



## **SUMMARY OF EMERGENCY RELIEF (ER) PROCEDURES FOR FEDERAL-AID HIGHWAYS**

### **PURPOSE OF EMERGENCY RELIEF**

Emergency Relief (ER) assists local governments with replacing or repairing roadways or roadway structure damage on all Federal-aid highways (functional classification of major collectors and above) resulting from a catastrophic failure or natural disaster. Besides physical damage, ER also includes debris removal and emergency protective measures such as traffic control and detour signing.

### **PURPOSE OF THIS DOCUMENT**

Provide an overview of procedures to follow in repairing or replacing damage to Federal-aid highways resulting from a major catastrophe or natural disaster.

If you would like more information, please contact Mike Banaszak at the Wisconsin Department of Transportation (WisDOT) ER liaison, at 608-261-2559, or email [michael.banaszak@dot.wi.gov](mailto:michael.banaszak@dot.wi.gov).

### **FUNDING**

Emergency Repairs:

Repairs are funded 100% if done within 180 days of the event; otherwise they are paid on prorated basis.

Permanent Repairs:

Repairs that restore the federal-aid highway back to its pre-disaster condition regardless of when the repair is made is funded on a prorated basis. (90%/10% interstate or 80%/20% on non-interstate highways)

### **BACKGROUND**

ER funds are not intended to cover all damage repair costs nor interim emergency repair costs that will necessarily restore the facility to pre-disaster conditions. State and local highway agencies must expect additional expenditures, changes in project priorities, and some inconvenience to traffic as a result of emergency conditions. State and local governments are responsible for planning and providing for extraordinary conditions. Economic hardship is not a factor in determining repair eligibility. Although there is no nationwide definitive monetary break point between what is considered routine and extraordinary repair expenses, the Federal Highway Administration (FHWA) has determined that eligible ER repair activities in a State in the range of \$700,000 (Federal share) or more are usually significant enough to justify approval of ER funds.

For proper cost accounting for ER funding, each emergency repair must be tracked by site. A site is defined by damage within the Federal-aid highway right-of-way and can be described as an isolated spot on the shoulder, an intersection, a bridge, a length of roadway, or specific location. The more detailed a site can be described the better chance there is to recouping all costs associated with the repair. Examples of sites include:

STH 80 – Columbia County – 100 ft. south of Camp rd. – Culvert Damage

STH 67 – Dodge County – 0.6 miles north of CTH WS – 2 mi shoulder repair

STH 14 – Dane County – STH 92 Intersection – Pump water down

CTH A – Columbia County – Structure B-15-66 – Replace Structure

### **REPAIRS (EMERGENCY AND PERMANENT)**

#### **Definition:**

#### **Emergency Repairs**

Emergency repairs may begin immediately following a disaster and should be completed as soon as possible. Emergency repairs immediately following an event in the first few days are eligible for ER funds and do not need prior approval as long as costs are properly documented and an actual disaster is declared by the governor. Emergency repairs that fall under this category include:

- Protecting loss of life
- Protecting remaining facilities and minimizing extent of damage
- Restoring essential traffic (i.e. emergency service access, transporting goods, etc.)

#### **Permanent Repairs**

Permanent repairs are those done to restore the Federal-aid roadway to its pre-disaster condition regardless of when this work takes place after a disaster or catastrophic failure.

#### **Procedure:**

#### **Timeline: First few days**

Communication with WisDOT-BHO should take place whenever any emergency repairs are being planned or taking place. If there is a question as to whether or not a specific repair qualifies for the criteria above, please contact the WisDOT-BHO representative.

Proper documentation of any repair includes photos of the damage **before** the repair begins along with the information provided on the checklist in Attachment A. Photographs of the damage should be taken at each site as soon as possible after the disaster since they are very helpful in determining eligibility, especially if the emergency repair work is done for WisDOT and a FHWA assessment is completed.

Emergency repairs of this category have been predetermined to be categorical exclusions and are covered under federal environmental permits.

**Timeline: After first few days – 180 days**

At this time, a governor's disaster declaration (State of Emergency Proclamation) is needed for eligibility of ER funds. The governor's request for a determination by the president may be submitted as part of the State's application for ER funds in lieu of a State proclamation. A subsequent finding by the FHWA that a natural disaster or catastrophic failure occurred and that the damage is eligible for ER assistance is also required. If this does occur:

**DO NOT BEGIN ANY PERMANENT REPAIRS IN THIS TIMEFRAME WITHOUT PRIOR APPROVAL**

- Provide a summarized list using spreadsheet of all damage locations to Mike Banaszak at WisDOT - BHO by email. Estimated repair costs as well as costs for work already done should be provided.
- WisDOT – BHO will coordinate field inspections and assessments with the region(s), BHO, and FHWA.
- FHWA will inspect sample damage locations along with region and BHO personnel to verify damage extent and complete the Detailed Damage Inspection Reports (DDIRs). At that time, the completed DDIRs will be electronically signed by the region, BHO, FHWA representative and retained by FHWA. Copies will be provided to WisDOT.

Emergency repairs under this category require environmental coordination with Army Corp of Engineers, Department of Natural Resources, State Historical Preservation Office, and the Bureau of Indian Affairs. A valid National Environmental Policy Act (NEPA) document is required along with all other environmental processing required for similar Federal-aid projects.

**ALL PERMANENT REPAIRS NEED FEDERAL APPROVAL AND AUTHORIZATION**

Permanent repair projects must follow normal Federal-aid procedures including the following:

- Engineering and joint agreements
- Any necessary environmental review
- Any necessary right-of-way must be acquired in accordance with Titles 23
- Approved PS&E
- Work approved by FHWA prior to beginning work

Begin preliminary engineering for permanent repairs as soon as possible. Preliminary engineering can begin prior to FHWA project authorization. Reimbursement is subject to approval of ER funds for the damage location. During preliminary engineering for permanent repairs, if work cannot wait for funding approval, if there is a change in scope or significant increase in costs, contact Mike Banaszak at WisDOT-BHO.

Contracting and construction engineering procedures are the same as for other Federal-aid projects.

## **EMERGENCY RELIEF ELIGIBILITY**

WisDOT- BHO will work with FHWA to determine eligible sites. Local units and regions should work with WisDOT- BHO and not directly with FHWA. All repairs must be documented and photographed to aid in this determination.

Basic eligibility criteria are as follows:

- A formal proclamation of existence of a disaster must be made by the governor.
- There must be at least \$700,000 of eligible damage in the state.
- Damage must be on a Federal-aid highway which has a functional classification of major collector or higher.
- Damage must require work that is beyond “heavy maintenance”.
- Only sites with damage repair estimated to cost \$5,000 (Federal Share) or more may be eligible.

Eligible costs include:

- Roadside structures (guardrails, signals, lighting, etc.)
- Timber and debris removal
- Transportation System Management (TSM) strategies
- Projects and project features resulting from the NEPA process
- Administrative expenses
- Supplies and materials
- Engineering
- Right-of-Way
- Detours
- Slides
- Equipment
- Work on active construction projects (if not responsibility of contractor)
- Traffic control devices
- Landscaping (if it is incidental to eligible highway damage)

The eligibility of repair work for ER funds is contingent upon a favorable finding by FHWA on the eligibility of the disaster.

## **BETTERMENTS**

Generally betterments are not eligible for ER funds unless justified. A betterment is defined as any additional feature, upgrading, or change in capacity or character of facility from its pre-disaster condition. Any proposed betterments must be justified and approved by FHWA.

Examples of betterments that may be approved for ER funds include:

- Raising roadway grades
- Relocating roadways to higher ground or away from slide prone areas
- Stabilizing slide areas

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- Stabilizing slopes
- Installing riprap
- Lengthening or raising bridges to increase waterway openings
- Deepening channels
- Increasing the size or number of drainage structures
- Replacing culverts with bridges
- Installing seismic retrofits on bridges
- Adding scour protection at bridges
- Adding spur dikes

### **MORE INFORMATION ON EMERGENCY RELIEF**

An FHWA manual has been developed and is available at <http://www.fhwa.dot.gov/reports/erm/index.htm> or contact the Wisconsin Department of Transportation – Bureau of Highway Operations.

### **DAMAGE ON ROADS OTHER THAN FEDERAL-AID HIGHWAYS**

Damage to highway facilities that are neither Federal-aid highways nor roads on Federal lands may be eligible for other Federal funds authorized by the Stafford Act, P.L. 93-288, and administered by FEMA in cooperation with the WI Emergency Management Agency. The FEMA publication, Public Assistance Guide, October 1999, presents a brief overview of their programs. Copies of this guide may be obtained from the FEMA, RR-IS-EN, 500 C Street SW, Washington DC 20472. It is also available at [www.fema.gov/r-n-r/pa/paguided.htm](http://www.fema.gov/r-n-r/pa/paguided.htm). For more information on WI Emergency Management's Public Assistance program, go to:

<http://emergencymanagement.wi.gov/sublink.asp?linksubcat2id=15&linksubcatid=45&linkcatid=40&linkid=30&locid=18>

In addition to Public Assistance, WisDOT offers the Disaster Damage Aids program, which reimburses local units of government for the cost of highway damages as a result of heavy rains or flooding. For more information on Disaster Damage Aids, go to:

<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/disaster.aspx>

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**ATTACHMENT A**

WisDOT Design Project ID

WisDOT Construction Project ID

FHWA Project ID

WisDOT Region

County

County Code

Highway

Location (from – to)

Length (mi)

Damage Description:

Significance (minor, moderate, severe)

Emergency Repair (Y or N) Permanent

Restoration (Y or N) Environmental

Documentation Type FHWA Pre-approval Needed (Y or N)

Contract Type (Let/Negotiated/Force Account/Other)

Lead Person

Repaired by

Design Repair Costs (itemized)

Construction Repair Costs (Itemized)

Work Start Date

Work Completed Date

Photos (Before and After Emergency Repair)

Photos (Before and After Permanent Repair)

Equipment

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Labor (number and type)

Materials (type and quantity)