



**LA Department of Transportation and
Development (LA DOTD) and the Federal
Highway Administration (FHWA)
Emergency Relief (ER) Program for Locally-
Owned Federal-aid Routes**



Information Sheet

After a Declared Disaster, Federal Funds may be available from several agencies for Response and Recovery Activities.

Federal Emergency Management Agency (FEMA)

- Public Assistance (PA)
 - Non-Federal-aid roads and facilities

Federal Highway Administration (FHWA)

- Emergency Relief (ER)
 - Federal-aid eligible roads and facilities

What is the Federal Highway Administration (FHWA) Emergency Relief (ER) Program?

The Emergency Relief Program was authorized by Congress to provide funds from the Highway Trust Fund for the repair or reconstruction of federal-aid roadways that have suffered serious damage as a result of a natural disaster over a wide area or catastrophic failures from an external cause.

The ER program provides assistance for eligible repairs and restoration of federal-aid roadways to pre-disaster conditions. This program is not to replace other Federal, State or local funds for new construction, correct non-disaster related deficiencies, relieve heavy maintenance responsibilities of federal-aid recipients, or improve highway facilities.

What is a Federal-aid route?

"Federal-aid highways are all the public roads that are classified as arterial, urban collectors, and major rural collectors." *Emergency Relief Manual (Federal-Aid Highways) updated May 31, 2013*

How does the FHWA ER Program differ from the FEMA PA Program?

The FHWA ER Program for local jurisdiction is administered through LADOTD, whereas; FEMA PA is administered through the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)

Roadway facilities that are part of the federal-aid system are not eligible for FEMA PA but are eligible for FHWA ER.

Local Public Agencies (LPA) should not submit damages on any federal-aid route to FEMA without first presenting these damages to LADOTD for consideration under the FHWA ER Program.

These are two different programs with separate program requirements. Some examples are illustrated below:

FEMA – PA	FHWA - ER
Presidential Declaration	Governor or Presidential Declaration
Must meet current minimum established threshold of eligible damages	Must have at least \$700,000 (Federal share) in eligible damages
Project minimum \$3,000 (varies between disasters)	Project minimum per site \$5,000
Project Worksheets (PW)	Detailed Damage Inspection Reports (DDIR)
Categories A-G	2 Categories – Emergency Repairs & Permanent Restoration
Administered by GOHSEP	Administered by LA DOTD (similar to FHWA Urban Systems Program)
Debris for all Presidentially declared parishes	Debris will be determined by the type of disaster/emergency declaration and parishes included

How do I know whether a particular roadway or bridge is part of the federal-aid system and eligible for FHWA ER Assistance?

LA DOTD maintains information including maps of the federal and non-federal-aid routes in each parish and city. These maps are color coded and delineate FHWA/FEMA State and Local routes. The maps are available on LADOTD’s website at:

http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Multimodal/Data_Collection/Mapping/Pages/Maps_Emergency_Relief_Funding_Eligibility_Maps.aspx

Contact LA DOTD if you have any questions about eligibility of a route.

Recovery costs for Federal-aid roadways obligated in error on a FEMA Project Worksheet may be cited in the future thus resulting in a de-obligation of funds and the city or parish would be required to repay those federal dollars.

How is ER-eligible work categorized?

ER-eligible work is divided into two categories – Emergency Repairs and Permanent Restoration

Emergency Repairs:

- Emergency repairs include those repairs during and immediately following a disaster to:
 - restore essential traffic
 - minimize the extent of damage
 - protect the remaining facilities
- These repairs can begin immediately following a disaster. (prior FHWA approval is not required)
- Emergency work accomplished in the first 180 days after the occurrence of the disaster may be reimbursement at 100% Federal share.
- Emergency repairs accomplished more than 180 day after the event are reimbursed at 80% federal share/20% local share.
- All costs **must** be properly documented.

Permanent Restoration:

- Permanent repairs are those repairs undertaken to restore the roadway to its pre-disaster condition.
- Usually occurs after emergency repairs have been completed.
- Permanent repairs must have prior approval by FHWA
- FHWA must authorize funding.
- Approved repair is reimbursed at 80% federal share/20% local share.

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 the DDIR must be maintained and submitted. Local Public Agency is responsible for providing all necessary documentation to LADOTD for review. Pictures representing the damage should be included in the documentation.

General guidelines include:

In-house Labor:

- Both regular and overtime are eligible
- Documentation:
 - Signed daily Work Reports, timesheets, payroll reports, etc.
 - Must identify person, day worked, location, function, hourly rate and 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 operations, 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
- Permanent repairs must follow the normal FHWA letting process and cannot use emergency contracting methods
- 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, invoice backup documents, copies of checks, etc.

Debris Removal and Disposal:

- Debris removal for major disaster declared under the Stafford Act will be reimbursed by FEMA
- Debris removal may be eligible for FHWA ER if...
 - Governor's declaration, but no Presidential declaration and FHWA concurs with the Governor's declaration
 - Presidential declaration but FEMA determines debris not eligible for assistance – FHWA may participate in eligible sites
 - Presidential declaration and eligible under FEMA, but Governor's declaration covers more parishes and FHWA concurs with additional parishes declared by the Governor.
- If eligible
 - FHWA covers "First Pass" only
 - Environmental permitting of disposal sites is required
 - FHWA reimburses 100% based on estimated quantities of eligible debris, on the highway and for work completed in the first 180 days

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.

Heavy Maintenance is:

- work usually done to repair damage normally expected from seasonal and occasionally unusual natural conditions or occurrences

Ineligible items include but are not limited to:

- Damage under \$5000 per site
- Previously scheduled work
- Catastrophic failure from internal cause
- Emergency transportation services/first responders
- Snow and /or ice removal
- Pre-event preparations
- Applicant owned material
- Repair or replacement of isolated traffic signs
- Debris removal in areas that have received a Presidential Disaster Declaration
- Projects that are not included in LADOTD's ER application

How are ER-eligible damages documented?

Damages assessments are conducted as soon as practical after an event by Damage Assessment Teams which include FHWA, DOTD and the local entity. These teams document damages and site repair estimates. Pictures of the damage site need to be taken.

A Detailed Damage Inspection Report (DDIR) is written to determine eligibility, scope and determine a preliminary cost estimate for the work. All eligible DDIRs must be completed within three months of the event.

LPA's representative must contact LADOTD for assessment and disaster site inspections. Failure to schedule a site visit with the Damage Assessment Team will jeopardize ER funding eligibility.

LPA representative must concur and sign the DDIR in order to be considered. FHWA will not accept any DDIR's that do not have the required signatures.

If it is necessary to accomplish repair work eligible for reimbursement prior to a visit by a Damage Assessment Team, it is critical that the damage is documented with photographs prior to repair work beginning.

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

LADOTD must submit a complete list of projects (Program of Projects) within 2 years of event. This includes all ER eligible projects for Local Public Agencies.

Local Public Agency:

- It is the local agency's responsibility to assess whether damages are present and to contact LADOTD
 - LADOTD and FHWA have established Damage Assessment Teams.
 - LPA contacts LADOTD to arrange for a Damage Assessment Team to conduct site visit and perform inspections.
 - LPA assigns a local public works person to ride with the LADOTD/FHWA Damage Assessment Team.
- Detailed Damage Inspection Report (DDIR) prepared

- DDIR must be signed by FHWA, LADOTD and Local Agency Representative

Emergency Repairs:

- May proceed in advance of DDIR or approval and authorization
- DDIR prepared and signed
- Work completed
- Local agency submits complete cost documentation to LA DOTD
- LADOTD reviews
- City-State or Parish-State Agreement prepared by LADOTD and executed
- LADOTD requests funding authorization from FHWA
- Once authorization is received, LA DOTD reimburses Local agency for eligible documented costs

Permanent Repair or Restoration:

- Must be documented on a signed DDIR
- Must be authorized by FHWA prior to start of any work or advertisement or solicitation of bids. LADOTD requests authorization from FHWA
- Will be carried out under an executed City-State or Parish-State Agreement
- Contracts will be coordinated through LA DOTD following standard Urban System project procedures
- Local agency submits completed cost documentation to LADOTD
- LADOTD reviews documentation
- Once authorized and construction project completed, LADOTD reimburses LPA for eligible and documented costs

This Information Sheet was developed to provide Local Public Agencies with basic information on the Federal Highway Administration's Emergency Relief Program. Details or additional information can be obtained in the FHWA ER Manual (May 31, 2013) or by contacting LA DOTD.

Who do we contact at LADOTD if we have questions?

Kevin Reed
Maintenance Management Administrator
LA DOTD
225-379-1916
Kevin.Reed@la.gov

Billy Douglas
Debris Manager/Emergency Operations Damage Assessment Liaison
LA DOTD
225-379-1164
Billy.Douglas@la.gov

Additional resources

FHWA ER Manual: <https://www.fhwa.dot.gov/reports/erm/er.pdf>

ER Fact Sheet: <https://www.fhwa.dot.gov/fastact/factsheets/emergencyrelieffs.cfm>

FHWA ER Program Website: <https://www.fhwa.dot.gov/programadmin/erelief.cfm>