



LADOTD / FHWA Emergency Relief for Locally-Owned Federal Aid Routes

Program Summary

November 12, 2008

What is the FHWA Emergency Relief (ER) Program?

Emergency Relief is a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid roadways which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause.

What damages are eligible for ER assistance?

- The damage must be severe and wide spread (Presidential Disaster Declaration).
- Eligible cost of the damage must exceed \$700,000 state wide per disaster event.
- Damage at each site must exceed \$5,000.

How is ER-eligible work categorized?

ER-eligible work is divided in to two categories -- Emergency Repairs and Permanent Restoration.

Emergency Repairs:

- Emergency repairs include those repairs during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities.
- 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 locally-owned Federal Aid routes accomplished more than 180 days after the event may be reimbursed at 80 percent 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 LADOTD and FHWA as well as authorization.
- Approved permanent repair work on locally-owned Federal Aid routes may be reimbursed at 80 percent Federal share.

What items are ineligible for ER reimbursement?

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

How does the FHWA ER Program differ from the FEMA Public Assistance (PA) Program?

Roadway facilities that are part of the Federal Aid system are not eligible for FEMA PA but are eligible for FHWA ER. Covered roadways generally include interstate, minor and major arterials and collectors (*FEMA Public Assistance Guide FEMA 322 / June 2007, pages 25 – 26, 68, 80*).

Damages on routes that are not part of the Federal Aid system -- generally rural and minor collectors -- are eligible under the FEMA PA Program.

Cities and parishes should not submit damages or debris on any Federal Aid route to FEMA without first presenting these damages to LADOTD for consideration under the FHWA ER Program. **Recovery costs obligated in error on a FEMA Project Worksheet may be cited in the future, thus resulting in a de-obligation.**

How do I know whether a particular roadway or bridge is part of the Federal Aid system and eligible for FHWA ER assistance?

LADOTD maintains information including maps of the Federal and Non Federal Aid routes in each parish and city. These maps may be obtained at <http://www.dotd.la.gov/doclist.asp?ID=62>.

Please contact the Project Manager listed at the bottom of page 3 for additional information.

How are ER-eligible damages documented?

FHWA, with input from LADOTD and the local agency documents damages on locally-owned Federal Aid routes using a Damage Inspection Report (DIR). This document bears some similarity to the FEMA Project Worksheet.

What expenses are eligible for FHWA ER and how must they be documented?

The FHWA ER Program is a cost reimbursement program. To be eligible for reimbursement, detailed records of the direct costs incurred at a site covered by a DIR must be maintained and submitted. General guidelines:

In-house Labor:

- Both Regular and Overtime is eligible.
- Documentation:
 - Signed daily work reports, timesheets, payroll reports, etc.
 - Person, day worked, location, function, hourly rate, amount paid
 - Calculation of labor surcharge (fringe benefits)

In-house Equipment:

- In-house equipment rates, if available. Otherwise, Blue Book.
- Documentation:
 - Equipment usage records
 - Day, location, hours of operation, operator's name

Rented Equipment, Materials, Supplies:

- Actual costs
- Documentation:
 - Supplier's invoice, inventory stock tickets
 - Payment documents, check copies, etc.
 - Procurement process

Contracted Work:

- Actual costs plus preliminary engineering and construction engineering costs are eligible.
- Documentation:
 - Signed statement explaining circumstances and procedures under which contract services were procured
 - 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 and Disposal:

- Must be able to segregate debris costs attributable to Federal and Non Federal Aid routes. Permissible to pro-rate debris monitoring and site-related costs between Federal and Non Federal Aid routes based on debris quantities removed from the routes.
- FHWA ER covers "first pass" only. In the past, FEMA has covered "second pass" on Federal Aid routes.
- Environmental permitting of disposal sites is required.

What is the process for applying for FHWA ER assistance when damages have been incurred on the locally-owned Federal Aid routes within a city or parish?

1. It is the local agency's responsibility to assess whether damages are present and to advise LADOTD. LADOTD will then coordinate with FHWA to perform any needed inspections and to have a formal Damage Report (DIR) prepared. Note that some inspections were prepared following Hurricanes Gustav and Ike.
2. Emergency Repairs (defined above) may proceed in advance of having a DIR prepared or having a project approved and authorized.
3. Once a DIR for Emergency Repairs has been prepared, and once work is complete, the local agency should submit its cost documentation, as described above, to LADOTD. LADOTD will then review the documentation and prepare a City-State or Parish-State Agreement. Once this Agreement is executed, LADOTD will process a reimbursement to the local agency.
4. Permanent Restoration must be documented on a DIR, and must be authorized by both LADOTD and FHWA prior to the start of any work or the advertisement or solicitation of any bids.
5. Permanent Restoration projects will be carried out under a City-State or Parish-State Agreement. Contracts for Permanent Restoration will be coordinated through LADOTD following standard Urban System project procedures.

Who do we contact at LADOTD if we have questions or would like to begin the FHWA ER application process?

Please contact LADOTD's Project Manager:

Vincent Latino, Jr., P.E.
Telephone: (225) 379-1553
Email: vincelatino@dotd.la.gov (*Email is preferred.*)