

# APWA *Washington* REPORT

February 2006

## EMERGENCY MANAGEMENT/DISASTER MITIGATION

### Hurricane Katrina

#### APWA LEADERSHIP VISITS HURRICANE-RAVAGED GULF STATES

In early January, the APWA Executive Committee, including President Bob Freudenthal, President-elect Bill Verkest, Past-President Tom Trice, At-Large Director Diane Linderman, Executive Director Peter King and Government Affairs Manager Dan Jensen, visited the Gulf States on a fact-finding mission to determine Hurricane Katrina's impact on public works professionals in the region. The visit included stops in Mobile, Al., Pascagoula, Miss., and New Orleans, La.



In East New Orleans, entire neighborhoods have been abandoned and left desolate due to flood damage. APWA Board members toured areas hard-hit by Hurricane Katrina in January and met with local members.

John Bell, Director of Public Works for the City of Mobile, hosted a meeting with APWA leadership and public works directors from the southern Alabama region at Mobile City Hall. The group discussed how each community fared against the storm, experiences working with FEMA, specific problems encountered, how recovery differed from past efforts, lessons learned, and messages that need to be communicated to federal officials for continued recovery and rebuilding efforts. Similar themes were discussed in subsequent meetings in Pascagoula and New Orleans.

After each meeting, APWA leadership toured the region to get a first-hand look at damage suffered in all three states. In Alabama, the group saw storm surge damage in Bayou La Batre, a small fishing community along the coast. While this area suffered less damage than some of the larger cities, debris was visible as far as the eye could see. In Mississippi, APWA Government Affairs Committee Chairman Ben Wolfe showed the group the significant damage from the 30-foot storm surge and 100-mile-per-hour-plus winds. In Pascagoula, virtually every structure along the coast was completely obliterated. The few structures that remained standing were uninhabitable and in most cases had FEMA-issued trailers on the front lawns housing the former homeowners. A short distance away, near Biloxi, Miss., a four-lane concrete bridge had been knocked into the sea by the Katrina's high water and winds.

During the last stop in New Orleans, APWA leadership toured the region with Board Member Shelby LaSalle. Although the city is in the midst of an unprecedented recovery effort, the immense damage dealt to New Orleans by Katrina was readily apparent. According to LaSalle, the city still has 43 years worth of garbage yet to be collected. The damage inflicted by the wind, and to a greater extent, the flooding, was staggering.

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American Public Works Association • Washington Office

Peter B. King, Executive Director • 1401 K Street, NW, 11th Floor, Washington DC 20005  
(202) 408-9541 • (202) 408-9542 fax • [apwa.dc@apwa.net](mailto:apwa.dc@apwa.net) • [www.apwa.net/advocacy](http://www.apwa.net/advocacy)

With this visit, APWA leadership gained a valuable perspective into not only what happened, but what still needs to be done. Just three weeks after their visit, APWA President Bob Freudenthal and the Executive Committee carried lessons learned from the trip to their congressional leaders and agency officials in Washington, D.C., about the needs of our affected members. For more information, visit [www.apwa.net/advocacy](http://www.apwa.net/advocacy).

## **FEMA**

### **APWA LEADERSHIP MEETS WITH ACTING FEMA DIRECTOR**

During their Feb. board meeting in Washington, D.C., APWA leadership visited with Dave Paulison, Acting Director of the Federal Emergency Management Association (FEMA), to discuss the findings of their recent tour of the Gulf States. Paulison, a former Fire Chief who is very familiar with the role of public works, stressed the importance of being better prepared for the next disaster by working together to educate the public.

“We will look at ways to include public works officials in the decision-making process that occurs immediately following a disaster,” said Paulison. “We are also willing to send FEMA officials to public works events to better educate your members on FEMA guidelines and practices to ensure better efficiency.”

Some of the issues raised by APWA leadership to Paulison during the hour-long meeting were: the consistency issues faced by public works officials in the Gulf when dealing with FEMA procedures; the need for updated flood advisory maps; the need for standardized FEMA forms and contracts; and the need for FEMA to work more proactively with the first responder community. Paulison assured the Executive Committee of FEMA’s commitment to public works issues and said the agency will work to include APWA in any major speech, directive or change made by the agency.

## **Homeland Security Funding**

### **BUSH PROPOSES INCREASE IN DHS FUNDING FOR FY07**

President Bush submitted his annual budget request for fiscal year 2007, in which the Department of Homeland Security (DHS) will see a 6 percent funding increase over last year, totaling nearly \$42.7 billion. The request reflects recent organizational reforms and program changes to ensure the department’s policies, operations and structure remain mission-focused and well-aligned to meet evolving threats.

The proposed budget request also reflects Homeland Security Secretary Michael Chertoff’s agenda which calls for DHS to be better organized around its mission, more disciplined in risk management and more efficient by decreasing duplication among staff and objectives. Central to the department’s budget are five themes: increasing overall preparedness by strengthening the Federal Emergency Management Agency (FEMA); strengthening border security and reforming immigration; enhancing transportation security through more efficient and secure system controls; improving information sharing; and strengthening the department’s organization in order to maximize performance.

So far the FEMA-specific budget has not been made public pending last minute changes, and is anticipated to be announced in mid-February. The President is expected to request an increase of \$50 million for the National Preparedness Integration Program which provides funding to execute medical preparedness coordination, catastrophic planning, emergency communications improvements, and command and control alignment.

FEMA is also anticipating an increase of \$294.6 million for the Targeted Capability Grants Program, allowing the agency a total of \$1.4 billion to further national preparedness goals. FEMA will work with federal, state, local and tribal entities, private sector and non-governmental partners, and the public, strengthening prevention, response and recovery preparedness capabilities to minimize impact on lives, property and the economy.



APWA Board members met with Chris Miller, legislative director for Rep. Dave Reichert (R-Wash), Chair of the Homeland Security Subcommittee on Emergency Preparedness, Science and Technology, during the February Board meeting.

## **Emergency Response**

### **HOMELAND SECURITY SUBCOMMITTEE STAFF MEMBER ADDRESSES APWA BOARD**

Chris Miller, Legislative Director for Rep. Dave Reichert (R-Wash.), Chair of the Homeland Security Subcommittee on Emergency Preparedness, Science and Technology, addressed APWA Board members during a breakfast meeting on Capitol Hill as part of their Feb. Board meeting in Washington, D.C. Miller outlined the Committee's priorities, most important of which is interoperability for first responders.

"Communication is the first step," said Miller. "During [Hurricane] Katrina there was no infrastructure, no communication. People were passing notes. That's not the way to have a response."

Miller acknowledged Rep. Reichert's awareness of the role of public works in emergency response. A 30-year veteran county sheriff, Rep. Reichert invited APWA President Bob Freudenthal to testify before the Committee about Incident Command and Control during Catastrophic Events in September, alongside traditional first responders including fire, police and ambulance officials. APWA again testified before the Committee in February about interoperability.

## **Interoperability**

### **APWA BOARD MEMBER TESTIFIES BEFORE CONGRESS**

In an effort to use the lessons learned from the hurricane-ravaged Gulf States to better prepare for the next catastrophe, Congress has begun to examine the role of communications interoperability during disasters. APWA once again participated in Congressional hearings on Feb. 15 before the U.S. House Homeland Security Subcommittee on Emergency Preparedness, Science and Technology. At the invitation of Subcommittee Chairman David Reichert (R-Wash), Diane Linderman, APWA Director-at-Large for Public Works Leadership and Management, joined other first responders to testify about "The State of Interoperable Communications: Perspectives from the Field."

Linderman, Director of Urban Infrastructure and Development for Vanasse Hangen Brustlin, Inc., of Richmond, Va., and former Public Works Director for the City of Richmond, Va., discussed interoperability from a public works perspective and the need for coordinated communication among all first responders.

"APWA has been and will continue to be an advocate for the development of policies which coordinate incident response across multi-disciplinary agencies in a way that saves lives and restores communities, property and critical lifelines," said Linderman during her testimony.

The Subcommittee is evaluating communications during disasters and the state of interoperability among agencies. Chairman Reichert called for bi-partisanship while examining the best ways to address the problems faced by first responders.

Additional panelists included Casey L. Perry, Trooper, Wisconsin State Patrol, and Chairman of the National Troopers Coalition; Tim Bradley, Senior Deputy State Fire Marshall, North Carolina Office of State Fire Marshals, and member of the National Volunteer Fire Council; William Moroney; President and Chief Executive Officer, United Telecom Council; and William W. Pinsky, Executive Vice President and Chief Academic Officer, Ochsner Clinic Foundation, Committee on Health Professionals and representative to the Accreditation Council for Continuing Medical Education for the American Hospital Association.

## TRANSPORTATION

### Transportation Funding

#### **HIGHWAY & TRANSIT PROGRAMS RECEIVE INCREASES FOR FY07 IN BUSH'S PROPOSAL**

President Bush's fiscal year 2007 budget proposes funding federal highway programs at SAFETEA-LU's authorized levels but cuts transit funding slightly below its authorized amount. For highways, the budget includes \$39.8 billion, a 2 percent increase over current levels. Transit would receive \$8.9 billion, a 4 percent increase over current levels, but \$100 million below SAFETEA-LU's authorization. Overall, the budget calls for spending \$65.6 billion in FY07 for programs administered by the US Department of Transportation, essentially level with FY06 funding.

The budget request proposes \$100 million for a pilot program to test the viability of alternatives to the gasoline fuel tax for financing highway construction and managing congestion. The federal proposal would call for partnerships with up to five states to test fees, tolls and other approaches designed to examine new ways to raise revenue while easing traffic on congested roads. Recent studies have shown that gas tax revenues are expected to fall over the long term. Upon release of the budget, Transportation Secretary Mineta indicated that forecasts show sufficient gas tax revenues will be collected to fund SAFETEA-LU's transportation programs, which expire in 2009.

The budget would cut funding for the Airport Improvement Program, which provides construction grants for runway and airport improvements, from \$3.5 billion to \$2.8 billion. The Federal Aviation Administration (FAA) would receive \$13.7 billion, a \$562 million reduction or 4 percent cut from current spending. Mineta noted that the Administration will soon propose a reauthorization plan for FAA that would include new financing proposals for the Aviation Trust Fund. Current revenue coming into the fund, which provides resources for maintaining and expanding airport capacity nationwide, is tied to the price of a ticket. The Administration maintains that aviation ticket and fuel taxes cannot sustain the solvency of the trust fund

The budget also proposes funding the Federal Motor Carrier Safety Administration at \$521 million, an increase of \$31 million. The National Highway Traffic Safety Administration would receive \$815 million, \$9 million more than current funding.

Amtrak would receive \$900 million under the proposal, down from \$1.3 billion enacted this year. Last year, the Administration proposed eliminating funding for the passenger rail system.

### Transportation and Land Use

#### **APWA TRANSPORTATION COMMITTEE CHAIR SPEAKS ON CAPITOL HILL**

Bill Reichmuth, chair of APWA's Transportation Technical Committee and executive director of the Transportation Agency of Monterey County, Ca., briefed House and Senate staff members January 24 about the impact of land use and transportation decisions on community sustainability.

Reichmuth discussed population and the economy growth which presents transportation officials with increasing congestion challenges requiring innovative approaches to land use and transportation planning. He highlighted intermodal solutions being applied to enhance community sustainability and stressed the benefit of policies that synchronize transportation and land use planning to promote smart growth goals.



Transportation Technical Committee Chair Bill Reichmuth discussed transportation and land use with congressional staff members during a briefing in January.

Reichmuth has extensive experience in public works administration, construction management, and utilities, traffic, highway and bridge engineering, and is working with local officials through his agency to provide a safe and efficient transportation system throughout Monterey County.

The briefing was one in a series of Congressional briefings sponsored by APWA to provide information about the role and needs of public works and infrastructure in local communities.

### **SAFETEA-LU Implementation**

#### **NEW WEB SITE CONTAINS FHWA-ISSUED SAFETEA-LU GUIDANCE**

The Federal Highway Administration (FHWA) announced the availability of a Web site to serve as a consolidated location for obtaining all SAFETEA-LU implementation guidance issued by the agency. The new site, <http://www.fhwa.dot.gov/safetealu/reference.htm>, will be updated with implementation guidance as it is issued.

### **Small Community Air Service**

#### **GRANTS AVAILABLE TO IMPROVE AIRLINE SERVICE IN SMALL TOWNS**

The U.S. Department of Transportation (DOT) has announced an invitation for communities to apply for grants under a program designed to support small towns and cities working to improve their airline service. The Small Community Air Service Development Program will award approximately \$10 million for up to 40 grants to help communities address their local air service problems, such as high fares and insufficient levels of service. The program was established in 2000 by the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, and was reauthorized by the Vision 100–Century of Aviation Reauthorization Act in 2003. This is the fifth year DOT will award grants under the program.

DOT will give priority to proposals from communities that have high airfares compared to other communities, contribute financially to the project from sources other than airport revenues, have established or will establish a public/private partnership to improve their air service, submitted proposals that will benefit a broad segment of the public with limited access to the national transportation system, and will use the assistance in a timely fashion.

Applications for grants are due April 7. The department's request for proposals is available on the Internet at <http://dms.dot.gov>, docket number OST-2006-23671. Community proposals will also be filed in this docket.

### **Highway Project Funding**

#### **APPLICATIONS SOUGHT FOR TAX-EXEMPT HIGHWAY PROJECT FINANCING**

The U.S. Department of Transportation (DOT) has issued a notice of solicitation for requests for allocations of tax-exempt financing of highway projects and rail-truck transfer facilities.

Section 11143 of Title XI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amends the Internal Revenue Code by creating a new class of tax-exempt facility bonds for qualified highway and surface freight transfer facilities. The law limits the total amount of such bonds to \$15 billion and directs the Secretary of Transportation to allocate this amount among qualified facilities. DOT solicits requests for such allocations from interested entities that meet the statutory requirements. DOT also requests comments from the public that it may consider in its application of the authority provided by Section 11143.

Comments may be submitted at any time and will be considered, as appropriate, whenever they are submitted. The DOT notice is published in the January 5 *Federal Register*, under Transportation Department Notices: [http://www.access.gpo.gov/su\\_docs/fedreg/a060105c.html](http://www.access.gpo.gov/su_docs/fedreg/a060105c.html).

More information is available by contacting Jack Bennett, U.S. Department of Transportation, Office of the Assistant Secretary for Transportation Policy, Office of Economic and Strategic Analysis (P-20), 400 Seventh Street S.W., Washington, DC 20590; or (202) 366-6222.

## **Work Zone Safety**

### **WORK ZONE PUBLIC INFORMATION STRATEGIES GUIDE AVAILABLE**

The Federal Highway Administration (FHWA) has published a Guide, *Work Zone Public Information and Outreach Strategies*, to help transportation agencies plan and implement effective public information and outreach campaigns to mitigate the safety and mobility impacts of road construction work zones. The guide is also meant to help agencies implement the project-level provisions of the recently updated Rule on Work Zone Safety and Mobility (23 CFR 630 Subpart J). View or download a copy at [http://www.ops.fhwa.dot.gov/wz/resources/final\\_rule.htm](http://www.ops.fhwa.dot.gov/wz/resources/final_rule.htm).

The guide provides tips, examples and practices on a range of topics including:

- Determining the size and nature of a public information and outreach campaign
- Identifying partners, resources and target audiences
- Developing messages to convey to various audiences (e.g. project duration, details of lane closures, up-to-the minute traffic delay information, alternative routes or methods of transportation)
- Determining communication strategies and timing (e.g. newspaper advertisements, brochures, interactive Web pages, dynamic message signs).
- Evaluating the effectiveness of a public information and outreach campaign

In addition, the guide provides resources to help agencies with developing a campaign as well as a public information and outreach plan to implement the campaign.

This is the second of four guides intended to support implementation of the rule. An overall implementation guide, *Implementing the Rule on Work Zone Safety and Mobility*, is currently available on the FHWA Work Zone Web site listed above.

Two additional technical guidance documents covering specific aspects of the Rule – transportation management plans for work zones and work zone impacts assessment – will be available online in early 2006. All of the guides will be available in hardcopy and on CD-ROM in the coming months. To request hard copies of any of these publications, send an e-mail to [workzonepubs@fhwa.dot.gov](mailto:workzonepubs@fhwa.dot.gov) with your name, mailing address and number of copies desired.

## **Public Comment**

### **FHWA SEEKS COMMENTS ON HIGHWAYS FOR LIFE PILOT PROGRAM**

The Federal Highway Administration (FHWA) issued a notice requesting comment on proposed implementation of the Highways for LIFE (HfL) Pilot Program. The notice contains the proposed implementation plan of Section 1502 of SAFETEA-LU for the HfL Pilot Program to offer the opportunity for comment into the development of the final implementation document. LIFE is an acronym for Long-lasting, Innovative, Fast construction of Efficient and safe pavements and bridges.

The purpose of the HfL Pilot Program is to accelerate the rate of adoption of innovations and technologies, thereby improving safety and highway quality while reducing congestion caused by construction. This will be accomplished through technology transfer, technology partnerships, information dissemination, incentive funding of up to 20 percent, but not more than \$5 million on Federal-aid highway projects (eligible for assistance under Chapter 1 of title 23, United States Code) and HfL program accountability.

Comments are due by February 28, 2006. For more information, contact Ms. Kathleen Bergeron, Office of Infrastructure, HIHL-1, (202) 366-5508; Mr. Michael Harkins, Office of the Chief Counsel, HCC-30, (202) 366-4928; Federal Highway Administration, 400 Seventh Street, S.W., Washington, DC 20590-0001. The notice appeared in the December 30 Federal Register: [http://www.access.gpo.gov/su\\_docs/fedreg/a051230c.html](http://www.access.gpo.gov/su_docs/fedreg/a051230c.html).

### **Major Capital Investment Projects**

#### **FTA SEEKS COMMENTS ON NEW “SMALL STARTS” PROGRAM**

The Federal Transit Administration (FTA) has issued an advance notice of proposed rulemaking to provide interested parties with the opportunity to comment on the characteristics and requirements proposed by the agency for a new capital investment program. “Small Starts,” is a discretionary grant program for public transportation capital projects that run along a dedicated corridor or a fixed guideway, have a total project cost of less than \$250 million and are seeking less than \$75 million in “Small Starts” program funding.

The “Small Starts” program is a component of the existing New Starts program, but will offer project sponsors an expedited and streamlined application and review process. Consistent with the intent and provisions of SAFETEA-LU, FTA hopes to simplify the planning and project development process for proposed Small Starts projects in a number of ways. In addition to the reduced number of evaluation measures specified in SAFETEA-LU, the process may be further simplified by allowing small projects to conduct alternatives analysis with a reduced set of alternatives, allowing evaluation measures for mobility and cost-effectiveness to be developed without reliance on complicated travel demand modeling procedures in some cases, and possibly defining some classes of low-cost improvements that are pre-approved as effective and cost-effective in certain contexts.

Comments must be received by March 10, 2006. The notice was published the January 30 Federal Register. For more information contact Ron Fisher, Office of Planning and Environment, at (202) 366-4033.

## **ENVIRONMENT**

### **Environmental Funding**

#### **MANY ENVIRONMENTAL PROGRAMS SEE CUTS IN PRESIDENT’S FY 07 BUDGET**

President Bush released his fiscal year 2007 (FY07) budget request, which proposes reductions in funding for several environmental programs and modest increases in funding for flood control, navigation and wetland protection while increasing revenues for defense and homeland security.

**EPA Budget:** The President’s FY07 budget proposes a 4 percent reduction in the agency’s overall budget, with the steepest cuts aimed at clean water projects. The proposed budget requests \$7.3 billion in discretionary authority, \$300 million less than the request for FY06.

- **Water:** Water infrastructure programs, through steep cuts to the Clean Water State Revolving Fund (CWSRF), are bearing the brunt of the proposed cuts. The proposal cuts CWSRF to \$688 million, 23 percent less than the FY06-enacted level of funding at \$887 million. In addition, the budget recommends \$842 million for the Drinking Water State Revolving (DWSRF), an increase of 1 percent over 2006 enacted levels for the program. Unlike previous budgets, the FY07 budget request does not include money, or earmarks, for specific water projects.
- **Air:** The plan proposes reductions in the clean air grants to states and municipalities to \$253 million. The proposal includes \$50 million for a diesel emissions reduction program to comply with the requirements contained in the new Energy Policy Act (HR 6-PL 109-58).
- **Waste:** The Superfund program would receive a 1 percent increase to \$1.3 billion over the enacted amount from FY06..
- **Brownfield:** The budget request seeks \$89 million for the Brownfield grant program to clean up former industrial sites.

- **Underground Storage Tanks:** The budget proposal recommends \$73 million for the leaking underground storage tank program.
- **Compliance & Enforcement:** Environmental compliance and enforcement programs would receive \$553 million for FY07, a \$10 million increase from FY06.

**Army Corps of Engineers:** The President's FY07 budget proposes \$4.7 billion in funding for the Army Corps of Engineers. Corp studies and surveys would receive \$103 million, with approximately \$20 million set aside to inventory the nation's flood protection system and study the feasibility of providing category 5 hurricane protection to southern Louisiana. The request includes \$279 million for flood control along the Mississippi but does not include new funding for hurricane-related damage to levees and bridges.

Six construction projects are designated as national priorities in the President's proposal: dredging in the New York and New Jersey harbors; construction of the Olmsted Locks and Dam on the Ohio River; projects to restore the Everglades and the side channels of the Upper Mississippi River System; and the Oakland Harbor deepening projects.

### **Legislation Update**

#### **WATER RESOURCES DEVELOPMENT ACT (WRDA) UPDATE**

A bi-partisan coalition of 81 senators sent letters to both Majority Leader Bill Frist (R-Tenn.) and Minority Leader Harry Reid (D-Nev.) pressing for a floor vote on WRDA. Senate Bill 728 has been languishing in the Senate since 2005. The bill was pushed aside as the Senate focused on energy, transportation, defense bills and supplemental funding for the wars in Iraq and Afghanistan. The House voted in July on its version of WRDA (HR 2864) which includes \$10.6 billion for navigation, flood control, lock and dam projects, and environmental restoration. Although, the hurricanes of last summer caused the legislation to gain significance among Senators, it is unclear whether S728 will be acted on this session.

### **Water Trust Fund**

#### **APWA BOARD ENDORSES TRUST FUND APPROACH**

For several years, APWA has been involved in and a supporter of the Water Infrastructure Network (WIN) coalition, which first called attention to the substantial funding gap faced by the nation's water systems in meeting their infrastructure needs. Estimates indicate a gap of \$23 billion per year between current investments that will be needed over the next 20 years to replace aging and failing infrastructure and mandates of the Clean Water Act (CWA). WIN recognized the need and has been advocating for an innovative funding solution. Through extensive research and surveys, WIN determined that creation of a dedicated, well-funded, deficit-neutral trust fund, similar to those funding highways and airports, is the most likely vehicle to receive congressional support in the current fiscal climate.

APWA's Board of Directors recognizes the importance of securing a long-term financial solution to the substantial funding gap facing public wastewater systems in meeting their current and future infrastructure financing needs. An increased federal investment to address the projected shortfall in wastewater infrastructure funding is critical to addressing the backlog of critical water projects, meeting unfunded federal mandates, improving utility management and continuing to provide America's communities with safe, reliable water infrastructure systems. Specifically, the Board endorsed APWA's continued involvement in seeking a dedicated, well-funded and deficit-neutral trust fund to address wastewater infrastructure funding needs of the nation's communities. The APWA Government Affairs office will strongly advocate for a clear articulation of the roles, responsibilities and administration of the Trust Fund by all government partners – federal, state, and local – to ensure the proper allocation and distribution of these monies to local communities so they can address their wastewater infrastructure investment priorities.

***APWA Washington Report contributors include Julia Anastasio, Jim Fahey, Dan Jensen and Emily Lovald. Becky Wickstrom is editor of the Report.***