



# 2020

## Commerce City Federal Legislative Issues Guide

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# ABOUT

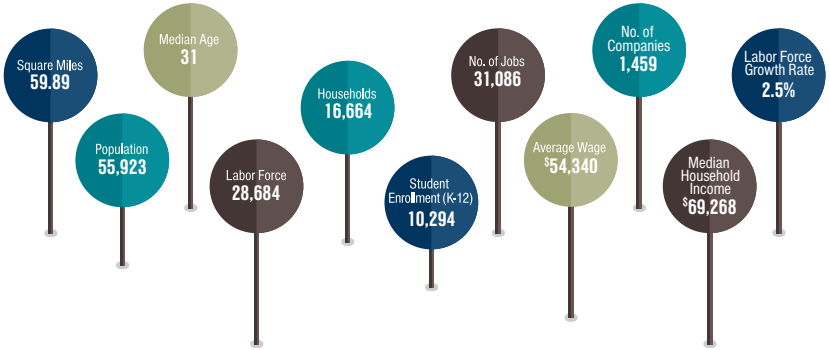
## COMMERCE CITY



As one of the state's fastest growing cities, Commerce City is redefining itself for the next generation, building on historic values of community, industry, agriculture, and family. Centrally located along Colorado's bustling Front Range, Commerce City is a Quality Community for a Lifetime, with 25 miles of trails, a championship golf course, 840 acres of open space and parks, one of the country's largest soccer complexes, and the nation's largest urban wildlife refuge.

# Commerce City at-a-glance

Just 8 miles north from downtown Denver, Commerce City provides direct access to six major highways, Denver International Airport, two railroads, and two new commuter rail lines. Over 1,400 companies call Commerce City home, ranging from international and national headquarters to small businesses and entrepreneurs.



Source: 2019 Commerce City Economic Profile



## Progressive Governance

Incorporated in 1952, Commerce City is a home-rule municipality with a council-manager form of government. An elected city council establishes the city's vision, sets annual policy goals, and enacts laws that govern its citizens. The nine-member body includes a mayor, a council member for each of the city's four geographic wards, and four at-large council members. The mayor selects a councilperson to serve as mayor pro tem.

The city's vision is one of a Quality Community for a Lifetime. As a municipality, its mission is to provide excellent public services and customer experiences by anticipating needs, embracing diversity, and fostering relationships to sustain a growing and vibrant community.

The 2020 annual general fund operations budget for the city is \$74.9 million, representing a 12 percent increase from 2019. Projected expenditures are divided into 13 different funds, including \$77.3 million to the general fund and \$22.7 million to the capital improvement program fund. The city has emergency cash reserves of nearly \$134.9 million at the end of 2018. Known as a business-friendly community, Commerce City does not have a head tax and its 3.28 property tax mill levy is one of the lowest in the state.

### City Council's Goals

1. Promote a balanced and thriving city
2. Promote efficient and effective city government to improve levels of service
3. Develop and maintain the public infrastructure to improve community appearance and encourage continued development
4. Promote resident health, safety and education
5. Improve community involvement and trust

# FEDERAL LEGISLATIVE PRIORITIES

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Commerce City is grateful for the continued partnership with the Colorado delegation and federal agencies to advance local priorities that benefit our growing community. We respectfully request your assistance to advance the following priorities important to Commerce City:

- **Railroads:** Advocate for solutions to safety and nuisance issues related to railroad proximity
- **Transportation:** Support more federal funding of transportation infrastructure
- **Environment:** Continued funding for the Rocky Mountain Arsenal National Wildlife Refuge
- **PFAS (Perfluorooctanesulfonic Acid) Clean-Up:** Ensure that the parties responsible for contamination, including the federal government, are held fully accountable for cleanup costs
- **Housing:** Advocate for the continued funding of the Community Development Block Grant (CDBG) program because the city will receive \$2.2 million over five years
- **Communications:** The city is concerned about Federal Communication Commission (FCC) rulings that limit local government oversight on telecommunications facilities
- **Investment Tax Credit (ITC):** Extend by five years to 2027 which gives a 30 percent tax credit for solar installations
- **Earned Income Tax Credit and Child Tax Credit:** Expand these tax credits to benefit more individuals and households
- **Supplemental Nutrition Assistance Program (SNAP):** Concerned about the amount of people, including children, who will lose access to automatic enrollment to this program
- **Deferred Action for Childhood Arrivals (DACA):** Congress may need to come up with a plan for DACA recipients to remain in the U.S. should the Supreme Court support President Trump's rescission

# FEDERAL LEGISLATIVE PRINCIPLES

## Railroads

Commerce City continues to receive complaints about train-blocked intersections and noise, which pose a significant challenge for our community. These incidents – lasting longer than 10 minutes - are becoming routine along the Burlington Northern Santa Fe (BNSF) and Union Pacific (UP) railroad lines.

### Complaints Pertaining to Train Crossings

2020 (Feb. YTD):	51
2019:	365
2018:	327
2017:	141

Blocked crossings pose a significant challenge for public safety response, residents, and economic development:

- Emergency services cannot effectively navigate the city.
- With a finite number of north/south and east/west routes across the city, commuters have limited options to avoid blocked crossings.
- Increased congestion has secondary impacts on signal timing and movement along other arterial roadways, negatively impacting the free-flow of goods and services.
- Congestion also increases vehicle idling times, reducing air quality during rush hour.

Commerce City was the first Colorado city to create a quiet zone consistent with the Federal Railroad Administration’s quiet zone crossing requirements in 2008. The federal government has an opportunity to make a meaningful difference in the lives of its citizens by:

- Establishing dedicated federal funding for rail crossing improvements and construction of grade separated crossings.
- Reopening rulemaking to regulated intersection blockages and quiet zone implementation.
- Fund improvements along rail freight corridors, including grade separations and other safety measures, and improve rail safety.

## Transportation

Commerce City believes the movement of goods and people are vital to the continued economic success of our region and Coloradans' quality of life. Federal and state officials must be willing to make significant investment to maintain and improve Colorado's multimodal transportation network to preserve these benefits. Adjacent to six major highways, Denver International Airport, two railroads, and two new commuter rail lines, effective transportation is equally important to the success of the city's economy. Improvements to Tower Road and a new on-ramp were completed in late 2018, making the area more convenient for drivers and reducing traffic congestion.

Commerce City believes any infrastructure legislation should specifically identify the following investments:

- A new interchange at U.S. 85 and 120th Avenue. This \$76 million project would reduce travel time and provide reliable and safe grade separated access for trains, vehicles, and pedestrians.
- Improving the seven-mile Interstate 270 corridor, where hundreds of companies in the region's key industries are located (energy, advanced manufacturing, and logistics). Project funding is needed to address urgent safety, mobility, capacity, and operational concerns. 88% of the city's workers commute to their jobs and this commerce corridor has a three-hour congestion window – three times greater than any other metropolitan interstate. The Denver Regional Council of Governments has identified the interchange at I-270 and Vasquez Blvd. as one of 18 regional bottlenecks. A \$400 million reconstruction project would add additional travel lanes in each direction, replace bridges, and replace pavement.
- Widening 88th Avenue from Interstate 76 to Highway 2, by adding two additional lanes, with upgraded traffic signals, lighting, sidewalks, and on-street bike lanes.

## Environment

The Rocky Mountain Arsenal National Wildlife Refuge, owned by the federal government and maintained by the U.S. Fish and Wildlife Service, is the largest contiguous open space in the metropolitan area. The 15,000-acre refuge is home to bison, deer, coyotes, bald eagles, burrowing owls, black-footed ferrets and many other wildlife species. The arsenal is exploring beekeeping and urban gardening in 2020.

Once the site of a U.S. Army chemical weapons manufacturing facility, the land has undergone extensive environmental cleanup. Today, the vast majority of the Rocky Mountain Arsenal has been deleted from the National Priority List because all required cleanup is complete. Commerce City wants the 350,000 annual visitors and the region to think of the site as a Refuge first, arsenal second. Full implementation of the Refuge's comprehensive conservation plan – with adequate funding – would help achieve this goal.

## PFAS Clean-Up

Commerce City seeks to ensure that the parties responsible for PFAS contamination, including the federal government, are held fully accountable for cleanup costs and to ensure that sites are cleaned up in a timely manner and to standards sufficiently stringent to permit reuse of the site and to obviate the need for additional cleanup costs by affected local governments.





## Housing

Affordable housing is a regional issue in the Front Range that is rising to crisis levels. Like other communities we are looking for ways to fill the financial gap of building affordable housing, such as Low Income Housing Tax Credits.

The city continues to advocate for the continued funding of the Community Development Block Grant (CDBG) program. This CDBG grant has allowed the city to fund much needed programs that provide assistance to low- to- moderate income residents.

Examples of completed projects funded by the CDBG include:

- Prevented 151 residents from becoming homeless through the Domestic Violence Victims Support Program
- Rehabilitated 46 owner-occupied, LMI homes to improve safety, accessibility, and energy efficiency
- Modernized and staffed the city's Small Business Resource Center assisting over 150 entrepreneurs
- Constructed 1,560 linear feet of new ADA sidewalks to improve pedestrian mobility

Commerce City has abundant opportunities to utilize future CDBG funding. Hundreds of older homes need rehabilitation, crime victims and their families need emergency support, and the city's most critical and vulnerable populations continue to need protection. Future federal grants – especially the direct entitlement of CDBG funds – will allow the city to revitalize blighted neighborhoods, increase affordable housing stock, and generate economic activity.

## Communications

The standards for telecommunications facilities located in Commerce City were adopted by City Council in 2016, and apply to all new facilities and to existing facilities for which there is a new substantial change as defined by the Federal Communications Commission (FCC). There are five basic types of telecommunications facilities allowed in Commerce City: 6409(a) Facilities, Concealed Facilities, Building or Structure Mounted Facilities, Pole Mounted Facilities and Monopoles.

The FCC has issued rulings over the last few years that limit the power of local governments with respect to telecommunications facilities, supposedly in favor of encouraging the next phase of digital communication infrastructure (5G). Some of the restrictions include: limiting the time for review of permit applications, placing a priority on these applications over other issues; and limiting the conditions that local governments can place on these facilities under their police power.

Essentially, this requires local governments (and taxpayers) to subsidize the expansion of private telecom networks. Other municipal needs are sacrificed to this effort, including the ability of the people to control what their communities look like. Shot clocks on application processing times force staff to prioritize small cell facility applications over other work that may be more important to the community. Limits on fees force the city to subsidize telecommunications companies through lost revenue and staff time.

The city is concerned about Federal Communication Commission (FCC) rulings that limit local government oversight on telecommunications facilities within their communities.

## Investment Tax Credit (ITC)

Local governments are calling on Congress to extend the Investment Tax Credit (ITC) by five years to 2027 which gives a 30 percent tax credit for solar installations. It is set to decline and then end in 2022.

Since 2006, the ITC has created more than 200,000 jobs and \$140 billion in private investment in the United States. Adoption of renewable energy has accelerated as a result of policies such as the Investment Tax Credit, which has made it possible for more people, in more places, to choose solar energy and lower electricity bills

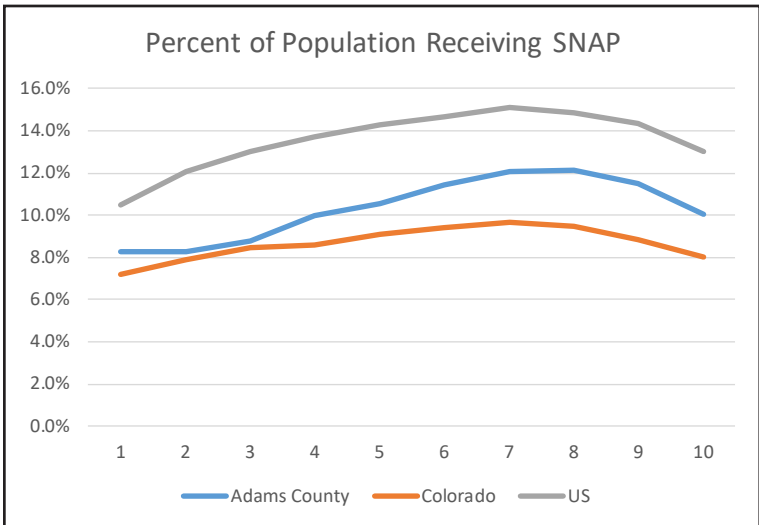
## Earned Income Tax Credit and Child Tax Credit (EITC)

The Earned Income Tax Credit or EITC, is a tax credit for people who work, and earn low to modest incomes. Those who qualify and claim the credit could pay less federal tax, pay no tax or even get a tax refund. Commerce City seeks to expand these tax credits to benefit more individuals and households.



# Supplemental Nutrition Assistance Program (SNAP)

In December 2019, the Department of Agriculture (USDA) finalized a rule that would impose stricter work requirements on some recipients of the Supplemental Nutrition Assistance Program (SNAP). According to USDA, an estimated 688,000 SNAP recipients will no longer receive SNAP benefits under this rule, and tightening the work requirement would save the federal government about \$5.5 billion over five years. Under this final rule, able bodied adults without dependents between ages 18 and 49 cannot receive SNAP benefits for more than three months during a three-year period unless they're working or enrolled in an education or training program for 80 hours a month. The law allows states to waive these limits in areas where sufficient jobs are not available and exempt a percentage of individuals who are not work-capable. The new rule will require a county to have an unemployment rate of 6 percent before the work requirement can be waived. Commerce City is concerned about the amount of people, including children, who will lose access to automatic enrollment to this program.



## Deferred Action for Childhood Arrivals (DACA)

In September 2017, President Trump rescinded the Deferred Action for Childhood Arrivals (DACA) initiative that was established by President Obama. In November 2014, President Obama announced changes to DACA which would expand it to include undocumented immigrants who entered the country prior to 2010, eliminate the requirement that applicants be younger than 31 years old, and lengthen the renewable deferral period to two years.

Eventually, multiple court challenges over the lawfulness of President Trump’s rescission led to preliminary injunctions that allowed DACA recipients to renew their protections. On November 12, the U.S. Supreme Court heard arguments in these cases and is expected to rule on their decision in June 2020.

By the end of 2019, 98,400 individuals’ DACA is set to expire. A large share of these DACA recipients—68 percent, or 66,500 individuals—have already applied to renew their protections.

Though multiple lower courts have ruled in support of DACA, there is no guarantee of the Supreme Court outcome or what it will mean for DACA recipients’ ability to renew their protections moving forward. Congress may need to come up with a plan for DACA recipients to remain in the U.S. should the Supreme Court support President Trump’s rescission.



# CITY COUNCIL

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