

# Memorandum



CITY OF DALLAS

DATE February 8, 2013

TO Members of the City Council Legislative Ad Hoc Committee: Vonciel Jones Hill (Chair), Jerry Allen, Tennell Atkins, Carolyn Davis, Angela Hunt, Linda Koop, Ann Margolin, and Pauline Medrano

SUBJECT Discussion of the City's Federal Legislative Program for the 113<sup>th</sup> Congress

On Monday, February 11, 2013, you will be briefed on the City's Federal Legislative program for the 113<sup>th</sup> Congress. Attached are the briefing materials for you to review prior to Monday's discussion.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Mary K. Suhm'.

Mary K. Suhm  
City Manager

c: Honorable Mayor and Members of the City Council  
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Stephanie Cooper, Assistant to the City Manager



**CITY OF DALLAS LEGISLATIVE PROGRAM  
for the  
113<sup>th</sup> CONGRESS**



**City of Dallas**

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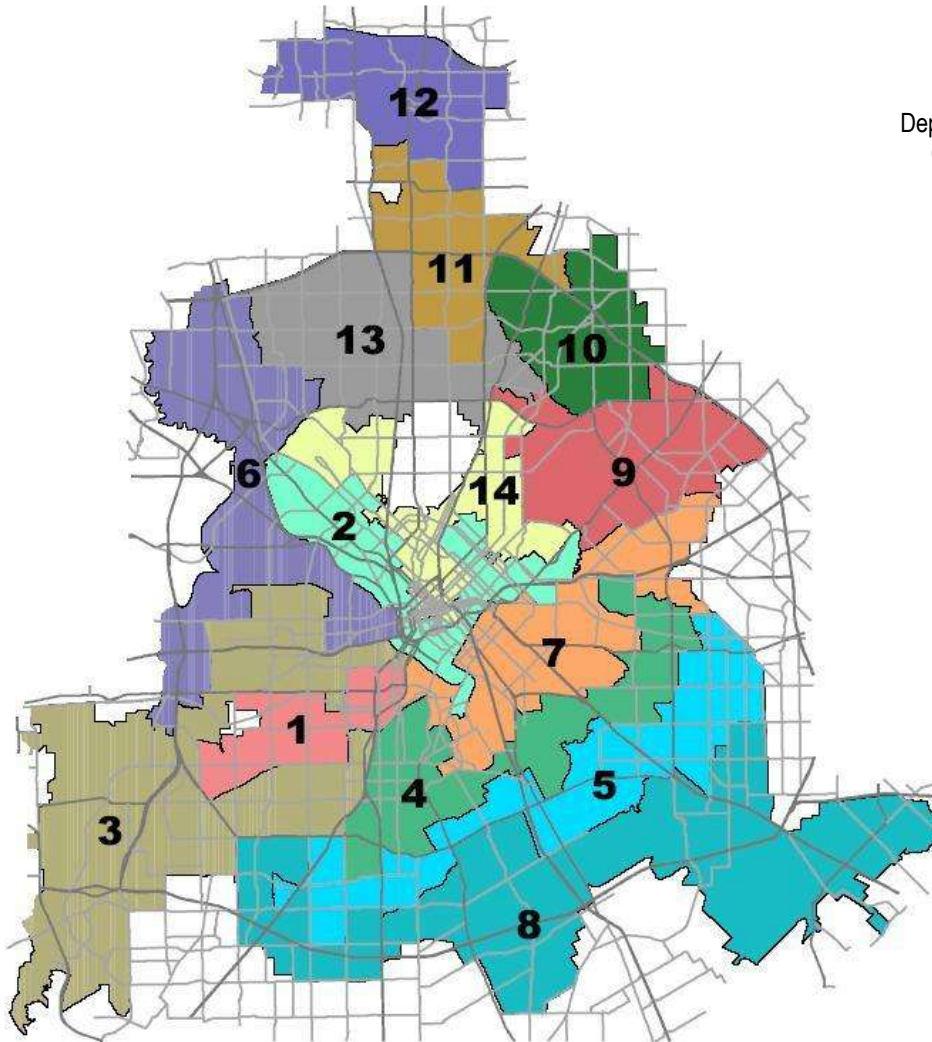
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# Resolution Page

## GENERAL STATEMENTS OF CITY LEGISLATIVE FOCUS

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### General Statement

The City of Dallas legislative efforts focus on legislation that the City can influence and that will directly and positively impact the City of Dallas.

The City of Dallas opposes any federal legislative action that would erode the home rule authority of municipalities or establish unfunded mandates that effectively constrain the ability of cities to allocate scarce resources to locally determined priorities.

The City of Dallas supports legislation that:

- Creates more opportunities for individuals and businesses to thrive and prosper;
- Provides an equitable distribution of federal funds; and
- Addresses the concerns and issues confronting large metropolitan cities with attention to inner city concerns, which range from the enhancement of urban transportation to reduction in crime, and include the availability of affordable housing and the development of neighborhoods that support quality family life.

### Federal Mandates

The City of Dallas recognizes two basic types of federal mandates: those that impose costs directly on the City and those that, while not directly imposing costs on the City, intrude on its autonomy by interfering with local decision making authority and impacting the allocation of scarce local resources. As a general principle, the City of Dallas opposes the imposition of either type of federal mandate.

The federal government calls on municipal governments, including the City of Dallas, to administer many federal government programs, and require these governments to absorb all or most of the cost. In the interest of fairness and equity to its municipal government partners, the federal government should provide adequate funding for the local conduct of each of its programs.

### Deficit Reduction

The City of Dallas supports efforts to reduce the federal deficit through a balanced approach. Elimination of the federal deficit solely through discretionary spending cuts is impossible. Deficit reduction efforts should not disproportionately focus on core local government programs nor should they reduce or delay much-needed investments in our nation's core infrastructure. The reduction of the federal deficit should share the burden evenly and should not disproportionately harm national defense and our troops, safety net programs, or our nation's cities.



### Background

The Trinity River Corridor presents the City of Dallas with a unique opportunity to redefine the City. For years, the Trinity River has divided our community, separating northern and southern Dallas.

The citizens of Dallas developed a vision of what the Corridor could become, culminating in the Trinity River Corridor Project. In 1998, the people of Dallas voted to support the project by approving \$246 million in bonds to fund the local share of the Trinity River Corridor Project. Since then, the City has worked with the Army Corps of Engineers to implement a strategy for protecting residents and businesses that would be impacted by flooding along the Trinity River. While flood protection remains the primary goal of the project, there are four additional interrelated project components including recreation, environmental management, transportation, and community and economic development. In 2004, the City Council updated and approved the Balanced Vision Plan for the Trinity River, which provides a comprehensive long-term guide for the future of the Trinity. In 2006 city voters approved bonds for \$334 million for additional elements including substantial funding for interior drainage.

The Trinity River Project is the largest public works project ever undertaken by the City of Dallas, and while it is a long-term effort, progress is being made. The Dallas Floodway Extension Project is well underway but continues to require support from the federal government. Additionally, the lynchpin of the overall project, the Dallas Floodway/Trinity Lakes Project, is expected to be environmentally cleared in mid-2014. TxDOT completed the Margaret Hunt Hill Bridge in March 2013 and is expected to break ground on the I-30 (Margaret McDermott) Bridge in May 2013.

To date, Congress has recognized the importance of the Trinity to Dallas through a federal investment of \$225 million. The 110<sup>th</sup> Congress enacted the Water Resources Development Act of 2007 (PL 110-114), which authorizes \$459 million for the Dallas Floodway. The Trinity Project is migrating into the construction phase, and substantial activity all along the corridor is well underway. The 113<sup>th</sup> Congress is expected to consider a Water Resources Development Act.

### Position

The City of Dallas requests the following federal assistance to help make the Trinity River Corridor Project a reality:

- Funding for the Corps of Engineers to continue work on the construction of the Dallas Floodway Extension Project;
- Funding for the Corps of Engineer's Dallas Floodway Project Environmental Impact Statement;
- Funding for the I-30 Margaret McDermott Bridge; and
- The City of Dallas requests technical clarity and perfected language for the Dallas Floodway Extension Project in the next WRDA.

## Impact

The Trinity River Corridor Project project will enhance public safety through levee and floodway improvements, improve regional transportation infrastructure (including bridges), increase recreational opportunities, promote eco-system restoration and conservation, and spur economic development, making the Trinity River Corridor a truly remarkable public asset.



(Photo courtesy of Sean Fritzgerald)

### Background

The issue of affordable housing has received limited attention from national leaders despite evidence that our nation faces a severe shortage of housing opportunities for low and moderate income families. The City of Dallas strongly supports the building of affordable housing, and has developed a set of recommendations that support a range of activities including land accumulation for larger housing projects, vigorous code enforcement, and making full use of federal programs that facilitate public-private partnerships and assist with leveraging additional funds. The cost of the Section 8 Program, the primary federal affordable housing program, has increased dramatically over the past 15 years, and now consumes more than half of the Department of Housing & Urban Development budget, threatening funding for other important housing and community development programs.

The 110<sup>th</sup> Congress enacted legislation to create an Affordable Housing Trust Fund. If fully funded, the Trust Fund could provide more than \$26 billion over the next seven years for the production of new and the preservation of affordable housing. The Affordable Housing Trust Fund was created by the Housing & Economic Recovery Act (PL 110-289), which Congress enacted in an effort to address the 2008 mortgage and housing crisis. While the crisis did not impact Dallas as severely as it has other parts of the nation, several Dallas neighborhoods where foreclosures are concentrated were adversely affected. In neighborhoods with foreclosure concentrations, the mortgage crisis threatens to undo decades of community and economic development efforts.

### Position

The City of Dallas supports legislation that provides additional federal funds and tax incentives to assist the City with the creation of affordable housing and supports full funding of the Affordable Housing Trust Fund.

The City of Dallas also supports increased flexibility in existing federal programs and tax policies designed to encourage the production of more affordable housing units and the transfer of properties to qualified nonprofit organizations to develop affordable housing.

Though the City of Dallas appreciates the need to control the costs of the Section 8 Program and to ensure that it does not affect the important community development and housing programs (CDBG, HOME, and HOPWA), the City opposes any changes to the Section 8 Program that reduce the number of families served or reduce local control over the program.

The City of Dallas calls on Congress to (1) authorize and fully fund programs to prevent foreclosure and to mitigate its effects on Dallas neighborhoods and throughout the United States, and (2) redouble on economic development efforts.

### Impact

Increased federal assistance will help spur the development of affordable housing, reducing waiting lists for affordable housing units, and will complement the City's community development efforts.

### **Background**

After 23 separate short-term extensions over the last four and a half years, the 112<sup>th</sup> Congress passed a five-year reauthorization of federal aviation programs (PL 112-95).

Since 2008, a budgetary “firewall” around the Airport and Airways Trust Fund has ensured that programs funded by the Trust Fund be fully funded at their authorized level and that Trust Fund expenditures equal Trust Fund receipts. Several key airport infrastructure programs, including the Airport Improvement Program (AIP) and the Facilities and Equipment Program, receive their funding from the Trust Fund.

Federal aviation programs are critical at a time when airports need billions of dollars for infrastructure costs. In recent years, the Administration has proposed transferring resources from infrastructure programs to cover the cost of Federal Aviation Administration (FAA) operations, which have increased substantially in recent years, this proposal is opposed by the aviation industry and many in Congress. In addition, Congress and the Administration face the vexing challenge of financing the overhaul and modernization of the nation’s air traffic control system.

In Dallas, implementation of the Wright Amendment Reform Act of 2006 (PL 109-352) requires hundreds of millions of dollars in upgrades to Love Field. In addition, the City foresees a possible future need for a connection between the DART Green Line and the Love Field terminal building to improve multimodal connectivity.

### **Position**

Although the 113<sup>th</sup> Congress will likely not consider a reauthorization of federal aviation programs, the City of Dallas supports:

- Maintaining a guaranteed funding mechanism that ensures that all Airports and Airways Trust Fund revenues are spent on aviation programs;
- Maximizing the flexibility of the Airport Improvement Program (AIP);
- Maximizing the flexibility of how airports use Passenger Facility Charge (PFC) revenue, and
- Providing local governments and airport authorities with the resources they need to provide for a safe and efficient aviation system.

### **Impact**

Dallas-Fort Worth International Airport and Dallas Love Field play a major role in the economies of the City and the Metroplex. These airports are directly responsible for thousands of jobs (and indirectly responsible for tens of thousands more), and cement the City’s and the region’s position as an international business and financial hub. A strong federal aviation program will help ensure that these two airports are safe, have the resources to efficiently meet traveler demand, and to continue to serve as engines of the regional economy.

### Background

Brownfields are abandoned or under-used industrial and commercial facilities or properties where redevelopment is complicated by real or perceived environmental contamination. The Small Business Liability Relief & Brownfields Revitalization Act of 2002 (PL 107-118) authorized \$200 million a year for brownfield assessment and remediation grants operated by the Environmental Protection Agency (EPA) and provides liability relief for prospective purchasers of brownfield sites. However, current funding is well below this amount. The City of Dallas has used these programs to redevelop several sites and has been designated by EPA as a Brownfield Showcase Communities in recognition of the City's success in redeveloping brownfields.

First authorized in 1997 and extended and expanded in 2007, the Brownfields Tax Incentive assists with the cost of remediating and reusing Brownfields. The Brownfields Tax Incentive expires December 31, 2013.

### Position

The City of Dallas supports full funding of federal brownfields grant programs and supports congressional efforts to make brownfields programs more flexible. In addition the City supports continuation of the Brownfields Tax Incentive beyond 2013.

### Impact

The City of Dallas enjoys a strong national reputation for its innovative projects that have redeveloped several formerly abandoned sites. The Small Business Liability Relief & Brownfields Revitalization Act and the Brownfields Tax Incentive put property in the City of Dallas on a more level playing field with raw undeveloped properties in the suburbs, encouraging economic development and neighborhood revitalization. Adequate federal support for brownfields redevelopment is crucial to the City's economic development efforts.



**American Airlines Center: A successful Brownfield redevelopment**



## CDBG, HOME, HOPWA & HOMELESS ASSISTANCE GRANTS

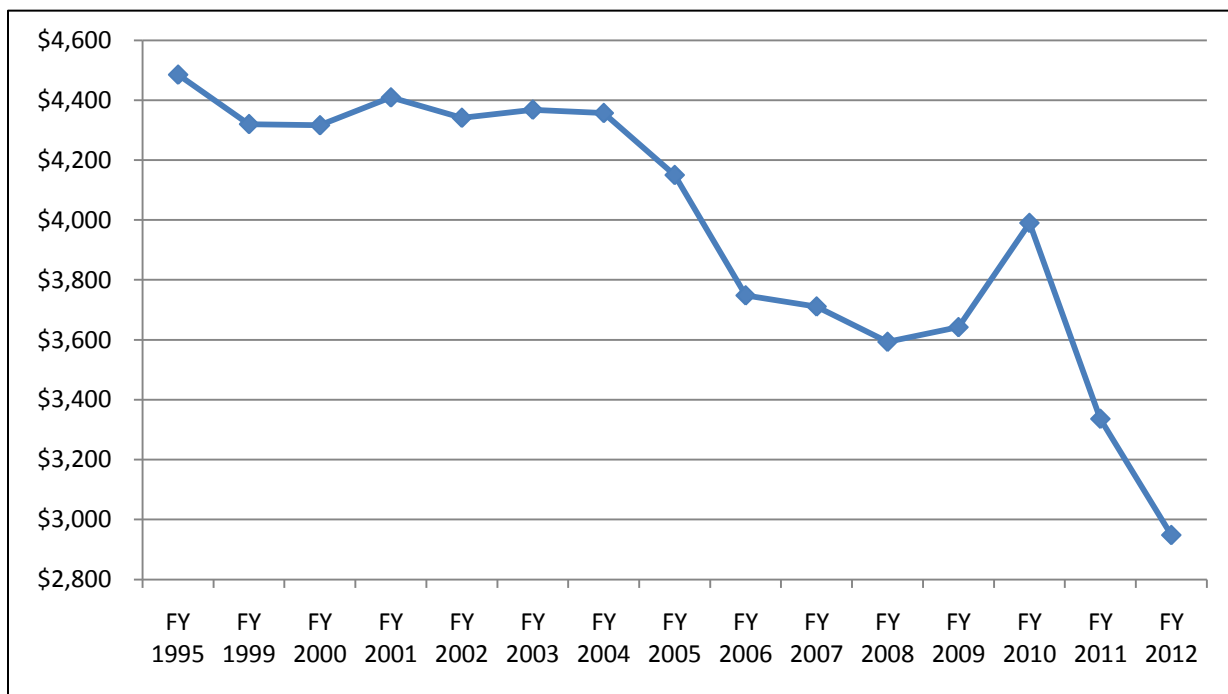
### Background

For many years, municipal governments have relied on the Community Development Block Grant (CDBG) program to address the needs of low- and moderate- income individuals. The HOME, Housing Opportunities for Persons with AIDS (HOPWA), and Homeless Assistance Grants programs provide additional assistance to targeted low- and moderate income individuals. These programs are particularly important to large urban areas where a disproportionate number of these individuals reside.

The City of Dallas currently (FY 2012) receives approximately \$14.7 million from CDBG, \$4.7 million from HOME, \$4.06 million from HOPWA and \$13.9 million in Homeless Assistance Grants. Despite the great success these flexible, locally controlled programs have enjoyed, they have been inadequately funded for many years.

Cuts to CDBG and HOME have been particularly severe since FY 2010 and accentuate a long downward trend in funding since the 1990s. The CDBG formula allocation has been cut by over \$1 billion since 1995 and is now at its lowest funding since 1992. In FY 2012, CDBG funding declined 12 percent and HOME decline by 38 percent.

These programs, CDBG in particular, allow the City to build infrastructure, support small business and support affordable housing and housing rehabilitation efforts in low- and moderate-income neighborhoods. CDBG has a long track record of providing quick, flexible and effective assistance to cities and states.



**Community Development Block Grant (CDBG) Funding: FY1995-FY2012**

### **Position**

The City of Dallas calls on Congress to fully fund and maintain current service levels of funding for CDBG, HOME, HOPWA, and Homeless Assistance Grants. The City opposes any effort to limit City flexibility in using these funds. The City also strongly opposes any effort to shift control of these programs away from the local governments or decrease the cap on administrative and planning costs.

### **Impact**

These programs help the City of Dallas meet critical needs and support neighborhood revitalization using locally devised and implemented solutions and programs. Such federal funds are especially critical to a large city like Dallas that seeks to expand economic opportunities and sustain its neighborhoods. The City of Dallas would be hard-pressed to meet these needs without direct and flexible federal assistance.

### Background

The 112<sup>th</sup> Congress enacted a two-year reauthorization of federal highway and transit programs, now known as the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) (PL 112-141).

Of particular interest to cities and metropolitan areas, MAP-21:

- Provides for funding close to the funding levels in SAFETEA-LU;
- Continues the sub-allocation of Surface Transportation Program funds to metropolitan planning organizations (albeit a smaller proportion of total funding);
- Guarantees that the Highway Trust Fund is spent on highways and transit;
- Empowers local elected officials and communities;
- Spurs strong regional planning and cooperation via a strong metropolitan planning process and the allocation of funds directly to metropolitan areas;
- Increases transportation choices and supports urban revitalization by making serious investments in transit;
- Addresses the relationship between the environment through the Congestion Mitigation and Air Quality and Transportation Alternatives Programs and increases highway and transit safety through innovative new programs;
- Creates performance criteria, streamlines the environmental review and project delivery process for state departments of transportation and metropolitan areas;
- Makes freight movement part of the state and metropolitan planning processes;
- Authorizes funding for projects of national and regional significance, and
- Expands and modifies the Transportation Infrastructures Finance and Innovation Act (TIFIA) program.

On a less positive note, MAP-21 reduces the proportion of Surface Transportation Program funds sub-allocated to metropolitan areas from 62.5 percent to 50 percent of annual funding.

In addition, MAP-21 combines the Transportation Enhancements, Recreational Trails and Safe Routes to School programs into a new Transportation Alternatives Program funded at \$800 million annually, 34 percent less than SAFETEA-LU provided for these programs. Planning, designing or constructing boulevards and other roadways largely in the right-of-way of former Interstate System Routes or other divided highways is also an eligible activity under the Transportation Alternatives Program. 50 percent of each state's Transportation Alternatives funding will be for use anywhere in the state and the state would be allowed to redirect that share of the funding to traditional highway projects. On a brighter note, the remaining 50 percent will be for use in urbanized areas above 5,000 in population to be distributed proportionally by population to individual states, with funds for urbanized areas over 200,000 in population sub-allocated directly to metropolitan planning organizations (MPOs).

Dallas leaders and their regional partners have joined together to promote the development of a multimodal metropolitan area surface transportation system. In recent years, these efforts have been helped by



discretionary grant programs, such as TIGER and Urban Circulator Grants, to fund priority and innovative surface transportation projects. The City of Dallas has taken advantage of these opportunities to advance the development of a central city streetcar system that links Downtown Dallas and adjacent central city neighborhoods with each other and with DART Light Rail.

Despite this progress and the overdue passage of MAP-21, there is widespread consensus that federal surface transportation programs face serious structural and financing problems:

- The primary source of funding for the Highway Trust Fund, the \$0.183 tax per gallon on gasoline, has not kept pace with the need for highway and transit investment. Indeed, increased fuel efficiency, decreased driving, and the use of alternative fuels resulted in a Highway Trust Fund deficit beginning in FY 2008 that required Congress to enact an emergency infusion of money from the General Fund.
- The faltering of the federal surface transportation financing system comes at a time when metropolitan areas face the challenges of aging infrastructure, increased demand, congestion and air pollution.
- International trade has significantly increased the volume of freight using our nation's ports, highways and railroads, adding to the transportation challenges for metropolitan areas and local elected officials.
- In recent years there have also been calls for a federal surface transportation policy that better recognizes the links between transportation and environmental challenges, most notably climate change and air quality.

The surface transportation challenges of metropolitan areas and the nation as a whole call for a rethinking of the federal surface transportation program. In 2008, the National Surface Transportation Policy and Revenue Commission issued a report that called for a streamlining of federal surface transportation programs, modal neutrality, an increase in the federal gasoline tax, development of new financing mechanisms and creation of a Metropolitan Mobility Program.

In addition, President Obama and several congressional leaders have called for the creation of a National Infrastructure Bank to help fund projects of national and regional significance.

### **Position**

The City of Dallas urges Congress to craft a successor to MAP-21 that recognizes the key role metropolitan areas and cities play in our nation's economy. Funding allocation, project selection and program structure should reflect the importance of cities and metropolitan areas to our nation's economy and health.

Specifically, the City of Dallas supports legislation to reauthorize federal surface transportation programs that would:

- Provide for an equitable distribution of highway and transit funds that ensures that Texas receives its fair share of federal highway and transit funds;
- Maintain a guaranteed funding mechanism that ensures that all Highway Trust Fund revenues are spent on highway and transit programs;

- Expand innovative financing of surface transportation programs, with a focus on encouraging domestic private sector investment in surface transportation infrastructure;
- Maintain a strong metropolitan planning process that maximizes the decision making power of local elected officials and communities;
- Continue to build on the strong federal investment of the past decade in transit and enables complete local flexibility regarding transit (including rail transit) and highway choices;
- Directly address urban congestion and mobility, including incentives for metropolitan areas that raise revenue and implement innovative financing mechanisms;
- Increase sub-allocation to metropolitan areas and expands mode neutral choices and funding for metropolitan areas;
- Directly provide funds to cities for innovative urban transportation solutions, including streetcars;
- Expands sub-allocation via creation of a new program focused on metropolitan areas or through sub-allocation to metropolitan areas of other programs, including the CMAQ and, National Highway Performance programs;
- Make the Transportation Enhancements, Safety and Safe Routes to School programs stand-alone programs once again;
- Fully fund the Transportation Enhancements, Safety and Safe Routes to School programs and allocates at least a portion of the funding directly to metropolitan areas;
- Fully fund the CMAQ program in order to help metropolitan areas meet federal clean air mandates;
- Maintain, or change in transit's favor, the traditional 80/20 division of Highway Trust Fund spending between highway and transit programs, and
- Not increase the required local share (currently 20 percent) of funding for highway or transit projects.

In addition, the City of Dallas 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.

### Impact

ISTEA, TEA-21, SAFETEA-LU, and MAP-21 allowed for historic federal investments in highways and transit, reshaped transportation policy to empower local elected officials, and encouraged strong regional planning. Further empowering local officials and directing funding to metropolitan area in a mode neutral manner is critical to efforts to improve mobility in the City of Dallas and throughout the DFW metropolitan region. Establishment of a program focused on metropolitan areas, incentives for innovative metropolitan areas and expansion of the sub-allocation of funds to other core programs beyond the Surface Transportation Program will strengthen local decision making and ensure that surface transportation funds are spent where they are most needed.

**Background**

The United States Supreme Court has ruled that under the Interstate Commerce Clause of the Constitution, state and local governments cannot compel out-of-state retailers to collect sales tax when making Internet, mail order, or other remote type's sale without congressional consent. As a result, goods from remote retailers such as online retailers are only subject to a "use tax," which is the consumer's responsibility to report and pay. This situation has placed traditional local brick-and-mortar "Main Street" retailers in Dallas at a distinct competitive disadvantage as their online competitors are able to sell the same products tax free. The growth of electronic commerce on the Internet over the past 15 years has exacerbated the impact of this disparity on local Dallas retailers.

E-commerce transactions are rapidly increasing in volume and are projected to do so for the next several years. A University of Tennessee study estimated that states and local governments lost \$23.3 billion in 2012 in uncollected sales and use tax on remote purchases. The same study estimated that Texas lost \$879 million in revenue from sales and use tax on online purchases. This impact on Main Street retailers is having an adverse affect on the commercial real estate market.

**Position**

The City of Dallas urges Congress to pass legislation that promotes sales tax fairness by authorizing states to collect sales taxes from out-of-state remote retailers.

**Impact**

Remote sales lead to significant revenue losses and create an unfair tax structure that hurts local retailers. This is especially problematic for cities such as Dallas depend heavily on sales tax revenue. The growth of Internet commerce, coupled with recent declines in sales tax revenues, has exacerbated the problem over the past decade.



**Bishop Arts District**  
(Photo courtesy of David Kozlowski)

## HISTORIC PRESERVATION

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### Background

The City of Dallas has a strong tradition of historic preservation that is reflected in its many vibrant historic neighborhoods. The preservation and revitalization of these neighborhoods over the past two decades through public and private efforts and investments, combined with the renaissance of Downtown Dallas, has reversed the transfer of population away from Dallas's core.

Looking ahead, the City of Dallas remains dedicated to building on its history of preserving and revitalizing its historic neighborhoods. The federal Historic Preservation Tax Credit and Historic Preservation Fund provide valuable tools to advance these efforts.

### Position

The City of Dallas generally supports federal legislation and policies that bolster preservation efforts and specifically supports full funding of the Historic Preservation Fund and retention and expansion of the Historic Preservation Tax Credit.

### Impact

The Historic Preservation Tax Credit and the Historic Preservation Fund provide valuable assistance to Dallas historic preservation efforts.



**Swiss Avenue Historical District**

## INTERNATIONAL INLAND PORT OF DALLAS

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### Background

The City of Dallas is committed to economic development in Southern Dallas and to bolstering the city's position as an international trade hub. The International Inland Port of Dallas (IIPOD) is a key part of the City's strategy to meet these goals. Inland ports such as the IIPOD are vital to helping our nation address port, rail, and highway congestion and to ensuring that our nation's infrastructure has the capacity to handle trade.

A joint project between the City of Dallas, Dallas County, and the cities of southern Dallas County, the IIPOD will leverage Southern Dallas' superior infrastructure, which includes two Class 1 rail lines, the UP inter-modal facility, and four major interstate highways (I-20, I-30, I-35 and I-45), to bring warehousing, distribution and other facilities related to the handling and distribution of goods to Southern Dallas. The increased intermodal traffic related to the IIPOD will create jobs in Southern Dallas, where the unemployment and underemployment rates are significantly higher than the metropolitan area as a whole. In addition, the IIPOD can help address the chronic congestion faced by the Port of Houston and on the rail and highway corridors that serve it.

Fully developing the IIPOD will require that federal programs recognize the value of inland ports and will require a broad range of federal assistance, ranging from infrastructure investment (including water and wastewater) to job training programs. For instance, IIPOD will create well paying jobs with wages between \$9 and \$14 per hour plus benefits. To increase the number of qualified logistics workers, the City of Dallas previously partnered with Cedar Valley College and Greater Workforce Solutions to create a workforce training pilot program and Cedar Valley College continues to offer this curriculum.

### Position

The City of Dallas urges Congress and the Administration to implement programs that fully recognize the importance of intermodal freight facilities to the nation's economy and fully recognize their potential to help address the port, rail and highway congestion.

The City of Dallas further urges Congress and the Administration to ensure that federal programs, including security, infrastructure, customs and job training programs, recognize the importance of inland ports such as the IIPOD.

Likewise, the City of Dallas asks Congress to fully fund programs that provide assistance to inland ports and urges Congress and the Administration to address the needs of inland ports when crafting or implementing new infrastructure, security, customs and job training programs.

Finally, the City of Dallas also urges the federal government to implement tax credits and other tax policies, including maintaining and expanding the New Markets Tax Credit, that encourage domestic manufacturing and domestic investment in industrial and freight transportation infrastructure.

## Impact

The IIPOD will spur economic development in Southern Dallas, provide jobs to a part of the metropolitan area facing chronic unemployment and underemployment, and help address port, highway and rail congestion. Federal assistance and federal programs that recognize the importance of inland ports will help the City of Dallas and its partners realize the full potential of the IIPOD.



**Inland Port of Dallas**

### Background

The United States Department of Transportation has designated the South Central High-Speed Rail Corridor as one of ten national high-speed rail corridors. With its hub at Union Station in the heart of Downtown Dallas, the South Central High-Speed Rail Corridor includes routes to San Antonio, Little Rock, and Oklahoma City. The designation of the South Central High-Speed Rail Corridor comes on the heels of record Amtrak ridership growth, including the *Texas Eagle* and the *Heartland Flyer*, both which serve the City of Dallas.

The 110<sup>th</sup> Congress enacted landmark legislation that authorizes historic levels of funding for passenger rail development. The enactment of the Rail Safety & Passenger Rail Improvement Act (PL 110-432) came at a time when Amtrak was experiencing record ridership but also deteriorating infrastructure and rolling stock. Full funding of Amtrak capital and operating grants and of passenger rail corridor development grants to the states is crucial to the development of a respectable regional and national passenger rail network. In addition, since most passenger trains outside of the Northeast Corridor operate on tracks owned by freight railroads, support for the freight rail industry is crucial to both improving our nation's freight rail network and to improving intercity passenger rail. The 111<sup>th</sup> Congress appropriated nearly \$10 billion for grants to improve passenger rail, including a grant to study improvements to the corridor between Oklahoma City and San Antonio. However, Texas has lagged behind other states in federal funding for passenger rail improvements. More recently, several entities are looking to build and operate high speed rail between major Texas cities through the Texas T-Bone program.

### Position

The City of Dallas supports development of a robust national passenger rail system, strongly advocates full funding of passenger rail corridor improvement programs, supports Amtrak operating and capital grants, and strongly supports all legislative, administrative and private efforts to develop the South Central High-Speed Rail Corridor, and the Texas T-BONE, with a hub at Union Station in Downtown Dallas.

### Impact

As an important part of a balanced national transportation system, passenger rail reduces highway and airport congestion, improves air quality and, because most trips are downtown to downtown, promotes economic development in central cities. Since the opening of DART light rail and the Trinity Railway Express in the 1990s, Dallas Union Station has grown into an important intermodal transportation hub that provides connections between intercity passenger rail, commuter rail, light rail, and buses. The development of the South Central High-Speed Rail Corridor and the Texas T-BONE will build on this role, making Downtown Dallas the hub of a large regional transportation system and further bolstering downtown revitalization efforts.



### Background

Over the past decade, Congress has regularly considered legislation that would give property owners expedited access to federal courts when filing a “takings” claim based on a land use decision against a local government. Under current federal law and jurisprudence, federal courts generally refrain from hearing such claims until local and state forums have been exhausted and generally defer to the decision of local and state forums in these cases (*Williamson County v. National Bank* and *San Remo Hotel v. City and County of San Francisco*). Passage of “takings” legislation would allow developers to circumvent local appeals mechanisms, bypass state courts and threaten local governments with an immediate and costly federal lawsuit to avoid unfavorable local land use decisions. “Takings” legislation represents an unnecessary federal intrusion into a historically local matter and is opposed by local governments, the federal judiciary and environmental organizations.

In the wake of the Supreme Court ruling in *Kelo v. City of New London*, Congress has acted to limit the use of eminent domain by local governments. Most notably, Congress has enacted restrictions on the use of Department of Housing and Urban Development and Department of Transportation funds on projects that involve the use of eminent domain. In addition, the House passed punitive legislation that would have withheld all federal funds from any local government using eminent domain to transfer property from a private owner to another private owner.

### Position

The City of Dallas opposes “takings” legislation or any similar effort by Congress to undermine or preempt local land use planning authority.

The City of Dallas opposes legislation that would limit its ability to use eminent domain for legitimate local government purposes, including but not limited to streets and highways, mass transit, utility rights-of-way, parks, public facilities and for the clearance of blight as defined by Texas law.

### Impact

The passage of “takings” legislation would undermine the proper balance between federal and state authority. In addition, it would create two classes of property owners: those, mostly large developers, who can afford to threaten local governments with federal lawsuits, and those, mostly homeowners and small business owners, who cannot.

Legislation designed to protect small property holders from eminent domain abuse by local governments could have the effect of limiting its use for legitimate local government purposes, complicating many City projects and the delivery of basic local government services.



### Background

The City of Dallas is a global city that attracts millions of visitors each year. Dallas-Fort Worth International Airport is the 8<sup>th</sup> busiest in the world, serving 59 million passengers a year and providing direct connections to 131 domestic and 36 international destinations. The Dallas-Fort Worth Metropolitan Area is home to 20 Fortune 500 companies, hosts hundreds of major conventions each year and draws tourists from around the world for its world-class cultural offerings.

As the business and cultural hub of the nation's top exporting state and with plans for a major intermodal transportation hub to handle international freight traffic, the Dallas economy relies more than ever on international business and pleasure visitors. In addition, the arts have played a central role in the renaissance of downtown Dallas and are a cornerstone of the downtown Dallas economy.

In the 111<sup>th</sup> and 112<sup>th</sup> Congresses, there were several efforts to preempt local hotel occupancy taxes. Cities have mounted several court challenges against Internet-based travel services providers because of their practice of paying state and local hotel accommodation taxes on the wholesale price of hotel rooms paid by the Internet travel services provider rather than the retail price paid by the customers using the hotel rooms. Hotel accommodation taxes provide an important source of revenue for the City of Dallas. The practice of paying taxes on the wholesale price of room is unfair to those travelers who book their hotel room by telephone or in person and also poses a threat to the City's budget. Online travel services providers have come to Congress because they will likely lose in court.

### Position

The City of Dallas further encourages federal policies, including tax policies, which foster the arts and recognize the important role they play in tourism and central city economies. The City also calls for federal policy that recognizes the role that art education plays in fostering artists and audiences.

The City of Dallas strongly opposes any federal preemption of local government hotel occupancy taxes.

Within the bounds of the need for increased security, the City of Dallas urges the federal government to maximize the efficiency of immigration and border controls and to implement the US Visit program in a way that allows for the free flow of people and goods.

### Impact

As an international business and tourism hub, the Dallas economy relies on international trade and visitors and on public policies that support the arts and facilitate travel. Federal preemption of local government hotel occupancy taxes would significantly impact the City's budget and could lead to the loss of funding for a wide variety of cultural programs.

**Background**

**Social Security**

The Social Security Act of 1935 excludes state and local employees from mandatory participation in Social Security. However, as Congress looks at short-term deficits and a long-term need to ensure the solvency of Social Security, mandatory state and local government participation in Social Security holds some appeal. Both the Federal Advisory Commission on Social Security and the National Commission on Fiscal Responsibility and Reform (commonly known as the Simpson and Bowles Commission) call for including all newly hired local government employees in Social Security. Doing so would impose a large burden on state and local governments and their taxpayers; adding state and local government employees to Social Security would cost Texas taxpayers several hundred million dollars each year.

**Position**

**Social Security**

The City of Dallas opposes mandatory inclusion of local government employees in Social Security.

**Impact**

**Social Security**

Implementing a mandatory Social Security contribution would be burdensome on City taxpayers and adversely impact the City budget and services. The City of Dallas currently participates in a mandated pension plan for both its civilian and uniformed workers.



**Kyle Warren Park (photo courtesy of the Dallas Morning News)**

### Background

Franchising is the backbone of local government telecommunications policy. It creates a framework for local management of public rights-of-way, collection of compensation for the use and management of public rights-of-way, and resolution of consumer complaints. Section 253 of the Telecommunications Act of 1996 (PL 104-104), a provision championed by the City of Dallas and its congressional delegation, specifically preserves the authority of state and local governments to manage public rights-of-way and to collect compensation for their use by telecommunications providers. New legislation and regulatory actions could affect this authority.

The 110<sup>th</sup> Congress considered a major overhaul of the Telecommunications Act of 1996 that threatened City right-of-way authority and City revenue. A major goal of the telecommunications industry in this legislation was the federal preemption of local control over public rights-of-way and the preemption of local fees collected from the industry for the use and management of public rights-of-way. In addition, in 2010, the FCC issued rules on cable franchising that pose the same threats. The telecommunication industry also seeks legislation or regulation to preempt local zoning authority over the location of telecommunications antennae and towers. A 2010 FCC decision partially preempts local zoning authority over towers.

In addition to these traditional threats to local authority and revenue, in the 113<sup>th</sup> Congress the telecommunications industry will continue to lobby Congress and the Administration for the preemption of most local government fees collected for the use and management of public rights-of-way. Their campaign will operate under the guise of the “simplification” of local taxes and the claim that the industry pays higher taxes to local governments than other industries. The major public interest groups have responded with a study that shows that when the payment of fees for the use and management of public rights-of-way (which are not taxes but rent for the use of public property) are excluded, the telecommunications industry is taxed at a lower rate than other industries.

Additionally, the 107<sup>th</sup> Congress enacted the Internet Tax Freedom Act, which prohibited state and local governments from levying multiple or discriminatory taxes on internet access and electronic commerce until 2014. The 113<sup>th</sup> Congress may consider legislation to extend the moratorium, possibly permanently, and to expand the moratorium to cover taxes that are currently grandfathered as well as traditional telecommunications taxes. Of particular interest to Dallas, Senator Kay Bailey Hutchison secured language in the Internet Tax Freedom Act of 2007 that protects the line access fees collected by Texas cities from telecommunications providers. These fees are not a tax but are compensation for the management and use of City-owned public rights-of-way. Federal preemption of Texas line access fees would rob the City of Dallas of over \$60 million in revenue and would set the precedent of allowing the private use of public property at no charge, which is illegal under the Texas Constitution.

### Position

In general, the City of Dallas opposes any legislation or regulatory effort that would erode City authority to manage public rights-of-way and collect reasonable compensation for their use. The City also opposes any

federal preemption of City zoning authority with regards to telecommunications facilities and urges the federal government to comply with local zoning and safety regulations when placing telecommunications facilities on its property.

The City recognizes that competition in telecommunications 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. To be effective, an orderly transition to a truly competitive communications marketplace must be responsive to the important interests of local government:

Local Authority – The City supports preserving local authority in determining the most effective and efficient use of local communications services; it is uniquely positioned to determine how to best 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 to ensure that use of scarce 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.

In 2005, Texas passed a state-wide franchising legislation which protects local government interests. The City of Dallas urges federal legislation to recognize and support statewide systems where they have been introduced.

The City opposes making the moratorium on Internet taxes permanent. The City further opposes an expansion of the moratorium to traditional telecommunications taxes to fees collected for the use and management of public rights-of-way, especially the line access fees collected by the City of Dallas and other Texas local governments.

### **Impact**

The City of Dallas would have to reduce services or raise taxes by more than \$100 million a year if revenue from rent charged to private corporations for the use of public rights-of-way was eliminated. In addition, City control of public rights-of-way and zoning for the placement of telecommunications facilities provides important public safety benefits, preserves City infrastructure investments and ensures that property values will not be impacted by incompatible uses.

An expansion of the moratorium on Internet access taxes would affect line access fees and sales taxes collected by the City from traditional telecommunications providers, resulting in revenue losses of over \$38

million a year. Making the moratorium on Internet taxes permanent does not reflect the reality that the Internet now supports established and highly profitable businesses that should pay their fair share of taxes. Exempting an entire sector of the economy from taxation places an undue burden on other taxpayers and disadvantages other businesses.



## TAX EXEMPTION FOR MUNICIPAL BONDS

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### Background

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 mostly financed through tax-exempt bonds. Tax-exempt bonds are a great example of the federal, state, and local partnership. They provide for a fair allocation of the cost of critical infrastructure used by the general public between these three levels of government.

The yield that an investor receives from purchasing tax-exempt bonds is 200 basis points lower than what they would receive on a taxable bond. But, because of the tax benefit, municipal bonds become a comparable investment, and they are known to be among the safest securities in the world. This allows state and local governments to borrow at a lower rate, saving billions of taxpayer dollars. The cost to the federal government for not taxing these investments is insignificant compared to the overall benefit that tax-exempt bonds provide for citizens in every community. The elimination of tax-exempt financing would remove one of the only tools available to local governments to finance large scale capital projects. According to estimates, the elimination of tax-exempt municipal bonds would significantly increase state and local borrowing cost by 2 percentage points, resulting in higher state and local taxes and utility rates that would disproportionately impact low- and moderate-income households.

In Dallas, these bonds finance essential improvements and upgrades to the City's water and wastewater system, the acquisition of assets crucial to securing public safety, and capital projects. Elimination of the tax exemption for municipal bonds would effectively signal a federal abandonment of infrastructure investment. In an era of diminishing grants and expanding mandates on local governments, tax exempt municipal bonds are the primary financial mechanism for city investments in water and wastewater infrastructure, which is the foundation of the City's economy and is crucial to the public health, safety and the environment.

### Position

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

### Impact

Removing the tax exemption for municipal bonds could raise the City's borrowing costs substantially, hurting the City's ability to upgrade critical infrastructure. The increased borrowing costs would disproportionately impact moderate and low income residents in the City of Dallas.



## EDUCATION, AFTER SCHOOL CARE & CHILD NUTRITION

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### Background

A major issue for the 113<sup>th</sup> Congress will be the reauthorization of federal education programs. A strong public education system is crucial to the economic health and future of the City of Dallas and requires a strong federal investment in schools and children.

Local school programs such as the 21<sup>st</sup> Century Learning Centers Program, Race to the Top competition and the Promise Neighborhoods Program, are vital components of a strong educational system and play an important role in preventing youth crime and delinquency. The No Child Left Behind Act (PL 107-110) authorizes \$1.5 billion a year for the 21<sup>st</sup> Century Learning Centers Program. The 21<sup>st</sup> Century Learning Centers program provides grants to education centers seeking to provide expanded after school academic enrichment opportunities for children attending low performing schools. This program also provides youth development activities, drug and violence prevention programs, technology education programs, art, music and recreation programs, counseling, and character education to enhance the academic component of the program. This is a formula grant given to the states, which makes competitive awards to eligible local educational agencies, community-based organizations, and other public or private entities. However, the 21<sup>st</sup> Century Learning Centers program has not been fully funded to date. The Race to the Top Competition supports locally directed improvements in teaching effectiveness and student achievement. The Promise Neighborhoods Program provides funds to high-need communities to support the development and implementation of plans for comprehensive neighborhood projects, including a continuum of family and community services and education reforms in an effort to improve educational and life outcomes for children and youth.

A comprehensive juvenile justice and youth crime prevention system is a priority for the City of Dallas. The City supports a holistic, evidence-based approach to juvenile justice and youth crime prevention. This approach includes anti-gang efforts, recreation activities and after-school programs. Introduced in the 111<sup>th</sup> Congress, the Youth PROMISE Act would build on existing federal juvenile justice, youth crime prevention and after-school programs to provide local governments with flexible assistance to implement locally-developed, comprehensive, holistic and evidence-based juvenile justice and youth crime prevention strategies.

The 111<sup>th</sup> Congress enacted the Healthy, Hunger-Free Kids Act of 2010 (PL 111-298). This law will increase access to federally-funded child nutrition programs (+115,000 children eligible), improve the nutritional standards of all food sold at schools and set basic standards for school wellness and nutrition policies.

### Position

The City of Dallas urges Congress and the Administration to provide schools with the resources they need and to reauthorize, expand and fully fund the 21<sup>st</sup> Century Learning Centers, Promise Neighborhoods Programs, and Race to the Top Competition and to provide more resources for after school care.

The City of Dallas supports full implementation and funding of the Healthy, Hunger-Free Kids Act of 2010 (PL 111-298) and of all child nutrition programs.

The City of Dallas supports legislation such as the Youth PROMISE Act that builds on existing federal juvenile justice, youth crime prevention and after-school programs and provides local governments with flexible assistance to implement locally-developed, comprehensive, holistic and evidence-based juvenile justice and youth crime prevention strategies.

### Impact

A strong public education system is crucial to the economic health and future of the City of Dallas. After school programs provide extended learning opportunities and positive interactions with caring adults in safe environments. After-school programs also improve the attendance rates and academic performance of participating children, as well as raise their self-esteem.





## CLEAN AIR, CLIMATE CHANGE & ENERGY SECURITY

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### Background

The Dallas-Fort Worth Metropolitan Area faces the challenge of meeting the air quality goals outlined by the Clean Air Act and our nation faces the challenge of reducing its dependence on imported oil. Although the challenges created by global climate change, air pollution and energy security are international in scope, local governments are well placed to implement policies and pursue innovations to meet these challenges, especially if they are given the resources to do so.

Local governments throughout the United States have begun taking action to address the challenges created by climate change and to decrease their fossil fuel consumption. The City of Dallas and the Dallas-Fort Worth Metropolitan Area have already begun addressing these issues, taking steps by investing hundreds of millions of dollars in a regional transit system; converting municipal fleets to alternative fuels; and making public buildings more energy efficient. The City of Dallas has been a national leader in this area, implementing a number of nationally-recognized and replicated sustainability programs that have decreased the city's operating costs in general and energy costs. Additionally the City imposed mandatory watering restrictions on commercial and residential properties to conserve water.

As part of the Energy Independence & Security Act of 2007 (PL 110-140), the 110<sup>th</sup> Congress authorized the Energy Efficiency & Conservation Block Grant (EECBG) at \$2 billion a year through FY 2012. Modeled on CDBG, EECBG would provide direct, flexible assistance to cities for energy efficiency and conservation programs. Congress has funded this program once; the City of Dallas used its allocation to implement a number of energy conservation programs that have resulted in considerable savings for City taxpayers.

### Position

The City of Dallas urges Congress and the Administration to avoid unfunded mandates as they seek to reduce greenhouse gas emissions and ensure that local governments have the resources to address the challenges posed by global climate change. Local governments are well suited to meeting this challenge, but its scope and national nature make direct federal assistance to local governments for energy conservation, alternative fuel, public education programs and other programs to reduce greenhouse gas emissions appropriate and necessary.

The City of Dallas encourages Congress and the Administration to pursue imaginative solutions and not rely on mandates to address clean air, climate change and energy security. The City further urges Congress to fully fund any mandates it imposes on local governments to meet these challenges.

The City urges Congress to fully fund the EECBG at \$2 billion per year.

### Impact

The City of Dallas is committing considerable resources to meeting the clean air, climate protection and energy security goals. Direct federal assistance will help the City meet these goals and will help American cities develop innovative approaches.

### Background

Over 600,000 people are released from prisons each year. Many suffer from a variety of serious difficulties as they attempt to reenter society. Among the most challenging situations they face is that of reentry into the labor market. Employment rates and earnings of ex-offenders are low by almost any standard. Low employment rates seem closely related to the very high recidivism rates observed among those released from prison. Difficult economic times exacerbate this situation.

In 2010, the Texas Department of Criminal Justice released 71,497 people from prisons and state jails across the state, nearly five times the number of prisoners released in 1980. Texas alone, with one of the largest prison populations in the country, accounts for almost 10 percent of all prisoners released from state and federal prisons nationwide each year. The mere number of prisoners released annually, along with a growing appreciation for the substantial challenges that ex-prisoners face as they reenter society, has brought prisoner reentry—both in Texas and nationwide—to the forefront of the public agenda.

In Dallas County, approximately 475 individuals per month are released into the area from the penal systems. These individuals face their own unique challenges and are further hampered by the inability to obtain employment, housing, as well as a lack of support systems and resources.

Because of these barriers, any rehabilitation efforts undertaken in the penal system are overwhelmed and result in increased recidivism. This results in a costly revolving door process for local governments as well as state and federal governments.

Recent findings from the Urban Institute on Employment and Reentry state the following:

- While prisoners believe having a job is an important factor in staying out of prison, few have a job lined up after release.
- Despite the need for employment assistance, few prisoners receive employment-related training in prison.
- Participation in work release jobs in prison may have a positive impact on the likelihood of finding full-time employment after release.
- Case-managed reentry services may increase the likelihood of finding and maintaining employment after release from prison.
- Participation in outpatient substance abuse treatment is associated with full-time employment.
- Prisoners who do find work after release do not necessarily have full-time or consistent employment.
- Transportation is a significant barrier to employment.
- Finding and maintaining employment may reduce recidivism.
- The majority of prisoners believe that having a stable place to live is important to successful reentry.
- The majority of returning prisoners live with family members and/or intimate partners upon release.
- Many former prisoners return home to living arrangements that are only temporary.

- Housing options for returning prisoners who do not stay with family members or friends are extremely limited.
- Practitioners and researchers agree that there are few evidence-based reentry housing programs that target returning prisoners with mental illness.
- A majority of prisoners have extensive substance use histories.
- Prisoners identify drug use as the primary cause of many of their past and current problems.
- Despite high levels of drug use, relatively few prisoners receive drug treatment while incarcerated.
- Consensus in the field holds that individualized in-prison treatment in concert with community-based aftercare can reduce substance use and dependency.
- Participation in A/A and N/A treatment after release is associated with reductions in substance use among offenders.
- Those with substance use histories and those who engage in substance use after release are at a high risk to recidivate.

### **Position**

The City of Dallas supports legislation that would provide:

- Expansion of education, training, and work experience during incarceration.
- Funding at both the state and local level to help former prisoners return successfully to society.
- Aggressive evaluation of school, employment, and other programs for young offenders.
- Continuation of Second Chance Act funding.

### **Impact**

Programs that focus on education, job skills, substance abuse, and mental health issues should result in a marked reduction in the number of homeless ex-prisoners and former prisoners seeking public assistance and a reduction in the recidivism rate. Additionally, this should provide for a more viable workforce and stabilization of families.

## WATER & WASTEWATER INFRASTRUCTURE

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### Background

The City of Dallas and other 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. Therefore, we must repair, replace, and rehabilitate aging and failing pipes and plants and build new infrastructure to comply with the increasingly complex regulations in order to protect public health and safeguard the environment. In addition, billions of dollars are needed nationally to ensure the water supply needs of a booming population and robust economy are met in the future. Dallas Water Utilities has a projected \$1 billion+ capital improvement program over the next 5 years. This trend will continue as Dallas maintains and improves its water and wastewater infrastructure system and connects new water supply sources to meet the needs of the citizens of Dallas and its customer cities.

Utilities are significantly challenged by increasing and expanding federal mandates and by the costs of meeting new rules and standards. However, local governments have not received sufficient federal assistance for compliance with federal clean water and drinking water laws even though drinking water and clean water is a national concern.

Financing of water and wastewater infrastructure needs is a significant and urgent issue. Additional financial assistance tools such as grants and low interest loans are needed to ensure reliable water-related supplies and infrastructure to meet the needs of our economy, environment, and public health. Legislation was introduced in the 112<sup>th</sup> Congress which would create a Water Infrastructure Finance and Innovations Authority to make it easier for cities such as Dallas make much needed upgrades to their water and wastewater infrastructure in a cost efficient manner.

### Position

The City of Dallas supports legislation which provides grants and financing assistance for high priority projects such as combined and separate sanitary sewer overflows and other wet weather projects, security-related projects, repair and replacement of aging infrastructure and water supply acquisition. Increased funding to local water and wastewater utilities for the improvement and maintenance of water and wastewater infrastructure and additional water supplies is of paramount importance. The City of Dallas also supports legislation which sustains and increases funding for, and increased the flexibility of, the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF).

### Impact

Increased federal assistance will help the City of Dallas continue to meet federal and state clean water and drinking water requirements and provide sufficient water supplies to meet the current and future needs of its customers.

### Background

Water reclamation is the reuse of surface water or groundwater that has already been beneficially used once. Water reuse involves taking municipal or domestic wastewater, treating it to a high degree to meet state and federal regulations, and then reusing the resulting water for beneficial purposes. Extensive wastewater treatment and disinfection ensure that public health and environmental quality are protected.

Water reuse is becoming increasingly accepted for a wide variety of direct applications, including landscape and agricultural irrigation, toilet and urinal flushing, industrial processing, power plant cooling, wetland habitat creation, restoration and maintenance, and groundwater recharge. Additionally, augmentation of potable water supplies through indirect applications of reuse water (i.e., blending reuse water with raw water in a reservoir) is playing an important role in meeting water supply demands in Texas. Water reuse is an important water management strategy to help meet the growing demands being placed on available water supplies in Texas and across the nation.

The City of Dallas operates two wastewater treatment plants which have a combined wastewater treatment capacity of 260 million gallons per day and discharge into the Elm Fork of the Trinity River. Dallas recently received from the Texas Commission on Environmental Quality, permits which authorize Dallas to reuse water from Lake Ray Hubbard and Lake Lewisville.

Reuse is identified as one of Dallas' water management strategies to help meet future water supply needs in the 2005 Dallas Update to the Long Range Water Supply Plan, 2006 Region C Water Plan and 2007 State Water Plan.

Major considerations that must be addressed to successfully maximize the use of reuse water include performing research needed to develop sound science and technology, providing funding support for implementation of the projects, and gaining public support.

### Position

The City of Dallas supports legislation which would increase federal funding needed to address these issues and provide for further development of reuse water as a key water management strategy.

### Impact

Addressing these considerations would not only benefit Dallas but would facilitate the implementation of valuable reuse water across the United States, particularly in the more arid regions.

## **PUBLIC SAFETY COMMUNICATIONS (D-BLOCK)**

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### **Background**

In 2012, Congress enacted legislation setting aside “D-Block” of the wireless communications spectrum for the first public safety broadband network (PSBN). The D Block became available in the past decade as part of the migration of television to from analog to digital broadcasts. The D-Block is immediately adjacent to another 10 megahertz of spectrum that has already been set aside for public safety communications. This portion of the wireless communications spectrum travels well through manmade and natural physical barriers. The legislation also provides \$7 billion for PSBN development grants to the states and created a new agency at the Department of Commerce, “FirstNet”, to hold the license for, build, manage and operate the PSBN.

The success of the NPSBN will heavily depend on input from state and local governments during the network planning phase of the project and the network architecture model for the NPSBN adopted by FirstNet.

With the combined advances in technology and communications, the D Block spectrum will provide the needed pathway for public safety during response and recovery operations for situational awareness and command and control of responding officers and officials.

### **Position**

In general, the City of Dallas supports the development of the national public safety communication and networks and encourages FirstNet to include local input in the structure and framework development process.

The City of Dallas urges Congress to require FirstNet to maximize the use of existing local government communication infrastructure. Large metropolitan cities have already made extensive investments in towers, fiber optic lines and other infrastructure that will be valuable to the deployment of the PSBN.

### **Impact**

The nationwide public safety broadband network will significantly transform how the City of Dallas first responder’s communicate and deliver life-sustaining services to our citizens.

**Background**

The City of Dallas benefits from several federal public safety assistance programs, including the Justice Assistance Grant (JAG), Community Oriented Policing Services (COPS), the Assistance to Firefighters Grant Program and others valuable programs. These programs have provided the Police and Fire Departments with valuable assistance and have played an important role in maintaining public safety in the city of Dallas. However, overall funding for state and local law enforcement assistance has declined by 67 percent since its peak in FY 2001.

Since 9/11 the federal government has initiated homeland security grant programs that benefit the City of Dallas, including the State Homeland Security Grant and the Urban Area Security Initiative (UASI). UASI provides targeted assistance to major metropolitan areas and has helped ensure that the Dallas Metropolitan Area is able to respond to a terrorist attack, or any other catastrophic incident. These programs have promoted regional cooperation and greatly improved readiness. However, a major drawback of both programs is that they do not directly provide funding to the City but instead funnel it through the state, creating an additional layer of bureaucracy and diluting the effectiveness of the program.

In recent years, America's cities have experienced an increase in violence and gang activity. This type of criminality is directly linked to a decrease in Federal spending for traditional law enforcement in the wake of an increased focus on Homeland Security.

**Position**

The City of Dallas calls on Congress to fully fund public safety assistance programs that directly benefit local governments, including JAG, COPS, and the Fire Grant Program.

The City of Dallas supports funding of homeland security programs that provide direct assistance to the City, but do not come at the expense of traditional public safety assistance programs (JAG, COPS, Fire Grant program). The City opposes proposals that would consolidate state and local Homeland Security grant programs into a single block grant to the State. In addition formulas for the distribution of funding for public safety should emphasize crime data and homeland security funds should be more targeted based on risk and threat.

The City of Dallas also strongly urges Congress to increase transparency of homeland security funding decisions. The City of Dallas opposes any effort to eliminate or weaken the UASI program or to otherwise shift funds away from major metropolitan areas. The City of Dallas supports the sustainment of UASI funding to ensure that the Dallas/Fort Worth/Arlington Urban area remains a UASI jurisdiction. Further cuts to the UASI program would threaten the ability of the DFWA Urban Area to sustain the high-level capabilities that have been built, and thereby threaten the safety and security of our citizens.



## Impact

These programs provide valuable assistance to City public safety programs. Rising public safety costs have made this assistance more important than ever, especially as rising unemployment threatens to exacerbate public safety concerns. Homeland security grant funds provide the city's first responders important training and equipment and support intergovernmental cooperation. Dilution of the UASI program would shift federal homeland security assistance away from Dallas and other major metropolitan areas where the need is the greatest.

