



AMERICAN PUBLIC WORKS ASSOCIATION

*Your Comprehensive
Public Works Resource*

www.apwa.net

2345 Grand Blvd., Suite 700
Kansas City, MO 64108-2625
816-472-6100 800-848-APWA
fax 816-472-1610

1401 K Street, NW, 11th Floor
Washington, DC 20005-3457
202-408-9541
fax 202-408-9542

Docket Management System
Federal Emergency Management Agency
Office of Chief Counsel
500 C Street SW
Room 835
Washington, DC 20472

**American Public Works Association
Federal Emergency Management Agency
Docket ID: FEMA-2008-0006**

The American Public Works Association (APWA) appreciates the opportunity to submit these comments concerning the reduction of the federal cost share for restoration of repetitively damaged facilities that have not met appropriate hazard mitigation standards. APWA is an organization dedicated to providing public works infrastructure and services to millions of people in rural and urban communities, both large and small. Working in the public interest, our more than 29,000 members plan, design, build, operate, manage, administer and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to our nation's economy and way of life.

Facilities can experience repetitive damage caused by the same type of disaster. As first responders, public works is integral to a community's emergency planning efforts and recovery operations. Public Works departments understand that in the wake of catastrophic events, communities depend on FEMA Public Assistance for response and recovery assistance—especially when it pertains to facility repair and restoration.

The proposed rule would implement Section 205 of the Disaster Mitigation Act of 2000 (P.L. 106-390). In the discussion of the rule, FEMA proposes to use the existing definition of a facility in the Code of Federal Regulations for Emergency Management and Assistance Title 44 206.201(c): “any publicly or privately owned building, works, system, or equipment, built or manufactured, or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.”

It is important to note that the definition of “facility” leaves unclear how facilities such as roads, water, sewer, electric or other “linear” facilities are to be treated under the rule. For example, if one section of water line in a community is damaged, does the definition refer to the entire water line, or does the term “facility” apply to only the section of water line that is damaged?

*PRESIDENT
Larry T. Koehle, P.Eng., MPA
Brampton, Ontario*
*EXECUTIVE DIRECTOR
Peter B. King*

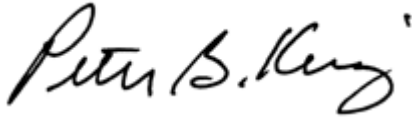
APWA recommends that FEMA clarify the definition of “facility” pertaining to “linear” facilities such as roads, water, sewer and electrical systems. Roads, water and sewer lines can stretch for miles crossing community, county and even state boundaries. Accordingly, the definition should stipulate that only the section of a linear facility that is damaged repeatedly—having not undergone appropriate mitigation measures—should bear the reduction of the federal cost share for its restoration. Singling out the damaged portion of a linear facility within the radius of a federally declared disaster zone and reducing FEMA Public Assistance funds will incentivize facility owners to improve hazard mitigation practices. Moreover, it is hoped that the facility owner will then make an effort to reinforce the entire system with proper hazard mitigation techniques in order to prevent repetitive damage from occurring in another section of the linear facility.

APWA asks that you carefully review the definition of “facility,” to clarify how the definition applies to linear facilities.

The American Public Works Association appreciates the opportunity to submit these comments. If you have any questions or need any additional information, please feel free to contact me at (202) 408-9541 or pking@apwa.net.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Peter B. King". The signature is written in a cursive style with a large, prominent initial "P".

Peter B. King
APWA Executive Director

cc: APWA Board of Directors
APWA Emergency Management Committee