



**FEDERAL ISSUES OF INTEREST TO
THE CITY OF OLATHE, KANSAS
February 16, 2021**

Overview:

The City of Olathe values the strong working relationships and open lines of communication with our Congressional delegation. We look forward to new opportunities to work with Senator Marshall, and we applaud his selection of state staff serving our area.

Those relationships have been essential in securing federal funding for key projects that have not only enhanced our community's quality of life, but have directly led to thousands of Kansas jobs and hundreds of millions of dollars invested in our state. The City will continue keeping the delegation updated about potential upcoming projects and, when appropriate, will work with the delegation to secure federal support.

The City applauds our delegation's continued understanding of our priorities and efforts to support them. Again, this year, the priorities are based on fundamental themes.

The first is ensuring that any funding cuts, including grants that support a federally mandated program or project, include elimination of the accompanying mandate. If not, they are not spending cuts but a cost pass-through to local taxpayers.

The second tenet applies to truly defining a spending cut or federal revenue enhancement. Hijacking other revenue or accounts such as the Asset Forfeiture Program to address the deficit is not a cut. It is simply a transfer of monies established and collected for one important program to fill a gap in another. The same concern applies to enhancing federal revenue by **taxing local bonds**. Ultimately, taxpayers will bear the brunt of the cost at a different level, and it could have a significant impact on local governments' ability to fund infrastructure projects and promote economic growth.

The city believes local voter and local taxpayer voices should not be muted by taking local decisions out of their control. Concerns about adding environmental regulation with no measureable return and significant costs are a key example. This year, the City will be closely monitoring issues such as the Copper Lead Rule and PFAS testing requirements. Both of which could create major costs for both the City and rate payers. The former has the potential to disproportionately impact lower income customers who live in older homes.

Lastly, we recognize and honor our taxpayers' responsibility to support our federal government. Likewise, we fully support our delegations' efforts to return a portion of that money to local infrastructure needs. That includes supporting appropriate legislative and/or administrative changes allowing the delegation to do so as effectively as possible.

Transportation

- The City applauds Congress's efforts to fund our national transportation system and recognizes this is a prudent and wise investment. The City has concerns, however, about funding for an interchange within local jurisdictions. These infrastructure projects are not only essential for traffic management, but also for economic development and growth in Kansas. Moving forward, the City hopes a sustainable and stable funding source will be identified and implemented.
- The City supports continued funding of the Fixing America's Surface Transportation Act, or FAST
- The City supports efforts to increase federal investment in infrastructure with reasonable and responsible funding mechanisms.
- The City supports retaining funding for FTA 5310. The City uses this funding to support the Olathe Taxi Coupon Program. The City believes consideration should be given to adjusting the allocation program to create competitive grants for metropolitan agencies rather than allocating all funding through the Kansas City Area Transportation Authority.

Labor and Employment

- Believing that the state and federal governments should not intervene in local government employee relations, **the City strongly opposes legislation granting special employment rights to public safety personnel, namely collective bargaining.**
- **The City opposes extension of OSHA regulations** to local government. The City already has federal, insurance industry, and self-imposed regulations and oversight of workplace safety.
- **The City supports legislation that would repeal the Davis-Bacon Act** applicable to construction projects assisted with federal funds. This Act raises construction costs on public projects and adds administrative burden. As an alternative, the City would support legislation that increases the \$2,000 threshold for the Act.

Federal Budget & Tax Legislation

- The City recognizes the unique economic situation facing our nation. Within this environment, **the City supports a federal budget plan that does not disproportionately target municipal assistance programs** for reduction, including community development block grants. If municipal assistance funding is cut, the City asks the Delegation to support reduction in federal mandates and their associated costs that are equal to or greater than the funding cut.
- Tax exempt status for municipal bonds saves taxpayers millions of dollars in Kansas, and any effort to change that status will directly cost them. **The City opposes efforts to increase taxpayer costs of bond issuance with little to no real cost savings for taxpayers.**

Public Safety

- The City of Olathe's police and fire departments are responsible for administering and/or assisting in a multitude of federal programs. In addition, each department is tasked to enforce a number of federal laws and regulations. To fulfill those charges as well as their many traditional public safety duties, the departments take advantage of a number of federal programs and initiatives.
 - **FIRE ACT** programs provide direct funding to local fire and EMS departments for training, education, and specialized equipment.
 - **Staffing for Adequate Fire and Emergency Response Act (SAFER)** assists local fire departments in meeting adequate staffing levels.
 - **Local Law Enforcement Block Grant (LLEBG)** enables cities to improve public safety services under the previous allocation formulas.
 - **BJA Edward Byrne Grant** provides for police equipment that cannot be obtained through local revenues.
 - **BJA Ballistic Vest Program (BVP)** supports replacement of police vests.
 - **Community Oriented Policing Services (COPS)** program supports community policing efforts and additional transitional funding to help communities absorb the long-term cost of COPS funded officers and programs.
The City supports re-evaluating new formulas that have redirected money to other areas.
- **The City believes the federal government should honor its commitment to the Asset Forfeiture Program.** The program uses a portion of seized assets to reimburse local law enforcement agencies costs from partnering

with federal agencies. The City believes this partnership is critical to federal law enforcement. However, local governments cannot afford to participate without financial reimbursement.

- **The City has concerns about federal law enforcement initiatives that require additional local enforcement without corresponding financial assistance.**
- The City calls on the federal government to recognize local governments as key players in homeland security. **The City supports the First Responder initiative that would provide direct homeland security funding to local governments.** The City supports efforts to ensure funds directed to states are filtered down to first responders and efforts to ensure funds for regional public safety interoperability, especially with regard to communications and information sharing.
- **The City supports maintaining smaller metropolitan areas such as Kansas City inclusion in the Urban Area Security Initiative.**
- While the City does not have specific programs providing care for those with mental health challenges and typically does not advocate for programs outside its scope of services, the lack of adequate mental health treatment at the state and county level is creating an ever-growing unfunded mandate for local governments such as Olathe. In large part due to this gap, the City incurs significant cost in time and resources confronting this challenge. The City supports adequate federal funding to the appropriate levels of government as well as accountability for the use of those funds.

Housing and Community Development

- The City has a long history of participation in CDBG, Section 8, Public Housing, and homeless programs that have a significant impact on our qualifying residents locally as well as those throughout the state. The majority of participants in the City's program are senior and/or disabled persons who cannot support themselves without assistance. In addition, the City funds its Taxi Coupon Program for seniors and/or the disabled using CDBG funds. The program is the only means available for transportation to employment, as well as necessary medical and other trips. The City partners with the federal government to maintain 130 housing units, and the City is not in a financial position to assume the costs for this federal program. **The City urges Congress to avoid elimination or disproportionate funding reduction for housing and community development programs.** The City supports responsible and reasonable funding levels of the CDBG program. With inflation and the increasing number of entitlement jurisdictions, CDBG set asides have resulted in smaller block grants.
- **The City is opposed to federal government disproportionate funding reductions for the Section 8 Voucher Program administration fees,**

public housing operating funds, and capital improvement funding under public housing. Given previous funding reduction, inspection and certification requirements should be reduced for fixed income program participants.

- The City supports FY 2021 funding of at least \$19.3 million for the 49 authorized National Heritage Areas, including Freedom's Frontier. For more than thirty years, National Heritage Areas have developed unique private-public partnerships to protect, preserve and promote unique landscapes and American stories. This funding has been invaluable to sites in Kansas, including Olathe's Mahaffie Stagecoach Stop and Farm.
- The City supports the use of opportunity zones and/or other targeted opportunities to foster economic growth and job creation in local communities.

Environment

- The City applauds our Congressional delegations for its assistance in addressing the recent EPA interpretation of the Clean Water Act regarding secondary treatment of influent. As originally proposed, local water and sewer utilities would be required to treat water that already meets or exceeds EPA guidelines, and the cost for Olathe will run in the millions of dollars. **The City truly appreciates the delegations to follow this issue closely.**
- **The City opposes any EPA mandates and/or actions impacting local governments that result in significant cost with little to no measurable return on the investment and/or true positive environmental impact.**
 - While the City supports efforts to ensure safe and clean drinking water for all, we have concerns about how those efforts might impact our customers. **The Revised Lead & Copper Rule 40 CFR 141, 40 CFR 142** has the potential to significantly impact costs of water for our customers, our schools and many of our lower income residents. Should changes move forward, the City would expect federal assistance to defray these costs.
 - **PFAS (Per- and polyfluoroalkyl substances)** in drinking water mandatory testing is of concern. The City does periodically test for PFAS per the Unregulated Contaminant Monitoring Rule. Based on that testing, PFAS is not a treatment concern as problematic levels do not exist in our water supply. Additional mandatory testing will create significantly higher costs for the City and ultimately our customers but provide no value in terms of water quality and safety.

- In order for governments at all levels to be sustainable, they must invest in the enhancement and upkeep of water and wastewater infrastructure. Doing otherwise will create an incredibly dangerous financial situation. To address a significant gap between public funding and capital needs to meet environmental standards, **the City supports efforts to ensure the federal financial commitment to water and wastewater infrastructure**. These funds are allocated to states to capitalize state administered grants and revolving loan programs.
- As a municipality with an integrated solid waste management system with strong interest in waste diversion through recycling, **the City would support recycling market development for e-waste**; however, the City opposes legislation to ban landfill disposal of e-waste as an additional unfunded mandate.
- **The City supports the practice of wet-weather blending** as a sound, effective and reasonable method of managing peak effluent flows during extreme wet weathers. The City supports legislative efforts to ensure this practice of blending primary treated wastewater effluent with wastewater effluent that has received biological treatment continues to be available to wastewater treatment utilities.
- To address the source water protection challenges facing drinking water suppliers, **the City opposes the elimination of programs that provide federal financial assistance to afford urban and urbanizing communities the resources to engage in source water protection efforts** for drinking water supplies.
- The City supports continuation of full funding of the Land and Water Conservation fund for state and local entities. The City is concerned about vast majority of this funding has been redirected to federal projects to the detriment of state and local governments.

Telecommunications

- **The City supports the widespread deployment of high speed, or broadband information services** in a manner that does not preempt existing local government authority to regulate cable television or telecommunications entities.
- **The City opposes any efforts under E-911 that would preempt local zoning authority over the siting of wireless facilities.**
- **The City opposes efforts to undermine local taxpayer control of right-of-way and above ground infrastructure that includes small cell wireless deployment.**

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Potential Upcoming Projects:

Currently, the City anticipates pursuing assistance for the following upcoming projects.

- **I-35 and Santa Fe improvements** – Like 119th and I-35, Santa Fe has reached capacity causing significant regional traffic challenges. Ultimately, improvements will require additional lanes on I-35 and redesign and updates to the existing interchange. The City anticipates being in a position to pursue federal support in 2022 for 2023 funding.
- **167th and US 169 Improvement and Overpass** – This high growth corridor will see significant investment in both commercial and residential growth. As a result, the City will be exploring opportunities to address both traffic and railroad safety issues with an overpass at 167th over US 169 and the BNSF railroad tracks. We anticipate exploring funding sources such as INFRA Grant as well as partnering with the State of Kansas. Request for support is anticipated between 2021 and 2023.
- **Widening K-10 from K-7 to Gateway/I-435/I-35** – The K-10 Corridor is expected to see continued incredible growth and will be an economic engine for the state. While this project will likely be led by KDOT, the City will fully support funding request that could include a BUILD Grant or other funding opportunities.
- **Addressing Challenges of the western BNSF tracks** – The western BNSF tracks passing through downtown Olathe include one of the state's highest traffic at-grade rail crossing. The tracks see over 80 trains daily, and those trains create significant traffic delays and hinder economic development. While raising the rails similar to the east tracks may be one option, the City is actively exploring effective solutions to this challenge. The City anticipates exploring INFRA or other federal funding as we move forward.