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2011 Federal Legislative Position Statements

Federal Policy Issues

- Federal Surface Transportation Program
- Drinking Water System Security
- Collective Bargaining

Project Funding

- Blue Line Extension
- Gang of One
- Briar Creek Relief Sewer

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2011 Federal Legislative Agenda

Project / Policy Request Title:	Federal Surface Transportation Program
Position:	Support six-year extension of Federal Surface Transportation Program
Requesting KBU:	Charlotte Area Transit System Charlotte Department of Transportation
Responsible Staff Person(s):	Carolyn Flowers, Charlotte Area Transit System, 704.336.3855 Danny Pleasant, Transportation, 704.336.3879 Jerry Orr, Aviation, 704.359.4000

Background and History: The Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) was enacted in 2005 and expired on September 30, 2009. Since expiration Congress has continued SAFETEA-LU on a series of short-term extensions that continue current policies and practices. Policy initiatives such as a national infrastructure bank, greater funding for transit and movement to a vehicle mileage tax and other measures necessary to maintain the nation's economic competitiveness must wait. The longer the wait for reauthorization the more likely it is that the US Congress will have to backfill the Highway Trust Fund with general funds due to the low balances remaining in the Trust Fund.

Current Need/Problem (including potential allies or detractors): The City of Charlotte is a major transportation logistics center in the Southeastern United States. The Charlotte Douglas International Airport is the 8th busiest airport in the nation and is the site of a proposed intermodal facility to be built by Norfolk Southern railroad. The City is served by two interstate highways, major freight railways and AMTRAK, and is roughly the midpoint of the Washington, D.C. to Atlanta High Speed Rail Corridor. The Charlotte Department of Transportation maintains 2,400 centerline miles of roadway, 680 signalized intersections, and 2,200 linear miles of sidewalks. The Charlotte Area Transit System (CATS) moves over 80,000 people daily through its bus and rail operations. Preliminary engineering for the Blue Line Extension is currently underway and the project will be entering into a Full Funding Grant Agreement with the Federal Transit Administration ensuring the flow of federal funds for construction of this line. While preliminary engineering of the Red Line Commuter Rail project to North Mecklenburg County is also underway, which is not a federal project; changes to the New Starts program criteria are being sought in order for the project to become federal eligible.

Therefore the City supports:

- Creation of National Infrastructure Bank to prioritize projects of national importance;
- Inclusion of MTC selected projects as High Priority projects in reauthorization legislation (see below);

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- Substantial new funding for the New Starts / Small Starts program so that the federal share of construction of transit projects may increase to a level closer to 80% and to address demand for transit projects;

- Revision of New Starts / Small Starts criteria to emphasize land use, economic development and environmental measures, limiting project comparison to only the 'No-Build' alternative and eliminate the 'Baseline' alternative and streamline the process by eliminating alternatives analysis and raising funding caps;

- Federal support for operations and maintenance of bus and rail systems;

- Temporary increase in the federal gasoline tax until such time as a new source of revenue can be implemented, such as a vehicle mileage tax, in order to keep the Highway Trust Fund solvent.

The National League of Cities, American Public Transportation Association, American Association of State Highway and Transportation Officials support reauthorization.

Impact if Not Addressed/Adopted: The longer it takes to reauthorize the federal surface transportation program momentum that has been building up in support of projects will dissipate and project costs will rise. Thus, the time is ripe to enact reauthorization legislation.

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MTC Selected Projects for Inclusion in Reauthorization Legislation:

LYNX Blue Line Extension
LYNX Red Line
South Corridor Capacity enhancements
LYNX Southeast Corridor (BRT/LRT)
West Corridor
Street Car
Five-Year Bus Procurements
Davidson Street Garage Developments – Phase II
Charlotte Transportation Center Improvements – Phase II

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2011 Federal Legislative Agenda

Project / Policy Request Title: Drinking Water System Security

Position: Maintain local authority over materials and processes utilized by water utilities

Requesting KBU: Charlotte-Mecklenburg Utilities

Responsible Staff Person(s): Barry Gullet, 704.391.5073

Background and History: Section 1433 of the Safe Drinking Water Act of 2002 requires each drinking water utility to complete vulnerability assessments detailing potential risks to the utility and coordinate response plans with federally mandated local emergency planning committees that outline the plans and procedures of how the utility would respond to a terrorist attack on the facility. Charlotte-Mecklenburg Utilities is in compliance with this section as are all large water utilities in the nation.

Current Need/Problem (including potential allies or detractors): Legislation introduced in the US Senate, the Secure Water Facilities Act (S. 3598) would amend Section 1433 of the Safe Drinking Water Act of 2002 to designate the State drinking water primary agency as the final arbiter on the materials or processes used in treating drinking water. The legislation purports that by placing such responsibility under a State drinking water primary agency, the risk of terrorist attacks will be decreased. The intent of these amendments appears to target the use of chlorine gas in public water supplies as a disinfectant for use in ensuring water is suitable for human consumption. While other forms of chlorine gas may reduce the consequences of a terrorist attack on a facility, these forms may also react differently with local source waters and may not be as effective as chlorine gas in disinfection which could threaten public health. Local water systems are best positioned to weigh these competing factors and choose the best disinfectant for their own utility.

The American Water Works Association supports the maintenance of local authority and stands in opposition to the proposed amendments.

Impact if Not Addressed/Adopted: If the amendments to Section 1433 are enacted, then the City will have to utilize resources to advocate for or against legislation in the North Carolina General Assembly and/or administrative regulations being promulgated by State agencies.

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2011 Federal Legislative Agenda

Project / Policy Request Title: Collective Bargaining

Position: Support National League of Cities and North Carolina League of Municipalities positions in opposing mandatory collective bargaining for public safety officers

Requesting KBU: Continuation of 2010 Federal Legislative Agenda position

Responsible Staff Person(s): Dana Fenton, 704.336.2009

Background and History: Legislation has been introduced in both the US House of Representatives and Senate to mandate local governments bargain collectively with public safety unions, including police officers, firefighters and emergency medical technicians, all of which are known as the Public Safety Employer-Employee Cooperation Act of 2009.

Current Need/Problem (including potential allies or detractors): H.R. 413 (Kildee – MI), empowers the Federal Labor Relations Authority (FLRA), the federal agency that oversees labor relations for federal employees, to have jurisdiction over labor relations for the state and municipal police, firefighters and EMTs. The FLRA would oversee workplace elections, enforce rights and adjudicate disputes.

H.R. 413 would:

- Grant public safety officers the right to form and join a labor union
- Require that public safety employers recognize the employee's labor union
- Provide for bargaining over hours, wages, and the terms and conditions of employment, excluding pensions (and health insurance in the Senate version)
- Provide for an impasse resolution process, and
- Require that state courts enforce the rights established by H.R. 413

S. 1611 (Gregg – NH) would create a federally protected right to collective bargaining for police, fire fighters and EMTs employed by states or municipalities with 25 or more full-time employees and populations over 5,000. A bill identical to S. 1611 was introduced by the Senate Majority Leader, S. 3194 (Reid – NV) in order to have a vehicle ready to have attached to other legislation making its way through the House and Senate.

Public sector collective bargaining is prohibited in 15 states, including North Carolina, thus overriding legislation. The House version of the collective bargaining legislation specifically outlines that states would have to amend their laws to comply with the federal legislation within two years of the bill's effective date.

Subcommittee hearings on H.R. 413 were held on March 10, 2010. While no action has been taken on S. 1611, the Senate Majority Leader has made several attempts to attach S. 3194 to both policy and appropriations bills.

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The City's federal and State counterparts, the National League of Cities and North Carolina League of Municipalities, as well as other local government advocacy groups such as the National Association of Counties and North Carolina Association of County Commissioners, have positions opposing mandatory collective bargaining legislation. The U.S. Chamber of Commerce holds positions generally consistent with this position.

The American Federation of State, County and Municipal Employees Union, International Association of Fire Fighters and the Fraternal Order of Police support the mandatory collective bargaining legislation.

Impact if Not Addressed/Adopted: The Public Safety Employer-Employee Cooperation Act of 2009 would federalize what has historically been a state and local responsibility. Currently, 35 states and the District of Columbia allow some form of collective bargaining, and fifteen states have chosen not to mandate it. States and localities are in the best position to make decisions about whether the collective bargaining process will benefit their constituents.

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2011 Federal Legislative Agenda

Project / Policy Request Title: Blue Line Extension

Position: Request federal funding for Blue Line Light Rail Extension

Requesting KBU: Charlotte Area Transit System

Responsible Staff Person(s): Carolyn Flowers, 704.336.3855

Background and History: The Charlotte Area Transit System (CATS) continues to implement the Metropolitan Transit Commissions 2030 Transit Corridor System Plan to develop primary transportation corridors, linking our area's key centers of economic activity. The plan supports development of pedestrian-friendly urban neighborhoods with a mixture of land uses, offers people a choice in meeting their mobility needs, increases transit's share of the local travel market, reduces Charlotte's dependence on overloaded and gridlocked roads, eases future air and noise pollution and enhances the overall quality of life in the Charlotte-Mecklenburg area.

Current Need/Problem (including potential allies or detractors): The Blue Line Extension light rail project extends 11 miles from Center City Charlotte through North Davidson Street and University City areas to I-485 northeast of the UNC-Charlotte campus. As reported in September 2009, the project is currently in preliminary engineering and has a placeholder cost estimate of $1.18 billion. The project has already been the recipient of approximately $40 million of congressionally directed spending.

The dual track system will be considered an extension of the LYNX Blue Line with 13 stations. CATS anticipates completing 65% preliminary engineering and receiving approval from the Federal Transit Administration (FTA) to enter into final design during FFY 2012. The requested funding would be used for final design.

Impact if Not Addressed/Adopted: If the requested funding is not provided and other discretionary grant dollars do not materialize, then the project may be delayed for an indeterminate period of time

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2011 Federal Legislative Agenda

Project / Policy Request Title: Gang of One

Position: Request federal funding for Gang of One program

Requesting KBU: Charlotte-Mecklenburg Police Department

Responsible Staff Person(s): Rodney Monroe, 704.336.2360
K. Frances Cook, 704.336.7331

Background and History: Charlotte continues to be challenged by increases in gang activity. There are over 1,655 documented gang members and 199 gang affiliates in approximately 151 different street gangs in Charlotte-Mecklenburg. Since 2003, the number of gangs has grown from 30 to 151 (403% increase), the number of gang members and associates has grown from 606 to 1,854 (206% increase), and the number of gang related incidents has grown from 499 to 1,340 (169% increase).

Current Need/Problem (including potential allies or detractors): Gang of One, established in 2004, is the resource-based gang prevention and intervention initiative of the Charlotte-Mecklenburg Police Department in partnership with local agencies and citizens and local, state, and federal law enforcement. Its mission is to prevent youth from joining a gang, support youth being pressured to join a gang, and assist youth in getting out of a gang. Gang of One adopted the best practice OJJDP Comprehensive Gang Model in 2006.

Gang of One key partners include Charlotte-Mecklenburg Schools, NC Department of Juvenile Justice Delinquency and Prevention, Gang Prevention Coalition, NC Department of Crime Control and Public Safety, Office of Juvenile Justice and Delinquency Prevention, and Project Safe Neighborhoods.

Impact if Not Addressed/Adopted: The City of Charlotte and Charlotte-Mecklenburg Police Department (CMPD) require additional funding in support of new Gang of One initiatives, the Gang Reentry and Intervention Team and Community Impact Projects, and continuation programs, Truancy/Safe Neighborhoods, DIG, RISE, and Truancy Court.

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2011 Federal Legislative Agenda

Project / Policy Request Title: Briar Creek Relief Sewer (Phase 3)

Position: Request federal funding for Briar Creek Relief Sewer Phase 3

Requesting KBU: Charlotte-Mecklenburg Utilities

Responsible Staff Person(s): Barry Gullet, 704.391.5073
Barry Shearin, 704.391.5137

Background and History: The Briar Creek Relief Sewer project consists of 10 miles of new, large diameter sewer lines. The project will provide for additional capacity within the Briar Creek basin, all of which is in the inner portion of Charlotte, primarily to address wet weather flows and to provide for additional growth capacity. The project will ultimately have three phases spread over about 8-10 years, with the total construction cost estimated at $95 million.

Phase 1 of the project consisted of the first four miles of the sewer line at an estimated cost of $42.6 million dollars. Construction began on this phase in mid 2007 and was completed in mid-2010. Phase 2 commenced in 2008 with design and easement mapping and acquisition and is expected to start construction in early 2011 with a cost of $28 million. Phase 3 is projected to begin construction in 2012 and cost $19 million. The project received a $14 million authorization in the Water Resources Development Act of 2007, which is the basis for this appropriations request.

Current Need/Problem (including potential allies or detractors): The Charlotte, North Carolina metropolitan area is among the top 10 fastest growing metropolitan areas in the nation, and has seen an almost 50% growth in population since 1980 according to the U.S. Census Bureau. The 2004 Census estimates there are 801,137 people living in Mecklenburg County with 614,330 of those living in Charlotte. The county's population is projected to reach 1 million people in 2010; roughly 78% of that population will be in Charlotte.

The Briar Creek Relief Sewer project is critical to continued in-fill development within the Charlotte urban district. Based on current modeling and flow measurements in the existing Briar Creek sewer system, insufficient capacity exists to support continued growth and to be able to handle wet weather flows in a manner that meets the Clean Water Act and is acceptable to US EPA.

Impact if Not Addressed/Adopted: Without the project the City will likely be subject to enforcement actions by EPA for sewer overflows during large storm events and moratoriums on wastewater connections in the future. The City may not be able to fulfill its goal of having more high density in-fill development, perpetuating urban sprawl into currently undeveloped areas.