



National Association County Engineers

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*The Voice of County Road Officials*

**NACE UPDATE**

The almost bi-weekly newsletter for Board members, Committee Chairs, and Members  
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**NACE 2011 Early Bird Deadline Fast Extended to February 14, 2011!**

Just a little reminder that you have until **Monday, February 14, 2011** to take advantage of the Early Bird discount for NACE 2011 conference in Minneapolis, Minnesota! Please note that the registration needs to be paid in full to get the discount – by credit card on-line, or be sure the check or valid purchase order is dated by the 1/28 deadline. See links below for more information and to register.

Delegate and Guest Registration Brochure (PDF file) – form on last page:

<http://www.countyengineers.org/events/annualconf/Documents/NACE%202011%20Delegate%20Brochure.pdf>

On-line Registration:

<http://www.countyengineers.org/events/annualconf/Pages/DelegateApplication.aspx>

**Obama Uses State of the Union to Call for Greater Infrastructure Investments**

(AASHTO News)

President Barack Obama used his State of the Union address to call for investing in America's future and spurring job creation by increasing federal spending for innovation, education, and infrastructure.

Obama called rebuilding America "the third step in winning the future." To attract new businesses to America, the president said, the country needs the fastest, most reliable ways to move people, goods, and information.

"We'll put more Americans to work repairing crumbling roads and bridges," Obama said. "We'll make sure this is fully paid for, attract private investment, and pick projects based [on] what's best for the economy."

John Horsley, executive director of the American Association of State Highway and Transportation Officials, issued a statement supporting Obama's vision for transportation investment.

"We continue to be encouraged that President Obama supports investing in America's transportation infrastructure -- recognizing the role it plays in creating jobs and growing the national economy," Horsley

said. "The president understands that America needs a sustainable federal transportation program that helps state departments of transportation modernize and maintain our nation's transportation systems."

Obama noted that America's infrastructure used to be the best, but the country has slipped.

"South Korean homes now have greater Internet access than we do," he said during the State of the Union. "Countries in Europe and Russia invest more in their roads and railways than we do. China is building faster trains and newer airports. Meanwhile, when our own engineers graded our nation's infrastructure, they gave us a 'D.'"

The president said the country has to do better.

"America is the nation that built the transcontinental railroad, brought electricity to rural communities, constructed the Interstate Highway System," he said. "The jobs created by these projects didn't just come from laying down track or pavement. They came from businesses that opened near a town's new train station or the new off-ramp."

Obama noted that states have used American Recovery and Reinvestment Act funding during the last two years to begin rebuilding for the 21st century, an endeavor that has meant thousands of good jobs for the hard-hit construction industry.

### **Mica Cautions That Transportation Spending Is Likely to Shrink**

Despite Obama's call for increased investment in infrastructure during Tuesday's State of the Union address, House Transportation and Infrastructure Committee Chairman John Mica, R-Florida, said that transportation stakeholders should expect a bill that calls for spending only what the Highway Trust Fund can sustain. The Highway Account of the trust fund is projected to run short of money next fiscal year, the Congressional Budget Office reported.

The last surface transportation law, enacted in 2005 and known as "SAFETEA-LU" authorized \$287 billion in highway and transit projects. CQ Today reported a Mica-drafted surface transportation bill this year might contain only \$250 billion in new budgetary authority over the next six years -- less than the last law despite growing infrastructure needs. That figure would be half of the \$500 billion bill that Mica's Democratic predecessor, James Oberstar of Minnesota, unsuccessfully sought to pass in the last Congress.

Transportation interest groups widely supported the funding level proposed by Oberstar in 2009. An increase in revenue dedicated to the Highway Trust Fund would be needed to carry out a transportation investment program that large. The Obama administration has opposed increasing fuel taxes during difficult economic times, however.

Mica said instead of looking for ways to get more money into the trust fund, he would rather find ways to better leverage the money that's already coming in.

"I could take up to a \$250 billion bill and leverage it by five, four times," Mica said. "I could have a huge amount of capacity in helping to finance projects."

Mica cited tolling, public/private partnerships, and tinkering with existing successful bond and loan programs as policies he will pursue to better leverage existing transportation revenue.

In a statement issued after the State of the Union address, Mica criticized the Obama administration for derailing House T&I Committee efforts to move a six-year surface transportation reauthorization bill in 2009.

"It is encouraging that they are now on board with getting infrastructure projects and jobs moving again," Mica said. "However, just another proposal to spend more of the taxpayers' money, when we have billions of dollars sitting idle tied up in government red tape, will never get our economic car out of the ditch. We've got to do more with less to improve our infrastructure in a fiscally responsible manner."

### **Panel Organizes for 112th Congress; Democrats Name Members**

The House Transportation and Infrastructure Committee met for the first time this Congress last week to approve the committee's rules and oversight plan as well as subcommittee chairs, ranking members, and panel assignments.

Membership on the full committee is reduced this Congress. There are 59 members in the 112th Congress, down from 75 in previous years. Of those, 33 are Republicans and 26 are Democrats.

Rep. Nick Rahall of West Virginia has taken over as the Democratic leader of the T&I Committee. He released the roster of Democratic members of each subcommittee. Rahall is an ex-officio member of all subcommittees. Democratic subcommittee assignments are:

**Highways and Transit Subcommittee:** Ranking Minority Member Peter DeFazio (OR), Jerrold Nadler (NY), Bob Filner (CA), Leonard Boswell (IA), Tim Holden (PA), Michael Capuano (MA), Michael Michaud (ME), Grace Napolitano (CA), Mazie Hirono (HI), Jason Altmire (PA), Timothy Walz (MN), Heath Shuler (NC), Steve Cohen (TN), Laura Richardson (CA), Albio Sires (NJ), Donna Edwards (MD), Eddie Bernice Johnson (TX), and Jerry Costello (IL)

**Aviation Subcommittee:** Ranking Minority Member Jerry Costello (IL), Russ Carnahan (MO), Daniel Lipinski (IL), Peter DeFazio (OR), Bob Filner (CA), Eddie Bernice Johnson (TX), Leonard Boswell (IA), Tim Holden (PA), Michael Capuano (MA), Mazie Hirono (HI), Steve Cohen (TN), and Eleanor Holmes Norton (DC)

**Coast Guard and Maritime Transportation Subcommittee:** Ranking Minority Member Rick Larsen (WA), Elijah Cummings (MD), Corrine Brown (FL), Timothy Bishop (NY), Mazie Hirono (HI), and Michael Michaud (ME)

**Economic Development, Public Buildings, and Emergency Management Subcommittee:** Ranking Minority Member Eleanor Holmes Norton (DC), Heath Shuler (NC), Michael Michaud (ME), Russ Carnahan (MO), Timothy Walz (MN), Donna Edwards (MD), and Bob Filner (CA)

**Railroads, Pipelines, and Hazardous Materials Subcommittee:** Ranking Minority Member Corrine Brown (FL), Jerrold Nadler (NY), Elijah Cummings (MD), Rick Larsen (WA), Timothy Bishop (NY), Michael Michaud (ME), Grace Napolitano (CA), Daniel Lipinski (IL), Jason Altmire (PA), Timothy Walz (MN), Laura Richardson (CA), Albio Sires (NJ), and Peter DeFazio (OR)

**Water Resources and Environment Subcommittee:** Ranking Minority Member Timothy Bishop (NY), Jerry Costello (IL), Eleanor Holmes Norton (DC), Russ Carnahan (MO), Donna Edwards (MD), Corrine Brown (FL), Bob Filner (CA), Eddie Bernice Johnson (TX), Michael Capuano (MA), Grace Napolitano (CA), Jason Altmire (PA), Steve Cohen (TN), and Laura Richardson (CA)

### **Waters of the U.S.” Guidance to be Released**

On December 20, 2010, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) quietly sent over a “waters of the U.S.” guidance document over to the Office of Management and Budget for review. According to the EPA, a draft copy of the guidance will be released for public comment this spring and the guidance will be finalized by this summer.

There is little indication on what this guidance contains and no drafts are available. Speculation abounds on whether it relates to past “waters of the U.S.” court decisions or federal legislation that languished on Capitol Hill last Congress. The question is what force of law will the guidance have behind it? Generally guidance is used to clarification existing language.

However, in the past, both the Corps and the EPA have used non-regulatory language to implement policy. One example of this is the “Migratory Bird Rule” which was never actually a rule – it was a preamble to the 1986 rule on a definition to “waters of the U.S.” A preamble is an introduction and is not considered enforceable language. However, the Corps successfully used the ‘Migratory Bird preamble’ from 1986 to 2001 to claim jurisdiction over intrastate waters that were or could be used as habitat for migratory birds. This migratory bird policy was in effect until 2001. In 2001, the Supreme Court overturned the policy in *Solid Waste Agency of Northern Cook County (SWANCC) vs. U.S. Army Corps of Engineers*.

State and local government groups, including the National Association of Counties, were not consulted for this “waters of the U.S.” guidance, even though new clarifications on definitions within “waters of the U.S.” will impact them. Under the Executive Order 13132 on Federalism, federal agencies are required to consult with state and local governments if a proposed regulation or rule breaches the unfunded mandate threshold and/or creates a preemption of state/local government authority. However, guidance, regardless of its impact on state/local governments, does not trigger this consult.

Contact National Association of Counties: [Julie Ufner](mailto:Julie.Ufner@naacounty.org) • 202/942-4269

### **Reducing Transportation's Funding Gap: New AASHTO Report Offers Solutions**

(AASHTO News)

According a congressional commission, the gap between current revenues available for surface transportation and capital needs each year is \$137 billion.

In recognition of the need to discuss a broad range of tools to address this "funding gap," a new report from the AASHTO Center for Excellence in Project Finance outlines a number of options for meeting revenue needs. This report is a result of a wide-ranging forum held for members of Congress and their staff in September 2010, at the U.S. Capitol Visitor Center. Entitled *Funding and Financing Solutions for Surface Transportation in the Coming Decade*, more than a hundred people took part in the discussions that were organized around six sessions that addressed:

- Near- and medium-term funding options for the Federal surface transportation programs
- Expanded applications of current Federal financing tools
- Best funding and financing practices at the state and local level

Sen. Ron Wyden (D-OR), House Transportation and Infrastructure Committee Chairman John Mica (R-FL), Rep. Earl Blumenauer (D-OR), and former Pennsylvania Gov. Ed Rendell were among the many public and private sector leaders who participated in the forum and contributed to the conference report.

In addition, the AASHTO Center for Excellence in Project Finance has enhanced its website to include a new interactive map with detailed state-by-state transportation data from 1992 to 2008 for:

- Demographics
- State Roadway System
- Toll Facilities
- Revenue Sources
- State DOT Spending
- Motor Fuel Taxes

To view both the forum report and the state-by-state information, visit the AASHTO Center for Excellence in Project Finance website at <http://www.transportation-finance.org>.

### **Interested in Safety Focused Workshops? Consider Attending the ATSSA annual conference from February 13 – 17, 2011 in Phoenix AZ**

NACE is a sponsor for the Roadway Infrastructure and Safety summit scheduled at the ATSSA annual show on February 16 – 17, 2011 with a host of important workshop presentations including; Federal Aid Streamlining in Safety: Best Practices in Federal Aid and Improving Project Delivery; Pavement Marking Retroreflectivity; Safety Countermeasures: Lessons Learned; A Traffic and Safety Professional's Peer to Peer Exchange (Rumblestrips/Rumblestripes - Construction and Durability, Bicycle Accommodation, Guardrail Installation and Certification, Flashing Yellow Arrow (FYA); Use of Pavement Marking Symbols at Freeway Interchanges; FHWA Guidance on Roadside Safety Hardware Road Safety Audits: From Federal, State and Local Levels; Solving the Rural Road Safety Challenge; Toward Zero Deaths: A National Effort; Improving Safety During Mobile or Short Duration Work Operations; Low Cost Safety Improvements Evaluation of Effectiveness; and the Olmsted County (MN) Highway Safety Plan.

The NACE Roadway Safety Committee will also formally meet during the show. For more information visit <http://expo.atssa.com/>

### **APPLICATIONS SOUGHT FOR 2011 NATIONAL ROADWAY SAFETY AWARDS**

The Roadway Safety Foundation and the Federal Highway Administration are currently accepting applications for the 2011 National Roadway Safety Awards. RSF and FHWA recognize best practices in roadway safety improvements and publish the practices to help solve reoccurring roadway safety issues throughout the nation.

“We are very excited to begin the process once again of searching for and honoring high achievers in the field of roadway safety,” said Greg Cohen, Executive Director of the Roadway Safety Foundation. “This biennial celebration is an exciting time for us, and for all of the applicants who are doing such tremendous work across the country to keep road users safe.”

*The competition includes three award categories: Infrastructure Improvements; Operational Improvements and Program Planning; and Development and Evaluation. Applicants can submit projects, programs, or activities that include effective and innovative safety agendas, and resourcefully employ various sources of aid including federal, state, local, and/or private sector funds.*

Winners of the competition will receive an invitation to attend a national-level recognition event in Washington, DC; local and national media coverage opportunities; appearance in trade press and other RSF and FHWA publications and websites, and meeting opportunities with key roadway safety officials and legislators in Washington, DC.

The deadline for submissions is **May 1, 2011**. To learn more or to download an application, please visit [www.roadwaysafety.org](http://www.roadwaysafety.org)

### **Transportation Research Board Roundabout Conference**

This conference will be held from May 18 – 20, 2011 in Carmel, IN. Registration opened February 1, 2011 at [www.trb.org/conferences/roundabout2011.aspx](http://www.trb.org/conferences/roundabout2011.aspx) For more information contact Gene Russell at [geno@ksu.edu](mailto:geno@ksu.edu)



## **National Summit for Rural Traffic Safety Culture**

The [2011 National Summit for Rural Traffic Safety Culture](#) will be held in conjunction with the Montana Summer Institute in Big Sky, MT on **July 11-13, 2011**. Both events are

being hosted by the Center for Health and Safety Culture at the Western Transportation Institute. Sponsored in part by the AAA Foundation for Traffic Safety, this year's events are focused on *Telling a New Prevention Story*.

The Summit is undergoing some changes this year including the addition of an extra day. This will allow additional instruction time in the morning and outcome-based breakout work in the afternoon. With this additional day comes some additional costs. Registration for the 2011 Summit will be \$550 for the full 2 ½ days. However, to offset these costs, we have significantly expanded the number of Travel Scholarships that will be available. Funds will be disbursed in increments of \$500 and can be applied against registration fees. Applicants must be public sector employees and must complete an [application](#) to be considered. The number of scholarships awarded will be based, in part, on available funds. While all applications must be received by **Friday, May 27, 2011**, it is recommended that you apply early as funds will be distributed, in part, on a first-come, first-served basis.

Also, we wanted to again thank the 2010 Summit Sponsors – American Traffic Safety Services Association, Centers for Disease Control and Prevention, AAA Foundation for Traffic Safety, Federal Highway Administration, NHTSA, and the Western Transportation Institute. As you may have noticed, their support enabled us to expand our proceedings efforts this past year to include not only the [Summit Proceedings](#) (104 pages that include speaker presentations and breakout group discussions), but also [audio recordings](#) of presentations. These documents have been viewed/downloaded by several of you and we hope that you have or will consider forwarding them to colleagues. As stated during the 2010 Summit – “We believe that our success is rooted in the relationships that we build and the information that we share.”

### **Model Inventory of Roadway Elements (MIRE)**

What is MIRE? Safety data are a key element to sound decisions on the design and operation of roadways. MIRE, the Model Inventory of Roadway Elements, is a recommended listing of roadway inventory and traffic elements critical to safety management. MIRE provides a data

dictionary with definitions and attributes for each listed element. Over the past decade, efforts to develop a model and minimum set of good crash data elements have resulted in the Model Minimum Uniform Crash Criteria (MMUCC) which has become the de facto standard for crash data variables. MIRE was developed as a companion to MMUCC — intended to serve as the recommended de facto standard for roadway and traffic data. Visit [www.mireinfo.org](http://www.mireinfo.org) for more information.

### **Crash Data Improvement Program (CDIP)**

The CDIP is intended to provide states with a means to measure the quality of the information within their crash database. It can provide states with metrics to measure where their crash data stands in terms of its timeliness, the accuracy and completeness of the data, the consistency of all reporting agencies reporting the information in the same way, the ability to integrate crash data with other safety databases and how the state makes the crash data accessible to users. Additionally, the CDIP was established to help familiarize the collectors, processors, maintainers and users with the concepts of data quality and how quality data helps to improve safety decisions. Visit <http://safety.fhwa.dot.gov/cdip>

### **Study: Roads are Safer in Urban Areas**

Link to article in *USA Today*: [http://www.usatoday.com/news/nation/2011-01-25-1Ahighwaydeathlottery25\\_ST\\_N.htm](http://www.usatoday.com/news/nation/2011-01-25-1Ahighwaydeathlottery25_ST_N.htm)

### **State of Transportation is 'Weak,' Engineers Say**

Link to story and video on CNN:

<http://www.cnn.com/2011/US/01/24/transportation.stateofunion/>

### **New from US DOT**

Public Roads – January/February 2011 Edition

<http://www.fhwa.dot.gov/publications/publicroads/11janfeb/index.cfm>