

January 2010

New Public Transportation Guidelines Highlight Livability

In a change from previous Administration policy, the U.S. Department of Transportation has proposed that new funding guidelines for major transit projects be based on livability issues such as economic development opportunities and environmental benefits, in addition to cost and time saved, which are currently the primary criteria.

The change will address how projects are selected to receive federal financial assistance in the Federal Transit Administration's (FTA) New Starts and Small Starts programs. As part of the initiative, FTA will immediately rescind budget restrictions issued in March 2005 that focused primarily on how much a project shortened commute times in comparison to its cost. The change will apply to how FTA evaluates major transit projects going forward. In making funding decisions, FTA will now evaluate the environmental, community and economic development benefits provided by transit projects, as well as their congestion relief benefits.

FTA will soon initiate a separate rulemaking process, inviting public comment on ways to appropriately measure all the benefits that result from such investments.

RITA Releases ITS Strategic Plan

The U.S. Department of Transportation's Research and Innovative Technology Administration (RITA) has released a new, five-year Intelligent Transportation Systems (ITS) Strategic Research Plan. The plan explores the potentially transformative capabilities of wireless technology to make surface transportation safer, smarter and greener.

The core of the research plan is a program called IntelliDriveSM, a multimodal initiative to support safety, mobility and environmental enhancements by providing safe, interoperable wireless connectivity between vehicles (autos, buses, trucks, rail and other fleets), infrastructure and passengers' devices. Visit http://www.its.dot.gov/strat_plan/index.htm for more information.

Recovery Act Funds 10,000 Highway Projects

The US Department of Transportation (USDOT) reported that in late December the Federal Highway Administration had approved 10,000 highway projects funded through the American Recovery and Reinvestment Act of 2009 (ARRA), since its passage in February.

Of the \$26.6 billion available for highway projects through the Recovery Act, \$21.8 billion has been obligated to 10,000 projects nationwide on more than 27,000 miles of roads and bridges. USDOT has approved more than 11,300 transportation projects, worth \$32.1 billion in Recovery Act funding, of which 7,600 projects are currently underway.

MUTCD Update Available

The US Department of Transportation has released a comprehensive update to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD's 2009 edition features many new and updated requirements, ranging from changes in highway signs and bike lanes to the color of high-visibility garments worn by road workers.

The MUTCD is the national standard for all traffic control devices, including traffic signs, pavement markings, signals and any other devices used to regulate, warn or guide traffic. It has been administered by the Federal Highway Administration (FHWA) since 1971. This is the first comprehensive update to the manual since 2003.

Among new provisions in the MUTCD:

- Replacing highway signs with brighter, larger and more legible ones that are easier to understand at freeway speeds. States will begin using the newer signs as existing ones wear out.
- Adding different lane markings for lanes that do not continue beyond an intersection or interchange to give drivers more warning that they need to move out of the lane if they do not intend to turn.
- Expanding the use of flashing yellow arrow signals at some intersections to give a clearer indication that drivers can turn left after yielding to any opposing traffic.
- Changing the formula used to calculate crosswalk times to give walkers more time.
- Identifying electronic toll collection lanes with purple signs – the first time purple has been sanctioned for use on highway signs.
- Adding overhead lane-use control signs to reduce confusion among drivers in unfamiliar multi-lane roadways.

For an overview of the new rules and recommendations, visit <http://mutcd.fhwa.dot.gov>.

\$48 Billion for Infrastructure in House-Passed Jobs Bill

The US House of Representatives narrowly approved in late December a \$154 billion jobs bill that includes \$48.3 billion in federal funding for infrastructure. The Jobs for Main Street Act of 2010 (HR 2847), which passed by a vote of 217-212, also includes \$26.7 billion to preserve state and local public service jobs and \$79 billion for unemployment insurance, small business loans,

health care assistance and other aid. The legislation uses \$75 billion in Troubled Asset Relief Program (TARP) savings to pay for the infrastructure and job preservation investments.

Highlights of the bill's infrastructure funding include: \$27.5 billion for highways, \$8.4 billion for transit, \$800 million for Amtrak, \$500 million for airports, \$2 billion for water infrastructure (\$1 billion for the Clean Water SRF and \$1 billion for the Drinking Water SRF), \$100 million for clean water in rural areas and \$715 million for environmental restoration, flood protection, hydropower and navigation projects administered by the Corps of Engineers.

In addition, the House jobs bill extends the expired surface transportation law, SAFETEA-LU, until September 30, 2010. The extension provides a 100 percent federal share for transportation programs, repeals the prohibition on the Highway Trust Fund from collecting interest on its balance and restores \$20 billion to the Trust Fund. SAFETEA-LU expired September 30, 2009 and is currently funded through February 28th by a third temporary extension.

The Senate is expected to consider its version of a jobs bill by February or March.

A summary and text of the House bill are posted at <http://www.apwa.net/Advocacy/legislation.asp> under Appropriations.

EPA Inspector General Report: States Need Additional Help on Recovery Act Spending for Drinking Water Projects

The Environmental Protection Agency Office of Inspector General (OIG) released the results of an audit the office performed to determine how the agency is ensuring compliance with Recovery Act requirements. Under the American Recovery and Reinvestment Act (ARRA) states are required to obligate Recovery Act money for water and wastewater infrastructure projects before February 17, 2010. If states fail to obligate Recovery Act funds, the money will return to EPA. According to the audit, states face many challenges in spending ARRA funds including contracting delays, inadequate numbers of staff and confusion over Buy America provisions. The report found that only 17 percent of the \$1.9 billion awarded for Drinking Water State Revolving Fund projects has been spent to date. The report recommended that EPA identify and monitor projects under contract and establish a contingency plan for those states at risk of missing the deadline. <http://www.epa.gov/oig/reports/2010/20091217-10-R-0049.pdf>.

EPA Announces Proposal to Tighten Ozone Standards

EPA recently released a proposal to further strengthen the national ambient air quality standards for ozone. The agency is proposing to set a primary standard at a range between 0.060 parts per million (ppm) and 0.070 ppm averaged over eight hours. EPA is also proposing a secondary standard between 7 ppm-hours and 15 ppm-hours, the weighted cumulative exposure to ozone during daylight hours. Currently, both the primary and secondary standards are set at 0.075 ppm averaged over eight hours. The proposed more stringent standards could lead to a doubling of the number of counties designated as "non-attainment," placing significant regulatory burdens on states to reduce ambient ozone concentrations. The proposed revisions are available at <http://www.epa.gov/air/ozonepollution/actions.html#jan10s>.

White House Council on Environmental Quality Working on Guidance to Add Climate Change to NEPA Analyses

The Council on Environmental Quality (CEQ) is drafting revised National Environmental Policy Act (NEPA) guidance on how to include consideration of greenhouse gas emissions and climate change impacts in NEPA analyses. According to CEQ, “it is appropriate and necessary to consider the impact of significant Federal actions on greenhouse gas emissions and the potential for climate change to affect Federal activities evaluated through NEPA and different approaches for managing those efforts.” When completed, the revised guidance will be published in draft form and open for comment.

2 New Mutual Aid Fact Sheets Available

The Environmental Protection Agency Water Security Division recently made available two new fact sheets on mutual aid networks. The Small Water Systems: A Vital Component of WARN is available at http://www.epa.gov/safewater/watersecurity/pubs/fs_watersecurity_warn_small_systems.pdf and the Tribal Water Systems: A Vital Component of WARN is available at http://www.epa.gov/safewater/watersecurity/pubs/fs_watersecurity_warn_tribal_systems.pdf.

OSWER Announces Community Engagement Initiative

The Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER) recently announced a new community engagement initiative enhance engagement with local communities and stakeholders. The Community Engagement Initiative (CEI) is designed to increase stakeholder participation in government decisions on land cleanup, emergency response and the management of hazardous materials and waste. This initiative provides an opportunity for OSWER to refocus and renew its vision for community engagement, build on the good practices, and apply them consistently in EPA processes. The proposed Action Plan is a working document that presents guiding principles, goals and objectives for the Initiative. Specific activities are being refined and more fully developed with ongoing feedback and input from communities, stakeholders, local governments, tribes and states. To view the CEI Action Plan visit: www.epa.gov/oswer/engagementinitiative.htm.

APWA Appointed to FEMA National Advisory Council

On December 29, 2009, APWA member Teresa Scott, P.E. was appointed by Federal Emergency Management Agency (FEMA) Administrator Craig Fugate to serve on the National Advisory Council (NAC). Ms. Scott is the Public Works Director for the City of Gainesville, Florida and currently sits on APWA’s Emergency Management Technical Committee. As a member of the NAC, Scott joins a group of influential, senior leaders from a diverse cross-section of professional and geographic areas from State, local and tribal governments, the private sector and non-governmental organizations.

The NAC was established in 2007 as mandated by the Post-Katrina Emergency Management Reform Act of 2006 (PL 109-295) and is charged with advising the FEMA Administrator on emergency management issues related to mitigation planning and preparedness, disaster recovery, public assistance efforts and strategic partnerships geared toward improving communities' emergency capabilities. Importantly, the NAC is responsible for developing and revising the National Incident Management System and National Response Plan, the national preparedness goal and the national preparedness system.

For additional information on the National Advisory Council, go to:
<http://www.fema.gov/about/nac>.

Congress Extends National Flood Insurance Program, FEMA Reveals Risk MAP Strategy for FY 2010

On December 19, 2009, President Obama signed the “Department of Defense Appropriations Act of 2010” (H.R. 3326) into law which extended the National Flood Insurance Program (NFIP) until February 28. For some time, Congress, the Executive Branch and stakeholders have been debating how to revise the NFIP – either through legislation, rulemakings or a combination of the two. Although a two month extension has been granted to initiate change, it is anticipated that another extension might be needed to buy additional time. Risk MAP, FEMA’s Flood Map Modernization Program, was allocated \$220 million for FY 2010.

With extensive revisions of the NFIP on the horizon, the Federal Emergency Management Agency (FEMA) is forging ahead with a FY 2010 National Outreach Strategy for Risk MAP that raises risk awareness and understanding, motivates citizens to protect themselves from flood risk and encourages communities to take the lead in protecting their constituents. Moreover, by strengthening its partnership with State, local and tribal governments, and other federal agencies, FEMA intends to improve flood maps’ digital platform by capturing elevation and watershed data to produce more credible Risk MAP products—therefore providing a foundation for enhanced mitigation planning.

FEMA anticipates that the National Outreach Strategy will further the agency’s goal to modernize 80 percent of the nation’s flood maps by FY 2014.

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