Federal Highway Administration
FHWA

Emergency Relief Program
Overview
Two Separate Federal Disaster Programs

- FHWA - Emergency Relief
- FEMA - Robert T. Stafford Disaster Relief and Emergency Assistance ACT
Previous Florida Major Events Eligible for FHWA Emergency Relief

- Hurricane Ivan (04)
- Hurricane Frances (04)
- Hurricane Jeanne (04)
- Hurricane Charley (04)
- Hurricane Rita (05)
- Hurricane Dennis (05)
- Hurricane Katrina (05)
- Hurricane Wilma (05)
- Tropical Storm Arlene (05)
- Severe Storms and Tornadoes (07)
- Tropical Storm Fay (08)
- Tropical Storm Debby (12)
Escambia Bay Bridge
Hurricane Ivan
Emergency Relief Program Purpose

- 23 USC 125(a)

... repair or reconstruction of highways, roads, and trails ... that have suffered serious damage ...
Emergency Relief Invocation

- 23 USC 125 (a)
  - ...result of (1) natural disaster over a wide area such as by floods, hurricanes, ...
  - ...or (2) catastrophic failures from any external cause ...
Natural Disasters

- 23 CFR 668.203(g)
  
  ... unusual natural occurrence ... which causes serious damage
ER Not Limited to Hurricanes
Catastrophic Failures

- 23 CFR 668.203(c)

“The sudden failure of a major element or segment of a Federal Road, which is not primarily attributable to gradual and progressive deterioration or a lack of proper maintenance.”
Funding the Program

- $100 million set-aside from the Highway Trust Fund for nationwide coverage in any single year
- $100 Million per Event per State
- Higher Cap w/Special Legislation
- Minimum $700,000 threshold in damages per event
Local Agency Role

- Coordinate with FDOT District ER Coordinator
- Identify Damage Sites
- Identify Federal-Aid Highways
- Participate on Detailed Damage Survey Teams
- Complete Emergency Repairs (ER)
- Administer Permanent Restoration (PR) Projects
  - Must be LAP certified for Permanent Restoration projects
Preliminary Damage Assessment (PDA) Team
Roadway Eligibility

- Federal Aid Highways
  - Defined in 23 U.S.C. section 101
- NO Local Roads
- NO Rural Minor Collectors
- Use Functional Classification Maps

http://www.dot.state.fl.us/planning/statistics/fedaid/
Functional Classification Map

DUVAL COUNTY - FLORIDA

November 6, 2007
Emergency Relief

Emergency Repair (ER) vs. Permanent Restoration (PR)
Purpose and Intent

- Repair Damage Resulting Directly from an Eligible Event
  - Work performed prior to landfall is **NOT** eligible
- Supplemental $$
  - State Program
  - Local Programs
- Restoration **In-Kind** to facility
Purpose and Intent

- Emergency Repairs may begin without FHWA prior approval
- Emergency repairs must be completed within 180 days to receive 100% funding. Normal pro-rata share for work performed after day 180.
Emergency Repair (ER)

23 CFR 668.109(b)(4)

- Minimize the extent of damage
- Protect remaining facilities
- Restore essential traffic
Activities **Not** Requiring Prior FHWA Authorization

Emergency Repair (ER)

- Preliminary Engineering (PE) and/or Construction Engineering (CE)
  - As properly documented
- Temporary Operations
- Emergency Repairs
- **Incidental** Permanent Restoration (PR)
Activities Requiring Prior FHWA Authorization

- Pre-event ER Contracts
- Permanent Restoration (PR)
  - Normal Federal-aid procedures
  - Preliminary and Construction Engineering & ROW
  - Environmental Clearance (NEPA)
  - Time Extensions
- Revised DDIRs (Scope Changes or Significant Cost Increases)
Not intended for:

- Covering all repairs
- Relieving heavy maintenance responsibilities of Federal-aid recipients
- Non Federal-aid highways
- FEMA used as other source

*Note:* Financial accountability in determining eligibility is expected to avoid waste, fraud, and abuse
Debris Changes due to MAP-21

Some debris removal is now eligible for FEMA funding in lieu of FHWA-ER funding

- Eligible sites on Federal-aid highways…
  - Governor’s declaration/No Presidential Declaration-ER eligible
  - Presidential Declaration/Debris eligible under Stafford Act- Not ER eligible
  - Presidential Declaration/Debris not eligible under Stafford Act- ER eligible

FEMA Public Assistance Policy Digest
Debris Removal Activities

Debris Removal reimbursement for:

- Initial pickup
- Hauling
- Tipping Fees

Ineligible Activities:

- Excessively long hauls
- Debris Reduction
- Secondary hauling
First Push Debris Pile
Outside Eligible Clearing Limits
Permanent Restoration (PR)

23 CFR 668.109(b)(1)

- Restoring Highway to Pre-disaster Condition
- Pro-rata share
  - 90% for Interstate
  - 80% for non-interstate
- Requires Prior FHWA Approval & Authorization
- Normal FHWA Procedures are Required
- Public Interest Finding **Required** for Force Account work performing Permanent Restoration
Eligibility Limits

- Site damage greater than $5,000
- Debris, Signs and Signals
  - Individual locations might not reach $5,000 by themselves
  - Sometimes combined on an area-wide basis
    - Determined on a Storm by Storm basis
    - Only for FEMA declared counties
      - Non-declared must meet $5,000 threshold per site
Examples of Eligible Items

- Initial Push/First Pass Debris Removal
- Roadway damage disposal and repairs
- Traffic control devices
- Labor and equipment
- Generators used for signals and RR crossings
- Service Patrols and Police performing traffic control activities
Eligible Items (cont.)

- Bridge and Culvert Repair
- Inspection Services
- Detours
- Overlays
- Roadside Appurtenances
Examples of Ineligible Items

- Pre-existing Conditions (ex. bridge scour)
- Damage exacerbated by pre-existing deficiencies
- Expenses incurred prior to the event
- Betterments (eligible with approved justification)
- Maintenance, administration, and overhead costs
- Inmate labor
- Prior Scheduled Work
- Damage Estimated under $5,000
- Heavy Maintenance
What is Heavy Maintenance?

Includes but not limited to:
- Minor damage to eroded shoulders
- Filled ditches and culverts
- Pavement settlement
- Mud and minor debris deposits
- Slope sloughing
- Slip-outs in cut or fill slopes
## Detailed Damage Inspection Report

**Title 23, Federal-aid Highways**

### Location
- **Name of Road and Milepost:** SR 10 (US 90), TENNESSEE STREET
- **Latitude:** 30° 26' 47" N
- **Longitude:** 84° 15' 59" W

### Description of Damage
- **Existing Timber/Guardrail Retaining Wall Failed Due to Extreme Wet Conditions Causing Embankment to Collapse on Wall and Into Roadway.**

### Cost Estimate

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<th>Description of Work to Date</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>Cost</th>
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### Method
- Local Forces
- State Forces
- Contract

**Note:** Limit the cost of the wall to $160,000, Chief in excess of this amount will be state’s responsibility.

### Permanent Restoration

- Local Forces
- State Forces
- Contract

### Environmental Assessment Recommendation
- Categorical Exclusion
- EA/EIS

**Estimated Total**

### PHFA Engineer
- **Recommended:**
  - Eligible
  - Ineligible

**Concurrence**
- **Yes**
- **No**

**Local Agency Representative**
- **Yes**
- **No**

**Form FHWA-1547 (Rev. 4-98)**
Detailed Damage Inspection Report (DDIR)

What it IS:
- In most cases, one is written per site
- It is a preliminary cost ESTIMATE
- It is a determination of Eligibility
- It is a brief description of the scope of work
- It is used to support our request to HQ for Emergency Relief funding
Detailed Damage Inspection Report (DDIR)

What it is NOT:

- It is not a Contracting Mechanism
  - Is never to be used to indicate actual scope, quantities, or prices to the contractor
- It is not a NEPA determination or approval
- It is not authorization to begin Permanent Restoration work
Initial DDIRs
General Requirements

- DDIR Form FHWA-1547
- Copies of contracts and amendments
- Cost Summaries or Spreadsheet – not lump sum
- Photographs
- Information showing FHWA Emergency Relief eligible roads
  - Maps or Spreadsheets
Initial DDIR

General Requirements (cont.)

- For work already started
  - A copy of the contract and prices
  - Backup material (estimated or known quantities) used to determine costs

- Permanent Work
  - No worked started so normal FHWA procedures will be followed. Still need estimate information.

- More information in the FAQ and Policy Letters
  - June 16, 2009 letter to FDOT
  - Sept. 12, 2006 letter to FDOT
Adequate Documentation
Infrastructure Repair Documentation

Roads, Bridges, Signs, Signals

- Before and after pictures of locations repaired or replaced
- Sketches of intersections or road/bridge damage helpful
- Cost to repair / replace each roadway section, sign, signal, etc. and supporting documentation
Adequate Documentation
Other Work Documentation

- Photographic documentation of emergency protective measures conducted
- Documentation of work performed as part of emergency repairs
- Justification as to the necessity to perform the emergency work
- Dates and Locations of work performed
- Invoices, receipts, force account info, etc. as available
Contract Requirements

- All Fed-Aid rules apply to contracts (ER & PR)
  - Advertisement period (exceptions possible)
  - FHWA Form 1273
    - standard Federal-aid provisions physically incorporated into all contracts – not referenced
    - 1273 not included = work not eligible
  - Approved Contracting Methods (see ER manual)
  - Davis-Bacon Labor Rates (exceptions possible)
  - Disadvantaged Business Enterprises (DBE)
  - Americans with Disabilities Act (ADA)
  - Buy America (Steel & Iron)
  - NO convict labor
- Design Standards: FDOT Standard Specifications
- Environmental NEPA Issues/Process
Exceptions: Contracting Methods

- Emergency Repairs
  - Competitive bid
  - Solicited Contracts
  - Negotiated Contracts
  - Force Account
  - Joint Participation Agreements (JPAs)
  - Reduced advertisement time possible
  - Pre-event contracts (normal F.A. req., no exceptions)

- Permanent Restorations
  - Competitive Bid Contracts – normal F.A. requirements
  - Local Agency Program (LAP) Agreements
    - LAP Certification Required
I-75 Cantilever Signs Structure
April 2014 Panhandle Flooding
- FHWA Emergency Relief Manual

- Florida FAQ White Paper
  - Continuously Updated
  - FHWA Florida Division website with up-to-date version available

- For questions not on FAQ
  - Send email to: [florida.fhwa@dot.gov](mailto:florida.fhwa@dot.gov)
    - Use subject heading: ER Question