On November 25, 2013, House Bill 1060 was officially enacted which effectively increases funding to the PA Dirt and Gravel Road Maintenance Program to $35 Million annually ($7 Million to Forestry, $28 Million to SCC). This newsletter will begin to look at some of the effects to the SCC/District side of the Program.

The Language of the Bill Itself:

- HB 1060 makes changes to § 9106 of the motor vehicle code, which established the Dirt and Gravel Road Program in 1997. The black text below is original to the 1997 bill.
- Deletions from the 1997 Dirt and Gravel Bill (§ 9106) are crossed out below.
- Insertions to the 1997 Dirt and Gravel Bill (§ 9106) are underlined below.
- The remainder of the two page §9106 bill (not included here) remains unchanged.

“Section 27. Section 9106 heading, (a) and (b) of title 75 are amended to read:
§ 9106. Dirt and, gravel and low volume road maintenance.
(A) statement of purpose. It is the intent and purpose of this section:
(1) to fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.
(2) to establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to the county level and enables local officials to establish fiscal and environmental controls.
(3) to fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved with an average daily traffic count of 500 vehicles or less.
(B) general rule.--Of the funds available under section 9502(a)(1) (relating to imposition of tax), $1,000,000 $7,000,000 shall be annually distributed to the department of conservation and natural resources for the maintenance and mitigation of dust and sediment pollution from parks and forestry roads. Funds in the amount of $4,000,000 $28,000,000 shall be appropriated annually to the state conservation commission and administered in a nonlapsing, nontransferable account restricted to maintenance and improvement of dirt and, gravel and low volume state and municipal roads. The state conservation commission shall apportion the funds based on written criteria it develops to establish priorities based on preventing dust and sediment pollution. In the first fiscal year, top priority shall be given to specific trouble spot locations already mapped by the task force on dirt and gravel roads and available from the department. A minimum of $8,000,000 of the total appropriated annually shall be for maintenance and improvement of low volume roads.” (remainder of § 9106 remains unchanged)

Notable Changes made to § 9106 (Dirt and Gravel Road Program):

- Increase of funds from $5M to $35M overall (keeping 4:1 municipal/DCNR split).
- Expansion of Program to include low-volume sealed or paved roads with ≤500 cars per day, with stipulation that at least $8M be dedicated towards low-volume roads.
- Movement of State Parks from municipal side to DCNR side of the Program.
What we know…(and what we don’t)

Below is some general information about this funding increase in question and answer format. Please be advised that we don’t have all the answers yet. The next few months will bring many changes for everyone involved in the Dirt and Gravel Road Program. Please be patient as we work through this together.

What will change about the Dirt and Gravel Road Program (Program)?

HB 1060 does not fundamentally change anything about the Commission’s Dirt and Gravel Road Program: except the funding amount and the incorporation of low-volume paved roads. The Program will, however, be significantly altered by these changes. Over the years, many Districts have cut back on project size and scope due to decreased buying power. With this additional money, the Program will have to sort through a wide possibility of “renewed emphasis” areas for potential funding such as Driving Surface Aggregate, Full Depth Reclamation, Dust Control, Aquatic Organism Passage, and many more. The Program and Center will rely on established advisory groups in the coming months to help work through this process.

When will this funding be available?

We don’t know yet! Initial expectations are that it may be available for FY 2014-15, meaning advances would be received by Districts in late 2014 for potential use on projects in the 2015 construction season. Please note this is not confirmed yet. It is recommended that Districts do not sign contracts for projects until funding is in hand.

How will this funding be distributed to Districts?

We don’t know yet! Too many factors are still unknown such as the timeframe of funding and exactly how the “low-volume road” component of the Program will work. The Program and Center will continue to rely on advisory workgroups that include District members for allocation recommendations. Any final allocation decisions will come from the SCC.

Will Districts still need to commit funding within 2 years of receipt?

For 2013, YES! The spending requirement remains in place for 2013, so be sure to meet it or you may miss out on a significant FY 2014-15 allocation! The SCC may choose to change that requirement for a year or two in the future in order to allow Conservation Districts to “ramp up” their Programs.

How will this affect the Center and SCC?

The Center and SCC will have to expand on their existing capacity of Program Administration, Education, and Outreach. Both entities are beginning to assess their needs for 2014 and beyond. Please be patient as we experience the same “growing pains” that many Districts will face.

Will more ESM trainings and technical assistance be offered?

Yes, but please bear with us. Similar to the increase in workload and responsibilities at the District level, it will also take the Center and SCC some time to adjust.

Is the Program going to fund the paving or re-paving of roads now?

We don’t know yet! The new “low-volume” part of the revised law states: “The intent of this section is to fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved with an average daily traffic count of 500 vehicles or less.” It does not explicitly state that funds are for re-paving existing paved roads, or for paving currently unpaved roads. In the end, it will be up to the State Conservation Commission to make specific policies to govern the use of these funds and steer the direction of the Program.
How will the $8 Million per year for low-volume (paved) roads be handled?

We don't know yet! The incorporation of “low-volume” roads is perhaps the biggest fundamental change to the Program. The new law states: “A minimum of $8,000,000 of the total appropriated annually shall be for maintenance and improvement of low volume roads”. Some of the questions this statement brings up: How many <500 cars-per-day roads are out there? Where are they located? Does traffic data exist for these roads? How will that funding be allocated? Will there be two allocations, one for Dirt and Gravel and one for LVRs? The law states a minimum, but what prevents too much funding from going to paved roads? Is this for rural roads, or does every alley and cul-de-sac in the state now qualify? How will this new component interact with the traditional “dirt and gravel” part of the Program? What will projects look like on these roads? These questions and many more will have to be addressed in the next few months. The good news is that the SCC will adopt policies to steer the direction of the new “low-volume road” component of the Program.

Can the Program effectively spend this additional funding?

YES! This funding can be spent, and can be spent properly as intended by the original Dirt and Gravel Road law to improve both water and road quality. Conservation Districts have gotten accustomed to scrimping and saving on projects over the past decade: funding partial projects; funding projects in phases; not implementing complete fixes due to cost; etc. In addition, many municipalities have stopped applying for funds, simply because their projects far exceed many Districts’ Program budgets. This funding should bring about renewed interest from rural municipalities, and will also expand the scope and type of projects that can be considered for funding by the Program.

Should we now fund roads impacted by heavy hauling (Marcellus, etc.)?

The Center and Program continue to advise that Dirt and Gravel Road funds not be utilized to “fix” road surface damages caused by the gas (or any other) industry. There should, however, be a renewed sense of collaboration with this additional funding. Several CDs have started funding drainage work before or simultaneous with road surface improvements funded by gas companies. Townships in gas-impacted areas may also be more willing to participate in the Program now that more funds are available.

What should my District be doing to prepare?

This funding increase will bring about many changes to the Program at the Conservation District level. Here are some things to consider:

• Staffing: since administration and education funds will increase proportionally, CDs should take into account the higher level of support funding available to them. Some CDs may now have enough funding to fund a full time technician, or at least a good portion of one. Administrative spending limits will remain at 10% of District Allocations as stated in the law. Do not make any final staffing decisions until the amount and timeframe of allocations is know.

• Notice: Notify your townships of the increase in overall Program Funding. Program applications have been dropping in recent years in some places, simply because the amount of funding available was insufficient compared to township needs.

• ESM Training: check eligibility of your Municipalities at the link below. The number and location of ESM training for 2014 is still to be determined.

http://www.dirtandgravel.psu.edu/edu_training/esm_course.html).

• Funding Lag: Even if this new funding is available for FY 2014-15, Districts are unlikely to see their capital advance until late 2014. Please take this into account in your planning.

Can the current DGRoads GIS system track these extra projects?

Not without some help! The current GIS system will quickly become overwhelmed with the scope of additional projects being funded. The center is just beginning to look at options to handle
not only the increased unpaved road workload, but the new “low-volume” component of the Program as well.

**What are these “advisory groups” that keep getting mentioned?**

Since its inception, the Program has been assisted by one or more “Advisory Workgroups”. Most of these groups consist largely of Conservation District staff. These groups serve in an advisory capacity only to the SCC. The Commission is the entity that must adopt any recommendations or policies to make them official in the Program. These workgroups have met on an as-needed basis in the past. The current workgroups are:

- **Education and Outreach**: This group deals with issues such as ESM training changes and updates, and advising on the annual maintenance workshop.
- **Policy and Planning**: This group deals with any programmatic or policy related issues such as Allocations, Program Policies, Quality Assurance/Quality Control update, etc.
  - **Verified Worksites Workgroup**: (subgroup of Policy and Planning) The oldest advisory group in the Program, started in 1997 when the Program began. For the first few years, this was the ONLY advisory group. This group now handles tasks such as funding and allocations. This group has been active over the past year with discussion about this potential funding increase.
- **Product and Process**: This group deals primarily with product approval applications for dust suppressants and other products looking to be approved for use in the Program.

**What was behind this funding increase?**

The Center, on behalf of the Program, has been involved with the Keystone Transportation Funding Coalition since 2010. This coalition, consisting of representatives from all modes of transportation, has been a driving force in getting a transportation bill passed. The Center, working closely with the PA Association of Conservation Districts (PACD) and PA Trout Unlimited (TU), has worked hard to make sure that funding for Dirt and Gravel Roads was part of any “comprehensive” funding bill that came out of Harrisburg. Special thanks for their efforts in Harrisburg are owed to Robert Maiden (PACD) and John Nikolov (ERG Partners, PACD).

One person that everyone owes a very large “thank you” to in Harrisburg in George Wolff. George, a former SCC member and PACD president, is the founder of the Keystone Transportation Funding Coalition that has been shepherding the Transportation Funding effort for several years now. George has long been a friend of the Dirt and Gravel Road Program and insured that the past good work and future funding needs of the Program were not forgotten in Harrisburg. George can be contacted at Wolff240@aol.com if you would like to thank him personally.

Equally important (if not more) to the efforts of the Center, PACD, and TU, is the support for the Program at the local level. Many Conservation District and Townships showed grassroots support by making sure their legislators understood the value of the Program. The Program’s reputation for simplicity, effectiveness, and spending efficiency are ultimately why an increase in funding was included in the transportation bill.

Thank you to all of PA’s Conservation Districts. This funding increase happened because YOU run an efficient and effective Dirt and Gravel Road Program.

Look for more information and guidance as we move forward. Please be patient with Program and Center staff as we try to adjust to these major changes. Feel free to contact Center or Program Staff with any questions and we will try to answer them the best we can.