



MONTGOMERY COUNTY 2019 FEDERAL PRIORITIES

Economic Development

Food and Drug Administration (FDA) White Oak Campus. With over 10,000 employees at its White Oak campus, the FDA is a major economic development engine for Montgomery County. Although the General Services Administration (GSA) recently completed a Master Plan for the entire FDA, it has not moved forward on a needed housing migration strategy to address the near-term need to house (office space) approximately 6,000 employees (3,000 current and 3,000 new hires) on the consolidated FDA campus at White Oak. Given the lack of appropriated federal funds for on-campus facility expansion, the County is interested in understanding how these employees are going to be accommodated and how we can support the housing needs given its infrastructure funding associated with adjacent developments and transportation improvements in the White Oak area. We request that our Congressional delegation direct GSA to report on the current plan to house employees and include recommendations for innovative financing options to allow for agency expansion near FDA's current campus. In addition, accommodating commuting to and from the expanded FDA campus will require federal assistance. The New Hampshire Avenue, Randolph Road and US 29 Bus Rapid Transit (BRT) lines are all planned to converge near the FDA campus. Federal assistance to implement these lines and to provide a robust transit center that serves both the FDA and surrounding community is essential for making the planned FDA expansion work. These transit improvements need to be coupled with federal support for the White Oak Local Area Transportation Improvement Program (LATIP). The Environmental Impact Statement (EIS) for the FDA assumed that the projects in this program would be implemented, and further identified additional improvements that are needed; however, funding for this program has yet to be realized. The FDA expansion should contribute its fair share to the implementation of these projects, on which it relies to meet the forecasted transportation needs.

National Capital Region (NCR) Rent Caps. Montgomery County maintains that the NCR rent caps for leases in the metropolitan Washington, D.C. area puts the County at a competitive disadvantage when competing for federal leases with landlords in DC and Northern Virginia. GSA's rent caps impose a lease rate in Montgomery and Prince George's Counties of \$34 per square foot, which is \$16 less than in DC, and \$4 less than Northern Virginia. Given that construction and financing costs are equivalent throughout the Washington region, we ask our Congressional delegation to direct GSA to examine the potential of raising the rent cap for building space and facilities within the suburban Maryland jurisdictions. We also ask that GSA be required to report back to the delegation on corrective actions to eliminate the competitive disadvantage that exists for commercial real estate landlords and developers in suburban Maryland.

Opportunity Zones. Montgomery County has 14 designated Opportunity Zones, from Germantown to White Oak to White Flint, that will allow investors to receive federal tax incentives by re-investing their capital gains into select communities. As a willing business partner, Montgomery County is committed to reviewing and reforming its regulatory environment with an eye toward attracting major investment and strong growth as envisioned under the 2017 federal tax law. We await final program guidelines from the Internal Revenue Service. Should further legislative clarity be needed to successfully launch Opportunity Zones, we would urge that Congress work to promptly address unresolved items in the law that could delay economic development and job creation.

Telecommunications

Deployment of Small Cell Wireless Antennas. According to industry representatives, small cells are an essential component of fifth generation (5G) wireless broadband technology. The industry's desire to deploy this technology quickly and at the lowest possible cost has fueled unprecedented efforts at the State and federal levels to preempt local authority to manage the placement and size of small cells in public rights-of-way. In the past six months, the Federal Communications Commission (FCC) banned local moratoria; restricted cost recovery; banned franchise fees for use of public rights-of-way; banned market-based rent for use of government-owned property; imposed shorter shot clocks for handling permit applications; and imposed standards governing aesthetics (e.g., height, size, color). These are huge incursions into local zoning and land use authority where we know our communities well and can design solutions that work best for everyone involved. Montgomery County is working with other stakeholders to challenge the FCC's actions in court. In the meantime, the County requests that our Congressional delegation support and cosponsor H.R. 530, Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, introduced earlier this year by Representative Anna Eshoo. This bill would effectively rescind the FCC's 5G broadband deployment rule that severely impedes local governments' ability to serve as trustees of public property, safety and welfare. (There is currently no Senate companion bill.)

FCC In-Kind Cable Franchise. Under another proposed FCC regulation, cable TV franchise fees paid to counties and other local governments to construct and operate public, educational or government (PEG) channels, as a condition to franchise agreements, could be severely reduced. As proposed, the FCC rule would allow cable companies to assign a value to PEG channels, and then subtract the amount from the franchise fees that the cable operator pays to the local community. These in-kind contributions provide significant public benefits to communities, such as transparency and accountability through access to local and regional government meetings; educational programming; coverage of local events; local election coverage; candidate forums; and public safety programming. Montgomery County urges the delegation to request that the FCC reconsider the in-kind cable franchise rule in light of the adverse impact it will have on local governments' ability to fund PEG channels.

Transportation

Washington Metropolitan Area Transit Authority (WMATA) and the Passenger Rail Investment and Improvement Act (PRIIA). In addition to significant support for interstate passenger rail service, PRIIA has provided \$150 million a year to rehabilitate WMATA, funding

that has been matched by \$150 million from Maryland, Virginia and the District of Columbia. Montgomery County urges that our delegation support the reauthorization, and consider authorizing funding for advanced planning, design and construction of Washington Union Station run-through track infrastructure for Maryland Area Regional Commuter (MARC) and Amtrak. With an infusion of federal funds, a regional passenger rail network in Washington DC could more likely advance.

WMATA Safety Commission. The Federal Transit Administration (FTA) must approve the newly-created Metrorail Safety Commission. Montgomery County requests that the delegation urge FTA to act which, in turn, would allow the Administration to provide Metro safety oversight and reduce FTA's role. Additionally, the County would encourage the delegation to direct FTA to release the 5 percent in formula funds that are being currently being withheld to WMATA, Virginia and Maryland.

Infrastructure Investment. Montgomery County supports efforts to increase infrastructure investment that will promote multi-modal transportation networks, public safety, and mobility. We urge that the delegation continue to press for the annual federal appropriations necessary to keep the Purple Line on track for completion by FY23. The County intends to aggressively advance its Bus Rapid Transit (BRT) projects, especially the Corridor Cities Transitway (CCT), MD 355, and Veirs Mill. We expect that federal funding will be an essential component for realizing a Countywide BRT network. We urge the delegation to include expansion of the FTA Capital Infrastructure Grant (CIG) and bus programs, and United States Department of Transportation (USDOT) competitive grant programs like Infrastructure for Rebuilding America (INFRA) and Better Utilizing Investments to Leverage Development (BUILD) in any multi-year surface transportation reauthorization bill. The County also requests that our delegation support additional competitive grant programs on pedestrian/bicycle accessibility and safety, sustainability, adaptation and resilience, and/or a healthy community focus to supplement the current programs addressing capacity expansion and economic development.

Federal Parkway Rehabilitation and Federal Lands Access Funding. For a number of years, federal funding for maintenance of transportation assets managed by National Park Service (NPS) has been woefully inadequate. In the National Capital Region, NPS is responsible for the maintenance of critical infrastructure for the everyday functioning of the region and for national security. Some reports have indicated that deferred maintenance on roads and bridges exceeds \$600 million. While the condition of federally-owned infrastructure has deteriorated noticeably, NPS does not seem to have the necessary resources to address the rehabilitation needs in a timely manner. Montgomery County is particularly concerned about the George Washington Memorial Parkway and the Clara Barton Parkway. With continued delays, the condition of these roads will become a major inconvenience and a safety risk for our residents. Ultimately, these facilities are also important for response and evacuation needs in the event of a security crisis or natural disaster in DC in or Arlington County, Virginia. In addition, the Federal Lands Access Program (FLAP) is a beneficial program that could fund County/NPS partnerships to improve bikeways on MacArthur Boulevard and to forge a partnership to improve transit access to NPS resources in our region. Montgomery County request the delegation's support for the Federal Parkway Rehabilitation and FLAP to address transportation assets that Maryland and the region.

Commuter Benefits Programs. There are several measures in federal law that are designed to encourage commuting by public transit, walking, bicycling, and carpooling. To preserve and increase the effectiveness of these programs, Montgomery County urges our delegation to work toward ensuring the preservation of tax-free transit and vanpool benefits. Additionally, the programs would be improved if employer-based transit and vanpool subsidies were re-instated as deductible business expenses. Recent tax code changes eliminated these as eligible business expenses. Expansion of these programs for tax-free commuter benefits and business deductions for biking and non-automobile shared mobility services (like bikeshare) and for carpooling expenses would also be helpful.

DCA Overflight Noise. FAA must expedite engagement with communities north of Reagan National Airport (DCA) including Montgomery County; address the concerns of Montgomery County residents about increased noise resulting from 2015 aircraft procedure modifications; and establish a clear schedule for addressing the six recommendations for mitigating noise impacts north of DCA proposed by the DCA Community Working Group since 2016.

Immigration

With a population of almost 1.1 million, more than one-third of Montgomery County's residents are foreign born. Immigration reform is needed to not only extend Temporary Protective Status (TPS) to residents who are here having fled political persecution from authoritarian regimes, but to also address the need for creating a path to citizenship for Deferred Action for Childhood Arrivals (DACA) recipients. Additionally, the County would urge that the delegation support "sensitive locations" legislation prohibiting Immigration and Customs Enforcement in specified areas (e.g., places of worship, schools, hospitals) to include bus stops with children.

Public Safety

Reducing Mental Illness in Jails. Montgomery County Department of Correction and Rehabilitation reports that about one-fifth of its average jail population suffer from serious and persistent conditions such as schizophrenia, bipolar disorder or clinical depression. Several years ago, the County established a mental health court that helped to divert low-level offenders from prosecution and incarceration. While these special courts have helped, more federal assistance is needed to support local efforts to reduce the number of individuals with mental health, substance abuse or co-occurring disorders in county jails. Montgomery County would urge that the delegation support full funding of the Justice and Mental Health Collaboration Program, as well as supporting legislation requiring states to suspend, rather than terminate, an individual's eligibility for certain federal health benefits upon arrest, including Medicaid and veterans' benefits.

Justice Assistance for Local Law Enforcement. Montgomery County requests our Congressional delegation's support for grants and funding assistance programs through the U.S. Department of Justice including the Byrne/Justice Assistance Grant Program (Byrne JAG), Community Orienting Policing Services (COPS), Federal Emergency Management Agency Preparedness Grants, Violence Against Woman (VAWA), and the Paul Coverdell Forensic Science Improvement Act. These federal programs provide vital resources that have directly

helped the County to build police-community relationships, combat drug trafficking, and respond to public safety challenges.