

Election analysis 2008

Democratic leadership to head White House, Senate and House

On November 4, Barack Obama made history by becoming the first African American to win the White House, securing 364 electoral votes and 53 percent of the popular vote; results for Missouri were still undecided at press time. Democrats also increased the number of seats they will hold in the 111th Congress.

Having gained at least five seats, Senate Democrats will hold a minimum of a 57 to 40 majority in the next Congress; there were three states undecided at press time. Democrats hope to secure 60 seats and clinch a filibuster-proof super majority. For the House of Representatives, of which every seat was up for election, Democrats gained at least 20 seats for a total of 255 to the Republicans' 175 seats, with five seats still undecided.

Immediately following the election, Obama put in place his transition team and has appointed key members of his staff. Work is currently underway to identify Cabinet appointments, posts that include Transportation Secretary, Energy Secretary and Administrator of the Environmental Protection Agency.

No major leadership changes are anticipated among the key Congressional

leaders with jurisdiction over public works and infrastructure policy. Representative James Oberstar (D-MN) won re-election with 68 percent of the vote and is expected to return as Chairman of the House Committee on Transportation and Infrastructure. Senator Barbara Boxer (D-CA), who was not up for election this year, will remain as Chairwoman of the Senate Committee on the Environment and Public Works.

The new President will face daunting challenges that include an economic downturn, a financial and housing crisis and crumbling infrastructure. Obama has said addressing the economy is one of his top priorities when he takes office in January. Obama has also noted the importance of rebuilding the nation's transportation infrastructure, including creating a National Infrastructure Reinvestment Bank. He also promised to make the U.S. the leader on addressing climate change, which is a top priority for the leadership of the 111th Congress. Top infrastructure issues facing the new Congress include water infrastructure and transportation reauthorization.



APWA is urging the new administration to make infrastructure investment a top priority.

2008 state ballot measure analysis

On Election Day, 153 measures in 35 states appeared on ballots across America. Of the 59 citizen petition initiatives, voters approved 24 (five were undecided at press time). Of the 84 measures referred by the state legislatures, voters approved 59 (two were undecided at press time).

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Infrastructure Funding
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Infrastructure-related initiatives received generally strong support from voters. Transportation initiatives, for example totaled more than \$71 billion, with measures that included improvements to roads, bridges, rail and public transportation. More than a dozen measured focused on energy and the environment. States like Maine, Missouri, Ohio and Pennsylvania all approved the environmental initiatives on their ballots, which included water projects, stormwater control, environmental revitalization and water sewer improvements.

Highlighted below are several infrastructure-related state and city initiatives and how they fared.

ALASKA

Bonds for Transportation

Projects: Voters in Alaska approved the sale of up to \$315 million in bonds to pay for more than two dozen transportation projects.

ARKANSAS

Arkansas Water, Waste Disposal, and Pollution Abatement Facilities Financing Act of 2007:

Voters approved Question 1, a measure allowing the Natural Resources Commission to authorize up to \$300 million in bonds for financing the development of water, waste disposal and water pollution control.

CALIFORNIA

Safe, Reliable High-Speed

Passenger Train Bond Act: Voters approved Proposition 1A, \$9.95 billion in bonds that would finance a 220 mph electric high-speed train system.

COLORADO

Use of Severance Tax Revenue for

Highways: Voters failed to approve Amendment 52, which proposed amending the Colorado Constitution to require the State Legislature to spend a portion of state severance tax collection on highway projects.

MAINE

Bonds for Water Projects: Voters in Maine approved a \$3.4 million bond issue to support drinking water programs and construction of wastewater treatment facilities.

MISSOURI

Grants and Loans for Storm

Water Control: Voters approved Constitutional Amendment 4, which amends the Missouri Constitution to change the provisions relating to the financing of stormwater control projects. The measure also limits funding to only public water and sewer districts.

OHIO

Bonds to Continue the Clean Ohio Program for Environmental Revitalization and Conservation:

Voters in Ohio approved Issue 2 which allows the state to issue bonds to pay for the conservation of natural open spaces and the environmental revitalization of other lands.

PENNSYLVANIA

Water and Sewer Improvements

Bond Referendum: Voters approved a measure to allow the state to borrow \$400 million to repair, improve, expand and construct drinking water, stormwater and wastewater treatment systems.

RHODE ISLAND

Transportation Bonds: Voters in Rhode Island approved the issuance of \$87 million in bonds to provide funds to the Department of Transportation for improvements to the state's highways, roads and bridges.

WASHINGTON

Transportation Initiative:

Washington voters failed to approve Initiative 985, which would have opened carpool lanes and diverted a slice of state automobile sales tax toward traffic-relief projects.

LOS ANGELES, CALIFORNIA

Traffic Relief. Rail Extensions.

Reduce Foreign Oil Dependence:

Voters approved Measure R, a half-cent sales tax increase that will provide resources to finance new transportation projects. Over 30 years, it is projected to generate \$40 billion.

ARLINGTON, VIRGINIA

Water Pollution Control Plant:

Arlington residents voted and approved up to \$50 million in bonds to finance the cost of improving and expanding Arlington County's Water Pollution Control Plant.

KANSAS CITY, MISSOURI

Light Rail Sales Tax:

Kansas City voters failed to approve a sales tax that would have been used to fund a light rail passenger system.

APWA President submits testimony to T&I Committee

On October 29, APWA President Noel Thompson submitted testimony to the House Transportation and Infrastructure Committee. The hearing, titled *Investing in Infrastructure: The Road to Recovery*, was held to examine how infrastructure investment contributes to job creation and economic recovery. Three panels and a total of nineteen witnesses, including New Jersey Governor Jon Corzine and Maryland Transportation Secretary John Porcari, were called to testify during the nearly seven hour hearing.

In his testimony submitted for the record, Thompson encouraged a robust economic recovery package with a strong emphasis on infrastructure investment as a way to boost the economy and repair our nation's deteriorating infrastructure. He also urged the committee to consider billions of dollars of backlogged infrastructure projects that are ready to go but lack funding. Targeting projects that have been approved, yet remain unfunded, such as road resurfacing, bridge repair and water treatment facility upgrades will create jobs, generate immediate economic activity and spur a multiplier effect.

Congressional leadership is working on an expanded economic recovery package expected to include billions of dollars in infrastructure investment. Committee Chairman James Oberstar (D-MN) said an infrastructure package would follow a proposal which was approved by the House in September, but failed to pass in the Senate. The infrastructure funding levels in this

APWA identifies more than \$15 billion in unfunded ready-to-go infrastructure projects to help stimulate economy

A survey by APWA recently identified more than 3,600 unfunded local public infrastructure projects totaling more than \$15 billion. The projects are ready for work to begin within 90 days and would provide a stimulative effect on the economy if funded by a federal economic recovery package under consideration by Congress. Funding these projects, just a sample of the identified local need, would generate approximately 532,794 jobs.

The survey of APWA members identified road widening, paving, traffic light and signal repair work, highway intersection improvements, storm drain pipe realignments, pumping station improvements, sewer line replacements, treatment plant upgrades, water valve replacement, pedestrian underpass safety improvements and basic sidewalk repair projects that are ready to proceed except for the lack of necessary funding.

APWA is calling on Congress and the Administration to approve an economic recovery package which includes a robust infrastructure investment component. APWA President Noel Thompson submitted testimony for hearings held in October and November by the House Transportation and Infrastructure Committee and the House Ways and Means Committee and sent letters to the President and Congressional leadership. The testimony and letters make the case that funding ready-to-go infrastructure projects through a national economic recovery program will create jobs, stimulate economic recovery and lay the foundation for long-term economic growth.

new economic recovery plan could exceed the \$30 billion component of the previous package. Committee staff will have the infrastructure part of the economic recovery proposal ready by the week of November 17 for a possible lame duck session, but action on the overall package depends largely on the Senate.

To view a copy of President Thompson's testimony visit <http://www.apwa.net/DR/index.asp?ID=687>.



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

NRC report on stormwater calls for watershed permitting, increased funding

The National Research Council (NRC) issued a report on Oct. 15 identifying watershed-based permitting and increased federal funding to state and local governments as critical components of future efforts to better manage stormwater runoff. The report, Urban Stormwater Management in the United States, finds that “the course of action most likely to check and reverse degradation of the nation’s aquatic resources would be to base all stormwater and other wastewater discharge permits on watershed boundaries instead of political boundaries” and calls on the Environmental Protection Agency (EPA) to implement watershed-based permitting within the next five to 10 years. As part of this new permitting structure, the report recommends municipalities take the lead in implementing and regulating watershed permits, working with both point and nonpoint sources within the watershed to improve water quality. The plan would incorporate a variety of techniques to reduce water pollution, including water quality trading and green infrastructure.

NRC also recommends a substantial increase in federal funding to implement the watershed approach, noting that “EPA should seek significant congressional funding to support the states and municipalities in undertaking this new program, in the nature of the support distributed to upgrade municipal wastewater treatment

plants after the 1972 passage” of the Clean Water Act. Such funding would aid municipalities as they take on a more critical role in implementing and overseeing a new generation of watershed permits.

The report can be used as an important tool for the water sector while advocating for a meaningful federal partnership to address clean water challenges on a watershed basis, renewed federal funding, and incentives to promote the use of green infrastructure as a viable means to control stormwater runoff. The full report is available at http://www.epa.gov/npdes/pubs/nrc_stormwaterreport.pdf.

EPA releases final climate change strategy for water

The Environmental Protection Agency’s (EPA) Office of Water released the final version of its National Water Program Strategy: Response to Climate Change on October 2. The strategy is EPA’s “initial effort to describe climate change impacts on water programs, define goals and objectives for responding to climate change and identify a comprehensive package of specific response actions.” It presents goals and key actions for the National Water Program in the areas of climate change mitigation, adaptation and research; education of EPA staff on climate change issues; and management of climate change work within the National Water Program.

Various water sector groups have asked EPA to develop longer-term strategies for identifying climate change impacts and adaptation needs of the water sector, and are also asking that EPA consider financial

resources that will be required for adaptation. EPA also mentions the need to address climate change impacts with a holistic watershed approach but does not specifically address it through the goals or key actions.

EPA misses deadline for proposing greenhouse gas reporting rule

The Environmental Protection Agency (EPA) missed its September 26 deadline for proposing a greenhouse gas reporting rule that would require certain industries, including wastewater treatment, to report their greenhouse gas emissions. The rule would set thresholds for each industry, and sources that exceed the thresholds would be required to report emissions.

Water sector utilities complete security reporting tool

The Water Sector Coordinating Council (WSCC) and its government agency partners have launched a reporting tool for the 22 security measures developed by the Critical Infrastructure Partnership Advisory Council (CIPAC) Metrics Workgroup. All of the nation’s water and wastewater utilities were asked to participate in the anonymous and voluntary reporting, which is being administered by the WaterISAC.

The CIPAC Metrics Workgroup, along with representatives of other water sector associations, government agencies and water and wastewater utilities, developed the

22 measures to support the goals and objectives of the national Water Sector Specific Plan and assess the “all hazards” security progress of utilities. The measures will provide information on security activities, the security of hazardous chemicals, and risk reduction outcomes for the water sector. The proactive security measures taken by the water sector will be illustrated by the reporting results, and areas for improvement will be defined. The information collected will help water sector associations in their advocacy efforts regarding water and wastewater utility security.

More information available at <http://cfpub.epa.gov/safewater/watersecurity/measures.cfm#cipac>.

EPA issues guidance on developing an operational strategy for contaminant warning systems

The Environmental Protection Agency (EPA) issued guidance to assist drinking water facilities with developing standard operating procedures for the monitoring and surveillance components of a contaminant warning system. The guidance document is designed to aid utilities with developing plans for validating, responding to and recovering from a contamination incident in the drinking water distribution system.

The document reflects lessons learned from EPA’s implementation of a comprehensive drinking water contamination warning system pilot program in Cincinnati. EPA also released a detailed report, Cincinnati Pilot Post Implementation System

Status, which describes enhancements associated with the pilot in the areas of online water quality monitoring, consumer compliant surveillance, public health surveillance, contaminant sampling and analysis, physical security and consequence management.

The Guidance on Developing Consequence Management Plans for Drinking Water Utilities and the Cincinnati Pilot documents are available, along with additional information, at <http://cfpub.epa.gov/safewater/watersecurity/initiative.cfm>.



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

New requirements for controlling manure for large animal feeding operations

The Environmental Protection Agency (EPA) finalized a rule requiring concentrated animal feeding operations (CAFOs) to safely manage manure.

The final rule includes two key changes. First, the new rule revises the requirement for all CAFOs that discharge or propose to discharge to apply for permits. In evaluating whether an operation discharges or proposes to discharge, the

CAFO owner or operator must objectively assess the CAFOs design, constructions, operation and maintenance. The final rule also provides a voluntary, no discharge certification option for CAFOs that do not discharge or propose to discharge. Second, the rule adds new requirements relating to Nutrient Management Plans (NMP) for permitted CAFOs. NMPs now must be submitted as part of NPDES permit allocations. Permitting authorities must review the NMPs and provide the public with an opportunity for meaningful review and comment on the plans. Permitting authorities are also required to include the terms of the NMP as enforceable elements of the permit.

Additional information is available at www.epa.gov/npdes/afo.

Municipal Nutrient Removal Technologies Reference Document released

The Environmental Protection Agency (EPA) released Municipal Nutrient Removal Technologies Reference Document to help localities, states and regional authorities improve their ability to remove nutrients from municipal wastewater treatment facilities. The purpose of the document is “to help regulators develop appropriate discharge permit limits with a full understanding of available technologies, the reliability of the technologies and the ability of plants that are retrofitted with such technologies to meet their permit limits in a sustainable way.”

The document outlines and describes technologies that can be used to remove nitrogen and phosphorus from municipal waste water facilities and presents data that shows the cost and reliability of the technologies. The document also cites factors for consideration when upgrading existing facilities including wastewater characteristics, size constraints, existing solids-handling facilities, wet weather flows, automation and sensors and sustainability.

Technical information in the report includes detailed processes and operating factors for more than 40 different treatment alternatives for removing nitrogen, phosphorus or both. The report also includes estimates of capital, operation and maintenance and life cycle costs for 12 retrofit and 20 expansion alternatives.

The reference document is available at www.epa.gov/owm/mtb.

New guidelines encourage recycling of e-waste

The Environmental Protection Agency (EPA) and a group of recycling stakeholders developed the Responsible Recycling (R2) Practices for Use in Accredited Certification Programs for Electronics Recyclers to promote better environmental, water safety and public health practices for electronics recyclers.

The R2 guide lists 13 principles to help electronics recyclers ensure their material is handled safely and legally in the U.S. and foreign countries. It calls on recyclers to establish a management system for environmental and worker safety; develop a policy that promotes reuse

and material recovery over landfill or incineration; and use practices that reduce exposures or emissions during recycling operations. The principles also call for recyclers to use diligence to assure appropriate management of materials throughout the recycling chain, including materials that are exported to foreign countries.

The workgroup that developed the guidelines represents federal and state governments, electronics manufactures and recyclers and trade associations. The workgroup will now focus on establishing a certification process which will allow consumers to easily recognize responsible recyclers in the marketplace.

The guidelines are available at <http://www.epa.gov/epawaste/conservematerials/ecycling/r2practices.htm>.

APWA submits comments on SEA reporting

APWA submitted comments October 30 in response to a request by the Government Accounting Standards Board (GASB) concerning suggested guidelines for voluntary reporting of service efforts and accomplishment (SEA) performance information.

SEA reporting refers to the communication of selected measures of a government's performance results, including public reporting of key service performance indicators that provide decision-useful information about the government's actual accomplishments achieved in pursuit of its goals and objectives.

APWA's comments stress the value and importance of setting, using and communicating performance measures, but also point out the need

to preserve local control and local authority concerning performance measurement setting and reporting as they pertain to local government operations and functions.

Once GASB has reviewed all submitted comments it will determine how to proceed. More information is available online at www.gasb.org.

Latest data shows continued decline in driving

New federal data shows Americans continued a 10-month-long decline in driving habits. In August 2008, the latest month for data, Americans drove 15 billion fewer miles, or 5.6 percent less, than they did in August 2007 – the largest ever year-to-year decline recorded in a single month. Over the past 10 months, Americans have driven 78 billion fewer miles than they did in the same 10 months the previous year. Transit ridership, meanwhile, saw an increase of 6.2 percent this summer compared to last.

The information is reported in FHWA's Traffic Volume Trends reports for August 2008. For more information, visit <http://www.fhwa.dot.gov/ohim/tvtw/tvtpage.htm>.



Image courtesy of the APWA Jim Martin Public Works Photo Library

AASHTO releases recommendations for federal transportation authorization

The American Association of State Highway and Transportation Officials (AASHTO) approved a \$545 billion, 6-year authorization proposal, nearly double SAFETEA-LU's investment. SAFETEA-LU expires September 30, 2009.

The proposal includes a five percent cap on earmarks and would fund the new investment through a mix of options for Congress to consider. The proposal also calls for consolidating highway programs into six: preservation and renewal; freight; highway safety improvement; operation and management; congestion reduction; environment.

Increased federal funding would be coupled with national performance standards established to achieve national goals. States would self-define targets that would deliver accountability for the investment of federal funds.

The proposal recommends the following funding levels:

- \$375 billion for highways
- \$93 billion for transit
- \$42 billion for freight improvements (from sources outside the Highway Trust Fund)
- \$35 billion dedicated funding for intercity passenger rail

For more information, visit <http://downloads.transportation.org/2008policy.pdf>.

CMAQ final guidance published

The Federal Highway Administration has announced the publication of final guidance on SAFETEA-LU's Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

The final guidance updates and replaces previous program guidance issued in 1999, focusing primarily on project eligibility provisions and identifying the types of projects eligible for CMAQ support. It also provides information on how CMAQ apportionments are calculated and the geographic areas where CMAQ funds can be used; discusses the project selection process and requirements for analyzing emissions benefits from potential projects

as part of the selection process; and examines federal, state and Metropolitan Planning Organization (MPO) program administration responsibilities.

The final guidance includes discussions and directions on new or highlighted CMAQ topics under SAFETEA-LU and, in particular, emphasizes diesel engine retrofits and cost-effective congestion mitigation activities as priorities for CMAQ expenditures. It also provides relative cost-effectiveness data on various eligible project types to help inform the CMAQ project selection process.

The notice was published in the October 20th Federal Register under Federal Highway Administration. For more information, visit http://www.access.gpo.gov/su_docs/fedreg/a081020c.html.

APWA members appointed to FEMA subcommittees

Three APWA members have been named to serve on subcommittees of the Federal Emergency Management Agency's (FEMA) National Advisory Council (NAC), which are the "work horses" of the NAC. The NAC consists of six subcommittees comprised of subject matter experts: Private Sector Partnerships, Stafford Act, National Incident Management System (NIMS), National Response Framework (NRF), Special Needs and Post Disaster Housing. Subcommittees report to the NAC biannually to provide guidance and input on modifying these areas as needed.

APWA members David Bergner, Superintendent of Public Works for Overland Park, Kan., will serve on the NIMS Subcommittee. Kurt Blomquist, Director of Public Works for Keene, N.H., will sit on the NRF Subcommittee and Ken Hill, Assistant Director of Public Works for Tulsa, Okla., will serve on the Stafford Act Subcommittee.

The development of the National Advisory Council was set into motion by the Post-Katrina Emergency Management Reform Act of 2006. Charged with ensuring effective and ongoing coordination of federal preparedness, response and recovery efforts, the Council and its subcommittees are represented by a significant cross section of emergency management officials who help safeguard communities against natural disasters and terrorist attacks. The three members will work closely with APWA's Emergency Management Technical Committee to bring public works issues forward to the NAC subcommittees.

APWA joins Emergency Services Sector Coordinating Council

APWA recently joined the Emergency Services Sector Coordinating Council (ESSCC). Established through the Department of Homeland Security (DHS) in July 2004, ESSCC helps coordinate critical infrastructure protection activities and works closely with DHS and its Critical Infrastructure Protection sectors to provide an all-hazards, locally-oriented approach to ensuring public safety, determining infrastructure vulnerabilities and establishing effective mechanisms for sharing information amongst the federal, state and local governments, as well as the private sector.

Currently, the ESSCC is revising its Emergency Services Sector Specific Plan which will provide an overview of public works, recognizing its personnel as critical first responders in the wake of natural or man-made disasters.

ESSCC membership consists of various emergency services stakeholders including emergency management, medical services, law enforcement, fire rescue and other specialized emergency response functions.

DHS announces FY09 grant guidance

On Nov. 5, the Department of Homeland Security (DHS) released guidance to help local governments apply for Fiscal Year 2009 (FY09) grants to strengthen community preparedness. The guidance addresses more than \$3 billion in preparedness

grant programs to strengthen the nation's readiness, response and recovery capabilities in the event of a natural disaster or terrorist attack. DHS reported that more than \$27 billion has been provided since 2002 to improve community preparedness.

According to DHS, the following grant awards that impact public works professionals include:

Homeland Security Grant Program (HSGP) – \$1.7 billion.

FY09 HSGP funding priorities are targeted for either states or urban areas, and reflect capabilities that are most critical to build in those jurisdictions. At least 25 percent of the total FY09 HSGP funding must be dedicated for activities involving planning, training and exercises in building or sustaining capabilities.

State Homeland Security Program Tribal (SHSP Tribal)

– **\$1.7 million** will be provided to tribal applicants to build preparedness and response capabilities, and to implement homeland security plans. This program provides supplemental funding directly to eligible tribes, pursuant to the Implementing Recommendations of the 9/11 Act of 2007.

Buffer Zone Protection Program (BZPP) – \$48.6 million

to increase preparedness capabilities of jurisdictions responsible for safeguarding critical infrastructure sites and key resource assets, such as chemical facilities and nuclear power plants, through planning and equipment acquisition.

Emergency Management Performance Grants (EMPG) – \$306 million to assist state and local governments in enhancing and sustaining all-hazards emergency management capabilities.

Interoperable Emergency Communications Grant Program (IECGP) – \$48.6 million for planning, training, exercises and equipment to states, territories, local and tribal governments to carry out initiatives identified in Statewide Communication Interoperability Plans, and improve interoperable emergency communications for responding to natural disasters and acts of terrorism.

Regional Catastrophic Preparedness Grant Program (RCPGP) – \$34 million to enhance catastrophic incident preparedness in selected high-risk, high-consequence urban areas and to support technical assistance funding in FY09. RCPGP supports coordination of regional all-hazards planning for catastrophic events, including the development of plans, protocols, and procedures.

The FY09 Grant Guidance reflects the strategic objectives outlined in the National Preparedness Guidelines, the National Incident Management System, the National Response Framework and the National Infrastructure Protection Plan.

BZPP applications are due no later than Jan. 13, 2009. HGP and SHSP Tribal are due no later than March 20, 2009. The Governor of each State and Territory is required to designate a State Administrative Agency (SAA) to apply for and administer the funds awarded under EMPG and IECGP. The SAA is the only entity eligible to apply for EMPG or IECGP funds. RCPGP will be distributed to 11 high-risk urban areas that have been pre-designated as eligible for FY09 funds. Further information on preparedness grant programs is available at www.dhs.gov and www.fema.gov/grants.

APWA joins review team for the National Committee on Levee Safety

APWA member Andy Haney, Director of Public Works, City of Ottawa, Kan., has been appointed to represent APWA on a review team providing comments and input on a proposed strategic plan for a national levee safety program.

Authorized under the Water Resources Development Act, the National Committee on Levee Safety (NCLS) and its review team are working to develop the strategic plan. Haney will work alongside federal, state and local government leaders, as well as various non-profit association stakeholders.

The Review Team is expected to complete its work by early January 2009, as the NCLS is scheduled to submit a report to Congress by January 15.

Contributors include Julia Anastasio, Laura Berkey, Jim Fahey and Maggie Oldham. Becky Wickstrom is editor.