editorialized. In the end, neither the House GOP’s nor the Senate’s transportation bills [do enough](http://thinkprogress.org/economy/2012/01/31/415271/congress-transportation-bills/) to help the country’s crumbling infrastructure. But for the House in particular, the bill is simply an excuse to drill-baby-drill and make it that much harder for people without cars to go about their lives.

### **Inherency: De-facto Transportation Right**

**The de facto right to transportation must be challenged by the 14th amendment to absolve racism and inequity**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**Given the likelihood that provision of transportation will continue to be a duty of government, the real issue is whether the transportation provided unfairly benefits some groups and not others. The Fourteenth Amendment declares that states shall not "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."This phrase has been interpreted to require that "equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights"** and that "no impediment should be interposed to the pursuits of any one except as applied to the same pursuits by others under like circumstances. Although **the Fourteenth Amendment** was intended to eliminate racial discrimination, it **has** also **been interpreted to prohibit**, to a lesser degree, **intentional disparate treatment on account of economic status**. **The modern American transportation system,** because of its preference for transportation projects that primarily enable automobility, **benefits whites and wealthier individuals to the exclusion of minorities and those with low incomes.** **This disparate benefit was acknowledged in academic transportation literature** as far back as the 1920s. While this situation has obviously improved, **race is linked to wealth,**and wealth is clearly linked to the ability to purchase a car. **Although American cities bore signs of segregation prior to the advent of the automobile, the proliferation of highways into urban areas** beginning in the 1950s and 1960s contributed to further segregation. **The dominance of the automobile enabled suburbanization, white flight, and the subsequent movement of businesses and services from the central city.** **By enabling suburbanization, segregation, and urban decay**, the preference for highways and roads over rail and mass transportation systems [\*530] disproportionately benefited whites over minorities. **Thus**, if it exists at all, **the de facto right to transportation exists to varying degrees based on race.** Unfortunately, this inequality does not necessarily give rise to a cause of action under the Equal Protection Clause for several reasons.

### **Inherency: De-facto Transportation Right**

**A de-facto right to transportation exists but is wedded to inequality for all citizens. The 14th amendment provides a site for interpretation of equal access to the right of transportation.**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**The right to travel and freedom of movement act together to prohibit unjustified and burdensome restrictions on travel and mobility locally, across state borders, and internationally. Nowhere has it been suggested that these rights carry with them a concomitant right to transportation.** However, the existence of such a right to transportation is not as outrageous as it may seem at first glance. **Despite indications by the Supreme Court that a right to transportation is improbable, several constitutional sources and constitutionally based doctrines could plausibly give rise to a remedial right to transportation, or at least lend support to the existence of such a right: the Due Process Clause of the Fourteenth Amendment, the right to travel,****and freedom of movement.**This Note argues that **a de facto right to transportation exists and is supported by**, though not based on, **the right to travel and freedom of movement. Federal and state governments have devoted massive amounts of funding to transportation projects, creating a de facto right to transportation.** This devotion to the development of transportation networks is likely to continue given transportation's importance to economic development. **This de facto right to transportation must apply equally to all citizens through the Equal Protection Clause of the Fourteenth Amendment.** However, **this right currently does not exist equally for all classes - the urban poor, a large proportion of whom are minorities, are disproportionately excluded from its benefits. Transportation funding has been used primarily for the development of highways and roads, to the benefit of car owners. This focus on highway development has also disrupted other forms of urban mobility**. This Note argues for greater funding of urban mass transportation systems as a means of alleviating this disparity.

### Harms: Transportation Inequity

**Transportation inequity runs rampant—communities all over the United States are disproportionately affected by inaccessibility and pollution. Such disparity necessitates an environmental justice approach.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

**Transportation inequity is deeply rooted in American history**. In 1896, the Supreme Court held that maintaining "separate but equal" railroad cars for black train passengers was constitutional. [n2](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n2) The Plessy decision laid the foundation for segregated rail and bus transportation in the Jim Crow South. [n3](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n3) **Although the desegregation cases** [**n4**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n4) **and Title VI of the Civil Rights Act of 1964** [**n5**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n5) **formally outlawed racial segregation in intrastate and interstate transportation, inequity remains**. [n6](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n6)  [\*58]  **Inequity lingers in old Southern cities like Atlanta**, [n7](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n7) but also in New York, Philadelphia, **and** Boston - **the great Northern cities with the nation's oldest and largest mass transit systems**. [n8](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n8) **Transportation equity is inextricably linked to environmental justice**. [n9](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n9) **Air quality in affluent areas with rail-based transit is superior to that in depressed communities which are primarily served by buses**. [n10](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n10) **Civil rights activists and environmentalists have joined forces to ensure that "the benefits and burdens of transportation ... are equally distributed among various income levels"** [n11](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n11) **since "all Americans have a right to be protected from pollution - not just those who can afford to live in the cleanest, safest communities."** [n12](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n12) The transportation infrastructure in **Boston provides a clear example of how government action - or inaction - can aggravate inequity.** Boston is the birthplace of public transportation in America. [n13](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n13) The city initiated public ferryboat service in 1630, and opened the nation's first subway in 1897. [n14](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n14) The Massachusetts Bay Transportation Authority (MBTA), [n15](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n15) which provides subway, trolley, bus, ferry, and commuter rail service to metropolitan Boston, is the nation's oldest and fourth largest public transportation system. [n16](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n16) [\*59]  **The Central Artery/Tunnel Project** ("The Big Dig"), [n17](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n17) which has been described as "**the largest and most complex urban infrastructure project ever undertaken in the modern world**," [n18](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n18) has drawn considerable attention to urban transportation in Boston. The Commonwealth of Massachusetts **committed to several public transit improvements in order to mitigate the negative impact that the $ 15 billion Central Artery/Tunnel Project will have on air quality**. [n19](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n19) The Commonwealth must honor these transit commitments in order to comply with the Clean Air Act. [n20](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n20) **The MBTA has woefully "dragged its feet" on honoring these commitments, which adversely affects low-income, minority residents in transit-dependent parts of town**. [n21](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n21) **The MBTA's stalling, avoidance, and broken promises are a breach of the social contract that the Commonwealth created with residents**: to endure highway construction and increased vehicle use in return for transit improvements. [n22](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n22)  [\*60]  The Central Artery/Tunnel Project may not have gone forward but for the transit commitments. [n23](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n23)

### Harms: Transportation Inequity

**Transportation is a prerequisite for participation in society and quality of life, especially in inner-city neighborhoods.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

II. Transportation Equity   The need for transportation touches every aspect of the lives and daily routines of Americans. [n25](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n25) **Access to reliable transportation impacts the quality of life, employment opportunities, financial security, and freedom of movement**. [n26](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n26) **Although many Americans enjoy the speed and convenience of cars, public transportation is the only method of travel for millions of inner-city residents**. [n27](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n27) In these urban areas where blacks and Latinos comprise 54 percent of transit users, **clean and reliable mass transit is needed for easy access to jobs, shopping, health care, and child care**. [n28](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n28) **An equitable transportation system allows all Americans to participate fully in society without regard to age, ability, ethnicity, income, or car ownership**. [n29](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n29)

### **Harms: Transportation Inequity**

**Infrastructural investment and access remedies must begin with understanding the negative environmental consequences on socioeconomically disadvantaged groups. Transportation inequity exists through procedural, horizontal, and vertical forms of inaccessibility that can be addressed through a framework of environmental justice and equal protection under civil rights.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

A. Principles **Transportation equity obtains when fairness in mobility and accessibility levels across race and class becomes a reality in all places**. [n30](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n30) **Evaluating transportation equity requires an examination of:** (1) **the negative environmental consequences of transportation policies**; (2**) the discrepancies in resource allocation and investment; and** (3) **distribution of service among the various population groups, particularly among socioeconomically disadvantaged people**. [n31](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n31)

**The principles of transportation equity are deeply rooted in environmental justice. Environmental justice embraces the fundamental principle that all people and communities are entitled to fairness and equal protection of the environmental, health, housing, transportation**[\*62]  **and civil rights laws.** [n32](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n32) The EPA Office of Environmental Justice has defined fairness in the following way:

**Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group[,] should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies**. [n33](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n33)  **In the transportation context, environmental justice seeks to eliminate unfair and inequitable conditions; to demand that transportation plans and policies avoid, minimize, and mitigate negative impacts to particular communities; and to ensure that disadvantaged groups receive their fair share of benefits.** [n34](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n34) **Analysts use several models to evaluate transportation equity. These models** attempt to **elucidate the disparate outcomes in transportation planning, operation, maintenance, infrastructure, and expenditures**. [n35](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n35) To facilitate the evaluation, analysts place transportation users into groups based on geography, income, age, employment status, race/ethnicity, travel behavior, transportation access, and tax payments. [n36](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n36) Professor Todd **Litman sets forth** three **types of transportation equity**. [n37](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n37) **Horizontal equity** [n38](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n38) **addresses the fairness and cost-benefit allocation between individuals who are similarly situated in ability and need. Public policies should avoid favoring one group over another** because customers should generally "get what they pay for and pay for what they get." [n39](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n39) **Vertical equity with regard to income and social class** [n40](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n40) **addresses the distribution of costs and burdens between groups**[\*63]  **which differ in income or social class**. [n41](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n41) **Equity obtains when transportation policies favor disadvantaged groups, thereby compensating for overall inequity**. [n42](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n42) **Vertical equity with regard to mobility need and ability addresses the degree to which transportation systems serve groups who differ in transportation ability and need.** [n43](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n43) Professor Robert D. Bullard looked at disparate outcomes to define transportation inequity. [n44](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n44) **Procedural inequity analysis looks to the process by which transportation decisions are made; if the process includes a diverse group of public stakeholders; and if the decisions are carried out in a uniform, fair, and consistent manner.** [n45](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n45) **Geographic inequity analysis explores how transportation decisions affect various geographic areas and spatial locations. This analysis identifies disparities in the quality of transit services within a region and determines if the services within a specific location adequately meet the transportation needs of that location**. [n46](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n46) Social inequity analysis evaluates the distribution of transportation benefits and burdens across social groups. [n47](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n47)

### Harms: Transportation Inequality

**Transit currently perpetuates inequity by providing superior service for white, affluent riders and inferior service for riders from low-income neighborhoods.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

C. The History and Consequences of Transportation Inequity

1. Suburban Sprawl  **"White flight" and the racial polarization of metropolitan areas lie at the heart of modern transit inequity**. [n64](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n64) **Both of these phenomena have been fueled by the construction of the interstate highway system.** [n65](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n65) **Transportation and urban development plans destroyed black communities, split them in half, or physically separated black residents from transportation, jobs, and white persons.** [n66](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n66) **These policies and**[\*66]  **practices laid the foundation for low-income minority enclaves, which were usually concentrated in central cities or unstable older communities**. [n67](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n67) **As jobs, wealth, and political power moved to the suburbs, transportation planning was directed toward highway development rather than transit access**. 2. Disparate Treatment   **The continued socioeconomic polarization of American cities directly impacts transportation policies.** [n68](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n68) **Transit authorities create and exacerbate the polarization by providing two types of transit: superior service for affluent riders and inferior service for captive riders from low-income neighborhoods**. [n69](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n69) **The disparate treatment is at least partially fueled by "white fear"** [**n70**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n70) **and money**. **Transit authorities are well-aware of white fear. If whites and blacks cannot live together, send their kids to the same schools, dine together in restaurants, or attend church together, why should the two groups feel comfortable riding a bus or train together? A considerable number of white persons would prefer to stand on a crowded bus or train rather than sit in an empty seat next to a black person**. [n71](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n71) A regular transit customer in a large city knows which transit routes are  [\*67]  "black" and which ones are "white." [n72](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n72) **Some suburban communities even design their own bus systems to ensure exclusivity.** [n73](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n73)

**Transportation policies favor high-income riders, both financially and in the service provided. When the distance traveled per trip is considered, low-income riders - who usually make short trips - subsidize high-income riders from the suburbs, especially if transit fares are uniform**. [n74](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n74) Thus a suburban passenger who travels 20 miles may only pay 20 percent of the true cost of the trip, whereas an inner-city passenger who travels one mile may pay more than twice the true cost of the trip. [n75](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n75)

 [\*68]  Rail transit, the mode of choice for high-income passengers, [n76](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n76) almost always requires larger subsidies than bus transit. [n77](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n77) Buses carry more than 60 percent of transit riders but only receives 31 percent of capital funds. [n78](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n78) Federal guidelines often require that federal transportation dollars fund capital subsidies rather than labor subsidies. [n79](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n79) **Because rail transit is capital-intensive and bus transit is labor-intensive, a system that depends on capital subsidies necessarily favors rail over bus; thereby benefiting high income riders.** [n80](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n80) **In spite of the benefits of rail transit, white riders will choose to drive if numerous minorities also ride the train.** [n81](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n81)

### Harms: Education

**Transportation inequity directly affects education of inner-city populations.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

**Many students in the urban core depend on mass transit to attend school and college**. [n93](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n93) **The lack of funding for school buses and the renewed emphasis on neighborhood schooling forces many K-12 students**[\*71]  **in the inner city to depend on public transportation**, [n94](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n94) **particularly those who travel outside of their neighborhood to attend a "better" charter, magnet, or suburban school**. [n95](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n95) Similarly, **a significant number of college students from low-income neighborhoods live at home; thus, they use public transit to attend community colleges or urban university campuses.** [n96](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n96) **When mass transit becomes expensive, inaccessible, or inconvenient, students from the urban core start to miss school.** [n97](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n97)

### Harms: Health

**Transportation inequity directly affects health of inner-city populations.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

**Transportation inequity has created or exacerbated health problems among the residents of the urban core**. [n98](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n98) **Researchers have linked the high levels of air pollution present in poor inner-city neighborhoods to asthma, heart disease, lung cancer, birth defects, brain damage, and premature death**. [n99](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n99) **The high rate of asthma in low-income neighborhoods**, which **is exacerbated and possibly caused by diesel exhaust fumes**, [n100](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n100) has received nationwide attention. [n101](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n101) [\*72]  **The high air pollution in these areas has been caused by transportation policies and practices like highway construction**, [n102](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n102) **heavy vehicular traffic, and the extensive use of diesel-powered buses. Low-income residents may continue to face the health effects of their physical environment because they do not have the economic resources or political power to change zoning regulations or to reroute heavy vehicular traffic.** [n103](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n103)

### Harms: Transportation as a Right

#### Public transportation is a right and the private sector ruins public transportation

Roscow 3/13/12

(Senior member of the Amalgamated Transit Union) Transit<http://www.atu.org/media/releases/transit-union-endorses-occupys-national-day-of-action-for-public-transportation>

Washington, DC – Acknowledging their mutual concern about the crisis in mass transit, the General Executive Board of the Amalgamated Transit Union (ATU) has endorsed the National Day of Action for Public Transportation called by Occupy Boston to take place, April 4, in cities all over America. “Public transportation is a human right and critical to our nation’s economic recovery,” said ATU International President Larry Hanley. “We need to be clear that the mass transit crisis was caused in no small part by the diversion of billions of tax dollars to war and the corporations that benefit from war. And this has lead to service cuts, transit worker layoffs, and higher passenger fares which are really just another kind of tax, levied on those who can least afford it.” “The ATU pledges our support for the Occupy National Day of Action for Public Transportation and our members will be involved in events and actions in Boston and across the country,” Hanley continued. “It’s the bankers and brokers – the 1% - who control the money for public transportation. It was their greed and corruption that brought our nation’s economy to its knees and destroyed America’s middle class. It’s time for our nation to invest in mass transit and improve the lives of the 99%, not pad the pockets of the 1%.” Commenting on Occupy Boston’s plans, Hanley noted, “It is so appropriate that the National Day of Action for Public Transportation take place on the anniversaries of Dr. Martin Luther King, Jr.’s April 4, 1967 speech, ‘Beyond Vietnam: Breaking the Silence,’ because this crisis is about the toll and resources these wars have taken on working people and their families.” The ATU has long believed that mass transit is an essential part of forging a sustainable future for our nation and that privatization of public transportation only leads to diminished service. “Occupy understands that the transit system that took a century to build is threatened by the 1% who want all of the financial benefits, but none of the financial responsibilities of a civilized society,” Hanley continued. “It’s time for the 99% to demand that all Americans pay their fare share so that the U.S. can maintain the mobility which has been one of the hallmarks of its remarkable success, and changes must be made so that everyone has an equal opportunity to take part in that success.”

### **Advantage: Job Accessibility**

#### Mass transit is not able to get people to jobs, this will become especially crucial to low or middle income families due to high gas prices

Katz 11

Bruce Katz – Vice president and director at metropolitan policy program at Brookings 5/12

http://www.brookings.edu/events/2011/05/12-transit-jobs#ref-id=0512\_transit\_jobs\_puentes

It’s not enough to create more and better jobs if workers can’t get to them. Over the past several decades, employment has become increasingly decentralized. As what can only be described as an exit ramp economy in the United States. As of 2006, 45% of jobs in the top metropolitan areas were over ten miles away from the central business district. Only about a fifth of jobs are within three miles of the central business district. These location dynamics have completely upended the daily commute in the United States. In the US, getting from home to work has become a heroic act. As more people are commuting to their jobs, with gas prices just under four dollars a gallon, this is becoming a burden many families cannot afford. The ramifications of higher fuel prices are extensive, they’re damaging, to an already fragile economic recovery. Those that will be especially hurt by this are low and middle income families. The projected fuel cost for the average household will be about 825 dollars higher in 2011 than they were in 2010. That’s too high a price, and if history is any guide, many families will seek public transit, if it is available as a viable option especially for people commuting from the suburbs. As families seek transportation alternatives, how efficient and reliable are transit systems in the top 100 metropolitan areas? Is transit ready for what could be a transit moment? No. Are metros capable of growing in ways that support reliable and tolerable commutes? No. This is a scholarly report, not an academic activity. As far as the job deficit goes, again, it’s not enough to create jobs if we can’t people to those jobs.

### **Advantage: Job Accessibility**

#### Cuts in mass transit have greatly disadvantaged low income people and people of color in the job market

Ross 11

6/6, Janell, is a business reporter at the Huffington Post, based in New York. Previously she was an immigration, race and social issues reporter at The Tennessean in Nashville. Janell covered local politics, labor and higher education at The News & Observer in Raleigh and the Corpus Christi Caller-Times. Her work has also appeared in USA Today. Janell earned a bachelor's degree from Vassar College and a master's degree from the Columbia University School of Journalism. <http://www.huffingtonpost.com/2011/06/06/transit-cuts-costing-work_n_871032.html>

The people are in one place, many of the new jobs in another, according to a recent report. "Missed Opportunity: Transit and Jobs In Metropolitan America," a May [report](http://www.brookings.edu/~/media/Files/Programs/Metro/jobs_transit/0512_jobs_transit.pdf" \t "_hplink) from the Brookings Institute, found that nearly 70 percent of people in large metropolitan areas live near some form of public transit. And despite transit route coverage varying from region to region, one rule held true: it's city dwellers with low incomes that have the best access to public transportation. Suburban communities occupied by middle-income and low-income families have the least access. That would seem to benefit city-dwellers. But there's a problem. Employment decentralization is increasing, and many new jobs -- whether in retail, health care, educational services or manufacturing -- are located in suburban and even further-flung exurban neighborhoods, according to the report. The task of getting to newly-created jobs has grown more difficult for low income, public transportation-dependent workers. Most metro-area residents can only get to about 30 percent of jobs within 90 minutes using public transit, the report found. And it's even worse for those seeking low- and middle-skill jobs, as only about 25 percent of those jobs can be reached within that same timeframe using public transit. Low-income suburbanites, a large and growing group, face trouble, too. Because of limited transit networks in most suburbs, these workers can only access 22 percent of low- and middle-skill jobs, according to the report. Local governments have [cut back transit budgets](http://www.nytimes.com/2010/03/25/nyregion/25mta.html" \t "_hplink) and in many cases actual transit routes because of declining tax revenue and large pension and health care obligations. When many workers need public transit to get to work, scaling down transportation can also hurt a city's ability to recover, the report said. Top of Form Bottom of Form In April, The Huffington Post's William Alden[reported](http://www.huffingtonpost.com/2011/04/05/milwaukee-budget-cuts_n_844551.html" \t "_hplink) that in 2009 there were more than 40,500 jobs in Wisconsin alone that were inaccessible to people who do not have cars. In Milwaukee County budget cuts have slashed bus service, measured in hours, by 20 percent since 2001. Despite those sorts of cuts, across the country, public transportation use hasn't declined in any serious way. In the last quarter of 2010, public transport use was down by less than one percent when compared to ridership recorded during the same period in 2009, the [American Public Transportation Association](http://www.apta.com/mediacenter/pressreleases/2010/Pages/100912_Ridership.aspx" \t "_hplink) reported. This jobs-transportation disconnect has helped to fuel the nation's stunningly high black unemployment rate, Roderick Harrison, a Howard University Sociologist and fellow at the Joint Center for Political and Economic Research, [told The Huffington Post in April](http://www.huffingtonpost.com/2011/04/01/black-unemployment-rises-overall-drops_n_843891.html" \t "_hplink). "The jobs are being created in the sorts of places you can't get to without a car or without dedicating significant time and significant resources to the commute," Harrision said. Workers of color are disproportionately clustered in low-pay and low-skill jobs, making them more likely to be dependent on public transportation. That was the reality before the recession, and it hasn't changed now that the recession has ended, Harrison said. In May, the country's overall unemployment rate rose to what many analysts are describing as a disappointing 9.1 percent, according to the [Bureau of Labor Statistics](http://www.bls.gov/news.release/empsit.nr0.htm" \t "_hplink). While serious, it's better than the black unemployment rate, which has climbed to 16.2 percent. Latino unemployment also hit 11.9 percent in May. Americans have also been less prone to move to take jobs, making adequate public transit all the more important. Census data [released](http://marketplace.publicradio.org/display/web/2011/05/25/am-the-recession-changes-us-migration-patterns" \t "_hplink) last month indicates that since the recession first began, people are moving around the country less frequently than at any time since the government began tracking migration between states.

### Advantage: Job Accessibility

#### People in poverty are more likely to be able to get out of poverty if they have a greater job access through shorter commutes

Ong 98

Paul, dept of urban planning, professor of public policy and social research, UCLA

Welfare recipients face a number of obstacles to making the transition from welfare to work. One is their geographical separation from employment opportunities: many welfare recipients live in 'job-poor' neighbourhoods far from employment for which they are qualified. Combining administrative data on welfare recipients and employment in Los Angeles with data from the 1990 decennial census, we show that greater access to jobs in low-wage firms increases the likelihood that welfare recipients find employment in neighbourhood jobs. Moreover, welfare recipients who have long commutes earn less than those who find work closer to home, contrary to the pattern for most workers. These findings demonstrate that proximity to low-wage jobs benefits welfare recipients through reduced commuting expenses and increased earnings.

#### Poverty is the equivalent to a would-be thermonuclear war between the former-USSR and the US every 15 years.

James Gilligan, Department of Psychiatry Harvard Medical School, Violence: Reflections on Our Deadliest Epidemic, 2000, p 195-196.   
  
  The 14 to 18 million deaths a year cause by structural violence compare with about 100,000 deaths per year from armed conflict. Comparing this frequency of deaths from structural violence to the frequency of those caused by major military and political violence, such as World War II (an estimated 49 million military and civilian deaths, including those caused by genocide--or about eight million per year, 1935-1945), the Indonesian massacre of 1965-1966 (perhaps 575,000 deaths), the Vietnam war (possibly two million, 1954-1973), and even a hypothetical nuclear exchange between the U.S. and the U.S.S.R (232 million), it was clear that even war cannot begin to compare with structural violence, which continues year after year. In other word, every fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide, perpetrated on the weak and poor every year of every decade, throughout the world.

Extensions

### Advantage: Job Accessibility

#### Cuts to mass transit are being considered in 80% of metros in the country, effecting low income and minority peoples

Murphy 10

He has been awarded the 2007 James Aronson Award for Social Justice Journalism, the 2007 PASS Award from the National Council on Crime and Delinquency and the New York Community Media Alliance Best Investigative or In-Depth Story (1st place 2007, 2nd place 2009), and has been a finalist for the Livingston Award. 4/30 www.citylimits.org/news/article\_print.cfm?article\_id=3970

New Yorkers spent around 141 million minutes getting to work today. If proposed cuts to subway and bus service take hold, many city residents will spend more time—and perhaps more money—getting to work. They will not be alone: According to the American Public Transportation Association, [80 percent of public transit systems](http://www.apta.com/mediacenter/pressreleases/2010/Pages/100401_funding_crisis.aspx%3Cbr%3E) around the country are considering combinations of service cuts and fare hikes to close budget gaps. The belt-tightening will affect millions of commuters. It will hit lower-income workers, who are more likely to be people of color, hardest. That's why Transportation for America (T4) —a coalition of public officials, transit and environmental advocacy groups, businesses and unions —is framing its pitch for better federal transportation funding in terms of [racial and economic justice](http://t4america.org/blog/2010/04/26/equity-caucus-stresses-need-for-equal-access-to-transportation-options/). "Transportation is back as a major civil rights issue but in a 21st century form," says Angela Glover Blackwell, the founder and CEO of [PolicyLink](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/Transportation-Equity-Executive-Summary.pdf), which is a partner with T4 in the T4 America Equity Caucus. "The focus is not on getting out of the back of the bus," she says, but improving transportation options for people who are most dependent on it, making sure transit jobs are available to populations most in need of work and making decisions about where to locate new transportation links—roads or rail—with an eye toward health issues, such as obesity and asthma, that disproportionately affect the poor. The equity coalition's focus is the federal transportation funding bill currently working its way through Congress. One "ask" is that 1 percent of U.S. Department of Transportation funding be earmarked for recruiting, training and retaining low-income people into transit jobs. It's part of a broader T4 agenda calling for federal policy that would foster [dramatic increases](http://t4america.org/docs/blueprint_summary.pdf) in the use of bikes, walking, mass transit and rail in lieu of cars and trucks. T4's website offers a system-by-system look at the [transit funding crisis](http://t4america.org/resources/transitfundingcrisis/%3Cbr%3E) and a state-by-state breakdown of [commuting problems](http://t4america.org/statefacts/%3Cbr%3E). According to PolicyLink, blacks and Latinos are up to four times more likely to ride mass transit than whites. When it comes to auto travel, the cost and time of car usage reflect complex race and income patterns. A 2008 Urban Institute report found that people living below the poverty line have [shorter car commutes than more affluent workers](http://www.urban.org/UploadedPDF/411760_rising_gas_prices.pdf), but pay a larger share of their income for car use than people living above the poverty line. Among all racial and ethnic groups below poverty, whites pay the biggest share of income toward gas. Above the poverty line, Latinos do. And Latinos in poverty spend the most time getting to work, followed by Asians, then blacks. Above poverty, Asians travel for the longest time, followed by blacks and then Latinos. Blackwell says some 110 cities—including Atlanta, where protesters recently [painted red Xs](http://www.ajc.com/news/atlanta/red-x-on-marta-475084.html) on parked public buses to symbolize the impact of cuts—are considering cuts to transit. "It's going to hurt efforts to protect the environment. It's going hurt low-income people. And it's going to hurt productivity in this country," she tells City Limits. According to the most recent Census Bureau survey data, 3 percent of New Yorkers take a taxi, bicycle or motorcycle to work, 11 percent walk and 30 drive. Fifty-six percent take public transportation. While New York City Transit's proposed cuts will generally hurt those groups most dependent on public transit—in other words, people with lower income—the geographic distribution of the cuts will also shape their demographic impact.

### Advantage: Job Accessibility

#### Only 30% of jobs are accessible, and even then, there is a mismatch between who needs mass transit and where mass transit can take you

Puentes 11

Robert Puentes – Senior fellow and director at Brookings 5/12

<http://www.brookings.edu/events/2011/05/12-transit-jobs#ref-id=0512_transit_jobs_puentes>

We found that 30% of jobs are accessible, or put differently, 70% of jobs in the nation’s largest metro areas are inaccessible to the average commuter. There are two important splits between cities and suburbs we need to keep in mind. Job access figures are much better for city neighborhoods than suburban ones. (41% - 22%). But again, it is not that a worker can reach all jobs, but that a worker can reach jobs throughout their metro area and what really matters is what kind of jobs you can get to and then are you qualified for those jobs that are out there. We found that workers in neighborhoods with transit were able to reach just over one quarter of low and medium skill jobs within 90 minutes compared to one third of high skill jobs within metro areas. So what occurs then is this mismatch; high income households are the neighborhoods with the worst transit coverage yet high skill jobs are the most accessible by transit. On the flipside, low income households are in neighborhoods with the best transit coverage, but they are, in many ways, less able to use transit to get to these jobs that they likely qualified for. These findings suggest that in many places there is a disconnect between where people live and where people work.

#### Investments in mass transit can reap huge economic benefits

Litman 12

Todd, founder and executive director of the Victoria Transport Policy Institute, an

independent research organization dedicated to developing innovative solutions to transport

problems ,<http://www.vtpi.org/tranben.pdf> 5/27/12

Aschauer and Campbell (1991) found that transit investments provide more than twice the increase in worker productivity as highway spending. A study by Leigh, Scott and Cleary (1999, Appendix K) concludes that transit increased economic growth in Colorado by about 4% over what would otherwise occur. EDRG (2007) used quantitative analysis to estimate that the current Chicago region transit plan provides an estimated 21% annual return on investments, an enhanced plan provides a 34% return, and adopting Transit-Oriented Development, as proposed in the region’s official comprehensive plan, would increase the return to 61%. Failure to maintain the transit system will harm the region’s commuters and the economy, estimated at over $2 billion annually.

### **Advantage: Job Accessibility**

#### Transit can help people reach jobs and education while also assisting in achieving social equity

Litman 12

Todd, founder and executive director of the Victoria Transport Policy Institute, an

independent research organization dedicated to developing innovative solutions to transport

problems ,<http://www.vtpi.org/tranben.pdf> 5/27/12

Transit helps achieve community equity objectives. It increases economic and social opportunities for people who are economically, physically and socially disadvantaged, and helps achieve equity objectives, such as helping physically and economically disadvantaged people access public services, education and employment opportunities (Allen 2008; CTS 2010). Transit helps reduce the relative degree that non-drivers are disadvantaged compared with motorists. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities. Similarly, a significant portion of students depend on public transit for commuting to schools and colleges, so a reduction in transit services can reduce their future productivity. A survey of adults with disabilities actively seeking work found 39% considered inadequate transport a barrier to employment (Fowkes, Oxley and Henser 1994). Increased employment by such groups provides direct benefits to users and increases overall productivity. Economic benefits to businesses are discussed in the Productivity Benefits section. Transit services can increase economic productivity by improving access to education and employment (as discussed in the *Mobility Benefits* section), reducing traffic congestion, roads and parking facility costs, accidents and pollution (as discussed in the *Efficiency Benefits* section), by increasing land use efficiencies, and by supporting certain industries, such as tourism (CTOD 2011). Transit system costs tend to be relatively easy to determine, since most show up in government agency budgets. The main challenge is therefore to identify all incremental benefits. The scope of impacts considered when evaluating public transport policies and projects varies significantly between jurisdictions (Gwee, Currie and Stanley 2008). Some impacts are difficult to monetize (measure in monetary units) with available analysis tools and data. Such impacts should be quantified as much as possible and described. For example, it may be impractical to place a dollar value on transit equity benefits, but it may be possible to predict the number and type of additional trips made by transportation disadvantaged people, and to discuss the implications of this additional mobility on their ability to access basic services, education and employment. *Mobility benefits* result from the additional mobility provided by a transportation service, particularly to people who are physically, economically or socially disadvantaged. These benefits are affected by the types of additional trips served. For example, transit services that provide *basic mobility*, such as access to medical services, essential shopping, education and employment opportunities, can be considered to provide greater benefits than more luxury trips, such as recreational travel. Public transit currently serves a relatively small portion of trips in most communities, but the trips it serves tend to be high value to users and society. Transit provides *basic mobility* by helping people reach important activities such as medical services, education and employment. This is particularly true of Demand Response service riders, who have moderate to severe disabilities that limit their mobility, and often are unable to use other travel options, such as walking, cycling or conventional taxis. Because users have few alternatives, Nguyen-Hoanga and Yeung (2010) find that paratransit service benefits far exceed their costs. Demand for such services, and therefore the benefits of providing public transit, tends to increase as the number of seniors, people with disabilities, and low income households increase in a community. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities.

### **Advantage: Job Accessibility**

**Lack of transit accessibility creates harmful effects on the health and opportunity for low-income and people of color.**

**Leadership Conference Education Fund 11**, the nation’s premier civil & human rights collation “Where We Need to Go: A Civil Rights Roadmap for Transportation Equity” March 11 <http://www.civilrights.org/transportation/where-we-go.html>

**Low-income people and people of color disproportionately lose out on educational and work opportunities due to health problems. Inadequate access to transportation has exacerbated health disparities, forcing many low-income patients to miss appointments—often worsening their medical problems. Lack of transit options also wastes resources by forcing some patients and providers to pay for taxis and other expensive services.**7 **The high cost of transportation also forces low-income families to limit spending for other basic needs, including out-of-pocket health care expenses and nutritious food.**

**Access to nutritious food is a particularly important issue in rural areas, where commerce and services are spread over large distances. It is important to address this now: our obesity epidemic is particularly grave in the rural south, home to many of the so-called “fattest states” in America.**8

For many people with disabilities, traveling by car (or transporting their children by car) is not an option, regardless of whether they can afford it. Because many individuals with disabilities have increased health care needs—such as physical therapy, medication monitoring, and other medical services—isolation from providers can have a profound impact on quality of life, health, and safety. Accessible transportation options— such as plentiful sidewalks with crosswalk modifications for the visually impaired, buses, and rail—can make the difference between health care access or isolation both for adults and for the children in their care. **Isolation from health care providers has serious consequences for education and future opportunity: A child who enters school with an undiagnosed vision or hearing problem could fall far behind unnecessarily. Children who miss school because of illness or go to school sick also learn less. This disadvantage carries over to adulthood, limiting access to job opportunities.**

### **Advantage: Job Accessibility**

**Lack of accessibility to public transit options stifles the potential for people to gain jobs outside of urban centers. This helps to impede poverty alleviation.**

**The Leadership Conference Education Fund 11**, the nation’s premier civil & human rights collation “Where We Need to Go: A Civil Rights Roadmap for Transportation Equity” March 11 <http://www.civilrights.org/transportation/where-we-go.html>

i. Current transportation policy fails to bridge the growing divide between many Americans and job opportunities

According to the Brookings Institution, by 2006, 45 percent of jobs in our 98 largest metro areas were located more than 10 miles from the urban core.14 **while jobs are increasingly moving to suburbs and remote exurbs, transportation options to and within these areas have not increased. As a result, low-income and minority populations, who disproportionately live in urban cores**,15 **face disproportionate barriers to securing and remaining in these jobs .This disproportionately harms people of color: 19 percent of African Americans and 13.7 percent of Latinos lack access to automobiles,** compared with only 4.6 percent of Whites.17 **Lack of public transportation options also impedes efforts to reduce poverty—three out of five jobs that are suitable for welfare-to-work participants are not accessible by public transportation. In the suburbs, where poverty is on the rise, health care providers, social services, educational institutions and jobs are dispersed over a larger area with few public transportation options** or walking routes. With **car ownership costing upwards of $9,000 per year, the suburban poor face untenable options: isolation from work and services or spending nearly half their income on transportation. Most of the outlying areas where an increasing percentage of American jobs are located are accessible only by car.** People with disabilities in car-dependent areas have little or no accessible, affordable transportation options. Those in metropolitan cores, though more likely to have access to sidewalks, rail, and bus service, have limited access to growing job markets in outlying areas. *ii. Transportation has the potential to create jobs that benefit low-income people and minorities* Our investments in transportation generate hundreds of thousands of well-paying jobs each year. But jobs in the transportation construction workforce have disproportionately been occupied by White males, with women occupying only 2.5 percent of these jobs and African Americans occupying only 6 percent of the eight million people employed in the transportation construction industry in 2008.20

**By prioritizing construction far from urban centers in areas not accessible by transit, our current policy injures urban dwellers twice over. Because of earlier transit policy decisions, low-income people don’t have access to construction jobs in outlying areas. And once construction is complete, low-income people don’t have access to the new transportation routes. When we continue to prioritize investment in outlying areas, we increase the number of jobs that are out of reach for low-income people.** At the same time, investment leaves rural Americans behind. According to the 2000 census, close to 80 percent of Americans live in metropolitan areas.21 Those in rural areas often face challenges accessing jobs in rural areas or traveling to jobs in the urban core.

### Advantage: Job Accessibility

**Transportation inequity directly affects jobs access.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

"Side Effects"   **Transportation inequity adversely affects three critically important concerns of urban core residents: jobs, education, and health. The demand for transportation equity in the urban core extends far beyond "new" versus "old" or bus versus rail: it is firmly rooted in the health and prosperity of a people**. [\*70]  **Although high-paying jobs have remained in cities, many entry-level jobs suitable for low-income residents have moved to the sprawling outer-ring suburbs**. [n87](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n87) **Public transportation is often inadequate or unavailable for inner-city residents to make the reverse commute.** [n88](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n88) **These residents must either find someone who owns a car as is willing to drive them, rely on employee shuttles, or make treacherous walks from the nearest transit stop.** [n89](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n89) **This "spatial mismatch" is a formidable challenge for the reverse commuters in the urban core,** [**n90**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n90) **especially for welfare recipients who are making the mandatory transition** [**n91**](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n91) **from welfare to work**. [n92](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n92)

### Advantage: Emergency Evacuation

**People living in urban areas are more likely to be left behind in disaster, Katrina Proves**

**Bullard et al in 2007**(Robert D, *Ware professor of sociology and director of the Environmental Justice Resource Center at Clark Atlanta University*; Glenn S. Johnson, *a research associate in the Environmental Justice Resource Center and an associate professor in the Department of Sociology and Criminal Justice at the same university;.* Angel O. Torres, *a geographic information system training specialist with the Environmental Justice Resource Center* “Dismantling transportation Apartheid in the United States Before and After Disasters Strike” Vol. 34 No. 3 Summer 2007 <http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol34_2007/summer2007/hr_summer07_bujoto.html>)

**Transportation is a major component in emergency preparedness and evacuation planning**. However, **unequal access to transportation alternatives in**

**disasters heightens the vulnerability of the poor, the elderly, the disabled, and people of color. People with private automobiles have a greater chance of "voting with their feet" and escaping threats from hurricanes than people who are dependent on the government to provide emergency transportation. All too often buses** (public transit or school buses), vans (paratransit), **and trains do not come to the rescue of vulnerable populations**.

**On August 28, 2005, Mayor Ray Nagin ordered New Orleans's first mandatory evacuation** **since the city was founded** in 1718. Buses evacuated thousands of residents to the Superdome and other shelters within the city. It has been the policy of the Red Cross for years not to open shelters in New Orleans during hurricanes greater than Category 2. Red Cross storm shelters were moved to higher ground north of Interstate 10 several years ago.

**New Orleans's emergency plan basically allowed thousands of the city's most vulnerable population to be left behind in their homes, shelters, and hospitals.** A Times-Picayune article summed up the emergency transportation plan: "**City, state and federal emergency officials are preparing to give the poorest of New Orleans' poor a historically blunt message: In the event of a major hurricane, you're on your own."** Bruce Nolan, In Storm, N. O. Wants No One Left Behind, THE TIMES-PICAYUNE, July 24, 2005**. The New Orleans Rapid Transit Authority (RTA) emergency plan designated sixty-four buses and ten lift vans to transport residents to shelters. This "plan" was woefully inadequate since the larger buses only hold about sixty people apiece.**

### Advantage: Emergency Evacuation

**Victims of Natural Disasters are Disposed of and made Invisible, Katrina Proves**

**Giroux 06** (Henry A. Giroux, *Global Television Network Chair in Communication Studies*, Katrina and the Politics of Disposability, September 14th 2006, Accessed online at <http://www.henryagiroux.com/online_articles/Katrina_Pol_Disposibility.htm> Accessed online on June 28, 2012)

A year later, and **the victims of Katrina are not only deemed unworthy of state protections, but dangerous and disposable. What does it mean**, for example, when CNN’s Anderson Cooper returns to the scene of the crime named Katrina and, rather than connecting the Bush’s administration contempt for social programs to the subsequent catastrophe, focuses instead on the rumors of crime and lawlessness that allegedly spread over New Orleans after the hurricane hit? What are we to think **when** Juan **Williams**, a senior correspondent for NPR, **writes** in a *New York Times* op-ed **that the real lesson of Katrina is** that **the poor “cause problems for themselves,” and that they should be condemned for not “confronting the poverty of spirit?**” Williams invokes the ghost of self-reliance and self-responsibility to demonize those populations for whom the very economic, educational, political and social conditions that make agency possible barely exist.

Only a few dominant media journalists such as Bob Herbert of the *New York Times* attempted to articulate a politics of government abuse that unites both Baghdad and New Orleans. Of course, this last issue is difficult, for here we must connect the painful dots between the crisis on the Gulf Coast and that “other” gulf crisis in the Middle East—between the images of U.S. soldiers standing next to tortured Iraqis forced to assume the indignity of a dog leash and the images of bloated bodies of a redundant populace floating in toxic waters after five long days of government indifference. How else can we explain the Bush administration’s refusal to allocate adequate funds for hurricane and flood control in New Orleans while spending billions on the war on Iraq? What does it mean when a government prioritizes tax relief for the ultra-rich and ignores the most basic needs of minorities of class and color?**A new politics now governs American policy, one that I call the politics of disposability. It is a politics in which the unproductive (the poor, weak and racially marginalized) are considered useless and therefore expendable; a politics in which entire populations are considered disposable,** unnecessary burdens on state coffers, and consigned to fend for themselves. **Katrina laid bare what many people in the United States do not want to see**: Large **numbers of poor black** and brown **people struggling to make ends meet within a social system that makes it difficult to obtain health insurance, child care, social assistance, savings, and even minimum-wage jobs.**In their place, **the youth are offered bad schools, poor public services and no future, except a possible stint in the penitentiary**. As Janet Pelz in the Sept. 19, 2005 *Seattle Post-Intelligencer*rightly insisted, “**These are the people the Republicans have been teaching us to disdain,** if not hate, since President Reagan decried the moral laxness of the Welfare mom.”**As the social state is hollowed out, the category “waste” no longer simply includes material goods but also human beings**. This is a result of a revised set of political commitments that have given up on the sanctity of human life for the populations rendered “at risk” by global neoliberal economies. Instead, the right has embraced an emergent security state founded on cultural homogeneity. This is a state that no longer provides Americans with dreams; rather, it protects Americans from a range of possible nightmares.**Defined primarily through a discourse of “lack” in the face of** **the social imperatives of good character, personal responsibility, and hyper-individualism, entire populations are expelled from the index of moral concerns. Defined neither as producers or consumers, they are reified as products without value and then disposed of.**Zygmunt Bauman writes in his brilliant book, *Wasted Lives*, **these groups are “leftovers in the most radical and effective way: we make them invisible by not looking and unthinkable by not thinking.**” When young black and brown youth try to escape the politics of disposability by joining the military, the seduction of economic security is negated by the violence that is compounded daily in the streets, roads, and battlefields in Iraq and Afghanistan. Their symbolic fate is made concrete in the form of body bags, mangled bodies and amputated limbs — sights rarely seen in the narrow vision of the dominant media.The **public and private policies of investing in the public good are dismissed as bad business, just as the notion of protecting people from the dire misfortunes of poverty, sickness or random blows of fate is viewed as an act of bad faith.** Weakness is now a sin, punishable by social exclusion. **The state’s message to unwanted populations: Society neither wants nor cares about nor needs you**. Bauman observes that dominant “power is measured by the speed with which responsibilities can be escaped.”**To confront the biopolitics of disposability, we need to recognize these dark times in which we live and offer up a vision of hope.** We need to work to create the conditions for collective and global struggles that refuse to use war as an act of politics and markets as the measure of democracy. **Making human beings superfluous is the essence of totalitarianism**. Democracy is the antidote in urgent need of being reclaimed.The tragedy of both gulf crises must do more than provoke despair or cynicism, it must spark a politics in which the images of those floating bodies in New Orleans and the endless parade of death in Iraq serve as a reminder of what it means when justice, as the lifeblood of democracy, becomes cold and indifferent in the face of death.

### Advantage: Emergency Evacuation

**The exclusion of certain populations inevitably renders all people disposable making extinction certain.**

Henry Giroux 06 , Prof at McMaster, “Reading Hurricane Katrina:Race, Class, and the Biopolitics of Disposability,” College Literature.Vol. 33, No. 3 (Summer, 2006), pp. 171-196 <http://www.jstor.org/discover/10.2307/25115372?uid=3739256&uid=2129&uid=2&uid=70&uid=4&sid=56284318943>

In the current historical moment, as Catherine Mills points out, "all subjects are at least potentially if not actually abandoned by the law and exposed to violence as a constitutive condition of political existence" (2004, 47). Nicholas Mirzoeff has observed that all over the world there is a growing resentment of immigrants and refugees, matched by the emergence of detain-and-deport strategies and coupled with the rise of the camp as the key institution and social model of the new millennium. The "empire of camps," according to Mirzoeff, has become the "exemplary institution of a system of global capitalism that supports the West in its high consumption, low-price consumer lifestyle" (2005, 145). Zygmunt Bauman calls such camps "garrisons of extraterritoriality" and argues that they have become "the dumping grounds for the indisposed of and as yet unrecycled waste of the global frontier-land" (2003, 109). The regime of the camp has increasingly become a key index of modernity and the new world order. The connections among disposability, violence, and death have become common under modernity in those countries where the order of power has become necropolitical. For example, Rosa Linda Fregoso analyzes feminicide as a local expression of global violence against women in the region of the U.S./Mexico border where over one thousand women have been either murdered or disappeared, constituting what amounts to a "politics of gender extermination" (2006, 109). The politics of disposability and necropolitics not only generate widespread violence and ever expanding "garrisons of extraterritoriality" but also have taken on a powerful new significance as a foundation for political sovereignty. Biopolitical commitments to "let die" by abandoning citizens appear increasingly credible in light of the growing authoritarianism in the United States under the Bush administration (Giroux 2005). [End Page 180]Given the Bush administration's use of illegal wiretaps, the holding of "detainees" illegally and indefinitely in prisons such as Guantanamo, the disappearance, kidnapping, and torture of alleged terrorists, and the ongoing suspension of civil liberties in the United States, Agamben's theory of biopolitics rightly alerts us to the dangers of a government in which the state of emergency becomes the fundamental structure of control over populations. While Agamben's claim that the concentration camp (as opposed to Foucault's panopticon) is now the model for constitutional states captures the contrariness of biopolitical commitments that have less to do with preserving life than with reproducing violence and death, its totalitarian logic is too narrow and fails in the end to recognize that the threat of violence, bare life, and death is not the only form of biopower in contemporary life. The dialectics of life and death, visibility and invisibility, and privilege and lack in social existence that now constitute the biopolitics of modernity have to be understood in terms of their complexities, specificities, and diverse social formations. For instance, the diverse ways in which the current articulation of biopower in the United States works to render some groups disposable and to privilege others within a permanent state of emergency need to be specified. Indeed, any viable rendering of contemporary biopolitics must address more specifically how biopower attempts not just to produce and control life in general, as Hardt and Negri insist, or to reduce all inhabitants of the increasing militarized state to the dystopian space of the "death camp," as Agamben argues, but also to privilege some lives over others. The ongoing tragedy of pain and suffering wrought by the Bush administration's response to **Hurricane Katrina reveals a biopolitical agenda in which** the logic of disposability and the politics of death are inscribed differently in the order of contemporary power—structured largely around wretched and broad-based racial and class inequalities.I want to further this position by arguing that neoliberalism, privatization, and militarism have become the dominant biopolitics of the mid-twentieth-century social state and that the coupling of a market fundamentalism and contemporary forms of subjugation of life to the power of capital accumulation, violence, and disposability, especially under the Bush administration, has produced a new and dangerous version of biopolitics.[4](http://muse.jhu.edu.ezproxy.macalester.edu/journals/college_literature/v033/33.3giroux.html#FOOT4) While the murder of Emmett Till suggests that a biopolitics structured around the intersection of race and class inequalities, on the one hand, and state violence, on the other, has long existed, the new version of biopolitics adds a distinctively different and more dangerous register. The new biopolitics not only includes state-sanctioned violence but also relegates entire populations to spaces of invisibility and disposability. As William DiFazio points out, "the state has been so weakened over decades of privatization that it . . . increasingly [End Page 181] fails to provide health care, housing, retirement benefits and education to a massive percentage of its population" (2006, 87). While the social contract has been suspended in varying degrees since the 1970s, under the Bush Administration it has been virtually abandoned. Under such circumstances, the state no longer feels obligated to take measures that prevent hardship, suffering, and death. The state no longer protects its own disadvantaged citizens—they are already seen as dead within a transnational economic and political framework. Specific populations now occupy a globalized space of ruthless politics in which the categories of "citizen" and "democratic representation," once integral to national politics, are no longer recognized. In the past, people who were marginalized by class and race could at least expect a modicum of support from the government, either because of the persistence of a drastically reduced social contract or because they still had some value as part of a reserve army of unemployed labour. That is no longer true. This new form of biopolitics is conditioned by a permanent state of class and racial exception in which "vast populations are subject to conditions of life conferring upon them the status of living dead" (Mbembe 2003, 40), largely invisible in the global media, or, when disruptively present, defined as redundant, pathological, and dangerous. Within this wasteland of death and disposability, whole populations are relegated to what Zygmunt Bauman calls "social homelessness" (2004, 13). While the rich and middle classes in the United States maintain lifestyles produced through vast inequalities of symbolic and material capital, the "free market" provides neither social protection and security nor hope to those who are poor, sick, elderly, and marginalized by race and class. Given the increasing perilous state of the those who are poor and dispossessed in America, it is crucial to reexamine how biopower functions within global neoliberalism and the simultaneous rise of security states organized around cultural (and racial) homogeneity. This task is made all the more urgent by the destruction, politics, and death that followed Hurricane Katrina.

### Advantage: Emergency Evacuation

**Public Transportation is key to getting millions of people out of harm’s way, 9/11 proves**

**American Public Transportation Association in 2010**

(American Public Transportation Association, *a non-profit organization which serves as an advocate for the advancement of public transportation programs and initiatives in the United States* “Public Transportation: Moving America Forward” 2010

Accessed online at <http://www.apta.com/resources/reportsandpublications/Documents/APTABrochure_v28%20FINAL.pdf> Accessed online on June 28, 2012)

In major evacuations of urban areas, only public transportation has the capacity to move millions of people quickly and to give critical support to first responders by delivering emergency equipment and transporting emergency response personnel. The 9/11 response illustrates public transit’s crucial role during times of emergency 20

### Advantage: Food Access

Food deserts don’t have adequate transportation for low income and racial minorities   
Chart 09, Natasha, Writer for news.change.org,  2009**-06-25 “Food Deserts in America”** [**http://news.change.org/stories/food-deserts-access-in-america**](http://news.change.org/stories/food-deserts-access-in-america)

The USDA has finally released an eagerly awaited report on [food deserts in America](http://www.ers.usda.gov/Publications/ap/ap036/). These conclusions are presented in the summary: Of all households in the United States, 2.3 million, or 2.2 percent, live more than a mile from a supermarket and do not have access to a vehicle. An additional 3.4 million households, or 3.2 percent of all households, live between one-half to 1 mile and do not have access to a vehicle. Area-based measures of access show that 23.5 million people live in low-income areas (areas where more than 40 percent of the population has income at or below 200 percent of Federal poverty thresholds) that are more than 1 mile from a supermarket or large grocery store. However, not all of these 23.5 million people have low income. If estimates are restricted to consider only low-income people in low-income areas, then 11.5 million people, or 4.1 percent of the total U.S. population, live in low-income areas more than 1 mile from a supermarket.

Data on time use and travel mode show that people living in low-income areas with limited access spend significantly more time (19.5 minutes) traveling to a grocery store than the national average (15 minutes). However, 93 percent of those who live in low-income areas with limited access traveled to the grocery store in a vehicle they or another household member drove. ... Urban core areas with limited food access are characterized by higher levels of racial segregation and greater income inequality. In small-town and rural areas with limited food access, the lack of transportation infrastructure is the most defining characteristic.

**Hunger, food insecurity, poverty, and obesity are interlinked and disproportionally effect low-income communities amidst lack of access to supermarkets**

**Winne, 08** (Mark, Former Executive Director of the Harford Food System, 2008 “Closing the Food Gap: Resetting the Table in the Land of the Plenty”

As our knowledge of the connection between diet and health has in­creased, **the food gap has taken on yet another dimension, one that, iron­ically, includes the overconsumption of food. By overconsumption we generally mean a combination of eating too much of the wrong thing and too little of the right thing. Overweight and obese Americans now make up more than 60 percent of the population. Because of their association with the nation's increased diabetes rate and other diet-related illnesses, obesity and overweight are conditions that threaten the public health in ways that generally surpass the effects of hunger and food insecurity**. As such, **they have become central components of this country's food gap.**

Yet as we will see, **hunger, food insecurity, poverty, and overweight' obesity often have overlapping associations and connections, and as with supermarket abandonmel1t, the community or environmental context is just as important as the income of an individual household. What we now call "food deserts," for instance, are places with too few choices of healthy and affordable food, and are often oversaturated with unhealthy food out- lets such as fast-food joints. People who live in or near food deserts tend to be poorer and have fewer healthy food options, which in turn contributes to their high overweight/obesity rates and diet-related illnesses such as diabetes.**

### Advantage: Food Access

**Abandonment of supermarkets have caused the food gap widened for low-income people**

**Winne, 08 (Mark, Former Executive Director of the Harford Food System, 2008 “Closing the Food Gap: Resetting the Table in the Land of the Plenty ”**

Hunger, food insecurity, and poverty present us with a chicken and egg proposition. Can we significantly mitigate or even eliminate the first two if we eradicate the latter? Or, if the latter can never be eradicated (that is, as Jesus said, the poor will always be with us), should we focus society's re­sources on hunger mitigation as the most humane and practical strategy? The manner in which we debate this question has consequences for how society chooses to close the food gap. **While the failure of supermarkets to adequately serve lower-income communities represents a failure of the marketplace, the marketplace is functioning rationally (as economists would say) by going to where the money is. In short, if communities weren't poor, they would have supermarkets and, as we will see, the best and healthiest food available. To move forward in our understanding of the food gap, we must also understand the role that poverty has played in giving hunger and food insecurity such a firm foothold in the United States**. And we must understand as well why we have chosen to respond to poverty and hunger in the ways that we have. **As an up-by-the-bootstraps kind of people, Americans have always struck an uneasy balance between poverty and the social welfare programs that have attempted to address it. In fact, many antihunger and antipoverty advocates assert that the public and private charitable sectors have never made a concerted and meaningful effort to eradicate domestic poverty.** It is notable, in that regard, that in the course of reforming the country's welfare system, President Bill Clinton said we were ending *welfare,* not poverty, as we knew it. With the exception of an occasional burst of rhetor­ical and political fervor, such as President Lyndon Johnson's War on Poverty during the 1960s, **our nation's approach to poverty has been to manage it, not to end it. And perhaps the best examples of good poverty management practices** can be found in America's antihunger programs.

### Advantage: Food Access

**The location of many fast-food restaurants instead of supermarkets in urban areas contribute to diet related diseases and a spiral of disadvantages, Harford proves**

**Winne, 08** (Mark, Former Executive Director of the Harford Food System, 2008 “Closing the Food Gap: Resetting the Table in the Land of the Plenty**”**

At first glance, **given the city's high poverty rates, cheap fast food should be a blessing. If there are no supermarkets within easy reach, peo­ple should be grateful for the clean, well-lit places that proffer nicely pack­aged, brand-name merchandise. But in fact, such establishments thrive in areas of poverty and low education. While they presumably serve a com­munity's immediate need for calories, they actually prey upon those who are weakened by insufficient money, choices, and knowledge.** As a result of these factors, Hartford's major food problem shifted from hunger to heart disease, diabetes, and obesity. **In light of the soaring rates of diet­ related diseases across the nation as well** as in Hartford, the **high preva­lence of unhealthy food outlets became a serious public health issue.** On Saturday, March 31, 2001, more than twenty University of Con­necticut dietetics students fanned out across Hartford and two of the city's affluent adjoining suburbs, Wethersfield and West Hartford, to inventory and analyze the contents of two hundred restaurants and small grocery stores. The distribution of fast-food restaurants and other low-quality retail food outlets also was revealing. By mapping the locations of the region's fast-food outlets, the survey found that a very high concentration of them were crouched like predatory cats within easy walking distance of most of Hartford's lower-income residential areas. **The proximity of McDon­ald's, Burger King, and Kentucky Fried Chicken to the region's most im­poverished and nutritionally at-risk families was stunning.** positioned as they were along the city's most traveled commercial corridors, they cre­ated a virtual ambush for any inner-city resident walking along these thor­oughfares. By contrast, the fast-food outlets in West Hartford and Wethersfield, as they tend to be throughout more affluent and suburbanized areas, were found along commercial strips or in shopping centers that could only be reached conveniently by car. The good news about car-dependent subur­bia, where housing developments are spread out and usually located some distance from commercial areas, is that securing a bacon double cheese­burger requires just enough extra effort to make you think twice about whether you really want it. For Hartford's transit-dependent shoppers, who must travel forty-five minutes to reach a decent supermarket, an evening stroll to the corner KFC for a bucket of Colonel Sanders's fried chicken is, sadly, considered one of the few privileges of living in a low ­income neighborhood. One irony associated with this unhealthy food abundance was that it was partially aided and abetted by Hartford city government and other public and private institutions. Poverty created the market, shrewd entre­preneurs took advantage of it, and city hall nurtured the relationship. Shortly after the Hartford Food System completed its healthy food study, the city celebrated the opening of its eleventh Dunkin' Donuts. And *cele­brated* is the operative word. Community leaders, representatives of Con­necticut Children's Hospital directly across the street, and government officials, including the mayor, showed up to cut the ribbon. The Hartford *Courant* joined the hoopla with an editorial praising the Dunkin' Donuts chain for its "neighborhood sensitive strategy," because the corporation had promised to employ neighborhood residents in its new store. In a city that was struggling to gain any job it could, any business that would pro­vide twenty-five jobs-albeit mostly part-time, minimum-wage jobs with no health benefits-made Hartford's economic development officials salivate.

### Advantage: Food Access

**Lack of access to quality foods ensure that low-income people will have limited food choices that are healthy**

**Winne, 08** (Mark, Former Executive Director of the Harford Food System, 2008 “Closing the Food Gap: Resetting the Table in the Land of the Plenty”

**As health officials and researchers confirm the gravity of the threat of overeating and unhealthy eating, where does that leave the threat of domestic hunger and food security that has plagued America for the better part of the century?** A couple of quick answers may suffice for the moment. **Lack of access to healthy and affordable food is a form of food insecurity. If a person can’t easily get to sources of nutritious food and/or can’t resist the siren song of fast-food and other unhealthy food outlets, food insecurity is a part of his or her life. Additionally, research on hunger, poverty, and obesity suggests the following link: if you don’t have enough money to regularly purchase sufficient quantities of food, you will be more inclined to eat high calorie, filling food to relieve sensations of hunger. Additionally, irregular purchasing power, often a problem in low-income households, leads to binge eating or other irregularities in food consumption, which can contribute to obesity as well.3**

Lack of Transportation is the Root Cause of Limited Access

Treuhaft, Sarah and Karpyn Allison, Trained City Planner of PolicyLink and Director of Research and Evaluation at The Food Trust “The Grocery Gap: Who Has Access to Healthy Food and Why it Matters” [**http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf , 2010**](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf%20,%202010)

Lack of transportation to supermarkets is a major barrier for residents in many communities.

115Assessments of Lexington (KY), Seattle (WA), Central and South Los Angeles (CA), East Austin (TX), and Trinity County (CA) highlighted transportation challenges 11, 12, 22, 69, 116 Rural residents have higher vehicle ownership generally, but those who lack reliable access to personal vehicles are particularly isolated given the longer distances to stores and lack of public transportation options. 12, 51, 114, 116, 117 2. Better access to healthy food corresponds with healthier eating Consistent with the conclusions of a recent review study,4we found strong and consistent evidence indicating a positive relationship between access to healthy food and eating behaviors. Without nearby access to healthy ingredients, families have a harder time meeting recommended dietary guidelines for good health such as eating fruits and vegetables and lowering fat intake. In a survey of diabetic adults in New York’s East Harlem neighborhood, 40 percent said that they did not follow the recommended dietary guidelines because the necessary foods were less available and more expensive in their neighborhood stores.31 Of 14 studies that examine food access and consumption of healthy foods, all but one of them found a correlation between greater access and better eating behaviors. All of the studies in this category were conducted by academic researchers and published in peer-reviewed journals

### Advantage: Food Access

Food Deserts Suffer from Diabetes, Cardiovascular Disease, and Obesity

Murphy**, Barb, Author for The National Academies Press, January 25,** 2011, “Living in a Food Desert: How Lack of Access to Healthy Foods Can Affect Public Health”, <http://notes.nap.edu/2011/01/25/living-in-a-food-desert-how-lack-of-access-to-healthy-foods-can-affect-public-health/>

Need to run to the grocery store? For some of us, this is relatively easy because we probably live fairly close to one. For others, a trip to a grocery store represents a significant transportation challenge. In the United States, “food deserts”, neighborhoods and communities that have limited access to affordable and nutritious foods, tend to be located in urban and rural low-income neighborhoods. People who live in these areas are less likely to have access to supermarkets or grocery stores that provide healthy choices for food. With limited or no access to food retailers or supermarkets that stock fresh produce, low-fat dairy, whole grains, and other healthy foods, these populations may be more likely to suffer from high rates of diabetes, cardiovascular disease, and obesity.The Public Health Effect of Food Deserts: Workshop Summarydiscusses the public [health](http://www.nap.edu/topicpage.php?topic=288&icn=Keyword+links&ici=health) effects—including the prevalence of obesity and the incidence of chronic diseases—of food deserts. This book offers insight on the extent of food deserts, their impact on individual behaviors and health outcomes in various populations, and effective ways to increase the availability of fruits and vegetables and to improve the food environment.One serious health consequence of living in food deserts is, ironically, obesity. Without ready access to nutritious foods, people living in food deserts often have diets that are high in calories but low in nutritional value. To address this particular public health concern, the [Institute of Medicine](http://www.iom.edu/) has published a number of reports that examine how we can roll back the obesity epidemic in the United States.

Obesity in Low-Income Communities is Directly Linked to Obesity  
Treuhaft, Sarah and Karpyn 10 Allison, Trained City Planner of PolicyLink and Director of Research and Evaluation at The Food Trust “The Grocery Gap: Who Has Access to Healthy Food and Why it Matters” [http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf 2010](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf%202010)

Accessing healthy food is a challenge for many Americans—particularly those living in low-income neighborhoods, communities of color, and rural areas. In hundreds of neighborhoods across the country, nutritious, affordable, and high quality food is largely missing. Studies that measure food store availability and availability of healthy foods in nearby stores find major disparities in food access by race and income and for low-density, rural areas. Lack of supermarkets. A 2009 study by the U.S. Department of Agriculture found that 23.5 million people lack access to a supermarket within a mile of their home. A recent multistate study found that lowincome census tracts had half as many supermarkets as wealthy tracts. Another multistate study found that eight percent of African Americans live in a tract with a supermarket, compared to 31 percent of whites. And a nationwide analysis found there are 418 rural “food desert” counties where all residents live more than 10 miles from a supermarket or supercenter— this is 20 percent of rural counties. The Food Trust Lack of healthy, high quality foodsin nearby food stores. In Detroit and New Haven, produce quality is lower in low-income communities of color compared to more affluent or racially mixed neighborhoods. In Albany, New York, 80 percent of nonwhite residents cannot find low-fat milk or high-fiber bread in their neighborhoods. And in Baltimore, 46 percent of lower-income neighborhoods have limited access to healthy food (based on a healthy food availability survey) compared to 13 percent of higher-income neighborhoods. Predominance of convenience/corner/liquor stores. Nationally, low-income zip codes have 30 percent more convenience stores, which tend to lack healthy items, than middle-income zip codes. Lack of transportation access to stores.Residents in many urban areas (including Seattle, Central and South Los Angeles, and East Austin, Texas) have few transportation options to reach supermarkets. Inadequate transportation can be a major challenge for rural residents, given the long distances to stores. In Mississippi—which has the highest obesity rate of any state—over 70 percent of food stamp eligible households travel more than 30 miles to reach a supermarket.

### Advantage: Food Access

Low-Income Communities are Susceptible to Obesity

FRAC 10, “Food research and Action Center” 2010, <http://frac.org/initiatives/hunger-and-obesity/why-are-low-income-and-food-insecure-people-vulnerable-to-obesity/>

Due to the additional risk factors associated with poverty, food insecure and low-income people are especially vulnerable to obesity (see the section on the Relationship Between Hunger and Overweight or Obesity and the section on the Relationship Between Poverty and Overweight or Obesity). More specifically, obesity among food insecure people – as well as among low-income people – occurs in part because they are subject to the same influences as other Americans (e.g., more sedentary lifestyles, increased portion sizes), but also because they face unique challenges in adopting healthful behaviors, as described below. (For more information on the influences all Americans face, see the section on Factors Contributing to Overweight and Obesity.) Limited resources and lack of access to healthy, affordable foods.Low-income neighborhoods frequently lack full-service grocery stores and farmers’ marketswhere residents can buy a variety of fruits, vegetables, whole grains, and low-fat dairy products (Beaulac et al., 2009; Larson et al., 2009).  Instead, residents – especially those without reliable transportation – may be limited to shopping at small neighborhood convenience and corner stores, where fresh produce and low-fat items are limited, if available at all.  One of the most comprehensive reviews of U.S. studies examining neighborhood disparities in food access found that neighborhood residents with better access to supermarkets and limited access to convenience stores tend to have healthier diets and reduced risk for obesity (Larson et al., 2009). When available, healthy food is often more expensive, whereas refined grains, added sugars, and fats are generally inexpensive and readily available in low-income communities (Drewnowski, 2010; Drewnowski et al., 2007; Drewnowski & Specter, 2004; Monsivais & Drewnowski, 2007; Monsivais & Drewnowski, 2009).  Households with limited resources to buy enough food often try to stretch their food budgets by purchas(e)ing cheap, energy-dense foods that are filling – that is, they try to maximize their calories per dollar in order to stave off hunger (Basiotis & Lino, 2002; Drewnowski & Specter, 2004; Drewnowski, 2009).  While less expensive, energy-dense foods typically have lower nutritional quality and, because of overconsumption of calories, have been linked to obesity (Hartline-Grafton et al., 2009; Howarth et al., 2006; Kant & Graubard, 2005). When available, healthy food – especially fresh produce – is often of poorer quality in lower income neighborhoods, which diminishes the appeal of these items to buyers (Andreyeva et al., 2008; Zenk et al., 2006). Low-income communities have greater availability of fast food restaurants, especially near schools (Fleischhacker et al., 2011; Larson et al., 2009; Simon et al., 2008).  These restaurants serve many energy-dense, nutrient-poor foods at relatively low prices.  Fast food consumption is associated with a diet high in calories and low in nutrients, and frequent consumption may lead(s) to weight gain (Bowman & Vinyard, 2004; Pereira et al., 2005). Fewer opportunities for physical activity.Lower income neighborhoods have fewer physical activity resources than higher income neighborhoods, including fewer parks, green spaces, bike paths, and recreational facilities, making it difficult to lead a physically active lifestyle (Estabrooks et al., 2003; Moore et al., 2008; Powell et al., 2004).  Research shows that limited access to such resources is a risk factor for obesity (Gordon-Larsen et al., 2006; Sallis & Glanz, 2009; Singh et al., 2010b). When available, physical activity resources may not be attractive places to play or be physically active because poor neighborhoods often have fewer natural features (e.g., trees), more visible signs of trash and disrepair, and more noise (Neckerman et al., 2009). Crime, traffic, and unsafe playground equipment are common barriers to physical activity in low-income communities (Duke et al., 2003; Gordon-Larsen et al., 2004; Neckerman et al., 2009; Suecoff et al., 1999).  Because of these and other safety concerns, children and adults alike are more likely to stay indoors and engage in sedentary activities, such as watching television or playing video games.  Not surprisingly, those living in unsafe neighborhoods are at greater risk for obesity (Duncan et al., 2009; Lumeng et al., 2006; Singh et al., 2010b).Low-income children are less likely to participate in organized sports (Duke et al., 2003). This is consistent with reports by low-income parents that expense and transportation problems are barriers to their children’s participation in physical activities (Duke et al., 2003). Students in low-income schools spend less time being active during PE classes and are less likely to have recess, both of which are of great concern given the already limited opportunities for physical activity in their communities (Barros et al., 2009; UCLA Center to Eliminate Health Disparities, 2009).

Cycles of food deprivation and overeating. Those who are eating less or skipping meals to stretch food budgets may overeat when food does become available, resulting in chronic ups and downs in food intake that can contribute to weight gain (Dammann & Smith, 2010; Ma et al., 2003; Olson et al., 2007; Smith & Richards, 2008).  Cycles of food restriction or deprivation also can lead to an unhealthy preoccupation with food and metabolic changes that promote fat storage – all the worse when in combination with overeating (Alaimo et al., 2001; Dietz, 1995; Polivy, 1996).

### Advantage: Food Access

**Political action is required to destroy the effects of food insecurity which will assure optimal development and healthy food access to low-income people**

**COOK AND FRANK 08 ( JOHN T. DEBORAH A., *Department of Pediatrics, Boston University School of Medicine Doctors, at Boston University “Food Security, Poverty, and Human Development in the United States”* 2008**

<http://www.childrenshealthwatch.org/upload/resource/cook_frank_annals_08.pdf>

**Access to food is essential to optimal development and function in children and adults.** Food

security, food insecurity, and hunger have been defined and a U.S. Food Security Scale was developed and is administered annually by the Census Bureau in its Current Population Survey. The eight child-referenced items now make up a Children’s Food Security Scale. This review

summarizes the data on household and children’s food insecurity and its relationship with children’s health and development and with mothers’ depressive symptoms**. It is demonstrable** **that food insecurity is a prevalent risk to the growth, health, cognitive, and behavioral potential** **of America’s poor and near-poor children. Infants and toddlers in particular are at risk from** **food insecurity even at the lowest levels of severity, and the data indicate an “invisible epidemic”** **of a serious condition. Food insecurity is readily measured and rapidly remediable through** **policy changes, which a country like the United States,** unlike many others, **is fully capable of** **implementing. The food and distribution resources exist; the only constraint is political will.** **Optimal physiological, cognitive, and emotional development and function in children and adults requires access to food of adequate quantity and quality at all stages of the lifespan.** Efficient epidemiological measurement of access to food by U.S. populations has challenged researchers since the 1980s. Lack of access to adequate food by U.S. households because of constrained household financial resources has been measured by questions assessing “hunger,” “risk of hunger,” “food insufficiency,” and most recently “food insecurity.” In 1990 an expert working group of the American Institute of Nutrition developed the following conceptual definitions of food security, food insecurity, and hunger, which were published by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology. Food security: “Access by all people at all times to enough food for an active, healthy life. **Food security includes at a minimum: (1) the ready availability of nutritionally adequate and safe foods and (2) an assured ability to acquire acceptable foods in socially acceptable ways (**e.g., without resorting to emergency food supplies, scavenging, stealing, or other coping strategies).” Food insecurity. “Limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.” Hunger. “The uneasy or painful sensation caused by a lack of food. The recurrent and involuntary lack of access to food. Hunger may produce malnutrition over time*. . .*. Hunger *. . .* is a potential, although not necessary, consequence of food insecurity… **Food insecurity and hunger, as measured by the FSS, are specifically related to limited household resources. Thus, by definition they are referred to as “resource-constrained” or “poverty-related” conditions**.

### Advantage: Food Access

**Fast food restaurants discriminately target low income and racial minorities with unhealthy food options**

**Kwate 08,** Naa Oyo A Associate Professor of Human Ecology and Africana Studies at Rutgers University “Fried chicken and fresh apples: Racial segregation as a fundamental cause of fast food density in black neighborhoods” [Health & Place](http://www.sciencedirect.com/science/journal/13538292) [Volume 14, Issue 1](http://www.sciencedirect.com/science/journal/13538292/14/1), March 2008, Pages 32–44

**A primary reason why Black neighborhoods have a high prevalence of fast food restaurants is because African Americans are actively sought by fast food companies, and segregation creates a ready, spatially concentrated target area**. From a purely rational business perspective, **the high prevalence of fast food restaurants in Black neighborhoods is itself suggestive of purposeful targeting**. When opening a business, owners must consider location characteristics, including neighboring shops and local business climate, the crime rate, quality of public services, condition of homes, buildings, and lots, relationship to competition, and the spatial relationship to the target market ([Pinson and Jinnett, 2000](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib93)). In many Black neighborhoods, such a location analysis would reveal: a retail climate that generates few customers; a relatively high crime rate; public services that have faced years of cutbacks and neglect; visibly deteriorated buildings; and several competing fast food restaurants. In other words, **there would be few incentives to open a store in a neighborhood with these characteristics, unless a primary goal was to target the individuals who reside there.**Still, we need not infer purposeful targeting from location profiles and restaurant prevalence alone. **Fast food operators clearly perceive “minorities” as a valuable market** ([Bunn, 1997](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib14); [Perlik, 2005](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib132)), **and market their products to this population in a variety of media** ([Harrison, 2006](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib48); [Tirodkar and Jain, 2003](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib115)). Indeed, **industry pundits have argued that “chicken and fish fast food operations usually capture high sales in black neighborhoods, especially if the units are located in proximity to a major health service, drugstore, supermarket, or liquor store”** ([Melaniphy, 1992](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib74), p. 83). While consumer **stereotyping and discriminatory practices do inform targeting practices**, the restrictiveness of total market availability for fast food is also critical. In 1996, it was argued that as trends in the population at large moved away from high fat foods, increased marketing towards low income and communities of color would take place, as was seen with cigarette and alcohol advertising ([Airhihenbuwa et al., 1996](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib4)). As US dietary patterns, consumer spending, and market penetration has changed ([Russell, 2003](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib103); [Datamonitor, 2005](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib23)) targeting African Americans has become increasingly important ([Moore, 1993](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib76)).General downturns in the US economy also provide the impetus for strategies to target urban African American neighborhoods, which historically have been neglected by retail ([Romney, 2001](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib102); [Field, 2006](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib33)). **National fast food chains do so by seeking name recognition, trust, brand loyalty, and perceptions of beneficence, particularly through the sponsorship of African American cultural events and community organizations (**[Semmes, 1996](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib107)) and the provision of youth scholarships ([Cebrzynski, 1998](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib131)). For example, in 2002, White Castle held a “Fastest Griddle Operator” contest and donated food in East New York, Brooklyn ([White Castle's local contest, 2007](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib121)), a neighborhood that has long struggled with poverty, racism and disinvestment ([Thabit, 2003](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib113)).**Given that fast food represents a low price point for eating out, it is logical to expect that these foods would be dense in communities with lower incomes. And, because African Americans have high rates of poverty** ([Proctor and Dalaker, 2003](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib133)), **and segregation spatially contains poverty in discrete neighborhoods**, **it thereby concentrates fast food. In general, empirical research demonstrates an association between low area income and fast food prevalence in the US** ([Burdette and Whitaker, 2004](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib15); [Stewart and Davis, 2005](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib110)) **and internationally**. In Australia, individuals living in the poorest SES category had 2.5 times the exposure to fastfood than those in the wealthiest category; indeed, individuals in the two highest SES categories had no exposure at all ([Reidpath et al., 2002](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib99)). Similarly, in Scotland and England, area deprivation was inversely related to the mean number of McDonald's outlets per 1000 residents ([Cummins et al., 2005](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib20)) and to other restaurant chains as well ([Macdonald et al., 2007](http://www.sciencedirect.com/science/article/pii/S1353829207000317#bib71)).

### Advantage: Food Access

We Must Fix Transportation Problems to Allow Access to Healthy Food  
Treuhaft**,** Sarah and Karpyn 10 Allison, Trained City Planner of PolicyLink and Director of Research and Evaluation at The Food Trust “The Grocery Gap: Who Has Access to Healthy Food and Why it Matters**”** [http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf 2010](http://www.policylink.org/atf/cf/%7B97C6D565-BB43-406D-A6D5-ECA3BBF35AF0%7D/FINALGroceryGap.pdf%202010)

The evidence is clear that many **communities—predominantly** low-income, urban communities of color **and rural areas—**lack adequate access to healthy food, and **the evidence also suggests** that **the lack of access** negatively impacts the health of residents and neighborhoods. **These findings indicate that** policy interventions to increase access to healthy food in “food deserts” will help people eat a healthy diet, w**hil**e **contributing to community economic development. For many years, impacted communities and their** advocate**s have been implementing a variety of strategies to increase access to fresh, wholesome foods, including: Attracting or developing grocery stores and supermarkets; Developing other retail outlets such as farmers’ markets, public markets, cooperatives, farmstands, community supported agriculture programs, and mobile vendors (and ensuring public benefits can be used at these venues); Increasing the stock of fruits, vegetables, and other healthy foods at neighborhood corner stores or small groceries Growing food locally through backyard and community gardens and largerscale urban agriculture; and** Improving transportation to grocery stores and farmers’ markets. Improving access to healthy food is **a** critical **component of an agenda** to build an equitable and sustainable food system. It is time for a nationwide focus **to ensure that healthy food choices are available to all, building on these local efforts and innovations. Smart public policies and programs should support communities in their efforts to develop, implement, and test strategies that increase healthy food access. Government agencies at the local, state, and federal level should prioritize the issue of inequitable food access in low-income, underserved areas. Programs and policies that are working should be expanded and new programs should be developed to bring more grocery stores and other fresh food retail outlets to neighborhoods without access to healthy foods.** Transportation barriers to fresh food outlets should be addressed. **Whenever possible, policies to address food deserts should link with comprehensive efforts to build strong regional food and farm systems**. Residents of low-income communities and communities of color in urban and rural areas have suffered for too long **from a lack of access to healthy food. With local and state programs showing enormous promise, now is the time for policymakers to enact policies that will catalyze the replication of local and state innovations and bring them to a national scale.**

### Advantage: Food Access

**People of color and low income citizens are at high risk of dieases due to the lack of access to healthy foods**

**FEP 11**, Food Empowerment Project, “Food Deserts”, <http://www.foodispower.org/food_deserts.htm>, 2011

The other defining characteristic of food deserts is socio-economic: that is, they are most commonly found in communities of color and low-income areas (where many people don't have cars). Studies have found that wealthy districts have three times as many supermarkets as poor ones do, [2] that white neighborhoods contain an average of four times as many supermarkets as predominantly black ones do, and that grocery stores in African-American communities are usually smaller with less selection. [3]People’s choices about what to eat are severely limited by the options available to them and what they can afford—and many food deserts contain an overabundance of fast food chains selling cheap “meat” and dairy-based foods that are high in fat, sugar and salt. Processed foods (such as snack cakes, chips and soda) typically sold by corner delis, convenience stores and liquor stores are usually just as unhealthy. Food Empowerment Project’s report, "[Shining a Light on the Valley of Heart's Delight](http://www.foodispower.org/scc_study.htm)," shows that it is possible to overlook communities that are located in food deserts when relying on data collected by the US government. We found that, “Part of the problem is how the US government’s North American Industry Classification System (NAICS is the standard used by the federal statistical agencies in classifying business establishments) categorizes retail outlets that sell food. According to the NAICS code, small corner grocery stores are statistically lumped together with supermarkets, such as Safeway, Whole Foods Market, etc. In other words, a community with no supermarket and two corner grocery stores that offer liquor and food would be counted as having two retail food outlets even though the food offered may be extremely limited and consist mainly of junk food.” In addition to this, we found that many of the convenience stores that had items such as a bunch of bananas or a few apples would sell the fruits individually. Because these items are not priced, the customers are often at the mercy of the person behind the counter who determines the cost then and there. Customers who don't have a good understanding of English might never ask the price of the item. Those living in food deserts may also find it difficult to locate foods that are culturally appropriate for them, and dietary restrictions, such as lactose intolerance, gluten allergies, etc., also limit the food choices of those who do not have access to larger chain stores that have more selection. Additionally, studies have found that urban residents who purchase groceries at small neighborhood stores pay between 3 and 37 percent more than suburbanites buying the same products at supermarkets. [4] Healthier foods are generally more expensive than unhealthful foods, particularly in food deserts. For instance, while the overall price of fruits and vegetables in the US increased by nearly 75 percent between 1989 and 2005, the price of fatty foods dropped by more than 26 percent during the same period. [5] While such inflation has strained the food budgets of many families regardless of their financial status, the higher cost of healthy foods often puts them entirely beyond the monetary means of many lower-income people. While unhealthy eating may be economically cheaper in the short-term, the consequences of long-term constrained access to healthy foods is one of the main reasons that ethnic minority and low-income populations suffer from statistically higher rates of [obesity](http://www.foodispower.org/obesity.htm), [type 2 diabetes](http://www.foodispower.org/dietary_diseases.htm), [cardiovascular disease](http://www.foodispower.org/dietary_diseases.htm), and other diet-related conditions than the general population. [6] Whatever their age, obesity puts people at a greater risk for serious, even fatal health disorders (particularly coronary heart disease and diabetes, [7] the first and seventh leading causes of death in the US respectively): [8] The incidence of diabetes among US adults doubled between 1996 and 2007, and “type 2 diabetes” (a variant of the disease that is often caused by obesity) [9] may account for 90 to 95 percent of these cases. [10] Only twenty years ago, type 2 diabetes was virtually unknown among people under 40 years old, but in the past decade it has increased tenfold among adolescents (mirroring this age group’s escalating obesity rates). [11] While the incidence of type 2 diabetes has risen across demographic lines in recent years, the greatest increases have occurred among people of color. The highest rates of escalation have been identified in Native American youth [12] and African-Americans and Latinos of all age groups, with these groups suffering disproportionately higher rates of type 2 diabetes compared to whites. [13]These are also the groups most likely to live in food deserts, and researchers have established a strong correlation between food insecurity and increased diabetes rates. One study of Chicago neighborhoods found the death rate from diabetes in food deserts to be twice that of areas offering access to grocery stores, [14] while another conducted in California found that adults ages 50 and over from communities of color had double the diabetes rate of whites from the same age demographic. Researchers explain this disparity by emphasizing that the high-calorie foods most readily available in food deserts put residents living in these areas at greater risk for diabetes in the first place, and that having restricted access to healthy foods also makes it harder for them to manage diabetes once they are diagnosed. [15] Heart disease causes more than 2.4 million deaths in the US every year. [16] One of the main causes of cardiovascular disease is a diet high in unhealthy fats and low-density lipoprotein (LDL) cholesterol [17] —typified by the types of fare commonly available in food deserts. Just as African-Americans are statistically more likely than other populations to live in food deserts, heart disease kills more blacks every year than whites [18] (despite the fact that whites make up almost 80 percent of the total US populace, and blacks comprise less than 13 percent). [19] Even children and adolescents living in food deserts are at greater risk for cardiovascular disease (both now and when they reach adulthood) due to the increased prevalence of obesity in those communities. [20

### Advantage: Food Access

Racism and White Supremacy make wars, violence, and genocides inevitable

**Daniels 09**

(Lenore Jean, PhD, has been a writer, for over thirty years of commentary, resistance criticism and cultural theory, and short stories with a Marxist sensibility to the impact of cultural narrative violence and its antithesis, resistance narratives dern American Literatures, with a specialty in Cultural Theory (race, gender, class narratives) from Loyola University, Chicago, U.S. Corporate-Militarist Government Motto: Oppress the Dialogue on White Supremacy - Oppress the Rage of Oppressed People Represent Our Resistance, April 2, 2009, http://www.phillyimc.org/en/us-corporate-militarist-government-motto)

**King called for Black Americans to recognize the theoretical link with the struggles for freedom at home and the struggle for freedom abroad**. In practical terms, **King pointed to the struggle against racism, sexism, classism under the thumb of the American Empire and those struggles by other dark-skinned oppressed people** under the warring forces of the American militarism.

The freedom movement is an anti-war movement. In short, King called for opposition to white supremacy, to conquest and pillage, to the theft of material resources from other peoples, to the domination of cultural representations of the “us” and “them,” to the devastation and destruction of those attempting to establish democratic societies and have a voice in world politics.The Black Left, pre-President Obama’s ascendancy to the throne of Empire, was anti-war.The call, then, was to centralize the freedom movement within the anti-war campaign as a core component of the anti-war, anti-imperialism, anti-capitalism movement. **To have transformed the Black civil rights struggle for justice, political, economic, and cultural self-determination into the anti-war movement would have legitimized and substantiated the claims of anti-war participants in their identification with the oppressed.**

Forty-one years later, we witness still a scattering of participants from the Black community in anti-war campaigns.

While Black organizations may be included and the issue of “racism” may be a topic on a list of issues, both the Black participants and the issue of racism are “tokenized” and relegated to the “margins” of anti-war campaigns dominated and controlled by white Americans.**Racism, as bell hooks explains, keeps white people at the center of the discussion and doesn’t allow for a discussion of colonialism and slavery. The perpetrators, as we now understand the development of “racism,” in a post-racial era, don’t exist. If the perpetrators don’t exist, the “victims” of “racism” don’t exist either** - unless the “victim,” one-at-a-time, is shot and killed by one or two possibility - only possibly - racist police. Maybe the perpetrator is racist or maybe not - that’s the debate that is worked into media spectacle and a story on a TV crime program.

In the meantime, white anti-war organizations, claiming to battle “racism,” seem to be battling a phantom with no perpetrators or victims. To “battle racism” then becomes recruiting certain “minority” voices to speak or pass out flyers. The privilege of whites to call the shots, to determine the agenda, and to select the players is left unchallenged. Generally, absence of Black Americans at these marches in the last 15 to 20 years is barely noticed by white Americans and, in my experience, I have found whites surprised by my presence, as if the marginal and “minority” status of Black Americans is a permanent because innate condition.

This effort to appropriate “racism,” appropriates marginalized voices. In turn, as hooks notes in Talking Back, the “appropriation of the marginalized voice threatens the very core of self-determination and free self-expression for exploited and oppressed peoples.” Black Americans can’t speak back directly, without a mediator, to the forces of oppression. Black Americans can’t organize to help themselves to theorize and practice resistance and maintain the struggle for freedom.This lock on the anti-racism - too - campaign, however, serves to silence a real debate on racism because those in control who by virtue of their organizations have eliminated themselves as “perpetrators,” while controlling the kind of narrative and representation that defines the “victims.” Furthermore, and most important, the phantom focus on “racism” impedes the advancement of Black Americans in the struggle against white supremacy. **Control the “victims’” attempt to confront white supremacy and you can control the nation’s confrontation with white supremacy.**

**The dialogue on white supremacy is oppressed!**

Friendships and camaraderie with the Black, Red, Brown, and Yellow is one thing, but denouncing white supremacy is another matter for white America.

**White supremacy, bell hooks explains “evokes a political world that we can all frame ourselves in relationship to; the ideology of white supremacy allows for the collusion of black people with the forces of racism; it refers to an institutional structure and not individual beliefs.” White supremacy means**, hooks writes in Killing Rage,“**talking about imperialism, colonialism…genocide…the white colonizers’ exploitation and betrayal of Native Americans.**

### Advantage: Food Access Cont..

[**It’s] about ways the legal and governmental structures of this society from the Constitution on supported and upheld slavery, apartheid.”**

**Today an “all-pervasive white supremacy**,” hooks explains, is **in this society an ideology and behavior. “Folks will insist that they are not racist, and then simultaneously argue that everyone knows property values will diminish if too many black people enter the neighborhood**,” writes hooks in Class Matters. “Black people,” she writes in Killing Rage, “working or socializing in predominantly white settings whose very structures are informed by the principles of white supremacy who dare to affirm blackness, love of black culture and identity, do so at great risk.” **White supremacy speaks to a structure of racist domination and oppression. The conservative and liberal commitment to white supremacy permits the huge discrepancies in quality of life between white and Black Americans. White supremacy is about the way foreign policy and capitalism are controlled by the fraternity of men on Wall Street and in Washington and how that policy of “free-trade,” torture, rendition, regime change, invasion for material resources builds capital for corporations which in term maintains a system dependent on oppressing the many, the majority of the Earth’s planet.**

**Now, the middle class in the U.S. is waking up to the lived experiences many Black, Red, Brown, and Yellow people have known for so long: the ideology that privileges whiteness, patriarchy, capitalism, and imperialism has been acceptable to** white **Americans. Until now, white Americans have refused to hear Martin Luther King and question the morals of this system and its explanation for poverty, inequality, and injustice. While white liberals and progressives attack the establishment of military occupations in Iraq and Afghanistan, they have refused to speak out on the implementation of white supremacy in Black and Brown communities** where a virtual police state exist. On the ground, away from Washington D.C. and Wall Street, the aggressive forces against the rage of injustice often wears a friendly liberal mask!I attended this anti-war march in Washington knowing why Malcolm, King, the Black Panthers were demonized and killed. I attended knowing where we have been, who we were as a people and where we are now and what has happened to us and our struggle for freedom. I attended knowing that Malcolm knew that.Many people in this country who want to see us the minority and who don’t want to see us taking too militant or too uncompromising a stand are absolutely against the successful regrouping or organizing of any faction of this country whose thought and whose thinking patterns are international, rather than national. Whose thought patterns, whose hopes and aspirations are worldly rather than just within the context of the United States border.I attended knowing I would be seen by some as a “guest,” not so worldly or knowledgeable, at an event held by “regular” and “liberal” Americans in support of more acceptable groups of dark-skinned people beyond the U.S. borders.Two buses left out of Philadelphia. I took a seat up front behind the first seat occupied by the bus captain (and one of the organizers) on the first bus. Another organizer sat next to me. The captain passed a clipboard to the organizer next to me and asked him to make sure everyone signs in. He passed the clipboard across the aisle where he saw people. Eventually the clipboard made its way back to this organizer and he asked if everyone had signed. I said I had not signed, to which the bus captain said, “We can’t miss the most important person.” I was the only Black. The “most important person” was visible just long enough to then render me “invisible” for the comfort of the majority.

And I am asked to repress my rage!

It was good to see the number of Blacks, Muslims, Arabs, Latino/as who spoke at the rally, and it was even better to see the number of Black students among student groups and organizations. But how much time and energy I spent looking particularly for those Black marchers? I can say I saw an improvement - more Black marchers sprinkled in an anti-war march. But this is the year 2009! The mechanisms of white supremacy have forestalled our vision of an international struggle in league with people of color against it!

Midway, the march toward the Pentagon and the headquarters of Boeing, Lockheed Martin, and KBR, a group of young people began unfurling a banner, effectively splitting. The group of young women, Black, Brown, and

Muslim had the attention of many of us who turned around to watch them. Then a young Black woman with a microphone began to speak. They were excluded from speaking at the rally. But they have a statement.

Here is some of what the group’s representatives had to say:

Even after being beaten, raped, segregated, and silenced, people of color the world over have risen up to their oppressors and oppressive institutions only to have their messages and rage co-opted by so-called ‘allies’ within the mostly white progressive, anti-war movement - righteous anger channeled into more ‘acceptable’ avenues whose purpose is not active engagement with that which oppresses us but in the creation of photo opportunities and press releases. In effect, we as people of color are not only further marginalized but tokenized as well.

### Advantage: Food Access Cont..

The group participated in the march to “**stand in solidarity with** the people of Iraqand Palestine in **our common struggle against white supremacy, colonialism, imperialism, and oppression in all its forms and make our presence felt** outside of what is conventionally allowed by the racist anti-war movement.”

I turned to notice two older Black women in the vicinity. They were nodding, and I caught one who said, “They said what they had to say.” The young people, as it turns out, representing a people of color anarchist grassroots group based inWashington and Philadelphia, stood around to answer questions from other marchers while the march itself continued on. Since the march, an organizer of the march told me that he was sure the group were agent provocateurs! They broke a window! Criminals, now!

I didn’t see a broken window. I asked others if they had heard about a “broken window.” No. I did see as did everyone, the army of police and Virginia State Police in riot gear lined up shoulder to shoulder for the bulk of the march and the army itself. I did see tasers, rifles, and state police tanks on either side of us all down the march route. If a brick was thrown by these young women of color, I am sure I wouldn’t be here at my desk writing this article. I was close enough to them to ask for a copy of the speech. The state police didn’t move and there was no arrest of an individuals or individuals. But there was an attempt to arrest the group’s message: **white supremacy has “subjected people of color to lifetimes of enslavement, torture, occupation, internment, police brutality, poverty, drug abuse and so on.”This isn’t about any particular group, or their label, or even about Left in-fighting. It is about the exclusion of a discourse on white supremacy.** The exclusion of young people of color who want to be heard! There’s no getting around the experience ofrecognizing the fear of some organizers and participants for me and then witnessing the resistance by the young people to that fear during the march.

The late Palestinian thinker and cultural theorist Edward Said referred to a “legacy of connections” as a result of colonial conquest and practice of enslavement. That “legacy of connections” is evident in Iraq, Afghanistan, Pakistan, as it is in Detroit,Los Angeles, New York, and New Orleans. Colonial conquest is the U.S.government-corporate business in places once colonized by European nations, and those places are occupied by Black, Brown, Red, and Yellow people! Outsourcing business to these places has created the modern-day experience of enslavement for many workers, mainly women of color. Yet, we witness what Said called “strategic deafness” when the message of white supremacy is uttered, particularly from the mouths of Black, Red, Brown, and Yellow people.Like Ida B. Wells, Ella Baker, Malcolm, Lumumba, Steve Biko, King, Huey Newton - people who lived and died - who didn’t compromise for the right of Blacks and other people of color to be free of conquest and enslavement, their descendents are demonized. The rage of the oppressed, as bell hooks has noted in Killing Rage, “is never the same as the rage of the privileged**.” The oppressed “can only change their lot only by changing the system; the other hopes to be rewarded within the system.”**

**White supremacy is the mechanism by which the rage of the oppressed is demonized and repressed in order to kill resistance.A “democracy” shouldn’t have anything to fear except the tyranny of white supremacy!**

**The use of words like “greed” and “racism” limits the perpetrators to a few bad apple types and removes personal and collective responsibility from the average American citizen. Fear and hatred of Black, Brown, Red, and Yellow people, the centuries of capitalizing on this fear and hatred led to the greed and arrogance of this government’s corporate - lead to domestic, i.e. prison industrial industry policies** and foreign, i.e. military industrial complex policies.What made Martin Luther King Jr. and Fannie Lou Hamer sick and tired? White supremacy! We may be able to engage in an expanded dialogue on democratic socialism in theU.S. if the peoples’ movement to end the war against the oppression of Black, Red, Brown, and Yellow people is not obstructed by the “rage” of those with investments in capitalism!

### Advantage: Food Access

**The apriori issue is racism-It makes all forms of violence inevitable. It must be rejected in every instance**

Memmi 2k

MEMMI Professor Emeritus of Sociology @ Unv. Of Paris Albert-; RACISM, translated by Steve Martinot, pp.163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved, yet for this very reason, **it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism. One cannot even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim** (and which [person] man is not [themself] himself an outsider relative to someone else?). **Racism illustrates in sum, the inevitable negativity of the condition of the dominated;** that is it illuminates in a certain sense the entire human condition. **The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences.** Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is the very negation. This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism because racism signifies the exclusion of the other and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is “the truly capital sin.**”fn22 It is not an accident that almost all of humanity’s spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, **we have an interest in banishing injustice, because injustice engenders violence and death.** Of course, this is debatable. **There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death**. It is probably smarter to treat others with respect so that they treat you with respect. “Recall,” says the bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. **It is an ethical and a practical appeal** – indeed, it is a contract, however implicit it might be. In short, the **refusal of racism is the condition for all theoretical and practical morality. Because, in the end, the ethical choice commands the political choice. A just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.**

### Advantage: Food Access

**Without a critique of White supremacy there will be no true justice. White humanity will be reproduced in a colorblind justice that only masks how sub and non-humans will be exterminated through the logic of white supremacy.**

**Rodriguez 07**, Dylan Professor University of California Reverside, November **2007** Kritika Kultura” American Globality and The U.S. Prison Regime: State violence and White Supremacy frm Abu Ghraib to Stockton to Bagong Diwa”

Variable, overlapping, and mutually constituting **white supremacist regimes have in fact been fundamental to the formation and movements of the United States,** from racial chattel **slavery and frontier genocide to recent** and current **modes of neoliberal** land displacement and **warfare. Without exception, these regimes have been differently entangled with the state’s changing paradigms, strategies**, and technologies of human incarceration and punishment ( to follow the prior examples:the plantation, the reservation, the neoliberal sweatshop,and the domestic-to-global prison). **The historical nature of these entanglements is widely acknowledged, although explanations of the structuring relations of force tend to either isolate or historically compartmentalize the complexities of historical white supremacy.** For the theoretical purposes of this essay, **white supremacy maybe understood as a logic of social organization that produces regimented, institutionalized, and militarized conceptions of hierarchized “human” difference, enforced through coercions and violences that are structured by** **genocidal possibility** (including physical extermination and curtailment of people’s collective capacities to socially, culturally, or biologically reproduce). As a historical vernacular and philosophical apparatus of domination, **white supremacy is simultaneously premised on and consistently innovating universalized conceptions of the white “human” vis-à-vis the rigorous production,**penal discipline, and **frequent social, political, and biological neutralization or extermination of the (non-white) sub-or non-human. To consider white supremacy as essential to American social formation, facilitates a discussion of modalities through which this material logic of violence overdetemines the social, political, economic, and cultural structures that compose American globality** and constitute the common sense that is organic **to its ordering**

### Solvency: Right to Transit

**A right to transportation is a step in the right direction to ensure transportation funding for low income and racial minorities that have been affected by transportation inequality**

**Dombroski 05,** Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

In light of current attempts to curtail affirmative rights already in place, such as recent attempts to reduce Aid to Families with Dependent Children (AFDC) benefits. One possibility is that **a right to transportation could be asserted as an appropriate remedy for violation of each of these doctrines. In other words, transportation development and land-use policies that limit the urban poor's freedom of movement or right to travel** could **plausibly give rise to a right to transportation as a remedy**. As suggested by the Holmesian conception of "rights" discussed above, the distinction between "right" and "remedy" is illusory. **Where a right is violated, a remedy is necessary to achieve equilibrium.** Under this view, **the aggrieved party gains a right to transportation as a remedy for violation of the right to travel or freedom of movement.** Furthermore, **the right to transportation could exist as a preventative remedy that ensures consideration for the transportation needs of the urban poor in allocating transportation funding.**

Unfortunately, it is not clear that current transportation funding practices and the resulting restrictive urban landscapes amount to violations of the right to travel and freedom of movement, violations that would be prerequisites to the existence of a right to transportation as a remedy. Furthermore, **because remedies affect the definition of the right,** [**n163**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n163) **courts faced with a claim that a costly right to transportation should exist to remedy restrictions on one's right to travel and freedom of movement could define these rights as giving rise to less costly remedies, and explicitly deny a right to transportation as an appropriate remedy given the scope of the violated right. Despite the difficulties in asserting a right to transportation** that springs directly from the rights of interstate travel, intrastate travel, and freedom of movement, or one that acts as a remedy to specific violations of these rights, **finding a right akin to a right of transportation may not be so unrealistic given federal and state governments' traditional role in funding transportation infrastructure. This is especially true if there are plausible reasons why such funding should be required to be used for the equal benefit of members of all socioeconomic classes.**

### Solvency: Right to Transit

#### Public transit is a right, we need stable funding now in order to be able to provide it

Wilson 12

Katie, founder of the transit riders union, an online organization that stands for people’s rights to transit March 13 <http://saveourmetro.org/2012/03/29/occupy-transit-a-national-day-of-action-april-4th/>

Transit Union and Riders Union stand together to demand funding for Transit. On Wednesday April 4th, the Amalgamated Transit Union (ATU) Local 587 will join together with the Seattle Transit Riders Union for an Occupy Transit, A National Day of Action, to demand mass transit funding for the 99%. Seattle, WA- Local transit unions, throughout the country, will be participating in call to action from Amalgamated Transit Union International. The General Executive Board of the ATU International has endorsed the National Day of Action for Public Transportation on April 4, in cities all over America. Transit workers, riders unions and the Occupy Movement are joining together for this action. Public transportation is a right. It is also an integral part of our sustainable future. Rather than fighting price hikes and service cuts, we should be focusing on expanding service and innovating more sustainable and convenient systems for mass transit. The economic downturn has been used as a reason to cut back service, raise fares, and layoff workers throughout the U.S. Here in Seattle, transit workers and their allies will “occupy” buses and trains, traveling down to 4th & Pine St. near Westlake Plaza. There will be informational picketing and distribution of flyers to remind the public that mass transit is for the 99% and that stable funding is needed now. Drivers of Puget Sound’s electric streetcars founded ATU Local 587 in 1912. The union currently represents more than 4600 transit workers and retirees in Clallam, Jefferson and King counties. Local 587 will be celebrating their 100th anniversary on April 21st. The Seattle Transit Rider’s Union is a democratic organization of working and poor people who are dedicated to preserve, expand, and improve the public transportation in Seattle and beyond, so that every human being has access to safe, affordable and reliable transportation. The public did its part by passing Measure R, Steva says. Now it's up to Metro to keep up its end of the bargain and pursue the projects it said it would if the measure passed. Meanwhile, the state, she says, has a responsibility to protect transportation funds instead of backfilling it with money from the federal stimulus plan. In Cal-PIRG's view, funding public transportation isn't just a transit policy issue. It means 18 jobs. Maintaining and expanding current operations mean bus drivers and maintenance workers get paid. “I think of all of those benefits, the angle not covered enough is job creation,” Steva says. “Transportation is a right. Everyone should be able to get to and from work, be able to travel throughout the community, and they shouldn't need a car for that.”

### Solvency: Right to Transit

#### Groups including the federal gov’t believe public transportation is a civil right

Takeaway 10

"The Takeaway" is a national morning news program, delivering the news and analysis you need to catch up, start your day, and prepare for what’s ahead. The show is a co-production of WNYC and PRI, in editorial collaboration with the BBC, The New York Times Radio, and WGBH.

The nonprofit law firm Public Advocates believes public transportation is a civil right, and the federal government agrees. When U.S. cities build new rail lines, they have to worry about more than making the trains run on time. The federal government is forcing public transportation officials to think about equity and civil rights, too. The Bay Area Rapid Transit (BART) system, for example, lost out on $70 million in federal stimulus money for its plans to build an elevated connector to the Oakland Airport. Activists, like Guillermo Mayer of the nonprofit law firm Public Advocates, charged that the project neglected largely African American and Latino communities of East Oakland. Mayer says the proposed rail line ignored low-income local residents and favored affluent visitors. This year, Federal Transit Administration (FTA) agreed with Mayer, and found that BART had violated the Civil Rights Act of 1964. The FTA had significant equity concerns in the new BART plans, and denied the system $70 million in funding. Instead of building expensive new rail lines, Mayer advocates a cheaper bus rapid transit system for new BART projects. Bus rapid transit runs modernized buses on dedicated lanes, and "would serve everybody's needs" according to Mayer. "OnEarth" magazine recently profiled [Bus Rapid Transit systems](http://www.onearth.org/article/hop-a-bus-to-the-future" \t "_blank), calling them "more flexible, cheaper, and in some cases more environmentally friendly than building a new rail-based mass transit system." The FTA's decision to deny funding has other communities taking note. According to Mayer, transit agencies in Atlanta, Washington DC and Los Angeles are now paying more attention to how their decisions will affect low income and minority populations. Mayer says, "The feds are watching, and they want to make sure that civil rights are watching.

### Solvency: Right to Transit

**The plan solves for the access of transportation through legislative acts that create transportation as a right.**

**Dombroski 05**, Matthew, Law Associate of Energy, Environment & Natural Resource Real Estate & Land Use at Manatt, Phelps & Phillips, LLP, “Securing Access to Transportation for the Urban Poor,” Columbia Law Review 105 Colum. L. Rev. 503, 2005.

**One** potential **solution to the problem of unequal access to transportation by protected classes in urban areas is for Congress to amend Title VI of the Civil Rights Act of 1964 to authorize administrative agencies to promulgate disparate impact prohibitions such as that contained in** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000)**. The American landscape has developed over the course of centuries to disparately harm many members of minority and low-income groups. This process has sometimes occurred as the result of overt or invidious discrimination**. [n216](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n216) Oftentimes, however, **it has occurred as the result of processes that, although of nonracist intent, operate as a form of institutional racism. Codifying the disparate impact prohibitions of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000) **and similar regulations would provide a means,** albeit imperfect, **for disadvantaged groups to secure equal benefit from transportation funding.**Unfortunately, Congress's ability to codify disparate impact prohibitions is doubtful following City of Boerne v. Flores [n217](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n217) and Alexander v. Sandoval. [n218](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n218) City of Boerne limited Congress's Section 5 authority to the enforcement of rights explicitly granted by the Fourteenth Amendment; Congress may not enlarge the scope of those rights. [n219](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n219) The Court has read the Fourteenth Amendment as protecting rights only against disparate treatment, not disparate impact. Given the Court's refusal in Sandoval to recognize disparate impact regulations as effectuating the disparate treatment prohibitions of Title VI, it is not a significant leap to suggest that the Supreme Court would also invalidate a statutory prohibition against disparate impact as overreaching the remedial limits of Section 5. [n220](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n220) Even if this was not the case, the Court might find that a disparate impact prohibition to remedy transportation inequality does not satisfy the requirement of "congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end." [**n221**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n221)**Judicial skepticism about disparate impact prohibitions brings into question any proposed solution to the de facto denial of transportation benefits to a disproportionate number of members of protected classes in urban areas.** After all, **unless these groups can successfully prove that the current transportation regime is the result of systematic discrimination under the Supreme Court's limited Fourteenth Amendment meaning of the term, the greater provision of transportation benefits to the suburban wealthy over the urban poor is simply an unfortunate social ill, not a legal violation**. Under this view, granting a programmatic right to transportation to particular protected groups would be an unjustified form of benevolent discrimination.Of course, the creation of a legal right is not the only way in which Congress can address inequalities in transportation. **Various studies demonstrate the importance of transportation for economic development and escaping poverty.** [**n222**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n222) **In light of the economic and social importance [\*535] of transportation, Congress should devote resources to make equal access to transportation a reality. A successful congressional approach includes a focus on not only transportation networks, but also attention to overall development patterns. Encouraging smart growth** [**n223**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n223) **by curtailing highway development, devoting resources to urban redevelopment, and accommodating alternative forms of transportation**, including the promotion of walking, has been shown to be an effective means of limiting sprawl, **improving the quality of the environment, and promoting social justice.**[n224](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n224) **These strategies, like the transportation problems they address, have effects that span racial, social, and economic boundaries but predominantly impact those most affected by the current highway dominated transportation regime: the urban poor.**Conclusion In the end, a de facto right to transportation may indeed exist as a result of the massive

### Solvency: Right to Transit Cont…

government expenditures on transportation networks. Such expenditures are likely to continue because transportation is necessary for economic development, and the provision of transportation has come to be an expected duty of government. Thus, government-funded transportation may be a morally entrenched right, at least to the extent that curtailing or eliminating government funding for transportation infrastructure would result in significant political upheaval. As already mentioned, however, **a right is only a right if it is protected, subject to limited exceptions.** [**n225**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n225) **The burden of protecting rights belongs to public institutions,** [**n226**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1337793742627&returnToKey=20_T14773816695&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.618296.8296718979#n226) **usually federal and/or state governments,** depending on the nature of the right.**Given that mobility is primarily denied to those vulnerable groups who have been limited by segregation, suburbanization, and car dependence, the de facto right of transportation is really only a right for those who can afford the type of transportation the government prefers: automobiles**. However, the right to interstate travel and freedom of movement, and to a lesser degree, the right to intrastate travel, all support a view that mobility is valued and is instrumental in economic and social [\*536] development, and should thus be equally protected for all. Unfortunately, the Equal Protection Clause of the Fourteenth Amendment and related statutes, though intended to prevent preferential treatment of particular groups, have been limited to such an extent that they are of little use in the transportation context without clear and obvious evidence of discriminatory intent. **Because of the importance of mobility, and because it has been provided to some groups while denied to others, one solution is for Congress to amend Title VI of the Civil Rights Act of 1964 to include the disparate impact prohibitions of** [**49 C.F.R. 21.5(b)(2)**](http://www.lexisnexis.com.proxy-tu.researchport.umd.edu/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T14773730966&homeCsi=7332&A=0.054638407201691996&urlEnc=ISO-8859-1&&citeString=49%20CFR%2021.5&countryCode=USA&_md5=00000000000000000000000000000000)**. Once amended,** and if validated by the Supreme Court, **the disparate impact prohibition on acts of the Department of Transportation will be a meaningful protection for minorities and the urban poor, who receive too few transportation benefits.** Alternately, **Congress could codify the right to transportation for the urban poor as a programmatic right - that is, through legislation that seeks to ensure urban transportation networks are adequately funded and low-income individuals have access to these networks**, perhaps by providing subsidies or by implementing reduced-fare programs. If either of these options proves to be politically or legally untenable, the most straightforward solution is for Congress to devote more resources to facilitating urban transportation networks that do not further promote the use of cars. This approach would benefit the urban poor and would have collateral benefits for every socioeconomic group by decreasing urban congestion and environmental degradation.

### Solvency: Right to Transit

**We must pursue more improved forms of civil rights legislation in order to protect the rights of those affected by transportation inequity**

**The Leadership Conference Education Fund 11**, the nation’s premier civil & human rights collation “Where We Need to Go: A Civil Rights Roadmap for Transportation Equity” March 11 <http://www.civilrights.org/transportation/where-we-go.html>

***e. Transportation equity requires meaningful civil rights protections***

In addition to **investing in transportation equity, we must ensure vigorous enforcement of existing civil rights legislation and pursue improved civil rights protections in federal statutes covering recipients of public funds. Ensuring fair and equitable access to the benefits of our transportation system and preventing disproportionate negative impacts on disadvantaged communities should remain a priority. The absence of affordable, accessible transportation options threatens the civil rights of millions of Americans. Past investment has disproportionately benefitted people in outlying areas, leaving many jobs out of reach for low-income Americans, and forcing others to exhaust their budgets on transportation at the expense of other needs such as health care, housing, food, and education.** Our transportation policy has also undermined the Americans with Disabilities Act’s promise of equal opportunity in transportation for people with disabilities, resulting in isolation from jobs, housing, health care, and education. **Constituencies that are directly harmed by inequitable transportation policy have a stake in federal transportation policy decisions. Future transportation policy must promote accessible and equitable transit options, shift funds to communities that have been overlooked, end the cycle of sprawl that perpetuates poverty and inequality, ensure that job creation benefits all communities equally, promote affordable housing, and protect the civil rights of all.**

### Solvency: Jobs

The accessibility of jobs must be a priority

WALL STREET JOURNAL 2011(“Move It: How the U.S. Can Improve Transportation Policy”)

http://www.brookings.edu/research/ 2011/05/23-transportation-policy-puentes

Finally, we have to make it easier for people to get to their jobs. Lower-income households depend more on transit than other households to access labor-market opportunity, due to the high costs of car ownership. Transit does a good job of getting into low-income neighborhoods, but it doesn't do so well connecting those riders to jobs, particularly lower-skilled jobs. In some metro areas, inner-city workers are cut off from suburban labor-market opportunities. In others, low-income suburban residents spend large shares of their income on owning and operating a car. Only about one-quarter of jobs in low- and middle-skill industries are accessible via public transit within 90 minutes for the typical metropolitan commuter, compared with one-third of jobs in high-skill industries. In Los Angeles, for example, 99% of low-income neighborhoods are served by transit. However, the typical resident can get to only 36% of jobs by transit.

### **Solvency: Jobs**

#### Transit can help people reach jobs and education while also assisting in achieving social equity

Litman 12

Todd, founder and executive director of the Victoria Transport Policy Institute, an

independent research organization dedicated to developing innovative solutions to transport

problems ,<http://www.vtpi.org/tranben.pdf> 5/27/12

Transit helps achieve community equity objectives. It increases economic and social opportunities for people who are economically, physically and socially disadvantaged, and helps achieve equity objectives, such as helping physically and economically disadvantaged people access public services, education and employment opportunities (Allen 2008; CTS 2010). Transit helps reduce the relative degree that non-drivers are disadvantaged compared with motorists. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities. Similarly, a significant portion of students depend on public transit for commuting to schools and colleges, so a reduction in transit services can reduce their future productivity. A survey of adults with disabilities actively seeking work found 39% considered inadequate transport a barrier to employment (Fowkes, Oxley and Henser 1994). Increased employment by such groups provides direct benefits to users and increases overall productivity. Economic benefits to businesses are discussed in the Productivity Benefits section. Transit services can increase economic productivity by improving access to education and employment (as discussed in the *Mobility Benefits* section), reducing traffic congestion, roads and parking facility costs, accidents and pollution (as discussed in the *Efficiency Benefits* section), by increasing land use efficiencies, and by supporting certain industries, such as tourism (CTOD 2011). Transit system costs tend to be relatively easy to determine, since most show up in government agency budgets. The main challenge is therefore to identify all incremental benefits. The scope of impacts considered when evaluating public transport policies and projects varies significantly between jurisdictions (Gwee, Currie and Stanley 2008). Some impacts are difficult to monetize (measure in monetary units) with available analysis tools and data. Such impacts should be quantified as much as possible and described. For example, it may be impractical to place a dollar value on transit equity benefits, but it may be possible to predict the number and type of additional trips made by transportation disadvantaged people, and to discuss the implications of this additional mobility on their ability to access basic services, education and employment. *Mobility benefits* result from the additional mobility provided by a transportation service, particularly to people who are physically, economically or socially disadvantaged. These benefits are affected by the types of additional trips served. For example, transit services that provide *basic mobility*, such as access to medical services, essential shopping, education and employment opportunities, can be considered to provide greater benefits than more luxury trips, such as recreational travel. Public transit currently serves a relatively small portion of trips in most communities, but the trips it serves tend to be high value to users and society. Transit provides *basic mobility* by helping people reach important activities such as medical services, education and employment. This is particularly true of Demand Response service riders, who have moderate to severe disabilities that limit their mobility, and often are unable to use other travel options, such as walking, cycling or conventional taxis. Because users have few alternatives, Nguyen-Hoanga and Yeung (2010) find that paratransit service benefits far exceed their costs. Demand for such services, and therefore the benefits of providing public transit, tends to increase as the number of seniors, people with disabilities, and low income households increase in a community. This refers to direct benefits to users from increased access to services and activities, including medical services, economic benefits from schooling and employment, enjoyment from being able to attend social and recreational activities, and financial savings from being able to shop at a wider range of stores. By improving access to education and jobs transit can increase people’s economic opportunities.

### **A/T : States C/P**

**Permutation: 50:50 capital funds are possible for mass transit. Additionally, the government has uniquely contributed to inequity that must be addressed.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

D. Federal Laws and Policies   Since the birth of the interstate era **the federal government has played a major role in steering the transportation plans and policies which have led to the social, economic, and infrastructural disparities between the urban core and outer-ring suburbs**. **The Urban Mass Transportation Act of 1964** (UMTA) **was the federal government's first major mass transit endeavor**. [n104](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n104) UMTA provided a 50:50 capital fund match [n105](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n105) to cities and states for the construction of rail projects. **Many states decided to spend their own money on highways because federal fund matching was higher for highway construction** (80:20). [n106](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n106) **This federal funding "inducement" fostered suburban growth and accelerated the decay of the urban core.** [\*73**]  The Intermodal Surface Transportation Efficiency Act of 1991** (ISTEA) [n107](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n107) was "the first major federal transportation policy to give any consideration to the health, economic, and social effects of transportation policy on racial minority and low-income communities." [n108](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n108) The law **changed the federal funding policy and dramatically altered future transportation planning**. Mass transit and highways now received similar fund matching, thereby removing the highway bias. [n109](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n109) Highway funds could also be diverted to transit initiatives. [n110](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n110) **Federal funds in metropolitan areas were given directly to Metropolitan Planning Organizations** (MPOs) - diverse bodies empowered to plan and allocate transportation funding in metropolitan areas. [n111](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n111) The MPOs also had to develop - **with local community involvement - short-term and long-term transportation projects.** [n112](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n112) ISTEA authorized the Congestion Mitigation and Air Quality (CMAQ) program, which provided funding for MPOs and transit agencies to invest in projects to reduce air pollution. [n113](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n113) President Clinton dedicated the power and resources of the Executive Branch to fight for environmental justice in the urban core two years after ISTEA enactment. [n114](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n114) EO 12898 was not new law but "an attempt to address environmental injustice within already existing federal [environmental and civil rights] laws and regulations." [n115](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n115) The U.S. Department of Transportation (USDOT) and other federal agencies responded by incorporating environmental justice and civil rights  [\*74]  principles into their policies and regulations affecting transportation planning and decision making. [n116](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n116) The Transportation Equity Act for the 21st Century (TEA-21) succeeded ISTEA and reauthorized transportation funding through 2003. [n117](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n117) TEA-21 maintained the transportation planning structure of ISTEA but went further by creating a new program to squarely address the "spatial mismatch" between residents of the urban core and jobs in the suburbs. The Job Access and Reverse Commute (JARC) program provided grants for transit authorities, service agencies, and employers to create or expand transportation to the suburbs for welfare recipients and low-income residents. [n118](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n118) **Even though Congress** [n119](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n119) **and the President** [n120](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n120) **seek to bring transportation equity to the urban core, "the executive orders, laws, and regulations are only as good as their enforcement."** [n121](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n121) **Residents in low-income communities must constantly fight for their rights in spite of clear-cut mandates**. [n122](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n122) The continued disparate treatment has caused the transportation equity and environmental justice movement to seek relief through the courts. [n123](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n123)

### **A/T : States C/P**

#### Federal government key for Continued, Consistent Success of Mass Transit

Sledge ’12 – “Mass Transit’s State of the Union: Room for Improvement”

Huffington Post Matt Sledge is a reporter for the Huffington Post based in New York. A graduate of Brown University, he was previously the Rhode Island director for FairVote.

The last couple of years have been pretty stormy for public transportation agencies: Amid deteriorating state and local budgets, [some 80 percent of them](http://www.apta.com/mediacenter/pressreleases/2011/Pages/110817_ServiceCut_Survey.aspx" \t "_hplink) were forced to cut service or raise fares. New York's Metropolitan Transportation Authority, which raised the price of monthly subway MetroCards from $89 to $104 at the end of 2010, announced a plan last summer for [7.5 percent hikes by 2015](http://www.nypost.com/p/news/local/mta_foul_fares_fIvdGSTIoHvWKVA0HY7NDJ" \t "_hplink). In Boston, a ride on the subway could soon go up [from $1.70 to $2.40](http://www.boston.com/Boston/metrodesk/2012/01/state-unveils-two-mbta-fare-increase-service-cut-scenarios/DoUG26YM6frTKPtULQkOUK/index.html" \t "_hplink). The inevitable stories about steamed commuters and outraged politicians followed, but the cuts and cost increases also masked something intriguing. Even in the midst of budget headwinds, public transit as a whole managed to increase ridership [some 2 percent](http://www.apta.com/mediacenter/pressreleases/2011/Pages/111208_Ridership.aspx" \t "_hplink) over the previous year in the third quarter of 2011, according to the American Public Transportation Association. How that happened, and what it means for transit in 2012 and beyond as Congress takes up a [new surface transportation bill](http://www.politico.com/news/stories/0112/71840.html" \t "_hplink), are questions HuffPost put to the president of the American Public Transportation Association, Michael P. Melaniphy, whose term began in November. He paints a surprisingly optimistic picture for the future, as long as the federal government does its part. "When you take into account the fact that the majority of our member agencies raised fares and cut services, it sends a really good message," he said of the ridership gains. In April and May 2011, gas prices shot up to [a U.S. average of $3.96 a gallon](http://gasbuddy.com/gb_retail_price_chart.aspx" \t "_hplink). As the year wore on, they gradually receded -- but people kept taking the train or the bus. "When gas prices really spiked, there was certainly a flight to transit, which would not be unexpected, but as gas prices retreated a little bit, many agencies were able to retain those gains," Melaniphy said. Top of Form Bottom of Form The transit honcho said flashier designs and better branding, like on Washington, D.C.'s Circulator bus, have played their part in convincing more people that it's okay to take the bus. And, he added, "the other factor that's played a real role here is transit-oriented development along fixed guideways." Translation: More and more towns in some surprising places are throwing up light rail lines, and more people are living along them. Phoenix, Dallas and Norfolk, Va., do not fit the traditional stereotypes of the kind of American cities that really care about public transportation, but they all expanded light rail at a furious pace over the last couple of years, and they did it by asking people to tax themselves. In the third quarter of 2011, light rail ridership was [up 5.8 percent](http://www.apta.com/mediacenter/pressreleases/2011/Pages/111208_Ridership.aspx" \t "_hplink) over the same quarter the previous year. "The communities have embraced them overwhelmingly," Melaniphy said. "In Dallas we have the largest light rail system in the country, and it continues to grow." Yes, that Dallas: the metro region now has [72 miles of rail](http://www.dart.org/about/dartfacts.asp" \t "_hplink), 55 stations, and an average of about 60,000 riders per weekday. An impressive 36.4 percent more people rode Dallas Area Rapid Transit's light rail in the third quarter of 2011 over the year before. To continue transit's success, Melaniphy would like to see more money from Congress in the surface transportation bill; he would also like it to cover many years so transit agencies can plan ahead.The current bill is set to expire on March 31, and the House and Senate are fine-tuning their versions of a replacement. Unless either version comes up with more money, mass transit would face further cuts under an extension. Melaniphy said he believes that transit has proved it deserves more. As cuts continue, he said "those are American jobs that we're losing right now. And I think the big thing to get across is that transit is not only the jobs we create, both in the private and public sector, but also the access to jobs."

### **A/T: Econ/ Spending**

**Mass transit is key to local economic support—it attracts work and avoids building more roads for traffic.**

**Hiniker 2012**

Steve, “Partisanship on mass transit hurts economy,’ The Capital Times (Madison, Wisconsin), March 28, Lexis.

**Without mass transit, crowded highways become even more crowded. That leads to calls for wider roads, with a price tag higher than any mass transit system**. **Cities that don't have good mass transit aren't good places to live or work**. No matter how much red-**state** partisans may dislike Madison or Milwaukee, they **depend on the prosperity of those cities for the economy.** If Madison or Milwaukee were to follow in the footsteps of Detroit, the rest of Wisconsin's economy would soon look more like Michigan's.

**Multiple current policies spend money.**

**Occupational Health & Safety 6/12**

Governmental Agency, June 29, “Long-Awaited Highway Bill Passed,” <http://ohsonline.com/articles/2012/06/29/long-awaited-highway-bill-passed.aspx?admgarea=news>

The Congressional Budget Office reviewed the conference report and estimated **enacting** H.R. 4348 will reduce budget deficits by $16.3 billion during 2012-2022. (Incidentally, the bill also will lower the pending increase in student loan interest rates and will extend the National Flood Insurance Program for five years.)

"**This surface transportation bill is critical to helping restore our nation's roads, bridges, and highways," said Rockefeller.** "When we passed **the bipartisan Senate reauthorization** bill **in March**, we **sought to make America's passenger vehicles and surface transportation infrastructure safer and more efficient.** As a conferee and chairman of the committee responsible for making our transportation system safer, I believe we've ultimately reached a policy that brings the United States into the 21st century. It takes important steps to end distracted driving and protect all motorists. It ensures companies that violate safety obligations will be held accountable. And children and parents will benefit from improved safety standards.

### A/T: Topicality

**Transportation infrastructure includes investment in transit.**

**Government Accountability Office 6/12**

Report to Congress, Highlights of GAO-11-600, “Funding used for transportation infrastructure projects, but some requirements proved challenging,” <http://www.gao.gov/new.items/d11600.pdf>

**As of May 31, 2011**, nearly $45 billion (about 95 percent) of Recovery Act transportation funds had been obligated for over 15,000 projects nationwide, and more than $28 billion had been expended. **Recipients continue to report using** Recovery Act **funds to improve the nation’s transportation infrastructure.** Highway funds have been primarily used for pavement improvement projects, and **transit funds have been primarily used to upgrade transit facilities and purchase buses.** Recovery Act funds have also been used to rehabilitate airport runways and improve Amtrak’s infrastructure. **The Recovery Act helped fund transportation jobs**, but long-term benefits are unclear. For example, according to recipient reported data, transportation projects supported between approximately 31,460 and 65,110 full-time equivalents (FTE) quarterly from October 2009 through March 2011. Officials reported other benefits, including improved coordination among federal, state, and local officials. However, the impact of Recovery Act investments in transportation is unknown, and **GAO has recommended that DOT determine the data needed to assess the impact of these investments.**

### A/T: People Wont Ride

**Overwhelming consensus exists—suburban residents need and prefer mass transit transportation.**

**Seymore ‘05**

Sean B., Set the Captives Free!: Transit Inequity in Urban Centers, and the Laws and Policies which Aggravate the Disparity, George Mason University Civil Rights Law Journal, 16 Geo. Mason U. Civ. Rts. L.J. 57

1. The Structure of Transit Systems in Major Cities   Transit authorities in large cities provide **bus and rail service**, [n48](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n48) which **are both integral in making metropolitan areas livable and accessible**. [n49](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n49) These cities design their transit networks using a "hub-and spoke" model: rail lines form the heart of the transit network and  [\*64]  buses form the arteries. [n50](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n50) The bus routes originate and terminate at the stations scattered along the rail routes. [n51](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n51) Multiple rail lines often intersect at one or more points in the center of the city. **Transit riders overwhelmingly agree** on one point: **rail service is the best modal choice because of its speed and limited station stops.** [n52](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n52) 2. The Face of Public Transportation [n53](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n53)   **The identity of mass transit riders depends on income, auto ownership, trip purpose, trip distance, the type of transit, accessibility, race, and other factors**. [n54](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n54) **Income is the primary determinant of travel mode**. [n55](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n55) Transit use drops from 19.1 percent by households with no car to only 2.7 percent by households with one car, which means that most households abandon public transportation once they own a car. [n56](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n56) **Transit modal choice is also related to income.** **Bus usage decreases sharply as incomes rise: the poor are eight times more likely than the affluent to ride the bus**. [n57](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n57) Rail is the mode of choice for the affluent both in the city and in the suburbs. [n58](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n58) Many transportation authorities have placed park-and-ride lots or garages at or near the  [\*65]  terminus of rail lines in order to attract suburban passengers. [n59](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n59) On a typical workday, a suburban passenger can park at a suburban rail station and ride the train into the city, thereby avoiding traffic congestion and parking headaches. **The time and money saved** **makes park-and-ride a bargain for suburban residents. Thus, rail transit attracts both the poor and affluent**. [n60](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n60)**Variation in transit use among the races is striking. Blacks are eight times as likely as whites to ride the bus, three times as likely to use rail transit, and almost six times as likely to use public transit overall.** [n61](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n61) Blacks and Hispanics account for 54 percent of all transit users, 62 percent of all bus riders and 35 percent of all rail riders. [n62](http://www.lexisnexis.com:80/lnacui2api/frame.do?reloadEntirePage=true&rand=1341007637469&returnToKey=20_T15031605923&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.653483.4482413486#n62) Thus, minorities rely on public transit far more than whites.

**Cities prove—low-income residents actively use mass transit for jobs.**

**Hiniker 2012**

Steve, “Partisanship on mass transit hurts economy,’ The Capital Times (Madison, Wisconsin), March 28, Lexis.

Cities need mass transit. Period. People who don't live in the city may never use it, but they gain from it. Mass transit connects workers to their jobs. For many lower-income urban residents, transit is the only link to a job. Cut it and jobs are lost. Mass transit also provides a convenient and more efficient alternative to those who don't want to hassle with traffic jams, the high cost of parking and the general expense of driving a car. Most urban employers understand the importance of mass transit. Yet the current leadership in the Legislature, and the governor, are unmoved.

### A/T: Highway Bill

**The transportation bill does not address transit funding.**

**Snyder 6/12**

Tanya, June 28, Streetsblog's Capitol Hill editor in September 2010 after covering Congress for Pacifica Radio’s Washington bureau, “Conference Bill Preserves Transit Funding, Wastes Opportunities For Progress,” <http://dc.streetsblog.org/2012/06/28/conference-bill-freezes-transit-funding-wastes-opportunities-for-progress/>

In H.R.7 – **the transpo bill** so backwards even the House couldn’t pass it — the roads-only crowd **threw transit riders under the bus, as it were,** [**eliminating dedicated funding for transit**](http://dc.streetsblog.org/2012/02/03/massive-coalition-opposes-house-gop-attempt-to-eviscerate-transit/)**, which was left to fend for itself off scraps from the general fund.** The best thing one can say about the bill issued by the conference committee last night is that it doesn’t include that draconian measure. But it sure doesn’t do anything to move transit forward in this country. **The bill maintains current funding levels at a time when more Americans are turning to transit but cities can barely maintain their existing services**. **Ridership has been growing steadily for countless economic and social reasons. But transit agency budgets haven’t grown with it, and Congress, with this bill, is surrendering its chance to help struggling cities and move toward a future where Americans have more transportation options**

**The new highway bill is highway-centric—doesn’t address transit.**

**Snyder 6/12**

Tanya, Streetsblog's Capitol Hill editor in September 2010 after covering Congress for Pacifica Radio’s Washington bureau, “A New Bill Passes, But America’s Transpo Policy Stays Stuck in 20th Century,” http://dc.streetsblog.org/2012/06/29/a-new-bill-passes-but-americas-transpo-policy-stays-stuck-in-20th-century/

The House of Representatives approved **the transportation bill** conference report this afternoon by a vote of 373 to 52. [*UPDATE 4:00 PM*: The Senate has also approved the bill, 74-19.] This **is a bill that’s been called “a death blow to mass transit” by the Amalgamated Transit Union, “a step backwards for America’s transportation system”** by the Rails-to-Trails Conservancy, “a retreat from the goals of sustainability and economic resiliency” by Reconnecting America, “a substantial capitulation” by Transportation for America, and “bad news for biking and walking” by America Bikes. After more than 1,000 days of waiting since the last transportation bill expired, **the nation’s new transportation policy is a grave disappointment to people seeking to reform the current highway-centric system.**

The fact that the House GOP tried and, for the most part, failed to reverse the progress made under presidents Reagan and Bush the elder offers a small degree of consolation. “Some of the worst ideas pushed initially by House Republicans went nowhere – funding the highway system with new oil drilling revenues, taking transit out of the highway trust fund, de-federalizing transportation funding – to mention some of the most radical proposals that were seriously being put forward,” [wrote Deron Lovaas of NRDC](http://switchboard.nrdc.org/blogs/dlovaas/congress_takes_up_a_throwback.html) this morning. “But… that pretty much exhausts the good news.” So what does the bill actually do? **Overall, it doesn’t change a whole lot, and the most significant changes tend not to benefit livable streets or sustainable transportation**. Here’s a breakdown.

### A/T Highway Bill

**The highway transportation bill does not address transit system reforms.**

**Plumer 6/12**

Brad, June 29, “Highway bill showdown: Five things to know,” http://www.washingtonpost.com/blogs/ezra-klein/wp/2012/06/29/highway-bill-showdown-five-things-to-know/

In theory, there’s a deal at hand to avert chaos. Key members of **the House and Senate** just **tentatively agreed on a new $120 billion transportation** [**bill**](http://www.rules.house.gov/Media/file/PDF_112_2/LegislativeText/CRPT-112hrpt-HR4348.pdf) (pdf) that will fund the nation’s roads, bridges and mass transit for the next 27 months. Both chambers are expected to take a final vote on the measure Friday. But, as always, there might be a few last hiccups. **Here are** five **key things to know about the bill**:

1) **Transportation spending stays at current levels**— but one-time gimmicks are making up for an ongoing shortfall in gas taxes. Most members of Congress would prefer not to cut spending on highways. That’s rarely popular. Trouble is, the highway bill has typically been paid for by the 18.4-cents-per-gallon federal gas tax. And with fewer people driving these days, [there’s not enough gas tax money](http://www.washingtonpost.com/blogs/ezra-klein/post/gas-tax-aversion-is-tying-congress-in-knots/2011/11/08/gIQA5qrt1M_blog.html?wprss=ezra-klein) to pay for everything. So, instead of raising the gas tax, Congress scrounged up [an extra $18.8 billion](http://www.finance.senate.gov/newsroom/chairman/release/?id=fb956656-28d3-4fee-9eb8-3d181967cc14) for the Highway Trust Fund. This money mostly came from changes to pension rules (see [here](http://www.washingtonpost.com/blogs/ezra-klein/post/is-congress-setting-itself-up-for-a-pension-crisis/2012/03/16/gIQANGTqGS_blog.html?wprss=rss_ezra-klein) for a rundown) and from a fund meant to clean up leaking underground storage tanks. **It’s not a permanent solution. And, yes, 27 months from now, Congress will face this exact same gas-tax crisis**.

2) **The bill continues Congress’s love affair with highways. When the Senate passed its first version of the transportation bill in March, some advocates** [**cheered the fact**](http://www.washingtonpost.com/blogs/ezra-klein/post/the-senate-tries-to-make-highway-spending-a-bit-more-rational/2012/03/14/gIQAcEhUCS_blog.html?wprss=rss_ezra-klein) **that it contained measures to encourage mass transit — like money to keep cash-crunched bus and train systems operating.** **But most of those reforms**, Tanya Snyder [notes](http://dc.streetsblog.org/2012/06/28/conference-bill-freezes-transit-funding-wastes-opportunities-for-progress/), **have been stripped out of the new bill**. House and Senate negotiators also [cut money](http://dc.streetsblog.org/2012/06/28/transpo-bill-states-can-spend-bikeped-funds-on-left-turn-lanes/) for biking and pedestrians. And state highway agencies will get more discretion over how to spend congestion and air quality funds. The bill, grouses Transportation for America’s James Corless, “doesn’t begin to address the needs of a changing America in the 21st century.” **More and more Americans** [**are taking**](http://www.washingtonpost.com/blogs/ezra-klein/post/is-public-transportation-habit-forming/2012/05/18/gIQAFw1WYU_blog.html?wprss=rss_ezra-klein) **public transportation, but Congress isn’t readjusting its focus.** 3) Republicans lost their battle on the Keystone XL pipeline. Back in February, House Speaker John Boehner had a [different vision](http://www.washingtonpost.com/blogs/ezra-klein/post/congress-braces-for-a-brutal-fight-over-highway-bills/2012/02/14/gIQAawMaFR_blog.html?wprss=ezra-klein) for the transportation bill — one that boosted oil and gas drilling to pay for new road spending. Ultimately, though, Boehner couldn’t get his bill that through the House. So, when it came time to negotiate with the Senate, Republicans instead tried to get fast-track approval for the Keystone XL pipeline. (The White House, recall, had denied permits for the pipeline in January.) In the end, though, Keystone [never made it](http://www.sfgate.com/politics/article/Transportation-student-loan-agreements-reached-3668695.php) into the final bill — and neither did GOP-backed rules to weaken regulations on coal ash pollution. 4) But environmentalists aren’t happy with measures to speed up transportation projects. The new transportation bill [contains several measures](http://www.washingtonpost.com/politics/federal_government/compromises-on-environmental-safety-issues-lead-to-tentative-highway-deal/2012/06/27/gJQAPw1Z7V_story.html) to ensure that roads and bridges get built more quickly. For instance, there’s a four-year planning deadline for projects that receive federal money (after that, the project starts losing funds). And certain projects get a pass from extensive environmental reviews — projects that get less than $5 million in federal assistance, or interchanges on already-approved highways. Deron Lovaas, a transportation expert at the Natural Resources Defense Council, warns that this could have unintended consequences — a large, intrusive project that gets broken up into small $5 million chunks, for instance, could be exempt from oversight. 5) Two obscure — but **important**! — **reforms got left out of the final bill**. **The original Senate transportation bill** [did two things](http://www.washingtonpost.com/blogs/ezra-klein/post/the-senate-tries-to-make-highway-spending-a-bit-more-rational/2012/03/14/gIQAcEhUCS_blog.html?wprss=rss_ezra-klein) that may seem minor but were actually quite significant, says Joshua Schank of the Eno Center for Transportation. For one, the bill **shifted more money to fixing existing roads rather than building new ones**. (**Analysts have** [**long argued**](http://www.washingtonpost.com/blogs/ezra-klein/post/should-we-fix-old-roads-instead-of-building-new-ones/2011/10/14/gIQAnOBsjL_blog.html) **that it’s more cost-effective to repair the roads we already have, but state and local politicians prefer new projects that come with shiny ribbon-cuttings**.) That earlier version also would’ve established a new [coordinated policy](http://t4america.org/blog/2011/12/14/senate-committee-takes-positive-steps-for-freight-multimodalism-performance-and-safer-streets/) that linked up freight and ports. But these provisions have been cut from the final bill.