

United States Senate

WASHINGTON, DC 20510-3205

February 23, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Buttigieg:

We write to request that the Department of Transportation (DOT) implement a new local hire pilot program for DOT-funded construction projects, partially modeled on the 2015 Special Experimental Project No. 14 (SEP-14) that allowed state and local governments to institute local hiring preferences for contracts awarded using funds from the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA). While it is critical to re-launch the local hire pilot as soon as possible, we also request that DOT, working with the Office of Management and Budget, consider a more permanent policy change that would eliminate the prohibition on geographic preferences in federal awards and create a substitute regulation that will incentivize the use of targeted hiring programs that connect disadvantaged and underrepresented workers to good jobs created by federally-funded infrastructure projects.

As the nation rebuilds from the COVID pandemic and reckons with our long history of institutional racism, we must prioritize policies that build back our economy with a focus on racial equity, inclusion, investment in struggling communities, and good jobs. A new local hire program advances these priorities, promoting robust economic opportunity in communities nationwide and helping to ensure these opportunities are made available to workers in the many lower-income areas and communities of color harmed by the often racist legacy of the federal highway system and other exclusionary policies.

As you are aware, the construction of highways during the 1950s and 1960s disproportionately targeted Black and brown neighborhoods across the country. Portions of our highway system were purposefully constructed with disregard to the detrimental impacts this would have on vibrant and historic communities of color and working class neighborhoods, driving a wedge through lower-income and minority neighborhoods that displaced residents, closed businesses, lowered home property values, and destroyed sense of community. In New York State alone, highway structures such as the I-81 viaduct in Syracuse, Inner Loop in Rochester, Kensington Expressway in Buffalo, I-787 in Albany, Memorial Highway in New Rochelle, and the Sheridan Highway in the Bronx, among others, uprooted and disconnected thousands of people, and today continue to physically, economically, and symbolically divide the cities through which they were built.

However, we are presented with a unique opportunity to begin to right historical wrongs as much of America's highway infrastructure constructed more than a half century ago nears the end of its useful lifespan. We can reimagine and rebuild our transportation infrastructure with a new focus

on equity, inclusion, the environment, and investment in these impacted communities. Cities across the United States have already begun rebuilding or removing highway structures with this intent, and many other cities are preparing to follow suit. Infrastructure projects of such massive size and scope require billions of dollars in federal funding. The federal government has an opportunity to ensure that our investment in these projects seizes on the opportunity to create thousands of new good-paying jobs in communities most in need of investment and jobs.

Instituting a local hiring pilot program for federally-funded construction, similar to SEP-14, is an immediate way to do this. Such a program would allow a state or locality in which a highway removal project or other major federally-funded construction project was taking place the ability to implement its own hiring preferences. Under the pilot program's language, the state or locality may choose to base these preferences on geographic, income, minority, or veteran status. This will allow massive, federally-supported construction projects to benefit the local contractors and workers, including women, veterans and minority-owned business that have been historically excluded from traditional bidding processes. In developing a program, we request that you also work with labor unions and community organizations to utilize pre-apprenticeship programs that lead to registered apprenticeship that ensure individuals who benefit from local hire are put on a path to a good-paying career in the trades.

Furthermore, while we would like to see a new local hire program implemented as quickly as possible, we believe this should only be a bridge to a permanent policy in which DOT replaces the regulation that currently impedes the use of geographic preferences and with a new regulation that incentivizes targeted hiring across its infrastructure investment programs. These new regulations could also serve to expand targeted hiring across federal infrastructure programs in other federal agencies.

As we seek to transform our country's crumbling infrastructure, create good jobs for struggling workers and hard-hit communities, and address systemic racism, we must ensure that future projects funded by the Department of Transportation help uplift our most marginalized communities and reverse the damage of a long history of exclusionary policies. Instituting a local hiring pilot program and developing permanent targeted hiring policies at DOT can provide critical tools to achieve these goals. We thank you for your prompt attention to this matter and look forward to hearing your response.

Sincerely,


Charles E. Schumer
United States Senator


Kirsten Gillibrand
United States Senator