

Emergency Relief (ER) Reimbursement Process in Arizona

Purpose

The Federal Highway Administration (FHWA) Emergency Relief (ER) program provides funds for the repair or reconstruction of Federal-aid highways and roads that suffered serious damage from natural disasters (e.g. flood, landslides, fire) or catastrophic failures from external causes (e.g. barge collides with a bridge pier).

The FHWA has published a comprehensive ER Manual which provides detailed information on the ER Program including eligibility of Damage Repair work, the ER application process, the Disaster Assessment and Damage Survey Summary Report, and Project Procedures and Requirements. We encourage you to become familiar with this Manual and to contact ADOT Systems Management or the Federal Highway Division Office for more information and technical guidance. The ER Manual can be found at the following link: (<http://www.fhwa.dot.gov/reports/erm/er.pdf>).

This process document is created as a supplement to the FHWA ER Manual to provide state-specific instructions on the ER process in Arizona. The affected agencies need to follow certain guidelines for processing the request for ER funds and reimbursement by FHWA . Systems Management of the Arizona Department of Transportation (ADOT) will serve as the main point of contact for ER fund requests. This document summarizes the basics of the ER Program, outlines the information we need from affected agencies, and narrates the ER reimbursement process.

ER Basics

The ER Program provides funds for the repair of federal-aid roads and bridges following the event of an eligible disaster as determined by the FHWA.

For a Disaster Event to be eligible for ER funding:

- 1) The disaster event must have caused a total of \$700,000 in eligible damage to Federal-Aid Roadways. (Can be the combination from several agencies that are affected by a particular event)
- 2) The President and/or Governor must issue an official declaration of emergency

Generally, all elements within the cross section of a highway that are damaged as a direct result of a disaster are eligible for repair under the ER program. Typically, the ER program will only reimburse the costs to restore the roadways to their pre-disaster conditions. Improvements beyond replacement in-kind will not be reimbursed unless prior approval is provided by FHWA.

Only Federal-aid roads and streets functionally classified as Rural Major Collectors and above are eligible for ER funding. Roads functionally classified as Local Roads and Streets, and Rural Minor Collectors are not eligible for ER Funding. ADOT Systems Management can assist you in determining

the functional classification of the road. You can also check the road classification by visiting <https://www.azdot.gov/maps/functional-classification-maps>.

There are two categories of emergency relief: 1) Emergency Repairs and 2) Permanent Restoration.

Emergency Repairs are repairs undertaken during or immediately after a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. Emergency repairs do not require prior authorization from FHWA. The owner should immediately proceed with emergency repairs and carefully document the extent of the damage and all repair costs. **Photographs before and after repairs are especially helpful in documenting the extent of the damage and the repair measures taken if repairs were to be performed immediately.** ER Funds will reimburse 100% of the cost of Emergency Repairs incurred in the first 180 calendar days following the onset of the emergency conditions. Wherever possible, the federal-aid provisions should be followed (e.g. Davis-Bacon wages, Buy America Act, NEPA Clearance, etc).

Permanent Restoration refers to those repairs undertaken to restore the highway to its pre-disaster condition and generally not with the primary purpose to restore essential traffic, minimize the extent of damage, or protect the remaining facilities. Permanent Restoration Repairs accomplished during and after 180 days following the onset of the emergency conditions will be reimbursed at the normal pro-rata share for Federal-aid projects in Arizona –94.34% on the interstate and 94.30% on all other roads. Costs incurred prior to the onset of the emergency condition are not eligible for ER funds. Prior authorization from FHWA for Permanent Restoration repairs is required and all federal-aid provisions and regulations must be followed. Improvements beyond replacement in-kind will not be reimbursed unless prior approval is provided by FHWA.

Please report all damage sites or potential damage sites to ADOT Systems Management as soon as possible. All sites must be reported within two years of the disaster event, although sites should be reported immediately to ensure their inclusion in the ER Program. In addition, all ER-funded projects are expected to proceed to the construction phase by the end of the second federal fiscal year following the end of the fiscal year in which the disaster event occurred.

ER Reimbursement Process Guidance (Flow chart attached)

1. Local Public Agency (LPA) contacts Arizona Department of Emergency Management (ADEM) and ADOT TSM&O Systems Management (Jerry James, Assistant State Engineer)
 - a. Decision is made (either ADEM or FHWA) and work starts (in-kind only)
 - b. Documentation required: **name of the highway or local roadway, location (milepost for state projects), date of event, date of inspection and a preliminary cost estimate**
2. ADOT contacts FHWA (Ammon Heier) for funding availability per the event (funding for ER projects is requested twice a year)
 - a. ADOT Letter of Intent needed for state or LPA request
 - b. State Engineer's Office (SEO) signs Letter of Intent; sends to FHWA
 - c. FHWA replies to ADOT with Letter of Acknowledgement
3. Joint ADOT/FHWA/LPA Response Team assembled and field sites visited
4. LPA/State prepares the **Detailed Damage Inspection Report form** (FHWA-1547) <http://www.fhwa.dot.gov/reports/erm/fhwa1547.pdf>
 - a. Must identify when repairs will be done
 - b. Provide accurate but conservative estimates

*Include design, post-design services, and ADOT review fees, where applicable. As you proceed with your repairs, make sure that you keep track of your expenditures to justify the estimated costs in Form FHWA-1547. **All ADOT emergency repair costs by maintenance forces must be reported in PeCoS using either the Project number as identified earlier or the Tracs Number if it has already been established.**

5. LPA/State submits form and any questions to TSM&O Systems Management, Assistant State Engineer (Jerry James at jjames@azdot.gov or (602) 712-7972).
 - a. ADOT assembles all projects for evaluation to ensure the \$700k threshold is met
 - b. ADOT request ADEM to work with Governor's Office to issue Declaration of Emergency
 - c. ADOT LPA Section initiates Intergovernmental Agreement (IGA) beginning this process
 - d. ADOT LPA Section assigns project numbers and federal aid numbers for LPA/State ER projects
 - e. ADOT Project Management Group (PMG) assigns PM ~~along with State project numbers and federal aid numbers~~
 - f. ADOT PM coordinates with LPA
6. ADOT prepares Letter of Request; SEO signs letter and sends to FHWA with Governor's Declaration of Emergency; copy LPA and PM
7. FHWA Division Office approves Emergency Program and requests allocation of emergency funding from FHWA Headquarters in Washington.
 - *An appropriation code for the allocation will be provided to ADOT TSM&O Systems Management and Program Finance Sections
8. FHWA notifies ADOT of allocation (This could be an extended period of time to receive reimbursement.)
9. ADOT LPA Section prepares and distributes establishment letter to LPA (State N/A)

10. LPA completes work
11. ADOT PM prepares authorization; sends to ADOT Finance
12. ADOT Finance processes authorization; sends to FHWA
13. Project authorized by FHWA
14. LPA invoices ADOT for reimbursement
15. ADOT PM approves payment request; sends to ADOT Finance
16. LPA is reimbursed by ADOT
17. LPA submits close-out paperwork to ADOT PM
18. ADOT PM submits paperwork to Final Voucher
19. Final Voucher submits to FHWA
20. FHWA closes project

Complimentary Information:

[Initial Steps for Requesting ER Funds](#)

[Steps for Receiving Reimbursement of ER Expenses](#)

Last Revision	Responsible Group	Notes
April 2016	Local Public Agency Section	Process developed by interdisciplinary team comprised of ADOT and FHWA
JULY 2016	Local Public Agency Section	FINAL
November 2017	Local Public Agency Section	LPA Section contact updated

ADOT Contact persons:

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