



November 13, 2015

The Transportation Bill Must Be Fixed Before Enactment

Dear House Transportation Conferee:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we urge you, as a conferee of the surface transportation reauthorization legislation, to ensure that the nation's most vulnerable communities are not forgotten in the bill. While we applaud the bipartisan efforts to pass much needed long-term transportation legislation, several aspects of the process have dismayed us, including the House's inadequate, baseline funding for transit, the Senate bill's inclusion of a discriminatory drug testing policy, and the lack of performance measures that would require the Department of Transportation (DOT) to account for connectivity and accessibility for people of color, people with disabilities, and low-income populations. These issues must be addressed in conference.

The Leadership Conference believes that we must do better than short-term transportation patches, and applauds efforts in both houses of Congress to pass long-term, sustained investment in transportation infrastructure. However, we believe that this can only be achieved by funding the bill with user fees rather than using piecemeal offsets as was done in both the House and Senate. In addition, we believe that it is far better to have a shorter-term bill with significant investment in transportation infrastructure than a six-year bill with status quo funding levels.

We know that better transportation policy can help fight income inequality and consider access to transit a civil rights issue because it means access to jobs, affordable housing, health care, schools, and child care for both urban and rural communities. While the funding level for transit in the Senate-passed Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act (H.R. 22) is adequate, the transit funding level in the House-passed Surface Transportation Reauthorization and Reform (STRR) Act (H.R. 3763) only provides baseline funding for transit. We need serious investments in the nation's most vulnerable communities, and the House's approach is inadequate. **We therefore support the Senate's funding levels for transit in the transportation bill, and will oppose the final bill if it does not include this same level of funding.**

If the final transportation bill includes hair drug testing, we urge you to adopt Section 5402 of the House's STRR Act, as we disagree with the approach taken in Section 32611 of the Senate's DRIVE Act. Congress should continue to defer to the existing process for establishing DOT drug tests by allowing scientists at the Department of Health and Human Services (HHS) to determine accurate, objective, non-discriminatory specimen standards for conducting hair drug tests. Section 32611 of the DRIVE Act ignores this longstanding process and would immediately subject bus and truck drivers to hair specimen testing before HHS has established technical standards for hair. In contrast, Section 5402 of the STRR Act would permit the use of hair specimen in DOT drug tests only after HHS scientists have

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completed their assessment. While we urge Congress to remain neutral on drug testing methods, the process embodied in Section 5402 of the House bill is the better approach. **If hair testing is addressed in the final transportation bill, we encourage Congress to adopt section 5402 of the House bill.**

Finally, The Leadership Conference is also disappointed at the missed opportunity posed by the exclusion of the Mobility, Opportunity, and Vocation Enabling (MOVE) Act from floor debate in the House. Representative Ellison (D-MN) offered this bill as an amendment in the House Rules Committee, and it would require DOT to establish performance measures for accessibility for low-income and minority populations and people with disabilities; provide a cumulative increase in residents' connection to jobs; and provide a variety of transportation choices to users, such as public transportation, bike and pedestrian pathways, and roads and highways. The MOVE Act would require DOT to measure how transportation projects and investments measure up in terms of creating access to jobs for the nation's most vulnerable communities, including people of color, people with disabilities, and low-income populations. **This was an opportunity to make smart investments in these communities, and we hope that the final bill coming out of the conference committee will include the MOVE Act.**

We believe that long-term funding for our transportation system is critical to ensuring the prosperity of our nation. We ask that the issues we have highlighted in this letter be fixed in conference so that this important legislation can move forward. Thank you for your consideration. If you have any questions, please contact Emily Chatterjee, Senior Counsel, at (202) 466-3648.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President