

# The Evolution of Transportation Policy at the Federal Level

Polly Trottenberg, Deputy Secretary, US DOT, April 26, 2024

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## Part I. Literature

*For further reading about federal grant programs:*

Lowry, Robert C., and Matthew Potoski. “Organized Interests and the Politics of Federal Discretionary Grants.” *The Journal of Politics* 66, no. 2 (May 2004): 513–33. <https://doi.org/10.1111/j.1468-2508.2004.00162.x>.

Schank, Joshua, and Paul Lewis. “Federal Role in State Transportation Finance.” *Transportation Research Record* 2345, no. 1 (January 1, 2013): 9–16. <https://doi.org/10.3141/2345-02>.

*For further reading about urban EV charging:*

Guerra, Erick, and Ricardo A. Daziano. “Electric Vehicles and Residential Parking in an Urban Environment: Results from a Stated Preference Experiment.” *Transportation Research Part D: Transport and Environment* 79 (February 1, 2020): 102222. <https://doi.org/10.1016/j.trd.2020.102222>.

Khan, Hafiz Anwar Ullah, Sara Price, Charalampos Avraam, and Yury Dvorkin. “Inequitable Access to EV Charging Infrastructure.” *The Electricity Journal* 35, no. 3 (April 1, 2022): 107096. <https://doi.org/10.1016/j.tej.2022.107096>.

*For further reading about roadway safety:*

Tyndall, Justin. “The Effect of Front-End Vehicle Height on Pedestrian Death Risk.” *Economics of Transportation* 37 (March 1, 2024): 100342. <https://doi.org/10.1016/j.ecotra.2024.100342>.

Day, Marianne, Paul Norman, Damian Poulter, Özgün Özkan, and Richard Rowe. “The Adoption and Application of Intelligent Speed Assistance by Private Motorists: User and Non-User Perspectives.” *Transportation Research Part F: Traffic Psychology and Behaviour* 99 (November 1, 2023): 262–73. <https://doi.org/10.1016/j.trf.2023.10.016>.

## Part II. Recent News

Zukowski, Dan. “US DOT Awards \$3.3B to Reconnect Communities, Offers Funding for Other Transportation Projects.” *Smart Cities Dive*, March 13, 2024. <https://www.smartcitiesdive.com/news/biden-us-dot-reconnecting-communities-sustainable-materials-transit/710142/>.

U.S. Department of Transportation. “Secretary Buttigieg’s Remarks at Historic Groundbreaking in Las Vegas for the Brightline West High-Speed Rail Project,” April 22, 2024. <https://www.transportation.gov/briefing-room/secretary-buttigieg-remarks-historic-groundbreaking-las-vegas-brightline-west-high>.

U.S. Department of Transportation. “Biden-Harris Administration Announces Final Rule Requiring Automatic Refunds of Airline Tickets and Ancillary Service Fees,” April 24, 2024. <https://www.transportation.gov/briefing-room/biden-harris-administration-announces-final-rule-requiring-automatic-refunds-airline>.

Hermans, Amanda, and Tomi Rajninger. “Local Governments with More Staff and Bigger Budgets Are More Likely to Win Federal Infrastructure Grants.” Urban Wire. Urban Institute. Accessed May 6, 2024. <https://www.urban.org/urban-wire/local-governments-more-staff-and-bigger-budgets-are-more-likely-win-federal>.

### **Part III. Questions and Answers**

Jinhua questions

**Q:** Applying for discretionary funding requires knowledge and experience. How can we help small cities without as many resources be competitive for these funds? Also, how can we help communities apply for funds when they do not receive support from the state government/agencies (e.g. Birmingham, AL)?

**A:** US DOT has put together library of webinars and information to help communities apply ([DOT Navigator](#)), as well as a checklist helping them decide whether it makes sense to go for federal funds considering all the strings attached. DOT can waive local matches, especially interested in helping tribal communities. PT and Secretary Buttigieg have both worked at the municipal level. Some states are more receptive than others—Iowa provided local match of all communities to apply for SS4A grants. Ongoing challenge in a federated, decentralized transportation system.

**Q:** Public transit contributes to key American social agendas of environmental sustainability and equity. Transit agencies are in a difficult financial situation—the fiscal cliff. With the BIL providing \$108 billion for public transportation but reserving it mostly for capital projects, is it possible for the federal government to contribute to transit agencies’ operating budgets?

**A:** Coming out of covid, the federal government provided funds to bridge the operating funding gap for transit agencies large and small. Biden administration budget has proposed allowing agencies to flex capital money to operations, but Congress has not seen fit to adopt that measure. Cities and states have stepped up at the local level to address the fiscal gaps, but the problem has not been solved everywhere. US DOT is giving out lots of capital dollars for system expansion and bus fleets, but has not entirely cracked the code for the operating budgets of large systems—political unpopular to subsidize federally. Still working on it.

**Q:** Public transit has two distinct contributions to fighting climate change: mode shift away from cars and electrifying transit vehicles. USA has pushed much harder on the latter than the former, even when agencies are cash strapped, putting agencies in an impossible position.

**A:** American transportation policy has been technology-focused on the environmental front and less about mode shift. With the Bipartisan Infrastructure Law we are getting to do some of all—capital money can contribute to system expansion rather than just bus electrification—up to the agency. Supply chain is a challenge for bus electrification. Some pressure for bus electrification

comes from the local level. Mode shift in the US has been driven mostly on the technological and incentives/investment front rather than the aggressive policy level.

Q: Across the board, there is a shortage of truck, taxi, and bus drivers. In the future, some of these vehicles will also become autonomous. What is the US DOT doing on the labor force retraining front?

A: Biden administration is labor friendly, seeks to understand the labor implications of new technologies, including AI. Partnership with the Department of Labor to think about how to make transportation jobs sustainable and livable. Workforce of the future is diverse and unionized and work is ongoing.

Phil Thompson:

Q: Noticed that in NYC with an aging population, the subway is still not accessible for those with disabilities.

A: \$7.5 billion [All Stations Accessibility Program](#) (ASAP). Legacy subway systems (NYC, Boston, Chicago) difficult to retrofit for accessibility. There has been a lot of political will, but accessibility programs needed more funding (agencies cash strapped). Should survive next reauthorization because it is so important.

Fred Salvucci:

Q: Federal “strings attached” can be helpful: Boston Allston interchange project was improved by federal requirement to improve connectivity. Similarly, on the labor front, Davis-Bacon requirements are helpful for supporting livable wages, though federal EV initiatives pump money to anti-labor magnates like Elon Musk. Can there be a parallel Davis-Bacon requirement for getting EV dollars, which would strengthen local constituencies in labor? Smaller cities have launched pro-rider transit initiatives like free bus in Lawrence, MA. Maintenance was a priority with ISTEA (1991), but recently we have seen bridge maintenance be ignored compared to the rest of the roadway system. Need an operations and preventive maintenance initiative from the federal government, which would provide a complementarity that brings in the rural/non-urban constituencies to be onboard.

A: President Biden is a real legislator, has managed to get BIL, IRA, CHIPS through Congress, but it required some compromising. Made sure federal dollars can be invested all over the country. Biden prioritizes unionized labor. Cautionary tales about political headwinds: BIL originally included a lot of formula dollars, and US DOT put out a memo with policy suggestions guiding their use. Congress overturned US DOT on this. US DOT guidance for GHG emissions reductions have been overturned in court. These items are on Biden administration’s agenda but will be buoyed by showing good results on the ground. Year 4 is the year of project delivery—show that we can improve people’s lives.

Audience:

Q: Transportation authorities are necessarily risk-averse. How do we encourage more innovation in procurement, contracting processes, technology adoption, etc.?

A: Experienced many lawsuits as NYC DOT Commissioner; New York is especially litigious and this can curtail some of the creative things we want to do in transportation (e.g. 14<sup>th</sup> St

busway). At the federal level, this comes less in the form of lawsuits and more in the form of Congressional oversight via the Government Accountability Office. Every functioning agency should receive oversight, but not sure if we've gotten the balance right. This is where leadership matters; leaders must step up and own decisions. Career civil servants are amazing transportation professionals who are nimble but are also sometimes careful about shifting political winds.

Q: Janette Sadik-Khan's story of transforming Times Square. Part of the innovation is in the process of innovating—painting the street.

A: Yes. During my time as Commissioner, we simplified the process for restaurants to apply to use space for outdoor dining during the pandemic. It happened in a quicker and more haphazard way than we anticipated, but it was a big breakthrough.

Q: Why are US bike and pedestrian death rates ten times worse than those in the best countries?

A: Roadway fatality rates are at an unacceptably high level and have increased since covid. Behaviors became worse during the pandemic and speeding went up. Vehicles are larger but the safety technology around them has gotten better. NHTSA is still looking into this. Pushing to improve safety technology in vehicles including automatic emergency braking. Need national roadway safety strategy; Biden administration first to declare Vision Zero as a national goal. US DOT is investing in roadway design projects/complete streets and putting out best practices for using speed cameras, which need to be deployed equitably. New focus on post-crash care, especially in rural and tribal areas.

Q: Could you imagine speed limiting devices being installed in vehicles within the next two decades?

A: US DOT has proposed a rulemaking to activate the speed limiting devices already present on many trucks. Has received many comments. Also fighting the battle to reverse the trend of declining motorcycle helmet usage.

Q: What is the US DOT doing to make sure post-award most successful? Are you collecting best practices and lessons learned so projects can learn from each other? Is data being collected?

A: Yes. Capacity building and technical assistance (and enlisting state DOTs) to help deliver the project. Focusing US DOT energy where state assistance is lacking. US DOT is also trying to engage in transparency and community of practice learning. Putting a lot of data online and tracking where all projects are in the process. Lessons learned about how to successfully compete for federal funding: don't come to DOT for funding before project is ready (follow checklist). Secretary Buttigieg and PT will be in Atlanta next week to convene Reconnecting Communities grant recipients to share best practices. US DOT is open to feedback from states and localities.

Q: Joint Office of Transportation and Energy?

A: Decarbonizing the transportation sector is an enormous priority of the Biden Administration. Mode shift is a big part of that but so is EV transition. Different agency culture at DOE. Working together to build out EV charging network, US DOT brings practical considerations while DOE pushes to be creative and innovative.

## **Part IV. Summary of Memos**

### *Themes from other memos:*

1. Reassured by DOT emphasis on capacity building and grant streamlining
2. Dismay at lackluster federal ambitions for mode shift, roadway safety, and over-emphasis on EV charging
3. Interest in resolving transit operational funding issues
4. Effect of outside issues (homelessness, land use policy) on transportation

### *My reflection:*

I am hopeful about the Biden administration's stewardship of a large influx of capital grant money for transportation. Both Secretary Buttigieg and Deputy Secretary Trottenberg have established pedigrees in delivering complete streets projects on the local level. However, I was left much less confident about the future of public transit funding and the US DOT's ambitions for mode shift. Mode shift away from cars requires usable public transit service, which only exists in New York City in the United States. I would have hoped that Trottenberg and the US DOT would emphasize how essential delivering frequent and reliable service is for transit agencies, even at the expense of flashy capital projects like bus electrification or suburban extensions.

Like Riccardo, I was dismayed at Trottenberg's anodyne response to the question about implementing speed limiters in vehicles. To me it is clear that the US DOT, NHTSA, FHWA, and NTSB need to take a much more active role in street safety, much in the way that the FAA aggressively and proactively regulates commercial aviation. Trottenberg said the administration has adopted Vision Zero as a goal but laid out no steps towards achieving it (as the U.S. successfully has in the aviation sector). It is shocking to me that GPS speed limiters as well as alcohol and cell phone ignition interlocks are off the table and that car manufacturers have free rein to build and market bigger, heavier vehicles with increasingly distracting infotainment systems, when all these features are well within the purview of federal regulation.

Lastly, I was struck by Deputy Secretary Trottenberg's comments about the intense amount of litigation concerning transportation projects that she experienced as NYC DOT Commissioner. I would be curious to know how other countries have addressed this issue—can it be resolved on the local level or is federal change necessary? Also, while it is ridiculous and harmful to sue a city for implementing a bus lane, it may be advisable to create increased accountability for state DOTs that knowingly implement dangerous road designs that result in fatal crashes. How can we balance these competing incentives?

## **Part V. Other Information**

N/A