



FEDERAL HIGHWAY  
ADMINISTRATION  
TEXAS DIVISION

# State of Texas Border Partnership E-Newsletter

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## Hurricane Ike's road bill: \$75 million

So far, repairing the damage caused by Hurricane Ike will cost the Texas Department of Transportation an estimated \$75 million. The toll includes the deployment of 1,700 TxDOT workers before, during and after the storm to remove debris, replace highway signs and repair roadways and bridges.

With some roads in the Gulf Coast area still under water, the cost of addressing the damage is expected to grow. TxDOT is still evaluating damage to bridges and highways. The federal government has kicked in \$3 million for highways and the Galveston airport and is expected to pick up the rest of the tab, though it may take years before the full amount is reimbursed.

John Barton, TxDOT's assistant executive director for engineering, said last week that the agency is continuing to work seven days a week, 24 hours a day to make repairs. Texas Transportation Commission Chairwoman Deirdre Delisi noted last week that top state leaders' agreement last month on more funding options for Texas' transportation needs came before Hurricane Ike, whose "staggering" financial toll will "have an impact on us and our appropriations."

Delisi, Gov. Rick Perry's former chief of staff, said she's received no indication from Perry, Lt. Gov. David Dewhurst or House Speaker Tom Craddick that they plan to back off their commitment to items including working to stop the diversion of more than \$1.1 billion from the highway fund. In fact, she said, they've

told her transportation is a priority, and she believes them. But she added, "I just think ... it's a new financial reality the Legislature has to deal with. I think this agency as well as every other state agency should be cognizant of that fact" and work with lawmakers.

Perry spokeswoman Allison Castle said the governor's commitment hasn't changed. Craddick spokeswoman Alexis DeLee said the idea of changed funding prospects for transportation hasn't been talked about, while noting it will be lawmakers' decision to make. Many truckers headed to the Southeast say they are worried whether there will be enough fuel to fill up their tanks when they get there because of reports of hundreds of stations that have closed because of shortages in the wake of Hurricane Ike.

After Ike swept through the Gulf Coast nearly two weeks ago, nearly 67 percent of the Gulf Coast's crude production remained "shut-in" as of Sept. 24th, according to a U.S. Department of Energy (DOE) report. However, Healy Baumgardner, DOE press secretary, indicated that the DOE is working closely with federal and state officials and energy sector companies to "minimize Hurricane Ike's impact and to assist with a quick recovery to the energy infrastructure and industry."

"As a result of Hurricane Ike, crude and natural gas remains shut-in since many refining and natural gas facilities remain closed – so there is no place to bring product," Baumgardner said. For additional information, please see: [http://www.landlinemag.com/todays\\_news/Daily/2008/Sep08/092208/092208-02.htm](http://www.landlinemag.com/todays_news/Daily/2008/Sep08/092208/092208-02.htm)

## Congress May Link Change in Truck Size to Vehicle Miles Tax, DeFazio Says

WASHINGTON — Congress may link any change in truck size- and-weight limits in upcoming highway legislation to a new commercial vehicle-miles-traveled tax, Rep. Peter DeFazio (D-Ore.), chairman of the House Highway and Transit Subcommittee, said last week. “I’m very interested in a vehicle-mileage fee,” DeFazio said Sept. 16 at the American Road and Transportation Builders Association’s annual “Public-Private Ventures in Transportation” meeting. “I just don’t see it moving very quickly with passenger vehicles in the next reauthorization, but we may be able to move a little bit more quickly with commercials.”

DeFazio said there were fewer issues, such as privacy and technological upgrades, with imposing a mileage fee on large trucks than on passenger cars and that would make the conversion simpler. “There’s issues with individual autos. There are huge privacy issues that need to be dealt with and there’s the magnitude with what we’re dealing with,” he said.

“Commercial trucks are a finite resource. They’re already monitored and regulated very heavily. There are no privacy issues and many of the larger firms in any case have [Global Positioning System] devices and they are tracked already anyway. I think you could move there a lot more quickly than you could with cars,” he said.

Asked whether he would press such a shift in the next highway bill, due to be written next year, DeFazio said Congress would “be having discussions,” and indicated the move might have to be tied to increasing truck sizes and weights. “If the trade-off is, we’re going to move in this direction with this new technology and fee system but, in return, we’re going to get some concessions in terms of weight and length and you’re going to get some new investments in terms of separated roadways,” he said, “I think it would certainly help facilitate the discussion.”

DeFazio added that he thought recent policy positions taken by industry groups in favor of a fuel-tax increase might make the idea of a shift appealing to trucking. “I think that if the industry is reaching the point where they are advocating for fuel-tax increases — at least parts of the industry are — I think they, too, might be interested in that if they saw a very real benefit coming from that and if there was a trade-off between heavier and longer and a different way of assessing a tax, so long as there wasn’t a disproportionate increase in tax on the industry,” he said. Beyond the issue of truck fees

and size-and-weight issues, DeFazio said there were other challenges in writing the next highway bill, mainly how to pay for it. DeFazio said committee Rep. James Oberstar (D-Minn.), chairman of the House Committee on Transportation and Infrastructure, estimates the bill could be \$450 billion. “I’d love to get to 450,” DeFazio said. “I just don’t know how we get there.”

While he praised the work of the national commission that recommended a 25-cent to 40-cent increase in the gas tax, he said that size of an increase was unlikely. “We’re not going to increase the gas tax, even in a phased way, 40 cents,” he said. “Chairman Oberstar leads with his chin when talking about raising the gas tax; I don’t go there.”

In order to find additional money for highway investment, DeFazio suggested the bill could include some bonding and “elements of public-private partnerships.” DeFazio and other Democrats on the transportation committee have taken a dim view of public-private partnerships, particularly of the long-term road leases that occurred in Indiana and Chicago in recent years. However, DeFazio said he was “hopeful of putting some guidance in the next transportation bill,” to ensure that future partnerships protect the public interest.

DeFazio also said he could “justify borrowing money to fund our transportation infrastructure, particularly given the fact that our economy is imploding. We really need to make more concrete investments in our economic future,” he said. He said infrastructure spending should be an important part of any economic recovery package.

DeFazio also defended the controversial practice of congressional earmarks, or projects requested by members of Congress. “We’re not going to get a major transportation reauthorization unless members can go home and talk about some of it,” he said. “You’re going to go home and say: ‘We just raised your taxes and, by the way, you’re going to get good government out of it. And the bureaucrats will figure where to spend that money on transportation.’ That’s not going to happen.”

“Congress isn’t going to vote for a penny increase, if they can’t talk about the projects that they brought home,” DeFazio added. The current highway bill runs through the Sept. 30, 2009. For additional information, please see: <http://www.ttnews.com/articles/basetemplate.aspx?storyid=20567>

## Deal reached on extensive rail safety bill

WASHINGTON (AP) — House and Senate negotiators reached a deal last week on a major railroad safety reform bill that will require new technology to prevent crashes and limit hours engineers can work. The deal, expected to be brought to a vote in the House recently, follows a collision between a commuter train and a freight train that killed 25 people in Los Angeles on Sept. 12. Those fatalities — the nation's worst in a train crash since 1993 — spurred lawmakers to reach consensus as Congress prepares to recess at the end of this week. Lawmakers hope to move the package through the Senate before then.

The package also wraps in legislation authorizing billions for Amtrak. The legislation would enact the first major updates to rail safety rules since passage of the Federal Railroad Safety Authorization Act of 1994. That law expired in 1998 and the train oversight and safety agency, the Federal Railroad Administration, has been operating under the expired law ever since because Congress had not acted.

Among the provisions of the deal, according to congressional aides, is a requirement for the installation by 2015 of technology that can engage the brakes if a train misses a signal or gets off track. The so-called positive train control technology would be required on all rail lines that carry passengers and on freight lines that carry hazardous materials. The technology has been a major point of contention between Congress and the railroads and Fed-

eral Railroad Administration. While insisting they support the technology, which is currently installed only on portions of the Northeast Corridor, the railroads and the railroad administration have opposed a congressionally mandated timeline. Meanwhile, California's senators wanted a faster timeline than the one negotiators ultimately agreed to.

"No question it's good that there's a deal, and I hope that it can be passed before this Congress comes to a close. Yet, I'm very disappointed about the deadline," Sen. Dianne Feinstein, D-Calif., said Tuesday night. She said she was hoping positive train control would have been mandated on the highest-priority lines by 2012.

The deal would also cap the monthly hours train crews can work at 276. An outdated law that currently governs train crew hours allows them to work more than 400 hours a month, compared with 100 hours a month for commercial airline pilots. The deal merges bills that had already separately passed the House and Senate. For additional information, please see: <http://www.msnbc.msn.com/id/26860767/>

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## Court Ruling Green-Lights SoCal Ports' Clean Trucks Plan

A federal appeals court Wednesday denied a motion to block a clean trucks program at the Southern California ports of Long Beach and Los Angeles, allowing the sister ports to begin implementation of the program October 1st, the Contra Costa (Calif.) Times newspaper reported. The ruling is the second this month in favor of the ports' plan to cut diesel emissions from trucks operating there by 80% over the next five years, the paper reported.

The American Trucking Association (ATA), in tandem with retailers such as Wal-Mart and Target, had sought to block enforcement portions of the plan, saying it was unconstitutional and would cause financial harm to trucking and shipping, the paper said. ATA's call for an injunction was dismissed by a federal judge in Los Angeles Sept. 10 and was rejected

by the Ninth Circuit Court of Appeals in San Francisco on Wednesday, the Times reported. The court ruled ATA had failed to establish it would be "irreparably injured absent an injunction," the paper said.

Port authorities are preparing to begin implementation of the program October 1st, when pre-1989 rigs will be barred from entering waterfront marine terminals as a first step, the Times reported. The ban continues incrementally through Jan. 1, 2012, when only trucks meeting 2007 Environmental Protection Agency emissions standards will be allowed access to the two ports, which make up the largest U.S. port complex. See website at: <http://www.ttnews.com/articles/basetemplate.aspx?storyid=20576> for additional information.

## Get your TWIC CARD: enforcement starts soon at many sea ports

With mandatory enforcement dates looming, the Transportation Security Administration is urging truck drivers and other workers who enter ports to obtain their Transportation Worker Identification Credential, or TWIC card.

A Transportation Worker Identification Credential (TWIC™) is a biometric credential that ensures only vetted workers are eligible to enter a secure area of a Maritime Transportation Security Act-regulated port or vessel unescorted.

The TWIC program will require more than 1.5 million port employees, longshoremen, mariners, truckers and others who require unescorted access to secure areas of ports to have background checks before being issued cards with their biometric data and residency documentation.

As of mid-September, only 60,000 truck drivers nationally had enrolled in the TWIC program. TWIC cards will be required by April 15, 2009, for truckers and other port workers who need unescorted access into secure areas, although New England ports plan to require TWIC cards by Oct. 15 this year.

Officials with the Transportation Security Administration have said ports won't be required to provide escorts for those who don't obtain TWIC cards. They also said the average turn-around time between enrollment and card pick-up is three to four weeks.

"Failure to hold a TWIC by the compliance date may prevent you from carrying out your work duties," a TSA bulletin stated. Recently announced TWIC deadlines include:

- Oct. 15 for ports at Boston, MA, and northern and southeastern New England;
- Oct. 31 for Buffalo, NY; Duluth, MN; and Detroit, MI;
- Nov. 28 for Corpus Christi, TX; and Cape Fear River, NC;

- Dec. 1 for Captain of the Port Zones at Long Island Sound; Charleston, SC; Savannah, GA; and Jacksonville, FL;
- Dec. 30 for ports at Baltimore, MD; Delaware Bay, DE; Mobile, AL; Pittsburgh, PA; the Ohio Valley; the Lower Mississippi River and San Diego, CA;
- Jan. 13, 2009, for Captain of the Port Zones at Hampton Roads, VA; Morgan City, LA; New Orleans, LA; Upper Mississippi River; and Miami, Key West and St. Petersburg, FL.

TSA officials said several myths about TWIC have circulated among port workers, including one that certain prior criminal offenses will automatically disqualify applicants.

TSA has a waiver/approval process for those whose applications are rejected. Only four disqualifying offenses will permanently bar applicants. They are prior convictions for espionage, sedition, treason or terrorism.

TWIC administrators have granted 572 waivers of 809 requested, and 4,622 of 6,910 appeals requested. Eventually, TWIC cards could be an accepted standard for truckers to get into warehouses and trucking yards inland.

Standard TWIC enrollment costs \$132.50, although workers with "current, comparable" threat assessment background checks such as HAZMAT, the Merchant Mariner Document, or Free and Secure Trade (FAST) cards may obtain a TWIC card for \$105.25.

The card is designed to last five years. Replacement cards for those who lose or damage their TWIC cards will cost \$60, according to the TWIC web site at [www.tsa.gov/twic](http://www.tsa.gov/twic). The TWIC web site also includes a full list of planned TWIC enforcement dates by port.



## Transportation leaders gather for summit, freight conference

Transportation officials and industry leaders from Ohio, several other states and Canada met in Toledo for the 2008 Transportation Summit and Ohio Conference on Freight at the SeaGate Convention Centre. The Toledo Metropolitan Area Council of Governments (TMACOG) presented the event as a lead-in to the Ohio Conference on Freight held on Sept. 15-17, 2008. It included numerous workshops with local, regional and national speakers, a reception and dinner with national keynote speaker Mortimer Downey.

"There is a lack of national vision or commitment to transportation," said Downey, a former U.S. deputy secretary of transportation who managed the department's strategic-planning process for eight years. "We are far from sustaining the system we have let alone the needs of the future, and it's causing a lot of concern. This is a federal concern, and time is the critical element. They have to do something quickly. "The transportation policy needs to shift, but it usually doesn't happen quickly. We need to get things started now and do it right. "We can and should be doing a better job of moving goods in this country. Failure to make that investment in transportation infrastructure is going to have serious repercussions. We just haven't come to grips with how to pay for it. The feds think the private sector should invest more in that infrastructure. "It's hard to get a consensus of effort on freight and transportation at the federal level."

Congress is beginning to consider those needs. An authorization bill in the legislature will address the current transportation needs, but most important is that it must reflect the needs of the 21st century, said Downey, chairman of the board of PB Consult Inc. "Moving freight is going to require serious planning and investment. Providing capital investment to create that movement will require changes in the way we move it," he said. "Transportation must be our priority. Our business is transportation and it depends on moving freight," said William Carroll, chairman of the board for the Toledo-Lucas County Port Authority. Carroll reminded the audience that Gov. Ted Strickland's economic stimulus package, Building Ohio Jobs, includes \$100 million for transportation and jobs in the state.

"We don't have the money to maintain the commitments ODOT has made in 2008," said David Dysard, deputy director of Ohio Department of Transportation District 2. Even with a \$660 million budget and only 3 percent coming from federal funds, Ohio still ranks 48th among the states in support of public trans-

portation, Dysard said. "We've lost 43 percent of our purchasing power due to inflation in the cost of goods and services. The costs are killing us. It's one of our biggest challenges. We're looking for future efficiencies to reduce those costs," he said. Revenues flattened out and are declining due to a reduced consumption of gasoline. Despite the increased cost of gasoline, the state only receives 48 cents per gallon no matter what a gallon costs, Dysard said.

The uncertain solvency of the Federal Highway Trust Fund is another concern. There is a shortfall in that fund, said Fred Abousleman, executive director of the National Association of Regional Councils, who works closely with TMACOG. "We have to maintain the infrastructure, which is critical to our country's economy. We don't have enough funding to maintain what we have or what we need in the future," Abousleman said. He estimated it would cost \$225 billion to maintain the existing system over the next 50 years. Transportation accounts for 3 percent of all federal expenditures or 1 percent of the gross national product spent on infrastructure, while China is spending 9 percent and India 3.5 percent of their Gross National Product (GNP) on transportation.

"We need to take a regional approach that focuses on all forms of transportation in Northwest Ohio and Southeast Michigan," said Jerry Wingate, president of Alexis Transit System Inc. and the Toledo Trucking Association. The region has the strategic geography with air, land, rail and waterways to compete for intermodal transportation business and facilities, said Richard Martinko, director of the Intermodal Transportation Institute at UT. With intermodal sites in Cleveland, Columbus, Chicago, Detroit and Fort Wayne, Ind., Toledo is in a position to fill the gap at the west end of Lake Erie, Martinko said. Within a 100-mile radius of Toledo, the region has six million people and \$270 billion in GNP, making it the eighth largest region or equal to the 17th largest state in the country. The Great Lakes mega-region is one of 10 emerging mega-regions in the country, he said.

The region has three of the top 11 gateways for freight traffic with Interstate 80 Interstate 90 running east and west, and Interstate 75 and U.S. 23 running north and south; three class-one railroads; a world-class port and an airport strategically situated for freight traffic. "You can get there from here. We have the pieces for regional economic development and the opportunity for growth," Martinko said. Link to story in the *Toledo Free Press*: <http://www.toledofreepress.com/?id=8691>

## Statement by U.S. Secretary of Transportation Mary E. Peters on the President's Action on the Highway Trust Fund (September 19, 2008)

U.S. DOT Secretary Mary Peters released a public statement on September 19th that said: "Following the President's signature of legislation to prevent a funding shortfall in the highway trust fund, \$8.017 billion of general funds has now been transferred to the Highway Account of the Highway Trust Fund. Yesterday, we paid all current state payment requests, and today, we will resume daily payments."

Secretary Peters continued in her statement saying that "While the Highway Account has been temporarily replenished, we should not delude ourselves into thinking the fundamental problems of transportation funding are somehow resolved. It is imperative that the debate begin now as to the most effective means to finance and improve highways and transit infrastructure in the U.S. Clearly, the current tax and spend model is both unsustainable and unresponsive to the country's needs."

The next administration will need to fundamentally rethink how to maintain the nation's critical infrastructure systems to meet emerging physical, environmental, financial and global challenges, according to preliminary findings from an influential advisory panel. The National Academies will issue a report by the end of the year highlighting major challenges in tackling the country's five critical infrastructure systems: water, power, transportation, telecommunications and waste management. The report, which was previewed at a facilities forum last week in Washington, aims to jump start a public-policy debate on the role of these systems in meeting the nation's needs for the next hundred years.

"The fact is, we have not established priorities for what our infrastructure should do for us," said Linda Stanley, executive director of the academies' Federal Facilities Council, which initiated the study earlier this year. The eight-member working group authoring the study has identified six key challenges facing the nation's infrastructure that must be addressed:

- Shifting the direction and routes of transportation systems to meet increasingly global commerce patterns.
- Adapting or replacing existing power lines and electrical systems with energy efficient alternatives.

- Upgrading or improving existing systems to improve their performance.
- Improving the ability of systems to rebound following natural disasters.
- Identifying long-term revenue streams for operating, maintaining and repairing systems.
- Overcoming public inertia to addressing infrastructure needs.

By reframing the debate around these core challenges, the U.S. can move beyond the current pattern of simply replacing or repairing what already exists, Stanley said. Instead of focusing on the infrastructure itself, the debate must shift to looking at the services that are provided and then determining what infrastructure is needed to meet those services, she said.

In many cases, the best solutions for rethinking the infrastructure will bubble up from the local level, said retired Navy Rear Adm. Peter Marshall, chairman of the Federal Facilities Council. In one example, community leaders in Memphis, Tenn., spearheaded a plan to address a problem chokepoint at a local bridge not by repairing or expanding the bridge but by altering commuting patterns and changing land use plans to make the bridge less of a problem area.

Any change to the nation's infrastructure could have a significant impact on the economy and the environment, Stanley said. Maintaining existing infrastructure and buildings accounts for 12 percent of the nation's gross domestic product and is responsible for 11 million jobs. Buildings and systems account for 42 percent of energy consumed in the country and generate 40 percent of greenhouse gas emissions.

The American Society of Civil Engineers estimates it will cost \$1.6 trillion over the next five years to restore the nation's infrastructure to good condition. The organization is pressing Congress to create a National Commission on Infrastructure to study the nation's infrastructure systems and identify methods for funding needed improvements. For additional information, please see: <http://www.federaltimes.com/index.php?S=3726733>

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**Famous Quote of the Day:**

"Nothing in life is to be feared. It is only to be understood..."

-[Marie Curie](#),  
Nobel Prize-winning  
physicist and chemist

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## Next FHWA HQ's Talking Freight Web Seminar (October 15th)

The Federal Highway Administration's (FHWA) Office of Freight Management and Operations and the Office of Planning host the "Talking Freight" seminars.

The web seminars are part of a broader Freight Professional Development Program aimed at providing technical assistance, training, tools, and information to help the freight and planning workforce meet the transportation challenges of tomorrow. The web seminars are held on a monthly basis throughout the year and are open at no cost to all interested parties in both the public and private sectors.

The next FHWA HQ's Talking Freight Seminar will be held on Oc-

tober 15th (12-1:30 PM-CDT) and will cover the topic of ["Rising Fuel Prices/The Effects of Energy Prices on Global Trade Patterns."](#)

Energy prices will affect the cost of production and transportation, and very likely cause changes to the current freight movement practices. This will require policy makers and planners to identify needs to meet such changes and plan accordingly.

For additional on freight-related courses and training opportunities including how to register for this webinar event, please see the following FHWA web-site: [http://www.ops.fhwa.dot.gov/freight/fpd/talking\\_freight.htm](http://www.ops.fhwa.dot.gov/freight/fpd/talking_freight.htm)

## Senate committee OKs bill to dedicate \$1 billion for bridges

Legislation that lawmakers say will prevent bridge disasters like the tragic collapse 13 months ago in Minneapolis has been approved by a committee and is on its way to the Senate floor.

The U.S. Senate Environment and Public Works Committee approved HR3999 by voice vote on Wednesday, Sept. 17, clearing the bill to go to the Senate floor.

HR3999 was introduced in October 2007 in the House of Representatives by Rep. James Oberstar, D-MN, following the Aug. 1, 2007, collapse of the Interstate 35 bridge in Minneapolis that killed 13 people and injured 100. The bill calls for the federal government to revise its prioritization methods for structurally deficient and functionally obsolete bridges.

HR3999 also calls for the federal government to provide states with strict guidelines for fast-tracking repairs and rehabilitation. It would also dedicate an extra \$1 billion for bridges.

The House approved the bill in July by a large margin. Should the full Senate approve HR3999 without amendment as agreed to in committee, it would be sent to the president for signature. For additional information, please see: [http://www.landlinemag.com/todays\\_news/Daily/2008/Sep08/091508/091708-02.htm](http://www.landlinemag.com/todays_news/Daily/2008/Sep08/091508/091708-02.htm)

