Discussion re Proposed Consolidated Grant at the Transportation External Coordination Working Group (TEC/WG) Meeting in Philadelphia July 1999

[Excerpted from the official summary of the meeting]

Plenary Session:

Update on TRANSCOM and Overview & Introductory Discussion of a Proposed Consolidated Transportation Grant

Ms. Mona Williams (National Transportation Program (NTP)/DOE-AL) presented a brief update on the status of TRANSCOM. The TRANSCOM folks have been busy preparing for upcoming tritium shipments. By FY 2001 the system will be an Internet-based system. DOE recently convened a TRANSCOM User Group and they came up with a prioritized list of new system requirements. The system upgrade is expected to be on-line by October 1, 1999.

Ms. Mona Williams and Ms. Judith Holm (National Transportation Program (NTP)/DOE-AL) presented an overview of a proposed consolidated transportation grant concept. Noting that the idea has long been an issue at the TEC/WG meetings, and that the now-closed Mechanics of Funding topic group had completed much of the initial research on this topic, a DOE Working Group had been pulling together documentation and possible grant concepts. At this meeting participants will be asked to work though a series of questions and discuss these ideas.

DOE looked at what the other federal agencies are doing as they reformat their federal grant programs. For example, the Federal Emergency Management Agency (FEMA), now has reformatted grants so that they are based on: 50% on what was received in the previous FY; 33% on population; 15% is divided equally amongst state; and 2% is reserved for special cases.

Breakout Sessions

Introduction

There were two breakout groups during this TEC/WG meeting (proposed Consolidated Grant discussion and Emergency Management Planning &Training Assistance) Each breakout session had two subgroups. This was done to facilitate manageable discussion groups. The following presents a summary of the proposed Consolidated Grant breakouts.

The breakout session for this meeting focused on discussion of a proposed consolidated transportation grant. Discussion facilitators began each session by reviewing the seven consolidated grant issue areas/topics discussed in the information distributed to all participants. Participants were asked to prioritize the issues/topics so that the remainder of the discussion could be focused on these priorities.

The discussion facilitator was assisted by DOE staff in clarifying issues and answering questions Discussion facilitators referred participants to www.policycenter.com/fincalc (username: fincalc) and (password: numbercrunch) to test out various funding scenarios.

Much of the initial discussion focused on the proposed grant's objectives and actual total finding dollars. While participants agreed that equity was a laudable goal, many suggested that DOE clarify the goals, objectives and expected outcomes (performance goals/measurable goals) of this type of grant program.

The notes that follow are loosely organized around the Consolidated Grant Worksheet distributed to all participants. Since there were a great number of questions, we have listed the ones that engendered the most discussion. The discussion from all four subgroups is summarized below. The written comments submitted will be made available on the TEC/WG webpage (www.uetc.org/tec).

Question 1. Should allocation be based on needs or impact?

The issue of funding allocation as either a "needs-based" or a "formula-based" approach engendered much discussion. In general, most participants recommended a hybrid approach. Part formula keeps the process documentable and fair. By incorporating a 'needs' component DOE is being consistent with its 180 (c) Policy and allowing for the vast difference in approaches that States and Tribes may take.

- DOE should develop a set of 'minimum response capabilities.'
- Hazmat teams are funded at the local level, so federal funding augments what is in place.
- A 'needs-based' program will always be subject to the politically driven decisionmaking process. For DOE this has meant piecemeal decisionmaking rather than looking at the additional burden DOE shipments place on States and Tribes.
- A 'needs based" approach creates a pattern of cyclical funding rather than a constant funding level.
- New formula components might include: load conditions; accident rates in each State; start-up costs; shipment mode rankings; elevation changes; miles traveled; and inspections made.
- The PSM data are incomplete at best and incorrect at worst. Until this problem is corrected by having all sites report, this information provides too inaccurate a picture to base any funding decisions on.

Question 3. How should formula factors be weighted?

The idea proposed was to use a combination of several historical years and one prospective year. It uses population, mileage, and the number of shipments as variables for impact.

- The number of previous accidents and potential for disruption of commerce along a route, e.g., if accident occurred on the interstate should be considered.

- A combined *shipment-miles* variable is a better measure of impact.
- A State with more intermodal transfer points should have heavier impact weighting.
- Risk and population factors weightings could shift a lot of funding from western to eastern states.
- Weighting should used; not all variables are equal—population at risk and the number of shipments should be given greater weight.
- Sources of data should include commodity flow studies.

Several participants felt strongly that the economic impact of traffic accidents was a lot less important than the population impacted, because the focus needs to be on public safety. Also, the response in a highly populated area will be more expensive. Most participants agreed that whatever criteria are selected they need to be clear and objective.

Questions 5 and 6. Would a proposed set aside for Tribes be appropriate?

Tribal participants emphasized that equity has a very different meaning in Indian country. They noted that grant programs designed for States often do not work for Tribal governments. The Tribes, in general, are starting from a much lower preparedness baseline. Concerns were also raised about changing the Agreements-In-Principle and their administration (currently this is being done by the DOE Regions). Other Tribal issues included: developing a cultural site impact measure; concerns about funding as it related to ceded lands; and finally the historical lack of access to funding and the need to keep the administrative burden low.

Individual comments ranged from suggesting that there be one set of criteria for all applicants to supporting the general idea that DOE should be able to set aside funds for special projects. Other participant comments included the following:

- There is a broader range of tribal emergency response capability. Not all tribes have the economic base to address their needs.
- If Tribal funding were handled separately from the State funding, DOE may be able to use similar factors.
- HMTUSA does help meet tribal needs through special project funding.

Question 7. What would an adequate baseline be?

The discussion leaders explained that the current TEC/WG paper looks at the corridor states as the recipient states and treats all qualifying states equally, without giving generator or storage states special consideration, since they get funding from other DOE programs for that type of status. The baseline amount discussed was based on funding .5 an FTE to serve as the States/Tribal coordinator, both internally and externally.

Discussion here centered on the idea that States and Tribes have very different baselines. Some States that charge fees have a much higher baseline than others do. Discussants noted that because some States charge fees that does not mean that the relevant emergency response programs get any of that money. Often it is put into the general fund

and every State agency has the opportunity to claim the money. Therefore, DOE should not consider a dollar-for-dollar funding deduction in its grants.

- The WIPP program started out with a baseline of $160,000 per state to pay for one FTE plus operating and other costs. Above that level, states had to make a case to DOE or WGA.
- Rather than figuring a dollar figure for a baseline, DOE needs to develop performance goals so that recipients can determine what they need to meet them.
- DOE is going to have to develop some kind of a baseline for *all* corridor states.

Question 8. Should all radioactive materials shipments be treated equally?

Discussion was mixed. Many agreed that the idea that a baseline is needed for all corridor states, it should be augmented based on special shipments or ones that pose a grater hazard/risk. For example, a higher degree of hazard may require a greater public outreach effort, even if other actions, like the packaging, reduce the risk. Many other participants agreed that since first response for radioactive material response does not vary from commodity to commodity, that perhaps DOE's technical assistance can be called upon to help develop educational materials and items that first responders could use (such as the Cask Quick Facts) to easily identify containers and to assuage many first responder and public concerns.

- Since local emergency responders will be the primary responders, they should assess what their minimum capability needs to be.
- The number of low level waste shipments may make the results a lot different, because there will be a much greater number of LLW shipments than of TRU, SF, etc.
- Several states just treat radioactive materials as a supplement to a broader hazmat program, for example, just giving some additional awareness level information to hazmat teams. Although one participant pointed out that while this may be okay for planning purposes, the general public does seem to differentiate.

Question 9. Should there be a threshold number of shipments to qualify for funding?

A number of participants suggested that for minimum impact states, DOE could provide other in-kind services such as providing escorts or providing training for the highway patrol to serve as escorts for the limited number of shipments**.**

Question 10. How good does DOE's information about planned shipments need to be?

Most participants commented that should DOE decide to use historical and or prospective data in a formula, the data should have a 95% confidence level.

- DOE's historical data is a lot more complete than its forecast data.

- FEMA's recent round of funding was based on a five-year projection from the States.
- How frequently DOE should revisit their allocation formula may be determined by whether the grants will be multi-year or for a single year.
- Maybe some kind of rolling average of historical data could be used.

Question 11. How should the grant be designed to insure achievement of desired outcomes?

Several participants thought that DOE needed to tell the recipient States what level of planning and training they expect. Then the States can determine what they need to do to meet that level of capability. FEMA was cited as a federal agency that operates like this.

Question 12. When should jurisdictions be entitled to a supplemental discretionary grant?

Most agreed with the idea of a discretionary component. This component should be limited because the historical and prospective shipping estimate should be 95% correct. The peer review component of a discretionary review was widely supported. Caution should be taken when appointing people so that there are no conflicts-of-interest. A set of criteria needs to be developed so that the process would be documentable and consistently applied across the country.

Question 13. What might a peer review group look like?

Participant discussion on the question of whether representation on such as group should be based on expertise rather than geographical location. If regional perspectives were incorporated into the process, a review might have to be done at the federal level to avoid regional bias. Although another person commented that this would not necessarily make the process less political.

Question 14. What role could regional and other groups play?

Most participants agreed that the regional groups should continue to be funded even if they are not involved in administering the grants. They play a unique role that DOE Regional Offices cannot play and they assist in coordinating shipping corridors across the country.

- Considerr funding the regional groups as an administrative cost of consolidating transportation funding.
- FEMA's CCEPP and DOTs HMTUSA were cited as program which were very good at minimizing administrative costs.
- The regional groups come into play as new routes and modes are selected.