



# **Federal Legislative Program 111th Congress – 1st Session**



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## General Statement of City Legislative Focus

The City of Austin's Federal Legislative Program focuses on policies and legislation that directly and positively impact the City of Austin. The City of Austin opposes any legislative or regulatory action that:

- Erodes the home rule authority of municipalities,
- Constrains the ability of the City of Austin to allocate resources to areas of locally determined concern, or
- Preempts City of Austin authority in matters generally and traditionally the domain of local government.

The City of Austin supports policies and legislation that:

- Provide an equitable distribution of federal funds,
- Address the concerns and needs of large metropolitan center cities in the areas of transportation, public safety, affordable housing, vibrant and healthy neighborhoods, energy and the environment,
- Recognize the important role of strong central cities in our nation's economy and as innovators in broad areas of public policy, and
- Recognize the challenge of climate change and the need to develop economically sustainable ways to address it.

## Surface Transportation

### Highway/Transit Reauthorization

The City of Austin calls on Congress to craft a successor to SAFETEA-LU (PL 109-59) that recognizes the key role that metropolitan areas and their center cities play in our nation's economy. Funding allocation, project selection and program structure should reflect the fact that the vast majority of our nation's economic output comes from metropolitan areas and that the vast majority of our nation's population lives in metropolitan areas.

Specifically, the City of Austin supports a SAFETEA-LU successor that:

- Provides for an equitable distribution of highway and transit funds;
- Maintains a guaranteed funding mechanism that ensures that all Highway Trust Fund revenues are spent on highway and transit programs;
- Directly addresses metropolitan area and central city surface transportation needs, with a strong focus on metropolitan mobility;
- Maintains a strong metropolitan planning process to ensure that local elected officials have the tools they need to support sustainable economic development and meet local needs;
- Links surface transportation to environmental concerns such as clean air, clean water and climate change;
- Channels funding directly to metropolitan areas, at a minimum maintaining the suballocation of Surface Transportation Program funds to metropolitan areas;
- Expands the Transportation Enhancements and Safe Routes to School Programs;
- Builds on the past decade's investment in transit by providing significantly increased resources for transit, including increased funding to meet the growing nationwide demand for rail transit;
- Does not increase the local share, currently 20%, for federally-assisted highway and transit projects; and
- Further empowers local elected officials by requiring full state disclosure of how federal surface transportation funds are spent.

### Passenger Rail

The City of Austin also supports increased federal investment in intercity and regional passenger rail. An important part of a balanced transportation system, intercity and regional passenger rail reduces highway and airport congestion, reduces energy consumption, helps cities improve air quality and, because most trips are downtown to downtown, promotes central city economic development. In particular, the City of Austin supports efforts to make the South Central High-Speed Rail Corridor a reality and to implement regional passenger rail service between Georgetown and San Antonio.

## Aviation

The City of Austin invested considerable resources into Bergstrom International Airport. The City of Austin supports a federal aviation program that helps the City build on this investment and cements Bergstrom International Airport's role as a key building block of Austin's economy. Specifically, the City of Austin supports a reauthorization of federal aviation programs that:

- Maintains a guaranteed funding mechanism for the Airports & Airways Trust Fund,
- Maximizes funding for and the flexibility of the Airport Improvement Program,
- Maximizes flexibility in the use of Passenger Facility Charge revenue, and
- Provides local government and airport authorities with the resources they need to provide a safe and efficient aviation system.

The City of Austin also urges Congress to recognize the importance of intermodal connections and to make it as easy as possible for local governments to construct transit and intermodal passenger facilities linking airports with the central cities and regional employment centers that they serve.

The City of Austin also supports amending 49 USC 41718(a) to add "beyond-perimeter" slots at Ronald Reagan Washington National Airport to allow for additional flights to and from "beyond-perimeter" cities, including Austin.

## Full Funding of Core Local Government Programs

The City of Austin calls on Congress to fully fund core local government programs, including, but not limited to:

- Community Development Block Grants (CDBG),
- HOME (a Federal program designed to create affordable housing),
- Local law enforcement assistance (such as COPS, Byrne and Juvenile Justice), and
- Homeland Security grants (such as the Urban Area Security Initiative, firefighter assistance and Metropolitan Medical Response Systems).

These programs help the City of Austin meet critical needs, promote community revitalization and protect public safety. The City of Austin is particularly concerned about the steep decline in funding for CDBG (-19%) and local law enforcement assistance (-67%) since peak funding in FY 2001. Steep cuts to these programs have directly affected community development and public safety and must be reversed.

As a national leader and key innovator in the areas of energy conservation and renewable energy, the City of Austin also urges Congress to fully fund (\$2 billion a year through FY 2012) the Energy Efficiency & Conservation Block Grant authorized by the Energy Independence & Energy Security Act of 2007 (PL 110-140). This new program will provide valuable assistance to the City of Austin's efforts in these areas.

## Telecommunications

The City of Austin recognizes that competition in telecommunications can yield more programming and applications, improved customer service, affordable rates for all and technology deployment. To be effective, an orderly transition to a truly competitive communications marketplace must respond to the interests of local government:

- *Local Authority* – The City supports preserving local authority. The City is best positioned to determine how to protect its citizens with regard to maintenance of infrastructure, public safety, consumer protections, and management of rights-of-way;
- *Rights-of-Way* – The City opposes federal intervention in its ability to manage and control the public rights-of-way and to collect compensation for their use and management in an equitable and nondiscriminatory manner. The public entrusts local governments with ensuring that use of public rights-of-way by communications providers does not interfere with public safety, unnecessarily disrupt commerce, impede general transportation uses, or otherwise impose costs on the local government or its taxpayers;
- *Fees and Revenues* – The City opposes any federal preemption of its ability to collect revenue from telecommunications providers doing business in the City, particularly when that revenue is collected as reasonable compensation for the private, profit-making use of public rights-of-way owned and maintained by the City. Public rights-of-way represent property of tremendous economic value and paid for by local taxpayers, and the public has a right to expect that appropriate value is received for the use of its property held and managed by the government as a public trust.

The City of Austin specifically opposes any federal preemption, legislative or regulatory, of Texas SB 5, which has successfully promoted competition while protecting local government authority and revenue.

The City of Austin also opposes any legislative or regulatory effort to undermine local zoning and land use authority.

## Economic Stimulus & Recovery

The City of Austin supports efforts to stimulate economic growth and recovery by measures that include, but are not limited to:

- Investing in needed infrastructure construction and repair,
- The development of green industry and jobs that promote energy independence and renewable energy and
- Job training and youth employment initiatives.

## Onion Creek

The City of Austin appreciates authorization of this critical flood control and environmental restoration project as part of the Water Resources Development Act of 2007 (PL 110-114) and respectfully requests construction funding in the coming years consistent with the Army Corps of Engineers stated capability for the project.

A joint project of the Army Corps of Engineers (ACE), the City of Austin, Travis County and LCRA, the Onion Creek Flood Control and Ecosystem Restoration Project will provide flood protection to the Onion Creek watershed and will restore its stream channel and adjacent riparian habitats. Floods in this watershed affected over 100 houses in 1998 and over 400 houses in 2001 and did considerable damage to the watershed's riparian areas. In the Onion Creek watershed near the intersection of South Pleasant Valley Road and East William Cannon Drive, there are over 700 houses subject to inundation in the 100-year floodplain. For the 100-year flood, house interior inundation depth ranges up to 10 feet in the Onion Creek study area.

The total cost for the project implementation within the City will be approximately \$71 million, with the City providing local sponsor match of 35 percent (\$25 million). ***As a result of a local bond referendum in 2006, the City of Austin has local match funding in hand.***

## Waller Creek

Running through downtown Austin from the University of Texas campus to the Colorado River, Waller Creek creates flooding and safety hazards for much of the eastern end of central Austin. The Waller Creek floodplain presents a serious flash flood hazard and deterioration on its banks has harmed adjacent properties and recreational areas. The City of Austin has developed a plan to mitigate the flash flood threat, restore Waller Creek and adjacent riparian areas and create a linear park and recreational trail that will connect the University of Texas and downtown with the Lady Bird Johnson Lake and the Town Lake Trail.

The project calls for construction of a tunnel to capture and direct stormwater that normally flows through Waller Creek. The tunnel will run the length of Waller Creek and will empty into the Colorado River. Sufficient water will be pumped from the tunnel into Waller Creek to maintain its flow, habitats and appearance. The City's plan also calls for the restoration of Waller Creek's stream banks, restoration of adjacent riparian areas and construction of a linear park and recreational trail running the entire length of Waller Creek.

## Water Reclamation

Using an FY 2003 appropriation of \$275,000, the City of Austin and the Bureau of Reclamation are finalizing a required Feasibility Study for the City's participation in the Title XVI Water Reclamation Program. The study has been reviewed and is undergoing revisions based on public comments on an associated Environmental Assessment. The City appreciates the delegation's support of that appropriation and for this project in general.

The City has identified industrial, commercial, institutional and recreational customers interested in using reclaimed water from the City's Walnut Creek and South Austin Regional Wastewater Treatment Plants for non-drinking water purposes. The City of Austin Water Reclamation Project will make treated wastewater available to these through the construction of 137 miles of transmission pipes, 5 pump stations, and 7 storage tanks.

In general, the City of Austin supports all federal efforts to support local government water reclamation efforts. The City specifically requests authorization and funding of the City of Austin Water Reclamation Project under the Bureau of Reclamation Title XVI Program or another appropriate federal program.

## FY 2010 Priority Projects for Appropriations Requests

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## Onion Creek Flood Control & Ecosystem Restoration (Lower Colorado River Basin, Texas – Onion/Wharton)

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➤ ***\$11 million in Army Corps of Engineers General Construction funding for the Lower Colorado River Basin - Onion Creek/Wharton Creek Project***

The City of Austin appreciates authorization of this critical flood control and environmental restoration project as part of the Water Resources Development Act of 2007 (PL 110-114). The City also appreciates the \$258,000 included in the FY 2008 Omnibus Appropriations Act (PL 110-161) for preconstruction, engineering and design of this project and respectfully requests \$11 million in General Construction funding under the heading of "Lower Colorado River Basin, Texas (Wharton/Onion)". \$10 million of this funding will be for Onion Creek. This funding is critical to ensuring that the project proceeds in a timely manner.

The City also supports the Lower Colorado River Authority (LCRA) request for General Investigations funding for the Lower Colorado River Basin Flood Study.

A joint project of the Army Corps of Engineers (ACE), the City of Austin, Travis County and LCRA, the Onion Creek Flood Control and Ecosystem Restoration Project will provide flood protection to the Onion Creek watershed and will restore its stream channel and adjacent riparian habitats. Floods in this watershed affected over 100 houses in 1998 and over 400 houses in 2001 and did considerable damage to the watershed's riparian areas. In the Onion Creek watershed near the intersection of South Pleasant Valley Road and East William Cannon Drive, there are over 700 houses subject to inundation in the 100-year floodplain. For the 100-year flood, house interior inundation depth ranges up to 10 feet in the Onion Creek study area. The City of Wharton flooded severely in 1998 and is included as part of regional Corps activities coordinated through the LCRA.

The total cost for the project implementation within the City will be approximately \$71 million, with the City providing local sponsor match of 35 percent (\$25 million). ***As a result of a local bond referendum in 2006, the City of Austin has local match funding in hand.***

➤ **The Onion Creek Project is project is in the 25<sup>th</sup> Congressional District.**

***Proposed Source of Funding***

Bill: Energy & Water Development  
Agency: Army Corps of Engineers  
Program: General Construction

## Town Lake Trail Boardwalk

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### ➤ *\$2 million to the City of Austin for the Town Lake Trail Boardwalk*

The Town Lake Trail is a 10.1-mile loop that circles Lady Bird Lake in central Austin. The trail sees 3,000-15,000 users per day and connects to most of Austin's other trails and greenways, providing a central loop for the City's network of bicycle and pedestrian trails and contributing to Austin's reputation as one the nation's most livable and bicycle- and pedestrian-friendly cities.

The Town Lake Trail extends continuously on both sides of Lady Bird Lake from the Robert Crenshaw Pedestrian Bridge under the Mopac Expressway in west Austin to the Longhorn Dam in east Austin except for a one-mile gap on the south shore of the Lake between Congress Avenue and Lakeshore Boulevard. The one-mile gap forces bicyclists and pedestrians to detour onto Riverside Drive, a busy arterial street with limited bicycle and pedestrian infrastructure that has seen scores of accidents involving bicyclists and pedestrians. The I-35/Riverside Drive interchange presents a particularly dangerous barrier for bicyclists and pedestrians and severely limits non-motorized mobility south of Lady Bird Lake.

Topographical constraints and existing structures make it impossible to bridge this one-mile gap with an overland trail. Therefore, the City of Austin, in conjunction with the non-profit Town Lake Trail Foundation, has developed plans for an over-water boardwalk to bridge the gap. The boardwalk is expected to cost \$18 million to complete. The City of Austin has committed \$4.2 million to this project, including \$1.7 million to complete design work. In addition to funding from future City capital budgets, the City and the Foundation have launched a campaign to raise private funds to help complete the boardwalk. The requested federal funding will be used to construct the boardwalk and will help leverage City and private funding for this vital project.

Completion of the Town Lake Trail will: improve safety, increase mobility in a rapidly growing part of Austin, help bridge the historic gap between east and west Austin, contribute to public health by encouraging physical activity and reducing emissions, promote economic development and cement Austin's reputation as one of the nation's most livable cities and one of the nation's best cities for bicyclists and pedestrians. The Boardwalk enjoys widespread and enthusiastic support, including the endorsement of the Austin Cycling Association, Austin Metro Trails and Greenways, the Austin Parks Foundation, Austin Runners Club, RunTex, SaveTownLake.org and the Texas Bicycle Coalition.

### ➤ **Town Lake Trail is in the 21<sup>st</sup> and 25<sup>th</sup> Congressional Districts; the Boardwalk is in the 25<sup>th</sup> Congressional District.**

#### ***Proposed Source of Funding***

Bill: Transportation, HUD & Related Agencies

Agency: Federal Highway Administration

Program: Transportation, Community & Systems Preservation/Surface Transportation Program

## Sanitary Sewer Overflow Prevention

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### ➤ *\$2 million to the City of Austin for Sanitary Sewer Overflow Prevention*

For the past four years, the City of Austin has been working with the Texas Congressional Delegation to secure direct federal funding for the Non-Structural Sanitary Sewer Overflow (SSO) Prevention Project. On behalf of the citizens of the City of Austin and its sewer users, we would like to thank the Delegation for providing \$3.45 million in direct federal appropriations for this project and we look forward to continuing this funding partnership to secure additional appropriations in FY 2008.

The City requests an additional \$2 million appropriation to allow the continuation and expansion of this effort. These funds will be used for the Non-Structural SSO Prevention Project in association with our partnership with the Environmental Protection Agency (EPA). This past fall, EPA released the City's first Special Appropriations Grant XP-97677204 to allow expenditures on the City's ongoing "cured-in-place" sewer main slip lining contracts. This trenchless sewer rehabilitation technique eliminates infiltration and replaces the structural integrity of sewer mains without extensive excavation. Having EPA grant funds targeted to this activity frees up existing City financial resources to (1) expand sanitary sewer monitoring, cleaning and maintenance, (2) address both grease control and permanent root elimination from the sewer system and (3) expand use of trenchless sanitary sewer rehabilitation techniques to other areas of the sewer system.

Supplemental federal funding is needed to insure that the Project is affordable to area users. The fundamental objective of this Project is to create a parallel SSO prevention activity to the City's ongoing efforts to comply with its federal SSO Abatement Administrative Order (AO). Because of the cost of complying with the AO, the City would be unable to complete this Project without federal assistance. In addition, the federal assistance has and will continue to provide the City with an opportunity to demonstrate Non-Structural SSO Prevention techniques that will allow others to follow.

### ➤ **The SSO project is citywide.**

#### ***Proposed Source of Funding***

Bill: Interior, Environment & Related Agencies  
Agency: Environmental Protection Agency  
Program: State & Tribal Assistance Grants

## Underground Storage Tank Assessment

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- *\$450,000 to the City of Austin for a citywide underground storage tank assessment project*

The City of Austin is committed to protecting its two primary sources of drinking water: the Colorado River watershed and the Edwards Aquifer. The human and environmental health of Austin is directly tied to the health of these two natural resources. In recent years, several events have highlighted the threat that underground storage tanks pose to these resources, including a major downtown leak that posed an immediate threat to human health and safety.

The requested federal funds will be used by the City of Austin Watershed Protection & Development Review Department to conduct a citywide assessment of properties with underground storage tanks. The study will determine the condition of those tanks and the threat they pose to the environment, human health and public safety. The City will use the assessment to develop and implement a comprehensive plan to address this issue.

- **This project is citywide.**

### ***Proposed Source of Funding***

Bill: Interior & Environment

Agency: Environmental Protection Agency

Program: State & Tribal Assistance Grants or Environmental Management Projects

Bill: Transportation, HUD & Related Agencies

Agency: Department of Housing & Urban Development

Program: Economic Development Initiative (EDI)

## Intelligent Transportation Systems

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### ➤ *\$1,000,000 to the City of Austin for ITS deployment*

The City of Austin has developed an intelligent transportation systems (ITS) deployment plan as part of its efforts to improve mobility information for residents, reduce congestion, improve mobility and improve air quality. Deployment of the ITS will provide Austin with enhanced intelligent transportation information technologies and data collection technologies throughout central Austin, helping the City to provide Austin residents and visitors with mobility information related to traffic congestion, transit alternatives, access routes into downtown, and access routes to major events.

The project would result in improved web-based communication tools throughout the region for communication of mobility related information, improved signal operation, and increased diversion of travelers from single occupancy vehicles into modes of travel that carry multiple passengers.

Specific components of the system are outlined below.

- **A Traffic & Transportation Website** with live streaming capabilities for the City to share visual images of local traffic and transportation and other information with the traveling public. Data will be collected from the City of Austin (COA), the local Texas Department of Transportation (TxDOT) District, and Capitol Metro for publication on the website.

The website will provide local motorists access to view real time video of traffic and road conditions, access real time emergency closures information, access information regarding current and planned road construction, improve the ability to evaluate and facilitate the management of incidents and improve multi-agency response to both major and minor traffic incidents.

The system will provide a platform and means to expand and integrate with other municipalities, counties, and the existing TxDOT system for information sharing. The system will be able to support different classes of users and access to the system will be controlled so that only authorized administrators will be able to modify the data being provided.

- **Variable Message Boards** installed at key points in commuting corridors to inform drivers of traffic congestion, accidents and other emergencies ahead, and alert drivers to alternate available routes.
- **Surveillance & Detection Cameras** to broaden the existing traffic management system to monitor live roadway conditions, provide public access to special event and road closure information, detect traffic incidents quickly, and manage traffic control signalization remotely. Real time traffic information will allow area motorists to make more informed trip decisions. Motorists will subsequently be able to avoid the more congested area roadways thus helping to mitigate local traffic congestion. Funding would be used to install new warranted signals and upgrade existing traffic signals. Further, the funding will enable the

City to expand the ITS technology and capability to these intersections providing ability to monitor and manage traffic remotely.

- **The ITS project will improve mobility citywide.**

***Proposed Source of Funding***

Bill: Transportation, HUD & Related Agencies

Agency: Department of Transportation

Program: Intelligent Transportation Systems

## Guadalupe Street Reconstruction & Enhancement Project

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- *\$2,500,000 to the City of Austin to reconstruct and enhance Guadalupe Street between 21<sup>st</sup> and 24<sup>th</sup> Streets*

The Guadalupe Street Improvements Project will revitalize the link between the major west entrance to the University of Texas at Austin (UT) and the West Campus Neighborhood, a densely populated area with student housing and student-oriented businesses. The project calls for new utility infrastructure, the complete reconstruction of the entire roadway and enhancement of the entire street, including the replication of UT's existing West Mall Promenade on the east side of Guadalupe Street.

This project is the first implementation of Austin's first Great Streets Initiative, a program that emphasizes the pedestrian experience with wide sidewalks, plantings, tree wells and seating. While the project emphasizes the aesthetics of the urban experience, it largely calls for major infrastructure replacement. Specific details include:

- Complete roadway reconstruction and the removal of abandoned streetcar tracks to mitigate the street's chronic problem of potholes, ruts and street collapse;
  - Replacement of an aged and undersized primary water main;
  - Enlargement of a natural gas main;
  - Storm water drainage improvements; and
  - Masonry crosswalk and other pedestrian safety improvements.
- The Guadalupe Street Reconstruction & Enhancement Project is in the 21<sup>st</sup> Congressional District.

### ***Proposed Source of Funding***

Bill: Transportation, HUD & Related Agencies

Agency: Federal Highway Administration

Program: Transportation, Community & Systems Preservation/Surface Transportation Program

## Community Land Trust Pilot Program

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### ➤ *\$250,000 to the City of Austin for the Community Land Trust Pilot Program*

Community land trusts ensure affordable homeownership opportunities are available permanently, and allow nonprofits and governmental entities to recycle their investments in such housing. The Community Land Trust (CLT) model has been used in many places across the country. The CLT owns the land under the home and provides a long term ground lease to the homeowner. The title to the land is held in perpetuity by the CLT in order to ensure long term affordability of the property.

Preliminary research indicates that a CLT could successfully preserve affordability in the City of Austin's rapidly gentrifying neighborhoods. CLT organizations have traditionally been private non-profits formed by a grassroots community effort, so further work is required to adapt the CLT model to municipalities. By holding CLT properties, a local government can assure that low and moderate income families have a stable long-term partner through the duration of their ownership. CLT homeowners will need to be carefully educated, to assure that they fully understand the CLT; a well researched curriculum for this educational program requires development.

Funding of \$250,000 is requested to continue efforts to adapt the CLT to the unique needs and requirements of local government, and to create a CLT education curriculum for potential homeowners and community members. If successful, the City of Austin will be the first community in Texas to implement a community land trust program.

### ➤ **The Community Land Trust will benefit neighborhoods throughout the City of Austin.**

#### ***Proposed Source of Funding***

Bill: Transportation, HUD & Related Agencies  
Agency: Department of Housing & Urban Development  
Program: Economic Development Initiative

## Police Technology

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### ➤ *\$800,000 to the City of Austin for police technology*

The City of Austin appreciates the congressional delegation's ongoing support for its public safety efforts. Federal funding in recent years has enhanced Austin's public safety efforts and given City police officers the tools they need to protect the public. The City will use the requested federal funding to install security cameras in pedestrian-heavy and high-crime locations. This technology will allow the Austin Police Department (APD) to "expand its police force" by providing the capability to monitor activity from a central location. Police cameras have been shown to reduce crime and provide video evidence that bolsters the prosecution of criminal cases. APD will use the cameras to fight all crime, with a focus on potentially life-threatening crimes such as assaults and robberies which have recently increased in various City locations. The requested funding may also be used to purchase temporary storage space for digital evidence obtained from security cameras.

Funding will also be used to purchase a mobile training facility. The recently released Department of Justice Technical Assistance report recommended that APD's training "should focus on low frequency but high liability practices, e.g. use of firearms." All Austin Police Officers must be licensed and show proficiency with each of their firearms by qualifying annually, and must travel to APD Training Academy range for both practice and qualifications. As the department grows, and on-going officer training is needed, the mobile facility will greatly enhance our abilities to meet law enforcement standards. The versatility of the mobile facility would allow for both daytime and nightfire training opportunities at a cost that is significantly less than the construction of a full scale range.

The Training Academy is located quite a distance from all substations and the main. A mobile training facility would be transported to substations and the headquarters on a rotating schedule. A mobile range would reduce the time an officer spends away from his or her regular duties, reduce overtime costs allowed for firearms practice, and reduce the cost of fuel needed to travel to the academy range. The mobile facility is an enclosed trailer; when standing outside of the mobile range during live-fire training sessions, one would only hear a sound comparable to a car door shutting (not slamming). Having a stationary training facility parked in the rear of the main building or a substation will significantly increase the opportunities for training. Rather than training only to meet minimal qualifications, the mobile training facility will allow officers coming in from their shifts to stay after work if they chose or to go during on-duty time or during their breaks if they want to complete a course of fire. The mobile training facility will also enhance an officer's decision making ability and other tactical skills related to use of force.

### ➤ **This project is citywide.**

#### ***Proposed Source of Funding***

Bill: Commerce, Justice, Science & Related Agencies  
Agency: Bureau of Justice Assistance  
Program: COPS Technology/Byrne Discretionary