

ARTS & INFRASTRUCTURE

SUPPORTING ART IN PUBLIC TRANSPORTATION PROJECTS

ACTION NEEDED

We urge Congress to:

- **Enact the Saving Transit Art Resources (STAR) Act to reinstate flexibility and allow transit authorities to incorporate art into federally-funded transit projects and facilities.**

TALKING POINTS

- **Before December 2015, federal law allowed the Federal Transit Administration (FTA) to include project costs associated with art (typically 1-2% of the project's capital budget).** Funds could be used to support the employment of an artist/artist team, (both individually or as a member of a design team), provided that the artistic elements were integrated into the facility or served a functional transit-related purpose.
- In December 2015, Congress passed the *Fixing America's Surface Transportation (FAST) Act*, P.L. 114-94 to reauthorize highway and transit programs for five years, lasting until 2020. **This law established a new prohibition on the use of FTA funds. These funds can no longer be used for the "incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team."** (49 U.S.C. 5323(h)(2) as amended by FAST.)
- **This blanket prohibition on art applies to all FTA programs and grants**, including all programs authorized under Chapter 53 of Title 49, U.S.C. and other programs for which FTA serves as the grant making agency (e.g. TIGER).
- In addition, **once FTA funds are utilized for any part of a transportation project, the local funds face the same federal restrictions and probations, severely limiting the ability to incorporate art into transit projects.**
- Transit agencies and communities alike benefit from the integration of art into transportation projects. **In cities large and small across America, transit agencies have been employing artists to enhance transit projects over the past three decades**, including to aid in their design, improve safety and security, increase ridership, reduce vandalism, facilitate communication and community pride, and boost economic activity through tourism, to name a few (American Public Transit Association's [Best Practices for Integrating Art into Capital Projects](#)).

*For example, the **Wyoming Department of Transportation** has engaged with public art administrators to discuss public art in transportation projects. In North Carolina, the **Charlotte Area Transit System** integrates art into most major projects, including stations and surrounding areas, park and ride lots, transportation centers, maintenance facilities, and passenger amenities to provide efficient, cost-effective public transportation that creates vibrant and well-utilized mass transit commuter and passenger options. The **Maryland Transit Administration** works with artists on proposals to incorporate artwork into new stations that highlight the cultural vitality of the region—and reflect the artistic, cultural, and historical interests of the community. In Tennessee, the **Nashville Metropolitan Transit Authority** creates artist-designed transit shelters to enhance facilities and engage the community to create better places to live, work, and play. All of this work is now in jeopardy.*

BACKGROUND

The new federal policy restricting transit funding for art is sweeping and significant. Further alarming, it continues a steady progression of funding restrictions on art in transit.

In the previous highway reauthorization enacted in 2013, (*Moving Ahead for Progress in the 21st Century Act* (MAP-21)), another significant change occurred, in that “stand-alone” art was prohibited. Prior to MAP-21, federal transit law permitted the use of FTA grant funds for costs associated with including art in public transportation projects. This permitted use was one of several types of projects termed “transit enhancements.” **Communities all across the nation created innovative projects through art, which proved to be a vital component in public transportation, encouraging use, revitalizing neighborhoods, mitigating crime, and driving tourism.**

However, beginning in 2013 with MAP-21, federal transit law no longer included stand-alone art as an eligible project expense. Transit agencies, though, could continue to use FTA funds to support the employment of an artist as a member of a design team, or other costs associated with art, provided that the artistic elements were integrated into the facility or served a functional transit-related purpose.

In the years since, artists continued to help create functional elements (for example, screening, fare evasion barriers, lighting elements, etc.) and brought significant value to projects with minimal additional investment. Often, this investment was from local matching funds. Allowing the continued integration of artwork as part of a larger construction project brought significant benefits, such as shared foundations, shared materials, and shared engineering – all of which decreased overall project cost.

With enactment of the FAST Act in 2015, Congress, however, escalated these MAP-21 limitations to an outright prohibition on art. These art prohibitions apply only for transit projects, and local matching funds also face the same restrictions. Impacted projects may include bus, subway, light rail, commuter rail, trolley, and ferry projects, and are **reversing years of systemic enhancement of our transit systems to the detriment of riders and non-riders in every state.** Across the board, transit agencies are constructing fewer and smaller projects, especially impacting smaller transit systems.