

NACE News



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PRESIDENT'S REPORT

Susan G. Miller, P.E., County Engineer, Freeborn County, MN

As one of the largest public works bills in our history has now become law, many continue to debate whether or not it is the right thing for our economy. It is however, the right thing for our nation's infrastructure and now is the time to deliver. If your county is successful in receiving an infusion of dollars for your roads and bridges, please keep NACE informed on how counties can deliver. Through the work of the Federal Aid Task Force, several success stories and best practices are being collected to develop a model to be used from state to state.

Now is not the time however to become complacent that all our transportation funding shortfalls have been fulfilled. There may be a false sense that this recent infusion could or should delay action on the expiration of SAFETEA-LU. As Congress remains poised to consider the next generation of a national transportation agenda, counties need to remain at the forefront in voicing a need for a substantial, sustainable investment in our decaying infrastructure. We need continued education and advocacy on how many people stay employed if there is a committed annual investment in our infrastructure that can be proactively planned for as opposed to the recent reactive rush to put projects in line for one time monies. To that end, NACE is planning to adapt the New York Association's "Local Roads Matter" to take it nationwide as we approach the next authorization of our national

transportation policy. The strength of NACE is based on the strength of our 31 affiliates and a special thanks to the New York State folks for sharing their statewide campaign. Let's all work together to make this as successful on the national scene. If you haven't visited New York State County Highway Superintendents Association (NYSCHSA) website, you should, at: <http://www.countyhwys.org>.

This is a good time to also update you on the work of the Membership Committee. What exactly is it that provides value to being a NACE member? How do we best promote who and what NACE is as many seasoned road managers retire and new folks with new expectations join our ranks. Outreach activities are being considered and we are coming into the digital age as this third ever e-newsletter is evidence. We need to continue to be innovative as an organization and take a leadership role on those issues effecting our profession and your county. If you have ideas or suggestions, let NACE know or better yet – get involved and volunteer to sit in on a conference call or two.

Not to be forgotten, our Safety and Pavement Preservation working groups remain cornerstone activities for NACE. The Safety working group is teaming up with the National LTAP safety working group to see how those states without comprehensive, complete crash data can begin including all public roads. Frustrating for me is the lack of knowledge on how much of our federal dollars are being invested on the local system, but I suspect that lack of crash data is a common deterrent for not making these life saving investments. Efforts to team with NACo on a Peer to Peer Exchange will include a one day session while in Peoria at NACE 2009 for those counties with strong safety initiatives to team with those counties with overrepresented crash rates. Pavement preservation will continue to be on the cutting edge in our system management efforts as fewer and fewer miles are completely reconstructed and the partnership of the Foundation for Pavement Preservation is a strong one.

Each of these NACE priorities has only advanced because of the involvement of those of you who have volunteered your time and talent and I truly thank you. It is because of what we, the members put into NACE as an organization that determines what we get out.

As the NACE year draws to a close, I reflect back on my various involvements in the committees; the knowledge friendships gained along the way. There has not been anything in my career more rewarding than being a part of NACE and the Minnesota County Engineers Association. My wish for each of you is to get more actively involved in NACE as my experience in meeting all of you and learning from you has truly made me a better engineer and a better person!

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FHWA, ATSSA & NACE PRESENT A FREE WEBINAR - WEDNESDAY, FEBRUARY 25, 2009 3:30 PM – 5:00 PM (EST) STIMULUS PROGRAM 101: MAKING IT WORK FOR STATES AND LOCALS

- **Overview of Final Stimulus Bill**, Presented by *Laura Dennis, Director of Government Relations, ATSSA*
You will learn the final details surrounding highway funding, key conditions surrounding those funds, and a timeline for implementation. Also, find out about the transparency and accountability aspects of the law.
- **Implementing the Stimulus Bill in Your States and Localities**, Presented by *Joseph S. Toole, Associate Administrator for Safety FHWA and Harlan Miller, Team Leader of Planning, Planning Oversight & Stewardship Team FHWA*
You will learn how the funds will be funneled down to the states and local governments, and where to go in your State for assistance in accessing those funds. A brief overview of the Federal-aid processes that apply to these projects and the key areas to which you will need to pay particular attention will be presented. A discussion will follow on how these funds can be used for safety projects and other system improvements, as well as contracting models that could be used to accelerate that process.

Sign up Today; Space is Limited! This Session is Provided at No Cost to You!!! Visit the following link to sign up for your spot:
https://www.nhi.fhwa.dot.gov/resources/webconference/web_conf_learner_reg.aspx?webConfID=16411 You must pre-register; there are only a certain numbers of slots available. Also, please review important information and Q & A on the economic recovery effort at the following section of the FHWA website prior to calling into the webinar: <http://www.fhwa.dot.gov/economicrecovery/index.htm>.

AMERICAN REINVESTMENT AND RECOVERY ACT (H.R.1) FINALIZED

On February 17, 2009, President Barack Obama signed into law the \$789 billion American Recovery and Reinvestment Act of 2009. On February 13, after a relatively short Conference Committee, both the U.S. House of Representatives and the U.S. Senate cleared the bill for the President's signature. The bill provides investments in infrastructure, health, education and energy, as well as more than \$280 billion in tax cuts. The legislation also contains no earmarks and establishes oversight and accountability mechanisms. The following is an overview of several key funding highlights included in the bill:

Transportation

Transportation \$1.5 billion for an intermodal discretionary grant program

Highways \$27.5 billion

Transit \$8.4 billion

Rail \$9.3 billion (including \$1.3 billion for Amtrak)

Airports \$1.1 billion for the Airport Improvement Program

Environment and Water

\$4 billion Clean Water State Revolving Fund

\$2 billion Safe Drinking Water State Revolving Loan Fund

\$4.6 US Army Corps of Engineers Water Resources Projects

\$1 billion US Bureau of Reclamation Rural Water Projects

\$1.38 billion Rural Water & Waste Disposal Program

\$6 billion for Superfund

\$1 billion for Brownfields

\$3.2 billion for Energy Efficiency & Conservation Block Grant Program

\$3 billion for Diesel Emission Reduction Act Grants

One resource is www.recovery.gov, which features information on how the Act is working, accountability and up-to-date data on the expenditure of funds. Additionally State-by-state [fact sheets](#) which provide funding levels and estimated benefits of the overall stimulus bill. A useful website developed by FHWA to help with understanding the stimulus bill and very useful Question and Answer section is accessible at:

<http://www.fhwa.dot.gov/economicrecovery/index.htm>.

Transportation

The stimulus bill provides \$48.1 billion for transportation programs. In most cases the legislation includes 100 per cent funding with no match requirements and there are "use it or lose it" provisions or time limits for spending the funds in most categories and a number of oversight and transparency reporting requirements.

Highways and Bridges

The bill provides \$27.5 billion for highways and bridges. Fifty percent of the money will be distributed to the states based on states' 2008 share of highway and bridge dollars and 50 percent using the Surface Transportation Program (STP) formula. The funds can be used any STP-eligible project with no state or local match required. The legislation requires that 30 percent of the funds apportioned to each state be sub allocated within a state using the existing STP formula, which distributes funds to areas over 200,000 population, under 200,000 and under 5000. This totals to about \$8 billion. These are the funds that generally county governments will have access to and in large metropolitan areas are programmed by the MPO. Additionally, 3 percent of each state's share will be available to the Enhancement Program, which counties have often been able to use for their local projects. This totals to about \$800 million. There are several other set asides, including \$310 million for Indian reservation roads and \$170 million national park roads, \$60 million for the Forest Highway Program, \$10 million for Refuge Roads and \$20 million for highway surface transportation and technology training. The remaining \$17.9 will be spent at the discretion of the states. Generally, 50 percent of the highway funds must be obligated within 120 days and 50 percent within one year. The \$8 billion in funds sub allocated have a year to be obligated.

Competitive Grants for Surface Transportation

The bill includes \$1.5 billion for new competitive/discretionary grants to state and local governments for transportation projects. Highways, bridges, transit, rail and ports are eligible. Grants would be made in the \$20 million to \$300 million range and generally need to be completed in three years. Funds must reflect an equitable geographic distribution and balance between addressing urban and rural needs.

Mass Transit

The bill provides \$8.4 billion for mass transit, almost of which goes to local governments and all with a 100 percent federal share. The transit formula program will receive \$6.9 with 80 percent going to urbanized areas (\$5.440 billion), 10 percent to rural areas (\$680) million and 10 percent to high growth and high density regions (\$680 million) and \$100 million for grants to transit

"Recovery Act" continued.

agencies to reduce energy consumption and greenhouse gases. There is also a set-aside for tribal transit needs. The fixed guideway modernization program will distribute \$750 million in formula grants. For both these formula programs, recipients will have 180 days after grant awards to obligate 50 per cent of the money and two years after the award for the remaining 50 percent. The new starts program will receive \$750 million and priority will be given to projects that are currently under construction or can be obligated within 150 days.

Aviation

The bill provides \$1.1 billion for the Airport Improvement Program (AIP), which provides grants to locally owned airports, with a 100 per cent federal share. Unlike the existing AIP program, the spending will be all discretionary rather than formula and must be applied for. Fifty percent of the grants must be awarded within 120 days and the remaining 50 percent within one year.

Rail

The rail section of the bill provides for \$9.3 billion in spending. Amtrak would receive \$850 million for capital projects with priority given to repair, rehabilitation and upgrading of rail infrastructure. An additional \$450 million is provided for security grants. The largest rail funding is \$8 billion for high speed rail. The Secretary of Transportation is given flexibility in allocating these funds with the goal of advancing the deployment of intercity high speed rail service in the United States. It is not clear how these funds are to be spent on upgrading existing rail service versus the development of new high speed rail routes.

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NACE/NACo PROVIDE TESTIMONY TO HOUSE SUBCOMMITTEE TECHNOLOGY & INNOVATION

On February 12, the House Committee on Science and Technology's Subcommittee on Technology and Innovation held the first hearing to review the research, development, and deployment activities of the U.S. Department of Transportation (DOT). In his opening remarks, Subcommittee Chairman David Wu (D-OR) said, we must implement the most recent and proven surface transportation technologies to ensure that we are building the highways of the future, not the highways of the past. Wu also commented that in light of the current economic climate, federal investments in surface transportation R&D must be made in as effective and efficient a manner as possible. These new investments must be targeted to overcome the challenges of congestion and surface transportation's impact on the environment. The hearing focused on research priorities to incorporate in the upcoming surface transportation authorization. In 2005, SAFETEA-LU authorized \$2.2 billion dollars through FY09 for research and related programs. There was a consensus amongst the witnesses that for the new authorization: 1) a new transportation research paradigm is necessary; 2) that the new approach must do a better job at measuring outcomes; 3) that technology transfer needs to be a high priority; and 4) that a more integrated-holistic approach is necessary to achieve the best, and most cost-effective R & D program. Testifying at the hearing were: Paul Brubaker, former Administrator of the Research and Innovative Technology Administration of the U.S. Department of Transportation.

See "Tech Testimony" on page 4.

I'M CONCERNED AND FRUSTATED (AND YOU SHOULD BE TOO!)

By: Tom Stoner, County Engineer, Harrison County, IA and NACE South Central Region Vice President

I'm concerned and frustrated!

For over two years, past NACE president Royce Fichtner and I worked on a special six-member task force, established by the Iowa Legislature, charged with the responsibility of evaluating our highway transportation infrastructure and making recommendations for addressing its deficiencies. Our committee report concluded that the system was broken. Massive increases in funding and substantial relaxation of state and federal regulations would be required to attenuate the rapid deterioration of our roads and bridges. The task force determined our annual funding deficiencies to be over \$600 million.

However, our committee was advised that we had zero chance of convincing our governor and legislators to pass a bill raising that much money, so we lowered our goal to a number that we were assured by our lobbyist was attainable; \$200 million. Because of that reduction, our report included this caveat: **"On a system-wide basis, it is expected that even if the recommended funding level is achieved, pavement and bridge infrastructure will continue to worsen, although at a slower pace. It is also expected that on low-volume county roads, road and bridge conditions will continue to worsen resulting in more closed bridges . . ."**

That report was presented to the legislature in December of 2006. (You can read it at www.iowadot.gov/time21/images/RUTF%20Study%20Final%20122906.pdf) In the subsequent 2-plus years, legislation has been passed raising approximately 8% of that sub-minimum requirement. Additionally, our recommendations were "tweaked" to divert a larger share of the "new" money to the state, and away from the counties. The outlook for further action being taken in the current legislative session is bleak. In his January 13th "Condition of the State" address, our governor made the following comment, "because of the national recession, I believe this is no time to raise taxes on hard working Iowans". Recent events indicate he is reconsidering that position. Time will tell.

So how's our infrastructure holding up? Not very well, thank you.

Following the collapse of the I-35W bridge in Minneapolis, we were all required to expand our bridge inspection activities by performing more thorough and often more frequent evaluations of our bridges. In Harrison County we are doing so, and as a result we have closed several fracture-critical bridges; four in the last six months. Two this week. As our inspection team continues its work, I expect several more closures.

And in the midst of this crisis, I was reminded that a prediction I made in one of our task force meetings over three years ago is coming true. **"The blame for our failing infrastructure will not be attributed to the lack of adequate funding; it will be attributed directly to the unacceptable performance of our locally elected and appointed officials."** The conventional wisdom is that we don't need to raise revenue to repair our crumbling infrastructure; we simply need to "throw the current bums out" and elect/appoint officials who have a better approach toward handling the problem.

Our funding deficiencies are exacerbated by what our governor called, "misguided federal policies from Washington". (And I don't have to refer to Alaska or Las Vegas for this revealing example of political largesse.)

Twenty-eight miles south of my office is a new bridge spanning the Missouri River between Omaha, Nebraska and Council Bluffs, Iowa. This bridge was largely funded by an "earmark" in SAFETEA-LU. It was completed about six months ago. But people can't drive their cars across the bridge; it's only for pedestrians and non-motorized vehicles. Yet it was built with funds raised from state and federal fuel tax.

If the funds spent on that bridge had been provided to Harrison County; we could have replaced every single deficient bridge in the county. **EVERY SINGLE DEFICIENT BRIDGE.**

Maybe I'm just being overly pessimistic. I truly hope so. But I fear I am not. I'm worried about what kind of systems we are leaving for our peers, and our kids, and our grandkids. From down deep inside, I really am concerned.

But, until we get lawmakers, at all levels, to be more concerned about our rapidly failing infrastructure, and less concerned about their re-election bids, their party loyalties, and their cronies; things aren't going to improve. Don't hold your breath. Retirement is looking better every day. And I sincerely hope I'm retiring because it's time, and not because I'm just giving up.

Finally, if you think this article is just about Harrison County, Iowa; read it again. This time substitute your agency for Harrison County. I hope you're concerned and frustrated too!



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APPEALS COURT VOIDS PESTICIDES RULE

By Julie Ufner, Associate Legislative Director, National Association of Counties (NACo)

The 6th U.S. Circuit Court of Appeals has struck down an EPA rule which stated that pesticides were not pollutants under the Clean Water Act (CWA).

This is a significant and possibly precedent-setting ruling, with huge implications to counties not only within the court's jurisdiction, but also across the country. The 6th Circuit covers the states of Kentucky, Michigan, Ohio and Tennessee.

The 2007 EPA rule exempted those who apply pesticides directly on or near water sources, as long as the pesticides were being applied in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The rationale was if pesticides were purposely applied for a specific use — e.g. killing mosquito larvae — the pesticides were not considered pollutants and were exempt from permit requirements.

The National Cotton Council of America et al vs. the U.S. EPA case revolves around the definitions of "chemical wastes" and "biological materials" as pollutants. Under the CWA, when a "pollutant" is introduced to a water source, there must be an accompanying National Pollution Discharge Elimination System (NPDES) permit attached to the action.

The CWA is the primary method used to ensure water quality in the nation's waterways. The act states that discharge of a pollutant is not allowed without prior approval. The act goes on to state that the term "pollutant" can be: "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biologi-

cal materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water."

In its Jan. 7 ruling, the Court of Appeals disagreed with the EPA's reasoning. Because there are different types of pesticides — chemical versus biological — different criteria must be used for their applications.

In the case of chemical pesticides, the court said that as long as it "is intentionally applied to the water [to perform a particular useful purpose] and leaves no excess portions after performing its intended purpose ... [it] does not require a NPDES permit."

However, in the case where the pesticide is applied either to land or from the air, it could be considered a pollutant under CWA.

Biological pesticides, according to the court, should be considered a pollutant under CWA. Because biological pesticides contain concentrations of viruses, bacteria, plant materials, etc., they could alter the biological integrity of water quality.

The list of activities that could, under this ruling, require a NPDES permit prior to spraying include but are not limited to: spraying of pesticides for mosquito control weed control in irrigation ditches spraying for silvicultural pest control using herbicides to kill weeds or algae in water sources, and aerial spraying of insecticides.

With this decision, virtually all commercial pesticide application to, over and around waterways will now require NPDES permits. Petitioners now have 45 days from the date of the ruling to file an appeal.

"Tech Testimony" continued from page 3.

partment of Transportation; Dr. Elizabeth Deaking, Director of the University of California Transportation Center at the University of California, Berkeley; Robert Skinner, Executive Director of the Transportation Research Board; Amadeo Saenz, Executive Director of the Texas Department of Transportation; and David Wise, Acting Director of Physical Infrastructure at the Government Accountability Office. NACE/NACo provided written testimony for the hearing and recommended the below. The full testimony is available on the NACE website www.countyengineers.org

- An increase in funding for the LTAP programs
- Funding and specific direction for the National Highway Institute (NHI) to develop local road components in all their course materials
- Establishment of technology deployment offices in each State Transportation Agency
- **A general requirement or statement of policy that all organizations that receive federal funding for R & D must include a component that addresses the needs of local road agencies. If you leave local government deployment out of your efforts you will miss the deployment of new technologies affecting 75 percent of the nation's roads.**

We want to hear from you!

Send us your comments about a NACE News article, time/money saving tip or news to share.

Email us at: nace@naco.org

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NOAA's National Geodetic Survey (NGS) is seeking your valuable expertise and knowledge to improve our products and services for your benefit. To this end NGS has worked with NACE to develop a very brief web survey to tell us how we are measuring up in meeting your county's positioning needs. It will only take 5-10 minutes of your time. Also, by completing this survey you may also become familiar with NGS positioning/geospatial products and services that that you may not have previously been aware. Please complete this survey at your earliest opportunity by navigating to the following web address:

http://www.surveymonkey.com/s.aspx?sm=nRRFB6SBEFCncwZ8WLYCw_3d_3d

HIGHWAY SAFETY:

PLANNING; YOUNG DRIVERS; OLDER DRIVERS; INDIAN NATIONS; ROUNDBABOUTS; TRAFFIC LAW ENFORCEMENT; AND TRUCKS & BUSES

TRB's Transportation Research Record: Journal of the Transportation Research Board, No. 2078 includes 18 papers that explore safety-conscious planning in mid-sized metropolitan areas, safety and accessibility effects of pay-as-you-drive strategies, driver injury severity causes in single-vehicle-deer crashes, road hazards detection by novice teen and experienced drivers, effect of passenger age and gender on fatal crash risks of young drivers, actual and perceived behavior of older drivers on freeways, and older driver behavior related to fatal crashes. This issue of the TRR also examines spinal rotation during a driving task; analysis of elderly mobility policies; crash reporting on Indian reservations; conversion of all-way stop-controlled intersections into roundabouts; comparison of safety of signalized intersections and roundabouts; knowledge of correct roundabout negotiation; physical devices for traffic calming in rural communities; dynamic variable speed limit strategies on freeways; automated speed enforcement programs; automated speed enforcement cameras in Charlotte, North Carolina; and effect of truck lane restrictions on freeways in mountainous areas. For more information, see:

http://www.trb.org/news/blurb_detail.asp?ID=9918

BEST PRACTICES FOR LOW-COST SAFETY IMPROVEMENTS ON IOWA'S LOCAL ROADS

The Center for Transportation Research and Education at Iowa State University has released a report that explores various maintenance strategies practiced in Iowa to ensure safe travel on low-volume local roads. The report provides photos and narrative on these maintenance practices and references the agencies that apply these techniques.

See: http://www.trb.org/news/blurb_detail.asp?id=10015

RILEY COUNTY'S NEW "GREEN" PUBLIC WORKS FACILITIES ARE SAVING THE COUNTY \$\$

See the attached PDF file emailed with this February issue of NACE News. Submitted by Rod Meredith, Riley County, KS and NACE State Director - Reprinted from the Fall 2008 issue of the KUTC Newsletter, a publication of the Kansas Local Technical Assistance Program (LTAP) at the University of Kansas. If you did not receive it, contact NACE at 202-393-5041 or email: nace@naco.org.

2009 NATIONAL ROADWAY SAFETY AWARDS PROGRAM KICKS OFF

The 2009 National Roadway Safety Awards Program had kicked off with the official launch of the program website at www.roadwaysafetyawards.org. The site provides historical background and detailed information as well as the Nomination Application Form and guidelines for submission.

NATIONAL WORK ZONE AWARENESS WEEK: APRIL 6 - 10, 2009

This year's theme, "Drive to Survive - Our Future Is Riding On It" marks the 10th anniversary of National Work Zone Awareness Week, which is conducted every year at the start of the construction season to attract national attention to drive carefully through highway construction and repair sites. Help bring awareness to work zone safety through NACE partner, ATSSA. See: <http://www.atssa.com> (about 1/2 way down).

NACE 2009 Peoria, IL - Caterpillar Plant Tours (optional). Register on-site at NACE 2009 Registration Desk. Space is limited and will be on first-come, first-served basis according to the sign-up sheet.

http://www.naco.org/NACETemplate.cfm?Section=NACE_Events&template=/ContentManagement/ContentDisplay.cfm&ContentID=29452

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For more information about the FHWA Minimum Levels of Retroreflectivity Ruling, check out www.minimumreflectivity.org.

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**FREE ONE-DAY SAFETY WORKSHOP WILL BE HELD AT NACE 2009:
DEVELOPING COUNTY SOLUTIONS TO IMPROVE RURAL ROAD SAFETY**

This free one-day peer to peer workshop will be held on Thursday April 23, 2009 from 9:30 am to 5:00 pm at the Hotel Pere Marquette, Peoria IL. Co-sponsored by the National Association of Counties, FHWA and NACE its goal is to present best practices in safety programs currently being accomplished nationwide at the county level and teaming county elected and professional officials who want to improve their safety programs. Registration is free but limited. For more information, contact James Davenport, National Association of Counties at jdavenpo@naco.org or Tony Giancola, NACE Executive Director at agiancol@naco.org. To register for this workshop, print/complete the form (from NACE website): http://www.naco.org/NACETemplate.cfm?Section=NACE_Events&template=/ContentManagement/ContentDisplay.cfm&ContentID=29767

**Early Bird Discount extended
for NACE 2009 conference:
New Deadline: February 27th
(payment date) - last chance!
For more info see:
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NACE 2009 - TRAVEL INFORMATION

The Hotel Pere Marquette is located in downtown Peoria just 1/2 block from the Peoria Civic Center and 10 miles from the Peoria Area Airport. For reservations call: 800-447-1676, NACE rate \$105 plus taxes/includes hot breakfast buffet, <http://www.hotelperemarquette.com>

DRIVING: The Hotel offers complimentary Self Parking, Parking Deck. The main interstate into the Peoria area is I-74, which connects with I-474, I-55, I-155 and I-39. Note that I-74 is under construction, for more information, see: www.peoria.org/goto/maps.

AIRPORT: The Hotel offers complimentary Airport Shuttle Transportation. Greater Peoria Regional Airport - Airport code: PIA. See: www.flypia.com/

NACE 2009 Golf Outing Information and Registration Form (PDF file):

http://www.naco.org/NACETemplate.cfm?Section=NACE_Events&template=/ContentManagement/ContentDisplay.cfm&ContentID=29448

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| Finding Better Ways \$15 _____ | Road Surface Management \$7 _____ | All Books..... |
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| Asphalt Roadway Rehab. \$15 _____ | Purchasing Authority \$7 _____ | (Orders over \$70) \$10 _____ |
| Asphalt Paving Inspection \$15 _____ | Impact of Land Development on County & Local Transportation System Planning \$7 _____ | Total Due \$ _____ |
| Preventive Maintenance; Protecting Our Pavement & Project Selection (2 video set) \$30 _____ | Solid Waste Management \$7 _____ | Payment Included \$ _____ |
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