



FHWA ER & ERFO: OVERVIEW AND FAQs

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OTT Webinar

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WHAT ARE THE ER & ERFO PROGRAMS?

U.S.C. Title 23 programs administered by FHWA

- (23 U.S.C., § 101, 120, and 125) CFR, Part 668 – Emergency Relief Program
 - Subpart A - Procedures for Federal-Aid Highways (ER)
 - Subpart B – Procedures for Federal Agencies for Federal Roads (ERFO)
- Pays to repair seriously damaged transportation facilities



ER & ERFO PROGRAM INTENT

To pay the unusually heavy expenses to repair serious damage to eligible facilities caused by natural disaster or catastrophic failure

- Not heavy maintenance
- Not routine emergency repair activities
- Not repair of facilities affected by long term, pre-existing conditions, or predictable developing situations
- Not a preventative program
- Not an improvement program

FHWA EMERGENCY RELIEF PROGRAM APPLICANTS

- ER
 - States apply to Federal-aid Division Offices
 - Counties & Cities are sub-applicant to the State
- ERFO
 - Federal Agencies (including BIA) apply to FLH Division Offices
 - Tribes are a sub-applicant to BIA



FHWA EMERGENCY RELIEF PROGRAM APPROVAL

- ER
 - Presidential or Governor's disaster declaration with the FHWA concurrence
 - Federal Share ~80%
- ERFO
 - Federal Lands Highway Division Director approval
 - Federal Share 100%



FHWA EMERGENCY RELIEF PROGRAM ELIGIBLE FACILITIES

- ER
 - Federal-aid Highways
 - Arterials
 - Urban Collectors
 - Major Rural Collectors
- ERFO
 - Tribal Transportation Facilities on TTP Inventory (NTTFI)
 - Federal Lands Transportation Facilities on the FLTP Inventory (NFLTFI)
 - NPS, FS, FWS, BLM, COE, BOR
 - Other Federally Owned Roads
 - Eligible Facility types include: Roads, Trails, Parking areas, & Transit



DISASTER TYPES

- FHWA requires a disaster to have occurred before funding can be made available
- Two Types of disasters:

Natural



Catastrophic



ERFO & ER ELIGIBLE DISASTERS

Natural Disasters must:

- Be **Unusual** natural **occurrence** which causes **serious damage**
 - Floods, hurricanes, tornados, earthquakes, severe storms, landslides
- And Occurs over a **wide area**
 - Several counties, federal land units, or major drainages
- And Over **\$700,000** of damage



ERFO & ER ELIGIBLE DISASTERS

Catastrophic Disasters must:

- Be **Sudden failure** of a **major element** or segment of an eligible facility from an **external cause**
- And Failure is not primarily attributable to progressive deterioration or lack of maintenance
- And Over **\$700,000** of damage



ERFO ELIGIBLE FACILITIES

Facilities must be:

- Open to Public
- On official Inventory
- Actively maintained
- Roads accommodate standard passenger vehicles



ER & ERFO DAMAGE ELIGIBILITY

- Disaster related damage only
- Only 'Serious Damage' is eligible
- Repairs must exceed \$5,000 per site
- Not maintenance or routine repair activities
- Covers Emergency & Permanent repairs



DAMAGE DOCUMENTATION

- DDIR or DSR report completed for each site
- Report includes site data, location, damage pictures, sketches, cost estimate, calculations
- Includes emergency and permanent repairs



ERFO & ER KEY POLICIES

- Least cost, repair in-kind programs
- Funds can only be used on approved sites
- Funding is based on documented actual costs
- Reimbursement program, however when funds are available it may provide upfront funds





BEEN THERE, FIXED THAT. FHWA CAN HELP FIX YOURS TOO!

WHERE CAN I LEARN MORE?

- Program information
 - ERFO <https://flh.fhwa.dot.gov/programs/erfo/>
 - ER <https://www.fhwa.dot.gov/programadmin/erelief.cfm>
- ERFO Coordinators:
 - EFLHD – Eric Wright (571) 434-1547
 - CFLHD – Lorell Duteil (720) 963-3425
 - WFLHD – Steve Hinz (360) 619-7532



OTHER DISASTER RELIEF FOR TRANSPORTATION

FEMA - Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.) Public Assistance Grants Program

- Provides federal technical and financial assistance to states, tribes, & LPAs
- Applicants must respond to disaster/ emergency using plan & the event must exceed applicant's capability before requesting declaration
- Covers Public, Tribal, & Non-profit Infrastructure including transportation
- Presidential declaration required
- Emergency measures & Permanent Repairs
- Federal Share ~75%
- Tribes pursue ERFO for transportation damages prior to FEMA

FEMA PUBLIC ASSISTANCE GRANT PROGRAM

- Tribes should pursue ERFO for transportation damages prior to FEMA
- FEMA has similar yet different eligibility so some items not eligible for ERFO may be FEMA eligible
- FEMA has some pre-event planning requirements so important to establish relationship prior to disaster
- For more information, FEMA Tribal contacts can be found at <https://www.fema.gov/tribal-contacts>
- **All the disaster relief programs have time limitations so reach out and apply as soon as possible following an incident**

Disasters Happen, Be Prepared! QUESTIONS?

