

FHWA Emergency Relief Program

LPA PRO Training



August 16, 2021



U.S. Department of Transportation
Federal Highway Administration

ADOT

What to Expect

- What is the FHWA Emergency Relief (ER) Program?
- What qualifies a disaster for ER?
- Types of Repair: Emergency vs. Permanent
- FHWA & ADOT ER Process
- Contracting Options
- Betterments – Improvements with ER funds
- Eligible vs Ineligible Damages
- Funding
- Key Takeaways



Recent Arizona Events

- 2010 Winter Storm (\$22M)
- 2010 Schultz Wildfire and Flooding (\$16M)
- 2013 US 89 Landslide (\$71M)
- 2014 Norbert Storm (\$14M)
- 2015 US 89A Storm – House Rock Flood (\$2M)
- 2017 Summer Frye Wildfire and Flooding (\$12M)
- 2018 Hurricane Rosa (\$8M)
- 2019 Tropical Storm Lorena (\$18M)
- 2020 Bush Wildfire (\$8M)
- 2021 City of Phoenix 7th St. Bridge Fire (\$9M)
- 2021 Mescal/Telegraph Wildfires (\$6M)



What is it?

It's a federally reimbursable program

It's in addition to the State's annual apportionment

It will reimburse repairs to damages caused by

- 1) Natural Disasters

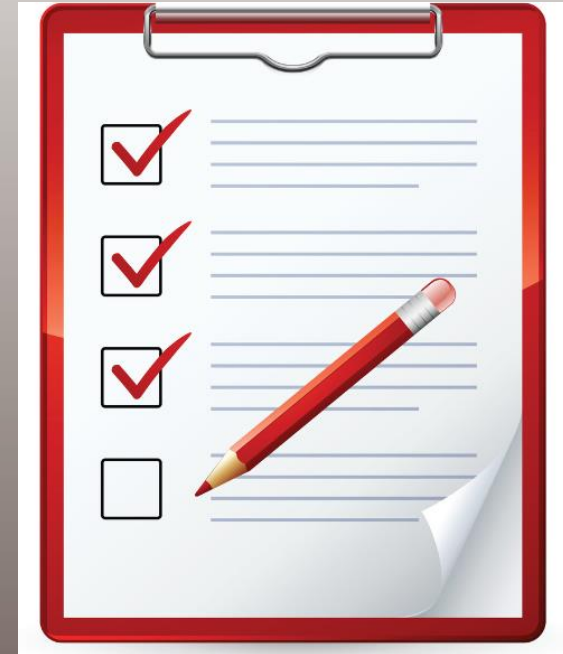
- 2) Catastrophic Events due to an external cause

It's a replace-in-kind program



What Qualifies as an ER Event?

- Natural Disaster or Catastrophic Event from an External Cause
- \$700,000 in Eligible Damage
- \$5,000 Damage per site
- Declaration of Emergency (Governor or President)
- Functional Classification: Rural Minor Collector or above



Natural Disasters

Damage must be
Serious and Widespread

- Flooding
- Wildfires
- Landslides
- Severe Storms
- Hurricanes
- Tornadoes
- Earthquakes
- Tsunamis



Catastrophic Failure from an External Cause

- Sudden or complete failure
- Cause must be external
 - Barge striking a bridge pier
 - Truck crash and fire
 - Act of Terrorism
 - Natural Disaster
- Department should recover costs from responsible parties
- Recovered funds must reimburse project costs



Hulk Smash



Two Categories of Repair

Emergency Repairs

- Restore essential traffic
- Minimize the extent of the damage
- Protect the remaining facilities
- Eligible for 100% reimbursement within 180 days
- Eligible at normal share beyond 180 days
- Follow Federal-aid regulations to the extent possible
 - (Especially Buy America, Davis-Bacon Wages, FHWA 1273)
- Important to move with urgency!

Permanent Restoration

- Restore highway to pre-disaster conditions
- Follows normal Federal-aid process
- Eligible at normal reimbursement share
 - 94.34% for the Interstate (Arizona)
 - 94.30% for non-Interstate (Arizona)

Important to move with urgency for both!



Disaster!

1

Do what you've got to do to put the world back together

Heal The World



Remember:

- Take Pictures
- Document the Damage



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Disaster!

Who you gonna call?

- **ADOT**
 - Jerry James, Asst. State Engineer/ ER Program Manager
- **FHWA Arizona Division**
 - Ammon Heier, Area Engineer/ ER Program Manager



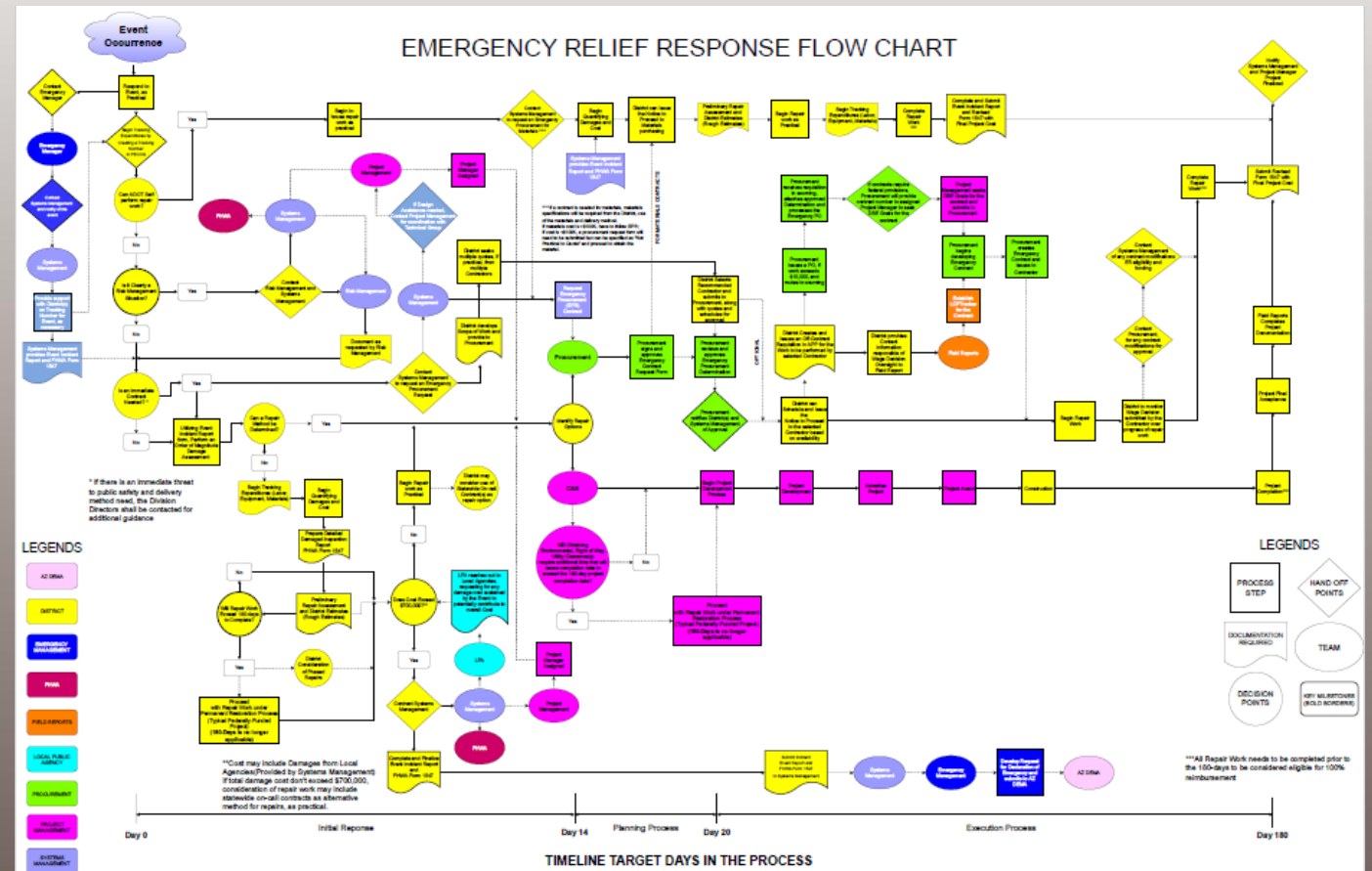
ADOT's Role and Responsibilities

- Serve as ER Liaison – Systems Management Group
- Coordinate and oversight of ER related activities
- Initiate Emergency Procurement contracts
- Prepares documentation for Declaration of Emergency request
- Submit notification of intent for ER funding
- Monitor budget status of all projects
- Finalize projects and deobligate surplus ER funds



Overview of ADOT's Process

- When an Event occurs,
 - Districts/Regions
 - Emergency Manager
 - ADOT's Finance Management Services
 - ADOT's Systems Management Group
- If the Event Triggers ER eligibility,
 - FHWA
 - Procurement
 - Project Management Group
 - Local Government Agencies
 - ADOT's Risk Management



Initial Response to Events

- Most important step in the process
 - Assess the area of damages
 - Take pictures
 - Document all cost
 - Local Governmental Agencies
 - Schedule and on-site initial inspection with FHWA and ADOT's Systems Management Group



Required Documentation

- FHWA 1547 Form Detailed Damaged Inspection Report
 - Fill out a form for each site
 - Provide cost to include Labor, equipment, materials, ICAP, Design, and other necessary work
 - Designate Emergency Repairs or Permanent Restoration
- ADOT's Event Incident Report
 - Used to help develop a Declaration request
- Supporting documents to support request



Required Documentation

- For Local Government Agencies
- If event meets ER eligibility,
 - Contact LPA Group and Systems Management Group
 - Request letter to ADOT State Engineer
- IGA will be required – events greater than \$10M
- LPA will submit ER Payment Request

ARIZONA DEPARTMENT OF TRANSPORTATION ER PAYMENT REQUEST				
Progress -Complete		Final	Payment Report	#1
Report No.	FA X	Non FA	JPA No.	
Fed Aid Project No.	MM0-0(221)T		Date Ending: 03/08/2020	
Project No.	Tracs No.: T0207 01C			
Name of Project	Antares Road - SR 66 to Pierce Ferry Road (Major Collector)			
Name of Sponsor	Mohave County Public Works			
Date Started	Estimated Completion Date	10/16/2018	100% Billed	100% Complete
SUMMARY OF WORK FOR WHICH PAYMENT IS REQUESTED				
FED. FUNDS		Previous		




Detailed Damage Inspection Report (Form FHWA-1547)

Fill one of these bad
boys out for each site



U.S. Department of Transportation
Federal Highway Administration

 DETAILED DAMAGE INSPECTION REPORT (Title 23, Federal-aid Highways)					Report Number	
Location (Name of Road and Milepost)					Sheet _____ of _____	
Description of Damage					FHWA Disaster Number	
					Inspection Date	
					Federal-aid Route Number	
					State _____ County _____	
Cost Estimate						
Emergency Repair	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost	
					Completed	Remaining
Method <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract				Subtotal PE/CE		
				Emergency Repair Total		
Permanent Restoration						
Method <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract				Subtotal PE/CE		
				Right-of-Way		
				Perm. Repair Totals		
Environmental Assessment Recommendation <input type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS				Estimated Total		
Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible				FHWA Engineer		Date
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No				State Engineer		Date
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No				Local Agency Representative		Date

Form FHWA-1547 (Rev. 4-98)

This form was electronically produced by Elite Federal Forms, Inc.

Emergency Repair
Scope and Estimate

Permanent Restoration
Scope and Estimate

ADOT

Emergency Repairs - Contracting



A

Force Account – Public Agency Forces (Maintenance, LPA)

B

Solicited Contract – Public Agency contacts a few contractors by phone and solicits quotes for a specific SOW

C

Negotiated Contract – Public Agency reaches out to one contractor only

- FHWA must agree to selection and price
- Only used when competitive bidding is not feasible



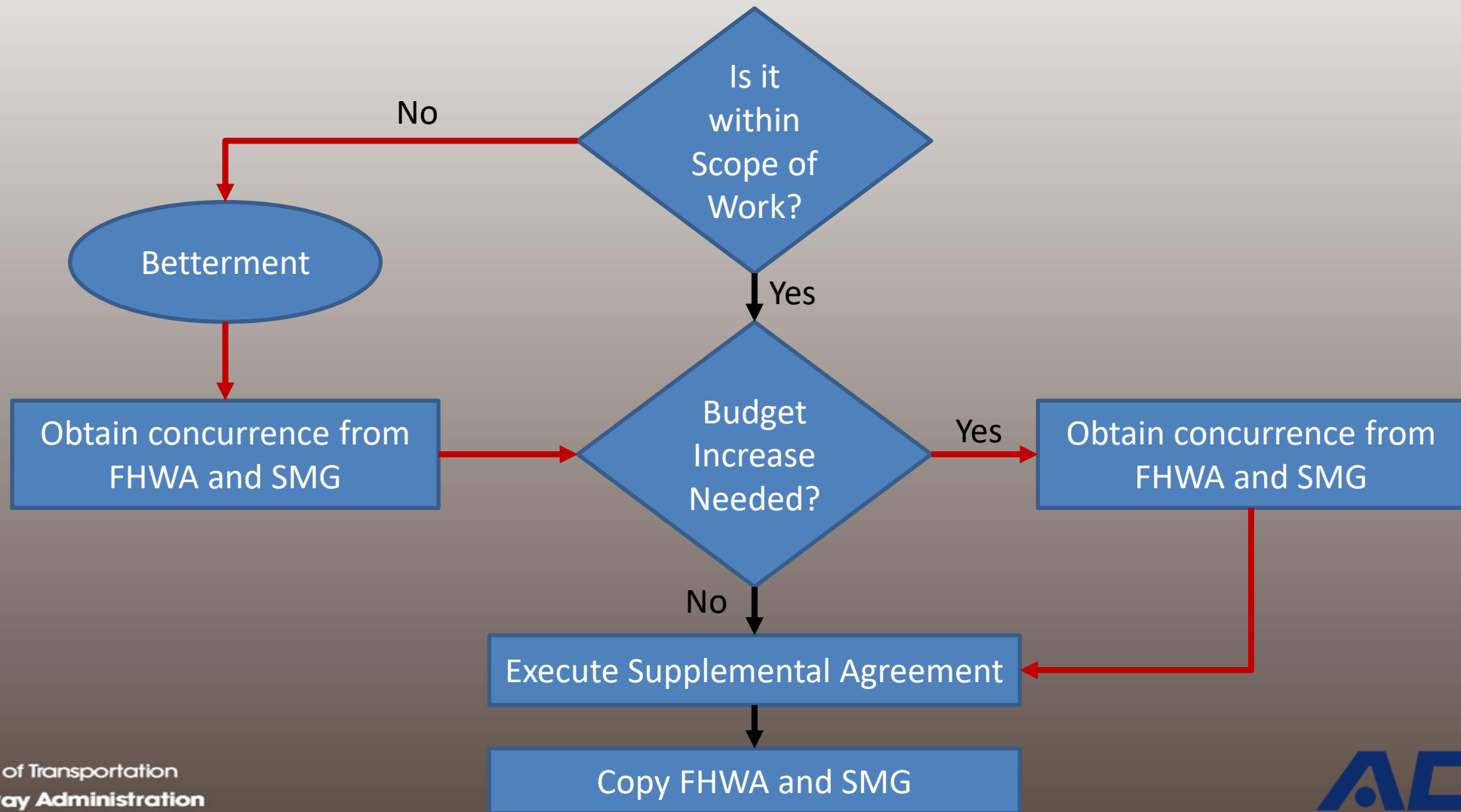
Include all Federal-aid Requirements in contract

Permanent Restoration

- Must be authorized by FHWA in advance
- Projects are typically assigned a PM and run through whole Development process
- May request a shortened advertisement period or abbreviated plans
- Follow regular Federal-aid Process
- Include all Federal-aid Requirements
- Projects should advance to construction by Oct 1 of the 2nd Federal fiscal year following the disaster



Supplemental Agreements



Betterments

Two Types of Betterments (Improvements)

Added Protective features

- Raising roadway grades
- Stabilizing slopes or slide areas
- Installing riprap
- Lengthening or extending bridges
- Replacing culverts with bridges
- Adding scour protection

Changes to the Function or Character of the Highway

- Adding lanes
- Adding grade separations
- Improving Access Control
- Upgrading surfaces (such as from gravel to paved)



Resiliency



Two ways ER funds can be used to improve resilience when repairing/rebuilding damaged highway:

1. Bring up to current standards (this is not a betterment)
2. Cost-effective betterment (would save FHWA ER program money over time)

“The FHWA supports planning, designing and constructing highways to adapt to current and future climate change and extreme weather events under the Federal-aid program. Features that will improve the resilience of repaired federal aid highways should be considered and evaluated consistent with risk, cost effectiveness and regulatory conditions. The evaluation should apply the best available scientific and economic information to forecast and assess future risk factors.” [FHWA ER Manual](#), p60.



Resiliency

Best Option

Next Best Option

Two ways ER funds can be used to build resiliency by funding improvements:

1. Rebuild/Repair/Replace to current standards
2. Demonstrate that the improvement is cost-effective to the ER Program. (Cost effective betterment)



Building to Current Standards

- Replacement roadways and bridges should be designed to the current geometric and construction standards for the facility's design life
- Must be supported with engineering



Betterments

Shultz Fire Floods - July 2018



Cost-effective Betterment

- Cost effective betterment = Would save FHWA ER program money over time.
- Only costs to the FHWA ER program are included. Other costs, such as cost of traveler delay or reduced economic activity are not included.

$$\frac{\text{Benefit of added protective feature (avoided future costs to FHWA ER program)}}{\text{Cost of added protective feature}} > 1$$



Betterments

Changes to the function or character of the roadway are generally ineligible.

Sacramento Wash Bridge



Eligible Items

- All elements of the highway within its cross-section
- Engineering, ROW, ICAP
- Overlays
- Detours
- Traffic Control Devices
- Landscaping
- Roadside appurtenances
- Emergency Traffic Management Services
- Features resulting from NEPA process



Eligible Items

- Work on Active Construction Projects
 - Contractor should take measures to protect the work site
 - Damages to contractor's materials stockpiles, equipment, or facilities are not eligible



Eligible Items

- Traffic Damage
 - Any Public Roads - Caused by vehicles making repairs to Federal-aid Highways
 - Any Public Roads - Caused by traffic using officially designated detour
 - Any Federal-aid Highways – caused by vehicles responding to a disaster
 - Limited to first 60 days following disaster but can be extended by Division Office



Eligible Items

- Debris Removal
 - Governor's Declaration – Eligible under FHWA ER Program
 - Presidential Declaration – Eligible under FEMA first then ER
 - Debris deposited as a direct result of the disaster
 - Many caveats on debris removal



Ineligible Items

- Heavy Maintenance
 - Damage under \$5,000 per site
 - Snow or Ice Removal
 - Frost Heaving/Potholing
- Traffic damage
- Applicant-owned material (stockpiles)
- Emergency Transportation Services/
First Responders
- Radiological contamination



Ineligible Items



- Catastrophic failure from an internal cause



- Preventative work/
Evacuation prior to disaster



- Previously scheduled bridge work



Funding Source

- Annual availability of \$100M in ER funds
- Supplemental Appropriations from Congress
- Unneeded funds are withdrawn from States



Allocations During ER Funding Shortages

- Proportional Distribution to States
- At discretion of the FHWA Administrator
- States can use other Federal-aid funds or State funds in the interim
- ER funds will later reimburse other funds used



Key Takeaways

- Contact FHWA and ADOT early – We can help!
- Get as much done as possible within the first 180 days - much of the work will qualify as Emergency Repairs
- Document the damage – Take Photos!
- Keep track of your costs!



Arizona ER Program Contacts

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602-712-7972

FHWA ER Manual

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

