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FEDERAL UPDATE

Congress Faces Short Schedule in Run-Up to Adjournment

Congress returned this week from their August recess with a full agenda on their plate and a target sine die adjournment date of September 26th. Given the short time-frame to complete legislative business, lawmakers are stating that the only bill that will definitely reach the President's desk will be a continuing resolution (CR) to fund the government until next year. The timing of the CR, however, could be affected by who wins the presidential election and whether there is a lame-duck session after the election. Democrats may also push for a second economic stimulus plan that could affect a CR, but the prospects of such a plan appear dim in the face of White House opposition. Disaster relief for Midwest flooding, hurricanes, wildfires and drought could end up hitching a ride on either a stimulus package or the CR. Details of the CR probably will not be finalized until later this month, as Democrats gauge potential political land mines, such as the debate over oil and gas drilling. As of now, Democrats are planning to make the CR straightforward by keeping funding levels for government programs and agencies at their fiscal 2008 levels, with some exceptions. Republicans are warning against adding extraneous items to the bill. In addition, the fiscal 2009 Defense and Military Construction-VA spending bills could also become a vehicle for the CR as lawmakers have made those two appropriations bills a priority before adjournment. The FY'09 Interior Bill, which funds historic preservation program, will not be considered until next year when the 111th Congress convenes. To date, the House has approved \$82 million for the Historic Preservation Fund (HPF) for FY'09, which includes \$25 million for the Save America's Treasures (SAT) program.

Highway Bridge Program Under Scrutiny in Senate

The Senate Environment and Public Works Committee held a hearing on September 10th to review and examine the Highway Bridge Program (HBP) in the wake of a just-released GAO report entitled "Highway Bridge Program: Clearer Goals and Performance Measures for a more Focused and Sustainable Program." The report was delivered in the form of testimony by Kathryn Siggerud, Managing Director, Physical Infrastructure Issues. In addition, the committee heard testimony from a panel of witnesses that included Thomas Madison, Director of the Federal Highway Administration, as well as representatives from the Oklahoma State DOT (Gary Ridley), U.S. PIRG (John Krieger), and [on behalf of] the American Society of Civil Engineers (Andy Herrmann).

Siggerud's testimony was quite thorough in examining the many problems facing the HBP and the federal role in assisting the states in maintaining their vast array of bridge inventories. Siggerud's statement documented an interesting trend in structurally deficient bridges. She stated that "the decline in the overall number of deficient bridges over the past decade reflects a reduction in the number of structurally deficient bridges. From 1998 through 2007, the number of structurally deficient bridges decreased by 22

percent, from 93,118 to 72,519. During that same period, the number of functionally obsolete bridges increased slightly from 79,565 to 79,798, an increase of 233 bridges.

The reduction in the number of structurally deficient bridges, rather than functionally obsolete bridges, over this time period may reflect bridge owners' efforts to address the deterioration or damage that are characteristic of structurally deficient bridges. Although reducing or eliminating structurally deficient bridges may not always be a state's highest priority, structurally deficient bridges often require maintenance and repair to remain in service. By contrast, functionally obsolete bridges do not necessarily require repair to remain in service and, therefore, are unlikely to be transportation officials' top priority for rehabilitation or replacement."

Since many older and historic bridges are likely to fall into the category of being "functionally obsolete," this could pose a problem for these bridges to get much-needed funding. The National Trust and its preservation partners intend to make funding historic bridges a priority in the upcoming surface transportation reauthorization bill next year.

Katrina Disaster Spurs Legislation to Investigate New Orleans Levee System

A bill (HR 6526/S. 2826) creating an investigation team to examine the failure of the New Orleans levee system has been introduced in the House and Senate. The bill would require the investigative team to: (1) examine and review the ongoing exposure of the city of New Orleans to the flood control system failures; and (2) submit to the President and Congress a report that contains recommendations for any necessary legislative or regulatory change that will – among other things – "outline each proposal that is necessary to revise the management, planning, funding, and oversight of levee, coastal restoration, and flood control projects that are located in the disaster-affected areas in the Gulf Coast." The bill authorizes \$5 million to carry out the investigative team's duties.

Congress provided \$53 million in disaster assistance grants to historic properties in the affected disaster zones in 2005 as well as an expanded rehabilitation tax credit through 2008 for historic structures. Preservationists are hopeful that Congress will extend the expanded credit through 2009. Preservationists are interested in seeing that more effort is put toward restoring New Orleans' levee system to 500-year flood level protection levels and restoring crucial wetlands, which ultimately would protect and buffer the city's historic and cultural properties from another major hurricane.

Preservationists
Remain Hopeful
for Continued
Tax Assistance
for Historic
Properties
Affected in
Katrina Disaster
and Expanded
Levee and
Wetlands
Preservation for
New Orleans

Preserve
America, SAT and
Conservation
System
Authorization
Bills Await
Further Action in
Senate

National Trust
Advocacy
Sidelines
Attempts to
Weaken
Antiquities Act of
1906

Senate Energy Committee Marks Up Bevy of Natural and Cultural Resources Bills

The Senate Energy and Natural Resources Committee marked up over 50 natural and cultural resource bills this week, including a measure to reauthorize the Historic Route 66 Corridor Preservation program. These bills may be folded into yet another “omnibus” lands package before the session’s end that includes a bill (S. 2262) authorizing the Preserve America and Save America’s Treasures programs and an authorization for the National Landscape Conservation System (S. 1139).

Landrieu Moratorium on Ocean Monuments on Hold

This week Senator Mary Landrieu (D-LA) indicated that she would refrain from amending any bills moving through Congress this year with her bill (S. 3438) that would place a moratorium on ocean monument designation under the Antiquities Act of 1906. In order to pre-empt the Bush Administration’s plan to create ocean monuments including one in Louisiana’s Gulf Coast waters, Landrieu introduced S. 3438, which would have place a two-year prohibition on funding for any such designation. She was opposed to the President’s prospective interference in any oil exploration and drilling that would be prohibited under the Antiquities Act.

The National Trust sent a joint letter with conservation groups to Landrieu opposing the moratorium and asked her not to set any precedent that would have weakened the Act. The Trust then mounted an effective, targeted grassroots campaign in Louisiana to communicate the preservation community’s opposition to the moratorium. Ultimately the Administration withdrew its plans to designate an ocean monument in the Gulf.

