



EXECUTIVE DIGEST

Congress

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Energy Bill Dividing House and Senate over Off-Shore Drilling

Prospects for enactment of an energy bill this year remain clouded as both the House and Senate are standing firm on their pieces of legislation designed to open the coastal waters of the Gulf of Mexico to oil and gas exploration.

For the past 25 years a moratorium has existed on off-shore exploration on the East and West Coasts. While both the House and Senate bills would open additional areas to off-shore drilling, the Senate bill, S. 3711, is much more narrowly defined.

The Senate bill would open an area in the eastern Gulf of Mexico to drilling, but not address East or West Coast drilling. Some coastal states, such as Virginia and Georgia reportedly are interested in allowing drilling on the Outer Continental Shelf, particularly if current law is revised to allow states to share in the resulting lease revenue, all of which currently goes to the federal Treasury. The House bill would permit this wider range of off-shore drilling.

But even the more-limited Senate bill has not faced easy passage. Senate Democrats have been filibustering the bill, arguing that it ought to include provisions to encourage fuel conservation and alternative fuels. At the same time, Florida senators have been negotiating for special protections for their coastline. The latest proposal would include a buffer ranging from 125 miles near Pensacola to one extending 320 miles along the coast of Naples. The Senate bill would also permit 37.5 percent of the royalties from the leases to be returned to Gulf states for Hurricane protection and relief efforts.

The Senate has now postponed action on a cloture vote to end the filibuster on the bill until Monday, after the House has left for the August recess. That would mean that conferees could not be appointed and begin work until September. But even if the Senate bill passes next week, with two such widely differing proposals, conferees might find it difficult to reach an agreement.

House Resources Committee Richard Pombo (R-CA) and Republican Majority Leader John Boehner of Ohio say they will stand behind the House version of the Energy Bill, H.R. 4761, which would allow drilling within 100 miles of the coastline. States would have greater say over issuing drilling rights under the House plan, according to various news reports.

The Senate is scheduled to go on recess August 7-September 4. The House is scheduled for recess from July 31-September 1.

New Pipeline Approved to Ease Fuel Capacity Crunch

The Federal Energy Regulatory Commission last week approved the petition of Colonial Pipeline Co. to expand a critical link to its underground pipeline network to ease the current capacity crunch in delivering fuel oil to the South and mid-Atlantic states.

The section of pipeline between Baton Rouge, Louisiana, and Atlanta should be completed by 2010 at a cost of \$1 billion, said Sam Whitehead, a Colonial spokesman. Once reaching Atlanta, refined fuel oil then travels through Colonial's main pipeline through South Carolina, North Carolina, Virginia, Maryland and Delaware and ends at the firm's terminus in Linden, New Jersey.

The FERC decision allowed Colonial to set a rate framework for allowing refining firms to use the pipeline, Whitehead said. Construction on the new 36-inch underground pipeline will commence later this year.

A statement from FERC Chairman Joseph Kelliher read, "The Colonial system was built over 40 years ago. Since that time, demand has grown substantially, the system has become constrained, and Colonial has had to prorate or curtail shipments. Every day, Colonial Pipeline transports 2.4 million gallons of gasoline and other refined petroleum products over a 5,519 mile system that runs from Houston, Texas, to Linden, New Jersey."

Because of the constraints on Colonial's line between Baton Rouge and Atlanta, the firm often had to curtail or prorate shipments. In 2004, FERC noted, Colonial had to prorate shipments 25 percent of the time and during Hurricanes Katrina and Rita, loss of electrical power temporarily disrupted operations.

House Panel Looks into Human Factors in Rail Safety

Operator fatigue, medical conditions and the use of cell phones are just some of the factors behind the cause of rail accidents, the House Subcommittee on Railroads heard from federal, rail industry and union officials on Tuesday at a hearing on human factors in rail safety.

House Transportation and Infrastructure Subcommittee on Railroads Chairman Steven LaTourette (R-OH) called the hearing, saying, "The work schedules of railroad employees is governed by the Hours of Service Act, a law dating back to 1907 when the railroads still ran steam engines. The purpose of today's hearing is to revisit the Hours of Service Act in the light of new medical discoveries, with due regard to the demands and responsibilities placed on employees in today's railroad operating environment."

Joe Boardman, Federal Railroad Administration (FRA) administrator, acknowledged there is room for improvement in rail safety and outlined the administration's approach. Boardman said accidents caused by humans could be cut by better defining rules and procedures to make them more effective, clear and unambiguous; making sure they are understood by rail employees; holding staff accountable; ensuring firms nourish a positive safety culture; staff cooperation; and making sure employees are fit for duty to reduce fatigue and drug or alcohol use.

The administrator also pointed out the FRA does not have regulatory authority over hours of service for rail employees. Technology could also help reduce accidents caused by human failure by introducing human-centered design; positive train control mitigation; and electronically controlled pneumatic brakes.

National Transportation Safety Board Director of the Office of Railroad, Pipeline and Hazardous Materials Investigations Bob Chipkevich said fatigue was central factor in the June 28, 2004 crash between a Union Pacific and a Burlington Northern Santa Fe train in Macedona, Texas. In that accident three people died from chlorine gas inhalation.

Edward Hamberger, president and chief executive of the American Association Railroads, said the rail industry and trade unions have worked together to reduce train staff fatigue, but that FRA needs to better interpret its regulations. He said the AAR, the Brotherhood of Locomotive Engineers and the United Transportation Union (UTU) have been addressing fatigue ever since 1992, when the three formed a Work/Rest Task Force.

From the task force's work, Hamberger said the AAR and the unions suggested increasing the minimum hours of rest at home and away from home terminals; developing an evaluation system to identify relative levels of fatigue and a fatigue modeling computer program; fatigue identification and avoidance training information; allowing train crews nap times when trains are at rest; sleep disorder screening; improved standards for lodging at away-from-home facilities; and improved communications between crew callers and employees.

Overall, Hamberger said AAR is urging Congress to use extreme caution in amending any of the hours-of-service rules. James Stem, testifying on behalf of the UTU, said the union is urging Congress to amend the Hours of Service Act to restrict each tour of duty to 10 hours and no more, as well as establish a cumulative total for covered service each seven days.

Also testifying on Tuesday were: Dr. Martin Moore-Ede, CEO of Circadian Technologies Inc.; W. Dan Pickett, president of the Brotherhood of Railroad Signalmen; Richard Timmons, president of the American Short Line and Regional Railroad Association; and John Tolman, vice president and national legislative representative of the Brotherhood of Locomotive Engineers and Trainmen.

Experts Address Rural Highway Safety, Research Needs

[Highway safety experts from around the nation met July 22-25 to share knowledge on rural highway safety countermeasures that work and to suggest research ideas for a new center of excellence authorized in the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users.](#)

Minnesota has a higher than average percentage of rural road fatalities, as 70 percent of all of the state's motor vehicle fatalities happen on rural roads. Meanwhile, Minnesota is doing well with reducing its overall fatality rate with aggressive safety measures and a strong partnership among the engineering, education, enforcement, and emergency medical care communities in an effort called "Towards Zero Deaths." Rep. Jim Oberstar (D-MN), Ranking Member of the House Transportation and Infrastructure Committee, provided the keynote

address, in which he talked about his personal commitment to safety and the provisions in SAFETEA-LU that will advance the rural highway safety efforts nationwide.

Oberstar said there is a need for both behavioral countermeasures and infrastructure while also pointing out that attention must also be paid to the nation's aging driving population. Oberstar also responded to questions about future highway needs, saying the nation must maintain the integrity of the Highway Trust Fund that supported the launching of the Interstate Highway System. The 16-term representative said he believes an increase in the federal gas tax may be needed and alternative fuels will also have to be taxed accordingly, with receipts going into the Highway Trust Fund.

Officials from the Federal Highway Administration, National Highway Traffic Safety Administration, the Center for Disease Control and Prevention and other research institutions said traffic accidents should be considered a major U.S. health issue.

AASHTO Director of Engineering and Technical Services Tony Kane spoke about the need for stronger laws in the areas of driver licensing, seat belts, speed, motorcycle helmets and impaired drivers. He noted the need for the researchers to develop material that can help change the policy positions of governors and state legislatures by using themes that will resonate with lawmakers and the public, such as state budgets, family quality of life and reducing serious crashes.

Oregon Governor: Let's Double Transportation Funding Program

Oregon Gov. Ted Kulongoski this week announced a new \$100 million transportation initiative, "ConnectOregon II," which aims to upgrade ports, railroads, airports and transit systems statewide.

On Wednesday, the governor opened the initiative by presenting a check for \$7.5 million supplied by the current ConnectOregon program to the Port of Portland, the *Medford News* reported. The state's legislature will be asked to pass legislation generating more funding for the program next year.

"These are long-term investments in Oregon's future that will pay dividends in the form of jobs, growing businesses, and new revenue to educate our kids, expand health care, and make our communities safer," Kulongoski said.

He noted that bridge, highway and other transportation improvements already done or underway through the original ConnectOregon program have helped the state experience economic success over the past three years. The state has added more than 100,000 new jobs, and its economy is among the fastest-growing in the nation.

The Port of Portland will use the \$7.5 million provided by ConnectOregon to help pay for a giant crane – the port's fourth. The cranes let the port load and unload the largest container ships.

Elsewhere in the state, ConnectOregon grants will be used to upgrade airports, rail freightyards, rapid-transit systems, air-freight centers, and other non-highway transportation facilities.

The current ConnectOregon program is a \$100-million program backed by lottery bonds. It tries to improve links between the state's highways and other modes of transportation to improve flow of commerce and eliminate delays.

The governor said he will ask the 2007 legislature to approve a second round of such improvements to enable the state to reap the economic and social benefits of a first-rate transportation system.

"It will be another \$100 million to keep Oregon's transportation system strong, diverse and efficient," Kulongoski said. "It will also mean better integration of the many parts of our transportation system, with a smoother flow of commerce and fewer delays."

Michigan Governor Speeds Road Projects

Michigan Gov. Jennifer Granholm on Tuesday announced an initiative to speed up more than 200 road projects across the state, through a set of grants totaling \$44 million that are expected to spur job growth, the *Detroit News* reported.

Granholm said the initiative will create more than 5,000 jobs statewide and boost the state's economy, in addition to improving its infrastructure. In addition to the grants announced Tuesday, another \$36 million in grants is slated to be distributed in about two months, the newspaper reported.

"We're putting people to work and making our roads work better," Granholm said. "For the first time, we are investing state transportation dollars to create jobs and make improvements to local roads that support the economic development efforts of Michigan cities and counties."

The governor laid groundwork for the program last spring, asking the Michigan Legislature to alter existing laws so the state could issue bonds for local transportation grants and loans. That new law, which hit the books three months later, lets cities and counties use state transportation funds to pay local-match requirements needed to obtain federal funds for transportation projects.

Survey Shows Cities Still Unprepared for Disaster Response

A survey of nearly 200 cities by the U.S. Conference of Mayors has determined that in four out of five cities, emergency-response personnel still lack equipment to let them communicate with each other or other governments in the area, 44 percent have yet to create or update evacuation plans, and almost 75 percent say they aren't ready to address an outbreak of pandemic flu.

USA Today noted that the report was released almost five years after the terrorist attacks of September 11, 2001 and a year after New Orleans was flooded by Hurricane Katrina.

“Does the public want to hear this? I don't think so,” says Dearborn, Michigan, Mayor Michael Guido, who heads the conference. He said cities need more money from Washington but must do more on their own – such as making mutual-aid agreements with nearby towns, making plans to share equipment in emergencies, and making advance contracts with private firms for such tasks as debris removal.

Cities “have been left to do it on their own, [and] the property taxpayers of this country do not have the resources to fund national security,” said Elizabeth, N.J., Mayor J. Christian Bollwage.

The survey covered cities in 38 states, from Bothell, Washington – population 30,150 – to New York City, with 8 million residents. Individual cities’ responses were not made public.

Findings included:

- Most cities said they have not gotten enough funding to let police and firefighters use the same radio systems and other equipment they need to communicate in a crisis. The Department of Homeland Security has distributed more than \$2 billion for improved communications.
- More than 4 in 10 cities reported they either have no evacuation plans, or have not updated them, in the year that has elapsed since the deadly Gulf Coast hurricanes.
- Cities in the survey gave the Federal Emergency Management Agency an average score of 5.2, on a 1-10 scale, when asked their level of confidence that FEMA would respond quickly after a major disaster.

House Passes Emergency Communications Bill

Meanwhile, the House on Tuesday approved a bill by a vote of 414-2 to require the development of national standards for emergency communications equipment and to require states and localities to develop emergency communications plans before becoming eligible for federal grant funds.

The bill, H.R. 5852, would establish an Office of Emergency Communications within the Department of Homeland Security with authority to coordinate all local, state and federal agencies with a role in developing interoperable communications systems.

Amorello Resigns Following Big Dig Fatality

Massachusetts Turnpike Authority Chairman Matthew Amorello on Thursday informed Massachusetts Gov. Mitt Romney that he would resign his post effective August 15, Reuters reported.

Romney had repeatedly called for Amorello’s resignation or removal from the top job at the authority following a fatal incident in a highway tunnel that is part of the Boston Central Artery project overseen and operated by the authority.

Day-to-day oversight of the Big Dig and inspections and follow-up to prevent further safety problems have since been taken over by the state Department of Transportation, following emergency legislation granting Romney's executive branch authority to remove those functions from Amorello's agency.

The embattled director of Boston's "Big Dig" tunnel program will continue to receive his salary – he is paid \$223,000 a year – through February 15, *CNN* reported.

July 10, a three-ton concrete ceiling panel tore loose from a tunnel and crushed a 38-year-old woman who was a passenger in a vehicle. The Big Dig's 7.8-mile system of tunnels has been closed to all traffic other than buses since as authorities recheck bolts and other fasteners that affix the heavy concrete panels to the tunnel roofs.

The move came hours before a hearing at which Romney planned to try to remove Amorello from his post.

1999 Memo Questioning Safety Revealed

Questions about the oversight of the controversial project during and after its construction also arose this week when a 1999 memo from the on-site safety officer for the tunnel where the fatality occurred was made public. According to the *Boston Globe*, Safety Officer John Keaveney raised red flags about the ceiling panels with his superiors at contractor Modern Continental Construction Co., saying he could not "comprehend how this structure can withstand the test of time."

Keaveney, no longer working for that company, was interviewed by the *Globe* in recent days and said he was reassured by officials at Modern Continental and project manager Bechtel/Parsons Brinckerhoff that the ceiling-attachment system had been tested and was proven to work.

A spokesman for Modern Continental declined to comment to the *Globe* on Wednesday, referring to an earlier statement that the firm is cooperating fully with the accident investigation and is confident the work fully complied with plans and specifications.

Keaveney told the *Globe* his memo reflected collective concerns among ironworkers installing the ceiling and other Modern Continental employees. A copy of his 1999 memo was mailed to a *Globe* reporter without his knowledge.

He wrote that the weight of the suspended panels appeared to be "excessive," given that the bolts were "only inserted into concrete with epoxy."

Security Chief Urges Walling Off Hazmat Train Tankers from Turnpike

A New Jersey security official has urged that a stretch of freight-rail track near the New Jersey Turnpike be walled off, to make the track harder to target by terrorists or others intent on causing public harm, the *Newark Star-Ledger* reported this week.

Richard Canas, director of the New Jersey Office of Homeland Security and Preparedness, pointed out there is potential for a terrorist attack on trains parked near the Newark airport. Previously released government information has suggested a ruptured tanker could harm people as much as 25 miles distant from the incident.

If the section was blocked by a wall, "You can't hit what you can't see," Canas said. "It just needs to block the visibility to these cars and also provide protections on the other side." Canas said he also wants to bring improved lighting, security cameras and motion sensors to the area.

Canas' recommendations have been placed before New Jersey Gov. Jon Corzine, who has made safeguarding rail cars in that area a priority, and has also worked to improve the security of chemical plants in New Jersey and other states. Canas also urges more security training for state and local police in communities in and around rail yards.

Canas said he will reserve "several millions" of dollars of state funds to erect the fencing, with hopes of eventually getting even more funding through rail companies and the federal Department of Homeland Security.

Canas, who wants to begin construction within two months, said he'll walk the area with transportation officials to help inform their construction plans and cost estimates.

The state security chief said eventually, protection should extend to all freight train storage yards and sidings in New Jersey, but the yards he has identified are a good place to start.

Joe Orlando, a spokesman for the New Jersey Turnpike Authority, said the agency has spent about \$750,000 in recent months to erect fencing that will help block the view of the trains. In all, the fencing is nine feet high.

"At certain points during the day, there are rail cars just stopped there," Orlando said. "This is there to provide security and a deterrent."

Amtrak Hits Record Ridership in Illinois

The Illinois Department of Transportation announced that nearly 1 million passengers used Amtrak lines subsidized by the state last year, setting a new record, the *Associated Press* reported on Tuesday.

More than 955,000 people took Amtrak lines from Chicago to Carbondale, Quincy, St. Louis and Milwaukee in fiscal 2006. That's up 12.5 percent from a year earlier and 40.8 percent from 2003.

"This is further proof that passenger rail is a vital part of our transportation system, and one of the reasons Gov. Blagojevich and lawmakers voted to increase Amtrak service, starting later this year," Illinois Department of Transportation Secretary Timothy Martin said.

Illinois paid Amtrak \$12.1 million in FY 2006 to help support rail service. That will jump to \$24 million in the coming year as Amtrak adds more runs to Illinois cities south of Chicago.

To the north, service to Milwaukee attracted the most riders – 569,460. That service is supported by Illinois and Wisconsin.

More than 134,000 people took the subsidized trains between Chicago and Carbondale, and a little more than 133,000 traveled between Chicago and St. Louis, *AP* reports. The Quincy line had more than 118,000 passengers.

Amtrak spokesman Marc Magliari told *AP* the state's contribution covers about 60 percent of the direct cost of the downstate service.

GHSA, Ford, Sponsor Teen Driving School near Detroit

The Ford Motor Co. and the Governors Highway Safety Association (GHSA) have joined forces to sponsor a school for more than 600 teenage drivers and their parents, with a camp at the Michigan Proving Grounds outside Detroit August 1-3.

The camp is part of the "Driving Skills for Life" program, established by GHSA, Ford and a panel of safety experts in an effort to combat vehicular crashes involving teens, the No. 1 cause of death for teenagers in the United States. In 2004, the most recent year for which full-year statistics are available from the National Highway Traffic Safety Administration, 5,896 teens died on U.S. roads.

"Too often, we hear from parents that driver education courses simply teach to the driving test and do not provide the skills necessary to be a safe driver," said Chris Murphy, vice-chairman of GHSA. "'Driving Skills for Life' goes beyond these courses and teaches important driving skills in a high-tech way that appeals to teens."

The course teaches teens hazard recognition, vehicle handling, space management and speed management.

Murphy said the special instruction is important for parents, because it stresses that they must be the enforcers of the licensing laws applying to their teens.

"Driving Skills for Life" aims to complement many state laws that grant teens graduated access to driving privileges, a concept meant to require parental supervision of teens' earliest driving experiences so they can gain road experience. A study by Johns Hopkins University released earlier this month reported that graduated driver-licensing programs reduce fatal crashes involving 16-year-old drivers by an average of 11 percent nationwide.

China Prepares to Impose Taxes on Gas, Diesel and Kerosene

A senior cabinet official of the People's Republic of China informed the state's news agency that the government is accelerating plans to impose a tax on gasoline, diesel and kerosene to encourage conservation amid surging oil imports, the *Associated Press* reports.

The report by the official *Xinhua News Agency* didn't provide a timetable for imposition of the tax.

AP reports the Chinese government wants to roll out the tax in the near future and is closely watching world oil prices, *Xinhua* said, citing Vice Finance Minister Liao Xiaojun.

Introduction of the long-planned tax had been postponed because the government said current oil prices were too high for the Chinese public to bear the added cost.

But the government is worried about soaring fuel consumption and the threat of worsening air pollution in China's smoggy cities amid a boom in the number of private vehicles on the road.

Soaring demand for gasoline, diesel and kerosene will reach 230-250 million metric tons in 2020, up from 75 million tons in 2000, according to a recent *Xinhua* report.

Liao said the government is studying possible tax measures to promote use of renewable energy sources, including solar, geothermal, and hydropower, *Xinhua* said.

China's government says it wants to cut energy consumption per unit of economic output by 20 percent by 2010 while also reducing pollution, the *AP* report announced.

Nominations for Innovations in Government Awards Being Accepted by Harvard

Federal, state, local, tribal and territorial governments are encouraged to submit nominations for Harvard University's Ash Institute for Democratic Governance and Innovation at the John F. Kennedy School of Government, which is issuing the awards in partnership with the Council for Excellence and Government. Applications are due September 12.

The five winners of the 2007 Innovations Award will receive a \$100,000 grant to support replication and dissemination activities. The awards are given annually to programs that serve as examples of creative and effective government at its best.

Applications and additional information are available at the awards website, <http://www.innovationsaward.harvard.edu>.

Public Transportation Conference and Expo Slated for August 14-16 in Bellevue, Washington

The Washington State Department of Transportation will host the 30th Public Transportation Conference and Expo August 14-16 at the Hilton Bellevue Hotel in Bellevue, Washington.

Paul Loeb will be the keynote speaker and session topics will include presentations on planning, grants, rail, emergency, coordinated transportation, communications, intercity transportation and associations. A public transportation “roadeo” is also planned, and there will be an awards banquet.

For conference information contact the WSDOT Public Transportation and Commute Options Office at (360) 705-7911, or visit the conference website at <http://www.wsdot.wa.gov/transit/conference>. Make hotel reservations (the hotel was formerly a Doubletree) by calling (425) 455-1300.