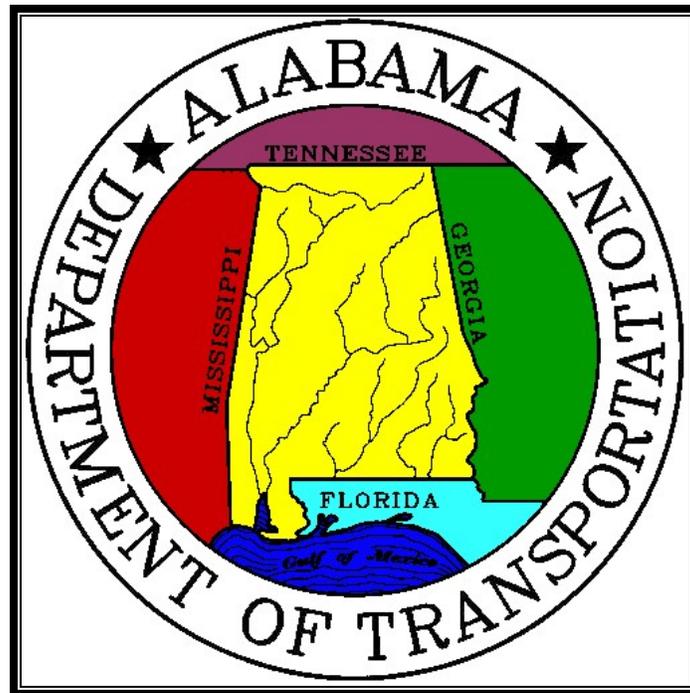


EMERGENCY RELIEF GUIDANCE

For

FEDERAL-AID HIGHWAYS



Prepared by

MAINTENANCE BUREAU

ALABAMA DEPARTMENT OF TRANSPORTATION

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NOTE: This document is to serve as a guide and reference source only. Please refer to the Emergency Relief Manual published by FHWA for detailed subject content.

Contents

I. PURPOSE.....	1
II. EMERGENCY RELIEF ELIGIBILITY	1
III. PROCEDURE.....	1
Step A - Perform Emergency Repairs.....	1
Document damage and work performed:.....	2
General guidelines:	2
Debris Removal:	3
Step B - Assess Damage For ER Program Approval.....	3
Step C – Perform Permanent Repairs	4
IV. ELIGIBILITY FOR EMERGENCY RELIEF (ER).....	4
General.....	4
V. EMERGENCY REPAIRS VS. PERMANENT REPAIRS	5
Emergency Repairs:	5
Permanent Restoration:	6
Excluded items:.....	6
VI. BETTERMENTS.....	7
VII. REPAIR COSTS AND REIMBURSEMENT	7
Initiating projects in CPMS:	7
VIII. ENGINEERING.....	8
IX. ENVIRONMENTAL REQUIREMENTS.....	8
X. PHOTOGRAPHS.....	8
XI. TIME LIMITATIONS.....	8
XII. APPROVAL TIME	9
APPENDIX A.....	10

EMERGENCY RELIEF GUIDANCE FOR FEDERAL-AID HIGHWAYS

I. PURPOSE

- 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 Section IV “Damage on Roads Other Than Federal-Aid Highways” for more information.)

II. EMERGENCY RELIEF ELIGIBILITY

- A Governor’s proclamation declaring a natural disaster is needed for eligibility. A Presidential declaration or a Governor’s request for a Presidential declaration also serves 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.

III. PROCEDURE

Eligible work is divided into two categories:

- Emergency Repairs and;
- Permanent repairs.

Note that Permanent Repairs require prior FHWA project authorization. (See Section III – Step C “Perform Permanent Repairs” for details.)

ALDOT is the Applicant for FHWA Emergency Relief for the Federal-aid highways in Alabama. ALDOT’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 ALDOT 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 Alabama 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 FHWA Area Engineer, Maintenance Bureau, Division County Transportation Engineer or Division Maintenance Engineer 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:

1. Take photographs of damage before beginning repairs; and
2. Keep specific records of equipment, labor, and material expenses by location. For ALDOT work, this is accomplished through the use of Event and Site Codes in the Comprehensive Project Management System (CPMS).

The ER Program is a cost reimbursement program. To be eligible for reimbursement, detailed records of the direct costs incurred at a site, as described by a Detailed Damage Inspection Report, must be maintained and submitted. Pending ER fund availability, local agencies will be reimbursed for Emergency Repair work after ER event approval and submittal of cost documentation.

General guidelines:

In-house Labor:

1. Both regular and overtime are eligible.
2. Documentation required (must be available on request for verification and auditing):
 - a. Signed daily work reports, timesheets, payroll reports, etc.
 - b. Person, day worked, location, function, hourly rate, amount paid
 - c. Calculation of labor surcharge (fringe benefits)

In-house Equipment:

1. In-house equipment rates, if available (must be available on request for verification and auditing).
2. Documentation required:
 - a. Equipment usage records
 - b. Day, location, hours of operation, operator's name

Rented Equipment, Materials, Supplies:

1. Actual costs
2. Documentation required (must be available on request for verification and auditing):
 - a. Supplier's invoice, inventory stock tickets
 - b. Payment documents or checks copies, etc.
 - c. Procurement process

Contracted Work:

1. Actual costs plus preliminary engineering and construction engineering costs are eligible.

2. Documentation required (must be available on request for verification and auditing):
 - a. Signed statement explaining circumstances and procedures under which contract services were procured
 - b. Bid advertisement, bids, bid tabulations, letters of awards, contracts, notice to proceed, change orders, pay estimates, invoices, invoices backup, copies of checks, etc.

Debris Removal:

1. ER funding covers “first push” and “first pass” debris only. “First push” is the emergency push to clean roads for emergency vehicles and other first responders and “first pass” is picking up the debris placed onto the facility by the storm event.
2. First push is typically limited to two feet pass the edge line or edge of travelway.
3. Any debris that was not deposited as a direct result of a disaster, such as debris collected and placed on the right-of-way by property owners, is not eligible for ER funding. In the past, FEMA has covered “second pass” on Federal Aid routes.

The emergency repair portion of debris removal includes the travelway, the shoulders and the clear zone as follows:

1. Interstate routes – 60 feet from the edge of pavement (edge line) or as necessary to reestablish the recovery zone (whichever is greater).
2. Divided routes (non interstate) – 60 feet from the edge of pavement (edge line) or as necessary to re-establish the recovery zone (whichever is greater).
3. Undivided routes (non interstate) – 40 feet from the edge of pavement (edge line) or as necessary to re-establish the recovery zone (whichever is greater).
4. Debris outside the limits that does not pose any hazard to the roadway or clear zone (i.e. rolling down into the clear zone or clogging ditches) is not eligible but may be eligible for FEMA reimbursement.
5. Debris outside the limits that does pose a threat (i.e. rolling down into the clear zone or clogging ditches) is eligible but will be reimbursed at the normal federal-aid cost share rate (80/20 or 90/10).
6. FHWA requires all contract work to go through a competitive bid process. There may be occasions when the same contractor is used to remove debris from inside and outside the distances specified above, but the quantities must be kept separate as they will be reimbursed at separate rates.
7. Sites with debris outside the published limits must be visited by the FHWA Area Engineer to determine if the debris outside the limits does in fact pose a threat to the proper functioning of the roadway. If it is determined that a site is ER eligible, a separate DDIR must be completed and signed.

Step B - Assess Damage For ER Program Approval – The local agency must submit a list of damage locations to local ALDOT Division Office 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 ALDOT, complete the following:

1. Pre-screen sites to determine eligibility for FHWA ER Program.
2. Begin filling out the Detailed Damage Inspection Reports (DDIRs) with the following information.
 - a. Detailed site and damage information;
 - b. Actual costs for Emergency Repair work already completed;
 - 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 ALDOT personnel to verify the extent of damage and complete the DDIR (See Appendix A). A copy of the FHWA DDIR can be found at <http://www.fhwa.dot.gov/reports/erm/fhwa1547.pdf>.

At that time, the completed DDIRs will be signed by the local, ALDOT and FHWA representatives and retained by FHWA. Copies will be provided to ALDOT and local agencies. Please forward a copy of each signed DDIR to the ALDOT Bureau of Office Engineer and Maintenance Bureau, all agencies and County Transportation Bureau (counties only).

Step C – Perform Permanent Repairs - After consultation with FHWA, begin preliminary engineering for permanent repairs as soon as possible. Reimbursement is subject to approval of ER funding for the damage location. Permanent repair projects must follow normal Federal-aid procedures including the following:

1. Engineering agreements must be approved by ALDOT.
2. Any necessary NEPA and environmental review must be completed.
3. Any necessary Right of Way must be acquired in accordance with State and Federal law.
4. Plans, Specifications and Estimates must be approved by ALDOT and the work must be authorized by FHWA prior to beginning.

IV. ELIGIBILITY FOR EMERGENCY RELIEF (ER)

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 or a Presidential declaration or a Governor's request for a Presidential declaration is required.
2. There must be at least \$700,000 of eligible damage in the state.
3. Damage must be on a Federal-aid highway. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency.

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, and slope slides.
5. Only sites with damage repair estimated to cost \$5,000 or more are eligible.
6. Damage must have occurred as a direct result of the disaster.

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, which generally include interstate, minor and major arterials and collectors.

Damages on routes that are not part of the Federal Aid system – rural and urban local roads, and rural minor collectors -- are eligible under the FEMA Public Assistance Program. Counties and municipalities should contact their local Emergency Management Agency for more information and how to apply.

NOTE: Counties and municipalities should not submit damages or debris on any Federal-aid highway to FEMA without first presenting these damages to ALDOT for consideration under the FHWA ER Program. Recovery costs obligated in error on a FEMA Project Worksheet may be cited in the future, requiring the county or municipality to **reimburse FEMA**.

V. 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.

Emergency Repairs:

- Emergency work includes the removal of debris even when there is no damage to the roadway.
- These repairs can begin immediately following a disaster, and prior FHWA approval is not required.
- Properly documented costs will later be reimbursed once the FHWA Division Administrator makes a finding that the disaster is eligible for ER funding.

- Emergency repair work accomplished in the first 180 days after the occurrence of the disaster may be reimbursed at 100 percent Federal share.
- Emergency repairs on Federal Aid routes accomplished more than 180 days after the event may be reimbursed at normal Federal share.

Permanent Restoration:

- Permanent repairs are those repairs undertaken (usually after emergency repairs have been completed) to restore the roadway to its pre-disaster condition.
- Permanent repairs must have prior approval by ALDOT and FHWA as well as authorization.
- Approved permanent repair work on Federal Aid routes will be reimbursed at the normal Federal share.

ER funds are not intended for all damage repair costs. Only that repair work which exceeds heavy maintenance, is extraordinary, and will restore pre-disaster service is eligible.

Excluded items:

- Damages estimated at under \$5,000 per site
- Applicant-owned material
- Previously scheduled work
- Emergency/medical transportation services
- Mitigation/preventive work prior to disaster
- Catastrophic failure from internal cause

NOTE: Inspection costs – Inspection costs directly attributable to the repair of eligible damage are eligible for ER reimbursement. Inspections such as a general overall assessment of damage are considered indirect costs that are eligible for ER funding. ALDOT should submit these and other indirect costs not attributable to a specific site to FHWA for approval. (see *Indirect Costs* section of ER Manual).

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 FHWA Area Engineer, Maintenance Bureau, Division County Transportation Engineer or Division Maintenance Engineer. 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 Interstate highways Permanent Repair (preliminary engineering, right of way, construction engineering, and construction) work accomplished within 180 days and beyond after beginning of disaster, is:

Federal: 90% Local: 10%

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: 80% Local: 20%

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

VI. BETTERMENTS

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. Upgrading sites to current design standards is not considered a betterment and is allowed. Any proposed betterments must be properly justified and approved in advance by FHWA.

VII. REPAIR COSTS AND REIMBURSEMENT

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

ER reimbursement funding from FHWA to the counties and municipalities comes through ALDOT, and ALDOT distributes the amount based on the cost estimates from the Detailed Damage Inspection Reports submitted by each agencies.

ALDOT establishes approved projects with FHWA through the Comprehensive Project Management System. ALDOT Divisions will initiate ER projects in CPMS for state-owned routes and any municipal sites qualifying for ER reimbursement. The ALDOT County Transportation Bureau will initiate ER projects in CPMS for the counties.

Initiating projects in CPMS:

- a. For DDIRs that have extensive amounts of work, initiate one project per DDIR. Smaller DDIRs may be bundled into one project as long as each site ID and DDIR # is shown in the project description.

- b. In the “Initiator’s Comments” state what the project is for. (Example: FHWA Disaster Number AL 11-1).
- c. In the description field, after the short description of the project, include the FHWA Disaster Number and the ALDOT Site Code(s). For Municipal projects, include the DDIR #'s instead since there is no site code (Example: Townville – 1).
- d. For DDIRs with emergency repair using both State Forces and emergency contract work initiate a single project in CPMS. Ensure that the appropriate documentation is maintained separately. If the contract work (such as permanent repair) is to be let through normal letting procedures, initiate separate projects in CPMS for the State Forces work and for the contract work.
- e. Submit the project using Routing Option “X” to expedite its processing. Forward to the Bureau of Office Engineer a list of the ER projects initiated.

VIII. 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 ALDOT is needed.
3. Construction engineering procedures are the same as for other Federal-aid projects.

IX. 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 National Environmental Policy Act (NEPA) and environmental processing as other similar Federal-aid projects.

X. 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 ALDOT inspectors arrive. When possible label photos with date, route, county and site ID.

XI. 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.

XII. APPROVAL TIME

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

APPENDIX A

Detailed Damage Inspection Report

	DETAILED DAMAGE INSPECTION REPORT	Report Number				
	(Title 23, Federal-aid Highways)	Sheet _____ of _____				
Location (Name of Road and Milepost)		FHWA Disaster Number				
Description of Damage		Inspection Date				
		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						

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