

OREGON DEPARTMENT OF TRANSPORTATION

The logo graphic consists of a solid blue horizontal bar at the top. Below it, there are stylized, overlapping shapes in black and blue that suggest the form of a road or highway.

**A SUMMARY OF
EMERGENCY RELIEF PROCEDURES**

For

FEDERAL-AID HIGHWAYS

Prepared By

THE

OREGON DEPARTMENT OF TRANSPORTATION

Local Government Section

A SUMMARY OF EMERGENCY RELIEF (ER) PROCEDURES FOR FEDERAL-AID HIGHWAYS

1. Purpose of This Document -

- To provide brief step-by-step procedures to follow in repairing damage to Federal-aid highways (public highways other than those functionally classified as local roads or rural minor collectors) resulting from a major catastrophe or natural disaster.
- Funding for repairing damage to local roads or rural minor collectors could be available from the Federal Emergency Management Agency (FEMA). (See “Damage on Roads Other Than Federal-Aid Highways” section below for more information.)

2. Eligibility -

- A Governor’s proclamation declaring a disaster is needed for eligibility. A Presidential declaration or a Governor’s request for a Presidential declaration can also serve the same purpose.
- Also required is a subsequent finding by the Federal Highway Administration (FHWA) that a natural disaster or catastrophic failure occurred and that the damage is eligible for ER assistance.

3. Procedure –

Eligible work is divided into two categories:

- Emergency Repairs and;
- Permanent repairs.

Note that Permanent Repairs require prior FHWA project authorization.

(See Section 4 - “Additional Information” for details.)

ODOT is the Applicant for FHWA Emergency Relief for the Federal-aid highways. ODOT’s request for assistance to FHWA usually is made within 30 days of the disaster. It is important that local agencies respond immediately to requests from ODOT regarding damage estimates so that a complete and accurate application for emergency relief funds is submitted to FHWA and the approval process can be expedited for Oregon disasters.

Step A - Perform Emergency Repairs – Emergency Repairs may begin immediately following a disaster and should be completed as soon as possible. Prior approval is not required. Properly documented costs will later be reimbursed once FHWA makes a finding that the disaster is eligible for ER funding and ER funds are made available from FHWA Headquarters. (If there is a question as to whether or not a specific repair qualifies as an Emergency Repair rather than a permanent repair, discuss this during the field inspection or contact the [ODOT Regional Local Agency Liaison](#), [ODOT Local Government Section](#), or [ODOT Emergency Response Program](#) before beginning work.

Emergency Repairs have three functions:

1. Restoring essential traffic;
2. Minimizing the extent of damage; and
3. Protecting the remaining facilities.

Document damage and work performed by:

1. Taking photographs of damage before beginning repairs; and
2. Keeping specific records of equipment, labor, and material expenses by location.

Pending ER fund availability, local agencies will be reimbursed for Emergency Repair work after: ER event approval, completion of joint agreements and submittal of cost documentation.

Step B - Assess Damage For ER Program Approval – The local agency must submit a list of damage locations to ODOT with a brief description of the damage, a preliminary estimate of the repair cost, a map of the sites and any pictures. Prior to submitting the list of damaged sites to ODOT, complete the following:

1. Pre-screen sites to determine eligibility for FHWA ER Program (per Section 4).
2. Begin filling out the Detailed Damage Inspection Reports (DDIRs) with the following information. (See Appendix A for a blank DDIR).
 - a. Detailed site and damage information;
 - b. Actual costs for Emergency Repair work already completed (use documentation developed as noted in Section A);
 - c. Cost estimates for the Emergency Repair work remaining to be done; and
 - d. Cost estimates for permanent repairs.

FHWA will inspect damage locations along with local and ODOT personnel to verify the extent of damage and complete the DDIRs. See Appendix A for a blank DDIR. Also a DDIR may be found at the following FHWA web link <http://www.fhwa.dot.gov/reports/erm/fhwa1547.pdf> At that time, the completed DDIRs will be signed by the local, ODOT and FHWA representatives and retained by FHWA. Copies will be provided to ODOT and local agencies.

Step C – Perform Permanent Repairs - Begin preliminary engineering for permanent repairs as soon as possible, and after consultation with FHWA. Reimbursement is subject to approval of ER funds for the damage location.

Permanent repair projects must follow normal Federal-aid procedures including the following:

1. Engineering and joint agreements must be approved by ODOT.
2. Any necessary NEPA and environmental review must be completed.
3. Any necessary Right of Way must be acquired in accordance with Titles 2 and 3.
4. Plans Specifications and Estimates (PS&E) must be approved by ODOT and the work must be authorized by FHWA prior to beginning work.

5. The project must be bid through ODOT contracting procedures unless the agency is certified for that process.

During preliminary engineering for permanent repairs, if there is a change in scope or significant increase in cost, contact the ODOT Regional Local Agency Liaison.

If permanent repairs cannot wait for funding approval, contact the [ODOT Regional Local Agency Liaison](#), [ODOT Local Government Section](#), or [ODOT Emergency Response Program](#). Reimbursement will follow normal Federal-aid procedures (see the “Repair Costs and Reimbursement” section below)

4. Additional Information

ELIGIBILITY –

A copy of FHWA ER Manual can be found at: <http://www.fhwa.dot.gov/reports/erm/erm.pdf>

General - Basic eligibility criteria are as follows:

1. A formal proclamation of the existence of a disaster must be made by the Governor.
2. There must be at least \$700,000 of eligible damage in the state (this threshold amount was increased on June 1, 2000)
3. Damage must be on a Federal-aid highway
4. Damage must require work that is beyond “heavy maintenance”. Heavy maintenance is defined as work and repairs frequently performed by the applicant’s maintenance crews. Heavy maintenance is usually performed by highway agencies to repair damage normally expected from seasonal and occasionally unusual natural conditions or occurrences. It includes work at a site required as a direct result of a disaster that can reasonably be accommodated by a State or local road authority’s maintenance, emergency, or contingency program. Examples include work necessary to repair minor damage due to eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, and slip-outs in cut or fill slopes.
5. Only sites with damage repair estimated to cost \$5,000 or more may be eligible
6. Damage must have occurred as a direct result of the disaster

Based on a Favorable Finding by FHWA - The eligibility of repair work for ER funds will be contingent upon a favorable finding by FHWA on the eligibility of the disaster.

Damage on Roads other than Federal-Aid Highways - The ER Manual covers only those criteria and procedures applicable to the ER program for Federal-aid highways, these being public highways other than those functionally classified as local roads or rural minor collectors. Oregon Forest Highways are eligible for reimbursement under the ER program.

Procedures relating to the ER program for roads on Federal lands that are not Federal-aid highways are can be found at the Federal Lands Highway Division web site:

<http://www.fhwa.dot.gov/flh/index.htm>

Damage to highway facilities that are neither Federal-aid highways nor roads on Federal lands may be eligible for other Federal funds authorized by the Stafford Act, P. L. 93-288, and administered by FEMA in cooperation with [Oregon Emergency Management \(OEM\)](#). Additional FEMA information can be found at FEMA's web site. <http://www.fema.gov/>

Contact your local Emergency Manager for more information and to apply. A list of Local Emergency Managers and their contact information is on the OEM web site at: http://www.oregon.gov/OMD/OEM/contact_us_directory.shtml

EMERGENCY REPAIRS VS. PERMANENT REPAIRS -

Emergency Repairs include protective measures and repairs taken during, or immediately following, the occurrence of a disaster to restore essential traffic, to minimize the extent of damage or to protect the remaining facilities. The remainder of the work to restore the highway to its pre-disaster condition would be considered permanent repairs.

Eligible Emergency Repairs accomplished in the first 180 days after the disaster occurs may be reimbursed with 100% federal funds. After 180 days, emergency work will be reimbursed at the normal Federal-aid percentages. Eligible Permanent Repairs may be reimbursed with federal funds at the normal Federal-aid percentages.

If there is a question between Emergency Repairs and Permanent Repairs, contact the [ODOT Regional Local Agency Liaison](#), [ODOT Local Government Section](#), or [ODOT Emergency Response Program](#). For some ER sites, the Emergency Repair work necessary to restore essential traffic, minimize damage, and protect remaining facilities may be all the work that is needed, with no Permanent Repair work necessary.

The matching ratio for Emergency Repair work accomplished within 180 days from the beginning of the occurrence of the natural disaster or catastrophic failure is:

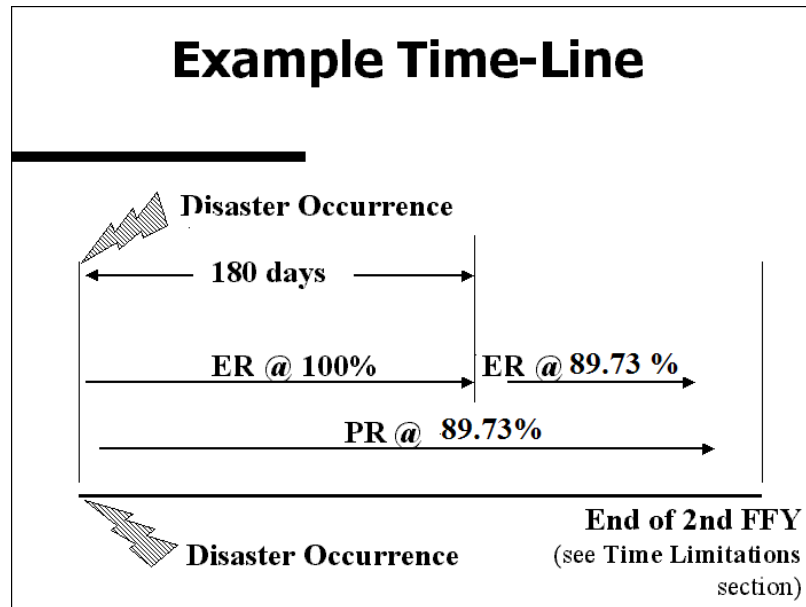
Federal: 100% Local: 0%

The matching ratio for all Permanent Repair (preliminary engineering, right of way, construction engineering, and construction) work within 180 days and beyond, and for Emergency Repair work accomplished more than 180 days after beginning of disaster, is:

Federal: 89.73% Local: 10.27%

These ratios may vary depending on facility and time of disaster. Consequently, a project may have two reimbursement rates. Local agencies must maintain detailed site-specific records to document work performed and the date of performance.

Refer to the "Example Time-Line" below to determine when the reimbursement ratio is 100% vs. 89.73%.



BETTERMENTS –

A betterment is defined as any additional feature, upgrading, or change in capacity or character of the facility from its pre-disaster condition. Betterments are generally not eligible for ER funding unless justified on the basis of economy, suitability, and engineering feasibility and reasonable assurance of preventing future similar damage. Any proposed betterments must be properly justified and approved by FHWA.

REPAIR COSTS AND REIMBURSEMENT –

Estimated repair costs as well as costs for work already done should be provided to FHWA and ODOT inspectors upon arrival so that DDIRs can be completed and signed during the field inspection. Reimbursement will be for actual repair costs determined later.

Even after FHWA has approved work to be ER eligible, actual federal ER funds may not be available for another three to four years. Local agencies have several options for getting reimbursed for these federally participating costs:

1. Utilize their Surface Transportation Program (STP) funds that ODOT shares with the counties and cities/Metropolitan Planning Organizations (MPOs).
2. Obtain an Oregon Transportation Infrastructure Bank (OTIB) loan for costs not yet incurred but still planned.

In either of these options, ODOT must establish an approved project with FHWA through their Fiscal Management Information System (FMIS).

Even if neither of the above options is used, a local agency may want to consider having ODOT account for the costs that the local agency has already incurred. If the federal funds may not be available for several years, and an local agency waits until then to begin the reimbursement process, there's a possibility of losing the documented costs (in addition to staffing changes that would add to the difficulties of getting paid back). One way to circumvent this challenge would be to have the costs recorded with ODOT in its accounting system (TEAMS), as well as set up a project in FMIS. The steps involved with this are:

1. Establish a project with FHWA in FMIS. That project will be opened using Advance Construct (AC), which allows FHWA to authorize a project and pay federal funds at a future point in time.
2. Set up an Expenditure Account (EA) in TEAMS.
3. Identify the amount of costs that the local agency wants to claim (probably costs that they're already incurred and paid).
4. The local agency will be required to pay this amount to ODOT as an advance deposit.
5. As soon as the local agency turns in the expenditures for reimbursement, the Regional Local Agency Liaison will authorize payment and a check will go to the local agency (the funds coming from the advance deposit).
6. When the ER funds are made available, ODOT will convert the AC, allowing the ER funds to flow to ODOT.
7. ODOT will then reimburse the local agency for any costs that have been recorded in TEAMS.

ENGINEERING -

1. Preliminary engineering for Permanent Repairs may begin with verbal approval from FHWA at a minimum.
2. If the engineering is to be performed by a consultant, then an engineering agreement approved by ODOT is needed.
3. Construction engineering procedures are the same as for other Federal-aid projects.

ENVIRONMENTAL REQUIREMENTS -

1. Emergency Repairs have been predetermined to be categorical exclusions but may require further environmental coordination.
2. Permanent repairs are subject to the same NEPA and environmental processing as other similar Federal-aid projects.

PHOTOGRAPHS –

Photographs of damage should be taken at each site as soon as possible after the disaster and prior to any repair work being completed. Photographs will be very helpful in determining eligibility, especially if the Emergency Repair work is done before FHWA and ODOT inspectors arrive.

TIME LIMITATIONS –

ER funds are allocated to assist the states and other agencies or organizations in conditions of emergency. Consequently, after approval of programs and allocation of funds, all projects

should be completed promptly. Failure to advance an approved ER project to completion within a reasonable period of time could result in withholding of funding for that project. Emergency opening work should be accomplished within one month of accessibility to the site under normal circumstances.

Unless there is satisfactory justification for project delay to warrant its retention, projects for permanent repairs that have not advanced to construction obligation by the end of the second fiscal year following the year in which the disaster occurred cannot be authorized.

Justification for such delay and request for time extension must be submitted to FHWA Division Administrator for approval. Time extensions are granted in one-year increments. Such delays may be caused by the need for extensive environmental evaluation, litigation, or complex right-of-way acquisition.

In certain situations, the delay of permanent work may be as much as two to three years. Permanent restoration work, for example, could be deferred to permit study of a serious slide condition, thereby allowing sufficient time to adequately design a permanent correction.


APPROVAL TIME –

Approval to proceed with permanent repairs may take up to six months.

EMERGENCY RELIEF INFORMATION -

- FHWA's Emergency Relief Manual
<http://www.fhwa.dot.gov/reports/erm/index.cfm>
- ODOT Local Program contacts
<http://www.oregon.gov/ODOT/HWY/LGS/>
- ODOT Emergency Response Program
<http://www.oregon.gov/ODOT/HWY/OOM/ERP/erp.shtml>
- Oregon Local Emergency Manager Contacts
http://www.oregon.gov/OMD/OEM/contact_us_directory.shtml

Appendix A

	DETAILED DAMAGE INSPECTION REPORT	Report Number					
	(Title 23, Federal-aid Highways)	Sheet _____ of _____					
Location (Name of Road and Milepost)		FHWA Disaster Number					
		Inspection Date					
Description of Damage		Federal-aid Route Number					
		State _____ County _____					
Cost Estimate							
Emergency Repair	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost		
					Completed	Remaining	
Method				Subtotal			
<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract				PE/CE			
				Emergency Repair Total			
Permanent Restoration							
Method				Subtotal			
<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 type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS							
Recommendation		FHWA Engineer		Date			
<input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible							
Concurrence		State Engineer		Date			
<input type="checkbox"/> Yes <input type="checkbox"/> No							
Concurrence		Local Agency Representative		Date			
<input type="checkbox"/> Yes <input type="checkbox"/> No							