

APWA *Washington* REPORT

November 2007

ENVIRONMENT

WRDA

CONGRESS OVERRIDES PRESIDENTIAL VETO – WRDA NOW LAW

On Nov. 8, Congress voted to override President Bush's veto of the Water Resources Development Act (WRDA), the first veto override of the Bush administration. The Senate passed WRDA by a vote of 79 to 14; the House voted 361 to 54 in favor of the bill.

The President vetoed WRDA because of the bill's overall cost. However, supporters of the bill point out that it has been seven years since WRDA was last authorized by Congress, leaving an extensive backlog of projects. The \$23 billion water resources bill authorizes the U.S. Army Corps of Engineers (Corps) to complete more than 900 projects related to flood control, navigation, water supply, environmental restoration and infrastructure projects.

Congressional staff indicate Congress will immediately begin work on another WRDA package this year in an effort to get the bill back on a biennial authorization schedule.

Water Resources

APWA JOINS PARTNERS AND FORMS WATER RESOURCES COALITION

APWA joined the Association of General Contractors (AGC), American Society of Civil Engineers (ASCE) and the American Shore and Beach Preservation Association (ASBPA) to form the Water Resources Coalition. The newly formed coalition will work to ensure a comprehensive national water resources policy is developed, implemented and funded to provide a sustainable and productive economy, a healthy aquatic ecology, and public health and safety.



APWA recently joined the Water Resources Coalition. More information is available at www.waterresourcescoalition.org.

Specifically, the Water Resources Coalition will focus on the following priorities: (1) biennial Water Resources development Act reauthorization; (2) annual energy and water supplemental and related appropriations legislation; and (3) contemporary policy for integrated management of our nation's water resources including ports, navigation, flood risk management, water supply and environmental restoration.

More information on the coalition is available at www.waterresourcescoalition.org or by contacting Julia Anastasio at janastasio@apwa.net.

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Water Policy

HOUSE SUBCOMMITTEE CONSIDERS 21ST CENTURY WATER POLICY COMMISSION

The House Water Resources and Environment Subcommittee held a hearing on the 21st Century Water Commission Act of 2007 (H.R. 135), which would establish a nine-person presidential commission to study and develop recommendations for a national water strategy. According to Subcommittee Chairwoman Eddie Bernice Johnson (D-TX), the goal of the Commission would be to “provide expert, scientific guidance on future water supply and demand projects, climate change impacts on our nation’s flood risks, and water demand and associated climate change impacts” and “to ensure that the nation is adequately prepared to meet the water supply, water quality and water resources demands of the next fifty years.”

The last water policy commission was established 35 years ago around the time of the Clean Water Act passage.

Additional information and copies of the witnesses’ testimony is available at <http://transportation.house.gov/hearings/hearingdetail.aspx?NewsID=380>.

Farm Bill

FULL SENATE BEGINS DEBATE ON 2007 FARM BILL

The full Senate began debate on the Food and Energy Security Act of 2007 (Farm Bill) this month but for now, there is no hint to when floor time for a vote will be scheduled by the Senate Majority Leader. The House passed its version of the Farm Bill in May.

Finding money to fund the 2007 reauthorization package has been a major challenge for both Houses of Congress and now disagreements in the Senate over procedural matters and the number of amendments to be allowed is delaying a final vote. In addition, the President has threatened to veto the Farm Bill should the measure reach his desk for signature without significant changes to the bill.

The Senate Agriculture Committee has already overcome strict budget limitations to craft a bill that meets the needs of most stakeholders while maintaining current farm subsidies and income protections and making crucial investments in nutrition, conservation, renewable energy and rural development. The bill’s conservation title includes a new Regional Water Enhancement program that will provide funding for projects undertaken by partnerships among producers and local governments that improve water quality on a watershed basis. This title also includes a newly renamed Conservation Stewardship program and increases eligible enrollment in the Wetlands Reserve Program, the Environmental Quality Incentives Program and the Grassland Reserve Program. The rural development title includes funding for many programs including community facility development, rural water and sewer projects, broadband development and micro-enterprise loans and grants.

As work continues on the Farm Bill keep an eye out for important Legislative Action Alerts from APWA asking you to take action and let your members of Congress know how important these issues are to you and the public works community. For additional information contact Julia Anastasio at janastasio@apwa.net.

Drinking Water

HOUSE COMMITTEE APPROVES PERCHLORATE BILL

The House Environment and Hazardous Materials Subcommittee recently approved a bill limiting the levels of perchlorate in drinking water. Under the Safe Drinking Water for Healthy Communities Act of 2007 (H.R. 1747), the Environmental Protection Agency (EPA) would be required to establish a national drinking water standard for the chemical which is used primarily in rocket fuel and making airbags.

NASA and the Department of Defense are the primary users of perchlorate and have consistently resisted calls for cleaning up the chemical despite the threat it poses to public water supplies. EPA has listed the

chemical on the Contaminant Candidate List since 1998 yet the agency has not made a decision whether to regulate the chemical. EPA maintains that it needs additional information before it can determine whether establishment of a national drinking water standard for perchlorate is necessary. In the absence of a federal standard, some states have set their own perchlorate drinking water standards.

HR 1747 will be considered by the full committee in the coming weeks. Senator Barbara Boxer (D-CA) has introduced two similar bills to regulate perchlorate.

Watch the APWA Advocacy Web page for updates on HR 1747. For additional information contact Julia Anastasio at janastasio@apwa.net.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

Wildfires

APWA RESPONDS TO THE WILDFIRES IN SOUTHERN CALIFORNIA

On Oct. 25, following the record-setting wildfires which swept across California, APWA President Larry Frevert sent a letter to Governor Arnold Schwarzenegger praising response and recovery efforts and extending sympathy and support on behalf of the association. In particular, he encouraged recognition of the key role played by public works officials who work alongside fire and emergency personnel ensuring that roads are clear, water is flowing and critical infrastructure systems remain in operation.

Frevert also composed a letter to APWA members in California outlining federal aid information and important programs available to those affected by the fires. The full text of the letter is available at <http://www.apwa.net/DR/index.asp?ID=464>.

As a result of the Memorandum of Understanding (MOU) recently signed between APWA and the Federal Emergency Management Agency (FEMA), APWA was able to keep an open line of communication with FEMA during the course of the disaster to ensure affected members had the most accurate and up-to-date information regarding federal aid and other assistive programs.

In addition to providing educational resources through APWA national, local members in San Diego helped to coordinate participation in the County's Erosion Control Volunteer Program – an effort that is widely credited to have saved lives along with mitigating the damage cause by this round of destructive wildfires. The program was first instituted in the wake of the 2003 Cedar Fire in San Diego.

Disaster Response

FEMA CONTINUES CALIFORNIA RESPONSE AND RECOVERY EFFORTS

The Federal Emergency Management Agency (FEMA) continues to work closely with California, local, tribal and federal agencies to address the immediate and long-term needs of individuals, businesses and communities damaged by the wildfires that ravaged parts of Southern California.

FEMA and California are establishing a Unified Recovery Strategy to guides an aggressive recovery approach. Key elements of this strategy include:



APWA President Larry Frevert contacted APWA members in California, California Mayors and Governor Schwarzenegger following the devastating wildfires. He expressed support and commended the efforts of public works officials.

- A state-federal Housing Task Force to support local governments by identifying short- and long-term housing options and actions that can be taken to help displaced residents quickly find transitional housing;
- A state-federal Debris Management Task Force to help local governments expedite the safe, thorough and timely removal of disaster-related debris;
- A state-federal Multi-Agency Support Group to support local governments in addressing – in an environmentally sensitive manner – flooding, erosion and debris flow concerns;
- A state-federal Tribal Task Force to help affected tribes in Southern California locate supplemental resources, including public assistance and individual assistance, for tribal jurisdictions.

FEMA Administrator David Paulison made a second trip to Southern California last week to talk with agency partners and assess the coordinated response and recovery effort. During his trip, Paulison met with state and local officials, including Gov. Arnold Schwarzenegger. Paulison also visited the Joint Field Office in Pasadena, where he talked to FEMA staff, the Command Post for the Santiago fires and a local assistance center. He also made ground and aerial tours of the damaged areas. Carlos Castillo, assistant administrator for disaster assistance, and Nancy Ward, region IX administrator, accompanied Paulison on the tours.

FEMA

FEMA'S NATIONAL ADVISORY COUNCIL HOLDS INITIAL MEETING

Last Week Federal Emergency Management Agency (FEMA) Administrator David Paulison welcomed FEMA's National Advisory Council (NAC) to its first meeting, thanking the members for their "time and willingness to serve," which he called "proof of your commitment not only to your own communities but to our nation." The council is comprised of 32 members from communities across the United States.

On the first of the two-day meeting in Arlington, Va., Paulison reminded council members of their mission "to ensure effective and ongoing coordination of national preparedness, protection, response, recovery and mitigation for natural disasters, acts of terrorism and other man-made disasters." He noted that the group is required to focus its attention on the development and revision of the national preparedness guidelines, the national preparedness system, the National Incident Management System, the National Response Framework and other related plans and strategies.

"This council will provide a venue for feedback, suggestions and constructive criticisms from the diverse government, private sector and nonprofit partners involved in any disaster activities," said Paulison. "We also expect to come to you when developing initiatives."

Homeland Security

SECRETARY CHERTOFF DESCRIBES IED PREVENTION STRATEGY

In a recent address at the Center for Strategic and International Studies, Department of Homeland Security (DHS) Secretary Michael Chertoff referred to a Homeland Security Presidential Directive (HSPD), to be issued very soon, that will document the Department's actions in detecting and preventing improvised explosive devices (IEDs). He stressed that the HSPD will "memorialize" in some national planning documents what the Department has put into effect in the real world, saying that deeds and actions are more important than words on paper.

Noting that the vast majority of terrorist attacks are carried out with IEDs, and that dealing with IEDs is a global challenge, the Secretary made four general observations about preventing IED attacks:

- First he stressed the need to stop the chain of events that leads up to the construction of an IED – interfering with the funding, the development of the terrorist organization and the entry into the country by outside operatives who can build and deliver a bomb.
- Second, he said we must recognize IEDs are not only a federal problem; the private sector plays a big role in designing and building devices that can detect and prevent IEDs.

- Third, he emphasized the importance of targeted intelligence as a method of preventing attacks, minimizing disruptions and inconvenience to the vast majority of people.
- Fourth, he cited the importance of public observation, as demonstrated in London and Glasgow this summer, in countering IED threats.

After detailing the Department’s many initiatives and accomplishments in managing the risk of IED attacks, the Secretary said, “All of these things put together are what I think constitute a soup-to-nuts, left-to-right, full-spectrum strategy for countering IED threats... We’ve had this strategy in place, it is currently working. We expect to continue to build it. And I believe that in so doing we are continuing to make this country safer.”

Full text of the Secretary’s remarks is available at http://www.dhs.gov/xnews/speeches/sp_1192831792023.shtm.

Emergency Management

FEMA OFFICIALS STRESS INTERDEPENDENCE WITH EMERGENCY MANAGERS

FEMA Administrator David Paulison told attendees at a National Emergency Management Association (NEMA) conference in Oklahoma City, Okla., that the two organizations must work together to develop “an enhanced emergency management system that will guide this nation’s response into the 21st century.”

In a speech last week titled “Declaration of Interdependence,” Paulison said FEMA will be judged in part on “how well we work with our partners across government and in the private and nonprofit sectors.” Paulison asked NEMA members “to work constructively, openly and honestly with me and my team to address your concerns.” He cited some areas where the partnership has had positive results and said FEMA and NEMA need to build on these successes.

FEMA Deputy Administrator for National Preparedness Dennis Schrader also addressed the conference and spoke about collaboration. “Preparedness is built upon partnerships,” he said. “We are committed to this partnership and will continue to meet with all of you to solicit information, improve our planning and ensure a common understanding of roles and responsibilities in homeland security.”

TRANSPORTATION



Image courtesy of the APWA Jim Martin Public Works Photo Library.

Structurally Deficient Bridges

HOUSE COMMITTEE PASSES BILL FUNDING BRIDGE REPAIRS

The House Transportation and Infrastructure Committee approved legislation which would strengthen bridge inspection standards and authorize \$2 billion in additional funding to repair structurally deficient bridges on the National Highway System (NHS).

The National Highway Bridge Reconstruction and Inspection Act of 2007 (HR 3999) was sponsored by Committee Chairman James Oberstar (D-MN) and approved October 31. It is a scaled-down version of his earlier NHS Bridge Reconstruction Initiative proposed in response to the I-35W

bridge collapse in Minneapolis in August. That proposal aimed to provide \$25 billion over three years with revenues to be generated by a possible five cents-per-gallon motor fuel tax increase and dedicated to a trust fund for structurally deficient bridges.

The NHS represents approximately 160,000 miles of roadway, including Interstates and other principal arterials. More than 73,000 bridges are classified as structurally deficient, approximately 6,000 of which are on the NHS.

Highlights of the bill include:

- Requirement of an immediate update of bridge inspection standards
- Authorization of \$1 billion for FY08 and \$1 billion for FY09 from the general fund
- Strengthened inspection training, certification and qualification requirements
- Requirement of an immediate inspection of all structurally deficient bridges
- Requirement for states to calculate the load rating for structurally deficient bridges to ensure maximum weight limits are properly posted
- Assignment of risk-based prioritization for reconstruction of deficient bridges
- Requirement of independent review of DOTs' process to assign risk-based priorities
- Requirement for states to develop performance plans
- Institution of bridge management systems
- Requirement of annual FHWA compliance reviews
- Funding distributed by formula
- No earmarks under the program
- Limited transferability of highway bridge funds

Emergency Relief Program

FUNDS SENT TO REPAIR CALIFORNIA WILDFIRE-DAMAGED ROADS, BRIDGES

The U.S. Department of Transportation released \$1 million in emergency relief funds to pay for repairs to roads and bridges damaged by wildfires in Southern California. The funds, released Oct. 29, are intended to help address repairs that need immediate attention, such as damaged or destroyed guardrails, signs or traffic signals, and to get essential sections of the highway system working again until the state completes a full assessment of the damage.

The funds come from the Federal Highway Administration's emergency relief program, which provides funding to states for the repair or reconstruction of federal-aid highways damaged by natural disasters or catastrophic events. The program typically works on a reimbursable basis.

Travel Information

FHWA SEEKS COMMENT ON REAL-TIME SYSTEM MANAGEMENT PROGRAM

The Federal Highway Administration has issued interim guidance on the information sharing specifications and data exchange formats for the Real-Time System Management Information Program and is requesting public comments.

SAFETEA-LU established the Real-Time System Management Information Program to make traffic and travel conditions information available to the traveling public and to ease the sharing of traffic and travel conditions information among public agencies and private enterprise.

Comments must be received on or before Feb. 12, 2008. More information is available in the October 15th *Federal Register*: <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-20273.htm>.

Appropriations

CONFEREES AGREE ON TRANSPORTATION SPENDING BILL

House and Senate Conferees signed off on a fiscal year (FY) 2008 transportation appropriations bill, which President Bush has said he would veto. Appropriators approved the conference report to the Transportation, Housing and Urban Development and Related Agencies bill (HR 3074) by voice vote November 8. Lawmakers would like to see the bill cleared by both chambers prior to the start of the Thanksgiving recess. It is not clear whether it will proceed as a stand-alone or be combined with other spending measures.

The fiscal year ended Sept. 30 without enactment of an FY 2008 transportation appropriations bill, but a Continuing Resolution has kept programs funded while Congress continued work on the legislation. President Bush has issued veto threats against the measure because of its spending levels. A provision preventing the implementation of an Administration-supported pilot program to allow Mexican commercial trucks to transport freight into the U.S. may also prompt the Administration to oppose it.

The bill includes \$106 billion for programs administered by the U.S. Department of Transportation, in excess of \$5 billion more than the Administration's request. Conferees retained the Senate provision to allocate an additional \$1 billion for the Highway Bridge program in response to concerns over the condition of the nation's bridges. Overall, the bill provides \$40.2 billion for the highway program, \$9.65 billion for transit programs, \$3.5 billion for airport program grants and \$1.45 billion for Amtrak.

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