

Utility & Liaison Committees Present A Federal Update

by Robert J. Legato, SR/WA

The International Utilities and Liaison Committees have a good thing going. Once a year we hold a joint meeting, during which we invite various folks involved with federal legislation and related efforts to give us the latest on what's happening. We thought it would be good to share with the rest of the Association what we have learned. The federal update is always the highlight of our January meeting; unfortunately, bad weather in Washington, D.C., January 12 shut down the government, and that put some dents in our plans. The good news is that one government representative decided to brave the snow anyway, and two others were available by speakerphone from their homes. Highlights of their presentations follow:

**RON MONTAGNA:
BUREAU OF LAND MANAGEMENT**

Mr. Montagna began by noting a new, non-adversarial relationship between his agency and utilities. (As an aside, this spirit has been seen with several government agencies, lately.) Ron pointed out that in 1995, the BLM was able to process over 23,000 applications for rights of way, but that the backlog (some 3,000 applications) was not significantly reduced. The major topic was, of course, funding for 1996. Following spirited discussion, Ron suggested that anyone concerned about this funding issue contact the director of BLM or the Department of the Interior.

BLM has been working on a rewrite of the communication site rental regulations. The final regulations were published on November 13, 1995, and

became effective on December 12, 1995. One of the highlights of the new regulations is that holders of existing communications site rights of way will be able to "rent" space in their facilities to other communications site holders.

As long as both are approved "holders" of BLM rights of way, one may "sublease" space within their facilities to the other, without approval from BLM. Beyond that, when BLM receives a subsequent communications site application for use of a particular parcel of public land, the applicant will be strongly encouraged to locate within the existing facility.

The holder of the existing site right of way and the new applicant will have to negotiate the best deal for both parties. The holder will, in turn, be charged an annual fee based on the number of com-

munications applicants being permitted to occupy the site by the primary holder. On the other hand, Ron also noted that while subsequent applicants will be encouraged to deal with other holders of rights of way, no applicant or holder will be required to locate within an existing site facility.

BLM has been streamlining its procedures for applicants. Some of the new wrinkles in "Phase I" (1995 work) include: application processing fees due BLM may now be paid by credit card; faxed applications are now acceptable; if additional information is needed on an application, the applicant should be advised at one time as to all the items required, rather than on a piecemeal basis. Ron advises that Instruction Memo No. 96-27 has been issued to field offices detailing all these changes.

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Phase II efforts, due for 1996, are now being formulated. The Western Utilities Group (BLM's holdings are primarily in the western states) is developing suggestions for BLM to consider for Phase II. It will almost certainly include, however, a request to establish Master Right of Way Grants with major holders.

Note that this work has ramifications beyond BLM: in 1996, the BLM streamlining efforts will continue. The U.S. Forest Service is also a member of the streamlining team. The National Park Service may participate when the team explores an issue that is relevant to National Park Service operations.

SHERRY GLICK: ENVIRONMENTAL PROTECTION AGENCY

Ms. Glick is a team leader in an effort known as the Pesticide Environmental Stewardship Program (PESP), an initiative to elicit voluntary reduction in the use and risks of pesticides and herbicides among companies and agencies in the United States. Two targets for 1996 are to enroll 75 percent of agricultural programs (through the USDA) and to get the Department of Defense to reduce its use of herbicides by 50 percent.

Edison Electric Institute has been involved, and in our Region 4, specific mention was made of Rick Johnstone, of Delmarva. The program includes two categories of participation, Supporters and Partners: Supporters are organizations that do not use pesticides or herbicides, but influence those who do (example: fruit marketers); while partners do use pesticides or herbicides, and are invited to establish strategies to limit use of particular agents in specific sites or processes.

EPA invites the establishment of demonstration projects utilizing reduced levels of certain products or of substitute products considered less harmful to the environment. When asked what incentives she saw for a company or agency to join the program, Ms. Glick cited several:

- Marketing and Right of Way—Once their strategy has been approved by EPA, Partners and Supporters get to use an EPA logo on their literature, certifying that they utilize EPA-approved processes for pesticides and herbicides.
- Networking—Liaison with federal agencies and others who can help further a company's goals.

- Grant dollars—Some demonstration projects are funded in part by federal grants, when dollars are available.
- Gratification—Being an environmental "good citizen".

Sherry pointed out that FIFRA regulations are extremely complex, and that biologicals are being put on a fast-track status within the agency.

Participation by power utilities in the Northeast is heavy; she mentioned Atlantic Electric, Delmarva, New York State Electric and Gas, Ohio Power (American Electric Power), and Penn Electric.

Finally, Sherry said that EPA has some 27 voluntary programs working; she specifically mentioned Waste Wise, Green Light, Energy Star, and Climate Wise.

Anyone wishing further information on PESP can contact EPA, at 1-800-972-7717.

DAVID PRICE: CHIEF, FEDERAL AID PROGRAM BRANCH, FEDERAL HIGHWAY ADMINISTRATION

David braved the snow and the shutdown and arrived at the meeting, unscathed. His report included the following highlights:

A reorganization plan was submitted by Secretary of Transportation Federico F. Peña in April 1995; it has not been accepted but will be modified and resubmitted this spring. A key element in the 1995 submittal was an intermodal agency.

Speaking of intermodal, ISTEA is due for reauthorization in 1997. Given the fate of other legislation that has been undergoing reauthorization, there's no telling what will happen. The only maxim that seems to be in operation in federal circles these days is that no proposal under reauthorization is too exotic to be considered.

DOT's funding was approved during November 1995, for the Federal Fiscal Year 1996, at a level of \$17.55 billion. Mr. Price describes this as a "good funding level." Presumably, highway programs will continue without interruption.

The National Highway System Bill passed in November 1995. It included provision for conversion to metrics (more about that in a minute!). Some 80,000 to 90,000 additional miles will be added to the original Interstate Highway system, to become the National Highway system.