

**July 2010**

## **House Appropriations Panel Approves \$79 Billion for Transportation**

A House Appropriations subcommittee approved a Transportation Appropriations bill that would provide \$79.4 billion in Fiscal Year 2011 for programs administered by the US Department of Transportation (DOT). The draft bill, approved by voice vote June 30th, provides \$45.2 billion for federal highway programs, \$3.1 billion more than current fiscal year and \$4 billion more than the Administration requested.

The panel rejected the Administration's request to provide \$4 billion for a new National Infrastructure Innovation and Finance Fund designed to provide grants and loans to support the financing and construction of large infrastructure projects. The fund has not been authorized.

The measure also provides \$11.3 billion for Federal Transit Administration programs, \$575 million more than current fiscal year, and \$507 million more than the Administration's request. It funds Federal Aviation Administration at \$16.5 billion, provides \$1.4 billion for high speed rail and \$400 million for the Transportation Investment Generating Economic Recovery (TIGER) program, a popular discretionary grant program created under the Economic Recovery Act. The bill also directs \$200 million from the Highway Trust Fund for the Partnership for Sustainable Communities, a joint DOT, Housing and Urban Development Department and Environmental Protection Agency initiative to advance sustainable development.

The bill will be considered next by the full Appropriations Committee. Fiscal Year 2011 begins October 1, 2010.

## **TIGER II Pre-application Deadline Extended**

The US Department of Transportation has extended the pre-application deadline for the \$600 million National Infrastructure Investments grants program, also known as TIGER II discretionary grants, from July 16 to July 26, 2010.

Information about TIGER II grants is posted at: <http://www.dot.gov/recovery/ost/tigerii/index.html>.

More information about the extension is published in the June 30th *Federal Register* under Transportation Department, Funding Availability:  
[http://www.access.gpo.gov/su\\_docs/fedreg/a100630c.html](http://www.access.gpo.gov/su_docs/fedreg/a100630c.html).

## **Senate Panel Approves Transit Safety Bill**

The Senate Banking, Housing and Urban Affairs Committee June 30<sup>th</sup> approved a bipartisan bill designed to improve transit safety oversight and establish national safety standards.

The Public Transportation Safety Act of 2010, authored by Committee Chairman Christopher Dodd (D-CT), Ranking Member Richard Shelby (R-AL), and Housing, Transportation, and Community Development Subcommittee Chairman Robert Menendez (D-NJ), was unanimously approved.

The legislation would authorize \$66 million over three years for public transportation safety and would authorize the Department of Transportation to establish federal safety standards for rail transit systems, reversing a prohibition that has been in effect since 1965. It would establish a National Public Transportation Safety Plan and require public transportation agencies to establish comprehensive safety plans. It aims to improve the effectiveness of state safety oversight agencies, and it would provide new enforcement authority over public transportation safety to the Secretary of Transportation. The bill also would establish a system to monitor and manage transit infrastructure to improve safety overall.

The bill now goes to the Senate floor. House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) said he wanted transit safety to be included as part of a comprehensive surface transportation authorization bill.

## **House Panel Rescinds Transportation Funding**

The House Transportation and Infrastructure Committee July 1 unanimously approved a bill rescinding \$106.8 million of contract authority from the National Highway Traffic Safety Administration (NHTSA) and the Federal Transit Administration (FTA). For various reasons, these funds are not available for use by the two agencies in the current fiscal year. Titled the *Surface Transportation Savings Act of 2010* (H. R. 5604), the bill uses the savings to reduce the federal budget deficit.

The rescissions include \$81 million in contract authority from a NHTSA seat belt program, which the agency says it does not need because an insufficient number of states qualified for the program, and \$17.4 million in contract authority from FTA's formula and bus grant program, because an appropriations bill approved last year provided that much less funding. The bill could be taken up by the full House later in July.

## **FHWA Announces Livability Initiative**

The Federal Highway Administration (FHWA) announced a livability initiative to harmonize and coordinate the Federal-aid highway program with grant-in-aid programs administered by the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA).

Under this initiative, FHWA will utilize Special Experimental Project No.14 (SEP-14) to permit, on a case-by-case basis, the application of HUD requirements on Federal-aid highway projects that may otherwise conflict with Federal-aid highway program requirements. The purpose of the SEP-14

initiative is to evaluate the contracting efficiencies and impacts on competition in harmonizing conflicting FHWA and HUD contracting requirements, and to further the goals of the DOT, HUD, and EPA partnership on sustainable communities. This initiative will not result in the diversion of highway funds to housing projects. The statutory funding eligibility requirements must continue to be met in order to use Federal-aid highway funds.

FHWA has decided to permit states to request SEP-14 approval for contracting practices intended to enhance livability and sustainability as part of any project that is to be jointly funded with HUD. In order to receive SEP-14 approval, States should follow the normal process and submit work plans to the appropriate FHWA division office. For more information on the SEP-14 process, please see: [http://www.fhwa.dot.gov/programadmin/contracts/sep\\_a.cfm](http://www.fhwa.dot.gov/programadmin/contracts/sep_a.cfm).

More information on the initiative is available in the June 25<sup>th</sup> *Federal Register* under Transportation Department, [http://www.access.gpo.gov/su\\_docs/fedreg/a100625c.html](http://www.access.gpo.gov/su_docs/fedreg/a100625c.html).

## **USDOT Announces Availability of \$75 million in Planning Grants**

The U.S. Departments of Transportation (DOT) and Housing and Urban Development (HUD) announced they will award up to \$75 million in funding -- \$35 million in TIGER (Transportation Investment Generating Economic Recovery) II Planning Grants and \$40 million in Sustainable Community Challenge Grants for localized planning activities that lead to projects that integrate transportation, housing and economic development.

TIGER II Planning Grants may be used to plan, prepare or design surface transportation projects that would be eligible for funding under the TIGER II Discretionary Grant program. These projects include highways, bridges, transit, railways, ports or bicycle and pedestrian facilities. For more information about TIGER II Discretionary Grant program, including how to apply, see the *Federal Register Notice*, Funding Availability: National Infrastructure Investments under Transportation Department, [http://www.access.gpo.gov/su\\_docs/fedreg/a100601c.html](http://www.access.gpo.gov/su_docs/fedreg/a100601c.html), or the notice posted to the APWA advocacy page, [www.apwa.net/advocacy](http://www.apwa.net/advocacy).

HUD's Sustainable Communities funding will target urban and community planning projects that foster reform and reduce barriers to achieving affordable, economically vital and sustainable communities. Such efforts may include amending or replacing local master plans, zoning codes, and building codes either on a jurisdiction-wide basis or in a specific neighborhood or sector to promote mixed-use development, affordable housing and the re-use of older buildings for new purposes with the goal of promoting sustainability at the local level.

There are a variety of projects that may include component parts that fall under both the DOT TIGER II Planning Grants and the HUD Sustainable Community Challenge Grants. Rather than have applicants proceed through two separate grant application procedures that might be on different timelines and with different requirements, the joint notice of funding availability is intended to create one point of entry to federal resources.

Examples could include the following:

- Planning activities that support the development of affordable housing near transportation through the adoption of inclusionary zoning ordinances and other activities such as acquisition of land for affordable housing projects.
- Preparing or amending local codes and ordinances that prevent the private sector from developing neighborhoods more sustainably and inclusively, with housing located near transportation and retail.
- Planning activities related to the development of a particular transportation corridor or regional transportation system that promotes mixed-use or transit-oriented development with an affordable housing component.
- Planning activities related to the development of a freight corridor that seeks to reduce conflicts with residential areas and with passenger and non-motorized traffic. In this type of project, DOT might fund the transportation planning activities along the corridor, and HUD might fund changes in the zoning code to support appropriate siting of freight facilities and route the freight traffic around town centers, residential areas and schools.
- Developing expanded public transportation options, including accessible public transportation and para-transit services for individuals with disabilities, to allow individuals to live in diverse, high opportunity communities and to commute to areas with employment and educational opportunities.

Under the program, DOT and HUD will make joint awards, where appropriate, as well as individual TIGER II planning grants and HUD Sustainable Community Challenge Grants.

The \$35 million for TIGER II planning grants come from the \$600 million in TIGER II grants announced by DOT in the June 1<sup>st</sup> *Federal Register*. The \$40 million in HUD Sustainable Community Challenge Grant funding is part of \$200 million in funding approved by congress in HUD's FY2010 budget to launch the first ever Office of Sustainable Housing and Communities.

Pre-applications are due by July 26<sup>th</sup>. Full applications are due on August 23<sup>rd</sup>. State and local governments, including U.S. territories, tribal governments, transit agencies, port authorities and others, are eligible to apply for funding. Only pre-applications received and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications and applications are included in Section VI of the June 24<sup>th</sup> *Federal Register* Notice, [http://www.access.gpo.gov/su\\_docs/fedreg/a100624c.html](http://www.access.gpo.gov/su_docs/fedreg/a100624c.html).

For more information contact the TIGER II Discretionary Grant program manager via email at [TIGERIIGrants@dot.gov](mailto:TIGERIIGrants@dot.gov). In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's website at <http://www.dot.gov/recovery/ost/TIGERII>.

Questions regarding HUD's Community Challenge Planning Grant Program should be directed to [sustainablecommunities@hud.gov](mailto:sustainablecommunities@hud.gov) or may be submitted through the [www.hud.gov/sustainability](http://www.hud.gov/sustainability) website.

## **FHWA Offers Peer to Peer Training Program for Rural and Local Road Safety**

The Federal Highway Administration (FHWA) has launched the Local and Rural Road (LRR) Safety Peer to Peer (P2P) Program as a form of technical assistance for local and rural highway agencies to

resolve safety problems on the roads they maintain. The aim of the program is to provide access to road safety information and knowledge and resources needed to address safety issues.

The LRR Safety P2P is a free volunteer-oriented program that will provide peer assistance through several venues. Assistance can be in the form of phone calls, email exchanges, general instruction or site visits depending on the agency's needs. Experts with knowledge in various local and rural road safety issues have volunteered their time to provide assistance to their peers requesting help.

Guidance can be provided on determining locations that need immediate attention; on low cost safety improvements that can be installed quickly to address specific safety needs; and on various funding options available for safety improvements on local and rural roads.

More information on the P2P program is available on the FHWA Safety website, <http://safety.fhwa.dot.gov>. For general information on the Local and Rural Road Safety P2P Program, contact Rosemarie Anderson at [rosemarie.anderson@dot.gov](mailto:rosemarie.anderson@dot.gov).

## **Senate Bill Establishes “Centers for Excellence” for Green Infrastructure**

Senators Tom Udall (D-NM) and Sheldon Whitehouse (D-RI) introduced legislation to help address the nation's water quality challenges by encouraging the research, development and promotion of new technologies and designs that use natural processes to combat polluted stormwater runoff. *The Green Infrastructure for Clean Water Act* would establish up to five centers of excellence that would spearhead the research and development of new stormwater management techniques, which use soil and plant life to filter stormwater polluted by sediments and chemicals on the surface before it reaches nearby water bodies. The legislation would also establish a green infrastructure program within the Environmental Protection Agency (EPA) Office of Water to coordinate and promote the use of stormwater techniques. The legislation also authorizes technical assistance and project grants to local wastewater utilities for green infrastructure projects that take advantage of these alternative techniques to stormwater management. Green infrastructure is defined to mean stormwater management techniques that preserve, restore or enhance, or mimic natural hydrology, such as green roofs, porous pavements and ground cover, or vegetated channels and detention areas that reduce the burden of stormwater on the wastewater infrastructure and the environment. Companion legislation has been introduced in the House by Representative Donna Edwards (D-MD) and others that mirrors the Senate bill. To view the Senate bill visit: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s3561is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s3561is.txt.pdf)

## **Senate EPW Approves Bill Requiring Federal Agencies to Pay Stormwater Fees**

The Senate Environment and Public Works Committee (EPW) approved legislation (S.1816) requiring the federal government to pay local fees for treating and managing stormwater runoff. The Senate bill states that reasonable service charges including any requirement to pay a reasonable fee, assessment or charge imposed by any state or local agency to defray or recover the cost of stormwater management in the same manner and to the same extent as any non-governmental entity. The bill states that such a

fee, assessment or charge “shall not be considered to be a tax or other levy subject to an assertion of sovereign immunity, and may be paid using appropriated funds.” Earlier this year, three federal agencies, Government Accountability Office, Department of Defense and General Services Administration, told the District of Columbia Water and Sewer Authority that they would not pay new fees set to take effect in 2011 because they considered them a tax, not a fee for services rendered. The bill will need to now be approved by the full Senate. To view the bill visit:  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s1816is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s1816is.txt.pdf)

## **EPA Issues GHG Reporting Requirements for Wastewater Treatment Facilities**

The Environmental Protection Agency (EPA) issued a rule finalizing requirements under the national mandatory greenhouse gas (GHG) emission reporting program for four new sources, which includes wastewater treatment facilities. The new sources include industrial waste landfills, underground coal mines, magnesium production and wastewater treatment facilities. These facilities were excluded when EPA initially issued an economy-wide mandatory GHG reporting rule in October 2009. That rule applies to sources that emit more than 25,000 metric tons of carbon dioxide equivalent (CO<sub>2</sub>E) GHG emissions. According to the EPA, the four sectors covered in this proposal were excluded in the economy-wide rule to give the agency time to review and respond to comments it received on that proposal. Wastewater treatment facilities and the other three sources will begin collecting emissions data on January 1, 2011, with the first annual reports submitted to the EPA on March 13, 2012. This new rule will apply to approximately 680 facilities producing more than 25,000 metric tons of CO<sub>2</sub>E per year. These facilities are responsible for about 1 percent of the nation’s GHG emissions. To see additional details about the new reporting requirements please visit:  
<http://www.epa.gov/climatechange/emissions/remaining-source-categories.html>.

## **EPA Announces Water Strategy Dialogue**

The Environmental Protection Agency (EPA) is considering a new framework for addressing contaminants in drinking water as a group(s). The EPA will hold a web dialogue on July 28-29, 2010 and is looking for stakeholder input on approaches the agency should consider when developing a framework to group contaminants. To register for the webinar visit:  
[www.webdialogues.net/epa/dwcontaminantgroups](http://www.webdialogues.net/epa/dwcontaminantgroups).

## **APWA Supports Land Water Conservation Fund Program & Seeks Dedicated Funding**

APWA joined with several partner organizations in the Sustainable Urban Forest Coalition (SUFC) in supporting robust and dedicated funding for the Land Water Conservation Fund (LWCF). The LWCF program provides matching grants to states and local governments for the acquisition and development of public outdoor recreation areas and facilities. The LWCF program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non-federal investments in the protection and maintenance of recreation resources across the U.S. LWCF monies have been used in the past to protect forests, watersheds and wetlands; conserve wildlife habitats and riparian buffers and provide opportunities for physical activity through recreational

resources such as play grounds, hiking, biking, fishing and hunting. Additional information on the LWCF can be found at [www.nps.gov/ncrc](http://www.nps.gov/ncrc).

## **APWA joins EPA as a WasteWise Endorser**

The WasteWise Endorser Program engages state and local government agencies, trade associations, nonprofit organizations, and businesses to help educate their constituents about the benefits of reducing solid waste. Endorsers of the WasteWise program demonstrate their environmental leadership play a pivotal role in conserving our natural resources and preventing pollution. WasteWise is a free, voluntary EPA program through which organizations eliminate costly municipal solid waste and select industrial wastes, benefiting their bottom line and the environment. WasteWise members can join as partners, endorsers, or both. Partners join to change their own behavior and track their own internal waste reduction efforts, while endorsers are state and local government agencies, trade associations, nonprofit organizations, and businesses that help their members, clients, and constituents realize that reducing solid waste makes good business sense.

WasteWise, launched in 1994, has more than 2,700 members. WasteWise targets the reduction of municipal solid waste and select industrial wastes. Municipal solid waste includes materials that could end up in an organization's (or its customers') trash, such as: corrugated containers, office paper, yard trimmings, packaging, and wood pallets. Partners can also address industrial wastes such as: non-hazardous batteries, coal combustion products, foundry sand, non-hazardous sludge, oil filters, non-hazardous ink, and porcelain.

The WasteWise program also offers several innovative tools including The WasteWise Re-TRAC System. The Re-TRAC System is a new data management and reporting system for WasteWise partners to collect, organize, analyze, and report their municipal solid waste information. WasteWise partners may log into the WasteWise Re-TRAC system to view and edit organization information, track waste reduction activities, and to generate summary reports, including the WasteWise Climate Profile report. Partners agree to reduce or recycle municipal solid waste and select industrial wastes. Any organization that can measure and report wastes can join as a partner.

To join WasteWise as a partner, please register at <http://my.re-trac.com/NewWasteWisePartner.pm>.

To learn more about the WasteWise program, please visit:  
<http://www.epa.gov/epawaste/partnerships/wastewise/index.htm>

## **Pre-Disaster Mitigation Legislation Passes Senate**

On June 28, the “Pre-Disaster Hazard Mitigation Act of 2010” (S. 3249) passed the Senate by unanimous consent. This legislation would reauthorize the Pre-Disaster (PDM) Mitigation Program, allocating \$180 million for FY 2011, \$190 million FY 2012, and \$200 million for each fiscal years 2013, 2014 and 2015. Senator Joseph Lieberman (I-CT), Chairman of the Senate Homeland Security Committee and sponsor of S. 3249 stated, “If communities are prepared for disasters and have taken measures to lessen the impact, those communities will survive disasters with greater resiliency.”

In April 2009, the House passed the “Pre-Disaster Mitigation Act of 2009” (H.R. 1746) which also reauthorizes the PDM Program, allocating \$250 million for each fiscal years 2010 through 2012.

However, the funding amounts for S. 3249 and H.R. 1746 differ greatly. Current indications are that the House and Senate will try to resolve funding differences before the August recess.

As authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* and the *Disaster Mitigation Act of 2000*, and managed by the Federal Emergency Management Agency, the PDM Program provides funds to states, territories, Indian tribal governments, communities, and universities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. PDM grants are to be awarded on a competitive basis and without reference to state allocations, quotas, or other formula-based allocation of funds.

## **National Flood Insurance Program Extended**

On June 23, the “National Flood Insurance Extension Act of 2010” (H.R. 5569) passed out of the House of Representatives by a voice vote and passed out of the Senate on June 30, 2010 by unanimous consent. President Obama signed the bill into law on July 2, 2010, extending the National Flood Insurance Program (NFIP) to September 30, the last day of FY 2010. This is the fourth extension of the NFIP.

Prior to the passage of H.R. 5569, Congress allowed the NFIP to lapse for five weeks. During that time, flood insurance was not renewed and increased coverage requests were not processed. However, existing flood insurance policies in effect prior to the program lapse were eligible for claim payments for covered damages incurred during the effective dates of the policy.

As a supporter of the NFIP, APWA sent advocacy letters to Senate Majority Leader Reid and Senate Minority Leader McConnell, encouraging them to move this H.R. 5569 forward. This letter was also copied to leadership of the following Senate committees: Appropriations; Homeland Security and Governmental Affairs; Environment and Public Works—in the hope of gaining additional Senate backing for the bill. To read the letter, visit APWA’s website:

<http://www.apwa.net/documents/advocacy/NFIP%20HR%205569%20-%20Support%20Letter%20for%20Extension.pdf>.

For additional information on the NFIP, go to: <http://www.fema.gov/hazard/flood/info.shtm>.

## **APWA Attends National Homeland Security Consortium Meeting**

On June 23-24, 2010, Christine Walsh, a member of APWA’s Emergency Management Committee, attended the National Homeland Security Consortium (NHSC) semi-annual meeting in Chicago, IL as APWA’s representative. Consortium participants heard from a variety of speakers, namely Richard Reed, Special Assistant to the President for Homeland Security and Senior Director for Resilience Policy, and the Honorable Tim Manning, Federal Emergency Management Agency (FEMA) Deputy Administrator for Protection and National Preparedness. A business session was also held where participants discussed revising the NHSC white paper, *Protecting Americans in the 21<sup>st</sup> Century: Imperatives for the Homeland*.

Mr. Reed focused on three key areas: 1) The revision of Homeland Security Presidential Directive-8 (HSDP-8); 2) Leveraging the Stafford Act; and 3) Gulf Oil Spill Response.

According to Mr. Reed, the revised HSPD-8 is about 30 days from being signed by the President. The new directorate will take an all hazards approach to emergency management, therefore serving as the foundation that connects all other 26 homeland security presidential directives and 11 national strategies—all of which will be revised throughout the course of President Obama's Administration.

Another Resilience Directorate priority is to utilize the Stafford Act to incentivize state and local governments to reach higher levels of preparedness. In regards to the Gulf oil spill response, Mr. Reed noted that the federal government is trying to avoid using the Stafford Act so the American people do not bear the burden of paying for a non-natural occurring event caused an entity—British Petroleum (BP)—who has agreed to pay all response and recovery costs. BP is working closely with the Obama Administration in managing the response.

Mr. Manning reported that FEMA is currently in the process of strengthening its regions by transferring personnel from FEMA Headquarters in Washington, D.C., to its regional offices. FEMA regions have also been given greater authority in decision making, yet regional offices are being held more accountable for their actions. Additionally, the National Level Exercise (NLE) Program is undergoing major changes to improve its scheduling, execution and integration. Specifically, the NLE's should reflect emergency preparedness and planning for the whole community—taking into consideration all demographics and community capabilities when disaster strikes.

The NHSC also held an extensive business session where Consortium members presented their top five homeland security/emergency management priority issues of their associations. The presentations enabled members to identify cross-cutting issues and new issues, and validate current issues addressed in the NHSC white paper. In lieu of the presentations and the discussions that followed, the NHSC unanimously agreed to create website that would display the white paper, list consortium members and their top five homeland security/emergency management priority issues, and post an addendum to the white paper on emerging issues such as funding for public safety (and the lack thereof), interoperable communications, long term recovery, cyber security, immigration, and performance measurement. Moreover, the white paper is in the process of being updated and a draft should be ready for review prior to the December 2010 meeting.