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## Advocacy Position Statement

### **Public Works and the Stafford Act**

#### Statement of Purpose

The American Public Works Association (APWA) seeks to inform elected officials, regulators, stakeholders and the public at-large of its stated position on the importance of strengthening the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, 42 U.S.C. 5121-5207).

#### Statement of Position

APWA supports a number of provisions in the Stafford Act which strengthen the efficiency and effectiveness of the disaster recovery process for both individuals and communities. Specifically, public works' specialized capabilities are directly impacted by the following provisions/programs outlined in the Stafford Act:

**Predisaster Hazard Mitigation:** APWA believes that the predisaster hazard mitigation program must be fully funded to address the preventative measures (such as training, certifications, emergency plans and drills, and vulnerability assessments) necessary for protecting critical infrastructure and saving lives.

**Public Assistance (PA) Program:** FEMA's Public Assistance (PA) Grant Program can appear daunting and the application process cumbersome. APWA believes the PA Program can be strengthened in the following ways:

- Improve access to training so local jurisdictions will have a better understanding of what FEMA requires of them—particularly regarding reimbursement documentation.
- Review the appeals process by way of improving lines of communication, and thus lessening the number of appeals.
- Establish clear program rules and processes, thereby eliminating confusing or inconsistent language.
- Foster document coordination such as equipment typing and reimbursement lists.

**Community Disaster Loan (CDL) Program:** APWA supports the CDL Program as established in statute, which allows reduction or cancellation of loan obligations to the extent that municipal revenues decline as a result of the impact of disasters.

**Debris Removal:** APWA supports the Stafford Act's approach to providing Federal assistance for no less than 75 percent cost share for the removal of debris. With sufficient funds, public works is able to remove debris in a timely and safe manner. Moreover, APWA supports re-authorization of the Post-Katrina Reform Act's Debris Removal Pilot Program which amends the Stafford Act. The Pilot Program provides for an increase in the cost share percentage for communities which, predisaster, develop debris removal and processing plans, and put in place predisaster contracts for removal of debris.

**Emergency Communications:** APWA supports the provision that the President can establish emergency communications systems and provide temporary public transportation in the wake of a disaster.

**Post Katrina Reform Act Pilot Programs:** APWA supports action to amend the Stafford Act to make permanent four provisions that Congress requested be pilot tested as part of the Post Katrina Management Reform Act. The pilot test of these four provisions ran for a period of 18 months and has now expired. The following programs should become permanent changes to the Stafford Act:

**Grants Based on Estimates:** APWA believes that grants based on estimates will provide much needed recovery funding to communities more quickly, reduce the administrative burden and cost of applying for and receiving federal recovery funding, significantly reduce the time it takes to restore damaged infrastructure and allow local communities to have more control over the outcomes of the recovery process.

**Increased Federal Share Incentive:** APWA believes that increased federal share incentive will provide communities modest but tangible financial incentives to undertake disaster planning and recover more effectively.

**Debris Recycling:** APWA believes that debris recycling will provide communities modest but tangible incentives to accomplish greater levels of recycling, thereby reducing landfill requirements and producing desirable environmental and community impacts.

**Force Account Labor:** APWA believes that communities should have the option to undertake debris removal operations after a disaster using their own employees without suffering a financial penalty. Allowing reimbursement of the straight time of municipal employees will level the playing field by removing the inadvertent incentive to use outside contractors, thereby reducing overall program costs, allow for more timely disaster recovery, and allow more local control of the recovery process.

## Background and Rationale

Public works professionals play a key role in emergency planning, responding to and recovering from natural and manmade disasters. Operating and maintaining critical infrastructure services, such as the transportation, water supply, sewage and refuse disposal systems, and public buildings, are vital to a community's livelihood. The Stafford Act ensures that in the wake of a disaster, both individuals and communities are able to efficiently recover from such events.

As the foundation of emergency management, the Stafford Act will continue to ensure that local public works officials are able to carry out emergency mitigation, response and recovery responsibilities in a timely manner that helps to save lives and reduce damage costs.

**Predisaster Hazard Mitigation:** Predisaster mitigation plans and projects reduce overall risk and reliance on funding from presidential disaster declarations. The Multi-Hazard Mitigation Council published a study in 2005 that found that every \$1 FEMA invested into mitigation projects saves society approximately \$4. Accordingly, APWA supports this program's full funding so projects can be implemented that would lessen the costs of future disasters.

**Public Assistance Grant Program:** Public Works departments use PA Grants for debris removal, restoration of critical infrastructure systems and other emergency protective measures after disaster strikes.

**Community Disaster Loan Program:** The Stafford Act provides authority for FEMA to make loans to local governments for the purpose of off-setting anticipated revenue losses due to disasters. Specifically, CDLs help financially support the continuation of local government functions—including Public Works departments—after disaster strikes. APWA believes that revenue losses can devastate a community. The requirement to repay loans that offset revenue losses caused by a disaster could seriously jeopardize a community's short and long-term recovery.

**Emergency Communications and Emergency Public Transportation:** In the midst of a disaster, essential municipal personnel and first responders—including public works—rely on emergency communications to exchange data with each other as needed to ensure that response and recovery operations are carried out as efficiently as possible. This will ensure that communities are able to resume its normal pattern of life as soon as possible.

### **Post-Katrina Reform Act Pilot Programs:**

**Grants Based on Estimates:** Under this procedure, the pilot program Congress enacted allowed FEMA to make Grants Based on Estimates for large projects up to \$500,000. This procedure allowed states to disburse funds to applicants up front (where state laws allowed for such payments), rather than through the reimbursement of actual costs. These projects were not subject to the appeal

process outlined in 44 CFR §206.206, Appeals. Applicants could use this procedure for Category A, Debris Removal, and Categories C-G, Permanent Work. FEMA wanted to determine if this procedure would reduce the time and administrative cost of awarding PA grants, and if it would enable FEMA to expedite assistance to state and local governments.

**Increased Federal Share Incentive:** Under this procedure, the pilot program Congress enacted allowed FEMA to provide an additional five percent federal cost share for debris removal projects under Sections 403(a)(3)(A) and 407 of the Stafford Act to those applicants that had a FEMA-approved debris management plan and which had pre-qualified two or more debris and wreckage removal contractors. FEMA's objective was to create a financial incentive for applicants to initiate jurisdictionally managed debris removal operations more quickly after a disaster, supported and facilitated by debris management plans and debris contracts established prior to the disaster.

**Debris Recycling:** Under this procedure, the pilot program Congress enacted allowed FEMA to financially incentivize recycling by allowing applicants to retain the revenues generated from recycling disaster-related debris.

**Force Account Labor:** Under this procedure, the pilot program Congress enacted allowed FEMA to reimburse the straight-time wages for the employees of a state or local government while they performed disaster-related debris and wreckage removal activities. FEMA's objective was to provide applicants an incentive to perform the work in-house, as well as improve oversight of debris removal operations. In addition, FEMA wanted to determine if debris removal operations and monitoring performed by force account labor was less costly and more efficient than contractor operations under this procedure.

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