



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 ...

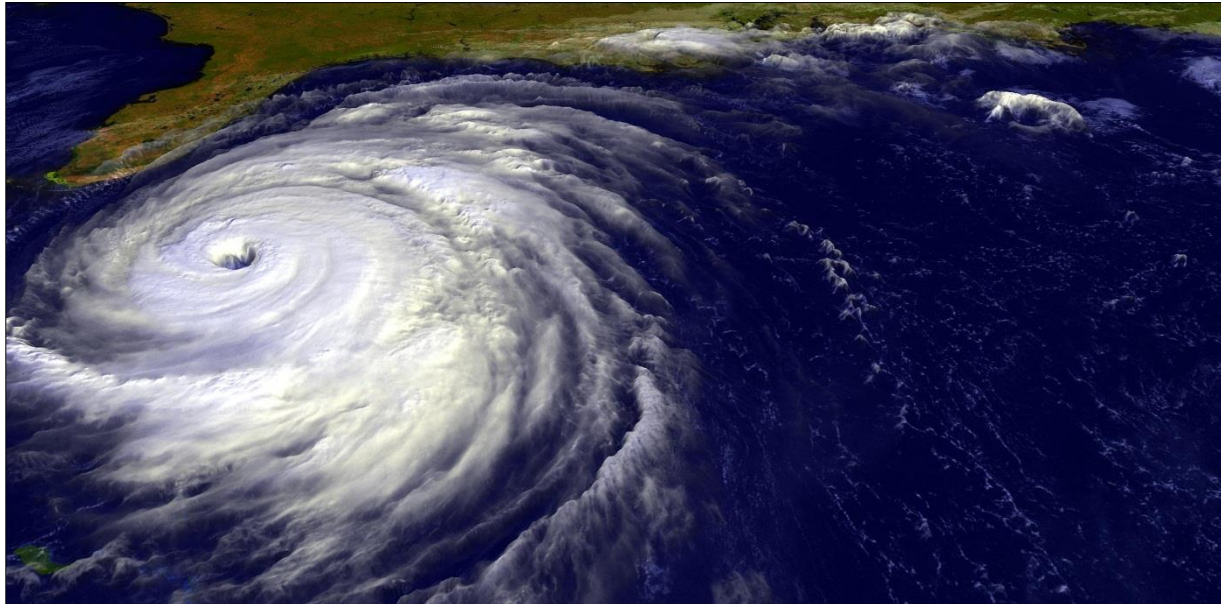




Natural Disasters

- 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





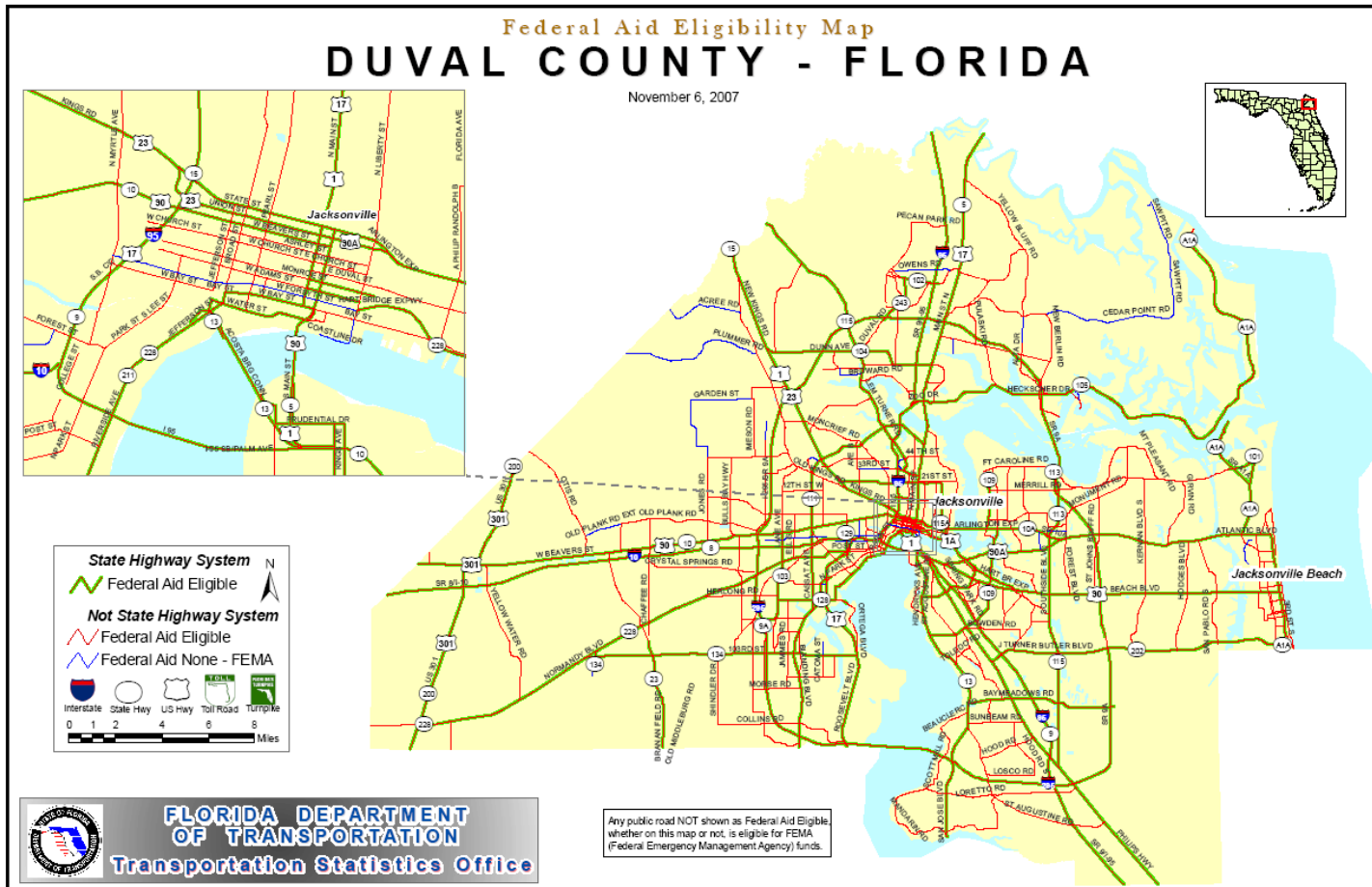
Roadway Eligibility

- 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





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

<http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf>



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)				Report Number FASS-004			
U.S. Department of Transportation Federal Highway Administration				Sheet <u>1</u> of <u>1</u>			
Location (Name of Road and Milepost) SR 10 (US 90) TENNESSEE STREET 30° 26' 47" N 84° 15' 59" W				FHWA Disaster Number FL-08-01			
Description of Damage EXISTING TIMBER/GUARDRAIL RETAINING WALL FAILED DUE TO EXTREME WET CONDITIONS CAUSING EMBANKMENT TO COLLOPSE ON WALL AND INTO ROADWAY.				Inspection Date 8/24/08			
				Federal-aid Route Number			
				State <u>FL</u> County <u>LEON</u>			
Cost Estimate							
	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost		
					Completed	Remaining	
EMERGENCY REPAIR	MOBILIZATION	LS	10,000.00	1		10,000.00	
	MAINTENANCE OF TRAFFIC	LS	8,000.00	1		8,000.00	
	CLEARING AND GRUBBING	LS	6,000.00	1		6,000.00	
	CONCRETE REMOVAL	SY	37.38	56		2,093.28	
	REGULAR EXCAVATION	CY	20.42	269		5,492.98	
	TRUCK MEASURE BORROW	CY	20.39	555		11,316.45	
	CONCRETE CLASS IV RETAINING WALL	CY	1,375.00	62.4		85,800.00	
	REINFORCING STEEL RETAINING WALL	Lb.	1.71	4885		8,353.35	
	CONCRETE SIDEWALK	SY	57.39	55		3,156.45	
	SOD	SY	5.46	117		638.82	
Method					Subtotal	\$0.00	
<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input checked="" type="checkbox"/> Contract LET 10%					PE/CE	140,851.33	
					Emergency Repair Total	154,936.46	
PERMANENT RESTORATION	Note: - Limit the cost of the wall to \$160,000. Cost in excess of this amount will be state's responsibility. In order to justify betterment upon, FHWA decided to limit the cost to \$160,000.00						
	Method					Subtotal	\$0.00
	<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract					PE/CE	
						Right-of-Way	
						Perm. Repair Totals	
	Environmental Assessment Recommendation					Estimated Total	
	<input checked="" type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS <i>Blount, North</i>						
	Recommendation <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible					FHWA Engineer	Date
						<i>P.D. M... ..</i>	9/11/2008
	Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No					State Engineer	Date
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No					Local Agency Representative	Date	



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 work 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
<http://www.fhwa.dot.gov/reports/erm/er.pdf>

- Florida FAQ White Paper
 - Continuously Updated
 - FHWA Florida Division website with up-to-date version available
<http://www.fhwa.dot.gov/fldiv/index.htm>

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