



## **ARTS IN INFRASTRUCTURE: SUPPORTING ARTS IN PUBLIC TRANSIT, INFRASTRUCTURE, AND DIGITAL EQUITY PROJECTS**

### **ACTION NEEDED**

We urge Congress to:

- Monitor the Departments of Transportation and Commerce to ensure timely implementation of IIJA grant programs.
- Encourage the Department of Transportation to incorporate public art, community design, and creative placemaking strategies in implementation of IIJA programs.
- Instruct the National Telecommunications and Information Administration to engage NEA in the implementation of the Digital Equity Act.
- Support the Saving Transit Art Resources (STAR) Act HR 2380 to eliminate the prohibition of funding art and non-functional landscaping in federally funded transit projects and facilities and to restore control on this issue to local transit authorities.

### **TALKING POINTS**

- The \$1.2 trillion Infrastructure Investment and Jobs Act (IIJA) that passed in November 2021 is a wide-ranging bill that incorporates myriad funding for improvements in transportation and soft and hard infrastructure. This bill will have lasting impacts on the design of American communities for decades to come. **The arts and cultural sector must have a role in the implementation of these programs.**
- Art has been incorporated into transportation and infrastructure 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 Works Progress Administration (WPA), where the talents of professional artists were aligned with the values of the American people. With the inclusion of soft infrastructure in the IIJA, inclusion of professional artists who work in the digital space is an extension of this spirit.
- The onset of COVID-19 has shed a light on the importance of digital inclusion and equity. Foundational digital skills are now necessary for every occupation in the U.S., yet roughly one-third of unemployed individuals in the U.S. lack these foundational skills and cannot compete for 75.2% of the current job openings.
- **Artists, creative workers, and community-based organizations can play a vital role in advancing digital equity** by assisting households with digital skills and digital literacy training, obtaining access to computers, finding affordable internet for their homes, and navigating all the complexities of getting online.
- **With the continued federal focus on hard and soft infrastructure, there is a need to address the ongoing prohibition of art funding in transportation projects.** 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 Federal Transit Administration (FTA) funds for art in transit, disrupting a long-standing, lauded national tradition.

- 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 of public transit and infrastructure. Arts and culture contribute to infrastructure solutions by generating creative solutions for entrenched transportation problems, making streets safe for all users, organizing transportation advocates, engaging multiple stakeholders for inclusive processes, fostering local ownership, alleviating disruptive effects of construction, and healing divisions ([Transportation for America Creative Placemaking Field Scan](#)).
- Additionally, the FTA has previously funded and acknowledged the essential benefits of art in transit (FTA Circular 9400.1A, June 1995). Since then, there has been growth of professional transit art as a field and processes built specifically to implement public art in transit. These jobs are being undermined by the 2015 prohibition of funding.
- The impact of the FAST Act art prohibition is felt across the country from metropolitan regions to mid-sized cities and rural areas. For example:
  - 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.
  - Similar impacts are being felt at Los Angeles Metro, San Francisco BART, New York MTA, and Chicago Transit Authority to name a few.
- The prohibition contradicts a [2018 public opinion poll](#) that found that most Americans approve of arts funding by local government (60%) and the federal government (54%).

## BACKGROUND

More than 30 million Americans live in areas where there is no broadband infrastructure that provides minimally acceptable speeds — a particular problem in rural communities throughout the country. Not only does affordable broadband access assist communities in functioning in the modern world, but it is necessary to spark economic development and is crucial for arts production, distribution, and enjoyment. Thus, it is important for the creative sector to join with the rural and underserved communities across our state in working to expand broadband access.

The Infrastructure Investment and Jobs Act, as recently passed by Congress, appropriates over \$65 billion to states, local governments, community organizations, and other entities for a range

of digital inclusion activities. Community-based creative organizations contribute to efforts of increasing digital literacy.

In addition to issues in development of soft infrastructure, the ongoing federal policy prohibiting transit funding for art is sweeping and significant. It removes local control over important transit projects and negatively impacts communities and economic opportunity across the nation.

The U.S. Department of Transportation (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 21<sup>st</sup> 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.

With the enactment of the FAST Act in 2015, 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 to for transit projects, and local matching funds also face the same restrictions. Impact 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.

Rep. Adams reintroduced the STAR Act in spring 2021 with the hopes it will be included in another large transportation package that will successfully make its way through the House and Senate and be signed into law.