

Congress of the United States
Washington, DC 20515

January 25, 2022

Emily Dunn
Chairwoman
State Transportation Board
District 9
Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW Atlanta, GA 30308

Dear Chairwoman Dunn:

We are writing to urge the Georgia Department of Transportation (GDOT) to make public transit a priority by maximizing resources Congress allocated through the new Infrastructure Investment and Jobs Act (IIJA). We cannot address congestion, meaningfully reduce transportation-related carbon emissions, or move towards a more equitable society with a transportation investment strategy that relies almost exclusively on roadway investments. Across our state, local jurisdictions and transit agencies are raising revenue to maintain, operate, and expand public transit. Without the necessary support from GDOT, our local communities face a disproportionate burden raising needed funds for public transit infrastructure.

Therefore, we respectfully request details regarding the following:

1. plans and rationale for how GDOT will use its ability to flex Federal Highway Administration (FHWA) funding to support public transit over the next five years under the IIJA;
2. plans and rationale for how GDOT will use new pots of money for which public transit is eligible (such as the Carbon Reduction Program) to invest in public transit;
3. identification of any specific barriers GDOT may face to fully utilizing the ability to flex FHWA funds for public transit; and
4. a detailed explanation and accounting of how GDOT has used flexible FHWA funding to support public transit over the previous 10 years.

We urge you to review and reverse GDOT'S longstanding interpretation of the Constitution that prohibits revenues from the state gas tax to be used for public transit, particularly for projects that also utilize the roadway, such as Bus Rapid Transit projects. This policy restricts GDOT's ability to compete for additional federal funding or support local communities in such competitions. In addition, it constrains Georgia's ability to attract new businesses that are demanding a robust transit system for their employees.¹

The IIJA is already delivering much-needed funds to our state. It will increase FHWA funding to Georgia by more than 20 percent.² Georgia's funding under the National Highway Performance Program (NHPP) will increase 17.1 percent in FY22 alone, and total \$4.8 billion between FY22 and FY26. Georgia has the

¹ <https://www.bizjournals.com/atlanta/news/2021/04/01/microsoft-atlanta-marta-station-bankhead.html>

² <http://www.dot.ga.gov/AboutGeorgia/Board/Board%20Meeting%20Documents/August%202021%20Board%20Meeting.pdf>

authority to transfer up to 50 percent of NHP funding to another program, which allows the money to be spent under the new program's eligibilities, including transit.³ Further, the law allows Georgia to invest these dollars directly in certain qualifying transit projects.⁴

Under the IIIA, Georgia will receive \$2.4 billion in Surface Transportation Block Grant (STBG) funds between FY22 and FY26, increasing 13.9 percent this year alone. These STBG funds are eligible to be used for virtually any public transit project.⁵

As a result of this flexibility and increased funding, GDOT potentially has hundreds of millions of dollars available annually for public transit. Congress granted states the authority to flex funding to public transit in 1991, and Georgia's historic underinvestment in public transit only increases the urgency to use this flexibility now. These funds would be in addition to Federal Transit Administration formula funds that provide direct, albeit insufficient, funds to our state's public transit agencies.

In addition, the IIIA created a new FHWA Carbon Reduction formula program that will provide Georgia with \$210.9 million between FY22 and FY26. This new program was created specifically to reduce on-road highway sources of carbon emissions, which are warming our planet and threatening our health and economy. Transportation was responsible for about 29 percent of all greenhouse gases produced in the U.S. in 2019.⁶ And in Georgia, where our constituents too often lack a safe and convenient alternative to driving, *The Atlanta Journal-Constitution* reported that "transportation generates roughly 45 percent of all energy-related carbon dioxide emissions — more than any other sector of the state's economy".⁷

We strongly urge GDOT to invest these funds in public transit, which has the dual benefit of reducing emissions from transportation while also improving overall mobility. Recently, your description of this new program was that it was intended to "keep traffic moving efficiently" along with projects that encourage people not to be in traffic.⁸ We are concerned about this statement. The intent of Congress in appropriating funds through this new Carbon Reduction formula program is not to provide an additional funding stream for highway expansion that delivers fleeting benefits, followed by a long-term increase in the total number of cars on the road.⁹ These funds should be used to invest in transit and non-carbon emitting modes of transportation where they can deliver long-term benefits.

We voted for the IIIA to bring critical resources home to the people of Georgia. Unfortunately, GDOT has long taken the position that the Georgia Constitution prohibits the use of state gas tax revenue on public transit. Updating this interpretation, consistent with our Constitution, to reflect our modern expectations for an "adequate system of public roads and bridges," will enable the state to provide the local match necessary to provide Georgians with the full benefit from the full range of new and increased funds we delivered for our state.

³ 23 USC 126

⁴ 23 USC 119(G)(i) and (P),

⁵ Section 23 USC 133(b)(c)

⁶ <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>

⁷ <https://www.ajc.com/politics/whats-in-the-12-trillion-infrastructure-bill-for-georgia/ABB20KOUCCBBPBCD6VTUCIXOJSU/>;

<https://www.eia.gov/environment/emissions/state/>

⁸ Joint State Appropriations Budget Hearing on January 18, 2022

⁹ <https://www.sciencedirect.com/science/article/abs/pii/S0967070X18301720?via%3Dihub>

Today, due to our state's over reliance on roadways, Georgians suffer some of the worst congestion¹⁰ and emissions-related health outcomes, like lung cancer and asthma,¹¹ in the country. In addition, too many Georgians who cannot afford to drive — or who are unable to drive — are excluded from fully participating in our economy and society.¹² Our businesses suffer a competitive disadvantage in attracting workers and customers as a result of our underperforming transportation system. To address these interrelated challenges, we must provide more Georgians with choices in how they travel, improved mobility and opportunity, and reduced emissions and congestion.

We look forward to your response to our questions and to working together with GDOT to invest in public transit across our state.

Sincerely,



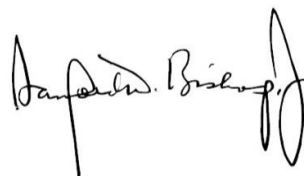
Jon Ossoff
United States Senator



Raphael Warnock United States
United States Senator



Henry C. "Hank" Johnson, Jr.
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress



Nikema Williams
Member of Congress



Lucy McBath
Member of Congress

¹⁰ <https://inrix.com/scorecard/>; <https://tripnet.org/reports/georgia-interstate-news-release-06-22-2021/>

¹¹ <https://www.gpb.org/news/2021/04/21/american-lung-association-report-says-air-in-georgia-cities-unhealthy>

¹² https://www.brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf



Carolyn Bourdeaux
Member of Congress



David Scott
Member of Congress

Cc:

Mr. Kevin Abel, Vice Chairman, State Transportation Board
Mr. Robert L. Brown, Secretary, State Transportation Board
Ms. Ann R. Purcell, Member, State Transportation Board
Mr. Johnny Floyd, Member, State Transportation Board
Mr. Russ Carreker, Member, State Transportation Board
Ms. Stacey Key, Member, State Transportation Board
Mr. Rudy Bowen, Member, State Transportation Board
Mr. Tim Golden, Member, State Transportation Board
Mr. Jamie Boswell, Member, State Transportation Board
Mr. Jeff Lewis, Member, State Transportation Board
Mr. Greg Morris, Member, State Transportation Board
Ms. Dana Lemon, Member, State Transportation Board
Mr. Jerry Shearin, Member, State Transportation Board
Mr. Russell R. McMurry, Commissioner, Georgia Department of Transportation
Mr. Pete Buttigieg, Secretary, U.S. Department of Transportation
Mr. Brian Kemp, Governor, State of Georgia
Mr. Chris Tomlinson, Director, the Atlanta Transit Link Authority
Mr. Doug Hooker, Executive Director, the Atlanta Regional Commission