

**April 2010**

## **APWA Recognized as First Responder by DHS Emergency Services Sector Coordinating Council**

The Department of Homeland Security's (DHS) Emergency Services Sector Coordinating Council (ES SCC) has been diligently working on its Sector Specific Plan (SSP) since the Fall of 2008—shortly after APWA joined the ES SCC as a new member.

Throughout the review process, APWA encouraged fellow ES SCC members and the Executive Committee to recognize public works as a first responder within the SSP—rather than categorize public works as a “specialized capability.” Approximately one year later (Fall 2009), the new SSP reflected a revised sector profile, sector objectives and goals. Importantly, the Emergency Services Sector is now defined by five disciplines: Law Enforcement, Fire and Rescue Service, Emergency Management, Emergency Medical Services and Public Works. The SSP provides an overview of public works, recognizing its personnel as critical first responders during mitigation activities, emergency planning, response and recovery operations in the wake of natural or man-made disasters.

Currently, the SSP is being reviewed by DHS for style, not content, and should be released within the next six to eight weeks.

Established at the behest of DHS in July 2004, the ES SCC helps coordinate critical infrastructure protection activities. Membership consists of various emergency services stakeholders including emergency management, emergency medical services, law enforcement, fire rescue, and other specialized emergency response functions. The ES SCC works closely with DHS and the 16 other CIKR sectors to provide an all hazards, locally-oriented approach to ensuring public safety, determining infrastructure vulnerabilities, and establishing effective mechanisms for sharing information amongst the federal, state and local governments, as well as the private sector.

To learn more about the Emergency Services Sector and its Coordinating Council, visit: <http://www.dhs.gov> and <http://www.sheriffs.org/about/ESSCC.asp>.

## **APWA Appointed to National Preparedness Task Force**

On March 15<sup>th</sup>, Tim Manning, FEMA Deputy Administrator for Protection and National Preparedness, appointed David Himes to serve on FEMA's National Preparedness Task Force. Mr. Himes is Assistant Director of Public Works for Nashville, TN and currently sits on APWA's Emergency Management Committee.

As a member of the Task Force, Mr. Himes is charged with making recommendations for all levels of government regarding disaster and emergency guidance and policies, evaluating the effectiveness of federal grant programs, and assessing the most appropriate way to collectively review the nation's emergency capabilities and capability gaps. The Task Force is comprised of 35 members of state, local and tribal governments who have extensive experience in homeland security and emergency management activities. Task Force members will also work with Congressional partners, the private sector, non-governmental and development organizations.

Mandated by the Conference Report that accompanied the Department of Homeland Security Appropriations Act of 2010 (P.L 111-83), the Task Force is scheduled to meet from May through August and provide Deputy Administrator Manning with an analysis of their findings come September. Once reviewed and approved, the Task Force's report will be submitted to Congress in October.

To view a full list of Task Force members, go to:  
[http://www.dhs.gov/ynews/releases/pr\\_1270649859370.shtm](http://www.dhs.gov/ynews/releases/pr_1270649859370.shtm).

## **Congress Extends Flood Insurance for Another Month**

On April 15<sup>th</sup>, Congress passed the "Continuing Extension Act of 2010" (HR 4851) which extends the National Flood Insurance Program (NFIP) until May 31, 2010. HR 4851 passed by a vote of 289-112 in the House and 59-38 in the Senate. President Obama signed the bill into law later that same evening. This is the third extension of the NFIP this year.

Prior to the passage of HR 4851, Congress allowed the NFIP to lapse for almost three weeks. During that time, flood insurance was not renewed and increased coverage requests were not processed. However, existing flood insurance policies in effect prior to the program lapse were eligible for claim payments for covered damages incurred during the effective dates of the policy.

Lawmakers hope that this six week extension will give them enough time to work out differences with the "American Workers, State and Business Relief Act" (HR 4213). If Congress can come to an agreement, Section 244 of HR 4213 would extend the NFIP to the end of this year. 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. It is questionable as to whether this short term extension is enough time to initiate desired reforms. For additional information on the NFIP, go to: <http://www.fema.gov/hazard/flood/info.shtm>.

## **Obama Signs Bill Extending Transportation Funding**

President Obama last month signed into law legislation extending federal surface transportation programs through December 31, 2010. The Hiring Incentives to Restore Employment (HIRE) Act, HR 2847, a jobs bill that includes tax relief for businesses hiring new employees, also includes additional measures to strengthen the Federal Highway Trust Fund and provide more funding for transportation.

The Act transfers \$19.5 billion from the General Fund to the Federal Highway Trust Fund to ensure its solvency through 2011. It also repeals the prohibition on the Trust Fund from collecting interest on its balance. The \$19.5 billion General Fund transfer repays interest foregone since 1998 when the prohibition was put in place. The Act also restores \$8.7 billion in highway contract authority rescinded last year and shifts the cost of fuel-tax exemptions for government vehicles from the Trust Fund to the General Fund.

The Act, moreover, provides additional subsidies for Build America Bonds, which provide qualifying issuers a direct payment from the U.S. Treasury for a portion of the interest paid on the bond for infrastructure projects. The program was created under the American Recovery and Reinvestment Act of 2009.

The HIRE Act was signed into law just one day after the Senate voted 68-29 to approve it. The House cleared the bill March 4<sup>th</sup> by a vote of 217-201.

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

## **10,000 Recovery Act Transportation Projects Under Way**

The Administration late last month announced that 10,000 transportation projects funded by the American Recovery and Reinvestment Act were under way in the U.S. Projects are considered under way when a contractor has been hired, the project has received official notice to proceed and work has begun.

The Administration reports that in one year, the Recovery Act has improved more than 33,000 miles of pavement across the United States; helped purchase nearly 12,000 buses, vans and rail vehicles; helped construct or renovate more than 850 transit facilities and provided more than \$620 million in preventive maintenance.

The US Department of Transportation has obligated 100 percent of Recovery Act highway and transit formula dollars.

## **DOT Issues Policy on Pedestrian, Bicycle Accommodation**

The US Department of Transportation (USDOT) has issued a policy statement on bicycle and pedestrian accommodation to reflect its support for the development of fully integrated active transportation networks.

In the statement, USDOT encourages states, local governments, professional associations, community organizations, public transportation agencies and other government agencies to adopt similar policy statements on bicycle and pedestrian accommodation as an indication of their commitment to accommodating bicyclists and pedestrians as an integral element of the transportation system. The policy states that in support of this commitment transportation agencies and local communities should go beyond minimum design standards and requirements to create safe, attractive, sustainable, accessible and convenient bicycling and walking networks.

Recommended actions include:

- Considering walking and bicycling as equals with other transportation modes;
- Ensuring that there are transportation choices for people of all ages and abilities, especially children;
- Integrating bicycle and pedestrian accommodation on new, rehabilitated and limited-access bridges;
- Collecting data on walking and biking trips;
- Setting mode share targets for walking and bicycling and tracking them over time;
- Removing snow from sidewalks and shared-use paths;
- Improving non-motorized facilities during maintenance projects.

For the policy visit: [http://www.fhwa.dot.gov/environment/bikeped/policy\\_accom.htm](http://www.fhwa.dot.gov/environment/bikeped/policy_accom.htm).

## **Report Says Build America Bonds Will Save State and Local Governments Money**

In a report examining the effects of Build America Bonds (BAB) on issuer borrowing costs, the US Treasury Department found that BABs issued to date will save state and local governments approximately \$12 billion in present value borrowing costs compared with issuing traditional tax-exempt bonds, taking into account underwriting fees and net interest costs.

BABs are taxable bonds for which the US Treasury Department pays a 35 percent direct subsidy to the issuer to offset borrowing costs. From the inception of the program in April 2009 to March 31, 2010, there have been 1,066 separate BABs issues, which have supported more than \$90 billion of municipal financing for new building projects.

The analysis presented in the report indicates that state and local governments that issued BABs will realize considerable savings as compared to the cost of issuing tax-exempt bonds. This is partly due to the BAB's program improving the efficiency of the municipal bond market by attracting a broader set of investors that would not traditionally hold municipal bonds.

The Build America Bond program, established under the American Recovery and Reinvestment Act of 2009, provides funding for state and local governments at lower borrowing costs for capital projects, such as work on public buildings, courthouses, schools, roads, transportation infrastructure, government hospitals, public safety facilities and equipment, water and sewer projects, environmental projects, energy projects, governmental housing projects and public utilities.

Congress is considering extending the program. The House of Representatives March 24<sup>th</sup> approved the Small Business and Infrastructure Jobs Act, HR 4849, to extend the duration of Build America Bonds through April 1, 2013.

To view the US Treasury Department report visit:  
[treas.gov/offices/economicpolicy/4%202%2010%20BABs%20Savings%20Report%20FINAL.pdf](http://treas.gov/offices/economicpolicy/4%202%2010%20BABs%20Savings%20Report%20FINAL.pdf)

## **FHWA Seeks Comment on Livability Initiative Harmonizing HUD/DOT Rules**

The Federal Highway Administration (FHWA) is requesting comments on a livability initiative to harmonize and coordinate the Federal-Aid Highway Program with grant-in-aid programs administered by the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA). Under the initiative, FHWA intends to utilize Special Experimental Project No. 14 (SEP-14), an innovative contracting practices program, to permit, on a case-by-case basis, the application of HUD requirements on Federal-aid highway projects that may otherwise conflict with Federal-aid Highway Program requirements.

The purpose of the proposed SEP-14 experiment is to further the goals of the DOT, HUD, and EPA partnership on sustainable communities, established to promote better access to affordable housing, more transportation options, and lower transportation costs.

Comments must be received on or before May 14, 2010. More information about the program is available in the March 30<sup>th</sup> Federal Register under Federal Highway Administration, [http://www.access.gpo.gov/su\\_docs/fedreg/a100330c.html](http://www.access.gpo.gov/su_docs/fedreg/a100330c.html).

## **Oberstar Proposes Bond Funding to Help Pay for Transportation Authorization**

House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) is circulating a plan which calls for depositing into the Federal Highway Trust Fund \$130 billion in bonds to be repaid later with a motor fuel tax increase. Congressional efforts to pass a multi-year surface transportation authorization to succeed the expired SAFETEA-LU remain stalled as a consensus on how to pay for a new bill has not been reached.

Under the Oberstar proposal the motor fuel tax increase would take effect in 2014 or 2015 and reportedly would total 10 cents or 15 cents per gallon in order to generate revenues to finance a six-year program totaling \$450 billion. Oberstar presented a six-year \$450 billion transportation authorization bill, the Surface Transportation Authorization Act, in June of 2009. The House Ways and Means Committee, which has jurisdiction over the financing provisions of the legislation, has not yet considered how the Oberstar bill would be paid for.

## **FCC Sends National Broadband Plan to Congress**

The Federal Communications Commission (FCC) March 16<sup>th</sup> delivered to Congress a National Broadband Plan, laying out a blueprint for expanding broadband access throughout the nation.

Titled “*Connecting America: The National Broadband Plan*,” the report finds that the nation has failed to harness broadband’s power to transform delivery of government services, health care, education, public safety, energy conservation, economic development, and other national priorities, and that, while broadband access and use have increased over the past decade, the

nation must do more to connect all individuals and the economy to broadband's transformative benefits.

The Plan's call for action over the next decade includes the following goals and recommendations:

- Connect 100 million households to affordable 100-megabits-per-second service, building the world's largest market of high-speed broadband users and ensuring that new jobs and businesses are created
- Enhance safety by providing every first responder with access to a nationwide, wireless, interoperable public safety network.
- The FCC should establish a joint task force with state, tribal and local policymakers to craft guidelines for rates, terms and conditions for access to public rights-of-way.
- To maximize the impact of federal resources, the US Department of Transportation should make federal financing of highway, road and bridge projects contingent on states and localities allowing joint deployment of conduits by qualified parties.
- The Congress should consider enacting "dig once" legislation applying to all future federally funded projects along rights-of-way (including sewers, power transmission facilities, rail, pipelines, bridges, tunnels and roads.
- The FCC recommended that the nation needs a public safety broadband network that allows first responders to communicate with one another. This would be accomplished through the creation of an Emergency Response Interoperability Center which would ensure that all communications networks and devices work together seamlessly.
- The FCC proposed that the Department of Homeland Security should create a cyber security information reporting system and that the Federal Emergency Management Agency should undertake a survey to track progress on broadband interoperability for the public safety community. A grant program would be designed to provide federal assistance to local efforts in order to fund the capital and ongoing costs of the public safety broadband network.

Implementation of the plan, however, was cast into doubt by a recent federal appeals court ruling that struck down the FCC's authority to regulate the internet. The court ruled in the 'net neutrality' case, *Comcast vs. FCC*, that the company could manage internet traffic on its own network. In 2008, the FCC had issued rules requiring broadband providers to treat all internet traffic equally and not block access to certain content or services.

The Broadband Plan was mandated by the American Recovery and Reinvestment Act in February 2009 and produced by an FCC task force. About half of the Plan's recommendations are addressed to the FCC, while the remainder are for Congress, the Executive Branch, state and local government, working closely with the private and nonprofit sectors.

A copy of the Plan is available by visiting: [www.broadband.gov](http://www.broadband.gov).

## **Climate Change Compromise Bill Expected to Include Fee on Motor Fuels**

Senate Climate and Energy legislation likely to be unveiled the week of April 26<sup>th</sup> is expected to include a fee on motor fuels based on the price of carbon dioxide under a cap and trade system. Senators John Kerry (D-MA), Lindsey Graham (R-SC) and Joseph Lieberman (I-CT), who are drafting the legislation, have announced plans to limit carbon emissions from the transportation sector through what is being called a “linked fee,” which would increase the price of motor fuels. The fee would act like a gas tax, but it is unclear if the legislation would provide significant investment in transportation.

The Kerry-Graham-Lieberman bill is intended to be a bi-partisan alternative to an earlier Senate bill approved by the Environment and Public Works Committee last year.

## **APWA Continues to Work for Passage of Water Infrastructure Financing Act**

As the Senate moves past the health care reform debate, APWA and its partners in the Water Infrastructure Network are diligently working to create the momentum for Senate passage of the *Water Infrastructure Financing Act (WIFA) (S 1005)*. The WIFA reauthorizes the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) and provides significant funding for our nation’s deteriorating water infrastructure. The WIFA provides \$20 billion over five years for the CWSRF, \$15 billion for DWSRF and \$1.85 billion for sewer overflow grants. The CWSRF was last authorized over 22 years ago and the DWSRF has not been reauthorized since 1996.

The legislation revises the current funding allocations formula and bases the new funding allocations primarily on the 2004 EPA Needs Survey, the most comprehensive and objective data available on our national water and wastewater infrastructure needs. The WIFA extends repayment period for CWSRF loan from 20 years to 30 years and authorizes states to provide additional assistance, including loan forgiveness and loans with a negative interest.

WIFA also includes new incentives for green infrastructure projects, expands eligibility for funding for projects including stormwater management, water conservation or efficiency projects, reuse and recycling projects. WIFA also formally establishes the Water Sense Program within EPA and calls for a National Academy of Sciences study to evaluate the presence of pharmaceuticals and personal care products in the nation’s waterways.

APWA members are encouraged to contact their Senators and ask them to contact Majority Leader Reid and Minority Leader McConnell and urge them to bring WIFA to the floor for a vote. To find contact information for your Senators visit: <http://capwiz.com/apwa/home/> and enter your zip code.

## **Small Drinking Water System Case Studies Available**

The Environmental Protection Agency (EPA) issued a compilation of case studies, *Gaining Operational and Managerial Efficiencies through Water System Partnerships*, which highlight various approaches small drinking water systems have taken to improve their technical and financial capabilities by partnering with other water systems. As part of EPA's efforts to promote the sustainability of water systems, this report presents examples of different partnership options ranging from informal arrangements, such as sharing equipment, to transferring ownership of a system through consolidation. The potential benefits of partnerships are numerous and significant, including increased economies of scale, increased capital needed to replace and improve aging water delivery infrastructure, and enhanced environmental protection, resource conservation and contingency planning for conditions of water scarcity. States can also realize the important benefits of such activities because water system partnerships can be an effective means of helping small water systems achieve and maintain technical, managerial and financial capacity, reducing the oversight and resources that states will need to devote to these systems. The document is available at <http://www.epa.gov/safewater/smallsystems/financialhelp.html>.

## **Decentralized Wastewater Management Handbook Now Available**

The E-Handbook focuses on individual and clustered wastewater systems that discharge to the soil and the information can also be useful to small systems that discharge to surface waters. Each resource guide contains detailed information on each program element topic and links to other resources, case studies and examples of successful management programs. The E-Handbook can be accessed at <http://www.epa.gov/owm/onsite>.

## **EPA Announces Regulatory Strategy for Drinking Water Protection**

EPA Administrator Lisa Jackson recently announced a new set of strategies to strengthen public health protection for drinking water contaminants. The aim is to find solutions that meet the health and economic needs of communities across the country more effectively than the current approach. EPA's current approach is focused on detailed assessments of each individual unregulated contaminant of concern and can take years. The new vision is meant to streamline decision-making and expand protection under existing law and promote cost effective new technologies to meet the needs of communities. The new strategy will address contaminants as a group rather than one at a time, foster development of new drinking water treatment technologies to address health risks posed by a broad array of contaminants; use the authority of multiple statutes to protect drinking water and partner with states to share more complete data from monitoring at public water systems. More information on the strategy is available at <http://www.epa.gov/safewater/sdwa/dwstrategy.html>.

## **National Water Program Climate Change Progress Report Available**

The EPA Office of Water has issued the *National Water Program Climate Change Strategy 2009 Progress Report* which summarizes the climate change accomplishments of the national water program through 2009. *The National Water Program Climate Change Strategy: Response to Climate Change* was published in 2008 and was an initial effort to describe the climate change impacts on water programs, to define goals and objectives for responding to climate change, and to identify a set of key actions that could be undertaken in the Fiscal Years 2008 and 2009 under level resources in the areas of mitigation, adaptation, research, education and management. The *2009 Progress Report* summarizes some 40+ accomplishments of the National Water Program since 2008.

In addition, the EPA Climate Ready Estuaries Program released the *2009 Climate Ready Estuaries Program Progress Report*. This progress report describes the agency efforts to assist coastal communities in preparing for the impacts of climate change. Both of the reports can be viewed at: <http://www.epa.gov/water/climatechange/implementation.html>.

## **New Website: State & Local Climate and Energy Program**

EPA launched a new website to help state and local governments understand, plan, and implement strategies to reduce greenhouse gas emissions within their jurisdictions. EPA's State and Local Climate and Energy Program provides technical assistance, analytical tools, and outreach support to state, local, and tribal governments. Specific assistance includes: (1) Identifying and documenting cost-effective policies and initiatives that address climate change, including those that promote renewable energy, energy efficiency, and related clean technologies; (2) Measuring and evaluating the environmental, economic, and public health benefits of climate change and clean energy initiatives; (3) Offering tools, guidance, and outreach support for assessing the options and benefits of actions to reduce greenhouse gas emissions; and (4) Fostering peer exchange opportunities for state and local officials to share information on best practices and lessons learned about innovative policies and programs. The new website is available at: <http://www.epa.gov/slclimat/>.

## **EPA's Budget Request Includes Millions for E-Waste Research Program**

EPA's Office of Research and Development is laying the ground work for innovative ways to handle e-waste, including innovative design approaches so that the waste does not continue to present problems in the future. The Research and Development program is focusing on creating an integrated transdisciplinary approach to research and development initiatives including the computational toxicology program, endocrine disrupter screening program and air quality research. To learn more about the EPA E-Waste Research Program visit: <http://epa.gov/ord/>.