



POLICY STATEMENT ON FEDERAL
LEGISLATIVE ISSUES ~~2024~~2025

Overview

This paper outlines the key federal policy issues of the Denver Regional Council of Governments, which includes: (1) Older Adults, (2) Transportation, (3) Environment, and (4) Housing and Land Use, and (5) Economic Development. It identifies policy positions intended to inform the Colorado congressional delegation, Congress, federal and state executive branch officials, and others as they develop and implement national policy on these issues. This policy statement guides DRCOG's federal legislative positions and actions during the coming year.

DRCOG is a membership organization of more than 5058 cities, towns and counties in the Denver metropolitan area. Under federal law, it serves as the Area Agency on Aging for eight counties to aid the 60-and-older population and the metropolitan planning organization (MPO) to coordinate transportation planning with air quality goals. Under a grant pursuant to the federal Inflation Reduction Act of 2022, DRCOG also is working with its member government and other partners to reduce greenhouse gas emissions from buildings in the region. DRCOG also authors the region's Comprehensive Economic Development Strategy to maintain eligibility for the region's local governments for funding from the Economic Development Administration of the Department of Commerce.

Under state statutes, DRCOG is a regional planning commission, responsible for preparing a regional plan for the development of the metro area. Metro Vision guides DRCOG's work and establishes shared expectations with our region's many and various planning partners. The plan outlines broad outcomes, objectives and initiatives established by the DRCOG Board to make life better for the region's residents. Achieving Metro Vision goals requires coordinated investment in a wide range of planning and implementation activities that transcend traditional funding categories. **DRCOG supports those efforts actions that help the region achieve the shared outcomes described in Metro Vision and encourages federal entities to align their policies and investment decisions to advance regionally determined objectives where appropriate.**

DRCOG recognizes the important role it plays in building and maintaining an equitable region where all residents and communities can thrive. DRCOG acknowledges its role in ensuring our region remains a diverse network of vibrant, connected, lifelong communities.

Older Adults

Older Americans Act reauthorization

DRCOG has been the designated Area Agency on Aging (AAA) for the metro area under the auspices of the federal Older Americans Act since 1973. In this capacity, DRCOG is responsible for planning and advocating for the needs of the region's older residents, as well as for providing a broad array of services and programs.

Congress reauthorized the Older Americans Act in 2020; however, its authorization expires at the end of 2024 unless extended by Congress. Since the last full reauthorization, the challenges to communities, states and the nation presented by the our aging of the population have continued to accelerate across the U.S., but particularly in Colorado. This critical national issue has continued to put pressure on services, especially the need for more tailored in-home and

community-based services, ~~the need for more~~ focused prevention programs, ~~the need for~~ consumer advocacy in long-term care facilities, and ~~increased~~ support for family caregivers. **To that end, DRCOG seeks support for the following principles in the reauthorization of the Older Americans Act:**

- Require states, area agencies on aging, Medicaid long-term care agencies and other relevant entities to continue efforts to better coordinate regional and statewide planning of services and programs for seniors. This includes removing barriers to the coordination of elderly and disabled transportation services by providing the flexibility to allow trips for elderly and non-elderly disabled persons and for meal, medical and personal services to be served by the same provider using a combination of U.S. Department of Health and Human Services and U.S. Department of Transportation funding.
- Establish a federal database, which will summarize all care that a patient is receiving regardless of which federal agency is providing the care. This data sharing will allow DRCOG to better shape and provide services for aging adults.
- Maximize flexibility in use of Older Americans Act funds, giving area agencies on aging, local governments and service providers the ability to better meet the needs of older adults. For example, the Title III C-1 congregate meal and Title III C-2 home-delivered meal programs could be merged. Likewise, set a required local match at 10 percent and required state match at 5 percent across all Older Americans Act programs. Currently, required local and state funding match percentages vary widely.
- Increase federal funding for Older Americans Act programs to keep up with demand by at-risk older adults in need of supportive services, which has risen and will continue to rise with the growth of the aging population. This long-term gap in funding translates to greater numbers of older adults and family caregivers with unmet needs and increasing pressures on state and local agencies, service providers and families.
- Bridge the gap between community services and health care through programs that promote care transitions and care coordination and encourage community-based service delivery models, including broader experimentation with Accountable Health Communities to integrate social needs in the delivery of health services and the establishment of local community care hubs.
- Provide a path for private sector investment in Older Americans Act services by incentivizing activities, including private pay, integrated care, and funding demonstration projects and evaluations of the benefits of community-based services in improving health care outcomes and reducing care costs.
- Strengthen the role of the Long-Term Care Ombudsman as a resident/consumer advocate for long-term care communities structured to enhance the quality of care for residents. Federal regulations designed to ensure the quality of care in long-term care facilities must be fully enforced. In addition, improve enforcement by increasing inspections and penalties on long-term care facilities failing to comply with regulations.

Increase disclosure requirements of ownership and control of facilities and improved consumer information.

Elder Justice Act

This legislation provides critical protection for residents living in nursing homes and assisted living; provides needed resources and coordination to address the problem of elder abuse; and includes increased funding for the Long-Term Care Ombudsman program. The Elder Justice Act sets out a comprehensive approach to preventing and combating elder abuse, neglect, exploitation and self-neglect. DRCOG supports full funding and implementation of the Elder Justice Act, consistent with the following principles:

- Provide a stronger and more coordinated federal response to promote elder justice.
- Increase federal support to states and communities for elder justice activities.
- Provide funding and training support to adult protection programs.
- Improve consumer protection by requiring the reporting of crimes by nursing facilities or employees and communication of consumer rights information.
- Provide new funding to improve ombudsman capacity and training, and for training of health department surveyors investigating allegations of abuse.

Other health and community services

DRCOG supports federal legislation, regulations and policies to promote universal access to health care coverage and the integration of long-term care into a continuum of medical and non-medical services, including health promotion and disease prevention. This includes the following:

- Utilize area agencies on aging in implementing Affordable Care Act provisions pertaining to older adults and their ability to stay healthy and age in the community. These include provisions for aging and disability resource centers, prevention and wellness programs, care transitions and coordination, and efforts to rebalance the long-term care system relative to institutional and community care.
- Increased funding of home- and community-based care programs and higher Medicare and Medicaid reimbursements. Home- and community- based services are critical components in the continuum of care for the elderly and disabled and are more cost-efficient than services in institutions, particularly ~~with regard to~~for rural areas and for minority populations.
- Increased prescription drug pricing transparency, including:
 - Revisions to the Medicare Part D prescription drug benefit to simplify the application process and coverage offered, as well as cap out-of-pocket costs and address, the gaps in coverage to provide a more comprehensive prescription medication benefit for all beneficiaries.

- Allowing the federal government to negotiate prescription drug prices for patients using Medicare, Medicaid and other federal programs to lower cost to these critical federal programs.
- Encouraging the federal government to provide additional funding for area agencies on aging to provide public education, counseling and enrollment assistance for citizens about the Medicare drug program.
- Enforce federal protections in areas including access to care, quality assurance, patient information, grievances and appeals, the doctor-patient relationship and physician treatment decisions, which is necessary to ensure that quality health care and other services are available to all.

Transportation

DRCOG has served as the metropolitan planning organization (MPO) for the Denver region since 1977, acting as a forum for a collaborative transportation planning process. DRCOG has been involved in the region's transportation planning even longer – the organization's first official action after its 1955 founding endorsed the construction of I-70 West.

As the MPO, DRCOG leads the cooperative, continuous and comprehensive regional transportation planning process. MPOs provide the only regional, multimodal transportation plans that link transportation to land use, growth and air quality. Through the MPO process, local governments, in cooperation with state and local transportation agencies, determine the best mix of transportation investments to meet the long-term transportation needs of the region.

Funding

The Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), provides a significant investment in infrastructure and includes the federal transportation authorization for fiscal years 2022 – 2026. However, While the legislation expires at the end of September 2026, some programs have already used all available funding, and Congress must at a minimum extend the authorization past its expiration. Meanwhile, any future comprehensive reauthorization must recognize that transportation ~~While the act boosts federal transportation spending over the previous levels,~~ investments remain significantly below what is needed. DRCOG supports the following funding principles:

- Increase federal transportation funding to provide sufficient resources to meet national investment needs on a sustainable basis.
- New and increased sources of funding should be distributed through formula funding with the greatest possible share going directly to local areas to address locally and regionally identified needs.
- Address inequities in current distribution formulas to increase funding to fast-growing states and incorporate equity considerations, including but not limited to geography, equity across income groups, population growth, and revenue generation into funding formulas.
- Provide dedicated sources of revenue and increased funding for the FTA's Capital Investment Grants Program, which funds bus rapid transit and rail new and small starts programs.

- Support and seek federal funding through grants and Congressionally-directed spending for the DRCOG regional bus rapid transit system.
- Support federal funding for the Front Range Passenger Rail project, managed by the Front Range Passenger Rail District, to support the development of inter-city train service between Fort Collins through Denver to Pueblo, ultimately connecting Colorado to New Mexico and Wyoming.
- Maintain the use of contract authority, allowing states to advance funds for multiyear construction projects.
- Reduce federal obstacles to implementing additional revenue options such as tolling, congestion pricing, value capture, and public-private partnerships.
- Further expand federal credit programs such as the Transportation Infrastructure Finance and Innovation Act.
- Transition to a more direct user-based system such as a road usage charge to supplement then replace the federal fuel tax.

Metropolitan Planning

Metropolitan areas account for over 80% of U.S. population and about 90% of total U.S. jobs and wages and salary income. In 2021, Metro economies accounted for 94.1% (\$0.97 trillion) of GDP growth and 90.7% of employment growth, underscoring that US Metros are key to the nation's economic future. (source: U.S. Conference of Mayors, June 2022) The planning and regional decision-making led by metropolitan planning organizations is essential to maintaining mobility and national economic vitality. DRCOG supports the following:

- Increase the authority of metropolitan planning organizations to employ solutions at the regional level and provide regions and local governments the direct authority, flexibility, and funding to create a safe and efficient transportation system.
- Suballocate all “urban” Surface Transportation Block Grant and Carbon Reduction Program funds apportioned to a State for urbanized areas located within a metropolitan planning organization that is a transportation management area.
- Establish national performance objectives and measures for increasing access and mobility for people of all ages, incomes and abilities.
- Permit flexibility for states and regions to decide how best to make investments to show progress toward national safety, mobility, and accessibility goals.
- Reduce or eliminate the non-federal share for federal metropolitan planning funds.

Energy Efficiency, Air Quality and Environmental Sustainability

Transportation plays a key role in achieving energy independence and addressing the nation's air quality and greenhouse gas emissions goals. The competitiveness of our economy, the health of our residents, and our national security depend on reducing reliance on and consumption of fossil fuels. DRCOG supports the following:

- Expand investment in research and development for alternative fuels, new clean fuel technologies, more efficient vehicles, and new ideas and technologies for transportation people and goods.

- Support the rapid conversion to more fuel-efficient and lower-emission vehicles.
- Add public transportation projects that enhance mobility, convenience, or reliability to the exempt project list for Clean Air Act purposes.
- Increase funding for transportation projects that improve air quality.
- Establish a population-based air quality severity formula for suballocating Congestion Mitigation and Air Quality (CMAQ) funds within a state and require suballocation of CMAQ funds based on population to non-attainment metropolitan planning organizations that include urbanized areas with populations over 200,000.

Project Programming and Delivery

The scope and complexity of transportation planning has increased significantly. Efforts to streamline project planning and delivery are important and must be balanced against appropriate levels of regional and local coordination and environmental assessment. DRCOG supports the following:

- Allow metropolitan planning organizations to directly contract with subrecipients for non-infrastructure projects using federal funds.
- Continue to streamline project delivery and National Environmental Policy Act processes without compromising environmental or public participation values.
- Allow that within one half mile of an existing or proposed transit station, parking and transportation infrastructure, transit-oriented development planning, land acquisition and projects or programs that support compact, mixed-use, mixed-income, bicycle/pedestrian friendly development are eligible for federal transportation funding.
- Designate the “Rocky Mountain Corridor” (from Cheyenne, Wyoming through Colorado to Albuquerque, New Mexico and the Interstate 70 corridor from Denver International Airport to the Utah boarder) and the Western Regional Alliance high-speed rail network (connecting Denver, Salt Lake City, Reno, Las Vegas, and Phoenix) as High-Speed Rail Corridors.

Environment

Water Conservation and Quality

Water is a particularly scarce resource in the Denver region and the western United States, and a key consideration in planning for future growth and development. Metro Vision, the Denver region’s long- range plan for growth includes a water conservation element. The element calls on the region to maximize the wise use of limited water resources through efficient land development and other strategies and establishes a goal to reduce regional per capita water consumption. DRCOG supports federal policies and investments that contribute to local and regional water conservation efforts, including:

- Addressing water quality through an integrated approach that ties together the management of point sources, nonpoint sources and stormwater through the involvement of the various stakeholders.
- Maintain and strengthen the regional planning process as the key component of the watershed approach. Increase the planning funds provided under section 604(b) to assist

responsible parties in meeting the expanding responsibilities that accompany implementation of a watershed planning and management approach.

- Increase funding for infrastructure investment, including EPA, Reclamation and U.S. Army Corps of Engineers programs, as well as the provision of greater flexibility of these funds will allow states and local governments to determine the best use, according to local prioritization of needs.
- Legislation, including funding, encouraging federal, state, tribal and local governments, as well as mining companies and nonprofit groups that have no prior ownership or responsibility for an abandoned mine, to clean up an abandoned or inactive mining site by granting them liability protections under several environmental statutes, including the Clean Water Act.

Housing and Land Use

DRCOG supports efforts to promote affordable housing options and help the region achieve the land use and development outcomes outlined in Metro Vision through federal actions that:

- Expand federal policies and investments that help local governments and the private sector develop successful urban centers, including transit station areas.
- Expand the Low-Income Housing Tax Credit, a critical tool for supporting private investment in the production and preservation of affordable housing.
- Provide funding and incentives to strengthen local and regional efforts to increase the supply of affordable housing.
- Expand housing policies and programs designed to support older adults, especially those of low- and moderate-income, and persons with disabilities to live independently in the residence of their choice. This includes policies and programs to:
 - Encourage the delivery of home- and community-based supportive services to assist older people and persons with disabilities in maintaining independence and actively engaging in their community.
 - Ensure that policies and funding for housing assistance and preservation programs continue to support residents who choose to remain in their homes as they age.
- Ensure that renters and homeowners (including manufactured-home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law, while balancing the rights of property owners.
- Ensure that Federal agencies and elected officials respect and support local and regional plans and land use authority. This includes ensuring funding decisions and the siting of federal and other facilities are consistent with those plans and respect local and regional land use authority.

- Ensure the Federal government protects open space, including natural habitats, by fully funding the Land and Water Conservation Fund and providing new incentives for land conservation and outdoor recreation opportunities.
- Ensure the Federal government continues funding in local and regional data and information programs to help DRCOG deliver improved information, tools and services for local and regional planning and decision-making.

Economic Development

DRCOG supports efforts to promote local and regional economic development through implementation of the outcomes outlined in DRCOG's Comprehensive Economic Development Strategy through federal actions that:

- Support the reauthorization of the Economic Development Administration with increased funding to support local activities at the Economic Development District level.
- Reduce the required grant local match requirement for local governments from 50% to 20%.
- Consider alternative funding support methodologies based on size of region and population served for designated Economic Development Districts instead of a one size fits all approach.