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1200 New Jersey Ave, SE
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ATTN: Docket No. DOT-OST-2023-0087

Re: Update to the Department of Transportation's Equity Action Plan

The American Society of Civil Engineers (ASCE) appreciates the opportunity to provide comments to the Department of Transportation (DOT) as the agency updates its Equity Action Plan. Equity is an important consideration in the planning, design, and operation of transportation infrastructure. Recognizing the importance of this subject, DOT published a request for information (RFI) inviting public comments as the agency works on updating the plan. ASCE thanks DOT for accepting comments from the organizations and communities impacted by the agency's work. The input presented in this document is in response to the RFI published by DOT in the Federal Register on June 5th.

Founded in 1852, ASCE is the nation's oldest engineering society. ASCE represents more than 150,000 members of the civil engineering profession in 177 countries. The work of ASCE's members has an effect on people in communities across the country, from the transit services they rely on to the roads they drive on. As the professionals who design, construct, and maintain critical aspects of the transportation system, ASCE welcomes the opportunity to offer perspective on this subject as DOT updates its Equity Action Plan. Equity is an important consideration for ASCE because civil engineers play a significant role in developing the infrastructure that people use every day. Additionally, due to recent legislation such as the Infrastructure Investment and Jobs Act (IIJA), we are in a time of great potential for the advancement of comprehensive and effective infrastructure projects. ASCE considers it wise for DOT to review and adjust the Equity Action Plan as a "living document" during this formative time.

ASCE and its members are committed to inclusive engineering problem-solving that recognizes, values, and addresses the unique needs of diverse demographic, social, economic, and cultural groups when considering and mitigating the societal, environmental, and economic impacts of our work. We understand that achieving equity requires an understanding of the historical and systemic patterns of disparity to address and eliminate barriers and close public participation gaps. ASCE's commitment emphasizes promoting accountability and using best practices for justice, equity, diversity, and inclusion in leadership, engagement, communications, and partnerships. With this commitment in mind, ASCE is grateful for the opportunity to share with DOT some concerns and considerations related to the department's various efforts regarding equity.

Prioritize the establishment of the DOT Advisory Committee on Transportation Equity

The Administration has identified equity as a top priority. In fact, President Biden issued an executive order¹ on his first day in office establishing an approach to advance equity. In response to the executive order, DOT created the Equity Action Plan. While ASCE applauds the agency's rapid response and commitment to considering the societal impacts of the built environment, we are concerned that DOT is requesting public input without first establishing a National Advisory Committee on Transportation Equity.

In May 2022, DOT published a notice² in the Federal Register establishing the Advisory Committee on Transportation Equity (ACTE) in accordance with the Federal Advisory Committee Act. However, over a year later, the ACTE has not notified members or met to solicit expert advice, recommendations, or input. ASCE believes a committee of experts should be established and consulted before updates and major "scale up" activities occur.

We urge DOT to immediately stand up the ACTE and require the committee to hold public meetings on a regular and dependable schedule. ASCE and numerous other groups are taking time to submit comments in response to DOT's RFI. A dedicated group such as ACTE would serve as a valuable partner in receiving and responding to such comments, as well as offering interdisciplinary perspectives on equity topics, policy implementation, and more.

Technical assistance

Direct, reliable technical assistance is vitally important to communities that are trying to access and make good use of federal transportation funding. ASCE would like to underscore the importance of technical assistance and acknowledge the elements of DOT's Equity Action Plan pertaining to this subject. One of the plan's four focus areas is "Interventions," and the listed outcome is that historically overburdened and underserved communities in urban and rural areas benefit from access to a generational investment in the nation's infrastructure through technical support for transportation projects with local impact. ASCE supports this desired outcome.

Underserved communities across the country could benefit from increased, robust technical support from federal partners and other stakeholders. Communities that lack sufficient resources often do not know where to begin with the federal grant process and are frequently faced with cost-prohibitive consulting fees as they attempt to navigate the process. Furthermore, these same communities frequently don't understand the equity framework, never mind how to access these resources. Therefore, ASCE would urge the DOT to develop and further promote existing programming to educate local leaders about the framework and provide them with an understanding about how their community can successfully compete for limited grant funding.

Finally, federal agencies themselves need capacity to execute grants and avoid passing along work to other partners at the state and local levels. Technical support should extend beyond showing interested parties how to complete the required bureaucratic steps and include assistance in crafting a vision for

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

² <https://www.federalregister.gov/documents/2022/05/16/2022-10489/notice-to-establish-the-advisory-committee-on-transportation-equity>

their community or organization as well as project scopes and feasibility. Once a community has a clear vision and goal, with a corresponding list of feasible projects, it becomes easier to put those ideas into motion when an applicable grant opportunity becomes available. In addition, technical support could include providing access to established, consensus-based tools for projects such as contract documents or templates which can help level the playing field and accelerate the realization of project benefits.

Tools regarding data and metrics

Federal agencies have developed tools to assess and address systemic barriers to opportunities and benefits for underserved communities. The White House Council on Environmental Quality (CEQ) has published the Climate and Economic Justice Screening Tool (CEJST)³ to determine if a community is considered disadvantaged. A complement to this tool is DOT's Equitable Transportation Community (ETC) Explorer⁴, which helps users understand how a community or project area is experiencing transportation disadvantages. ASCE recognizes the merit of these tools, but cautions DOT and federal partners to avoid developing an overabundance of these resources. Instead, consider creating a way for these tools to coordinate with one another to help a user understand the various nuances of transportation disadvantage in a specific place. For example, DOT, CEQ, and the Environmental Protection Agency (EPA) could work together to enhance these tools with transportation-related layers.

ASCE also encourages DOT to establish a baseline in terms of metrics to evaluate progress. Civil engineers are problem-solvers. However, before civil engineers can take an appropriate course of action to solve a problem, they need a measure to indicate whether a problem exists and if a specific solution will address that problem. Under the "Expanding Access" focus area in the Equity Action Plan, DOT lists as an outcome an increase in social and economic opportunities for disadvantaged and underserved communities from the development of a transportation cost burden measure. This cost burden measure would be meant to help DOT better understand transportation expenditures for households. As the second-largest expenditure category for households, transportation expenses accounted for \$10,961 in 2021, according to the Bureau of Labor Statistics⁵. These expenses are second only to housing. ASCE views the establishment of a cost burden measure as a positive step, as the lack of uniform metrics makes it hard to evaluate any sort of progress.

Public health impacts of transportation decisions

ASCE's mission is to lead the civil engineering profession to sustainably advance and protect the health, safety, and welfare of all. In upholding this mission, ASCE encourages DOT to consider the public health impacts of infrastructure projects as it updates its Equity Action Plan. In addition to the more obvious aspects, such as the tragically high number of traffic fatalities on our roadways, there are considerations such as the effects of poor air quality caused by transportation services and increased vehicular traffic in certain neighborhoods due to drivers avoiding tolls.

Conclusion

³ <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

⁴ <https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/ETC-Explorer---Homepage/>

⁵ <https://www.bls.gov/news.release/cesan.nr0.htm>

ASCE would like to thank DOT for requesting input as it updates its Equity Action Plan. Equity is an important subject, and civil engineers play a key role in helping our nation's transportation system equitably serve communities. At a time of significant infrastructure investment spurred by legislation such as the IIJA, ASCE commends DOT for considering equity and accepting public input. We stand ready to answer questions and work with DOT as it continues to implement this law and develop this plan.