

**Testimony of Jenifer Jenkins  
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**Before the Special Committee on COVID-19 Pandemic Recovery  
Council of the District of Columbia**

**Joint Public Oversight Hearing Regarding Transportation Access/Regional Transit,  
Infrastructure Investments, and the Effect of Housing Conditions on Health**

**October 26, 2021**

The Legal Aid Society of the District of Columbia<sup>1</sup> writes to highlight the importance of affordable and reliable transportation in the District and to emphasize the necessity of focusing policy solutions on the District’s most vulnerable neighborhoods and their needs. Access to transportation and infrastructure improvement is a racial and economic justice issue, and any proposed solution must center the perspectives, lived realities, and voices of Black District residents. Low-income DC residents, who are predominantly Black, would benefit significantly from increased access to affordable transportation and equitable investments in transportation infrastructure. As such, Legal Aid appreciates the Council’s consideration of improvement to transportation and infrastructure and emphasizes that such improvements should prioritize people and communities that are often overlooked.

**Accessing Affordable Legal Services Requires Reliable, Low-cost Transportation**

The DC Consortium of Legal Services Providers (“Consortium”), of which Legal Aid DC is a member, conducted a community listening project to determine the greatest needs and barriers to low-income DC residents’ access to legal justice. In the Consortium’s Community Listening Project (“CLP”), which was published in 2016, District residents who rely on public transportation explained how “increasing costs and decreasing services” negatively impacted their lives. Public transit users who reported problems, noted that rail and bus schedules were

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<sup>1</sup> The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 89 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

inconvenient, and that transportation did not reach their desired destination.<sup>2</sup> Unaffordable transportation and decreased transportation infrastructure should not be a barrier to accessing legal services. Low-income residents who cannot reliably access legal assistance often face life-altering consequences – the threat of deportation, or the loss of a home, child custody, or life-sustaining public benefits – without the assistance of an attorney.

In addition to accessing legal services, low-income and Black and brown District residents experience transit challenges in a range of other areas. For example, according to the Service Employees International Union’s 32BJ, its members in the Washington region are about 65 percent Latino and 35 percent Black and at least 70 percent depend on transit.<sup>3</sup> Many of these workers are in low-wage service, hospitality, and healthcare industries.<sup>4</sup> In contrast, high-income riders often have other transit options and have been working from home during the pandemic. These riders also are disproportionately on trains, rather than buses.<sup>5</sup> Further, low-income commuters face barriers in obtaining health care or access to childcare, supermarkets that sell healthy foods, and other basic resources when transportation is scarce, unreliable or unaffordable.<sup>6</sup> The barriers that many Washingtonians experience when trying to access legal services and life-sustaining resources such as healthy food and healthcare underscores the dire need for accessible reliable transportation in the District.

Public transportation in the District is clearly inequitable and requires substantial investment. Because problems with transportation represent a particular hardship for low-income DC residents, and almost one-third of the CLP survey participants said they experienced these

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<sup>2</sup> DC CONSORTIUM OF LEGAL SERVICES PROVIDERS, FAITH MULLEN J.D., AND ENRIQUE PUMAR PH.D., THE COMMUNITY LISTENING PROJECT 7 (2016).

<sup>3</sup> See Luz Lazo & Justin George, *Public Transit is a Lifeline for Low-income Residents. They Will Bear the Brunt of Service Cuts*. Washington Post (Dec. 16, 2020), [https://www.washingtonpost.com/local/trafficandcommuting/public-transit-service-cuts/2020/12/15/c73d5a08-3e1d-11eb-8bc0-ae155bee4aff\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/public-transit-service-cuts/2020/12/15/c73d5a08-3e1d-11eb-8bc0-ae155bee4aff_story.html).

<sup>4</sup> See Jenny Reed, DC Fiscal Policy Institute, *Who is Low-Income in DC?*, <https://www.dcfpi.org/wp-content/uploads/2010/10/10-26-10-Poverty-Demographic1.pdf>.

<sup>5</sup> See Luz Lazo & Justin George, *Public Transit is a Lifeline for Low-income Residents. They Will Bear the Brunt of Service Cuts*, WASHINGTON POST (Dec. 16, 2020), [https://www.washingtonpost.com/local/trafficandcommuting/public-transit-service-cuts/2020/12/15/c73d5a08-3e1d-11eb-8bc0-ae155bee4aff\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/public-transit-service-cuts/2020/12/15/c73d5a08-3e1d-11eb-8bc0-ae155bee4aff_story.html).

<sup>6</sup> STEVEN WOOLF & DEREK CHAPMAN ET AL., UNEVEN OPPORTUNITIES: HOW CONDITIONS FOR WELLNESS VARY ACROSS THE METROPOLITAN WASHINGTON REGION 8 (2018).

problems,<sup>7</sup> Legal Aid strongly encourages improvements to Metrorail and bus schedules, as well as increased access to transportation subsidies in order to provide greater access to legal and other key services for the District’s low-income residents.

### **To Decrease Barriers to Affordable Public Transportation, Subsidies Should Not Require Banking**

When considering proposals for transit subsidies, one issue that policymakers should consider is that if acquiring a registered MetroCard is a precondition for receiving a transit subsidy, then unbanked and underbanked residents in the District will likely be prevented from accessing the subsidy. Unbanked and underbanked households are disproportionately low income and are more likely to live in under-resourced Wards in the District.<sup>8</sup> Individuals and families in certain regions of the District – such as Wards 7 and 8 – have limited access to a bank account, internet access, and are less likely to live near a Metro Station, all which are necessary or beneficial to obtaining a MetroCard.<sup>9</sup> Legal Aid has raised concerns about MetroCard registration for unbanked and underbanked District residents in the past,<sup>10</sup> and about the prevalence of unbanked

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<sup>7</sup> DC CONSORTIUM OF LEGAL SERVICES PROVIDERS, FAITH MULLEN J.D., AND ENRIQUE PUMAR PH.D., THE COMMUNITY LISTENING PROJECT 7 (2016).

<sup>8</sup> See Office of the Deputy Mayor for Planning and Economic Development, DC Economic Strategy, Household Income by Race and Ward, <https://dceconomicstrategy.com/household-income/>; STEVEN WOOLF & DEREK CHAPMAN ET AL., UNEVEN OPPORTUNITIES: HOW CONDITIONS FOR WELLNESS VARY ACROSS THE METROPOLITAN WASHINGTON REGION 19-23 (2018).

<sup>9</sup> See Cassie Rueda, Do minorities face reduced DC Metro access?, Analysis and Results (Aug. 5, 2021), <https://storymaps.arcgis.com/stories/fe3fa1a8231e437e88345218d11ab8fd>; Federal Deposit Insurance Corporation, Unbanked and Underbanked for District of Columbia, 2019 by Selected Household Characteristics, [https://www.economicinclusion.gov/surveys/2019household/documents/yoy-analysis.html?where=State\\_Unbanked\\_District\\_of\\_Columbia\\_2019\\_YOY\\_Analysis](https://www.economicinclusion.gov/surveys/2019household/documents/yoy-analysis.html?where=State_Unbanked_District_of_Columbia_2019_YOY_Analysis); CONNECT DC, DIGITAL INCLUSION INITIATIVE, FACT SHEET, <https://connect.dc.gov/page/fact-sheet> (last visited Oct. 18, 2021); DC Health Matters, 2021 Demographics, Households/Income Data for City: District of Columbia, <https://www.dchealthmatters.org/demographicdata> (In Wards 7 and 8, where Black residents account for more than 90% of the population, fewer than 65% of residents have high-speed internet access, compared with 85% in more affluent wards) (last visited Oct. 20, 2021).

<sup>10</sup> See Eric Angel, Executive Director, Legal Aid Society of the District of Columbia, March 2, 2020, Legal Aid Society of the District of Columbia Comments to the Washington Metropolitan Area Transit Authority (WMATA) on WMATA’s Proposed Surcharge on Cash Transactions on Metrobuses, <https://www.legalaiddc.org/wp-content/uploads/2020/03/Legal-Aid-Society-Comments-on-WMATA-cash-surcharge-3-2-20-FINAL.pdf>.

District residents as well.<sup>11</sup> We raise the issues once again because neighborhoods that are predominantly Black continue to be more likely to face barriers to accessing subsidized transportation when MetroCard registration is required.<sup>12</sup>

### **Conclusion**

For the reasons stated above, Legal Aid believes the expansion of affordable transportation and investment in infrastructure in low-income wards will provide greater access to legal and public services for low-income residents in the District. Accordingly, Legal Aid urges this Special Committee to ensure that any proposed transportation subsidies would be accessible and available to low-income communities – including those in Wards 7 and 8, emphasizing equitable policies for individuals who are underbanked and unbanked.

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<sup>11</sup> See Marian Messing, Sidley Austin Appellate Advocacy Fellow, Legal Aid Society of the District of Columbia, February 13, 2020, Testimony before the Committee of the Whole Council of the District of Columbia, Public Hearing Regarding: B23-0122 “Cashless Retailers Prohibition Act,” <https://www.legalaiddc.org/wp-content/uploads/2020/02/Testimony-on-Cashless-Retailers-Prohibition-Act-2-13-20-FINAL.pdf>.

<sup>12</sup> See FEDERAL DEPOSIT INSURANCE CORPORATION, HOW AMERICA BANKS: HOUSEHOLD USE OF BANKING AND FINANCIAL SERVICES, 2019 FDIC SURVEY 15 (2019).