

APWA Washington REPORT

June 2006

INTERGOVERNMENTAL

National Public Works Week

HOUSE AND SENATE RECOGNIZE PUBLIC WORKS PROFESSIONALS

In honor of National Public Works Week, the House of Representatives and the Senate passed resolutions recognizing the contributions of public works professionals throughout the United States. The House approved its resolution (H. Res. 837) supporting the goals and ideals of National Public Works Week on May 24. On May 11, the Senate passed its resolution (S. Res. 475) proclaiming May 21-27, 2006, as National Public Works Week.

APWA thanks Senate Environment and Public Works Committee Chairman James M. Inhofe (R-OK) and Ranking Member James M. Jeffords (I-VT) for introducing the Senate resolution.

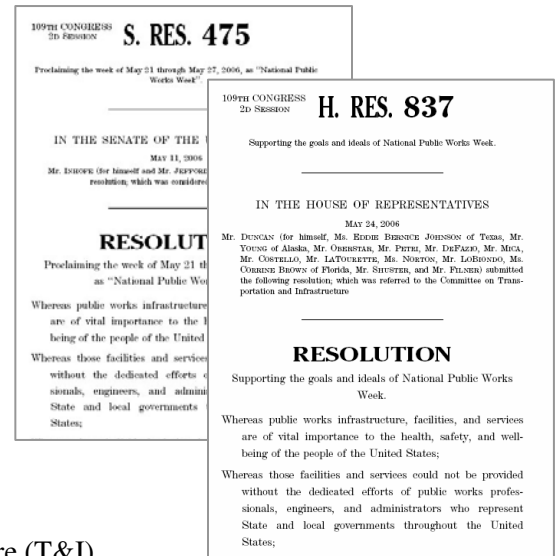
APWA also thanks the following House Transportation and Infrastructure (T&I) Committee members for introducing the House resolution: T&I Committee Chairman Don Young (R-AK), Ranking Member James L. Oberstar (D-MN), Water Resources and Environment Subcommittee Chairman John J. Duncan, Jr. (R-TN) and T&I Committee leaders Eddie Bernice Johnson (D-TX), John J. Mica (R-FL), Jerry F. Costello (D-IL), Frank A. LoBiondo (R-NJ), Bob Filner (D-CA), Bill Shuster (R-PA), Eleanor Holmes Norton (D-DC), Thomas E. Petri (R-WI), Peter A. DeFazio (D-OR), Steven C. LaTourette (R-OH) and Corrine Brown (D-FL).

The House and Senate resolutions are posted on APWA's Web site:
<http://www.apwa.net/SuperPush/index.asp?ID=59>.

National Public Works Week

APWA HONORS HOUSE LEADERS FOR PUBLIC WORKS SUPPORT

During National Public Works Week, APWA sponsored a Congressional reception on Capitol Hill in honor of House Transportation & Infrastructure (T&I) and Homeland Security Committee leaders. During the May 23 reception, APWA President Bob Freudenthal presented National Public Works Week awards to House T&I Committee Chairman Don Young (R-AK) and House Homeland Security Committee Chairman Peter King (R-NY) in recognition of their support and leadership on behalf our nation's public infrastructure.



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Past-President Tom Trice, At-Large Director Diane Linderman and Government Affairs Committee Chair Ben Wolfe joined President Freudenthal to represent APWA at the reception attended by members of Congress, Congressional staff and representatives of national organizations.

The American Council of Engineering Companies, American Society of Civil Engineers, Associated General Contractors of America, Association of Equipment Manufacturers, National Association of Clean Water Agencies and Water Environment Federation joined APWA as co-sponsors of the reception.



APWA President Bob Freudenthal presented awards to House Transportation and Infrastructure Committee Chairman Don Young (R-AK) (left photo) and House Homeland Security Committee Chairman Peter King (R-NY) (right photo), recognizing their support of public works and infrastructure during a reception on Capitol Hill celebrating National Public Works Week.

TRANSPORTATION

FY07 Transportation Appropriations

PANEL VOTES TO CUT ‘BRIDGE TO NOWHERE’ FUNDS

On June 6 the House Appropriations Committee passed a \$140 billion fiscal year (FY) 2007 draft spending bill which includes an amendment barring the use of funds to pay for the Alaska bridge detractors, which have called the “Bridge to Nowhere.”

The Transportation, Treasury, Housing and District of Columbia appropriations bill, which would provide \$67.3 billion for U.S. Department of Transportation programs in FY07, fulfills all transportation funding guarantees under both SAFETEA-LU, the federal surface transportation bill enacted in August 2005, and the 2003 aviation authorization.

The bill would provide \$39.1 billion for highway programs, an increase of \$3.5 billion over current year funding. Transit programs would receive \$8.9 billion, \$428 million more than current year levels. The legislation funds the Federal Aviation Administration at \$15.2 billion and the Airport Improvement Program at \$3.7 billion, an increase of \$185 million.

The Committee approved by voice vote the amendment by Rep. Mark Steven Kirk (R-IL) prohibiting funds from being spent for planning or construction of the controversial Alaska bridge, the so-called “Bridge to Nowhere”, which had its SAFETEA-LU earmark designation stripped last year, but its \$453 million funding retained for the Alaska Department of Transportation to decide how to spend.

The bill is expected to reach the House floor the week of June 12.

FHWA

SENATE CONFIRMS CAPKA AS HIGHWAY ADMINISTRATION CHIEF

The Senate confirmed the nomination of J. Richard Capka as Administrator of the Federal Highway Administration (FHWA) May 26. Capka had been serving as Acting Administrator since August 1, 2005, when Mary Peters resigned her post as Administrator. Before assuming the position of Acting Administrator, he served as FHWA's Deputy Administrator since August 2002.



J. Richard Capka, recently confirmed FHWA Administrator.

Traffic Congestion

MINETA RELEASES NATIONAL BLUEPRINT TO ADDRESS CONGESTION

On May 16 Transportation Secretary Norman Y. Mineta unveiled the U.S. Department of Transportation's national strategy to reduce congestion. The new initiative, *National Strategy to Reduce Congestion on America's Transportation Network*, provides a blueprint for federal, state and local officials to tackle congestion.

The initiative will seek Urban Partnership Agreements with a handful of communities willing to demonstrate new congestion relief strategies and encourages states to pass legislation giving the private sector a broader opportunity to invest in transportation. It calls for more widespread deployment of new operational technologies and practices that end traffic tie ups, designates new interstate "corridors of the future," targets port and border congestion and expands aviation capacity.

A copy of the national strategy is available at <http://isddc.dot.gov/OLPFiles/OST/012988.pdf>.

Design-Build Contracting

FHWA PROPOSES REVISIONS TO DESIGN-BUILD PROCEDURES

In a notice of proposed rulemaking published in the May 25th *Federal Register*, the Federal Highway Administration (FHWA) proposes to revise its regulations for design-build contracting as mandated by section 1503 of SAFETEA-LU.

The primary revision would involve a statutory requirement that FHWA not preclude state transportation departments or local transportation agencies from issuing request-for-proposal documents, awarding contracts and issuing notices-to-proceed for preliminary design work prior to the conclusion of the National Environmental Policy Act (NEPA) process. FHWA also proposes to revise certain provisions in 23 CFR part 636 to facilitate the use of public-private partnerships.

Comments must be received on or before July 24, 2006. For more information contact Gerald Yakowenko, Office of Program Administration, (202) 366-1562. The *Federal Register* notice may be viewed at http://www.access.gpo.gov/su_docs/fedreg/a060525c.html.

Transit New Starts

FTA ISSUES NOTICE OF FINAL GUIDANCE ON NEW STARTS PROGRAM

The Federal Transit Administration (FTA) announced the availability of the Agency's final guidance on New Starts Policies and Procedures which was initially issued for comment on January 19, 2006. The final policy guidance updates procedures for project planning and development to receive New Starts funding, in accordance with SAFETEA-LU. FTA issued the announcement in the May 22 *Federal Register*.

The guidance explains changes to the New Starts program that became effective on May 22, 2006. FTA also announced the availability of updated Reporting Instructions for the Section 5309 New Starts Criteria, which should be followed when reporting New Starts information for evaluation during the fiscal year 2008 project rating cycle, as well as any requests to enter into preliminary engineering, final design or a full-funding grant agreement, in addition to a detailed description of the fiscal year 2008 Evaluation and Rating Process, which is an appendix to the Reporting Instructions. The notice also provides the schedule for reporting of information for FTA's fiscal year 2008 evaluations.

For more information contact Ron Fisher, Office of Planning and Environment, (202) 366-4033 or Ronald.Fisher@dot.gov. The *Federal Register* notice is available at http://www.access.gpo.gov/su_docs/fedreg/a060522c.html.

High Risk Rural Roads

FHWA ISSUES INTERIM GUIDANCE ON NEW SAFETY PROGRAM

The Federal Highway Administration has issued interim guidance on a new set-aside provision known as the High Risk Rural Roads Program. The Highway Safety Improvement Program (HSIP), codified as section 148 of title 23, United States Code (23 U.S.C. §148), was elevated to a core program with enactment of SAFETEA-LU.

SAFETEA-LU introduced a new set-aside provision, the High Risk Rural Roads Program, which is a component of HSIP and is set-aside after HSIP funds have been apportioned to the states. It provides \$90 million of HSIP apportionment per year for high risk rural roads (HRRR) highway safety improvement projects. Projects may be selected on any public HRRR to correct or improve hazardous road locations or features. The state's HSIP, including the HRRR element, shall consider the safety needs on all public roads, whether state or locally owned.

The interim guidance is available by visiting <http://safety.fhwa.dot.gov/safetealu/hrrrpattachment.htm>.

Transportation Financing

NEW COMMISSION MEETS TO DETERMINE FUTURE FUNDING SOLUTIONS

A new commission authorized by SAFETEA-LU to recommend solutions for growing funding and financing challenges of the nation's transportation system met for the first time on May 24.

The National Surface Transportation Policy and Revenue Study Commission is charged with conducting a comprehensive study of the current condition and future needs of the surface transportation system, including short-term sources of Highway Trust Fund revenues and long-term alternatives to replace or supplement the fuel tax as the principal revenue source to support the Trust Fund.

The meeting included reports from various experts. The Commission will continue working through the end of this year into next year, with a couple meetings planned during the summer and field hearings in the fall. The Commission is required to submit a report of findings and recommendations to Congress by July 1, 2007.

The twelve members of the commission are Frank Busalacchi, Wisconsin Secretary of Transportation; Rick Geddes, Director of Undergraduate Studies, Cornell University Department of Policy Analysis and Management; Steve Heminger, Executive Director, Metropolitan Transportation Commission; Frank McArdle, General Contractors Association of New York; Steve Odland, Chairman and CEO, Office Depot; Mary Peters, National Director of Transportation Policy, HDR; Patrick Quinn, Chairman, American Trucking Association; Matt Rose, CEO, Burlington Northern Santa Fe Railroad; Jack Schenendorf, Of Counsel, Covington & Burling; Tom Skancke, CEO, The Skancke Company; and Paul Weyrich, Chairman and CEO, Free Congress Foundation.

Interstate 50th Anniversary

WEBCAST OF HISTORIC INTERSTATE 50TH ANNIVERSARY CONVOY AVAILABLE

America's Interstate Highway System is turning 50 and National City Network (NCN), a new service of the National League of Cities, is connecting Americans to the celebration through its comprehensive online broadcast coverage of the American Association of State Highway and Transportation Officials' (AASHTO) coast-to-coast convoy, June 16-29, 2006. NCN's new Internet TV channel, www.ncntv.org, will stream exclusive video of convoy activities, including tales from the road, features on host cities and coverage of special guests and events.

The convoy will travel along I-80, retracing, in reverse, the arduous journey of the 1919 First Transcontinental Motor Train from Washington, D.C. to San Francisco, aboard which future President Dwight David Eisenhower first witnessed the need for a national highway system.

ENVIRONMENT



Photo courtesy of the Center for Urban Forest Research. Used with permission from the *APWA Reporter*.

Urban Forestry

APWA JOINS SUSTAINABLE URBAN FORESTS COALITION

APWA recently joined the Sustainable Urban Forests Coalition (SUFC) in an effort to aid in advancing a national agenda for well-managed urban and community forests. The SUFC is a national coalition, including such members as the Alliance for Community Trees, American Planning Association and Society of Municipal Arborists, united to advance a unified urban forest agenda for our nation's communities.

Urban forests include the aggregate of all community vegetation and green spaces in neighborhoods of large and small cities across the county and provide benefits essential to enriching community quality of life. The economic value of a well-managed urban forest includes increased property values, lower taxes, increased local economic development and a professional industry with the potential to employ many urban workers. In addition, cities with good environmental health attract the best and brightest workers which, in turn, attract businesses. Urban forests reduce infrastructure costs, providing cleaner air and water more efficiently and cost-effectively than traditional methods.

To work toward a vision of sustainable urban communities, SUFC believes it is necessary to focus on urban forests as critical components and indicators of healthy urban ecosystems. Americans from all walks of life, cultural and ethnic backgrounds and political persuasions care deeply about trees and forests. SUFC believes that actions to restore and maintain urban forest ecosystems represent a common objective among diverse interests and will find broad support in communities across the nation.

The Sustainable Urban Forests Coalition's agenda integrates our interests in urban areas, emphasizes the value of trees in sustaining well-managed ecosystems and communities and builds on broad-based public recognition that urban forests need restoration and stewardship. It presents a set of core values and goals that serve as a foundation for our policy activities, guiding our efforts to be proactive in the national public policy arena and in the arena of public opinion. It is an agenda that will change over time as we learn more about the social, economic and environmental benefits of urban forests.

Core Beliefs of SUFC

- Technical tools, information and financial assistance are essential to help communities assess ecological issues related to trees and forests and to plan and implement actions.
- The economic and social value of the ecological services provided by urban forests needs greater consideration in natural resource and city planning and decision-making.
- Long-term investment is needed to restore and maintain urban ecosystem health and to build the capacity of communities to care for their urban forests.
- Planning for ecosystem restoration should be done at a large enough scale to address the broad issues of ecological health.
- Restoration actions must focus on maintaining the capacity of ecosystems to provide ecological services for all species.
- Private landowners must be reached with information about the ecological importance of their lands

in the larger landscape and offered technical and financial assistance or incentives to help restore and maintain their lands in forest and conservation uses.

Policy Goals of SUFC

- Ensure every citizen has ready access to quality forests, green spaces and parks and that urban forests are managed to encourage greater physical activity to reduce chronic illness and disease risks.
- Increase support for research on the economic and social value of ecological services provided by urban forests.
- Increase technical and financial resources available to help communities assess ecosystem conditions and to plan and implement actions.
- Heighten recognition of the public benefits of the privately-owned portion of urban forests, estimated to be 90 percent of the resource and promote positive action by homeowners.
- Increase public and private investment in urban ecosystem restoration and in building the capacity of communities to maintain well-managed urban ecosystems.
- Promote policies that encourage collaboration among agencies, the private sector, and non-profit organizations.

Check the *Washington Report*, the APWA Web site and InfoNOW for updates on this initiative.

Urban Forestry Grant

U.S. SECRETARY OF AGRICULTURE AWARDS APWA WITH URBAN FORESTRY GRANT

APWA recently received a \$130,000 federal cost-share grant from the U.S.D.A. Forest Service. Among 12 organizations to receive grants for urban and community forestry projects nationwide, APWA will use the funds for a program titled, "Urban Forest Management and Public Works: Improving Communications and Building Capacity."

Selected in a competitive process based on criteria developed by the National Urban and Community Forestry Advisory Council (NUCFAC), APWA's project aims to enhance communications and interfacing among urban foresters and public works professionals through a series of reports, an educational campaign and other outreach projects.

For more information, contact Mark Tibbetts at (202) 218-6710 or mtibbetts@apwa.net, or Megan Zadecky at (202) 218-6712 or mzadecky@apwa.net.

Water Resources

HOPE CONTINUES FOR WRDA PASSAGE THIS YEAR

After six years and aggressive advocacy efforts for the past several months, hope remains for passage of the Water Resources Development Act (WRDA). The House passed its version of WRDA (HR 2854) last July and now the Senate seems poised to reach a deal on the few remaining points of contention thereby creating the possibility that S 728 will be brought to a vote by Majority Leader Bill Frist (R-TN). Concerns over the Army Corps of Engineers' (Corps) planning processes including amendments to mandate independent review of costly or controversial Corps' projects, establishing an objective prioritization process to aid Congress in funding decisions and provisions to ensure that mitigation for Corps' projects is consistent with state laws, have kept S 728 from moving forward.

S 728, like its counterpart in the House of Representatives, addresses and provides guidance on a number of policy issues, including the need to strengthen the Corps' feasibility study process, provide for meaningful project peer reviews and refine mitigation standards to embody sound ecological science. In addition, it will provide authorization for many important projects that have the potential to help enhance the economy, help ease growing congestion problems and provide for a better quality of life and environment.

Corps' reform advocates, led by Senators John McCain (R-AZ) and Russ Feingold (D-WI), have been holding up passage of WRDA as they push for a series of reforms to Corps procedures and policies that many waterways advocates see as slowing down an all ready burdensome project review process and will prove detrimental to the overall goal of enhancing and improving the Corps' operations. Senators Christopher S. Bond (R-MO) and James M. Inhofe (R-OK) have crafted an alternative set of amendments including provisions for greater peer review that will slow down the review process and prioritization reform provisions in an effort to reach a compromise with the Corps' reform advocates.

Negotiations continue this week and hope remains for passage of WRDA this year. Failure to reach a compromise and move S 728 to the floor within the next few weeks may, ultimately, mean that WRDA will not be reauthorized until after the Congressional elections this fall. Each year that passes without reauthorization of WRDA means that future WRDA bills will only increase in cost and complexity.

If you are interested in seeing WRDA reauthorized, contact your Senators and urge them to support S 728 and the Bond-Inhofe amendments. Also, encourage your members to convey their support for S 728 and the Bond-Inhofe amendments to Majority Leader Bill Frist so that he sees momentum gathering for a compromise and passage of WRDA as soon as possible.

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

Soil Erosion

NRCS FINDS SOIL EROSION DECLINING

Changes in land use coupled with conservation measures led to a 43 percent decline in soil erosion across all major river basins between 1982 and 2003, a national survey of conditions on non-federal lands shows.

The Natural Resource Conservation Service (NRCS) recently released the 2003 Annual Natural Resources Inventory. The Inventory found a 42 percent decline in soil erosion resulting from rainfall and runoff and a 44 percent decline in soil erosion from high winds across 12 major river basins spanning the 48 contiguous states. NRCS chose to study soil erosion because agricultural operations leading to increased runoff or increased air deposition are a chief source of sediment and nutrients found in the nation's waterways. Land uses were also examined because changes mirror changes in erosion potential, habitat and hydrological features of the landscape.

The report is available at <http://www.nrcs.usda.gov/technical/NRI>.

Water Pollution

EPA PROPOSES RULE ON WATER TRANSFERS

The Environmental Protection Agency (EPA) recently published a proposed rule clarifying whether water transfers require a Clean Water Act NPDES permit. The proposed rule, if adopted, would apply to water transfers through tunnels, channels or natural stream courses for public water supplies irrigation, power generation, flood control and environmental restoration. The proposed rule defines transfers as the movement of water between bodies of water without subjecting it to intervening industrial, municipal or chemical use. Water transfers can be simple, moving small quantities of water a short distance on the same stream, or very complex, like transporting large quantities of water over long distances such as the transfers used by New York City and Los Angeles to provide municipal water services to their residents.

Comments on the proposed rule must be received on or before July 24, 2006. Text of the proposed rule is available at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-8814.pdf>.

Drinking Water

EPA INTENDS TO SURVEY DRINKING WATER SYSTEMS ABOUT FINANCES

The Environmental Protection Agency (EPA) announced its intention to survey community drinking water systems to assess their financial situations and to gauge the effectiveness of EPA's activities to secure water utilities against terrorist and other attacks and natural disasters. The survey will ask about infrastructure costs such as treatment, storage and the distribution system, including operation and maintenance and repair and/ or replacement, costs. EPA plans to send 15,000 surveys to a representative sampling of nearly 53,000 drinking water utilities nationwide. The survey is required every 5 years under the Safe Drinking Water Act.

Water Security

SENATE EPW APPROVES WASTEWATER TREATMENT WORKS SECURITY ACT

The Senate Environment and Public Works Committee approved legislation that would encourage cities and towns to assess the vulnerability of their sewage treatment plants to terrorist attacks and/ or natural disasters. The Wastewater Treatment Works Security Act, S 2782, offers financial aid to utilities to complete vulnerability assessments. The bill would authorize \$220 million to EPA for wastewater security improvements, including grants for vulnerability assessments and security upgrades and technical assistance for small treatment plants.

The text of the bill is available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s2781is.txt.pdf.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

FEMA

COMPETING FEMA BILLS IN HOUSE

Recently, APWA has been involved with the introduction of two bills in the House of Representatives that and seek to "fix" the Federal Emergency Management Agency (FEMA) by addressing some of the concerns raised about the agency in the wake of Hurricane Katrina.

The first bill, [H.R. 5316](#) (RESPOND Act of 2006), introduced by Chairman Don Young (R-AK) of the House Committee on Transportation and Infrastructure (T&I Committee), seeks to reestablish FEMA as a cabinet-level independent establishment in the executive branch responsible for the Nation's preparedness for, response to, recovery from and mitigation against disasters.

According to the T&I Committee, the RESPOND Act "establishes FEMA as the lead organization for the federal government's efforts to prepare for, mitigate against, respond to and recover from all hazards." The bill also would establish a "National Emergency Preparedness System...as an all hazards, comprehensive emergency preparedness system for federal, state and local levels of government." Additionally, the measure creates an emergency task force that includes public works, training and exercises programs and a long-term recovery office.

The second bill, [H.R. 5351](#) (the National Emergency Management Reform and Enhancement Act of 2006), was introduced by Chairman David Reichert (R-WA) of the House Homeland Security Subcommittee on Emergency Preparedness, Science and Technology. This legislation will turn FEMA into a new Directorate of Emergency Management, but keep it within the Department of Homeland Security (DHS).

Chairman Reichert believes that "strengthening FEMA within DHS is the fastest, most efficient way to make the necessary improvements within FEMA and improve our national disaster response." His bill seeks to restore the nexus between emergency preparedness and response by consolidating the Department's Directorate of Preparedness with FEMA to establish the Directorate of Emergency Management.

Among other things, the National Emergency Management Reform and Enhancement Act would give the new Undersecretary a direct report to the President during national disasters, prohibit DHS from reprogramming funds that have already been allocated to FEMA without Congressional consent and require that appointment-level officials possess a background in emergency management or other related field.

UTILITIES & PUBLIC RIGHTS-OF-WAY

Communications Act

HOUSE PASSES COMMUNICATIONS BILL

On June 8 the House of Representatives approved legislation allowing telephone companies to obtain a national franchise to offer video service. The Communications, Opportunity, Promotion and Enhancement Act of 2006, COPE (HR 5252), passed by a vote of 321-101.

APWA and local government organizations oppose the bill because it would strip local governments of their authority to franchise the use of their rights-of-way for video/cable services and would give that authority to the Federal Communications Commission (FCC) in Washington, D.C.

In the Senate, Commerce, Science and Transportation Committee Chairman Ted Stevens (R-AK) postponed Committee markup of his communications bill, the Communications, Consumer's Choice and Broadband Deployment Act of 2006 (S 2686), until late June and is redrafting it in response to concerns local governments expressed that his plan to streamline the franchising process would strip local governments of their franchising and rights-of-way authority.

As originally drafted, Steven's bill would require localities to process a franchise within 30 days after an application is filed by a telephone company interested in providing video services, or the franchise would be automatically granted. The bill also addresses a number of other issues, including the universal service fund and net neutrality.

Local governments are concerned that the draft, while ostensibly preserving local franchising authority, in effect strips local authority and grants it to the FCC to determine virtually all franchise terms, and sends all rights-of-way disputes to the FCC, not the courts, which is the current practice

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