2018 Proposed National Municipal Policy Amendments & Resolutions

Charlotte Convention Center
501 S College Street
Charlotte, NC
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The National Municipal Policy (NMP) is NLC’s comprehensive, standing statement of goals, principles, policies, and program objectives on federal policy issues directly affecting or of concern to cities and towns. The NMP serves as the basis for NLC’s advocacy efforts on behalf of the nation’s cities and towns. The policy is subject to annual modification by delegates from direct member cities and state municipal leagues during the City Summit.

Because the opportunity for the membership to amend the NMP occurs only once each year, amendments to the policy typically do not endorse or oppose specific congressional bills, current presidential positions, or technical aspects of federal regulations. Instead, positions on such timely matters—which are subject to major changes during the annual legislative and administrative processes—are the subject of NLC resolutions that stand for one year, from their time of passage until the adjournment of the next City Summit.

At the Congressional Cities Conference in March, the Federal Advocacy Committees set agendas for the year. At meeting(s) following the Conference, the Committees developed recommendations for policy amendments and resolutions. Additionally, during the summer, all NLC direct member cities and state municipal leagues were invited to submit recommendations of policy amendments and resolutions by an August 20, 2017, deadline.

Prior to the City Summit, committee reports with policy amendments and proposed resolutions are made available to all Federal Advocacy Committee members and NLC members. These reports are also made available on the NLC website.

Federal Advocacy Committee Meetings: Wednesday, November 15

NLC’s Federal Advocacy Committees will each meet on Wednesday, November 15 at the City Summit. The Official Rules and Procedures presented here and in the NLC Bylaws shall govern the conduct of each committee meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert’s Rules of Order Revised shall govern the conduct of the meeting.

During the Federal Advocacy Committee meeting, action can be taken on policy amendments or resolutions submitted to NLC by the August 20 advance submission deadline, if the Committee did not endorse those positions. Sponsors of these amendments or resolutions, or their representatives, can appear before the Federal Advocacy Committee on behalf of their proposed
recommendations. The Federal Advocacy Committee can also hear additional proposals from the floor from Committee members.

Individuals submitting resolutions or policy changes on-site must bring 100 copies to the meeting and furnish them to the head table at the beginning of the meeting. An electronic copy of the proposal should also be provided, in advance if possible, to the NLC staff contact for the committee. (NLC staff should be notified in advance of this intention if at all possible.)

Federal Advocacy Committee meetings are open to all conference participants. However, only Committee members are eligible to vote, make formal motions, and debate items. Committee members will receive identification ribbons at the conference registration booth.

Adoption of recommendations is by a majority vote of policy and advocacy committee members present and voting. Proxies are not permitted. Every reasonable effort will be made to assure that the views of all committee members are heard.

**Resolutions Committee Meeting: Thursday, November 16**

Proposals approved by the Federal Advocacy Committees are forwarded to the NLC Resolutions Committee for consideration. The Resolutions Committee will meet during the City Summit on Thursday, November 16 at 10:15 a.m. The Federal Advocacy Committee chairs will report the recommendations of their respective Committees to the Resolutions Committee members.

In addition to these amendments and resolutions, the Resolutions Committee will consider any appeals by sponsors of policy amendments or resolutions that were received in NLC’s offices by the August 20 advance submission deadline and subsequently rejected during Federal Advocacy Committee debate (100 copies needed). Proposals from Resolutions Committee members or the Board of Directors also are eligible for consideration by the Resolutions Committee (100 copies needed).

Only Resolutions Committee members or alternates appointed by state municipal leagues may participate and vote during the meeting. The only individuals who will be recognized to speak at the Resolutions Committee are members of the Resolutions Committee, board members, Federal Advocacy Committee chairs, and sponsors of policy recommendations being appealed. Adoption of recommendations is by majority vote of Resolutions Committee members present and voting. Proxies are not allowed.

The Official Rules and Procedures presented here and in the NLC Bylaws shall govern the conduct of the Resolutions Committee meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert’s Rules of Order Revised shall govern the conduct of the meeting.
Resolutions Committee actions are referred to the Annual Business Meeting for consideration and adoption by the voting delegates. The report of the Resolutions Committee will include only recommended policy language amendments and resolutions.

The Annual Business Meeting will be held during the City Summit on Saturday, November 18 at 2:30 p.m.

To cast a vote at the Annual Business Meeting, all voting or alternate delegates must be registered with the Credentials Committee and must have official voting materials. Each direct member city has a certified voting delegate, or alternate, who is entitled to vote at the Annual Business Meeting. The delegate may cast a certain number of votes based upon the direct member city’s population as of the 2010 census; member cities may not split their votes. Each state municipal league is entitled to cast a total of 20 votes by its delegate or delegates, and those votes may be split and distributed at the discretion of each state municipal league. Voting delegates must be present to vote. Proxies are not permitted.

After a brief presentations of the Resolutions Committee’s report, the Annual Business Meeting’s Presiding Officer will call for adoption of NMP amendments and resolutions as proposed by the Resolutions Committee. Amendments to each chapter will be considered in the order in which those chapters appear in the NMP. Motions from the floor to amend the Resolutions Committee’s recommendations require a majority vote for passage. Final adoption of amendments to the NMP requires a two-thirds vote of voting delegates.

Policy proposals not submitted by the Resolutions Committee may be presented by petition to the NLC Policy Office at the City Summit. Such petitions must be received by 10:00 a.m. on the day of the Annual Business Meeting, Saturday, November 18. Petitions must carry the text of the proposal and printed names, titles, and signatures of 10 certified voting delegates with their respective cities and states. The petition must receive a majority vote of the voting delegates to be accepted for floor consideration, and all proposals to amend or adopt the NMP and all separate resolutions require a two-thirds vote for final approval.

The Official Rules and Procedures presented here and in the NLC Bylaws shall govern the conduct of the Annual Business Meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert’s Rules of Order Revised shall govern the conduct of the meeting.

For further information about this process prior to the City Summit or to contact the NLC staff for a committee, contact Avery Peters, 202.626.3020 or peters@nlc.org.

During the City Summit, please contact the Federal Advocacy staff at the Policy Office located in the Charlotte Convention Center, Room 215.

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During the City Summit, please contact the Federal Advocacy staff at the Policy Office located in the Charlotte Convention Center, Room 215.
REPORT OF THE

FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS FEDERAL ADVOCACY COMMITTEE

FAIR
PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found [here](http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy) or at http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy.

Please note:
- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

**POLICY**

There are no proposed amendments to existing policy.
NLC RESOLUTION #1

CALLING TO RESOLVE THE CONFLICT BETWEEN STATE AND FEDERAL MARIJUANA LAWS

WHEREAS, state and local governments share with the federal government the responsibility to ensure public health and safety is addressed through competent, thoughtful, and comprehensive legislation and regulation and is reflective of local values and needs; and

WHEREAS, some states have passed or are considering voter referenda or legislation authorizing the growth and distribution of marijuana for adults’ recreational use; and

WHEREAS, a growing number of states have passed voter referenda or legislation authorizing the growth, distribution, possession and use of marijuana for a variety of medical conditions for patients suffering from serious and chronic diseases; and

WHEREAS, the federal Controlled Substances Act (CSA) establishes a regulatory system designed to combat recreational drug use by making it unlawful to manufacture, distribute, possess or use any controlled substance including marijuana; and

WHEREAS, the federal government has classified marijuana as a Schedule I controlled substance, creating a conflict between the laws in various states authorizing medicinal and recreational marijuana in certain circumstances and the CSA’s prohibitions against marijuana under any circumstance; and

WHEREAS, the federal government has not provided guidance to financial institutions on the accommodation of businesses associated with authorized medical or permitted adult recreational use of marijuana, leaving those businesses without banking and financial services; and

WHEREAS, the lack of banking services creates a cash-only operation that heightens the risk of crime in local communities.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges the federal government to resolve the conflict between state and federal marijuana laws, including providing guidance to financial institutions; and

BE IT FURTHER RESOLVED that NLC urges federal government to conduct research on the effects of marijuana

BE IT FURTHER RESOLVED that while NLC does not endorse the use of marijuana, NLC urges the federal government to consider a precise interpretation of the CSA to recognize and allow the medicinal and adult recreational use of marijuana in those states where their people choose to allow it.
NLC RESOLUTION #2

ENABLING ADOPTION OF PENSION BENEFIT ALTERNATIVES THAT REDUCE COSTS TO PUBLIC SECTOR EMPLOYEES

WHEREAS, many local and state governments are struggling to provide retirement security for employees over the long term, while dealing with structural budget problems, tax base and investment losses from the economic downturn, and other fiscal pressures; and

WHEREAS, in many cases, the rising costs of providing pension and retirement benefits have resulted in significant contribution increases borne by public sector employees and taxpayers; and

WHEREAS, local and state governments are proposing changes to pension plan offerings that can address budget problems, while also reducing the cost of retirement benefits to public sector employees through their voluntary election of alternative plans; and

WHEREAS, underfunding due to lenient rules that, over time, have called into question the viability of meeting their long term commitments; and

WHEREAS, the perpetual underfunding could jeopardize city services as a growing percentage of budgets are forced to reconcile these shortfalls; and

WHEREAS, U.S. Department of the Treasury guidelines, rulings, and review processes related to determining the tax treatment of retirement plan contributions impact whether local governments can effectively offer those choices to employees; and

WHEREAS, the U.S. Department of the Treasury has been asked by several local and state governments to review such pension plan proposals and issue such guidance as provided prior to 2006.

NOW THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls for federal administrative and regulatory action to clarify these tax issues and enable offerings of alternative pension plans that would ensure a more sustainable pension system, reduced costs to employees, and stronger local and state government financial conditions; and

BE IT FURTHER RESOLVED, NLC calls upon the U.S. Department of the Treasury to expeditiously promulgate clarifying guidelines or rules that ensure favorable tax treatment of certain retirement plan contributions picked up by governmental employers when employees are given an option to choose a lower-cost plan.
NLC RESOLUTION #3

LOCAL GOVERNMENT SUPPORT FOR E-FAIRNESS

WHEREAS, Main Street merchants are important parts of our local communities – providing employment to residents, contributing to charities, and keeping communities vibrant; and

WHEREAS, the Supreme Court ruled that state and local governments do not have the authority to require the collection of sales tax by retailers that have no physical presence or nexus in the state (Bellas Hess 1967; Quill 1992); and

WHEREAS, the Court’s precedent puts Main Street merchants at a five to ten percent competitive disadvantage by following the law and collecting sales tax at the time of purchase, while remote online retailers are not required to do so; and

WHEREAS, if state and local governments could collect the $23 billion in sales taxes on e-commerce that are already owed, cities could better provide basic services, such as infrastructure investment and public safety, to residents without a penny coming from the federal government; and

WHEREAS, the federal government, historically, has been reluctant to interfere with the ability of local governments to raise and regulate their own revenues and should not undermine municipal autonomy with respect to remote sales tax collection.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) commends Congress on recognizing the importance of resolving the issue to put remote retailers and traditional ones on a level playing field; and

BE IT FURTHER RESOLVED that NLC urges Congress to pass destination rate-based legislation that would give states the option to collect from remote online retailers the same tax that merchants on Main Street currently collect.
NLC RESOLUTION #4

PRESCRIBING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

WHEREAS, the federal tax exemption for municipal bonds has been in place since the federal income tax was instituted in 1913; and

WHEREAS, tax-exempt municipal bonds are the primary funding mechanism for state and local government infrastructure projects with three-quarters of the total United States investment in infrastructure being accomplished with tax-exempt financing from over 50,000 state and local governments and authorities; and

WHEREAS, the tax-exemption for municipal bonds was granted to ensure affordable access to credit for municipal projects that, among other things, provide for public health and well-being, and as a result, local governments have saved taxpayers an average of 25 to 20 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds; and

WHEREAS, the cap or elimination of the federal tax exemption for municipal bonds would place federal, state, and local governments at cross-purposes because any savings realized by the federal government as a result of tampering with the tax exemption would be more than offset by economic losses at the state and local level due to higher credit costs, canceled infrastructure projects, fewer job opportunities, and a greater burden on local taxpayers; and

WHEREAS, stability in the municipal bond market rests on the tax exemption for municipal bonds, and market stability is essential to local and national economic recovery.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Members of Congress and the President to state their support for maintaining the tax exemption for municipal bonds to promote employment and investment in our nation’s cities and towns; and

BE IT FURTHER RESOLVED that NLC strongly opposes any attempt to eliminate or limit the federal tax exemption for municipal bonds as a part of a federal deficit reduction plan or as a short-sighted consequence of efforts to advance comprehensive tax reform.
CALLING FOR COMPREHENSIVE TAX REFORM

WHEREAS, the federal tax code is in major need of comprehensive reform, including both the individual and business sections of the tax code, to address the rising federal deficit and to promote jobs and economic growth; and

WHEREAS, the last major tax reform took place in 1986 when President Reagan signed the 1986 Tax Reform Act into law; and

WHEREAS, tax reform proposals will invariably impact local governments’ ability to provide critical infrastructure – schools, water and sewer systems, hospitals, roads, bridges and public transportation systems; and

WHEREAS, the National League of Cities (NLC) supports the well-established federal, state and local partnership embodied in principles of federalism, and opposes any preemption by Congress of local taxing authority; and

WHEREAS, stability in the municipal bond market rests on the tax exemption for municipal bonds and market stability is essential to local and national economic recovery; and

WHEREAS, granting preferential tax treatment to certain industries at the expense of other tax payers, erodes local revenues, undermines tax policy and dismantles federalism.

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the President to create a plan for comprehensive tax reform which ensures that local governments retain the authority to set their own tax policy; and

BE IT FURTHER RESOLVED that NLC strongly opposes any attempt to eliminate or limit the federal tax exemption for municipal bonds and the state and local tax deduction as a part of a federal deficit reduction plan or as a short-sighted consequence of efforts to advance comprehensive tax reform; and

BE IT FURTHER RESOLVED that NLC opposes federal preemptions that would grant preferential tax treatment to certain industries and threaten the fiscal health of local governments;
NLC RESOLUTION #6

IN SUPPORT OF CRITICAL U.S. CENSUS BUREAU SURVEYS

WHEREAS, the U.S. Census Bureau serves as the leading source of quality data about the nation’s people and economy; and

WHEREAS, the U.S. Census Bureau is authorized by the U.S. Constitution and Federal law to collect and disseminate data guided by scientific objectivity to provide information about the nation; and

WHEREAS, Title 13 of the United States Code requires the Census Bureau to keep information strictly confidential; and

WHEREAS, the U.S. Census Bureau conducts a host of surveys to collect and distribute data to policy makers at all levels of government, including but not limited to the American Community Survey, Economic Census, and Census of Governments; and

WHEREAS, the U.S. Census Bureau conducts the American Community Survey (ACS) to collect data on demographic, housing, social, economic, and financial characteristics of all cities; and

WHEREAS, the data collected by the ACS ensures that mayors and other policymakers have the most current information for policy development allocation of funds and program evaluation; and

WHEREAS, ACS estimates provide America’s cities with data that the business community uses for investment and hiring decisions, resulting in job opportunities; and

WHEREAS, local firefighters, police officers and other emergency personnel use ACS estimates for natural disaster planning and response; and

WHEREAS, the Economic Census is collected every five years – in years ending in “2” and “7” – to provide reliable business statistics that are essential to understanding the American economy; and

WHEREAS, only the Economic Census provides information on industry revenues and other measures of American business performance that are consistent, comparable, and comprehensive across industries and geographic areas; and

WHEREAS, government agencies, trade associations, and chambers of commerce and businesses in America’s cities rely on data from the Economic Census for economic development, business decisions, planning and key economic reports; and

WHEREAS, the Economic Census provides America’s cities information on comparative and trend data used to identify business expansion opportunities in local communities; and
WHEREAS, the U.S. Census Bureau conducts the Census of Governments every five years – in years ending in “2” and “7” – of all state and local governments, which includes organizational data, employment data, and finance data; and

WHEREAS, the Census of Governments is the only source of comprehensive, uniform statistics on state and local governments; and

WHEREAS, the Census of Governments data are used to calculate the Gross Domestic Product and to better understand the current fiscal conditions of America’s cities.

NOW, THEREFORE BE IT RESOLVED, that the National League of Cities (NLC) supports the U.S. Census Bureau’s mission to produce complete and accurate data that meets the needs of America’s cities; and

BE IT FURTHER RESOLVED, that NLC supports the U.S. Census Bureau’s use of sound scientific and objective methods to apply statistical samplings, conduct surveys, and collect preliminary and supplemental statistics; and

BE IT FURTHER RESOLVED, that NLC supports the U.S. Census Bureau’s authority to collect data that provides timely estimates that inform America’s local governments in their decision-making; and

BE IT FURTHER RESOLVED, that NLC recognizes the importance of the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and a number of other surveys and statistics to local governments across the nation; and

BE IT FURTHER RESOLVED, that NLC supports funding for and robust implementation of the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other relevant surveys and statistics to local governments across the nation; and

BE IT FURTHER RESOLVED, that the nation’s cities urges Congress to oppose legislation that would make the American Community Survey a voluntary survey, as well as any other bills that would eliminate the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other surveys and statistics relevant to local governments across the nation.
REPORT OF THE

ENERGY, ENVIRONMENT AND NATURAL RESOURCES FEDERAL ADVOCACY COMMITTEE

EENR
PROPOSED EENR POLICY AMENDMENTS


Please note:
- Proposed new language is *underlined*;
- Proposed language for deletion is *struck out*; and
- Existing, unchanged language is shown as plain text.

**POLICY:**
There are no proposed amendments to existing policy.
WHEREAS, utility bills represent a major part of operating costs for home and business owners; and

WHEREAS, the building sector accounts for 39 percent of the nation’s energy use, 72 percent of its electricity use, one third of all global greenhouse gas emissions and represents the single largest, most accessible opportunity for deep emission cuts in the United States; and

WHEREAS, investing in cost-effective energy efficiency and renewable energy improvements to homes and businesses can save energy, cut utility bills up to $140 billion per year, create thousands of local jobs, reduce reliance on fossil fuels, and dramatically reduce greenhouse gas emissions; and

WHEREAS, a recent study that found default risks are on average 32 percent lower in energy efficient homes and recommends that the lower risks associated with energy efficiency should be taken into consideration when underwriting mortgages1; and

WHEREAS, Property Assessed Clean Energy (PACE) financing programs are an innovative local government solution to help property owners finance energy efficiency and renewable energy improvements – such as energy efficient HVAC systems, upgraded insulation, new windows, solar installations, etc. – to their homes and businesses; and

WHEREAS, the PACE program removes many of the barriers of energy efficiency and renewable energy retrofits that otherwise exist for residential homeowners and businesses, particularly the high upfront cost of making such an investment and the long-term ability to reap the benefits of cost savings; and

WHEREAS, 33 states plus the District of Columbia have passed laws enabling local governments to develop PACE programs; and

WHEREAS, in 2010 the U.S. Department of Energy dedicated $150 million to assist in the development of local PACE programs and in 2016 issued Best Practice Guidelines for Residential PACE Financing Programs to help state and local governments develop and implement programs and recommended protections that PACE programs should put in place for consumers and lenders2; and

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WHEREAS, in July 2016, the U.S. Department of Housing and Urban Development released guidance allowing the Federal Housing Administration to insure mortgages on properties that include PACE assessments; and

WHEREAS, locally-administered PACE programs are an exercise of the traditional authority of local governments to utilize the tax code for public benefit; and

WHEREAS, PACE programs help local governments meet a core obligation to their citizens to maintain housing stock and improve housing opportunities for all citizens; and

WHEREAS, the PACE program is an achievement of the intergovernmental partnership to realize national policy goals, namely, reducing energy consumption, that will positively impact the fiscal conditions of every level of government; and

WHEREAS, PACE holds the potential to unlock private capital and jumpstart economic growth backed by the marketplace certainty of the federal government;

WHEREAS, despite PACE’s great promise, the Federal Housing Finance Agency (FHFA) and the Office of the Comptroller of the Currency on July 6, 2010 issued statements that immediately forced existing PACE residential programs to halt operations and froze the development of dozens of other residential PACE programs nationwide; and

WHEREAS, despite the FHFA directive, many commercial and a few residential PACE programs are operating or are in development in hundreds of municipalities across the country.

NOW, THEREFORE, BE IT RESOLVED that locally-administered PACE programs operating in accord with state and federal guidelines are a safe and sound investment of public and private funds; and

BE IT FURTHER RESOLVED that locally-administered PACE programs represent an essential contribution of local governments to reduce greenhouse gas emissions and promote renewable energy; and

BE IT FURTHER RESOLVED that the National League of Cities (NLC) urges FHFA to work with local governments seeking to establish PACE programs that benefit from the same senior lien status of all other projects that are funded through municipal assessments that improve private property and meet public policy objectives; and

BE IT FURTHER RESOLVED that NLC urges Congress to adopt legislation that clearly reaffirms the right of state and local governments to exercise liens or assess special taxes or other property obligations to protect and improve housing stock for the public good, including energy efficiency improvements, by directing federal regulators to enforce underwriting standards that

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are consistent with guidelines issued by the U.S. Department of Energy for PACE financing programs or by implementing any other appropriate measure; and

BE IT FURTHER RESOLVED that Congress should avoid unnecessary and burdensome regulations and not subject PACE programs to Truth in Lending Act (TILA) requirements.
NLC RESOLUTION # 8

SUPPORTING AND ADVANCING RESILIENT COMMUNITIES TO PREPARE FOR EXTREME WEATHER EVENTS

WHEREAS, across the country local governments are seeing the devastating effects associated with a changing climate and recent extreme weather events, such as heat waves, droughts, heavy downpours, floods, and hurricanes, and changes in other storms, have brought renewed attention to the need for cities to anticipate, prepare for and adapt to these events; and

WHEREAS, while all regions of the country are impacted by climate change, approximately one third of the U.S. population—more than 100 million people—live in coastal communities that are threatened by rising sea levels, which could impact economic development, land availability, property values, insurance rates, beaches and tourism, and critical water, transportation and energy infrastructure; and

WHEREAS, the recent National Climate Assessment reports that current evidence of climate change appears in every region and impacts are currently visible in every state, and concludes that the evidence of human-induced climate change continues to strengthen; and

WHEREAS, extreme weather events can have severe impacts on local and regional infrastructure, economies, public safety, public health, natural landscapes and environmental quality; and

WHEREAS, the impacts of extreme weather events pose an especially pressing threat to persons with disabilities, economically disadvantaged households, the elderly and other vulnerable populations; and

WHEREAS, the capability of maintaining energy availability is a critical first order priority in maintaining critical infrastructure and building community resilience; and

WHEREAS, there is currently insufficient information, technical coordination or financial assessment of the costs and mechanisms to rapidly retrofit and redesign local energy systems to enable them to be more resilient to a range of potential disruptive events, such as extreme weather, terrorism, and energy price escalation; and

WHEREAS, the United States has seen 208 separate billion-dollar-plus disasters since 1980, including 10 in 2015 and 15 in 2016 which caused over $69.7 billion in economic damages; and

WHEREAS, in 2005 Hurricane Katrina led to 1,833 deaths and more than $153 billion in losses, and a subsequent $120 billion in supplemental disaster assistance and in 2012 Hurricane Sandy led to 159 deaths and more than $67 billion in damages, and a subsequent $60.4 billion in supplemental disaster assistance; and

WHEREAS, rising temperatures are lengthening the wildfire season and increasing wildfire risks throughout the Western United States due to earlier snow melts and forests that are drier, longer and the costs of putting out wildfires has increased dramatically, from $537 million in 1985 to $2 billion in 2016 (2017 dollars); and

WHEREAS, 2016 was the hottest year on record, continuing a three-year streak of record warm years and extreme weather events including hurricanes, storm surges, flooding, drought and wildfires in the southeast, and a blizzard along the east coast affected every region of the country; and

WHEREAS, as extreme weather events such as these become more common, local governments in all geographic and climatic regions require resources to assist them in anticipating, preparing for and adapting to these events; and

WHEREAS, a preparedness response fund would provide financial assistance to accelerate the development of adaptive success models and provide a far-reaching damage prevention initiative that would help reduce the ultimate financial pressure on the federal government; and

WHEREAS, local governments are first responders—preparing in advance of emergency situations, offering immediate assistance to those impacted, and identifying strategies, solutions, and partnerships to address situations quickly and efficiently; and

WHEREAS, taking action now to adapt to a changing environment and create community resilience will help save lives, strengthen local economies, save taxpayer dollars and build preparedness for future events; and

WHEREAS, in 2014 the President’s Task Force on Climate Preparedness and Resilience, comprised of state, local and tribal leaders, made recommendations to the President on ways the federal government can assist local efforts to address and prepare for the impacts of climate change.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress and the Administration to partner with local governments and to support local action on climate change adaptation and resilience; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to take urgent action to help states and local governments conduct vulnerability assessments, develop and implement long-term mitigation, adaptation and resiliency action plans, and identify innovative financing opportunities.

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to implement these assessments and plans in order to prepare, plan for and more quickly recover from extreme weather events; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to recognize the unique risks and opportunities communities face and to offer customized tools and incentives to local governments to encourage communities to plan for and rapidly respond to the effects of climate change and extreme weather; and

BE IT FURTHER RESOLVED that the federal government should develop a national strategy to assist communities in integrating the risks of extreme weather events into emergency management planning and responses to identify and quantify the economic value of regional infrastructure at risk under different sea level rise scenarios; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to outline strategies and actions to reduce the vulnerability of federal programs to the impacts of climate change; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to better align federal funding with local preparedness and resilience-building efforts; and

BE IT FURTHER RESOLVED that NLC calls on Congress to fully fund grant programs that help local governments prepare, respond and recover from extreme weather events and establish a preparedness and response fund to support local governments that are at the forefront of developing adaptive solutions; and

BE IT FURTHER RESOLVED that the federal government develop grant and technical assistance programs to enable communities to develop community energy transition plans that insure the capability of cities to maintain critical energy and infrastructure during disruptions to local, regional or national energy infrastructure; and

BE IT FURTHER RESOLVED that the federal government develop a national pilot project initiative to conduct detailed assessments and designs for resilient city energy system retrofit and redesign across a range of different regions and city sizes.
NLC RESOLUTION #9

SUPPORTING URGENT ACTION TO REDUCE CARBON EMISSIONS AND MITIGATE THE EFFECTS OF CLIMATE CHANGE

WHEREAS, the recent National Climate Assessment reports that current evidence of climate change appears in every region and impacts are currently visible in every state, and concludes that the evidence of human-induced climate change continues to strengthen; and

WHEREAS, while some impacts of climate change are inevitable, sharp reductions in greenhouse gas emissions will reduce the severity of the impacts and limit the rate of climate change; and

WHEREAS, the U.S. Environmental Protection Agency’s 2015 Clean Power Plan sets state-specific carbon emissions reductions goals that if fully implemented will reduce carbon emissions from coal and natural gas fired power plants by 32 percent below 2005 levels by 2030; and

WHEREAS, in order to meet that goal and to help mitigate the effects of climate change on communities, improving energy efficiency, increasing energy conservation and deploying renewable energy systems will be essential at the local, state and federal levels; and

WHEREAS, improving energy efficiency, increasing energy conservation and deploying renewable energy systems will save taxpayer dollars, boost the national and local economy, enhance national security, increase our nation’s energy independence, and improve environmental quality; and

WHEREAS, buildings account for nearly 40 percent of the nation’s energy consumption, more than 70 percent of its electricity use, and nearly a third of all global greenhouse gas emissions; and

WHEREAS, indoor and outdoor lighting account for 8.3 percent of electricity consumed in the nation, and rapid conversion to efficient lighting would result in significant greenhouse gas reductions as well as a decrease in base load energy needs; and

WHEREAS, cities have been laboratories of innovation, successfully pioneering and demonstrating cost-effective clean energy solutions, including increasing energy efficiency for public and private buildings, particularly through use of the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant (EECBG) funds,

and local strategies that create jobs, save energy and taxpayer dollars, promote renewable
sources, and cut greenhouse gas emissions; and

WHEREAS, all levels of government must work to become more resilient by achieving greater
energy independence based on a multi-pronged strategy of aggressively expanding renewable
energy, significantly increasing energy efficiency portfolio standards, and creating new financing
mechanisms; and

WHEREAS, in 2014 the President’s Task Force on Climate Preparedness and Resilience,
comprised of state, local and tribal leaders, made recommendations to the President on ways the
federal government can assist local efforts to address and prepare for the impacts of climate
change.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on
Congress and the Administration to partner with local governments, to support local action on
climate change mitigation, and to provide essential tools, research, technology development,
data, and funding, as well as workforce development, job training and community assistance to
help transition to a clean energy economy; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to take
urgent action to reduce carbon emissions across a broad sector of the economy to mitigate the
effects of climate change by supporting the Clean Power Plan and the U.S.’s engagement in the
Paris Climate Agreement; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass energy efficiency
legislation to incentivize energy efficiency improvements in residential and commercial
buildings, schools and federal buildings located in communities; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass a national renewable
portfolio standard that increases the share of energy from renewable sources; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass a long-term extension of
the investment tax credit and the production tax credit for renewable energy as an incentive for
their development and deployment and to reauthorize and fully fund the EECBG; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to develop
a partnership with local governments and provide appropriate sufficient funding through the
energy block grant structure or other funding structures at the U.S. Department of Energy to
further incentivize clean energy at the local level.
NLC RESOLUTION #10

ADDRESSING LEAD CONTAMINATION AND CALLING FOR NATIONWIDE FEDERAL SUPPORT FOR WATER INFRASTRUCTURE

WHEREAS, access to clean drinking water is fundamental to the health and well-being of America’s communities and families; and

WHEREAS, Flint, Michigan, and Sebring, Ohio, are two recent examples of cities where high levels of lead have been found in the city’s drinking water; and

WHEREAS, in the early 2000s, the District of Columbia experienced a similar crisis, as have many other cities; and

WHEREAS, lead has negative and long-term neurological effects, particularly in infants and children; and

WHEREAS, in Flint, the elevated blood lead level was discovered in children after the city’s water source was switched to the Flint River by the state-appointed emergency manager, a decision made without coordination or consultation with local officials; and

WHEREAS, a contributing factor to the Flint, Michigan, drinking water crisis is the city’s aging infrastructure and the lack of investment in infrastructure and the community; and

WHEREAS, in January 2016, President Obama signed an emergency declaration in the State of Michigan, ordering federal aid to supplement state and local response efforts due to the emergency conditions caused by lead-contaminated water; and

WHEREAS, corrosion control and testing are essential to preventing lead leaching and alerting the public to potential dangers; and

WHEREAS, recent analysis by the National Resources Defense Council found that over 5,300 water systems nationwide have elevated levels of lead¹ and a recent analysis by the American Water Works Association estimates 6.1 million lead service lines remain in U.S. communities, at an estimated $30 billion to replace²; and

WHEREAS, there is a need to invest in our aging water infrastructure nationwide and a failure to do so can have negative public health consequences; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) estimates the nation’s water infrastructure capital needs over the next 20 years to be approximately $655 billion in total; the American Society for Civil Engineers estimates the needed investment for water infrastructure to be $1.3 trillion over the next 20-25 years; and other estimates put the cost at more than $4 trillion to maintain and build a 21st century water system.

NOW, THEREFORE, BE IT RESOLVED that local planning and infrastructure decisions, including those related to clean drinking water, should not be preempted and should be made by locally elected leaders in coordination with state and federal officials; and

BE IT FURTHER RESOLVED that the National League of Cities (NLC) calls on Congress to provide direct assistance to the City of Flint, Michigan, and for EPA and the federal government to work directly with local officials, for as long as necessary, to resolve the drinking water crisis through the provision of safe drinking water and to support economic recovery; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to provide long-term support for the families affected by lead drinking water contamination in Flint, Sebring and nationwide, including in the areas of education and mental health; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support robust funding for all water infrastructure funding mechanisms, including the Clean Water and Drinking Water State Revolving Loan Fund programs and the Water Infrastructure Finance and Innovation Act (WIFIA); and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support other mechanisms of infrastructure funding, including protecting the tax-exempt status of municipal bonds; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support grants to local governments for the replacement of lead service lines, testing, planning, corrosion control, and education, for schools to test for lead in their drinking water, and to assist small and disadvantaged communities in complying with the Safe Drinking Water Act.

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4 “2017 Infrastructure Report Card,” American Society of Civil Engineers (March 2017), available at: https://www.infrastructurereportcard.org/
NLC RESOLUTION #11

THE NEED TO INCREASE FEDERAL INVESTMENT IN WATER INFRASTRUCTURE

WHEREAS, the nation’s water infrastructure systems are significant assets that protect public health and the nation’s water resources and well-maintained systems contribute substantially to our citizens’ general welfare and the nation’s prosperity; and

WHEREAS, federal loan and grant assistance to cities and local governments to assist in maintaining and upgrading water infrastructure systems has continued to decline in real dollars since the mid-1990s; and

WHEREAS, local governments are responsible for the vast majority of investment in water and sewer infrastructure, investing over $1.7 trillion between 1956-2010\(^1\) (not adjusted for inflation) and over $115 billion in 2014 alone\(^2\); and

WHEREAS, tax-exempt municipal bonds are the primary funding mechanism for state and local government infrastructure projects with three-quarters of the total United States investment in infrastructure being accomplished with tax-exempt financing; and

WHEREAS, an estimated $271 billion is needed to meet current and future demands over the next 20 years for upgrading the nation’s wastewater infrastructure and an estimated $1 trillion is necessary to maintain and expand service to meeting drinking water demands over the next 25 years\(^3\); and

WHEREAS, this funding gap does not include anticipated expenditures to comply with new Clean Water Act and Safe Drinking Water Act mandates, consent decrees, new responsibilities and costs relating to water security and source water protection, additional needs for re-use of treated effluent, or impacts due to climate change; and

WHEREAS, municipal resources dedicated to water infrastructure are currently overwhelmingly directed to comply with new complex federal mandates and are therefore unavailable for critical maintenance, repair, and rehabilitation needs; and

WHEREAS, public-private partnerships can provide options for communities to access sources of private capital to meet water infrastructure needs, but are not a viable for all communities or all types of projects; and

WHEREAS, private activity bonds or tax exempt facility bonds are a form of tax-exempt financing that can be used for water infrastructure projects that utilize private capital instead of public debt and shift the risk and long-term obligation from the municipality to the private equity partner; and


WHEREAS, Congress provides to states a capped annual allocation ("volume cap") of tax exempt bonds, based on population, but historically, most of the tax-exempt bonds are issued to short-term projects such as housing and education loans; and

WHEREAS, Congress has previously enacted legislation eliminating the state volume cap for such municipal infrastructure projects such as airports, landfills, and ports; and

WHEREAS, eliminating the state volume cap is estimated to make available $5-6 billion in private capital for water projects, while the cost in foregone revenue to the federal government is nominal4.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) continues to urge Congress and the Administration to reverse the decline in federal financial participation in funding municipal water infrastructure needs by developing a financial option that strikes the right balance between local responsibility and federal assistance; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support robust funding for water infrastructure funding through the Clean Water and Drinking Water State Revolving Loan Fund programs and to reauthorize the programs; and

BE IT FURTHER RESOLVED that Congress should provide full appropriation to the Water Infrastructure Finance and Innovation Act (WIFIA) for loans and loan guarantees for water infrastructure projects, as well as permanently establish the program beyond a pilot program; and

BE IT FURTHER RESOLVED that NLC supports legislation removing the federal volume cap on tax-exempt bonds for water and wastewater infrastructure projects; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support other mechanisms of infrastructure funding and financing, including protecting the tax-exempt status of municipal bonds; and

BE IT FURTHER RESOLVED that Congress and the Administration should enact new legislation which provides adequate and reliable long-term funding for municipal water infrastructure needs to help close the funding gap.

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NLC RESOLUTION #12

SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY CONSIDERATION FOR WATER

WHEREAS, in 2012 the U.S. Environmental Protection Agency (EPA) issued its Integrated Municipal Stormwater and Wastewater Planning Approach Framework (“Integrated Planning Framework”), which was intended to help local governments seek more efficient and affordable solutions to stormwater and wastewater issues and meet the requirements of the Clean Water Act (CWA) in a more flexible, affordable, and cost-effective manner; and

WHEREAS, in 2014 EPA issued its Financial Capability Assessment Framework for Municipal Clean Water Act Requirements (“Financial Capability Framework”), which allows the consideration of additional information, such as socio-economic factors, in determining the financial capability of residents and a community when developing compliance schedules for municipal projects necessary to meet CWA obligations; and

WHEREAS, these two policy frameworks demonstrate an awareness by EPA of the challenges local governments face in meeting CWA requirements, as well as the conflicts they face in balancing environmental protection with economic feasibility; and

WHEREAS, at a time where local financial resources are increasingly limited and the ability of local governments to raise revenue is also limited, local governments are facing costly unfunded federal and state regulatory requirements forcing them to make tough decisions about the services and maintenance that they can afford; and

WHEREAS, proposed federal budget cuts to critical local programs would further reduce the ability of cities and towns to meet the everyday needs of their community; and

WHEREAS, local water and sewer rates and stormwater fees are rapidly becoming unaffordable for many fixed- and low-income citizens, placing a disproportionate financial burden on these vulnerable populations who live at or below the poverty level; and

WHEREAS, the current reliance on two percent of median household income for wastewater and combined sewer overflows controls is a misleading indicator of a community’s ability to pay, and often places a particularly high burden on residents at the lower end of the economic scale; and

WHEREAS, green infrastructure, such as constructed swales, wetlands, green roofs, infiltration planters, rain gardens, and enhanced floodplains and riparian buffers, augmented by permeable pavers, rain barrels, and trees, is a valuable part of water infrastructure systems that can help local governments manage runoff, extend the life of local infrastructure, save the city and taxpayers money, and serve as an economic development tool.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges Congress to pass legislation to codify the U.S. Environmental Protection Agency’s 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework; and
BE IT FURTHER RESOLVED, that NLC calls on EPA to reaffirm its commitment to working with local governments as partners and co-regulators in achieving the goals of the Clean Water Act in a more affordable and flexible manner through the use of the permitting process, rather than consent decrees, and utilizing green infrastructure techniques; and

BE IT FURTHER RESOLVED, that EPA should work with local governments to develop local integrated plans through the permit process that prioritize investment in wet weather overflows and flooding collectively, rather than individually, and that comprehensively deal with wastewater and stormwater investments, as well as unfunded mandates; and

BE IT FURTHER RESOLVED, that NLC calls on EPA to share integrated planning best management practices from across the country with all communities that are interested in pursuing an integrated planning approach; and

BE IT FURTHER RESOLVED, that NLC calls on EPA to revise the “Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development” (Feb. 1997) to eliminate reliance on median household income as the critical metric for determining investment level consistent with the Agency’s 2014 Financial Capability Framework.
REPORT OF THE

COMMUNITY AND ECONOMIC DEVELOPMENT
FEDERAL ADVOCACY COMMITTEE

CED
PROPOSED CED POLICY CHANGES


Please note:
- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

**Policy:**
There are no proposed amendments to existing policy.
NLC RESOLUTION #13

SUPPORTING A FEDERAL AGENDA FOR LOCAL ECONOMIC DEVELOPMENT AND ENTREPRENEURSHIP

WHEREAS, cities are the engine of our nation’s economy. From roads and transit to parks and libraries, to law enforcement and emergency services, cities create the conditions that drive new business, spur innovation, and attract talent and investment; and

WHEREAS, according to NLC’s 2015 survey of local economic conditions, the economy is improving in nearly all cities, with 28 percent of cities reporting vast improvement, and 65 percent reporting at least slight improvement; and

WHEREAS, economic development and local entrepreneurship remain the top issues for the nation’s cities and towns, according to a comprehensive analysis of mayoral state of the city speeches released by the National League of Cities in the 2016 State of the Cities report. The report examines state of the city speeches in 100 cities representing a diverse cross section of population sizes and geographic regions; and

WHEREAS, the federal government has an essential role to play — in cooperation with local leaders — to help address the social, economic and fiscal challenges weighing on the nation’s cities; and

WHEREAS, the United States is preparing to elect a new President who will be tasked with governing an increasingly urban country, where cities are home to 80 percent of all Americans, and managing an economy that is overwhelmingly driven by what happens in cities; and

WHEREAS, working with Congress, the next President has an opportunity to partner with local officials to renew and reinvigorate federal economic development policies and programs that local entrepreneurs have increasingly been unable to access; and

WHEREAS, local entrepreneurs are essential stakeholders in the success of neighborhoods, help create a communities sense of place, and serve as a vital link to connect communities to the larger, global economy; and

WHEREAS, in many cases federal programs and policies created in response to the great recession have remained static and increasingly inaccessible or irrelevant to small businesses and local entrepreneurs at the center of today’s urban growth and revitalization; and

WHEREAS, high federal regulatory barriers to accessing capital in both public programs and the private market are one reason why racial and ethnic wealth gaps have grown since the great recession (Pew); and

WHEREAS, a well-balanced federal economic development policy should give equal weight to the interests of Wall Street and main street entrepreneurs, as both are equally important for creating sustainable economic growth and improving quality of life.
NOW, THEREFORE, BE IT RESOLVED that NLC urges the next President and Congress to place local economic development and entrepreneurship at the top of the national agenda; and

BE IT FURTHER RESOLVED that the next President can make an immediate and enormously positive impact on local economies by taking action in the following four areas:

BE IT FURTHER RESOLVED that NLC urges federal lawmakers to empower community banks that serve the specific interests of local entrepreneurs and small businesses by providing them access to capital. Specifically, Congress should:

- End the one size fits all approach to regulating financial institutions and provide community banks better flexibility and discretion to serve the unique interests of the communities of which they are a member; and
- Revisit federal mortgage rules that persist as an over-correction to the subprime and home foreclosure crisis; and
- Create incentives, possibly through CRA, that encourage community banks to serve the market currently occupied by payday lenders through microloan and other financial products; and to create or support programs for family and adult financial literacy.

BE IT FURTHER RESOLVED that NLC urges federal lawmakers to continue on the path of regulatory reform to reduce barriers to development. Specifically, Congress should:

- Establish a federal shot-clock for regulatory rulings and determinations to expedite federal decision making processes; and to provide for the certainty that project partners and project finance require; and
- Appoint an independent Intergovernmental Ombudsman at each cabinet level agency to serve as point of contact for state and local elected officials and serve as a facilitator at times of intergovernmental impasse.

BE IT FURTHER RESOLVED that NLC urges federal lawmakers to reinvestigate direct federal investment in economic development. Specifically, Congress should:

- Restore funding for the Community Development Block Grant Program, which serves as the first line of defense against local neighborhood decline and has been the bridge for countless families to the middle class; and
- Provide a significant increase in the funding and technical assistance dedicated to cities and towns at the U.S. Economic Development Administration.

BE IT FURTHER RESOLVED that NLC urges federal lawmakers to remain focused on workforce development. Specifically, Congress should:

- Create a workforce planning and development grant jointly administered by the U.S. Departments of Commerce, HUD, and Labor to help cities create a streamlined workforce plan serving the education, apprenticeship, and housing needs of the workforce and middle class; and
- Support federal programs and efforts, such as ban the box initiatives, that assist with reintegration of ex-offenders into the workforce, and that ensure applicants with a
criminal history have a fair opportunities to compete for Federal jobs.
NLC RESOLUTION #14

URGING THE DEVELOPMENT OF A CRITERIA FOR NEIGHBORHOOD PREFERENCE AS AN ANTI-DISPLACEMENT TOOL

WHEREAS, federal Fair Housing Act does not allow for any lender, landlord, or housing provider to institute policies or practices that could negatively affect a protected class (race, color, religion, national origin, sex, disability, and familial status); and

WHEREAS, many cities have the affirmative duty to further the Fair Housing Act which includes but not limited to anti-displacement mechanisms; and

WHEREAS, many cities have communities with diverse population of many races, colors, and national origin who have often chosen to live in communities that are like their own race, color, or national origin; and

WHEREAS, in many cities, certain communities, primarily communities of color, are facing gentrification leading to displacement of longtime residents to less desirable areas of the city or displaced entirely from the community; and

WHEREAS, in many communities facing gentrification by market and unaffordable housing, the only source of new housing affordable to the low-income residents is government subsidized housing; and

WHEREAS, the Fair Housing Act does not allow any preference to be given to residents of gentrifying communities being displaced upon the construction of a new housing affordable to low-income residents of that community; and

WHEREAS, if the residents could have preference to these better and safer affordable housing structures recently developed in their communities, the residents would be able to vacate the deteriorating structures which are the only ones they can afford, allowing for the redevelopment of the properties; and

WHEREAS, cities have a legitimate interest in protecting long-term residents as long term residents are often engaged positively in the community, provide community stability, and stability often lends to less crime; and

WHEREAS, neighborhood/community preference is a very powerful anti-displacement tool which operation (interpretation) of the Fair Housing Act has taken away from municipalities:

NOW, THEREFORE, BE IT RESOLVED that NLC urges the Secretary of the Department of Housing and Urban Development (“HUD”) give municipalities guidance as to how a Fair Housing marketing plan can be set up with a neighborhood preference that will be acceptable to the department; and
BE IT FURTHER RESOLVED that such guidance can include demographic parameters such as percentage of minorities in a neighborhood, percentage of displacement over the last five years, fair market rent as a percentage of low-income residents and a percentage limit of the local preference.
NLC RESOLUTION #15

SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES)

WHEREAS, in 2008, Congress passed the Mental Health Parity and Addiction Equity Act, which made available additional insurance benefits to people with substance abuse disorders; and

WHEREAS, the passage of the Affordable Care Act in 2010 authorized adults under the age of 26 to use their parents’ insurance, required insurance providers to cover pre-existing conditions, and guaranteed coverage despite multiple drug relapses; and

WHEREAS, an unintended consequence of the aforementioned benefits, stemming from the opioid crisis that has overtaken our country, has been the unplanned and rapid growth of “sober living homes” in cities where local authority over residential recovery facilities is limited by federal statutes in the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA); and

WHEREAS, FHA and ADA protections were enacted before this business model existed and such statutes are being exploited to protect bad actors in the field of addiction treatment and recovery rather than, and at the expense of, patients and the communities that serve them; and

WHEREAS, there is little government oversight of the Sober Living Home industry beyond voluntary standards that are essentially self-policied; and

WHEREAS, legitimate and well run sober living homes can be both good neighbors and effective programs for struggling addicts. However, many sober living homes are operating today without even minimum standards, resulting in the warehousing of patients in substandard housing that endangers public health and safety; and

WHEREAS, the number of sober living homes operating in cities across the country is unknown because there is no mandatory registration at any level of government.

NOW, THEREFORE, BE IT RESOLVED that the NLC supports federal legislation that re-examines these statutes and recognizes and enhances local authority to limit and regulate residential facilities in areas zoned residential; and that requires Sober Living Homes to obtain an operating license and meet minimum consumer protection standards to protect both the patients and the neighborhoods that support them.
NLC RESOLUTION #16

ENCOURAGING THE U.S. SMALL BUSINESS ADMINISTRATION TO SUPPORT
AND EXPAND SMALL BUSINESS DEVELOPMENT CENTERS

WHEREAS, many out-of-work Americans traditionally turn to entrepreneurship as a result of
their unemployment; and

WHEREAS, entrepreneurs and small businesses need access to loans and other assistance to
grow their businesses; and

WHEREAS, the Small Business Administration (SBA) and Minority Business Development
Agency (MBDA) are government agencies that provide support to entrepreneurs and small
businesses in the form of government-backed loans to qualifying businesses and provide
counseling, training, and technical assistance through Small Business Development Centers
(SBDCs) and MBDA Business Centers (MDBCs); and

WHEREAS, SBDC/MBDC Programs are designed to deliver up-to-date counseling, training
and technical assistance in all aspects of small business management; and

WHEREAS, small businesses are vital to job creation; and

WHEREAS, SBDCs must be more readily available to entrepreneurs and small businesses; and

WHEREAS, women- and minority-owned small businesses greatly benefit from the SBA
backed loans and assistance provided by SBSCs and MBDCs; and

WHEREAS, SBSCs and MBDCs are deeply underfunded and therefore can only address the
need of a small percentage of small businesses and entrepreneurs; and

WHEREAS, the National Black Caucus of Local Elected Officials, a constituency group of the
National League of Cities, has endorsed this resolution .

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls on the
U.S. Small Business Administration and the Minority Business Development Agency to expand
programs supporting small and very small businesses to promote economic growth and job
creation; and urges the U.S. Small Business Administration and the Minority Business
Development Agency to provide adequate funding to SBDCs to assist more small businesses
across the country to obtain capital, training, and technical assistance leading to the creation of
more jobs across the country.
NLC RESOLUTION #17

ENCOURAGING THE CONSUMER FINANCIAL PROTECTION BUREAU (CFPB) TO
ADOPT STRONG RULES TO STOP THE SHORT TERM, HIGH COST LOAN DEBT
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WHEREAS, the National League of Cities endorsed the creation and mission of the U.S.
Consumer Financial Protection Bureau (CFPB); and supports CFPB policies that protect
consumers from predatory loan products such as payday loans and title loans that
disproportionately impact racial and ethnic minority communities; and

WHEREAS, many short term, small dollar loans, including payday loans, tend to be associated
with exorbitant interest rates and other high cost, wealth stripping fees. They are heavily
marketed and targeted to African Americans, Latinos and low-wealth families traditionally
underserved by the mainstream banking system in a process often referred to as “predatory
lending”; and

WHEREAS, studies have repeatedly shown that the wealth-stripping effects of predatory
lending practices have a disproportionate impact on African Americans, Latinos, and low-wealth
families, robbing households of hard-earned wages and savings that could otherwise be
reinvested into local neighborhoods and communities; and

WHEREAS, the use of these predatory products is associated with higher incidences of credit
delinquency, delayed medical care, bank overdrafts and account closures, and bankruptcy; and

WHEREAS, short term, small dollar lenders including payday and car title lenders collect over
$7 billion in penalties and fees from borrowers on an annual basis; and

WHEREAS, the typical average cost of these loans is 300% annual interest or its equivalent in
fees; and

WHEREAS, high-cost, small-dollar lenders make loans that are structured to last for months or
years at these high-costs, with continual refinancing and high- defaults; and

WHEREAS, many high-cost, small-dollar lenders do not assess a borrower’s ability to repay a
loan, considering both income and expenses, and in fact intentionally rely on the unaffordability
of these loans to extract huge profits from borrowers stuck in the debt trap cycle; and

WHEREAS, the average payday loan borrower is trapped in more than 8 payday loans per year,
and the average car title loan is refinanced 8 times. Many borrowers are unable to afford to repay
the original loan plus interest; the result being that they become entangled in a debt trap cycle
which is the main source of financial gain for payday lenders; and

WHEREAS, 14 states and the District of Columbia have enacted strong state laws that
effectively enforce a rate cap to protect against triple-digit interest rate payday loans; and
WHEREAS, as advised by the U.S. Department of Defense, Congress enacted the Military Lending Act, containing a 36% rate cap on consumer credit, which extends to payday, car-title, and installment loans to active duty Service members and their families; and

WHEREAS, 36 states lack meaningful regulation to protect against triple-digit interest rate payday loans, and 21 states permit high-cost car title lending; and

WHEREAS, subsequent to extensive research of payday lenders, the CFPB is currently engaged in the rule making process for rules that have the potential to end the debt trap created by unaffordable high-cost, small-dollar loans by ensuring that lenders require that borrowers have an ability to repay their loans; and

WHEREAS, the National Black Caucus of Local Elected Officials, a constituency group of the National League of Cities, has endorsed this resolution; and also strongly condemns abusive, predatory, wealth-stripping lending practices in whatever form and wherever they exist, particularly those that disproportionately prey on communities of color and low-wealth families.

THEREFORE, BE IT RESOLVED, that the National League of Cities encourages the CFPB to adopt strong rules to protect consumers across the country, requiring high-cost small-dollar lenders to ensure loans are affordable when considering borrowers’ income and expenses, and to ensure the loans can be repaid without refinancing or defaulting.
NLC RESOLUTION #18

URGING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ENACT SAFEGUARDS AGAINST ABUSES IN CONTRACTS FOR DEEDS

WHEREAS, the National Black Caucus of Local Elected Officials (NBC-LEO) strives for equality of social and economic rights of all persons through pursuing enactment of federal, state, and local laws securing civil rights; and

WHEREAS, since the subprime housing crisis (2007 to 2009) African-American household wealth has continued to decrease, producing a loss of forty percent of non-home-equity wealth. Additionally, home-equity wealth, which dropped nineteen percent during the crisis, has declined an additional thirteen percent; and

WHEREAS, because most families desire to become homeowners, over three million families have entered into a Contract for Deed in pursuit of their ambitions of homeownership. A Contract for Deed is a seller finance method to purchase a home where the seller retains the legal title to the property until the homebuyer finishes paying all principal payments and interest owed under the contract. Contracts for Deeds are used by low-income homebuyers who are unable to obtain a traditional mortgage or financing because of poor credit ratings, inadequate income or other issues; and

WHEREAS, Contracts for Deeds allow the seller to avoid health and safety regulations, and crucial repairs to the property, while transferring the burden of property taxes, property insurance, and repairs to the homebuyer; and

WHEREAS, in comparison to renting, the homebuyer must pay more per month for the property under Contracts for Deeds, make a larger upfront payment, and take better care of the premises, because the homebuyer believes he or she will eventually become the homeowner. However, sellers rarely end up transferring the title to the prospective homebuyer; and

WHEREAS, Contracts for Deeds are often consummated between the homebuyer and the seller without the benefit of a title searches and title insurance, government regulatory protections and standardized legal documents in many states including Texas, Illinois, Michigan, Minnesota, West Virginia, South Dakota, Ohio, South Carolina, and Florida; and

WHEREAS, investment firms (“Investors”) that acquired land during the recent recession use Contracts for Deeds to target vulnerable people—largely low income minorities—who either: (1) are unable to fully comprehend the risk associated with a Contract for Deed; or (2) lack the financial means to satisfy the contract; and

WHEREAS, Investors use Contracts for Deeds to “sell!” homes requiring major repairs to low-income homebuyers; these repairs are made necessary due to: (1) physical damage (drywall damage, broken windows, wood rot, and damaged roofing); (2) biological contaminants (black mold); (3) structural problems (foundational issues); and (4) missing or improperly functioning building systems (electrical wiring, water pipes and furnaces); and
WHEREAS, the Investors typically include in a 30-year Contract for Deeds provisions that require the homebuyer to: (1) pay an interest rate in excess of nine percent; and (2) bring the property to a habitable condition within four months of the contract. These terms force low-income homebuyers to devote large amounts of money into properties to satisfy the contracted provisions, on top of large monthly payments with exceptionally high interest rates; and

WHEREAS, investors promptly seek to evict the homebuyer for violating the contract once the homebuyers fail to bring the house up to a habitable standard in the brief time frame or afford payments pursuant to the contract. Moreover, investors include in the Contract for Deed a one-sided clause for compulsory binding arbitration to avoid homebuyers’ consumer protections from being adjudicated in a court of law; and

WHEREAS, the eviction causes the low-income homebuyer to lose rights to the home and all capital spent on the property prior to the eviction. The seller retains the title to the property, income paid pursuant to the contract, and improvements the homebuyer was able to afford. The seller is then able to enter into a new contract for deed with a new prospective homebuyer and continue the cycle of contracting and evicting; and

WHEREAS, the proliferation and abuse of Contracts for Deeds presents the risk of creating yet another large drain on African-American wealth comparable in impact to the housing finance abuses that brought about the 2007-2009 subprime crisis.

THEREFORE, BE IT RESOLVED, that the NBC-LEO condemns the use of Contracts for Deeds to exploit low-income homebuyers; and

BE IT FINALLY RESOLVED, that the NBC-LEO requests the Department of Housing and Urban Development, the Department of Veterans Affairs, and the Rural Housing Service of the Department of Agriculture to enact regulations and safeguards against predatory uses of Contracts for Deeds, and to prohibit the practice of using Contracts for Deeds to unjustly evict low-income families from their homes.
REPORT OF THE

HUMAN DEVELOPMENT
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HD
Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found here or at [http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy](http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy).

Please note:
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**POLICY**
- Section 4.02 Children and Learning
- Section 4.09 Immigration and Refugees
4.02 Children and Learning

B. Early Childhood Learning
NLC strongly supports quality, early childhood learning programs for all children, including federally-subsidized, quality, early childhood learning programs for at-risk and low-income children. NLC urges the federal government to:

- Increase funds for the expansion of services provided by early childhood programs that have proven to be cost effective;
- Provide incentives to the private sector to become more involved in early childhood and early learning activities; and
- Provide support for development and evaluation of education; and
- Preserve the federal-to-local Head Start funding structure that empowers local collaboration and decision-making.

4.09 Immigration and Refugees

The federal government should:

- Enact comprehensive reform of the current immigration laws with support of the Administration to implement the immigration laws effectively;
- Provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals who want to work here temporarily, become legal permanent residents, or gain citizenship;
- Provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, refugee resettlement and civic integration;
- Enforce current immigration laws consistently and vigorously to eliminate illegal entry at the borders, visa overstays, working without proper documentation, and employing undocumented workers;
- Increase enforcement of visa overstays through the full implementation and staffing of the US-VISIT and SEVIS programs;
- Avoid conscription of local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies;
- Avoid transferring responsibility for enforcing U.S. immigration laws to local personnel by making undocumented status a criminal offense;
- Strengthen worksite enforcement capacity and increase enforcement efforts at places of employment, as well as providing employers with a universal, reliable, effective, secure, verification systems that do not discriminate and are not subjection to counterfeiting, and use the most up to date technology to minimize fraud;
- Increase federal capacity and infrastructure to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for temporary visas or legal permanent residency;
- Provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals who want to work here temporarily, become legal permanent residents, or gain citizenship;
• Establish an affordable process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements;
• Establish a process whereby once the documentation process has begin, individuals can be allowed to obtain a driver’s license or other official identification card;
• Establish a process whereby those immigrants who have earned such legal status should also be able to apply for expedited citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries;
• Create effective coordination between the federal government and cities around immigration and refugee resettlement; and
• Provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, refugee resettlement and civic integration;
• Adopt legislation like the “Dream Act” that can facilitate state efforts to offer in-state tuition to undocumented students and provide certain students with a path to U.S. citizenship;
• Provide an accessible, effective system to ensure that businesses are able to hire foreign workers legally without excessive bureaucratic red tape and that all foreign workers are authorized and documented; and
• Provide same-sex couples with equal rights of immigration sponsorship as opposite-sex couples and amend current law to allow lawful permanent residents to sponsor the permanent partner for legal residence in the United States provided they are over 18 years of age, financially interdependent with the sponsoring individual, not married or in a permanent partnership with anyone other than the sponsoring individual and is not a first, second, or third-degree blood relation.
NLC RESOLUTION #19

IN SUPPORT OF EFFORTS TO IMPROVE EDUCATIONAL OUTCOMES FOR DISADVANTAGED STUDENTS

WHEREAS, disadvantaged youth, specifically male students of color, including African-Americans, Latinos, Pacific Islanders and immigrants, face unacceptably high dropout rates, low graduation rates and widening achievement gaps between themselves and those who graduate;

WHEREAS, parents, educators, business and community leaders, local elected officials, state elected officials, and federal policymakers must put the educational needs of all school-age children first, but especially those of potential and actual dropouts, so that all children have the education and skills they need to adequately contribute to American society; and

WHEREAS, putting the interests of children first means using every educational tool at our disposal to improve the quality of education, and making every educational option available so that otherwise disadvantaged students are successful in school and society at-large, including investing in teacher quality and professional development efforts in communities with high poverty;

WHEREAS, 90 percent of a child’s brain development has occurred by age five and for every dollar that is invested in high-quality early childhood programs for disadvantaged children, we can expect a 13 percent return on investment annually;

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls upon the federal government to make the necessary investments in education, especially those targeted at early childhood education, reducing dropout rates, increasing graduation rates and addressing the achievement gap, to ensure that all children obtain the best education possible;

and

BE IT FURTHER RESOLVED that NLC supports increased educational opportunities for all children, especially those who are disadvantaged, and supports scholarship tax credits and opportunity scholarship programs to help all disadvantaged students succeed in school.
NLC RESOLUTION #20

IN SUPPORT OF ACTION BY THE CENTERS FOR DISEASE CONTROL (CDC) TO ADDRESS VIOLENCE AMONG YOUNG AFRICAN-AMERICAN MALES

WHEREAS, young men, generally, and African-American males, specifically, are dying at an alarming rate due to homicides, 13 times higher than non-Hispanic white youth¹, and the number one cause of death for 15-24-year-old African American males², and

WHEREAS, research documents that daily exposure to violence among men, generally, and African-American males, specifically, impacts traumatically and forever changes the lives of these youths³; and

WHEREAS, beginning as early as 1979 with the landmark Surgeon General’s report Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention, the consequences of violent behavior on the health of children and young adults was documented⁴; and

WHEREAS, the loss of African American males in the community because of homicide and high rates of incarceration further impacts the community by reducing the number of males who may serve as role models for young African-American males⁵; and

WHEREAS, increased federal, state and local attention to this matter can help reduce the violence that plagues many young males, generally, and African-American males, specifically.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities calls upon the United States Congress to direct the Centers for Disease Control, whose primary responsibilities are to monitor public health; detect and investigate health problems, foster safe and healthy environments, and implement prevention strategies, to monitor, detect, and prevent violence among young males, generally, and young African-American males, specifically; and

BE IT FURTHER RESOLVED, that the Centers for Disease Control, develop a holistic intervention designed to address the health-related aspects and implications of violence among young males, generally, and young African-American males, specifically; and

BE IT FURTHER RESOLVED, that the Centers for Disease Control develop short- and long-
term health care strategies to bring back health to the African-American community in a way that
promotes the longevity of African-American males.

BE IT FURTHER RESOLVED, that Congress and the President increase funding for the
Centers for Disease Control and Prevention in the federal budget to support data and indicators
that will inform local strategy in cities and towns across our country as they address the issue of
violence among young men, generally, and African-American males, specifically, in their
communities.
NLC RESOLUTION #21

SUPPORTING EFFORTS TO END VETERAN AND CHRONIC HOMELESSNESS

WHEREAS, the women and men who have sacrificed for our country through military service, and their families, should be honored with a safe place to call home; and

WHEREAS, people experiencing chronic homelessness are our most disabled and vulnerable citizens and most likely to die on the streets of our communities; and

WHEREAS, federal partners through the leadership of the United States Interagency Council on Homelessness (USICH) and, as outlined in Opening Doors: Federal Strategic Plan to Prevent and End Homelessness, have agreed to address the issue of homelessness in a strategic manner, addressing Veteran homelessness as an initial priority subpopulation and chronic homelessness as the secondary priority subpopulation; and

WHEREAS, NLC and 616 elected officials across 43 states, the District of Columbia and Puerto Rico have shown their commitment to Veteran homelessness by accepting the Mayors Challenge to End Veteran Homelessness in partnership with the Department of Housing and Urban Development (HUD), the Department of Veterans Affairs (VA), and USICH; and

WHEREAS, local communities are on the front lines of the response to Veteran and chronic homelessness; and

WHEREAS, the prioritization of Veteran homelessness, the leadership of local officials, the availability of federal programs and technical assistance supports have led to a 47 percent decline in Veteran homelessness since 2010; and

WHEREAS, the progress on Veteran homelessness has helped national and local stakeholders learn lessons that are improving the quality of life for everyone in the community, housed and homeless alike; and

WHEREAS, the 19 percent reduction in chronic homelessness since 2011 nationally comes despite an increase in homelessness by 3 percent in major city Continuum of Care programs, which account for 48 percent of all homeless people in the United States; and

WHEREAS, homelessness in many cities has reached crisis proportions leading to an increase in the prevalence of homeless encampments and emergency declarations; and

WHEREAS, city officials cannot implement known best-practices, nor reach the goal of “functional zero” on Veteran or chronic homelessness as defined by the criteria and benchmarks designated by federal partners without the necessary federal resources; and

WHEREAS, communities cannot make sustained progress across all homeless subpopulations without an increase in new affordable housing; and
WHEREAS, city leaders recognize their ability to create local regulatory environments that can promote the development of new affordable housing, but without an increase in federal resources the overall shortage of affordable housing will not only continue, but further be exacerbated; and

WHEREAS, NLC endorses and encourages local communities to develop and implement plans to end homelessness that include the field-tested, evidence-based national innovations such as client assessments and prioritization tools to direct resources to those most in need, the development of a community shared and unified by-name-list, Housing First/Rapid Re-housing strategies among all community partners, and the engagement of local landlords to house Veterans and the chronically homeless who are using federal housing program supports.

NOW, THEREFORE, BE IT RESOLVED that NLC, to maintain the progress made on veteran homelessness, urges Congress to permanently authorize the Supportive Services for Veteran Families (SSVF) program at the level of no less than $500,000,000; and

BE IT FURTHER RESOLVED that NLC urges the U.S. Department of Veterans Affairs to rescind recent and all administrative actions permitting the reallocation of resources serving homeless Veterans for any other purpose; and

BE IT FURTHER RESOLVED that NLC urges members of Congress to direct the U.S. Department of Veterans Affairs to rescind any and all administration actions permitting the reallocation of resources serving homeless Veterans for any other purpose; and

BE IT FURTHER RESOLVED non-Veteran specific resources funded through the U.S. Department of Housing and Urban Development and the U.S. Department of Labor receive funding as appropriated in Fiscal Year 2018 Senate appropriations language; and

BE IT FURTHER RESOLVED that NLC supports the 50 percent expansion of the Low-Income Housing Tax Credit Program’s authorization as outlined in S. 548, the Affordable Housing Credit Improvement Act of 2017; and

BE IT FURTHER RESOLVED that NLC affirms the value of USICH and urges Congress to strengthen the Interagency Council as outlined in S. 743, while maintaining funding levels at no less than $3.6 million; and

BE IT FURTHER RESOLVED that NLC urges Congress to work with federal agencies such as the U.S. Department of Housing and Urban Development and the U.S. Department of the Treasury, as well as national and local partners to establish a comprehensive housing development and preservation strategy and plan for meeting the affordable housing needs of all residents, especially those whose incomes are at or below 30 percent of the area median income.
IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

WHEREAS, historically, the cities and towns of the United States are a cultural mosaic of multiple cultures and nationalities based on our nation’s history of welcoming immigrants; and

WHEREAS, when admitted through a well-regulated system, immigrants strengthen the United States by creating economic opportunities, increasing America’s scientific and cultural resources, strengthening our ties with other nations, fulfilling humanitarian commitments, and supporting family ties and family values that are necessary to build strong communities; and

WHEREAS, failure on the part of the federal government to secure the borders, track visa recipients in the interior, or enforce worksite laws allows illegal immigration to thrive, with an estimated 11.3 million residents, 3.5% of the nation’s population, living and working in the United States without legal authorization or proper documentation; and

WHEREAS, since 2009, there have been an average of 350,000 new unauthorized immigrants to the United States each year; and

WHEREAS, the worksite enforcement program does not adequately deter employers who willingly hire unauthorized workers because they face little likelihood that the federal government will investigate, fine, or criminally prosecute them; and it does not help employers who genuinely want to follow the law because their employee verification efforts are hindered by the extensive use of fraudulent documents; and

WHEREAS, the lack of infrastructure and capacity at the federal level makes the federal government unable to adequately track the entry and exit of visitors and temporary workers, and it creates unacceptable application backlogs and long delays, which provide strong disincentives for foreign nationals to abide by the legal means to enter or remain in the country; and

WHEREAS, 177,828 workers in 2015, equal to about half of the undocumented seasonal workers in the United States, used the current temporary, unskilled worker programs (the H2-A and H2-B visas); and

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2 Jeffrey S. Passel and D’Vera Cohn, “Unauthorized immigrant population stable for half a decade,” Pew Research Center (July 2015)
WHEREAS, the current immigration system inadequately addresses the growing numbers of individuals wishing entrance to the United States through a temporary work visa program or as legal permanent residents; and

WHEREAS, roughly two-thirds of undocumented adult immigrants have lived in the United States for ten years or more, 1 million unauthorized immigrants are children, and another 4.5 million U.S.-citizen children have at least one undocumented parent; and these families are forced to live “underground,” unable to get drivers’ licenses or car insurance in most states, unlikely to obtain health insurance, and afraid to report crimes to local law enforcement; and

WHEREAS, since immigrants are barred from most federal public assistance, the burden of providing social services, education, and health care falls to the state and local governments, who are increasingly feeling the fiscal impact of both legal and illegal immigrants living in their communities.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the federal government enforce its current immigration laws consistently and vigorously to eliminate illegal entry at the borders, visa overstays, working without proper documentation, and employing undocumented workers; and

BE IT FURTHER RESOLVED that local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel, should not be conscripted into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies; and the federal government must not transfer the responsibility of enforcing U.S. immigration laws to local personnel by making undocumented status in the U.S. a criminal offense; and

BE IT FURTHER RESOLVED that the federal government must strengthen its worksite enforcement capacity and dramatically increase enforcement efforts at places of employment, as well as providing employers with a universal, reliable, effective, secure, non-discriminatory, and non-counterfeitable employee verification system, using the most up-to-date technology that will minimize fraud; and

BE IT FURTHER RESOLVED that the federal government must increase its capacity and infrastructure to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for temporary visas or legal permanent residency; and

BE IT FURTHER RESOLVED that the federal government must provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals that want to work here temporarily, become legal permanent residents, or gain citizenship; and

BE IT FURTHER RESOLVED that NLC supports establishment of a process whereby

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undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements; and that the immigrants who have earned such legal status should also be able to apply for citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries; and

BE IT FURTHER RESOLVED that the federal government should provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, and civic integration; and

BE IT FURTHER RESOLVED that NLC also supports federal legislation like the “Dream Act” that can facilitate state efforts to offer in-state tuition to undocumented students and provide certain students with a path to U.S. citizenship.
IN SUPPORT OF A NATIONAL HOLIDAY CELEBRATING THE 13TH AMENDMENT

WHEREAS, the Thirteenth Amendment to the United States Constitution abolished slavery and involuntary servitude, except as punishment for a crime; and

WHEREAS, in the United States Congress, the Thirteenth Amendment was passed by the Senate on April 8, 1864, and by the House on January 31, 1865; and

WHEREAS, the Thirteenth Amendment was ratified by the required number of states on December 6, 1865; and

WHEREAS, on December 18, 1865, Secretary of State William H. Seward proclaimed the adoption of the Thirteenth Amendment; and

WHEREAS, President Abraham Lincoln’s resolution to adopt the Thirteenth Amendment is celebrated as an observance on February 1st but is not a federal holiday; and

WHEREAS, liberated countries customarily celebrate their independence with a national holiday; and

WHEREAS, human freedom is an inalienable right superior to any other; and

WHEREAS, human bondage and trafficking continues to be an epidemic worldwide; and

WHEREAS, the United States of America has deployed, and continues to deploy, its armed forces to promote and establish freedom around the world; and

WHEREAS, it behooves every responsible society to celebrate human freedom and to commit to ensuring that freedom everywhere.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities calls upon the United States Congress to declare a national holiday celebrating the adoption and enacted of the Thirteenth Amendment to the United States Constitution to be celebrated on the second Monday of December, falling between the date of its ratification and adoption.
NLC RESOLUTION #24

SUPPORTING ACTION TO AMEND THE DEPARTMENT OF LABOR’S OVERTIME RULE

WHEREAS, on May 18, 2016, President Obama and U.S. Department of Labor Secretary Perez announced the publication of the Department of Labor’s final rule updating overtime regulations under the Fair Labor Standards Act; and

WHEREAS, the proposed rule, set to go into effect on December 1, 2016, doubles the minimum salary threshold under which an employee is entitled to overtime pay to $47,500 and establishes a mechanism for automatically updating the salary and compensation every three years; and

WHEREAS, this change would have made millions of previously ineligible employees eligible for overtime pay, and will significantly impact local governments, which are a major employer in cities and towns across the United States; and

WHEREAS, while the National League of Cities (NLC) and its members are dedicated to ensuring that all workers are compensated fairly, it is important that local areas have control over the regional and geographic differences in salary and economic impacts; and

WHEREAS, the impact of this final rule would have place strain on the budgets of cities and towns across the country, who work hard to balance their annual budgets while providing the critical services needed in their communities; and

WHEREAS, the rule was delayed due to the issuance of a nationwide preliminary injunction blocking the rule by the U.S. District Court for the Eastern District of Texas and the Administration has dropped its appeal of the preliminary injunction in light of Judge Mazzant’s ruling; and

WHEREAS, the Department of Labor issued a Request for Information (RFI) seeking input on the role the duties test plays with respect to the salary threshold, what is the proper methodology, and whether there should be multiple salary levels to reflect different regional economies, sizes of employers, and exemptions.

NOW, THEREFORE, LET IT BE RESOLVED that NLC urges the Department of Labor to amend the overtime rule by supporting changes that would not include a three-year, automatic salary update as well as provide a phase-in approach to the overall salary increase, allowing cities to integrate the new salary threshold in their local budget planning process; and

BE IT FURTHER RESOLVED that NLC encourages Congress and the Administration to review the impact of any rule on cities and towns and to adjust the implementation timeline of this rule as is necessary.
NLC RESOLUTION #25

SUPPORTING EFFORTS TO INCREASE EMPLOYMENT AMONG TRANSITIONING SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES

WHEREAS, the strength of the United States Armed Services is a matter of critical national security and is due, in part, to the maintenance of an all-volunteer force; and

WHEREAS, supporting the successful transition from service for existing military personnel is an essential component to maintaining an all-volunteer force in the future; and

WHEREAS, estimates regarding the size of military personnel levels have heretofore anticipated the United States’ Armed Services transitioning approximately 250,000 military personnel from active duty every year for the next 10 years; and

WHEREAS, the women and men who have sacrificed for our country through military service, and their families, should be honored with a safe place to call home; and

WHEREAS, these women and men must have adequate and regular education and employment opportunities that create career-establishing possibilities; and

WHEREAS, 52 cities that are a part of NLC’s Military Communities Council (MCC) represent communities adjacent to military installations which face unique challenges and opportunities due to an estimated one-third of exiting personnel remaining in these communities; and

WHEREAS, providing military personnel with an ability to complete up to 20 weeks of non-military work experience, certified industry training, internships, higher education, or other career skills programs prior to transitioning from service enhances the chance of civilian employment; and

WHEREAS, federal partners through programs such as the Department of Defense’s SkillBridge Program and the Department of the Army’s Career Skills Program facilitate post-military employment as personnel transition from service; and

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) calls for the prioritization of service for all U.S. Department of Labor-funded job training programs for veterans and eligible spouses, including access to Jobs for Veterans State Grants (JVSG) and the National Dislocated Worker Grants (DWG) program for transitioning service members and their spouses; and

WHEREAS, the identification of service members and eligible spouses as dislocated workers, and the resulting application for DWGs, has resulted in an increase in available resources to local Workforce Development Boards in support of employment-training opportunities for transitioning military families in Washington State, Maryland, Washington, D.C., Texas, Georgia, and Colorado.
NOW, THEREFORE BE IT RESOLVED that the National League of Cities (NLC) in support of increasing employment opportunities for veterans, transitioning service members, and their families, urges Congress to provide increased funding to Workforce Innovation and Opportunity Act Title I employment and training programs at the levels set forth in the House FY17 appropriations bill to provide for adequate investment in job training and adult education for this critical community and other critical populations in our nation’s cities and towns.
REPORT OF THE

TRANSPORTATION AND INFRASTRUCTURE SERVICES FEDERAL ADVOCACY COMMITTEE

TIS
PROPOSED POLICY AMENDMENTS

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found here or at [http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy](http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy).

Please note:
- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

**POLICY**
- **5.00** Transportation Principles
- **5.01** Transportation Policies
- **5.02** Streets and Highways
- **5.03** Public Transportation
- **5.04** Air Transportation
- **5.05** Rail
- **5.06** Waterways, Ports and Landside Connections
- **5.07** Pipelines
5.00 Transportation Principles

The United States’ transportation systems are essential to the economic growth, vitality and resilience of our nation’s cities and towns and the country as a whole. These systems can preserve and strengthen local and regional economies, stimulate economic growth and strengthen our competitive position in world trade. The safe and efficient movement of people and goods must be the prime objective of transportation policy at all levels of government, and federal, state and local governments should be guided by the following principles in the development and implementation of transportation policies and programs.

A. Local Control

Fundamental responsibility for overall transportation decision-making is a shared federal, state and local responsibility but emphasis should be at the local level. NLC supports the ability of states and municipalities to set their own priorities in transportation investment, and to have a greater voice in influencing transportation plans that satisfy local needs and objectives.

Where there are overriding national or statewide transportation concerns, federal and state governments have a legitimate role in planning and decision-making, but local governments should never be excluded from those processes. Congress should strengthen provisions for local decision-making as a central component of any federal transportation program, and any funds intended for local use must not be diverted to state governments.

B. Flexibility

NLC supports local flexibility to build, operate and maintain local and regional transportation projects. It is important that state and local government officials have the ability to “flex funds,” or use federal transportation funding as they properly determine. Also, as projects advance in planning, reasonable changes should be allowable before funding and construction have begun.

C. Modal Equity

NLC supports investment in the nation’s infrastructure and encourages the federal government to enact policies and programs that would expand public and private investment in all areas of infrastructure. Federal policy should treat all transportation modes with equity and should urge federal, state, and local officials to work together on the safe, efficient, and environmentally-friendly designs for solving transportation problems. Public subsidies for particular modes of transportation, if used, must be explicit in the outcomes required and must support and enhance the efficient operation of our market-based economic system. Rural and urban transportation needs should be addressed equitably.

D. Intermodalism/Multimodalism

NLC recognizes the need for regional and federal strategies to create a seamless, national transportation system. It is essential that the nation’s transportation system be seamless and mode-neutral. Federal policy should encourage “closing the gap” of independent modal elements of the transportation system, with the goal of ensuring that efficient connections between modes are available for the movement of people and goods. NLC supports federal priority funding for improving the efficiency of the connecting modes of intermodal/multimodal facilities.
E. Integrated Management and Operations
Federal policy must encourage integrated management and operation of all transportation systems at regional and local levels, maximizing the use of information technology for management of traffic and transit, monitoring structural integrity, and enforcement for public safety.

F. Advanced Transportation Technologies
City leaders welcome advanced technologies that can improve safety, reduce congestion and decrease costs within the transportation networks. It should be a federal policy to ensure safety of new technologies and to accelerate the testing, deployment and integration of advanced transportation technologies, such as automated, connected, electric and shared vehicles, that have the capability to increase mobility options and accessibility, while simultaneously ensuring safety and reducing emissions, collisions and congestion. This should be done in close consultation with cities and include a robust public engagement process and appropriate regulations that ensure the unique needs of each municipality are accounted for. Adoption of new technologies should also be linked to solutions to address persistent challenges including funding, data for research and integrated transportation planning.

G. Disadvantaged Business Enterprise (DBE) Requirements
The federal government should seek greater economic opportunity for disadvantaged businesses in federal procurement and financial assistance programs. DBE goals should be high enough to be effective, and enforcement should be reasonably consistent. Furthermore, a flexible, efficient waiver procedure should be instituted to take into account the percentages of DBEs in an area and the availability of DBEs.

5.01 Transportation Policies

A. Transportation Planning
1. Metropolitan Planning Organizations
The federal government must continue to require that Metropolitan Planning Organizations (MPOs) be responsible for a continuing, comprehensive, and coordinated transportation planning process that develops multimodal transportation programs in cooperation with state transportation departments, public transportation agencies, and local implementing agencies. The endorsement of these plans and programs must be a prerequisite for approval of federally assisted transportation projects in urbanized areas. The federal government should continue to provide adequate financial assistance to MPOs for planning efforts.

The federal government should allow the MPO and/or the local government to plan projects that use alternate design standards while meeting environmental objectives, when the use of rigid federal design standards is inconsistent with local needs.

Federal regulations should continue to require that the elected officials of general purpose local governments be adequately represented on the MPO and that such officials participate in the designation and re-designation of the planning organization and its membership.

MPOs representing metropolitan areas with populations of more than 50,000 must be the direct recipients of federal transportation funding for all transportation planning and program efforts in
those areas. -Small cities with populations less than 50,000 should have the option to receive federal transportation funding directly or retain the current practice of state sub-allocation.

The federal government shall require states to work cooperatively with MPOs to develop joint forecasts of anticipated federal transportation funding to create more accountability in federal highway projects.

2. Rural Consultation
The federal government must require states to implement a process for consulting with local jurisdictions in rural, non-MPO areas, regarding transportation project planning and decision making.

3. Project Identification
States should be prohibited from implementing projects unless they are first included in the transportation improvement plans, except for Management and Operations (M/O) projects.

NLC urges the federal government to require states to consult with affected local communities on transportation projects regarding the inclusion of environmental retrofits, such as storm water runoff and noise abatement, as part of projects that are exempt from federal environmental requirements, including categorical exclusions.

4. Project Delivery
The federal government must streamline the federal transportation project delivery process to facilitate construction of federally funded projects and reduce project delays. -Delays in the implementation of federally funded transportation projects must be eliminated in order to increase local control and make more effective use of limited financial resources. -The federal government should require states to implement transportation projects identified on the local level and of local importance with the same timeliness and priority as other regional transportation projects.

The project delivery process must:

- Mandate concurrent reviews among all federal and state agencies involved in the environmental review of all federally funded transportation projects;
- Standardize environmental policy and the review/approval process within DOT modes;
- Develop clearly defined procedures for resolving disputes among those agencies;
- Require all agencies to determine appropriate time frames to complete their reviews;
- Eliminate duplicative environmental review by crediting equal or more stringent state environmental review actions during the federal environmental review process;
- Continue to allow federal transportation dollars to be used by local and state government to provide the resources necessary to meet the time limits established for the federal environmental process; and
- Include locally elected officials in any pilot program created to examine environmental streamlining efforts.

5. Municipal Impact Analysis
The social, environmental, economic, and energy impacts of proposed federal transportation legislation and regulations should be identified by the MPO or local jurisdictional body prior to
implementation, and steps should be taken to mitigate any adverse impacts. Existing and proposed federal transportation programs and regulations must be carefully designed to ensure that actions taken support municipal elected officials and their constituents’ efforts to improve the social, economic and environmental sustainability of their communities and flexibility in the use of federal dollars to achieve local goals.

6. Research and Development
The federal government should continue to research, develop, and conduct local pilot and demonstration projects of new technologies through federally-financed programs, and include local governments as key partners at the request of local officials.

B. Transportation Finance and Administration
1. The Federal Role
The current federal surface transportation programs are not meeting the financial needs of the transportation system. NLC supports broadening the definition of innovative financing techniques beyond debt financing to include:

a. Innovative Management of Funds
NLC encourages the federal government to permit municipalities to use innovative financial management techniques such as advanced construction financing, toll credits and flexible federal —local match options with federal transportation funds to maximize limited public funds and leverage private capital. Innovative management must follow generally-applicable accounting principles.

b. Credit Assistance
Credit assistance, tax incentives and other transportation finance tools have been effective tools in expanding the available revenue for transportation investments. NLC supports federal direct (low interest) loans, loan guarantees and credit line assistance with favorable terms through programs like Infrastructure Banks and the Transportation Infrastructure Finance and Innovation Act (TIFIA). NLC supports the application of objective approval criteria for credit assistance. Approval factors should include, but not be limited to, threshold cost requirements, consistency with long-range regional and state transportation plans, generation of economic benefits, goods movement and congestion relief improvements, leveraged private capital, and the promotion of innovative technologies.

While TIFIA has provided flexible funding for major transportation projects and helped local governments leverage private and other non-federal investments, limited budget authority and delays in the approval process can result in cost increases. NLC supports an increase in the available funding for the TIFIA program and greater flexibility for DOT in approving projects that can take advantage of favorable financing.

c. Revenue Generation
The federal government should encourage a new generation of creative and innovative revenue generation options at the state and local levels such as public-private partnerships to help finance critical transportation infrastructure needs. (See also FAIR Section 1.02C.5, Increasing the Supply of Municipal Capital.)
d. Debt Financing
Debt financing for highway and transit projects is an important financial tool if exercised prudently. Low cost loans from the federal government can be extremely useful in getting highway projects moving and resolving significant transportation funding issues. Where federal funds are involved, NLC recommends ensuring sufficient protections to balance immediate transportation needs against the financial burden on future generations. Such protections include, but are not limited to, debt ceiling caps and required public referenda.

e. Federal Aid Turnback
NLC Strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

2. Surface Transportation Revenue Sources
a. Guiding Principles
NLC endorses the preservation of federal fuel taxes to fund the Highway Trust Fund (HTF), which funds national surface transportation needs. All federal fuel taxes need to be increased in steps to reflect inflation since the last increase and then indexed for inflation in future years. In addition, the decrease in HTF revenue collections indicate the need for alternative transportation funding system. Vehicle miles traveled (VMT) and other experimental ideas should be developed to meet the nation’s long-term needs. These programs should have a mechanism that both reflects inflation and vehicle gross weight, and emissions.

The following principles should guide federal efforts to achieve this objective:

i. **Fairness**: Any new transportation revenue system must ensure that no single segment of the population bears an inequitable financial burden.

ii. **Privacy**: The design of any new transportation revenue and related tax collection system must integrate reasonable privacy protections yet provide information related to miles driven within travelway jurisdictions.

iii. **Administrative Ease**: The design of any new transportation revenue system should improve administrative effectiveness and efficiency. At minimum, there must be no administrative deterioration from the current system.

iv. **Seamless Transition**: The implementation of any new transportation revenue system must provide for a seamless, gradual transition to ensure stable revenue collections, tax fairness, administrative ease, and policy stability.

v. **Revenue Generation**: Any new transportation revenue system must be able to generate more revenue than collected currently, and it must maintain the precedent under the current system’s design that protects against cheating to avoid paying one’s fair share of fuel taxes.

vi. **Reliability**: Revenue streams must be reliable and sufficient to meet the diverse and growing transportation infrastructure needs of the nation.
vii. Technology Improvements: The increasing shortfall of revenues from fuel taxes caused by the reduction in gasoline usage from increasingly fuel efficient vehicles and alternative fuel cars and trucks (i.e., hybrid, all-electric, alternative fuel, and hydrogen-electric vehicles), and higher use of alternative transportation systems that utilize no gasoline must be offset with alternative revenue sources to fairly reflect their share of road usage. At the same time, the need for revenue stability should be balanced with the need for federal, state and local policies to encourage reductions in vehicle emissions, particularly in urban areas.

b. Fuel Taxes as HTF Revenue Source

Until a new, national transportation financing system is in place; Congress must maintain a dedicated federal fuel tax on diesel, gasoline, and gasohol that generates sufficient annual revenues dedicated to the HTF for transportation purposes only. These funds must not be diverted for other purposes and need to be (a) increased to reflect loss of purchasing power and (b) indexed to account for future inflation and the federally mandated Corporate Average Fuel Economy (CAFÉ) standards

- Congress should require heavier trucks to increase their contribution to the HTF so that they pay in proportion to the costs they impose on the highway system. The heavy-use truck fee should continue to be required until such time as the Department of Transportation can recommend to Congress an alternative tax which is more equitable than the heavy-use tax, easy to administer, and will generate at least as much revenue as the use tax. This could be in the form of a VMT to reflect annual mileage traveled and indexed to reflect gross vehicle weight. This would operate as a national program but would not exclude similar state programs. Devices such as studded tires are permanent or seasonally permanent that increase wear and tear abnormally on highways should bear a portion of highway maintenance expense through the imposition of mount/dismount or other installation fees at the state level.

- Congress should allow the use of toll financing on federally aided highway, tunnel and bridge projects.

- Congress should develop incentives for local governments to increase their contribution to the federal highway program, for instance, by allowing localities to increase the local matching share of highway funds at their discretion. However, those increased contributions should not be considered a substitute for the federal highway funds to which a state or locality is entitled.

c. Funding Public Transportation

NLC supports an increase in funds designated for public transportation, and urges Congress and the federal government administration to both preserve current guaranteed funding mechanisms and to increase the percentages allocated to the federal transit program.

To provide a viable alternative to the automobile, public transportation services need to be of quality and frequency if they are to attract a significant number of passengers. This shift in passenger traffic can only be accomplished with an increased commitment of public funds for essential equipment, staff, and maintenance.
NLC opposes state-by-state minimum allocations for federal transit funding. NLC opposes the imposition of “caps” on the amount of federal transit funding a state may receive. Caps do not address differences in transit needs in the country, and force a “one-size-fits-all” approach to federal spending on transit programs.

A federal commitment should be made to new funding and not by shifting funding from existing transportation programs. States or localities that provide a greater financial commitment shall receive higher priority for federal funding for public transportation systems.

Maintenance and productivity indices should be incorporated into federal allocation formulae and there should be incentives in the matching-ratio to encourage productivity improvements and maintenance of existing transit facilities. However, productivity improvements alone will not mitigate the problems of rising transit costs and inadequate transit revenues.

Federal policy should also continue to emphasize the proper management of existing transit systems and the implementation of low cost transit improvements.

3. Transportation Tax Policy to Encourage Commute Alternatives
NLC supports changes to the tax code and federal tax incentives to encourage vanpooling, ridesharing, transit usage, telecommuting and other commute alternatives. Current law prohibits employers from providing tax-free commuter benefits. NLC seeks reinstatement of those tax-free benefits that were deleted by Congress as part of the 1986 Tax Reform Act. NLC urges the federal government to ensure that pretax benefits offered for commute alternatives, including transit, are equal to or greater than those offered for parking.

NLC strongly urges the federal government to promote transportation demand management programs for both passenger and freight movement and other commute alternatives. NLC supports federal tax incentives for small employers to coordinate and promote ridesharing programs, including the use of new connected vehicle technologies, and services that provide flexibility. Cities should be encouraged to coordinate with other transportation agencies to spread the movement of highway passenger and freight traffic from peak to non-peak times.

4. Federal Aid Turnback
NLC strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

5. Federal Earmarks
NLC is opposed to federal earmarks in the congressional transportation funding process that are inconsistent with regional and local priorities. NLC believes that such earmarks are inefficient, and often reduce the funding available to a state or locality for higher priority projects.

C. Federal Responsibility for Planning and Funding Freight Mobility
The U.S. goods movement system needs greater federal leadership. Freight bottlenecks can be found all over the country, but the task of prioritizing and fixing them is often beyond the means of the states, counties, and cities in which projects are located. A national freight strategy and dedicated, competitive and formula funding is critical in order to maintain the efficiency of the
transportation system and the U.S. economic competitiveness. NLC urges the federal government to adopt the following specific measures:

1. **National Freight Strategy:** The Secretary of Transportation should be directed to develop a national freight strategy that addresses multi-modal freight needs in the United States. In addition to covering domestic freight, the strategy should address the movement of U.S. imports and exports through U.S. ports.

2. **Senior, Focused Freight Leadership:** A multi-modal freight office led by an official at least at the assistant secretary level should be established with the Office of the Secretary of Transportation. This official would develop the national freight strategy and associated policies, advocate for freight across the modal administrations, and award funding for goods movement programs and projects.

3. **Dedicated Freight Program and Funding:** A dedicated, formula-based goods movement program with dedicated funding should be created within the Department of Transportation. Ports should be eligible to seek funding from this program for freight projects both inside and outside their terminals.

4. **Projects of Regional/National Significance:** A discretionary, merit-based grant program for projects of national significance should be established. Freight measures should be heavily weighted among the criteria used to select projects for funding.

5. **Freight Eligibility for Existing Programs:** Eligibility requirements for existing surface transportation programs should be expanded to better address freight requirements.
   a. **Congestion Mitigation and Air Quality (CMAQ):** Although freight projects are currently eligible for CMAQ funding, they are not major recipients of funds. CMAQ criteria should be refined to more appropriately recognize freight’s potential to contribute to air quality improvements.
   b. **Road-rail grade separations:** The criteria for funding grade separation projects should be expanded to acknowledge congestion relief and freight benefits, as well as safety benefits.
   c. **TIFIA:** The TIFIA program should be clarified to include projects located within a port terminal that improve the intermodal interchange, transfer, and surface access of goods into and out of ports and that reduce environmental impacts of freight movement.

6. **Tax Credit for Rail Infrastructure Investment:** To encourage the expansion of freight rail capacity, a tax credit should be created for certain rail infrastructure investments that generate public benefits.

7. **States’ Freight Planning:** Each state should be required to develop a freight plan and establish a freight advisory committee.

**C. D. Air Quality**

Specific air quality policies are contained in Section 2.02 of the EENR chapter.
Transportation sources are significant contributors to the levels of pollutants, and as congestion increases in cities and the nation, levels of these pollutants increase as well, despite efforts to reduce emissions from mobile sources. Addressing transportation issues is an effective way of reducing emissions in cities. Therefore, NLC urges the federal government to offer a funding program for non-attainment areas and those cities struggling to maintain attainment to address emissions from mobile sources. The United States Department of Transportation (DOT), and not the states, should administer this program.

D. E. Congestion Mitigation
To maintain economic and environmental viability, congestion mitigation programs must be available to all cities. A comprehensive, federal funding program to address congestion would foster project innovation, enhance intermodal planning, promote savings in infrastructure investment, and increase the livability and economic viability of communities across the country. The federal government must develop a congestion mitigation program that provides direct funding to all cities to address congestion problems in their communities. Eligible projects could include Intelligent Transportation Systems: intelligent transportation systems, projects to increase vehicle occupancy, demand management strategies, traffic flow improvement projects, congestion pricing, mode shift including transit and non-motorized modes, and innovative transportation technologies such as automated, connected, electric and shared transportation that would address the efficiency of cities’ transportation networks. NLC recognizes the need for regional strategies to create a seamless national transportation system.

E. F. Transportation of Hazardous Materials
The condition of the nation’s roads and railroad infrastructure impacts the frequency and severity of accidents. Consequently, increased investment in this infrastructure will also help reduce the number and severity of accidents involving hazardous materials by improving the safety of roads, bridges, and rail. Therefore, NLC continues to advocate for increased federal investment in this critical infrastructure.

NLC supports existing federal performance standards to guide the selection of highway and rail routes along which hazardous materials can be shipped including shipments made by or under the direction of the United States Department of Energy or Defense.

States and localities must be allowed to adopt and enforce highway and rail route requirements (including time-of-day restrictions, escorting, and local bans) that are consistent with the federal performance standards. NLC supports federal exemptions when a state or locality can demonstrate that it has unique local safety requirements.

F. G. Surface Transportation Security
NLC does not support diverting any portion of the federal fuel tax to fund security measures for surface transportation systems. Securing these systems is a matter of national security and must be funded as part of our national defense.

G. H. Racial Equity
America’s cities need transportation infrastructure and services that support opportunities for all. Federal policy must support municipal efforts to provide essential transportation systems, with a focus on communities of color and other underserved, disadvantaged populations. NLC recognizes that federal policymakers have too often accepted limited input from these communities, creating racial disparities, and gaps of economic opportunity and social mobility in vulnerable populations. NLC supports federal transportation policies that:

- Ensure opportunities for input in the transportation planning process from affected communities;
- Promote safety and address disparities in traffic fatalities among people of color;
- Provide resources to municipalities to be able to incorporate community impact assessments and health impact assessments into the transportation planning process;
- Provide resources to municipalities to strengthen minority business enterprise (MBE) and disadvantaged business enterprise (DBE) programs;
- Restore communities destroyed, divided or economically disadvantaged or divided by past decisions regarding placement of transportation infrastructure; and
- Provide access to safe and affordable multimodal transportation options with equity across all communities based on need.

Transportation system shall include affected locally elected officials in the planning process. NLC urges the federal government, in cooperation with local governments and transportation system operators, to assess the vulnerabilities of the entire surface transportation system. Federal agencies must assist local governments by sharing information, intelligence, technology, and best practices, and by providing adequate funding for vulnerability assessments.

NLC urges all sectors of the transportation industry, including public transportation systems, water transportation, public and private transit and rail companies, and highway systems, to participate in cooperative vulnerability assessments, emergency response plans, and drills. Federal financial assistance must be made available to implement these plans and assessments.

NLC expects the federal government to:

- Provide technical assistance to local governments to develop possible countermeasures to deter, detect and delay the consequences of terrorist threats against vulnerable assets;
- Continue to research technologies to detect chemical, biological, and nuclear contaminants in transit systems and provide technical and financial assistance to local governments to implement these technologies;
- Develop methods to harden assets deemed most vulnerable;
- Provide current security guidelines for all transportation systems; and
- Encourage the use of information technology in traffic management, including the enforcement of traffic laws, monitoring infrastructure integrity, and public safety.

5.02 Streets and Highways

A. Highway Trust Fund Finance

To balance the effects of inflation on the Highway Trust Fund by indexing the gas tax to the consumer price index (CPI), NLC strongly opposes diverting any of these funds to any non-transportation purposes, including reducing or masking the federal deficit.
NLC also supports adoptions of a VMT based funding mechanism that increasingly captures the use of highways and roads by alternatively powered vehicles such as hybrids and electric vehicles as well as the value of the transportation product generated by all vehicles as a function of gross vehicle weight.

Every state should also be guaranteed a minimum percentage of funds to cushion any negative annual shifts in a state’s historical share of federal transportation funds. Any funds that may be distributed by the federal government to the states should be distributed in each state on an equitable basis.

B. Bridges
NLC urges the federal government to maintain the current Bridge Replacement and Rehabilitation program with sufficient funding to repair bridges that are structurally or operationally deficient. Off-system bridges should continue to be eligible for federal bridge funds, and the discretionary bridge program should be preserved.

NLC urges the use of information technology in monitoring the structural integrity of bridges.

NLC also strongly urges efforts at all levels of government to review road and bridge needs and work to provide adequate revenue to ensure the safety of our transportation infrastructure.

C. Highway Beautification
NLC recommends that the responsibility for controlling outdoor advertising and junkyards should be returned to municipalities, and to states in areas outside municipalities. These governments should have the authority to order the removal of those signs and the relocation of those junkyards that are incompatible with state and local land use plans and zoning laws, and allow sign and junkyard owners to amortize their losses through advertising revenues.

Federal controls over outdoor advertising should be retained only on interstate highways outside the jurisdictions of municipalities and on federally aided primary highways selected as scenic highways by states.

D. Transportation Alternatives Program
NLC supports the Transportation Alternatives set aside in the Surface Transportation Block Grant Program, which serves as a dedicated source of federal funding for local transportation priorities including bicycle and pedestrian trails and facilities.

To foster fiscal certainty and security in the transportation planning process, NLC urges the U.S. Congress to maintain a funding level for the Transportation Alternatives set-aside that is equal to, or greater than, the inflation adjusted levels established under the most recent previous authorization of the Transportation Alternatives Program. These programs should be protected from rescission.

NLC encourages the federal government to maintain the Transportation Alternatives set-aside as a dedicated source of funding for transportation projects that typically fall outside the scope of the Surface Transportation Program. Such because such projects have strengthened our nation’s multi-
modal transportation system and have contributed significantly to economic development and environmental improvement at the local and regional level.

E. Intelligent Transportation Systems
NLC supports intelligent transportation systems (ITS) technology development and deployment and an increase in federal funding for these purposes. By applying ITS technologies and services, we can improve the safety and efficiency of goods movement, and thus the competitiveness of America’s intermodal and international freight transportation systems.

The federal government should give funding priority to ITS projects that improve traffic flow on existing streets and highways as alternatives to major new construction, especially in high-density areas. Priority should also be given to street and highway improvements which benefit public transit, such as preferential lanes for high occupancy vehicles, bus lanes, ramp metering, computerized traffic control, one-way streets, reversible traffic lanes, traffic signal priority for buses, parking management strategies.

With the rapid advent of autonomous, connected, electric and shared advanced transportation technologies, the federal government should facilitate the testing and deployment of demonstration projects including single, multiple-occupancy and transit vehicles in those cities that choose to accelerate and integrate their adoption, in order to increase mobility options while simultaneously reducing emissions, crashes and congestion.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit stickers or passes.

F. Highway Safety
Greater consideration should be given to safety in planning, design and construction. Additional resources need to be focused at all levels of government on research, education and enforcement to increase highway safety, including work zones. NLC supports the use of incentive grants to encourage states to adopt more stringent impaired driving and seat belt use laws. NLC also supports the use of information technology in traffic enforcement and pedestrian and bicycle safety.

NLC supports the funding of elimination of grade level crossings for high traffic rail lines in urban areas where the railway bisects cities and towns impeding the flow of traffic and creating public safety issues.

G. Motor Carriers
1. Truck Weight and Size Limits
NLC opposes increases in truck weight limits unless and until such increases are accompanied by simultaneous and sufficient increases in the heavy truck-user tax.

NLC opposes allowing the longer combination trucks (i.e., “triple-trailers” or “truck trains”) both on and off the designated national network of truck highways until the impact of increased truck
length and width standards on highway costs and safety is assessed and reflected in highway user
fees and appropriate safety regulations.

2. Truck Routing
NLC supports federal government study of the impact of the designation of routes along which
longer, wider trucks may travel. This study should be used in the development of any performance
standards for such operations. State and local governments should also retain authority to
designate truck routes, truck access pickup and delivery points on roads which are not a part of the
designated truck network.

3. Regulation of the Motor Carrier Industry
The federal government should encourage increased competition within the trucking industry and
remove barriers to free entry by increasing the flexibility of carriers to set rates and establish routes.
No federal action should be taken to weaken truck safety requirements in any way. NLC also
urges that federal motor carrier safety requirements be applied uniformly for both domestically-
registered and foreign-registered vehicles.

4. National Commercial Truck Driver Standards
NLC continues to support federal national uniform standards for the training and licensing of
interstate and intrastate drivers of commercial motor carriers States should administer those
standards.

5. Enforcement of Motor Carrier Safety Regulations
The federal government should continue adequate Highway Trust Fund funding for the Motor
Carrier Safety Assistance Program (MCSAP). This program provides grants to states for
development and implementation of programs (including roadside vehicle inspection programs),
which enforce federal and compatible state motor carrier safety regulations.

The federal and state governments should identify and develop new technologies and innovative
strategies, which will enhance and improve commercial motor carrier safety, protect the driving
public from commercial motor carriers that do not pass safety inspections, and promote and
enforce much stricter safety standards for commercial motor carriers, such as adequately securing
truck loads and imposing penalties for missing treads.

6. Motor Carrier Substance Abuse Assistance Program
NLC supports a federal incentive grant program for states that wish to conduct random roadside
inspections for driver alcohol and drug abuse.

7. Motor Carrier Data Collection
NLC urges the federal government to develop a centralized system for collecting and
disseminating information on motor carrier drivers and vehicles. The federal government should:
• Expedite the development of the National Driver Register (NDR);
• Ensure that commercial truck driver records are included in the Register;
• Adequately fund the program; and
• Assist states with collecting, exchanging, and maintaining comprehensive truck accident and
violation data and truck driver and inspection records and history of substance abuse.
H. Barriers to Connectivity

NLC believes that well-connected communities are better able to serve all of their residents and create economic opportunity for all parts of the community. In many cities and towns, problematic past placement of federal highways has divided communities and created dangerous and isolating barriers to mobility, especially pedestrian and cycling mobility within a community. These barriers have in many instances created or worsened racial divides, food deserts, and access to healthy recreation or employment opportunities. These problems can be extremely difficult and costly to remedy. In light of the federal highway program’s responsibility for creating these barriers, additional dedicated federal funding should be created to assist cities and towns in addressing these barriers and reuniting divided communities with pedestrian/cycling overpasses and underpasses.

5.03 Public Transportation

A. Support for Public Transportation

Mobility is central to individual prosperity, as well as to commerce and to the growth of communities. Public transportation can contribute to the viability of the nation’s cities by helping to reduce congestion, protect the environment, stimulate economic development and create employment opportunities; therefore, its provision. Transit investment is in the national interest of an effective, national transportation system, especially where it alleviates congestion and increases economic productivity.

Public transportation is an essential public service that provides mobility for all people, including the disabled, elderly, and economically disadvantaged, in all places and is not simply for those who can afford to pay for the service.

B. Role of the Private Sector

NLC believes the federal and state governments should make public-private partnerships an option for all communities for viable, appropriate projects that they decide will serve their community. However, federal or state imposed, competitive privatization of transit service undermines the public-serving nature of transit, and privately provided transit services will never serve all transit needs.

Decisions about the terms and conditions of private sector participation in transit, including the decisions to subcontract with private providers if warranted, should be made at the local level, not the federal or state level.

NLC opposes federally imposed, competitive privatization of transit service because such privatization undermines the public-serving nature of transit and may have deleterious effects on the ridership and revenue base supporting transit. Further, since privately provided transit services will never serve all transit needs, the burden of meeting transit needs should continue to rest on the shoulders of the public transit authority or other public transportation providers.
C. Local Control
NLC believes that local control is paramount in transit decisions. NLC encourages the federal government to require a public transit operator that accepts federal funding to cooperate with cities whose residents contribute to the funding of the operator concerning the location, operation, and maintenance of transit stops, routes and facilities within those cities.

D. Role of Federal Role in Public Transportation Partnership
NLC urges a continued federal role in public transportation policy, and strongly opposes federal actions which would reduce or eliminate the federal commitment by turning back the transit program to states, eliminating funding eligibility for new fixed rail starts, or phasing out operating assistance.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit tickets or passes.

E. Labor
With regard to The Fair Labor Standards Act, the federal government should not make determinations on “traditional and integral” functions of state and local government without consulting local governments and documenting the fiscal impact on state and local governments.

F. Handicapped-Accessibility Requirements
Public transportation is an essential public service that provides mobility for all people, including the disabled, elderly, and economically disadvantaged, in all places and is not simply for those who can afford to pay for the service.

NLC supports federal performance standards that indicate the level of handicapped-accessible service that is to be provided without specifying the means for achieving the service levels. Decisions regarding the specific nature and level of service for citizens with special mobility needs should be made at the local level, based upon locally identified needs, goals, and resources.

Existing accessible services, where it is demonstrated that such services adequately serve the needs of those with mobility impairments, should constitute local compliance with federal accessibility requirements. Under no circumstances should the federal government impose additional accessibility requirements (beyond the performance requirements) on existing fixed guideway systems, or require existing bus fleets or rail systems to be retrofitted with accessibility equipment.

G. Procurement Requirements
NLC supports federal procurement policies that expedite the production and procurement of transit vehicles. Alternative bidding procedures which are better suited to present transit production conditions should be given due consideration. Additionally, NLC supports federal performance and equipment standards that replace the present transit design specifications, and that give manufacturers latitude in choosing an appropriate technology to meet a specific technical objective.
H. Innovative Transportation Technologies and Demonstration Projects for a Seamless Transportation Network

Recognizing the nation’s dependency on a single type of transportation fuel, which has serious negative impacts on both the environment and economy, and the need to explore other fuel sources and transportation alternatives, NLC endorses the use of innovative transportation technologies and demonstration projects, such as Personal Rapid Transit or congestion pricing, that are specific to the needs and requirements of each city to further enhance mass transit and transportation efficiency. These transportation technologies should complement and work with existing regional technologies to create a seamless, national transportation network.

5.04 Air Transportation

NLC advocates federal policy that provides adequate, predictable, and long-term funding for airport development projects which enhance system capacity and ensure aviation safety.

However, NLC opposes attempts by the federal government to mandate expansion of federally-aided airport facilities, or to otherwise limit the ability of local governments to continue to determine the scope and type of airport facilities needed, or the type of airport use restrictions, including airport noise or airport access restrictions, imposed in their particular location. Local airport operators and local governments must have the authority to regulate airport use and development in order to protect the public health and safety of surrounding communities, to enforce airport uses that are appropriate to the airport’s capacity and to ensure that local transportation, environmental (including noise control) and economic needs are met.

A. Funding

1. Airport Trust Fund

The user-generated Airport and Airway Trust Fund should continue to be used to finance airport development and improvements. Funds from aviation user fees and tax receipts should be appropriated and should not accumulate unspent in the Trust Fund. Aviation users should benefit from the aviation-related taxes they pay.

2. Federal Airport Improvement Program

The federal Airport Improvement Program (AIP) should continue to be disbursed to air carrier airport sponsors through existing funding mechanisms. Eligible airports should be allowed to compete for discretionary funds.

NLC supports increased AIP flexibility, including extending AIP eligibility to groundside improvement projects. However, NLC opposes diversion of AIP funds for federally mandated security projects.

3. Block Grants to States

NLC strongly opposes proposals to restructure the airport grant program for small- and medium-sized airports into a state block grant program. Local governments and airports sponsors must continue to be directly responsible for airport planning and development.

4. Off-Airport User Fees

NLC opposes federal preemption of a local government’s ability to charge off-airport user fees.
5. **Passenger Facilities Charges**

NLC supports local jurisdictions setting passenger facilities charges (PFCs), which give local airport authorities the flexibility to address capacity and to implement major capital equipment upgrades, new technologies, and operational costs. These fees should be raised with inflation in order to maintain their purchasing power to build and maintain modern airport facilities.

6. **B. Small Communities**

Insufficient service and unreasonably high fares have left some small communities without commercial air transportation service. To address these problems, NLC recommends the following policies:

1. **Essential Air Service Programs**

   The federal government should maintain current funding for the Essential Air Service (EAS) program and NLC urges Congress to fully fund the EAS program.

   To promote competition and ensure efficient use of federal dollars, the USDOT should hold designated EAS air carriers to existing performance standards.

2. **Small Community Air Service Development Program**

   Projects funded through this program have the potential to identify a broad variety of options to expand and improve service in small communities. NLC urges continued Congressional support of this program.

7. **C. Airport Noise and Pollution**

   The federal government must intensify its efforts to provide prompt relief to residents of cities located close to airports from unacceptable levels of aircraft noise and aircraft pollution. (See clarifications at EENR Section 2.09, Noise Control, and CED Section 3.06, Land Use)

   This should be tied to encouraging changes in local zoning regulations to restrict noise sensitive property development.

   The Federal Aviation Administration should require adherence to fly-quiet programs, preferred runway usage, preferred flight paths, and local curfews as established by local governments and authorities.

   NLC encourages the appropriation of funds to cities and towns that adjoin an airport but do not operate the facility for compatible land use and noise mitigation planning purposes.

8. **D. Federal Role in Air Traffic Control**

   The federal government should provide funding for and ensure all airports are participants in a national air navigation system which provides for safe aircraft operation such as the conversion of radar based guidance systems to GPS.

9. **E. Aviation Security**

   A thorough assessment of the current and potential threat to the air transportation industry is required. The Transportation Security Administration (TSA), the FAA and other aviation experts,
in partnership with locally elected officials and law enforcement, must work cooperatively and
take immediate action to ensure that the aviation security system is capable of responding to
specified threat levels. The public interest demands an aviation system capable of deploying a mix
of technology and procedures as a unified system capable of countering all vulnerabilities, while
considering effects on passenger convenience.

NLC strongly urges the federal government to ensure air travel safety through implementing the
screening of commercial cargo on passenger planes, improving passenger and airport employee
screening procedures, expanding traveler programs and improving terminal safety requirements.
NLC also encourages Congress, or the U.S. Department of Homeland Security through the
regulatory process, to further strengthen the “known-shipper” program by improving procedures
for monitoring and auditing “known-shipper” of cargo.

To develop an effective aviation security policy, Congress must clearly define responsibilities
within the structure of the federal transportation program. -The TSA, FAA, state and local
governments, and the US DOT must develop a coordinated plan to determine the level of authority
each agency and government entity controls in any situation.

Since aviation security is a matter of national defense, any funds necessary to assure security must
come from defense funding, not from additional fees levied on passengers. -Shippers could be
subject to additional fees for cargo screening. -NLC opposes continued diversion of AIP and PFC
funds for aviation security measures.- The federal government must reimburse local governments
for the expenses incurred from the mandated local law enforcement presence at airports. -Congress
should also reimburse costs to airports accrued from compliance with mandated security upgrades,
including installation and deployment of Explosive Detection Systems.

F. Unmanned Aircraft Systems
Congress and the Federal Aviation Administration must not preempt the authority of local
governments to create and enforce regulations with regard to the use of Unmanned Aircraft
Systems as it relates to land use, zoning, privacy trespass, and law enforcement operations.
The Federal Aviation Administration should establish a transit zone for privately owned and
commercially operated Unmanned Aviation Systems that is sufficiently high enough above ground
level that it prevents disturbances to landowners, while also protecting navigable airspace.

5.05 Rail

A. Rail Principles

1. Local Role in Federal the Nation’s Rail Planning and Program
The federal government should require states to involve local governments in state rail planning
efforts required under federal law to ensure that local needs and objectives are satisfied.

2. Financing
NLC supports investment in the nation’s rail infrastructure and encourages the federal government
to enact policies and programs that would expand public and private investment in both passenger
and freight rail mobility.
3. Rail Safety

NLC urges the federal government to promote safe and efficient passenger and freight rail transportation and to seek creative solutions to develop and fund safety improvements.

Federal and state governments should require operator funded local rail safety programs to reduce safety hazards at railroad crossings through rail relocation, sealed quiet zones, grade separation, or by other means. To increase traffic safety at crossings, stricter penalties for rail crossing violations should be imposed. Rail yard lighting standards need to be established that minimize lighting impact on neighboring communities.

Based on all digital technology, NLC supports the implementation of positive train control (PTC) as the first major advancement in controlling trains in decades. It will severely systems as an essential safety measure on passenger rail lines to limit incidents caused by human error, a safety advantage not now found in most U.S. railroad signal systems.

Congress passed the Rail Safety Improvement Act of 2008, which requires railroads to implement positive train control systems on specific rail lines by the end of 2015. While the Rail Safety Improvement Act authorizes $50 million annually to support PTC deployment, the funding is yet to be authorized and is grossly inadequate to fund PTC on rail lines by the end of 2015.

$50 million annually to support PTC technology development but believes that the continued maintenance is the individual responsibility of the rail corporations.

4. Operations and Maintenance

Continued maintenance is the individual responsibility of the rail owner. NLC urges the federal government to readdress rail track standards for dual freight and national intercity passenger rail uses through appropriate rail improvements. NLC further urges the federal government to redefine the responsibility and for funding mechanisms for maintaining tracks that carry both freight and national intercity passenger rail traffic.

5. Environmental Impacts

Federal law regulating railroad activity should not preempt local, state, or federal environmental review and requirements for permitting and mitigation of railroad activities. The environmental impacts of railway activities and facilities, including pollution, poor air quality, land use, vibration, light pollution, and noise, should not be exempt from local environmental, public health, safety, or welfare-based regulations.

Railroads should be subject to light pollution and noise constraints. Rail yard lighting standards and types need to be established that minimize lighting impact on neighboring communities. There is a need for uniformity among the different federal agencies in their policies governing acceptable noise levels. (See also EENR Section 2.08, Railroad Noise Policies)
B. Passenger Rail

NLC urges Congress and the Administration to develop a long-range vision and fund for passenger rail in the United States. -Amtrak, in cooperation with state and local transportation officials, citizen groups, and other stakeholders, must develop such a plan as expeditiously as possible. National passenger rail plans should include acquiring and improving rail lines that would be or have otherwise been abandoned. -NLC urges the Administration to prioritize the safety review and approval of the use of information technology and crashworthy vehicles, such as passenger rail cars on low speed urban dual use passenger and freight lines.

NLC recommends the following:
1. Amtrak’s Self Sufficiency Requirement
NLC urges repeal of Amtrak’s statutory self-sufficiency requirement, since no known passenger rail system operates without government subsidies.

2. Development of and Access to a High Speed Rail Network
NLC supports the investment in high-speed rail development as an important part of our national transportation network. Cities up to 500 miles apart in densely populated corridors hold the most promise for competitive service but such networks should be developed only after detailed analysis of their operational and financial feasibility and with local consent. -NLC urges Congress to support creation of new high-speed rail along such corridors.

3. Funding Options for Amtrak and High Speed Rail
NLC supports the development of a long-term funding mechanism for infrastructure acquisitions, improvements, and rights-of-way and operating costs. -In addition to appropriations, options include:
• Increasing the federal fuel tax funding sources specifically for passenger rail;
• Directing the diesel fuel tax currently levied for rail operations and deposited into the general fund be moved into a newly created Trust Fund for rail improvements;
• Allowing state, regional and local government entities the option to spend a portion of their federal transportation allocation on intercity rail; and
• Allowing federal and state governments to issue tax-exempt or tax-credit bonds for financing rail improvements.

C. Freight Railroads
1. Freight Rail Service
Congress and the public and private sectors must cooperate to ensure and provide for the efficient movement of freight, especially with regards to the relocation of rail lines and increased rail traffic within metropolitan areas, which could constitute a safety hazard and disrupt municipal functions.

2. Freight Rail Safety
NLC urges Congress to review the following freight rail safety issues:
• The hazard of reduced crews or lack of current safety technology use undermines the safe and efficient movement of trains and takes away the trained first responder at rail incidents and accidents. -This action leaves no other person to monitor quickly changing circumstances or affirm, discuss or point out critical operations and safety issues;
• The lack of railroad maintenance has jeopardized safety. The closure of poorly maintained crossings cause congestion on remaining crossings and cause short trips to be substantially extended due to poor road access, putting operators and passengers of motor vehicles at a greater risk; and
• The switching and storage of railroad cars containing volatile and hazardous materials in urban and residential neighborhoods.

3. Rail Line Abandonment
Congress must protect national, state and local government interest in alternative public transportation regarding the use of abandoned rail corridors.

Congress should:
• Specify how the federal government should balance the impact on shippers and the community of losing rail service against the burden upon the railroad of continued service and the potential use of the corridor for public transportation, including biking and hiking. Alternative means of freight and passenger conveyance should be considered.
• Require railroads to provide specific information concerning traffic trends, profitability, and rail line conditions to rail users and state and local governments six months prior to the filing of the abandonment application.
• Require a railroad to transfer an abandoned rail corridor to a state or local agency for no more than the constitutional minimum valuation, for alternative public uses including walking and biking, and public-private transportation initiatives. Public interest in alternative use of rights-of-way should be fully considered during rail merger proceedings.
• Provide federal financial assistance for the purpose of converting existing rail terminals into intermodal/multimodal facilities.

4. Rail Mergers
Freight rail operations in the United States are expanding through rail mergers, often resulting in the implementation of new routes, or intensified use of existing ones, as well as new and expanded rail yards. Because of the potential impact mergers can have on local municipalities, federal law should ensure that local governments have police, zoning, and land use authority for the protection of the environment and public safety.

The Surface Transportation Board should be required to consider all aspects of a railroad’s safety record as one of the criteria for approving railroad mergers or expansions.

5.06 Waterways, Ports and Landside Connections
Waterways and ports are an integral part of a comprehensive, intermodal transportation system vital to our nation’s economic security and the financial health of cities.

The effects of ports go beyond their immediate boundaries. NLC recommends that the federal government consider the following funding and public safety issues related to ports:
A. Funding for Harbor Maintenance and Dredging to Increase Capacity
Recognizing the importance of ports and their impact on the national economy and job creation, NLC supports funding for harbor maintenance and funding for dredging to maintain or increase capacity. NLC urges Congress to recommend a defined revenue source for this purpose and provide support for development of environmentally friendly ship channel shoreline systems. NLC further calls on Congress to provide financial and technical assistance to communities and their watershed partners to promote innovative approaches for the construction and maintenance of shorelines in the vicinity of federally maintained navigable waters.

B. Local Infrastructure, which Connects Land Transportation to Ports
NLC expects the federal government to assist local and state government agencies in providing the needed financial resources to support the landside infrastructure in and around ports required to operate an efficient intermodal system and to support efficient port operations including commuter transportation at port facilities such as ferries.

C. Operations Funding to Implement the Transfer of Cargo to Portside Distribution
NLC supports the design and implementation of equitable waterway commercial user fees and customs duties necessary to generate sufficient revenues to finance waterway and port operations and improvements.

D. Security
Because cargo containers are distributed throughout the country, any dangerous cargo in a particular container could pose a threat to any city in the nation. Greater security can be achieved by establishing partnerships with industry and foreign ports to encourage increased security in their supply chains and the federal government should continue to establish such partnerships as quickly as possible. To reduce cities’ vulnerability from cargo containers, NLC recommends that the federal government:

- Increase funding for waterways and port security;
- Allow locally elected officials to coordinate waterway and port security at the local level, in conjunction with the U.S. Coast Guard and other affected federal agencies;
- Continue to provide technical guidance and oversight for port vulnerability assessments, entrusting one federal agency with this responsibility;
- Require screening and background checks of port personnel;
- Establish a grant program for ports to acquire new security technology;
- Increase inspections on cargo containers, through the U.S. Customs Service, and provide additional funding and equipment to Customs to monitor cargo without slowing the movement of commerce;
- Establish criteria for identifying high risk containers;
- Pre-screen containers, according to international agreements, before shipment; and
- Develop and require the use of containers that are resistant to tampering.

Port security measures should be funded through national defense programs and general fund revenues, not through increased user fees.
E. Funding for Maintenance of Inland Waterways and Locks
Recognizing the importance of inland waterways as well as locks and their impact on the national economy and local economies, NLC supports sufficient funding for inland waterways infrastructure, fully funding the Inland Waterways Trust Fund.

F. Federal Responsibility for Planning and Funding Freight Mobility
The U.S. goods movement system needs greater federal leadership. Freight bottlenecks can be found all over the country, but the task of prioritizing and fixing them is often beyond the means of the states, counties, and cities in which projects are located. A national freight strategy and dedicated, competitive and formula funding is critical in order to maintain the efficiency of the transportation system and the U.S. economic competitiveness. NLC urges the federal government to adopt the following specific measures:

1. National Freight Strategy: The Secretary of Transportation should be directed to develop a national freight strategy that addresses multi-modal freight needs in the United States. In addition to covering domestic freight, the strategy should address the movement of U.S. imports and exports through U.S. ports.

2. Senior, Focused Freight Leadership: A multi-modal freight office led by an official at least at the assistant secretary level should be established within the Office of the Secretary of Transportation. This official would develop the national freight strategy and associated policies, advocate for freight across the modal administrations, and award funding for goods movement programs and projects.

3. Dedicated Freight Program and Funding: A dedicated, formula-based goods movement program with dedicated funding should be created within the Department of Transportation. Ports should be eligible to seek funding from this program for freight projects both inside and outside their terminals.

4. Projects of Regional/National Significance: A discretionary, merit based grant program for projects of national significance should be established. Freight measures should be heavily weighted among the criteria used to select projects for funding.

5. Freight Eligibility for Existing Programs: Eligibility requirements for existing surface transportation programs should be expanded to better address freight requirements.
   a. Congestion Mitigation and Air Quality (CMAQ): Although freight projects are currently eligible for CMAQ funding, they are not major recipients of funds. CMAQ criteria should be refined to more appropriately recognize freight’s potential to contribute to air quality improvements.
   b. Road-rail grade separations: The criteria for funding grade separation projects should be expanded to acknowledge congestion relief and freight benefits, as well as safety benefits.
   c. TIFIA: The TIFIA program should be clarified to include projects located within a port terminal that improve the intermodal interchange, transfer, and surface access of goods into and out of ports and that reduce environmental impacts of freight movement.
6. Tax Credit for Rail Infrastructure Investment: To encourage the expansion of freight rail capacity, a tax credit should be created for certain rail infrastructure investments that generate public benefits.

7. States’ Freight Planning: Each state should be required to develop a freight plan and establish a freight advisory committee.

5.07 Pipeline

The system of gaseous and liquid pipelines is an important component of an efficient transportation network for moving hazardous material. Our nation’s pipelines keep portions of these hazardous materials off of our roads, waterways, and rail lines, making those modes of transportation safer for all users.

Unremitting attention to the safety of this system is vital to cities, due to the hazardous nature of these materials, the proximity of many pipelines to homes and businesses, and the potential environmental impacts of any failure in the system.

To improve the safety of the system, the federal government, through the Office of Pipeline Safety (OPS), must:

- Continue to allow states the flexibility to impose safety requirements beyond federal requirements, and extend the right to enforce those safety requirements to states that have imposed such requirements;
- Develop standards for periodic testing of pipelines and periodic hydrostatic tests;
- Further refine and advance the definition of High Consequence Area, or HCA, to assure the definitions appropriately capture “environmentally sensitive areas” and “high density population areas” which would be severely impacted if a failure in a pipeline were to occur; and
- Strengthen rules regarding pipeline operation, maintenance, and public reporting.

To reach the goals stated above, NLC recommends that the federal government:

- Require formal testing and certification of pipeline operators;
- Promulgate needed regulatory improvements in transmission pipeline integrity management approaches and enforce such advances to reduce pipeline failures;
- Require Study implementation of new technologies to detect pipeline releases, especially transmission pipeline ruptures;
- Impose equivalent safety standards, where appropriate, for both liquid fuel and natural gas pipelines;
- Require pipeline operators to report all liquid spills to the Office of Pipeline Safety and affected jurisdictions, except those spills truly de minimis in nature;
- Require pipeline operators to disclose to local and state authorities the results of all pipeline inspections;
- Require the Office of Pipeline Safety to work with local emergency response providers to develop preparedness and response plans, and to provide appropriate funding, including grants, to local jurisdictions to implement such plans;
- Recognize the right of local governments through franchise provisions to require pipeline operators to 1) provide to local governments the data and results from internal and external
pipeline assessments along with a description of the testing methods to allow for their analysis of the potential risks to public safety; 2) require pipeline operators to cooperate with local governments in emergency preparedness and response and 3) require pipeline operators to have state of the art safety, warning, detection and emergency response capabilities to protect cities and their citizens and to mitigate potential damages from an accident;

- Require pipeline operators to provide data to the National Pipeline Mapping system administered by OPS and make this data available to local jurisdictions;
- Require periodic management audits of pipeline companies to assure compliance with the foregoing;
- Provide enhanced funding to federal agencies and states charged with the implementation and oversight of pipeline safety laws and regulations; and
- Require pipeline operators to provide for anti-tampering devices and surveillance systems to protect pipelines from criminal activity, including terrorist attacks to deny service, and drug cartel use of the pipelines for drug deliveries.
NLC RESOLUTION #26

PROTECTING CITIES AND TOWNS FROM RAIL DISASTERS INVOLVING HAZARDOUS MATERIALS1

WHEREAS, new technologies have resulted in the development of unprecedented amounts of both domestic and foreign oil, natural gas, tar sands, bitumen, and other petroleum products and derivatives, which, in turn is expected to significantly increase the volume of petroleum products transported across the nation by land and waterbodies; and

WHEREAS, the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration has determined that crude oil originating in the Bakken formation is more flammable than traditional crude oil; and

WHEREAS, in many instances, the rail lines that carry hazardous material, such as crude oil and ethanol, as well as other hazardous explosives, compressed gases, flammable liquids and solids, oxidizers and organic peroxides, toxic materials, radioactive material, and corrosive material2, run through and by city neighborhoods, schools, parks, business and industrial areas, and along waterfronts, creeks, wetlands and other sensitive natural areas; and

WHEREAS, state and local emergency managers may not have the necessary, accurate or timely information on the materials transported through their communities or the resources to adequately respond to an emergency; and

WHEREAS, local governments are concerned about the potential impacts on public safety, infrastructure, drinking water supplies, and resulting economic disruptions from possible derailments and spills of hazardous materials as trains run through their communities and surrounding areas, as well as the direct and indirect costs associated with response and recovery from a derailment and spill; and

WHEREAS, there have been a number of significant rail accidents involving hazardous materials causing tragic impacts on the affected communities, including instances such as a train carrying ethanol that derailed outside Rockford, Illinois on June 20, 2009 killing one person; a train carrying crude oil that derailed in Lac Megantic, Quebec on July 6, 2013 killing 47 people; a train carrying crude oil that derailed on December 30, 2013, in Casselton, North Dakota causing violent explosions and a hazardous plume of smoke; and a train carrying crude oil that derailed in Lynchburg, Virginia on April 30, 2014; and these incidences continue to pose an ongoing threat to cities across America; and

WHEREAS, it is the responsibility of federal regulators to assure that the transport of hazardous materials does not pose a significant threat to the public safety and welfare, and to ensure there are staff crew redundancies even with the rollout of new technologies like positive train control; and

1 Joint resolution by the Energy, Environment and Natural Resources Committee, Public Safety and Crime Prevention Committee, and Transportation Infrastructure and Services Committee.
2 Classes of hazardous material, U.S. Department of Transportation.
WHEREAS, DOT analysis concluded that many freight railroad insurance policies are not likely sufficient to cover damages resulting from a moderate to severe train accident involving hazardous materials; and

WHEREAS, the National Transportation Safety Board has advised industry and regulators since 1991 that the DOT-111 tank car that is used as the primary packaging for the shipment of hazardous materials is unusually prone to puncture in rail accidents and derailments; and

WHEREAS, DOT has initiated a rulemaking process to improve the safe transportation of large quantities of flammable and hazardous materials, including enhanced tank car standards, reduced operating speeds, and emergency response notification.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges Congress and the Administration to create clear, forward-looking, and comprehensive regulations to improve the safety of rail transport of hazardous materials so as to assure the public that its safety is not being unduly threatened by this transport; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to create regulations for tracking chemical composition of transported flammable and hazardous materials and liquids so that local governments and emergency managers can better understand and plan for the risks associated with the specific types of hazardous materials traveling on rail lines through their communities; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to develop an appropriate mechanism for rail transporters and product shippers/importers to provide, in the event of an incident, state and local emergency managers with accurate and immediate information, using available technology, such as radio frequency tags, regarding the identity and location of all hazardous materials on a train; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to require rail transporters and product shippers/importers to prepare and fund an emergency response assistance plan for their products and routes, in consultation with states and local governments, to ensure sufficient emergency response supplies, equipment, personnel and resources are available for rapid response assistance on rail lines that serve as routes for hazardous materials; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to require all rail transporters and product shippers/importers of hazardous materials to maintain sufficient liability coverage for moderate to severe accidents and to provide the community with financial assistance on the response through final clean up in a timely manner; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop and implement new regulations improving federal tank car design, operation requirements and rail infrastructure, including the phase-out of older-model tank cars used to transport hazardous materials on an aggressive timetable and a prohibition on introducing Canadian-banned railcars in the U.S.; and

BE IT FURTHER RESOLVED that NLC urges the federal government to require railroad companies to use alternative routes, if available, when transporting hazardous materials through or near major population centers.
NLC RESOLUTION #27

MODIFY FEDERAL RAILROAD ADMINISTRATION’S TRAIN HORN NOISE RULE
FOR SAFE IMPLEMENTATION OF RAILROAD QUIET ZONES

WHEREAS, the Federal Railroad Administration’s (FRA) Train Horn Rule requires that
locomotive horns be sounded at public highway-rail grade crossings and preempts state and local
train whistle bans, and,

WHEREAS, FRA rules for establishing a quiet zone seek a balance between safety for
motorists, rail employees and passengers at public highway-rail grade crossings; and,

WHEREAS, the process for establishing a quiet zone involves an agreement between state and
local authorities, the railroad and the federal government; and,

WHEREAS, establishment of a quiet zone is costly for a community; and,

WHEREAS, communities have different circumstances for establishing a quiet zone.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities calls on FRA
and the US Congress to finalize the reopen NPRM on the Train Horn Rule for safe and more
effective implementation of quiet zones; and,

BE IT FURTHER RESOLVED, that FRA determine how local communities can implement
quiet zones that are less burdensome and allow for differences in community circumstances
while continuing to protect public safety; and,

BE IT FURTHER RESOLVED, that Congress provide federal funds for the express purpose of
establishing quiet zones; and,

BE IT FURTHER RESOLVED, that FRA considers new and emerging technologies which
may enhance the safety of quiet zone.
NLC RESOLUTION #28

SUPPORTING DEDICATED FUNDING FOR THE FEDERAL SURFACE TRANSPORTATION PROGRAMS

WHEREAS, the economic wellbeing of our cities is dependent on a safe and efficient multi-modal network of roads, bridges, transit, rail, ports, sidewalks, and bike paths; and,

WHEREAS, Americans take 1.1 billion trips across this network each day – totaling almost 40 miles per person per day – to and from work, shopping, and recreation; and

WHEREAS, approximately 43 million tons of goods with a value of about $30 billion is moved across this network each day; and,

WHEREAS, according to the National League of Cities (NLC) State of the Cities 2016 report, economic development and infrastructure are ranked first and fourth respectively among city leaders, and among all infrastructure priorities, funding is ranked first; and,

WHEREAS, the Highway Trust Fund, was created to provide dedicated federal funding for the Highway and Mass Transit Accounts, which together fund the majority of federal surface transportation programs; and

WHEREAS, the federal fuel tax of 18.4 cents per gallon on gasoline and 24.4 cents per gallon of diesel fuel, which is the primary method of revenue generation for the Highway Trust Fund, has not been raised since 1993; and,

WHEREAS, The Congressional Budget Office projects that spending will exceed fuel tax revenues by $180 billion over the next decade if current trends continue; and,

WHEREAS, Congress has relied on a number of non-transportation related funding patches and bailouts from the general fund, which will total more than $100 billion by Fiscal Year 2020; and,

WHEREAS, the 2017 American Society of Civil Engineers American Infrastructure Report Card stated that investment shortfalls in America’s infrastructure are costing each American $3,400 per year; and,

WHEREAS, the current long-term transportation authorization, the Fixing Americas Surface Transportation (FAST) Act of 2016 will expire in fiscal year 2020; and,

WHEREAS, local governments own and operate 78 percent of the nation’s road miles, 50 percent of the nation’s bridges and operate the majority the nation’s transit systems; and,

WHEREAS, the lack of sufficient federal transportation revenues and continued uncertainty in funding prevent local governments from making the necessary investments and maintenance necessary to sustain a world-class infrastructure system:
NOW, THEREFORE, BE IT RESOLVED that NLC urges the next president and Congress to quickly identify and implement a long-term funding solution to keep the highway trust fund solvent and address funding shortfalls; and,

BE IT FURTHER RESOLVED that the next president and Congress should either increase the federal fuel tax or implement a per-barrel fee on oil, indexed to inflation and the Corporate Average Fuel Economy (CAFE) standards to ensure the near-term viability of the Highway Trust Fund, while long-term solutions such as a Vehicle Miles Traveled (VMT) fee are further researched and developed; and,

BE IT FURTHER RESOLVED that repatriation of federal taxes, corporate tax reform, or any other non-transportation related pay-for should only be considered for a one-time infrastructure investment that brings our existing infrastructure to a state of good repair; and,

BE IT FURTHER RESOLVED that while innovative market based financing can be a useful tool for accelerating a limited number of major projects, it is not a substitute for the stable and reliable funding America’s cities rely on for a comprehensive, multimodal transportation network; and,

BE IT FURTHER RESOLVED that NLC continues to support a long term comprehensive national transportation plan that would:

- Increase the overall funding directly available to local governments such as an increase in the suballocated share of the Surface Transportation Block Grant Program (STBGP) and Transportation Alternatives set aside under the STBGP currently available for local decision-making and developing sharing opportunities with local decision makers within other federal programs; and,
- Increase the role of local governments in statewide planning; and,
- Include local governments in decision making on all transportation programs that impact their communities as laid forth by United States Department of Transportation; and,
- Allow local governments a decision making role in choosing the right mix of transportation options that suit their community economic development and other goals; and,
- Include principles of sustainability, innovative technology, regional decision making, and performance measures; and,
- Ensure that transportation decisions are made in an equitable manner to provide safe, accessible multi-modal transportation opportunities for historically disadvantaged communities, including communities of color, low-income communities, and people with disabilities, and that the historic pattern of inequitable decision-making is addressed and reversed; and,
- Integrate the highway, rail, air, and port freight systems of the North American trade bloc to enable the U.S. to remain a competitive economy and to connect urban and rural communities to each other and to the global economy; and,
- Recognize the vital role of a funded rail infrastructure system that promotes enhanced freight mobility and provides additional options for intercity travel; and,
• Recognize the connection between transportation and land use planning, housing, energy, the economy, public health and the environment; and,

• Improve options for safe biking and walking within our communities; and,

• Support affordable public transportation systems of all sizes and modes; and,

• Support innovative funding and financing; and,

• Invest in maintenance and expansion of a quality national passenger rail system;

  Streamline regulatory review processes including incentives for innovative project implementation; and

• Create and expand permanent inflation sensitive revenue-generating mechanisms that are developed collaboratively by federal, state, and local governments, reflect the true cost to the infrastructure of every mode of transportation, and recognize the need for new methods of revenue generation.
NLC RESOLUTION #29

INTERCITY PASSENGER TRAINS ACCESS RESOLUTION

WHEREAS: The intercity railroad system in the United States was created as a common carrier system in the 19th and 20th centuries,

AND WHEREAS: Federal legislation granted railroads 170 million acres of right-of-way land, subsidies and privileges with requirements to be available for transportation of both people and goods,

AND WHEREAS: Most railroad companies have divested themselves of the capability of reasonably transporting people in their equipment,

AND WHEREAS: The B&O railroad was the first licensed common carrier railroad in the United States and was tasked, at that time, with serving the public at large by handling any freight or passenger traffic without discrimination by not denying either access to transportation, which it did until dissolving in 1987,

AND WHEREAS: The Rail Passenger Service Act of 1970 (RPSA) defined “railroad” as a “common carrier by railroad,”

AND WHEREAS: The RPSA recommended that the basic system take into account, “… rail passenger service within and between all regions of the continental United States,”

AND WHEREAS: The RPSA authorizes and requires reasonable cooperation between intercity passenger rail providers and railroad companies,

AND WHEREAS: The RSPA relieved the railroads of their common carrier obligation to provide intercity passenger rail service, which threatened their financial viability, in return for making their tracks and other facilities available to intercity passenger providers (Amtrak) for “reasonable terms and compensation,”

AND WHEREAS: The RPSA requires railroads to provide access for additional Amtrak operated trains on an expeditious basis unless this would “unreasonably impair” their freight operations,

AND WHEREAS: railroads sometimes unjustifiably delay, or seek unreasonable levels of compensation for, the operation of additional intercity passenger trains,

THEREFORE, BE IT RESOLVED: That the National League of Cities calls upon the President and Congress of the United States to enforce these historic policies of the United States through its passenger and freight licensing policies and procedures with appropriate penalties and/or disincentives for failure to comply in a reasonable and cooperative manner to achieve the intent of law.
NLC RESOLUTION #30

IN OPPOSITION TO PRIVATIZATION OF AIR TRAFFIC CONTROLLERS (ATC)

WHEREAS, the current Administration has announced a plan to privatize this Nation’s Air Traffic Controllers (ATC).

WHEREAS, NLC advocates federal policy that provides adequate, predictable, and long-term funding for airport development projects which enhance system capacity and ensure aviation safety.

WHEREAS, the federal government should provide funding for and ensure all airports are participants in a national air navigation system which provides for safe aircraft operation such as the conversion of radar systems to GPS.

WHEREAS, NCL opposes federally imposed, competitive privatization of FAA Air Traffic Controllers because such privatization undermines the public-serving nature of air travel safety.

WHEREAS, FAA funding runs out September 30, 2017, and both the U. S. House and Senate have proposed plans to keep the agency running.

WHEREAS, the House Transportation and Infrastructure Committee passed the AIRR Act (H. R. 2997), which would privatize air control on June 27, 2017. The bill is now under consideration for a vote in the House.

WHEREAS, NLC advocates federal policy that provides adequate, predictable, and long-term funding to ensure aviation safety.

WHEREAS, privatization would cost taxpayers and giving the authority to dictate public policy at the expense of general aviation and rural communities.

WHEREAS, privatization would threaten the safest, busiest, and most complex airspace worldwide.

WHEREAS, privatization would create a “too-big-to-fail” monopoly that will need taxpayer bailouts.

WHEREAS, privatization would be profit, than service driven, thus leading to increase costs for both travelers and taxpayers.

WHEREAS, privatization would eliminate middle-class jobs by allowing corporations to arbitrarily cut the ATC workforce. Based on recent BLS data, 24,500 Air Traffic Controllers (civil servants) are currently employed by the FAA. Privatization potentially would have a catastrophic impact on this workforce.
WHEREAS, privatization would create inefficiencies and disrupt stability by creating bureaucratic silos and formal separation of air traffic from safety officers.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the National League of Cities calls members of the U. S. Congress to oppose H.R. 2997, which would lead to the privatization and dismantling of federal air traffic controllers.

BE IT FURTHER RESOLVED, that NLC urge Congress to allocate sufficient resources earmarked modernization, not privatization of ATC infrastructure, giving priority to technology and systems upgrades.
REPORT OF THE
PUBLIC SAFETY AND
CRIME PREVENTION
FEDERAL ADVOCACY COMMITTEE
PSCP
PROPOSED POLICY AMENDMENTS


Please note:
- Proposed new language is **underlined**;
- Proposed language for deletion is **struck out**; and
- Existing, unchanged language is shown as plain text.

POLICY
- **Section 6.01 Crime Prevention**
Section 6.01

J. Mental Illness and Criminal Justice

As people with mental illnesses continue to come in contact with the criminal justice system, communities across the United States struggle to develop interventions and supports that improve outcomes for these individuals, their service providers, and the public.

How the criminal justice community engages people with mental illness is a matter of national concern. Untreated mental illness often leads to volatile situations that require law enforcement to intervene. These interactions can require special training, be difficult to resolve, and create unique risks to the safety of all involved.

In 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which enhances local public safety by funding training for law enforcement officers on how to identify and respond to incidents involving people with mental illnesses, increasing mental health courts nationwide, improving collaboration between criminal justice and mental health systems, and improving access to effective treatment.

NLC supports MIOTCRA and federal efforts to provide additional resources for veteran treatment courts, and increases resources and training for first responders (law enforcement, fire, emergency medical service personnel, and others) to properly respond to mental health calls, promote mental health consultation to law enforcement while in the field, as well as formal training on how to identify the symptoms of mental illness and the most effective ways to interact with individuals displaying these symptoms. Federal programs that fund joint efforts between law enforcement and health officials to reduce repeat calls for service and better serve people with mental illness are also crucial to reducing unnecessary interactions between police and the mentally ill.

Mentally ill persons who do not receive psychiatric treatment and/or fail to comply with their medications regimen are significantly more likely to face arrest. For this reason, NLC supports funding for programs that improve the screening of incoming jail and prison detainees for mental illness; the diversion of individuals to mental health programs when appropriate; increasing the availability of grants for mental health courts and other diversion efforts; providing intensive treatment while incarcerated, when necessary; requiring Bureau of Justice Statistics to regularly update the “Mental Health Problems of Prison and Jail Inmates; and ensuring transitional services when leaving jail. These programs ultimately reduce the likelihood that mentally ill individuals will return to incarceration or have a future interaction with law enforcement. (NLC’s policies on Mental Health are detailed further in the HD Chapter of the National Municipal Policy.)

K. Profiling

Every person has a right to expect equal treatment by law enforcement officers, prosecuting authorities, judges and correctional officials. Discriminatory enforcement of criminal laws has a corrosive effect on our cities and towns, undermining the confidence of the community in law enforcement and interfering with our efforts to prevent crime and prosecute offenders.
Unfortunately, our country has a long history of disparate treatment in our criminal justice system. Numerous studies confirm that racial minorities, especially African Americans and Latinos, are more likely to be arrested, more likely to be prosecuted and more likely to be incarcerated for offenses than whites accused of the same crime.

NLC supports federal legislation and action which eliminates discrimination in the enforcement of our criminal justice system. NLC opposes profiling of suspects based solely on race, ethnic origin, religion, gender identity or other similar factors.

In addition, the federal government should assist local law enforcement agencies in their efforts to provide data collection and analysis education and training for law enforcement officers regarding appropriate investigative and enforcement techniques.
NLC RESOLUTION #31

IN SUPPORT OF FEDERAL EFFORTS TO REDUCE GUN VIOLENCE AND
PREVENT PROHIBITED PERSONS FROM SHIPPING, TRANSPORTING,
RECEIVING, OR POSSESSING FIREARMS OR AMMUNITION

WHEREAS, since January 2017, there have been 282 mass shootings involving four or more
victims in 37 states and 167 cities, killing 357 people and wounding 1334; and

WHEREAS, this year alone, there have been more than 48,863 gun-related incidents, killing
12,217 people and wounding 24,877; and

WHEREAS, after several years of decline in the rate of gun violence, many cities around the
country are now reporting a significant rise in the level of gun violence, including mass
shootings; and

WHEREAS, persons with adjudicated mental illness, violent criminals, drug dealers, gang
members, domestic abusers and now homegrown terrorists are some of the leading contributors
to the increase in gun violence; and

WHEREAS, many states and federal agencies are not currently complying with the data entry
requirements to the National Instant Background Check System to adequately prevent prohibited
persons from buying a firearm; and

WHEREAS, under current law, there are ten classes of persons prohibited from shipping,
transporting, receiving, or possessing firearms or ammunition:

1. persons convicted in any court of a crime punishable by imprisonment for a term
   exceeding one year;
2. fugitives from justice;
3. unlawful users or addicts of any controlled substance as defined in Section 102 of the
   Controlled Substances Act (21 U.S.C. §802));
4. persons adjudicated as “mental defective” or committed to mental institutions;
5. unauthorized immigrants and nonimmigrant visitors;

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1 https://www.massshootingtracker.org/data
2 http://www.gunviolencearchive.org
3 Under 27 C.F.R. Section 478.11, the term “adjudicated as a mental defective” is defined to include a determination
   by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence
   or a mental illness, incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental
   capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and
   (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility
   pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850a, 876(b).
4 Under 27 C.F.R. Section 478.11, the term “adjudicated as a mental defective” is defined to include a determination by a court,
   board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence or a mental illness,
   incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to manage his own
   affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to
   stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of
   Military Justice, 10 U.S.C. Sections 850a, 876(b).
6. persons dishonorably discharged from the U.S. Armed Forces;
7. persons who have renounced their U.S. citizenship;
8. persons under court-order restraints related to harassing, stalking, or threatening an intimate partner or child of such intimate partner;
9. persons convicted of a misdemeanor crime of domestic violence and
10. persons under indictment in any court of a crime punishable by imprisonment for a term exceeding one year; and

WHEREAS, it is unlawful for any person to transfer, sell or otherwise dispose of a firearm or ammunition to any of the prohibited persons enumerated above, if the transferor has reasonable cause to believe that the transferee is prohibited from receiving those items; and

WHEREAS, federal firearms licensees (FFLs) are prohibited from transferring a long gun or long gun ammunition to anyone less than 18 years of age, or a handgun or handgun ammunition to anyone less than 21 years of age; and

WHEREAS, since 1994, it has been a federal offense for any unlicensed person to transfer a handgun or handgun ammunition to anyone less than 18 years of age, and has also been illegal for anyone under 18 years of age to possess a handgun or handgun ammunition (there are exceptions to this law related to employment, ranching, farming, target practice, and hunting); and

WHEREAS, under current law, FFLs are required to verify through the Federal Bureau of Investigation (FBI) and the National Instant Background Check System (NICS) that non-licensed persons are eligible to possess a firearm before subsequently transferring a firearm to them, and FFLs must also verify the identity of non-licensed transferees by inspecting a government-issued photo identity document (e.g., a driver’s license); and

WHEREAS, since 1986, it has been a federal offense for non-licensees to knowingly transfer a firearm or ammunition to any prohibited persons (18 U.S.C. §922(d)); and

WHEREAS, firearms or ammunition transfers initiated by FFLs through the Internet or at gun shows are subject to the same federal laws as transfers initiated in any other manner; and

WHEREAS, under the permanent provisions of the Brady Act (December 1998 through 2014), more than 271 million checks were completed, resulting in nearly 3 million denials, for a denial rate of less than 1.1%; and

WHEREAS, federal law does not require background checks for intrastate (in-state) firearms transfers between unlicensed persons; and

5 FFLs currently do have discretion to transfer a firearm to an individual if a background check has not been completed by FBI through NICS within three business days. Many FFLs do not exercise this discretion and, like Walmart, the largest FFL in the US, have adopted a policy since 2002 to not transfer a firearm until they positively affirm an approved background check through FBI and NICS.
6 For further information, see CRS Report R42687, Internet Firearm and Ammunition Sales, by Vivian S. Chu.
WHEREAS, almost all firearms used criminally in the United States were diverted at some point from legal channels of commerce;⁸ and

WHEREAS, most prohibited persons obtain firearms and ammunition from the following types of illegal gun trafficking activities:

- straw purchasers or straw purchasing rings;
- trafficking in firearms by corrupt federally licensed gun dealers;
- trafficking in firearms by unlicensed dealers (i.e., persons who deal in firearms illegally as the principal source of their livelihood);
- trafficking in stolen firearms; and
- trafficking of secondhand firearms acquired from unlicensed persons at gun shows, flea markets, online and other private venues;⁹ and

WHEREAS, the illegal transfer of guns from licensed and unlicensed sellers is a significant threat to public safety and law enforcement.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress to pass legislation that would prohibit any person from knowingly transferring, purchasing, or attempting or conspiring to purchase or transfer, any firearm or ammunition from licensed or an unlicensed person on behalf of or at the request or demand of a prohibited person, known or unknown; and

BE IT FURTHER RESOLVED, Congress should pass legislation that requires a fully federally funded and completed background check within a reasonable time frame consistent with state and local laws for all gun sales or transfers, and requires that all unlicensed or private sellers use an FFL or participating law enforcement agency to facilitate a firearms background check through NICS on the purchase or transfer of any firearm to anyone; and

BE IT FURTHER RESOLVED, that the legislation should provide increased funding and assistance to state and local governments to upload standardized real-time data to NICS; and

BE IT FURTHER RESOLVED, that legislation should provide funding to the Center for Disease Control to conduct comprehensive research to identify the underlying causes that lead to gun violence and mass shooting in communities; and

BE IT FURTHER RESOLVED, that legislation should provide federal funding for education and training in safe effective handling and secured storage of legal firearms; and

BE IT FURTHER RESOLVED – NLC urges the Department of Justice to work closely with State and local law enforcement to aggressively target and hold accountable licensed and unlicensed individuals who break the law by knowingly selling or transferring firearms or

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ammunition to prohibited persons, gun traffickers or straw purchasers; and

BE IT FURTHER RESOLVED, that NLC calls on the Congress and the Administration to appoint a bipartisan commission by the end of 2018 that consists of federal, state, and local officials, gun rights advocates, survivors of gun violence, law enforcement officials, and medical and mental health providers to recommend legislation to reduce gun violence in the United States.
NLC RESOLUTION #32

IN SUPPORT OF LEGISLATION TO REAUTHORIZE THE SECOND CHANCE ACT

WHEREAS, according to the Bureau of Justice Statistics (BJS), about 6.74 million people were under some form of adult correctional supervision in the U.S. at year end, 2015. ¹; and

WHEREAS, according to the most recent data from the Office of National Drug Control Policy, over 9 million offenders cycle through local jails, while an additional 700,000 people are released from state and federal prisons every year back into their local communities²; and

WHEREAS, according to the most recent study by BJS, “an estimated two-thirds (68 percent) of the 405,000 prisoners released in 30 states were arrested for a new crime within three years of release from prison, and three-quarters (77 percent) were arrested within five years. More than a third (37 percent) of prisoners who were arrested within five years of release were arrested within the first six months after release, with more than half (57 percent) arrested by the end of the first year”³; and

WHEREAS, there are a number of barriers that prevent offenders from becoming productive members in their communities, including drug and alcohol addiction, mental illness, unemployment, and lack of housing; and

WHEREAS, “when offenders are released from incarceration, many of them have difficulty finding a job and a place to live, and more than two-thirds return to a life of crime because of the lack of opportunities”⁴; and

WHEREAS, without sufficient federal and state support and funding for local programs aimed at transitioning offenders back into the community, cities will see a rise in crime levels which will lead to an increase in recidivism rates; and

WHEREAS, city leaders across the country are looking at ways to support local programs that help offenders reenter into society and one of the key challenges is to create a sustainable system that will provide opportunities for offenders to find jobs and affordable housing⁵; and

WHEREAS, a study from the National Reentry Resource Center, created under the Second Chance Act, shows that recidivism rates can be significantly reduced when states and local communities commit to jailing only people who present a risk to public safety and to helping newly released prisoners find drug treatment, psychiatric counseling and the other services they need for a successful reentry back into their local communities.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities urges Congress to quickly pass the Second Chance Reauthorization Act that helps municipalities develop successful and sustainable programs aimed at reducing recidivism and reintegrating offenders back into the community.
NLC RESOLUTION #33

URGING THE FEDERAL GOVERNMENT TO CLARIFY THE DE-OBLIGATION PROCESS OF PREVIOUSLY APPROVED DISASTER-RELIEF FUNDS

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (The Stafford Act), establishes the statutory authority for most Federal disaster response activities especially as they pertain to the Federal Emergency Management Agency (FEMA) and FEMA programs; and

WHEREAS, the purpose of the Stafford Act is to provide continued and orderly assistance from the Federal government to state and local governments to relieve hardship and damage that result from disasters¹; and

WHEREAS, the Stafford Act authorizes FEMA to obligate funds to states and local governments to help recover from natural disasters that cause widespread damage to homes, businesses and critical infrastructure; and

WHEREAS, the ability of state and local communities to recover successfully from natural disaster events is due in large part to its partnership with FEMA and the financial assistance that it provides under the Stafford Act; and

WHEREAS, it is through this partnership that local governments seek FEMA’s approval to develop recovery projects that include authorized costs to be reimbursed by FEMA once the project is completed; and

WHEREAS, FEMA is seeking to de-obligate previously-approved recovery funds from local governments whenever the Department of Homeland Security Office of Inspector General determines that funds previously obligated now are deemed to be inconsistent with provisions of the Stafford Act, regardless of whether the recipient has already spent the funds in accordance with the grant’s requirements²; and

WHEREAS, FEMA’s de-obligation of previously approved recovery funds weakens the intent of the Stafford Act; and

WHEREAS, Congress enacted Section 705(c) of the Stafford Act, titled "Binding Nature of Grant Requirements," to protect recipients of disaster assistance from these retroactive de-obligations.³

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities urges the Federal government to amend the process whereby FEMA can declare that previously approved

² South Florida Water Management District v. FEMA, Case No. 13-80533-CIV (S.D.Fla. September 18, 2014)
³ The Stafford Act, Section 705(c) provides "A State or local government shall not be liable for reimbursement or any other penalty of any payment made under this Act if (1) the payment was made pursuant to an approved agreement specifying the costs; (2) the costs were reasonable; and (3) the purpose of the grant was accomplished"
funds distributed to local governments for disaster relief efforts are de-obligated so as to ensure that the de-obligation process:

1. prohibits FEMA from retroactively disallowing funding of projects that were approved in which costs were specified and reasonable and the project was completed as required under Section 705(c) of the Stafford Act,
2. includes a reasonable time frame for municipalities to respond to information requests,
3. requires FEMA to make timely decisions on appeals filed by municipalities that face the potential rescission of previously appropriated federal funds; and
4. prohibits FEMA from immediately rescinding previously obligated funds from the grantee once the sub-grantee has stated its intent to appeal, in timely fashion, FEMA’s decision.
NLC RESOLUTION #34

IN SUPPORT OF THE ASSET FORFEITURE PROGRAM

WHEREAS, criminal and civil asset forfeiture has long been an effective law enforcement tool to fight against illegal profiteering and to deter crime; and

WHEREAS, Congress and state legislatures have authorized its use for over 200 years; and

WHEREAS, every year, the federal asset forfeiture program redirects illegally gained property to be used by law enforcement to combat criminal activity consistent with federal regulations; and

WHEREAS, Congress created the Department of Justice Asset Forfeiture Fund as part of the Comprehensive Crime Control Act of 1984, which receives confiscated cash and the proceeds from forfeitures conducted under the laws enforced or administered by the Department of Justice and the Department of Justice’s equitable share of forfeitures conducted by other state, federal, or foreign law enforcement agencies; and

WHEREAS, Congress passed the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), P.L. 106-185 that made significant reforms to the Department of Justice’s asset forfeiture program to ensure property owners are afforded adequate due process before their property was forfeited; and

WHEREAS, before confiscated cash or the proceeds from the sale of other confiscated property is paid into the Fund, the Attorney General may authorize it to be transferred to or shared with other federal, state, local, or foreign law enforcement agencies who have participated in the investigation or proceedings that resulted in confiscation;¹ and

WHEREAS, the Department of Justice anticipates transferring forfeited assets valued at $314.6 million dollars to state and local law enforcement agencies as compensation for their contribution to joint enforcement efforts;² and

WHEREAS, civil asset forfeiture program provides an additional $154.7 million in funding for state and local agencies to continue to participate in Federal task forces in 2015 and 2016.

WHEREAS, Congress continues to scrutinize the civil asset forfeiture’s eccentricities in greater detail because of ongoing allegation of misconduct by local law enforcement agencies; and

² 28 U.S.C. 524(c). The Department of Justice’s annual forfeiture fund report anticipated FY2015 expenditures.
WHEREAS, Congress is once again considering legislation to change or limit the Department of Justice’s ability to transfer property and funding to state and local law enforcement agencies through the civil asset forfeiture program; and

WHEREAS, the reforms already implemented by the Department of Justice address many of the concerns that have been raised regarding asset forfeiture and that any further steps to reform the program should only be taken after careful consideration as to not further weaken this valuable tool that aids state and local law enforcement in protecting our communities; and

NOW THEREFORE BE IT RESOLVED, that the National League of Cities opposes legislation that would limit local law enforcement’s ability to participate in the Federal civil asset forfeiture program; and

BE IT FURTHER RESOLVED, efforts to change or severely limit local law enforcement’s ability to participate in the federal civil asset forfeiture program should not give safe harbor to the cartels and professional criminals who engage in drug trafficking, human trafficking and child pornography; and

BE IT FURTHER RESOLVED, Congress should maintain the method for reimbursement of state and local agencies that have committed resources participate in joint Federal task forces, while also establishing appropriate requirements that safeguard individual rights and remove financial incentives for potential misconduct.

BE IT FURTHER RESOLVED, NLC encourages the Department of Justice to pursue sanctions against local law enforcement agencies that habitually misuse the federal civil asset forfeiture program.
NLC RESOLUTION #35

IN SUPPORT OF EFFORTS TO IMPROVE POLICING IN THE 21ST CENTURY

WHEREAS, trust between law enforcement agencies and the people they protect and serve is essential to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services; and

WHEREAS, recent events over the past couple years have exposed issues and opportunities in the relationships between local police and the communities they protect and serve; and

WHEREAS, December 18, 2014, President Barack Obama signed Executive Order 13684 establishing the Task Force on 21st Century Policing to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on ways policing practices can promote effective crime reduction while building trust; and

WHEREAS, the final report of the Task Force was delivered to the President on March 2, 2015 that included a total of 63 recommendations, most of which were directed at the approximately 18,000 state and local law enforcement agencies spread throughout the country; and

WHEREAS, local elected officials play a large role in working with law enforcement officers, community leaders, faith-based institutions, youth groups and federal and state partners to implement many of the recommendations in the report; and

WHEREAS, implementing the recommendations of the report will have a considerable impact on local government budgets and programs; and

WHEREAS, the report encourages collaboration with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation; and

WHEREAS, the report also calls on local governments to recognize the voices of youth in community decision making, facilitate youth participation in research and problem solving.

NOW THEREFORE BE IT RESOLVED, that the National League of Cities (NLC) urges the Department of Justice to work closely with local leaders to help implement the relevant recommendations that are most needed in their communities; and

BE IT FURTHER RESOLVED, NLC calls on Congress and the Administration to provide financial and technical assistance to local governments to help implement the applicable recommendations of the Task Force on 21st Century Policing; and
BE IT FURTHER RESOLVED, NLC calls on the Federal Government to assist municipalities with their efforts to make sure law enforcement training provides the foundation to cultivate police officers as leaders in – and guardians of – their communities by providing increased training in racial and implicit bias, de-escalation tactics and the use of nonlethal force.
NLC RESOLUTION #36

IN SUPPORT OF FEDERAL EFFORTS TO COMBAT THE EPIDEMIC OF HEROIN AND PRESCRIPTION OPIOID ABUSE

WHEREAS, cities throughout the nation – both urban and rural – are dealing with the tragic effects of the epidemic of heroin and prescription opioid abuse; and

WHEREAS, heroin and opioid addiction is an epidemic ravaging urban, suburban, and rural communities in our country;¹ and

WHEREAS, there were over 52,404 overdose deaths in 2015, or approximately 144 per day, over half (61%) of which involved either a heroin or prescription opioid;² and

WHEREAS, cities are supplying their law enforcement, fire and emergency medical personnel with naloxone to reverse heroin and opioid overdose, which rapidly restores normal respiration to a person who has stopped breathing as a result of overdose; and

WHEREAS, many local public health and law enforcement agencies currently lack the necessary resources to mount an effective response to the opioid and heroin epidemic; and

WHEREAS, efforts to reduce the number of opioid and heroin overdoses in our cities require a strong partnership between local, state and federal health and law enforcement programs; and

WHEREAS, on July 22, 2016, Congress passed the Comprehensive Addiction and Recovery Act (CARA) of 2016 (Public Law No: 114-198), that authorizes additional funding for local opioid abuse prevention and education efforts, expands the availability of naloxone to local law enforcement, fire and emergency medical personnel, and supports local prescription opioid and heroin treatment and intervention programs.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges Congress to appropriate the additional funding that is required to implement the much-needed programs featured in CARA and to increase the immediate availability of medical assisted treatment programs for people that are seeking assistance to overcome their addition to opioids.

NLC RESOLUTION #37

IN SUPPORT OF LEGISLATION TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

WHEREAS, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters, and business owners in exchange for using Federal Emergency Management Agency (FEMA) generated and specified Flood Insurance Rate Maps (FIRMS) for floodplain management by a participating community; and

WHEREAS, the Flood Disaster Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance buildings; and

WHEREAS, the NFIP provides affordable flood insurance to property owners by encouraging local governments to adopt and enforce floodplain and water management regulations, best practices and techniques; and

WHEREAS, these mitigation efforts reduce and prevent flooding on new and improved structures, thereby saving lives and reducing injuries, reducing economic losses, maintaining and protecting critical infrastructure, and reducing the liability borne by local governments and elected officials; and

WHEREAS, in July 2012, the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) was enacted (PL 112-141) to extend the authorization of the NFIP through September 30, 2017; and

WHEREAS, the NFIP collected more than $1.2 billion in 2015 and paid out more than $791 million in loses to 20,208 homeowners and businesses¹; and

WHEREAS, as of June 30, 2016, there were 5,085,771 homeowners and businesses that were issued a flood insurance policy through the NFIP²; and

WHEREAS, there is still no viable private market for homeowners and businesses to acquire sufficient flood insurance coverage; and

WHEREAS, it is incumbent upon all of us to have a long-term, sustainable and viable NFIP with rates that are affordable; and

WHEREAS, accurate mapping is fundamental for local governments to assess and communicate risk to their communities and homeowners; and

² FEMA (2016, June 30)
WHEREAS, the current mapping process often results in local governments having to fight inaccurate maps that do not take into account locally built flood protection features and communities building off of outdated mapping, which results in artificially inflated risk. Further, many areas of the country are not mapped or mapped accurately, which results in communities who are at risk of flooding unaware of the risk; and

WHEREAS, unless Congress reauthorizes the NFIP by September 30, 2017, millions of homeowners and businesses will lose their flood insurance coverage and could default on their loans.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities (NLC) urges Congress to reauthorize the NFIP and to keep flood insurance rates affordable for primary, non-primary and business properties while balancing the fiscal solvency of the program; and

BE IT FURTHER RESOLVED that NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to develop an incentive-based disaster insurance and mitigation system that would encourage property owners to retrofit existing structures to reduce future losses from natural disasters and to locate new construction outside of high-risk areas such as floodplains or coastal areas; and

BE IT FURTHER RESOLVED that NLC urges the federal government to encourage lending institutions to incorporate mitigation provisions as conditions for loans; and

BE IT FURTHER RESOLVED that in order for local governments to help their communities and homeowners to adequately prepare for risk, Congress should provide additional resources to FEMA to utilize the best technology and methods available to improve the mapping process, including seeking the input from local government officials prior to approving any flood map that could impact local zoning rules.
NLC RESOLUTION #38

RESOLUTION IN OPPOSITION TO FEDERAL EFFORTS TO WITHHOLD FUNDING FROM SANCTUARY CITIES

WHEREAS, Since the inception of the United States of America, lawful immigrants and refugees have played a vital role in the civic, economic and social life of cities; and

WHEREAS, cities strive to make their communities safe by rejecting racial and religious profiling; and

WHEREAS, cities expect local law enforcement officers to respond to the needs of their community and to respect, protect and serve all residents, documented and undocumented, to ensure safety for all people they serve; and

WHEREAS, local governments address issues associated with federal immigration laws in a variety of ways that best meet the needs of all their residents; and

WHEREAS, some cities choose not to dedicate municipal resources to enforce federal immigration laws against undocumented immigrants who do not violate state or local laws; and

WHEREAS, there is no federal statute that clearly defines a sanctuary city; and

WHEREAS, some cities are wrongfully characterized as safe havens for undocumented immigrants who violate state and local laws; and

WHEREAS, the power to enforce federal immigration laws remains exclusively a federal power; and

WHEREAS, Congress is considering legislation that would impose sanctions on local governments if the local government adopts a statute, policy, or practice that prohibits or restricts information sharing about an individual’s immigration status or compliance when a detainer request is issued by the Department of Homeland Security; and

WHEREAS, such detainer requests can result in a potentially unconstitutional violation of the Fourth Amendment by mandating local law enforcement to maintain custody of a person for an additional 48 hours or longer without criminal charges; and

WHEREAS, the Tenth Amendment of the U.S. Constitution states that the powers not delegated to the United States are reserved to the states, including deployment of local law enforcement; and

WHEREAS, the Supreme Court in Galarza v. Szalczyk, held that “[u]nder the Tenth Amendment, immigration officials may not order state and local officials to imprison suspected aliens subject to removal at the request of the federal government.” (745 F.3d 634 (2014).)
WHEREAS, in states like Texas, according to reports filed with the Texas Commission on Jail Standards, the total number of inmates with Immigration Detainers in local jails was 5,031 for the month of August 2017. The policy of detaining undocumented immigrants in Texas county jails for the month of August cost $6.5 million, diverting local resources away from creating economically stable, healthy and safe neighborhoods; and

WHEREAS, the reasons why cities are implementing policies to limit cooperation with federal immigration enforcement efforts include the fiscal concerns related to the costs of enforcing immigration laws, logistical concerns related to training, and the potential for civil liability; and

WHEREAS, cities work closely with their city attorneys to consider various approaches to writing policies that declare an acceptance of diversity and inclusion while complying with established state and federal law; and

WHEREAS, while many cities have policies that limit law enforcement officers’ ability to investigate, detain, or enforce laws based on immigration status, they also require the officers to cooperate with federal officials.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities opposes federal legislation that would impose harmful sanctions on local governments that have in affect a statute, ordinance, policy, or practice that prohibits or restricts compliance when a detainer request or administrative warrant is issued by the Department of Homeland Security; and

BE IT FURTHER RESOLVED, that Congress should ensure that the Department of Homeland Security’s detainer requests and administrative warrant comply with of the U.S. Constitution’s Fourth and Tenth Amendments; and

BE IT FURTHER RESOLVED, that Congress should provide additional resources and funding to the Department of Homeland Security to meet the statutory requirements to enforce our Nation’s immigration laws and not force local governments to take on the financial responsibilities and duties of federal immigration enforcement agents.
REPORT OF THE

INFORMATION TECHNOLOGY AND COMMUNICATIONS
FEDERAL ADVOCACY COMMITTEE

ITC
PROPOSED POLICY AMENDMENTS

Only sections of the NLC National Municipal Policy (NMP) where modifications are proposed are reproduced in this report. The complete text of the current NMP, divided into seven policy chapters, can be found here or at http://www.nlc.org/influence-federal-policy/resources/national-municipal-policy.

Please note:
- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

POLICY
- 7.01 Local Control and Authority
- 7.03 Consumer Protection
7.01 Local Control and Authority

A. Land Use and Zoning

4. Radio Frequency Radiation Emissions

The federal government has established standards for radio frequency emissions. Local governments must be permitted to monitor and enforce these standards.

The increasing number of wireless sites in communities can increase questions from citizens about the health and safety impacts of these sites. The Federal Communications Commission should update its standards and guidance for safe exposure to radio frequency emissions to account for changes in technology and density of infrastructure.

7.03 Consumer Protection

G. Network Neutrality

The federal government should mandate compliance with the following principles by all companies owning networks or offering Internet access, regardless of technology they employ:

- Internet users and creators of services should have unrestricted access to and use of their choice of lawful Internet content, applications, and services;
- Internet users are entitled to connect their choice of legal devices to the network;
- Internet service providers should not engage in prioritization or throttling of content unrelated to public safety needs.
- While network owners define the cost and technical limits of their service, consumers must receive meaningful information regarding their service plans, including but not limited to information about anticipated upload and download speeds and potential throttling of service; and
- Each of these principles should apply regardless of an Internet user’s income, race, geographic location, or disability; and
- Enforcement of these principles and similar principles are essential to ensure that the public receives the maximum diversity of information and the maximum competition among providers of services, equipment, content, and Internet access.
NLC RESOLUTION #39

LOCAL GOVERNMENT SUPPORT OF COMMUNITY/MUNICIPAL BROADBAND NETWORKS

WHEREAS, the universal availability of affordable broadband access for all citizens has been identified as a national priority; and

WHEREAS, community/municipal broadband networks are an essential option for education, healthcare, market competition, consumer choice, economic development, and universal, affordable Internet access nationwide; and

WHEREAS, historically, local governments have ensured access to essential services by banding together to provide those services that were not offered by the private sector at a reasonable and competitive cost. This involvement has included electrification, public libraries, and other important services; and

WHEREAS, according to the Federal Communications Commission, half of American homes only have two options of Internet service providers for basic broadband and for faster speeds, a majority of households only have one choice;¹ and

WHEREAS, the economic health of municipalities depends on public and private investment to connect their communities; and

WHEREAS, attempts continue to be made to limit or stop further local government deployment of municipal broadband services, which has the potential of reducing the ability of local government to provide important information and services to their citizens in a timely, efficient, and cost effective manner; and

WHEREAS, opponents of community and municipally provided broadband have proposed various administrative procedures that they claim are designed to protect citizens and consumers from unwieldy local governments; however, these safeguards really place over-burdensome requirements on municipalities and act as unnecessary barriers;² and

WHEREAS, in the vast majority of community/municipal broadband networks built to date, the private sector has been involved in helping design, build, and operate the network – creating new business opportunities and jobs in the process; and

WHEREAS, local governments should not be preempted by states from being able to offer broadband services, high speed Internet, and other communications services which could advance the deployment of broadband throughout our nation.

NOW, THEREFORE, BE IT RESOLVED the National League of Cities (NLC) urges the federal government to encourage deployment of broadband networks in a competitive manner via a variety of conduits (satellite, wireless, and wireline); and

BE IT FURTHER RESOLVED NLC opposes any actions that seek to burden cities through unnecessary procedural requirements and safeguards that duplicate the democratic process by which cities govern themselves; and

BE IT FURTHER RESOLVED NLC embraces local governments’ ability to work cooperatively with the private sector to offer broadband services and does not believe such public/private partnerships are incompatible with private sector competition; and

BE IT FURTHER RESOLVED NLC supports federal proposals that promote community/municipal broadband, that preserve the authority of local governments to act in the interest of their citizens by offering high speed Internet and other communications services, and preempt states from barring local governments from offering such services in their communities.
BROADBAND ACCESS: A CALL FOR UNIVERSAL AVAILABILITY, AFFORDABILITY AND WORLD-CLASS QUALITY

WHEREAS, despite the Internet being an invention of the United States, Americans pay the most in the world for broadband access that is not on par with the speeds of other countries\(^1\); and

WHEREAS, according to the Federal Communications Commission, half of American homes only have two options of Internet service providers for basic broadband and for faster speeds, a majority of households only have one choice\(^2\); and

WHEREAS, the federal government has released a National Broadband Map, as directed by the National Broadband Plan, that provides data to support efforts to expand broadband access and adoption in communities at economic risk and help businesses and consumers seeking information on their high-speed internet options; and

WHEREAS, to compete successfully in an increasingly global environment the United States needs to take advantage of all of the technological solutions that high-speed broadband access offers; and

WHEREAS, universal broadband should be considered essential infrastructure that contributes to economic health and survival of communities across the United States; and

WHEREAS, the National League of Cities (NLC) believes that while the Federal Communications Commission’s current aspirational benchmark for broadband speeds has been increased to 25 Megabits actual speed downstream and 3 Megabits upstream, 23 million Americans –10 percent of the population – still lack access to advanced broadband\(^3\); and

WHEREAS, with the proliferation of devices with Internet access, wireless data traffic has grown significantly, placing a greater demand on both licensed and unlicensed spectrum, and adding additional capacity is essential to support continued innovation and achieve the potential to transform many different areas of the American economy by providing a platform for innovation and is likely to have a substantial impact on jobs, growth and investment, and

WHEREAS, the availability and adoption of quality broadband service can vary dramatically from one neighborhood to another, even in heavily populated urban areas, and a substantial number of individuals in poor and rural communities have limited Internet access and where broadband access is limited, citizens have limited access to information, education and tools for economic independence; and

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\(^1\) 2014 Cost of Connectivity Report, Open Technology Institute, New America Foundation.
WHEREAS, over 5 million households with children in school currently lack a fixed broadband connection, while the majority of teachers assign homework that requires broadband, leaving millions of students behind in modern education; and

WHEREAS, American households that do not subscribe to broadband cite costs and a lack of need or disinterest, underscoring a need to address the United States’ digital divide and create opportunities to increase broadband adoption; and

WHEREAS, NLC strongly believes that broadband access should be universal, affordable and competitively priced, as universal broadband access would promote economic development, enhance public health and safety and increase educational opportunities for millions of Americans across the country; towns and cities across the country are offering fast, affordable Internet, and states should be encouraging these initiatives, not hindering them; and

WHEREAS, such availability and adoption is insufficient to meet current and future needs, and because the broadband capabilities of other countries accommodate much higher connection speeds and are more widely available and less expensive per megabit than in the United States; and

WHEREAS, NLC supports proposals that promote community/ municipal broadband services, and that preserve the authority of local governments to act in the interest of their citizens by offering high speed Internet and other communications services, and

WHEREAS, NLC opposes any attempts which bars local governments from offering community/ municipal broadband services in their communities.

NOW, THEREFORE, BE IT RESOLVED NLC asks the federal government to recognize and work to achieve the twin goals of broadband access by providing:

- Affordable and competitively priced broadband access; and
- Appropriate standards for broadband speed, reliability, and connectivity that allow America to compete in the global economy and open more opportunities to deliver robust services more economically and universally; and

BE IT FURTHER RESOLVED NLC supports the Federal Communications Commission’s move to allocate additional spectrum for unlicensed use in order to meet increased demand for wireless technologies; and

BE IT FURTHER RESOLVED NLC supports the Federal Communications Commission revisiting the aspirational benchmarks for broadband speeds on a more frequent basis because of the evolving nature of technology and the varying and changing needs of communities for faster speeds; and

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4 The Numbers Behind the Broadband Homework Gap, Pew Research Center, April 20, 2015.
5 Exploring the Digital Nation, National Telecommunications and Information Administration, U.S. Department of Commerce, October 2014.
BE IT FURTHER RESOLVED NLC opposes any efforts by the FCC to lower the speed benchmarks for broadband or to include mobile broadband as a sufficient replacement for fixed wireless or wireline broadband service; and

BE IT FURTHER RESOLVED NLC encourages for the FCC to close the “homework gap” in low-income households through the support of low-cost plans, including access provided by local governments; and

BE IT FURTHER RESOLVED NLC opposes any efforts by the FCC to reverse modernization of the critically important E-Rate and Lifeline programs; and

BE IT FURTHER RESOLVED NLC urges the federal government to take an expeditious role in convening together all interested parties, including, but not limited to, all levels of government (local, state, tribal, and federal), consumer organizations, representatives of underserved communities (rural, urban and suburban), all segments of the communications industry interests, representatives of private sector, and not-for-profit sector organizations, to promote ubiquitous broadband access.
NLC RESOLUTION #41

LOCAL GOVERNMENT SUPPORT FOR FAIRNESS AND TRUTH IN ADVERTISING
FOR INTERNET SERVICE PROVIDERS

WHEREAS, the universal availability of affordable high speed Internet broadband access for all citizens is a national priority; and

WHEREAS, Internet access is a necessity for citizens to enable access to their workplaces, educational opportunities, social media, and community involvement; and

WHEREAS, the Federal Communications Commission has defined ‘broadband’ to be 25 MBps (megabits per second) download speed and 3 MBps (megabits per second upload) speeds as the de-minimis standard where the terminology ‘broadband’ is used,¹ and

WHEREAS, advertising practices in the Internet/broadband industry are generally unmonitored, and

WHEREAS, broadband providers currently emphasize the download speed they provide while minimizing the disclosure of upload speed, which is the most variable component of current broadband delivery technologies, and

WHEREAS, Internet providers that do not meet the Federal Communication Commission standards for broadband use the term ‘broadband’ for their advertised service with no disclosure of their failure to meet the standard.

NOW, THEREFORE, BE IT RESOLVED the National League of Cities (NLC) supports the imposition of a standard for broadband measurement to be required in broadband advertising, allowing the public a fair basis for comparison when purchasing broadband services, and

BE IT FURTHER RESOLVED that this advertising standard should require carriers to advertise upload/download speeds on an equal basis, and

BE IT FURTHER RESOLVED NLC urges the federal government to explore and enact requirements that promote fair and explicit advertising in the broadband industry.

NLC RESOLUTION #42

AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING

WHEREAS, the Federal Communications Commission has recently opened proceedings that challenge local authority to manage rights of way and govern broadband infrastructure under the auspices of accelerating broadband infrastructure deployment,¹ and

WHEREAS, the Federal Communications Commission has also separately opened proceedings proposing to “streamline” the deployment of small cell and distributed antenna system network infrastructure by preempting local governance of that infrastructure,² and

WHEREAS, cities have worked as active partners to site broadband infrastructure in their communities while protecting public safety, neighborhood character, and the integrity of existing infrastructure such as poles, streets, and sidewalks, and

WHEREAS, cities have shared the Federal Communications Commission’s goal of expanding broadband access to all Americans, no matter where they live, and

WHEREAS, cities have a duty to their taxpayers to protect and manage public property and public rights-of-way for the benefit of all users, and must balance the needs and interests of broadband providers with those of other users of the rights-of-way and residents by appropriately reviewing siting requests and assessing appropriate rent for use of public property, and

WHEREAS, the Federal Communications Commission has also established a new Broadband Deployment Advisory Committee charged with creating model state and local code and identifying obstacles to broadband deployment caused by state and local regulation, and

WHEREAS, this Broadband Deployment Advisory Committee contains only three local officials (Mayor Sam Liccardo of the City of San Jose, Councilmember Andy Huckaba of the City of Lenexa, and City Manager Larry Hanson of the City of Valdosta) among its thirty members, the majority of whom represent the telecommunications industry, despite endorsement of numerous local government candidates by NLC and the National Association of Telecommunications Officers and Advisors.³

NOW, THEREFORE, BE IT RESOLVED THAT NLC opposes efforts by the Federal Communications Commission and Congress to preempt municipal authority over all broadband infrastructure, wired or wireless, including small cell infrastructure, and

BE IT FURTHER RESOLVED THAT NLC calls on the FCC and Congress to protect local police powers over their rights-of-way, municipal authority to protect neighborhood character and public safety, and existing authority to assess fair compensation for private use of public assets, including the rights-of-way and other public lands and facilities, which should not be limited to the cost of maintaining the rights of way, and

BE IT FURTHER RESOLVED THAT NLC calls on the Federal Communications Commission to identify effective collaborative solutions and effective administrative practices for the siting of wireless infrastructure, instead of implementing a one-size-fits-all preemptive regulatory approach, and

BE IT FURTHER RESOLVED THAT NLC calls on the FCC to examine all best practices and potential obstacles to expanded broadband deployment and adoption, including obstacles created by federal or industry practices that stymie local and consumer efforts to expand broadband access
NLC RESOLUTION # 43

SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS

WHEREAS, broadband infrastructure has become an economic necessity for American cities, driving education, healthcare, public safety, economic growth, and operating efficiency in a 21st-century economy, and

WHEREAS, sufficient broadband infrastructure has become increasingly necessary to support all forms of infrastructure, from smart-meter electrical grids, to connected traffic management networks, to sensor-enabled water and sewer systems, and

WHEREAS, robust broadband is needed to support the deployment of advances in smart city technologies, as well as autonomous vehicles and unmanned aerial systems, or drones, and

WHEREAS, in-home broadband access has been shown to increase home values by 3%, and up to 7.1% at higher speeds1, and to boost economic and entrepreneurial activity within communities who gain access to widely available broadband, and

WHEREAS, 10% of Americans, particularly those living in low-income or rural neighborhoods, remain un- or underserved by broadband2 and lack access to the same kinds of advances in technology that Americans with broadband enjoy, and are unlikely to gain connectivity without meaningful public investment, and

WHEREAS, while smartphone use and access to mobile data has increased, fixed in-home broadband connections remain a necessity to close the digital divide and allow all Americans to fully access the benefits of connectivity.

NOW, THEREFORE, BE IT RESOLVED THAT NLC urges Congress to include and incorporate federal investment in broadband in any federal infrastructure proposal, to strengthen the nation’s infrastructure network while promoting economic development and social equity in our communities.

BE IT FURTHER RESOLVED that NLC calls on Congress to expand the U.S. Department of Agriculture’s Rural Utility Service Broadband program beyond loan guarantees to include grants, and increase the population threshold for eligible areas to at least 20,000 so that more areas may take advantage of this financing,

BE IT FURTHER RESOLVED that NLC calls on Congress to increase funding for Community Development Block Grants and Choice Neighborhood Grants, which allow local governments to fund broadband planning and deployment alongside affordable housing and neighborhood improvement projects,

BE IT FURTHER RESOLVED that NLC calls on the U.S. Department of Housing and Urban Development to expand its ConnectHome program, to ensure that a growing number of HUD-assisted households and schoolchildren will have access to in-home broadband, and

BE IT FURTHER RESOLVED that NLC calls on Congress to remove state-imposed barriers to broadband investment, such as preemption of municipal broadband networks, and

BE IT FURTHER RESOLVED that NLC calls on Congress to reform and update federal transportation grant programs such as TIGER to ensure that placement of broadband infrastructure through policies such as “dig once” is prioritized in funded projects, and that physical structures that reduce the cost of broadband deployment by private companies such as dark fiber and conduit are eligible expenses in federal grant programs.