

December 7, 2016

Dear President-Elect Trump,

The members of the American City County Exchange, a division of the American Legislative Exchange Council, representing city and county elected officials in 50 states, petition you with great urgency.

We have been encouraged to hear about your desire to rebuild infrastructure, shrink the regulatory size of the federal government and send power back to the states. However, before these things can be accomplished, it is important to know the depth and breadth of federal policies and rules affecting local governments.

Under current policies, stimulus initiatives the Trump administration hopes to implement would be difficult to see to fruition, even over a two-term cycle. Bureaucratic entanglement is making many projects average a decade or more, not to mention doubling and tripling the cost of projects.

Our cities and counties are suffocating under the weight of Presidential orders, federal regulations and unfunded mandates. Most of these problems are being exacerbated by the very federal agencies you will be directing under your administration. While not an exhaustive list, our reform suggestions are as follows:

#### Fair Housing

**HUD:** The Affirmatively Furthering Fair Housing (AFFH) rule is holding communities hostage over receipt of Community Development Block Grant (CDBG) funds. These funds are critical for building infrastructure and should be awarded on merit, not based on the social engineering desires of bureaucrats. [Westchester County, New York is the best example of what is in store when the federal government overreaches in its attempts to force local governments to yield.](#) **We ask this rule and the associated disparate impact analysis be eliminated.**

#### Infrastructure Concerns: "Build quickly with minimal delay."

Administrative orders under the National Environmental Policy Act, overseen by the President's Council on Environmental Quality (CEQ) will cause recently announced infrastructure spending to be delayed for years. For example:

**EPA:** The federal overreach of the EPA has reached a dangerous point of invasive intervention. Forced over-study of projects drag out development plans and the cost of projects. Further frustration revolves around internally created EPA regional office "task forces," and redundant

public hearings that draw out discussions over a period of years which often paralyze the ability of local communities to effectively grow.

**Corps of Engineers:** Perpetual insistence on Environmental Impact Statements - while many are arguably warranted and well-intended, they often appear to be subjective, if not punitive. Corps decisions result in extreme expense to projects and ridiculously long delays that have the effect of working against the economic interests of the communities affected. Land management and stormwater regulations are prime examples.

**DOJ:** The Department of Justice's civil rights division has become overtly political by inserting themselves into local land use decisions. This intervention has cost local taxpayers in attorney's fees and bad publicity.

**USDOT:** Your pledge to invest in America's infrastructure is welcome and long overdue. However, the current regulatory environment at USDOT is such that many projects now take at least ten years from inception to start of construction due to the lengthy reviews and various impact analyses now required. Reviving America's infrastructure can be done faster, at less cost if the current overregulation of state and local government by USDOT was overhauled. This can be achieved by eliminating the overabundance of non-productive requirements now imposed at the Federal level.

**We ask that the policies that derive from administrative orders, as opposed to laws enacted by Congress, be changed to reduce the administrative burdens on local communities in order to meet President-elect Trump's goal to build infrastructure rapidly.**

Unfunded Mandates: "If it's worth doing, it's worth funding."

Most federal mandates are largely unfunded. Those funded, typically have penalties attached for non-conformance. Costs of compliance often outweigh initiatives desired and/or cures sought. **We ask that unfunded mandates be minimized.**

#### Coordination

**We ask that you make *The Executive Order on Coordination* be the presumptive approach of all federal departments and agencies in working with local governments.**

We are confident that your transition team is ahead of the curve to curtail Presidential orders, federal rules and regulations and unfunded mandates in order to "Make America Great Again!" We look forward to working with your administration in reducing these burdens, anticipating swift action on these matters as you begin your term of office.

Sincerely,



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Austin, Texas



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