



National Association County Engineers

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**NACE UPDATE**

The almost bi-weekly newsletter for Board members, Committee Chairs, and Members  
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(Note: Sources of information include the AASHTO Journal, NACo staff, Senate and House publications, the Federal Highway Administration, and other association news journals)

**EARLY BIRD DEADLINE FAST APPROACHING - REGISTER NOW!**

**NACE 2010 CONFERENCE LINKS**

The delegate early bird registration will end on January 29, 2010. NACE 2010 conference information is now available on the NACE website: [www.countyengineers.org](http://www.countyengineers.org) (under NACE Events).

Delegate & Guests can register on-line: **Take advantage of the early bird prices which ends on January 29, 2010.**

[http://www.naco.org/NACETemplate.cfm?Section=NACE\\_Events&Template=/cffiles/nace/delegateapp.cfm](http://www.naco.org/NACETemplate.cfm?Section=NACE_Events&Template=/cffiles/nace/delegateapp.cfm)

Exhibitors can register on-line:

[http://www.naco.org/NACETemplate.cfm?Section=NACE\\_Events&Template=/cffiles/nace/exhibitapp.cfm](http://www.naco.org/NACETemplate.cfm?Section=NACE_Events&Template=/cffiles/nace/exhibitapp.cfm)

In addition to on-line registration and PDF files of brochures, see information on conference overview, travel, hotel, golf outing and more!

American Society of Civil Engineers magazine *Civil Engineering* has a great feature article on the construction of the Super Span of the Dallas Cowboys new stadium. We have set up tours on Tuesday afternoon. More information about signing up to follow. To view the article go to the following link. [http://pubs.asce.org/magazines/CEMag/2010/Issue\\_01-10/article1.htm](http://pubs.asce.org/magazines/CEMag/2010/Issue_01-10/article1.htm)

**Jobs, Deficit Reduction to Top Obama's Agenda This Year**

(AASHTO Journal)

When President Barack Obama delivers his first State of the Union address next Wednesday, jobs and the economy will top the agenda.

A ready vehicle for job creation is the \$174 billion package (HR 2847) passed by the House in December, which awaits action in the Senate. The bill not only includes \$37.3 billion for transportation projects, it also would extend the current authorization for federal highway and transit programs through the end of the fiscal year, funding some \$53.3 billion for highways, transit, and traffic safety.

Senate Finance Committee Chairman Max Baucus, D-MT, announced that his committee will mark up its portion of the jobs bill the first week in February. In addition to tax issues and extension of unemployment benefits, the Finance Committee would have jurisdiction over provisions in the bill that would provide an infusion of \$19.5 billion to the Highway Trust Fund, with \$14.7 billion going to the Highway Account and \$4.8 billion to the Mass Transit Account. The infusions proposed by the House are to reimburse the Highway Trust Fund from interest it has not collected since 1998.

Also likely to figure in the State of the Union address is Obama's promise to address the federal deficit, which might have some longer-term impacts on future transportation funding. Senate budget-writers are seeking to create an independent deficit reduction commission that would take a look at federal programs, including entitlement programs such as Social Security and Medicare, and make recommendations for spending reductions to reduce the federal deficit. The reductions would be made after the November elections and would be put before the House and Senate for an up or down vote. Obama is considering creating such a commission by executive order.

Whatever is unveiled during Wednesday night's State of the Union address is likely to be reinforced by the president's budget proposal for federal Fiscal Year 2011, which will be sent to Congress Feb. 1.

### **LaHood to Host Second Listening Session in Minneapolis**

U.S. Transportation Secretary Ray LaHood is holding the second in a series of public meetings regarding the next long-term surface transportation authorization bill Jan. 25 in Minneapolis.

The previous authorization law, known as "SAFETEA-LU," expired Sept. 30, 2009, and has been temporarily extended until Feb. 28. A six-year authorization measure has stalled in Congress over how to raise the necessary tax revenue to pay for it. The Obama administration has asked Congress to delay an authorization bill until 2011.

House Transportation and Infrastructure Committee Chairman James Oberstar, D-MN, will join LaHood at the Jan. 25 town hall at the University of Minnesota. They will solicit feedback from local transportation stakeholders on how they think the next authorization bill should take shape.

### **Congress Extends National Flood Insurance Program, FEMA Reveals Risk MAP Strategy for FY 2010**

On December 19, 2009, President Obama signed the "Department of Defense Appropriations Act of 2010" (H.R. 3326) into law which extended the National Flood Insurance Program (NFIP) until February 28. For some time, Congress, the Executive Branch and stakeholders have been debating how to revise the NFIP – either through legislation, rulemakings or a combination of the two. Although a two month extension has been granted to initiate change, it is anticipated that another extension might be needed to buy additional time. Risk MAP, FEMA's Flood Map Modernization Program, was allocated \$220 million for FY 2010.

With extensive revisions of the NFIP on the horizon, the Federal Emergency Management Agency (FEMA) is forging ahead with a FY 2010 National Outreach Strategy for Risk MAP that raises risk awareness and understanding, motivates citizens to protect themselves from flood risk

and encourages communities to take the lead in protecting their constituents. Moreover, by strengthening its partnership with State, local and tribal governments, and other federal agencies, FEMA intends to improve flood maps' digital platform by capturing elevation and watershed data to produce more credible Risk MAP products—therefore providing a foundation for enhanced mitigation planning.

FEMA anticipates that the National Outreach Strategy will further the agency's goal to modernize 80 percent of the nation's flood maps by FY 2014.

For additional information on the NFIP, go to: <http://www.fema.gov/hazard/flood/info.shtm>.

### **Large Coalition Urges Congress to Establish a Bank**

(AASHTO Journal)

Dozens of elected officials and interest groups gathered Wednesday at the U.S. Capitol to urge Congress to enact legislation establishing a national infrastructure bank. The broad coalition said a bank will help generate some of the investment needed for infrastructure projects of regional and national significance. President Barack Obama proposed creating a national infrastructure bank as part of his administration's budget for Fiscal Year 2010, but Congress did not enact the recommendation.

Wednesday's event was sponsored by Building America's Future, a bipartisan organization dedicated to bringing about a new era of U.S. investment in infrastructure that enhances the nation's prosperity and quality of life.

"America needs a variety of methods -- action by the government and private sector, current and new revenues, and federal leadership and local innovation -- to repair and modernize our nation's infrastructure," said Pennsylvania Gov. Ed Rendell, a co-chair of Building America's Future. "A national infrastructure bank should play a role as a funding and financing vehicle for projects that have major national or regional impact. This is an important reform that is urgently needed to address our nation's infrastructure funding shortfalls."

California Gov. Arnold Schwarzenegger, also a co-chair of Building America's Future, said a national infrastructure bank could help finance projects for states and cities that are struggling with shrinking revenues and budget deficits. He added that a bank could help ensure that national infrastructure dollars are allocated to projects based on merit rather than politically driven formulas.

Other participants included New York Mayor Michael Bloomberg; Los Angeles Mayor Antonio Villaraigosa; Rep. Rosa Delauro, D-CT; former Sen. Chuck Hagel; former House Majority Leader Dick Gephardt; Andrew Herrmann of the American Society of Civil Engineers; Stephen Sandherr of the Associated General Contractors of America; John Horsley and Jack Basso of the American Association of State Highway and Transportation Officials, Robert Puentes of the Brookings Institution; Pete Ruane of the American Road & Transportation Builders Association; James Corless of Transportation for America; Tom Curtis of the American Water Works Association; Robert Borosage of the Campaign for America's Future; Leo Gerard of United Steelworkers International; Mark Ayers of the AFL-CIO; Bruce D'Agostino of the Construction Management Association of America; David Raymond of the American Council of Engineering

Companies; Jim Kessler of Third Way; Maureen McAvey of the Urban Land Institute; Adrian Moore of the Reason Foundation; Anna Burger of the Service Employees International Union; Dan Hartnett of the Association of Metropolitan Water Agencies; and Stephen Flynn of the Center for National Policy.

### **Clean Water Act fix may not be navigable in 2010**

(Taryn Luntz, E&E reporter)

By all accounts, Transportation and Infrastructure Chairman James Oberstar (D-Minn.) will face an uphill battle this year if he tries to move a controversial bill to amend the Clean Water Act. Oberstar has yet to introduce his bill, which he says would restore the original intent of the 1972 Clean Water Act after two major Supreme Court decisions last decade. After insisting as recently as December that he intended to move the bill in 2009, Oberstar now acknowledges it still has far to go. "We're not there yet," he told E&E last week. "We've got a lot of work to do."

The bill would seek to clarify the jurisdiction of the Clean Water Act, which the Supreme Court in 2001 and 2006 determined largely was limited to navigable waters and did not encompass many wetlands and waters that long had been subject to the law.

The Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers and Rapanos-Carabell rulings have spawned a regulatory muddle, with federal, state and local enforcers struggling to interpret which waters are now protected. A U.S. EPA memo obtained by the T&I Committee in 2008 showed the agency had dropped, delayed or softened enforcement in about 500 water cases between June 2006 and December 2007 as a result of jurisdictional uncertainty.

"We're not looking for anything new," said Neil Shader of Ducks Unlimited, a hunting and conservation group that supports the proposed bill. "We're looking for things to go back to the way they were in 2001. Property rights existed then. People could work their land. It was the same thing that had been in place since the Clean Water Act passed in 1972."

But bill opponents, which include a bevy of powerful farm, building and industry groups, say striking the word "navigable" from the law would greatly broaden its scope and leave everything from ditches to backyard fishing holes vulnerable to federal regulation.

"What we're talking about regulating here is things that are isolated, things that are not very wet, things that only have water in them after a rainfall event," said Don Parrish, senior director of regulatory relations at the American Farm Bureau Federation. "How do you determine the difference between that and a ditch? I don't think Congress intended the Clean Water Act in 1972 to regulate every ditch, and the way the legislation is worded, you can't exclude them."

Oberstar has introduced a version of the legislation in every Congress since 2002, where it repeatedly has stalled in committee. But with Democrats in control of Capitol Hill and the White House, supporters had hoped this Congress would be its time to shine.

The Senate version of the bill, S.

787<<http://www.eenews.net/features/bills/111/Senate/220709192553.pdf>>,  
advanced further than ever before when it cleared the Environment and Public Works Committee  
this summer. The measure passed along party lines after Sen. Max Baucus (D-Mont.) added  
language to protect existing exemptions for farms on converted wetlands  
(Greenwire<<http://www.eenews.net/Greenwire/2009/06/18/archive/3>>, June 18, 2009).

Political observers say farm-state Democrats are loath to incur the rancor of the American Farm  
Bureau Federation during an election year.

The Farm Bureau has joined with dozens of agriculture, mining and building interests to form the  
Waters Advocacy Coalition, a group dedicated to campaigning against the bill. Members include  
the National Association of Realtors, the National Association of Homebuilders, the National  
Cattlemen's Beef Association and the National Mining Association, among others.

Last month, a group of 28 Republican lawmakers from Western states told House and Senate  
leadership that they "strongly object" to any attempt to move such a bill. "The concern we hear  
back home is that this legislation would grant the Environmental Protection Agency and the  
Army Corps of Engineers virtually unlimited regulatory control over all wet areas within a state,"  
the letter from 11 senators and 17 representatives said. "This bill attempts to trump state's rights  
and pre-empts state and local governments from making local land and water use decisions"  
(E&E Daily<<http://www.eenews.net/EEDaily/2009/12/09/archive/7>>, Dec. 9, 2009).

### **HAVE YOU VISITED Our Local Roads Matter website!**

Dan Fedderly, Executive Director Wisconsin County Highway Association, Dunn County  
Supervisor and former Wisconsin County Highway Superintendent presented the "rural county"  
view in a briefing to Congressional Staffers for the National Association of Counties. To view  
his presentation visit the NACE Local Roads Matter Campaign site  
<http://countyengineers...org/LRM/index.html> or click on the Local Roads Matter button on the  
left side of this page. Then click on the Social Media Center.

### **Guidelines for Selection of Bridge Deck Overlays, Sealers, and Treatments**

A new posting appears on the AASHTO [Subcommittee on Maintenance](#) homepage. It is a result  
of a National Cooperative Highway Research Project (NCHRP).

[Guidelines for Selection of Bridge Deck Overlays, Sealers, and Treatments \(NCHRP 20-07/Task  
234\) - Revised Final Report](#)

### **FHWA Order 1340.3 Establishment of the Federal-Aid Highway Program Policy and Guidance Center**

<http://www.fhwa.dot.gov/legisregs/directives/orders/13403.htm>

### **Fast Lane Blog: Oprah Show Targets Distracted Driving**

<http://fastlane.dot.gov/2010/01/oprah-devotes-show-to-distracted-driving-on-monday.html>

### **Weekly Summary of FHWA American Recovery and Reinvestment Act (ARRA) Projects**

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

### **States Obligate 91 Percent of Recovery Funds**

States have obligated \$23.3 billion in highway funding under the American Recovery and Reinvestment Act as of Jan. 15, roughly 91 percent of available money, according to the Federal Highway Administration. FHWA reports that of the 10,663 projects obligated, 1,681 have been completed and 6,893 are under contract. The report states that \$25.6 billion was made available to the states, not including the funds for federal lands projects. Under the requirements of the recovery act, state and local governments must have obligated their entire highway funding by March 2. Those that do not must return unused recovery funds to the federal government for redistribution to other states.

### **New from TRB**

- *Soil Mechanics 2009*

[http://www.trb.org/Main/Blurbs/Soil\\_Mechanics\\_2009\\_162779.aspx](http://www.trb.org/Main/Blurbs/Soil_Mechanics_2009_162779.aspx)

### **Traffic Control Devices, Visibility, and Highway-Rail Grade Crossings 2009**

TRB's Transportation Research Record: Journal of the Transportation Research Board, No. 2122 includes 10 papers that explore the effectiveness of dynamic speed display signs in transition zones of rural highways; alternative procedures for setting curve advisory speed; improving signing from the installation perspective; advance warning signals; traffic control device guidelines for horizontal curves; path guidance for work zones at freeway interchanges; traffic sign luminance and text size; highway-rail grade crossing collisions; driver behavior at highway-railroad crossings; and stop sign treatments at highway-railroad grade crossings. [\[More\]](#)

### **Highway Design 2009**

TRB's Transportation Research Record: Journal of the Transportation Research Board, No. 2120 includes 12 papers that explore geometric design, as influenced by speed, sun glare, driveways, and sag vertical curves; roadway safety design, including impact testing, guardrails with round timber posts, bridge rails, median barriers, and urban roadside safety; landscape and environmental design in the Himalayan regions and in context-sensitive solutions; and best management practices for highway stormwater control. [\[More\]](#)