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**SBCAG STAFF REPORT**

**SUBJECT:** Federal Legislative Program

**MEETING DATE:** January 18, 2018

**AGENDA ITEM:** 8

**STAFF CONTACT:** Gregg Hart

**RECOMMENDATION:**

- A. Receive a report from SBCAG’s federal lobbyist, Don Gilchrest, on federal transportation issues and approve SBCAG’s federal legislative agenda for 2018.
- B. Authorize the SBCAG Chair, Vice Chair and immediate past Chair to travel with staff to Washington DC.

**SUMMARY:**

Staff has been working with SBCAG’s federal lobbyist, Thomas Walters and Associates, to develop SBCAG’s 2018 federal legislative program and strategy that will assist in guiding efforts to obtain discretionary federal funding for high priority transportation projects in Santa Barbara County and to influence federal legislation to protect SBCAG’s interests.

SBCAG’s draft 2018 federal legislative program has been revised to include reference to the administration’s proposed transportation infrastructure initiative. SBCAG’s federal lobbyist and staff will work to ensure any new federal infrastructure legislation includes direct funding that could assist in completion of the 101 HOV project and recognizes existing regional and state infrastructure funding revenue sources in future potential federal, state and local contribution formulas.

Maintaining a robust federal legislative program is consistent with the Board’s Measure A Strategic Plan goal to aggressively pursue outside matching funds to complete Measure A project commitments and meet the region’s transportation needs. SBCAG Board approval of the 2018 draft federal legislative agenda will authorize staff, Board members and our lobbyist to continue efforts to lobby for SBCAG’s interests in Washington.

**DISCUSSION:**

Although the new fiscal year began October 1, Congress has yet to complete the annual appropriations bills needed to fund the Federal government. Short-term funding authority was

again scheduled to expire on December 22, 2017 and a further short-term Continuing Resolution was required to keep the Federal government operational through January 19, 2018.

The President's proposed Infrastructure Initiative was sidetracked this year by the lack of a defined funding mechanism and the crowded legislative calendar of bills, including health care, appropriations and tax restructuring legislation. The Trump administration will likely attempt to restart the infrastructure Initiative in January 2018. SBCAG's advocacy on this topic continues to stress the importance of new direct Federal spending, instead of solely relying on public-private partnerships or tax incentives. The lack of a specific funding mechanism remains the largest hurdle for development of a \$1 trillion infrastructure plan.

The Highway Trust Fund is projected to be solvent until the expiration of the FAST Act in 2020, due to the infusion of \$70 billion that was transferred to the Fund from a variety of offsetting "pay-fors," providing the additional funding needed for the five years of the bill. However, the FAST Act still does not provide a permanent solution to the Highway Trust Fund's recurring shortfalls, and the revenue deficit will actually increase in the next reauthorization bill.

SBCAG's federal lobbyist will continue to work to protect FAST Act funding levels to ensure the availability of discretionary grants programs like TIGER and INFRA. In 2017, SBCAG again pursued funding for the US 101 HOV Lane Widening project through the 2017 TIGER discretionary grant program and the INFRA grant program. Grant award recipients have not yet been announced for these grant programs.

According to our federal lobbyist, the single most important aspect of SBCAG's federal legislative strategy is the fact that all the local agencies in Santa Barbara County remain united in support of the 101 HOV Widening Project as the region's highest transportation priority. Members of Congress and Senators receive numerous worthy project requests from their constituents. As they weigh these many requests for support, one of the major factors they will take into account is the extent and degree of support for the project from other entities in the region and the State. In 2010, the SBCAG Board requested that each local agency in Santa Barbara County express support for the 101 project in the form of letters or adopted resolutions from the cities and county. All of the local agencies either passed resolutions or sent letters in support of this effort. The SBCAG delegations that have gone to Washington used this unified support for the 101 HOV project as the focus of their lobbying effort in the Capitol. For maximum impact, however, other local jurisdictions should also include the project as part of their 2017 federal legislative agendas and indicate specifically that it is their highest regional transportation priority. They should also discuss the project as part of their federal legislative agenda when they meet with members of our Congressional delegation. Identifying the 101 HOV Widening Project as the highest regional priority does not preclude local agencies from seeking discretionary funding for local priorities.

The legislative strategy prepared by our lobbyist also indicates the importance of SBCAG members continuing to meet with our congressional representatives, committee staff and Department of Transportation staff to communicate our priorities. SBCAG's federal lobbyist is working to schedule these meetings for a SBCAG delegation on February 27<sup>th</sup> and 28<sup>th</sup> in Washington, DC. Staff recommends the SBCAG Board again authorize a delegation of SBCAG Boardmembers to travel to Washington to lobby federal legislators and staff in support of SBCAG's legislative priorities. In previous years, the delegation has generally consisted of the immediate past SBCAG Chair, the Current Chair and the current Vice-Chair.

**COMMITTEE REVIEW:**

The Joint Transportation Advisory Committee (JTAC) discussed the Federal Legislative Program at its January 4, 2018 meeting. JTAC voted unanimously to recommend the SBCAG Board approve the Draft 2018 Federal Legislative Program with one amendment. The committee recommends the Program to include support and advocacy for the National Association of Counties Resolution urging Congress to include direct federal funding for local streets and roads in future Infrastructure Investment legislation. SBCAG staff have revised the Draft Legislative Program to include this amendment.

**ATTACHMENTS:**

- A. Draft SBCAG 2018 Federal Legislative Platform
- B. 2018 Federal Legislative Update from Don Gilchrest, Thomas Walters & Associates, Inc.

ATTACHMENT A

**Draft SBCAG 2018 Federal Legislative Platform**

Issue	Goal	Strategy
<p>1. Federal funding for SBCAG's priority projects</p>	<p>Aggressively pursue funds through the annual Federal Appropriations process, the multi-year Federal Transportation Reauthorization process, <b>the administration's proposed infrastructure initiative</b> or any other federal sources.</p> <p>Raise awareness of the Highway 101 Corridor and its importance as a transportation facility of state and national significance.</p> <p>Include 101 through the Central Coast in National Freight Network</p> <p><b>Include direct federal funding to regional &amp; local governments for improvement and maintenance of regional and local roads</b></p>	<p>Work with the SBCAG's federal lobbyist, SBCAG member agencies, our federal congressional delegation and local community leaders and organizations to aggressively advocate at the federal level for funding to complete projects promised to Santa Barbara County voters in the Measure A Investment Plan. <b>Work to increase direct federal funding in the administration's infrastructure initiative and ensure that existing local sales tax measures and state fuel taxes are credited as an available local match in any legislation to increase transportation funding available to state and regional governments.</b></p> <p>Educate our congressional delegation and funding agency partners about the Highway 101 Widening project's funding needs, timing and schedule. Work with the Central Coast Coalition and Caltrans to raise awareness of the importance of 101 and its need for improvements as one of only two north-south interregional corridors in the state.</p> <p>Advocate to the US Department of Transportation that the entire length of the US 101 through the Central Coast be included in the National Freight Network to ensure eligibility for 101 under the new National Highway Freight Program and Nationally Significant Projects Program.</p> <p><b>Support and advocate for the National Association of Counties Resolution requesting Congress include direct federal funding for improvement and maintenance of local roads within future infrastructure spending legislation and also advocate for the inclusion of direct funding for regional agencies.</b></p>

<b>Issue</b>	<b>Goal</b>	<b>Strategy</b>
2. Augment Transportation Funding Sources	Seek an increase in transportation revenues to address unmet funding needs for maintenance, repair, operation and improvement of the transportation system	<p>The federal gas tax was last increased to its current 18.4 cent per gallon rate in October of 1993. Since then, the purchasing power of the federal gasoline excise tax has been reduced by more than 50% because of inflation. National transportation infrastructure investment has dipped precipitously over this time to the point where federal gas tax revenue is not sufficient to fully fund the Highway Trust Fund.</p> <p>Support legislation to raise new user-fee based revenue sources to bring the Highway Trust Fund into balance. This could include adoption of an increase in the gasoline user fee to fund highway and local street and road repairs. The federal gasoline user fee should also be indexed to inflation to prevent the erosion of its purchasing power.</p>
3. Maintain Existing Flexible Federal Funding Sources	<p>Protect Flexibility of Surface Transportation Program Funds</p> <p>Ensure that new federal performance measures are not overly prescriptive or restrict SBCAG access to federal funds.</p> <p>Increase MPO Planning funds</p>	<p>Surface Transportation Program Funds are one of the very few federal funding sources that are flexible in their use. This flexibility is very important to SBCAG and its local agency partners. Work with the Central Coast Coalition, and other partners to protect the flexibility of this funding as the new Surface Transportation Block Grant Program is implemented.</p> <p>Protect against overly prescriptive or burdensome new federal regulations. Work with the Central Coast Coalition, and other partners to retain full access to federal transportation funds and compliance with new regulations is not burdensome.</p> <p>MPO PL funding was stagnant under MAP-21 despite increased requirements, but was recently increased slightly in the FAST Act. Work to further increase PL funding.</p>

<b>Issue</b>	<b>Goal</b>	<b>Strategy</b>
	Protect Existing Transit and Active Transportation Program Funding	Authorized transit and active transportation program funding levels may be at risk in the appropriations process. Work with other partners to protect existing funding levels.
4. Passenger Rail	<p>Provide passenger rail commuter service connecting Ventura and Santa Barbara counties.</p> <p>Support full funding of the Passenger Rail Reform and Investment Act (PRRIA) of 2015</p> <p>Maintain and increase funding for inter-city passenger rail in the LOSSAN North Corridor</p>	<p>Work cooperatively with Federal Railroad Administration, Caltrans Division of Rail, Amtrak, LOSSAN and Union Pacific Railroad to provide passenger rail commuter service connecting Ventura and Santa Barbara counties.</p> <p>Work with our federal legislators to fully fund Amtrak and the Intercity Passenger Rail Programs in the FAST Act. Make sure funds are available for local rail capital projects and work to ensure that federal high speed rail program funds are also available for regional connector rail corridors like the Pacific Surfliner corridor in Santa Barbara County.</p> <p>Work with Caltrans District 5 to develop LOSSAN North Corridor Improvements NEPA document to increase viability of federal grant applications for rail improvements. Support legislative efforts to stabilize and even increase funding for passenger rail capital improvements and operating costs.</p>

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# REPORT

Thomas Walters & Associates, Inc.



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December 15, 2017

## **Santa Barbara County Association of Governments Legislative Update**

**To: Marjie Kirn**  
**From: Don Gilchrest**

### **SUMMARY**

This year may be characterized as one of the most chaotic in recent memory for both a new Administration and a new Congress. Plagued from the start by the variety and number of both external and internal distractions, President Trump's Administration has been slow to come up to speed, and productive interactions with the various Federal agencies are made difficult by the relative dearth of confirmed personnel at the decision-making level. The disarray has similarly affected Capitol Hill, where, despite retaining both Houses of Congress and with a member of their party now in the White House, Congressional Republican leaders have had difficulty in moving forward with their legislative priorities, most prominently displayed by the turmoil surrounding efforts to repeal and replace the Affordable Care Act and the lack of progress on funding legislation for Fiscal Year 2018.

Within this context, we have worked to aggressively advocate SBCAG's Federal agenda and priorities. We lobbied these issues with Congressional members and the Administration, including Congressman Carbajal, staff for Senators Feinstein and Harris, and the Congressional Committees with jurisdiction over transportation policy. SBCAG Board members and staff traveled to Washington, DC, for meetings March 29-30 to brief Congress and the Trump Administration on your Federal legislative agenda and discuss pending issues before Congress, including the budget and the infrastructure plan.

Current Federal funding authority will expire on December 22, so the final weeks of 2017 remain clouded with disputes over Federal spending, health care, immigration, and tax reform. Although details remain uncertain, it now appears likely that an additional short-term funding bill will be necessary, which will carry over many of these issues into next year.

## **LEGISLATIVE UPDATE**

The following Legislative Update provides additional information on 2017 issues and programs related to your Federal Legislative Agenda and what we can expect as we move into 2018.

### **2017 LEGISLATIVE ACTIVITY**

#### **FY 2017 Funding**

One of the after-effects of President Trump's victory in the November 2016 elections was the decision to defer the completion of the FY 2017 appropriations process until he was inaugurated and the 115<sup>th</sup> Congress was in place. With Republicans maintaining control of both the House and Senate, a Continuing Resolution was passed in the December 2016 Lamé Duck session keeping Federal agencies and programs operational at existing levels through April 28, 2017, in order to give the new Administration the opportunity to provide input into final funding levels.

SBCAG advocated for enactment of full-year appropriations legislation for FY 2017 to obtain the program funding increases authorized in the FAST Act, since the alternative of a further continuing resolution would have simply extended current-year funding levels. Full-year funding was eventually provided through the FY 2017 Consolidated Appropriations Act that was approved at the beginning of May.

#### **FY 2018 Funding**

President Trump submitted a very broad overview of his FY 2018 Budget Proposal to Congress on March 16, and the full Budget Proposal was not released until May 23. It is common for new Administrations to delay their initial budget proposal beyond the traditional February release date, but this year's delays were unusual even by that standard.

The President's FY 2018 budget proposals included a \$54 billion increase in defense spending and a corresponding cut of \$54 billion in nondefense programs. The potential impacts on DOT included elimination of the TIGER Grant program and a gradual phase-out of spending for rail and bus rapid transit "New Starts" through FTA's Capital Investment Program. The budget also proposed elimination of Federal subsidies for Amtrak's long-distance routes.

As the October 1 start of the new Federal fiscal year neared, it became clear that none of the twelve annual appropriations bills to fund the Federal government in FY 2018 would be enacted. So far, two short-term "Continuing Resolutions" have been enacted to fund the government and allow lawmakers more time to work on a full fiscal 2018 spending measure. Current Federal funding authority will expire on December 22, so the final weeks of 2017 remain clouded with disputes over Federal spending. Although details remain uncertain, it now appears likely that an additional short-

term funding bill will be necessary, which will carry over many of these issues into next year.

### **Transportation Funding**

Although partisan issues have prevented enactment of any of the twelve annual appropriations bills so far, the House was able to move the process forward in September by packaging together an omnibus appropriations measure that included the *FY 2018 Transportation, Housing and Urban Agencies Appropriations Act (THUD)* that was reported by the House Appropriations Committee in July. The Senate THUD bill was reported by the Appropriations Committee on July 17, but further action on transportation appropriations was put off until a comprehensive funding agreement can be reached.

Proposed funding levels for key transportation programs in the pending bills are as follows:

<b>Appropriations Program/Account</b>	<b>FY 2018 Trump</b>	<b>FY 2018 House</b>	<b>FY 2018 Senate</b>
Federal-Aid Highways	\$44.234 billion	\$44.234 billion	\$44.234 billion
Transit Formulas	\$9.733 billion	\$9.733 billion	\$9.733 billion
FTA New Starts	\$1.232 billion	\$1.753 billion	\$2.132 billion
Amtrak Grants	\$760 million	\$1.428 billion	\$1.6 billion
FRA Consolidated Rail Grants	\$25 million	\$25 million	\$92.5 million
TIGER Grants	zero	zero	\$550 million

### **Infrastructure Initiative**

We maintained close contact with the Congressional Committees of jurisdiction as they began consideration of President Trump's proposal to invest \$1 trillion over ten years to address the country's aging infrastructure. Both the House Transportation and Infrastructure and Senate Environment and Public Works Committees held a series of hearings to explore and develop potential alternatives for the plan, pending receipt from the Administration of a more detailed proposal.

When President Trump released his FY 2018 Budget Request, it included a \$200 billion proposal for new Federal spending for the Infrastructure Initiative, with the proposal continuing to emphasize targeted Federal investments to incentivize non-Federal resources. The proposal was light on details, but broad principles were included in a fact sheet that accompanied the budget proposal. The fact sheet does offer insight into the types of activities to be included, and we provided it to SBCAG staff for analysis. There is a particular emphasis on using targeted Federal investments to incentivize non-Federal resources – including the private sector – and encourage local self-help efforts.

SBCAG has emphasized the importance of direct Federal spending on transportation projects, since the private investment envisioned by the Trump proposal would have limited application for the 101 widening project. Senators Feinstein and Harris, Congressman Carbajal, and key committees in Congress all continue to express support for direct Federal funding, and have found information about specific programs and projects to be helpful. This would be very important for SBCAG if additional funding is added to highway grant programs, or if a new major projects program is established.

Throughout the year, it became increasingly apparent that the success of the Infrastructure Initiative will be dependent on development of a funding stream. The lack of any further progress on this aspect of the Plan ensures that this will be an issue that carries over into 2018.

### **FAST Act Implementation**

The Fixing America's Surface Transportation Act (FAST Act) was signed into law at the end of 2015 and includes \$305 billion over five years for surface transportation programs. This multi-year authorization of Federal highway, transit and highway safety programs provides SBCAG with a reliable funding stream that will see modest increases over the life of the bill.

In addition to increasing funding for highway and transit formula programs, the FAST Act included a new Bus and Bus Facilities Discretionary Grant Program, and increased the formula take-down for the Small Transit Intensive Cities program, which gives funding to agencies that are providing disproportionately higher levels of service. It also established additional potential sources of funding for highway projects through a new freight formula program and the new Nationally Significant Freight and Highway Projects (NSFHP) program (also known as INFRA Grants). SBCAG Board members and staff have advocated in coordination with other stakeholders for full implementation of the FAST Act programs and funding levels to provide maximum opportunities for improving transportation in the Central Coast of California.

### **Project Funding**

Although Congress is currently operating under a self-imposed moratorium on project earmarks, SBCAG is pursuing funding for the US 101 Widening Project through DOT's FY 2017 TIGER and INFRA discretionary grant programs. Board members and staff met with DOT officials to advocate for this project in March. This provided an opportunity to stress that Santa Barbara is a self-help County and that your project applications are part of the regional transportation strategy established through Measure A. SBCAG also emphasized the support of the Central Coast Coalition, and the importance of the 101 Corridor to the region and to the entire State of California.

SBCAG submitted a TIGER Grant application to DOT in October and an INFRA Grant application in November. Congressman Carbajal and Senator Harris wrote to DOT Secretary Chao to convey their support for the project and noted the regional priority of the 101 Project. DOT has not announced a schedule for awarding the FY 2017 grants.

### **Rail**

We arranged and participated in meetings for SBCAG Board Members and staff in March to advocate for increased passenger rail in the Central Coast. The FAST Act included authorizations for Amtrak and for three new Intercity Passenger Rail Programs, and SBCAG discussed their implementation and advocated for Congressional Appropriations for these programs. Board members and staff briefed the Senate Appropriations Committee on how previous Federal support was used to fund projects such as the Seacliff and Ortega sidings and urged them to fund the rail programs in fiscal year 2018. We also met with Federal Railroad Administration officials to request their support for the programs and to discuss future grant opportunities. FRA advised SBCAG to focus on the new Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program if applying for funding.

President Trump proposed \$25 million for CRISI grants in his FY 2018 budget, which was also the level included in the House *FY 2018 Transportation, HUD and Related Agencies Appropriations (THUD)* bill. The Senate version included \$92.5 million for CRISI grants, but further action on a final version of the transportation appropriations bill was put off until a comprehensive funding agreement can be reached.

### **Freight Network**

SBCAG continued to work with FHWA officials regarding the development of the National Highway Freight Network and its relationship to funding eligibility for the new Freight Formula Program that allocates funding to the States. In March, SBCAG Board members and staff were able to brief FHWA on the importance of the 101 Corridor in the Central Coast as a key transportation route for freight in the

State of California, with critical linkages to primary freight routes and ports. In addition, the 101 corridor is the only alternate route to I-5, which is frequently closed.

The Freight Network that DOT drafted in response to Congress' direction in MAP-21 and the FAST Act does not include the section of Highway 101 in the Central Coast, so SBCAG is currently not eligible to compete for this formula funding. However, DOT indicated that Critical Urban Freight Corridors and Critical Rural Freight Corridors can be designated by the States and would be eligible. SBCAG is pursuing these options at the State level and we briefed FHWA on the negotiations taking place and requested their support for inclusion of the 101 in the Network in the future.

### **Tax Reform**

Throughout the year, we closely monitored tax reform proposals for any impacts on SBCAG, including the potential for an increase in user-fee based revenue to bring the Highway Trust Fund into balance. President Trump and Republican Congressional Leaders released a Tax Reform Framework in late September that proposed major reductions in both Corporate and Individual income tax rates, partially offset by eliminating many deductions. H.R. 1, the *Tax Cuts and Jobs Act*, was approved by the full House on November 16 and a Senate version was passed on December 2. Neither bill included provisions to shore up the Highway Trust Fund. President Trump and Republican Leaders in Congress are pressing to negotiate a final bill by the end of the year, and a final deal appears imminent.

### **Trump Transition**

So far, only six out of a possible 19 Trump appointees to the Department of Transportation have been confirmed by the Senate, with the most recent, Under Secretary of Transportation for Policy Derek Kan, being confirmed on November 13. The Administration has not yet sent a nominee for FTA Administrator to the Senate, and the nominees for Federal Highways Administrator and Federal Railroads Administrator are pending and have not been scheduled for a vote.

The causes of these delays include a lack of planning for the transition by the Trump campaign and a high level of partisan discord in the Senate. The direction that DOT takes throughout the rest of the Trump Administration will be significantly impacted by the officials who are eventually named to these key positions. The lack of progress has also had impacts on development of key policy areas, including the Infrastructure Initiative.

## **2018 OUTLOOK**

### **FY 2018 Funding**

Although the new fiscal year began October 1, Congress has yet to complete the annual appropriations bills needed to fund the Federal government. Current short-term funding authority will expire on December 22, and a further Continuing

Resolution is likely to keep the Federal government operational. This delay will negatively impact the administration of Federal transportation programs and add another layer of complication to next year's legislative program.

### **Infrastructure**

The President's proposed Infrastructure Initiative was side-tracked this year by the lack of a defined funding mechanism and the crowded legislative calendar of bills, including health care, appropriations and tax restructuring legislation. Because of the high-profile nature of this issue, attempts to restart the Initiative will take place in 2018, with additional details expected from the Trump Administration in January. SBCAG's advocacy on this topic continues to stress the importance of new direct Federal spending, instead of solely relying on public-private partnerships or tax incentives. The lack of a specific funding mechanism remains the largest hurdle for development of a \$1 trillion infrastructure plan.

### **Highway Trust Fund**

The Highway Trust Fund is projected to be solvent until the expiration of the FAST Act in 2020, due to the infusion of \$70 billion that was transferred to the Fund from a variety of offsetting "pay-fors," providing the additional funding needed for the five years of the bill. However, the FAST Act still does not provide a permanent solution to the Highway Trust Fund's recurring shortfalls, and the revenue deficit will actually increase in the next reauthorization bill. It would be unusual for Congress to address this type of problem before it becomes a crisis, but the infrastructure debate expected next year could provide an opportunity to modify or add to the Trust Fund.

### **FAST Act Implementation**

Protecting FAST Act funding levels will ensure the reliability of SBCAG's Federal formula funds and the opportunities to compete for discretionary grants at DOT, including freight movement projects and TIGER infrastructure grants. In addition, DOT will continue the process of issuing regulatory and programmatic guidance for the many new FAST Act provisions, which we will monitor for any impacts on SBCAG.

### **Regulatory Review**

Throughout this year, the new Administration and Congress have stressed the elimination of unnecessary and burdensome regulations as a way to increase government effectiveness and promote economic growth. In February, President Trump signed an executive order aimed at repealing or simplifying excessive federal regulations. The Enforcing the Regulatory Reform Agenda Executive Order created a task force and regulatory reform officer at each federal agency charged with reviewing all regulations and identifying costly and unnecessary regulations. DOT initiated a regulatory review in May that is intended to target regulations that impede job growth, impose costs greater than their benefit or are simply outdated or

ineffective. This was in addition to an executive order previously signed by the President requiring agencies to repeal two rules for every new rule they issue, and another imposing a freeze on and review of the rules that the previous administration had finalized, but that had not yet taken effect. Officials at DOT recently signaled that they plan to accelerate the regulatory review process next year, which could provide opportunities for SBCAG.

### **Debt Ceiling**

Over the summer, Treasury Secretary Mnuchin began calling on Congress to raise the Federal debt ceiling in order to prevent default on Federal financial obligations. This issue has the potential for extensive economic disruption, as well as the specter of a government shut-down. The Trump Administration is pushing for a “clean” debt ceiling increase, but many Congressional Republicans support attaching spending cuts to the measure. Although some economists estimate that the Treasury can avoid a default until March or early April through the use of extraordinary measures, Secretary Mnuchin is urging Congress to raise the debt limit at the first opportunity.