



National Association County Engineers

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**NACE UPDATE**

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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)

**Federal Legislative Alert: Clean Water Restoration Act S. 787 – Act Now to Oppose Elimination of word “Navigable” from Definition!**

We received from NACo regarding movement of S. 787, the Clean Water Restoration Act (CWRA) (attached). The CWRA proposes to eliminate the word “navigable” from the definition of “waters of the U.S.” within the Clean Water Act (CWA), essentially placing all bodies of water or “perceived” bodies of water under federal jurisdiction — even those waters traditionally under state authority. The bill goes on to include “activities affecting these waters.” While the intent may be to limit direct and non-direct pollution sources going into major waterways, it could be interpreted quite differently to allow the federal regulation of any and all activities that “affect” waters. It is possible that a non-direct source 10’s to 100’s of miles away could be regulated, even though there is no direct hydrological connection. This definition does not exist anywhere in current law or regulation.

According to NACo staff, the Senate Environment and Public Works (EPW) Committee is expected to take up the measure in May. NACo and NACE oppose any effort to remove the term “navigable” from the definition of “waters of the U.S.” in the CWA. In 2007, NACE and NACo opposed a similar bill, HR 2421.

Counties that are opposed to this proposed definition of “waters of the U.S.” are encouraged to express their concerns with the offices of their Senators. It also wouldn’t hurt to contact your House delegation as this issue will eventually be taken up there as well.

**Rough Roads Costing Motorists Hundreds of Dollars Each Per Year**

Keeping the nation’s highways in good repair is a daily battle against age, weather, and the wear and tear of unrelenting traffic. As a result, 33 percent of the nation’s major highways are rated in poor or mediocre condition, according to an AASHTO report released today. And rough roads cost drivers hundreds of additional dollars annually in vehicle operating costs. Motorists pay an average of \$400 more annually in vehicle operating costs because of accelerated vehicle deterioration, increased maintenance, additional fuel consumption, and tire wear caused by poor road conditions, the report concludes. “Rough Roads Ahead: Fix Them Now or Pay for It Later” was released at a news conference in Dearborn, MI, by the American Association of State Highway and Transportation Officials and a national transportation research organization called TRIP. The report states that one third of the nation’s major highways – including interstates,

other freeways, and major arterials – are in poor or mediocre condition. Roads in urban areas, which carry 66 percent of the traffic, are in much worse shape. “The American people are paying for rough roads multiple times,” said Kirk Steudle, director of the Michigan Department of Transportation. “Rough roads lead to diminished safety, higher vehicle operating costs, and more-expensive road repairs. It costs \$1 to keep a road in good shape for every \$7 you would have to spend on reconstruction. It’s another drag on the economy.” The report uses the latest government statistics to show pavement conditions in all 50 states and vehicle operating costs by state and urban areas.

The report documents that:

- 30 to 60 percent of the roads in the nation’s largest urban areas are in poor condition
- 61 percent of rural roads are in good condition
- 72 percent of the Interstate Highway System is in good condition but age, weather conditions, and burgeoning traffic are eroding ride quality

The full report is available at <http://roughroads.transportation.org> along with examples from states working to improve their highway systems, charts, and photographs. Rough Roads is part of “Are We There Yet? We Can Be! America, Let’s Get Moving,” AASHTO’s effort to build awareness and support for the nation’s transportation system and a robust surface transportation authorization measure from Congress this year.

### **Oberstar Outlines Key Priorities for Authorization Bill**

Rep. James Oberstar, chairman of the House Transportation and Infrastructure Committee, has circulated an outline of his ideas for this year’s surface transportation authorization legislation to fellow lawmakers and interest groups, seeking support for some broad principles to guide drafting of the language. Oberstar, D-MN, hopes to report legislation out of the committee by June. Oberstar’s outline does not include any dollar figures, though recent media reports have quoted him as ball parking \$450 billion for the six-year bill – which would be a substantial increase over the \$286 billion authorized for highway, bridge, and transit programs during the six-year period ending Sept. 30. No details are provided on how the bill would be financed. The Obama administration has come out against any increase of the federal gasoline tax during an economic recession and has also spoken out against adopting a vehicle miles traveled user fee. Oberstar told the Reuters Infrastructure Summit on Tuesday that his plan would reorganize the U.S. Department of Transportation to streamline spending programs. Ideas include creating an Office of Expedited Project Delivery and Office of Livability as well as creating a new DOT official to be tasked with intermodalism. “It’s a complete restructuring of the thought process, the delivery system, the delivery mechanism, and the funding for it,” Oberstar said. Oberstar has said Rep. John Mica, R-FL, the committee’s ranking minority member, is on board with his outline. Mica said this week that he supports getting the price tag as high as possible. He added that he, Oberstar, and other key committee leaders have agreed on major parameters of the bill except for financing. The outline includes reducing surface transportation funding categories from 108 to four major categories and a few other specific programs. The four major categories would be Critical Asset Preservation, Highway Safety Improvement, Surface Transportation Programs, and Congestion Mitigation and Air Quality Improvement. The outline suggests the U.S. Department of Transportation and state DOTs would design six-year performance targets for each major funding category. That would apparently include setting annual benchmarks,

annual reports by states on their progress and transparency provisions such as posting all goals and project progress on the Internet. The outline also suggests implementation of “practical design solutions.” For mass transit, the outline identifies a need to greatly simplify the review process with a goal of getting projects from conception to completion in six to eight years rather than the current average of 14 years. It also calls for leveling decision-making factors between highway and transit projects.

### **Oberstar Suggests VMT Fee Be Established Within Two Years**

Congress should consider quickly moving away from the gasoline tax as the Highway Trust Fund’s primary revenue source and toward a vehicle miles traveled fee, the chairman of the House Transportation and Infrastructure Committee said at a hearing Tuesday. Rep. James Oberstar, D-MN, suggested switching within two years to a VMT levy, a stance that puts him squarely at odds with the Obama administration. U.S. Transportation Secretary Ray LaHood said in February that he was willing to consider moving to a VMT fee over the long term. But the White House press secretary, Robert Gibbs, told reporters that a VMT charge “is not and will not be the policy of the Obama administration.” Oberstar quickly rebuked Gibbs’ statement days later, telling AASHTO’s Washington Briefing that transportation policy will not be set in the press room of the White House. Prior to Tuesday’s Highways & Transit Subcommittee hearing, Oberstar had not indicated he supported a rapid transformation to a VMT fee. His comment drew surprised reactions from many in attendance. The subject came up during a hearing on member-sponsored projects for the upcoming surface transportation authorization bill. Representatives testified before the subcommittee in support of projects in their districts for which they would like to earmark funding. Rep. Earl Blumenauer, D-OR, suggested during his presentation that the transportation authorization include an expanded pilot program to study implementing a VMT fee. That’s when Oberstar interjected. “Why a pilot program?” he asked. “Let’s just phase it in. I think we can do it in two years.” Oberstar later added, “I’m at the point of impatience with more studies.” Earlier Tuesday, Oberstar had met with House Ways and Means Committee Chairman Charles Rangel, D-NY, to talk about financing options for the authorization bill. Rangel’s committee will ultimately determine whether new revenue sources will be authorized to fund transportation investments. While many transportation experts have suggested phasing out the gasoline tax and shifting to a charge based on vehicle miles traveled, few have contemplated such a quick timetable as Oberstar suggested this week. The National Surface Transportation Financing Commission released a report in February recommending a VMT tax be fully implemented by 2020.

### **Earmarks Defended, Though Reforms Put in Place**

Regarding earmarks in the next authorization bill, Oberstar stressed that the committee has implemented a number of reforms to the process that will result in a new standard of ethics and accountability. “These reforms allow us to have an opportunity to direct funds to the most urgent needs of our districts, through a process that is thoughtful and open to the public,” he said in prepared remarks. “I look forward to learning about the variety of surface transportation needs across the nation, and to working with members to ensure that the needs of their constituents can be met through the upcoming authorization.” Despite controversy over some earmarks in the 2005 transportation law known as “SAFETEA-LU,” subcommittee Chairman Peter DeFazio, D-OR, stressed that representatives will continue to be able to request high-priority projects for their districts. “The Constitution gives Congress the power to raise and spend money, and

members of Congress have a responsibility and duty to their constituents to have a say in where federal transportation dollars are invested,” DeFazio said in a prepared opening statement. “Discretionary funding decisions should not be left entirely to unelected bureaucrats at the federal and state departments of transportation.”

**USDOT Intelligent Transportation Systems (ITS) Joint Program Office to develop a short white paper on, “Coordinating, Planning, and Managing the Effects of Roadway Construction with Technology.”**

USDOT Intelligent Transportation Systems (ITS) Joint Program Office to develop a short white paper on, “Coordinating, Planning, and Managing the Effects of Roadway Construction with Technology.” The paper is intended to inform public agencies about how ITS can be used to improve work zone operations. Managing work zone impacts is especially important right now with the large number of work zones expected as a result of funding from the American Reinvestment and Recovery Act (ARRA) and the paper shares ideas of how ITS can help. The paper contains information about examples of ITS applications and their benefits in work zones. A number of resources are also referenced. The white paper provides information and does not reflect a USDOT policy position.

<http://www.fhwa.dot.gov/workzones>

**White Paper on Coordinating, Planning, and Managing the Effects of Roadway Construction with Technology**

The U.S. Department of Transportation's Research and Innovative Technology Administration (RITA) has released a report that explores the use of intelligent transportation options for work zone operations to assist with the increase of construction from the 2009 American Recovery and Reinvestment Act. [\[More\]](#)

**Safety Compass Newsletter: Jan. /Feb. /Mar. 2009**

The U.S. Federal Highway Administration has released the latest issue of its Safety Compass newsletter. The newsletter covers program delivery, best practices, research, training, regulations, and legislation designed to help establish a more productive national and local safety program. This issue explores the safety implications of investments made in transportation as a result of the American Recovery and Reinvestment Act of 2009, Missouri's smooth road initiative, and more. [\[More\]](#)

**NACE member discount available for UW-Madison continuing engineering education courses**

NACE members are eligible for a \$100 discount off the regular registration fee for any public works courses offered through the University of Wisconsin-Madison Department of Engineering Professional Development (EPD).

Topics covered in public works courses include streets, roads, highways, bridges, stormwater, traffic, geotechnical and soils. Courses are offered at locations throughout the United States, in addition to Madison, Wisconsin.

To take advantage of this NACE member discount or to view a complete list of upcoming courses and locations, visit our website at: <http://epd.engr.wisc.edu/partnerwithNACE>.

EPD is one of the nation's largest university-based providers of continuing engineering education. In addition, EPD offers course topics of interest to non-engineers, architects and other technical professionals.

Note: all University of Wisconsin continuing education classes are approved for Continuing Education Units (CEU's), Professional Development Hours (PDH) and APA/AICP CM continuing education credits.

For more information contact Howard Rosen, Program Director, directly BEFORE you register. He can be reached at: 608-262-4341 or [rosen@engr.wisc.edu](mailto:rosen@engr.wisc.edu)

### **Plan Now to Attend the First International Conference on Pavement Preservation**

Plan now to attend the First International Conference on Pavement Preservation (ICPP), April 12-16, 2010, in Newport Beach, CA. The ICPP aims to bring together researchers and experts working in the field of pavement preservation to exchange ideas and discuss critical issues and concerns, and will be a "don't-miss" event for anyone in the pavement preservation field. For more information visit our site [www.pavementpreservation.org/icpp/](http://www.pavementpreservation.org/icpp/)

The conference is co-organized by Caltrans, the Federal Highway Administration (FHWA) and the Foundation for Pavement Preservation (FP2). Other agencies participating in the planning of the conference include the California Pavement Preservation (CP2) Center, the National Center for Pavement Preservation (NCP2), and the University of California, Berkeley.

### ***Main Topics and Themes***

The main theme of the conference will be pavement preservation and sustainability. The conference will address an array of issues that are relevant to the pavement preservation community. Over 90 abstracts were received by the extended deadline of Feb 15, 2009 on topics which include:

- Benefits of pavement preservation (economic and environmental)
- Integration of pavement preservation into pavement management
- Pavement preservation treatments for flexible pavements (design, materials, constructability, and performance)
- Pavement preservation treatments for rigid pavements (design, materials, constructability, and performance)
- Strategy selection
- Funding pavement preservation, and
- Promoting pavement preservation to the public and our elected leaders.

### ***Preliminary Program***

The conference program will consist of peer reviewed papers and selected invited presentations. Highlights of the conference are expected to include case studies of

preservation from U.S. highway agencies, industry, and international organizations. The presentations are expected to take place on April 13-15, with workshops and/or demonstrations to take place on April 12 and 16, 2010.

Abstracts have been reviewed by the Technical Committee based on quality and relevance and authors of the abstracts selected will be invited to submit full papers to be included in the conference proceedings. Full papers may be submitted electronically using the conference website at [www.pavementpreservation.org/icpp/](http://www.pavementpreservation.org/icpp/). The submission of full papers and camera-ready copies of papers should be completed by the dates listed below:

- Submission of full papers(extended deadline) July 15, 2009
- Submission of camera ready papers November 1, 2009

Full papers will be reviewed by the Technical Committee for selection to be included in the conference proceedings or in *Pavement Preservation Journal*.

The official language of the conference will be English for both papers and presentations. Papers from the conference will be included in conference proceedings and/or a CD.

#### ***Contact Information***

For more information, visit [www.pavementpreservation.org/icpp/](http://www.pavementpreservation.org/icpp/). For more information, including exhibiting and sponsorship opportunities, please contact one of the conference chairs:

**Shakir Shatnawi**, California Department of Transportation, shakir.shatnawi@dot.ca.gov

**James Sorenson**, FHWA, Office of Asset Management, james.sorenson@fhwa.dot.gov

**Bill O'Leary**, Foundation for Pavement Preservation, bill.oleary@martinmlp.com

#### **Traffic Calming on Main Roads Through Rural Communities**

The U.S. Federal Highway Administration has released a Tech Brief that summarizes an evaluation of the effects on speed of low-cost, traffic-calming treatments on main rural highways passing through small, rural communities in Iowa. [\[More\]](#)