

# 2019 Federal Legislative Agenda



DRAFT

## General Statement of City Legislative Focus

The City of Austin's Federal Legislative Agenda for the 116<sup>th</sup> U.S. Congress reflects the City's priorities for efficient and cost-effective government services that foster Austin's prosperity, sustainability, and safety.

The City of Austin supports policies, legislation, and regulatory actions that:

- Provide an equitable distribution of federal funds
- Address the concerns and needs of large metropolitan cities in the areas of transportation, public safety, affordable housing, vibrant and healthy neighborhoods, energy, and the environment
- Recognize the important role of strong cities in our nation's economy and as innovators in broad areas of public policy
- Provide a solid safety net for economically vulnerable populations
- Recognize the challenge of climate change and the need to develop economically sustainable ways to address it
- Protect Austin's civil rights ordinances

The City of Austin opposes any policies, legislation, or regulatory actions that:

- Erode the home rule authority of municipalities
- Constrain the ability of the City to allocate resources to areas of locally determined concern
- Preempt City authority in matters generally and traditionally left to the domain of local government
- Attempt to diminish the City's ability to protect Austinites' employment, housing, public accommodation, and other civil rights that would threaten Austin's welcoming environment to businesses, conventions, and events and would tarnish Austin's status as an inclusive community for all

## Transportation

The Austin Transportation Department (ATD) is responsible for a variety of transportation, mobility, and safety functions throughout the community. ATD works with all modes of transportation and many Austin-area partners and agencies to deploy a multi-modal network.

The City of Austin urges Congress and the Administration to study and give equal consideration to all potential surface transportation financing mechanisms to ensure adequate funding for federal highway and transit programs. In addition, the City supports the following broad principles:

- Increase sub-allocation to metropolitan areas and expand mode-neutral choices and funding for metropolitan areas
- Directly provide funds to cities for innovative urban transportation solutions
- Fully fund the Congestion Mitigation and Air Quality Improvement Program in order to help metropolitan areas meet federal clean air mandates and provide funding support for cities to avoid non-attainment status
- Continue funding renewable and electric vehicle development and infrastructure support to reduce CO<sub>2</sub> emissions
- Maintain a strong transit program by increasing discretionary and formula funding
- Maintain a strong metropolitan planning process that maximizes the decision-making power of local elected officials and communities while balancing the needs of urban and rural areas
- Provide funding for Travel Demand Management programs that reduce reliance on Single Occupancy Vehicle trips on both highways and city arterials
- Provide funding and policy support for automated vehicles and vehicle-to-vehicle and vehicle-to-infrastructure technology
- Fund the robust collection of data, and use of analytics, to improve travel operations, provide real-time traveler information, and inform infrastructure investment decisions
- Continue funding for Transit Oriented Development (TOD) grant programs and maintain financing programs for TOD investments at transit stations and multimodal facilities
- Promote policies and support funding for an “All Ages and Abilities Bicycle Network” to reduce drive-alone trips into the center city, decrease the mobility cost burden, and increase access to physical activity and improved air quality
- Promote policies and support funding for Pedestrian Safety Initiatives grant programs and formula funding to continue to address safety towards eliminating fatalities and injuries and promoting connectivity for pedestrians.

### **Interstate Highway 35**

The Interstate Highway 35 (IH-35) Corridor is easily recognized as the most congested in the Capital area, and it ranks as one of the most congested corridors in state and national surveys. To address the issues and congestion the IH-35 Corridor is having on the region, the City of Austin; Texas Department of Transportation (TxDOT); Capital Area Metropolitan Planning Organization; Federal Highway Administration; Central Texas Regional Mobility Authority; Capital Metropolitan Transportation Authority; Hays, Travis, and Williamson Counties; City of Round Rock; and Texas A&M Transportation Institute are working to study the corridor in a proactive manner.

Unlike past corridor studies that focused on large scale, long-term improvements, this program will pursue short and mid-term (3-10 years) projects. These projects are intended to improve the functional capacity of existing roadways without requiring significant additional right-of-way,

environmental impact or incurring substantial costs. With an emphasis on near- to mid-term projects and strategies, the program team looks to identify potential cost-effective projects that will accomplish the following objectives:

- Increase mobility for people and goods through the Capital Area
- Improve transit and high occupancy vehicle opportunities
- Improve safety, efficiency, and access to and through the corridor for all users
- Decrease travel demand on IH-35 by improving transit and bicycling networks, especially for short trips
- Provide travel demand management strategies, communications, and programs to remove drivers from the roadway
- Identify cost-effective projects
- Protect air quality and reduce the region's carbon footprint
- Reduce or mitigate current corridor impacts on the adjacent communities
- Improve opportunities for economic development
- Provide better information for travelers
- Improve reliability of the IH-35 corridor

Since IH-35 is an internationally significant highway, funding for these improvements may be provided by any combination of federal, state, and local agencies through existing and future funding and revenue resources. While the initial program limits for the study have been funded by the City of Austin, the expanded program limits are funded by TxDOT through an allocated portion of Proposition 12 funds called Rider 42. These funds are targeted at reducing congestion on the 50 most congested corridors in Texas.

The City of Austin supports legislation to reauthorize federal surface transportation programs that provide for an equitable distribution of highway funds for Texas, and directly provide funds and flexible financing mechanisms to cities for innovative urban transportation solutions. Regional roadway transportation projects include the IH-35, Loop 1 (MoPac), U.S.-183, and Bergstrom Expressway corridors.

### **Aviation**

The Austin-Bergstrom International Airport (ABIA) is run by the City of Austin Aviation Department. Nearly 13 million passengers will travel through ABIA this year, making it the 34<sup>th</sup> busiest airport in the United States.

International travel, tourism, and trade to the Austin and national economies are key to continuing the growing Austin economy. International air travel capacity has nearly doubled for the Austin airport in the last two years. Congress is urged to ensure adequate staffing of Customs and Border Protection personnel at Austin-Bergstrom International Airport and our nation's airports.

The City supports a reauthorization of federal aviation programs that would:

- Maintain a guaranteed funding mechanism that ensures that all Airport and Airways Trust Fund revenues are spent on aviation programs
- Maximize the flexibility of the Airport Improvement Program
- Increase the flexibility of how airports use and increase Passenger Facility Charge revenue
- Provide local governments and airport authorities with sufficient resources to provide for a safe and efficient aviation system

The City 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.

## **Electricity and Public Power**

Unlike private power companies, public power utilities are public service institutions and do not serve stockholders. Instead their mission is to serve their customers. Austin Energy is the nation's 8<sup>th</sup> largest publicly owned utility, serving more than 1 million residents in Greater Austin.

The City of Austin opposes any legislative or regulatory actions that:

- Erode state authority over the Electric Reliability Council of Texas
- Prevent the Environmental Protection Agency (EPA) from implementing regulations under the Clean Air Act, including:
  - the Clean Power Plan
  - the Cross State Air Pollution Rule
  - the Mercury and Air Toxics Standard Rule

The City supports legislation that encourages government and industry information sharing on both cyber and physical security threats. Legislation should ensure that the federal government provides timely, actionable information to the electric sector to enable it to respond appropriately to threats.

The City supports legislation that promotes increased energy efficiency standards including those for appliances and building codes. It supports tax incentives to individuals and businesses that promote energy storage systems. The City supports legislation that extends the Production Tax Credit and the Investment Tax Credit for renewable energy projects. It also supports federal tax incentives that promote technologies based on their carbon neutrality.

Lastly, the City supports legislation designed to promote renewable energy and reduce CO<sub>2</sub> emissions. This includes legislation that promotes or mandates a federal Clean Energy Standard, which requires a certain amount of an electric utility's portfolio to generate electricity without CO<sub>2</sub> emissions. The City is also in favor of legislation that requires a certain percentage of an electric utility's portfolio come from renewable energy.

## **Housing & Community Development**

The City of Austin is committed to making the City and its neighborhoods a better place to live, work, and play. A major focus of these efforts is to create and maintain strong neighborhoods and to provide safe, decent, affordable housing; a suitable living environment; and economic opportunities, specifically for low- and moderate-income individuals and communities.

To these ends, the City strongly supports the continuation of federal dollars to address the growing needs of Austin's low-income community including the following programs administered by the city's Neighborhood Housing and Community Development Office:

- Community Development Block Grant
- Home Investment Partnership Program

- Housing Opportunities for Persons with HIV/AIDS
- Emergency Solutions Grant
- Section 108 Guaranteed Loan funds
- State and Local Bond Financing Programs
- Low-Income Housing Tax Credits

## Immigration

The City of Austin values inclusivity and recognizes the immense economic, social, and cultural contributions that people of all national origins and immigration statuses have made to this country. The City believes immigration is a federal policy issue, not a local one, and immigration enforcement laws should be nationally based, consistent, and federally funded.

The City of Austin opposes legislation that attempts to shift the cost and/or responsibility of enforcing civil immigration law to local governments and penalize them through the denial of federal funding.

The City of Austin supports legislation that provides comprehensive immigration reform and a path to citizenship for immigrants, including but not limited to DACA recipients.

The City of Austin supports legislation that provides comprehensive immigration reform; opposes any legislation or federal action that would maintain or expand funding for a border wall or physical barrier along the U.S.-Mexico border; and opposes any legislation or federal action that would further militarize the border or maintain or expand the role of federally-funded private prisons for the purpose of detaining immigrants.

The City of Austin supports policies that keep families together and out of detention centers, provide for immediate reunification of families already separated, and stop needlessly prosecuting border crossing offenses; and opposes any immigration policy that results in criminal prosecution or mass incarceration of migrants, including children, the use of for-profit private prisons to enforce immigration laws, or families being forcibly separated.

## Onion Creek

The City's Watershed Protection Department has partnered with the U.S. Army Corps of Engineers since 1999 to find solutions to flooding in the Onion Creek area. The Lower Onion Creek Flood Control and Environmental Restoration Project includes the acquisition of 483 properties and has an estimated total cost of \$73.2 million.

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. The City also appreciates the appropriation of FY 2014 and FY 2015 construction funding and respectfully requests strong federal construction funding commitment in the coming years consistent with the Army Corps of Engineers stated capability for the project.

## Payday Lending

The City of Austin is one of 35 Texas cities to enact a uniform payday lending ordinance designed to protect borrowers from excessive fees and interest rates. The federal Consumer Financial Protection Bureau is looking at new rules to crack down on what are considered predatory lenders and the City strongly supports these proposed rules. The City supports legislation that enhances the city's ability to regulate this area of lending.

## Public Health

The Austin Public Health Department provides preventative health services for the public in order to optimize their health and well-being. These services include:

- The Special Supplemental Nutrition Program for Women, Infants, and Children
- Sexually Transmitted Disease testing and information programs including other communicable diseases
- Disease prevention such as immunizations
- Public health nursing services including health presentations and screenings
- Environmental health issues, community programs, and information such as birth and death records
- Restaurant permitting and sanitation scoring
- Pandemic flu information

Austin Public Health also works on issues of health equity and disparities, public health emergency preparedness, and to prevent environmental causes of foodborne illnesses and outbreaks.

The City of Austin supports legislation that would maintain or expand funding for Planned Parenthood and opposes any legislation that would reduce funding for Planned Parenthood or endanger access to affordable health care. The City also supports the enactment of the Disability Integration Act.

The City of Austin supports legislation to provide funding for grants to local governments that would expand and improve existing efforts to address the opioid epidemic and calls on the federal government to stop the illicit trafficking of fentanyl, carfentanyl, oxycodone, and other opioids. The City of Austin also supports greater cooperation at the regional, state, and federal levels with regard to policy discussions on the issue of opioid abuse.

## Public Safety

Ensuring the safety of Austin residents and visitors is a top City priority that depends on a strong federal-state-local partnership. Federal financial assistance, information sharing, and other forms of cooperation are crucial to the City of Austin's public safety efforts.

The City calls on Congress and the Administration to fully fund core local law enforcement and Homeland Security programs including but not limited to:

- Community Oriented Policing Services (COPS)
- Byrne Justice Assistance Grants
- State Homeland Security Grant Program
- Metropolitan Medical Response Systems

- Firefighter Assistance Grants

The City also calls on the United States Congress to enact Gun Control legislation that:

- Requires background checks for all gun sales
- Provides for prosecution of straw purchasers (i.e., when someone uses another person to execute the paperwork necessary to purchase a firearm from a federally licensed firearms dealer) and gun traffickers
- Limits the size of ammunition magazines
- Puts reasonable restrictions on public ownership of military-style guns
- Improves the accuracy and completeness of background check databases to ensure the safety of our citizens
- Limits or prevents access to firearms by domestic abusers who are not currently prevented access by federal law, including abusers who victimize non-spouse partners; abusers who victimize a family member other than a partner or child; and convicted stalkers and others subject to a protective order
- Requires domestic abusers to surrender their firearms
- Regulates and prevents access to bump stocks

The City opposes any legislation or federal action that would deregulate gun silencers/suppressors.

The City of Austin supports the development of the national public safety communication network and encourages FirstNet to include local input in the structure and framework development process. The City urges Congress to require FirstNet to maximize the use of existing local government communication infrastructure.

The City also supports legislation that would provide resources for body and vehicle cameras for public safety responders.

### **UASI**

The City of Austin appreciates the delegation's assistance in securing Urban Area Security Initiative (UASI) designation for the Austin Metropolitan Area from 2008 - 2010. This designation provided the City and its first responders with equipment and training, and assistance in hardening critical facilities. It also led to the creation of the Austin Regional Intelligence Center, providing increased local capability for disrupting criminal and potential terrorist activity, as well as increasing cooperation between federal, state, regional, and local public safety officials. This funding ended in FY 2011 as the U.S. Department of Homeland Security reduced the number of UASI communities.

Nine of the top ten largest cities in the U.S. receive funding, ranging from \$5 million to \$179 million each. The City of Austin, as the eleventh largest city in the nation and the capital of Texas, is not one of the 29 funded urban areas and receives no funding.

The City requests continuation of the UASI grant as a standalone program and requests to again be included as a UASI jurisdiction in order to sustain homeland security efforts.

## **Tax Credits and Revenue**



The City of Austin urges Congress to pass legislation that promotes sales tax fairness by authorizing states to collect sales taxes from out-of-state remote retailers and to fund the New Markets Tax Credit Program and other programs administered by the Community Development Financial Institutions Fund at the Department of Treasury to provide important incentives for private investment in historically disadvantaged and economically impacted localities. The City supports the continuation of these programs and further calls on Congress and the Administration to fully fund the Economic Development Administration.

## **Tax Exempt Municipal Bonds**

Tax-exempt bonds are the principal tool that state and local governments use to finance the nation's critical infrastructure. State and local governments are responsible for building and maintaining 75 percent of the nation's infrastructure, which is commonly financed through tax-exempt bonds. Tax-exempt bonds are a great example of federal, state, and local partnership. They provide for a fair allocation of the cost of critical infrastructure used by the general public between the federal, state, and local levels of government.

The City of Austin has financed \$1,532,175,000 of infrastructure investment through voter approved bond programs from 1998 to 2013. Eliminating the tax exemption would raise the City's borrowing costs substantially. As of December, 2016 the City would pay an estimated \$1.05 billion more in interest costs on its outstanding debt if all presently outstanding bonds of the city were sold on a taxable basis. The reduction or loss of the tax exemption would also mean less infrastructure investment, fewer jobs, and a greater burden on local residents forced to pay higher taxes and fees.

The City of Austin strongly opposes any efforts to cap, limit, or eliminate the tax deduction for municipal bonds. The City is supportive of efforts to increase the liquidity of the municipal bond market.

## **Telecommunications**

The City recognizes that competition in telecommunications, broadband, and cable TV services can yield more programming and applications, improved customer service, affordable rates for all, and technology deployment that meet the needs of its citizens going forward.

The City supports preserving local authority in determining the most effective and efficient use of local communications services. 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 City also 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.

The City also opposes any federal preemption by the Federal Communications Commission or Congress to preempt City zoning authority regarding telecommunications, cable TV, broadband, and wireless facilities and urges the federal government to comply with local zoning and safety regulations when placing such facilities on City property.

The City encourages Congress to provide funding for access to broadband services and digital literacy skills training to increase digital inclusion in the United States. The City encourages the creation and maintenance of one website with links to all federal digital inclusion resources.

Current federal regulations restrict the way that cities use the fees paid by cable providers to support city Public, Educational, and Governmental Access (PEG) channels. Congress needs to remove the unnecessary regulatory restriction requiring PEG funds to be used exclusively for capital expenditures so that those funds could also be used to support the operational expenses of PEG channels.

## **Water and Wastewater**

Water and wastewater utility providers are mandated to meet stringent federal and state environmental requirements in order to provide safe drinking water and wastewater services to the public. The City must repair, replace, and rehabilitate aging and failing pipes and plants and build new infrastructure to comply with the increasingly complex regulations; protect public health; safeguard the environment; serve a growing population; and maintain the high quality standards that our residents have come to expect.

In general, the City of Austin supports all federal efforts to support local government water and wastewater infrastructure projects. This includes federal funding for low interest loans through the State Revolving Funds for Clean Water and Drinking Water, as well as funding for the newly created Water Infrastructure Finance and Innovation Act program. The City specifically requests authorization and funding for the City of Austin Water Reclamation Project under the Bureau of Reclamation Title XVI Program or another appropriate federal program.

The City also supports legislation to improve notification to public drinking water utilities regarding chemical spills that could impact drinking water supplies.

Finally, the City supports the continued exemption of the water sector from the Chemical Facility Anti-Terrorism Standards under the Department of Homeland Security. Since water and wastewater facilities are already in compliance with provisions in the Clean Air Act, the Emergency Response and Community Right to Know Act, and the Bioterrorism Act, local governments should be allowed to continue to manage these risks through existing laws.