

Engineers & Land Surveyors Day at the State House + Water's Worth It Day May 15, 2018

Information for
ADVANCE BRIEFING SESSIONS:
May 10, 11, 14



Engineers & Land Surveyors Day Overview

- Collaborative effort of:
 - ACEC/MA, BSCES & MALSCE, coordinated by TECET Staff with help from ACEC/MA's advocates at Risky Partners.
 - In conjunction with: MMA Policy Committee on Public Works, Transportation and Public Utilities; MMA Policy Committee on Energy and the Environment, MassHighway Assoc., MWWA, MWPCA, others
- Inform Massachusetts state legislators on issues important to the engineering & land surveying community
- *Promote or oppose* certain legislation
- *Create bridges* between individuals in engineering & land surveying community and your State Senators and State Representatives

Preparing for May 15

- **Review Issue Briefing Fact Sheets** — will be posted with link sent to you, for now: review draft versions sent to you
- **Read on-line bios of:**
 - Your State Senator <http://www.malegislature.gov/People/Senate>
 - Your State Representative
<http://www.malegislature.gov/People/House>
- **Bring your business cards** — write the town name:
"Resident of Groton"
- **When you arrive at the State House, 2nd floor, Great Hall on May 15, you'll receive:**
 - Updated briefing packet with your appointments
 - A briefing packet for your legislators (or someone else in your district will have this.)
 - Continental Breakfast

Schedule for May 15 @ State House

9 AM Security, go to 2nd Flr, Great Hall

9:10-9:25 AM State House, 2nd Flr, Great Hall

- Registration/Light Breakfast/Pick up Briefing Packets/Networking

9:25 - 10:15 AM

- Issue Briefing and Briefing with State Sen. Joseph Boncore (D-Winthrop)

10:30 AM (Senate) and 11:15 AM (House)

- Scheduled meetings with your state legislators in State House in their offices

11:45 AM - 1:30 PM

- **Start of Water's Worth It Day** - Be sure to register for this if you can stay, or return any follow up materials to Great Hall and return to your office

Issue Briefing Fact Sheets

- Transportation Infrastructure
- Water Infrastructure
- Dig Safe
- Climate Resiliency
- Support Delegation of NPDES Program
- Maximizing Private Sector Innovation

Massachusetts Transportation Infrastructure

- *INVESTING TODAY FOR ECONOMIC GROWTH: Support coordinated New England tolling or road usage charges.*
- MA has made significant progress since the 2009 Transportation Reform Act and the 2013 Transportation Finance Act, but more needs to be done. The state needs funding. While a ballot question to generate new revenue through a millionaire's tax is possible in November in 2018, it will be critical that the language includes a guarantee for transportation funding in advance of an endorsement.
- Mass DOT and the MBTA FMCB have implemented cost-saving measures while continuing to invest in the repair critical transportation infrastructure. But reform, cost-savings, and the 2013 gas tax increase are not enough to close the gap in the identified needs of the state's transportation network.
- **Bridges:** need to keep fixing bridges
- **Modes:** No single mode can address all of our emerging transportation needs across the Commonwealth.
- **Tolling** is a sustainable means of collecting revenue to support needed transportation investment. **There are no free roads.** There are only toll roads and tax supported roads.

Massachusetts Transportation Infrastructure

- Support new revenue for transportation, including increased use of tolling, in conjunction with the other New England states or a pilot project for collecting fees on VMTs (Vehicle Miles Traveled.)
- Continue to support the Financial Management Control Board as it works to improve business processes and develops a long-term plan for the T that efficiently uses its resources.
- Support a multiyear commitment of \$300 M/year for Chapter 90 funding, enabling municipalities to do longer term planning for capital needs.

Water Infrastructure Investing in Our Future

- **Link to WIFC Report:** <https://files.engineers.org/file/WIFC-Report-F5D7.pdf>
- **Link to State Auditor Division of Local Mandates Report:** http://bit.ly/Auditor_Water2017
- The Commonwealth and its municipalities face an impending water crisis created by antiquated infrastructure and limited funding to invest in maintaining existing water and sewer infrastructure. Investment in water infrastructure creates more revenue through economic development and creates jobs.

Water Infrastructure Investing in Our Future

- **Every single job depends on reliable water infrastructure.**
- What does \$1 invested in water infrastructure do? Economic growth: \$2 - \$14 in new taxes + \$2.62 - \$6.77 in the private economy, according to the Collins Center for Public Management (January 2014)
- State government - create a more stable, holistic approach to water infrastructure, giving municipalities greater levels of confidence and encouragement to invest in water infrastructure improvements. The State Auditor's Division of Local Mandates report: *Costs, Regulation and Financing of Massachusetts Water Infrastructure: Implications for Municipal Budgets* [January 2017]
- The MA Water Infrastructure Finance Commission found significant gap between available funding and what is needed over the next 20 years to improve water-related infrastructure: \$10.2B for drinking water; \$11.2B for wastewater; conservative estimate of \$18B for stormwater.

Water Infrastructure Investing in Our Future

Actions:

- *Support increased funding for water infrastructure.*
- *Chapter 259 of the Acts of 2014 raised the state capitalization of the SRF program from \$88 million to \$138 million, but the legislature needs to appropriate the funding.*
- *Support efforts that will enable Massachusetts to assume delegation of the NPDES program. (see Support Delegation of NPDES Program Fact Sheet)*

Note:

- We support other water infrastructure related bills this session, but we are focusing attention on May 15 on the SRF contract assistance and stormwater permitting.
- We were also major proponents for the creation of the dam and seawall fund. Most of the dam funding has already been lent to projects – give any local examples.

Support Delegation of the NPDES Program:

- Although this is in a study: Support *HB 2777, An Act to enable the Commonwealth's Administration of the Massachusetts Pollutant Discharge Elimination System*, Sponsored by: Governor Charles Baker
- Massachusetts is 1 of 4 states that does not currently have delegation of the National Pollutant Discharge Elimination System Program (NPDES) from US EPA. The NPDES program is an important water quality program established by the federal Clean Water Act.
- EPA budget cuts expected. It makes sense for Massachusetts to join 48 states to implement this program to provide continued protection of our water resources.
- Communities across the US recognize that regulations in the historically isolated water resource "sectors" (i.e. drinking water, wastewater and stormwater) are becoming increasingly interrelated.
- More progressive communities thinking about how they could manage these systems in a more economically viable and integrated way.
- Any utility or community interested in an Integrated Water Management Plan - thwarted - due to the permitting "silos" administered under separate regulatory authorities: drinking water, wastewater and stormwater programs.

NPDES Delegation: An important step toward integrated water planning

- In MA, both drinking water quality and quantity are regulated by MassDEP, while the NPDES wastewater and MS4 stormwater permits are under the control of the EPA.
- Communities must deal with all of these regulatory programs simultaneously regardless of what is considered to be most convenient for the regulators. Unlike the regulators, communities cannot only concentrate on each program one at a time.
- Integrated planning is not cheap or easy, but if done effectively, can help communities prioritize water resource needs, investments, and benefits – including infrastructure and the environment.
- Delegation of the NPDES program will help facilitate this effort and it will make it easier for municipalities to coordinate with 1 agency rather than 2. It may also provide opportunities for flexibility in permitting that does not currently exist

NPDES Delegation:

KEY POINTS

- We support funding a Massachusetts NPDES program through a separate line-item in the budget as one way to ensure a reliable revenue stream for the program.
- MassDEP analysis showed that the state is actually proposing to have more staff working on the NPDES program than what EPA currently has dedicated to the Massachusetts permitting program.
- The state should look at the individual conditions in a watershed and work with communities on a plan in the best interest of the watershed given the limited resources at a community's disposal. A more site specific approach has a better chance of leading to meaningful environment improvement rather than making communities spend money to implement measures that will likely not result in improvement. Having authorization of the NPDES program provides an opportunity for the Commonwealth to be a leader in holistic water management and integrated permitting.
- The current NPDES program (EPA Region 1) has been a quagmire of legal skirmishes and costly appeals. Permits that are supposed to have 5-year terms typically extend for a decade or more while EPA goes through draft permits, revised permits and changes in policy. The Clean Water Act has indeed produced remarkable improvements in most of our waters but in recent years it is despite the NPDES program implementation and not because of it.
- MassDEP has had authorization for the federal Safe Drinking Water Act (SDWA) program for many years. MassDEP has never attempted to administer the SDWA program in a manner that is less stringent than the federal program. In fact, the record will show that MassDEP usually errs on the side of being more protective than required.
- We have long been committed to ensuring water quality protection for both public health and the environment.

ACTIONS REQUESTED

- **We respectfully request that the legislature support efforts that will enable Massachusetts to assume delegation of the NPDES program.**

Dig Safe: For Public Safety and Efficiency

Support *HB1813, An Act relative to public safety in excavation*

Claire D. Cronin (D-Easton) and Marjorie C. Decker (D-Cambridge) [in *House Committee on Ways and Means*]

ISSUE

Professional Land Surveyors need to be able to gather accurate information on the location of underground utilities early in project design. Including accurate utility location information in the planning phase of a road, bridge, water or sewer or other project minimizes the hazards, cost, and work to produce the final project and helps to protect public safety. HB1813 provides updates to the Dig Safe law [MGL c. 82, §§ 40, 40A-40E] that are endorsed by the Common Ground Alliance.

- Many public utility systems run underground through pipes and conduit. Identifying the location of these systems and abandoned pipes and conduit is an important step in the design and construction of infrastructure improvements. Current Dig Safe law does not fully reflect the current recommendations of the Common Ground Alliance. The Dig Safe Law needs to be updated for public safety and to prevent inconvenience to the public during construction.
- At the beginning of an infrastructure project, a PLS uses all reasonable means to obtain information about underground facilities in the area of the planned excavation. Unfortunately, the current Dig Safe law does not require Dig Safe to assist a PLS or PE with actual utility siting during the planning phase of the project, only once construction is about to begin. Planning and design may occur months before construction.

Dig Safe: For Public Safety and Efficiency

- PLSs need to collect all available information from facility owners/operators early in planning to prepare as accurate a set of plans about existing conditions as possible. Having the list of utilities in the project area along with the markings from Dig Safe are becoming more important than ever before, as Dig Safe and the utilities have maps of existing, abandoned, and out-of-service facilities; cathodic protection and grounding systems; as-builts of facilities in the area if the maps are not current; proposed project designs; and schedules of other work in the area.

KEY POINTS

- The addition of the term “Professional Land Surveyor” and its definition allows for the Dig-Safe law to be applicable for surveyors to obtain utility location information at the preliminary design phase for a facility, which would greatly assist the design and construction of the facility, including safety for workers as well as the general public.
- HB 1813 will help land surveyors access Dig-Safe information earlier in a project, when the project is in preliminary design. Specific, accurate utility location information at the design phase of projects will promote more efficient design and construction of facilities and protect the general public, utility company assets and the lives of contractors. The proposed change to Section 40B makes this provision applicable to surveyors as well as excavators to ensure proper notice of the markings.

ACTIONS REQUESTED:

- Urge the House Ways & Means Committee to move this Dig Safe bill forward: [HB 1813](#).
- Urge the legislature to support passage of [HB 1813](#) this session.

Maximizing Private Sector Innovation - we OPPOSE 2 bills that are both in a study

Delivering For Massachusetts: The critical role the engineering industry plays in addressing state and municipal infrastructure needs

- OPPOSE: *S.1741-An Act to promote safety, efficiency and accountability in transportation projects through public inspections* (Sponsor: Sen. Michael Moore), in STUDY in *Joint Committee on State Administration and Regulatory Oversight*
- OPPOSE: *S.1750-An Act relative to protecting the taxpayers of the Commonwealth* (Sponsor: Sen. Marc Pacheco), in STUDY *Joint Committee on State Administration and Regulatory Oversight*

Maximizing Private Sector Innovation - we OPPOSE 2 bills

- Engineering and Land Surveying community is essential in helping public agencies deliver services to taxpayers
- Represents over 7,000 professionals in Massachusetts
- State and Municipal agencies need unique expertise, technical innovation provided by engineering firms
- Value to taxpayers since public agencies do not need to staff up for peak labor requirements; taxpayers only pay for the time on the project

Maximizing Private Sector Innovation

ISSUE

- The engineering industry has an essential role in helping state agencies and municipalities deliver services to taxpayers. From designing solutions to address congestion on roadways, ensuring continued access to safe drinking water, to putting green technologies to work to make industry and government more sustainable, engineering firms in Massachusetts are working to solve public policy challenges and improve the quality of life for residents.
- Eliminating private sector design engineer from performing construction inspections increases overall cost of project since it's the design engineer that's most familiar with the project
- Private firms still accountable to agencies and taxpayers – state oversees contracts, approves billings, perform audits, etc.

ACTION REQUESTED

- We urge legislators to oppose any bills or amendments that would prevent state agencies and municipalities from contracting out for professional engineering, land surveying or related design services, construction phase engineering, inspections or testing services. Public agencies need the flexibility to determine how they will get this work done.

Climate Resiliency: Building Tomorrow's Infrastructure Today That Will Improve Quality of Life for All

ISSUE

Sea-level rise, heat waves, and increases in storm intensity or frequency, pose major risks to the Commonwealth, its infrastructure, its tax base, its natural resources, and its residents, businesses, and institutions. Climate adaptation-preparing for the different local environmental conditions and impacts that result from climate change-is an essential part of ensuring our resiliency. We need to consider the *"triple bottom line" – Environmental, Social and Economic factors*, and the overarching principle of *Resiliency – our ability to withstand and rebound from climate change impacts*.

Climate Resiliency:

- Recent coastal storms have pounded Massachusetts, but we are at risk and have dodged bullets. We have a highly developed coast line with 4.2 million Massachusetts residents living within 10 miles of the coast, 66% of the state's total population.* Land parcels within 10 miles of the coast comprise \$750 billion of assessed property value (land and improvements), 73% of the assessed value in the state.*
- Winter storms in January and March 2018 caused severe damage throughout Massachusetts. Other recent storms have caused damage in central and western Massachusetts, closing roads Route 2 and flooding communities. Vulnerable populations, such as seniors, have been impacted by extreme heat waves.
- Boston, one of most vulnerable U.S. cities to climate change impacts, is among a small number of Massachusetts municipalities and regional planning agencies to take a leadership role to develop plans for adaptation.

Climate Resiliency:

- **Environmental Bond HB 4438:** Ask legislators to support this bill (currently before House Bonding Committee) - Urge legislators to Support the Climate Resiliency provisions in HB 4438, to take the next steps to build upon the Commonwealth's initial climate change adaptation efforts:
 - Make permanent and fund the Integrated Hazard Mitigation and Adaptation Plan and the Municipal Vulnerability Preparedness Program (MVP).
 - Be sure to include language for an Advisory Board that includes a Professional Engineer
- **Comprehensive Adaptation Management Plan, SB 2196:** Thank Senators for their past support of this climate resiliency language & urge House members to support it.
- **Invest in sustainable infrastructure, which considers both lifecycle and capital costs.**

Tell Your Story

- Legislators remember your specific example
- Based on your work experience or based on your experience as a resident of your community.

After your meetings:

- Report Back: Tell us about any issues that came up in your meetings needing follow-up
 - Follow Up Form & Survey Monkey Evaluation
- Send a thank you note or email to staffers and legislators with whom you met

A few other notes

- **Fact Sheets will be posted on www.engineers.org – will send link.**
- **Legislative Staff: Aides are important.**
Treat aides just as you would your legislator, both as a matter of courtesy and because the aide truly is in a position to help.
- **Be brief; be clear; be accurate; be persuasive; be timely; be persistent; be grateful**

Additional Resources

On-line bios about:

- ***Your State Senator***

<http://www.malegislature.gov/People/Senate>

- ***Your State Representative***

<http://www.malegislature.gov/People/House>

QUESTIONS?