

identifying the variables that affect the amount of funding to go to a particular recipient. A formula may identify a percentage of a pool that has been appropriated for an entire program or identify qualification for predetermined amounts. The formula may identify a single amount for each recipient or a series of smaller amounts for the recipient to use toward specified goals.

For the implementation of Section 180(c), funding allocation may be based on a variety of factors. Some of these factors include the following:

Shipment miles. This is an estimation of miles that a shipment would cover through a jurisdiction combined with the frequency of shipments. A slightly different approach would include route miles. This estimation is a measure of the length of a route through a jurisdiction but does not include frequency of shipments. The two measurements produce different results. Using shipment miles would imply that two jurisdictions with routes of equal length would receive different funding levels if one jurisdiction experienced a higher number of shipments compared to the other.

Number of affected jurisdictions. Because training is targeted for people rather than mileage, the identification of the number of groups at the State, local, or tribal level that should receive assistance may be an effective way to determine funding. Using this measure, allocation could effectively mirror highly populated metropolitan areas and less populated rural areas. However, the number of affected jurisdictions may prove too difficult to defend, particularly when considering the differing training goals of dissimilar areas. As an example, areas of higher population may have more emergency response personnel to train, but in general they may already be better trained and have considerably smaller response areas. Rural emergency response jurisdictions may cover considerably wider areas with a much smaller response group.

Population may be a factor in funding allocation as it indicates the number of people along a route of a particular shipment. However, this implies areas of lower population would receive lower levels of assistance and those with higher populations would receive more. Including a measure of population in an allocation formula may be more effective if used in conjunction with other measures.

Agreements between neighboring jurisdictions. In some cases, a State or tribe not receiving funding in a given year may still share some responsibility with neighboring States or tribes that do

receive funding. An allocation may include a provision for additional cooperative activities in these cases. However, it is also conceivable that States and tribes would be asked to rely on their existing cooperative agreements.

Annual timing of funding. The Department has stated that implementation should begin three to five years prior to shipments but some recipients may want to apply the bulk of assistance closer to a potential shipment date to ensure the highest possible training retention. Assistance may be provided at the start of the program to all recipients or it may be linked to transportation activity in a recipient's jurisdiction. A combination of these two possibilities may provide basic assistance for all recipients at the program's start and additional, more specific assistance based on transportation activity within the jurisdictions.

Designation of a proportion of the assistance for training in specific areas. For example, funding could be divided by the formula for training in each mode of transportation, i.e., rail or highway. Likewise, it could be divided into assistance for routine transportation training and assistance for emergency response training. The Department may also choose to leave decisions to recipients on the specific areas of funding.

Restrictions on Use of Funds

A Section 180(c) program may include some restrictions on the use of funds to ensure that the Department's intentions for direction and administration of the program are met. Any restrictions will also impact the program's scope.

Funding restrictions may affect the choice of training courses, division of funds for local governments, or coordination activities. Training costs may be limited to tuition for Department-approved courses, or recipients may be able to develop or choose their own training programs with their funding allocation. The Department might simply suggest a course list to recipients. The Department may limit the percentage of an allocation to be spent on administrative activities or specify a percentage that must reach a local or regional level. Some specification for sharing funds with neighboring jurisdictions may be included, particularly where Memoranda of Understanding (MOU) or mutual aid agreements exist between jurisdictions for emergency response activities.

Some direction may be included governing the use of funds to purchase equipment. While the Act states that financial assistance is for training, some have argued that training is only valuable in conjunction with equipment that will be used. The Department may develop a list of approved equipment for use, develop a list of approved equipment for training, or restrict equipment purchase to a percentage of discretionary funding. Similar choices may be made regarding travel costs for training of individuals and travel and salary costs for trainers.

Restrictions may be identified that address the timing of funding use. For example, recipients may be required to use allocated funds within each year, within some specified time, or within the life of the program. An alternate option is to annually reimburse approved expenses by each recipient.

B. Discussion of Procedural Options

The following section discusses the Department's current research on procedural options for a Section 180(c) program and the existing Federal programs that could be used as funding mechanisms or to provide technical assistance. Also, the section discusses ways to combine elements of existing options to create new programs for funding and training. An analysis of each procedural option is included in terms of the intent of the NWPA and the stated goals of the Section 180(c) program. The options can be considered either as avenues through which to administer Section 180(c) or as models that the Department could emulate.

The existing Federal training programs are discussed in terms of their safe routine transportation and emergency preparedness activities, and ways in which they are administered. Options discussed include: (1) the Department of Transportation's Hazardous Materials Transportation Act grants, (2) the Department of Transportation's Motor Carrier Safety Assistance Program, (3) the Department of Transportation's Federal Railroad Administration's State Participation Program, (4) current DOE training programs, (5) the Federal Emergency Management Agency's Comprehensive Cooperative Agreement program, (6) cooperative agreements and grants, (7) Department-wide or OCRWM assistance programs, and (8) combinations of options from previous groups.