

# APWA Washington REPORT

## INTERGOVERNMENTAL

July 2003

### FY04 Budget

#### **AFTER SLOW START, APPROPRIATIONS PROCESS GETS UNDERWAY**

Just weeks before recessing for the Independence Day holiday, the House and Senate began the process of passing the fiscal year (FY04) spending bills. FY04 begins October 1, 2003. Two bills have been approved by the full House of Representatives, the Department of Homeland Security and Military Construction. No bills have yet reached the Senate floor. The following chart shows the status of the 13 annual appropriations bills:

**Status of FY04 Appropriations Bills**  
checkmark indicates approval

Appropriations Bill	House Committee Approval	House Passage	Senate Committee Approval	Senate Passage	House Conference Approval	Senate Conference Approval	Signed into Law
Agriculture	✓						
Commerce/Justice/State/Judiciary							
Defense	✓						
District of Columbia							
Energy & Water							
Foreign Operations							
Homeland Security	✓	✓	✓				
Interior	✓						
Labor/HHS/Education	✓		✓				
Legislative Branch	✓						
Military Construction	✓	✓	✓				
Transportation/Treasury							
VA/HUD/Independent Agencies							

The annual appropriations process is behind schedule this year due to a delay in providing the discretionary budget allocations to each of the 13 Appropriations Subcommittees responsible for drafting spending bills. Those allocations are determined by the full Appropriations Committee of each chamber. Subcommittees need individual allocations in order to draft spending bills for the federal agencies and programs under their jurisdiction.

Although Congress did complete a budget agreement setting total discretionary spending caps for FY04 earlier this year, tight budgetary conditions delayed an agreement on how the cap would be divided among subcommittees. Under the budget agreement, the House and Senate established a discretionary budget cap higher than FY03's level by three percent, but priority-setting reduced several subcommittees-- Agriculture, Interior, Military Construction and Transportation and Treasury-- below last year's level.

### **INSIDE YOU'LL FIND...**

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## **Infrastructure Safety and Security**

### **HOUSE DEMOCRATS SEEK \$50 BILLION BROAD-BASED INFRASTRUCTURE BILL**

House Transportation and Infrastructure Committee Ranking Member Jim Oberstar (D-MN) and committee members Representatives Jerry Costello (D-IL), Bob Menendez (D-NJ), Lincoln Davis (D-TN) and Earl Blumenaur (D-OR) June 27 introduced HR 2615, the Rebuild America Act of 2003.

The bill seeks to provide funding to enhance the safety, security, and efficiency of the nation's highways, transit, aviation, rail, port, environmental, and public buildings infrastructure.

The bill's sponsors expect it will create 3.2 million construction related jobs and stimulate \$310 billion in economic activity. The bill would help assist projects around the country that are essentially ready to go and are waiting for funding. States and localities would be given two years (an extended amount of time) to meet matching requirements. According to the American Association of State Highway and Transportation Officials (AASHTO), the states have 2,710 highway projects, totaling \$17 billion, that are ready to go to construction in 90 days should money become available.

The Congressmen believe that by leveraging the federal investments, the 10-year cost to the Treasury is less than \$34 billion. The cost would be funded through \$9.6 billion from existing balances in the Highway, Aviation, Harbor Maintenance, and Inland Waterway Trust Funds, \$4.5 billion from changes to the tax code, and \$19.5 billion from the general fund. The legislation would provide:

- \$14 billion for high-speed rail
- \$11.5 billion for environmental infrastructure
- \$7.5 billion for passenger and freight rail
- \$5 billion for highways,
- \$3 billion in transit capital and operation grants
- \$3 billion for aviation
- \$2.5 billion for port security
- \$1.5 billion for water resources infrastructure
- \$1.5 billion for economic development
- \$500 million for repairing federal buildings.

## **TRANSPORTATION**

### **TEA-21 Reauthorization Action**

#### **SENATE COMMITTEE INCREASES SAFETY FUNDING FOR TEA-21 REWRITE**

The Senate Commerce, Science and Transportation Committee took the first step in the process to reauthorize the *Transportation Equity Act for the 21<sup>st</sup> Century* (TEA-21) by approving a bill which would increase funding for highway safety programs from \$2.8 billion to \$3.2 billion over six years.

The Commerce Committee bill, titled *the Surface Transportation Safety Reauthorization Act of 2003*, represents the safety component of broader TEA-21 reauthorization legislation which is expected to be taken up later this year in the Senate.

The Senate Environment and Public Works Committee is drafting a bill to reauthorize highway programs, and the Senate Banking, Housing and Urban Affairs Committee is writing a bill to reauthorize public transportation programs. (TEA-21, which authorized \$218 billion over six years for federal surface transportation programs, expires on September 30, 2003).

The Commerce Committee bill, passed June 26, 2003, reauthorizes highway safety programs administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration. The bill includes provisions to:

- limit truck trailer lengths on the National Highway System;
- \$633 million in grants to reduce impaired driving;
- \$750 million for vehicle occupant protection programs.

During the committee markup, the bill was unexpectedly amended to reauthorize Amtrak at \$2 billion annually for six years. Both the House and Senate this year are considering rail legislation, including Amtrak reauthorization.

### **TEA 21 Reauthorization Future Action**

#### **MUCH ACTIVITY EXPECTED BEFORE AUGUST RECESS**

Additional action to reauthorize TEA-21 is expected sometime after Congress returns from its Independence Day recess the week of July 7, 2003. The Senate Environment and Public Works Committee plans to mark up the highway component as early as the first week back in Washington, DC.

Senate leadership has tentatively reserved the week of July 21st for full Senate floor consideration of the highway, transit and safety components of a reauthorization package. The House of Representatives target is to have a bill to the House floor before the August recess.

Senate authorizers support a \$311 billion bill, while House authorizers support a \$375 billion bill. The Bush Administration reiterated its opposition in June to increasing or indexing motor fuel taxes. The Administration released its \$247-billion reauthorization proposal, the *Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003* (SAFETEA) in May 2003.

### **AIR-21 Reauthorization**

#### **HOUSE AND SENATE AVIATION BILLS INCREASE FUNDING FOR AIRPORTS**

As part of a package to reauthorize federal aviation programs, the full House and Senate each gave approval to separate bills to:

- provide increased federal funding for airport needs;
- extend budgetary protections for airport funding;
- Streamline the process for approving airport projects.

However, provisions to prohibit privatization of federal air traffic controllers in the two bills drew a possible veto threat from the Bush Administration.

The House of Representatives voted 418-8 on June 11, 2003 to approve a four-year, \$59 billion bill, H.R. 2115, the *Flight 100-Century of Aviation Reauthorization Act* (Flight-100). The Senate the next day passed a three-year, \$43.5 billion bill, S. 824, the *Aviation Investment and Revitalization Vision Act* (AIR-Vision), by a vote of 94-0.

The two bills will be reconciled in a conference committee. A conference report could be ready for a vote by both chambers before the August recess. The current aviation law, the *Aviation Investment and Reform Act for the 21<sup>st</sup> Century*, AIR-21, expires on September 30, 2003.

Flight-100 increases funding for the Airport Improvement Program (AIP) to \$14.8 billion over three years, with annual funding growing from the current level of \$3.4 billion to \$4 billion by 2007. AIP provides grants to airports for construction improvements.

In addition, the House measure includes \$31.3 billion for Federal Aviation Administration (FAA) programs, \$12 billion for FAA air traffic control system enhancements and \$115 million for the Essential Air Service (EAS) program. Earlier provisions in the committee bill to require a local match under the EAS program were dropped. The bill also includes adding 12 new slots for long-haul flights at Ronald Reagan Washington National Airport in Washington, DC and eight new slots for flights within its 1,250 mile perimeter.

The Senate's bill, AIR-Vision, increases funding for AIP from its current level of \$3.4 billion to \$3.6 billion by 2007, for a total \$10.5 billion over three years. It also provides \$23.2 billion for FAA operations, \$8.9 billion for FAA air traffic control systems and \$900 million for research, engineering and development. AIR-Vision also authorizes \$500 million for an aviation security capital fund and funds the EAS program at \$113 million annually.

Unlike the House bill, the Senate bill does not contain provisions to add 12 new long-haul slots at Reagan Washington National Airport. As part of an agreement to bring the bill to the Senate floor, that provision was dropped.

### **Transportation for Nation's Disadvantaged**

#### **GAO STUDY CITES NEED TO IMPROVE FEDERAL AGENCY COORDINATION**

A new United States General Accounting Office study says that the four principal federal agencies which provide transportation services for the elderly, disabled and poor need to improve interagency coordination. The study reports that some coordination exists, but that impediments stand in the way.

The report, *Transportation-Disadvantaged Populations: Some Coordination Efforts Among Programs Providing Transportation Services, but Obstacles Persist*, notes that 62 federal programs fund transportation services for the transportation-disadvantaged. The four key agencies providing these services are the Departments of Health and Human Services, Labor, Education and Transportation.

The study points out that the amount that is spent on the 62 programs is not known, but available information on 29 programs shows that federal agencies spent at least \$2.4 billion on transportation services for the disadvantaged in 2001.

Efforts to improve services and achieve cost savings vary, the study also notes. The Coordinating Council on Access and Mobility, which includes representation from the Departments of Health and Human Services and Transportation, has undertaken efforts at improved coordination.

Obstacles which impede coordination include concern among administrators that their own program participants might be negatively affected, program rules that limit use by others and limited guidance and information on coordination.

The GAO's recommendations for improving coordination include: that the Departments of Labor and Education join the Coordinating Council on Access and Mobility; that the four principal agencies strengthen the Coordinating Councils strategic plan; that the agencies include long-term goals and measures for coordination in their agencies strategic and annual performance plans; and that the agencies develop and distribute additional guidance and information to encourage coordination. *The report, numbered GAO-03-697, is available on the GAO's website, [www.gao.gov](http://www.gao.gov)*

APWA staff is working with the Federal Transit Administration (FTA) and other stakeholder associations to further coordination on the federal, state and local level. *For more information contact Beth Denniston in APWA's Washington office at 202-408-9541 or [bdenniston@apwa.net](mailto:bdenniston@apwa.net).*

### **Environmental Streamlining**

#### **GAO REPORT ASSESSES VIEWS ON PROJECT DELIVERY DELAYS**

A recent United States General Accounting Office (GAO) study assessing perspectives on environmental streamlining reports that stakeholder views differ as to the reasons for the length of time required to conduct environmental reviews for certain transportation projects.

A majority of environmental stakeholders indicated to GAO that state departments of transportation waited too long to consider environmental impacts and to involve important stakeholders. In contrast, a majority of transportation improvement stakeholders said that state departments of transportation and federal resource agencies lack sufficient staff to handle their workloads.

In its report, *Highway Infrastructure: Stakeholders' Views on Time to Conduct Environmental Reviews of Highway Projects*, GAO obtained stakeholder views from 16 transportation improvement and 12 environmental officials from a variety of federal, state, and private organizations with responsibilities for or interests in constructing federally funded highways.

The report notes that for the three percent of highway projects with expected significant environmental impacts, states conduct extensive environmental review, including evaluating all reasonable alternatives and their environmental impacts and consult with resource agencies. *The report, numbered GAO0-03-534, is available on GAO's website, <http://www.gao.gov>.*

## **Environmental Impact Statements**

### **FHWA STUDY SHOWCASES STREAMLINING TECHNIQUES**

The Federal Highway Administration (FHWA) has released a new study on the techniques used to streamline the environmental review process for transportation projects. For FHWA projects completed in the 1990s, the mean length of time to complete the Environmental Impact Statement (EIS) process was approximately 60 months. The FHWA study focused on eight projects that completed the EIS process in 33 months or less.

The study, *Successful Efforts in Environmental Streamlining: Eight Case Studies in Project Development*, showcases the techniques each of the eight projects used to achieve streamlining success. Each of the eight projects used approaches which included:

- using studies and analyses performed prior to the formal NEPA process
- actively involving the community and political leaders to garner project support
- fostering interagency coordination through frequent meetings, concurrent reviews, and formal and informal interagency agreements.

More information is available at: <http://www.fhwa.dot.gov/environment/strmlng/jun03nl.htm>.

## **Transportation Conformity**

### **EPA AMENDS RULE GOVERNING TRANSPORTATION PLANS/AIR QUALITY GOALS**

The US Environmental Protection Agency (EPA) announced that it is proposing to amend the regulation under which transportation plans must conform to state air quality goals, known as transportation conformity.

Consistent with a March 1999 Circuit court ruling and with existing federal guidance on transportation conformity, EPA is proposing that certain federal and non-federal highway and transit projects cannot be advanced in areas without a currently conforming transportation plan and transportation improvement program (TIP), unless they have previously received appropriate approvals and funding commitments.

EPA is accepting comments until July 30, 2003 on its proposal, which was published June 30, 2003 in the *Federal Register*. Contact Angela Spickard, EPA, Ann Arbor, MI, [spickard.angela@epa.gov](mailto:spickard.angela@epa.gov), 734-214-4283; or, Meg Patulski, EPA, Ann Arbor, MI, [patulski.meg@epa.gov](mailto:patulski.meg@epa.gov), 734-214-4842 for more information.

## **ENVIRONMENT**

### **Air Quality**

#### **EPA ISSUES PROPOSAL TO IMPLEMENT 8-HOUR OZONE STANDARD**

The US Environmental Protection Agency (EPA) has proposed a rule that outlines steps certain areas would have to take to meet the national health-based eight-hour ozone standard. EPA issued the 8-hour ozone standard in 1997, but litigation delayed its implementation for several years.

EPA's proposal marks the last step the courts required EPA to take in order to implement the standard.

The proposal seeks comment on options for planning and control requirements, along with options for making the transition from the one-hour ozone standard to the eight-hour standard. The proposal does not designate non-attainment areas. Designations for non-attainment areas will occur by April 15, 2004, under a separate process.

EPA is proposing two discrete frameworks to implement the 8-hour ozone national ambient air quality standard (NAAQS), so that states may know which statutory requirements apply for purposes of developing state implementation plans (SIPs). The intended effect of the rule is to provide certainty to states regarding their planning obligations such that states may begin SIP development upon designation and classification for the 8-hour standard. Following are the principles EPA used to develop the frameworks:

- protect public health;
- provide incentives for expeditious attainment of the 8-hour ozone standard and avoid incentives for delay;
- provide reasonable but expeditious attainment deadlines;
- have a basic, straightforward structure that can be communicated easily;

- provide flexibility to States and EPA on implementation approaches and control measures while ensuring that the CAA supports the implementation strategy;
- emphasize national and regional measures to help areas come into attainment and, where possible, reduce the need for those local controls that are more expensive than national and regional measures;
- provide a smooth transition from implementation of the 1-hour ozone NAAQS to implementation of the 8-hour ozone NAAQS.

The two frameworks being proposed are based on two different classification options. Classification option 2 provides more flexibility to states and tribes as they address their unique air quality problems. This is likely to allow some areas to attain the standard at a lower cost. Classification option 1 is considered to be less complex and may be easier to communicate.

Comments must be received on or before August 1, 2003. All comments should be submitted to Docket #OAR 2003-0079, by e-mail at [A-and-R-Docket@epa.gov](mailto:A-and-R-Docket@epa.gov). A variety of background materials regarding implementation options are available on the Web site: <http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr>. *The proposal is available on EPA's website: <http://www.epa.gov/airlinks/ozoneproposedrule.pdf>. Instructions for submitting comments are at: <http://www.epa.gov/airlinks/commentinstructions.pdf>.*

### **Clean Water**

#### **EPA REPORTS DRINKING WATER ASSESSMENTS NEARLY COMPLETE**

Of the required 52,000 assessments of U.S. lakes, reservoirs, rivers and aquifers that provide the nation's drinking water, nearly 62 percent are complete, according to EPA officials.

The Safe Drinking Water Act (SDWA) amendments of 1996 required assessments to be completed by the end of 2003. To date, 32,000 community water system assessments have been completed. The SDWA requires all community water systems in the United States to identify potential contamination sources by conducting source water assessments.

### **Water Security**

#### **DRINKING WATER PROTECTION FLYERS AVAILABLE**

The Office of Water's Drinking Water Protection Division Outreach Team has designed drinking water security flyers that could be used by law enforcement, water utilities, and community groups, to help remind the public to report suspicious activity at reservoirs, water treatment plants, wastewater treatment plants, etc. *For more information, please contact Susan Dolgin at 202-564-9895. Flyers can be accessed and downloaded from the security website:*

<http://www.epa.gov/safewater/security/flyers/>.

### **Arsenic Concentration**

#### **US EPA ANNOUNCES ARSENIC TREATMENT DEMONSTRATION**

Through a demonstration program, the US EPA intends to identify and evaluate the ability of commercially available technologies and engineering or other approaches to cost effectively meet the new arsenic standard of 10ug/l in small water systems (10,000 customers).

The US EPA is inviting the public at large, governmental and regulatory agencies, public health agencies, and drinking water utilities to identify affected small water utilities that may be interested in hosting a demonstration at their facility. (Utilities responding to the March 28, 2003 notice do not need to resubmit).

*Please submit the requested information by July 15, 2003. Details on participation in the study can be found at: <http://www.epa.gov.ORD/NRMRL/arsenic/>.*

### **Electronic Product Recycling**

#### **CALIFORNIA E-WASTE BILL MOVING FORWARD**

A bill establishing a recycling fee to be paid by the manufacturers of cathode ray tubes (CRTs) used in television sets and computer monitors has passed in two California Senate committees. California law currently does not allow CRT waste to be disposed of in landfills.

The bill, SB 20, sponsored by Senator Byron Sher amends a similar bill authored by Sher last year that was vetoed by Governor Davis. That bill would have imposed a \$10 fee on consumers at the point of sale and would have funded e-waste recycling. The new measure establishes curbside pickup or drop-off points at retail stores for old computer monitors and televisions. Manufacturers would build collection and recycling costs into the product's price.

### **Yard Waste**

#### **IOWA CONSIDERS AMENDING YARD WASTE TRIMMINGS DISPOSAL BAN**

In a letter to Iowa Governor Tom Vilsack, eight national, state and local recycling and environmental organizations have urged him to veto a bill lifting the ban on yard waste disposal in landfills. Amending current Iowa law, the bill would allow grass and leaves to be disposed of at the Des Moines landfill instead of being composted.

The letter stated that the proposal would "overturn source separation programs for composting yard trimmings and an Iowa ban on yard waste trimmings in landfills. The program has substantially reduced the need for additional landfills.

### **Wastewater Solutions**

#### **SMALL COMMUNITY WASTEWATER SOLUTIONS BOOK AVAILABLE**

Titled "Small Community Wastewater Solutions: A Guide to Making Treatment, Management and Financing Decisions," (Item #FMBKGN210) a new publication, is available to help property owners, local officials and other community leaders, researchers, the general public, planners, managers, state officials, public health officials, and finance officers make decisions with respect to solving their wastewater problems. The cost of this book is \$19.50. *To place your order call (800) 624-8301 or (304) 293-4191; fax to (304) 293-3161 or email:*

[nsfcorders@mail.nesc.wvu.edu](mailto:nsfcorders@mail.nesc.wvu.edu) *To learn more about other National Small Flows Clearinghouse, products visit* [http://www.nesc.wvu.edu/nsfc/nsfc\\_new\\_products.htm](http://www.nesc.wvu.edu/nsfc/nsfc_new_products.htm).

### **Environmental Institute**

#### **WATER AND WASTEWATER ISSUES FEATURED**

The National Environmental Training Center for Small Communities' (NETCSC) is holding its Fourth Annual "Institute" on the West Virginia University campus in Morgantown, WV, July 29-August 1, 2003. The full schedule for NETCSC's 2003 Institute "Protecting Public Health: Water and Wastewater Solutions for a New Era" is at <http://www.nesc.wvu.edu/netcsc/Institute03/INSTITUTE2003MAINPAGE1.htm>.

*To register or to request a brochure, call Sandy Miller, NETCSC conference coordinator, at (800) 624-8301, ext. 5536 or via e-mail [atsmiller2@wvu.edu](mailto:atsmiller2@wvu.edu). See NETCSC's Web site a <http://www.nesc.wvu.edu/netcsc> for more information.*

### **Stormwater**

#### **EPA ISSUES CONSTRUCTION GENERAL PERMIT**

EPA's Construction General Permit was published in the Federal Register today and covers all construction activity on sites one acre or larger (or smaller sites that are part of a larger common plan of development or sale) in states, territories, and Native American lands where EPA is the permitting authority.

The new permit implements Phase II of the NPDES Stormwater Regulations which contains new requirements for construction sites between one and five acres. (Construction sites that are five acres or larger were regulated previously under Phase I of the program and earlier construction general permits.) Under this Permit, construction site operators will need to develop and implement stormwater pollution prevention plans and file a "Notice of Intent" form at least 7 days prior to initiation of land-disturbing activities. For more information, see <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>.

### **NPDES Permits**

#### **DOCUMENTS AVAILABLE ONLINE FROM US EPA**

EPA is making electronic copies of NPDES permits and fact sheets for major facilities available online. Permit documents are now available through "Envirofacts" for about 450 facilities that have had their NPDES permits issued or reissued since November 1, 2002. EPA will continue to post copies of permits and fact sheets for major industrial and municipal facilities as existing permits are reissued and new permits are issued.

For more information about this APWA project and detailed instructions on how to access the documents, see <http://cfpub.epa.gov/npdes/permitissuance/permitscanning.cfm>.

## EMERGENCY MANAGEMENT/DISASTER MITIGATION

### Homeland Security

#### **SENATE COMMITTEE APPROVES HOMELAND SECURITY LEGISLATION**

The Senate Governmental Affairs Committee in June passed S. 1245, the Homeland Security Grant Enhancement Act. Introduced by Senator. Susan Collins (R-ME), the legislation has not been scheduled to come to the Senate floor. A similar bill does not exist in the House.

The proposed legislation would streamline the application and planning process for homeland security grants. It also:

- Establishes an interagency committee makes recommendations for coordinating and simplifying the grant process.
- Moves the office of Domestic Preparedness within the Department of Homeland Security over to the Office of State and Local Government Coordination to oversee the grants program.
- Creates a Homeland Security Information Clearinghouse to assist States, local governments and first responders.
- Establishes detailed guidance on how grants may be used.
- Permits flexibility in the way unspent funds are handled.

### Surface Transportation Security

#### **NEW WEBSITE AVAILABLE TO HELP STATE/LOCAL AGENCIES MANAGE SECURITY**

The Federal Highway Administration (FHWA) has a new website to provide state and local agencies simple access to information on improving security in the operation of the surface transportation system.

The new "FHWA Operations Security" website is intended to help state and local transportation agencies develop initiatives to improve security through effective planning, operation and application of technology. The website is available at: <http://www.ops.fhwa.dot.gov/OpsSecurity/>.

### Pre-Disaster Mitigation Program

#### **FEMA ANNOUNCES FUNDS FOR RISK REDUCTION PROGRAMS**

More than \$131 million will be available for the competitive predisaster mitigation (PDM) grants program. The Federal Emergency Management Agency (FEMA) will provide PDM funds to assist States and communities to implement a sustained pre-disaster natural hazard mitigation program to reduce overall risk to the population and structures.

For FY03, these funds will be awarded on a competitive basis with a National priority on mitigation projects that address the National Flood Insurance Program (NFIP) repetitive flood loss properties.

Applications are due to the appropriate FEMA regional office by October 6, 2003. The competitive predisaster mitigation grants are only available through the state emergency management agency or similar agency (DC, the territories, and Indian Tribal governments are also eligible). Grant recipients are authorized to pass funding through to local governments as sub-grantees. Grants are limited to \$3 million per project.

*For further information, contact Karen Magnino, Program Planning Branch, Mitigation Division, FEMA 500 C Street, SW Room 444, Washington, DC 20472, 202-646-3807 or [Karen.Magnino@dhs.gov](mailto:Karen.Magnino@dhs.gov).*

### FloodMaps

#### **FEMA PLANNING GRANTS AVAILABLE TO STATES AND TERRITORIES**

FEMA is offering \$1.7 million to states and U.S. territories to support the Flood Map Modernization program. Each state will use the money to develop a multi-year business case that will outline a strategy for managing funding to implement map modernization and increase state and local capability for developing and maintaining flood hazard data.

**Contributors to this month's Washington Report were: Beth Denniston, Jim Fahey and Heather McTavish.**

**The APWA Washington Report is edited by Beth Denniston**

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