

# APWA hosts 2008 Public Works Policy Forum

## *Reps. Oberstar and Blumenauer discuss infrastructure legislation*

In April, during a two-day inaugural Public Works Policy Forum, 32 APWA members met with policy makers and members of Congress to discuss the power of infrastructure to stimulate the economy, the need for increased investment in water and wastewater as well as full funding for the federal Pre-Disaster Mitigation Program and increased investment in the deteriorating transportation network.

Participants also discussed APWA priorities during more than 65 individual meetings with Congressional leaders, including House Speaker Nancy Pelosi (D-CA), House Transportation and Infrastructure (T&I) Committee Chairman Oberstar, Senate Environment and Public Works Committee Chair Barbara Boxer (D-CA), and Rep. Peter DeFazio (D-OR), Chair of the Highways and Transit Subcommittee.

Oberstar joined APWA members over breakfast on Capitol Hill to discuss current infrastructure conditions and legislation.

Comparing his recent hip replacement surgery to the state of the nation's infrastructure, Oberstar lamented, "It hurts like hell and it needed replacement."

He stressed the importance of infrastructure investment and cited the work of the T&I Committee towards meeting that goal – 710 witnesses testified during hearings, and 76 bills drafter, 48 of which became law, within the last year.

Oberstar outlined pending initiatives including plans for a water resources bill and funding for highway transportation under SAFETEA-LU.

"Infrastructure investment must be a priority," he said. "The choice for the future is to either invest in infrastructure or fall behind."

Rep. Earl Blumenauer (D-OR) also met with participants to discuss his vision for a Water Trust Fund.

"As far as I can tell, we are spending less on infrastructure than ever before," said Blumenauer. "It's time for us to take a deep breath, step back and develop an infrastructure plan for our century."

Blumenauer asked APWA members to review his Trust Fund proposal and discuss it with their Congressional leaders. Legislation is expected to be introduced in the coming months.

"We need your help to change the rhetoric here in Washington, D.C.," said Blumenauer. "Let's get started now and let's do it in a way that's not only bipartisan, but also non-partisan. We've got some work to do!"

Forum sessions included discussions about the 2008 elections, successful Congressional meeting and updates on the National Surface Transportation Policy and Revenue Study Commission Report as well as development of a five-year strategic plan by the Federal Emergency Management Agency.



(Left to right) APWA President Larry Frevert, Joel Schilling, Rep. Oberstar, GAC Chair Bob Freudenthal

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## Highway Trust Fund provision stalls Aviation Bill

Following two weeks of contentious debate, Senate Majority Leader Harry Reid (D-NV) pulled the aviation reauthorization bill from the Senate floor after a cloture vote to end debate failed May 6.

The legislation (HR 2881), which would reauthorize Federal Aviation Administration programs through fiscal year 2011, contained several controversial provisions, including one to shore up the Highway Trust Fund by \$5 billion, which drew Republican opposition.

The Trust Fund provision was approved by the Senate Finance Committee as part of a package of tax finance measures added to the aviation bill. It is intended to prevent the anticipated insolvency of the Highway Account by authorizing a transfer of funds from the General Fund to the Highway Trust Fund. The transfer would be considered a repayment of \$3.3 billion in emergency expenditures which has been taken from the Highway Account to pay for damage from hurricanes and terrorist attacks. Offsets to cover the spending have been identified.

It is unclear if the aviation bill is dead for the year. Lawmakers began preparing a temporary extension to fund programs through the fall of 2009. Some lawmakers, however, indicated that an agreement might be reached to bring the bill to the floor again. The current extension expires in June. The House already approved its version, which does not include provisions to add funds to the Highway Trust Fund.



DOT blog available at <http://fastlane.dot.gov>.

## DOT launches new blog

U.S. Transportation Secretary Mary Peters has launched Fast Lane, the Department's new blog. Accessible at <http://fastlane.dot.gov>, Fast Lane will be an on-line community for those interested in the nation's transportation system and its future.

Fast Lane contributors will include Secretary Peters, Deputy Secretary Thomas Barrett, Administrators from the Department's operating agencies and other senior officials. In addition, the site will welcome guest bloggers from government, industry and the transportation community. The Department will use the blog to break news and make announcements.

Fast Lane is an open forum, and visitors are encouraged to submit comments, contribute ideas and bring to the Department's attention innovative and exciting transportation activities in their communities. All comments will be reviewed before inclusion, and a representative sample will be posted to the site.

## High gas prices spur call for gas moratorium

With some lawmakers calling for a temporary suspension of federal motor fuels tax, APWA President Larry Frevert sent letters to President Bush and Congressional leadership, urging them to oppose such proposals. Skyrocketing fuel prices have prompted debate in Congress on how to provide relief to motorists.

In April Senator John McCain (R-AZ) called for several highly targeted tax cuts and federal spending initiatives, which would include a summer gas-tax holiday suspending the 18.4-cent federal gas tax from Memorial Day until Labor Day. A gas tax holiday has yet to receive serious support in Congress.

The 18.4 cents-per-gallon gas tax is dedicated to the Highway Trust Fund to pay for road, bridge and public transportation programs. President Frevert's letter states that suspending the gas tax would seriously undermine state and local governments' ability to plan and implement projects to improve safety, protect the environment and boost the nation's economic competitiveness.

APWA posted a Legislative Action Alert on the Legislative Action Center. To contact your member of Congress, go to <http://capwiz.com/apwa/issues/alert/?alertid=11340711&PROCESS=Take+Action>.

## **SAFETEA-LU Technical Corrections passes House and Senate**

The House and Senate approved a bill (HR 1195) making technical corrections to SAFETEA-LU and calling for a Justice Department investigation into how a Florida earmark was changed between the time Congress passed the bill and the President signed it into law. Both bills were approved in April by veto-proof margins.

The measure provides a legislative fix to address research programs whose funding fell short of supporting certain SAFETEA-LU authorized activities. It also makes a number of technical corrections to other provisions in the law, which was enacted in August 2005, and increases the total federal authorization for state highway safety formula grants from 0.5 percent to 0.75 percent of a state's apportionment.

## **Highway Safety program rulemaking announced**

The Federal Highway Administration (FHWA) has announced a Notice of Proposed Rulemaking amending the regulations concerning the new Highway Safety Improvement Program (HSIP) to incorporate new statutory requirements of SAFETEA-LU and provide state and local safety partners with information on the purpose, definitions, policy, program structure, planning, implementation, evaluation and reporting of HSIP.

The docket can be accessed by following this link: <http://edocket.access.gpo.gov/2008/pdf/E8-8742.pdf>. The comment period remains open until June 23, 2008. For more information contact Erin Kenley, Office of Safety, (202) 366-8556.

## **New report compares impacts of vehicle crashes and congestion**

The American Automobile Association (AAA) released a new report comparing the societal and economic impacts of motor vehicle crashes and traffic congestion. According to the study, *Crashes vs. Congestion - What's the Cost to Society*, the \$164.2 billion cost for crashes equates to an annual per person cost of \$1,051, compared to \$430 per person annually for congestion. These safety costs include medical, emergency and police services, property damage, lost productivity, and quality of life, among other things.

The report calculates the costs of crashes for the same metropolitan areas covered by the annual Urban Mobility Report. In every metropolitan area studied, results showed crash costs exceeded congestion. For very large urban areas (more than three million), crash costs are nearly double those of congestion. Those costs rise to more than seven times congestion costs in small urban areas (less than 500,000) where congestion is less of a challenge.

The report includes several recommendations to improve safety, including support for a national safety goal of cutting surface transportation fatalities in half by 2025, as recommended by

the National Surface Transportation Policy and Revenue Study Commission. For additional information and to download a full copy of the report, visit <http://www.aaanewsroom.net/Main/Default.asp?CategoryID=7&ArticleID=596>.



Image courtesy of the APWA Jim Martin Public Works Photo Library at [www.apwa.net](http://www.apwa.net).

## **Final comment period for NIMS**

The Federal Emergency Management Agency (FEMA) has announced that the National Incident Management System (NIMS) will undergo one final comment period May 1-June 2, 2008. After the conclusion of the 2007 comment periods, further review of the NIMS document was postponed while the revision of the National Response Plan (now known as the National Response Framework, NRF) was undertaken. Minor changes were made to the NIMS document to reflect language in the NRF. These changes did not significantly alter the 2007 draft version of the document.

The draft NIMS document is available online at [www.regulations.gov](http://www.regulations.gov), in Docket ID FEMA-2008-0008. Comments may be submitted on the draft NIMS document using the Federal eRulemaking Portal: <http://www.regulations.gov> (follow the instructions for submitting comments).

NIMS was developed so responders from different jurisdictions and disciplines can work together better to respond to natural disasters and emergencies, including acts of terrorism. NIMS benefits include a unified approach to incident management; standard command and management structures; and emphasis on preparedness, mutual aid and resource management.

## **EPA releases report on wastewater collection and wet weather treatment technologies**

Last month the Environmental Protection Agency (EPA) released the third in a series of reports on municipal wastewater collection and treatment technologies. *Emerging Technologies Report on Wastewater Treatment* provides clean water agencies with the information on emerging wastewater treatment and in-plant wet weather management technology options. EPA describes the report as providing cost-effective, innovative and 'embryonic' technologies as well as established technologies with innovative applications for treatment and wet weather flow management.

Technical and cost data for more than 60 innovative technologies and more than 25 embryonic technologies are provided. The technologies featured in the report are intended to provide more efficient or advanced wastewater treatment or better management of wet weather flows at the treatment plant.

The new report is available on EPA's municipal technologies Web site

## **FEMA unveils new five year strategic plan**

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has released a new Strategic Plan covering Fiscal Years 2008-2013. The Plan establishes strategic goals, objectives and strategies that provide a solid framework enabling the FEMA workforce to work together regardless of program or geographic location in implementing FEMA's vision.

The Strategic Plan sets five primary goals to build a strong and adaptable national emergency management system, which are as follows:

- Leads an integrated approach that strengthens the nation's ability to address disasters, emergencies and terrorist events;
- Delivers easily accessible and coordinated assistance for all programs;
- Provides reliable information at the right time for all users;
- FEMA invests in people and people invest in FEMA to ensure mission success;
- Builds public trust and confidence through performance and stewardship.

The Plan and a "Plan-in-Brief" are available online at [www.fema.gov/about/strategicplanfy08](http://www.fema.gov/about/strategicplanfy08).

(<http://www.epa.gov/owm/mtb/index.htm>) under the Publications heading. The previous two reports, *Emerging Technologies for Biosolids Management* and *Emerging Technologies for Conveyance Systems: New Installations and Rehabilitation Methods*, are also available on the site.

## **OMB approves proposed water transfer rule**

The Office of Management and Budget (OMB) has approved the Environmental Protection Agency's (EPA) proposed water transfer rule, clearing the way for it to be officially released by the Agency sometime in May. The long-awaited rule would clarify that interbasin transfers of natural, untreated water do not require a National Pollutant Discharge Elimination System

(NPDES) permit. EPA received several comments on the draft version of the rule when it was released in June 2006, expressing support for the Agency's decision to exempt these kinds of transfers from permitting requirements.

A number of recent court cases including *South Florida Water Management District v. Miccosukee Indian Tribe* before the U.S. Supreme Court and *Friends of the Everglades v. South Florida Water Management District*, currently before the Eleventh Circuit Court of Appeals, have also examined the issue of interbasin water transfers.

## ***EPA money available for diesel emissions reductions***

The Environmental Protection Agency (EPA) announced availability of almost \$50 million in grant funding for projects to reduce emissions from the nation's existing fleet of diesel engines. Grants are available to state and local air quality agencies, metropolitan planning organizations, school districts and manufacturers. More information is available at <http://www.epa.gov/cleandiesel/grantfund.htm>.

## ***Beach Protection Act approved by House***

The U.S. House of Representatives overwhelmingly passed the *Beach Protection Act of 2007* (H.R. 2537) in a bipartisan voice vote April 16. Introduced by Reps. Frank Pallone (D-NJ) and Tim Bishop (D-NY), the legislation would reauthorize the *Beaches Environmental Assessment and Coastal Health Act of 2000* (BEACH) for fiscal years (FY) 2008-2012 and provide \$40 million annually in grants to states for monitoring and pollution tracking. In addition, states could be required to use the money to develop and implement rapid testing methods for contamination. This funding is an increase from the annual \$30 million authorized in the 2000 law. The bill also requires rapid testing and public notification standards at the nation's beaches.

Similar legislation (S. 1506) was introduced in the by Sen. Frank R. Lautenberg (D-NJ) but no hearings have been scheduled.

## ***House subcommittee approves sewage overflow legislation***

The House Water Resources and Environment Subcommittee approved H.R. 2452, the Sewage Overflow Community Right-to-Know Act. The legislation, sponsored by Congressmen Tim Bishop (D-NY) and Frank LoBiondo (R-NJ), would require wastewater treatment plants to provide public notification within 24 hours when sewer overflows that have the potential to adversely affect human health occur. The legislation would also require utilities to install feasible methods, technology or management programs to monitor their collection systems and provide reports on overflows to state and federal regulators on a regular basis.

Similar legislation is pending in the Senate, however, no action

has been taken and prospects for enacting the legislation this year remain unclear. The legislation is currently scheduled to be approved by the full House Transportation and Infrastructure Committee next week.

The Subcommittee approved two additional bills: H.R. 5770 and H.R. 135. The first, H.R. 5770, allocates \$1.5 million for a National Academy of Sciences study on the impacts of climate change on hydrology, water quality and the implementation of the Clean Water Act. The second, H.R. 135, the Twenty-First Century Water Commission Act of 2007, would establish a presidential commission to provide for water assessments to project future water supply and demand, review current water management programs at each level of government and develop recommendations.

## ***Farm Bill agreement reached; Presidential veto threatened***

House and Senate Agriculture Committee conferees completed work on a 5-year, \$300 billion Farm Bill that funds a wide range of programs to assist the agricultural sector. The agreement includes \$4 billion for conservation programs that pay farmers to implement environmental improvements on farms or to keep sensitive lands out of production. The largest conservation program increase is for the Environmental Quality Incentives Program (EQIP) for farmers and ranchers to protect surface and ground water and for nutrient management of livestock operations. The bill funds \$120 million for pending water and wastewater construction applications in rural communities.

The House is scheduled to take up the conference report on Wednesday, May 14, but the Senate has not yet scheduled a vote. A Presidential veto still remains possible due to the overall cost of the bill and its failure to reduce payment limits to anyone making more than \$200,000 annually.

APWA members are encouraged to contact their congressional representatives and urge support of the Conference Report. Watch the APWA Advocacy page for updates and legislative action alerts on this bill: [www.apwa.net/advocacy](http://www.apwa.net/advocacy).

## **Office of Solid Waste seeks to convert brownfields into renewable energy sources**

The Environmental Protection Agency (EPA) recently announced that the Office of Solid Waste and Emergency Response is evaluating its portfolio of contaminated sites, from large superfund sites to abandoned mines, as potential places to site renewable energy production facilities. The agency hopes to encourage such reuse by the planned release this summer of a GIS database that maps each state's contaminated sites to show their potential for renewable energy production. The maps will show EPA-tracked sites, as well as information from other databases such as superfund, brownfield, and abandoned mine sites and hazardous waste sites regulated under the Resource Conservation and Recovery Act, with potential for wind and solar energy generation.

To date, the agency has screened almost 10,000 sites for redevelopment based on preliminary screening criteria including the availability and quality of solar, wind and biomass sources, acreage, distance to electric transmission lines, distance to graded roads, and property slope and aspects. Redeveloping such contaminated lands for renewable energy production makes sense because less energy is required to develop land that has existing infrastructure.

EPA also announced that it will select up to 10 grantees for new pilot projects intended to encourage greener revitalization of brownfield sites. About \$50,000 will be

available for each project under the Brownfields Sustainability Pilots program. The pilot projects will serve as examples of redevelopment based on sustainable design that has as little impact on the environment as possible and is energy efficient.

Additional information is available at <http://www.epa.gov/brownfields/>.

## **Senate, House hold hearings on Clean Water Restoration Act**

The House Transportation and Infrastructure Committee held a hearing on the controversial Clean Water Act (CWA) bill, HR 2421, the Clean Water Restoration Act of 2007. The bill, introduced by Chairman Oberstar (D-MN), has sparked a heated debate over whether it expands or preserves wetlands protections under the Clean Water Act by replacing the phrase "navigable waters" with "waters of the United States." The Committee received testimony from the Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), the Department of Justice, the Department of Agriculture's Natural Resources Conservation Service, representatives of state and local governments, environmental, agricultural and industry interests, and legal practitioners.

Advocates for the bill say the Supreme Court decisions in Solid Waste Agency of Northern Cook County and Rapanos-Carabell cases improperly narrowed the meaning of "navigable waters" under the CWA. Opponents express concerns over how the bill could potentially

affect private property rights, extend federal powers and have economic ramifications.

The Senate Environment and Public Works Committee also held a hearing on the issue. Senator Russ Feingold (D-WI) introduced S. 1870 earlier this year in an attempt to restore the historical intent of the Clean Water Act. A mark-up hearing has not been scheduled by the full committee.

Visit the APWA Advocacy page for updates and legislative action alerts on this legislation: [www.apwa.net/advocacy](http://www.apwa.net/advocacy).

## **EPA to encourage green building practices**

The Environmental Protection Agency (EPA) recently announced a new initiative to encourage the building industry to adopt green building practices and enhance public awareness of the benefits of green buildings. The new strategy calls for better coordination among existing programs like ENERGY STAR and WATERSENSE, which are designed to reduce the impacts of buildings and development. The strategy involves working with the industry to improve the quality and supply of green buildings and related products, as well as increasing demand through improved public understanding of green building characteristics.

There are five main objectives of the strategy: (1) inform building decisions with better standards and metrics; (2) advance knowledge and overcome barriers through research; (3) lead by example with the agency's own facilities; (4) expand understanding of green building practices; and (5) increase adoption

of green building practices in areas where those practices have been limited, including homes and existing commercial and public buildings.

Green building, according to EPA, is the practice of creating structures and using processes that are “environmentally responsible and resource-efficient” throughout a building’s life cycle. The life cycle includes siting, design, construction, operation, maintenance, renovation and deconstruction. Sustainable or high performance buildings are designed to reduce the overall impact of development on human health and the environment by efficiently using energy, water and other resources, protecting occupants’ health and improving employee productivity; and reducing waste, pollution and environmental degradation.

Additional information is available at <http://www.epa.gov/epaoswer/non-hw/debris-new/greenbld.htm>.

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