



FHWA Emergency Relief (FHWA-ER) Training

FHWA Emergency Relief Training



Training Developed and Coordinated By
Colorado Department of Transportation

Agenda

- FHWA Flowchart
- Policies, Purpose, Agency Roles
- Application Process
- Eligibility
- Emergency Repairs and Permanent Restoration
- Detailed Damage Inspection Reports (Form 1547)
- Special Circumstances
- Contract Requirements
- Slides referencing sources of information are provided at the end of the presentation

Who's Here

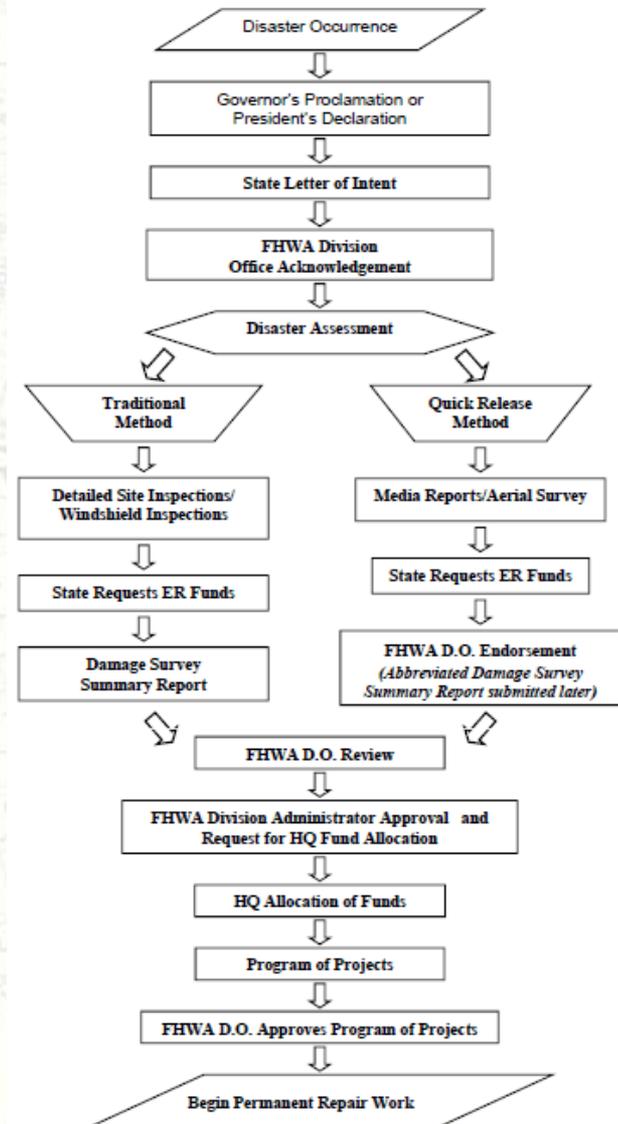
- CDOT
- FHWA
- FEMA
- Colorado OEM
- Local Agencies

Two Separate Federal Disaster Programs

- **Federal Highway Administration (FHWA)**
Emergency Repair (ER) and Permanent Restoration (PR)
- **Federal Emergency Management Agency (FEMA)**
Public Assistance (PA) - Covers both Emergency Work and Permanent Work

Federal Highway Administration Emergency Relief Program (FHWA-ER)

FHWA Emergency Relief Program Flow Chart



Federal Highway Administration (FHWA)

**Emergency Relief (ER)
Policies, Purpose, and
Agency Roles**

ER 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 ...”



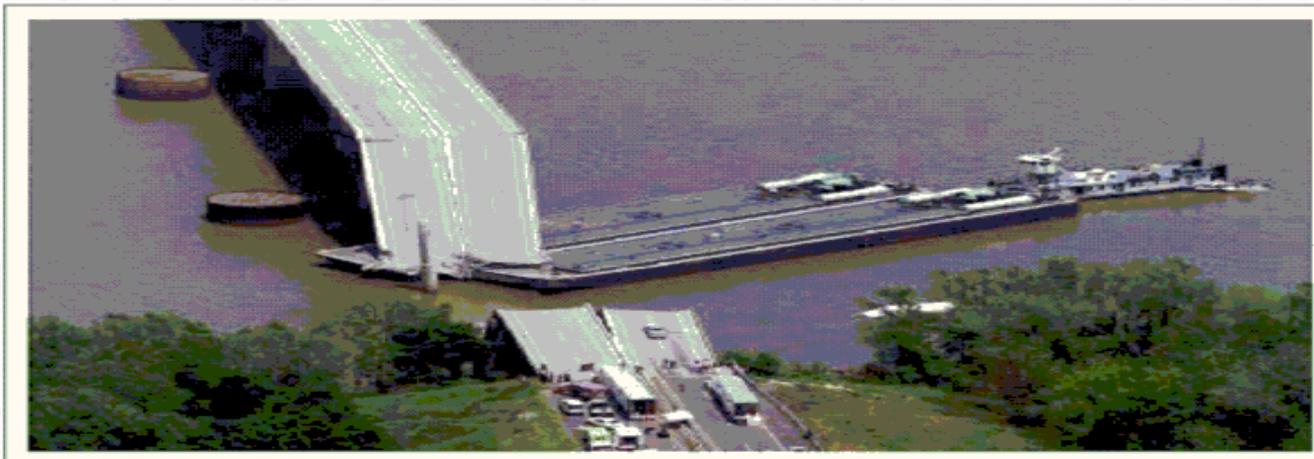
Natural Disasters

- 23 CFR 668.103(f):
”...sudden and unusual natural occurrence ... which causes serious damage.”



Catastrophic Failures

- 23 CFR 668.103(b):
 - ...sudden failure of a major element or segment of the highway systems due to an external cause.
 - ...not be primarily attributable to gradual and progressive deterioration...



ER Program Purpose

- 23 USC 125(a): “...repair or reconstruction of highways, roads, and trails ...that have suffered serious damage...”



Purpose and Intent

- Repair Damage Resulting Directly from an Eligible Event
- Restoration In-Kind to pre-disaster condition
- Supplemental \$\$
 - State Program
 - Local Programs

Not Intended for:

- Covering all repairs
- Relieving heavy maintenance responsibilities of Federal-aid recipients
- Non Federal-aid highways
- FEMA used as other source

FHWA Role

- Reporting of Natural Disasters and Catastrophic Failures
- Administer ER Program
- Implement Policies and Procedures
- Assist in Developing ER Application
- Participate on Detailed Damage Inspection Teams
- Provide Technical Assistance & Training

CDOT Role

- Identify Federal-Aid Highways
- Identify Damaged Sites
- Request Emergency Relief (ER) Funding
- Complete Emergency Repairs
- Complete Permanent Restoration (when authorized)
- Participate on Detailed Damage Inspection Teams
- Coordinate Locally Administered Projects
- Provide Technical Assistance & Training

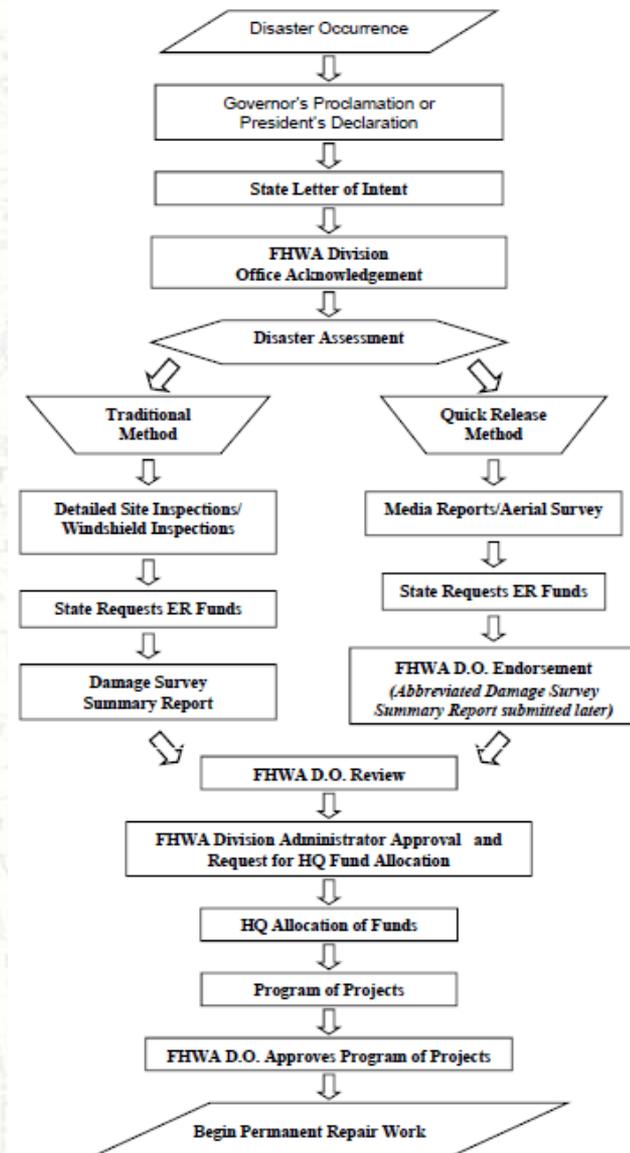
Local Agency Role

- Identify Damaged Sites
- Complete Emergency Repairs
- Coordinate with CDOT
- Participate on Detailed Damage Inspection Teams
- Complete Permanent Restoration (when authorized)

Emergency Relief (ER)

Application Process

FHWA Emergency Relief Program Application Process



- Disaster Occurs
- Governor's Proclamation or Presidents Declaration
- Letter of Intent
- FHWA Acknowledgement
- FHWA Eligibility Finding by the Colorado Division Office (Division Administrator)

Application Process

Traditional & Quick Release

Traditional Process

- Disaster Assessment
- Detailed Site Inspections/ Windshield Inspections
- Formal State Request for ER Funding
- Damage Survey Summary Report

Quick Release Process

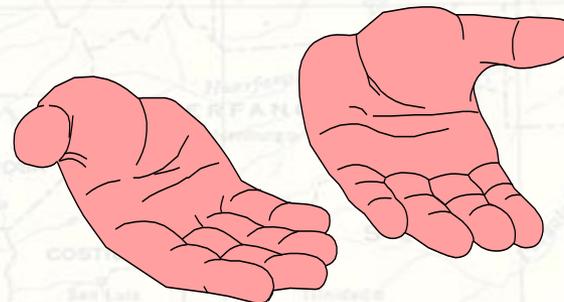
- Disaster Assessment
- Media Reports/Aerial Survey
- Formal State Request for ER Funds
- FHWA Division Office Endorsement (Abbreviated Damage Survey Summary Report Submitted, DDIRs submitted later).

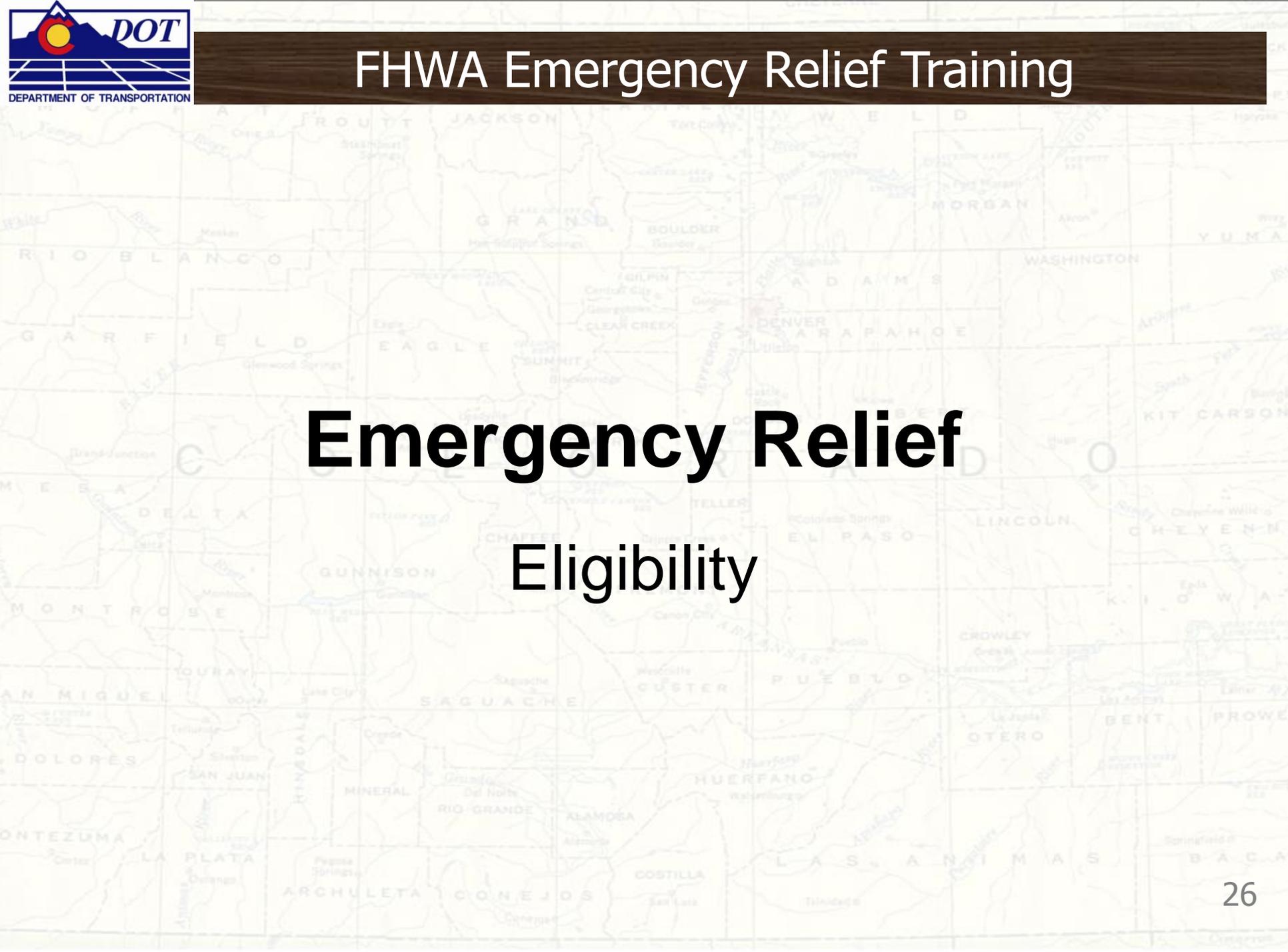
Traditional and Quick Release

- FHWA Division Office (D.O.) Review
- FHWA Division Administrator Approval & Request for HQ Fund Allocation
- HQ Allocation of Funds
- Program of Projects
- FHWA D.O. Approves Program of Projects
- Begin Permanent Repair Work

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





**Emergency Relief
Eligibility**

Federal-Aid Highways

- NO Local Roads
- NO Rural Minor Collectors
- Use Functional Classification Maps

Eligibility Limits

- Minimum \$700,000 threshold in damages per event
- Site damage greater than \$5,000
- 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

Examples of Eligible Items

- Roadway repairs
- Traffic control devices
- Labor and equipment (including maintenance forces)
- Railroad Crossings (Crossing Fed Aid Routes only)
- Safety patrols

Eligible Items (cont.)

- Engineering and ROW
- Detours
- Overlays
- Slides
- Work on Active Construction Projects
- Toll Facilities

Eligible Items (cont.)

- Landscaping (if incidental to other eligible repair)
- Roadside appurtenances
- Transportation System Management Strategies
- Features resulting from the NEPA process
- Pre-authorized outside of highway ROW (e.g. stream channels adjacent to roadway)
- Others (Refer to the FHWA ER Manual)

Examples of Ineligible Items

- Pre-existing Conditions (ex. bridge scour)
- Assessments, Overhead, Project Planning
- Betterments (eligible with approved justification)
- Bridge, Sign, or Signal Inspections
- Maintenance and administration
- Inmate labor
- National Guard (with some exceptions)
- Damage to Contractor Equipment

Ineligible Items

- Heavy Maintenance
- Damage Estimated under \$5,000
- Pavement Damage Caused by Traffic
- Frost Heaving
- ~~Erosion Damage~~
- Prior Scheduled Work



Ineligible Items (cont.)

- Emergency/Medical Transportation Services
- Pre-existing Conditions

Emergency Relief

Emergency Repair (ER)

VS.

Permanent Restoration (PR)

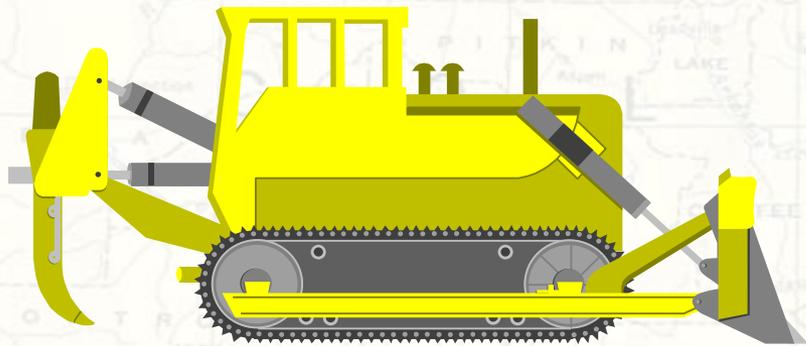
Emergency Repair (ER)

23 CFR 668.109(b)(4):

- Minimize the extent of damage
- Protect remaining facilities
- Restore essential traffic



Permanent Restoration (PR)



23 CFR 668.109(b)(1):

- Restoring Highway to Pre-disaster Condition
- Requires Prior FHWA Approval & Authorization
- Normal FHWA Procedures are Required
- Pro-rata share
 - 90% for Interstate
 - 80% for non-interstate

No Prior Authorization Required for:

- Emergency Repair (ER)
- Preliminary Engineering (PE) and/or Construction Engineering (CE)
 - As properly documented
- Temporary Operations
- Incidental Permanent Restoration (PR)

Prior Authorization Required for:

- Permanent Restoration (PR)
 - Normal Federal-aid procedures (FHWA Form 1273)
 - Preliminary and Construction Engineering & ROW
 - Environmental Clearance (NEPA)
 - Time Extensions
- Revised DDIR (Scope Changes or 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

Emergency Relief

Detailed Damage Inspection Report
Form 1547 (DDIR)



FHWA Emergency Relief Training

Detailed Damage Inspection Report (DDIR) - FHWA Form 1547

DETAILED DAMAGE INSPECTION REPORT (Title 23, Federal-aid Highways)						Report Number		
Location (Name of Road and Milepost)						Sheet _____ of _____		
						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 PE/CE			
<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract					Emergency Repair Total			
Permanent Restoration								
Method					Subtotal PE/CE			
<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract					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								

Form FHWA-1547 (Rev. 4-98)

Detailed Damage Inspection Report

- 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 but inclusive description of the scope of work
 - It is used to support the FHWA request to DC for ER funding

Detailed Damage Inspection Report

- What it is NOT:
 - It is not a Contracting Mechanism
 - It is not a NEPA determination or approval
 - It is not authorization to begin Permanent Restoration work
 - It should never be used to indicate actual contractor quantities, prices, or scope of the construction contract

Detailed Damage Inspection Report

- Federal-Aid Highway
- Specific Location (beginning and ending Limits, federal aid route number)
- Nature and Extent of Damage
- State/County
- Emergency Repair (ER)
- Permanent Restoration (PR)
- Environmental Determination (NEPA) with Signature
- Method of Work

Detailed Damage Inspection Report

- Cost and Quantity Estimates (L x W x H)
- FHWA/State Recommendation
- State and/or Local Agency Concurrence
- Sketch of the Site and Required Photos
- Investigation Reports
- Miscellaneous FHWA Approvals
- **CONTRACT REQUIRED for work underway**

DDIR General Requirements

- DDIR Form FHWA-1547
- Copies of contracts and amendments
- Cost Summaries or Spreadsheet – not lump sum
- Photographs
- Maps showing FHWA-ER eligible roads
- Tabular spreadsheet showing FHWA-ER eligible roads

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.

Damage Assessments

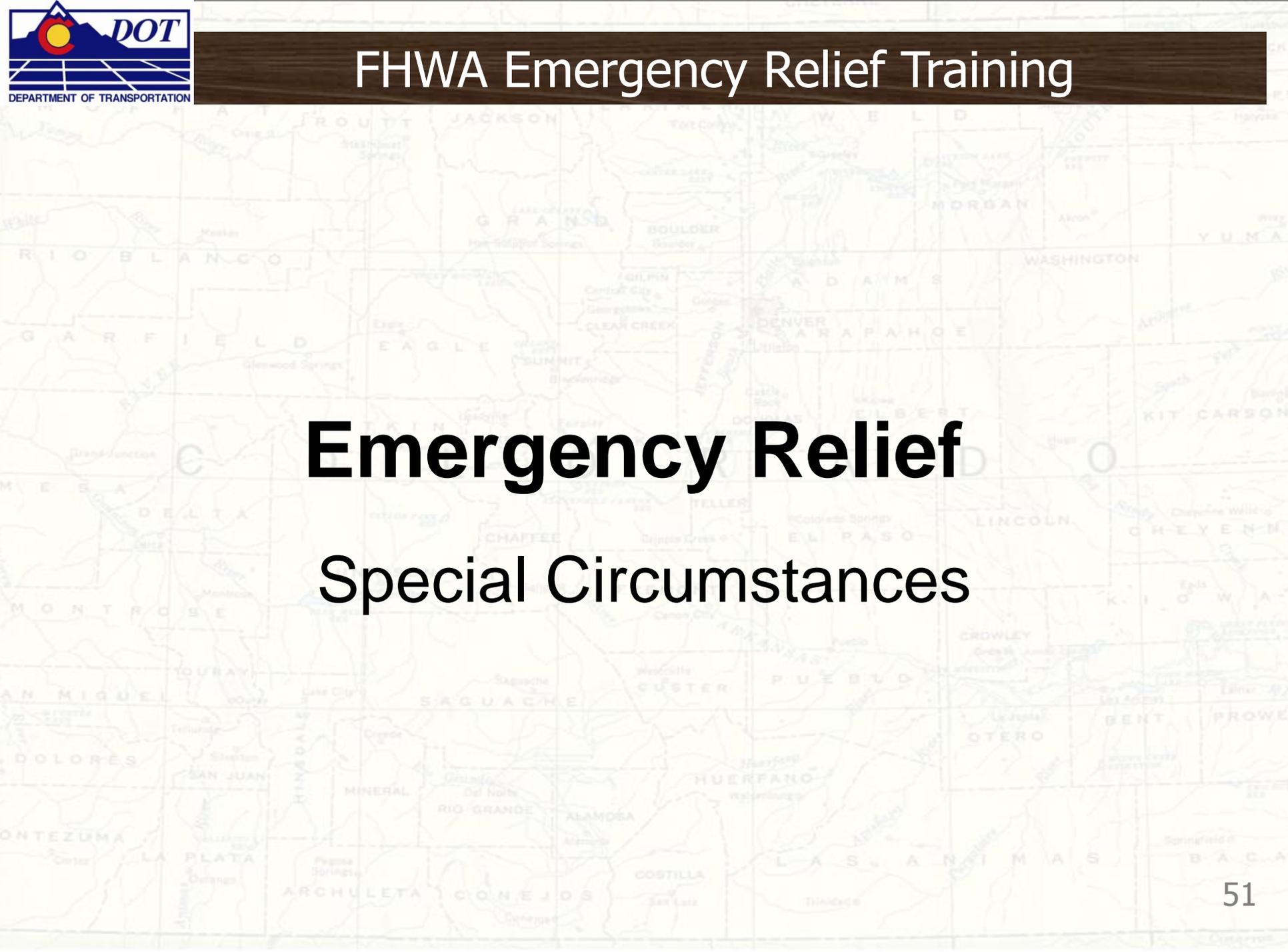
- Estimate only
- Provides a basis for allocation of funds
- Actual cost will be reimbursed
- DDIR is only a determination of eligibility, not reimbursement



Adequate Documentation

Repair of Roads, Bridges, Signs, Signals

- Before and after pictures of locations repaired or replaced
- Cost to repair / replace each roadway section, sign, signal, etc. and supporting documentation
- Justification as to the necessity to perform the emergency work
- Dates and Locations of work performed
- Invoices, receipts, documentation of work completed by maintenance forces, etc.



Emergency Relief Special Circumstances

National Environmental Policy Act (NEPA)

- Particularly important if impacts to protected or sensitive resources are possible
- Advance coordination with CDOT on environmental requirements

FHWA NEPA Process

- ER Program must comply w/NEPA
- Emergency Repair: Typically a Categorical Exclusion (Cat Ex) with coordination
- Permanent Restoration: Typically is Categorically Excluded with exceptions
 - Betterments
 - Bridge Work
 - Any impacts affecting resources

Betterments

- Improvement to Facility
- Feature Not Existing Prior to Disaster
- Justification:
 - Prevents Future Eligible Damage
 - Cost/Benefit Analysis
 - **FHWA PRIOR APPROVAL REQUIRED**

Administrative Expenses

- Eligible
 - Regular and Extra Employees
 - Payroll Additives
- Non-Eligible
 - General Administration
 - General Supervisor or Other Overhead



Traffic Damage

- In general, ineligible for ER Funds
- Three exceptions:
 - Damage from responding vehicles making repairs
 - Any officially designated detour
 - Any Federal-aid highway, vehicles responding to a disaster

Outside of ROW

- In general, ineligible for ER Funding
- Must meet four criteria:
 - Directly related to protection of highway
 - Not eligible for funds from another agency
 - No other agency has responsibility
 - Applicant agrees to accept future maintenance

Contract Requirements

- Fed-Aid contract rules:
 - Contracting methods according to ER Manual
 - FHWA Form 1273
 - Standard federal-aid provisions physically incorporated into all contracts – not referenced
 - 1273 not included = work not eligible
 - Davis-Bacon Labor Rates

- Fed-Aid contract rules (Cont'd):
 - Disadvantaged Business Enterprises (DBE)
 - Americans with Disabilities Act (ADA)
 - Buy America (steel & Iron)
 - NO convict labor
- Design Standards: CDOT Standard Specifications
- Environmental NEPA Issues/Process

Advertisement Period

- **Emergency Repairs**

No advertisement period but must have a minimum of three (3) quotes.

- **Permanent Repairs**

Three weeks minimum.

23 CFR 635.112 Bullet B

Contractual Methods (FHWA Emergency Relief Manual)

- **Emergency Repairs**
 - Competitive bid
 - Solicited Contracts
 - Negotiated Contracts
 - Maintenance Forces
 - Joint Participation Agreements

Contractual Methods (Cont'd)

- Permanent Restorations
 - Competitive Bid Contracts – normal federal aid requirements
 - Local Agency Program (LAP) Agreements

References

CDOT websites

www.coloradodot.info/travel/floodinfoupdates

www.coloradodot.info/business

FHWA-ER Manual

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

FHWA Form 1273

<http://www.fhwa.dot.gov/programadmin/contracts/1273/>

Disadvantaged Business Enterprises (DBE)

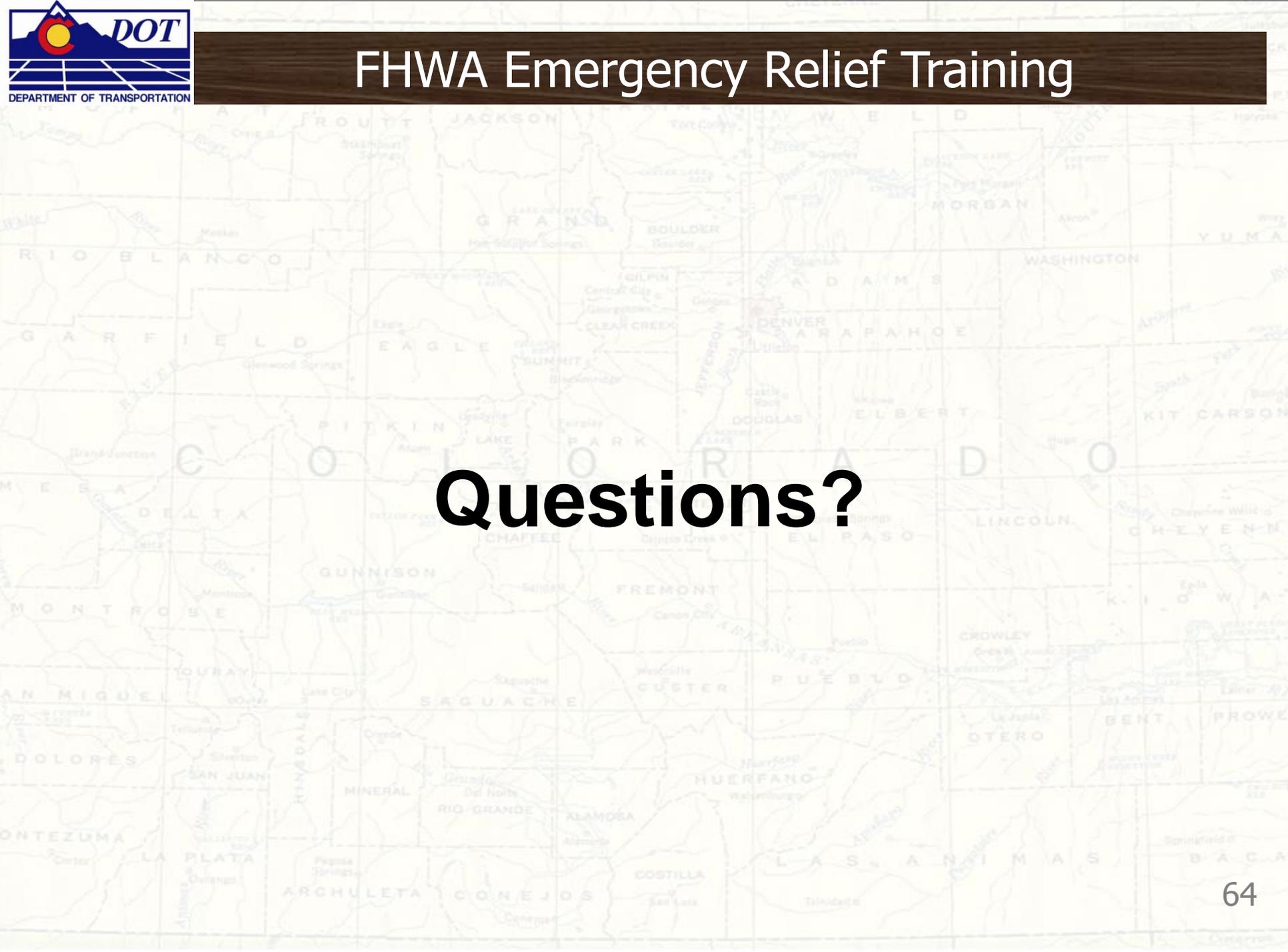
<https://www.fhwa.dot.gov/federalaid/stewardship/agreements/pdf/fl.pdf>

Americans with Disabilities Act (ADA)

<https://www.fhwa.dot.gov/federalaid/stewardship/agreements/pdf/fl.pdf>

NEPA

<http://www.fhwa.dot.gov/environment/>



Questions?