

# APWA *Washington* REPORT

December 2006

## EMERGENCY MANAGEMENT/DISASTER MITIGATION

### Hurricane Katrina

#### **APWA MEMBER DISCUSSES NEW ORLEANS REBUILDING PROGRESS WITH CONGRESSIONAL STAFF**

APWA member Robert Lambert, General Manager of the Greater New Orleans Causeway Commission, discussed rebuilding of infrastructure in hurricane-ravaged New Orleans during a Congressional Briefing in Washington, D.C., on Tuesday, Dec. 12.

Lambert oversees the Lake Pontchartrain Causeway, which proved to be a shining beacon among the ruins of New Orleans' crippled infrastructure and a literal lifeline to safety immediately following the storm. But Lambert warned if the Causeway had not at least partially survived the storm, many more deaths would have likely resulted.

Lambert asked Congress to continue enacting legislation to aid the rebuilding of New Orleans and the Gulf Coast. He also urged the Federal Highway Administration to release federal funds to repair transportation infrastructure in the area.



During a Congressional briefing in December, **APWA member Robert Lambert, General Manager of the Greater New Orleans Causeway Commission**, discussed rebuilding progress and the key role of the Causeway in emergency response immediately following Hurricane Katrina. APWA Board Member Shelby LaSalle, Director Region IV, was also on hand to meet with legislators.

### Urban Interoperability

#### **DHS TO ENSURE INTEROPERABLE COMMS IN EFFECT BY END OF '07**

The Department of Homeland Security (DHS) Office of Grants and Training held its 2006 National Conference in November, drawing more than 1,100 attendees, many of whom represented their state and local jurisdictions involved in emergency planning and training. They heard from Secretary Michael Chertoff, Under Secretary for Preparedness George Foresman and Assistant Secretary for Intelligence and Analysis Charles Allen. They also participated in a series of breakout sessions that allowed them to share best practices and ask questions of DHS program managers administering the Department's various grant programs.

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In his keynote address, Secretary Chertoff announced DHS, through the Urban Areas Security Initiative, will ensure major cities have interoperable communications in effect by the end of 2007 and all states will have the same capabilities by the end of 2008. The secretary also said DHS will ensure nationwide compliance with the National Incident Management System.

“By having a common set of protocols...we’re going to be much closer to having a nation that can be robust and better prepared when a cross jurisdictional catastrophe actually occurs,” he said. (A transcript of the Secretary’s remarks is available at [http://www.dhs.gov/xnews/speeches/sp\\_1164738645429.shtm](http://www.dhs.gov/xnews/speeches/sp_1164738645429.shtm).)

In their speeches, Allen and Foresman also emphasized the importance of building strong partnerships with state and local governments. Allen said his office, which is responsible for producing intelligence on homeland security threats, continues to reach out to state and local entities to ensure they understand the nature of these threats. In his remarks, Foresman urged the attendees not to look at how relationships between different jurisdictions operated in the past but to develop a vision for the future.



Department of Homeland Security Secretary Michael Chertoff (left); Under Secretary for Preparedness George Foresman (center) and Assistant Secretary for Intelligence and Analysis Charles Allen (right) addressed 1,100 attendees during the national conference for the DHS Office of Grants and Training in November. Images courtesy of [www.dhs.gov](http://www.dhs.gov) and [www.whitehouse.gov](http://www.whitehouse.gov).

“We will not be measured only by what we do today but what we do for the future security of our country,” he said.

More about the DHS Office of Grants and Training is available at <http://www.ojp.usdoj.gov/odp/>.

### **Interoperable Communications**

#### **DHS SURVEY SHOWS SIGNIFICANT LEVELS OF INTEROPERABLE COMMS**

Last week the Department of Homeland Security (DHS) announced the results of a nationwide survey of first responders and law enforcement that assesses progress in achieving interoperable communications. The national interoperability baseline survey was issued to 22,400 randomly selected law enforcement, fire response and emergency medical services (EMS) agencies, and confirms roughly two-thirds of emergency response agencies across the nation use interoperable communications at varying degrees.

“The survey reinforces the fact that interoperability is achievable,” said Secretary Michael Chertoff. “That technology works today and is available. The willingness of emergency response leaders and local officials to make this issue their priority is what will continue to drive progress on one of 9/11’s most important lessons.”

Survey findings indicate that agencies tend to be more developed in technology than they are in culturally related areas like standard operating procedures and exercises. It showed that cross-discipline and cross-jurisdiction interoperability at local levels tends to be more advanced than it is between state and local agencies. In addition, law enforcement, fire response and EMS agencies reported similar levels of development in most areas of interoperability.

More information about the survey and findings is available at [http://www.dhs.gov/xnews/releases/pr\\_1165602262541.shtm](http://www.dhs.gov/xnews/releases/pr_1165602262541.shtm).

## **FEMA**

### **PAULISON STRESSES NEW VISION AT FEMA**

In a speech at the National Press Club last week, Federal Emergency Management Agency (FEMA) Director David Paulison shared his vision for making FEMA the preeminent emergency management agency, saying it “will help the nation continue to develop a culture of preparedness.”

Paulison said the quiet hurricane season this year gave FEMA leadership a chance to make significant improvements in responding to future disasters. He noted FEMA is building a strong team of leaders with decades of emergency management experience. Areas of focus have been on improving operational core competencies in incident management, operational planning, disaster logistics, emergency communications, customer service to disaster victims and public communication.

Paulison also said every American has a part to play in achieving national preparedness. He said anyone who fails to prepare for potential disasters not only places the lives of their loved ones in jeopardy, they may also put the lives of first responders at risk. He urged everyone to plan for disasters, and have adequate homeowners and flood insurance to recover after disasters strike.



Newly appointed **Director of the NOAA National Hurricane Center Bill Proenza**. Image courtesy of [www.srh.noaa.gov](http://www.srh.noaa.gov)

## **NOAA**

### **BILL PROENZA NAMED NATIONAL HURRICANE CENTER DIRECTOR**

Bill Proenza will succeed Max Mayfield as Director of the National Oceanic and Atmospheric Administration (NOAA) National Hurricane Center. Proenza has been Director of the National Weather Service Southern Region, where nearly 90 percent of the Nation's hurricanes make landfall. He is also known for making hurricane preparations and the local forecasting of flooding, tornadoes and high winds at the national network of Weather Forecast Offices a top priority.

According to Brig. Gen. David L. Johnson, U.S. Air Force (Ret.), Director of NOAA's National Weather Service, “Bill was the natural choice for the position of NHC director. His passion and enthusiasm to expand the hurricane program, combined with his extensive experience in leadership and operational roles, will serve the nation well.”

## **ICS**

### **NATIONAL CREDENTIALING SYSTEM: OPPORTUNITY FOR REVIEW AND RESPONSE**

APWA received a request to review and respond to the National Credentialing Systems that will help provide the Incident Command System (ICS) the means to verify, quickly and accurately, the qualifications and identity of emergency responders requested to augment State and Local resources at an incident site. The system can also serve to document professional qualifications, certifications, training and education requirements that define baseline criteria expected of emergency response professionals and volunteers called upon to assist other communities across the nation.

A group of Public Works professionals have been working with the National Incident Management System (NIMS) Integration Center (NIC) to develop the baseline criteria for various positions within public works that could be asked to respond to assist in events of national significance. Eight other groups of subject matter experts have also been tasked with creating the credentials for jobs within their disciplines. The NIC has posted the public works draft job descriptions for public review and comment.

While this listing is small, there are more jobs that could be created. If you would like to review and comment on the document, you can find it at [http://www.fema.gov/emergency/nims/mutual\\_aid.shtm](http://www.fema.gov/emergency/nims/mutual_aid.shtm).

**Please send comments to Dan Jensen at [djensen@apwa.net](mailto:djensen@apwa.net) by JANUARY 6, 2007.** We appreciate your participation in this review.

# TRANSPORTATION

## **Environmental Streamlining**

### **FHWA-FTA ISSUE FINAL GUIDANCE ON ENVIRONMENTAL REVIEW PROCESS**

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have issued joint guidance on the environmental review process required by Section 6002 of SAFETEA-LU, which prescribes changes to existing FHWA and FTA procedures for implementing the National Environmental Policy Act of 1969 (NEPA) and regulations of the Council on Environmental Quality (CEQ).

Section 6002 of SAFETEA-LU describes the roles of the project sponsor and the lead, participating and cooperating agencies; sets new requirements for coordinating and scheduling agency reviews; broadens the authority for States to use Federal funds to ensure timely environmental reviews; and specifies a process for resolving interagency disagreements.

The purpose of the guidance is to provide explanations of new and changed aspects of the environmental review process for FHWA and FTA NEPA practitioners. The guidance informs the reader about what, and how, things need to be done differently as a result of SAFETEA-LU. Although the guidance outlines a new environmental review process, it does not supersede any previous guidance or regulations promulgated under NEPA.

The guidance provides project sponsors with as much flexibility as possible in administering the environmental review process, while providing a framework to facilitate efficient project management and decision-making in accordance with the law. In addition, the guidance is intended to assist agencies involved specifically in the development of environmental impact statements (EISs).

A question-and-answer format is used throughout the guidance, and the table of contents provides a list of all of the questions.

The guidance, published in the November 15th *Federal Register*, is posted on FHWA's Web site at <http://www.fhwa.dot.gov/hep/section6002/>.

## **Worker Safety**

### **FHWA ISSUES RULE REQUIRING HIGH VISIBILITY CLOTHING**

On November 24, The Federal Highway Administration (FHWA) issued a final rule establishing a policy for the use of high visibility safety apparel. The rulemaking applies only to workers who are working within the rights-of-way of federal-aid highways.

FHWA is taking the action to decrease the likelihood of fatalities or injuries to workers on foot who are exposed either to traffic (vehicles using the highway for purposes of travel) or construction vehicles or equipment while working within federal-aid highways rights-of-way.

For more information, including contact information, visit the November 24th *Federal Register* posting under Federal Highway Administration at [http://www.access.gpo.gov/su\\_docs/fedreg/a061124c.html](http://www.access.gpo.gov/su_docs/fedreg/a061124c.html).

## **FY07 Appropriations**

### **TRANSPORTATION FUNDING EXTENDED INTO FEBRUARY BY 'CR'**

Under a continuing resolution (CR) approved by Congress before adjourning for the year, funding for federal transportation programs will continue to flow to state and local governments at the level approved in last year's transportation appropriation bill until mid-February 2007, when the CR expires.

The House and Senate adjourned for the year without final passage of the fiscal year (FY) 2007 Transportation, Treasury, Housing and District of Columbia appropriations bill, one of eleven unfinished

appropriations bills. Congressional leadership opted to pass the continuing resolution and allow the new Congress, when it convenes in January, to complete work on the unfinished bills rather than combining the unfinished bills into one omnibus bill.

Both House and Senate versions of the 2007 appropriations bill would provide \$39.1 billion for federal highway programs, an increase of \$3.5 billion over current year funding and matching levels authorized by SAFETEA-LU. Transit programs would receive \$8.8 billion in the Senate bill and \$8.9 billion in the House bill, \$428 million more than current year levels.

## **SAFETEA-LU**

### **CONGRESS ADJOURNS WITHOUT PASSING TECHNICAL CORRECTIONS BILL**

The House and Senate adjourned without completing a SAFETEA-LU technical corrections bill (HR 6233), meaning new legislation will need to be introduced and passed by both chambers when the new Congress convenes in January. The bill was passed twice by the full House and by the Senate Environment and Public Works Committee but was not approved by the full Senate.

The legislation provided a legislative fix to address research programs whose funding fell short of supporting certain authorized activities and made a number of technical corrections, such as adjusting the descriptions of projects in SAFETEA-LU. It also extended the authorization of the National Surface Transportation Policy and Revenue Study Commission by six months. The commission is studying the needs and financing options for the future of the transportation system and is required to present a report to Congress by July 2007.

## **Congestion Initiative**

### **U.S. DOT SEEKS 'URBAN PARTNERS' IN PROGRAM TO REDUCE CONGESTION**

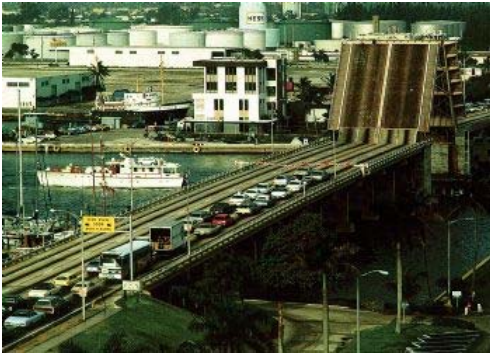


Image courtesy of Jim Martin Public Works Photo Library at [www.apwa.net](http://www.apwa.net).

The U.S. Department of Transportation (DOT) is urging state and city transportation officials to respond to a request for proposals to partner with the Department to fight traffic congestion in the nation's major metropolitan areas.

Through its "Urban Partnership Agreement," DOT would provide qualified states and metropolitan areas, known as "Urban Partners," with a combination of grants, loans, credit support, regulatory relief and technical assistance to operationally test advanced technologies, such as ramp metering and real-time travel information systems, designed to reduce traffic congestion.

In return, DOT's Urban Partners would be expected to research, develop and showcase strategies believed to be effective on a combined basis in reducing traffic congestion in the near term. Strategies include implementation of variable rush hour pricing (known as "congestion pricing"), expanded transit services for commuters, employer commitments to expand telecommuting and/or flexible scheduling options for employees, and an expanded focus on reducing the impact of incidents, like crashing, which cause traffic tie-up.

In addition, Urban Partners would be encouraged to explore opportunities to partner with the private sector to implement these solutions quickly and cost-effectively.

The program, outlined in the December 8 *Federal Register*, is part of DOT's National Strategy to Reduce Congestion on America's Transportation Network, also known as the Congestion Initiative. The Department requests that all applications be received by April 30, 2007. Results are expected to be announced by August 8, 2007.

More information is available in the *Federal Register*, under Department of Transportation, at [http://www.access.gpo.gov/su\\_docs/fedreg/a061208c.html](http://www.access.gpo.gov/su_docs/fedreg/a061208c.html).

## UTILITIES & PUBLIC RIGHTS-OF-WAY

### Communications Act

#### **CONGRESS ADJOURNS LEAVING UNFINISHED COMMUNICATIONS BILL**

The House and Senate adjourned without completing controversial telecommunications legislation this year, one of many unfinished bills that expired at the end of the session.

Local government organizations opposed the Communications, Consumer's Choice and Broadband Deployment Act of 2005 (HR 5252), passed by Senate Commerce, Science and Transportation Committee in June, because it would pre-empt local taxing authority and change the local franchising process for companies interested in providing video services. The bill stalled this year because of controversy over 'net-neutrality,' universal service fund, absence of build-out provisions to ensure broad access to video services and tax issues.

The House of Representatives passed a narrower version of the bill in June, the Communications, Opportunity, Promotion and Enhancement Act of 2006, COPE (HR 5252). Local government organizations opposed the House 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.

## ENVIRONMENT

### Pollution Remediation

#### **GASB ISSUES FINAL STANDARD ON ACCOUNTING FOR POLLUTION REMEDIATION OBLIGATIONS**

Earlier this month, the Government Accounting Standards Board (GASB) issued *Statement 49, Accounting & Financial Reporting for Pollution Remediation Obligations*. Statement 49 is designed to ensure costs and liabilities not specifically addressed by current governmental accounting standards are included in financial reports. The standard should improve pollution-related financial reporting by promoting transparency and creating comparable financial information by clear and consistent accounting treatment.

Statement 49 requires state and local governments to provide the public with better information about the financial impact of environmental clean-ups. The standard identifies the circumstances under which a government agency is required to report a liability related to pollution remediation. A government agency should estimate its expected outlays for pollution remediation if it knows a site is polluted and any of the following recognition triggers occur:

- The pollution poses an imminent danger to the public or environment and a government has little or no discretion to avoid fixing the problem;
- A government has violated a pollution prevention-related permit; or
- A regulator has identified, or evidence indicates that it will identify, a government as responsible, or potentially responsible, for cleaning up pollution, or for paying all or some of the cost of the clean-up; or
- A government is named, or evidence indicates it will be named, in a lawsuit to compel it to address the pollution; or
- A government begins or legally obligates itself to begin clean-up or post clean-up activities (this is limited to amounts the government is legally required to complete).

Under the standard liabilities and expenses are estimated using the "expected cash flows" measurement technique. Finally, Statement 49 requires governments to describe information about their pollution obligations associated with clean-up efforts in the notes of their financial statements.

Statement 49 will be effective for financial statements for periods beginning after December 15, 2007, but liabilities should be measured at the beginning of that period so that beginning net assets can be restated. Public works directors should consider discussing Statement 49 with your agency's financial officers. More information on Statement 49 can be found at <http://www.gasb.org>.

### **Brownfields**

#### **TOOL AVAILABLE FOR DEVELOPING AND EVALUATING BROWNFIELDS FOR RE-USE**

The **Sustainable Management Approaches and Revitalization Tools-electronic (SMARTe)** is a web-based decision support system for developing and evaluating future reuse scenarios for potentially contaminated land. This free online tool contains guidance and analysis for all aspects of the revitalization process including planning, environmental, economic and social concerns.

SMARTe supports evaluation of alternative land reuse scenarios. It does not make decisions but rather informs decision makers by providing insights into the complexities of a revitalization and reuse project. SMARTe is partially funded by EPA and is being developed collaboratively with the German Federal Ministry of Education and Research and the Interstate Technology Regulatory Council. Although still under development, the current version is available so users can test and provide feedback while new information, data, tools and functionality are added. The information, data and tools were peer-reviewed and satisfied the requirements of the Quality Assurance Project Plan prior to release. The site includes extensive opportunities to provide feedback for further development.

Visit the SMARTe Web site at <http://www.smarte.org/smarte/home/index.xml;jsessionid=34dta60sso3sb>.

### **Solid Waste**

#### **BASEL TREATY DELEGATES URGE ACTION ON E-WASTE**

In response to the dumping of toxic waste sludge in the Ivory Coast port city of Abidjan earlier this year, which caused several deaths and thousands to fall ill, delegates at the Eight Conference of the Parties (COP-8) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal urged national governments to prevent future like incidents. Delegates at COP-8 urged the participating governments, especially governments in developing countries, to develop the necessary regulatory and enforcement systems to block disposal or dumping of products that are either obsolete or are near the end of their useful life.



According to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, the U.S. disposes of 14-20 million personal computers each year.

Conference reports demonstrated 20-50 million tons of electronics waste is generated worldwide per year, with the U.S. alone disposing of 14-20 million personal computers annually. The volume of electronic waste from the European Union and in developing nations is expected to increase dramatically over the coming years. As a result, conference delegates pledged to launch pilot take-back programs encouraging manufacturers to voluntarily participate in these efforts. Delegates failed, however, to reach agreement on specific measures to aggressively deal with the mounting stockpiles of e-waste worldwide.

Delegates also pledged to coordinate activities with the International Maritime Organization to monitor the treatment of wastes from the normal operation of commercial vessels, the transport of waste cargoes and the dismantling of obsolete ships. The conference adopted 3 new sets of guidelines for the control and regulation of persistent organic pollutants (POPs). The guidelines call on treaty members to reduce toxic wastes to a minimum, ensure the availability of adequate disposal facilities and minimize the transboundary movements of hazardous wastes. The guidelines cover POS such as DDT, dioxins and furans.

More information on the Basel Convention is available at <http://www.basel.int/>.

## **WRDA**

### **HAS THE POTENTIAL FOR WRDA PASSAGE DRIED UP?**

As the final days of the 109<sup>th</sup> Congress come to a close, prospects for final agreement by Conference Committee negotiators on the Water Resources Development Act (WRDA) are drying up. House and Senate negotiators have been meeting for weeks trying to reach a compromise on the long-awaited reauthorization bill.

WRDA is typically reauthorized every two years, but it has been five years since the last reauthorization of the Act and numerous projects must continue to wait for funding, thereby delaying important local projects. The main sticking point for negotiators appears to be over which projects to include in the final bill. Conference negotiators have also struggled to reach a compromise over certain earmarks for environmental infrastructure projects and the issue of independent peer reviews. Interested stakeholders, including many APWA members, have been looking to Congress to authorize hundreds of projects that will aid coastal restoration, flood control, shipping and dredging activities.

Seeing the dwindling possibilities for passage of WRDA this year, both the House and Senate passed bills aimed at allowing the U.S. Army Corps of Engineers to accept money from non-federal public entities to expedite permitting. HR 6316 extends this provision through December 31, 2008. Already this year the provision has received two six-month extensions due to the failure of Congress to pass the larger WRDA package. Incoming Senate Environment and Public Works Chairwoman Barbara Boxer (D-CA) and incoming House Transportation and Infrastructure Chairman James Oberstar (D-MN) have indicated that if agreement cannot be reached on WRDA before the end of the 109<sup>th</sup> Congress, reauthorization of WRDA will be a top priority in the next Congress.

Continue to check the APWA Web site ([www.apwa.net/advocacy](http://www.apwa.net/advocacy)) for further updates on WRDA or contact Julia Anastasio at (202) 218- 6750 or [janastasio@apwa.net](mailto:janastasio@apwa.net) for further information.

## **Water Resources**

### **LEGISLATION CREATING FIRST ALL-WATER HISTORIC TRAIL PASSES**

The House and Senate have passed bills designating the Captain John Smith Chesapeake National Historic Trail to commemorate Smith's voyages from 1607 to 1609 exploring the Chesapeake Bay. The Trail would consist of a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and its tributaries in Virginia, Maryland, Washington, D.C., Pennsylvania and Delaware. The U.S. Park Service is conducting a feasibility study on the idea but Senate supporters of the project want the trail designated before the 400<sup>th</sup> Anniversary of the founding of Jamestown, which will be celebrated next year.

For more information on either bills (HR 5466 or S 2568), contact Julia Anastasio at (202) 218- 6750 or [janastasio@apwa.net](mailto:janastasio@apwa.net).

## **Water System Security**

### **EPA EXPANDS WATER CONTAMINANT INFORMATION TOOL (WCIT)**

The Environmental Protection Agency (EPA) has expanded the Water Contaminant Information Tool (WCIT) to assist water utilities, public health officials, and federal, state and local agencies plan for and respond to contamination events. The WCIT was originally launched in late 2005 as a secure online database profiling chemical, biological and radiological contaminants of concern for drinking water and wastewater facilities. The tool includes regulated and non-regulated contaminants and provides current, reliable data from peer-reviewed reports and research. The system includes general information on about 100 contaminants and information in 4 new data categories:

1. Drinking water treatment;
2. Wastewater treatment;
3. Environmental impacts; and
4. Infrastructure decontamination.

Access to WCIT is password protected. Qualified individuals must apply to EPA and undergo screening for approval. Currently, drinking water and wastewater utilities, among other groups, are eligible for access. To apply for access, visit <http://www.epa.gov/wcit>.



**Water Infrastructure Management**  
**ONLINE WATER INFRASTRUCTURE VIDEO**  
**RELEASED; APWA EXECUTIVE DIRECTOR**  
**FEATURED**

*Bridging the Gap* is a ground-breaking online video designed to aid public officials and water and wastewater managers in making smart choices as they address their water and wastewater infrastructure priorities. APWA participated in the development of the project and Executive Director Peter B. King is featured in the online video.

APWA Executive Director Peter King appeared on the *Bridging the Gap* online video project about water infrastructure management.

The video outlines the key steps to developing an asset management plan and provides an overview of issues to promote municipal infrastructure asset management. The online tool

provides an array of reference materials to support the concepts presented in the video and real-world examples of emerging best practices and innovations in water asset management. The online video and Web site is a collaborative undertaking with the Penn State College of Engineering and the Public Broadcasting units. Access for *Bridging the Gap* is available at [https://courses.worldcampus.psu.edu/public/buried\\_assets/](https://courses.worldcampus.psu.edu/public/buried_assets/).

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