

ARTS IN TRANSPORTATION & INFRASTRUCTURE
SUPPORTING ART IN PUBLIC TRANSIT PROJECTS

ACTION NEEDED

We urge Congress to:

- **Support the Saving Transit Art Resources (STAR) Act, H.R. 3437, to restore local control to transit authorities regarding the integration of art and non-functional landscaping into federally-funded transit projects and facilities.**

TALKING POINTS

- **Artworks have been incorporated into transportation projects in the United States since the 1800s, with a tradition of targeted federal support for art to embellish public facilities that began in the mid-1930s under the WPA where the talents of professional artists were aligned with the values of the American people.** The FTA's guidance to local authorities on the incorporation of art and design into transit projects states, "The visual quality of the nation's mass transit systems has a profound impact on transit patrons and the community at large. Mass transit systems should be positive symbols for cities, attracting local riders, tourists, and the attention of decision makers for national and international events."
- **In December 2015, Congress passed the *Fixing America's Surface Transportation (FAST) Act, P.L. 114-94, to reauthorize highway and transit programs that established a prohibition for use of FTA funds for art in transit, disrupting a long standing and highly lauded national tradition.*** As amended by FAST 49 U.S.C. 5323(h)(2), federal 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." Previously, federal law allowed local transit authorities to include project costs associated with art (typically 1-2% of the project's capital budget) and landscaping.
- **The 2015 prohibition removes local control from transit authorities and reverses nearly over 100 years of systemic enhancement of our transit systems to the detriment of communities in every state.** Artists have been an integral, not extra, part of the design, improvement of safety and security, increase in ridership, reduction of vandalism, facilitating communication and community pride, and boosting economic activity through tourism, to name a few. Additionally, as the FTA has funded and advertised the essential benefits of art in transit there has been a growth of professionals, programs, and processes that are built to specifically implement these recommendations, and these jobs are now being undermined.
- **With [Americans boarding public transportation 34 million times each weekday](#) the impact of the FAST Act art prohibition is felt across the country from metropolitan regions to mid-size cities and rural areas.**
 - In **North Carolina**, the Charlotte Area Transit System will be unable to support additional jobs to fabricate the art for a Street Car Extension project through neighborhoods that have come to expect cultural inclusion of their community represented through permanent public art.
 - In **Portland, Oregon**, a new bus rapid transit project along the most culturally diverse corridor in the state will not provide an estimated \$600,000 to employ local artists and fabricators, resulting in a missed opportunity for community building and a potential equity issue, since TriMet has implemented a public art percent on all projects since 1997.
 - Similar impacts are being felt at **Los Angeles Metro, San Francisco BART, New York MTA, Chicago Transit Authority, and Broward County Transit (Florida)**, to name a few.

- **The prohibition contradicts a [2018 public opinion poll](#) which found that most Americans approve of arts funding by local government (60%) and the federal government (54%).** Federally impacted programs include those authorized under Chapter 53 of Title 49, U.S.C. and FTA grants such as TIGER. Local funds used to deliver federally funded transit projects are also impacted as these projects are subject to the same federal restrictions and prohibitions. It eliminates the ability of local jurisdictions to incorporate art into transit projects and has put many transit agencies with percent-for-art programs at odds with their own governing policies. This provision within the law also penalizes proposed transportation projects that budget for public art by lowering that project's overall rating, jeopardizing the ability of projects to even qualify for funding.

BACKGROUND

The federal policy restricting transit funding for art is sweeping and significant, removing local control over significant transit projects, and negatively impacting communities and economic opportunity across the nation.

The USDOT has traditionally supported the expenditure of funds for public art in transit projects. The FTA provided flexible guidelines that left the level of the percent for art allocation at the discretion of the local transit entity.

The highway reauthorization enacted in 2013, (*Moving Ahead for Progress in the 21st Century Act (MAP-21)*), prohibited "stand-alone" artworks in transit projects. However, transit agencies 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 with placemaking and to improve the design of functional elements (for example, shade, fare evasion barriers, lighting elements, etc.). As design professionals, artists brought significant value to projects with minimal additional investment. Often, this investment was provided through local matching funds. The continued integration of artwork as part of a larger construction project brought significant opportunities to leverage design and construction resources, including shared engineering, infrastructure, and installation costs. Transit agencies that have successfully invested "pennies on the dollar" in artwork also contributed significantly to job creation, particularly in small, disadvantaged, and minority owned manufacturing sectors. Notably, by pushing technical boundaries, artists contribute enormously towards the research and development of new construction materials and methods which help reduce production costs (e.g. digital printing).

With enactment of the FAST Act in 2015, however, Congress escalated these MAP-21 limitations to an outright prohibition of local control regarding the incorporation of both art and non-functional landscaping. These 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. As more communities across the country prioritize public transit, now is the time to recognize that our nation's transit systems are long-term assets, and our nation's communities are deserving of aesthetic design excellence.

In June 2019, Rep. Alma Adams (D-NC) introduced the Saving Transit Art Resources (STAR) Act (H.R. 3437).