

APWA *Washington* REPORT

February 2007

INTERGOVERNMENTAL

Federal Budget

PRESIDENT OFFERS BUDGET RECOMMENDATIONS FOR FY08

President Bush released a \$2.9 trillion budget for Fiscal Year (FY) 2008 on February 5 with the goal of restoring a balanced federal budget by 2012. Several items related to public works received budget requests lower than FY07 levels and are expected to be enacted by Congress when it completes its spending package (H.J. Res. 20). The Senate passed the resolution and the House is set to review the President's budget requests over the next several months and determine the final amounts authorized and appropriated to the various departments and programs. Below is an overview of budget proposals related to various public infrastructure and public works programs.

Environment

The Environmental Protection Agency (EPA) announced a FY08 budget of \$7.2 billion, including \$687.5 million for clean water grants and \$842.2 million for drinking water grants in the State Revolving Fund (SRF) programs. The Clean Water SRF proposal, identical to the President's FY07 budget request for the program, represents a cut of about \$412 million from the amount Congress is expected to provide in FY07. In 2006, \$831 million was provided for this program.

The budget allocated increased funds for compliance and called on strengthening public/private partnerships by requesting legislation to lift the cap on private activity bonds. Specifically, \$103.3 million is requested for Hazardous Waste Financial Assistance grants and \$49.5 million for the Brownfields grant program. Several watersheds also received dedicated fund requests: \$28.8 million for Chesapeake Bay, \$1 million for Puget Sound, \$4.5 million for the Gulf of Mexico and 556.8 million for the Great Lakes.

Transportation

President Bush's FY08 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 \$39.6 billion, an increase from the current level of \$39.1 billion. The proposal, however, eliminates \$842 million in Revenue Aligned Budget Authority, known as RABA, an annual calculation based on motor fuel tax receipts. Transit would receive \$9.4 billion, about \$300 million below SAFETEA-LU's authorization.



In February President Bush announced fiscal year 2008 budget recommendations.

Photo Credit: Theodor Horydczak, photographer. "U.S. Capitol exteriors. Flag and east front of U.S. Capitol." ca. 1920-ca. 1950. Washington as It Was: Photographs by Theodor Horydczak, 1923-1959, Library of Congress.

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Overall, the budget calls for spending \$67 billion in FY08 for programs administered by the U.S. Department of Transportation, a \$2.9 billion or five percent increase over levels expected to be enacted soon by an omnibus FY07 funding package.

The request proposes total transportation safety funding of \$20.3 billion to fund aviation and surface transportation safety programs and initiatives. The budget also requests \$175 million to cut traffic congestion by developing commuter traffic information systems, accelerating construction along trade and travel corridors and helping metropolitan areas test new solutions.

For Federal Aviation Administration programs, the proposed budget seeks \$14.1 billion, a decrease from the likely FY07 level of \$14.5 billion. The Airport Improvement Program, which provides construction grants for runway and airport improvements, would receive \$2.8 billion, a decrease of more than \$700 million from current levels.

U.S. Transportation Secretary Mary Peters noted that the budget request provides a framework for changing the current aviation financing system by tying what users pay to the costs of providing air traffic control and other services. She added that the request also includes \$175 million for a 21st Century satellite navigation system to replace older air traffic control equipment and \$900 million in additional air traffic control system upgrades. The Administration is expected to release its proposal to reauthorize federal aviation programs this month.

Homeland Security and Emergency Management

President Bush's FY08 budget request for the Department of Homeland Security (DHS) represents \$46.4 billion in funding, an increase of 8 percent over the FY07 level – excluding funds provided in emergency supplemental funding. The request targets five areas essential to preserving freedom and privacy, meeting future challenges and fulfilling the mission of securing America. Those areas include: protecting our nation from dangerous people; protecting the nation from dangerous goods; protecting our critical infrastructure; building a nimble and effective emergency response system and culture of preparedness; strengthening and unifying DHS operations and management.

Of particular concern to public works officials is the Department's ability to deter and respond to acts of terrorism and other disasters. For these efforts, President Bush has requested the following funding amounts:

- An increase of \$100 million for FEMA's Vision Initiative which will enable the agency to intensify and speed the development of core competencies central to achieving disaster readiness, response and recovery. A combination of staffing increases, new technologies and targeted investment in equipment and supplies will increase FEMA's mission capacity in the areas of Incident Management, Operational Planning, Continuity Programs, Public Disaster Communications, Hazard Mitigation, Disaster Logistics and Service to Disaster Victims. In addition, the requested increase will support FEMA's plan to reform its approach to business operations and project management, enabling the development and integration of information systems, policies, internal controls and processes necessary to effectively build, manage and support the agency's core competencies to ensure mission success.
- A total of \$3.2 billion will be available for state and local preparedness expenditures in FY08. Of this amount, \$2.2 billion is requested for DHS to fund grant, training and exercise programs. In addition, and in coordination with the State Preparedness Grant Program, DHS will be co-administering the \$1 billion Public Safety Interoperable Communications (PSIC) grant program, in partnership with the Department of Commerce. * Funds requested through these programs will (1) provide critical assistance to state and local homeland security efforts, (2) support resources available through other federal assistance programs that center on first responder terrorism preparedness activities, and (3) deliver ample support to all state and local first responder organizations to obtain the equipment, training and other resources required to protect the public in the event of a terrorist attack or other major incident.

The overall FY08 budget request for FEMA stands at just over \$8 billion, and reflects the Notice of Implementation of the Post-Katrina Emergency Reform Act (P.L. 109-295) and of Additional Changes Pursuant to Section 872 of the Homeland Security Act of 2002, provided to Congress on January 18, 2007. The Post-Katrina Act established new leadership positions and brings additional functions into FEMA. The department expects that the newly proposed FEMA structure will bolster the Department's emergency preparedness, response, recovery and mitigation capabilities and facilitate a robust coordinated response to all hazards.

Other FY08 homeland security priorities include border protection, aviation and transportation, immigration, science, health, and law enforcement activities.

**In coordination with DHS's State Preparedness Grant Programs, FEMA will be co-administering the \$1 billion PSIC grant program in partnership with the Department of Commerce. The funding for this program was appropriated per The Deficit Reduction Act of 2005 from anticipated spectrum auction receipts, and therefore is not included as requested DHS budget authority.*

TRANSPORTATION

Environmental Review

NEPA-DELEGATION PILOT PROGRAM APPLICATION REQUIREMENTS ISSUED

On February 12 the U.S. Department of Transportation issued a final rule establishing application requirements for participate in a SAFETEA-LU-authorized pilot program designating environmental review authority to states.

Established under Section 6005 of the act, the pilot program allows the Secretary of Transportation to assign to not more than five states, including Alaska, California, Ohio, Oklahoma and Texas, the Secretary's responsibilities under the National Environmental Policy Act (NEPA) for one or more highway projects.

Upon assigning NEPA responsibilities, the Secretary may further assign to the state all or part of the Secretary's responsibilities for environmental review, consultation or other action required under any federal environmental law pertaining to the review of a specific project.

In order to be selected for the pilot program states must submit an application. The application requirements are effective March 14, 2007. More information is included in the February 12 *Federal Register* notice, available at http://www.access.gpo.gov/su_docs/fedreg/a070212c.html.



Image courtesy of www.fhwa.gov

New/Small Starts

FTA ANNOUNCES PROPOSED GUIDANCE ON NEW AND SMALL START POLICIES

The Federal Transit Administration announced the availability of proposed guidance on New and Small Starts Policies and Procedures and requests comments.

The guidance explains proposed changes to the New and Small Starts programs that will become effective upon the issuance of final guidance, which will be announced in a subsequent *Federal Register* notice.

Comments must be received by March 14, 2007. More information is posted in the February 12 *Federal Register* notice under Federal Transit Administration, http://www.access.gpo.gov/su_docs/fedreg/a070212c.html.

Highway Safety

STATE SAFETY REPORTS POSTED ON DOT/FHWA WEB SITE

The Federal Highway Administration (FHWA) has posted state safety reports known as the Highway Safety Improvement Program “Five Percent Reports.” SAFETEA-LU requires states to submit reports describing at least five percent of their public road locations exhibiting the most severe safety needs. The law requires the reports be made available to the public through the Department of Transportation’s Web site. The reports are posted at <http://safety.fhwa.dot.gov/fivepercent/index.htm>.



APWA Leadership met with U.S. Transportation Secretary Mary Peters on January 10 at the U.S. Department of Transportation headquarters in Washington, D.C. Pictured from left to right: **APWA Executive Director Peter King, Past-President Bob Freudenthal, President Bill Verkest, U.S. Transportation Secretary Mary Peters, President-Elect Larry Frevert and Director-at-Large, Transportation, John Okamoto.**

Department of Transportation

APWA Leadership Meets with Transportation Secretary Mary Peters

On January 10 in a meeting at the U.S. Department of Transportation (DOT) headquarters in Washington, D.C, APWA President Bill Verkest congratulated U.S. Transportation Secretary Mary Peters on her nomination and confirmation as the 15th Secretary of Transportation.

Joining President Verkest were Past-President Bob Freudenthal, President-Elect Larry Frevert, Director-at-Large for Transportation John Okamoto and Executive Director Peter King. President Verkest thanked Peters for her service as Federal Highway Administrator, her leadership during the reauthorization of the highway and transit act, SAFETEA-LU, and the strong working relationship she fostered with APWA during her tenure as Administrator.

During the meeting, President Verkest talked about the impact projected transportation funding shortfalls will have on public works. He offered APWA’s assistance and expertise to address transportation needs and reconfirmed APWA’s commitment to working with DOT to promote partnerships among all levels of government to sustain infrastructure and performance.

President Verkest and Secretary Peters also discussed the work of the National Surface Transportation Policy and Revenue Commission, authorized by SAFETEA-LU to analyze future transportation needs and recommend funding solutions. President Verkest pledged APWA’s assistance to Secretary Peters, who serves as chair of the Commission.

Secretary Peters was nominated by President Bush on September 5, 2006, and confirmed by the U.S. Senate on September 30, 2006. She has spent a career spanning more than 20 years working on transportation issues in the public and private sectors, including the Federal Highway Administration and the Arizona Department of Transportation. As Secretary of Transportation, Peters leads an agency with almost 60,000 employees and a \$61.6 billion budget that oversees air, maritime and surface transportation missions.

SAFETEA-LU Funding

FUNDING RESOLUTION RESTORES TRANSPORTATION FUNDING CUTS

As part of a massive spending package to fund federal programs for the remainder of the current fiscal year, Congressional leaders agreed to restore proposed transportation funding cuts.

Days before the U.S. House of Representatives approved a \$463.5 billion spending bill (H. J. Res. 2007), the Revised Continuing Appropriations Resolution of 2007, Congressional Appropriators agreed to add \$3.4

billion in highway and \$474 million in transit funding as part of the legislation to fund federal programs through the end of September 2007. The legislation combines all unfinished 2007 appropriations bills.

Before the agreement was made, the House Transportation & Infrastructure Committee, led by Reps. James Oberstar (D-MN) and John Mica (R-FL), sent a letter signed by all 75 members of the Committee to House Appropriators, urging restoration of the funding. Sen. John Thune (R-SD) sent a letter signed by 72 Senators.

The agreement restores highway funding to \$39.1 billion and transit funding to \$8.8 billion, levels authorized by SAFETEA-LU and passed last year by House and Senate Appropriations Committees. Transportation funding was at risk this year when Congressional Appropriators indicated they would hold fiscal year 2007 funding for most federal programs at 2006 levels.

The Senate must approve the package, which contains no earmarks.

APWA issued a legislative action alert in January asking APWA members to contact their representatives in Congress and urge their support for full funding of transportation, a 2007 APWA advocacy priority. The letters made clear that the cuts would result in lost jobs and would undermine state and local project planning and implementation efforts, and would represent a failed commitment to SAFETEA-LU's guaranteed funding.

Safe Routes to Schools

E-MAIL UPDATES AVAILABLE FOR SAFE ROUTES TO SCHOOLS PROGRAM

To better facilitate communication about Safe Routes to School, the National Center for Safe Routes to School has established an e-mail sign-up feature on its Web site.

The Center assists State programs and communities in enabling and encouraging children to safely walk and bicycle to school. It strives to equip Safe Routes to School (SRTS) programs with the knowledge and technical information to implement safe and successful strategies. The Center also serves as the coordinating agency for Walk to School activities in the U.S.

By signing up for the feature, subscribers will receive periodic e-mails from the National Center for Safe Routes to School, including SRTS Program Status Reports, news releases, general updates and Safe Routes Matters, the Center's electronic newsletter.

To subscribe, please visit

<http://www.saferoutesinfo.org/ss/users/link.php?UserID=1208&Newsletter=4&List=5&LinkType=Send&LinkID=2>. The National Center's Web site is <http://www.saferoutesinfo.org/>.

SAFETEA-LU Guides

REPORTS HIGHLIGHT SAFETEA-LU OPPORTUNITIES

The Surface Transportation Policy Partnership (STPP), APWA and STPP partners have released two new reports on the federal transportation law, SAFETEA-LU.

The Guidebook – *A Guide to Transportation Opportunities in Your Community* – reviews how federal surface transportation law can be used to support local and statewide efforts to build more livable communities and expand travel options.

The Workshop Report – *Using the Federal Transportation Law to Meet the Mobility Needs of Your Community: Report on Workshop Discussions, Findings and Next Steps* – describes key findings from the STPP Partners workshop series, which were held in seven locations from January-June 2006. APWA members participated in the workshop series.

State Spending Tables were prepared for each of the workshops, providing a state-by-state review of spending by federal highway program category for FYs '92-'05.

APWA posted the three reports on www.apwa.net:

The Guidebook:

http://www.apwa.net/Documents/Advocacy/SAFETEA/STPP_guidebook_margins.pdf

The Workshop Report:

http://www.apwa.net/Documents/Advocacy/SAFETEA/stppnov7_workshoprpt.pdf

State Spending Tables:

<http://www.apwa.net/Documents/Advocacy/SAFETEA/statespending92-05.pdf>

The reports are also available at www.apwa.net/advocacy in the SAFETEA-LU Links box under the heading, STPP Reports: From the Margins to the Mainstream.

Work Zone Safety

WORK ZONE IMPACTS ASSESSMENT GUIDE AVAILABLE ONLINE

The Federal Highway Administration (FHWA) has published a resource for work zone impacts assessment. The guide, *Work Zone Impacts Assessment: An Approach to Assess and Manage Work Zone Safety and Mobility Impacts of Road Projects*, is available online at

http://www.ops.fhwa.dot.gov/wz/resources/final_rule/wzi_guide/index.htm.

Work zone impacts assessment is the process of understanding and managing the safety and mobility impacts of a road construction, maintenance or rehabilitation project. Assessing work zone impacts is important for developing effective Transportation Management Plans (TMPs) that provide for safety, mobility and quality while maintaining, rehabilitating and rebuilding our highways.

The guide presents a general approach for work zone impacts assessment, mirroring the typical program delivery process of transportation agencies. It also provides examples of how agencies are currently assessing and managing work zone impacts, as well as an overview of different traffic analysis tools that can be used to analyze work zone impacts.

The guide is intended to help transportation agencies in their efforts to make work zones work better, and is the last of four guides to assist agencies with implementing the Work Zone Safety and Mobility Rule (23 CFR 630 Subpart J). The other guides are available in hardcopy, and printed copies of the Impacts Guide will be available shortly. To request hard copies of any of the publications, send an e-mail to workzonepubs@fhwa.dot.gov with name, mailing address and number of copies desired.

Public-Private Partnerships

DOT PROVIDES MODEL LEGISLATION FOR PRIVATE SECTOR INVOLVEMENT IN TRANSPORTATION PROJECTS

The U.S. Department of Transportation (DOT) has provided model legislation that would give states flexibility to contract with the private sector to invest in and manage transportation projects.

The model legislation is based on a survey of existing state laws that authorize public-private partnerships in building, owning or operating highways, mass transit, railroads, airports, seaports or other transportation infrastructure.

The legislation is a starting point from which states can proceed to craft laws that are most appropriate for their unique needs, and provides useful guidance on what a public-private partnership agreement might look like.

Issues addressed by the legislation include which modes of transportation would be eligible for private investment, whether or when tolls may be collected, innovative procurement methods, upkeep requirements for leased roads, and provisions to be considered in an agreement with the private sector.

Twenty-one states have at least some legal ability to utilize public-private partnerships. Many of those laws provide limited or project-specific authority. The model legislation is available at <http://www.fhwa.dot.gov/ppp/legislation.htm>.

Value Pricing

FHWA SEEKS PARTICIPATION IN VALUE PRICING PILOT PROGRAM

The Federal Highway Administration (FHWA) invites state and local governments and other public authorities to apply to participate in the Value Pricing Pilot (VPP) program and presents guidelines for program applications.

The latest FHWA notice supersedes two previous notices about the VPP program under SAFETEA-LU published in the *Federal Register* on January 6, 2006, and July 17, 2006. The primary purpose of superseding the previous notices with a new notice is to shift the focus on the types of VPP program projects being solicited to achieve consistency with the U.S. Department of Transportation's (DOT) National Strategy to Reduce Congestion on America's Transportation Network (DOT Congestion Initiative), announced on May 16, 2006.

The national strategy contains a number of elements that involve pricing, thus warranting a reconsideration of the types of projects solicited for VPP program participation. The latest solicitation aligns the VPP program with the DOT Congestion Initiative by together seeking to support metropolitan areas in systemically progressing toward implementation of broad congestion pricing strategies in the near term. The latest notice also describes the statutory basis for the VPP program and specifies all of the steps necessary to apply for funding and, where applicable, tolling authority under the program. A new application deadline is also provided.

A January 6, 2006, notice covering non-grant tolling programs, which was a companion to the original January 6, 2006, VPP program notice, remains in effect. That notice was titled *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); Opportunities for States and Other Qualifying Agencies to Gain Authority to Toll Facilities Constructed Using Federal Funds*.

The latest notice and the previous companion notice are together intended to cover all of the opportunities for states and other qualifying transportation agencies to obtain approval to toll their respective facilities and to secure funding to implement tolling and pricing.

Applications for tolling authority only may be submitted at any time prior to September 30, 2009. Formal grant applications must be submitted no later than April 30, 2007, for FY 2007 funds.

For more information contact Wayne Berman, FHWA Office of Operations, (202) 366-4069 or wayne.berman@dot.gov. More information is posted in the December 22, 2006, *Federal Register* under FHWA, http://www.access.gpo.gov/su_docs/fedreg/a061222c.html.

ENVIRONMENT

Utility Management

EFFECTIVE UTILITY MANAGEMENT COLLABORATION UPDATE

Last spring, APWA joined with the Environmental Protection Agency (EPA), the American Water Works Association, the Water Environment Federation, the Association of Metropolitan Water Agencies, the National Association of Water Companies and the National Association of Clean Water Agencies to “formalize a collaborative effort among the signatory organizations in order to promote utility management.” The collaborative objectives include establishment of a framework for working together to advance understanding of the principles and practices of effective utility management and to encourage and promote their wider application; and to improve utility performance through the utility-specific application of effective management tools, performance measures and other techniques and systems. In order to fulfill these objectives a steering committee identified the key characteristics of effectively management utilities and is preparing to share those practices with the sector through tutorials, Web-based educational resources and educational programs.

The *Statement of Intent* grew out of an effort by EPA’s Office of Water to promote effective asset management as a means to reduce the costs of owning and operating water and wastewater utilities. Effective asset management is a cornerstone of EPA’s “Sustainable Water Infrastructure Strategy.” According to EPA, each utility is responsible for making sure its system stays in good working order, regardless of the age of its components or the availability of funding. EPA maintains that long-range asset management programs – life cycle costing, proactive operations and maintenance activities and capital replacement plans based on cost-benefit analysis – are the most efficient method of ensuring utilities are sustainable. The *Statement of Intent* represents a realistic approach to achieving sustainability and water and wastewater utilities are joining forces as opposed to competing with each other for scarce federal resources.

Since the agreement in May, the Steering Committee has moved forward with its work and is preparing its final report. The Committee held a series of meetings and conference calls coupled with periodic homework assignments to identify and gather the relevant resources on utility management and to develop a set of attributes for utilities to use as markers for progress and success. In addition, two focus groups were held to provide a reality check to the steering Committee relevant to the attributes and to barriers for their incorporation by more utilities in the sector. The focus groups were comprised of technical experts not associated with the collaboration including utility managers, local government officials and leaders of non-governmental organizations familiar with the sector. The focus groups discussed management challenges utilities regularly face; the attributes of an effectively managed utility, barriers and incentives to effectively managing a utility and performance measures and metrics. Participants in both the Steering Committee and in the focus groups determined that for a water or wastewater utility to be effectively managed, it will need to achieve a degree of success in each of the areas outlined in the attributes. Participants also emphasized that the attributes reflect a journey and not a destination and that utilities can engage at any level and at any point along the continuum of attributes provided – there is not a right or wrong place to start and there are many on and off ramps within the process.

As a result of this work, the Steering Committee is preparing to issue a final report to the collaborating organizations that will include an agreed upon set of attributes for utility management including: product quality; customer satisfaction; employee motivation and commitment; operational optimization; financial viability; infrastructure viability; operational resiliency; community sustainability; water supply resource adequacy; stakeholder understanding and support. Joe Superneau and Dan Hartman serve as APWA representatives on the committee. The Steering Committee Report will make a set of recommendations on what is needed to improve utility management throughout the sector and present that report and recommendations to the coordinating organizations. The final report of the Steering committee will be presented to the coordinating organizations at a formal event, to be determined, in May 2007. In the interim, the collaborating organizations have begun formulating a strategy for moving this effort forward within the sector and each of their membership organizations. Some of the ideas being considered by the group include:

joint educational web casts, joint educational programs and PowerPoint presentations for coordinating organizations chapters or affiliates to use.

For more information on the Effective Utility Management Collaboration, feel free to contact Julia Anastasio in the Washington, D.C office at janastasio@apwa.net.

Water Pollution

APWA JOINS IN AMICUS CURIAE BRIEF

APWA recently joined with the American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA), National Association of Clean Water Agencies (NACWA), National League of Cities (NLC) and New York Council of Mayors in filing amicus curiae brief in support of petitioner City of New York in a case involving water transfers and NPDES permits.

The 2nd Circuit recently ruled against the city of New York in a decision holding that inter-basin transfers of untreated water, in the context of routine water management activities, can only be authorized by NPDES permits. The 2nd Circuit's decision threatens the operation of water management systems and is inconsistent with the language and intent of the Clean Water Act. Amicus argue that the 2nd Circuit's decision would burden tens of thousands of water authorities and municipal water departments and agencies with unnecessary, and in many cases unattainable, regulatory requirements. In perhaps the majority of cases, local water management agencies would be unable to obtain or comply with NPDES permits for facilities that are essential to public safety and uses, including flood control; ensuring a reliable supply of water for domestic, commercial and industrial uses; and fire suppression.

Solid Waste

FLOW CONTROL ORDINANCES ON SUPREME COURT DOCKET

The United States Supreme court recently heard oral arguments on whether flow control ordinances requiring the delivery of local solid waste to a publicly owned processing facility violates the commerce clause of the U.S Constitution. In *United Haulers Association v. Oneida-Herkimer Waste Management Authority* (261 F.3d 245 (2nd Cir. 2001), the state legislature created Oneida-Herkimer Solid Waste Management Authority to construct and operate solid waste facilities within the county borders. The Authority required all solid waste generated in the two counties, with the exception of recyclables and waste incinerated at the Authority's incinerator, to be delivered to Authority owned and operated transfer station. The Court is reviewing a decision issued by the U.S. Court of Appeals for the Second Circuit that held that the two ordinances in question did not facially discriminate against interstate commerce and that any burden imposed by the ordinances on interstate commerce was insubstantial and not excessive in relations to the local benefits received as a result of the ordinances in question and therefore did not violate the commerce clause. Interested stakeholders and court watchers are expecting the decision to provide guidance to local governments, waste haulers, and others involved in waste management. A decision is expected by June 2007.

For more information contact Julia Anastasio at janastasio@apwa.net.

Urban Forestry

SUSTAINABLE URBAN FORESTRY COALITION HOLDS ANNUAL MEETING

The Sustainable Urban Forests Coalition (SUFC) recently held its annual meeting in Washington, D.C., to discuss the Coalition's activities for the past year and to develop a set of priorities and goals for the coming year. Over the three days of meetings, Coalition members participated in a day-and-a-half business meeting where a national agenda for natural resources stewardship was discussed, advocacy priorities and supporting documentation were presented and approved; representatives from the Urban and Community Forestry Program within the U.S. Department of Agriculture were heard; and participants worked to refine the Coalition's message and internal infrastructure.

The SUFC is a national coalition to advance a unified urban forestry agenda for our nation's communities. Much more than city trees, urban forests include the aggregate of all community vegetation and green spaces in neighborhoods of large and small cities across the country and provide benefits essential to enriching community quality of life. A well-managed urban forest provides high-value economic, environmental and social benefits while simultaneously reducing infrastructure costs, improving air and water quality of the urban environment; reducing energy use and costs and reducing the production of greenhouse gases; and providing human health benefits. The SUFC will advocate for \$50 million for the Urban and Community Forestry Program: \$36 million for State Cooperative Assistance; \$2 million for dedicated Technology Transfer and Education; and \$12 million for Metropolitan Areas Canopy Restoration initiative and for an additional \$6 million for urban forest research projects.

For more information on SUFC or urban forestry topics in general, contact Julia Anastasio at janastasio@apwa.net or Megan Zadecky at mzadecky@apwa.net.

UTILITIES & PUBLIC RIGHTS-OF-WAY

Video Franchising

FCC RULES SET DEADLINES ON FRANCHISING AUTHORITIES

The Federal Communications Commission (FCC) voted 3-2 in December to adopt a video franchising order that undermines local franchising authority and threatens local budgets. The FCC's order sets fixed deadlines on local franchising authorities to rule on video franchise applications – 90 days for entities with pre-existing access to the rights of way, 180 days for those without. In addition, it limits build-out requirements and restricts compensation in the franchise agreement to five percent, including in-kind contributions.

In letters to the FCC, several members of Congress expressed concerns over the legal authority of the decision, which is expected to be challenged in the Courts. Commissioners' statements are posted on the FCC Web site, under December 20, 2006, headlines, www.fcc.gov.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

NIMS

FEMA SETS COMMENT PERIODS ON NATIONAL INCIDENT MANAGEMENT SYSTEM

FEMA has announced the review period for the public to comment on assessments made to improve the effectiveness of the National Incident Management System (NIMS). A comprehensive review of both NIMS and the National Response Plan (NRP) was initiated in September 2006 with federal departments and agencies; state, local and tribal authorities; and the public and private sectors, including national associations.

The draft NIMS Upgrade (version 1) is now available for nationwide review and comment. In order to expedite the review process, two national review periods have been established to collect comments. The first comment period runs from Feb. 1-19, and the second will be held March 26-April 6. FEMA said a public comment period for the NRP review will be announced in March.

NIMS provides a consistent nationwide template to establish federal, state, tribal, and local governments, and private-sector and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity, including acts of catastrophic terrorism. The NRP is an operational document that describes how the federal government provides resources and support to an incident requiring a coordinated federal response in support of other federal entities, or state, local and tribal officials.

More information is available at: <http://www.fema.gov/news/newsrelease.fema?id=33788>.

Hurricane Recovery

FEMA DEPUTY FOR GULF RECOVERY TESTIFIES AT SENATE HEARING

Gil Jamieson, FEMA's Deputy Director for Gulf Coast Recovery, testified on Jan. 29 before the Senate Homeland Security and Governmental Affairs Committee, which is conducting oversight hearings on the recovery operation in Louisiana and the Gulf Coast region from Hurricanes Katrina and Rita.

Jamieson told the committee that although the recovery is not without challenges, FEMA has made substantive progress in three key programmatic areas: individual assistance, public assistance and mitigation. He noted that FEMA has provided more than \$5.4 billion to individuals and families in Louisiana under the Individuals and Household Program, where more than 857,000 Louisiana households have been approved for \$3.8 billion in housing assistance and 314,000 Louisianans have received funds to cover other needs. He also noted that FEMA has been actively working with the state and local governments to restore and rebuild public services and facilities, pointing out that FEMA has obligated over \$4.5 billion for public assistance projects in Louisiana, which represents 72 percent of the total estimate of public assistance funds that will be provided.

Jamieson concluded his testimony by reaffirming President Bush's commitment to the recovery until the job is done and FEMA's commitment to remain on the ground in the Gulf, working in partnership with state and local governments. FEMA's recovery offices across the Gulf Coast will continue to work diligently to balance expediency and accountability in the recovery and rebuilding efforts, he said.

Jamieson's complete statement is available at <http://hsgac.senate.gov/files/012907Jamieson.pdf>.

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