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JUST TRANSPORTATION: NEW SOLUTIONS FOR OLD PROBLEMS

By Robert Bullard

For more than a century, people of color have struggled to end transportation discrimination, linking unequal treatment on buses and trains with violation of constitutionally-guaranteed civil rights. History has shown that the stakes are high.

In 1896, in *Plessy v. Ferguson*, the US Supreme Court upheld Louisiana's segregated "white" and "colored" seating on railroad cars, ushering in the infamous doctrine of "separate but equal." *Plessy* not only endorsed apartheid on transportation facilities, but served as the legal basis for segregation in education until it was overturned by the 1954 court case, *Brown v. Board of Education of Topeka*.

In 1953, nearly four decades after the *Plessy* decision relegated Blacks to the back of the bus, African-Americans in Baton Rouge, the capital of Louisiana, staged the nation's first successful bus boycott. Two years later, on December 1, 1955, Rosa Parks refused to give up her seat at the front of a Montgomery, Alabama, city bus to a white man, igniting the modern civil rights movement. By the early 1960s, young "Freedom Riders" were riding Greyhound buses into the deep South, fighting segregation in interstate travel at risk of death.

Transportation and Civil Rights

Today, transportation is no less a civil rights issue. Federal tax dollars have built or subsidized many of the roads, freeways, and rail transit systems that have divided, isolated, disrupted, and imposed different economic, environmental, and health burdens on low-income people and communities of color. For millions of inner city residents, public transportation is the primary means of travel, but recent cutbacks in mass transit subsidies along with fare hikes have reduced access to essential social services and economic activities. In many rural areas, public transportation is nonexistent.

The air quality impacts of transportation are especially significant to low-income persons and people of color who are more likely to live in areas with reduced air quality than affluent individuals and whites. A 1990 National Argonne Laboratory study revealed that 57 percent of whites, 65 percent of African-Americans, and 80 percent of Latinos lived in the 437 counties that failed to meet at least one of the Environmental Protection Agency's ambient air quality standards.

A similar pattern exists in the heavily populated Los Angeles Air Basin, which is host to some eight million automobiles. According to the South Coast Air Quality Management District, 71 percent of African-Americans and 50 percent of Latinos live in areas with the most polluted air, compared to 34 percent of whites.

The response to these disparities has been a new wave of activism, the environmental justice movement, which has integrated civil rights, social justice, and environmental concerns.

This movement has a clear goal: to eliminate unequal enforcement of the nation's environmental, civil rights, public health, and transportation laws. Most significantly, Congress passed the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991 to improve "public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the county." ISTEA also mandates compliance with the Clean Air Act Amendments of 1990 and requires transportation plans to comply with Title VI of the Civil Rights Act of 1964, which prohibits discriminatory use of federal funds and investments.

In February 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." This Order is not a new law, but stresses compliance with existing federal laws and regulations. Its goal is to identify and address disproportionately negative human health and environmental effects on disadvantaged populations. The Executive Order also focuses attention on the National Environmental Policy Act (NEPA), a 25 year old law that requires federal agencies to prepare a detailed statement on the environmental impacts of proposed federal actions.

A Grassroots Movement for Justice

From New York to California and cities in between, grassroots groups are challenging local, metropolitan, state, and federal transportation agencies to strengthen intermodal options that sustain communities. These groups are demanding that planners and policy-makers think beyond cars, roads, and trains, and make transportation a bridge and not a barrier to opportunity. For example, in Oakland, California, community residents, churches, and the NAACP recently challenged the disparate highway siting and mitigation plans for reconstructing the earthquake-damaged Cypress Freeway in West Oakland. The plaintiffs wanted the downed Cypress Freeway (which split their community in half) rebuilt further away. Although the plaintiffs' plans were not implemented, they were able to alter the course of the freeway in an out-of-court settlement.

In another case, the NAACP filed an administrative complaint before the US Departments of Transportation and Housing and Urban Development, challenging a 4.5 mile extension of the Long Beach Freeway. The plaintiffs argued that the state-proposed mitigation measures for noise, air, and visual pollution discriminate against the mostly Latino El Sereno community in East Los Angeles, in that most of the freeway in El Sereno will be above ground while all of the freeway in Pasadena and 80 percent in South Pasadena will be below

ground level. Additionally, most resources for covered freeways and historic preservation were allocated to white areas.

These and other challenges are based on the fact that the federal government, state DOTs, and other public planning bodies are required to ensure that their programs, policies, and practices do not discriminate against or adversely and disproportionately impact people of color. This is not an unfunded mandate. It is the law.

However, the impetus behind environmental justice struggles does not emerge from inside government or within nationally-based environmental and conservation organizations. The impetus for change comes from grassroots activists and their bottom-up leadership strategies: organizing, educating, and empowering themselves to change the way transportation investments are made in their communities.