

Emergency Relief Training Frequently Asked Questions

ER Program Overview

Q-1. What are the program thresholds?

A-1. \$100 million is set aside from the Highway Trust Fund for nationwide coverage in any single year. A minimum of \$700,000 Federal share threshold in damages per event. There is a minimum threshold of \$5,000 that a site must have suffered to eligible for ER funds.

Application Process

Q-2. If there is a Presidential declaration would there have always been a Governor declaration?

A-2. Depends. The type of declaration and details are important for debris removal.

Q-3. Is an Emergency Repair or Permanent Repair either only FEMA or only FHWA eligible?

A-3. Yes.

FHWA: Federal aid eligible roadways are those shown on the approved federal aid maps and the list maintained by the FDOT State Planning Office. <http://www.fdot.gov/statistics/fedaid/default.shtm>

FEMA: In areas where FEMA Public Assistance is available following a natural disaster, debris removal will not be reimbursed by FHWA.

ER Program Deadlines

Q-4. Is there a timeline for ER?

A-4. Emergency Repairs receive 100% Federal share reimbursement for work incurred in the first 180 days of the day of the event. The deadline to submit DDIRs is 2 years from the day of the event. The Construction Obligation deadline is 2 fiscal years after the fiscal year of the event.

Q-5. Why don't we shorten the 2-year DDIR submission deadline?

A-5. Per FHWA ER Manual 2013, pdf page 31 "State transportation agencies must submit applications for ER funding to the FHWA Division *within two calendar years of the date of disaster.*"

Q-6. What if ER site is thought to be covered under FEMA, but then find out it's covered under FHWA?

A-6. Municipalities should verify roadway eligibility using this link: <http://www.fdot.gov/statistics/fedaid/default.shtm> for a determination of what may be eligible for federal aid.

Q-7. Which Fiscal Year does ER fall under?

A-7. Federal, which runs from October 1-September 30.

Detail Damage Inspection Report

Q-8. Regarding documenting whether there was or was not a detour in the DDIR, how reasonable should a detour be and how is it determined if a detour is viable?

A-8. FHWA is not looking for excessive detours, and each detour is reviewed on case-by-case basis.

Q-9. If multiple sites, can it be on one DDIR?

A-9. Can do one county-wide DDIR, but separate out within DDIR. Must be same type of damage. Identify everything at each site as much as possible.

Q-10. What is the acceptable length of adjoining site occurrences?

A-10. Sites within $\frac{1}{4}$ of a mile may be grouped together to form an eligible ER site. With the exception of intersections, grouped sites must be on the same federal road.

Q-11. For photographs, what should be submitted to show site before and after to prove damage?

A-11. Can submit damage photo and the 'fixed' photo. Can also use google earth images. FHWA can usually tell if damage was suffered.

Q-12. Do you have to separate out if County wants to repair more than just actual ER eligible part?

A-12. Yes. If only 100' of sidewalk is eligible, but agency wants to do 200' of sidewalk, ineligible work done at same time as eligible work cannot be used as required match.

Q-13. If police patrol normally occurs at an eligible event, how do you cost out for ER?

A-13. Traffic Services provided by police officers are typically limited to activities which direct traffic 1) through damaged intersections, or 2) to or through detour routes. These activities must be directly related to an eligible ER site, and be above and beyond normal day-to-day responsibilities, and represent additional overtime or shift costs. The added costs should be itemized and documented to support the use of ER funds. There is an expectation that the appropriate MOT devices are put into place as soon as possible to close off the roadway and free up the officers.

Q-14. Must scope changes on DDIR be related to event?

A-14. Yes. ER Program provides funds for the repair or reconstruction of Federal-aid highways that suffered serious damage from natural disasters or catastrophic failures from external causes. Therefore, for scope changes to be eligible for ER funds, they need to be related to the eligible event.

Q-15. Can a limit change be allowed on a project?

A-15. Limit changes are typically not allowed, however, it depends. Supporting documentation will be requested.

Q-16. Where do you find state-wide averages to create cost summaries or spreadsheet?

A-16. FDOT's website:

<https://www.fdot.gov/programmanagement/estimates/historicalcostinformation/historicalcost.shtm>

Q-17. Can detour damage be added to DDIR as a scope amendment?

A-17. Yes, a revised DDIR will be requested for this additional scope. If there is a detour it should already be stated in the DDIR.

Betterments

Q-18. When would betterments be considered eligible?

A-18. Betterments can be justified for ER funding by a cost/benefit analysis comparing the projected cost to the ER program from potential recurring damage over the design life for the basic repair to the cost of the betterment. Also, if it prevents future eligible damage or if it's to meet current standards. Except for betterments to meet current standards, FHWA prior approval is required.

Q-19. Is an engineer's estimate on a lump sum construction project sufficient to show the local agency cost of the betterment, along with all other required documentation for review, to determine if betterment is eligible?

A-19. Yes.

Q-20. When is Right of Way eligible?

A-20. If it is due to an eligible betterment.

Eligibility

Q-21. Is Safety by itself not considered for a site to be eligible?

A-21. No, safety is not a justification for determining ER eligibility.

Q-22. What would an example of an ineligible item of catastrophic failure from internal cause?

A-22. Gradual and progressive deterioration or lack of proper maintenance. Closure of a facility because of imminent danger of collapse is not, in itself, a sudden failure and therefore is not eligible for ER funding.

Q-23. When are generators used for traffic signals ineligible?

A-23. Generators are eligible if used for signals and RR crossings that have suffered \$5,000 in damages. Generators are not eligible if being used only to restore power to traffic signals.

Q-24. Permanent repair sites scheduled for replacement with other funds and damaged during a disaster are not eligible for ER funds, and should be funded as originally intended. The ER funds may participate in emergency repairs to restore essential traffic in such cases. A project is considered scheduled if the "construction phase" of a replacement structure is included in the FHWA approved Statewide Transportation Improvement Program (STIP) at the time of the event. As used in this section, the term "construction phase" refers to the physical construction separate from any other

identified phases in the STIP such as planning, design, or right-of-way phases. What if event comes through and causes damage outside the original scope scheduled on the FHWA approved STIP?

A-24. Permanent repair sites scheduled in the STIP will be reviewed on case-by-case basis.

Q-25. How do you know if a project is in the TIP/STIP?

A-25. All projects that are in FDOT's 5-year work program are in the TIP/STIP. If the project has an FDOT FM# it is in the TIP/STIP.

Q-26. What if there is damage outside the right of way?

A-26. There are four criteria used on a case-by-case basis to determine eligibility: Directly related to protection of highway, not eligible for funds from another agency, no other agency has responsibility, applicant agrees to accept future maintenance.

Q-27. Would an eligible detour being used subsequently suffers roadway damage from that use be eligible for ER?

A-27. Depends. Send pictures of before and after to show damage. Per ER Manual page 4: "The following are example of eligible costs associated with designated detours: additional traffic control, overlays and widening needed to support detoured traffic, repair of surface damage that occurs while the detour is in operation, and repair of surface damage to restore the detour route to its pre-disaster condition after detoured traffic is removed. To determine if such repair is eligible, the applicant should document the pre-disaster condition of the detour route and any preexisting damage." See ER Manual for more information.

Q-28. If detour is damaged and detour is not on a federal-aid roadway, can it still be eligible.

A-28. The detour does not need to be a Federal-aid highway.

Q-29. What type of trail would be covered on the Federal-Aid Highway system?

A-29. The repair of a pedestrian or bicycle trail inside the right-of-way of a Federal-aid highway is eligible for ER funding whether or not the roadway itself is damaged.

Q-30. What if an agency uses convict labor for their locally funded projects?

A-30. The convict labor prohibition in 23 U.S.C. 114 applies to ER projects. Convict labor cannot be used in ER construction projects. An agency can use convict labor in their own locally funded projects, but not for any project receiving federal reimbursement.

Debris Removal

Q-31. Is there a way for the Local Agencies to be notified by the Department Contractor for debris removal?

A-31. Not at this time.

Q-32. After 1st Pass, should the local agency contact its local FDOT field office if still not clear?

A-32. Local agencies must coordinate further clearing activities with their respective contractors or in-house resources.

Q-33. What is the difference in 1st Pass and 1st Push and if there is debris leftover?

A-33. 1st Push-initial effort to clear roadway, which includes cut and toss operations to push debris out of traveled way. 1st Pass-initial effort to collect debris pushed aside during 1st push operations. All debris must be collected at the same time, as first pass operation must be within debris clearing limits.

Q-34. Are debris leftover eligible for FHWA ER funds?

A-34. No.

Q-35. When is debris considered under FEMA?

A-35. If Presidential declaration includes debris, it is FEMA.

Q-36. If not a federal-aid eligible highway, must local roads handle their own debris clean-up?

A-36. Local agencies will coordinate with their respective contractors or in-house resources for debris removal for federal-aid ineligible roadways.

Contract Requirements

Q-37. Are lobbying forms required, as it is not mentioned in FHWA Form 1273.

A-37. Lobbying forms are included as a requirement on the construction checklist.

Q-38. If an existing contract doesn't have 1273 at first, but an addendum was done to physically incorporate, is that acceptable?

A-38. If you have an existing contract and want to incorporate the FHWA-1273 form, it could be allowed only for emergency repairs and this change needs to be completed prior to work being started. Please note that once the FHWA-1273 form is incorporated into the contract, the contract will be federalized for the remaining contract term.

As a reminder: all projects whether they are emergency or permanent repairs shall have form FHWA-1273 included in the contract prior to start construction.

Q-39. Can Department contract be piggy-backed on?

A-39. To be safe, don't expect piggy-backing. Department has found it cannot force pre-event contractors to do the work, and they are going elsewhere to make more money.

Q-40. Does agency have to have its own code/provision to allow them to use an accelerated advertisement date?

A-40. Keep open communication with Department, FHWA to understand the parameters you have to work with. Agency should follow their own procedures if their procedure is more stringent than FHWA, so long it is not out of compliance with other FHWA requirements.

Q-41. What is the difference between Competitive Bid versus Continuing Contract regarding Emergency repairs?

A-41. Both contracts would be procured following Federal-Aid requirements, however, a Continuing Contract would be in place for a period of time (for construction this is typically 1-2 years) with each project being under a Task Authorization/Work Order as needed. Competitive Bid is for use on a specific project.

Q-42. Are there pre-event monitoring procedures?

A-42. Agencies can have pre-event contracts, however, reach out to FDOT for standard scope to be used.

District 5 Process

Q-43. If local cities have damage, who do they contact?

A-43. Local Agencies are to contact their District Local Programs office. Depending on their location, their contact may be an FDOT field office.

Q-44. Do Local Agencies need to be certified in LAP Training?

A-44. Yes.

Q-45. If an agency is not LAP certified, but they suffered eligible permanent repair, how can the work be done?

A-45. Agency will need to partner with a LAP-certified agency. For example, County will do work for City.

Resources

A list of searchable databases of Florida Federal-Aid Roads can be found here:

<https://www.fdot.gov/statistics/fedaid/default.shtm>

The current Emergency Relief manual dated May 2013 can be found here:

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