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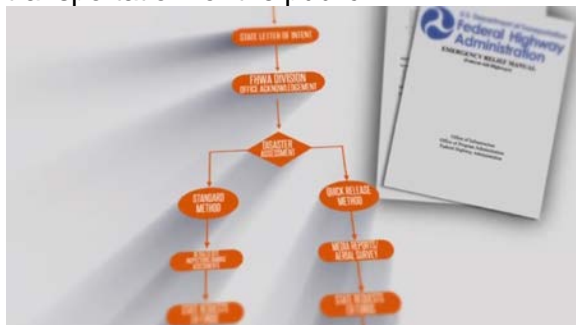

Federal-aid Program Overview Emergency Relief (ER) Program Overview and Eligibility

www.fhwa.dot.gov/federal-aidessentials

Knowing how the ER Program works helps agencies quickly receive the emergency funding they need



When disaster strikes, the Federal Highway Administration's (FHWA) Emergency Relief, or ER, program can help State and local agencies fund repairs to roads, bridges, and other infrastructure eligible for Federal-aid. FHWA wants you to understand the ER program so that your agency is quickly reimbursed for work to restore critical transportation for the public.



So, what defines a disaster or emergency event? The ER program covers two types of events:



Natural disasters such as floods, hurricanes, tornadoes, and earthquakes; and catastrophic failures of bridges or other infrastructure due to external causes, such as a barge collision or an oil tanker explosion.



Which facilities and costs are eligible? Usually, the repair work within the right of way of Federal-aid highways is eligible to receive ER funds. Agencies should work with their State department of transportation, or DOT, to identify eligible facilities as they begin recovery efforts. Other expenses such as engineering, right of way, and indirect costs may also be covered.

ER funds are intended to address immediate needs and to restore damaged facilities to pre-disaster conditions. Permanent construction can cover repairs that bring facilities to current standards and expected traffic requirements. Additionally

improvements referred to as betterments may be eligible if costs are justified, because betterments generally increase the resilience of a facility to withstand future disasters.



Some costs, however, are not eligible, such as those for evacuations, routine maintenance, or repairs not related to the disaster.



It's also important to know there are costs thresholds for a qualifying disaster event. The estimated Federal share of all repairs for an event should be at least \$700,000, and each individual site repair should be at least \$5,000 to be eligible.



In addition to cost thresholds, all disaster-related construction contracts must comply with Federal requirements. These include the National Environmental Policy Act, Buy America, the prevailing wage provisions of the Davis-Bacon Act, the Americans with Disabilities Act, and Equal Employment Opportunity. Construction contracts must also contain FHWA Form 1273, a collection of required Federal-aid contract provisions.



Another key concept is emergency-versus-permanent repairs. Emergency repairs should begin immediately to restore traffic and limit damage to remaining facilities with the ER funding requested as soon as possible. Permanent repairs restoring the facility to pre-disaster conditions require prior FHWA authorization.



Emergency and permanent repairs must be coordinated to avoid rework and to obtain the most cost effective solution. Where the situation warrants, permanent repairs may be done with emergency work.



Eligible emergency repairs completed within the first 180 days after the disaster event are paid out of a Federal share of 100 percent. Approved permanent repairs, or emergency repairs completed after 180 days, are paid at a lesser Federal share, usually 80-90 percent. Let's talk about some other funding sources that may be available to complement FHWA's ER program.



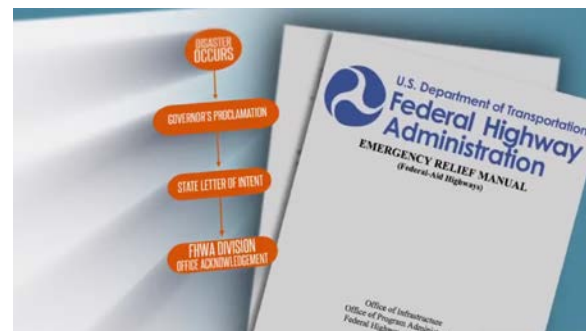
A disaster may trigger relief from the Federal Emergency Management Agency, or FEMA, if the President makes a Federal disaster declaration. Roadways that are not Federal-aid highways and not eligible for FHWA ER funding could be eligible for FEMA assistance. In addition, FEMA funding may pay for debris removal on Federal-aid highways.

In addition, States and local agencies must pursue any damage claims with private insurance companies when appropriate. If claims are paid, agencies must reimburse FHWA for any ER funds previously distributed.

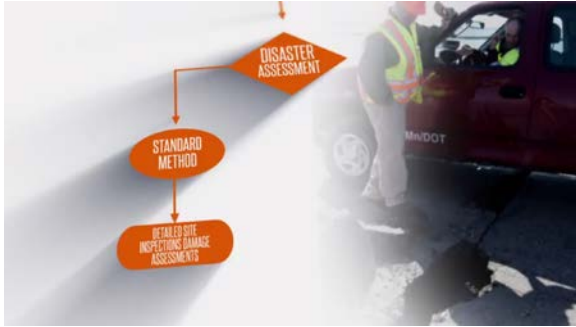


Let's look at a hypothetical example of how the standard application method works for FHWA ER funds.

Hurricane Megan strikes several coastal counties, causing extensive damage to State and local roads. The governor makes a disaster proclamation. Local agencies cooperate with the DOT to submit a letter notifying the FHWA division office that the State will seek ER funding. The State and local agencies have already begun making emergency repairs.



FHWA's division administrator confirms in writing receipt of the notification letter. She assigns a disaster coordination engineer from her staff to manage FHWA ER support guided by the FHWA emergency relief manual to ensure eligibility and proper oversight. FHWA's disaster coordination engineer works with his counterpart organizing Federal, state and local representatives to jointly assess the hurricane's damage to Federal-aid highways.



The team expedites the initial disaster assessment to estimate the overall scope of damage, and whether individual site repairs meet cost thresholds for funding. These first evaluations are primarily driven by inspections of a sample of sites, with a few complex sites requiring more detailed inspections. Although preliminary, the team uses the Detailed Damage Inspection Report Form, or DDIR, to document the initial damage assessments, including photographs and sketches.



Within six weeks after the event, the DOT submits a Damage Survey Summary Report, called a DSSR, as the first application for ER funds. The DSSR documentation justifies the events eligibility, estimated cost, and known repair sites by referencing damage assessments such as the current set of DDIRs.

The division administrator evaluates the DSSR, determines eligibility, and requests estimated ER funding from FHWA headquarters. The division administrator also notifies the State of FHWA's decision. Within three months after the disaster eligibility finding, the DOT submits the detailed program of projects updating the

application and defining the work needed to restore damaged facilities.



Documentation includes detailed inspections of each site recorded on DDIRs to justify all known sites and costs. The DSSR and the program of projects along with associated DDIRs are part of the official and evolving application for ER funding. The DOT coordinates with FHWA to revise the application as needed and submits the final version within two years of the disaster event.

This example covered the standard application method, which can also be used with a quick-release application option covered in another module.



To learn more about the Emergency Relief Program, watch the other ER modules in this series. In addition, ER policies and procedures, such as the quick-release application, can change to meet the demands of emergency relief support. So, please contact your State department of Transportation and FHWA division office for the latest information.

Additional Resources

- FHWA's Emergency Relief Program Web site
<http://www.fhwa.dot.gov/programadmin/erelief.cfm>
- FHWA Order 5182.1 - Emergency Relief Program Responsibilities
<http://www.fhwa.dot.gov/legsregs/directives/orders/51821.cfm>
- FHWA's Emergency Relief Manual
<http://www.fhwa.dot.gov/reports/erm/er.pdf>
- Emergency Relief questions and answers related to MAP-21
<http://www.fhwa.dot.gov/map21/qandas/qaer.cfm>
- FHWA's Web site covering Emergency Relief for Federally Owned Roads (ERFO)
<http://www.efl.fhwa.dot.gov/programs/erfo.aspx>
- FHWA's Contract Administration Core Curriculum providing an overview of Federal contracting requirements
<http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>
- FEMA's policy and guidance covering public assistance
<http://www.fema.gov/public-assistance-policy-and-guidance>
- FEMA facts sheet on debris removal on Federal-aid Highways
<http://www.fema.gov/media-library/assets/documents/29617?id=6640>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This Companion Resource is the script content for the video production of the same name.