

March 2010

House Approves Bill Extending SAFETEA-LU through End of the Year

The House of Representatives March 4 approved a modified version of a Senate-passed jobs bill that includes an extension of federal surface transportation programs through December 31, 2010. The House approved the Hiring Incentives to Restore Employment (HIRE) Act, HR 2847, 217-201 after amending it to offset its cost. The action sends the bill back to the Senate for another vote before it can be signed into law by the President.

The centerpiece of the legislation is tax relief for businesses hiring new employees. For transportation programs, the bill transfers \$19.5 billion from the general fund to the Federal Highway Trust Fund, projected to become insolvent in a few months, to repay interest foregone since 1998. Prior to that year, the Trust Fund earned interest on its balance. The legislation also repeals the rescission of unobligated highway program contract authority that was part of SAFETEA-LU, and includes an expansion of the Build America Bonds program for state and local infrastructure.

The transportation extension is needed to allow Congress more time to complete work on a new authorization to succeed SAFETEA-LU, which expired on September 30, 2009.

The latest extension, ending March 28, was enacted March 2 following a two-day shutdown of transportation programs that suspended payments from the federal highway trust fund and furloughed 2,000 US Department of Transportation employees. The bill authorizing the current extension had stalled in the Senate when Kentucky Senator Jim Bunning blocked its consideration, insisting that its cost be offset.

The Senate is scheduled to begin consideration of the modified HIRE Act on March 15. The HIRE Act is one of several anticipated jobs bills designed to address the nation's unemployment.

More Than 50 Transportation Projects Win TIGER Grants

The US Department of Transportation (USDOT) in February announced the award of \$1.5 billion in grants for 51 transportation projects under the TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program, authorized under the American Recovery and Reinvestment Act.

The TIGER Grant Program was included in the Recovery Act to spur a national competition for innovative, multi-modal and multi-jurisdictional transportation projects that promise significant

economic and environmental benefits to an entire metropolitan area, a region or the nation. Projects funded with the \$1.5 billion was allocated to include improvements to roads, bridges, rail, ports, transit and intermodal facilities.

Awardees were selected based on their contribution to economic competitiveness of the nation, safety improvements and the condition of the existing transportation system, increasing quality of life, reducing greenhouse gas emissions, and demonstrating strong collaboration among a broad range of participants, including the private sector.

USDOT received proposals for more than 1,400 projects totaling nearly \$60 billion. A list of recipients is available at: <http://www.dot.gov/documents/finaltigergrantinfo.pdf>.

Traffic Fatalities Reached Record Low Last Year

The U.S. Department of Transportation reports that the number of overall traffic fatalities at the end of 2009 reached the lowest level since 1954, declining for the 15th consecutive quarter. According to early projections, the fatality rate, which takes into account the number of miles traveled, reached the lowest level ever recorded.

The projected fatality data for 2009 places the highway death count at 33,963, a drop of 8.9 percent as compared to the 37,261 deaths reported in 2008. The fatality rate for 2009 declined to the lowest on record, to 1.16 fatalities per 100 million Vehicle Miles Traveled (VMT), down from 1.25 fatalities per 100 million VMT in 2008.

The National Highway Traffic Safety Administration annually collects crash statistics from the 50 U.S. states, the District of Columbia and Puerto Rico to produce annual reports on traffic fatality trends. The agency intends to update 2009 estimates regularly as more data becomes available. The final counts for 2009 will be made available in the summer of 2010. To view the preliminary fatality statistics visit: <http://www-nrd.nhtsa.dot.gov/Pubs/811291.PDF>.

CEQ Issues Draft NEPA Guidance on Consideration of the Effects of Climate Change & Greenhouse Gas Emissions

The Council on Environmental Quality (CEQ) recently announced draft guidance for federal agencies to use to improve their consideration of the effects of greenhouse gas (GHG) emissions and climate change in their evaluation of proposals for Federal actions under the National Environmental Policy Act (NEPA). The guidance is intended to help explain how federal agencies should analyze the environmental effects of GHG emissions and climate change when they describe the environmental effects of a proposed agency action. The CEQ guidance advises Federal agencies that they should consider opportunities to reduce GHG emissions caused by proposed Federal actions and adapt their actions to climate change impacts throughout the NEPA process. All Federal agency actions requiring NEPA review, except federal land and resource management activities, are covered by the guidance.

CEQ's guidance lays out a framework for identifying those instances where potential GHG emissions or climate change impacts rise to a level of significance requiring "meaningful" consideration in the NEPA analysis. In those cases where detailed consideration is necessary, the guidance directs that such consideration should include the quantification and disclosure of

GHG emissions over the life of the project. In addition, the NEPA review must assess the climate change impacts on the proposed project as well as how the proposed action might add to, modify or mitigate those climate change impacts. CEQ also advises Federal agencies to consider opportunities to reduce GHG emissions caused by a proposed Federal action and adapt the action to the potential climate change impacts. Finally, the draft guidance includes a caution to Federal agencies that a “rule of reason” should continue to govern the identification and review of environmental effects so that any analysis of GHG emissions and climate change impacts is useful, relevant to the action under review and limited to the consequences of actions over which the federal agency has control or authority.

CEQ is accepting comments on the proposed guidance until May 24, 2010. To view the guidance visit: <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa>

Latest Greenhouse Gas Inventory Released By EPA

EPA released the 1990-2008 Inventory of US Greenhouse Gas Emissions and Sinks Draft Report and is seeking public comment on the draft inventory until April 9, 2010. The draft report shows that in 2008, greenhouse gas (GHG) emissions decreased by 2.9 percent. However, overall emissions have grown by 13 percent from 1990-2008. EPA attributes the recent decrease in GHG emissions to a decrease in carbon dioxide emissions associated with fuel and electricity consumption. Total emissions from GHG emissions were about 6946 million metric tons of carbon dioxide equivalents. The draft report is available at <http://www.epa.gov/climatechange/emissions/usinventory.html>.

LFGcost-Web Tool Available to Evaluate Economic Feasibility & Job Creation

The Environmental Protection Agency (EPA) announced the release of an updated version of the LFGcost-Web software tool that can be used to evaluate the economic feasibility and provide estimates of the economic output and job creation benefits resulting from landfill gas energy projects. The LFGcost-Web model enables users to evaluate the costs and economic feasibility of several landfill gas and landfill gas energy technologies including turbines, microturbines, standard or small reciprocating engines, combined heat and power, direct thermal systems, high-BTU systems, leachate evaporators and collection and flaring systems. The updated software also includes a new report page that provides a more detailed breakdown of the capital costs of landfill gas energy project components and a new report to estimate the direct, indirect, and induced economic benefits and job creation benefits to the state and local economies resulting from a landfill gas project. The LFGcost-Web tool is available at <http://www.epa.gov/landfill/publications-tools/index.html>.

Stage 2 Disinfectants & Disinfection Byproducts Rule Consecutive System Guidance Manual Released

EPA released the Consecutive System Guidance Manual to assist consecutive systems (public drinking water systems that receive part or all of their finished water from other public water systems) in complying with the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR). The new guidance provides an explanation of specific requirements in the Stage 2

DBPR as they apply to consecutive systems and address flexibilities in the rule and explains the various compliance technologies. The Stage 2 DBPR provides for increased public health protection against the potential risks for cancer, reproductive and developmental health effects associated with exposure to disinfection byproducts. To access the guidance visit: <http://www.epa.gov/safewater/disinfection/stage2/compliance.html>.

Smartgrowth Program Offers Water Quality Scorecard for Local Governments

The EPA Smartgrowth Program developed a new tool to assist local and municipal governments in promoting green infrastructure practices through codes, ordinances and incentives. The Water Quality Scorecard is designed to help local planners evaluate their local codes and ordinances, identify barriers to implementing green infrastructure approaches for the protection of water quality and present policy options for improved land use policies and regulations. The Water Quality Scorecard is available at http://www.epa.gov/smartgrowth/water_scorecard.htm.

EPA Launches Website to Increase Transparency

EPA recently launched a new website to provide the regulated community and public with additional opportunities to participate in the agency's rulemaking processes. The online Rulemaking Gateway will serve as a portal to EPA's priority rules and allows users to search for EPA rules that relate to specific issues such as children's health or environmental justice. The Rulemaking Gateway will provide information on new regulations as soon as the agency begins work on them and will provide monthly updates as new information becomes available. Time-sensitive information, such as notice of public meetings, will be updated on a daily basis. The new Rulemaking Gateway is designed to compliment Regulations.gov, the federal government's main portal for tracking rules from all federal agencies. The Rulemaking Gateway will provide a snapshot of a rule and then provide links to Regulations.gov and to other EPA sources where more comprehensive information will be available. To access Rulemaking Gateway visit <http://www.epa.gov/rulemaking>.

Flood Insurance Extended for Another Month

On March 2, President Obama signed the "Temporary Extension Act of 2010" (H.R. 4691) into law. The new law extends the National Flood Insurance Program (NFIP) until March 28, 2010. It is hoped that this four week extension will provide Congress additional time to review the current NFIP—as the program was set to expire on September 30, 2009.

Currently, the NFIP was allocated \$146 million and the NFIP's Flood Map Modernization Program was provided with \$220 million for FY 2010—an increase of \$1 million and \$20 million respectively compared to FY 2009 funds.

The passage of the National Flood Insurance Act of 1968 established the National Flood Insurance Program. This Federal program enables property owners in participating communities to purchase insurance as a protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damage.

Chemical Security Debate Resumes in Congress

On March 3, the Senate Homeland Security Committee resumed the debate on chemical security holding a full committee hearing which focused on two bills: the “Continuing Chemical Facilities Antiterrorism Act of 2010” (S 2996), sponsored by Senator Susan Collins (R-ME), Minority Leader of the Senate Homeland Security Committee, and the “Chemical Facility Anti-Terrorism Act of 2009: (HR 2868), sponsored by Representative Bennie Thompson (D, MS, Chair of the House Homeland Security Committee).

On November 6, 2009, HR 2868 passed the House along party lines by a vote of 230-193. Although H.R. 2868 was referred to the Senate Homeland Security Committee shortly thereafter, the Committee is currently considering both bills carefully. Due to the controversy surrounding this issue, President Obama provided for a one year extension of the current chemical security program in his FY 2011 DHS budget proposal.

S 2996 amends the Department of Homeland Security (DHS) Appropriations Act of 2007, extending its chemical facility security program until October 4, 2015. If the current program were extended, drinking water and wastewater treatment facilities would continue to be exempt from DHS regulations

Unlike S 2996, HR 2868 amends the Homeland Security Act of 2002, expanding the scope of chemical security and giving DHS permanent oversight authority over drinking water and wastewater facilities. Last year, APWA expressed its concerns to Congress—emphasizing that such oversight expansion would burden the water security sector with a new regulator that is unfamiliar with its needs while simultaneously endangering public health and environmental protection.

However, more chemical security legislation is on the horizon. According to Senator Joseph Lieberman (I-CT), Chair of the Senate Homeland Security Committee, “. . . the Administration would submit its own chemical security bill to Congress in several months.”

APWA Attends National Mitigation Workshop

On March 4, APWA participated in a National Mitigation Workshop hosted by the National Emergency Management Association (NEMA). This workshop brought together stakeholders involved in the creation of NEMA’s white paper *Recommendations for an Effective National Mitigation Effort* that focused on the white paper’s “next steps” to promote mitigation awareness.

Importantly, the meeting concentrated on forming a National Mitigation Alliance, as outlined by the suggested “next steps” in the white paper. Department of Homeland Security personnel and emergency management stakeholders—including APWA—formulated a draft vision and mission for the Alliance, and discussed the importance of bringing in other Federal agencies, congressional staff and organizations from the business, environmental, housing community, etc. to participate in the Alliance. If the Alliance is able to receive federal funding, it is anticipated

that its first in-person meeting will occur this summer.

APWA endorsed and signed onto the white paper in conjunction with the Federal Emergency Management Agency (FEMA) and 16 other emergency management stakeholders. The white paper outlines that the importance of mitigation—as creating a more disaster resistant nation will decrease the loss of life and injury, reduce property damage, lessen first responders' exposure to risk, lowers response and recovery costs, and allows communities and business to recover more quickly after disasters.

To view the white paper, please visit APWA's website and click on the following link:

<http://www.apwa.net/documents/advocacy/FINAL%20Mitigation%20White%20Paper%20As%20Released.pdf>

APWA Meets with Obama Administration's National Security Team

On March 12, APWA Emergency Management Committee Chair Christine Walsh, Emergency Management Committee member Teresa Scott, and APWA staff met with President Obama's national security team which included: Brian Kamoie, Senior Director for Preparedness Policy; Darrell Darnell and Edward Dolan, who are both Directors for Preparedness Policy.

The meeting focused on the scope of national preparedness—as the national security team is currently evaluating policy priorities and strategies for national preparedness, and revising all 25 homeland security presidential directives from the previous administration. Importantly, White House staff discussed how the National Preparedness Goal should be structured, the importance of long term recovery, and explored what is the most effective way of getting state and local input into policy priorities and strategies.

As Directors of their Public Works Departments, both Walsh and Scott emphasized that an all hazards approach to national preparedness is vital, and that preparedness, response and recovery operations are equally important components of emergency management. However, it was felt that mitigation should be added to any national preparedness goal or strategy. Not only is mitigation a daily function for Public Works, but mitigation helps to reduce damage costs when disaster strikes. Moreover, Walsh and Scott explained that communities' emergency management capabilities are dependent on learning from past experiences—as this is key to evaluating and improving how equipped communities are before, during and after an emergency.

As the meeting drew to a close, the White House's national security team asked to meet again with APWA's members as national preparedness strategies and policies are revised. Another meeting will be scheduled for later this year, although an exact date has not been set as of yet.