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EMERGENCY RELIEF (ER) PROGRAM

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ER Program

Provides funds for emergency repairs and permanent repairs on Federal-aid highways and roads on Federal lands that have suffered serious damage as a result of natural disasters or catastrophic failure from an external cause.

Statutory citation(s): MAP-21 §§1107 and 1508; 23 USC 120(e) and 125; SAFETEA-LU §1112



U.S. Department
of Transportation
**Federal Highway
Administration**

ER Program – Intent

- ⦿ Restore facilities to pre-disaster conditions.
 - Federal-aid highways classified as arterial, urban collectors and major rural collectors.
 - \$100 million authorized annually (nationwide).
- ⦿ Not to relieve an agency from its maintenance responsibilities.

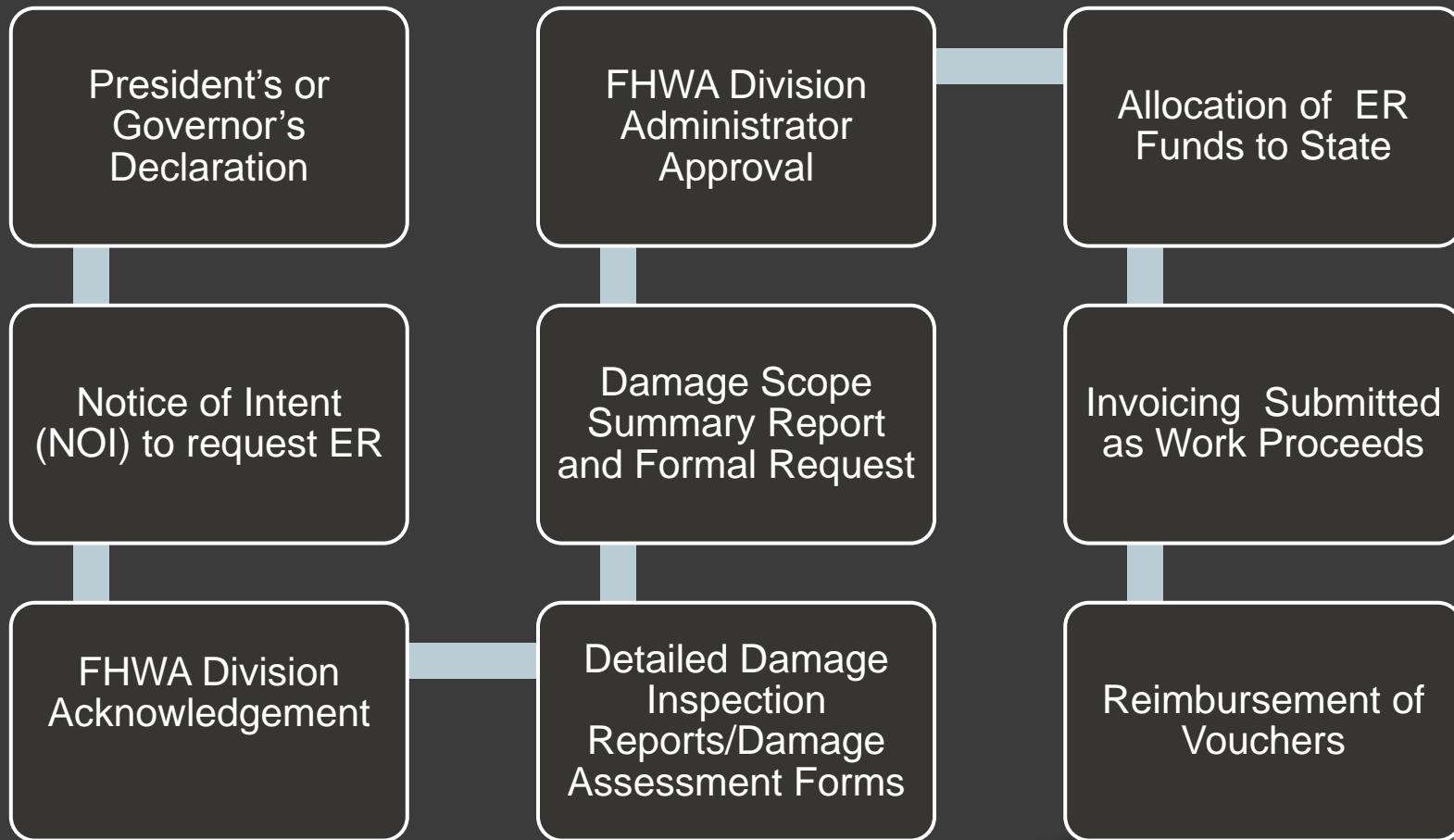


ER Program – FHWA's Role

- Administer the ER program through coordination and implementation of disaster relief policies and procedures.
- Provide assistance to State, Federal or other highway agencies in applying for funds and determining eligibility.
- Support the State, Federal or other highway agencies in the technical review, design, repair, and reconstruction of damaged highway facilities.



ER Program – Process



ER Program – Application

- ⦿ >\$700K in damages per Disaster Event
 - Sites with less than \$5,000 in damages are not eligible.
- ⦿ Damage Assessment Form (DAF)
 - Due 3 months after initial site inspection.
- ⦿ Damage Survey Summary Report (DSSR)
 - Summary of damages – due 6 weeks after NOI
- ⦿ Program of Projects (POP)
 - Eligible sites based on the DSSR
 - Initial submittal – 3 months after Acknowledgement Letter
 - Final submittal – 2 years after Disaster Event
 - Need to be approved by FHWA



ER Program – Application

- ◎ Damage Assessment Form (DAF)/ Detailed Damage Inspection Form (DDIR)
 - 3 months to submit DAF from initial site inspection date.
 - **Does not allocate funding.** Instead it determines eligibility of items/costs.
 - Must include a comprehensive list of sites/costs.
 - Costs limited to cost of comparable facility.
 - Must be signed by Caltrans and FHWA.



ER Program – Categories

⦿ Emergency Repairs

- Repairs during or immediately after a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities.
- “Temporary fix”
- Do not need FHWA approval to start

⦿ Permanent Repairs

- Repairs after the occurrence of a disaster to restore the highway to its pre-disaster condition.
- “Permanent fix”
- Require FHWA approval prior to start



ER Program – Categories

- ◎ Caltrans' Emergency Opening (EO) Procedures
 - Emergency Repairs
 - Permanent Repairs (***need FHWA approval!!!***)
 - When it is the most economical to restore essential traffic
 - When it is the only practical alternative and no detours are possible.
- ◎ Caltrans' Permanent Restoration (PR) Procedures
 - Align with Permanent Repairs per ER Manual



ER Program – Federal Share

Emergency Repairs

- ◎ 100% federal share first 180 days.
 - Can be extended if site cannot be accessed to evaluate damages.
- ◎ 90% for Interstate and 80% for other highways after 180 days.
 - Sliding Scale/Pro-rata in California.
- ◎ 100% for Federal lands and tribal transportation facilities.
- ◎ **Reimbursed when ER funds become available!!! (Could take years!)**



ER Program – Federal Share

Permanent Repairs

- 90% for Interstate and 80% for other highways.
 - Sliding Scale/Pro-rata in California.
- 100% for Federal lands and tribal transportation facilities.
- Permanent Repairs under Caltrans' EO Procedures are reimbursed at pro-rata.
- **Reimbursed when ER funds become available!!! (Could take years!)**



ER Program – Quick Release

- ⦿ Reserved for disasters where extensive damage is readily evident and obviously eligible.
- ⦿ 1-2 days for finding.
- ⦿ Up to \$2 Million per event.
 - Could be increased under special circumstances.
- ⦿ Detailed site assessments are completed ASAP for site eligibility.



ER Program – Eligible Items

- ⦿ Engineering and Right-of-Way
- ⦿ Indirect Costs
 - Approved Indirect Cost Rate
- ⦿ Official Detours
- ⦿ Traffic Damage
 - Emergency response vehicles, construction equipment, and detour traffic.
- ⦿ Overlays
- ⦿ Raising Grades



ER Program – Eligible Items

- ⦿ Slides
- ⦿ Work on Active Construction Projects
 - Unless contract establishes contractor's responsibility.
 - Contractor's materials and equipment are not eligible.
- ⦿ Toll Facilities
 - Loss of revenue is not eligible.
- ⦿ Traffic Control Devices



ER Program – Eligible Items

- ⦿ Landscaping
 - Incidental to eligible damage.
 - Erosion control within right-of-way.
- ⦿ Roadside Appurtenances
- ⦿ Transportation System Management (TSM) Strategies
- ⦿ Administrative Expenses
- ⦿ Supplies and Materials
- ⦿ Equipment



ER Program – Eligible Items

- ⦿ Environmental Mitigation Measures
- ⦿ Areas outside of the right-of-way
 - Work directly related to protection of the highway facility;
 - Work not eligible under another agency;
 - No other agency has the responsibility for such work;
 - Applicant agrees to accept the future maintenance of all work performed.



ER Program – Eligible Items

- ⦿ Catastrophic Failures (External Causes)
- ⦿ Debris Removal
 - Stafford Act
 - FEMA handles all debris removal.
 - Do not include in DAF.
 - Non-Stafford Act
 - FHWA handles debris on Federal-aid highways.
 - Only debris deposited by disaster.



ER Program – Eligible Items

Debris Removal (continued)

Declaration		Eligibility	
President	Governor	ER	FEMA
	X	X	
X			X
X		X	*
X	X	**	X
* If FEMA determines debris to be ineligible under its program.			
** ER for sites under Governor's Declaration but not the President's Declaration.			



ER Program – Ineligible Items

- ⦿ Sites not included in the DAF
- ⦿ Prior Scheduled Work/Projects in STIP
- ⦿ Pre-existing Conditions
- ⦿ Heavy Maintenance
 - Work frequently performed by State/Local crews.
 - Normally expected repairs from seasonal natural conditions.
 - **ER program does not relieve an agency from its maintenance responsibilities.**



ER Program – Ineligible Items

- ⦿ Preventive Work
- ⦿ Damage Estimated under \$5,000 per Site
 - Adjoining sites with similar damage can be combined.
- ⦿ Regular Traffic Damage
 - Except as noted before.
- ⦿ Applicant-Owned Material
 - Including Maintenance Facilities and stored equipment.



ER Program – Ineligible Items

- ⦿ Minor Erosion Damage
- ⦿ Frost Heaving
- ⦿ Mine/Underground Subsidence
- ⦿ Snow and/or Ice Removal
- ⦿ Emergency Transportation Services/First Responders
- ⦿ Catastrophic Failure (Internal Causes)
- ⦿ Radiological Contamination
- ⦿ Evacuation Activities



ER Program – Betterments

◎ Betterments

- Requires FHWA Prior Approval.
- Added protective features or changes that modify the function or character of a facility from what existed prior to the disaster.
- Requires justification:
 - Prevents future eligible damage.
 - Cost/Benefit Analysis.
 - Does not include traffic delays costs, added user costs, motorist safety, economic impacts, etc.



ER Program – Betterments

⦿ Betterments (continued)

- Not betterments:
 - Replacement of older features or facilities with new ones.
 - Incorporation of current design standards.
 - Replacement in-kind on existing location not practical or feasible.
 - Additional required features resulting from the NEPA process.



ER Program – Examples



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ER Program – Examples



ER Program – Examples



ER Program – Examples



ER Program – Questions???

- ER Program Manual:
 - <https://www.fhwa.dot.gov/reports/erm/er.pdf>
- ER Q&A's:
 - <https://www.fhwa.dot.gov/map21/qandas/qaer.cfm>
- Josué M. Yambó
 - 213.894.5351/josue.yambo@dot.gov
- ER questions specific to your district, please contact your FHWA Transportation Engineer or the Caltrans ER Coordinator.

