

## Obama economic recovery plan to focus on infrastructure

On Dec. 6, in his weekly radio address, President-Elect Barack Obama discussed the need for an economic recovery plan that would put Americans to work and equip the economy for long-term prosperity. He said his plan would feature the largest investment in national infrastructure since President Eisenhower's creation of the interstate highways system in the 1950s.

Obama and his team are working with congressional leaders to devise a spending package that some lawmakers suggest could total \$400-700 billion, a large portion of which could be used for infrastructure. When Obama met with the nation's governors, the first week of December, they said the states had \$136 billion worth of road, bridge, water and other projects ready to go once the money became available.

APWA also conducted a survey of

members, in order to collect data on the number of local public works projects which are ready to go within 90 days but currently lack the funding to proceed. The survey identified more than 3,600 public works projects with a funding need totaling more than \$15 billion. Funding these projects, which is just a sample of the identified local need, would generate approximately 532,794 jobs. For more information about the survey APWA conducted, go to [www.apwa.net/Advocacy/resources.asp](http://www.apwa.net/Advocacy/resources.asp).

The Obama team and Congressional Leaders say they want a plan ready shortly after Congress reconvenes in January. Several hearings are planned even before Mr. Obama takes office Jan. 20. APWA will continue to monitor the progress of a second stimulus. For updates and additional information, please visit [www.apwa.net/Advocacy/](http://www.apwa.net/Advocacy/).



*An economic recovery package under consideration may include much-needed funds for infrastructure spending.*

## U.S. Chamber conference addresses infrastructure crisis

On Dec. 9, the U.S. Chamber of Commerce's "Let's Rebuild America" initiative, in partnership with the National Chamber Foundation, held a conference titled *Taking the Challenge: Real Solutions for Rebuilding our Critical Infrastructure*. The event featured keynote remarks by Senator Mary Landrieu (D-LA) and Governor Edward Rendell (D-PA).

During the day-long conference, attendees heard from top leaders in business and government with diverse experience rebuilding our nation's infrastructure. Expert panelists from the transportation, energy and broadband sectors discussed capacity shortage, permitting delays and funding challenges. They also outlined real solutions that have worked to rebuild critical infrastructure across the country. Panel topics included:

# 12/08

**Infrastructure Funding**  
1-2

**Transportation**  
2-3

**Environment**  
3-5

**Emergency Management & Disaster Mitigation**  
5

- Chocking Our Economy: America's Dwindling Capacity;
- Expediting Approval: Best Practices for Navigating the Permit Process;
- Funding the Fixes: Payment Solutions that Work for Infrastructure; and
- Modernizing and Expanding America's Infrastructure: Ensuring the U.S. Remains Complete.

In closing remarks, the Chamber issued a call to the next Administration and new Congress, urging immediate action to repair aging infrastructure. For more information about the event contact Maggie Oldham at [moldham@apwa.net](mailto:moldham@apwa.net).

## **NTSB determines probable cause of Minnesota bridge collapse**

The National Transportation Safety Board (NTSB) has determined the probable cause of the collapse of the I-35W bridge in Minneapolis was the inadequate load capacity, due to a design error by Sverdrup & Parcel and Associates, Inc., of the gusset plates at the U10 nodes. The gusset plates failed under a combination of substantial increases in the weight of the bridge, which resulted from previous modifications, and the traffic and concentrated construction loads on the bridge on the day of the accident.

On August 1, 2007, the I-35W highway bridge over the Mississippi River in Minneapolis experienced a catastrophic failure in the main span of the deck truss. As a result of the bridge collapse, 13 people died and

145 people were injured.

For a synopsis of the NTSB report, visit [www.nts.gov/Publicctn/2008/HAR0803.html](http://www.nts.gov/Publicctn/2008/HAR0803.html).

## **FHWA offers work zone process review toolbox**

To assist agencies with conducting work zone process reviews, the Federal Highway Administration (FHWA) has developed a Work Zone Process Review Toolbox. The Toolbox, available at [www.ops.fhwa.dot.gov/wz/prtoolbox/pr\\_toolbox.htm](http://www.ops.fhwa.dot.gov/wz/prtoolbox/pr_toolbox.htm), contains tools to help agencies and their respective FHWA Division Offices conduct an effective Work Zone Process Review:

- **Work Zone Process Reviews:** provides information to help you determine the purpose/goals and scope of a review, expected outcomes, team members and possible data sources. This section also contains sets of potential questions that can be used to assess various work zone program areas while doing a process review.
- **Resources:** provides information on training, and includes examples and tips that share what other peers have done.
- **Frequently Asked Questions (FAQs):** provides answers to some commonly-asked questions about work zone process reviews.

## **Highway Trust Fund revenue falls \$3 billion in single year**

The U.S. Department of Transportation (DOT) reported that the Federal Highway Trust Fund took in \$3 billion less in Fiscal Year 2008 as Americans drove 90 billion fewer miles over 11 months of the same fiscal year.

DOT officials noted that Americans drove 4.4 percent less, or 10.7 billion fewer vehicle miles traveled (VMT), in September 2008 than September 2007, the eleventh-straight month of declining driving. The trend is most evident in rural interstate travel, which fell by eight percent that month, while urban interstate travel declined by 3.9 percent.

As a result of the continued decline in VMT, the Highway Trust Fund, which is primarily funded through federal gas tax receipts, collected \$31 billion in revenue between October 2007 and September 2008 – \$3 billion less than it collected the previous year, while federal transportation spending increased by \$2 billion.

If VMT continues to decline, the Highway Trust Fund may experience another shortfall sooner than expected. To review the VMT data in FHWA's Traffic Volume Trends reports, including that of September 2008, visit [www.fhwa.dot.gov/ohim/tvtw/tvtpage.htm](http://www.fhwa.dot.gov/ohim/tvtw/tvtpage.htm).

## **FHWA seeks comment on creation of tunnel inspection standards**

The Federal Highway Administration (FHWA) is soliciting comments concerning the creation of a regulation establishing National Tunnel Inspection Standards (NTIS). The NTIS would set minimum tunnel inspection standards that apply to all federal-aid highway tunnels on public roads.

FHWA anticipates that NTIS could be modeled after the existing National Bridge Inspection Standards (NBIS) regulation. NTIS would likely include requirements for inspection procedures for structural, mechanical, electrical, hydraulic and ventilation systems, and other major elements specific to tunnels such as tunnel finishes, the qualification and training of inspectors, and a National Tunnel Inventory.

Comments must be received on or before February 17, 2009. More information is available in the November 18 Federal Register under Federal Highway Administration, at [www.access.gpo.gov/su\\_docs/fedreg/a081118c.html](http://www.access.gpo.gov/su_docs/fedreg/a081118c.html).

## **Corps, EPA releases guidance clarifying scope of CWA jurisdiction**

In an effort to further clarify Clean Water Act (CWA) jurisdiction, the U.S. Army Corps of Engineers (Corps) and Environmental Protection Agency (EPA) issued revised guidance that provides greater detail on several issues. The revisions outline

examples of what may be considered "traditional navigable waters." The new guidance also provides detail for determining whether a wetland is adjacent to a traditional navigable water.

According to the new guidance, a wetland is adjacent if it has "an unbroken hydrologic connection" to jurisdictional waters or is separated from those waters by a berm or similar feature or is reasonably close to a jurisdictional water. In addition, the new guidance addresses the question of whether a tributary of a navigable water is subject to the act, allowing regulators the flexibility in assessing the flow of a particular stream in making a determination.

The guidance is available at [www.epa.gov/owow/wetlands/guidance/cwawaters.html](http://www.epa.gov/owow/wetlands/guidance/cwawaters.html).

## **Center for American Progress releases report on chemical security**

The Center for American Progress (CAP), a Washington, D.C.,-based think tank headed by John Podesta, who is currently on leave to oversee the transition for President-elect Barack Obama, recently released a report recommending a number of revisions to the chemical security program which would greatly affect the wastewater industry. Because of the influence CAP has with the incoming administration and Congress, it is believed that the views expressed in the report will carry significant weight in the chemical security discussion that will take place in the coming year.

Among other things is a recommendation for replacing certain

chemicals with safer alternatives, referred to as inherently safer technologies (IST). "Adopting safer and more secure alternatives is the only certain way to prevent a catastrophic chemical release," the report said, adding that that the switch would be affordable and "provide the most economical solution to chemical security."

The report is especially timely as the 111th Congress is expected to consider legislation early in 2009 that would reauthorize and make permanent the Chemical Facilities Anti-Terrorism Standards (CFATS), set to expire in October 2009. The Water Sector was successful in ensuring that POTWs were exempted from the current CFATS regulations, but the changing political climate and increased Democratic majorities in the House and Senate make it very unlikely that the water sector will be able to retain its exemption in the reauthorizing legislation. The remaining battle will be over any requirements mandating the use of IST and over which agency, the Department of Homeland Security or Environmental Protection Agency, has the primary responsibility for the program.

The CAP report is available at [www.americanprogress.org/issues/2008/11/chemical\\_security.html](http://www.americanprogress.org/issues/2008/11/chemical_security.html).



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

## **Obama's Energy and Environment Appointments unveiled**

President-Elect Barack Obama's transition team is moving forward with advancing potential appointments and refining its position on key clean water policy issues. And while Obama has not yet officially announced his choices to fill key environmental posts in his Administration, transition team officials are now confirming that Lisa Jackson will head the U.S. Environmental Protection Agency (EPA), Steven Chu will be Secretary of Energy, Nancy Sutley will head the White House Council on Environmental Quality, and Carol Browner will fill a new post that some are calling "Energy Czar." The President-Elect's transition team has not yet decided on a candidate for Secretary of Interior. Obama is expected to formally introduce his environmental team later this month.

With the 2008 election over, the National Association of Clean Water Agencies (NACWA), Water Environment Federation (WEF) and APWA are working Obama's transition team to highlight the clean water community's priority issues in the coming year.

## **Changes to EPA pesticide rule helps environment, improves water quality**

Reversing its long-standing stance that antimicrobial pesticides used in homes and businesses do not impact water quality due to 'dilution and degradation,' the Environmental Protection Agency (EPA) recently unveiled a proposed rule that would require pesticide manufacturers to submit a significant amount of new information on the antimicrobial products they wish to sell in the United States. The proposal would make significant improvements to the assessment procedures for down-the-drain pesticide products, increasing our understanding of their full life-cycle impacts before they are approved by EPA.

During a Nov. 6 public workshop, EPA described the down-the-drain model it will use to assess the impacts

of antimicrobial pesticides on the wastewater treatment process itself and the aquatic environment. When it first developed data requirements for pesticides, EPA did not account for the unique uses of antimicrobial pesticides (e.g., spray disinfectants and toilet cleaners) and did not require any environmental impact data for those pesticides used indoors, assuming anything that made its way down the drain to a wastewater treatment plant would have little impact due to dilution, degradation along the way, and eventual treatment.

The proposed rule is available at [www.epa.gov/fedrgstr/EPA-PEST/2008/October/Day-08/p23127.pdf](http://www.epa.gov/fedrgstr/EPA-PEST/2008/October/Day-08/p23127.pdf).

## **EPA updates policy on federalism**

In an effort to give a greater policymaking voice to local governments, the Environmental Protection Agency (EPA) has made

changes to Executive Order 13132, Federalism. The order requires the federal government to consult with elected state and local government officials before proposing regulations or actions that have substantial direct effects below the national levels, either by virtue of their implementation costs, effects costing more than \$25 million or their preemption of state or local authority. The National Governors Association, The National Conference of State Legislators, the National Association of Counties, the National League of Cities, the Council of State Governments, ICMA, the National Association of Town and Townships, County Executives of America and Environmental Council of the States constitute the group of organizations with whom EPA will consult. The Executive Order is available at [www.epa.gov/fedreg/eo/eo13132](http://www.epa.gov/fedreg/eo/eo13132).

## **EPA proposes construction site stormwater rule**

The Environmental Protection Agency (EPA) issued a proposed regulation on Nov. 19 that would require erosion and sediment control best management practices on construction sites. Construction sites disturbing 10 or more acres would be required to install sediment basins to treat stormwater discharges from the site. One category of sites, those over 30 acres in areas with highly clay soils or high rainfall intensity, would be required to treat and filter stormwater discharges in order to meet numeric standards limiting sediment runoff.

According to EPA, the proposed rule is expected to reduce the amount of sediment discharged from construction sites by up to

27 billion pounds each year, at an annual cost of \$1.9 billion. The agency said the proposal would provide better protection for drinking water supplies, improve aquatic environments and reduce the need for dredging navigation channels and reservoirs.

As a result of a lawsuit, EPA is required by court order to issue a final construction site rule by Dec. 1, 2009. A copy of the EPA pre-publication notice is available at [www.epa.gov/waterscience/guide/construction/proposed/PREPUB-fr-proposed20081119.pdf](http://www.epa.gov/waterscience/guide/construction/proposed/PREPUB-fr-proposed20081119.pdf).

## ***APWA attends National Homeland Security Consortium meeting***

Earlier this month, Christine Walsh, member of APWA's Emergency Management Committee, attended the National Homeland Security Consortium (NHSC) semi-annual meeting in Monterey, Calif. Consortium participants heard from a variety of speakers, namely Paul Stockton, PhD, James Breckenridge, PhD, and Chris Bellavita, PhD, from the Naval Postgraduate School's Center for Homeland Defense and Security.

The presentations focused on the future relationship between the Obama Administration, homeland security and national security, as well as the roles state and local stakeholders will have in the new Administration. Discussions also concentrated on the public perception of homeland security, how homeland security will be defined in the next Administration and whether or not the Federal Emergency

Management Agency should become an independent agency from the Department of Homeland Security.

Importantly, APWA had the opportunity to speak with Ruchi Bhowmik, homeland security transition team staffer for President-Elect Barack Obama. APWA discussed infrastructure security and fully funding infrastructure projects through a robust national economic recovery program. APWA emphasized that investing in local infrastructure will create jobs, stimulate economic recovery and lay the foundation for long-term economic growth. Ruchi expressed interest in APWA's position and requested additional information.

The NHSC is an outgrowth of the National Emergency Management Association's emergency preparedness discussions that occurred in 2002. Consisting of 21 national organizations, the NHSC evolved into a forum for public and private sector disciplines committed protecting America in the 21st century.

## ***Arizona Governor Janet Napolitano nominated for DHS Secretary***

On Dec. 1, President-Elect Barack Obama nominated Arizona Governor Janet Napolitano as his choice for Homeland Security Secretary. Obama noted that Napolitano "offers the experience and executive skills needed as the next Secretary of Homeland Security."

Napolitano has extensive experience and understanding of the federal-state-local government relationship. She was re-elected to a second four-year term as governor in 2006, and earlier served as Arizona's

attorney general from 1998-2002.

If confirmed by the Senate, Napolitano will be responsible for overseeing a department that is limited to a \$50.5 billion budget. The future Homeland Security Secretary is not charged with an easy task—she will be responsible for customs and border protection, transportation and cyber security, immigration enforcement, the U.S. Coast Guard and Secret Service, as well as disaster preparedness and recovery efforts.

Senator Joe Lieberman (CT-I), Chairman of the Senate Homeland Security Committee applauded Obama's choice—as did current Homeland Security Secretary Michael Chertoff.

Senate aides indicated that the Senate Judiciary Committee is expected to proceed promptly with the confirmation process immediately following the inauguration.

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