

**Testimony of Jen Jenkins
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**Before the Committee on Transportation and the Environment, and Committee of the
Whole with comments from the Committee on Business and Economic Development
Council of the District of Columbia**

**Bill 24-429
Metro for D.C. Amendment Act of 2021
February 23, 2022**

The Legal Aid Society of District Columbia¹ submits this testimony to express our support for Bill 24-429, the Metro for D.C. Amendment Act of 2021. This bill would establish the District Resident Transit Subsidy Program, through which the Department of Transportation (DOT) would provide \$100 SmarTrip or similar transit card subsidies to District residents. The allocation of the subsidies would be prioritized by income bracket, beginning with the lowest earners in the District. A transit equity fund would also be established and administered by the DOT to fund the non-profit grants to assist low earners in acquiring the transit subsidy and for making payments to create a non-regional bus line, to operate a DC Circulator, to make payments to WMATA to extend service hours or shorten headways for a non-regional bus line, as well as for studies and to install infrastructure. The funding for this measure would be from excess revenues.

While Legal Aid has concerns about the legislation’s funding mechanism since it may not be as secure as proceeding through the regular budget process and concerns over accessibility to the subsidy for unbanked and underbanked residents, the overall intent of the bill aligns with Legal Aid’s position that public transportation is necessary to access a myriad of resources, including legal services, and therefore should be as accessible and affordable as possible.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 90 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

The District’s Public Transportation System Should Center Marginalized Residents and Neighborhoods

Accessible and reliable public transportation has been a longstanding issue in the District’s most under-resourced communities. Limited transportation options prohibit access to critical resources and opportunities for residents, primarily in Wards 7 and 8. In a collection of interviews conducted during the DC Consortium of Legal Services Providers' Community Listening Project to explore the needs of Washingtonians who access legal services in the District, public transit users noted that Metrorail and bus schedules were inconvenient and that transportation did not reach their desired destination.² Also, as a result of affordability and other factors, residents in Wards 7 and 8 have less access to cars than other residents in other wards, forcing them to use public transportation.³ Further, many Black DC residents cannot afford to live within walking or biking distance of their workplace.⁴ Therefore, disadvantaged DC residents, who are predominantly Black and brown, would benefit significantly from increased access to affordable transportation and equitable investments in transportation infrastructure.

Investments and improvements to transportation time, reliability, and cost are necessary to achieve racial equity in the District.⁵ According to MITRE and the Council Office of Racial Equity (CORE), increasing transportation infrastructure in conjunction with access to education, healthcare, and childcare, access to career opportunities such as internships and apprenticeships, and access to professional social networks, will contribute to improved health outcomes and workforce readiness and quality employment.⁶

Accordingly, Legal Aid appreciates the Council’s consideration of legislation that would improve access to transportation in communities and for people that are often overlooked. While the legislation ultimately seeks to achieve a universal transit subsidy program, it first prioritizes residents for such a subsidy according to income, beginning with allocating funds for a \$100 benefit on SmarTrip cards for District residents with an income of 300% of the federal poverty level or less. This prioritization will ensure that unaffluent District residents, who are most

² DC Consortium of Legal Services Providers, Faith Mullen J.D., and Enrique Pumar PH.D., “The Community Listening Project”, 7 (2016).

³ See Yesim Sayin Talor, DC Policy Center, “The Demographics of Walking and Biking to Work Tell Yet Another Story of Gentrification”, (June 6, 2017) *available at* <https://www.dcpolicycenter.org/publications/the-demographics-of-walking-and-biking-to-work/>.

⁴ Michelle Levine, “Metro derailment brings transit equity issues to light” (Nov. 17, 2021) StreetSenseMedia *available at* https://www.streetsensemedia.org/article/metro-derailment-brings-transit-equity-issues-to-light/- .YgVOP9_MI2x.

⁵ See MITRE & Council Office of Racial Equity, “The Racial Wealth Gap in Washington, DC”, 56 (2021) *available at* <https://sjp.mitre.org/resources/MITRE-DC-Racial-Wealth-Gap-Study.pdf>.

⁶ *Id.* at 14.

impacted by transit inequities at present, will be most likely to receive the benefit at the program's inception.

Legal Aid also notes a similar low-income prioritization with regard to infrastructure in this measure; however, the low-income funding allocation is not a requirement of the bill. Legal Aid strongly recommends that the money designated for infrastructure improvement is dedicated first to low-income, under-resourced areas, including communities in Wards 7 and 8 that have historically been harmed by underinvestment. Another alternative, free bussing, could have the desired impact of reaching under-resourced DC residents and would act as a low-to-no-barrier option. Notably, low-income riders comprise 48% of DC's bus ridership, compared with 18% of rail ridership.⁷ Since we know District public transportation riders are primarily workers and residents from under-resourced neighborhoods,⁸ it could be beneficial to specifically eliminate financial barriers on the bus.⁹

Transportation Subsidies Should Not Require Banking

While Legal Aid applauds the legislation's creation of the transit subsidy program, the Committee should make specific efforts to ensure that low-income District residents will be able to access these subsidies with minimal barriers. In particular, while Legal Aid appreciates the measure's intent to allow the Department of Transportation to provide grants for nonprofits who assist the target low-income populations, however, we remain concerned that many marginalized District residents will be left behind due to being unbanked and underbanked. If acquiring a registered SmarTrip card is a precondition for receiving a transit subsidy, then unbanked and underbanked residents in the District will likely be prevented from accessing the subsidy provided by this measure.

Individuals and families in low income areas, especially in Wards 7 and 8, are less likely to have access to a bank account, have internet access and to live near a Metro Station, all of which are

⁷ The Lab Project, "Can Discounted Transit Improve Mobility and Well-being for Lower-income Residents?", available at <https://thelabprojects.dc.gov/fare-subsidy>.

⁸ See Luz Lazo & Justin George, "Public Transit is a Lifeline for Low-income Residents. They Will Bear the Brunt of Service Cuts", Washington Post, (Dec. 16, 2020), available at https://www.washingtonpost.com/local/trafficandcommuting/public-transit-servicecuts/2020/12/15/c73d5a08-3e1d-11eb-8bc0-ae155bee4aff_story.html.

⁹ Data from WMATA show that train ridership was down 80%-90% during the early stages of the pandemic. However, bus ridership decreased by only about 50%. Metro Ridership Monitoring 2020, <https://www.wmata.com/service/covid19/Ridership-Monitoring-Archive-2020.cfm>; Further, when the Metro went down by 60% of train cars in November 2021 due to technical issues, there was a major increase in bus ridership. See also Michelle Levine, "Metro Derailment Brings Transit Equity Issues to Light", (Nov. 17, 2021), available at <https://www.streetsensemedia.org/article/metro-derailment-brings-transit-equity-issues-to-light/#.YgLB3rrMI2w>.

necessary or beneficial to obtaining a SmarTrip card.¹⁰ To access the transit subsidy provided for in this measure, individuals would need to register their SmarTrip card, which is challenging for individuals without stable internet or a banking or credit card. Further, to obtain a SmarTrip card, a person needs to go online or to a Metro station,¹¹ and in communities with minimal public transportation infrastructure, it is less likely that a Metro station will be available. Legal Aid has raised concerns about SmarTrip card registration for unbanked and underbanked District residents in the past,¹² and we raise the issue once again because neighborhoods that are predominantly Black continue to be more likely to face barriers to accessing subsidized transportation when SmarTrip card registration is required.¹³ Accordingly, Legal Aid urges the Council to ensure that any proposed transportation subsidies would be accessible and available to low-income communities, emphasizing equitable policies for individuals who are underbanked and unbanked.

Such an Important Measure Should Have Permanent and Secured Funding

Disenfranchised residents who stand to benefit from this bill deserve to have the knowledge and assurance that this measure will be fully and securely funded. As such, we raise concerns about the current funding mechanism for the Metro for D.C. Amendment Act of 2021. The bill's current language funds the programs by using excess revenue from years in which the District's

¹⁰ See Cassie Rueda, “Do Minorities Face Reduced DC Metro Access?”, Analysis and Results, (Aug. 5, 2021), *available at* <https://storymaps.arcgis.com/stories/fe3fa1a8231e437e88345218d11ab8fd>; Federal Deposit Insurance Corporation, Unbanked and Underbanked for District of Columbia, 2019 by Selected Household Characteristics, *available at* https://www.economicinclusion.gov/surveys/2019household/documents/yoy-analysis.html?where=State_Unbanked_District_of_Columbia_2019_YOY_Analysis; DC Health Matters, 2021 Demographics, Households/Income Data for City: District of Columbia, *available at* <https://www.dchealthmatters.org/demographicdata> (In Wards 7 and 8, where Black residents account for more than 90% of the population, fewer than 65% of residents have high-speed internet access, compared with 85% in more affluent wards) (last visited Feb. 22, 2022).

¹¹ Washington Metropolitan Area Transit Authority, New Riders Metro Fare Basics, *available at* <https://www.wmata.com/rider-guide/new-riders/index.cfm>.

¹² See Eric Angel, Executive Director, Legal Aid Society of the District of Columbia, March 2, 2020, Legal Aid Society of the District of Columbia Comments to the Washington Metropolitan Area Transit Authority (WMATA) on WMATA’s Proposed Surcharge on Cash Transactions on Metrobuses, *available at* <https://www.legalaiddc.org/wp-content/uploads/2020/03/Legal-Aid-Society-Comments-on-WMATA-cash-surcharge-3-2-20-FINAL.pdf>.

¹³ See Federal Deposit Insurance Corporation, How America Banks: Household Use of Banking and Financial Services, 2019 FDIC Survey 15 (2019).

revenues exceed the Chief Financial Officer's revenue estimates.¹⁴ Legal Aid is concerned that there is no guarantee of the extent to which such funds will be available from year to year. Further, in years in which there are significant revenue surpluses, policymakers may nonetheless need to utilize excess revenue funds to address pressing and immediate needs. Indeed, Legal Aid and several of our allies have highlighted the need for policymakers to use excess revenue from FY2021, for example, for assistance for District residents at high risk for eviction following the lifting of pandemic eviction protections.¹⁵ Because there is potential for this funding mechanism to be unavailable or needed for other priorities, Legal Aid urges to the Council to fund this bill through the regular budget process and identify a stable source of funding.

Conclusion

Access to transportation and infrastructure improvement is a racial and economic justice issue, and any proposed solution must center the perspectives, lived realities, and voices of Black and brown District residents. Not only is access to affordable transportation and investment in infrastructure vital for racial equity in low-income wards, but it will also provide greater access to public services, including legal services, for vulnerable residents in the District.

¹⁴ The Metro for D.C. Amendment Act of 2021, as introduced on October 4, 2021 (Bill 24-0429).

¹⁵ See DC Fiscal Policy Institute, “Letter to Mayor Bowser: Use Growing Revenues Address the Eviction Crisis”, (Jan. 27, 2022) available at <https://www.dcfpi.org/all/letter-to-mayor-bowser-use-growing-revenues-address-the-eviction-crisis/>.