

National Association of County Engineers

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NACE UPDATE

The almost bi-weekly newsletter for Board members & Committee Chairs

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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)

Hurry It's Not Too Late to Register Now for the 9th International Low Volume Roads, Austin, TX from June 24 – 27, 2007

TRB 9th International Conference on Low-Volume Roads will be held from June 24-27, 2007 in Austin, TX.

Conference registration: Online registration is available at:

<http://www.cae.utexas.edu/9LVR/Reg.htm>

Hotel room reservations for the conference can now be made online. The conference will be held at the Sheraton Austin Hotel (formerly the Austin Marriott at the Capitol) in downtown Austin.

For more details, please visit the conference host website at:

http://www.cae.utexas.edu/9LVR/Conf_Info.htm

The conference Online Conference Program is now posted online at:

<http://www.trb.org/conferences/programs/default.asp?event=104&view=date>

For questions and comments, please contact 9lvr@nas.edu

SAFETEA-LU Technical Corrections Bill Passes the House

On June 6, the Senate Environment and Public Works Committee approved H.R. 1195, the SAFETEA-LU Technical Corrections bill. A technical corrections bill is normally considered after the passage of a major transportation authorization to address errors and omissions that occurred in the original legislation and, while both the House and Senate passed technical corrections legislation last year, a final bill was never enacted. The House passed H.R. 1196 in March 2007

The bill passed by the Committee this week includes a NACo recommended provision allowing for the expenditure of some Surface Transportation Program funds, a category in the federal highway program, on minor rural collectors in areas under 5000 population. This language had been in law since 1991 and was inadvertently left out of SAFETEA-LU. The bill also provides \$37 million in additional research funding for the Federal Highway Administration and extends the life of the National Surface Transportation Policy and Revenue Study Commission by six months to December 31, 2007 and provides it with an additional \$2 million. The Senate Banking Committee, which has jurisdiction over the transit section of SAFETEA-LU, passed their version of Technical Corrections on May 16 and the Commerce Committee, which reviews highway

safety issues, still needs to act. After that occurs the next step will be full Senate consideration. Contact: Bob Fogel 202/942-4217 or bfogel@naco.org

Wetlands Guidance

On June 5, the Army Corps of Engineers (Corps) along with the Environmental Protection Agency (EPA) released long-awaited guidance on wetlands permitting jurisdictional decisions. This was in response to the Supreme Court's instructions in the 2006 consolidated cases of *Rapanos v. the United States* and *Carabell v. United States*.

The guidance attempts to clarify when a Clean Water Act (CWA) Section 404 permit is needed. The 404 permit program was originally created to control discharge of dredged or fill materials into "navigable" waters. These discharges include return water from dredged material disposed of on the upland and general any fill material (e.g. rock, sand, dirt) used to construct fast land for site development, roadways, erosion protection, etc. However, the program has been inconsistent regarding jurisdictional determinations nationwide.

According to the agencies, the purpose of the guidance is to "ensure that jurisdictional determinations, administrative enforcement actions and other relevant agency actions are consistent" with the 2006 Supreme Court decision. Through the guidance, the agencies hope to identify jurisdictional waters by categories or on a case by case basis.

Specifically, the guidance discusses the agencies' protection of three classes of waters through the following actions: (1) Continuing to regulate "traditionally navigable waters," including all rivers and other waters that are large enough to be used by boats that transport commerce and any wetlands adjacent to such waters; (2) Continuing to regulate "non-navigable tributaries that are relatively permanent and wetlands that are physically connected to these tributaries"; and (3) Continuing to regulate based on case-by-case determinations for other tributaries and adjacent wetlands that have certain characteristics that significantly affect traditionally navigable waters.

This policy, for the Corps district offices, is for guidance purposes only. It is not a regulation, although the agencies indicated that, based on public comment, they may consider future regulations. The agencies will accept comments for the next six months. They would like to hear specifically about experiences in applying the guidance. To submit comments: <http://www.regulations.gov>, identified by Docket No. EPA-HQ-OW-2007-0282

The joint guidance is available at:

<http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html> .

Contact: Julie Ufner 202/942-4269 or jufner@naco.org

Appropriations Committee Approves FY08 Homeland Security Bill

The House Appropriation Committee approved the FY2008 spending bill for the Department of Homeland Security (DHS) during the week. The bill proposes a total of \$36.7 billion for operations and activities that DHS manages in FY2008. This is an increase of almost \$4 billion compared to the FY07 enacted levels, and is \$2.1 billion more than President's FY08 budget request.

Specifically, the bill proposes: \$950 million for DHS State Homeland Security Grant Program and Law Enforcement Terrorism Prevention Grant Program, \$800 million for

DHS' Urban Area Security Initiative Grant Program, \$800 million for FIRE Grants, and \$300 for DHS' Emergency Management Performance Grant Program. Additional programs important to state and local governments include: \$50 million for Interoperable Communication Grants, \$1.7 billion for Disaster Relief; \$230 for the Flood Map Modernization Fund, and \$120 for the Pre-Disaster Mitigation Program.

Next week, the full House is scheduled to debate the bill. NACo will continue to keep members posted on future developments. (Contact: Dalen Harris 202/942-4236 or dharris@naco.org)

FHWA Supported Work Zone Training

The American Traffic Safety Services Association (ATSSA) has announced a preliminary schedule for Work Zone Traffic Control Technician and Traffic Control Supervisor courses. The courses are supported by a training grant from the Federal Highway Administration. The low cost discounted course fees are \$50 for the private sector and \$25 for the public sector. The course schedule can be found at www.atssa.com

Through a NACE-ATSSA Cooperative Agreement it is possible to schedule some of these classes in conjunction with NACE chapter and affiliate annual meetings and events. NACE chapters interested in scheduling these courses should contact ATSSA's Donna Clark, Director of Training at Donnac@atssa.com.

Final Rule on Retroreflectivity Expected within Next Year

The Federal Highway Administration (FHWA) is expected, late this year, to write a final rule on minimum retroreflectivity levels for certain traffic control devices. ATSSA has sponsored a Retroreflectivity Clearinghouse website and forum to collect and distribute technical information about retroreflectivity, as it pertains to traffic control devices. The site may be viewed at the following address: www.retroreflectivity.net

County Wetlands Data Guidebook available

A new NACo publication provides a practical introduction to wetlands data designed to help county officials obtain and utilize wetlands data and maps for county purposes. A copy of the publication, "County Wetlands Data Guidebook," will be mailed to the chief elected official of every NACo member county and is available now at www.naco.org/techassistance under "Water Quality." NACo developed this resource with financial assistance from the U.S. Environmental Protection Agency. **CONTACT:** Erik Johnston at 202-942-4246 or ejohnston@naco.org.

MAINTAINING TRAFFIC SIGN RETROREFLECTIVITY: IMPACTS ON STATE AND LOCAL AGENCIES

http://www.trb.org/news/blurb_detail.asp?id=7767

The U.S. Federal Highway Administration has released an update to its 1998 report on the national impact of minimum maintained traffic sign retroreflectivity levels.

AASHTO Visioning Website Launched

The American Association of State Highway and Transportation Officials (AASHTO) launched a web site to chronicle and facilitate the establishment of a new multi-decade vision for U.S. transportation. AASHTO, which represents the state departments of transportation nationwide, is planning a conference May 21-23 in which an estimated 150 people from public and private-sector groups will lay a conceptual framework for that transportation vision.

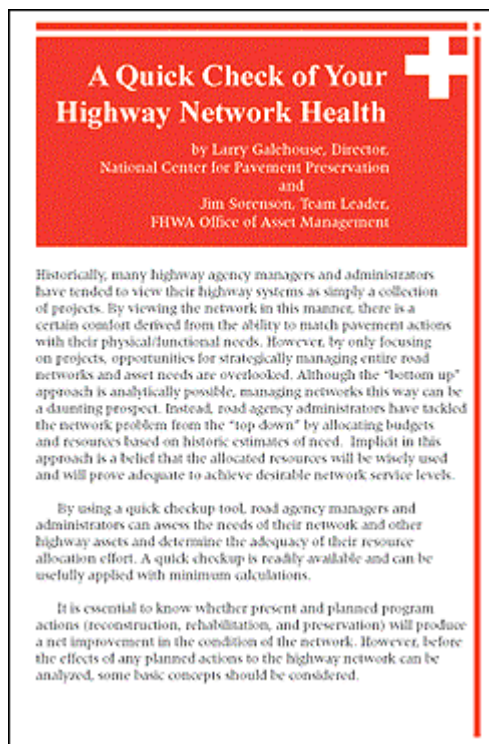
The new website can be accessed at <http://www.transportationvision.org>. It contains links to research, a set of recent reports created by AASHTO, conference information, and links to associated groups.

Checking Your Highway Network's Health

How healthy is your pavement network? Are you using your funds strategically to achieve the most value for your highway expenditures? How much will your system deteriorate if you defer preservation work?

A new brochure available from the Federal Highway Administration (FHWA) and the National Center for Pavement Preservation (NCPPI) offers highway agencies guidance on strategically managing their entire pavement networks, asset needs, and available budgets. In the past, agencies allocated budgets and resources based on historic estimates of need and equitable distribution. *A Quick Check of Your Highway Network Health* (Publication No. FHWA-IF-07-006) provides a tool for highway agency managers to assess the needs of their pavement networks and determine the adequacy of their resource allocations. This tool generally uses information at hand or data generated by the agency's management systems.

The simple checkup tool examines the effect of current planned reconstruction, rehabilitation, and preservation work on pavement life and deterioration and provides agencies with information sufficient to either improve network condition or maintain the status quo by preventing further deterioration. For example, an agency would first evaluate reconstruction and rehabilitation work by examining the lane miles, design life, and lane-mile cost for each proposed project or planned strategy. Pavement preservation treatments would then be evaluated by examining the life extension offered by the treatment. These less costly treatments, including concrete joint resealing, thin hot-mix asphalt overlays, microsurfacing, chip seals, crack seals, and others can extend the life of roads in good condition. The agency can then decide how best to allocate funds among reconstruction, rehabilitation, and preservation to achieve the greatest improvement in its overall network condition.



A Quick Check of Your Highway Network Health publication cover

"Integrating reconstruction, rehabilitation, and preservation in the proper proportions will substantially improve network conditions for the taxpayer while safeguarding the highway investment," says Larry Galehouse, Director of the NCPP. The checkup tool approach allows decision makers to see the effects of resource allocations on the health of their pavement networks. "It is about managing the system condition with the budgets provided or demonstrating the need for additional funds," says Jim Sorenson of FHWA's Office of Asset Management.

To obtain a copy of the brochure or for more information on the quick check-up tool, contact Joe Gregory at FHWA, 202-366-1557 (email: joseph.gregory@fhwa.dot.gov), or the National Center for Pavement Preservation at 517-432-8220 (email: ncpp@egr.msu.edu). Information is also available at www.pavementpreservation.org.