SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA

(111–98)

HEARING

BEFORE THE

SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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March 22, 2010

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Economic Development, Public Buildings, and Emergency Management

FROM: Subcommittee on Economic Development, Public Buildings, and Emergency Management Staff

SUBJECT: Hearing on "Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

PURPOSE OF THE HEARING

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Tuesday, March 23, 2010, at 2:00 p.m., in room 2167 of the Rayburn House Office Building, to receive testimony on the status of recovery efforts from this winter's storms in the National Capital Region and the lessons to be learned from those storms that would apply to future disasters regardless of cause. The hearing will also focus on how the Federal Government, the District of Columbia, Maryland, Virginia, local governments in the region, and the Washington Metropolitan Area Transit Authority (WMATA) responded to these storms and how they are working to prepare for the next disaster in the region.

BACKGROUND

Winter Storms

This season the National Capital Region experienced an unusually high number of significant winter storms. According to National Oceanic and Atmospheric Administration's (NOAA) National Weather Service, from December 18-20, 2009, up to 20 inches fell in the District of Columbia. Snowfall from this December storm ranked among the top ten all-time for Washington, Baltimore and Philadelphia. NOAA has rated the storm a Category 3 or "Major" winter storm on NOAA's Northeast Snowfall Impact Scale (NESIS). NESIS characterizes and ranks Northeast snowstorms based on their societal impact (including population and areal extent). The December

storm was one of only five in the past decade that NOAA ranked Category 3 or higher.

In February 2010, the region was struck by two back to back storms. From February 5-6, 2010, up to 27 inches, and from February 9-10, 2010, approximately 10-15 inches, fell in the District of Columbia, for a total of well over 30 inches in most areas of the District. Taken together, these two storms rate as a Category 5 or "Extreme" winter storm on the NESIS scale - only the third such event since 1950 (the other two were storms that occurred in March 1993 and January 1996).

Other parts of the National Capital Region received higher amounts of snow, ranging upwards of 26 inches in parts of Maryland and Virginia for the December storm, and a combined 50-60 inches in parts of Maryland for the February storms.

National Capital Region

The unique nature of the National Capital Region brings distinct jurisdictional and logistical challenges in preparing for and responding to disasters and emergencies. In most, if not all, States, there is one person, the Governor, who is ultimately in charge of coordinating disaster response activities. However, that is not the case in the District of Columbia. While the District has been granted limited home rule, Congress retains its constitutionally-based plenary authority over the affairs of the District.[1] Given this unique constitutional relationship, there are areas in the District where the Mayor's powers are limited (e.g., Federal property in the District).

Even within the Federal Government, there are a myriad of jurisdictional issues. In the case of various executive branch agencies, those agencies ultimately all report to the President with jurisdictional or other concerns, which are addressed by White House staff. However, significant areas of the city are under the jurisdiction of Congress, most notably the Capitol Grounds. As a result, coordination among the various entities with key responsibilities in the event of an emergency is critical.

Office of Personnel Management

The Office of Personnel Management (OPM) provides the Federal Government's lead on a number of workforce issues including the operating status of Federal offices in the National Capital Region. OPM after consulting with other Federal agencies, transportation officials, emergency managers, state and local jurisdictions, and others, decides on the operating status of Federal offices. Generally, decisions regarding operating status are made by 4 a.m. However, in the case of the recent storms, those decisions were made by 7 p.m. the previous evening.

The December storm resulted in Federal offices being closed on December 20, 2009. As a result of the February storms, employees were dismissed four hours early on Friday, February 5, 2010, Federal offices were closed from February 8 – 11, 2010, and there was a delayed opening on February 12, 2010.

American Federation of Government Employees

[1] P.L. 93-198, 87 Stat. 775.

The American Federation of Government Employees (AFGE) is the largest Federal employee union representing over 600,000 Federal and District of Columbia employees. These include employees with assignments that require that they report to work regardless of the operating status of Federal offices.

The Washington Metropolitan Area Transit Authority

The Washington Metropolitan Area Transit Authority (WMATA), the largest mass transportation provider in the region, was created in 1966 by a compact between the Commonwealth of Virginia, the State of Maryland and the District of Columbia.[2] WMATA operates a rail system of 106 miles with 86 rail stations, the second largest subway system in the nation, and provides bus service in the National Capital Region with 1500 buses, the sixth largest bus system. According to WMATA, on an average work day during their most recent fiscal year[3], the transit authority provided 748,000 rail trips, 446,000 bus trips and 7,000 paratransit trips. WMATA estimates that 40 percent of the rush hour riders on its rail system are Federal employees and, overall, more than half the Federal workforce in the National Capital Region[4] normally uses some form of mass transportation.

Disaster Assistance

The Federal Government's primary authority in carrying out its preparedness, mitigation, response, and recovery functions is the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)[5] and is carried out by the Federal Emergency Management Agency (FEMA).

FEMA's major Stafford Act programs for disaster response and recovery in the aftermath of a major disaster are the Public Assistance program and the Individual Assistance program. The Public Assistance program, authorized primarily by sections 403, 406, and 407 of the Stafford Act,[6] reimburses State and local emergency response costs and provides grants to State and local governments, as well as certain private non-profits, to rebuild facilities. The Public Assistance program generally does not provide direct services to citizens.

The Individual Assistance program, also known as the Individuals and Households program, is primarily authorized by section 408 of the Stafford Act.[7] The program provides assistance to families and individuals impacted by disasters, including housing assistance. Housing assistance includes money for repair, rental assistance, or "direct assistance", such as the provision of trailers and mobile homes. This section also authorizes the "other needs program", which provides grants to mostly low-income families for loss of personal property, as well as disaster-related dental, medical, and funeral costs to individuals regardless of income. Other Individual Assistance programs authorized by the Stafford Act include: unemployment assistance (section 410),[8] disaster

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[2] P.L. 89-774, 80 Stat. 1324
[3] July 1, 2008 – June 30, 2009
[4] See Testimony of Dr. R. Eric Petersen, Analyst, Congressional Research Service, at p. 3.
[5] 42 U.S.C. § 5121-5207 (2009).
[6] 42 U.SC. §§ 5170b, 5172 and 5173 (2009).
[7] 42 U.S.C. § 5174 (2009).
[8] 42 U.S.C. § 5177 (2009).

food stamps (section 412),[9] disaster legal services (section 415),[10] and crisis counseling (section 416).[11]

Section 404 of the Stafford Act[12] authorizes the Hazard Mitigation Grant Program (HMGP). HMGP is an important part of the recovery effort. HMGP provides grants to State and local governments to rebuild after a disaster in ways that are cost effective and reduce the risk of future damage, hardship, and loss from all hazards. FEMA also provides grants under HMGP to assist families affected by a disaster to reduce the risk of damage to their homes in the event of future disasters, through such steps as elevating the home or purchasing the home to remove it from the floodplain.

The Stafford Act provides the President the authority to declare for two categories or "levels" of incidents: "major disasters" and "emergencies". A major disaster is defined in section 102(2) of the Stafford Act as:

> Any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, **snowstorm**, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.[13] (Emphasis added.)

An emergency is defined in section 102(1) of the Stafford Act as:

> Any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.[14]

The primary distinction between a major disaster and an emergency is that emergencies are primarily "lesser events" that are limited in cost[15], or can be declared to "lessen or avert the threat of a catastrophe" (such as funding activities to protect citizens and communities prior to the landfall of a hurricane). There is also a difference in what assistance is available in an emergency declaration versus a major disaster declaration. Under a major disaster declaration, all assistance under the Individual Assistance, Public Assistance, and HMGP programs is available. Section 502 of the Stafford Act[16] describes the types of assistance available in an emergency, including debris removal, emergency response costs, and the Individual Assistance programs authorized by section 408 of the

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[9] 42 U.S.C. § 5179 (2009).
[10] 42 U.S.C. § 5182 (2009).
[11] 42 U.S.C. § 5183 (2009).
[12] 42 U.S.C. § 5170c (2009).
[13] 42 U.S.C. § 5122 (2009).
[14] *Id.*
[15] Under section 503(b) of the Stafford Act (42 U.S.C. § 5193) emergencies are generally limited to $5 million unless the President reports to Congress. The $5 million limitation is often exceeded.
[16] 42 U.S.C. § 5192 (2009).

Stafford Act (i.e. housing assistance and the "other needs" program). In an emergency declaration, assistance is not available for permanent repair or replacement of public or private non-profit infrastructure or hazard mitigation under HMGP. In addition, those Individual Assistance programs authorized outside of section 408 of the Stafford Act (e.g. crisis counseling and disaster legal services) are not available.

Notwithstanding their Federal charter, WMATA is considered a local government agency under section 102(7)(A) of the Stafford Act[17], which includes a "regional or interstate government entity". Under the Public Assistance program and HMGP, States are the grantees for all grants made by FEMA and local governments are subgrantees.[18] Specifically, in the case of these storms, FEMA has already determined that WMATA must seek assistance through the State in which the costs to the transit agency were incurred.[19]

Snow Assistance

While snow storms are specifically included in the definition of a major disaster under the Stafford Act, FEMA has always treated snow storms differently than other natural hazards. There are a number of reasons cited for the different treatment. Often, snow storms do not leave the same level of permanent damage as do other natural hazards. Prior to 1993, major disasters or emergencies generally were not declared for snow storms. This policy was often referred to as "no dough for snow". In 1993, a major winter storm struck the East Coast. President Clinton declared emergencies in 17 states and the District of Columbia. Similarly, in 1996, after a severe blizzard, a major disaster was declared in 12 states and the District of Columbia.

In 1998, FEMA promulgated a policy on how requests for emergency or major disaster declarations for snow events would be treated and what assistance would be available[20]. Despite snowstorms being included in the definition of a major disaster, under the policy, FEMA applied the regulations for emergency declarations, not major disasters, upon requests from Governors for declarations for snow events.[21] On July 24, 2008, FEMA published a new proposed snow policy for public comment.[22] FEMA received a number of comments, including a letter submitted to the docket from Chairman James L. Oberstar.[23] FEMA published its final policy on November 6, 2009, and recognized that, under the Stafford Act, snow storms must be considered as an emergency or

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[17] 42 U.S.C. § 5122(7)(A)

[18] However, one exception to this rule is for Indian Tribes, who, despite being defined as a local government under the Stafford Act, may choose to receive assistance directly from the Federal Government under the Public Assistance program and HMGP or apply through a State. This is in recognition that the "Federal Government operates within a government-to-government relationship with Federally-recognized Tribal governments". See 74 F.R. 60208, November 20, 2009 and FEMA Tribal Policy (September 25, 1998), http://www.fema.gov/government/tribal/natamerpolcy.shtm.

[19] Letter from Beth Zimmerman, FEMA Assistant Administrator, Recovery Directorate, to Chairwoman Eleanor Holmes Norton, March 17, 2010.

[20] See FEMA Snow Assistance Policy, Response and Recovery Policy Number 9523.1, November 10, 1998 http://www.fema.gov/government/grant/pa/policy_archive/9523_1-11_10_1998.shtm.

[21] See 73 F.R. 43244, July 24, 2008. "FEMA's current snow assistance policy evaluates requests for snow assistance under the criteria of an "emergency" declaration under 44 CFR 206.35, rather than a request for a "major disaster" declaration under 44 C.F.R. 206.36"

[22] Disaster Assistance Directorate Policy Numbers 9100.1 and 9523.1 Snow Assistance and Severe Winter Storm Policy, 73 F.R. 43244, July 24, 2008.

[23] Letter from Chairman James L. Oberstar to R. David Paulison, Administrator of FEMA, September 9, 2009.

major disaster declaration. [24] However, under this policy, reimbursement for snow removal is limited to a 48 hour period which can be extended an additional 24 hours.[25] FEMA will only recommend Snow assistance for "record" or "near" record events.[26]

The President has declared major disasters in the District of Columbia, Maryland and Virginia for the December 2009 storm. The President has not yet issued a decision of the requests of the District of Columbia and Virginia for major disaster declarations for the February 2010 storms. On March 11, 2010, Maryland was granted an extension to make a request until April 12, 2010 for the February storm.

FEMA Offices

FEMA's Office of National Capital Region Coordination (NCRC) was created by statute in 2002. [27] The NCRC oversees and coordinates relationships with State, local, and regional authorities in the National Capital Region, as well as with the private sector, as appropriate. This office does much of the day-to-day emergency management planning that, in other metropolitan areas, are handled by the appropriate FEMA regional office. However, the FEMA NCRC office is not an operational office. When an incident occurs or is likely to occur, it is the FEMA regional office, in this case the FEMA Region III office in Philadelphia, which has responsibility to work with the affected States (including the District of Columbia).

D.C. National Guard

Unlike the Governors of the 50 States, Puerto Rico, Guam and the Virgin Islands, the Mayor of the District of Columbia is not the Commander-in-Chief of the National Guard of the District of Columbia; rather the President is the Commander-in-Chief. [28] Therefore, unlike the Governors, the Mayor cannot directly call out the National Guard to respond to a disaster. The President has delegated his authority to the Secretary of Defense, who has delegated his authority to the Secretary of the Army and the Secretary of Air Force for the District of Columbia National Guard and Air National Guard, respectively. [29] However, under certain circumstances, the Mayor can request National Guard assistance directly from other states under the Emergency Management Compact.[30]

PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

In the 110th and 111th Congresses, the Committee on Transportation and Infrastructure and the Subcommittee on Economic Development, Public Buildings, and Emergency Management have held numerous hearings addressing issues related to disaster preparedness, response, and recovery in the National Capital Region:

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[24] Disaster Assistance Directorate Policy Numbers 9100.1 and 9523.1 Snow Assistance and Severe Winter Storm Policy, 74 F.R. 57509, November 6, 2009.
[25] Id at 57515.
[26] Id at 57514.
[27] 6 U.S.C. §462.
[28] See Army Regulation 130-5, paragraph 1-6(b)(2) December 30, 2001.
[29] See Executive Order No. 11485, 1 October 1969 (34 FR 15411) and Army Regulation 130-5, paragraph 1-6(b)(2) December 30, 2001.
[30] P.L. 104-321, 110 Stat. 3877.

- "U.S. Mayors Speak Out: Addressing Disasters in Cities" (March 4, 2010)
- "FEMA's Urban Search and Rescue Program in Haiti: How to Apply Lessons Learned at Home" (February 3, 2010)
- "This is NOT a Test: Will the Nation's Emergency Alert System Deliver the President's Message to the Public?" (September 30, 2009)
- "Post Katrina: What it Takes to Cut the Bureaucracy" (July 29, 2009)
- "Still Post-Katrina: How FEMA Decides When Housing Responsibilities End" (May 22, 2009)
- "An Independent FEMA: Restoring the Nation's Capabilities for effective Emergency
- Management and Disaster Response" (May 14, 2009)
- "FEMA: Preparedness for the 2009 Hurricane Season" (May 1, 2009)
- "Disaster Capacity in the National Capital Region: Experiences, Capabilities, and Weaknesses" "(April 3, 2009)
- "Post-Katrina Disaster Response and Recovery: Evaluating FEMA's Continuing Efforts in the Gulf Coast and Response to Recent Disasters" (February 25, 2009)
- "FEMA's Response to the 2008 Hurricane Season and the National Housing Strategy" (September 23, 2008)
- "Role of the Federal Government in Small Business Disaster Recovery" (September 12, 2008)
- "National Flood Plain Remapping: The Practical Impact" (April 2, 2008)
- "Readiness in the Post-Katrina and Post-9/11 World" (September 11. 2007)
- "Assuring the National Guard is as Ready at Home as It is Abroad" (May 18, 2007)
- "FEMA's Preparedness and Response to ALL Hazards" (April 26, 2007)
- "FEMA's Emergency Food Supply System" (April 20, 2007)

WITNESSES

Patricia Arcuri
Acting Regional Administrator
FEMA Region III

Steward Beckham
Director
Office of National Capital Region Coordination

The Honorable John Berry
Director
U.S. Office of Personnel Management

Major General Errol R. Schwartz
Commanding General
District of Columbia Army National Guard

Ms. Millicent Williams
Director
District of Columbia Homeland Security and Emergency Management Agency

Mr. David Kubicek
Acting Deputy General Manager Operations
Washington Metropolitan Area Transit Authority

Mr. Richard Muth
Director
Maryland Emergency Management Agency
Testifying on behalf of:
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Carter Kimsey
President
American Federation of Government Employees Local 3034
National Science Foundation

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Congressional Research Service
Library of Congress

James K. Hartmann
City Manager
City of Alexandria, Virginia

HEARING ON SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA

Tuesday, March 23, 2010

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The Subcommittee met, pursuant to call, at 2:04 p.m., in Room 2167, Rayburn House Office Building, the Honorable Eleanor Holmes Norton [chairwoman of the Subcommittee] presiding.

Ms. NORTON. Good afternoon and welcome to all, especially our witnesses, to today's hearing to address the status of recovery efforts following this winter's storms in the National Capital Region and the extent to which the Federal Emergency Management Agency is implicated. We also want to hear of the lessons learned from these severe storms that might apply to future disasters, regardless of cause.

This season, the National Capital Region experienced an unusually high number, and severity, of winter storms. Between December 18 and 20, up to 20 inches of snow fell in the District of Columbia. According to the National Weather Service, this storm ranked among the top ten of all time, not only for the city, but also for the entire region, and was rated a Category 3 or "major" winter storm on the Northeast Snowfall Impact Scale, also known as NESIS.

The December storm was quickly outdone in February by back-to-back storms of blizzard proportions, which brought well over 30 inches of snow in most areas of the District. The February storm was rated a Category 5 or "extreme" storm, the highest level on the NESIS scale, and only the third such storm in 60 years here. Snow was as heavy elsewhere in the region or more so, with up to 26 inches in parts of Virginia and Maryland for the December storm, and a combined 50 to 60 inches in parts of Maryland for the February storms.

Both storms had impacts that were demonstrably larger than expected in the Mid-Atlantic region, including the closing of schools, widespread property damage, and unusually severe power outages. The Metro bus and rail system, the backbone of our region's transportation system, had to cease or curtail service during these storms.

All of these results of the snowstorms had serious effects on the operations of the Federal Government. The Federal Government was every bit as affected as the District of Columbia, Maryland, and Virginia. Thus, a disaster in the National Capital Region brings unique jurisdictional and operational challenges. Rarely, if ever, has a national disaster affected the heart of the Federal Government as the snowstorms of this winter have. Federal offices were closed for a day during December and for four days during the February snowstorms.

We will be especially interested in the mitigation and response of the Federal Government, particularly questions raised that go to vital functions of the U.S. Government, such as security. We will assess the operations of the Federal Government during the snowstorms, both separately and as part of the National Capital Region, where it is the major job and economic sector. Closely related is the Metro rail and bus system, and how it was affected by FEMA and the region when there is a natural disaster. When Metro goes down, we know for sure so does the Federal Government.

Most of our witnesses are charged with planning for all unusual or unforeseen events in the region. Their job is to prepare for, respond to, and ensure recovery from such events regardless of cause, and to mitigate their effects. In doing so they employ an "all hazards" approach, recognizing that while every disaster is unique, disasters have significant common elements. For example, the steps to plan for events such as a snowstorm or hurricane when residents cannot leave their homes are the same as for a pandemic or other incident when residents are told to stay in place.

Today, the Subcommittee will be interested to hear about the approaches that Federal and regional personnel took in response to the December and February snowstorms and FEMA'S responses and work with all the affected jurisdictions since the snowstorms. We look forward to the testimony of all of today's witnesses and to discussing how the Capital Region will address previous and future disasters.

Now, a vote has been called and the Ranking Member is here anyway. I am very pleased to see him. I was going to make my usual joke about why this Committee Chair will not be on the floor voting, but I will now turn to the Ranking Member and ask for his opening remarks.

Mr. DIAZ-BALART. Thank you very much, Madam Chairwoman. I apologize for being a little bit late. Usually I am on time, but you now what it was? It was the elevators to get here; I just couldn't get an elevator.

Ms. NORTON. It wasn't a snowstorm, though.

Mr. DIAZ-BALART. It was not the snowstorm that we were talking about today.

Let me just thank you again, Madam Chairwoman, for your leadership on so many issues, but always on issues that are on the forefront that have to be dealt with. The Chairwoman has been a leader in really effectively advocating for D.C. on a number of areas—she doesn't let us forget—and always working to ensure that our Nation's capital is properly prepared for a disaster, again, whether it is a blizzard or a terrorist attack we hope will not come. So again I want to thank her for her work and her leadership.

In December, the National Capital Region was hit by a huge snowstorm resulting in, frankly, a major disaster declaration. I think it surprised everybody. Then in February this area was hit by a back-to-back storm that broke all snowfall records, is my understanding. Some parts of the region had more than three feet of snow. The Federal Government shut down, I guess it was four days, which is, frankly, without precedent. Businesses and stores closed, and those which didn't close, which remained open, could not get supplies to replenish their shelves. The above-ground stations for Metro rail shut down and there were no Metro bus services for days. Roofs and homes and businesses even were damaged or collapsed, and mail delivery was even impacted. And, obviously, hundreds of thousands lost power and heat. And the schools across the area were shut down, as many streets and sidewalks were totally impassible by anyone in the area.

So while today we are focused on snow disasters, we know that the all hazards approach to disasters, we can take the lessons learned from this experience to improve on the emergency management capabilities of this area to prepare not only for a snowstorm, which we hope will not come again for a long time, but for any future disasters. It is something that we have been speaking in this Committee for a long time.

So in the D.C. area in particular emergency management can be very, very complex. As our capital, the Federal Government has a large presence, and its decisions during disaster here can have a significant impact on the planning and response of State and local governments in the entire region. For example, the decisions of OPM as to whether or not to close the Federal Government impact local plans for clearing streets, for emergency response, and also, if necessary, even for evacuations. So, again, it is a huge impact. With dozens of Federal law enforcement agencies operating in the area, Federal coordination with State and local first responders in a disaster obviously becomes a lot more critical.

It obviously will be important, Madam Chairwoman, today to examine how well coordinated and how the coordination worked among all levels of the Government, and what are the lessons, if any—and I am sure there were many—that we can learn from that. So I hope we can examine these and other issues. I thank the witnesses for taking from your valuable time being here today. We do not take that for granted. We thank you for that.

And once again I want to thank the Chairwoman for her leadership in advocating for D.C. But when we look at what happened recently, the impact actually really goes beyond D.C., and what can be learned here can be applied obviously in other parts of the Country and vice versa. So thank you very much. And I know that they did call a vote, so I will have to step out again, but then I will return. Than you.

Ms. NORTON. Thank you very much, Mr. Diaz-Balart. And you are right, it certainly affected the Nation's capital. But when I wrote to FEMA, I wrote for the entire region, where the Federal Government is headquartered, and it is in fact the effect on the Federal Government that is as much the reason for this hearing as on the local jurisdictions. And, of course, we are interested in FEMA and how FEMA is relating to the local jurisdictions, includ-

ing the benefits that the local jurisdictions are entitled to because of the storms.

I am going to ask the witnesses to speak in the order in which they are sitting at the table, beginning with Ms. Arcuri. Patricia Arcuri is the Acting Regional Administrator of FEMA Region III.

TESTIMONY OF PATRICIA ARCURI, ACTING REGIONAL ADMINISTRATOR, FEMA REGION III; STEWARD BECKHAM, DIRECTOR, OFFICE OF NATIONAL CAPITAL REGION COORDINATION; THE HONORABLE JOHN BERRY, DIRECTOR, U.S. OFFICE OF PERSONNEL MANAGEMENT; AND CARTER KIMSEY, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 3034, NATIONAL SCIENCE FOUNDATION

Ms. ARCURI. Thank you. Good afternoon, Chairwoman Norton, and good afternoon, Ranking Member Diaz-Balart. I am Patricia Arcuri. I am the Acting Regional Administrator for the Region III Office of the Federal Emergency Management Agency. I am here today with Mr. Steward Beckham, the Director of FEMA'S Office of National Capital Region Coordination. Thank you for the invitation to appear before you today to discuss the recent snow disasters in the National Capital Region and FEMA'S coordination and support of the National Capital Region for all hazards.

As the Acting Regional Administrator, I oversee and coordinate FEMA'S all hazards preparedness and emergency management efforts in Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. These efforts include developing, implementing, and executing FEMA'S programs and initiatives in close coordination with a strong team of partners from all levels of government, volunteer and faith-based groups, and the business community. I am pleased to say that ours is a strong, capable, and responsive region.

Helping me to carry out my duties are 116 dedicated full-time employees, along with 500 intermittent disaster assistance employees. The regional office has six divisions: Response, Recovery, National Preparedness, Mitigation, Mission Support, and the Office of the Regional Administrator. A defense coordinating element from the U.S. Army North is located with us in Philadelphia, providing expertise and support to our planning, response, and recovery efforts.

Prior to and during an event, I coordinate FEMA'S programs and provide technical assistance to our States and the District. Should the President issue a Stafford Act declaration for a particular emergency or major disaster, a Federal coordinating officer will be named to direct Federal response and recovery activities in the affected jurisdictions. In the National Capital Region, there is an experienced Federal coordinating officer, his name is Regis Phalen, and he is assigned to the District of Columbia, Maryland, and Virginia for the recent snow declarations.

In response to the December and February snowstorms, FEMA Region III's operations began with the deployment of a FEMA liaison to the District and emergency operation centers at the State and District levels, as well as the activation of the Regional Response Coordination Center in Philadelphia. Response personnel

provided 24-hour coverage as the States and the District were engaged in emergency activities.

State and District emergency staff supplied constant updates and effectively shared real-time information with us. We hosted several conference calls with State and local officials to discuss the impacts of the storm and to answer questions about potential available Federal assistance. In addition to daily calls with the State Emergency Management Directors, we also reached out to the District's mayor's office and the Baltimore Emergency Management Director.

From a preparedness perspective, we maintain strong relationships with the District, State, and local emergency management community. These relationships are cultivated through monthly conference calls with the directors of the emergency management agencies. We also host regional interagency steering committee meetings semiannually for Federal, State, ad District officials to plan for all hazards in the Region III jurisdictional area. Last week, our risk meeting focused on a regional response to a chemical, biological, radiological, nuclear, or high-yield explosive event. Overall, these meetings have created an understanding of the various agencies' roles, responsibilities, and restrictions in a pre-disaster or disaster scenario.

I also lead the Region III's Regional Advisory Council, consisting of 22 State and local emergency managers throughout the Mid-Atlantic Region. The Council meets twice a year to discuss issues pertaining to emergency management. Emergency Management Directors Millicent Williams and Richard Muth are Council members, as well as the director of the Virginia Department of Emergency Management. As an example of our all hazards planning efforts, we have an important role in national special security events. FEMA Region III and the Office of National Capital Region Coordination have supported the U.S. Secret Service in its roles as the lead Federal agency for the 56 presidential inaugurations and the G-20 event summits in Washington, D.C. Currently, we are working to plan for the nuclear security summit in April.

The Region III office routinely works in conjunction with the Office of National Capital Region Coordination to ensure seamless collaboration with the National Capital Region to understand and respond to any challenges faced in the National Capital Region, and to anticipate resource and information needs leading up to, during, and following a disaster event.

In conclusion, we understand that the National Capital Region is unique in that it is the seat of our Government, and for that especially we are planning and exercising with our State and District partners for the unexpected.

Thank you. We look forward to working with the Subcommittee and all of our stakeholders, and I would be pleased to take any questions.

Ms. NORTON. Thank you, Ms. Arcuri.

Steward Beckham, Director of the Office of the National Capital Region Coordination. Mr. Beckham.

Mr. BECKHAM. Good afternoon, Madam Chair. I am the Director of Federal Emergency Management Agency's Office of National Capital Region Coordination, and I appreciate the opportunity and

the invitation to join my colleague, Patricia Arcuri and OPM Director John Berry to testify before you today.

The National Capital Region Coordination was established by the Homeland Security Act of 2002, Section 882, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities within the National Capital Region. Among others, Congress directed NCRC to coordinate with Federal, State, and local officials and the private sector to enhance domestic preparedness and to provide information to its State and local partners. Along with other preparedness offices, NCRC was transferred to the Federal Emergency Management Agency in 2007.

The NCRC actively works with regional partners to enhance preparedness efforts within the region. On a daily basis, NCRC interacts with our Homeland Security partners within various coordination venues that have been established for this purpose. One example is the Senior Policy Group, SPG, which is comprised of the Homeland Security advisors and chief emergency management officials from Virginia, Maryland, and the District of Columbia who represent their chief executives in jurisdictions. I am a member of the Senior Policy Group as well. The Senior Policy Group plays a key role in sustaining a coordinated regional approach to homeland security and strengthening integrated decision-making and planning.

A second example is the Joint Federal Committee, JFC. The JFC and its associated Subcommittees provides a forum for policy discussions and information sharing regarding Federal preparedness, planning, training, and exercise activities in the NCR. The JFC serves as a conduit linking the Federal Interagency Committee with important information about and contacts within region, State, and local governments. Within the NCR, Federal, State, and local authorities have developed a regional snow plan which is supported by the Metropolitan Washington Council of Governments, MWCOG. MWCOG is a regional organization of Washington area local governments.

This snow plan is updated and briefed to all State, local, and Federal regional partners prior to each winter season. The snow plan discusses and informs them of the processes and the information that will be shared during a winter weather incident. When a significant snow is anticipated in the region, a conference call is initiated and led by MWCOG to discuss the weather forecast and anticipated actions. These calls may be held several times during the day, depending on the severity of the situation. During these calls, the weather service, transportation entities, and others share information in order to increase situational awareness and support decision-making regarding the status of Federal, State, and local governments within the NCR.

Throughout the 2009-2010 winter season, NCR participated in these MWCOG snow calls. We also participated in the District, Homeland Security, and Emergency Management Agency, DCHSEMA, calls that they hosted and led. Following each call, the latest information was provided to our partners through the NCR spot reports. There are about 50 recipients of these spot reports, including Federal, State, and local authorities who have chosen to receive updates from the NCRC.

The Office of National Capital Region Coordination's activities allow us to contribute to FEMA'S broader efforts to improve and maintain relationships with State and local partners in order to support all hazards preparedness within the NCR. As with any FEMA employee, we are subject to on-call duty for any disaster or event that may occur in support of FEMA'S mission.

I look forward to addressing any questions that you may have. Thank you very much.

Ms. NORTON. Thank you for your testimony, Mr. Beckham.

John Berry, the Director of the U.S. Office of Personnel Management and my good friend. Glad to see you here, and hope you bring good news, Mr. Berry.

Mr. BERRY. Thank you, Madam Chair, and thank you for your leadership.

Ms. NORTON. We have known each other for a long time, so you will have to forgive these asides.

Mr. BERRY. I won't tell anyone how long, Madam Chair.

I appreciate your leadership in holding this hearing today and I am very honored to be at this table with the distinguished panel that you have assembled.

The snow storms of the winter of 2009 and 2010 brought, as you have mentioned, unprecedented snowfalls to the National Capital Region, essentially the highest since we began recording snows over the course of the winter since 1883.

OPM has always worked with a network of stakeholders at both the Federal, State, and local levels to make decisions during weather-related emergencies. OPM maintains a 24-hour round-the-clock operational center to actively monitor and manage unfolding events, weather or otherwise, which could adversely impact Federal Government operations in the National Capital Region.

To give a quick overview of the procedures, as emergency events arise, just as Steward has mentioned, OPM participates in the conference calls that are hosted by the Council of Governments in the region in order to assess conditions. Participants in the call include the weather service, the National Weather Service, FEMA, all of our State and local emergency management agencies, the city and suburban transit agencies, Departments of Transportation throughout the region, all levels of law enforcement, utility companies, and school districts. In weather events that occur during the overnight hours, these COG calls typically occur at 3:30 in the morning with over 100 attendees. Ultimately, OPM's decision is made to carefully balance the safety of our Federal workforce and the public with the cost of the closure.

Following the COG call, my OPM staff and I evaluate the information provided on road, transit, and other conditions. We analyze historical decisions that were made in similar circumstances, and then I ultimately make a final decision. That decision is disseminated no later than 4 a.m. to all agencies and the media. If conditions for the next day are clear the night before, the announcement can be made earlier. During this latest snow event, decisions on closures were routinely announced by 7 p.m. the evening before.

On the whole, we believe the process worked and worked well. To analyze it and learn how we can do even better next time, the Council of Governments, along with FEMA and us, will be hosting

an after-action review on April 5th, and we will be an active participant at that process.

We have also entered into a great partnership with FEMA here in the National Capital Region. Since the tragic events of 9/11, a variety of efforts have been undertaken to improve the emergency preparedness of our region. Our long-term goal is to test our region-wide preparedness through a real-time evacuation like that which occurred on September 11th. Such an effort, however, is not an easy feat, and so we have begun a very detailed planning process.

While we work to achieve this goal, there are steps we can take in the meantime. Last spring, for example, we sponsored a town hall meeting with Federal, State, and local management officials to educate Federal employees on the various evacuation routes and plans throughout the region. We also conducted an emergency management and crime prevention fair. Our last event was with Steward and FEMA, where we jointly exercised a table-type exercise for Federal emergency managers throughout the region to test occupant emergency plans and evacuation capabilities and protocols.

Prior to the start of the winter season, the National Weather Service predicted that this could be a particularly snowy region. To help prepare both our workers and the community, OPM conducted a press conference, together with all of the players we have already mentioned, to explain this process to the region and reaffirm our commitment to make decisions no later than 4 a.m. in the morning. Telework capabilities are a key aspect in responding to weather situations, as well as in continuity of operations planning generally. OPM has set a strategic goal of increasing the number of Federal employees who are eligible for telework by 50 percent before 2011. While our Federal offices were closed, Federal employees rose to the challenge and continued to work, making very good use of telework and other work flexibilities.

While we are not able to isolate all of the numbers, during the snow event 30 percent of OPM and General Services Administration employees logged on to their respective networks. Our request for information on remote access during the storm to chief information officers throughout the Executive Branch revealed similar logon rates. After the storms, we did a data analysis looking at the lost productivity throughout this, and taking our savings and the savings into account, the formula number that you have often heard quoted of $100 million a day we hereby declare as out of date, and we are updating that as the estimated cost now being $71 million a day. This figure confirms the real-time data we received, which suggests that at least 30 percent of Federal employees worked during the snow days, mostly from outside the office. We believe this is actually a very conservative estimate and the actual number may have been much higher.

We are strongly committed to raising that percentage in line with our strategic goal. I believe we can overcome managerial resistance and IT barriers, our two top stumbling blocks to making telework effective government-wide. We started working on this following up through many of the programs that you and the Committee have put into place. Your leadership has been outstanding,

and we will not rest until this is a regular way of doing business in the Federal Government.

Finally, in partnership with the White House Task Force on Telework, which I chair, and the General Services Administration and the U.S. Patent and Trademark Office, we held a Telework Leadership Thought Forum earlier this month. The Forum had 60 participants government-wide, including representatives from labor and management, and they gave us a lot of great ideas that we will be able to work on going forward. I believe that we can move telework forward to the point where snow emergencies are relatively small disruption, and, instead of closure, we can simply declare a mobile work day.

Thank you for holding this important hearing. I will be happy to answer any questions that you might have.

Ms. NORTON. Thank you very much, Mr. Berry.

Our final witness on this panel is Carter Kimsey, the President of the American Federation of Government Employees Local 3034, and she works for the National Science Foundation. Ms. Kimsey.

Ms. KIMSEY. Thank you, Madam Chair and Members of the Subcommittee. On behalf of more than the 600,000 Federal and District of Columbia workers represented by AFGE, thank you for the opportunity to testify today.

Whether or not the snowstorms in the winter of 2010 in our area deserve the label "disaster," they did make transportation to and from many Federal workplaces unsafe, impractical, and, in some cases, impossible. We believe that OPM acted prudently when it either closed or delayed the opening of Federal offices in the Metro D.C. region. Hundreds of thousands of workers were without power, had no access to public transportation, could not drive their own vehicles because neither side streets nor main roads had been plowed, and could not walk because sidewalks had not been shoveled or else were impassible by mounds of plowed snow. We can reasonably expect that the future will include challenges that resemble this year's extreme weather, and it is therefore incumbent upon the Federal Government to put in place clear policies that will allow the greatest possible continuity of operations.

There is one obvious answer to this question, and it is to put in place the material and policy infrastructure to vastly expand telework for Federal employees. Telework helps agencies find more efficient means of carrying out their missions in both normal and emergency situations, and it allows workers to balance better their work and family responsibilities. Experience in the Federal and private sectors has proven that effectively managed telework programs strongly support workforce recruitment and retention, manage office space and overhead costs, and address environmental and energy concerns, and they provide an invaluable means for continuity of operations during an emergency.

Madam Chair, several weeks ago I represented AFGE at the OPM-sponsored Thought Forum on Telework that you have just heard about, where Director Berry brought up the concept of a mobile work day rather than closing Government offices and using unscheduled leave. This is an excellent idea and needs further exploration.

Another idea is to require managers to determine, before a job announcement is posted, whether and to what level telework opportunities would be available to the employee hired for the position. Making telework the norm for the Federal workforce can improve working conditions and guarantee continued operations, despite the weather.

AFGE supports telework legislation introduced by Representative John Sarbanes, H.R. 1722, requiring that all Federal workers be considered eligible for telework unless the agency shows they are ineligible. Under current law, Federal workers must overcome the presumption that they are ineligible for telework unless the agency determines otherwise.

AFGE members working at agencies with established telework programs, such as the Center for Medicare and Medicaid Services and the Citizenship and Immigration Services, report that those agencies have self-imposed an arbitrary cap on the number of workers allowed to participate in telework. At my own agency, the National Science Foundation, although we have succeeded in negotiating a telework program, the Union was forced to trade off the right to file any grievances on the matter, regardless of their merit. This makes it impossible to ensure that telework is applied fairly and uniformly to the workforce.

Aside from telework, AFGE has tried, with mixed success, to negotiate collective bargaining agreements that address how to proceed in disasters and emergencies. In those cases where we have not persuaded agencies to agree to contract language, AFGE is proposing language that clarifies and makes consistent agency policies regarding emergencies and disasters. At the Social Security Administration, we are attempting to bargain language that would require the agency to follow OPM guidelines for disasters when evacuation occurs, such as pay continuation. AFGE's Social Security Administration locals situated in earthquake zones have negotiated shelter and place agreements that include earthquake and shelter kits and require periodic earthquake drills.

In other agencies, employees are required to be at work not because they are essential to the provision of public safety, but because the agency's clients must meet legal deadlines. This type of issue has arisen at EEOC, where employees must come to work under even extremely adverse weather conditions in order to make time frames for filing charges. Outside of the D.C. area, EEOC regional directors have discretion to decide issues such as office closings and delayed openings.

The problem with giving individual regional or local agency heads discretion to go it alone with respect to treatment of employees does lead to problems. As you know, the transportation security officers at Dulles and Philadelphia Airports were counted as AWOL when they couldn't get to work during the snowstorms.

I think I have exceeded my time.

Ms. NORTON. Thank you very much, Ms. Kimsey. You mentioned employees who were AWOL when they couldn't get to work. Are you talking about TSA employees?

Ms. KIMSEY. Yes, ma'am, I am. That was at Philadelphia and Dulles. Whereas, at Thurgood Marshall BWI Airport and Reagan National, the managers there realized the import of the situation,

that it was truly an emergency, and they did not put their employees on AWOL. There are times when employees need administrative leave during an emergency.

Ms. NORTON. Now, Mr. Berry, I can certainly understand that agency-by-agency there must be a considerable amount of discretion, but when you have, in essentially the same region, with the same amount of snowfall, directors, agency heads making very different decisions, how can OPM justify discretion that in fact is that broad? And why is not there in place something, when we are talking about people in essentially the same region—I mean, Philadelphia, for example, many of the regional offices for this part of the region at in Philadelphia—why wouldn't there be overall guidance so that the workforce wouldn't feel that it was treated unfairly and so that you didn't receive what I am sure had been a fair amount of feedback about uneven treatment as among employees doing the same work?

Mr. BERRY. Madam Chair, I think it is a great question. There are sort of two levels to respond to. On one, in terms of the policy approach, the policies in terms of management and pay and those delegation, are consistent throughout the regions. Now, the employees that we described, that would have been described at the airports would have been defined most likely, I presume, as emergency personnel, right?

Ms. KIMSEY. That is correct.

Mr. BERRY. So emergency personnel, regardless of where their work location is, regardless of what the event is, the rules of the road are they need to show up. In other words, they have designated by their agency that——

Ms. NORTON. What does OPM do, in the face of two feet of snowstorms, to make sure that employees who indeed the United States of America does need get to their destinations when their own States haven't cleared the way for them to move?

Mr. BERRY. It is tough. Many need to come on foot. I, for example, came to work on foot. Other employees who are designated emergency need to show up. They are providing emergency public health and safety functions and they often put themselves—and we recognize they are putting themselves at risk.

Ms. NORTON. Mr. Berry, where do you live? Where do you live?

Mr. BERRY. 16th and R. That was a two mile walk. I do it regularly.

Ms. NORTON. Well, try walking to Dulles from 16th and R.

Mr. BERRY. I understand.

Ms. NORTON. No, I understand what you are saying. Indeed, let me ask you who defines what an emergency worker or employee is?

Mr. BERRY. Each agency has that authority to define what employees are forced to report for work regardless of——

Ms. NORTON. Now, that discretion, of course, needs to remain with the agency. I think we all would agree. Just let me ask you in the wake of a presidential disaster, should the agency do some investigation as to whether or not the employee was able, physically able under any circumstances, to reach the agency before docking that employee's pay or otherwise sanctioning that employee?

Mr. BERRY. That, Madam Chair, is obviously a very good case. We would encourage, obviously, managers to use good common sense and good practice, and we will be working through the complaints and the charges throughout this very complicated region doing this. How it often works in terms of the real world is even employees who have been designated as emergency, if, for example, they can't get in, their street is impassible, it is unsafe, for example, for that employee, what is expected and required is that they contact their supervisor, and their supervisor, that way, is at least informed of what workforce they can assemble to try to carry out the essential functions. So oftentimes people will trade, they will trade shifts, they will ask other people who might live closer, for example, myself, who can walk in, to ask those people to come and cover for those who might be too far away to get there.

So a good manager works with their employees to try to address the situation and provide the flexibility you are discussing. Now, obviously, I can't sit here in front of you and say that every manager is a good manager and makes good decisions every day of the year. And where that occurs, we will work with those agencies to try to make sure that a fair common-sense rule is applied throughout the agencies.

Ms. NORTON. Well, I appreciate that, Mr. Berry. And remember this hearing is being called in no small part because of the all hazards rule of how we must operate, and it scares me a bit that agencies have not already mapped out who can get in and who cannot, because the hazard that we are most afraid of in this region, frankly, is not a snowstorm, but some kind of event, which will mean that somebody has to be on hand; and if employees stay at home, they stay at home because they have gotten no guidance, the kind of guidance that you have indicated.

I am going to ask you if you would ask agency heads to in fact do an inventory of their employees to see who might reasonably be expected to trade off and come in with somebody who can't possibly come in, so that we learn from this disaster and don't simply repeat it in a disaster that may be far more costly in human life and injury.

Ms. Arcuri, I would like to ask you——

So could you get us some sense, Mr. Berry, in 30 days, of how you will inform the agencies of the necessity in preparation for whatever is the next event, to make sure that at least some of their employees—now, the others will have to make up for it, but that is how employees are. Federal employees bond together, particularly those who are unionized. They bond together and they understand that X lives someplace and Y lives the other. Mr. Berry, we may have to ask you to do some jobs that would otherwise not be done by OPM. That is the kind of Federal family we have, I know.

Ms. Arcuri, I am most interested in the role of the Federal Government in a disaster like this. Now, we know that the Federal Government—I am on the Homeland Security Committee, so Homeland Security Committee is prepared for all kinds of things to happen to us. But we haven't been prepared for a snowstorm, even though we deal with all hazards. Therefore, we haven't thought deeply, at least on the Committee on which I serve, about FEMA'S role when the Federal Government has a stake in its

heart, and I wonder what kind of mitigation planning, continuity planning goes on in the Federal Government or whether FEMA has anything to do with that or who is responsible for that.

Ms. ARCURI. Madam Chair, separating the different functional parts of your question, we do have a plan, and our plan is basically the same as you said, whether it is a snowstorm, whether it is an impending flood, a pretty identifiable——

Ms. NORTON. With the Federal Government. I am now talking about the Federal Government, which obviously knows what to do if somebody lets loose with an explosive device and what would kick in in that notion. And I know that FEMA deals in mitigation with various jurisdictions before an event and, of course, it deals after an event.

What I am trying to find out is whether or not the Federal Government is involved with the mitigation activities, the response activities that we will find in local jurisdictions across the Country in preparation for events just like this event, a natural event. It could be a hurricane here, because we do have those here. Does FEMA have any role with the Federal Government or is there somebody else who helps the Federal Government understand what the States commonly understand is their role in natural disasters?

Ms. ARCURI. I would have to defer that question to my colleague, Mr. Beckham——

Ms. NORTON. Mr. Beckham, than you.

Ms. ARCURI.—from the Office of National Capital Region Coordination with the other Federal entities in the region.

Mr. BECKHAM. Madam Chair, here in the National Capital Region, as you well know, we have all the various Federal agencies, as well as the Legislative and Judicial Branch, and we commonly and consistently reach out to those various agencies, primarily through our Joint Federal Committee, and have representatives come forward——

Ms. NORTON. Joint Federal Committee?

Mr. BECKHAM. The Joint Federal Committee, which is comprised of the emergency managers from the various Federal agencies. We meet monthly and we come in and collaborate and coordinate programs and share information. Obviously, as a result of the events that occurred during this past winter season, we have and continue to discuss our issues in terms of coordination and preparation for the all hazard events. Obviously, this is a natural event, the snowstorm, but in a very similar or large measure the types of activities that we would undertake would be similar to the ones that would occur in a manmade——

Ms. NORTON. For example, what did you do with the Federal Government when it became clear that we were having something of a natural disaster here?

Mr. BECKHAM. Well, I think it is safe to say that we obviously listened to and relied on and coordinated with OPM in terms of what would happen to the Federal workforce here in the National Capital Region.

Ms. NORTON. Did you have anything to do with them? Yes, but OPM is not an expert agency in natural disasters, and OPM, if anything, is going to be looking to folks like you. For example, the

Metropolitan Washington Council of Government puts out calls. Were you in on these calls, Mr. Berry?

Mr. BECKHAM. I misunderstood your question. I thought you were referring to what was done immediately prior to the winter storms that occurred and how we operated in accordance with that.

Ms. NORTON. Immediately prior, during.

Mr. BECKHAM. As I mentioned in my testimony, particularly for the winter season, we get together through the COG to go over the policies and procedures that are in place for the winter storms.

Ms. NORTON. So you were on the calls with COG?

Mr. BECKHAM. Yes, ma'am.

Ms. NORTON. And, of course, OPM. Were the unions on the call with COG?

Mr. BECKHAM. I can't testify to that; I don't know exactly who was on the call.

Ms. NORTON. Mr. Berry?

Mr. BERRY. No, I don't believe so, Madam Chair.

Ms. NORTON. Wouldn't it have been helpful? Wouldn't they have had more information so that workers wouldn't be all disconcerted and confused? After all, they did get a day off. Is there any reason why they shouldn't be? I mean, with the President's new order that there be collaboration with employees, wouldn't that be helpful?

Mr. BERRY. The one thing we would have to discuss, and we would have to discuss this with the other members of the Council of Governments and others, these calls are not open to the public; they are there so that everybody can give an exact and accurate information——

Ms. NORTON. Were you in touch or anybody in touch with the organizations who represent workers after the calls were over?

Mr. BERRY. Absolutely. And before and during the entire event. We were in touch with the three major Federal employee unions in the region throughout the event. And once the decision is made, it is disseminated very effectively and we also rely on our union partners to help us get that word out to their members. So we do stay in close communication.

Ms. NORTON. Well, Ms. Kimsey, I was concerned about your testimony. I am the former chair of the Equal Employment Opportunity Commission and, therefore, I do understand that the time frames for filing charges are important, but I was concerned at your testimony about workers having to be there. First of all, how could people get there to file charges? And if they were filing charges technologically, why couldn't some employees at home have taken care of that? And would you explain exactly what it is the EEOC required of these employees during the disaster?

Ms. KIMSEY. Yes, ma'am.

Ms. NORTON. Now, I take it during the blizzard as well, the February blizzard as well as the December storm?

Ms. KIMSEY. Yes, that is true. What I would like to say is I think the Honorable Berry, sitting right here next to me, made an excellent point——

Ms. NORTON. He is a very honorable gentleman.

Ms. KIMSEY.—that we have two barriers to telework. The first one is management resistance and the second one is technology.

Ms. NORTON. Let me ask you are any employees at EEOC on telework?

Ms. KIMSEY. I don't have that number, but I would be happy to follow up with you on the exact number. I can do that.

Ms. NORTON. Some of them could take charges, you think, from telework?

Ms. KIMSEY. Well, that is the question. We certainly think that technology could be maximized at that agency and other agencies to allow the maximum telework——

Ms. NORTON. Wait, wait. Mr. Berry has a response.

Ms. KIMSEY. He does.

Mr. BERRY. Excuse me. I was just going to add, Madam Chair, it is not at EEOC, but I do have another example which gives you just how far we can go with this. The Patent and Trademark Office, which is just over across the river in Alexandria there, they maintained their productivity level. Their normal productivity level on a day is about 95 percent. During the snowstorm, during the blizzard, because of telework, they maintained 85 percent productivity rate. So a phenomenal example of how people work safely from home, they didn't jeopardize their health or their community, and it was a great way to maintain continuity of operations. So I think we have a great example in the Patent and Trademark Office.

Ms. NORTON. We do with some exceptions. Of course, confidentiality is necessary at Patent and Trademark too, but they are certainly statutorily required at EEOC. You are dealing with people who are filing legal complaints, and it is the same as a lawyer-client relationship.

And I recognize, Ms. Kimsey, that they may not be to the point that we would like them to be with respect to telework, but let's assume the present state of affairs. So somebody doesn't plow some money in there and get them so that they can be brought up; and we can understand that given the present state of the economy.

I still don't understand that at the height of the blizzard, when people couldn't get in to file complaints, perhaps they could at regional offices, but I am trying to understand here and in the region where, of course, the blizzard had occurred, why the agency would insist that employees be there if the very people who were to file the complaints would hardly have been able to get there. I am really at a loss here about what was required, what workers were told to do, and what it means to have time frames for filing, whether they are agency time frames or whether they are statutory, if they are talking about the 180 days or the 90 days, etcetera.

Ms. KIMSEY. Yes, ma'am. And I would be happy to follow up with you on that. I am not myself an employee of the EEOC, but I know that there have been some issues in the regional offices as well, and we would be happy to provide that information to you very quickly.

Ms. NORTON. Well, this is important because there are statutory time frames.

Ms. KIMSEY. And I believe that this does refer to the statutory time frames, which then would suggest that the employees need the tools to help them operate within those statutory time frames.

Ms. NORTON. I also think there is something like called an act of God.

Ms. KIMSEY. Yes.

Ms. NORTON. I cannot believe that when Louisiana went down, for example, the Gulf Coast went down—and, again, I am not sure how we deal with precedence in this world. But the fact is that the whole State of Louisiana and much of Mississippi went down in a worse way than what even we experienced here, and the same 90 days and 180 days statutory deadlines were there. I cannot believe there are not act of God-

Ms. KIMSEY. Exemptions.

Ms. NORTON.—extensions of some kind or the other, or that somebody wouldn't be required to do so. Now, I am not going to ask you, I am going to ask Mr. Berry to inquire of EEOC how they dealt with this. Because guess what? I bet a lot of employees didn't get there. I bet you that. And if they didn't get to various parts of the region and somebody missed the statutory deadline, how did the agency deal with an act of God event? We would like to know that. And there must be other agencies that need to be informed of what to do, because, again, we may be facing another hazard and, remember, we are talking about all hazards; we are talking about hazards that could be events that were upon us.

What steps is FEMA taking to ensure that WMATA is able to receive reimbursement rapidly, particularly given the dependence of the Federal Government on WMATA and its present very risky financial state? Have they applied?

Ms. ARCURI. There have been declarations, as you know, in the District as well as in Maryland and Virginia, and they will be making application through the respective jurisdiction.

Ms. NORTON. Now, let me ask you. The declarations—let us find the status of the declarations. Have all the jurisdictions asked for declarations for both storms, and have both storms had their declaration for all the affected jurisdictions?

Ms. ARCURI. The declarations for the December events have been received. The President has declared those events major disasters. There has been a request from the mayor for the District; there has been a request from the governor of Virginia. They are in process. There has not been a presidential declaration for either of those as of yet.

Ms. NORTON. When might we expect a decision, again, given the precarious states of these jurisdictions?

Ms. ARCURI. Madam Chair, it is in process; it is in review. As soon as the agency is informed, they will be informed.

Ms. NORTON. When might the benefits start flowing for the December declaration?

Ms. ARCURI. The process for the public assistance program, the implementation of that program is that there are applicants' briefings that are hosted by the State or the District and FEMA, and at those meetings the eligibility of both the work and the cost is described. Following that, there are what we call kickoff meetings where, at that point, they start to write these project worksheets which detail the scope, the eligible scope of work and the associated costs. Once those are completed and processed, they are the actual financial or obligating document, and soon after those sheets are

completed and processed, they will be able to draw down the funding for that specific work.

Ms. NORTON. What is the usual time it takes to get to the point where the local jurisdiction can draw down some funds?

Ms. ARCURI. Madam Chair, it is really very difficult to anticipate that time frame. There is a process that proceeds and it depends very much on the State or the District, as well as, in the case of the District, the State agencies and how quickly they can aggregate costs and they can get the documentation to support those costs.

Ms. NORTON. So the problem now is with the jurisdictions? You are prepared to move as soon as they—and they haven't, any of them, come to these, what is it, applicants——

Ms. ARCURI. Actually—excuse me. I am sorry for interrupting, but we have—the applicants' briefing for the District took place yesterday and we are proceeding along in accordance with what I would say would be regular time frames.

Ms. NORTON. How about the other two jurisdictions?

Ms. ARCURI. Applicants' briefings, as I understand, in Maryland are taking place today and tomorrow.

Ms. NORTON. That is good news. But your testimony is that FEMA has not provided any reimbursements as yet for any of the jurisdictions after this snowstorm, is that correct? No reimbursements have yet begun?

Ms. ARCURI. Madam Chair, I know that specifically for Maryland and for the District that is the case. I am not quite sure regarding Virginia, and I would be more than willing to get back to you with that.

Ms. NORTON. I wish you would, within 30 days.

Ms. ARCURI. Certainly.

Ms. NORTON. Now under the statute, FEMA may be treated as a local entity. I am sorry, Metro. FEMA may treat Metro as a local entity. I am a little concerned, to tell you the honest truth, Ms. Arcuri, by making Metro go to each and every jurisdiction in what will be another whole mountain of paperwork, rather than treating them as a local entity, telling FEMA straight away, hey, how much did it cost and what did it cost, in as much as the statute says you may treat them as a local entity. Why take them through somebody else's bureaucracy to get to exactly where you could get them to?

Ms. ARCURI. Madam Chair, according to the FEMA regulations, they actually are treated as a sub-grantee. The State is actually the grantee——

Ms. NORTON. I know exactly how they are treated, and I am saying that they could be treated, under the words of the statute, now, as a local entity. Does that mean local entity is only like the City of X and is not like an entity that can be treated in its own regard? See, Metro doesn't come under any of these local entities. Metro comes under Metro, and these local entities contribute to Metro. But now you are making Metro go to Maryland, go to the District, go to Virginia as if somehow they were responsible for Metro, when they are not. Metro must deal through Metro. Yes, they give money to this umbrella organization, but you are now taking them down to where neither the Metro statute nor, as we read it, necessarily, the FEMA statute would put them, and that is to where they cannot apply for money that would be due them.

Somehow, somebody is going to get charged with some overhead for dealing with Metro coming through them. Somebody is going to have a back and forth in these three States as to whether or not that is the amount. Somebody is going to wonder whether or not that takes from them. I am a little concerned about this bureaucracy on top of bureaucracy and whether they can be treated as a grantee rather than a sub-grantee, as if they were Indian tribes.

Ms. ARCURI. Essentially, Madam Chair, that is exactly what the FEMA regulations say, that they would not be treated as a grantee; they are to be treated as a sub-grantee. And, historically, when we have had sub-grantees that have had costs incurred across multiple jurisdictions, they have been brought out by jurisdiction. So I would be more than happy to explore the option of having all the costs brought into or under one jurisdictional element and be able to get back to you with that.

Ms. NORTON. I would very much appreciate it, because although Indian tribes are a sub-grantee, FEMA has used its discretion to treat them as a local entity, local government under the Stafford Act.

Ms. ARCURI. Correct.

Ms. NORTON. So I am looking to the statute itself and I am trying to cut down—remember, we do have a paperwork statute that says get to the point, and I am trying to get us to the point, and I can tell you, you are going to get into all kinds of sub-bureaucratic tangles with the jurisdictions, who don't know a darn thing—remember, there is no experience, virtually no experience with FEMA in this jurisdiction in the first place, and here comes them. They are either going to lob it on top of theirs and leave it to you, which would mean you would have to do it anyway, or they are going to get involved in your business, about which they know nothing. So I would, first of all, ask you to eliminate some of this paperwork and to treat Metro as it is defined in the statute, as a local government under the Stafford Act. And I ask you to do this because the next time, remember, it may not be a snowstorm; it may be something else.

And I would ask you in 14 days to get back to this Subcommittee as to whether or not Metro may be treated as a local government as defined by the Stafford Act. If there is any reason, we would like to know it.; we certainly don't want you to do anything where there is a disagreement with what the law requires. But we do know that Metro is also a grantee, and we would prefer not to get into a contest of labels, particularly given what we read every day about the status of Metro.

On telework, it was your testimony, Mr. Berry—I was just shocked—as much as we have been pushing telework—to know that only 5.2 percent of Federal employees regularly telework under a formal agreement. That is on page 3 of your testimony. And your conservative estimates are in this region a pitiful 10 percent. We have the most crowded roads, or virtually so, not entirely, in the Nation. What in the world is holding up telework in what amounts to a paper pushing jurisdiction, the Federal Government? What stands in the way of getting more regular telework so that perhaps the agency head doesn't have so much discretion and is

perhaps not in tune with the changing times to in fact get us beyond these very shallow figures?

Mr. BERRY. Madam Chair, I appreciate both your leadership and that of Congressman Sarbanes and Congressman Connolly and others who have been such leaders on this issue, and I am very happy to join you all in your efforts to try to improve upon those numbers. I really liked the idea of the interpretation that was raised here today by AFGE, and I have already asked our staff to go back and work with our lawyers, if we can do that, and flip——

Ms. NORTON. Do what precisely?

Mr. BERRY. Flip the presumption so that I wonder if, through regulation, we could sort of flip the presumption and say that everybody is presumed to be eligible for telework, rather than having to be designated for telework. That way, agencies could designate employees who wouldn't be eligible for telework. In other words, kind of flip it around from what it is now.

Ms. NORTON. Now, has OPM put out any guidance on how agencies should decide who are?

Mr. BERRY. We have been very aggressively pushing this, Madam Chair, and I think what you are going to find, what we are turning to right now is to get a little bit more muscle behind it.

Ms. NORTON. Is there any muscle behind it now, Mr. Berry?

Mr. BERRY. I would say, quite frankly, right now, obviously, the results show for themselves that there is not enough muscle behind it. The results are sad.

Ms. NORTON. Well, what is the muscle? I am just trying to figure out——

Mr. BERRY. The President of the United States.

Ms. NORTON. No, no.

Mr. BERRY. No, that is who——

Ms. NORTON. He is a man. Muscle is a directive to the agency.

Mr. BERRY. Right.

Ms. NORTON. And I am sure he has not busied himself with this matter.

Mr. BERRY. No. Actually, I would like to tell you a little story, if you have a second. During the snowstorm, when the President checked in with me about this event, we discussed telework and the importance of it, and I explained to him that in 1996, which was the last major event that revolved around this, less than 1 percent of us could telework at that time. At this storm, about 30 percent, as we said, were teleworking during this storm.

Ms. NORTON. You said they were logging on. Does that mean they stayed on and worked?

Mr. BERRY. Well, obviously, we would have to—and some people were working who weren't, obviously, on the computer, too. So these numbers are hard—I can't give you an exact, precise story.

Ms. NORTON. But at 30 percent logged on, those were some people who were not even under agreement, formal agreement.

Mr. BERRY. And that could well be the case.

Ms. NORTON. Do you know how anxious Federal employees are to do to their work?

Mr. BERRY. Absolutely. So that is a great point. So what the President and I discussed was wouldn't it be great if, during the next event, we could get those numbers up to 80, 90 percent of peo-

ple being able to operate. If we could have everybody meet the example of the Patent and Trademark Office that we just discussed, about 85 percent productivity, that is what we need to be striving for.

Ms. NORTON. Are there security barriers or some—I mean, I am not even sure how you make the decision. Are there some employees who should not be expected because of the nature of their work? I am still in the dark as to who gets the presumption and who does not in favor, even if you do what Ms. Kimsey asks.

Mr. BERRY. In the past, I would say back in 1996 days, 10, 12 years ago, technology and security were the two main barriers to telework. Most of the technology and the security issues have been resolved. I can give you a good example with my agency alone. We do 95 percent of the background security investigations for this Government, including all of the Department of Defense, to establish eligibility for access to information that has classified, top secret, special code word, and secret designations, the investigations are done by the Office of Personnel Management. Those investigations, 95 percent of my staff are doing those out of their homes across the Nation, so they are teleworking, handling highly sensitive material. So we have solved the security and technology problems of this.

Why we are not reaching those numbers of 80 and 95 percent today is two reasons primarily: managers who believe that unless they have the employee in front of them and are stuck in a sort of 19th century, 20th century mind-set that someone needs to be at their desk to be working I would put as our largest barrier; and the second is the remaining technology, the cost of getting people the right equipment, getting people, most people in our agencies now are not using desktop operations anymore, they are using their laptop as their desktop. So they can immediately, they boot in. At your desk you have a docking station, and they can take that home with them and remain as secure and as functional as they are at their desk.

If we can make the investment—and we were figuring the cost of the latest computers between $1,000 and $2,000 tops to have the security and the sufficiency to operate. You look at the cost of—I explained to you here $71 million is the opportunity cost lost of a closure day in the Government. With two days we could have paid to outfit everybody in this region with the right equipment so that we could have accomplished telework. So we need to get there. We will get there.

And when I say I want to bring the right muscle to this, the President is committed on this issue. The President has set up a task force, multi-agency task force which I am chairing for him, that we will be reporting back to the President with our recommendations so that he can issue the directive to the Federal community as to what needs to be done to get this over the hump and over those final speed bumps. So that is the muscle I am seeking to bring into this, and I think once we get it, that is when we will start to see those numbers significantly increase.

Ms. NORTON. Yes, a directive of the kind Ms. Kimsey suggested might be useful after one looks at the available workforce and what the workforce does, and gives the agency some guidance. I don't

hear, Mr. Berry, that there is much guidance. All I hear is they have total discretion to decide. Now, many of these are baby-boomers, old school baby-boomers who are not with the millennials yet, or not even with others who are not baby-boomers or others who are quite ready, no matter who they are, to work from home. I must tell you that I don't see any reason for agencies to change their habits unless they are confronted with the muscle that you indicate. And we would appreciate, especially as we always are in preparation for the next event, I would think that at least during——

Well, let me ask Ms. Arcuri. Is there telework done by employees of FEMA, who are, after all, a giant emergency workforce?

Ms. ARCURI. Yes, we do, Madam Chair. We have employees——

Ms. NORTON. How many? What percentage?

Ms. ARCURI. I can't speak on behalf of the agency, but I can tell you——

Ms. NORTON. What percentage of your agency's employees here in the National Capital Region were designated as essential employees?

Ms. ARCURI. I do not have that information for the agency.

Ms. NORTON. Mr. Beckham?

Ms. ARCURI. I do have it for the region.

Ms. NORTON. Well, for the region and for the National Capital Region I would appreciate it.

Mr. Beckham?

Mr. BECKHAM. I don't have the specific information available, but as it relates to the winter snowstorms of both December and February, we did in fact telework for those non-emergency response officials that are part of the headquarters agency here in the National Capital Region. Our emergency response officials continue to be in the posture of coming to work certainly where possible.

Ms. NORTON. Well, what was the record of these emergency response officials coming to work given the severity-of FEMA workers coming to work given the severity of the snowstorm?

Mr. BECKHAM. I will say it wasn't 100 percent, but I would have to get back to you with the specific——

Ms. NORTON. Were any sanctions taken against those who were not able to come to work?

Mr. BECKHAM. To my knowledge, I don't know of any that were taken, but, again, I would have to check with our chief human capital officer to give you that specific or accurate information.

Ms. NORTON. Well, I am pleased at least I haven't read of any in the newspaper, and Federal workers usually know how to speak up if they are being asked to do the impossible.

I want to thank this panel; your testimony has been absolutely essential. I want to call the next panel before us now and excuse this panel. Thank you for your testimony.

Mr. BECKHAM. Thank you.

Ms. ARCURI. Thank you.

Ms. NORTON. We are pleased to welcome the second panel. We are trying to use this to make the best of a very serious situation here by hearing as well from the jurisdictions and others who had responsibility within the jurisdictions for this unprecedented event. So I am pleased to welcome all of you from the second panel. And

may I ask that Major General Errol Schwartz, the Commanding General of the District of Columbia Army National Guard testify first? Then we will go down the line and hear from all of you in turn.

TESTIMONY OF MAJOR GENERAL ERROL R. SCHWARTZ, COMMANDING GENERAL, DISTRICT OF COLUMBIA ARMY NATIONAL GUARD; MILLICENT WILLIAMS, DIRECTOR, DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY; DAVID KUBICEK, ACTING DEPUTY GENERAL MANAGER OPERATIONS, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; RICHARD MUTH, DIRECTOR, MARYLAND EMERGENCY MANAGEMENT AGENCY, TESTIFYING ON BEHALF OF NATIONAL EMERGENCY MANAGEMENT ASSOCIATION; JAMES K. HARTMANN, CITY MANAGER, CITY OF ALEXANDRIA, VIRGINIA; AND DR. R. ERIC PETERSEN, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS

General SCHWARTZ. Thank you, Madam Chairman. Thank you for inviting me here today to testify on this issue. I will focus my comments on the District of Columbia National Guard support to the Homeland Security Emergency Management Agency during the snowstorms of December and February.

The District of Columbia National Guard comprises both Army and Air National Guard components. We both have a Federal mission and a District mission. We pledge to support the city in any emergency that arises. Our primary mission is to rapidly respond to any requests from the mayor's office in the case of an emergency within the District of Columbia. The District of Columbia National Guard also took steps to mitigate any risks by placing a person in the D.C. Homeland Security Emergency Management Agency to help with the planning and coordination for an event.

We work in accordance with the Homeland Security National Response Framework, and from that the District of Columbia has developed their own framework with 16 emergency support functions. The District of Columbia National Guard supports the District Homeland Response Framework with ESF 1-Transportation; ESF 2-Communications; ESF 6-Mass Care, Emergency Assistance, Housing and Human Services; ESF 9-Search and Rescue; ESF 10-Oil and Hazardous Material Response; ESF 11-Agriculture and Natural Resources; ESF 13-Public Safety and Security; and ESF 16-Donations and Volunteer Management.

For the snowstorm of 2009 and 2010, we used ESF 1, which was primarily transportation. The District of Columbia Emergency Management Agency requested support to move personnel back and forth, either emergency personnel or personnel who were called to perform emergency duties within the District of Columbia. We supported them with our Humvees and personnel, and we also had the capability of extending our services to other National Guard elements from FEMA Region III to augment those services. We had a reasonable success with that. We also used our personnel to retrieve other individuals who we needed from their homes to the Armory in support of those missions.

The District of Columbia National Guard also has the capability of responding with our Civil Support Team. We express our appreciation to the Homeland Security Emergency Management Agency for their cooperation in working with us as we supported the city.

In conclusion, the District of Columbia National Guard stands ready to support the city in any way we can and extend our services to any other agency within the District of Columbia.

Ms. NORTON. Thank you very much, General Schwartz. I must here, for the record, thank you for your extraordinary service to the people of the District of Columbia and the Region.

Millicent Williams, Director of D.C. Homeland Security and Emergency Management Agency. Ms. Williams.

Ms. WILLIAMS. Thank you very much. Good afternoon, Chairwoman Norton and Members of the Subcommittee. My name is Millicent Williams, as has been mentioned, and I am the Director of the D.C. Homeland Security and Emergency Management Agency, also known as HSEMA, and I may refer to it as such throughout my testimony. I appreciate the opportunity to provide testimony about the District of Columbia's response to and recovery from this season's historic snowstorms and the way in which local governments work with FEMA during periods of disaster, regardless of cause.

Specifically, the Subcommittee's request for testimony asked that my colleagues and I address the following: action that has been or could be taken by FEMA and the affected jurisdictions, and any response and recovery funds for which the jurisdiction may qualify; how FEMA and other agencies and jurisdictions in the National Capital Region might be expected to prepare for and respond to future disasters, whether another snowstorm, hurricane, pandemic event, or terrorist incident; and the means by which the Federal Government and the National Capital Region can work together as partners with FEMA. I applaud the Subcommittee for holding a hearing to address these critical issues and thank the Subcommittee for its continued support of the District of Columbia and the National Capital Region.

I am pleased to report that despite the unprecedented challenges posed by the historic snowstorms this winter, the District of Columbia and our regional partners in the National Capital Region, including the Federal Emergency Management Agency, worked in a coordinated and collaborative manner to meet the needs of our residents. Successful collaboration allowed us to be both resilient and responsive, and I believe that this helped us achieve our primary goal, which is to protect the safety and welfare of our residents.

The District of Columbia Government demonstrated its resilience in the face of challenging conditions by being open for business for all but two days during the December and February storms. In fact, the District Government never really fully closed, as we required essential personnel to report throughout the duration of the storm. Mayor Adrian Fenty set an early goal and communicated throughout the winter storms: unless there was a risk to the lives and health of District employees and residents, the District Government would continue to operate.

As the seat of the Federal Government, the District has a unique responsibility to remain operational to ensure the success of all entities that call the District home. Accomplishing this goal is no easy task, and I would like to take a brief moment to acknowledge the hard working men and women who worked tirelessly throughout the storms to ensure the continued operations of government operations.

The District was successful in meeting the challenges posed by this winter's storms for several reasons, but today I would like to focus on three in particular: strong leadership, effective regional coordination and cooperation, and the innovative use of technology for communication.

There is no substitute for strong leadership during emergency situations, and Mayor Fenty demonstrated that principle during the recent snowstorms. The mayor made it clear early on that the District would be open for business and function as normally as possible during the snow events, and supported the accomplishment of the goal with concrete resources, directing each District agency to do whatever it took to get the job done. The mayor's clear direction led to strong coordination between the District, our partners in the National Capital Region, and the Federal Government.

For reasons we are all aware, the District maintains a high level of readiness for all hazards and has developed a District Response Plan to support planning, training, and exercise efforts to maintain readiness. Among the hazards to which we devote our particular attention is snow. The District has a designated leadership team that is tasked with both the planning and execution of the District's Snow Response Plan.

The District's Interagency Snow Team, led by the Department of Public Works and the Department of Transportation seeks a comprehensive snow planning process year-round. The product of this effort is the District's Snow Plan. During actual snow events, DDOT and DPW officials provide active operational management of the response from the Snow Command Center at 14th and U Streets, NW.

Likewise, the HSEMA Emergency Operations Center remains fully operational throughout each the snow events or any emergency in the District of Columbia, and they did so in December and February, and coordinate all activities, with the exception of snow removal operations.

During this year's events, District agencies, regional infrastructure partners, and FEMA representatives were brought together for coordination and situational awareness on regularly schedules HSEMA conference calls chaired by City Administrator Neil Albert or myself. These calls provided an opportunity daily or more frequently, as necessary, to review agency needs, assess our progress in implementing the Snow Plan, the District Response Plan, and agency-specific emergency plans, and make necessary adjustments.

Given the limitation of my time, I am going to skip a couple of the components of my testimony, but would like to state that specifically the Federal Emergency Management Agency and the Department of Homeland Security have provided tremendous support to the District of Columbia by lending staff to our effort during and after the storms. The District also appreciates the Presidential Dis-

aster Declaration made for the December 2009 snow event and anxiously await a final decision regarding the February storms. These efforts represent an excellent example of how the Federal, State, and local partnership worked as it should.

Despite the success of the District in meeting historically unprecedented challenges, there are areas in which we can improve.

I would like to conclude my testimony by expressing my appreciation to the residents, businesses, and visitors that endured the snow events in the District this winter. Though the storms posed challenges that were unprecedented in terms of their intensity and duration, we overcame these challenges as a community as a result of our preparedness efforts, flexibility in response, and plain old gold neighborliness. We will complete our review of the District's response, coordinate our next steps with regional and Federal partners, and determine the best approach to ensure that we are prepared for comparable challenges, whether from snow or other hazards, in the future.

This concludes my testimony and I would be happy to answer any questions that you and the Subcommittee may have. Thank you very much.

Ms. NORTON. Thank you, Ms. Williams.

Next, Richard Muth. Mr. Muth, am I pronouncing your name correctly?

Mr. MUTH. Muth.

Ms. NORTON. Muth?—who is Director of Maryland Emergency Management Agency.

Mr. Muth.

Mr. MUTH. Good afternoon, Chairwoman Holmes Norton. Thank you once again for allowing me to appear before your Subcommittee and, in this case, discussing both our regional response to the record snowstorm and also of particular concern is the snow policy that is in effect now regarding the Federal Emergency Management Agency.

My written testimony goes into a good bit of detail about what we think went right in our response to this unprecedented storm and some things that we plan to do better in the future and, perhaps most important, how to improve the FEMA policy for snow assistance. But let me begin my oral testimony by giving you a sense of what we were dealing with.

At BWI Thurgood Marshall Airport, which is the official weather station for the Baltimore Metropolitan area, they recorded 84 inches of snow for this winter. The previous record was 62 inches, which was in 1995 and 1996. So we beat it by over 33 percent at that one location. We had, of course, three storms of more than 20 inches. Each storm alone was more than the recorded BWI Marshall for the last two winters combined, and those totals were about the same as what we experienced in the National Capital Region.

Then when you look from the State of Maryland's perspective in Western Maryland, in Garrett County, Allegany County, they received up to 260 inches of snow this past winter, or somewhere in the area of 22 feet of snow, which is also about 30 inches higher than they have ever seen in any of their records going back over 100 years.

So the first question, I guess, how did we fare during all this. It is kind of hard to judge in that we have never experienced storms of this magnitude before. And I spent 33 years at the local level of government before I went to the State, and certainly in my local experience we have never had to deal with these things either.

I certainly look at these things as a public safety issue as more than just a snowstorm, and if you use that to give us a grade, we had very few fatalities that were attributed to the storm, and those were all traffic accidents. We were very concerned about building collapses due to the weight of the snow, and we had a few of those, but very little. We had some stranded vehicles that were stranded for hours before we could get in and remove the people from their cars just because of the severity of the storm. But overall I think from a public safety perspective we did pretty well.

We did use the National Guard, as other States did. At one point we had over 600 National Guardsmen deployed throughout the State, doing everything from transportation to actually, in one case, delivering a baby. But all in all, with this magnitude—and I think that is one thing we have to keep in mind, this historic event of this snowstorm was taxing everybody, and I think we learned from that and do better from that, but I think next time we will probably still have a lot of issues that we have to deal with.

You mentioned one thing earlier, and I think it is a very critical point, and that is the telecommuting, but at a greater sense, the actual continuity of operations planning. And I think that is the piece that really has to be driven home, and this storm is a great example of how all agencies, whether it is at the Federal, State, or local level, have to really look at their critical functions, what functions do have to continue and what functions can be done remotely. We have been working very hard for the last couple years. Governor O'Malley actually did an Executive Order a year ago mandating that all State agencies have a continuity of operations plan in place this past summer, which we do have in place now. So that is something that is very critical to all these things.

And, if you don't mind, I would like to talk just a little bit about the Federal policy that we are dealing with right now regarding reimbursement. You mentioned a couple times the storms, the one in December, which we have received a Federal Declaration. We have not yet applied for the Federal storms because we are still doing an assessment on that, but that will be coming very shortly.

In November of this past year, a new policy went in place with FEMA, and the new policy basically says that unless you have a record snowfall or within 10 percent of a record snowfall, you do not qualify for Federal assistance. One of the key points there I think is important is if you look at all the other hazards we deal with, all the natural hazards—hurricanes, tornadoes, etcetera—none of them require a minimum amount of precipitation before you can open up that door; it is all based on damage and the impact it has on that jurisdiction.

But a snow event, to qualify, you have to have an amount of inches that is a record snowfall. And based on where that snowfall amount is taken and who takes the snowfall amount really either opens that door for you or closes that door. So this is an area that we are going to be looking for a lot of assistance from Congress to

help us through these policies and to hopefully come up with a new plan that is gives us much more ability for the jurisdictions to recover. The jurisdictions are in fiscal emergency across the State and across our Nation, and this snowstorm certainly added to that concern they have from a fiscal perspective.

So we certainly appreciate your allowing us to come before us today and hopefully, with Congress and with us working with the Federal Government, we can come up with a fairer policy. Thank you.

Ms. NORTON. Well, thank you, Mr. Muth.

Now, the next witness is Dave Kubicek, who is Acting Deputy General Manager of WMATA. Mr. Kubicek.

Mr. KUBICEK. Thank you, Chairwoman Norton and Members of the Subcommittee, for the opportunity to appear today to provide a perspective regarding recovery efforts, operating posture, lessons learned, and coordinated reimbursement efforts in the National Capital Region related to the February 2010 snowstorms. I am Dave Kubicek, Acting Deputy General Manager for Operations for the Metropolitan Area Transit Authority, or commonly known as WMATA. I will use that acronym throughout my testimony.

Consistent with the collaborative nature of the National Capital Region, WMATA has worked together with its State partners to respond to and recover from the February snowstorms. Our recovery efforts are ongoing and lessons learned are not just associated with WMATA, but with the region as a whole. Since preparedness, response, recovery efforts for any disaster require coordination across the regions, we are committed to reviewing our response efforts associated with the February snowstorms and implementing lessons learned.

I would like to take a moment to discuss WMATA's response efforts associated with the February snowstorms.

Snow operations began days prior to the record-breaking snowstorms, which began on February 5th. We started the implementation of WMATA's Severe Weather Plan. As we tracked the progress of the impending snowstorm, we prepared both equipment and employees, along with stockpiling deicer fluids, salt, and other materials. We stood up our new Emergency Operations Command Center at our WMATA headquarters to coordinate our efforts internally and with our local, State, and Federal partners.

We also participated in the regional snow calls coordinated by the Metropolitan Washington Council of Governments. The snow calls allowed all local, State, and Federal entities within the National Capital Region to be briefed on current, future weather conditions by the National Weather Service, and each entity to report on their individual conditions and operational decisions, for example, whether schools or bus systems would open or would be closed. This facilitated situational awareness of the region's response efforts and coordinated decision-making.

As the severity of the snowstorm increased, so did WMATA'S snow response operations. WMATA personnel worked around the clock to clear rails of snow and ice and operate aboveground as long as possible. When WMATA snow commander determined it was unsafe to operate rail operations aboveground, we closed service, but still sustained underground service. Bus and paratransit vehicles

discontinued service once road conditions in the jurisdictions deteriorated and WMATA'S snow commander considered them too dangerous as well.

WMATA'S recovery efforts continued with additional repairs and maintenance on railcars and buses due to damaging effects of the snow. WMATA has been able to develop a list of lessons learned, both positive and negative, from the February snowstorms which can be applied to future disasters, regardless of the cause. Quicker recovery of rail operations could occur if WMATA were to have the equipment and people, in-house or contracted, dedicated to perform such work during a disaster. To operate more effectively during any major disaster, WMATA follows the policies established in the National Response Framework and the command and the management structure outlined in the National Incident Management System.

In December 2008, WMATA established an Emergency Management Office within Metro Transit Police Department. This office has been working to incorporate the principles, policies, and guidance of both of the NRF and NIMS into the disaster operations within WMATA. The result has been effective in coordinating response within the region, which was exemplified in the response to the February snowstorms.

Recoupment of the entire costs associated with the WMATA snow response activities would require a change in FEMA'S snow policy. Based on the combined magnitude of the February snowstorms and the continuing snow recovery efforts, we expect that the region will request that FEMA consider drafting a disaster declaration which would allow all snow response activities to be considered for reimbursement for an extended period of time, namely, February 5th through February the 16th. This time frame reflects the period in which most local jurisdictions, along with WMATA, were performing snow response activities and realizing any infrastructure damage. WMATA intends to continue its close coordination with FEMA and the individual States throughout the reimbursement process.

I appreciate the Subcommittee's interest in the region's response and recovery efforts, lessons learned, and status of reimbursement associated with the February snowstorms. I want to emphasize again the integration and cooperation that occurred within the National Capital Region to these snowstorms that the cooperation is continuing and we join with others in the region urging the President to draft a state of declaration that would allow for full cost recovery.

Thank you for the opportunity to testify today and I look forward to answering any questions you might have of me.

Ms. NORTON. Thank you, Mr. Kubicek.

Next witness is James K. Hartmann, the City Manager of the City of Alexandria.

Mr. HARTMANN. Thank you, Chairwoman Norton, for the opportunity to appear today before this Subcommittee and discuss the National Capital Region's response to snow disasters.

This hearing is certainly timely, given the unprecedented weather the National Capital Region has experienced, some of the worst weather experienced in this region since record-keeping began.

In December of last year, some 20-plus inches of snow fell on Alexandria, paralyzing our mobility and closing schools, businesses, and government. In February, an additional 40 inches of snow fell. The second set of storms severely tested our ability to respond to a natural disaster of this scale. Fortunately, in the span of time between December and February, the City of Alexandria, like other jurisdictions in the region, evaluated our earlier response and learned many things.

Alexandria learned that our traditional priorities for snow clearing, oriented towards ensuring the integrity of the main transportation grid, didn't make sense if a fire engine, ambulance, or utility truck couldn't leave the primary road and travel into a tucked-away cul-de-sac when a call for assistance was received.

We learned that with more than 12 inches of snow, fire hydrants become inaccessible, particularly after streets are cleared and snow is piled along the curbs where the hydrants are located.

We knew that we don't have nearly enough snow removal equipment to respond to storms of this magnitude. We will never have enough equipment for such a Herculean task, and, therefore, our partnerships with contractors is critically important.

We learned that the employees we depend on for keeping our communities safe don't live in our city; they live in locations outside the urban core of the region, and getting to work in a major snowstorm is dangerous at best, impossible at worst.

We learned that we need to be better prepared as a region to manage disasters like this one and other events that seriously threaten the well-being of our citizens, businesses, and visitors, as well as the seat of our Nation's Government.

And we learned that being accurate in our assessment of the threat is very important.

So by the time the February storms arrived, we were wise and better prepared. We took seriously the predictions and we planned a response structure that would allow us to do a better job in February 2010 than we did in December 2009. Alexandria's response to snow emergencies and all other incidents that threaten the public now begins with a National Incident Management System Incident Command System, or NIMS-ICS. Key staff in the organization has been trained in NIMS-ICS methods, and it is now our default mode of operation. ICS works; it takes away any blurriness about who is in command and what the priorities are for the City of Alexandria.

When the threat dictates, we do not hesitate to open our Emergency Operation Center, our EOC, especially since we do not have a dedicated facility and must convert other space. It is there for emergencies and we use it.

For the February snowstorm, we conducted a full activation of our EOC six hours before the first snow fell, and we kept the center open 24 hours a day for more than a week after the last flakes had fallen. An active EOC provides a touchstone for all of our efforts; it is vitally important to our continuity of operations and continuity of government during a disaster. It was also emblematic of our commitment to restoring our community to normalcy as quickly as possible.

Once the EOC was operational and our NIMS-ICS structure was in place, we could readily make decisions about priorities and resources, which we did continuously.

From the December storm, we knew access to public safety was a far more important priority than access to the Capital Beltway, so our priorities began with the simple: make every street in the city passable for a fire truck, ambulance, or public utility truck. You have all been to Alexandria, and you know what a challenge that can be.

In priority order, after accessibility of our streets came access to fire hydrants, access to sidewalks, particularly in high-density population areas, and Metro stations, and access to storm drains. Alexandria has been known to flood on occasion.

The February storm also presented a challenge we did not experience in the December storm, a threat to our buildings and other structures from the crushing weight of three and a half feet of snow, with drifts up to ten feet in spots. Assessing and clearing snow from rooftops immediately drew tremendously on the resources of the city and our contractors.

Our priorities were reassessed every 12 hour period, in sync with the 12 hour operational periods of the ICS structure. When threats could be cleared, we did so and we moved on to the next priority.

I mentioned a majority of the employees and contractors we depend on to protect and assist our citizens in times of emergency do not live in the city, and with the help of our local business community and our partners in the hotel industry, many of our employees became residents of the city for the duration of the storms.

As the snow began to fall, they stayed with us, working rotating 12-hour shifts for as long as it was necessary, in some cases more than 15 days. They give all government workers a good name.

In the same way that our business community stepped up, so did our contractor forces. Fortunately, for many years we have used contractors to scale-up our workforce when needed. To respond to the disaster, we called upon contractors from the region, but also as far away as Charlotte, North Carolina and Buffalo, New York. They gave us resources to do what we could not have done alone. Most importantly, they helped us to minimize the threat to our community.

I realize I offer a somewhat upbeat picture of the conditions in Alexandria, and it is not an overstatement. The willingness to critically review our actions after the December storm gave us a tremendous boost in our preparation for the events of February 20th. Properly assessing the February event, having proper organizational structure in place to manage the response effort, clearly ordering priorities and using our partners to help made last month's storm the least impactful it could have been for our community.

Of course, not everything went as smoothly as it could have hoped, and it is only fair that I acknowledge those areas where improvements are yet to be made.

While we anticipated this event would cause suspension of service of Metro, the closings of schools, and the shutting of the Federal Government, we were challenged to understand when and under what conditions these services would be restored. We were in some

instances equally challenged to provide the resources necessary to accommodate the restart of services.

In the context of our emergency response to a snowstorm, a decision to open the Federal Government without adequate sidewalk clearing around Metro stations or a fully operational public transportation system resulted in hundreds of pedestrians literally in the streets of Alexandria, an unsafe condition that need not exist.

Decision-making on when to open schools that occurs without the full benefit of information regarding roads, sidewalk, and bus stop conditions is troublesome. Racing to open schools to foster a public sense that a return to normalcy has been achieved is dangerous and threatens the very future of our communities and our children.

For the sake of time, I am going to cut to the closing.

From an administrative standpoint, the current restrictions imposed by the FEMA Snow Assistance Policy are unnecessarily burdensome on the local jurisdictions who must expend significant funds outside their approved operating budgets to address natural disasters of this magnitude.

In closing, I appreciate the opportunity to testify and want to reiterate that the February 2010 snowstorms were not ordinary winter events for the City of Alexandria or the National Capital Region. Indeed, Snowmageddon or Snowpocalypse, as it is now being called, met every accepted definition of a natural disaster. This event quickly outstripped our local resources, interrupted the normal functions of our city for weeks, and led to a sustained recovery effort that continues to this very day. Our commitment to local, State, and regional and Federal partnerships is resolute, and we look forward to a continued dialogue about how we can sustain and improve our positive working relationships.

I would encourage this Committee to recommend to FEMA a revision to their 48-hour reimbursement policy.

Thank you for your time today and thank you for the opportunity to speak. I welcome any questions you may have.

Ms. NORTON. Thank you, Mr. Hartmann.

We are going to go to the final witness. I would like to hear his testimony briefly because I would then like to go to Ms. Edwards for the first questions.

Dr. R. Eric Petersen, the Congressional Research Service. Mr. Petersen.

Mr. PETERSEN. Thank you, Madam Chairwoman, Ms. Edwards. I appreciate the opportunity to appear before you today.

You have asked me to discuss experiences from recent winter storms that might apply to future natural or human-made disasters that affect the National Capital Region. I will discuss that briefly and some other preparedness issues that affect the region.

Response to the winter storms of 2009-2010 may demonstrate preparedness capacity in the NCR in a couple of broad areas. First is the extent of emergency preparedness coordination and communications prior to and during the storms and during the recovery period. It appears that ongoing forecasts, recommendations to avoid unnecessary travel, and, in some instances, where to seek shelter or other assistance in the event of need were communicated as needed. At the same time, among the diverse group of municipal State, Federal, and regional entities, it does not appear that there

is a single entity that can speak authoritatively to all of the issues that may be of region-wide interest in an emergency.

Recovery and resumption of normal activities is another area. Some governmental entities appear to have maintained their operations through the storm, notably, the smaller ones in compact geographical areas such as the United States Congress, while recovery of others may have been delayed or impaired because those entities are dependent upon critical services and access provided by other local or regional governments. While the area around the Capitol was accessible and the buildings open, surrounding roads throughout the region awaited treatment to make them passable and to allow resumption of routine activities.

The storms highlighted a region-wide dependency on mass transit, about which we have already spoken. Also, the storms arguably presented an ideal opportunity for residents in the region to shelter in place according to whatever readiness plans they might have developed.

Now, while those are things that we may have learned from the storm, there are some other elements that the response to the storm did not address.

Storms may not provide emergency planners with an improved understanding about potential response to incidents that could occur with little or no notice, or scenarios that could cause widespread, long, catastrophic consequences of extended duration across the NCR. Shelter-in-place response protocols, by their very nature, do not necessitate significant evacuations; there isn't required deployment of other emergency support processes such as decontamination protocols or need to test the surge capacity of regional medical assets.

There are some other challenges unrelated to the storm. For example, it is unclear what regional plans have been developed; if they exist, to what extent they have been tested and validated throughout exercise and regular updating. If they do exist, it does not appear that they are very well publicized.

It is not clear which entities within the NCR are authorized to order regional evacuations or whether they must consult with other entities before implementing their plans. In the non-Federal sections of the District of Columbia and Maryland and Virginia, it appears that emergency response follows the model specified for responding to disasters in the rest of the Country.

Less clear are protocols for responding to incidents in and around facilities of the Federal Government. All three of the Federal branches—the Legislative, the Executive, and the Judicial—assert independent emergency planning and response authority to those places within the District and the NCR that are under their authority. Of particular note, and where the challenge may be especially acute, is Capitol Hill. Congress oversees a campus that is located in a critical nexus of roads and railways that serve as routes for evacuation and transport of resources to respond to an incident in the District.

In the event of a widespread or long-term incident congressional facilities, it is unclear how that incident would be managed and who might manage it. Immediate response on Capitol Hill is likely to be provided by the United States Capitol Police. In a longer-term

response, authority to appoint an Executive Branch-based incident commander is unclear and may raise broader questions about the autonomy of the Legislative and Judicial Branches to plan and execute their own emergency preparedness programs. On the other hand, the mechanism by which the Capitol Police might acquire and deploy response assets it does not possess is unclear as well.

Similar concerns arise around the White House, Federal court facilities, and some Executive Branch department and agencies.

To conclude, communications and coordination challenges that appear inherent in emergency and disaster response appear to be orders of magnitude more complex because of the diverse responsibilities and independent authorities of the National Capitol Region governing entities and a core set of mutual interdependencies.

I believe it will leave it at that for time purposes.

I very much appreciate, again, the opportunity to testify and look forward to any questions you may have.

Ms. NORTON. Thank you, Dr. Petersen.

Ms. Edwards.

Ms. EDWARDS. Thank you, Madam Chairwoman, and thank you all for your testimony.

I would like to direct my questions to Mr. Muth, as the Director of Maryland's Emergency Management Agency—and, of course, a vote is being called. But I want to focus for a minute on the request that Governor O'Malley has made to the President, because I am unclear as to, one, that we will hear positively and the consideration of the snow events collectively. And I would argue that there needs to be flexibility even in the 48-hour rule because, when you look at the snow from December, then to the two storms later on, it is the collection of that that really had a tremendous impact on all of our services throughout the State and the two counties that I share in representing, Prince George's and Montgomery County.

So I wonder if you could share with us your view of how that flexibility could have assisted in some of our jurisdictions. I would note that Prince George's County, in particular, doesn't actually qualify, and yet there was a tremendous drain on services and response in Prince George's County because of the collective snowfall that we received over this period of time.

Mr. MUTH. Yes, ma'am. Every point you made is very valid, and that was my concern with the policy. Prince George's County, with the new policy, was three inches short of being declared, and the inequity there is it all depends on where you take your measurement. And in this case the measurements have to be validated by the National Weather Service. There are three ways of doing it: you either have a station in your locality that is monitored by the National Weather Service or you have what they call a co-op with somebody that they verify or validate, and then the third is any other source that you have that they feel can be official.

So, in my mind—I also mentioned earlier that this is the only natural hazard that requires a minimum amount of snowfall or, in the sake of a hurricane, you don't have to have three inches of rain before you have a declaration; it is based on the amount of damage that it causes. Snow should be the same way.

And your point is well taken. Both your counties were very heavily impacted. Montgomery County actually had the most power out-

ages than anywhere in the State combined, so it was hit extremely hard.

The letter that the governor wrote to the President asked for the snowfall amounts to be waived and base it on the impact. He asked for the 48-hour rule to be waived. Right now they will only cover 48 hours of snow clearing, even though, in the February storms, we know that went on for six, seven, eight days, and some weeks they were still removing that. And then there were two other areas in that they have asked to be waived.

So we are trying and we are hopeful that the President will see our response. I believe other States have joined us in writing and mentioning their concerns.

The new policy just went into effect in November, and I think Maryland actually was the first State impacted with the storm since it went into effect. FEMA Region III, who we deal with, has been great; they certainly are working with us within the constraints of the regulations, and that would be what we would expect. But I am certainly hoping that Congress can have folks look at this one more time and really look at the impact it is having on the local jurisdictions, especially in these economic times.

Ms. EDWARDS. But do you believe that even the current policy allows the President some discretion?

Mr. MUTH. It absolutely does.

Ms. EDWARDS. So the President could exercise his discretion today with respect to these emergencies.

Mr. MUTH. On any policy. That is exactly right.

Ms. EDWARDS. Let me just, before my—it looks like my time is running out, but before it does, one of the things that concerns me is that in a region like this metropolitan region, where we are simply not accustomed to experiencing these kind of events, that measuring it by the amount of snowfall or snowfall compared to some other time is not, I don't believe, the most efficient way to determine that we have experienced an event that has placed a great burden on the jurisdictions; and that is my concern with having a fixed policy without exercising that discretion, because if we had had the same snowfall where I went to law school up in New Hampshire, no big deal. But it is a big deal for this metropolitan region.

Mr. MUTH. Yes, ma'am, you are absolutely correct. The policy was designed and written, in my opinion, to remove snowfall as a declaration issue. They wanted to remove it altogether so you no longer could declare, and you can see that today, where you have to have a record snowfall. With this snowfall, it hasn't had a snowfall in that degree in over 120 years, so they have successfully now taken the State of Maryland out of any future snowstorms, because we will probably never see it again in our lifetime, anyway.

Ms. EDWARDS. Thank you.

And thank you, Madam Chairwoman.

Ms. NORTON. Thank you, Ms. Edwards.

I am going to ask Mr. Diaz-Balart, in light of snow conditions in Florida, whether he has any questions for us.

Mr. DIAZ-BALART. Madam Chairwoman, I have such expertise of large snowfalls, coming from southern Florida. I actually don't have questions. I do want to first once again apologize; I did have to go

to the floor and I did mention you because it was a bill that I know you care greatly about, and I know that if you weren't chairing this very important Subcommittee, you would have been there as well. So I just want to apologize for not being here, but I know that you understand why I had to be on the floor. And I mention the fact that you would have been there as well if you didn't have this very important Subcommittee, so I apologize.

Ms. NORTON. I thank the gentleman for doing so. I could see by the monitor he was on the floor and the bill had to do with the naming of a courthouse in Mississippi where I went, as a student in SNICK, after the three slain civil rights workers. Only my official duties could have kept me from the floor, and I can't thank you enough, Ranking Member, Mr. Diaz-Balart, for mentioning why I was not there.

Mr. DIAZ-BALART. Thank you, Madam Chairwoman. And I want to thank again those who participated in this hearing for being here today, and I wanted them to know that I wasn't here not because I didn't think this was important. And if anybody could have learned something today, it would have been me, coming from South Florida, but, again, our other duties forced me to not be here. So thank you, Madam Chairwoman.

Ms. NORTON. Yes, Mr. Diaz-Balart. I want to say we have learned much from you and from, really, the model work that the State of Florida has done in all hazards, and although you have different kinds of hazards, the District of Columbia and the entire region has much to learn from the way in which Florida, over the years, has developed a system statewide and within its local jurisdictions for dealing with hazards much like what we experienced here this winter. So I certainly want to thank you.

Let me go to General Schwartz first. How many members of the D.C. National Guard were deployed during the December and February snowstorms, General?

General SCHWARTZ. Madam Chairman, we had 203 members of the D.C. National Guard that were involved in this snow blizzard. Not all of them were on the streets, but we had folks in our operation centers and trying to keep those Humvees running, the maintenance folks.

Ms. NORTON. What kinds of things were they doing, General Schwartz?

General SCHWARTZ. They were deployed to the precincts around the District. They were responsible for moving emergency personnel. Even emergency personnel from Maryland who work in the District, we covered some of them and took them to work.

Ms. NORTON. Now, Mr. Muth and Mr. Hartmann, in your cases, were the Guards called out by the governor?

Mr. MUTH. Yes, ma'am, in the State of Maryland they were called out by the Governor.

Mr. HARTMANN. And the City of Alexandria, we made a request for assistance from the Virginia Guard and did receive that support.

Ms. NORTON. So the governor did call out the Guard?

Mr. HARTMANN. Yes.

Ms. NORTON. Now, of course, the mayor of the District of Columbia cannot "call out the Guard," and I do have a bill, as you are

aware, General Schwartz, to give the mayor of the District of Columbia the same authority to call out the Guard in a natural disaster, rather than to proceed through the President of the United States. If the mayor were to ask you, as he would—well, first of all, I want to know the difference between what the Guard could have done had it been called out and what it did, given the authority you have without a presidential call of the Guard.

General SCHWARTZ. Madam Chairman, there would be no difference. What I have done within the D.C. Guard is to place a person working in HSEMA to support all of the planning efforts that they would need to use the Guard, and I was leaning forward to help them right from the beginning.

In the case of an emergency, however, in the District, like the Metro situation, I have the authority to push Guardsmen out to that emergency immediately, without asking the President of the United States whether or not I can.

Ms. NORTON. Well, I think you are making a good case for why this is an artificial distinction in the District of Columbia between the President calling out the Guard and your simply going out and doing it.

I take it did the mayor ask you to come forward and do these things, Ms. Williams?

Mr. WILLIAMS. Yes, ma'am, the mayor did make the request through the Homeland Security and Emergency Management Agency to the D.C. National Guard, and then the Guard went through their process of approval and informed us that they would be able to provide the necessary support that we would need throughout the duration of the snowstorms.

Ms. NORTON. So I just want to say for the record that I believe this demonstrates that this antiquated notion that is a pre-home rule notion, when in fact the whole District of Columbia was a Federal entity, much to our regret, but it was, is now a home rule jurisdiction. It does seem to me that at the very least, in a natural disaster, when the President of the United States knows very little about what to do,—if he will forgive me, good friend of mine that he is—but the mayor of the District of Columbia knows more about what to do in a hurricane or a snowstorm, and just to go straight to General Schwartz and say bring the men and women out. I know well how extraordinary their service has been to our city and, indeed, to the Country.

I know you welcomed home 100 soldiers from Iraq. I look forward to being at their official homecoming later on. Very glad to have them all back here safe and sound, particularly since most of what they do they do here, stateside in the District of Columbia and throughout the region.

In that regard, if the mayor requested—and this is another irony, which is why it seems to me my bill is relevant to just put the Guard under the mayor as the Guard is under the governors of the adjacent States—if the mayor did in fact request personnel from Maryland and Virginia, if you look at the compact, the compact specifies that these Guard members from Maryland and Virginia would fall under the "operational control of the District's Emergency Services Authority." So it doesn't say will fall under the operational control of the National Guard. And yet these are National

Guard troops, so, in effect, this compact would seem to supersede, if not override, the rather artificial process we have in place.

I certainly appreciate the alacrity with which you have worked always, General Schwartz, within the rules, but quickly to support the District of Columbia.

Mr. Kubicek——

General SCHWARTZ. May I respond to that, because——

Ms. NORTON. Certainly.

General SCHWARTZ. As members of the National Guard coming to the District of Columbia to perform duties just like they did for the 56th Presidential Inauguration, they fall under the control of the commanding general of the District of Columbia National Guard, especially that they are coming in under 502(f) funding requirements, which is a Federal funding line. The way the Emergency Management Assistance Compact works is that they fall under State active duty if they go to other States, which means those States fund the services of those Guard members. But because they were under 502(f) coming into the District of Columbia under a Federal clause, they fall under the command and control of the commanding general of the D.C. Guard.

Ms. NORTON. Thank you, General Schwartz.

Mr. Kubicek, I think it was Mr. Hartmann who testified about severe stress put on the City of Alexandria because of the failure to clear around Metro stations. Could you comment on that?

Mr. KUBICEK. On our part, we do keep our stations, around our general station areas, clear on our part, but you have to work, I guess, on a collaborative nature to get the streets and everything else cleared and——

Ms. NORTON. Collaborating with whom?

Mr. KUBICEK. With all of the local jurisdictions throughout the region.

Ms. NORTON. What do you do to make sure that your emergency personnel get to where they can clear the streets or, for that matter, operate the Metro or your buses? How do they get there?

Mr. KUBICEK. On our part, for example, with the rail operation side, again, we get there via rail or heavy equipment. From a bus operations perspective——

Ms. NORTON. No, no. I am trying to find out how your workers get to where they could clear Mr. Hartmann's Metro stations and how your workers get there so they can run the railroad, if you will forgive the expression. How do they get to work? They all would seem to be emergency workers of one kind or another.

Mr. KUBICEK. Yes, that is correct. We do have various heavy equipment which permits us to operate through some very high snow areas. We do not have a full complement of it, so we have to work on our best case basis on where we can address areas with our equipment, and it just takes time——

Ms. NORTON. How do your workers get to work, Mr. Kubicek?

Mr. KUBICEK. How do they get to work?

Ms. NORTON. Yes.

Mr. KUBICEK. During this snowstorm, for example, we operate 12-hour shifts. We did afford opportunity for individuals, we put people up in hotels close to their work area.

Ms. NORTON. That is what I am after.

Mr. KUBICEK. Okay. All right.

Ms. NORTON. You do have a way, when you have the kind of notice——

Mr. KUBICEK. Yes.

Ms. NORTON.—of a severe storm, to simply keep people where they can be reached and do their jobs.

Mr. KUBICEK. Yes, that is correct. And then we also put up our individuals or employees at some of our work locations as well. So we try to keep them in their respective region, where they report out of.

Ms. NORTON. Well, Mr. Hartmann, you talked about the crowding of your residents onto the streets of Alexandria. Would you elaborate so that we could have a clearer sense of what happened?

Mr. HARTMANN. Certainly I will, because I was the incident commander for the city and I was on the ground at the time, each and every day, as we were doing our situational awareness and our various assessments. It was basically one that we had a lot of demands out there in the public and probably not as much resources for all the multiple priorities that we had. Certainly, our priority to make sure that we have emergency vehicle access to all the various residents and businesses in the city was a monumental task. But at the same time that meant that we had to divert those resources that would normally be doing sidewalks, even the Metro center lots and so forth.

Ms. NORTON. Wait a minute. Who is supposed to do the Metro center lot, you or Metro?

Mr. HARTMANN. There is a portion of it that Metro takes care of and, of course, we take care of all the infrastructure coming up to that. Sometimes there are some pretty seamless borders there, and I think our overriding—our joint priorities are done fairly well. But in a case like this, and with these storms—and I think what I was suggesting in my testimony—there is an expectation that one has to make with the reality of the amount of resources that we have and truly the public safety. So sometimes things are opened up earlier than were actually ready for them, and I think that is a lesson learned for all of us in the region that we need to do on a case-by-case basis. For instance, the Braddock Metro Station may have been ready much earlier than the King Street or vice versa and so forth. And I think we will certainly initiate that dialogue and have better dialogue. Hopefully we will never see another set of storms like this, but if we do, I think that was a lesson learned for us.

Ms. NORTON. Was Metro on these so-called COG calls, Mr. Kubicek?

Mr. KUBICEK. Yes, ma'am.

Ms. NORTON. Why didn't that help, for example, to divide out who would be clearing, who had employees near enough to clear some stations, whether it was a local jurisdiction, for example, or Metro employees? I mean, are those calls used for such practical nuts and bolts notions as that?

Mr. KUBICEK. On the COG call at that level, it is generally a little bit higher level. Basically, you are trying to assist the overall status of the region as a whole. For example, with WMATA, we would focus on like our stations and our bus bays. That would be our primary response. But then we would also be coordinating with

all the other districts and regions to see where they are at with their streets. There is sharing of materials like salt and such. So, again, we would first prioritize bus bays, station access and stuff, and then we would also start evaluating the ability to get to and from the station via the bus bay with the local jurisdictions.

Ms. NORTON. This gets to be quite complicated.

Mr. KUBICEK. Yes.

Ms. NORTON. There is not a lot of discussions across jurisdictional lines.

Mr. KUBICEK. Yes.

Ms. NORTON. I am concerned, for example, that Metro heroically opened its subways and then finds out that nobody can get to them because the snow may not be cleared because there hasn't been sufficient communication on the ground to get to them. It does seem to me that the real test of emergency planning is detail and only detail. Everybody can get on the phone and talk about it is going to snow tomorrow. What residents want to know is what you are going to do about it on their block and at their Metro station.

If that planning at that level has not gone on, and it is my impression from this testimony that the linking up, for example, of subway stations with on-the-ground conditions getting there, that that kind of detail has not had to be done before, I would certainly ask that perhaps through COG, and with Metro very much included, that that kind of very detailed on-the-ground planning—that is how the military does it. They don't say let's throw a bomb and just see where it hits; they are down to the ground of the ground of the ground level. Just ask General Schwartz. And I am afraid that that is what this is, it is a war against the snow, and the snow has a whole lot more on its side to win, as we have learned.

Yes, you are right that we may never get this again, but this is the time to learn from what we have gotten, and our concern here—because we do have jurisdiction over not only natural events, but manmade terrorist events, is gets scarier and scarier as we try to apply what happened here to something that paralyzed the region against what would happen if this were a terrorist event.

We really don't expect that there would be a terrorist event that paralyzed the region the way a snowstorm does. We really don't. We have all kinds of scenarios. But we don't expect some kind of nuclear attack here that would send everybody. We do expect parts of the region to be paralyzed, to be incommunicado with other parts. So we are using this very much as a test for all hazards.

And, of course, we are very concerned, Mr. Kubicek, about WMATA because WMATA is central to everything that happens, public and private, in this jurisdiction. Now, you have a so-called severe weather plan. What is that?

Mr. KUBICEK. On our severe weather plan, we cover like snow events, ice events, hurricanes. Basically what it does is it puts us to a state of readiness and preparedness whenever we see an upcoming weather event that is going to impact our service. And we will get our plant maintenance people involved, our bus operations, our rail operations, our general maintenance staff, and it is a coordinated effort, and also it goes through multiple departments for resources, if we need support from our procurement side to go and

buy additional resources or you have to get a special exemption for us to go out and use additional P-cards. So it is really a readiness document. It is something that we evaluate on an annual basis. It is an evolving process and we kind of treat it as a living document.

Ms. NORTON. Mr. Kubicek, I am a native Washingtonian who spent some of the best years of her life in New York City. I don't recall ever seeing New York City's subways ever close down. Hardly does the city close down, but I was there when there was a very severe snowstorm. I don't recall ever seeing the subway close down. Now, that is a very much older system, maybe the first in the Country. I know Chicago's is also older and gets far more inclement weather and snowstorms.—I also know that both systems ride significantly aboveground in parts of the system. Why can't Metro ride overground and underground during a snowstorm?

Mr. KUBICEK. Well, part of it on a storm this size, we have to really look at the type of equipment that we have been provided with to work with at this time.

Ms. NORTON. So it had to do with the size of the storm.

Mr. KUBICEK. Yes, the size of the storm. Typically, if we get two to four inches or upwards of six inches, we are going to do just fine. We have an area where we kind of call it like an eight inch rule. Whenever we start getting accumulation of snow above eight inches, that is when we start getting into a lot of problems.

Ms. NORTON. What are the problems? You can ride the train. You clear the tracks, I guess, when they are two inches. Why can't you clear the track when they are eight inches, as you say?

Mr. KUBICEK. Depending upon the snowfall, if it starts getting above eight inches, then it starts coming into contact with the third rail, which provides the electrical supply to the railcars, and whenever you start running into that area, you are basically scraping water and you are creating direct shorts.

Ms. NORTON. What do they do in New York? Don't they have a third rail there too?

Mr. KUBICEK. They do have that. They have different snow removal equipment. Some systems don't have cover boards. We have cover boards on our system and those are good and bad; in one way they help us keep from snow falling on the third rail, but if you have a lot of blowing snow and stuff, it kind of catches it and it gets impacted. And then it also has the potential of damaging the equipment on the railcars, it can knock off the electrical collectors.

Ms. NORTON. So your testimony is that absent a really heavy snowfall, you think that our trains can ride above and below ground at the same time?

Mr. KUBICEK. Yes. Our system, in the 8 to 12 inches, we are going to be able to operate with what we have. It is just that whenever you get into an area where you are starting talking about 15 to 20 inches of snow blowing and drifting—for example, we had areas of the system where we had our portals and we had kind of like a Venturia effect, and we had snowdrifts above 15 feet tall that accumulated very quickly. So there are going to be some interruptions to that.

Ms. NORTON. Mr. Kubicek, what are your estimates of what FEMA may reimburse WMATA for?

Mr. KUBICEK. I know what we have submitted at this point in time has been around $9.4 million in our damages. We are still working on the collection or the finalization of our numbers, but that is at least what we have attributed to this storm at this point in time formally.

Ms. NORTON. Are you talking about only the December storm or are you talking about both storms?

Mr. KUBICEK. I am just talking about February.

Ms. NORTON. Sorry? February?

Mr. KUBICEK. The February storm.

Ms. NORTON. What about December?

Mr. KUBICEK. At this time, the estimate is around $1.7 million.

Ms. NORTON. Well, let me ask you whether—I had assumed without knowing, therefore, I want to ask the question. Since WMATA is, under the Stafford Act classified as a local entity, and since it knows where it collected the snow and what the damage was, I want to know what your view is of having to go through each local jurisdiction in order to make you application for reimbursement.

Mr. KUBICEK. On that, I guess I could see pros and cons.

Ms. NORTON. Would you give us both, please?

Mr. KUBICEK. Give both, okay. I guess the pro to that is that since we are intertwined with our respective regional partners here, we communicate on resources and staffing and stuff.

Ms. NORTON. So have you used local resources sometimes in order to keep the trains running?

Mr. KUBICEK. Not for the trains, to keep running and stuff, but say, for instance, in bus operations we might coordinate with other police departments and events. So there is a lot of intercommunication keeping these various systems running. So there is a lot of information that is shared.

I guess from a pro standpoint, or looking at it from the opposite side, is that, us having the ability to apply for it directly in some ways would lessen our paperwork and processing going through the bureaucracy. But I am not really sure if that would deter from other regions.

Ms. NORTON. I am literally trying to find, I exercise a presumption against paperwork. I am a Democrat. I like government. People hate government in part because they see barriers for which there has been no explanation. So if there is an explanation you have given of some sharing of funds, I can understand that, but I know he has jurisdictions.

Would you prefer, given what you are having to do with respect to your own jurisdictions, Ms. Williams, Mr. Muth, Mr. Hartmann, would you, given your relationship with WMATA, prefer that WMATA come through you in trying to get its expenses due only to it? And if so, why?

Ms. WILLIAMS. I can certainly speak, of course, for the District. We work very closely with WMATA every day, and so I believe that we have a tremendous relationship from everything to making sure that we notify residents in the area of train delays, to providing guidance to WMATA regarding places where we see there being problem areas related to snow removal.

So that is something that was ongoing throughout each of the storms. And we worked very closely with them to try to provide in-

telligence that would help them to help us to inform residents about the capabilities of the system.

As it relates to the reimbursement request for WMATA from FEMA, we have worked very closely, again, with WMATA representatives to ascertain the costs that were associated to the District or attributed to the District of Columbia's rail lines that went either to Virginia or to Maryland, and have been able to very closely divide up that piece of the pie that is the District's responsibility.

Certainly, it is our hope that we would be able to work very closely with FEMA to be able to help WMATA to realize the full reimbursement or at least the allotted reimbursement. I don't see it as being a tremendous challenge in terms of its practice. Theoretically, I can see it being burdensome for WMATA in that they would need to do the same exercise three times. So that could, of course, present a challenge.

There has been an opportunity for WMATA to work very closely with the District to actually combine all of those efforts and use just one State administrative agent. I will use that term because we do that with other Federal funds, and that was back in 1996 when all three jurisdictions actually did report through the District of Columbia for WMATA to be able to realize its reimbursement.

Ms. NORTON. They report through the District of Columbia, then?

Ms. WILLIAMS. That did happen one time. Yes, ma'am.

Ms. NORTON. In relation to a snowstorm was that?

Ms. WILLIAMS. Yes, actually, it was.

Ms. NORTON. I wonder, Mr. Muth, Mr. Kubicek, is there any sense of that this time? Or is everybody just going to have to put in their funds? What is your view of this, Mr. Muth?

Mr. MUTH. Yes, I actually agree with Ms. Williams. We just look at WMATA as another entity that is applying through us, another sub-grantee.

Ms. NORTON. Just like Alexandria?

Mr. MUTH. So it really would not impact us. I can certainly understand the additional paperwork, though.

Ms. NORTON. You are a pass-through because whatever Mr. Kubicek tells you, you just have to pass that on.

Mr. MUTH. That is correct.

Ms. NORTON. You are not going to get into any arguments with them.

Mr. MUTH. No, and actually FEMA is going to be coming and interviewing them, not us. So they will sit down with them, go over their records and that is what will be submitted. So we are just to pass through the SAA for them. So I think we are fine as far as it goes right now.

Ms. NORTON. We are only interested in what is the fastest, best practice.

Mr. Kubicek, you said in order to get what you are calling the full reimbursement, there would have to be a change of FEMA's snow policy. In what respect are you speaking?

Mr. KUBICEK. Just like everybody else, they are limited to this 48 hour rule. And so whenever we go through and we do our cost assessment of this $9.4 million that we are looking at, it is really

over the span of the storm. It is also the impact of our project and any sustained damage.

Ms. NORTON. Are you aware that FEMA can extend the 48 hour rule to 72 hours?

Mr. KUBICEK. Yes, we are aware of it, but this point in time, that is what we are working off of and we are hopefully optimistic that it will be extended.

Ms. NORTON. Are any of you in the midst of asking for an extension to the 72 hour rule?

Ms. WILLIAMS. The District of Columbia is seeking to have some leniency as relates to the 48 hours, as well as to the snow of record. That is something that is probably more problematic for States in terms of contiguous counties and their snow record requirements. But in February, as we know, there were technically two storms, and we were given the opportunity to either file a request for a declaration as one storm or two storms.

If you go with the two storm scenario, you actually only have one storm that allows you to have that snow of record because in the second storm, the one that started on the 10th, while you didn't have the accumulation, you did have the blizzard conditions which is what made it more hazardous.

So there were lots of challenges that made the February snow event much more challenging than the December snow event, down to the type of snow. It was a heavier snow. It was a wetter snow. It was much more difficult to remove, which was why you had so many snow-packed streets.

As we have mentioned, there are obvious differences to our snow removal preparation just in terms of equipment versus a Northeastern State or location. I am originally from Buffalo, New York so I know that 20 inches is nothing. And I would be at school the next day and wondering how that happened so quickly.

But you have a difference in the type of geography of the city, the layout of the city. We had driveways. We had wider streets. The city was prepared for snow events. In the mid-Atlantic, we are simply not prepared for that and I believe that most jurisdictions or all jurisdictions did as much as they possibly could, and sought resources through either the EMAC Compact or just relationships and reaching out and picking up the telephone and finding friends in neighboring States that would be able to provide support.

We had support come in from Boston at the far end of the snow event, but there is the possibility that the expenditures that the District of Columbia would incur for having those additional capabilities brought in would not necessarily be covered, given the limitations of the FEMA snow removal policy.

So there is some question around the interpretation of the policy, the 48 hours, the 100 percent versus 75 percent, and so that is part of why we have made requests, first of all, for clarification and then for extension of the time period that we would be able to request reimbursement for.

Ms. NORTON. Well, I am not sure it will be done, but there are circumstances under which the State share can be waived.

Ms. Williams, there is a regulation in the District of Columbia, and understandably so, that residents must clear their own sidewalks. We don't have any jurisdiction over the Federal Govern-

ment. Did the Federal Government clear in front of Federal buildings systematically throughout the District of Columbia?

Ms. WILLIAMS. It is my understanding that the Federal Government's facilities were cleared. There were some instances where we received phone calls at our unified command center with some concerns around sidewalks, but it was just a matter of us picking up a telephone and making a phone call and asking that people give attention to areas that perhaps had not been given the appropriate attention.

There were also several opportunities for the District of Columbia's contractors and/or employees to provide support to Federal Government by helping with clearing activities of roads around facilities so that employees would be able to traverse to and from their places of business.

Ms. NORTON. Now, for you and for Mr. Muth, I have a question about how the local jurisdictions decided to close down the government, because there was a difference, now we understand the different jurisdictions and the different rates of snowfall because all of that is understood.

The District of Columbia, for reasons that also ought to be clear, is often able to stay open longer. That is the advantage of living in a city with public transportation. And even under the worst conditions, it is better public transportation than other places.

And as I understand it, for all but two days, the District remained open, but one of those days seemed to show very little regard for the very questions I put to the Federal Government, which is: How in the world do you expect even your emergency service people to get to work? And apparently, the District incurred a lot of criticism on one of those days for keeping the government open when it looked like everybody else, including the Federal Government, was closed down.

Now, let me ask you, have you had any communications with the other jurisdictions if you believe it might have been wiser to close it down for at least the day that the whole region was paralyzed? Would you do it differently on that day?

And why you, Mr. Muth, decided to close on that day? Was there any conversation across jurisdictional lines so that people could have learned from others' experiences? For example, Maryland and Virginia ultimately got more snowfall than the District of Columbia did. So if you could explain how you decide when the government when the government will be open?

And I would also like to ask both of you how emergency service workers will get to work, because they apparently must come to work in any case.

Ms. Williams, do you want to start?

Ms. WILLIAMS. Sure. Certainly, we are reviewing our actions of both of the snow events to make sure that going forward, we are engaging in practices that, of course, or really do take into account what is reasonable and what we can fully expect employees to be able to do.

I believe that part of our reason for moving forward with opening government was based on our assessment of the facilities that employees would be going to, and many of the main arterial roads

that there would be the opportunity for employees to make in to their places of work.

Ms. NORTON. Well, of course, notoriously, much to our regret, but there is nothing you can do about it, the great majority of your workers don't even live in the District of Columbia. So you can open all the arteries you want to, and nobody may be able to get to work.

Ms. WILLIAMS. And again, that is something that we are looking at as we analyze our after-action reports and look at the information that has been provided to us not just from District government agencies, and not just from our partners in the region, but also from residents who are sharing with us their concerns about things that they felt that we could do better.

We want to make sure that we are listening with very open ears and not looking with jaundiced eyes at the opinions of folks who may have felt that we probably should have done some things differently. We don't claim to be perfect, and certainly we are learning every day.

There was information that we had based on what we witnessed ourselves that made us feel confident in opening. If we had the opportunity to do it again, I am not sure that the decision would be the same. But our commitment was to make sure that we would be able to provide continuous city services to residents, businesses, partners of the city who needed to have that. And so that is why we worked very hard to make sure that we could open.

But again, we are looking at all of our activities to ensure that in fact we were doing the things that were in the best interests of the communities that we serve.

Ms. NORTON. Well, I appreciate the way you are using the experience to try to figure out how to work the next time.

Before you answer the same question, Mr. Muth, may I ask if all the jurisdictions, and it is Ms. Williams' testimony that reminds me of this question, are doing after-action reports so that internally you can learn from this experience?

Mr. MUTH. Yes.

Ms. WILLIAMS. Yes.

Ms. NORTON. This is very important. It makes you think what to do again.

Mr. Schwartz, if you won't mind my constantly referring to the military, the military doesn't even win a battle and said, okay, everybody, let's pop the champagne. The military comes back and says, we won the battle; now, what did we do wrong? I am not trying to militarize the jurisdictions, but the reason that the National Guards and the Armed Forces of the United States have been so successful in their work is they are not in the self-congratulatory business. They leave that to us and they know we love them and appreciate them, just as we do our emergency service workers. But they come back even from a successful event, much less an untoward event like this, and yes, figure out what they did right, but are far more interested in what they could have done better.

Mr. Muth, would you like to answer the same question I asked Ms. Williams?

Mr. MUTH. Yes, ma'am. Regarding the decision to close government, that is basically made in concert with a bunch of different

directors of agencies, Department of Budget and Management. I was asked my opinion from a public safety perspective.

Ms. NORTON. So that is raising an internal matter as opposed to whatever the other jurisdictions are doing.

Mr. MUTH. Right. But what I found in even my experience at the local level, many times they will look for the State to be the lead. So if the State is going to close or liberal leave for their employees, many times the jurisdictions will follow suit, not always, but many times they will.

But we do offer liberal leave, which an employee if they can't come to work for whatever reason, they are just charged the leave day, a vacation day or whatever so it gives them that option.

As far as essential employees go, though, we are required as essentials, as everybody else said, to be there. I spent 30 years in the Fire Department and I remember many times getting to work 12, 15 hours before my shift started because a storm was coming because that was my responsibility.

At our Emergency Operations Center, I spent over 96 hours straight there, as many of my staff did, and we bunk out in the offices, in the rooms and those types of things.

Ms. NORTON. Now, who stays in place as a staff, is what you are saying.

Mr. MUTH. You get there and you stay there. And that is the responsibility of the critical public safety agencies. I am not sure that will ever change from that degree.

Ms. NORTON. Mr. Kubicek, you mentioned in your testimony an issue that raises a chicken and egg question for me. You spoke about the snowfalls, briefed by the National Weather Service, and then looked at individual conditions and operational decisions. For example, you say, are schools or other bus systems open or closed? Mr. Kubicek, I submit that they are looking first to see whether you are going to be open before they make a decision whether they should close. Who ought to act first, given the importance of WMATA to all that happens in the region, WMATA or the local jurisdictions?

Mr. KUBICEK. It is WMATA. I mean, again, we understand our importance in this region. If we do close or we are opening up early or late, it has a ripple effect throughout the entire region. So this continuity of operations is very, very important for us, the overall communications.

And again, we are also dependent upon the jurisdictions, be it Virginia or Maryland or the District of Columbia. As these storms and stuff role through here, we have to communicate with them in different factors to see what the status is taking place. We might be getting a lot of snow in Virginia. In Maryland, it might be a little bit clearer and a little bit slower. So it is really monitoring these things and communicating on an hour by hour basis sometimes.

Ms. NORTON. Mr. Kubicek, given the fact that your Metro line, even your buses often travel through multiple jurisdictions, what difference would it make if the schools were closed in the District but open in Maryland? What difference would that make since you will have people from the District, for example, the personnel having to go. We have reverse commuting throughout this region.

I am not sure what difference it makes what is open in each jurisdiction to whether or not WMATA's buses and Metro lines should in fact continue as if this were any other day of the week.

I understand everybody needs to know whether WMATA is open or shut, but you see that even closing down your above-ground closed down the Federal Government. So if I am a local jurisdiction, what do I first want to know? The first thing I want to know is, is WMATA open and are the buses running. Then it seems to me a whole set of other things fall into place.

Do you operate first and foremost understanding your effect on the rest of the region? Or do you look to the region and what it is going to do in its various locations in deciding how you should operate above ground, below ground, how much below ground, how much you can still operate, et cetera? I mean, which comes first? Do you see yourself as the first and primary actor? Or do you simply see yourself as a partner along with the rest of the other jurisdictions?

Mr. KUBICEK. I see ourselves as a very important partner. We take our role extremely serious in this overall process. And as we evaluate our services, we also understand that we do not want to be operating in a condition where we could not be supported by them.

For example, the operations of whenever we had like really heavy, aggressive deep snow, if we go out there and we strand a rail car or, say for instance, you have a catastrophic type event, you are going to tax these other regional services to support us.

So we are doing our safety first, primary, to make sure that can operate efficiently and effectively. But at the same point in time, as we move forward with our operations, that we will task other resources and we have to very conscientious of that as well. So it is a very fine line.

Ms. NORTON. I do know you to some extent tax other resources, and I do want to say for the record that I regard WMATA employees as nothing short of heroic. And I saw what you did during the unprecedented inauguration. I have never seen anything like it. That whole inauguration was an emergency for you.

And I do know that you operate these trains when many think they would not be operating. But I am concerned that WMATA be understood for what it is, given a region without borders, perhaps the first among firsts.

I do want to ask you, Ms. Williams, the difference between the District's so-called snow plan and its response plan. Because as we understood it, the snow plan came under the Department of Transportation, which is not an emergency management agency. Whereas the direct response plan comes under you, does it, and your agency?

Ms. WILLIAMS. The District response plan is administered and managed by the Homeland Security and Emergency Management Agency. He snow plan that is managed and developed by the Department of Transportation in close consultation with the Department of Public Works, is but a portion of the overall District's response plan.

So the District response plan does address the all hazards approach to preparedness. And so any agency that has an emergency

response plan or a COOP plan is subject to the District response plan.

So depending on the type of event, there is a different lead entity for the actual response. In the event of a snow event, the lead entity for the District of Columbia was in fact the District's Department of Transportation, in close cooperation with the Department of Public Works. And they helped to lead that effort in terms of snow removal. But every other aspect of the overall response was something that was managed by the District of Columbia's Homeland Security and Management Agency. And in fact, we helped to inform the snow plan.

We were involved in all of the snow planning meetings. Likewise, the Department of Transportation and the Department of Public Works are involved with all of our emergency planning meetings, as are all of the other 16 ESF, or emergency support functions, that are operating here in the District of Columbia.

So it is a cooperation. It is a cooperative agreement. The snow plan is something that is a requirement. I would dare say that every jurisdiction has one or something similar to it, just as we have a flooding plan, just as we have a plan around removal of garbage. There is a plan for everything.

The hope is that we are exercising those plans effectively and making sure that we are meeting the objectives of those plans.

Ms. NORTON. Do the other jurisdictions have snow plans apart from their response plans or as part of their responsibilities? Ms. Williams has testified that essentially, as I take it, it is a subset of your emergency response plan to have a snow plan.

Do the rest of you have a snow plan as well?

Mr. HARTMANN. Madam Chairman, in Alexandria, I think we have our typical snow plan which is probably eight to 12 inches and less. But since December, we have developed a whole other set of planning which shifts us from a transportation-oriented plan to one that is definitely public safety-oriented plan.

And I think we are all probably together reevaluating all our plans in light of this incident. And I think through the COG and a few of us meet on a monthly basis, Ms. Williams and Mr. Muth, we meet every month and we talk about these things. And we know that we want to prepare the best we can for this region. And this past occurrence has really kind of caused us to, I believe, and I will speak for all of us, and correct me if I am wrong, look back at these plans. And I think your calling this hearing today was another catalyst for that.

Ms. NORTON. Thank you very much.

Mr. Hartmann, I did want to clarify for the record how a city which, and a given State—let me give you the law professor's hypothetical—an emergency may occur in one part of the jurisdiction and the rest of the State be left free of it. That certainly was the case in 9/11.

So let us assume you have a snowfall that cripples, as this snowfall did most of the region, somehow manages to cripple Alexandria, but the rest, Fairfax is going fine and the rest of the State is fine. Yet you must go through the State because it is State entities that are recognized under FEMA, except for local entities like WMATA.

How does a city work to make sure that in your cases the Commonwealth in fact asks correctly for what has occurred? Has the Commonwealth been involved because it is a major event? Does that take care of it? How does the city make sure that it will be reimbursed for what it had to do and the expenses it laid out? Or does the State, in your case the Commonwealth, pick up most of the cost?

Mr. HARTMANN. Well, a couple of nuances that are important with Alexandria. We operate under a charter and we are an independent city in Virginia, which means that we also have no county overlay for us. But we also a Dillon's Rule State, which means that the State has a lot of control over what we do.

The State is very much a partner with us. The State of Virginia Department of Emergency Management, we are able to request of them, as we had done in the February storms. Certainly through the EMAC process we did a request for additional resources and received those.

They were not experiencing the same level of emergency in Richmond that we were, but they were very much a partner, and that really worked real well, frankly.

On a typical basis, however, Northern Virginia has another system, especially where it involves mutual dispatching of fire and EMS assets. So at any one time among Fairfax, especially among Fairfax and Alexandria and Arlington, the closest available unit for any fire call or EMS is initiated through all three dispatch centers for Northern Virginia. It is something that is very good and robust. We don't do it as much with law enforcement, but we have much better coordination.

And in fact, the mutual aid agreements that we have with Maryland and D.C. are probably unmatched anyplace in the Country. And again, a lot of that I think goes back to how we operate as a regional system, the lessons learned from 9/11, our continuous partnerships with Maryland, Virginia, how we all coordinate together, the senior policy group and all the chief administrative officers.

It is truly a robust system and I think part of the reason my name may have gotten on this list is because I am one of its biggest fans and champions. I think we have got great partnerships that we can only make better. And I think we also know that when we run into obstacles that don't serve us, we can also collectively figure out how to get around those obstacles.

So the Virginia piece is the Virginia piece, but we have the other side of the river as well that is just as important, because we all know that when big things happen, they happen to all of us and we all have to be in a position to support each other.

Ms. NORTON. Yes, thank you. It is good to hear because it is not unique that you have local entities within a region that must cooperate, but I do not believe that there is any region in the United States where you have three States essentially together. And what happens in one, especially with respect to natural events, happens in another, and you better realize it. To invoke jurisdictional boundaries then would be itself a disaster.

I only have a couple more points. One is something that almost all of you have raised about criteria, the criteria for measuring

when a disaster occurs with respect to snow. Now, I want you to know the Subcommittee has sat through many hours of hearings from jurisdictions across the Country. They always want more money, and the Federal Government's job is to contain disaster. The Federal Government is not there to do all that must be done to clean up for disasters.

That is why you need a presidential—most emergencies don't have anything to do with serious damage, flooding and ice storms, and yet we are not there because the State is supposed to take care of that. And believe me, coming from this region, I am with you to try to think whether or not this severe storm guidance is fair. And I would only invite you, because I have heard your testimony, to consider what the Subcommittee has to consider. If not X, then what?

I heard Mr. Muth's notion, well, the only event which measures it by a quantity, but that is because we have other ways to know whether or not a flood does damage. And it would not be, a heavy rain would not tell us if we measured by the inches of rain virtually anything about damage. So there are other criteria we can look for when it comes to flooding.

And we know what we pay for since we pay for some property damage. We pay for some public works damage. And of course, in the case of snowfall, what are we really paying for? We are trying to get people from A to B. And so one of the things the Subcommittee has to consider and that FEMA has to consider is that is what we are basically paying for, removing the snow.

They, of course, say it has to be 48 hours of snow because they have calculated that that is when, for the most part, the most serious snow falls. We always press FEMA to use its regulations maximally, so we do note that they can go to 72 hours.

I would invite you all to at least submit for the record. I am unable honestly and intellectually to say to FEMA, here is an alternative criteria, except ones I would love because I happen to represent the District of Columbia. I have got to satisfy myself as a Federal official and as Chair of a Subcommittee looking for this disaster and in the future, that I am looking at a revision of criteria that is fair to all concerned.

And the Subcommittee is very willing to look at this, but remembering that you suffer from having never had such an event before. But I do invite you to submit for the record, recognizing that we ourselves will be pressing for FEMA to use its maximum authority. And I am telling you, one of the reasons I am doing it. I am pressing for them to use their maximum authority because the Federal Government was as deeply implicated as any of you sitting before us today.

So the point is for you to keep us all open, remembering that you open the Federal Government for us, too. As a Member of the Homeland Security Committee, I am concerned that some of the security personnel be able to get to where they are. And I know that that depends as much upon you. So we are most interested in this as almost a, so far as we can tell, first of a kind event where the Federal Government has been just as much incapacitated and in some cases more. The District was open more days. Maryland was open more days, more than the Federal Government.

And when you consider what is at stake, that this city and this region is headquarters for the United States of America, if you can submit to this Subcommittee a basis for judgment beyond what FEMA already uses, remembering that FEMA used it not having in mind the District of Columbia or the National Capital Region, but across the United States, using record snowfalls, if they don't use record snowfalls, then what will you and I use? Whose guidance and uniform guidance is what we are interested in.

When they say records, if they say eight inches, well look, Mr. Kubicek said they can even handle eight inches. So you have to watch out how you do your criteria. A severe snowstorm, we better say that because Ms. Williams comes from—is it Buffalo?—watch out. By all rights, they would be getting money every other week from FEMA. So we have to use words that capture the event, apply it fairly to the local jurisdiction, allowing for the greatest flexibility, keeping in mind the damage that was done.

Now, we asked Dr. Petersen here because we liked two things. First, we want to hear from the Federal Government. Then we want to always hear from what we call real people. That is you, the people who are on the ground, because whatever the government tells us is what it does and what it always does. We want to know how those who are where the Federal Government either must go to determine reimbursement or delivers its services, how they fared.

Then we try to find some global witness. And I was concerned at your testimony, Dr. Petersen, because you spoke about there being no single entity in charge of a disaster. You say in the District of Columbia. What do you mean by that? I mean, the Mayor got the National Guard to cooperate, it seems to me, fairly well. He got people here. He kept the government open more than others, almost beyond what he now thinks might have been best, but he wanted to keep the government open. Wasn't the single entity in the District of Columbia the Mayor of the District of Columbia?

Mr. PETERSEN. No, ma'am. What I was speaking to was the region.

Ms. NORTON. So you are saying there is no single entity in charge of a disaster within the region?

Mr. PETERSEN. There is no single entity. And this is a concern that has been raised by some entities related to communications issues where critical information will come from a variety of sources, including the Weather Service, including the Office of Personnel Management.

Ms. NORTON. But what about that COG phone call that all of them were in on. Isn't that good enough?

Mr. PETERSEN. Well, ma'am, if they are tasked with public communications, it is not apparent that you go to MWCOG for official information regarding whether schools will be open, what roads are available from various jurisdictions.

Ms. NORTON. But the schools close or open according to, in our system of government, what the jurisdiction decrees.

Mr. PETERSEN. Yes, ma'am, and the larger point is that we look at it. We are at a confluence of several levels of government, all of which have pieces of information that may be of regional import,

maybe of only local import, and there is no mechanism for sorting what that information of regional import is.

Ms. NORTON. Well, in what you have heard here today, do you think that there could be better coordination? I mean, these people are all on the line to one another. Ms. Williams, and Mr. Hartmann and Mr. Muth meet monthly, I believe. These folks get on a phone call. There's been an emergency communications center since 9/11 that all of them are a part of in the event of a disaster.

What would you suggest is greater coordination? And as much as we are a system of local and State government, what do you suggest might be done to increase coordination?

Mr. PETERSEN. At what level? I mean, I am not entirely clear.

Ms. NORTON. Well, that is what I am asking you. I mean, they seem to talk to one another. They recognize that they will be held accountable in the District of Columbia alone.

Mr. PETERSEN. Yes, ma'am.

Ms. NORTON. And that Mr. Muth is going to be held or his job is going to be held, no matter what some other jurisdiction says, and even the President of the United States can't say, maybe he could say to the District of Columbia, but he certainly can't say to Maryland what to do unless it is an event, a terrorist event of some kind. And even then he is limited because the National Guard can be called out, unless he nationalizes it, by the Governor.

So you have these things built in to make sure there is local control. I can see your criticism if you are talking about Federal areas, like Congress, like the courts. For example, I joked to my staff, don't pay attention to anybody. If they tell you the government's been closed, this is a separate branch of government. It is called the Legislative Branch. We are not controlled by local jurisdiction. Guess what? We are not even controlled by the Executive Branch because they can close down their units, and you may still have to come to work.

Now, of course, if you close down the Federal Government, mean old Eleanor is not going to tell my folks to come because I am going to have a hearing the next day. But I hear you. I have a hard time understanding what these State and local entities could have done. I am not sure at the same time, since nobody told me, by the way, in the Congress, and I am not even sure of this, if the Speaker could tell us to stay at home. There are certain ways in which we are independent.

But let's assume the Speaker said nobody better be seen in the House of Representatives today. I can understand that that branch of government could work in that way.

The courts may depend upon other branches of the Federal Government, the Executive. And I am not sure, I can understand the differences among the local jurisdiction and the States. What I don't have a sense of in a snow emergency, a natural emergency, not a security emergency, I don't have a sense of coordination among the entities of the Federal sector.

And FEMA didn't help me much to know that they bring the Federal sector together either. So I don't know who it is in the event of a natural emergency is really in control here, although I am not sure I need to know when it comes to the States and localities since there are constitutional lines that decree that they will

have certain kinds of jurisdiction no matter what anybody else says.

I am asking you about really the Federal sector.

Mr. PETERSEN. Two things, if I could. I would argue that the communications have improved over time. For example, there is an opportunity for regional alerting systems, which are controlled at local level by each of the jurisdictions. You can go into a centralized Web site and be directed to the various jurisdictions within the NCR that provide it. And that is arguably an improvement over what has been in the past.

Not everyone participates, and as a user, you need to know which sets of information that you have. And I would note that some are more forthcoming than others in terms of the sorts of alerts that they issue.

Now, regarding the emergency preparedness and communications within coequal branches beyond the Federal Executive, each of those are controlled according to protocols and priorities established within each branch. So Congress has a set of plans and they tend to devolve according to chamber. And the Architect of the Capitol, for example, was responsible for keeping everything open throughout the weather events in December and February. The Judiciary has a separate plan.

When incidents that affect those particular parts of the world are going to have a spillover effect on the rest of the region. That is one area where some observers have noted concerns about communications.

Ms. NORTON. I hear you and I understand what you are saying. I would say to all of you one concern I have as I close this hearing is the way in which local media hype the weather. It must be good for the ratings, flip the channels, flip the stations and you can't get anything but their version of the weather.

If there were any consistency, I would like to see. I would like to see some kind of official notice. They do a fabulous job. I would say over-fabulous job. They do leave some of us, because they show us these graphics, and if you can figure it out for yourself.

But frankly, I must tell you in both of these storms, I tended to discount them because I have had too many Chicken Littles called on us, particular, Ms. Williams, those of us in the District of Columbia. We really should discount them because it is difficult to, the weather is far different even in places in the region where you can get to in an hour than it is in the District of Columbia.

And I don't know if there is any way to do this, but I can't imagine what it must be like for somebody with a five year old that needs to go to day care to hear these multiple versions of the weather without any official sense. So they have to wait until the schools open or close to really decide what the weather is.

And to the extent that in your dealings across regional lines—I am sorry, jurisdictional lines—even recognizing that you would be saying different things in different jurisdictions. Ms. Williams might be wanting to tell local stations one thing in the District. The District of Columbia tells us that it expects far less X, so that people get an early sense of the notion which is usually based on bands.

They have to tell you it will be between, for example, I now know when they say it is 50 percent it is going to rain, it ain't going to rain here; 50 percent really means it is probably not going to rain. So the rain just helps us to know, but to the extent that there is an ability in the local jurisdictions to interpret what the weather means in order to more fairly and fully inform local jurisdictions, I believe that would in fact be of some service to the local jurisdictions.

The local WAMU has asked us to enter into the record their involvement in the disasters, or information about the disaster, and I do want to pay tribute to those I have just criticized for hyping the weather. I do want to pay tribute to them for keeping us informed, over-informed, and informed more than we ever wanted to be informed. But that is certainly better than not being informed at all.

Your testimony, the testimony of all of you has been particularly important to this Subcommittee and I want to thank you on behalf of this region and the Subcommittee for appearing here today.

This hearing is closed.

[Whereupon, at 5:13 p.m., the Subcommittee was adjourned.]

OPENING STATEMENT OF

THE HONORABLE RUSS CARNAHAN (MO-03)

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMEGENCY MANAGEMENT

Hearing on

Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA

Chairwoman Norton and Ranking Member Diaz-Balart, thank you for holding this hearing on regarding the status of recovery from the snow storms that struck the National Capitol Region this winter.

This winter the National Capital Region experienced a usually high number of significant winter storms. According to the National Oceanic and Atmospheric Administration over the course of three days in December approximately twenty inches of snow fell in the District of Columbia followed by two back to back storms in February for a total of well over thirty inches for most areas of the District of Columbia.

The President has declared major disasters in the District of Columbia, Maryland, and Virginia for the December 2009 snow storm. Both the District of Columbia and Virginia have also made requests for major disaster declarations for the February snow storms.

Although, snow storms are included in the definition of a major disaster under the Stafford Act I do have concerns that the Federal Emergency Management Agency (FEMA) continues to treat snow storms differently than other types of disasters under the Stafford Act. Last year, FEMA published a final policy with regard snow policy that said snow storms must be considered as an emergency or major disaster declaration. I look forward to hearing from FEMA as to how they intend to implement their new policies with regard to the snow storms the National Capitol Region has experienced this winter.

Additionally, it is important for us to learn from these snow storms so that the region is better prepared for future disasters.

In closing, I want to thank our witnesses for joining us today and I look forward to their testimony.

Eleanor Holmes Norton

STATEMENT OF
CHAIR ELEANOR HOLMES NORTON
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

"SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA"

MARCH 23, 2010

Good afternoon and welcome to all, especially our witnesses, to today's hearing to address the status of recovery efforts following this winter's storms in the National Capital Region and the extent to which the Federal Emergency Management Agency (FEMA) is implicated. We also want to hear of the lessons learned from these severe storms that might apply to future disasters, regardless of cause.

This season, the National Capital Region experienced an unusually high number, and severity, of winter storms. Between December 18 and 20, up to 20 inches of snow fell in the District of Columbia. According to the National Weather Service, this storm ranked among the top ten of all time, not only for the city, but also for the entire region, and was rated a Category 3 or "Major" winter storm on the Northeast Snowfall Impact Scale, also known as "NESIS." The December storm was quickly outdone in February by back to back storms of blizzard proportions, which brought well over 30 inches of snow in most areas of the District. The February storm was rated a Category 5 or "extreme" storm, the highest level on the NESIS scale, and only the third such storm in 60 years here. Snow was as heavy elsewhere in the region, with up to 26 inches in parts of Virginia and Maryland for the December storm, and a combined 50 to 60 inches in parts of Maryland for the February storms.

Both storms had impacts that were demonstrably larger than expected in the Mid-Atlantic region, including the closing of schools, widespread property damage and unusually severe power outages. The Metro bus and rail system, the "backbone" of our region's transportation system, had to cease or curtail service during these storms.

All of these results of the snowstorms had serious effects on the operations of the federal government. The federal government was every bit as affected as the District of Columbia, Maryland, and Virginia. Thus, a disaster in the National Capital Region brings unique jurisdictional and operational challenges. Rarely, if ever, has a national disaster affected the heart of the federal government as the snowstorms of this winter have. Federal offices were closed for a day during the December storm and for four days during the February snowstorms. We will be especially interested in the mitigation and response of the federal government, particularly questions raised that go to vital functions of the U.S. government, such as security. We will assess the operations of the federal government during the snowstorms, both separately and as part of the National Capital Region, where it is the major job and economic sector. Closely related is the Metro rail and bus system, and how it should be treated by FEMA and the region when there is a natural disaster. When Metro goes down, so does the federal government.

Most of our witnesses are charged with planning for all unusual or unforeseen events in the region. Their job is to prepare for, respond to and ensure recovery from such events regardless of cause, and to mitigate their effects. In doing so they employ an "all hazards" approach, recognizing that while every disaster is unique, disasters have significant common elements. For example, the steps to plan for events such as a snow storm or hurricane when residents cannot leave their homes are the same as for a pandemic or other incident when residents are told to stay in place.

Today, the subcommittee will be interested to hear about the approaches that regional and federal personnel took in response the December and February snowstorms and FEMA's responses and work with all the affected jurisdictions since the snowstorms. We look forward to the testimony of all of

today's witnesses and to discussing how the Nation Capital Region should address previous and future disasters.

STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT
HEARING ON "SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA"
MARCH 23, 2010

Today, the Subcommittee will receive testimony on the status of recovery efforts from the snow storms that struck the National Capital Region this winter. I commend Chair Norton for holding this hearing, which will probe what we can learn from the response to and recovery from these events, in order to better prepare for the next disaster or emergency to strike the region, whether it is snow-related or not.

This past winter, the National Capital Region confronted a series of winter storms that were historic, if not unprecedented. According to National Oceanic and Atmospheric Administration's (NOAA) National Weather Service, from December 18-20, 2009, up to 20 inches fell in the District of Columbia. In February 2010, the region was struck by two back to back storms. From February 5-6, 2010 up to 27 inches fell in the District of Columbia, and from February 9-10, 2010, approximately 10-15 addition inches of snow fell, for a total of well over 30 inches in most areas of the District.

According to the National Weather Service, the December storm was one of the top ten in the history of this region. The February storms together were considered "extreme" on the Northeast Snowfall Impact Scale. The National Capital Region has only experienced two other extreme storms since 1950.

These storms had a significant impact on this region, including on the operations of the Federal Government. Federal offices were closed for almost an entire week, although I note for the record that the House of Representatives was in session and this Committee held a hearing that I chaired, here in this room, on February 9, 2010.

While the impact of these storms may have been unprecedented, they were not unforeseeable. For much of the last decade, many in Washington have been focused on the risk of a terrorist attack; yet, the two disasters that have had the greatest impact on the National Capital Region in the last several years have been natural disasters - Hurricane Isabel in 2003 and this winter's storms. While prudence dictates that we should prepare for terrorist attack that <u>may</u> come we must also be ready for the natural disasters that we know <u>will</u> come. Here in Washington, we must prepare for hurricanes, nor'easters and winter storms. In my home state of Minnesota, we must prepare for wildfire, windstorms and floods.

It is important to learn from the experience of past events in order to be better prepared for future disasters. In this process, we must recognize that preparedness and planning for any type of disaster has common key elements. This is what emergency mangers call the "all hazards" approach. With an all hazards approach, our region, and the nation, will be ready for the next disaster, regardless of the cause.

Today, the Subcommittee will also examine the ongoing recovery efforts in the National Capital Region from these winter storms, and FEMA's snow assistance policy to reimburse States and local governments for costs incurred during snow storms. Prior to 1993, FEMA generally did not provide assistance for snow storms, in a policy that was often referred to as "no dough for snow". After some significant snow storms the early and mid 1990's, FEMA changed its policy.

Snow storms are now covered under the definition of a major disaster because an initiative that I undertook several years ago as Congress was updating the Stafford Act, following a massive snow fall that engulfed Buffalo, New York. Initially, my reaction was to oppose the inclusion of snow storms under the Stafford Act because I hail from a State where we routinely deal with heavy snow fall. However, I reasoned that if southern States could get help for excessive rainfall during hurricanes, we in the northern States ought to be eligible for help during excessive snowfall, or "frozen moisture" as I referred to it.

Despite the inclusion of a snow storm in the definition of a major disaster, FEMA continued to limit the availability of assistance to States for a snow-related event until recently. In 2008, FEMA proposed a new snow policy and sought public comment. I sent my views on that policy in a letter to then-Administrator David Paulison, and reminded FEMA that under the Stafford Act snowstorms must be eligible for major disaster declarations. This past November, FEMA's new snow policy took effect, which clarifies that FEMA will recommend snow storms for either an emergency declaration or a major disaster declaration.

I am pleased that the President has declared major disasters for the District of Columbia, the State of Maryland and the Commonwealth of Virginia for the December storms. However, I am concerned that FEMA still treats snow storms differently than other types of disasters under the Stafford Act. Today, I hope that FEMA can explain how they intend to implement their policies for these disaster declarations and any that may be forthcoming from the February storms.

I welcome each of you and look forward to your testimony.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

STATEMENT OF

Patricia Arcuri
Acting Regional Administrator
FEMA Region III

and

Steward Beckham, Director
Office of National Capital Region Coordination
FEMA Headquarters

On

"Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT
U.S. HOUSE OF REPRESENTATIVES

March 23, 2010

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INTRODUCTION

Good afternoon, Chairwoman Norton, Ranking Member Diaz-Balart, and other distinguished Members of the Subcommittee.

I am Patricia Arcuri, Acting Regional Administrator for the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Region III office. I am joined today by Mr. Steward Beckham, Director for FEMA's Office of National Capital Region Coordination (NCRC).

Thank you for the invitation to appear before you today to discuss the recent snow disasters in the National Capital Region (NCR) and how they have informed FEMA's coordination and support of the NCR for all hazards.

I would like to begin with a brief overview of Region III and my role as the Acting Regional Administrator.

ROLES AND RESPONSIBILITIES IN THE NATIONAL CAPITAL REGION REGION III

As the Acting Regional Administrator, I oversee and coordinate FEMA's all-hazards preparedness and emergency management efforts in Delaware, the District of Columbia (the District), Maryland, Pennsylvania, Virginia, and West Virginia. These efforts include development, implementation and execution of FEMA's programs and initiatives. None of these programs and initiatives can be successful without a strong emergency preparedness and response team consisting of federal, state, and local government; volunteer and faith-based groups; the business community; and of course, the general public. I'm pleased to say that ours is a strong, capable, and responsive Region.

We work in conjunction with the FEMA Headquarters' NCRC Office to ensure seamless collaboration with the NCR; to understand and to respond to the unique challenges faced in the NCR; and to anticipate resource and information needs leading up to, during, and following a disaster event.

Office of National Capital Region Coordination

The NCRC was created by the Homeland Security Act of 2002, section 882, to coordinate federal programs and relationships with state, local and regional authorities in the NCR. The NCRC was transferred to FEMA in 2007 with other preparedness elements as part of the Post Katrina Emergency Management Reform Act (PKEMRA) reorganization.

The NCRC's activities contribute to FEMA's broader efforts to improve and maintain relationships with state and local partners in order to work as a coordinated team in the event of a natural disaster or terrorist attack in the NCR.

Preparedness Activities

Governors, or the Mayor in the District, after consulting with local government officials, may determine that federal assistance is required if response needs exceed the capacity of the combined resources of the local and state (or District) government. To request federal assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Governor or DC Mayor must: certify that the severity and magnitude of the disaster exceed District/state and local capabilities; certify that federal assistance is necessary to supplement the efforts and available resources of the District/state and local governments, disaster relief organizations, and compensation by insurance for disaster related losses; confirm execution of the District or state emergency plan; and certify adherence to cost sharing requirements. Under the declaration process, a joint federal and state (or federal and District) preliminary damage assessment team reviews the damage and incurred emergency costs. In the case of a catastrophic event, the declaration process can be conducted expeditiously.

Continuity of Operations (COOP) and Continuity of Government (COG)

A particular concern of the NCR is the continuation of federal government operations through any threat or disaster. This requires flexible and resilient options to address any disaster.

From a continuity of operations and government perspective, FEMA has the responsibility for preparing and implementing the plans and programs of the Federal Government for continuity of operations, continuity of government, and continuity plans. In this role, FEMA directs, monitors and assesses federal agency continuity readiness and capabilities on a regular basis during normal operations and is prepared to monitor and assist during and after a continuity event. Additionally, FEMA provides continuity planning guidance to District, state, local, and tribal governments as a part of the Administration's goal of attaining seamless capabilities and integration across all levels of government. We further share planning guidance and best practices with local governments and assist in their planning and programs to the extent that we are able.

2009 – 2010 NCR WINTER STORM PREPAREDNESS AND RESPONSE

During the February 2010 winter storms, federal government operations in the NCR were officially suspended. Federal agencies follow the guidelines of the Office of Personnel Management (OPM) to ensure the safety of their employees; the decision to close federal government operations in the NCR rests with OPM.

Though not designated a COOP event, many employees were prepared in advance and able to work from home or at alternate operating locations where available in order to continue normal business operations or respond to the event. As noted above, nearly 2,000 employees logged in via official access technology per day, an increase of around 600 per day from the norm during a regular work week. BlackBerry use increased by approximately 142,000 messages per day. In summary, FEMA's business continuity was preserved as a result of robust communications and the spontaneous engagement of dedicated FEMA employees from their homes.

Preparedness actions were also conducted via mutual agreement between FEMA, the states and the District. FEMA was directly apprised of each state and District Emergency Operations

Preparedness is one of the best ways to ensure effective, coordinated, government-wide response. FEMA participates in exercises in the NCR with local, District, state and federal partners to test the preparedness of individual jurisdictions and agencies as well as to identify practices to improve planning and preparedness. For example, during the 2008 Hurricane Season, FEMA held highly successful Pre-Declaration Tabletop Exercises with senior leaders in Maryland, Virginia, Delaware, the District, and Pennsylvania to test a new Disaster Assistance Policy. This new policy enables the District and state governments to receive a presidential declaration of emergency in anticipation of a hurricane or other imminent disaster. These exercises were attended by state and District emergency management directors, homeland security advisors, governors' chiefs of staff, senior operations and planning personnel, and senior military advisors.

We have also supported regional catastrophic planning efforts through grant funding, such as the Regional Catastrophic Preparedness Grant Program. All five of Region III's states and the District have partnered in this $11 million grant to support six projects: regional public compliance/behavioral analysis, public preparedness, transportation, mass care, resource management, and modeling and simulation.

Most recently, in September 2009, FEMA's Determined Sentry Exercise tested the ability of FEMA's networking system to handle a large number of people (more than a thousand) working off-site. We learned many valuable lessons in that exercise, and we implemented these lessons as we worked during the February 2010 winter storms. The exercise showed that the system could handle the increased number of people working offsite and provided FEMA employees with the opportunity to familiarize themselves with the processes for telework. FEMA's Chief Information Officer reports that during the government shutdown, nearly 2,000 employees logged in via official access technology per day, an increase of approximately 600 per day from the norm during a regular work week. BlackBerry use increased by approximately 142,000 messages per day.

Incident Response Process

In January 2008, FEMA released the National Response Framework (NRF), which guides the nation's all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the nation, linking all levels of government, non-governmental organizations, and the private sector. It describes specific authorities and best practices for managing incidents that range from purely local events to large-scale terrorist attacks and catastrophic natural disasters.

At the onset of an incident, the local jurisdiction is always first to respond. However, if an incident overwhelms the local response capabilities, an Emergency Management Assistance Compact (EMAC) allows the local entity to request additional assistance. In the NCR, the District is able to request assistance from neighboring states through the EMAC; local communities first request assistance from their state governments, which can, if necessary, request assistance from other states through the EMAC.

Center (EOC) activation plan by way of a FEMA Liaison deployed to each EOC, serving as both the onsite advisor and the direct communication link back to FEMA. FEMA identified availability of staff for potential assignment and placed those personnel on alert.

The National Response Coordination Center (NRCC) Watch at FEMA Headquarters and the Regional Response Coordination Center (RRCC) Watch in Region III, as part of their routine responsibilities, monitored the developing storm situation and preparations in the NCR. A representative from the NCRC supported NRCC Watch operations and facilitated information exchange with the NCR. Routine conference calls were conducted with the National Weather Service and between the NRCC, RRCC, and the National Operations Center at DHS headquarters to maintain situational awareness and exchange information both before and after the storm.

The RRCC was led onsite by the Region's senior level response official, with whom I, as the acting regional administrator, was in constant communication. The RRCC included a robust staff of experienced response personnel who provided coverage on a 24-hour basis for the duration of the states' and District's emergency activities.

FEMA Region III hosted several conference calls with state and local officials to discuss the particulars of the storms and to answer questions about FEMA's snow policy. In addition to daily calls with the state emergency management directors, Region III also reached out to the District Mayor's office as well as Baltimore's emergency management director. Secretary Napolitano also spoke with Delaware Governor Jack Markell, Maryland Governor Martin O'Malley, Virginia Governor Bob McDonnell, West Virginia Governor Joe Manchin, and Washington, D.C., Mayor Adrian Fenty.

Additionally, leading up to the snow storms, FEMA participated in the NCR snow calls convened by the Metropolitan Washington Council of Governments. On these calls, information was shared among regional partners so that decisions with respect to the status of various governments – federal, state and local – could be made with the best available information, including information from the weather service, transportation entities, and others.

Current Status of Disaster Recovery Efforts

As a result of the December 18-20, 2009, winter storms, the President issued major disaster declarations for the District of Columbia, Maryland, and Virginia. As part of the President's declarations, Regis Leo Phelan was appointed federal coordinating officer and assumed Disaster Recovery Manager (DRM) authority from the Acting Regional Administrator. As DRM, Mr. Phelan is authorized to manage FEMA's programs and functions in support of the needs identified by the District and the states.

Mr. Phelan has been working closely with the emergency management directors for the District, Virginia, and Maryland. Due to the number of disaster declarations and the need to maintain regional readiness for future events, FEMA staff is embedded in those respective emergency management offices. This collaboration of federal, state, and District staff fosters an efficient and customer-driven environment.

District of Columbia

A major disaster declaration was issued on March 3, approving federal aid in the areas impacted by the snowstorm during December 18 -20. Federal funding is available to the District of Columbia and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the severe winter storm and snowstorm. In addition, assistance is available to the District of Columbia on a cost-sharing basis for emergency protective measures, including snow assistance, for a continuous 48-hour period during or proximate to the incident period.

For the February storms, the District's request for a major disaster declaration was received on March 11 and is under review.

Maryland

A major disaster declaration was issued on February 19, approving federal aid in the areas impacted by the snowstorm during December 18-20. Federal funding is available on a cost-sharing basis to state and eligible local governments as well as certain private nonprofit organizations in eight counties. In addition, assistance is available on a cost-sharing basis to these same entities for emergency protective measures, including snow assistance, for a continuous 48-hour period during or proximate to the incident period.

For the February storms, Maryland requested a 30-day extension to request a major disaster declaration. The time extension is approved until April 12, 2010.

Virginia

A major disaster declaration was issued on February 16, approving federal aid in the areas impacted by the snowstorm during December 18 - 20. Federal funding is available on a cost-sharing basis to the Commonwealth and eligible local governments, as well as certain private nonprofit organizations in 31 counties and 9 independent cities, for emergency work and the repair or replacement of facilities damaged by the severe winter storm and snowstorm. In addition, assistance is available on a cost-sharing basis to these same entities for emergency protective measures, including snow assistance, for a continuous 48-hour period during or proximate to the incident period.

For the February storms, the Commonwealth's request for a major disaster declaration was received on March 12 and is under review.

Next Steps

For the disaster declarations issued for the December storms, we are currently working with our partners in the District, Maryland, and Virginia to schedule applicants' briefings -- these are the first step in the public assistance application process. These briefings, which are conducted by

the District and state, are held for representatives of designated city and county governments, as well as qualified non-profit organizations. They explain the application process that District, community and state officials will follow to receive federal disaster assistance.

Additionally, a request for Public Assistance must be filed with the District or state within 30 days after the area is designated eligible for assistance. Following the applicants' briefing, a kickoff meeting is conducted where damages will be discussed and specific needs will be assessed. A combined federal, District, state, and local team then proceeds with project formulation. FEMA reviews and approves project worksheets and obligates the federal share of the costs to the District or state. The District or state then disburses the funds to applicants.

Initial Lessons Learned

We are completing an after action report on the NCR winter storms; after its completion, I will provide you with the lessons learned. A couple of overarching and immediately apparent lessons were reinforced in the snow incidents. First, the most effective means of providing help to those affected is through increasing involvement of local, then state, then federal assistance. If more than local assistance is necessary, a cooperative local, state and federal partnership is the best approach. Second, communications is one of the most important and essential components of effective emergency operations—local, state, and federal entities must have a shared understanding of interoperability and must be cognizant of each other's responsibilities and capabilities. This internal communication among the response community must then lead to external communication that builds public expectation and confidence.

CONCLUSION

In conclusion, there were elements of the responses to these winter storms that worked well and validated our exercises and tabletops in the NCR. We will continue to review lessons learned and will keep the Congress apprised of our findings.

Thank you for your time, and we look forward to answering your questions.

Question#:	1
Topic:	COOP
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)
Witnesses:	Patricia Arcuri – FEMA Region III Acting Regional Administrator Steward Beckham – FEMA Office of National Capital Region Coordination Director
Organization:	Unites States Department of Homeland Security

Question: What is a "COOP Event"?

Why were these storms, especially the February, storms not declared a "coop event"?

Did the fact that this was not a COOP event change the way FEMA functioned during the storm?

Response: According to National Security Presidential Directive (NSPD) 51/Homeland Security Presidential Directive (HSPD) 20 (National Continuity Policy), "'COOP,' or Continuity of Operations, is an effort within individual organizations (i.e., Federal executive branch departments and agencies) to ensure that Mission Essential Functions (MEFs) and Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies." Within and across the Executive branch, a continuity event is generally considered an event, such as an act of terrorism, which specifically impacts or targets the leadership or essential functions of the Federal government. Executive Branch continuity planning is focused on ensuring the capability within and across departments and agencies to respond to, recover from, or mitigate the effects of a threat to, attack on, or extended disruption of part or all of the Federal government's missions.

The White House makes the determination of what constitutes a continuity event and issues changes to Continuity of Government Readiness Condition (COGCON) levels in response to threats or actual events. It can direct that all agencies across the Federal government execute their plans, or leave it to the discretion of individual agency heads to execute their own plans as they deem appropriate. While the record snow may have physically hampered Federal government employees' ability to report to their offices in the NCR, it did not threaten or significantly disrupt the government's ability to carry on National Essential Functions.

FEMA has a variety of tools available to assist in dealing with emergencies, one of which is its COOP plan. Other tools and capabilities developed as part of the FEMA COOP plan to provide for alternate operating locations or even devolution of functions, were

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available had they been needed. Should a COOP event - such as WMD attack in the NCR - have occurred during the government shut-down, FEMA would have mobilized and deployed to monitor, assist, and report on the execution of COOP plans, tracking the availability of senior leadership, and other continuity-unique response activities, including its own plans, as part of the DHS common operating picture.

Question#:	2
Topic:	declarations
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What is the status of the declarations for the District of Columbia, the State of Maryland and the Commonwealth of Virginia for the December and February storms?

Have applicant briefings been held in each state for each declaration?

How much assistance has been provided to each state for each declaration?

Response:

December 2009 Severe Winter Storm and Snowstorm

On March 3, 2010, President Barack Obama approved major disaster declaration FEMA-1882-DR for the District of Columbia. The declaration authorized Public Assistance (all categories) for the District of Columbia. The declaration further provided emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period. The District of Columbia is eligible to apply for assistance under the Hazard Mitigation Grant Program.

On February 19, 2010, the President approved major disaster declaration FEMA-1875-DR for the State of Maryland. The declaration authorized emergency protective measures (Category B) under the Public Assistance program for 8 counties. The declaration further provided emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period for 8 counties.

On February 16, 2010, the President approved major disaster declaration FEMA-1874-DR for the Commonwealth of Virginia. The declaration authorized Public Assistance (all categories) for 31 counties and 9 independent cities. The declaration further provided emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period for 24 counties and 8 independent cities. All jurisdictions in the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

February 2010 Severe Winter Storms and Snowstorms

Question#:	2
Topic:	declarations
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

On March 24, 2010, the President approved major disaster declaration FEMA-1890-DR for the District of Columbia. The declaration authorized Public Assistance (all categories) for the District of Columbia. The declaration further provided emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period. The District of Columbia is eligible to apply for assistance under the Hazard Mitigation Grant Program.

On March 8, 2010, Governor Martin O'Malley requested an extension to the 30-day time period for requesting a major disaster declaration for the State of Maryland due to severe winter storms and snowstorms during the period of February 5-10, 2010. On March 11, 2010, the Governor was notified that the extension was approved until April 12, 2010.

On March 12, 2010, Governor Robert McDonnell requested a major disaster declaration as a result of severe winter storms and snowstorms that impacted the Commonwealth of Virginia during the period of February 5-10, 2010. The Governor requested all categories of Public Assistance for 55 counties and 5 independent cities; Public Assistance, including snow assistance, for 19 counties and 7 independent cities; and Hazard Mitigation for the entire Commonwealth. Joint Federal, Commonwealth, and local government Preliminary Damage Assessments are ongoing at this time. The Governor's request is currently under review.

All of the applicant briefings for the December 18-20 storms have been held: four in Maryland, two in the District of Columbia and three in Virginia. Applicant briefings for the February 5-11 storms have not been scheduled. One of the District's applicant briefings was a combined briefing for the December and February storms. The District is planning to hold another briefing for the February storms.

Regarding the amounts provided for assistance, FEMA has obligated the following amounts for Public Assistance.

Disaster	Obligations
1874DR Virginia (incident occurred December 2009)	$463,503.39
1875DR Maryland (incident occurred December 2009)	$119,887.05
1882DR District of Columbia (incident occurred December 2009)	$92,383.57

Question#:	2
Topic:	declarations
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

1890DR District of Columbia (Incident occurred February 2010)	$84,700.00

FEMA obligates funding for these projects directly to the State (or District of Columbia). It is the State's responsibility to ensure that eligible sub-grantees receive these awards.

Question#:	3
Topic:	telework
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: How many FEMA employees in the NCR tele-worked?

Response: During the days in February 2010 that the Office of Personnel Management closed the federal offices in the National Capital Region, FEMA's employees were paid under an office closed due to hazardous weather designation, which presently does not include a tele-work reporting component. Also, the snow emergency in February was not deemed a COOP event. Therefore, FEMA cannot give a definitive number of people who tele-worked. However, many FEMA employees continued to work at least part of the time on the days the federal offices were closed in the National Capital Region. I can provide statistics on the number of people who logged in to FEMA computers over a week-long period of time.

Friday 2/5: 1754
Monday 2/8: 1618
Tuesday 2/9: 1591
Wednesday 2/10: 2093
Thursday 2/11: 1891

Question#:	4
Topic:	planning
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What is FEMA's role in continuity planning for the Federal Government as a whole?

Response: From a continuity perspective, as stated in the Post Katrina Emergency Management Reform Act, FEMA has the responsibility for "...preparing and implementing the plans and programs of the Federal Government for continuity of operations, continuity of government, and continuity plans." In this role, FEMA provides direction, and monitors and assesses, Federal agency continuity readiness and capabilities on a regular basis before, and is prepared to monitor and assist during and after a continuity event. Additionally, FEMA provides continuity planning guidance to State, local, and Tribal governments as a part of the PKEMRA goal of attaining seamless capabilities and integration across all levels of government. While FEMA has no direct responsibility for other branches of government, it does share planning guidance and best practices with them, and assists to the extent possible in helping them develop their plans and programs.

Question#:	5
Topic:	response official
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What is a "senior level response official"?

Is this a FEMA official

Who was this official for this event?

Who appoints this officer?

Response: FEMA used the term "senior level response official" in its written testimony for the March 23, 2010, hearing before Chairwoman Eleanor Holmes Norton's Subcommittee on Economic Development, Public Buildings, and Emergency Management. This term refers to FEMA Region III's Response Division Director, Edward Smith. Mr. Smith leads the coordination of the federal disaster response to a Region III major disaster or emergency, overseeing the activation of the Regional Response Coordination Center. He is one of five Region III division directors and reports to the FEMA III Regional Administrator.

Question#:	6
Topic:	WMATA
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What steps are FEMA taking to ensure that WMATA (Metro) and other entities in the NCR are able to receive reimbursement rapidly?

Response: FEMA works closely with all applicants to assist in the timely development and submittal of project worksheets. FEMA and the State, or in this case, the District of Columbia, share the responsibility for making Public Assistance Grant Program funds available to the applicant. FEMA makes the Federal share of the approved amount available to the State via electronic transfer. The funds remain in a Federal account until the State is ready to award the grants to the appropriate applicants. The State provides the State share and notifies the applicant of the availability of funds. The State must use methods and procedures for payment that minimize the time between transfer of funds to the State and disbursement by the State.

Please note, as an agency and instrumentality of the District of Columbia, the whole of the Metro system is eligible for assistance under a major disaster declaration in the District of Columbia when there has also been a declaration in Maryland and Virginia. In 2000, FEMA provided assistance for WMATA to fund costs for D.C., Virginia, and Maryland when all three jurisdictions had major disaster declarations due to a winter storm event (DR 1325). In that case, the Applicant (Metro) paid all of the non-Federal share of costs, and D.C. carried out all of the grantee functions for the funding.

Question#:	7
Topic:	48 hour rule
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: How does the 48 hour rule work in a snow declaration?

Why does FEMA limit assistance in a snow event to a 48 hour period?

Is there any other type of disaster, in particular one specifically mentioned in the Stafford Act, where the assistance is limited in this fashion?

If a disaster is declared for the combined February storms will FEMA provide one or two "48 hour periods"?

Response: FEMA assistance is intended to only cover the costs of opening emergency access to critical facilities. The provision of 48 hours (with a possible extension up to 72 hours) approximates the time necessary for local agencies to clear snow emergency routes and other primary roads and streets, and open access to hospitals, fire stations, and other critical facilities. FEMA assistance is not intended to cover the full cost or time required to remove snow from all local roads and facilities. State and local governments are responsible for routine snow clearance activities and associated costs.

There is no other type of disaster in which assistance is limited in this fashion.

If the Grantee, in this case the District of Columbia, Maryland, or Virginia, requests and is granted a declaration which combines one or more snow storms, the Grantee can use any 48-hour period during the designated period and could request an extension to 72 hours as set forth in the FEMA Snow Policy. Two separate 48-hour periods are not available under a single declaration.

Question#:	8
Topic:	legislative branch
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What is the extent of your interactions with the Capitol Police or other congressional entities regarding incident response on Capitol Hill?

If debris were strewn across Capitol Hill, would resources be prioritized to clear the residential areas before the area surrounding the congressional office buildings?

How do you resolve resource conflicts over executive branch, legislative branch and the District during a disaster here in the District?

Response: Overall, it is most important to understand that FEMA and other federal agencies work in support of and in partnership with District officials and respect the lead role they have in the initial assessment and response to an emergency.

FEMA's Office of National Capital Region Coordination (NCRC) regularly interacts with the U.S. Capitol Police, the Senate Sergeant at Arms, and the House of Representative Office of Emergency Management in coordinating planning, preparedness, and response activities. During an incident, NCRC assists in conducting information sharing and coordination among and between NCR partners, the U.S. Capitol Police, and the other congressional entities.

Personnel from the U.S. Capitol Police are members of the Joint Federal Committee (JFC) and the JFC Emergency Managers Subcommittee, each of which meets regularly to discuss preparedness efforts in the NCR. This Subcommittee serves as a venue for organizing the Federal first responder community to overcome barriers to inter-service coordination, and it functions as a conduit for strategic-level coordination and collaboration with state and local counterparts (e.g., the Metropolitan Washington Council of Governments' regional preparedness coordination entities). The Capitol Police also participate in the National Security Special Event planning process in the Consequence Management Subcommittee, which is led jointly by FEMA's Office of National Capital Region Coordination and FEMA Region III.

While local emergency personnel are the first to respond to an incident, the Capitol Police would be the first responders to an incident on the Capitol grounds and would begin assessing the situation. FEMA Region III would be monitoring the incident, obtaining situational awareness reports through the D.C. Homeland Security and Emergency Management Agency in case federal assistance is requested. Federal assistance could range from the distribution of commodities, debris removal, assistance

Question#:	8
Topic:	legislative branch
Hearing:	Disasters within the NCR
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Committee:	TRANSPORTATION (HOUSE)

with transportation and evacuations, search and rescue assets, fuel and emergency power, sheltering, assistance to special needs populations and pets, and communications.

FEMA is not charged with the task of debris removal on federal property. The removal would be the responsibility of the federal agency affected. The issue of debris removal on residential streets would be the responsibility of the District of Columbia. The District has been developing a comprehensive debris removal plan that prioritizes the removal of debris.

However, should the District find itself unable to cope with the situation due to the magnitude of the incident and if it finds the response is beyond its capabilities, it may ask for an emergency or major disaster declaration that would provide for Public Assistance (PA). If granted, under this reimbursement program, supplemental assistance for debris removal and emergency protective measures would be made available to the District.

In addition, through the Region's Response Capabilities Analysis Program, the Region and the District have worked collaboratively to enhance the District's ability to deal with this issue. As a result, the District has identified critical access roads and is capable of clearing them within the first 72 hours. The District and the National Capitol Region (NCR) jurisdictions continue to work on developing debris management operation plans. These plans contain facility-specific temporary debris management plans for four major sites in the NCR jurisdictions, including material about the Army Corps of Engineers Debris Operations Plan. FEMA will continue to assist the District and the NCR jurisdictions with their debris planning efforts.

A number of actions are taken to fulfill life-sustaining and life-saving needs—the top priority during a disaster response. In order for FEMA to provide the necessary response assistance following an emergency or disaster, FEMA relies on the organization of Emergency Support Functions (ESFs). The ESFs, consisting of various federal agencies, would be activated to work in FEMA Region III's Regional Response Coordination Center to help fulfill District/state requests for assistance.

ESF#1: Transportation
ESF#2: Telecommunication and Information Technology
ESF#3: Public Works and Engineering
ESF#4: Firefighting
ESF#5: Emergency Management
ESF#6: Mass Care, Housing, and Human Services
ESF#7: Resource Support and Logistics Management
ESF#8: Public Health and Medical Services

Question#:	8
Topic:	legislative branch
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ESF#9: Urban Search and Rescue
ESF#10: Oil and Hazardous Material Response
ESF#11: Agriculture
ESF#12: Energy
ESF#13: Public Safety and Security
ESF#14: Long-Term Community Recovery
ESF#15: External Affairs (Emergency Public Information)

Through the Emergency Management Assistance Compact (EMAC), the District and states can activate mutual aid agreements for housing, goods and services and other critical needs. FEMA reimburses 75 percent of all eligible costs under a presidential disaster declaration. For example, during the Hurricane Isabel response in 2003, the District immediately called on EMAC, receiving emergency management staff from New Mexico, Mississippi and South Carolina to assist in its emergency center operations and in the areas of public information and public assistance.

Question#:	9
Topic:	JFC
Hearing:	Disasters within the NCR
Primary:	The Honorable Eleanor Holmes Norton
Committee:	TRANSPORTATION (HOUSE)

Question: What is the Joint Federal Committee?

Who are the members?

What is its charter?

What are its functions?

Response: In 2002, in an effort to enhance coordination and information exchange among Federal Departments and Agencies (D/As) within the National Capital Region (NCR), the U.S. Department of Homeland Security, through the Office of National Capital Region Coordination, established the Joint Federal Committee (JFC).

Participants include D/As of the Executive branch and also representatives of the Legislative and Judicial branches of the Federal government with interests in the National Capital Region including, the Senate Sergeant at Arms, U.S. House of Representatives, Government Accountability Office, Administrative Office of the United States Courts, General Services Administration, Department of Housing and Urban Development, and the Office of Personnel Management. NCR state and local governments, private-sector groups, and public non-profit organizations participate in JFC activities on an ad hoc basis.

The JFC provides a forum for policy discussions and information sharing regarding Federal preparedness activities in the NCR. The JFC serves as a focal point for Federal D/As with regard to preparedness in the NCR and acts as a conduit linking the Federal interagency community with the Region's state and local governments, private-sector groups, and public non-profit organizations.

The Committee meets on a monthly basis. Examples of topics discussed during recent JFC meetings include: Center for Disease Control's Strategic National Stockpile Program, Credentialing of First Responders within the NCR, and the coordination and response efforts undertaken by Federal D/As following the outbreak of 2009 H1N1 Flu.

STATEMENT OF

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SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT,
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES

on

SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA

March 23, 2010

Good afternoon, Chairwoman Norton, Ranking Member Diaz-Balart, and distinguished members of the Subcommittee. Thank you for allowing me the opportunity to appear before you today to discuss the Office of Personnel Management's (OPM) role in hazards affecting the operational status of the National Capital Region, as well as our partnerships with the Federal Emergency Management Agency (FEMA) and other Federal, State, and local emergency management entities.

The snowstorms of the winter of 2009-2010 brought unprecedented snowfalls to the National Capital Region (NCR). Our colleagues at the National Weather Service (NWS) advised that snow accumulations in the Washington, DC, area were the highest since weather statistics started recording back in 1883. While record-level snowfalls brought unique challenges to the region, it is important to note that the process for making determinations during weather-related events is not new, but has been finely honed over many years. This decision takes into account the collaborative feedback of a network of stakeholders at the Federal, State, and local levels.

OPM maintains a 24-hour operational center to actively monitor unfolding events, weather or otherwise, which could have adverse effects on Federal Government operations in the NCR. As emergency events arise, OPM participates in conference calls hosted by the Metropolitan Washington Council of Governments (MWCOG) in order to assess events and coordinate communications and response efforts among Federal, State, and local agencies and other stakeholders. Participants in the calls include Federal, State, and local partners in all applicable disciplines, including weather (e.g., National Weather Service), emergency planning (e.g., FEMA, Emergency Management Agencies of DC, MD and VA, as well as County representatives from local jurisdictions), transportation (e.g., WMATA/Metro/Metrobus, VRE, MRAC, Amtrak, commuter bus lines, Department of Transportations for DC, MD, and VA), law enforcement (e.g., Metropolitan Police Department, U.S. Park Police), utility companies (e.g., PEPCO) and school districts. In weather events that occur during the overnight hours, MWCOG calls are typically arranged at 3:30 a.m. with over 100 attendees.

Ultimately, OPM's decision serves to carefully balance the safety and security of the Federal workforce and the public, with the associated costs and lost productivity of a closure. During MWCOG calls, key considerations affecting OPM's determination include the rate of snowfall/ice accumulation and clearance rate; the expected duration of the storm; road conditions on primary, secondary and residential streets; street parking availability; sidewalk clearances; commuter lot accessibility; public transportation capabilities; and status of public utilities. Following the MWCOG call, OPM evaluates the feedback provided, analyzes historical decisions made in similar instances, and makes a final determination based on the totality of circumstances. The final decision is disseminated no later than 4:00 a.m. through simultaneous notifications to media outlets, the Chief Human Capital Officers Council, the White House, and Congress, as well as through updates to the OPM webpage and telephone line. During the latest snowstorms, decisions on closures were routinely announced by 7:00 p.m., the evening before.

On the whole, our initial assessment is that this process worked, and was successful. However, as with any major undertaking, a full review with all of our partners is necessary to analyze lessons learned, and to determine where we can bridge critical gaps. MWCOG will be hosting an After-Action Review on April 5th to meet these objectives, and OPM will be an active participant.

Today, as we discuss the recent closure of the Federal government and our liaison with FEMA, I would like to touch on a new partnership OPM has recently embarked upon with FEMA's Office of National Capital Region Coordination (ONCRC). Since the tragic events of September 2001, a variety of efforts have been undertaken to improve the emergency preparedness of our region. Evacuation plans and routes have been re-analyzed and revised, but the success of these plans played out in real-life emergencies remains undetermined in many respects. Testing the viability of cross-jurisdictional plans and educating Federal employees and the general public remains a challenge. To this end, our partnership with FEMA ONCRC seeks to tackle these difficult issues. Our long-term goal is to test our region-wide preparedness through a real-time evacuation of the NCR, like that which occurred during September 11, 2001. Such an effort, however, is no easy feat and requires

tremendous planning and coordination. We have begun this process by developing a Strategic Plan outlining our objectives and working with the FEMA ONCRC's Joint Federal Committee to draw in Federal, State and local partners into the development of a Concept of Operations Plan.

While we work to achieve this worthwhile long-term goal, there are efforts we can make in the meantime to better prepare. Last spring, for example, OPM sponsored a Town Hall meeting with Federal, State, and local emergency management officials to educate Federal employees on the various evacuation routes and plans across the region. We also conducted an emergency management and crime prevention fair. Our last event was in February where together with our FEMA ONCR co-sponsors, OPM hosted a Table-Top exercise for Federal Emergency Managers to test Occupant Emergency Plans and evacuation capabilities and protocols.

Prior to the start of the winter season, OPM conducted a press conference, together with our NWS, MWCOG, and FEMA ONCR partners to outline the Federal decision making process and reaffirm our long-standing commitment to make a status determination no later than 4 a.m. We plan to continue similar efforts in the future, and take very seriously our role in emergency planning. We look forward to any recommendations to improve our efforts.

There is one area that I am confident that we can further enhance and develop in the near future, and that is the greater use of telework. Telework capabilities are a key aspect in ensuring viable Continuity of Operations Programs, as well as the continuance, in an uninterrupted fashion, of important government services and functions. OPM has set a strategic goal to increase the number of eligible Federal employees who telework by 50 percent from fiscal year 2009 to fiscal year 2011.

The closing of Federal offices in the NCR received much attention, but it is important to note that we experienced encouraging news and positive feedback and stories during this historic snowfall. Many Federal employees rose to the challenge and continued to work, making good use of telework and other work flexibilities.

While we are not able to isolate NCR numbers from our routinely collected telework data, anecdotal information suggests that a significant number of employees in the NCR teleworked during the recent closure. Based on information received from our annual call for telework data from 2008, 61 percent of the Federal workforce is eligible to telework, while 5.2 percent of Federal employees regularly telework under a formal agreement. Based on our years of experience working with agencies to institute Federal telework programs, we believe participation rates are much higher in the NCR. We conservatively estimate that 10 percent of NCR employees telework on a regular basis.

We know that telework is valuable for the recruitment and retention of employees. We are aware that it mitigates environmental damage from commuter traffic and lastly we understand that it can help employees balance work and other life responsibilities. However, unless we look at telework as a good business decision incorporating it as an integral part of doing business in the Federal Government, we will continue to ignore the one effective and

important tool that could make the difference between shutting down Federal Government services and continuing to operate with minimal interruption in emergency situations. Telework enables business to continue services and operations without jeopardizing the safety of its employees. As I previously mentioned, this is a major component of deciding to close Government buildings.

I would like to take this opportunity to reaffirm my commitment to advancing telework in the Federal government. To meet my strategic goal of increasing the number of Federal employees who telework Governmentwide, my agency continues to work on the telework initiative that I introduced on Capitol Hill last year. We asked agencies to send their telework policies for us to review. I believe that strong, consistent policies are critical to program success. Of course, we are particularly interested in agency expectations with regard to telework during emergency closures. Most policies require teleworkers to fulfill their duties during closures, but also allow for consideration and latitude with regard to child or elder care issues or other personal responsibilities that may occur due to specific circumstances of the closure. We plan to give individual feedback to agencies that participated in the review, and will provide guidance on how to better incorporate telework as part of their emergency planning.

We are aware that we have many obstacles to overcome in achieving this goal. The results from the 2008 Governmentwide annual call for telework data showed that 49 percent of agencies reported that management resistance remains a major barrier to telework. In addition, 32 percent reported that information technology (IT) security and IT funding are each significant barriers to the use of telework.

With the importance of overcoming these barriers in mind, OPM, in partnership with the General Services Administration and the U.S. Patent and Trademark Office held a Federal Telework Leadership Thought Forum on March 10th. This forum was sponsored by an interagency White House Task Force on Telework of which I chair. This task force is analyzing barriers to the adoption and promotion of telework programs in the Federal sector. The forum had over sixty participants Governmentwide including representatives from labor, and was designed to solicit from the participants, solutions to agency barriers frequently identified in research and practice as well as suggested actions. Results from the forum will be used to guide and model effective telework strategies Governmentwide.

I believe that we can move telework forward to the point where we never again need to close the Federal Government for snow emergencies. By creating a mobile workforce, employees will always be able to work regardless of their location. With proper equipment and appropriate emergency planning, we need only to declare a "mobile work day," and the Federal Government can seamlessly conduct business as usual.

Thank you for holding this important hearing. I would be happy to address any questions that you may have.

The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

APR 29 2010

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

FROM: JOHN BERRY
Director
U.S. Office of Personnel Management

SUBJECT: Use of Washington, DC, Area Dismissal or Closure Procedures during February 2010 Snowstorms and Lessons Learned

We are still learning from the effects of the record snowfall that kept most Federal workers in the National Capital Region out of the office for four days. While our initial data calls revealed significant levels of telework, we are seeking further details on what worked and what didn't, in order to help us better prepare for future disruptions.

The Office of Personnel Management continues to play a key role in the human capital aspects of emergency preparedness including the annual release of the *Washington, DC, Area Dismissal or Closure Procedures (November 20, 2009)*. The procedures, developed in consultation with the Metropolitan Washington Council of Governments, are based on the principle that Federal Government operations are vital to serving the public without compromising the safety of our employees. As Government leaders, we should draw upon lessons learned from the February 2010 snowstorms so that we might be better prepared for future events and to update guidance as appropriate.

Pages 8 – 9 of the procedures list seven agency responsibilities. We are asking you to share with us what worked and what did not work for your agency during the snow emergency closure. Specifically,

1) Was telework part of your emergency response plan?
2) Did you expand telework usage specifically for the snow event?
3) Was telework effective?
4) Were there problems with accessing your email and other data management systems in order to do work? What were those?
5) Were the appropriate employees designated as "emergency personnel" and were they able to function in their roles? If not, why not?

6) For those employees who were expected to go into the office, were they able to do so? If yes, was there a plan in effect to guarantee their arrival (i.e., SUV carpools, options for employees to spend the night in a nearby hotel)?
7) If your plan was not as effective as you hoped, what changes will you make?

Our plan is to compile success stories, problems and solutions that we can share with the rest of the Government. Please provide your feedback to Kathryn Medina at chcoc@opm.gov by May 14, 2010.

RESPONSES OF JOHN BERRY
DIRECTOR
U.S. OFFICE OF PERSONNEL MANAGEMENT
1900 E Street NW, Washington, DC 20415
(202) 606-1300

To

CHAIRWOMAN ELEANOR HOLMES NORTON
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT,
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES

on

SNOW DISASTERS FOR LOCAL, STATE AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA

March 23, 2010

1. **Who initiates, or decides to initiate, the Metropolitan Washington Council of Governments (MWCOG) calls?**
   a. **Who is on the calls from OPM?**
   b. **What other entities participate?**

The MWCOG, in consultation with Federal, State, and local partners, has established pre-determined thresholds for MWCOG calls. When the National Weather Service forecast calls for 1" of snow or more, or any accumulation of ice, a MWCOG call will automatically be initiated. Any participating MWCOG member, however, can request a call at any time. The Deputy Associate Director for OPM's Facilities, Security, and Contracting is the primary OPM representative, although the OPM Director routinely participates as his schedule permits. Participants in the calls include Federal, State, and local partners in all applicable disciplines, including weather (e.g., National Weather Service), emergency planning (e.g., FEMA, Emergency Management Agencies of DC, MD and VA, as well as County representatives from local jurisdictions), transportation (e.g., WMATA/Metro/Metrobus, VRE, MRAC, Amtrak, commuter bus lines, Department of Transportations for DC, MD, and VA), law enforcement (e.g., Metropolitan Police Department, U.S. Park Police), utility companies (e.g., PEPCO) and school districts.

2. Who specifically makes the final decision on the operating status for Federal offices in the NCR?

Following a MWCOG call, OPM evaluates the feedback provided, analyzes historical decisions made in similar instances, and the OPM Director makes a final determination based on the totality of circumstances. This determination is disseminated no later than 4:00 a.m. through simultaneous notifications to media outlets, the Chief Human Capital Officers Council, the White House, and Congress, as well as through updates to the OPM webpage and telephone line. During the February snowstorms, decisions on closures were routinely announced by 7:00 p.m. the evening before.

3. Under what authority are these decisions made by OPM? (i.e., is it a statute, an Executive order, a regulation, a delegation)

Congress has given agency heads the authority to govern their departments, and to delegate authority over the general administration of personnel to their subordinates. See 5 U.S.C. §§ 301, 302. With the broad authority to govern a department comes the inherent authority to excuse employees from duty in appropriate circumstances.

Although each agency technically has discretion to dismiss its own employees, agencies have agreed to exercise this authority in a coordinated way in the event of a weather emergency. In the Washington, DC, area, OPM has assumed this necessary central coordination role, with the support of the White House and affected agencies. As the representative of the Federal Government, OPM consults with the Metropolitan Washington Council of Governments and makes a determination regarding the closure of Government operations. Agencies voluntarily follow the operating status determination made by OPM in consultation with its Federal, State, and local partners. OPM's determination applies to facilities "inside the Washington Capital Beltway," since facilities outside of the Washington Capital Beltway are often subject to different weather and traffic conditions. Agencies outside of the Beltway may choose to follow the OPM determination or develop their own procedures. It has been our experience, however, that most facilities within the NCR and outside the Beltway choose to follow the OPM "inside the Beltway" determination. This allows an orderly, efficient approach to weather and disaster-related dismissals that takes into account public safety concerns, traffic and commuting concerns, the needs of first responders, and the capacity of emergency facilities.

4. How many Federal employees tele-worked in the NCR during these storms?

During the snow event, 30 percent of OPM and General Services Administration employees logged on to their respective networks. Our request for information on remote access during the February storms to the Chief Information Officers of executive branch agencies revealed similar employee logon rates. After the storms, we had our data analysis staff estimate the cost of the lost productivity by analyzing information in our database adjusting for, among other things, savings achieved from employees who telework, emergency personnel in the NCR on duty, and intermittent and part-time employees. Taking these savings into account, our updated estimate for the cost of closure during the February snow event is $71 million per day. This figure confirms the real-time data we received which suggests that at least 30 percent of federal

employees (or about 86,000 federal employees) in the NCR region worked during the snow days, mostly from outside the office. We believe that this is a conservative estimate and that the actual amount of employees working during this period may have been higher.

5. Who in the Federal Government is responsible for overall tele-work policy?

There is no governmentwide telework policy. To be effective, telework policies must take into account each agency's own unique culture and mission. Every agency is required to have an agency telework policy that should include plans for dismissals, closures and other emergencies as they relate to telework.

The Office of Personnel Management does provide guidance at a high level to agencies, managers, and employees on policies and how to effectively implement telework programs. As part of Director Berry's telework initiative, agencies were asked to submit their policies to OPM. OPM assembled an advisory group made up of telework experts from several Federal agencies. They developed a checklist against which to evaluate the agency policies. Initial results of the evaluation were provided to agency telework coordinators in a meeting on January 21st. Individual results of the policy evaluation will be shared with each participating agency.

In addition, as you may know, H.R. 1722 which passed out of the House Oversight Committee and is being considered for floor action does give OPM greater authority over regulations and policy requirements for establishing agency telework plans and programs.

6. How does OPM work with FEMA's National Capital Region Office?

OPM and FEMA's Office of National Capital Region Coordination (ONCRC) maintain a strong and productive liaison. FEMA ONCRC is an active participant in all MWCOG conference calls. Further, OPM has recently embarked upon a new partnership with ONCRC to test our region-wide preparedness through a real-time evacuation of the NCR. We have begun this process by developing a Strategic Plan outlining our objectives and working with the FEMA ONCRC's Joint Federal Committee to draw in Federal, State and local partners into the development of a Concept of Operations Plan. In February OPM and FEMA ONCR co-sponsored a Table-Top exercise for Federal Emergency Managers to test Occupant Emergency Plans and evacuation capabilities and protocols.

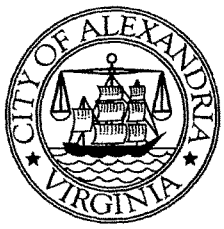
7. Within 30 days, please provide the Subcommittee with a plan by OPM to get workers to their jobs in the event of an emergency, such as a snowstorm.

OPM has asked agencies to report to us by May 14th on their current methods for ensuring that emergency personnel are able to come in to work in the event of an emergency. (See attached.) Once agencies report back to us, OPM will issue recommendations on best practices to ensure that agency mission essential functions can continue to be fulfilled during emergency situations.

Further, we are continuing our partnership with MWCOG and FEMA ONCRC to ensure that closure decisions appropriately balance the safety and security of the Federal workforce and the public, with the associated costs and lost productivity of a closure.

Statement Of:

JAMES K. HARTMANN
City Manager
City of Alexandria, Virginia
301 King Street, Alexandria, Virginia 22314
(703) 746.4300



Before the:

U.S. HOUSE OF REPRESENTATIVES

Committee on Transportation and Infrastructure

Sub-Committee on Economic Development, Public Buildings and Emergency Management

Hearing On:

"Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

Tuesday, March 23, 2010
2167 Rayburn House Office Building
2:00 p.m.

Statement of James K. Hartmann
Before U.S. House of Representatives Sub-Committee on Economic Development, Public Buildings and Emergency Management
March 23, 2010

THANK YOU CHAIRWOMAN NORTON FOR THE OPPORTUNITY TO APPEAR TODAY BEFORE THIS SUBCOMMITTEE AND DISCUSS THE NATIONAL CAPITAL REGION'S RESPONSE TO SNOW DISASTERS.

THIS HEARING IS CERTAINLY TIMELY GIVEN THE UNPRECEDENTED WEATHER THE NATIONAL CAPITAL REGION EXPERIENCED -- SOME OF THE WORST WEATHER EXPERIENCED IN THE REGION SINCE RECORD KEEPING BEGAN

IN DECEMBER OF LAST YEAR, SOME TWENTY PLUS INCHES OF SNOW FELL ON THE ALEXANDRIA PARALYZING OUR MOBILITY AND CLOSING SCHOOLS, BUSINESSES AND GOVERNMENT.

IN FEBRUARY, AS IF THE DECEMBER STORM WAS AN INSUFFICIENT INSULT, AN ADDITIONAL 40-PLUS INCHES OF SNOW FELL. THIS SECOND SET OF STORMS SEVERELY TESTED OUR ABILITY TO RESPOND TO A NATURAL DISASTER OF THIS SCALE.

FORTUNATELY, IN THE SPAN OF TIME BETWEEN DECEMBER AND FEBRURARY, THE CITY OF ALEXANDRIA, LIKE OTHER JURISDICTIONS IN THE REGION, EVALUATED OUR EARLIER RESPONSE AND LEARNED MANY THINGS.

ALEXANDRIA LEARNED THAT OUR TRADITIONAL PRIORITIES FOR SNOW CLEARING, ORIENTED TOWARDS INSURING THE INTEGRITY OF THE MAIN TRANSPORTATION GRID, DIDN'T MAKE SENSE IF A FIRE ENGINE, AMBULANCE, OR UTILITY TRUCK COULDN'T LEAVE THE PRIMARY ROAD AND TRAVEL INTO A TUCKED AWAY CUL DE SAC WHEN A CALL FOR ASSISTANCE WAS RECEIVED

WE LEARNED THAT WITH MORE THAN TWELVE INCHES OF SNOW, FIRE HYDRANTS ARE INACCESSIBLE, PARTICULARY AFTER STREETS ARE CLEARED AND SNOW IS PILED ALONG THE CURBS WHERE THE HYDRANTS ARE LOCATED.

WE KNEW THAT WE DON'T HAVE NEARLY ENOUGH SNOW REMOVAL EQUIPMENT TO RESPOND TO STORMS OF THIS MAGNITUDE; WE WILL NEVER HAVE ENOUGH EQUIPMENT FOR SUCH A HERCULEAN TASK AND THREFORE OUR PARTNERSHIP WITH CONTRACTORS IS CRITICALLY IMPORTANT.

WE LEARNED THAT THE EMPLOYEES WE DEPEND ON FOR KEEPING OUR COMMUNITY SAFE DON'T LIVE IN OUR CITY. THEY LIVE IN LOCATIONS OUTSIDE THE URBAN CORE OF THE REGION AND GETTING TO WORK IN A MAJOR SNOWSTORM IS DANGEROUS AT BEST, IMPOSSIBLE AT WORST.

WE LEARNED THAT WE NEED TO BE BETTER PREPARED, AS A REGION, TO MANAGE DISASTERS LIKE THIS ONE AND OTHER EVENTS THAT SERIOUSLY THREATEN THE WELL BEING OF OUR C ITIZENS, BUSINESSES, AND VISITORS—AS WELL AS THE SEAT OF OUR NATION'S GOVERNMENT.

AND WE LEARNED THAT BEING ACCURATE IN YOUR ASSESSMENT OF THE THREAT IS VERY IMPORTANT.

SO BY THE TIME THE FEBRUARY STORMS ARRIVED WE WERE WISER AND BETTER PREPARED. WE TOOK SERIOUSLY THE PREDICTIONS AND WE PLANNED A RESPONSE STRUCTURE THAT WOULD ALLOW US TO DO A BETTER JOB IN FEBRUARY 2010 THAN WE HAD IN DECEMBER 2009

ALEXANDRIA'S RESPONSE TO SNOW EMERGENCIES AND ALL OTHER INCIDENTS THAT THREATEN THE PUBLIC NOW BEGINS WITH THE NATIONAL INCIDENT MANAGEMENT SYSTEM INCIDENT COMMAND SYSTEM, OR NIMS-

ICS. KEY STAFF IN THE ORGANIZATION HAS BEEN TRAINED IN THE NIMS-ICS METHOD AND IT IS NOW OUR DEFAULT MODE OF OPERATION. ICS WORKS – IT TAKES AWAY ANY BLURRINESS ABOUT WHOSE IS IN COMMAND AND WHAT THE PRIORITIES ARE FOR THE CITY OF ALEXANDRIA.

WHEN THE THREAT DICTATES, WE DO NOT HESITATE TO OPEN OUR EMERGENCY OPERATIONS CENTER, OUR EOC, ESPECIALLY SINCE WE DO NOT HAVE A DEDICATED FACILITY AND MUST CONVERT OTHER SPACE. IT'S THERE FOR EMERGENCIES AND WE USE IT.

FOR THE FEBRUARY SNOWSTORM WE CONDUCTED A FULL ACTIVATION OF OUR EOC SIX HOURS BEFORE THE FIRST SNOW FELL AND WE KEPT THE CENTER OPEN 24 HOURS PER DAY FOR MORE THAN A WEEK AFTER THE LAST FLAKE HAD FALLEN.

AN ACTIVE EOC PROVIDES THE TOUCHSTONE FOR ALL OF OUR EFFORTS. IT IS VITALLY IMPORTANT TO OUR CONTINUITY OF OPERATIONS AND CONTINUITY OF GOVERNMENT DURING A DISASTER. IT IS ALSO EMBLEMATIC OF OUR COMMITMENT TO RESTORING OUR COMMUNITY TO NORMALCY AS QUICKLY AS POSSIBLE

ONCE OUR EOC WAS OPERATIONAL AND OUR NIMS-ICS STRUCTURE WAS IN PLACE, WE COULD READILY MAKE DECISIONS ABOUT PRIORITIES AND RESOURCES WHICH WE DID CONTINUOUSLY.

FROM THE DECEMBER STORM WE KNEW ACCESS TO PUBLIC SAFETY WAS A FAR MORE IMPORTANT PRIORITY THAN ACCESS TO THE CAPITAL BELTWAY, SO OUR PRIORITIES BEGAN WITH THE SIMPLE – -MAKE EVERY STREET IN THE CITY PASSABLE FOR A FIRE TRUCK, AMBULANCE, OR PUBLIC UTILITY TRUCK. YOU HAVE ALL BEEN TO ALEXANDRIA AND YOU KNOW WHAT A CHALLENGE THAT CAN BE.

IN PRIORITY ORDER AFTER ACCESSIBILITY OF OUR STREETS CAME ACCESS TO FIRE HYDRANTS, ACCESS TO SIDEWALKS (PARTICULARLY IN HIGH DENSITY POPULATION AREAS AND METRO STATIONS) AND ACCESS TO STORM DRAINS (ALEXANDRIA HAS BEEN KNOW TO FLOOD ON OCCASION).

THE FEBRUARY STORM ALSO PRESENTED A CHALLENGE WE DID NOT EXPERIENCE IN THE DECEMBER STORM – A THREAT TO BUILDINGS AND OTHER STRUCTURES FROM THE CRUSHING WEIGHT OF THREE AND A HALF FEET OF WET SNOW, WITH DRIFTS UP TO TEN FEET IN SPOTS. ASSESSING

AND CLEARING SNOW FROM ROOFTOPS IMMEDIATELY DREW TREMENDOUSLY ON THE RESOURCES OF THE CITY AND OUR CONTRACTORS

OUR PRIORITIES WERE REASSESSED EVERY TWELVE HOUR PERIOD, IN SYNC WITH THE TWELVE HOUR OPERATIONAL PERIOD WE WERE EMPLOYING WITH OUR NIMS-ICS STRUCTURE. WHEN THREATS COULD BE CLEARED, WE DID SO AND THEN MOVED ON TO OUR NEXT PRIORITY.

I MENTIONED A MAJORITY OF THE EMPLOYEES AND CONTRACTORS WE DEPEND ON TO PROTECT AND ASSIST OUR CITIZENS IN TIMES OF EMERGENCY DO NOT LIVE IN THE CITY. WITH THE HELP OF THE LOCAL BUSINESS COMMUNITY AND OUR PARTNERS IN THE HOTEL INDUSTRY, MANY OF OUR EMPLOYEES BECAME RESIDENTS OF THE CITY FOR THE DURATION OF THE STORMS.

AS THE SNOW BEGAN TO FALL, THEY STAYED WITH US, WORKING ROTATING TWELVE HOUR SHIFTS FOR AS LONG AS WAS NECESSARY; IN SOME CASES, FOR MORE THAN FIFTEEN DAYS. THEY GIVE ALL GOVERNMENT WORKERS A GOOD NAME.

IN THE SAME WAY THAT OUR BUSINESS COMMUNITY STEPPED UP, SO DID OUR CONTRACT FORCES. FORTUNATELY, FOR MANY YEARS WE HAVE USED CONTRACTORS TO SCALE UP OUR WORKFORCE WHEN IT IS NEEDED. TO RESPOND TO THIS DISASTER, WE CALLED UPON OUR CONTRACTORS FROM THE REGION, BUT ALSO ON THOSE FROM AS FAR AWAY AS CHARLOTTE NORTH CAROLINA AND BUFFALO NEW YORK. THEY GAVE US RESOURCES TO DO WHAT WE COULD NOT HAVE DONE ALONE. MOST IMPORTANTLY, THEY HELPED US TO MINIMIZE THE THREAT TO OUR COMMUNITY BY INCREASING THE PACE OF OUR RECOVERY

I REALIZE I OFFER A SOMEWHAT UPBEAT PICTURE OF THE CONDITIONS IN ALEXANDRIA. IT IS NOT OVERSTATEMENT.

THE WILLINGNESS TO CRITICALLY REVIEW OUR ACTIONS AFTER THE DECEMBER 2009 STORM GAVE US A TREMENDOUS BOOST IN OUR PREPARATION FOR THE EVENTS OF FEBRUARY 2010. PROPERLY ASSESSING THE FEBRUARY THREAT, HAVING THE PROPER ORGANIZATIONAL STRUCTURE IN PLACE TO MANAGE THE RESPONSE EFFORT, CLEARLY ORDERING PRIORITIES AND USING OUR PARTNERS TO HELP US WITH RESOURCES BEYOND OUR CAPABILIITES– ALL MADE LAST MONTH'S

STORMS THE LEAST IMPACTFUL THEY COULD POSSIBLY BE ON OUR COMMUNITY.

NOT EVERYTHING OF COURSE WENT AS SMOOTHLY AS WE WOULD HAVE HOPED AND IT IS ONLY FAIR THAT I ACKNOWLEDGE THOSE AREAS WHERE IMPROVEMENT IS YET TO BE MADE

WHILE WE ANTICIPATED THIS EVENT WOULD CAUSE SUSPENSION OF SERVICE OF METRO, THE CLOSING OF SCHOOLS AND THE SHUTTING OF THE FEDERAL GOVERNMENT, WE WERE CHALLENGED TO UNDERSTAND WHEN AND UNDER WHAT CONDITIONS THESE SERVICES WOULD BE RESTORED. WE WERE IN SOME INSTANCES EQUALLY CHALLENGED TO PROVIDE THE RESOURCES NECESSARY TO ACCOMMODATE THE RESTART OF SERVICES.

IN THE CONTEXT OF OUR EMERGENCY RESPONSE TO A SNOWSTORM, A DECISION TO OPEN THE FEDERAL GOVERNMENT WITHOUT ADEQUATE SIDEWALK CLEARING AROUND METRO STATIONS OR A FULLY OPERATIONAL PUBLIC TRANSIT SYSTEM, RESULTS IN HUNDREDS OF PEDESTRIANS LITERALLY IN THE STREETS OF ALEXANDRIA. AN UNSAFE CONDITION THAN NEED NOT EXIST

DECISION-MAKING ON WHEN TO REOPEN SCHOOLS THAT OCCURS WITHOUT THE FULL BENEFIT OF INFORMATION REGARDING ROAD, SIDEWALK, AND BUS STOP CONDITIONS IS TROUBLESOME. RACING TO OPEN SCHOOLS TO FOSTER A PUBLIC SENSE THAT A RETURN TO NORMALCY HAS BEEN ACHIEVED IS DANGEROUS AND THREATENS THE VERY FUTURE OF OUR COMMUNITIES, OUR CHILDREN.

IMPROVING THE COORDINATION OF DECISION MAKING IN THESE AREAS WOULD DRAMATICALLY ASSIST WITH THE OUR ABILITY TO PREPARE AND SHIFT THOSE RESOURCES NECESSARY TO PROPERLY RESTART SERVICES. THE CONFERENCE CALLS ARE A GOOD FIRST STEP. MORE DIALOUGE OUTSIDE OF AN EVENT, SUCH AS THESE DISCUSSIONS TODAY, ARE CRITICAL.

FROM AN ADMINISTRATIVE STANDPOINT, THE CURRENT RESTRICTIONS IMPOSED BY THE FEMA SNOW ASSISTANCE POLICY ARE UNNECESSARILY BURDENSOME ON LOCAL JURISDICTIONS WHO MUST EXPEND SIGNIFICANT FUNDS OUTSIDE THEIR APPROVED OPERATING BUDGETS TO ADDRESS NATURAL DISASTERS OF THIS MAGNITUDE.

IT IS WORRISOME THAT IN THE NATIONAL CAPITAL REGION, WHERE OUR ABILITY TO FUNCTION IS SO INTRICATELY ENTWINED WITH THE SEAT OF

OUR FEDERAL GOVERNMENT, THAT OPERATIONAL RESPONSES TO DISASTERS SUCH AS THESE ARE ONLY MARGINALLY COORDINATED AND INFLUENCED BY THE ECONOMIC CONDITION OF INDIVIDUAL LOCAL JURISDICTIONS.

IN CLOSING, I APPRECIATE THE OPPORTUNITY TO TESTIFY AND WANT TO REITERATE THAT THE FEBRUARY 2010 SNOWSTORMS WERE NOT ORDINARY WINTER EVENTS FOR THE CITY OF ALEXANDRIA OR THE NATIONAL CAPITAL REGION. INDEED, SNOWMAGEDDON, OR SNOWPOCALYPSE AS IT IS ALSO BEING CALLED, MET EVERY ACCEPTED DEFINITION OF A NATURAL DISASTER. THIS EVENT QUICKLY OUTSTRIPPED OUR LOCAL RESOURCES, INTERRUPTED THE NORMAL FUNCTIONS OF OUR CITY FOR WEEKS, AND LED TO A SUSTAINED RECOVERY EFFORT THAT CONTINUES TO THIS DAY. OUR COMMITMENT TO LOCAL, STATE, REGIONAL, AND FEDERAL PARTNERSHIPS IS RESOLUTE AND WE LOOK FORWARD TO A CONTINUED DIALOGUE ABOUT HOW WE CAN SUSTAIN AND IMPROVE OUR POSITIVE WORKING RELATIONSHIPS.

I WOULD ENCOURAGE THIS COMMITTEE RECOMMEND TO FEMA A REVISION TO THEIR FORTY EIGHT HOUR REIMBURSEMENT POLICY.

Statement of James K. Hartmann
Before U.S. House of Representatives Sub-Committee on Economic Development, Public Buildings and Emergency Management
March 23, 2010

THANK YOU FOR YOUR TIME TODAY AND FOR THE OPPORTUNITY TO SPEAK.

I WELCOME ANY QUESTIONS YOU MAY HAVE.

Attachment to the testimony of James K. Hartmann, City Manager, City of Alexandria Virginia.

How do you believe your city has benefited from implementing the National Incident Management System (NIMS) or the Incident Command System (ICS) generally?

- NIMS/ICS has provided a standardized structure consistent with our local, state and federal response partners. City staff is able to communicate to the corresponding response partners utilizing the correct terminology.
- The City has built our Comprehensive Emergency Management Program (CEMP) based on NIMS/ICS, during emergencies and planned special events all City staff is focused on one set of objectives implemented by the incident commander.
- ICS has helped to eliminate stovepipes that exist in government with all employees involved in one system under one commander regardless of what department they may work in, focused on one incident regardless of their normal City function.
- Utilizing the system has assisted the City's Emergency Operations Center (EOC) to focus more strategically, allowing the Incident Commanders in the field managing the incident to focus on the incident while the EOC focuses on supporting the incident response and on the City as a whole. This provides greater continuity of government and continuity of operations within the City during a large scale emergency or event.

➢ In a disaster how does the City work with the Commonwealth of Virginia and the Federal Government?

- The City collaborates with the Commonwealth of Virginia through the Virginia Department of Emergency Management (VDEM). This formal process allows the City to request aid from the Commonwealth, from the Virginia Statewide mutual aid process or from the Emergency Assistance Compact (EMAC). This same process is how the City requests assistance from the Federal government through VDEM.
- The City also works with both the Commonwealth and the Federal Government as a part of existing National Capital Region (NCR)

processes such as the Regional Incident Information and Communications System (RICCS).

- Because of our geographic location the City also uses informal processes utilizing existing relationships with Federal officials when necessary.

➢ What lessons have you learned from these storms that would apply to a disaster regardless of cause?

- We need to strengthen and practice our damage assessment processes. The City was not well prepared to evaluate the structural integrity of all critical buildings in the City. The amount of snow caused concerns about the strength of our buildings. We pulled together a process that worked well. We need to formalize that process and practice it.
- The City needs better situational awareness. There was so much data about the events yet our ability to use the data and to get updated data was limited. We were very limited in our ability to determine what areas had been cleared and which had not been cleared. The City needs to explore the use of technology to assist in developing better situational awareness.
- The City used social media as a communications tool during the snow storms. This proved to be valuable and needs to be utilized more often during emergencies. This media provided a great service especially in controlling rumors.
- The City needs to build depth in our employee ranks to assist in large events. The relatively small numbers of employees that are trained to operate in the EOC were exhausted out after a few days and in need of replacement.
- The City needs additional contracts and resources to assist in large scale emergencies. These storms exceeded our ability to respond appropriately with our existing resources and our contracted resources. The City needs to have additional contracts in place to assist when needed.

Statement by

Carter Kimsey
President, Local 3403
American Federation of Government Employees,
AFL-CIO

before

The Subcommittee on Economic Development,
Public Buildings, and Emergency Management

House Committee on Transportation and Infrastructure

regarding

Snow Disasters for Local, State and Federal
Governments in the National Capital Region: Response
and Recovery Partnerships with FEMA

March 23, 2010

Madam Chair and Members of the Subcommittee:

My name is Carter Kimsey and I am the President of Local 3403, National Science Foundation of the American Federation of Government Employees, AFL-CIO (AFGE). On behalf of the more than 600,000 federal and District of Columbia workers represented by AFGE, I thank you for the opportunity to testify today on federal policies to facilitate continuity of operations in emergencies or when disaster strikes.

The snowstorms in the winter of 2010 in our area might not deserve the label of "disaster" but they did make transportation to and from many federal workplaces unsafe, impractical, and in some cases, impossible. We believe that the Office of Personnel Management acted prudently when it either closed or delayed the opening federal offices in the Washington, DC region. Hundreds of thousands were without power, had no access to public transportation, could not drive their own vehicles because neither side streets nor main roads had been plowed, and could not walk because sidewalks had not been shoveled or else were impassible because plows had moved snow upon them.

The question is: are there policies that the government could put in place that would allow more federal employees to continue to do their jobs during future disasters, than were able to do so this year? We can reasonably expect that the future will include challenges that resemble this year's extreme weather, and it is therefore incumbent upon the federal government to put in place rules and policies that will allow the greatest possible continuity of operations.

There is one obvious answer to this question, and that is to put into place the material and policy infrastructure to vastly expand telework for federal employees. Telework, the ability of employees to work from locations other than the office, has become a critical part of strategic planning for both agencies seeking to find more efficient means of carrying out their missions in both normal and emergency circumstances, as well as allowing workers to strike a better balance between work and family. The FY 2001 Department of Transportation appropriations law required agencies to establish policies that would allow eligible federal workers to telework to the maximum extent possible. Experience in the federal and private sectors has proven that effectively managed telework programs strongly support workforce recruitment and retention, managing office space and overhead costs, and addressing environmental and energy concerns. And they provide an invaluable means for continuity of operations during an emergency.

The OPM's most recent report to Congress on telework found that the number of regular federal teleworkers had declined from 2005 to 2006. Only 7.7% of the federal workforce participates in telework, although more than half of all federal

workers currently hold jobs classified as eligible for telework. Even more telling was the finding by a recent Federal Human Capital Survey that only 22% of all workers were satisfied with their telework situation, while 44% stated they had no basis on which to answer the question, indicating that telework is not an option for close to half of all federal workers. When just over a fifth of federal employees express dissatisfaction with their telework options, and it is in the interest of the federal government to promote telework for numerous reasons, including continuity of operations in emergencies and disasters, the time has come to expand telework opportunities.

Madam Chair, two weeks ago I represented AFGE at an OPM-sponsored thought forum on telework. Among the recommendations developed by participants were to have managers determine *before a job announcement is posted* whether and what level of telework opportunities would be available to the employee hired for the position. We believe this would help applicants determine whether the job would be a good fit for them before they have been hired. And since telework will be an added incentive for the best and brightest candidates to apply, managers may get in the habit of thinking about telework as an attractive benefit of the job, rather than a detriment to the agency's mission. Additionally, the thought forum explored ways to make telework the "norm" for the Federal workforce. Their report is expected shortly. My major impression of the forum is that if Director Berry's enthusiasm is any predictor of our future success, we can make telework the norm.

Legislative Efforts to Encourage Telework

Two bills are currently before the Congress that would take steps to expand federal telework. The Telework Enhancement Act of 2009 (S. 707) was reported out of the Committee on Homeland Security and Governmental Affairs in May, 2009. The Telework Improvements Act of 2009 (H.R. 1722) was reintroduced by Representative John Sarbanes (D-MD). Both bills require that all federal workers be considered eligible for telework unless the agency shows they are ineligible. Under current law, federal workers must overcome the presumption that they are *ineligible* for telework unless the agency determines otherwise. However, while the bills require agencies to appoint a "Telework Managing Officer" to report to Congress information on the number of workers involved in telework programs, they lack an enforcement mechanism if agencies fail to meet the telework requirement. The bills also do not address the right of unions to communicate or represent their members in telework situations, or address travel expense issues for workers who live outside the commuting area of their duty station but who are required to report to the office for meetings or other assignments, often at little notice and great expense to the worker.

AFGE members working at agencies with established telework programs such as the Center for Medicare and Medicaid Services and Citizenship and Immigration

Services report that those agencies have self-imposed an arbitrary "cap" on the number of workers allowed to participate in telework. At my own agency, the National Science Foundation (NSF), although we have succeeded in a negotiating telework program, the union was forced to trade off the right to file any grievances on the matter, regardless of their merit. This makes it almost impossible to ensure that telework at NSF is applied fairly and uniformly to the workforce. Our experiences are reflected by a 2007 study by the Telework Exchange Federal Managers Association study finding that only 35% of federal managers believe their agencies support telework, despite a 2001 Congressional mandate.

The snows of 2010 are only the most recent event that highlighted the need for more extensive telework opportunities in the federal government. The 2009 H1N1 flu outbreak focused attention on the low numbers of federal workers participating in telework programs and the need for the federal government to increase agency and employee participation in telework programs. In April 2009, the Office of Personnel Management issued a plan to increase the number of federal workers who telework. The plan consists of a review of agency telework policies, encouraging agencies to establish a telework manager, and the convening of an advisory group of telework program managers to help formulate standards for telework policies.

AFGE supports extending telework opportunities to all eligible employees. However, we believe it is important that these programs not interfere with the ability of unions to communicate with their members. It is especially important that unions have access to the agency's e-mail system to broadcast information to the entire unit, including those who telework. In addition, it is crucial that union officials be able to perform representation activities while teleworking. Further, workers should not be forced to forgo the full benefits of union membership solely because they participate in telework programs. Workers who telework from outside the commuting area of their duty station should be compensated when they are required to travel to the duty station for meetings with their supervisors. These conditions are necessary to make telework successful and congressional intent a reality for federal workers.

Both bills from the 111th Congress represent good steps in the right direction by removing unnecessary barriers to the ability of federal workers to participate in telework programs. However, given the advances in technology that readily facilitate telework, the benefits of telework programs that allow the work of the federal government to continue in the event of natural disasters or events such as pandemics, and the need to conserve resources, the bills should take additional steps so that access to telework is a real option for the majority of federal workers.

AFGE's efforts to address Continuity of Operations during Emergencies through Collective Bargaining

AFGE has tried with mixed success to negotiate collective bargaining agreements that address the question of how to proceed in the context of disasters and emergencies. In some cases, we have not succeeded in persuading agencies to agree to contract language, but AFGE is persistent in trying to propose language that clarifies and makes consistent agency policies regarding emergencies and disasters. At the Social Security Administration (SSA), AFGE is attempting to negotiate language that would bind the agency to follow OPM's guidelines for disasters when evacuation occurs. OPM's guidelines recommend pay continuation, reimbursement of costs incurred by employees and their families during evacuations such as rent and hotel expenses, and the cost for transportation home after a disaster ends. In addition, AFGE is seeking from SSA to allow evacuation of offices for 24 hours of daylight when there is a hurricane warning, no required reentry after the hurricane until a health and safety inspection certifies that the office is safe, and excused absence in order to assess damage to a worker's residence. AFGE's SSA locals situated in earthquake zones have also negotiated "shelter in place" agreements that include earthquake and shelter "kits," as well as language requiring earthquake and shelter in place drills.

Extreme weather is not unusual in Fargo, North Dakota. Last year, Fargo's VA hospital was evacuated as the Red River crested and flooding of the entire town was threatened. This year Fargo faces the same circumstances. Our Fargo local, however, reports that hospital workers are expected to report to work regardless of weather and regardless of announced closings at other federal facilities. When they have done so, there has been little recognition of their heroic efforts. Our members have been particularly insulted by the disparities in recognition for essential employees who make it to work when no one could reasonably expect them to do so: managers have been treated to elaborate paid meals, while rank and file nurses, nursing assistants, and licensed practical nurses received ice cream bars.

AFGE locals in the Department of Agriculture have tried, but failed, to negotiate emergency preparedness plans with agency management. The USDA requires employees to stay in areas with mandatory evacuations to provide agency services. The employees believe that their designation as "essential" during emergencies is driven by private industry demands rather than any objective reality of their necessity to public safety during evacuation periods. In other agencies, employees are required to be at work not because they are essential to the provision of public safety, but because the agency's clients must meet legal deadlines. This type of issue has arisen at the Equal Employment Opportunity Commission (EEOC), where employees must come to work under even extremely adverse weather conditions in order to meet time frames for filing charges. Outside of the Washington, DC area, EEOC regional directors have

discretion to decide issues such as office closings and delayed openings, regardless of what the local Federal Executive Board recommends.

The problem with giving individual regional or local agency heads the discretion to "go it alone" with respect to treatment of employees during emergencies, disasters, or severe weather was highlighted this winter when Transportation Security Officers at Dulles and Philadelphia Airports were counted as Absent Without Leave (AWOL) when they missed work during the snowstorm. There was mass confusion among TSOs because of the chaotic application of rules by TSA management. Employees were marked AWOL during the storm despite being unable to come to work because of the dangerous conditions on the roads. TSOs at Reagan National and Thurgood Marshall BWI did not encounter the same problems. Ultimately, because of AFGE's successful advocacy on Capitol Hill and in the media, TSA reversed the actions of Dulles management, and the affected employees no longer have AWOLs on their records. These experiences demonstrate clearly the need for consistency throughout the government, and a right for employees, even emergency personnel, to be granted administrative leave during emergencies, disasters, or severe weather.

AFGE's Involvement with the Federal Advisory Council on Occupational Safety and Health (FACOSH)

AFGE's most recent involvement with FACOSH was focused on learning from the federal government's policies and experiences during the 2009 H1N1 influenza outbreak. The group issued a set of recommendations to the Secretary of Labor that included asking agencies to recognize that they are responsible for identifying and abating known hazards that could affect the safety and health of their workers (including H1N1). The FACOSH also recommended that agency managers include workers in all pandemic planning processes, and recognize that OSHA be treated as the lead authority for federal workforce safety. Communicating with the workforce regarding hazard assessments and providing training for senior agency officials on how to protect employees during a pandemic were also emphasized. Unfortunately, we must hope that these recommendations will be followed prospectively. The FACOSH study found that in far too many instances, agencies did not take the proper steps to protect their employees from infection, and it was good luck, more than good implementation of a comprehensively thought-out policy that allowed the federal workforce to escape mass infection.

Conclusion

We believe that the single most important policy change that the federal government can pursue with regard to its interest in being able to continue to operate in emergencies, disasters, and extreme weather conditions is to expand telework to as much of the federal workforce as possible. The rewards of expanding teleworking opportunities go beyond solving the continuity of

operations problem. Telework is a valuable recruitment and retention tool, a productivity-enhancer, and a boon to the environment. Beyond expanding telework, we believe that federal agencies should be required to address issues such as the special costs incurred by federal employees in getting to work under extreme conditions through the collective bargaining process. Likewise, employees must be made aware of their status as emergency essential employees prior to an emergency, and failure of management to do so should be addressed in collective bargaining agreements as well. The numerous practical issues that arise in the context of trying to keep a federal agency's operations running in extreme circumstances are proper subjects for collective bargaining, and it is contrary to the public good for agency managers to refuse negotiate over such issues.

This concludes my testimony. I will be happy to answer any questions you may have.

Washington Metropolitan Area Transit Authority

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Testimony of
Dave Kubicek, Acting Deputy General Manager
Operations

Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA

Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure
Representative Eleanor Holmes Norton, Chair
Representative Mario Diaz Balart, Ranking Member

March 23, 2010

Room 2165
Rayburn House Office Building
Washington, DC 20515
2:00 P.M.

Testimony of the Washington Metropolitan Area Transit Authority
Subcommittee on Economic Development, Public Buildings, and Emergency Management
Hearing on Snow Disasters for Local, State, and Federal Governments in the NCR
March 23, 2010

Chairwoman Norton and members of the Subcommittee, thank you for the opportunity to appear today to provide a perspective regarding the recovery efforts, operating posture, lessons learned, and coordinated reimbursement efforts in the National Capital Region (NCR)[1] related to the February snowstorms. I am Dave Kubicek, Acting Deputy General Manager for Operations for the Washington Metropolitan Area Transit Authority (WMATA).

WMATA was created in 1967 as an Interstate Compact agency through enactment of legislation by the U.S. Congress, and by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. WMATA is the largest public transit provider in the Washington, D.C. metropolitan area and the second largest subway and sixth largest bus system nationally. "America's Transit System" serves a population of over 3.5 million within a 1,500 square-mile area as well as visitors to our nation's capital from across the country and around the world. During WMATA's most recent fiscal year (July 1, 2008 – June 30, 2009), we provided on average 748,000 rail trips, 446,000 bus trips, and 7,000 paratransit trips every weekday. The Metrorail system operates a fleet of approximately 1100 rail cars on a 106-mile system, with 86 stations, and the Metrobus system operates a fleet of more than 1500 buses serving more than 12,000 bus stops along 340 routes in the District of Columbia, Maryland, and Virginia. The Metro system is critical to the vitality of the region and one that is used every day by federal workers, who make up about 40 percent of Metrorail's rush hour riders.

[1] Title 10, United States Code, Section 2674 (f)(2) provides the following definition:
The term "National Capital Region" means the geographic area located within the boundaries of (A) the District of Columbia, (B) Montgomery and Prince George's Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.

During fiscal year 2009, WMATA provided nearly 360 million trips, about 223 million of which were on the rail system, 134 million on Metrobus, and over 2 million with the MetroAccess paratransit service. Over the last three years (FY2007-2009) ridership on the rail system has grown by 15 million annual passenger trips (a 7% increase) and ridership on Metrobus has grown by 2 million annual passenger trips (a 2% increase). MetroAccess ridership has been growing as well, and is up by 43% since 2007.

Consistent with the collaborative nature of the NCR, WMATA has worked together with its state partners to respond to and recover from the February snowstorms. Our recovery efforts are ongoing, and lessons learned are not just associated with WMATA but the NCR as a whole. We share similar concerns regarding reimbursement and, most importantly, an intense commitment to the safety and security of the NCR and its citizens that transcend political boundaries. Moreover, since preparedness, response, and recovery efforts for any disaster require coordination across the region, we are committed to reviewing our response efforts associated with the February snowstorms and implementing lessons learned.

The Subcommittee asked WMATA to answer the following four questions:

1. What is the status of WMATA's recovery efforts from these storms in the National Capital Region?
2. What are the lessons that can be learned from those storms that would apply to future disasters regardless of cause?
3. How does WMATA operate in a disaster?
4. How is WMATA working with FEMA and the jurisdictions in the Region on seeking reimbursement for disaster costs?

WMATA'S RECOVERY EFFORTS FROM THE DAMAGE ASSOCIATED WITH THE SNOWSTORMS ARE STILL ONGOING.

Prior to speaking to WMATA's recovery efforts, I would like to take a moment to discuss WMATA's response efforts associated with the February snowstorms. Snow response operations began days prior to the February 5/6th record-breaking snowstorm with the implementation of WMATA's Severe Weather Plan, which focuses on pre-planning. As we tracked the progress of the impending snowstorm, we prepared both equipment and employees and stockpiled de-icing and salt materials. We stood up our new Emergency Operations Center (EOC) at WMATA headquarters to coordinate our response internally and with our local, state, and Federal partners and participated on the Regional snow calls coordinated by the Metropolitan Washington Council of Governments (MWCOG). The snow calls, which occurred twice daily, allowed all local, state, and Federal entities within the NCR to be briefed on current and future weather conditions by the National Weather Service and each entity to report on their individual conditions and operational decisions (e.g., are schools or other bus systems open or closed). This facilitated situational awareness of the Region's response efforts and coordinated decision-making.

As the severity of the snowstorm increased so did WMATA's snow response operations. Train and bus operators and emergency personnel were placed on 12-hour shifts, and some stayed at Metro facilities continuously, while others stayed overnight in local hotels. WMATA personnel worked around the clock to clear the rails of snow and ice and operate above ground as long as it was considered safe for passengers and employees. When WMATA's snow commander determined it was unsafe to run rail operations above ground, WMATA ran underground service.

Bus and paratransit vehicles discontinued service once the road conditions in the jurisdictions deteriorated and WMATA's snow commander considered them too dangerous. The rapid deterioration of conditions was exemplified on February 5 when within a single hour approximately 45 buses were temporarily stuck in the snow due to hazardous road conditions.

WMATA continued round-the-clock snow response operations for a period of eight days which started during the February 5/6th snowstorm and continued through the second snowstorm on February 9th. WMATA was able to re-establish above-ground rail operations on February 16 (the day following Presidents Day) for the morning rush hour.

WMATA's recovery efforts continue with additional repairs and maintenance on the rail cars and buses due to the damaging effects of the snow.

WMATA'S LESSONS LEARNED FROM THE SNOWSTORMS

WMATA has been able to develop the following list of lessons learned, both positive and negative, from the February snowstorms, which can be applied to future disasters regardless of the cause.

1. WMATA's pre-planning, execution of the Severe Weather Plan, and coordination with the NCR allowed for an effective and coordinated response given the challenging scenario of the two back-to-back snowstorms.
2. WMATA's new Emergency Operations Center proved to be well-designed and comfortable for a week-long activation; however, added technologies and tools could strengthen coordination and decision-making capabilities for WMATA as well as information-sharing to the Region.

3. Operational decisions and suspension of service were predicated on snow conditions and forecasts with the utmost concern for the safety of passengers and employees. Very few incidents of an unsafe nature occurred due to the priority WMATA placed on safety.
4. Bus and paratransit return-to-service was largely dependent upon road conditions, which is directly impacted by jurisdictional snow removal capabilities. In other disaster scenarios, the return-to-service will also be dependent upon debris removal capabilities of the individual jurisdictions.
5. Rail transit return-to-service was dependent upon the ability of WMATA rail employees to clear tracks, yards, and railcars, and to continue priority maintenance services required to run trains safely. Quicker recovery of rail operations could occur if WMATA were to have the equipment and people (in-house or contracted) dedicated to perform such work during a disaster.

TO OPERATE EFFECTIVELY DURING A MAJOR DISASTER, WMATA FOLLOWS THE POLICIES ESTABLISHED IN THE NATIONAL RESPONSE FRAMEWORK (NRF) AND THE COMMAND AND MANAGEMENT STRUCTURE OUTLINED IN THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

Incidents typically begin and end locally, and are managed on a daily basis at the lowest possible geographical, organizational, and jurisdictional level. However, there are instances such as the February snowstorms in which successful incident management operations depended on the involvement of all NCR jurisdictions, levels of government, functional agencies, and emergency responder disciplines. These February snowstorms required effective and efficient coordination across this broad spectrum of organizations and activities.

The National Incident Management System (NIMS) and the National Response Framework (NRF) form the basis of operation in any disaster scenario and have enabled WMATA and the NCR to conduct well-integrated and effective emergency management and incident response operations. The *National Response Framework (NRF)* is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all levels of government, nongovernmental organizations, and the private sector. The *National Incident Management System* (*NIMS*) is a companion document that provides standard command and management structures that apply to response activities. This system provides a consistent, nationwide template to enable Federal, State, tribal, and local governments, the private sector, and NGOs to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity.

Emergency management is the function that coordinates and integrates the concepts found in the NRF and the NIMS for all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other manmade disasters. It does this through a core set of concepts, principles, procedures, organizational processes, terminology, and standard requirements applicable to a broad community.

In December 2008, WMATA established an emergency management office within the Metro Transit Police Department. This office has been working to incorporate the principles,

policies, and guidance of both the NRF and NIMS into disaster operations within WMATA. The result has been effective and coordinated response within the NCR, which was exemplified in the response to the February snowstorms as well as the shooting outside the Pentagon Metro last month and the June 22, 2009 crash on the Red Line.

WMATA CONTINUES TO COORDINATE WITH THE STATES ON SEEKING REIMBURSEMENT FOR DISASTER COSTS.

The Governors of Maryland and Virginia and the Mayor of the District of Columbia have submitted a request for disaster declarations associated with the February snowstorms. The jurisdictions which WMATA serves can effectively demonstrate that their capabilities to respond to the snowstorms have been exceeded for both snowstorms and that the estimated public assistance costs, including snow assistance costs within a 48-hour period, exceed the county per capita cost threshold required for a major disaster declaration.

The jurisdictions must also effectively demonstrate they have met record snowfall levels or within 90% of the record. The current question is if the February 9/10 snowstorm will qualify if the new record snowfall level equates to the level of the February 5/6 storm. If the February 9/10 snowstorm does not meet record snowfall levels, only one 48-hour contiguous period for snow response costs can be claimed for reimbursement purposes, according to the revised FEMA snow policy dated November 2009. This will result in potential reimbursement of only a fraction of the snow response costs for WMATA, and does not include the additional $10 million in lost revenue which is not considered by FEMA to be an eligible cost for reimbursement.

Recoupment of the entire cost associated with WMATA's snow response activities would require a change in FEMA's snow policy. Based on the combined magnitude of the February snowstorms and continuing snow recovery efforts, we expect that the region will strongly request that FEMA consider drafting disaster declarations which would allow all snow response activities to be considered for reimbursement for an extended period of time, i.e., February 5 through February 16. This timeframe reflects the period in which most local jurisdictions, along with WMATA, were performing snow response activities and realized any infrastructure damage.

WMATA staff is working to make certain that WMATA will be able to submit reimbursement requests for eligible work under the individual states' disaster declarations. Based on the criteria above, WMATA continues to capture all snow response and recovery costs and has also broken down expenses for two 48-hour periods associated with the February 5-6 and February 9-10 snowstorms. Initial estimates for snow response activities and associated documentation for the timeframe of February 5th through 16th have been submitted to all three States and delivered to FEMA Region III for review. WMATA is currently working to calculate complete costs, which will include not only operational expenses incurred during the snowstorm, but will also cover damage sustained to equipment, facilities, and infrastructure during the storms as well as post-storm cleanup efforts and delays to capital programs. WMATA intends to continue its close coordination with FEMA and the individual States throughout the reimbursement process.

CONCLUSION

I appreciate the Subcommittee's interest in the response and recovery efforts, lessons learned, and status of reimbursement associated with the February snowstorms. I want to emphasize again the integration and cooperation that occurred within the NCR in response to these snowstorms. That cooperation is continuing, and we join with others in the region in urging the President to draft state declarations that allow for full cost recovery. Thank you for the opportunity to testify today, and I look forward to answering any questions you may have.

QUESTION FOR THE RECORD:

Testifying Witness:

Mr. Dave Kubicek

Acting Deputy General Manager

Washington Metropolitan Area Transit Authority

Before the:

U.S. HOUSE OF REPRESENTATIVES

Committee on Transportation and Infrastructure

Sub-Committee on Economic Development, Public Buildings and Emergency Management

Hearing On:

"Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

(Tuesday, March 23, 2010, 2167 Rayburn House Office Building, 2:00pm)

I. INTRODUCTION:

Chairwoman Norton and Members of the Sub-Committee, thank you for your follow-up question for the record from the March 23, 2010 hearing on "Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recover Partnerships with FEMA."

I, Dave Kubicek, the Acting Deputy General Manager for the Washington Metropolitan Area Transit Authority respectfully submit the following answer to the question for the record in accordance with committee rules.

II. QUESTION FOR THE RECORD:

How did WMATA's response to these storms compare with other transit systems?

WMATA's response to the December and February snowstorms was similar to the responses of the Maryland Transit Administration (MTA) in Baltimore and also New York Metropolitan Transportation Authority (NY MTA).

As you know, the northeastern seaboard experienced two significant snowstorms in quick succession in February 2010. Snow and ice affected both bus and rail operations in various ways. For rail systems, the tracks and (for subways) the third rail must be clear of snow and ice. For that reason, all three transit authorities had to suspend rail operations on aboveground segments of their rail systems. Because the rail cars used during that time were cut off from the aboveground yards where they are repaired, the rail systems also reduced the frequency of service in order to "preserve" those rail cars for continued service. WMATA and the other transit authorities also suspended bus and para-transit service as snow and ice accumulated on local roadways, in order to reduce the risk of accidents or having vehicles get stuck due to heavy snow and icy conditions.

The reopening of segments of rail systems was heavily predicated on how badly the section was impacted by the snow fall, access to the area after the weather event, the type of snow (wet/dry/packed), the numbers of equipment passes needed to clear tracks and 3rd rail, and the reliability of the equipment. In addition, the ever-changing conditions and sheer volume of snow hindered managerial efforts to organize and coordinate manpower and resources. Employees at all three agencies worked long hours, and many experienced difficulty travelling to and from work, making it more difficult for staff to clear snow from tracks, platforms, parking lots, garages, rail car roofs, and rail yards, to keep trains and buses operating.

All three transit authorities were proactive in getting information out to riders regarding the status of operations and whether the systems were open or closed. Having multiple avenues to get information to customers, including through local press and on-line, allowed for riders to stay informed and make appropriate travel choices.

To improve WMATA's response to a snowfall of the same magnitude we experienced in February 2010 in the safest manner, additional 24-hour staffing is necessary---an approach that would require an additional $5-10 million. Factoring the size of the system, the needed equipment, and staff to manage the equipment, we have determined WMATA would also need an estimated $20 to $50 million in capital funding plus an additional $8 to $10 million in operating funds.

Statement Of:

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Before the:

U.S. HOUSE OF REPRESENTATIVES

Committee on Transportation and Infrastructure

Sub-Committee on Economic Development, Public Buildings and Emergency Management

Hearing On:

"Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

Tuesday, March 23, 2010
2167 Rayburn House Office Building
2:00pm

I. INTRODUCTION:

Chairwoman Norton and Members of the Sub-Committee, my name is Richard Muth and I am the Executive Director of the Maryland Emergency Management Agency. It is an honor to be invited here today to discuss Maryland's response and recovery to the recent snow disasters. In my testimony, I will explain how certain FEMA policies on snow assistance would severely limit our state's ability to seek critical aid in response to these unprecedented events. I will also address the following issues as requested by the committee:

- How the State of Maryland operates during a disaster
- Maryland's preparation and response to the February storms
- Lessons learned from response and recovery that would apply to future disasters
- Unique jurisdictional and other challenges in the Nation's capital that have an impact on Maryland jurisdictions

II. MARYLAND'S RESPONSE AND RECOVERY EFFORTS TO THE RECENT SNOW DISASTERS AND THE LIMITATIONS OF FEMA'S SNOW ASSISTANCE POLICY

This winter, the State of Maryland experienced a series of severe and historic winter storms that culminated in record snowfalls for the State in a season. The first major storm event, which delivered between 2-3 feet of snow, occurred over December 18th - 20th, 2009 and resulted in a Presidential disaster declaration. A second massive snowstorm fell over every region of the State the weekend of February 5th – 6th, 2010 bringing another 2-3 feet of snow and blizzard conditions. Three days later, without time for anyone -- government, citizens, or communities to recover, a third storm brought even more snow, extremely dangerous winds, and white out conditions. The combined February storms dumped approximately 45+ inches of snow on the State. Only a week later, another severe winter storm impacted Western Maryland, adding more emergency response costs to the State and localities. The close timing of these storms forced Maryland to operate under a continuous state of emergency from February 5th – March 7th. The severity, duration, and magnitude of these back-to-back snowstorms with blizzard conditions have simply overwhelmed local and state resources and compounded damages and costs to levels unprecedented in the State.

Maryland is preparing a request for another Presidential disaster declaration for the February storms and working closely with FEMA on the declaration process and the ongoing assessment of damage and costs. Ultimately though, certain FEMA policies and criteria for snow assistance severely restrict our ability to receive critical aid for these disasters. We believe the extraordinary circumstances surrounding these storms demonstrate the need to amend FEMA's snow policy and/or to allow for waivers of

certain provisions or flexibility in application. Governor O'Malley has already written a letter to President Obama directly requesting the following relief:

(1) Waiver of FEMA's "48 hour rule",
(2) Consideration of complete reimbursement for eligible costs,
(3) Flexibility in the consideration of "record" or "near record" snowfall levels for all jurisdictions during the December and February events, and
(4) Consideration of the February storms as a single event for purposes of determining "record" or "near record" snowfall levels.

To demonstrate clearly the restrictive nature of FEMA's snow policy, the Committee needs to understand how Maryland operates during emergencies, the actions Maryland took to prepare for and respond to the storms, the challenges created by the storms, as well as the storms' impact on the State's citizens, government resources, infrastructure, and economy.

1. How Maryland Operates During an Emergency:

The Maryland Emergency Management Agency (MEMA) is mandated under state law to ensure that the State is prepared[1] to deal with all emergencies and to coordinate the overall State response, particularly the use and deployment of resources, in a declared state of emergency. While MEMA is part of the Maryland Military Department and under the authority of the Adjutant General, during emergencies the Governor assumes direct authority over the Agency and the Executive Director of MEMA reports directly to the Governor.

With a few exceptions (e.g. clearing of state highways), the immediate response to a snowstorm is predominately the responsibility of each local jurisdiction. Once a local jurisdiction has exceeded it's capability to respond to an emergency, it seeks the State's assistance in obtaining and providing needed resources. MEMA coordinates the request and allocation of resources, along with situational awareness and information sharing, at the State Emergency Operations Center (SEOC) in Reisterstown, Maryland. When the SEOC is fully activated, it is staffed by MEMA employees, a representative from each state agency, as well as representatives from FEMA Region III, the private sector, and volunteer organizations. All SEOC representatives have the authority to make decisions and to allocate resources and funds to response efforts.

In addition to supporting the local governments, MEMA is the sole agency responsible for coordinating assistance with other states through the Emergency Management Assistant Compact (EMAC) and with Federal Emergency Management Agency (FEMA) when the Governor declares a state of emergency and receives a Presidential disaster declaration.

[1] MEMA regularly meets with state and local agencies to review emergency plans and procedures and to train and exercise on these plans throughout the year.

2. Maryland's Preparation and Response to the February Storms:

In order to prepare for and respond to the serious and widespread emergency conditions created by the February storms, the State and local jurisdictions took the following actions:

The Governor issued an executive order declaring a state of emergency on February 5th and directed the execution of the State Emergency Operations Plan and authorized Maryland National Guard assets into service. The Maryland SEOC was activated at noon on Friday, February 5th and staffed on a 24/7 schedule through February 14th by a combination of state agency representatives and MEMA staff. Emergency support function representatives for transportation, planning, mass care and sheltering, resource management, health, search and rescue, and law enforcement were assembled at the SEOC to provide assistance and subject matter expertise as needed. FEMA Region III was also a pro-active partner throughout the storm. A FEMA liaison was in the SEOC to participate in conference calls, provide regional situation reports, and to facilitate constant communication between the State and the federal government.

All 24 local jurisdictions activated their emergency operation centers (EOCs) and local emergency plans while 9 counties declared local states of emergency. MEMA pre-positioned Regional Administrators in every region of the State. This forward positioning of MEMA staff in the local jurisdictions allowed for immediate access to critical local information, resource needs, and situational awareness.

As standard practice in any potential severe weather event, MEMA makes all efforts to pro-actively reach out to localities before the event to assess the threat and anticipate resource needs and requests. The State regularly hosts weather conference calls with the National Weather Service, local emergency managers, FEMA, and other states in FEMA Region III before, during and at the conclusion of an event. During the February storms, a schedule for multiple, daily weather and local conference calls was instituted, implemented and maintained throughout the duration of the storm. In addition to weather conference calls, MEMA conducted a series of structural collapse conference calls and utility conference calls with the power companies.

The Maryland National Guard was called into service and provided more than 700 soldiers and over 152 military assets. Many of these assets included Humvees, which were strategically pre-deployed in advance of the storm to assist localities with response. The National Guard fulfilled 108 missions with general concentration on assisting civilian responders in snow removal, health and wellness checks, and transportation needs (transporting patients to local hospitals)

A Joint Information Center (JIC) was opened to provide safety information to the public. Certain members of the media were co-located at the SEOC while the MEMA public information officer created and disseminated press releases and facilitated on-site interviews for the Governor, Adjutant General, and the Director of MEMA. These media interviews allowed for senior officials to have direct communications with the public so

they could provide accurate information and direction on preparing for the storm along with the appropriate protective actions to take during the storm.

The State Highway Administration (SHA) and local road and public works departments undertook an unprecedented snow removal operation that lasted more than a week. The SHA pre-deployed 2300 pieces of equipment and almost 2500 workers (full time employees and private contractors) to manage snow removal on state roads. Road crews worked long shifts with little sleep to plow roads in conditions few had ever experienced. The Governor authorized "Hours of Service" waivers and weight restriction waivers to facilitate transport activities. The Maryland National Guard also provided a convoy of dump trucks that picked up and delivered salt from the Port of Baltimore to individual localities so that the localities did not have to divert contractors' trucks from plow duty to haul salt. For the first time ever, the entire State was under blizzard warnings. At the height of these storms, plows were temporarily pulled off the road in the interest of employee safety.

During the first snowstorm in February, Maryland State Troopers responded to more than 2900 calls for services in a 60-hour period. Of those calls, more than 1300 involved disabled or unattended vehicles along an interstate or state highway. Troopers responded to 389 traffic crashes. Treacherous road conditions caused tractor trailers to jack-knife, which in one instance resulted in about a 1000 car backup on Interstate 95 that took six hours to clear. In another incident, almost 40 vehicles were stranded in Frederick County, and due to the severity of the storm, search and rescue operations could not occur until the winds had subsided.

For the first time outside of a planned training event, the Maryland Joint Operations Center was able to communicate via radio communications with two Army National Guard Blackhawk helicopters as they conducted flyovers of Frederick County searching for stranded motorists. The guardsmen were able to provide the Governor with a real time update via radio of the situation.

The State and the localities also worked together to rescue citizens trapped at home without food, water, or power; provided transportation for hospital staff and those in need of medical care (particularly those requiring dialysis); ensured power back up for home medical devices; procured and delivered specialized equipment and generators; pre-positioned shelter kits; and opened and operated emergency shelters.

3. The Impact and Challenges of Responding to the Storms:

Natural hazards, like a snowstorm, tend to have a widespread impact on our infrastructure (roads, transportation, power, water, etc.), which can produce a number of cascading effects to our communities and way of life. The snowstorms shut down or cancelled services on every mode of transportation (airports, metro, rail, light rail, and para-transit services), created extremely hazardous road conditions, trapped residents in their homes for days, and knocked down trees and power lines which resulted in severe power outages in certain areas of the State. The lack of road accessibility also made it difficult

for utility companies to restore power and slowed the ability of first responders to do their job. Without having public transportation available or cleared roads, the State had no choice but to close government operations. State government was closed for two days with additional days on a liberal leave policy. Most local jurisdictions closed their government operations and schools, some for as many as five days due to the inability to clear secondary and neighborhood roads.

The closure / slowing of mass transit and cancellation of flights at Baltimore Washington International airport resulted in transportation back-ups and loss of revenue. Many citizens lost wages because of their inability to report to work. The storms occurred in close proximity to commercial holidays (the weekend prior to Christmas and the week before Valentine's Day), which resulted in economic loss to the retail community due to lack of road accessibility.

The December and February storms severely compromised the infrastructure, public safety, health, and economy of the State and local jurisdictions. The extensive losses included structural collapses from the extreme weight of the snow, extensive deterioration of road infrastructure, loss of fire stations and farm buildings, damage to emergency response vehicles and equipment (including damage due to extended and excessive usage), loss of electricity, and the loss of livestock and poultry.

Maryland had not received a single snowfall near the magnitude of either the December or February storms since 2003 and 1996 respectively. The Baltimore region received more snowfall during the December storm than it normally receives in an entire winter season. With so many years passing without a significant snowfall, most counties had substantially reduced their budgets for salt and snow removal and spent their entire seasonal budget to respond to the December storm. Before the winter season started, Public Works departments in Western Maryland had replaced equipment based on their needs over the last 8-10 years. The new equipment purchased was not intended to handle storms of the magnitude experienced this winter. The result was that the equipment kept breaking and counties had to continually spend money for repair and replacement.

The December and February storms have proven to be a severe and extraordinary drain on critical resources. The demands on State resources have been exacerbated by extensive preparation and response for two National Security Special Events in January 2009; H1N1 response; Haiti repatriation efforts; a severe water main break; and multiple natural hazards, including tornadoes in Central Maryland, severe flooding events on the Eastern Shore, Tropical Storm / Nor'easter Ida; and unusually severe winter weather beginning as early as October in parts of the State. The staff of most Maryland agencies and jurisdictions has been reduced by loss of revenue, furloughs, Service Reduction Days, and the general need to recover from the use of resources / staff during prior events.

The State was also challenged by a public suffering from "disaster amnesia" and having unrealistic expectations of the time required to restore our communities back to "normal". Having not experienced a severe snowstorm in at least 7 years or relying on their past

experiences from snowstorms of lesser magnitude, many citizens failed to follow recommendations on preparing for the storms and ignored pleas to shelter in place and stay off the roads. It was difficult for the government to manage the public's expectation that roads could be cleared down to the pavement or that our communities could return to normal within a day of the event.

If protective actions are followed, we can minimize the danger of snowstorms on human lives. Unfortunately, we are limited in the ways we can prevent or mitigate the impact on our infrastructure from snowstorms of this magnitude or duration. It simply takes time to plow streets and highways and restore power and we must learn to have patience to deal with these inconveniences in the future.

4. The Problems with Applying FEMA's Snow Reimbursement Policy to the December and February Storms

In 2008, FEMA sought to revise Response and Recovery Policy 9523.1 - Snow Assistance Policy. The final revised snow policy was published on November 6, 2009, less than six weeks before Maryland received its historic December snowstorm. FEMA's snow assistance policy describes the procedures and criteria that FEMA uses to make its recommendation to the President after a Governor's request for a declaration following a snowstorm or severe weather event. However, the criteria listed in the policy are solely for use by FEMA in making recommendations to the President and in no way restricts the ability of the President, in his discretion, to declare emergencies or major disasters pursuant to the Stafford Act. As such, Maryland believes the extraordinary impact of these storms justify the request to President Obama for relief from the following aspects of the policy:

First, the revised policy only allows a state to seek assistance with respect to a 48 hour time period. A rigid time limitation does not allow for consideration of the actual duration of the event. The 48-hour allowable window cannot reasonably account for the challenges and costs created by multiple, successive, historic snow events. Strict application of this policy will force states and localities faced with similar events in the future to make emergency response decisions based on budget constraints rather than in the interests of public safety. This could result in reduced mitigation measures, slower response times, increased risk of death and injury to the public, and would ultimately delay the time required for a community to recover from a disaster. In the case of the National Capital Region, this could mean longer times to restore critical infrastructure (power and transportation), which would force schools and government to close for longer periods of time.

Second, given the severity of the December and February events, the remarkable levels of State and local resources required for response to these storms and towards other events over the past year (many of which were in support of the federal government), we have respectfully requested that the President consider not limiting the Federal share of assistance for these events to 75 percent of eligible costs. We believe the circumstances of these events justify complete reimbursement of eligible costs. Had the State and local

governments not taken such extraordinary measures to respond to these storms, many federal employees that live or work in Maryland would have experienced lengthier delays in their ability to return to work.

Third, we seek flexibility in the consideration of "record" or "near record" snowfall levels for all jurisdictions during the December and February events. FEMA's policy only allows reimbursement for the costs from county's that have a "record" or "near record" snowfall, or meet the contiguous county criteria. "Record" snowfall means a snowfall that meets or exceeds the highest record snowfall within a county over a 1, 2, 3-day or longer period of time, as published by the National Climatic Data Center (NCDC). "Near record" snowfall means a snowfall that approaches, but does not meet or exceed, the historical record snowfall within a county as published by the NCDC. FEMA generally considers snowfall within 10 percent of the record amount to be a near record snowfall. Strict adherence to this policy may well result in a situation in which certain Maryland counties that spent as much or more than adjoining counties to respond to extremely hazardous blizzard conditions would not be eligible for reimbursement. In some instances, the location of a particular snow measurement instrument within a county or a procedural flaw in taking a measurement could lead to lack of reimbursement, even if the county experienced "record" or "near record" snowfalls in other locations within the county. The National Weather Service also admits their snow figures do not always match actual local amounts because their methods of measurement are not an exact science.

This requirement for "record" or "near record" snowfall is also illogical because a "measurement" associated with a natural hazard (e.g. inches of rain, wind speed, Saffir-Simpson Hurricane scale, the Richter scale for earthquakes, etc.) is only useful in describing the "potential" for harm; it does not accurately predict the actual harm that a hazard will cause to a community. The impact and consequences of a natural hazard on a community are determined by number of factors, particularly geography, wealth and resources, population numbers, and the type and amount of infrastructure located within a community. FEMA does not require any other natural hazard to meet a minimum measurement before allowing a state to qualify for assistance and it should not require one for snow. Given the high population numbers, the presence of the federal government, and the substantial amount of infrastructure located throughout Maryland, the District, and Virginia, it is not difficult to understand how three to four feet of snow in this region would cause more physical and economic harm than the same amount of snow falling in Buffalo, New York or the mountains of Colorado. The **impact** of an event on states and localities should be the deciding factor for assistance, not whether the conditions of an event meet or exceed a historical measurement.

Finally, we have also requested to President Obama that the February storms be considered a single event for purposes of determining "record" or "near record" snowfalls levels. The depth of snow and drifts produced by the first storm left little opportunity to recover before the second blizzard arrived a few days later. A number of communities had not seen a plow or had time to restock on supplies and groceries before the next

snowfall began. We believe the successive nature of these two storms justifies treating them as a continuous, single event for purposes of determining snowfall levels.

III. DETAILED RESPONSES TO OTHER AREAS OF INTEREST BY THE COMMITTEE:

1. Lessons Learned From the Storm that Would Apply to Future Disasters Regardless as to Cause

Maryland is in the process of conducting Snow After-Action Conferences in each region of the State to learn about our successes and suggested areas of improvement from our local partners. While this process in still ongoing, there are a number of lessons learned that we have already recognized.

MEMA learned after the December snowstorm the importance of planning, coordinating, and pre-deploying National Guard assets to the localities whenever we have an advance notice event. With the experience of the December storm to guide us, we were able to foresee which counties would have the highest need for assets during the February storm. We requested that the counties provide us their requests in advance which allowed us to plan for an equitable distribution of assets. By having the resource requests prior to the storm, we also eliminated the time delay involved in deploying the assets, which decreased response time by ensuring that assets were staged for use as soon as needed.

We also learned the importance and value of hosting specialized conference calls with subject matter experts for information sharing and decision-making. During the snowstorms, MEMA hosted structural collapse conference calls and utility conference calls. The structural collapse calls allowed for structural engineer experts to discuss code requirements, suggest mitigation measures, and answer questions from local emergency managers and hospitals (which were at a high risk for roof collapses). The information was also used by counties to put out press releases on the warning signs of an impending roof collapse. The utility conference calls with the power companies helped provide situational awareness to the State on the status of power restoration efforts and problems specific to individual jurisdictions. The use of subject matter experts to guide public information and decision-making will apply in any future disaster.

One of the challenges the State faced during the snowstorms was balancing public safety with the needs of interstate commerce. The blizzard conditions present during the February storms made driving on interstates extremely dangerous. Instead of closing down the interstate, our senior officials made repeated pleas to the public to shelter in place and stay off the roads. Despite these pleas, we still had tractor-trailers and passenger vehicles attempting to drive the Interstate 95 corridor through Maryland. When the public does not follow recommended protective actions, the government is usually left to handle the consequences. In the case of Interstate 95, the State had to redeploy assets from other areas in need to address a 1000 car back up caused by a jack-knifed tractor-trailer. In the future, we may need to reconsider road closure decisions when faced with a similar situation.

Despite putting out numerous press releases and conducting media interviews, our local government officials may not have foreseen the type and amount of information that the public would need. The SEOC at MEMA received a high volume of calls during the storms from the public with questions pertaining to where to obtain services and assistance. The majority of these calls had to be redirected back to someone in the local government. In the future, both local and State government may have to consider opening public information lines, not only to ensure the public receives the information it needs, but also as a way to assist with managing the public's expectations on the amount of time required to restore communities back to normal after an event of this severity.

Most importantly, from a public safety perspective, these storms reinforced that we do not want people to get in their vehicles at the first indication of an emergency. Shelter in place will be the recommended protective action in most emergencies. There are very few scenarios, natural hazard or intentional, that would require an entire city or region to evacuate. A more likely scenario would involve a small evacuation within a defined geographic area while the majority of residents shelter in place. Government needs to continue trying to persuade citizens to accept more personal responsibility for emergency preparedness but also need to do more work on instilling the shelter in place principle into the public mindset.

2. Unique jurisdictional and other related challenges of the Nation's Capital and the Impact on Maryland Jurisdictions

Maryland State government and Montgomery County and Prince George's County are actively involved with planning, training, and exercising for emergencies and disasters with our local, state, and federal partners in the National Capital Region. For the snow events, MEMA and the two Maryland counties participated on the regional snow calls coordinated by the Metropolitan Washington Council of Governments. Through these daily calls, all participants were briefed on the present conditions and operational decisions (e.g. whether governments and school were opened or closed) in each jurisdiction. These calls not only provided regional situational awareness but also allowed each jurisdiction to discuss and coordinate decision-making.

Regional coordination for these storms was generally a success. The sheer size and magnitude of these storms meant that all jurisdictions in the NCR and throughout the State of Maryland and Commonwealth of Virginia were subject to the same or similar conditions, therefore our operational decisions to close mass transit, schools, and government were consistent with and helped to reinforce our recommended protective action to shelter in place. During and after the storm, road crews could do their job faster and safer when the public stayed off the roads. By closing government operations and schools during and after the storm, each jurisdiction helped minimize the amount of people on the roads and decreased the time required to restore our infrastructure.

Had the storms only affected certain jurisdictions, we could have faced challenges in coordinating operational decisions. Federal employees commute from and through

Maryland as far away as Pennsylvania, Delaware, and West Virginia. By closing the federal government, we avoided having these commuters trying to travel Maryland roads to get to work. Had the federal government been open at a time when Maryland officials were trying to keep people off the roads and recommending that citizens shelter-in-place, we could have been challenged in our response by the conflicting operational decisions.

IV. CONCLUSION:

I hope I have provided you with an understanding of Maryland's response and recovery efforts to these historic snowstorms and demonstrated how FEMA's snow policy could severely limit our ability to receive needed assistance. I strongly seek this Committee's support and help with:

1) Recommending to the President that he take into consideration the unprecedented impact of these storms and use flexibility when applying the current snow policy to our request for a major disaster, and

2) Recommending to FEMA that it reconsider and revise the rigid criteria in its snow reimbursement policy. We believe FEMA should seek guidance from state and local subject matter experts on designing a more fair and equitable policy for future events.

Thank you for the opportunity to appear today and I will be pleased to answer any questions.

QUESTIONS FOR THE RECORD:

Testifying Witness:

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Before the:

U.S. HOUSE OF REPRESENTATIVES

Committee on Transportation and Infrastructure

Sub-Committee on Economic Development, Public Buildings and Emergency Management

Hearing On:

"Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

(Tuesday, March 23, 2010, 2167 Rayburn House Office Building, 2:00pm)

I. INTRODUCTION:

Chairwoman Norton and Members of the Sub-Committee, thank you for your follow-up questions for the record from the March 23, 2010 hearing on "Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recover Partnerships with FEMA."

I, Richard Muth, the Executive Director of the Maryland Emergency Management Agency respectfully submit the following answers to the questions for the record in accordance with committee rules.

II. QUESTIONS FOR THE RECORD:

1. **What are the Governor's powers during an emergency?**

The Maryland Code provides the Governor with substantial emergency powers to ensure the State is prepared adequately to: deal with emergencies beyond the capabilities of the local authorities; provide for the common defense; protect the public peace, health, and safety; and to preserve the lives and property of the residents of the State[1].

The Governor's powers are tailored to the nature of the hazard event. The Governor has specified powers granted for responding to an "emergency"[2], a "public emergency"[3], a "catastrophic health emergency"[4], and an "energy emergency"[5]. For purposes of brevity and relevance, I will only address the emergency powers that may be relevant to snowstorms and blizzard conditions.

After the Governor finds that an "emergency" has developed or is impending due to any cause, the Governor can declare a state of emergency and take any of the following actions deemed necessary to protect the public health, welfare, or safety:

- Suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision;
- Direct and compel the evacuation of all or part of an agency of the State or political subdivision;
- Set evacuation routes and the modes of transportation to be used during an emergency;
- Direct the control of movement in and out of an emergency area and the occupancy of any premises in the area;
- Authorize the use of private property;
- Authorize the clearance and removal of debris and wreckage.

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[1] MD. CODE ANN., PUB. SAFETY § 14-102.
[2] *See* MD. CODE ANN., PUB. SAFETY §§ 14-101; 14-107.
[3] *See* MD. CODE ANN., PUB. SAFETY §§ 14-301; 14-303.
[4] *See* MD. CODE ANN., PUB. SAFETY §§ 14-3A-02 – 14-3A-05.
[5] *See* MD. CODE ANN., PUB. SAFETY § 14-304.

To specifically control and terminate "public emergencies"[6], the Governor may develop reasonable orders, rules, or regulations that the Governor considers necessary to protect life and property or that are calculated effectively to control and terminate the "public emergency", including:

- Control traffic, including public and private transportation, in the emergency area;
- Designate specific zones in the emergency area in which the occupancy and use of buildings and vehicles may be controlled;
- Control the movement of individuals or vehicles into, in, or from the designated zones;
- Control places of amusement and places of assembly;
- Control individuals on public streets;
- Establish curfews.

These powers provide the Governor with the discretion and flexibility to decide the most appropriate actions needed to ensure public safety and security during emergencies such as the severe winter storms that occurred in December 2009 and February 2010.

2. **Who controls assets deployed in Maryland under EMAC?**

The Governor must declare a state of emergency before Maryland can initiate the Emergency Management Assistance Compact (EMAC) process. During a declared state of emergency, the State Emergency Operations Center (SEOC) in Reisterstown, Maryland is activated and serves as the coordinating center for all resource requests from local governments and state agencies. The Director of MEMA is Maryland's authorized representative with the legal authority to initiate a request for assistance under EMAC, although the Director has the authority to delegate this power to other appropriate emergency management officials working in the SEOC.

The MEMA operational staff working in the SEOC determines the distribution and points of delivery of any assets received under EMAC. Once resources are delivered to the location needed, the onsite incident commander will have control over the assets until they are demobilized.

3. **At the end of the day, is the Governor the single official in charge during a disaster in Maryland?**

The Governor is the single official in charge during a disaster. While the Director of MEMA has responsibility for coordinating the activities of all organizations for emergency management operations in the State[7], the Governor has control of and

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[6] *See* MD. CODE ANN., PUB. SAFETY §§ 14-301; 14-303.
[7] MD. CODE ANN., PUB. SAFETY § 14-104.

responsibility for MEMA and may assume direct operational control over all or part of an emergency management function in the event of the threat or occurrence of an emergency[8].

Unless the Governor delegates his emergency powers, he is the individual that the legislature has granted with the authority to protect the public health, welfare, and safety of the citizens during disasters. Other heads of state agencies have a role in advising the Governor on recommended protective actions during emergencies and in implementing executive orders and emergency powers; however, these decisions are ultimately made by the Governor[9].

4. **Did the storm have similar impacts on Baltimore's transit systems as it did on Metro in the NCR?**

The Baltimore transportation systems are owned by the State of Maryland and fall under the authority of the Maryland Department of Transportation (MDOT). Within MDOT, the Maryland Transit Administration (MTA) operates the local bus system, metro subway, light rail, MARC train, commuter bus, and Mobility / para-transit services.

The February storms presented numerous challenges to MTA's ability to maintain safe and continuous operations of these transportation systems. While it is difficult to make a direct comparison of the impact of the storm on MTA and WMATA (due to differences in size, equipment, configuration, level of service, etc.), the two systems were confronted with similar issues. These issues included reduced manpower, unsafe operating conditions, mechanical failures, and loss of facility capacity. The result was that MTA had to alternate between shutting down services completely and operating at substantially reduced levels of service. Below is a summary of the main issues that the Baltimore transit system experienced during the storms:

Throughout the storm, every MTA system was faced with manpower issues due to the difficulty that employees and contractors experienced getting to work. This reduction in workforce meant that MTA had fewer operators to run the system and a reduced ability to have mechanical problems reported and fixed in a timely manner.

For the bus system, the snow on roads and lack of visibility caused such deteriorating conditions that bus operations were discontinued or limited to only main corridors. The snow accumulation also limited available access to bus stops. The decrease in the ride height of the low floor buses makes them extremely difficult to operate in

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[8] MD. CODE ANN., PUB. SAFETY § 14-106.

[9] While not specifically listed, Maryland law provides certain agency heads, such as the Secretary of Agriculture and the Secretary of the Department of Health and Mental Hygiene, as well as county health officers with substantial regulatory and investigatory powers to protect the public's health. These powers are usually used prior to a declared state of emergency. Once an emergency is declared, these agency heads act under the direction of the Governor.

snow. Some buses had to be removed from service with the accumulation of only 5-6 inches of snow.

Snow removal at Park and Ride lots was also a struggle. The problem was not with the ability to clear the snow but rather with finding places to put the snow. Snowplow drivers had to pile the snow in parking lots, which resulted in a substantial loss in parking capacity.

MTA makes all efforts not to suspend light rail operations; however, there are certain conditions when this became necessary. When rail switches were snow covered and frozen, it caused false occupancy lights and out of correspondence switches. When this happened, trains could not operate in that section of track. When visibility became an issue, all light rail vehicles had to stop at the next station and discontinue operations until visibility improved. Some of the gate arms on the tracks failed to operate because they broke with winds in excess of 50 mph.

When snow accumulated above 12 inches, it built up under the light rail cars causing mechanical faults and prohibiting the doors from opening at the platforms. Snow accumulations on light rail tracks also created a number of problems. City and county snow plows had pushed snow onto the tracks and the light rail vehicles could not operate and get through areas that had 6-8 feet of snow piled on the tracks. MTA employees spent a substantial amount of time trying to clear snow from the tracks and assisted with removing approximately 20 personal automobiles that became stuck on rail rights of way at grade crossing and on certain streets.

For Baltimore's metro system, much like WMATA's system, snow usually only affects the ability to operate above ground service. For the portions of the system that provide above ground service, snow in excess of 15 inches caused a number of operational and mechanical problems that forced the suspension of service. MTA's metro has barriers along the track right of way, which prohibits easy removal of large amounts of snow. When the snow cannot be removed promptly, it becomes compacted around the third rail, which results in the collector shoes losing connectivity. When rail track switches are snow covered and frozen, they will not function properly. The trains could not operate in sections of the track where this occurred. Throughout the storm, these mechanical issues caused both service and snow removal trains to lose power and become disabled. MTA spent countless hours trying to clear tracks and rescue stranded passengers and staff.

Mobility / para-transit vehicles deliver the majority of services to individuals that reside on side roads, which are often the last priority for plowing. This fact makes this service the most difficult to deliver and the first to be affected by weather emergencies. Even in mild weather events, Mobility routinely must provide medical only transportation to the most vulnerable customers since access to smaller roads and private driveways becomes difficult. These service vehicles must be careful to avoid becoming stuck in the snow because they contain passengers with health conditions and physical disabilities that can make rescue difficult and place the person at risk for more harm.

5. **How does Maryland intend to address any non-federal share for these disaster declarations?**

Under Maryland law, expenditures necessitated by emergencies are first made by using money regularly appropriated to State and local agencies[10]. If the Governor finds that regularly appropriated money is inadequate to cope with an emergency, the Board of Public Works may make contingency money available in accordance with the State budget[11].

For the February 2010 snowstorms, each state agency is responsible for paying the non-federal share of any eligible expenses it incurred in response to the disasters from that agency's fiscal year budget. For example, any expenses incurred for use of National Guard assets during the snowstorms, even if for the benefit of a locality, are the responsibility of the Maryland Military Department and will come directly from the Military Department's fiscal year budget. The Department of Natural Resources has responsibility for the cost of clearing snow from all state parks.

Given the current state budget crisis, the severity of the December and February events, the remarkable levels of State and local resources required for response to these storms and towards other events over the past year (many of which were in support of the federal government), Maryland has requested that the President consider complete reimbursement of eligible costs rather than limiting the Federal share of assistance for these events to 75 percent of eligible costs.

6. **Does Maryland intend to reimburse Metro for any portion of the non-federal share?**

Maryland does not intend to reimburse the Washington Metropolitan Area Transit Authority (WMATA) for any portion of the non-federal share. The State does not reimburse any local, private, or quasi-government agency for expenses incurred as a result of an emergency. After the March 23rd congressional snow hearing, FEMA gave WMATA the option to seek all federal disaster assistance for the snow disasters through the District of Columbia rather than having to submit three different requests through the District of Columbia, Maryland, and Virginia. Maryland has recently received notice that WMATA has accepted FEMA's offer and has withdrawn all requests for assistance from Maryland and Virginia.

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[10] MD. CODE ANN., PUB. SAFETY § 14-112.
[11] MD. CODE ANN., PUB. SAFETY § 14-112.

7. **What alternative criteria would you suggest FEMA use to recommend emergency or major disaster declarations for snowstorms?**

As a prerequisite to receiving Federal assistance, the Stafford Act requires a finding that a disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary.

Currently, FEMA's snow assistance policy focuses almost entirely on a rigid test of whether a snowstorm produced historic snow measurements. The policy assumes that snowfall amounts in a 48-hour period are the only factor that determines a state or locality's ability to respond and recover. The FEMA policy fails to take into consideration any circumstances that might compound and exacerbate the impact of a single snowstorm or that would severely diminish government response and recovery capabilities.

In the case of the February snowstorms, the FEMA policy did not account for the cumulative effects of multiple, successive, historic snow events. Over the course of the 2009-2010 winter season, Maryland responded to three major snow events that affected the entire state[12]: 2-3 feet of snow falling over December 18th – 20th ("Storm 1"), 2-3 feet of snow and blizzard conditions occurring over February 5th-6th ("Storm 2"), and a range of 6-20 inches plus severe blizzard conditions occurring only five days later over February 9th – 10th ("Storm 3").

The damages from Storm 3 and Maryland's capability to respond to it cannot be explained simply by looking in isolation at the snow totals over that two-day period. The snow totals for Storm 3 do not explain the structural collapses (from the weight of snow), the severe deterioration of road infrastructure, the impact to the transportation and power sectors, the lack of local funds for salt and snow removal, the loss of fire stations and farm buildings, and the damage to emergency response vehicles and equipment (due to extended and excessive usage). The damages and costs can only be explained by understanding the cumulative effect of each previous storm that continued to compromise the state's infrastructure and public safety resources.

While snowfall amounts should remain an important consideration in the overall assessment, FEMA should allow for a flexible standard that analyzes the totality of the circumstances surrounding the event and the impact of the storm on the community, as these are the factors that determine whether an effective response and recovery was beyond State and local capabilities. A flexible standard would also prevent unfair or illogical results. Under the current rigid standard that requires historic snowfalls as measured by the National Weather Service, counties that spent as much or more than adjoining counties to respond to blizzard conditions can be found ineligible for reimbursement. In some instances, the location of a particular snow measurement

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[12] This does not include other severe winter storms that affected only Western Maryland.

instrument within a county or a procedural flaw in taking a measurement could lead to lack of reimbursement, even if the county experienced "record" or "near record" snowfalls in other locations within the county[13].

Maryland suggests that FEMA evaluate and analyze the following factors in making a recommendation for a Major Disaster declaration to the President for snow events:

Nature of the storm:

- Amount of snowfall or type of precipitation
- Related weather conditions (temperatures, wind speeds, visibility, lunar tide cycles, etc.) that have the ability to create threats to health, safety, and property.
- Length of time that event occurred
- Frequency and likelihood of event of this nature occurring in the jurisdiction[14] (assessment of whether it is objectively reasonable to expect the jurisdiction to have the personnel, plans, resources, and equipment to respond.)
- Other recent events, incidents, or extenuating circumstances that may compound or exacerbate the impact of the storm

Impact of the storm on the community and on government response and recovery:

- Impact of geography of affected jurisdictions on damages or the government's ability to respond
- Demographics of affected area (Population density, households without transportation, households below the poverty level)
- Amount and type of critical infrastructure in the area (whether this increased or decreased the impact of the storm)
- Preparation and clean-up period required for event
- Impact of event on power, water, transportation, telecommunications, fire suppression, emergency services, health services, and other critical infrastructure sectors (nature of loss or damage, length of time that loss or damage occurred, time and resources required to restore sector, cascading effects and interdependencies of loss or damage to other sectors or to the community)

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[13] If FEMA insists on requiring specific snow measurements, it should consider the option of accepting a signed declaration by the top elected official in a jurisdiction that attests to the amount of snow they received as measured by that jurisdiction, instead of relying solely on measurements taken by the NWS (which can be flawed).

[14] This criterion would prevent state and localities that consistently receive large snowfall amounts on an annual basis from receiving federal disaster assistance for routine snow events.

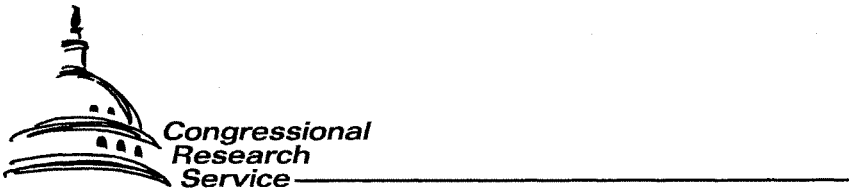
- Required closures of government, schools, businesses, and other community activities
- Nature and quantity of assets deployed
- Emergency protective measures taken
- Loss of life and number and nature of injuries caused by event
- Property loss and damage
- Other recent demands on state and local resources that may reduce or diminish response capabilities
- Other circumstances which affect the community's ability to recover

This flexible standard that looks at the totality of the circumstances would allow FEMA to determine in accordance with the goals of the Stafford Act whether an event is of such severity and magnitude that effective response and recovery is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary.

The December and February snow storms were the first opportunities for FEMA to apply its new snow policy standards and first experiences that the States had in understanding how FEMA would implement the policy. I believe the circumstances of the events demonstrate the flaws in what was probably a well-intentioned policy change. I would be happy to work with FEMA in the future to refine the policy and in exploring other options and criteria for recommending major disaster declarations during snowstorms.

III. CONCLUSION:

Thank you for the opportunity to respond to the Committee's questions. Please do not hesitate to contact me if you need additional information or clarification.



Statement of Dr. R. Eric Petersen
Analyst in American National Government
Congressional Research Service

Hearing on

Snow Disasters for Local, State and Federal Governments in the NCR: Response and Recovery Partnerships with FEMA

Before the

Subcommittee on Economic Development, Public Buildings and Emergency Management
Committee on Transportation and Infrastructure

House of Representatives

March 23, 2010

Dr. R. Eric Petersen[1]
Analyst in American National Government, Congressional Research Service
Snow Disasters for Local, State and Federal Governments in the NCR: Response and Recovery Partnerships with FEMA
Subcommittee on Economic Development, Public Buildings and Emergency Management
March 23, 2010

Madam Chairwoman, Ranking Member Diaz-Balart, and Members of the subcommittee: Thank you for the opportunity to appear before you today.

You have asked me to present testimony to the Subcommittee on experiences from recent winter storms that might apply to future natural or human-made disasters that might affect the National Capital Region (NCR).[2] In addition, you have asked me to address how the United States Government and other jurisdictions in the NCR plan for and respond to disasters in light of the unique jurisdictional environment of the Nation's Capital.

Emergency management in the District of Columbia in particular, and the NCR generally, is characterized in part by the wide array of local, state, and federal government entities that have roles in emergency preparedness planning or incident response. For example, the District of Columbia, in its capacity as both a state-like entity and municipal government, carries out preparedness and response duties similar to those of the State of Maryland and Commonwealth of Virginia, as well as activities similar to those carried out by Prince George's, Montgomery, Frederick, Loudoun, Fairfax, Arlington and Prince William Counties. Throughout the region, in addition to the municipal activity, the three branches of the national government assert independent emergency planning and response authority for those places and facilities within the NCR that are under their authority. In addition, a number of regional entities, including mass transit providers and public utilities, provide critical support to government and citizens. Among this diverse group of entities, it does not appear that there is a single entity that can speak authoritatively to all of the issues that may be of region-wide interest in an emergency.

The late-autumn storm of December 2009 and back-to-back storms of February 2010 delivered unusually heavy accumulations of snow, and subsequent challenges to all jurisdictions and governing entities in the NCR. Response to the storm demonstrated the independence of some entities to respond to the tasks of cleaning up following the storms. Regional interdependencies, including access to mass transit, and accessible roads, and which affected local, state, and national government in the metropolitan region, were highlighted as well.

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[1] Several people provided information, research assistance, and analytic or technical support in developing this statement. These include the following staff from the Congressional Research Service: Jennifer Manning, Information Research Specialist; Keith Bea, Specialist in American National Government; Bruce R. Lindsay, Analyst in Emergency Management Policy; Francis X. McCarthy, Analyst in Emergency Management Policy; Lawrence Kapp, Specialist in Military Manpower Policy; David Randall Peterman, Analyst in Transportation Policy; and Edward C. Liu, Legislative Attorney. Other individuals from different entities are noted elsewhere as appropriate.

[2] The National Capital Region is defined in statute, 40 U.S.C. 8702, and 10 U.S.C. 2674 (f)(2), as the District of Columbia; Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; and all Maryland or Virginia cities within the boundaries of the six counties. For some purposes, the Raven Rock Mountain Complex is also considered within the National Capital Region.

In some instances, response to the storms highlighted the independence of some governing entities, and their capacity to respond to the consequences of a weather incident. During the February storms, for example, congressional buildings maintained by the Architect of the Capitol (AOC) remained open, and sidewalks and streets in the immediate vicinity of the Capitol were cleared. A number of Members and congressional staff reported for duty as usual.[3]

In other instances, recovery and resumption of normal activities by some governmental entities may have been delayed or impaired, because those entities are dependent on certain critical services and access provided by other local or regional governments. While the area around the Capitol and the buildings of the House of Representatives and Senate was accessible, surrounding roads under the jurisdiction of the District of Columbia were subject to local snow emergency regulations, and awaited treatment to make them passable. The challenges of snow removal were not limited to the District; the ongoing cleaning of main thoroughfares and residential streets by local governments throughout the NCR were widely reported for a number of days after snow stopped falling.

Another dependency beyond the control of local, state, and federal government was mass transit. This is critical in a region where roadways operate at or in excess of capacity even with a significant portion of daily commuters using rail transit. It is estimated that more than half the federal workforce in the NCR – 170,000 of an estimated 300,000 employees – commutes to work by mass transit in normal circumstances. Thus, disruptions to transit service can have a significant impact on the ability of federal employees to get to their places of work.[4] Federal executive branch agencies and other elements that typically follow the guidance of the Office of Personnel Management (OPM) were closed for a day in December and four days in February in the aftermath of storms. These closures were due in part to the scale of snow removal from public roads and railways across the region, which impaired bus transit, above ground sections of Metrorail operated by Washington Metropolitan Area Transit Authority (WMATA), and rail service operated by Amtrak, Virginia Railway Express, and Maryland Area Regional Commuter (MARC) trains.

Winter Storms and Emergency Preparedness in the NCR

Response to the winter storms of 2009-2010 may raise issues related to preparedness in the NCR in three broad areas, including:

- government support and education related to personal preparedness;
- questions about the effectiveness of snow removal plans across the region; and
- the extent of emergency preparedness coordination and communications prior to and during the storms, and in the recovery period.

Storms of the magnitude seen this winter arguably presented an ideal opportunity for residents in the region to shelter in place according to whatever readiness plans they might have developed. The

[3] Discussion with Mike Culver, Director of Congressional and External Relations, Office of the Architect of the Capitol, March 16, 2010.

[4] U.S. General Services Administration, "GSA Appoints Director and Alternate Director to Metro Board," press release, January 24, 2010, http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=29003&noc=T; also for other wmata ridership information, see Lena H. Sun, "Metro Riders Open Wallets," January 6, 208, pp. http://www.washingtonpost.com/wp-dyn/content/article/2008/01/05/AR2008010500881.html.

immediate aftermath of the storms disrupted typical activities, and whether the duration of the recovery period was too long or too short remain subject to debate around the region.[5] At the same time, emergency management professionals and the general public generally recognize that snow will melt away, power and other utilities can be restored, and typical regional activities will resume in relatively short order without many lasting effects.

Snow removal issues might include pre-event planning options This might include pre-event contract agreements among regional jurisdictions, or implementation of existing state level mutual support authorities pursuant to state law,[6] or interstate compacts, such as the Emergency Assistance Compact (EMAC),[7] discussions of the merits of investing in more, or more robust, snow removal equipment for regional jurisdictions. Consideration of these questions might include the merits of acquisition of or contracting for heavier duty equipment to clear regional highways and streets, or determining the cost of ensuring that Metrorail can maintain operations following a snowfall of depths greater than eight inches.[8] Potential investments in upgraded infrastructure may involve congressional consideration if federal funds are to be directed to those purposes. At the same time, regional jurisdictions and Congress might take into consideration whether to invest based on the experience of one season, or the longer term patterns of relatively mild winters and few storms affecting the region. This winter season has been characterized by an unusual number of storms, and particularly heavy snow accumulations. In the past decade, however, records indicate that the federal government has closed in the NCR for winter weather for a total of six days. Five of those days occurred due to this season's storms.

Regarding communications issues, it would appear that the approach of the storms and the potential consequences were widely communicated by local governments and local media. Most municipal jurisdictions in the NCR maintain alerting systems and provide emergency information through the Roam Secure Alert Network. Messages may be delivered by email, or text/SMS. Interested users may subscribe to these services and customize the types of information they receive. Individual jurisdictions make determinations regarding what messages to send to their subscribers.[9] It appears that regular communications continued to be delivered through emergency alert systems and local media throughout the storm and during the recovery period. These messages included ongoing forecasts, recommendations to avoid unnecessary travel, and in some instances, where to seek shelter in the event of need. As long as subscribers' devices had power and network access, they were regularly updated. While these

[5] Robert McCartney, "Snow Paralysis has cost the DC Area Too Much," *The Washington Post*, February 14, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/02/13/AR2010021303611.html; Nikita Stewart, "District Needs a Major Snow Plan, Transportation Chief Says," *The Washington Post*, February 27, 2010, http://www.washingtonpost.com/wp-dyn/content/story/2010/02/26/ST2010022604719.html; Derek Kravitz, "At Fairfax County's 'Snow Summit,' A Blizzard of Complaints," *The Washington Post*, March 17, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/03/16/AR2010031604146.html.

[6] For state-level authorities available in NCR jurisdictions, see CRS Report RS21929, *Maryland Emergency Management and Homeland Security Statutory Authorities Summarized*, by Keith Bea, L. Cheryl Runyon, and Kae M. Warnock; CRS Report RS21804, *District of Columbia Emergency Management and Homeland Security Statutory Authorities Summarized*, by Keith Bea et al.; and CRS Report RL32406, *Virginia Emergency Management and Homeland Security Statutory Authorities Summarized*, by Keith Bea, L. Cheryl Runyon, and Kae M. Warnock.

[7] See CRS Report RL34585, *The Emergency Management Assistance Compact (EMAC): An Overview*, by Bruce R. Lindsay.

[8] In its emergency preparedness materials, WMATA notes that snow accumulations of eight inches or greater results in the termination of above ground Metrorail service until rails and related facilities can be treated at the conclusion of a storm. See WMATA, "Using Metro in a Snowstorm," http://www.wmata.com/getting_around/safety_security/snowmap.cfm.

[9] Access to individual jurisdictions is available at http://www.capitalert.gov/. Most municipal jurisdictions in the NCR maintain alerting systems and provide emergency information through the Roam Secure Alert Network. Messages may be delivered by email, or text/SMS, and interested users may subscribe to these services and customize the types of information they receive. Individual jurisdictions make determinations regarding what messages to send to their subscribers.

communications mechanisms appeared effective, some have raised concerns about the timing of some communications. For example, announcement of the decision to close the federal government on each of the four days it closed in February was made at approximately 7 PM the night before. Some have raised concerns that announcing such a decision at a relatively late hour caused difficulties for some private sector firms in the NCR that model their shutdown policies on federal government decisions.[10] This may also be seen as a part of a broader communications challenge: due to the intense concentration of local state, and national government entities in the NCR, there are multiple sources of information (weather reports, road conditions, school status, government operating status) issued by different entities. Those communications are then transmitted from multiple official and unofficial sources.

These findings may afford the opportunity to revise preparedness plans and response capacities for future snow storms and other disasters or emergency incidents. What is not clear is what the storm experience might tell us about regional preparedness to respond to other natural events or human-caused incidents, particularly if they occur with little or no notice. While some experiences and regional interactions related to storms such as these might inform response to other incidents, Congress, regional governments and emergency planners in the NCR might note that there are potentially critical elements of preparedness planning that the response to the storms did not address. For example, there was extensive warning of the storms' arrivals and likely impacts on the region. It is questionable whether there will be similar warning of the onset of an earthquake, terrorist activity, biological incident, or other attack.

At the regional level, the storms did not necessitate significant evacuations, require deployment of decontamination protocols, or test the surge capacity of regional medical response assets. While much of the response to the storms arguably occurred against a background of regional inconvenience, a potential no-notice natural disaster, critical infrastructure failure, or attack could instill widespread fear or panic. Because the commencement of these different types of disasters may be different from that seen in the winter storms, response to the storms may not provide emergency planners with very much actionable information or understanding about potential responses to incidents that could occur with little or no notice, or scenarios that could cause widespread, longstanding consequences of extended duration across the NCR.

Preparedness in the NCR

The individual and family, as well as governmental and private sector response to recent storms in the metropolitan Washington region may raise questions about the region's preparedness to withstand, respond to, and recover from other natural events or human-caused disasters. The storms may offer an opportunity to consider what Congress, NCR governing entities, or regional emergency planners might take into consideration to respond to future events. In the past decade, consideration has been given to emergency preparedness issues based on the events of September 11, 2001. Some of the matters of regional concern that have been addressed since then include the following:

- In 2002, Congress created the Department of Homeland Security, and established an Office of NCR Coordination.[11] The office oversees and coordinates federal programs for and relationships with state, local, and regional authorities in the NCR.[12]

[10] Discussion with Jim Dinegar, President and CEO, Greater Washington Board of Trade, March 16, 2010.

[11] P.L. 107-296, sec. 882, 6 U.S.C. 462.

[12] See Department of Homeland Security, Federal Emergency Management Agency, "Office of National Capital Region Coordination," http://www.fema.gov/about/offices/ncr/index.shtm.

- Also in 2002, the Metropolitan Washington Council of Governments (MWCOG) issued its *Regional Emergency Coordination Plan*. The plan was "to provide a vehicle for collaboration in planning, communication, information sharing, and coordination activities before, during, or after a regional emergency for ... [its] ... member governments[13], the State of Maryland, the Commonwealth of Virginia, the Federal government, the public agencies, the private sector and volunteer organizations, and local schools and universities."[14]

- Beginning in 2005, the government of the District of Columbia began holding annual evacuation drills following the conclusion of Independence Day festivities on the National Mall. After routing pedestrians to designated evacuation routes, the District then adjusts traffic signals along selected emergency evacuation routes to permit expedited movement of vehicular traffic away from the downtown area. The District's Department of Transportation, Emergency Management Agency, and Metropolitan Police conducts these exercises in coordination with a number of state and federal agencies in the region, including the Virginia Department of Transportation, Maryland Department of Transportation, WMATA, United States Capitol Police and United States Park Police.[15]

- The District of Columbia and several surrounding jurisdictions have deployed extensive web sites related to emergency preparedness with information for residents, visitors, and businesses.[16] In addition, most of these sites provide the opportunity to sign up for emergency information alerts described earlier. Among the features of the District's site is an interactive map that plots evacuation routes from individual addresses in the District to its borders with Maryland and Virginia.[17]

While these efforts may enhance the preparedness of the NCR to withstand and recover from an incident, it appears that some challenges and questions remain in the areas of incident response and disaster management. For example, it is not clear which entities in the NCR are authorized to order evacuations, or whether they must consult with other entities before implementing their plans. Following the establishment of MWCOG's planning process, it is unclear whether concrete regional plans have resulted. If plans have been developed, the extent to which they have been tested and validated through exercises and regular updating is unknown, or not well publicized. This may be of critical importance if residents and commuters in the area are to know what is expected when an incident occurs.

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[13] MWCOG is a regional organization of Washington area local governments. According to its web site, the group is comprised of 21 local governments in the National Capital Region (and including Frederick County, Maryland, and cities within that county), plus area members of the Maryland and Virginia legislatures, and the House and Senate. http://www.mwcog.org/about/.

[14] See Metropolitan Washington Council of Governments, "Regional Emergency Coordination Plan (RECP)^{SM}," http://www.mwcog.org/security/security/plan.asp.

[15] Testimony of Michelle Pourciau, Acting Director, District of Columbia Department of Transportation, before the District of Columbia Committee on Public Works and the Environment, February 22, 2006, http://newsroom.dc.gov/file.aspx/release/8505/Testi.pdf; "Officials Test Evacuation Plans In Operation Fast Forward II," *What's New in the Metropolitan Police Department*, July 7, 2006, http://mpdc.dc.gov/mpdc/lib/mpdc/news/pubs/whatsnew/2006/wn_060707.pdf.

[16] See for example, District of Columbia, http://72hours.dc.gov/; Arlington, Virginia, "Emergency Management," http://www.arlingtonva.us/departments/EmergencyManagement/EmergencyManagementMain.aspx; Montgomery County, Maryland, "Preparedness for Terrorism & Other Emergencies," http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/PIO/news/preparedness.asp.

[17] District of Columbia, "HSEMA Evacuation Route Lookup," http://dcatlas.dcgis.dc.gov/evac/.

In the nonfederal sections of the District of Columbia, as well as in Maryland and Virginia, it appears that emergency response follows the model specified for the rest of the country: local responders apply personnel and resources to emergencies and disasters in their jurisdiction. When those resources are exhausted, municipalities seek state or regional assistance pursuant to mutual aid agreements. There are some differences among jurisdictions in the NCR. For example, the governors of Maryland and Virginia have authority to deploy their state National Guards. Because it is exclusively a federal entity, the Mayor of the District of Columbia does not have similar authority to deploy the District of Columbia National Guard, but has other options to secure Guard assistance.[18] In the event that the incident outstrips state (or District of Columbia) capacity to respond and recover, the states may apply for federal assistance. The Federal Emergency Management Agency (FEMA), would coordinate the deployment of any federal support to manage the consequences of disasters in the event that the Stafford Act is invoked. In other circumstances, federal support might be coordinated by the Department of Homeland Security, pursuant to authority granted by Homeland Security Presidential Directive (HSPD) 5.

Less clear are protocols for responding to incidents in and around facilities of the federal government. It appears that all three branches (legislative, executive, and judicial) assert independent emergency planning and response authority for those places within the District and the NCR that are under their authority.

This challenge may be especially acute on Capitol Hill. Congress oversees a Capitol campus that is located at a critical nexus of roads and railways that could serve as routes for evacuation and the transport of resources to respond to an incident in the District. Immediate response to an incident on Capitol Hill is likely to be provided by the United States Capitol Police, under the direction of the United States Capitol Police Board, congressional committees[19] of jurisdiction, and the leadership of both chambers. In the event of a widespread or long term incident involving congressional facilities alone, or in combination with adjacent non-congressional facilities, it is unclear how the incident would be managed, and who might manage it. The authority to command USCP resources by a federal coordinating official (FCO) assigned under the Stafford Act, or a Principal Federal Official (PFO) appointed by an executive branch entity pursuant to HSPD 5 is unclear. Appointment of an executive branch-based official may also raise broader questions about the autonomy of the legislative and judicial branches to plan and execute their own emergency preparedness programs. On the other hand, the mechanisms by which USCP might acquire and deploy response assets it does not possess (including fire fighting, EMS, urban search and rescue, chemical, biological, radiological response, etc.) is unclear as well.

Similar concerns arise in areas around the White House, federal court facilities, as well as some departments and agencies. Any of these might implement enhanced facility and force protection measures in response to an incident, and those responses could alter extant evacuation and response plans of other NCR entities.

In the end, it appears that this season's snow storms leave Congress with two sets of concerns. The first includes those challenges that are routinely cited in disaster exercise and incident after action reports:

[18] The Mayor of the District of Columbia may request civil support assistance through the Commanding General of the District of Columbia National Guard, who would forward it to the Secretary of the Army, who would in turn make a decision in consultation with the Secretary of Defense and Attorney General. In other instances, the Mayor could request National Guard support through neighboring states pursuant to the EMAC.

[19] Committees with interests in congressional preparedness include the Committee on House Administration, Subcommittee on Legislative Branch of the Committee on Appropriations, Committee on Homeland Security, and the Committee on Transportation and Infrastructure in the House; and the Committee on Rules and Administration, Committee on Homeland Security and Governmental Affairs, and Subcommittee on Legislative Branch of the Committee on Appropriations in the Senate.

communications and coordination challenges among governing entities and those citizens and private entities affected by disasters. The second set of concerns arguably are artifacts of the complex interdependencies among the independent local, state, regional, and federal entities in the NCR are related to the first: communications and coordination challenges that appear inherent in emergency and disaster response are orders of magnitude more complex because of the diverse responsibilities, and independent authorities of NCR governing entities, and the core set of mutual interdependencies. With that in mind, in any effort to better ensure the preparedness and response posture of the NCR, Congress might consider the following matters:

- whether existing state or federal statutory arrangements, intrastate provisions, and interstate agreements under EMAC, or memoranda of understanding or agreement are sufficient to ensure the ability of NCR entities to respond to and recover from a disaster on their own, or in coordination with others.
- whether there is a need to focus on one set of relationships and interactions (e.g. federal executive or legislative, or judicial preparedness, or municipal arrangements), or to take a broader, exhaustive regional approach.
- the extent to which existing plans have been coordinated and exercised to ensure effectiveness.[20]
- the costs and potential benefits of enhanced public education efforts or other means to involve the public.
- the extent to which further consideration of these issues may be necessary.
- whether requiring the development and exercising of refined plans for preparedness and response would better prepare the NCR to respond to disasters.

Thank you again for inviting me to testify. I will be happy to address any questions you may have.

[20] For a discussion of the benefits and challenges of emergency preparedness and response exercises, see CRS Report RL34737, *Homeland Emergency Preparedness and the National Exercise Program: Background, Policy Implications, and Issues for Congress*, coordinated by R. Eric Petersen.

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Based on your research, is there a single entity in charge of a disaster here in the District of Columbia? If not who are those entities?

It appears that there is no single entity that would be in charge of a disaster in the District of Columbia. This is due in part to the jurisdictional prerogatives of the government of the District of Columbia and those of the coequal branches of the national government over their assets located within and adjacent to the District. As a consequence, it appears that the following entities could be involved in disaster response and recovery:

- the government of the District of Columbia would likely be in charge of an incident in the non-federal sections of the District;
- in areas under the jurisdiction of the legislative branch, entities in charge could include the United States Capitol Police Board, United States Capitol Police, and House or Senate leadership or officers;
- in areas under the jurisdiction of executive branch entities, the agency in charge may vary by location of the disaster, e.g. the United States Secret Service might exercise jurisdiction over an incident at the White House, while security and force protection entities of the Department of Homeland Security might exercise incident command responsibilities when DHS assets are involved. These are notional examples, however, as executive branch incident response authorities and protocols for specific facilities are not public information. An unknown number of executive branch agencies based in the District might implement enhanced facility and force protection measures in response to an incident affecting their assets; and
- in facilities in which federal courts sit, incident response may be managed by administrative elements of the court, the United States Marshals Service, the owner of the facility in which the court sits (such as the General Services Administration), or local assets. I have no information on specific arrangements for federal courts and judiciary facilities in the District.

How do the various branches of the Federal Government and the D.C. Government address incident command and resource issues in a disaster?

As I noted in my written testimony, in the nonfederal portions of the District under the jurisdiction of DC Government, it appears that emergency response follows the model specified for the rest of the country: local response entities, in this case under the direction of District officials, would apply personnel and resources to emergencies and disasters in their jurisdiction. District officials could also seek assistance from the District of Columbia National Guard in the manner described by Major General Schwartz in his testimony, and could seek regional assistance pursuant to mutual aid agreements. If and when those resources are exhausted, the District could apply for federal assistance pursuant to the Stafford Act. The Federal Emergency Management Agency (FEMA), would coordinate the deployment of any federal support to manage the consequences of disasters in the event that the Stafford Act is invoked. In other circumstances, federal support might be coordinated by the Department of Homeland Security, pursuant to authority granted by Homeland Security Presidential Directive (HSPD) 5.

Specific protocols for responding to incidents in and around District-based facilities of the federal government are not public information. At the same time, it does not appear that the legislative, executive, and judicial branches maintain specialized incident response resources and capacities specifically to support their operations in the immediate aftermath of an event beyond a police presence. These resources might include fire fighting, EMS[1], urban search and rescue, chemical, biological, radiological response, etc. (resources available to executive branch agencies could be used to assure agency activities, but might also need to be deployed to assist state and local entities affected by an incident). In the event of an incident of greater magnitude or longer duration, all three branches have continuity of operations (COOP) and continuity of government (COG) plans to ensure that their essential functions continue to be carried out.

In the event of a widespread or long- term incident involving federal government facilities and adjacent non-governmental facilities under the jurisdiction of the DC government, it is unclear from publicly available sources how the incident would be managed, and who might manage it.

How do you believe existing plans were coordinated during these disasters if at all?

I have no information on the extent to which DC and federal branch plans were coordinated during the snow storms, beyond what was mentioned by other witnesses at the hearing regarding Metropolitan Washington Council of Government conference calls.

Have you been made aware of any resource issues in the recent disaster?

It is my understanding that during and after the snow events of the winter of 2009-2010, the legislative branch had sufficient resources (snow removal personnel and equipment, security and physical plant staff) to maintain essential operations, and to clean up the Capitol Complex and surrounding area under its jurisdiction. During the February storm, it is my understanding that no congressional building was closed as a result of the weather or subsequent clean up.

I am not aware of other resource issues related to snow response in the District other than the deployment of the District of Columbia National Guard, and those purported challenges that are ascribed by some to District and WMATA snow removal efforts, as reported in the local media.

[1] Congress has limited EMS support for congressional facilities on Capitol Hill through the Office of the Attending Physician; some executive branch entities may have limited, mission specific capabilities as well.

HOLD UNTIL RELEASED
BY THE COMMITTEE

STATEMENT OF

MAJOR GENERAL ERROL R. SCHWARTZ

COMMANDING GENERAL

JOINT FORCE HEADQUARTERS

DISTRICT OF COLUMBIA NATIONAL GUARD

BEFORE THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,

PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT

OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

March 23, 2010

Introduction

Thank you, Madam Chairwoman, and members of the subcommittee, for the opportunity to testify today on Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA. I will focus my comments on the District of Columbia National Guard and our support to the region during the historical back-to-back blizzards that hit the District in February.

The District of Columbia National Guard comprises both Army and Air National Guard components. Federal law charges the National Guard with dual state and federal missions. Those functions range from limited actions during non-emergency situations to full-scale law enforcement of martial law when local law enforcement officials can no longer maintain civil control. I would like to emphasize that our primary role is to support civilian authorities.

In the 53 states and territories, the governor is the commander in chief of the National Guard. Since we do not have a governor in the District, the President of the United States serves as our commander-in-chief. The authority to call-up the D.C. National Guard is delegated by the President and Secretary of Defense to the Secretary of the Army.

One of our primary missions in support of the District is to rapidly respond to requests for support from the Office of the Mayor by providing military, emergency and community support as outlined in the District's Emergency Response Plan. In the case of the emergency response to the recent blizzards, this plan proved to be very effective.

The District of Columbia requested support from the D.C. National Guard through the Commanding General during the blizzards. The Secretary of the Army approved the request for

the DC Guard to support the city. This occurred when the Mayor declared a snow emergency and provided a written request for support.

The DC National Guard supported the snow emergency response in and around the District of Columbia from February 5-15, 2010. This support came in the form of 19 High Mobility Multipurpose Wheeled Vehicles, also known as Humvees, and 203 soldiers and airmen. During this period of support to the city, the DC National Guard conducted over 800 missions. These missions mainly entailed emergency transportation of essential emergency District government personnel and the DC Homeland Security and Emergency Management Agency (HSEMA) Emergency Operations Center personnel to their duty locations and direct support to the DC Metropolitan Police Department and the District of Columbia Fire and Emergency Services with emergency transportation of doctors and nurses to local hospitals. This support was necessary for the City's continuity of operations.

In preparation for disasters such as these, we have developed an all-hazards plan to respond to requests from federal and District authorities. In accordance with the U.S. Department of Homeland Security *National Response Framework* dated January 2008, there are 15 Emergency Support Functions (ESF) that are nationally recognized. The District has added one of their own for a total of 16 ESFs. The District has requested that our units and personnel support eight of the 16 ESFs. When requested by the District of Columbia Homeland Security and Emergency Management Agency, we will support:

- **ESF 1 – Transportation:** Provide intersection control support and transportation, infrastructure security, facilitate the transport of disaster-relief supplies, and assist in the evacuation or relocation of people during emergencies

- **ESF 2 – Communications:** Operate on designated radio frequencies that interface with the D.C. Emergency Operations Center, and provide a liaison to the operations center at the request of DCHSEMA

- **ESF 6 – Mass Care, Emergency Assistance, Housing and Human Services:** Provide shelter, assist with security on roadways and in the designated shelters, facilitate transportation of disaster relief supplies and equipment, provide mobile kitchens and shower facilities and assist in the evacuation or relocation of victims

- **ESF 9 – Search and Rescue:** Provides search-and-rescue capability and temporary emergency shelters, support traffic control, emergency transportation, evacuation of civilian population, communications assistance, area security, protection from theft and looting, medical services, aircraft for medical evacuation and monitoring, surface radiation monitoring, radiation hazard plotting, wind and weather data, and control of reentry

- **ESF 10 – Oil and Hazardous Material Response:** Provide equipment and mobilize units to provide the following:
  - Traffic control
  - Emergency transportation
  - Evacuation of civilian population
  - Search and rescue
  - Communications assistance
  - Area security
  - Protection from theft and looting
  - Medical services
  - Aircraft for monitoring
  - Surface radiation monitoring
  - Radiation hazard plotting
  - Wind and weather data
  - Control of reentry

- **ESF 11 – Agriculture and Natural Resources:** Coordinate and provide mobile kitchen, feeding facilities and personnel, and assistance with delivery of bulk food and cooking supplies; and weather forecasting capabilities

- **ESF 13 – Public Safety and Security:** Provide manpower to civilian law enforcement to assist in management of the designated 142 critical intersections in the city, and with requested law enforcement requirements

- **ESF 16 – Donations and Volunteer Management:** Support safe collection, transportation and distribution of donated goods and services

During the recent blizzards, the District requested support under ESF 1, which is Transportation. However, we can expand our support listed under any of these ESFs according to the size and scope of the emergency and level of support requested by the District.

In support of the DCHSEMA, the DC National Guard Armory serves as an alternate emergency operations center. We are also prepared to support the city by partnering with the Joint Force Headquarters, National Capital Region, in coordinating with the Defense Department, and will coordinate with the Department of Homeland Security and its agencies such as FEMA, and other civilian agencies including the American Red Cross. At the request of the DCHSEMA, there are currently prepositioned FEMA and American Red Cross trailers in the parking lot of the Armory that contain disaster-relief supplies.

In times of emergency, a memorandum of understanding (MOU) with each of the states in FEMA Region III ensures mutual aid, support and cooperation with Maryland, Delaware, Virginia, West Virginia and Pennsylvania. We focus on providing logistical support required to bring units from these states into the local area, including operational control, credentialing, food, shelter, equipment and transportation of National Guard support personnel.

The 56th Presidential Inauguration provides an excellent illustration of the support the National Guard brings to the table. During the inaugural period in January 2009, 7,000 National Guard personnel from more than 30 states were deployed inside the boundaries of the nation's capital, and another 3,000 were stationed just outside our borders. I never felt more proud of the Guard than I did during this entire event – before, during and after. With nearly two million people in and around the National Mall, there was not one arrest related to the largest inauguration in our nation's history. We accomplished this arduous task by coordinating our support with DCHSEMA and the myriad of law enforcement and civilian agencies involved in the event. We provided traffic and crowd control, logistical support, medical support, communications, and chemical, biological, radiological, nuclear and high-yield explosive detection capability, shelter, food, equipment and transportation.

Our DC National Guard Aviation units located at Davidson Army Airfield near Fort Belvoir, Virginia, are also key assets available to support civil authorities in a disaster. Last year, we received new UH-72 MEDEVAC helicopters for our 121st Medical Co. (Air Ambulance). These assets provide important medical-evacuation airlift capability.

Our Air Guard units on Joint Base Andrews, the home of our 113th Wing, also provide critical defense and airlift capability. One of our more critical, ongoing duties is the Air Sovereignty Alert mission, protecting the skies over the nation's capital. Since Sept. 11, 2001, our F-16 Fighter pilots and crews at Andrews have been on 24/7 alert, ready to respond at a moment's notice to any threat or violation of the airspace over the city.

We continue to train our full-time staff to quickly respond in the event of an emergency within the District of Columbia, primarily with our National Guard Response Force. We have trained more than 100 soldiers and airmen from our full-time staff to respond to emergencies within four hours of notification and maintain control until released or until follow-on forces arrive. The response force can support civil authorities with critical infrastructure protection and crowd control.

Another critical asset in the event of an emergency is our 33rd Weapons of Mass Destruction Civil Support Team (CST). The CST is trained to respond quickly in the event of a chemical, biological, radiological, nuclear and-or explosive attack. Their job is to assess the situation and advise the civilian incident commander or military leadership of potential courses of action to minimize loss of life and property. The CST is also trained to respond to natural or manmade disasters. Their extensive training includes exercising with DCHSEMA, the D.C. Fire and Emergency Medical Services Department, Secret Service, FBI and other emergency responders.

Conclusion

In conclusion, the D.C. National Guard remains committed now more than ever to providing emergency support to the District of Columbia, whether it is in a snow emergency like the one we just experienced, or some other natural or manmade disaster. We would appreciate any support from this subcommittee to improve our ability to respond to an emergency and save lives. Thank you for asking me to come here today and for the chance to communicate our capabilities and requirements. Madam Chair, I would be happy to answer any questions that you or the subcommittee members might have.

DC National Guard response to Chairwoman Holmes Norton questions from March 23, 2010, Subcommittee hearing on disasters within the National Capitol Region:

1. How many members of the DC National Guard were deployed during the December and February storms?

224 personnel.

2. If the Mayor were to ask you for National Guard support in response to another disaster, how long would it take before you could provide an answer to him?

The Commanding General could respond instantaneously under the "immediate response doctrine" if it was an emergency to save lives, prevent human suffering, or mitigate great property damage. In non-immediate response situations, the District's request would have to be sent up the chain of command for approval by the Secretary of the Army in collaboration with the Department of Justice. It is noted that the DCNG has always provided the requested support on time for all District's missions.

3. Would it be quicker for the mayor to receive National Guard support from the Governors of Maryland or Virginia under the Emergency Management Assistance Compact?

No, I do not believe it will be quicker. I cannot speak for the governors of Maryland and Virginia; however, we have a long-standing history of providing prompt and effective support to the District.

4. Are there any circumstances in which you would be able to provide civil support to the District on your own authority?

Yes, in the event of an emergency, the "immediate response" doctrine would allow the Commanding General to deploy forces to save lives, prevent human suffering, or mitigate great property damage.

5. Once a request for D.C. National Guard support to the city is approved, how does the mayor exercise control over the assigned National Guard forces?

Under the auspices of the mayor, the D.C. Homeland Security and Emergency Management Agency (HSEMA) controls the civil support missions of the Guard by defining the mission. Our mission is based on the District's requirement for support of the D.C. Metropolitan Police, D.C. HSEMA, D.C. Department of Transportation, D.C. Fire and Emergency Services and the D.C. Department of Health. Guard members remain under the command of their superior officers in the Guard, but are instructed to obey the orders of the incident commander.

6. If the mayor requested and received National Guard personnel from Maryland or Virginia under EMAC, the compact specifies that they would fall under the "operational control" of the District's emergency services authority. Would the District have a similar level of control over D.C. National Guard personnel?

It is unlikely that a state would send their National Guard members into another state, territory or the District under civilian control. It is customary that military members come into another jurisdiction under military control in support of local authorities.

"Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA"

United States House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Economic Development, Public Buildings, and Emergency Management

The Honorable Eleanor Holmes Norton
Chairwoman

The Honorable Mario Diaz-Balart
Ranking Member

Millicent D. Williams, Director
District of Columbia
Homeland Security and Emergency Management Agency (HSEMA)

March 23, 2010

Good afternoon Chairwoman Norton, Ranking Member Diaz-Balart and members of the Subcommittee. My name is Millicent D. Williams and I am the Director of the District of Columbia's Homeland Security and Emergency Management Agency (HSEMA). I appreciate the opportunity to provide testimony about the District of Columbia's response to and recovery from this season's historic snow storms and the way in which local governments work with FEMA during periods of disaster, regardless of cause.

Specifically, the Subcommittee's request for testimony asked that my colleagues and I address the following: 1) Action that has been, or could be, taken by FEMA and the affected jurisdictions, and any response and recovery funds for which the jurisdictions may qualify; 2) How FEMA and other agencies and jurisdictions in the National Capital Region might be expected to prepare for and respond to future disasters, whether another snowstorm, hurricane, pandemic, or terrorist incident; and 3) The means by which the federal government and the National Capital Region can work together as partners with FEMA. I applaud the Subcommittee for holding a hearing to address these critical issues and thank the Subcommittee for its continued support of the District of Columbia and the National Capital Region.

I am pleased to report that despite the unprecedented challenges posed by the historic snow storms this winter, the District of Columbia and our regional partners in the National Capital Region, including the Federal Emergency Management Agency, worked in a coordinated and collaborative manner to meet the needs of our citizens. Successful collaboration allowed us to be both resilient and responsive and I believe this helped us achieve our primary goal which is to protect the safety and welfare of our citizens.

The District of Columbia government demonstrated its resilience in the face of challenging conditions by being open for business for all but two days during the December and February storms. In fact, the District government never fully closed, as we required essential personnel to report throughout the duration of the storm. Mayor Adrian M. Fenty set an early goal and communicated it throughout the winter storms – unless there was a risk to the lives and health of District employees and residents, the District government would continue to operate.

As the seat of the Federal Government, the District has a unique responsibility to remain operational to ensure the success of all entities that call the District home. Accomplishing this goal is no easy task and I would like to take a brief moment to acknowledge the hard working men and women who worked tirelessly throughout the storms to ensure the continued operations of government in the District of Columbia.

The District was successful in meeting the challenges posed by this winter's storms for several reasons but today I would like to focus on three in particular: 1) strong leadership; 2) effective

regional coordination and cooperation; and 3) the innovative use of technology for communication.

There is no substitute for strong leadership during emergency situations and Mayor Fenty demonstrated that principle during the recent snow storms. The Mayor made clear his goal that the District would be open for business and function as normally as possible during the snow events and supported the accomplishment of that goal with concrete resources, directing each District agency to do whatever it took to get the job done. The Mayor's clear direction led to strong coordination between the District, our partners in the National Capital Region and the federal government.

For reasons we are all aware, the District maintains a high level of readiness for all hazards and has developed a District Response Plan (DRP) to support planning, training, and exercise efforts to maintain readiness. Among the hazards to which we devote particular attention is snow. The District has a designated leadership team that is tasked with both the planning and execution of the District's snow response.

The District's Interagency Snow Team, led by the Department of Public Works (DPW) and the District Department of Transportation (DDOT), oversees a comprehensive snow planning process year-round. The product of this effort is the District's Snow Plan. Each spring, the District holds a post-snow season conference to discuss lessons learned during the previous winter and the Snow Plan itself is reviewed and revised during the summer. During this period of time, equipment is often serviced and replaced, new innovations and technology are integrated, and by late summer, planning and training in anticipation of the impending winter is held with District partner agencies. During actual snow events, DDOT and DPW officials provide active operational management of the response from the Snow Command Center at 14th & U Streets, NW.

During this year's event, District agencies were brought together for coordination and situational awareness on regularly scheduled HSEMA conference calls, chaired by City Administrator Neil Albert or myself. These calls provided an opportunity – daily or more frequently, as necessary – to review agency needs, assess our progress in implementing the Snow Plan, the District Response Plan, and agency-specific emergency plans, and make any necessary adjustments. For example, when we determined that some elderly District residents were at risk of not receiving critical food deliveries, we were able to adjust plowing priorities and identify transportation resources to effect those deliveries.

As we all know, any incident that affects the District of Columbia is almost certain to affect our NCR partners, and vice versa. During the 2009-2010 snow events, one of the primary

coordination mechanisms was the daily Metropolitan Washington Council of Governments (MWCOG) Snow Call. Bringing together all of the key partners from federal, state, and local jurisdictions in the NCR proved invaluable for creating shared situational awareness and allowed for better decision making across the region.

Overall, our federal partners in the NCR have been cooperative and supportive of the District's snow response. The timeliness of notifications of federal closures by the Office of Personnel Management has improved, addressing our long-standing request for notifications of important federal actions. As a consequence, the District government has been able to work in a more coordinated manner to facilitate the safe and effective movement of the federal and private workforce.

Specifically, the Federal Emergency Management Agency and the Department of Homeland Security have provided tremendous support to the District by lending staff to our effort during and after the storms. The District also appreciates the Presidential Disaster Declaration made for the December 2009 snow event and awaits a final decision regarding the February storms. These efforts represent an excellent example of the federal, state and local partnership working as it should.

The winter 2009-2010 snow events were also marked by successes in the integration of new technology and communication systems into our snow preparedness and response efforts. As a result, the District government was able to use multiple communication platforms to provide District residents with up-to-date weather and safety information.

Mayor Fenty provided frequent updates to residents by hosting press conferences each day – often several times a day – during each snow event. HSEMA – via the DC Alert system – transmitted timely messages to citizens regarding weather and road conditions, the status of government offices and schools, emergency parking restrictions, and other critical preparedness information. Over 94,000 users are registered on DC Alert, which allows the District government to disseminate critical emergency information rapidly. In addition to the DC Alert System, DDOT provided outstanding up-to-the-minute information on specific streets and traffic incidents via Twitter.

The web-based Snow Response Reporting System also delivered accurate and timely information to District residents. The Snow Response Reporting System allows users to search by address or intersection to see which streets have been plowed and salted. Animation on the map shows the progress of the plows, and integrated links to DDOT's traffic cameras allow users

to check real-time road conditions. In the period between January 29 and February 15, which included back-to-back snow storms, 40,071 users logged on to the Snow Map to track snow plows. Traffic on the site peaked on February 8 when 7,804 people used the tool, and February 11 when 7,473 people logged on.

The District also used more traditional means to communicate with its citizens. 311, the Citywide Call Center, allowed residents to contact the District at any time, and Serve DC, the Mayor's Office on Volunteerism, mobilized hundreds of volunteers who knocked on doors, initiated phone trees, and reached out to check on the elderly, homebound, and medically fragile citizens.

Despite the success of the District in meeting historically unprecedented challenges, there are areas in which we can improve. We are currently in the process of completing our second after-action analysis, which will clarify the strengths and potential weaknesses of our system of operation and allow us to make informed and necessary improvements.

I would like to conclude my testimony by expressing my appreciation to the residents, businesses, and visitors that endured the snow events in the District this winter. Though the storms posed challenges that were unprecedented in terms of their intensity and duration, we overcame these challenges as a community as a result of our preparedness efforts, flexibility in response, and plain old good neighborliness. We will complete our review of the District's response, coordinate next steps with our regional partners, and determine the best approach to ensure that we are prepared for comparable challenges – whether from snow or other hazards – in the future. This concludes my testimony and I would be happy to answer any questions the Subcommittee may have.

WAMU 88.5FM AMERICAN UNIVERSITY RADIO

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March 18, 2010

The Honorable Eleanor Holmes Norton
Chair, House Transportation & Infrastructure Committee
Subcommittee on Economic Development, Public Buildings, and Emergency Management
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Norton:

It is with great interest that I write to you today in regards to the March 23rd hearing on "*Snow Disasters for Local, State, and Federal Governments in the National Capitol Region.*" As you and Members of the Subcommittee explore new disaster response and preparedness partnerships between FEMA and regional organizations, I respectfully encourage you to consider local public radio stations, like WAMU-FM 88.5, among the list of interested parties.

Public radio is a communications lifeline during times of emergencies, especially when the power grid is down. Over ninety percent of the U.S. population has access to a public radio signal. An estimated 800 to 900 million radios are in use in the U.S. and more than 34 million people listen to public radio each week. FEMA routinely advises the public to make sure that radios with batteries are on hand when major storms approach. When people are instructed to evacuate, car radios become a primary instrument for receiving information about the emergency situation including evacuation routes and evacuation center locations. Dedicated public radio personnel have worked and continued broadcasting through multiple crises such as the 9-11 attacks, hurricanes Andrew, Hannah, Katrina, Rita and Gustav, blackouts, wildfires, ice storms, earthquakes and floods. WAMU 88.5, along with many other local public radio stations, has now added the February 2010 blizzard to the list.

As the leading public radio station for NPR news and information in the greater Washington D.C. area, WAMU-FM 88.5 (American University Radio) knows first-hand what it meant to operate and broadcast emergency information during the February 2010 blizzard to local listeners including local, state, and federal government officials and their families. You know that the record breaking snowfalls led to very limited private and public transportation, electricity outages and low food supplies throughout the region. Despite these conditions, WAMU 88.5 managed to stay on air throughout, and provide timely news spots, features and live hits, weather updates, pet tips, school closings, public transportation information and road closures to our 700,000 listeners in the District of Columbia, Maryland, and Virginia. The station achieved a 7.7% share of the Washington DC Radio Market that week, a record for the station, with a number one ranking. We received many emails and phone calls praising our broadcast throughout the week.

Deeply committed to the D.C. metro area, WAMU 88.5 produces regular and special programming that reflects the unique environment of the D.C. Metro area. The critical public service we provided during

the February snowstorms would not have happened without the station's dedicated and courageous staff. It also cost the station approximately $50,000 in unexpected storm-related expenses.

The News Department which is home to our anchors, editors and local hosts is one of the most essential departments at the station. Arrangements had to be made in order to ensure that station staff could make it to their shifts on time. Hotel rooms in close proximity to the station had to be rented for a week. Vehicles were rented to transport individuals to and from the station and the hotel for a week. The News Director also used his personal 4 x 4 vehicle to transport other individuals who were stuck in different locations around the region. Some of the department staff slept overnight for several nights at the station and food, bedding and blankets had to be secured. Because American University was closed, the News Department staff had to be paid double for working through the storm.

Morning Show host Katy Daley spent the night at the station, because she could not make it home. While at the station, she made sure the satellite on the roof of the station stayed clean and free of snow throughout the night. Mid-day host Lee Michael Demsey came in for one day, but for the remainder of the blizzard, he recorded his shows from his studio at home and FTP'd the shows to the station.

Throughout the week, two of the engineers stayed overnight at the station to make sure things ran smoothly during the blizzard. While at the station, they also shoveled out the satellite dish every hour 24/7 to ensure the station stayed on air. On one of the nights, one of the techs stayed at a hotel and used rental car service to and from the station and the hotel. Double time had to be paid to individuals that came into work, because the University was closed. The IT Team stayed on-call from home utilizing our network of remote computers, laptops, mobiles and notebooks.

The two daily talk shows, The Diane Rehm Show and the Kojo Nnamdi Show, used rental car services to ferry their hosts to and from the studios. One of his producers also picked up Kojo from his home on several occasions in his 4x4 vehicle. Producers utilized emergency computer back-up systems at home installed previously by our IT Department when they couldn't make it to the station.

The Business Administration department needed to be at the station in order to let guests into the studio and answer listener's phone calls. Two people within Business Administration made it into work throughout the whole week. In addition to those two full time employees, a student worker and many volunteers managed to make it to the station. The student worker was paid overtime in wages and food had to be bought to feed the individuals that made it into the station.

While I must express great pride and gratitude for the service that the WAMU 88.5 staff provided to the greater Washington, DC area during one of the most trying times in recent local history, I must also applaud the time and attention that you and your House colleagues are bringing to identifying greater potential alliances between FEMA and local agencies. In many respects, the challenges we all faced during the snow storms brought us closer together. My hope is that we can build from that experience and deepen our commitment to preparing for the future.

Sincerely,

Caryn G. Mathes
General Manager