

APWA Washington REPORT

October 2002

INTERGOVERNMENTAL

APWA Policy Advocacy

BOARD ADOPTS ADVOCACY PRIORITIES FOR 2003

The Board of Directors approved APWA's national advocacy priorities for 2003 and the remainder of 2002. The priorities were officially adopted during the APWA International Public Works Congress & Exposition in Kansas City, MO on September 25, 2002.

The priorities look ahead to the issues of 2003 and continue the strong emphasis on core public works advocacy efforts, including transportation funding and reauthorization of TEA-21; investment in wastewater, drinking water and stormwater infrastructure and services; emergency preparedness, response and infrastructure protection; and local control of the public-rights-of-way. The priorities were recommended to the Board by the Government Affairs Committee.

For 2003, the priorities are:

Full Funding for Transportation Programs

Objective: Increase federal investment in transportation infrastructure and programs; protect the integrity of transportation trust funds and the framework of TEA-21.

Implementation and Reauthorization of TEA-21

Objective: Support the full and timely implementation of TEA-21 and its reauthorization.

Wastewater and Drinking Water Infrastructure Funding

Objective: Increase the federal investment in wastewater and drinking water infrastructure.

Comprehensive Stormwater Management and Funding

Objectives: Support solutions that promote a comprehensive approach to stormwater management that recognizes the quality of life benefits associated with such actions. Support funding for the research pilot projects that support the development of best management practices.

Federal Emergency Relief Funding

Objective: Achieve increased funding for local agencies, more rapid disbursement of funding and quicker response in pre- and post-disaster events.

Air Quality Standards

Objective: Support solutions that protect air quality and promote the efficient and cost-effective delivery of public works services.

Local Control of Public Rights-of-Way

Objective: Protect local control over public rights-of-way.

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Security of Public Works Facilities and Systems

Objective: Support implementation of security measures necessary to protect the public with required funding.

In addition to adopting advocacy priorities, the Board of Directors reaffirmed the three overarching principles which guide member advocacy efforts and serve to define the essential goals of APWA's advocacy priorities. They are: 1) Support for adequate investment in public infrastructure; 2) Respect for local authority; and 3) Reasonable regulations and protection from unfunded mandates.

APWA will communicate the principles and priorities to policymakers and legislators through the work of the various APWA committees, chapters and task forces and through the recently established Legislative Advocacy Task Force, a grassroots network of APWA members formed to advocate on behalf of public works issues. You can find out more about the Legislative Advocacy Task Force, the Government Affairs Committee or APWA's advocacy programs and efforts on APWA's website, www.apwa.net/govtaffairs, or by contacting the Washington office at 202-408-9541.

FY03 Appropriations

WITH NO SPENDING BILLS DONE, CONGRESS PASSES INTERIM FUNDING BILLS

Unable to complete any of the 13 appropriations bills this year, Congress is keeping the government operating in the new fiscal year, which began October 1, through passage of short-term spending bills, known as continuing resolutions (CR). The House and Senate approved a second CR October 3 to keep the government running from October 5 until October 11. The CRs are funding federal programs at last fiscal year's levels. Discussions continue over the length of a third CR, including options that could extend a CR into next year, when a new Congress convenes.

Neither chamber has passed an appropriations bill since returning from the August recess in early September. Just five bills have been passed this year in the House of Representatives, the Defense, Interior, Legislative Branch, Military Construction and Treasury/Postal bills. The Senate has further to go, having completed only three bills this year, the Legislative Branch, Military Construction and Defense bills.

Status of FY2003 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			✓				
Defense	✓	✓	✓	✓			
District of Columbia	✓		✓				
Energy & Water	✓		✓				
Foreign Operations	✓		✓				
Interior	✓	✓	✓				
Labor/HHS/ Education			✓				
Legislative Branch	✓	✓	✓	✓			
Military Construction	✓	✓	✓	✓			
Transportation	✓		✓				
Treasury/Postal	✓	✓	✓				
VA/HUD/ Independent Agencies	✓		✓				

Energy Bill

CONFEREES STRUGGLE TO REACH AGREEMENT BEFORE ADJOURNMENT

Unresolved controversial issues continue to impede progress toward completing energy legislation before Congress adjourns. Some conferees were holding out hope for an agreement if negotiations were allowed to continue beyond the middle of October. The \$19.7 billion, five-year energy bill includes provisions for conservation, alternative fuels and energy tax incentives, but differences over oil drilling and exploration in the Arctic National Wildlife Refuge, renewable energy mandates and electricity provisions are holding up completion of a conference report.

Public Rights-of-Way

FCC TO HOLD PUBLIC FORUM ON RIGHTS-OF-WAY MANAGEMENT ISSUES

The Federal Communications Commission (FCC) is holding a public forum on October 16 from 9:00 a.m. - 4:00 p.m. to discuss issues relating to rights-of-way management. Issues to be discussed include the jurisdictional question regarding state/local vs. federal authority; fair and reasonable compensation for use of rights-of-way; perspectives from the administration; and policy approaches to rights-of-way management.

A real-time audio portion of the public forum will be available via the FCC Internet Audio Broadcast Home page. The agenda and instructions and information regarding the equipment and software needed to access RealAudio are available on the FCC Internet Audio Broadcast Home Page at www.fcc.gov/realaudio. Forum participants will be announced in a later public notice.

TRANSPORTATION

Transportation Funding

HOUSE PANEL APPROVES \$60 BILLION FOR FY03 DOT BUDGET

Recently the House Appropriations Committee passed its version of the fiscal year 2003 (FY '03) transportation spending bill, recommending a funding level of \$60 billion. The future of the bill (HR 5559) is uncertain. If enacted, the bill would set spending for the core federal-aid highway program at \$27.7 billion, which is \$4.6 billion below the Senate's recommendations and \$4 billion above the President's request. A brief breakdown of some of the Committee's transportation spending recommendations is listed below:

- \$7.23 billion for the Federal Transit Administration
- \$13.6 billion for the Federal Aviation Administration
- \$762.5 million for Amtrak
- \$5.1 billion to the Transportation Security Administration
- \$957 million for the Federal Railroad Administration
- \$58.7 million for the Office of Pipeline Safety

The Senate Appropriations Committee passed its version of the FY '03 transportation spending bill (S. 2808) in July. The Senate Committee's recommendations would set spending at a total of \$64.66 billion. A brief breakdown of some of the Committee's recommended funding levels is below:

- \$7.326 billion for the Federal Transit Administration,
- \$13.59 billion for the Federal Aviation Administration
- \$1.2 billion for Amtrak
- \$4.95 billion for the Transportation Security Administration
- \$1.4 billion for the Federal Railroad Administration
- \$63.2 million for the Office of Pipeline Safety

TEA-21 Reauthorization

APWA PRESIDENT MEETS WITH SEN. REID AND FHWA ADMINISTRATOR PETERS

APWA President Marty Manning recently met in Washington, DC with Senate Majority Whip Harry Reid (D-NV) and Federal Highway Administrator Mary Peters to discuss APWA's priorities for reauthorization of TEA-21.

During his meeting with Administrator Peters, President Manning focused on increased funding, flexibility and timely project delivery, the three priorities APWA has identified for reauthorization. The legislation is set to expire on September 30, 2003. Further, President Manning discussed the value of the strong partnership APWA enjoys with FHWA. The formal partnership between APWA and FHWA was renewed this past April.

Administrator Peters mentioned that the agency is presently drafting its TEA-21 Reauthorization proposal and will forward it onto the Office of Management and Budget for financial scoring in the coming weeks. Administrator Peters also stated that FHWA welcomes input from APWA and will continue to work closely with the organization as the process moves forward.

In his meeting with Senator Reid, President Manning informed the Senator about the identified priorities APWA has adopted to promote during TEA-21 reauthorization. Mr. Manning also offered the expertise of the APWA membership to the Senator on legislation impacting public works. Senator Reid stated that at this point the biggest concern for the reauthorization of TEA-21 is finding the needed funding. Senator Reid is Chairman of the Senate Environment & Public Works Subcommittee on Transportation, Infrastructure and Nuclear Safety, a key committee with jurisdiction over the reauthorization of TEA-21.

Environmental Streamlining

PRESIDENTIAL ORDER CREATES TASK FORCE TO EXPEDITE TRANSPORTATION PROJECTS

The Bush Administration has created a Cabinet-level task force intended to allow environmentally sound transportation projects to move forward. The President issued an executive order on September 18, creating the task force and outlining its mission to identify and expedite transportation projects that are caught up unnecessarily in an inefficient review process.

In addition, the executive order will also withdraw the environmental review and planning regulations that were proposed by the Clinton Administration. APWA has been asked by the Secretary of Transportation Norman Y. Mineta to serve as a stakeholder group to establish guidelines and selection procedures in identifying projects for expedited review.

Two bills have been introduced in Congress in response to frustration that the streamlining issue has not yet been addressed and resolved since the enactment of TEA-21 in 1998. In the House, Representative Don Young (R-AK), Chairman of the Transportation & Infrastructure Committee has introduced H.R. 5455, the Expediting Project Delivery to Improve Transportation and the Environment Act (EXPdite). The Committee held a hearing on October 8 to allow for transportation stakeholders and environmental groups to present their perspectives on the legislation.

In the Senate, Finance Committee Chairman Senator Max Baucus (D-MT) introduced a bill, S. 3031, the Maximum Economic Growth for America through Environmental Streamlining Act (MEGA Stream). The bill is another in a series of legislation that Senator Baucus has introduced which is aimed at the upcoming reauthorization of TEA-21.

APWA Honorary Membership Award

SECRETARY OF TRANSPORTATION MINETA RECEIVES PRESTIGIOUS HONOR

APWA presented Secretary of Transportation Norman Y. Mineta with its Honorary Membership Award in a special award ceremony. The California South Bay chapter nominated Secretary Mineta for the award. APWA President Marty Manning, Immediate Past President Richard Ridings, Ron Norris, Government Affairs Committee Chair, and Bill Hoeft, representing the South Bay Chapter, presented the award on October 1 in Washington, DC.

Established in 1935, the APWA Honorary Membership Award is bestowed at the discretion of the APWA Board of Directors to preeminent national leaders in the field of public works. The award also honors individuals who have distinguished themselves through leadership and vision in the field of public works, and made contributions of special merit and benefit to the Association.

Secretary Mineta was officially awarded the honor September 22 during APWA's International Public Works Congress and Exposition in Kansas City, Missouri, but was unable to be present to accept the award. Past recipients of the Honorary Membership Award designation include U.S. Senator Spencer Abraham, U.S. Rep. Bud Shuster and former U.S. Secretary of Transportation Rodney Slater.

Rural Transportation Planning

STATE AND LOCALS REACH COMPRISE ON PROCESS

The American Association of State Highway and Transportation Officials (AASHTO), the National Association of Counties (NACo) and the National Association of Development Organizations (NADO) announced an agreement on implementing new rules governing rural consultation in the statewide transportation planning process. The compromise was presented to the Federal Highway Administration (FHWA) on September 19, 2002.

The agreement retains a strong definition for what constitutes consultation and who is a non-metropolitan local official. It provides that the process will be separate from public involvement process. It sets a timetable for states to solicit local official comments on a specific consultation process and requires states to publicly state their reasons if they reject suggested changes from rural local officials. It also requires each state to document and implement the consultation process within one year of FHWA publishing a final rule.

The agreement was presented on the final day comments could be submitted regarding a supplemental notice of proposed rulemaking governing rural local official consultation. The supplemental notice, issued June 19, 2002 by FHWA and the Federal Transit Administration, proposed a new option and was in addition to, and altered, one published in the Federal Register in May 2000. The US Department Transportation withdrew the May 2000 regulation on September 19, 2002.

APWA supports enhanced consultation with rural local officials in the transportation planning process and supported the May 2000 regulation. APWA's Small City/Rural Communities Forum has been following the "enhanced" planning issue and participated in related activities to assess and improve current consultation practices. In submitted comments to the supplemental notice, APWA stated its concerns with the supplemental rule and reaffirmed its support for the May 2000 proposed regulation.

ENVIRONMENT

Water Infrastructure Funding

EPA'S NEW GAP ANALYSIS SHOWS \$534 BILLION SHORTFALL

The US Environmental Protection Agency (EPA) has released its long-anticipated study of water infrastructure needs, Clean Water and Drinking Water Infrastructure Gap Analysis. The report identifies an investment gap as high as \$534 billion for capital, operations and maintenance of wastewater and drinking water systems over 20 years. The need on the wastewater side accounts for \$271 billion of the total while the drinking water need represents \$263 billion.

The report found that if the nation's clean water and drinking water systems maintain their current spending and operations practices, the gap would continue to increase. Should municipalities increase clean water and drinking water spending at a real rate of growth of three percent per year, the gap largely disappears. Major legislation to fund water infrastructure remains stalled in Congress.

To view EPA's fact sheet and full report visit: <http://www.epa.gov/owm/featinfo.htm>

Watershed Protection

EPA ANNOUNCES GRANTS TO SUPPORT WATERSHED APPROACH TO CLEAN WATER

The U.S. Environmental Protection Agency (EPA) is launching a new grant program to encourage the protection and restoration of water bodies in the U.S. through the use of watershed approaches. The President's fiscal year 2003 budget, which is now before Congress, includes a request for \$21 million for this Watershed Initiative. Subject to the availability of appropriations for this purpose, EPA plans to select up to 20 watersheds throughout the country for grants to support promising watershed-based approaches to clean water.

EPA anticipates that typical grant awards for the selected watersheds will range from \$300,000 to \$1.3 million, depending on the amount requested and the overall size and need of the project. EPA is requiring applicants to demonstrate a minimum non-federal match of 25 percent of the total cost of the project or projects.

Watersheds must be nominated by governors or tribal leaders. Governors or tribal leaders are invited to nominate two state or tribal watersheds each. There is, however, no limit on the number of interstate or joint state and tribal watersheds that can be nominated.

For more information, contact Carol Peterson at 202/566-1304 or e-mail her at peterson.carol@epa.gov. Additional information and any updated guidance will be posted on the Watershed Initiative's website at: <http://www.epa.gov/owow/watershed/initiative/>

Nonpoint Source Water Pollution

EPA SEEKS COMMENT ON GUIDELINES TO CUT URBAN NONPOINT SOURCE RUNOFF

The US Environmental Protection Agency (EPA) is seeking comment on a new set of voluntary guidelines on the best available and most cost effective way to reduce nonpoint source water pollution from urban areas. Comments are being accepted until December 9, 2002.

The draft contains updated technical information that covers all phases of runoff management, from planning and development to evaluation of existing programs. The guidance includes management practices used by local and state agencies, landowners, developers, and conservation groups. Structural practices in the guidance include stormwater and wastewater treatment systems runoff controls, such as silt fencing, retention ponds and increased vegetation.

The guidance builds upon EPA's 1993 Management Measures for Sources of Nonpoint Pollution in Coastal Waters.

Comments should be directed to Rod Frederick, Assessment and Watershed Protection Division, EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Faxed comments should be sent to 202-566-1331 or emailed to Frederick.rod@epa.gov. The text of the guidance is available at: <http://www.epa.gov/owow/nps>.

Water Resources Development Act

BILL APPROVED BY HOUSE COMMITTEE BUT REMAINS STALLED IN THE SENATE

The House Transportation and Infrastructure Committee approved its version of the Water Resources Development Act (WRDA) providing \$3.6 billion in funding for the Army Corps of Engineers projects over the next two years. The bill passed the Committee September 25 with the understanding that Democrats would be able to offer a Corps reform amendment when the legislation came to the floor.

In the Senate, the Environment and Public Works Committee has been unable to reach an agreement on Corps reform and pulled its version of a bill from the markup list September 26. Chairman Jeffords stated, "I will not pursue a WRDA bill that does not contain meaningful corps reform."

The House bill, HR 5428, would reauthorize WRDA through 2004. Committee leaders cleared the way for the bill's approval by agreeing to postpone consideration of overhauling the Army Corps of Engineers until the bill is brought to the floor. Many have questioned the Corps' environmental and economic analyses, contending they are calculated to justify projects. They also would like to see independent peer review of major projects and partnerships with state water organizations.

On Monday, October 7, the House bill was placed on the calendar under suspension of the rules, meaning no amendments could be offered. Rep. James Oberstar, ranking Democrat on the House Transportation and Infrastructure Committee is circulating a "Dear Colleague" letter dated October 7, urging a "no" vote on the legislation.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

FEMA-APWA Memorandum of Understanding

FEMA AND APWA SIGN AGREEMENT ESTABLISHING FORMAL RELATIONSHIP

APWA Immediate Past President Richard Ridings and Federal Emergency Management Agency (FEMA) Director Joe Allbaugh signed a Memorandum of Understanding (MOU) establishing a formal relationship between the organizations. The signing ceremony took place at the Kansas City Convention Center in Kansas City, Missouri during APWA's Annual International Public Works Congress and Exposition on September 22, 2002.

The MOU will provide the framework for increased awareness and understanding of the critical role that public works professionals play in disaster mitigation, preparedness and recovery.

IN THE STATES

Solid Waste Transport

NYC SEEKS ALTERNATIVE TO TRUCKING GARBAGE

New York City Mayor Michael Bloomberg plans to change the means of transporting the city's residential garbage load of 11,000 tons a day from roads to rail and water. The disposal cost has risen from \$179 per ton to \$263 since the city closed the Fresh Kills landfill on Staten Island. City planners will look at reopening and expanding eight marine transfer stations in the city and building a barge-rail terminal at Staten Island's Howland Hook Marine Terminal. According to the mayor, the work will cost "hundreds of millions of dollars."

Water System Protection

NEW YORK TO REQUIRE WATER SYSTEM VULNERABILITY ASSESSMENTS

New York water suppliers are now required to provide the state Department of Health with an analysis of their vulnerability to terrorist attack by January 1, 2003 under legislation (A. 10155) recently signed by Gov. George Pataki.

The bill, similar to federal legislation President Bush signed in June, covers public and private water utilities that supply water to at least 3,300 people. The law in New York had previously required water suppliers to submit an emergency plan that contained a section on “vulnerability analysis assessment.” The new law expands that provision to explicitly require an assessment of vulnerability to terrorist attack. The plans must be updated every five years. While the state law does not require that the information be safeguarded, Gov. Pataki said he would propose legislation that would limit the public disclosure of information provided by water providers.

Contributors to this month’s Washington Report were: Beth Denniston, Jim Fahey, Andrea Fisher and Heather McTavish.

The Washington Report is edited by Beth Denniston