



U.S. Department
of Transportation

**Federal Highway
Administration**

DRAFT

8/31/99

Emergency Relief for Federally Owned Roads

Disaster Assistance Manual

Publication No. FHWA-FLP99-005



Federal Lands Highways - "Commitment to Excellence"

**EMERGENCY RELIEF MANUAL
FOR
FEDERALLY OWNED ROADS**

Disaster Assistance Manual

**September 1998
Reprinted February 2000**

**U.S. Department of Transportation
Federal Highway Administration
Washington, DC 20590**

Preface

In recent years, Federal and Indian lands have experienced frequent natural disasters. When a natural disaster or catastrophic failure occurs on Federal or Indian lands, it is the responsibility of Federal, tribal, State, and local governments to respond. This manual is for officials who have the responsibility for responding to such disasters and for the restoration of highways and bridges.

This manual was developed as a cooperative effort among the Federal Highway Administration (FHWA) and Federal land management agencies. The FHWA appreciates the assistance of the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Forest Service, Military Traffic Management Command, and the National Park Service in developing this manual.

This manual will assist you in applying for and obtaining and using Federal assistance. It will tell you the conditions under which your damaged roads and bridges may be eligible for assistance and the proper procedures to follow when applying for funding from the FHWA.

Since one of the Emergency Relief for Federally Owned Roads (ERFO) program goals is to maximize the effectiveness of ERFO repairs, several changes were made in the manual to require faster inspection and restoration of damaged sites. In addition, several changes were made to protect Federal and Indian lands and resources. As part of the ERFO repair process, the FHWA and the Applicant may want to stabilize roadbeds, improve watersheds where possible, reduce sediment runoff, and decrease repeat repairs of ERFO sites. Environmental mitigation and road abandonment/obliteration/decommissioning are now eligible for ERFO funding.

This edition of the “Disaster Assistance Manual for Emergency Relief for Federally Owned Roads” replaces the September 1990 edition and all policy and guidance letters and memoranda issued by the FHWA before October 1998 on emergency relief for Federal roads. This manual applies to all new ERFO disasters occurring after October 1, 1998.

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ERFO Program Manager

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Chapter 1 - General

1.1 Introduction to Emergency Relief Programs

There are three Federal emergency relief programs which provide assistance for the repair of roads which have been seriously damaged due to natural disasters or catastrophic events. They are:

- The Emergency Relief for Federally Owned Roads (ERFO) Program,
- The Federal-Aid Highway Emergency Relief (ER) Program; and
- The Federal Emergency Management Agency (FEMA) Disaster Aid Program for Government Assistance.

This manual provides the necessary detailed guidance for the FHWA and the various owners of Federal roads (the Applicant) to participate in the ERFO Program.

Emergency relief for roads (ERFO and ER) is authorized under Title 23, United States Code (U.S.C.), Section 125. This law authorizes an emergency fund and expenditure for the repair or reconstruction of highways and roads that the Secretary of Transportation has found to have suffered serious damage as the result of natural disasters over a wide area or as the result of catastrophic failures. Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, or severe storms. Examples of a catastrophic failure is a bridge suddenly collapsing after being struck by a barge, truck, or a landslide.

In July 1977, several delegations of authority to the Federal Highway Administration (FHWA) Federal Lands Highway Divisions had the effect of separating emergency relief for roads into two programs. These are the Federal-Aid Highway ER and the ERFO programs. The FHWA Office of Program Administration has the overall responsibility for the emergency relief programs for roads and administers the ER Program. The Federal Lands Highway (FLH) administers the ERFO Program.

The FEMA Disaster Aid Program is authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Title 42, U.S.C., Sections 5121, et seq). This law authorizes the Federal Government to provide public assistance programs for State and local government losses sustained in disasters.

a. **Emergency Relief for Federally Owned Roads**

The ERFO Program provides assistance to roads that have been defined as Federal roads. These include Forest Highways, Forest Development Roads, Park Roads, Parkways, Indian Reservation Roads, Public Lands Highways (including

Refuge Roads) and Public Lands Development Roads. These roads are defined in this chapter and their eligibility is discussed in detail in Chapter 3 of this manual.

The Federal share for the repair of Federal roads is 100 percent under the ERFO Program. Funds for the ERFO Program are provided from the Highway Trust Fund.

This manual was prepared by the Federal Highway Administration, Federal Lands Highway, HFL-1, 400 7th Street, Washington, D.C. 20590, in consultation with the Federal lands management agencies. Three FHWA Federal Lands Highway Division Offices (FLHD) have been assigned as contacts for the Applicant. The addresses of these division offices and their geographic areas of responsibility are shown in Appendix A of this manual.

b. Federal-Aid Highway Emergency Relief

The Federal-Aid Highway ER Program provides assistance to roads that have been defined as Federal-Aid highways. Federal-Aid highways are all State and local public roads that have been classified or designated as Interstate Highways, National Highway System routes, or major rural and urban arterial and collector roads. About 1,537,000 kilometers of public roads in the United States are eligible for the ER Program. Local streets and rural minor collectors are not eligible for the ER Program.

The Federal-Aid Highway ER Program is a cost-sharing program between the Federal Government and the State transportation department and/or local highway authorities. The Federal share for the repair of Federal-Aid highways is established by law and somewhat complex. For the costs associated with restoring essential highway traffic, minimizing the extent of damage, or protecting the remaining facility, which are incurred in the first 180 days after the occurrence of the disaster, the Federal share is 100 percent. For the costs of permanent restoration work and for the cost of all repairs incurred after the first 180 days, the Federal share is based on the type of Federal-Aid highway that is being repaired. For Interstate highways, the Federal share is 90 percent. For all other Federal-Aid highways, the Federal share is 80 percent. The Federal share can be increased in States with high percentages of Federally owned public lands.

Some Federal roads are also Federal-Aid highways. The State transportation department and/or local highway authorities may elect to receive reimbursement for eligible emergency repairs from either program for these roads.

The FHWA also publishes an Emergency Relief Manual, which includes detailed guidance on the ER process, including the eligibility of work for funding. Copies of the manual may be obtained from the Federal Highway Administration, Office of Program Administration (HIPA), 400 7th Street, Washington, D.C., 20590.

The FHWA Federal-Aid Division Office in each State works with the State transportation departments on the ER and ERFO programs. These offices should be contacted for specific questions on disaster events and funding for repairs.

c. Federal Emergency Management Agency

The President, through FEMA, may authorize grants to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility that is damaged or destroyed by a major disaster and for associated expenses incurred by such government. These grants and the eligibility of repair are determined by individual Presidential declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) The Federal share of assistance will be at least 75 percent. The President can increase the Federal share to 100 percent.

FEMA should be considered as an alternative funding source to repair damage that is ineligible under the ERFO or ER programs. For example, FEMA may provide some funding for debris removal and repair of roads and bridges not eligible under the ERFO or ER programs. FEMA has paid for extensive snow removal operations and repair to residential driveways on Federal and Indian lands when eligibility criteria have been met. FEMA will not consider funding repairs for any damage that is eligible under either the ERFO or ER programs.

For additional information on the FEMA Program please contact the FEMA Office of Emergency Information and Public Affairs in Washington, D.C. A copy of its Public Assistance Guide, FEMA 286, may be obtained from FEMA, RR-IS-EN, 500 C Street SW, Washington, DC 20472. FEMA has 10 regional offices throughout the United States which also can be contacted for additional information.

1.2 Purpose of the Manual

This manual provides detailed program guidance and instructions for the FHWA and Applicant (ERFO Coordinators, members of disaster assessment teams, members of detailed site inspection teams) involved in disaster assistance to Federally owned roads in the administration of the ERFO Program. The guidance is in accordance with 23 U.S.C. Sections 120 and 125 and with the ERFO Program interagency agreements negotiated between the FHWA and the participating Federal agencies (Applicant).

This manual includes detailed information and examples of how Federal agencies, State transportation departments, Indian tribal governments, and local highway authorities can apply for ERFO funding for road damage. Guidance is provided for application of ERFO funds, programming, fiscal and project processes, specific eligibility criteria, and other policies and procedures for the ERFO Program.

A flowchart that shows the ERFO process used by FHWA and the Applicant is provided on page 1-5.

1.3 Intent of the ERFO Program

The intent of the ERFO Program is to pay the unusually heavy expenses to Applicants who manage road systems for the repair and reconstruction of Federal roads to predisaster conditions. These Federal roads will have been damaged by a natural disaster over a wide area or by a catastrophic failure from any external cause. The ERFO Program is intended to supplement the commitment of resources by Federal agencies to help pay unusually heavy expenses resulting from extraordinary conditions.

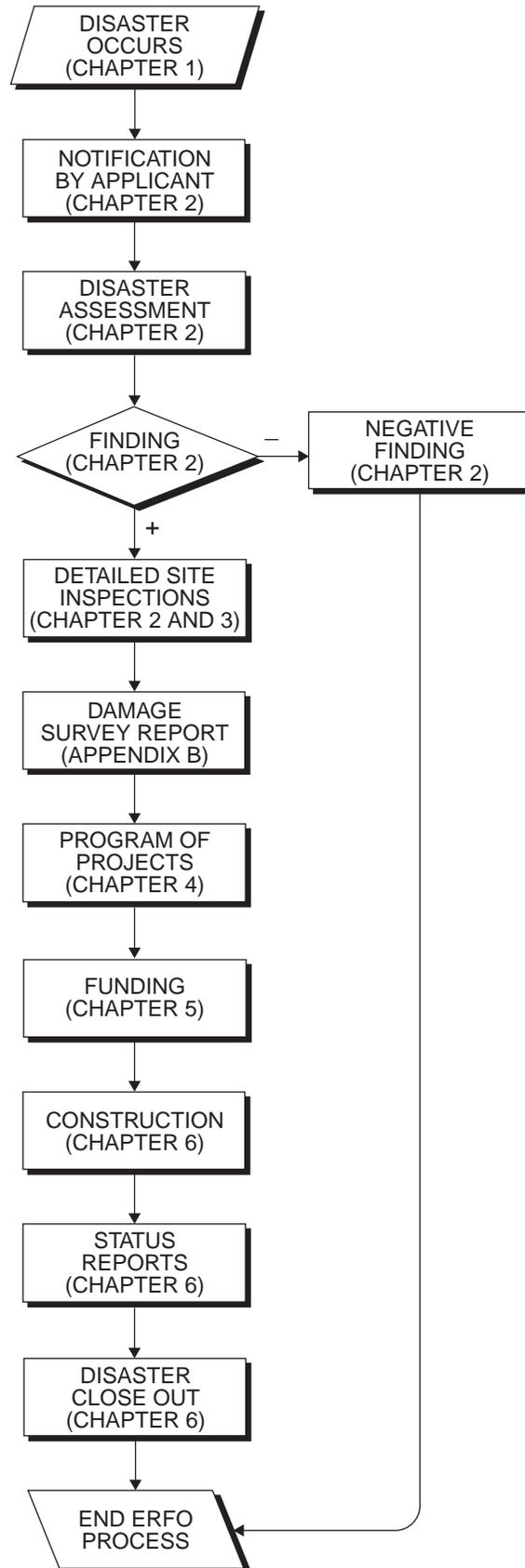
There is no definite threshold amount between routine and extraordinary repair expenses. Generally, if the combined road and bridge damages for an individual natural disaster for all the Applicant agencies that manage public roads is less than \$500,000, the Federal agencies are expected to fund the repair costs using emergency or routine procedures, even if the damage sites could be potential ERFO sites. Catastrophic failures that result in damages less than \$500,000 would normally not be eligible for ERFO funding.

The ERFO Program is not intended to fund all interim emergency repairs or damage repair costs to restore roads to pre-disaster conditions. Applicants should expect additional expenditures as a result of disaster events and should plan and budget funds for these events. Heavy maintenance is not to be claimed under the ERFO Program. Heavy maintenance is work that would normally be performed as part of an Applicant's cleanup and road maintenance operations after heavy rains or other frequently occurring intense natural events. To simplify the inspection and eligibility approval process, a site with emergency repair, permanent repair, and engineering costs less than \$3,000 is considered heavy maintenance. There is no intent that ERFO funds will participate in all damage repair costs. Economic hardship due to Applicant's maintenance budget is not a factor in determining eligibility.

To keep the ERFO Program cost effective, Applicants should evaluate the continued need of a damaged road which is open to the public. If the Applicant chooses to abandon a road, assistance under the ERFO Program may be provided to pay approved costs associated with the abandonment. The FHWA expects that the cost to abandon a road will be less than the cost to repair it.

The FHWA expects that the Applicant will make diligent efforts to recover repair costs from legally responsible parties to reduce project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, privately owned dams, and similar improperly controlled objects or events.

ERFO PROCESS FLOW CHART



ERFO funds will not duplicate assistance under another Federal program or compensation from insurance, cost share, or any other source. The Applicant should identify cost share agreements and negotiate cost share assistance for damage repair under such existing agreements. Where other funds cover only part of an eligible cost, ERFO funds can be used to pay the remaining costs. ERFO funds will not be used to replace other funds for the correction of pre-existing, non-disaster/non-catastrophic failure related deficiencies.

ERFO funds may participate only to the extent of eligible repair costs. When proposed projects have higher standards than allowed or otherwise contain betterments or other ineligible work, the ineligible work must be financed with other funds.

The ERFO Program is not intended to provide emergency transportation services (e.g., ambulances, helicopters) It also is not intended to compensate for material, equipment, economic losses (e.g., stockpiled material, maintenance equipment, lost revenue), or snow removal.

1.4 Natural Disasters

The Federal Highway Administration will determine that there has been a natural disaster of sufficient extent and intensity to warrant ERFO funding consideration. In addition, there must be serious damage to Federal roads, over a wide area, that has resulted in unusually high expenses to the Applicant. Serious damage is heavy, major, or unusual physical damage to the roadway cross section significantly affecting safety, capacity, or continuity and flow of essential traffic, and the cost of repair and/or reconstruction is considered to be over and above heavy maintenance. Serious damage to roads caused by extraordinary storms occurring over small areas would not meet the “wide area” criteria and would normally not be justified for a positive ERFO finding.

The term “wide area” is an area sufficiently large enough to encompass parts or all of several entities such as counties, states, or Federal agency management units (individual forests, parks, regions, districts, etc.) and can include areas outside of the land administered by a Federal agency applying for emergency relief and can include other roads. In the case of significant flooding, eligible damage sites should be evident in a number of major drainage basins. The determination of “wide area” should include an examination of other roads (state, county, local).

Normally, damage costs for Federal roads and bridges must exceed \$500,000 for each ERFO disaster.

1.5 Catastrophic Failures

A catastrophic failure of a road or bridge is a failure that is sudden and complete due to an external cause. The failure can not be attributed to gradual and progressive

deterioration or lack of proper maintenance. The failure must occur on a major segment or element of the road system and cause a disastrous impact that resulted in unusually high expenses to the Applicant. A failure that results from structural deficiencies or normal physical deterioration will not qualify for ERFO funding.

The closure of a facility because of imminent danger of collapse (while clearly the proper and prudent course of action) would not, in itself, be considered a catastrophic failure. There must actually be a sudden collapse due to other than progressive deterioration before the criteria for a catastrophic failure may be employed. However, if a bridge was closed because a landslide caused damage to piers creating a sudden and imminent danger of collapse, then this damage may be considered a catastrophic failure.

The extent of a catastrophic failure is normally not over a wide area, and a \$500,000 threshold is normally required to meet the definition of catastrophic failure.

1.6 ERFO Policy Statements

- a.** When the President has issued a Major Disaster Declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), an FHWA determination concerning the extraordinary nature of the natural disturbance is not necessary.
- b.** For each disaster, a Federal Lands Highway Division Engineer (FLHDE) will determine that serious damage has occurred to Federal roads.
- c.** The FLHDE confers with the Federal Lands Highway Program Manager (FLHPM) prior to making any Finding determination on ERFO disasters. A Disaster Number will be assigned if a Positive Finding is made.
- d.** The threshold for Federal road and bridge damage for natural disasters and catastrophic failures is normally \$500,000.
- e.** Sites that have a combined emergency and permanent repair cost of less than \$3,000 are considered heavy maintenance. Damages at two or more sites are not to be combined to meet the \$3,000 threshold.
- f.** Approved ERFO work will be given prompt attention and priority over non-emergency work. FHWA expects that projects are expected to be under construction by the end of the second fiscal year following the year in which the disaster or catastrophic failure occurs. This provides from 25 to 36 months for the Applicant to complete the design and begin construction. The Applicant must request a time extension if it will not meet this date.

- g.** The FHWA expects that the Applicant will complete permanent repairs and closeout the disaster within 4 years of the beginning date of the disaster.
- h.** All ERFO projects will comply with the National Environmental Policy Act (NEPA).
- i.** The use of metric units in all ERFO documentation is encouraged. Metric units are to be used in accordance with the Applicant's implementation plan. Projects designed and administered by the FHWA will be in metric units.
- j.** Each Applicant is expected to identify for the FHWA responsible participants and their level of participation in cost share agreements.
- k.** ERFO funds will not be made available to repair trails that are not an integral part of the roadway cross section or are not parallel to the roadway.
- l.** Federal agencies must have an executed ERFO Program interagency agreement before they can receive ERFO funds.

1.7 Definitions

Abandonment — The process by which the Applicant evaluates the continued need of a damaged road that is open to the public and decides to abandon or decommission the facility. Assistance may be provided under the ERFO Program to pay approved costs associated with the abandonment. (See Chapter 3)

Abbreviated Plans — A set of construction drawings for a project, which may not contain detailed plan and profile sheets, cross section sheets, and culvert profile sheets. The included drawings must provide all essential information necessary to describe the work to be accomplished and to allow bidders to properly estimate unit prices for the contract. (See Chapter 6)

Administrative Road — A road under the jurisdiction of a Federal agency or Indian tribal government which is not open to public travel. These roads are usually signed and/or gated. (See Chapter 3)

Allocation — An authorization for the Applicant or the FLHDE to obligate a specified amount of dollars against a central allotment for specific project(s). (See Chapter 6)

Allotment — An amount of obligational authority (and liquidating cash for Applicants) made available to the Federal Lands Highway Program Manager (HFL-1) for emergency relief work. (See Chapter 5)

Applicant — Any Federal or State transportation agency that submits an application for ERFO funds and that has authority to repair or reconstruct Federal roads. Indian tribal governments, counties, and other local governments apply indirectly through a Federal agency. (See Chapters 1 - 7)

Applicant ERFO Coordinator — An individual assigned by the Applicant to have overall ERFO Program coordination and field interagency ERFO coordination responsibilities, including responsibility for field ERFO coordination with the FHWA ERFO Coordinator, for individual disasters. (See Chapters 2 and 7)

Applicant Field Unit — The Applicant office that is the formal contact for ERFO notification, finding, Damage Survey Report approval, and Program of Project approval. The field units are: Forest Service Region; National Park Service Region; Bureau of Indian Affairs Region; U.S. Army Corps of Engineer District, U.S. Fish and Wildlife Region, Bureau of Reclamation Region, and Bureau of Land Management State Office. (See Chapters 2, 4, and 7)

Betterment — Added protective features such as the relocation or rebuilding of roadways at a higher elevation; the extension, replacement, or raising of bridges; and added facilities not existing prior to the natural disaster or catastrophic failure such as additional lanes, upgraded surfacing, or structures. (See Chapter 3)

BIA — Bureau of Indian Affairs. (See Chapters 3 and 7)

BLM — Bureau of Land Management (See Chapters 3 and 7)

BOR — Bureau of Reclamation (See Chapters 3 and 7)

Catastrophic Failure — A sudden, unexpected failure of a major element or segment of a Federal road system resulting from an external cause that is not primarily attributable to gradual and progressive deterioration or lack of proper maintenance. A failure that results from structural deficiencies or normal physical deterioration will not qualify for emergency relief funding under 23 U.S.C. 125. (See Chapter 1)

CFLHD — Central Federal Lands Highway Division (See Chapter 2 and Appendix A)

CFR — United States Code of Federal Regulations. (See Chapters 1 - 3)

Comparable Facilities — If a facility has been damaged to the extent that restoration to its predisaster condition is not technically or economically feasible, a comparable replacement facility is appropriate. Comparable facilities are identical in capacity and character to the original facility. Comparable facilities should be constructed to current design standards. (See Chapter 3)

Construction Engineering (CE) — The work performed by the Applicant or the FHWA to supervise the construction operations through inspection of construction work, payments to the contractor, and otherwise representing the interests of the Government onsite. (See Chapters 3 and 6)

Corps Recreation Road (CRR) — A public road that provides access to or within an U.S. Army Corps of Engineers recreation or administrative area for which title and maintenance responsibility is vested in the United States Government. (See Chapter 3)

Cost Share Agreement — A formal agreement between two or more parties that defines the fiscal responsibilities for capital improvements and maintenance costs for roads and bridges shared by the parties. (See Chapter 1)

Cost + Time — Cost-plus-time bidding, more commonly referred to as the A+B Method, involves time, with an associated cost, in the low bid determination. (See Chapter 6)

Damage Assessment Team — A team of FHWA and Applicant representatives who conduct the detailed site inspections at damage sites. They collect the information used to prepare the damage survey report. (See Chapters 2 and 7)

Damage Survey Report (DSR) — A report that documents the findings of a detailed site inspection at an eligible roadway site. This report may consist of one bridge or roadway site or multiple sites on one route. (See Chapter 2)

Debris Removal — Debris removal consists of the removal of timber, boulders, slide material, etc. that clear the traveled way and the entire cut and fill slopes to assure the full functioning of the pavement, drainage ditches, and structures, including the clear zone for safety. Debris removal also may be removal of debris from watercourses that affect the structural integrity of the bridge or road. Generally, eligible debris removal is limited to within the right-of-way boundary. Snow and ice removal are not eligible as debris removal. (See Chapter 3)

Design/Build — The contracting agency identifies the end result parameters and establishes the design criteria minimums. Prospective bidders then develop proposals for both design and construction maintaining flexibility on innovation in the selection of design, materials and construction methods. (See Chapter 6)

Detailed Site Inspection — Detailed inspection of damaged site to determine eligibility, scope of repair, and cost of repair. (See Chapter 2)

Disaster Assessment — Review of disaster area to determine extent, type, impact and cost to repair damage. (See Chapter 2)

Disaster Assessment Team — A team of FHWA and Applicant representatives who conduct a review of disaster area to determine extent, type, impact and cost to repair damage. (See Chapter 2)

DOD — Department of Defense. (See Chapters 3 and 7)

DSR — Damage Survey Report. (See Chapters 2, 4, and 6)

Duplicate Assistance — Available funds from other sources that are used for the repair of serious damage, which is also eligible for ERFO funding. ERFO funds are not intended to replace available agency funds, other emergency funding sources, or funds received from legally responsible parties. (See Chapter 1)

EFLHD — Eastern Federal Lands Highway Division. (See Chapter 2 and Appendix A)

Emergency Repairs — Those repairs, including necessary preliminary engineering (PE), construction engineering (CE), and temporary traffic operations, undertaken during or immediately after a natural disaster or catastrophic failure to:

- (1) Restore essential travel,
- (2) Protect remaining facilities, and
- (3) Minimize the extent of damage. (See Chapter 3)

Emergency Response Team — A team of experienced people in road or bridge design, construction or making damage assessments provided by the FHWA to assist the Applicant during or immediately after an natural disaster or catastrophic failure. (See Chapters 2 and 7)

ER — Emergency Relief. (See Chapters 1 and 3)

ERFO — Emergency Relief for Federally Owned Roads. (See Chapters 1 - 7)

ERFO Funds — Emergency relief funds available for expenditure under the authority of 23 U.S.C. 125(a) and (c). (See Chapters 1 - 7)

ERFO Program Interagency Agreement — An agreement between the FHWA and a Federal agency. (See Chapters 1 - 7)

ERFO Projects — Projects funded partially or entirely with ERFO funds. A project may include repair work included in one or more damage survey reports, and may consist of one or more damaged sites. (See Chapters 5 and 6)

External Cause — An outside force or phenomenon that is separate from the damaged element and not primarily the result of existing conditions. (See Chapter 1)

Federal-Aid Billing System — The financial accounting system used by the FHWA's Federal-Aid Division to reimburse States for eligible Federal-Aid expenses. (See Chapters 5 and 7)

Federal-Aid Division Office — One of FHWA's field offices which are located in every State. (See Chapters 2 - 7)

Federal Lands Highway — Forest highways, public lands highways, park roads, parkways, and Indian reservation roads that are public roads. (23 U.S.C. 101) (See Chapters 1 and 3)

Federal Lands Highway Division Engineer (FLHDE) — Director of one of the three Federal Lands Highway Divisions located in Sterling, Virginia; Lakewood, Colorado; or Vancouver, Washington. (See Chapters 1 - 7)

Federal Lands Highway Program Manager (FLHPM) — The individual designated as to have the overall responsibility for administration and delivery of the ERFO Program. (See Chapters 1 - 7)

Federal Road — Forest highways, Federal lands highways, forest development roads, public lands development roads, public lands highways, park roads, parkways, and Indian reservation roads. (See Chapters 1 and 3)

FEMA — Federal Emergency Management Agency. (See Chapters 1 and 3)

FHWA — Federal Highway Administration. (See Chapters 1 - 7)

FHWA ERFO Coordinator — An individual designated by the FLHDE to have overall ER/ERFO program coordination responsibility within the division. This individual will also have overall field interagency ERFO coordination responsibility for individual disasters and will coordinate with the Applicant's ERFO Coordinator. (See Chapters 2 and 7)

FHWA ERFO Program Manager — An individual designated by the Federal Lands Highway Program Manager who is the Federal Lands Highway point of contact for the administration and oversight of the ERFO Program. (See Chapters 1, 5, and 7)

Finding — A letter or other official correspondence issued by the FLHDE to an Applicant giving notification that pursuant to 23 U.S.C. 125, Federal roads have (Positive Finding) or have not (Negative Finding) been found to have suffered serious damage as the result of a natural disaster over a wide area, or a catastrophic failure. (See Chapter 2)

FLH — Federal lands Highway. (See Chapters 1 - 7)

FLHD — Federal Lands Highway Division. (See Chapters 1 - 7)

FLHDE — The Federal Lands Highway Division Engineer. (See Chapters 2 - 7)

FLHP — The Federal Lands Highway Program. (See Chapters 5 and 6)

FLH Emergency Response Team — A team of FLH employees which can provide technical assistance during and immediately after a natural disaster or catastrophic failure. (See Chapters 2 and 7)

Force Account (Applicant) — A method of reimbursement for repair work performed by the Applicant that is based on actual labor, equipment and material costs. (See Chapter 6)

Forest Development Roads — Roads wholly or partly within, or adjacent to, and serving the National Forest system and which are necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources and under the jurisdiction of the Forest Service. (23 U.S.C. 101) (See Chapters 1 and 3)

Forest Highway — A forest road under the jurisdiction of, and maintained by, a public authority and open to public travel. (23 U.S.C. 101) (Sees Chapter 3)

FS — Forest Service. (See Chapters 3 and 7)

Functionally Obsolete — A structure that does not meet modern structural standards in terms of deck geometry, load carrying capacity, clearance, or whose approach roadway alinement no longer meets the criteria for the road system that it is on. (See Chapter 3)

FWS — US Fish and Wildlife Service. (See Chapters 3 and 7)

Heavy Maintenance — Work done in repairing highway damage normally expected from seasonal and occasionally unusual natural occurrences is considered heavy maintenance. (See Chapter 3)

Indian Reservation Roads (IRR) — Public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services

generally available to Indians under Federal laws specifically applicable to Indians. (23 U.S.C. 101) (See Chapter 3)

I/D Clauses — Incentive/Disincentive Clauses - An incentive provision in the contract that rewards the contractor if the work is completed earlier than the time bid. A disincentive provision in the contract penalizes the contractor for overrunning the time “bid” for the project. A road-user cost (based on road-user delay time, detour costs, CE costs, etc.) is determined and outlined in the contract to discourage the contractor from overrunning the time bid and to encourage earlier completion through applying the number of days, under or over, multiplied by the per day cost. (See Chapter 6)

Land Management Highway (LMH) — Designated public road that provides access to or that are within lands administered by the Bureau of Land Management. (See Chapter 3)

Lane Rental — A provision for a lane rental fee assessment of the contractor is included in the contract. The lane rental fee is based on the estimated cost of delays to road users during the rental period. (See Chapter 6)

Low Water Crossing — A stream, river, or other drainage crossing consisting of a dip, simple ford, an improved or vented ford, or a submergible bridge that is a less costly alternative to the construction of a bridge or large culvert pipe. Low water crossings are sometimes used where there are uncertain and infrequent large stream flows. Low water crossings usually require less maintenance than bridges or large pipe culverts. (See Chapter 3)

Major Loss — A loss of materials from a roadway (e.g. gravel surfacing) that results in the operation or usefulness of the roadway being severely diminished. In this case, the predisaster capacity of the roadway is not maintained; the roadway is not traversable by all classes of vehicles that were able to use the road prior to the disaster; or the roadway is no longer safe to travel. Major loss of materials is considered serious damage. (See Chapter 3)

Military Installation Road (MIR) — A public road that provides access within military installations for which title and maintenance responsibility is vested in the United States Government. (See Chapter 3)

MTMC — Military Traffic Management Command. (See Chapters 3 and 7)

Minor Loss — A loss of materials from a roadway (e.g. gravel surfacing) which does not meet the definition of major loss. Minor loss of materials is not considered serious damage. (See Chapter 3)

National Environmental Policy Act (NEPA) — A law enacted in 1969 that set the national environmental policy, established the basis for environmental impact statements, and created the Council on Environmental Quality (CEQ). NEPA requires Federal

agencies to use an interdisciplinary approach in planning and decision making for actions that impact the environment. It also requires the preparation of an Environmental Impact Statement on all major Federal actions significantly affecting the human environment. (See Chapters 1, 3, and 6)

Natural Disaster — A sudden and unusual natural occurrence such as a flood, hurricane, severe storm, tidal wave, earthquake, or landslides that causes serious damage over a wide area. (See Chapter 1)

NPS — National Park Service. (See Chapters 3 and 7)

Open to Public Travel — The road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (See Chapter 1 and 3)

Park Road — A public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States. (23 U.S.C. 101) (See Chapter 3)

Parkway — A parkway authorized by an Act of Congress on lands to which title is vested in the United States. (23 U.S.C. 101) (See Chapter 3)

Permanent Work — The final repair or reconstruction to a site, in accordance with an approved Damage Survey Report, including related PE and CE. (See Chapters 1, 3, 4, and 6)

Preliminary Engineering (PE) — The preparation of design and other related documentation for use in constructing repairs. (See Chapters 3 and 6)

Program Code — A three digit code used by the FHWA and the Applicant to track the obligation and expenditure of ERFO and other Highway Trust funds. (See Chapters 5 and 6)

Program of Projects (POP) — A written request to the FLHDE by the Applicant for approval of a list of projects for which ERFO funds are requested for repair of eligible damage. (See Chapters 4 and 6)

Proximity Damage — Damage that is not within the declared disaster area or within the area defined in the initial finding report, but that is a direct cause of the disaster. (See Chapter 3)

Public Authority — A Federal, State, county, town or township, Indian tribe, municipal,

or other government or instrumentality with the authority to finance, build, operate, or maintain toll or toll-free facilities. (23 U.S.C 101) (See Chapter 1)

Public Lands Development Roads — Roads that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his/her control. The intent of Congress is that these road are under the BLM jurisdiction and serving public lands. (23 U.S.C. 101) (See Chapter 3)

Public Lands Highways — A forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel. (23 U.S.C. 101) (See Chapters 1 and 3)

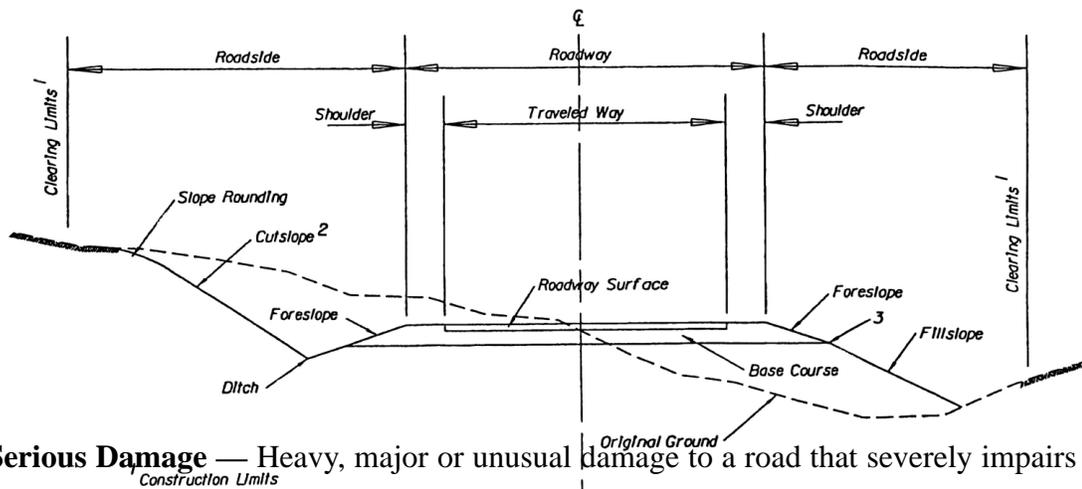
Public Road — Any road or street under the jurisdiction of and maintained by a public authority and open to public travel. (23 U.S.C. 101) (See Chapters 1 and 3)

Quick Release — An allocation of ERFO funds for emergency repairs that is made prior to the approval of an ERFO POP. (See Chapters 2, 4, and 5)

Refuge road —The term `refuge road' means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government. (23 U.S.C. 101) (See Chapters 1 and 3)

Right-of-way — Land generally publicly owned, acquired for and devoted to transportation purposes. (See Chapter 3)

Roadway Cross Section — The finished or proposed finished section between construction limits. (See figure below and Chapter 3).



Serious Damage — Heavy, major or unusual damage to a road that severely impairs the

- 1 Construction Limits
- 2 Backslope
- 3 Hinge Point

safety, capacity, or usefulness of the road or results in road closure. Serious damage is beyond the scope of heavy maintenance. (See Chapters 3)

State Transportation Agency — The department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. (23 U.S.C. 101) (See Chapters 3, 5, and 7)

Statewide Transportation Improvement Program (STIP) — A staged, multi-year, statewide, intermodal program (list) of transportation projects that is consistent with the long term vision of the State’s multi-modal and intermodal transportation system. STIPs are revised at least every 2 years and contain a POP for at least 3 years. (See Chapter 3)

Status Reports — Semi-annual reports submitted by the Applicant to the FLHDE that document the costs and progress of ERFO repairs. (See Chapter 7)

Structurally deficient — A bridge that (1) has been restricted to light vehicles only, (2) is closed, or (3) requires immediate rehabilitation to remain open. (See Chapter 3)

Temporary Repairs — Emergency repairs that are intended to last for a limited period until permanent repairs are made. (See Chapter 3)

Trail — A general term denoting a way for purpose of travel by foot, stock or trail vehicle. Unless the trail is an integral part of the roadway cross section or parallel to, the cost of repairs are not eligible under the ERFO Program. (See Chapters 1 and 3)

Transportation Improvement Program (TIP) — A staged, multi-year, metropolitan, intermodal program (list) of transportation projects that is consistent with the short term and long term vision of the metropolitan area’s intermodal transportation system. TIPs contain a program of projects for at least 3 years. (See Chapter 3)

Traveled way — The portion of the roadway for the movement of vehicles, exclusive of the shoulders. (See Chapter 3)

U.S. Army Corps of Engineers — (See Chapters 3 and 7)

U.S.C. — The United States Code. (See Chapter 1)

WFLHD — Western Federal Lands Highway Division. (See Chapter 2 and Appendix A)

Wide Area — An area sufficiently large enough to encompass parts or all of several entities such as counties, states, or Federal agency management units (individual forests, parks, regions, districts). In the case of significant flooding, eligible damage sites should be evident in a number of major drainage basins. (See Chapter 2)

Windshield Survey — An abbreviated FHWA review, coordinated with the Applicant, to

verify the significant impact of the event. The windshield survey may be conducted when a Major Disaster Declaration has been issued by the President, and should verify at least one site of serious damage in each unit of the Federal land (e.g., National forest, park, reservation). (See Chapter 2)

Chapter 2 - Notification, Disaster Assessment, Disaster Findings, and Detailed Site Inspections

2.1 Notification

a. Notification by Applicant

The Applicant should immediately notify the Federal Lands Highway Division Engineer (FLHDE) when it appears that damage or destruction caused by a natural disaster or catastrophic failure is sufficient to justify repair or reconstruction under the Emergency Relief for Federally Owned Roads (ERFO) Program. See Appendix A for the FLHDE's area of responsibility. The Applicant ERFO coordinator should promptly notify the FHWA ERFO coordinator by telephone that the Applicant intends to apply for emergency relief and will request a Finding. The coordinator may also request that the FLHDE furnish an emergency response team(s) to provide technical assistance during and immediately after the event.

The Applicant must follow up with a notice of intent (NOI) letter to apply for ERFO funds to the FLHDE within 2 to 6 weeks following the natural disaster or catastrophic failure. NOI letters received after six weeks may not be considered by the FLHDE. The Forest Service (FS) is responsible for notification of damages to forest highways that are under its or County jurisdiction. The State transportation agencies should apply to the FHWA Federal-aid Division Administrator for all other Forest Highways that are Federal-aid highways. (See Appendix C for an example of a NOI letter)

- (1). The Applicant ERFO coordinator will decide if the FLHDE should be notified. This decision should be made only after it is clear that serious damage has occurred to Federal roads as the result of a natural disturbance over a wide area, or a catastrophic failure.
- (2). In addition to stating the intention to apply for emergency relief and requesting that a Finding be made, the notification should describe:
 - (a). The name of the Federal lands where damage occurred (National Forest, National Park, etc.).
 - (b). Occurrence date(s).
 - (c). Type(s) of damage.
 - (d). A rough estimate of the cost of repair and reconstruction.

- (e). A general indication of the extraordinary character of the natural disturbance.
 - (f). If readily available, an indication of the extent of areas affected outside the land(s) administered by the Applicant.
 - (g). The counties that are covered if the President has made a Major Disaster Declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
 - (h). Identification of the counties covered if the State Governor has declared an emergency.
- (3). The Applicant may request funding for emergency repairs (quick release) in the notification letter. Funding requests will be reviewed during the disaster assessment and are subject to the availability of funds. If funding via a quick release is appropriate, it will be approved by the FLHDE in the Positive Finding letter.

b. Acknowledgment by the FHWA

The FLHDE will promptly acknowledge the Applicant's notification by letter within 7 calendar days. (See Appendix C for an example of an FHWA acknowledgment letter.) The formal acknowledgment should provide basic information on the subsequent disaster assessment, disaster finding, and application procedures (including the necessary coordination and cooperation between the Applicant and FLHDE), and provide basic eligibility information.

2.2 Disaster Assessment

a. Purpose

The disaster assessment is an evaluation of a natural occurrence that affects transportation facilities to determine if the conditions exist for a reasonable request for ERFO funding. In any natural disaster situation two conditions must be met to qualify for ERFO funding: (1) the natural occurrence is a sudden, unusual, and unprecedented event, and it causes serious damage to Federal roads; and (2) the extent of serious damage to Federal roads covers a wide area. The criteria for catastrophic failures are discussed in Chapter 1.

The purpose of the disaster assessment team is to develop an independent evaluation of the extent, type, costs, and impact of the damage and to gather

information for preparing a Disaster Assessment Report. The report concludes with a Finding recommendation.

b. Mobilization

As soon as practical after a notification, the Applicant and the FHWA ERFO coordinators will develop a plan to conduct disaster assessment activities. Normally only the ERFO coordinators and local Applicant staff will perform the disaster assessment.

- (1). It is expected that the Applicant will have previously identified the location of most damage sites to expedite disaster assessment. The disaster assessment activities should include the following:
 - (a). View representative damage in each area cited by the Applicant to verify the widespread nature of the occurrence.
 - (b). Obtain general maps of the damaged area.
 - (c). Obtain photographs of typical damage in each area.
 - (d). Gather data as may be available on the natural disaster or catastrophic failure causing the damage, such as rainfall and runoff data, and dates of occurrence.
 - (e). For catastrophic failures, obtain details of the cause of the failure, parties who may be responsible, and the impact of the failure.
 - (f). Obtain preliminary estimated repair costs.
- (2). For some disasters, the ERFO coordinators may conduct detailed site inspections while making the disaster assessment.
- (3). If a Presidential Disaster Declaration has been issued for a disaster, the FLHDE may choose to waive or limit disaster assessment field inspections. The FHWA ERFO coordinator will prepare a brief disaster assessment report, and the FLHDE will make a separate Finding that serious damage did occur on Federal roads.

c. Disaster Assessment Report

The purpose of the report is to summarize the disaster assessment and provide information to the FLHDE recommending the finding that a natural disaster or catastrophic failure has or has not occurred within the intent of 23 U.S.C. 125.

- (1). The report is prepared by the FHWA ERFO coordinator in cooperation with the Applicant documenting the disaster assessment. The report should be available within 6 weeks after receipt of the Notice of Intent letter and should include the following:
 - (a). The intensity of the natural disaster or catastrophic failure.

The natural disaster field report should describe the extent and severity of the event. In the case of flooding, the report should include available information regarding highwater elevations, stream-gage data, and rain-gage data.

For a catastrophic failure, describe the nature, cause, and seriousness of the failure. The report should explain if the failure was caused by gradual and progressive deterioration or the lack of maintenance. If appropriate, give the names of parties that may have contributed to the failure. Also state if insurance, cost share, or other compensation will pay for any of the repairs.
 - (b). Dates of the occurrence.
 - (c). Extent of the affected area.
 - (d). Damage to Federal roads and other roads (Federal-Aid highways, State, county and city).
 - (e). Copies of emergency relief reports and newspaper articles, as available.
 - (f). Copies of Presidential Disaster Declarations and/or Governor Proclamations.
 - (g). Approximate cost of repairs or reconstruction of the damage.
 - (h). Photographs of typical damage and appropriate maps showing the location of each area and extent of damage.
 - (i). Copies of ERFO coordinators trip reports.
- (2). The report should also discuss the impact of the subject damage. For example, a destroyed bridge with limited traffic has little impact, but a bridge serving as the principal access to homes, large tracts of land, or carrying large amounts of traffic will have a significant impact.

- (3). Generally, if the combined damage for a natural disaster for all the ERFO Applicants is less than \$500,000, the request for disaster assistance will be denied. If the disaster assessment report documents serious damage beyond the scope of normal heavy maintenance and routine emergency repair, and occurring over a wide area, the FLHDE may waive this threshold, and declare a disaster. State boundaries, except for accounting purposes, are not significant.
- (4). Generally, if the damage for a catastrophic failure is less than \$500,000, the request for disaster assistance will be denied. If the disaster assessment report documents that a major impact to the Applicant's transportation systems has occurred, the FLHDE may waive this threshold and declare a disaster.
- (5). The disaster assessment report should conclude with statements indicating a natural disaster or catastrophic failure has (or has not) occurred to Federal roads and make a specific recommendation for a Finding.

d. Two Disasters Treated as One

Although not the usual case, disasters can occur so closely in time that the damage to roads and bridges is difficult or impossible to evaluate and tabulate as separate events. Many facilities in the same area may suffer damage from a second disaster before the damage caused by the earlier event has been evaluated by the survey teams. In these situations, the data supporting the magnitude and extensiveness of the second occurrence should be supported in the regular manner; but the request submitted should ask that the two disasters be recognized as a single event. This may, of course, not be desirable if one or both disasters are potentially subject to the \$100 million cap per State per disaster. In this instance, survey teams should make a "best estimate" of damage to be attributed to each event.

Granting a request to treat two disasters as one will simplify the processing of the necessary repair or reconstruction projects by having a single ERFO finding for all projects resulting from the two disasters.

The supporting data must prove that facilities have suffered severe damage in both disasters and such damage is of sufficient severity to justify ERFO assistance. Sufficient documentation establishing the existence of separate disasters should be assured to facilitate compliance with the \$100 million per State cap per disaster.

2.3 Disaster Finding

The purpose of the disaster finding is to document that a natural disaster or catastrophic failure has occurred within the intent of 23 U.S.C. 125. The FLHDE, with concurrence from the Federal Lands Highway Program Manager (FLHPM), will make a disaster finding determination within 60 days after the receipt of the NOI letter based on the disaster assessment report and any other information deemed appropriate.

A Positive Finding letter is a commitment of ERFO funds to repair eligible disaster damage. If a Positive Finding is made, the FLHDE will notify the Applicant by letter. The letter will establish the date (or dates) in which the damage occurred for which the repair or reconstruction will be considered eligible for ERFO funds, define the area covered, and assign a disaster number. (See Appendix C for an example of an FHWA Positive Finding letter)

If the Applicant has requested ERFO funds for emergency repairs in their notice of intent letter, the Positive Finding letter will also be the initial program of projects (POP) approval letter. Funding for emergency repairs (quick release) will be approved at this time. Otherwise funding is not available until approved in a POP letter signed by the FLHDE. (See Chapter 4 for information about the POP and programming of funds)

The assigned disaster number indicates a) State; b) fiscal year of the disaster; c) sequential number of approved disaster for that State; and d) Federal agency. For example, CA90-2-NPS indicates that it is for the second disaster in California during Fiscal Year 1990. It could be either the first or the second ER or ERFO disaster in California. For fiscal years 1999 and beyond, the disaster numbers will include a four digit year — CA1999-2-NPS.

If a Negative Finding is determined, the FLHDE will advise the Applicant by letter, and close the activity. (See Appendix C for an example of an FHWA Negative Finding letter) The Negative Finding may be appealed in writing to the FLHPM.

2.4 Detailed Site Inspections

a. Purpose

After the FLHDE makes a Positive Finding of a natural disaster, the ERFO coordinators will develop damage assessment plans for the disaster. The plans will discuss joint briefing meetings and damage assessment team organization.

The teams will develop the project scope and cost estimate for the repair to support the programming of funds. The FHWA expects that this damage

assessment process normally will be completed within 3 months after the date of the Positive Finding letter.

b. Mobilization of Damage Assessment Teams

- (1). The joint briefing meetings may be arranged cooperatively by the ERFO coordinators at a time and location convenient for both the Applicant and the FHWA. The initial meeting may have been held prior to making the damage assessments. Depending on the extent (area of coverage) of damage, several of these meetings may be required to brief the separate groups of FHWA and Applicant personnel involved in work in the various National Forests, National Parks, Indian Reservations, etc.
- (2). The ERFO coordinators will assign damage assessment teams as appropriate. The teams should consist of Applicant and FHWA personnel. The ERFO coordinators will provide guidance in the inspection procedures and eligibility criteria to the team members.
- (3). ERFO coordinators will explain how the detailed site inspections should be made and what types of photographs are needed for the Damage Survey Report (DSR). The ERFO coordinators will also provide any other information considered important to insure efficiency of the ERFO program, including copies of this manual and instructions on its application. A training video on conducting detailed site inspections and completing the DSR is available from the FLHDE or FLHPM.
- (4). Equipment that should be furnished to the damage assessment teams is listed in Appendix C.
- (5). The Applicant will provide two maps clearly depicting designated Federal roads to each damage assessment team at the initial briefing meeting. These maps will be used by the teams performing damage survey work.

c. Documentation

- (1). The damage assessment team will make a detailed inspection of each damage site. The data gathered will help to determine the scope of work, and preliminary cost estimates. It will include:
 - (a). The extent and nature of the damage.
 - (b). Emergency repairs completed or those necessary.

- (c). Permanent work necessary to restore the site to its original condition.
 - (d). Justification for betterments, if proposed.
 - (e). Cost estimates for eligible activities.
 - (f). Repair options may be discussed; however one option will be selected and shown on the DSR form.
- (2). A DSR, in a form approved by the FHWA, will be completed by the detailed site inspection team for each damage site. (See Appendix B for a sample DSR)
- (a). To be consistent, a damage site with emergency repair, permanent repair, and engineering costs less than \$3,000 should be considered as heavy maintenance and should not be submitted.
 - (b). Work eligibility will be based on the criteria and examples provided in Chapter 3 of this manual.
 - (c). In some cases, it may be appropriate to consider several small damage sites that are in the same vicinity as a single site and prepare only one DSR. This approach is appropriate if it is impractical to exclude the work as an integral part of repairs at an eligible site(s), or the damages are closely intermixed with eligible repairs.
 - (d). For large disasters, it may be appropriate to prepare a single DSR for a road or a segment of road. The team will identify each site by kilometer (mile) post and prepare a cost estimate complete with recommended repairs and pictures for each site. The DSR form will represent a summary of the costs to repair the damage sites along the total length of road. Each damage site must still meet the eligibility requirements in Chapter 3. Sites such as bridge replacements and major land slides may have a separate DSR.
- (3). Each DSR will be assigned a unique number in accordance with a system established by the ERFO coordinators.
- (4). The DSR will identify the emergency repairs that were already completed

at the time of the detailed site inspection as well as the additional emergency repairs that are required. The permanent work that was not accomplished as emergency repairs will be identified.

- (5). High quality color photographs will be provided for each site. The photographs should be numbered in such a manner that they can be referenced to a particular damage site and DSR at a later date. Two prints will be required of each photograph: one for the FHWA and one for the Applicant. High quality color photocopies and digital photography are also acceptable.
- (6). Each damage site should be marked on two of the maps (See paragraph 2.4 .b(5)). Each site should be numbered to correspond to the DSR Number (See paragraph 2.4.(3)). Upon completion of detailed site inspections, one map should be furnished to the Applicant and the other to the FHWA to accompany copies of completed DSRs.
- (7). An independent checking system should be established by the ERFO coordinators to ensure that the DSRs are complete, accurate, and numbered properly. The check is to ensure that sufficient information, including photographs, has been provided to judge eligibility. Information should be sufficient to clearly define the scope of repairs for the POP (See Chapter 4) and subsequent engineering and construction.
- (8). A copy of each DSR will be retained by the FLHDE. A copy of each completed DSR should be furnished to the Applicant after the DSR has been reviewed, and any necessary revisions have been made.

d. Procedures for Resolving Eligibility Questions

Occasionally questions arise about site eligibility that are not clearly explained in Chapter 3. The following procedure will be used to resolve eligibility questions:

- (1). Any difference of opinion between members of the inspection team concerning need and eligibility of work will, if possible, be resolved by the FHWA and Applicant ERFO coordinators while the detailed site inspections are being conducted.
- (2). A damage site declared eligible by the inspection team, may be declared ineligible by the FHWA ERFO coordinator. Before declaring a site ineligible, the site will be discussed and the Applicant will have an opportunity to provide additional information. If resolution is still not reached, the Applicant may request that the FHWA ERFO coordinator visit the site, and or the Applicant may appeal the FHWA ERFO coordinator's decision to the FLHDE.

- (3). If agreement cannot be reached at the division level, the eligibility may be appealed by the Applicant to the FLHPM.

e. Alternate Procedure for Conducting Detailed Site Inspections

Due to FHWA personnel shortages, the FHWA ERFO coordinator may use this alternate procedure to conduct the detailed site inspections. As a minimum, such procedures will provide that:

- (1). Applicant personnel will conduct the detailed site inspections and prepare the DSRs.
- (2). FHWA personnel will conduct reviews of selected sites and corresponding DSRs to determine the eligibility of repair of the proposed reconstruction, and suitability of the repair cost estimate.
- (3). Based on the results of these reviews, the Applicant will make appropriate changes in inspection procedures as deemed necessary by the FLHDE; including, if appropriate, corrections to completed DSRs and POP submitted as discussed in Chapter 4.

f. Amended Damage Survey Reports

Damage Survey Reports define the project scope and establish a preliminary cost. Occasionally, after more thorough investigation, the scope and preliminary costs change. When the Applicant recognizes the scope needs to be changed, the Applicant will notify the FHWA ERFO Coordinator. The FHWA ERFO Coordinator will decide if additional documentation is necessary. Amended DSRs should be submitted as follows:

- (1) For DSRs with preliminary cost estimates of less than \$100,000, an amended DSR may be submitted when the cost increase exceeds \$20,000.
- (2) For DSRs with preliminary costs estimate greater than \$100,000, an amended DSR may be submitted when the costs increase more than 20%.
- (3). Since Federal procurement regulations require that funds are to available prior to advertising a project, amended DSRs and a revised POP may need to be submitted to provide the Applicant with sufficient unobligated funds to advertise the project.
- (4). The immediate submission of amended DSRs to cover cost overruns of less

that \$20,000 per site is not required. These amended DSRs could be batched and one amended POP submitted, or they can be discussed in the final closeout report (See Chapter 6.12).

- (5). When the Applicant determines that the total estimated cost of a disaster exceeds the total amount of the approved POP by more than 10%.
- (6). Amended DSRs may be submitted at anytime.

Chapter 3 - Eligibility

3.1 Eligible Federal Roads

Section 125(e) of Title 23 United States Code (23 U.S.C.) allows the expenditure of emergency funds from the Highway Trust Fund for the repair or reconstruction of forest highways, forest development roads and trails, park road and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads. Definitions for these types of Federal roads are provided in Chapter 1.

In addition, Emergency Relief for Federally Owned Roads (ERFO) Program interagency agreements must be executed between the Federal Highway Administration (FHWA) and the Federal agency having jurisdiction of Federal roads prior to receiving ERFO funds.

The following categories of Federal roads are eligible for ERFO funding:

a. Forest Development Roads (FDR) Owned by the Forest Service (FS) or under FS jurisdiction

The majority of the FDR are administrative roads as defined in Section 101 of 23 U.S.C. About 2,000 miles of the FDR have been designated as Forest Highways. FDR are identified on maps readily available in most FS field offices.

FDR are eligible for ERFO funds to repair damage as follows:

- (1). FDR maintenance levels 2 through 5 are eligible for ERFO funds to repair damage.
- (2). FDR maintenance level 1 roads are eligible for ERFO funding in accordance with the road's management objective for that forest as follows:
 - (a). Roads identified in the decommissioning plan will not be eligible for ERFO funding, this includes the work needed to decommission the road.
 - (b). ERFO funds will be used to mitigate adverse resource impacts. The scope of this work includes items such as minor grading, reshaping of embankments and cut slopes, installing low-cost erosion controls to reduce sedimentation, and minor reshaping of damaged ditches. (Sites must meet the \$3,000 threshold.)

ERFO funds will not be used for the reconstruction of the road to a non-storage condition, but if the road was being used (by vehicles) at the time of the disaster, it may be reconstructed to its predisaster condition.

b. Public Lands Development Roads Owned by the Bureau of Land Management (BLM)

This category includes administrative roads as defined in Section 101 of 23 U.S.C. that are classified by the BLM as “Land Management Roads,” as well as roads on the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road Grant Lands in Oregon (commonly called O&C roads).

The FHWA may elect only to provide ERFO funds to mitigate adverse resource impacts on BLM roads that are closed (more than 7 months) to the public or in storage. The scope of this work includes items such as minor grading, reshaping of embankments and cut slopes, installing low cost erosion controls to reduce sedimentation, and minor reshaping of damaged ditches.

c. Parkways and Park Roads Owned by the National Park Service (NPS)

Parkways are highways designated by the Acts of Congress. Park roads are owned by the United States Government. Most Park Roads have been inventoried and are in the NPS Road Inventory Program. Both types of roads are identified on maps readily available in the NPS field offices.

d. Indian Reservation Roads

(1). Public roads that provide access through or within Indian reservations, Indian lands, Indian communities, and Alaska Native villages that meet the definition of an Indian Reservation Road and has been designated by the BIA eligible for ERFO funds. About 50,000 miles of BIA, State, county, tribal public roads have been designated. Maps of designated Indian Reservation roads are available in most BIA field offices.

(2). Tribal roads open to the public that are not designated as an Indian Reservation road by the BIA are not eligible for ERFO funds. If a Presidential Disaster Declaration has been made, emergency relief for these damaged tribal roads constructed and maintained by the Indian tribes will be handled by FEMA.

(3). Private roads or driveways are not eligible for ERFO funds.

e. Forest Highways Owned by the State, County, or FS

Certain public roads serving National Forests and Grasslands have been designated as Forest Highways in accordance with 23 CFR 666. Some of these roads may also be Federal-Aid highways and thus can receive Emergency Relief (ER) funds.

Damaged Forest Highways that are under State, county or FS jurisdiction are eligible for ERFO funding. Requests for ERFO assistance for county owned Forest Highway will be made by the FS and not requested directly from the county. The FS and the county may jointly prepare the Damage Survey Report (DSR). The Federal Lands Highway Division Engineer (FLHDE) will coordinate with the FHWA Federal-Aid Division Office on State routes designated as Forest Highways. These State requests may be processed by either FHWA Division Office. The local highway agency may enter into a reimbursable agreement with the FLHDE or elect to receive reimbursement for ERFO repairs through the Federal-Aid billing system.

f. Military Installation Roads

These are public roads owned by the Department of Defense (DOD) on military installations. Maps of these roads are available at the various field installations.

g. Corps Recreation Roads (CRR) Owned by the U.S. Army Corps of Engineers

These are public roads that provide access to or within an U.S. Army Corps of Engineers recreation areas and other administrative units for which title and maintenance responsibility is vested in the United States Government.

h. Refuge Roads (RR) Owned by the US Fish and Wildlife Service

These are public roads that provide access to or within the US Wildlife Refuge System and which title and maintenance responsibility is vested in the United States Government. Other United States Government owned public roads providing access to or within national fish hatcheries and other FWS administrative units such as the National Conservation Training Units are also eligible. Maps of Refuge Roads are available at most national refuges.

i. Bureau of Reclamation Roads (BRR) Owned by the Bureau of Reclamation

These are public roads that provide access to or within areas administered by the Bureau of Reclamation for which title and maintenance responsibility is vested in the United States Government.

j. Selected State and County Roads

These selected roads are:

- (1). A public road that has been designated as an Indian reservation road by the BIA.
- (2). A public road that has been designated as a forest highway by the FHWA.
- (3). A public road or road segment providing primary access to a military reservation or defense industry which has been designated as a defense access road by the Military Transportation Management Command (MTMC).
- (4). A public road or road segment providing access to Department of the Air Force missile silos which has been designated by the MTMC. Only the portions of the route which are not eligible for ER funding will be eligible for ERFO funding.
- (5). A public road under the jurisdiction of a State or county providing access to or through public lands administered by the BLM that has been designated as a Land Management Highway by the BLM.

Counties and local governments need to work with the appropriate Federal agency when seeking ERFO funds for the repair of damage on the above eligible roads and may jointly prepare the DSR.

3.2 Ineligible Federal Roads

Since administrative roads can be closed by their owner at any time, for any reason, and remain closed indefinitely, they do not meet the definition of a public road. Some of these roads are gated or closed off by earth barriers. Only two types (FS and BLM) of administrative roads are eligible for ERFO.

The following Federally or tribally owned roads are not eligible for ERFO funds since they are not public roads:

- a. BIA administrative roads.**
- b. BOR administrative roads.**
- c. DOD administrative roads.**

- d. Fish and Wildlife Service (FWS) administrative roads.**
- e. NPS administrative roads.**
- f. Tribal government administrative roads.**
- g. Tribal government public roads not on the Indian Reservation Road System.**

If a Presidential Disaster Declaration has been made, emergency relief for these damaged tribal roads owned and maintained by the Indian tribes will be handled by FEMA.

- h. U.S. Army Corp of Engineers' administrative roads.**

3.3. Emergency ERFO Repairs

a. General

Emergency ERFO repairs that are necessary to restore essential travel, to protect remaining facilities, or to minimize the extent of damage should begin as soon as possible and should normally be completed within 2 months after access is available. Emergency ERFO repairs do not need prior concurrence of the FLHDE to qualify for eligibility. Emergency repair must be included in the approved Program of Projects (POP) (See Chapter 4) for ERFO reimbursement.

Emergency ERFO repairs should be made in the easiest and quickest manner. The Applicant needs to take pictures before performing these repairs. The repairs should be sufficient to safely accommodate the traffic at a reasonable speed. It is often advisable to use warning signs, delineation with barricades or reflective posts, flag persons, to ensure safe travel.

A “quick release” of ERFO funds may be available directly following a declaration of disaster for emergency repair work prior to program approval. These funds may be requested as part of the original request for disaster declaration (Notice of Intent (NOI) letter). (See Chapters 2 and 5)

b. Eligible Emergency ERFO Repairs

Repairs may include, but are not limited to, such work as:

- (1). Preliminary engineering necessary for emergency ERFO repairs.**

- (2). Limited permanent work necessary as an integral part of making adequate emergency ERFO repairs.
- (3). Replacing roadway fills and appropriate surfacing.
- (4). Removal of slides.
- (5). Removal of debris from roadways.
- (6). Removal of debris from around bridge piers.
- (7). Erection and removal of barricades and other traffic control devices.
- (8). Erection of temporary bridges such as Bailey bridges or other bridges.
- (9). Placement of riprap around piers and bridge abutments to relieve severe scour action.
- (10). Construction of detours.
- (11). Flagging traffic through or around damaged sections of roadway or bridges.

c. Minimizing the Extent of Damage

Flood-fighting operations are not eligible for ERFO funding. Applicants are expected to conduct these operations during emergencies. Where the Applicant makes a significant effort at specific damage locations, such work may be eligible if:

- (1). Work was necessary to minimize the extent of damage.
- (2). Work is beyond normal flood-fighting operations.
- (3). The site is included in the approved POP.

d. Protecting Remaining Facilities

It is incumbent on the Applicant to protect remaining facilities from further damage. Such emergency work is eligible for ERFO funds. Additional damage resulting from the lack of such protection may not be eligible for ERFO funding. (See Paragraph 3.3.g.)

e. Restoring Essential Travel through Detours or Temporary Connections

The cost of constructing and repairing a temporary connection where disaster damage has severed the traveled way is eligible. The cost of obliteration of the temporary connection is also eligible.

- (1). Routine maintenance of detour routes not related to the increase in traffic volumes, such as mowing maintenance, pavement signing, and snow plowing, is not eligible for ERFO funding.
- (2). Temporary connections should be constructed consistent with anticipated volume and type of essential traffic, reasonable speeds, safety, term of use, and costs. It is not intended that ERFO funds will be used to restore the facility to predisaster levels of service for the interim period until after permanent repairs can be made. Where heavy traffic is to be accommodated, it may be necessary to provide a hot-mix bituminous or other high-type surface to provide safe travel.

f. Repairing of Surface Damage Caused by Vehicles Responding to a Disaster

The cost of repairing the visible surface damage of Federal roads caused by vehicles responding to a disaster is eligible. This damage usually occurs within the first 2 months after the disaster occurs. Examples of types of response activities include vehicles involved in the repair of other transportation facilities, construction of emergency dikes or performing emergency repairs to dikes, providing essential services such as fire fighting and supplies, or removing debris from both public and private property. The Applicant should be able to document the predisaster condition of the pavement surface. This repair work is considered as permanent repairs under the ERFO Program.

g. Reducing Required Permanent Repairs

Emergency ERFO repair work should be accomplished in a manner that will reduce the additional work required for permanent repairs.

h. Permanent Construction as Emergency ERFO Repairs

Permanent construction work performed as emergency ERFO repairs is eligible for ERFO funds if such work was necessary, was the most practical means of restoring travel, and is subsequently approved by the FLHDE in the POP.

i. Temporary/Prefab Portable Bridges

Situations may occur where, because of heavy traffic volumes, important commercial service, transporting of school children, or other justified causes, the

immediate installation of a temporary structure to replace a washed out bridge is essential. A solution to a problem of this type could be a prefab portable bridge (i.e., Bailey bridge). If such a structure is considered necessary, all related costs charged to the Applicant including removal of the structure following permanent repairs, except for the maintenance of the bridge after installation are eligible for emergency relief funding. An economic analysis must be done to determine if it is in the government's interest to purchase the temporary bridge in lieu of leasing it. If ERFO funds are used to purchase a temporary bridge, then ERFO participation is limited to the purchase price less the resale value.

3.4 Permanent Repairs

a. Prior FHWA Approval

Permanent repairs must have prior FHWA program approval and authorization unless the repairs are necessary and practical to accomplish as emergency ERFO repairs. Proposed work that is beyond the scope or intent of the approved POP (significant change in design concept, etc.) must be separately justified by the Applicant and approved by the FLHDE prior to construction. Failure to obtain prior approval can jeopardize the eligibility of ERFO funding.

b. Predisaster Conditions

ERFO participation is limited to the cost to repair a damaged facility to its predisaster condition except when a betterment is justified.

The ERFO Program provides for the repair and restoration of highway facilities to predisaster conditions. Restoration in kind is therefore the predominant type of repair expected to be accomplished with ERFO funds. Any additional protective features or changes to the function or character from that of the predisaster facility are generally not eligible for ERFO funding unless justified on the basis of economy of construction, prevention of future recurring damage, or technical feasibility.

When proposed projects have been designed to higher standards than what is determined to be eligible for ERFO funding, the ineligible work must be financed with other funds.

c. Expediting Repairs

Permanent repairs of ERFO projects should be promptly constructed. If a permanent repair project has not been advanced to construction obligation stage by the end of the second fiscal year following the fiscal year in which the

disaster occurred, it could be considered “non-emergency permanent repair”. The project may be removed from the approved program unless suitable justification to warrant extending the 2-year time limit is provided to the FLHDE at least 60 days prior to the expiration date.

d. Abandonment / Obliteration /Decommissioning of Roads Open to the Public

The abandoning of damaged roads or roads that are difficult to maintain or have experienced frequent storm and flood damage helps to reduce the current and future ERFO Program costs and is eligible for funding. Applicants are encouraged to consider the need and abandonment of these roads. The cost of the environmental assessment is also eligible for ERFO funding.

If the Applicant determines that the road serves little or no purpose, or has no future needs, or that land access needs can be accommodated by another facility, then abandonment should be undertaken. FHWA expects that the cost to abandon a facility will be less than the cost to repair it. The procedures are outlined in the following paragraphs.

(1). Process

If an Applicant decides abandonment is the preferred option and wants reimbursement, the Applicant will take the following steps:

- (a). The Applicant must first prepare DSRs for repair of damage to the road.
- (b). After the initial DSR is approved, the Applicant will prepare a second DSR describing the abandonment work, and the estimated costs. The second DSR can be prepared by the Applicant’s unit that develops plans for abandoning roads.
- (c). An economic analysis and/or environmental document supporting the abandonment action must be developed.
- (d). FHWA will approve the second DSR if abandonment is selected by the Applicant and is in the best interest of the ERFO Program.

(2). FHWA Evaluation Criteria

One of the ERFO Program goals is to maximize the effectiveness of ERFO repairs. As part of the ERFO repair process, FHWA and the Applicant

want to stabilize roadbeds, improve watersheds where possible, reduce sediment runoff, and decrease repeat repairs of ERFO sites. To accomplish this goal, the following criteria is used to evaluate road abandonment/obliteration/decommissioning proposals.

- (a). When the only feasible repair is an alternative route, abandonment of the existing road is an eligible ERFO expense. Abandonment is a design and construction practice normally incorporated into ERFO projects, and the projects of most transportation agencies.
- (b). If the repair is feasible, but an Applicant's economic analysis or environmental document determines that a road damaged during an eligible ERFO event should be abandoned, ERFO funds can be used. The DSR submitted for approval will give a list of abandonment work and costs. The DSR will also either reference or attached the economic analysis/environmental document. FHWA expects that the abandonment actions will cost much less than the cost to repair. Abandonment costs cannot exceed the estimated repair cost for restoring the facility to predisaster conditions.

ERFO funds cannot be used for trail construction along the abandoned facility. Suitable turnaround facilities at the end of abandoned roads are eligible for ERFO funds. The Applicant can elect to leave part of the undamaged roadway section to function as a trail.

The Applicant must remove the abandoned road from their road system inventory.

When ERFO funds have been used to abandon a road or a segment of a road, ERFO funds cannot be used to repair the damaged abandoned facility unless the road is restored and opened for public use by the Applicant.

e. Appeal Process

Eligibility questions that cannot be resolved by the FHWA and Applicant field ERFO coordinators will be forwarded to the Federal Lands Highway Program Manager (FLHPM) for resolution. (See Paragraph 2.4.d for additional discussion.)

3.5 Eligibility

a. General

The cost for preliminary engineering (PE), right-of-way (ROW) acquisition, construction engineering (CE), and construction activities directly attributed to repair of eligible damage is eligible for ERFO funding.

To be consistent, a site with emergency repair and/or permanent construction costs (including PE and CE costs) less than \$3,000 should be considered as heavy maintenance and not be submitted.

b. Relationship of Damage to Disaster

Damage sites must be within the area identified in the Positive Finding letter unless damage is a direct result of the approved disaster. Repair of damage not directly related to and isolated away from the pattern of the disaster is not eligible.

(1). Damage Must Be Site Specific

Damage proposed for ERFO funding will be field reviewed by site, and eligibility will be determined individually on a site-by-site basis. Damage sites (meeting the \$3,000 threshold) along a route may be grouped within a single DSR.

(2). Predisaster Condition

Predisaster and nondisaster-related structurally deficient road and bridge conditions are not eligible for repair with ERFO funding.

(3). During Approved Disaster

Damage occurring during and related to the approved disaster is presumed to be caused by the disaster and is generally eligible for ERFO funds.

(4). After Approved Disaster

Damage occurring after the approved disaster may be eligible if it can be shown that the damage was directly caused by the disaster and that no intervening causative factors were involved. Some examples are:

- (a). Damage caused by construction equipment making the repairs.
- (b). Repaired slopes show signs of failure about 2-3 months after the final inspection.

(5). At Previously Approved Damage Sites

When additional damage occurs before permanent repairs can be made, the additional repair costs may be eligible. For the additional costs to be eligible, it must be determined that one of the following applies:

- (a). The additional damage could not have been anticipated and appropriate emergency ERFO repairs were made to prevent further damage.
- (b). The additional damage is beyond the scope and extent of the original damage.

When additional damage occurs as a result of a new approved disaster, the total repair costs are generally eligible and may be combined under either disaster.

(6). On Active Construction Projects

When additional damage occurs on an active construction project as a result of an approved disaster, restoration to predisaster conditions may be eligible if it is established that such work is not the responsibility of the contractor.

When additional damage not associated with a new approved disaster occurs on an active ERFO construction project, restoration to predisaster conditions may be eligible if:

- (a). The repair is not the responsibility of the contractor.
- (b). The damage is at an approved site.
- (c). The damage cannot be reasonably separated from the original repairs.

c. Engineering, Administration Expenses, Supplies and Materials, and Equipment Rental Costs

(1). Engineering

Preliminary engineering for emergency ERFO repairs and for permanent work can begin immediately and does not need prior authorization from the FLHDE to be eligible for ERFO funds. Such work must eventually be included in the approved POP (See Chapter 4). Preliminary engineering

costs generally begin with travel and work associated with making the detailed site inspections. Eligible costs include development of the DSRs (See Chapter 2), engineering survey work, environmental impact and similar studies, design work, and preparation of plans, specifications, and estimates.

Construction engineering related to contract administration and inspection of construction work is eligible. CE costs should not exceed 15% of the repair costs in accordance with existing FHWA policy (23 U.S.C. 106 (c)).

(2). Administrative Costs

Expenditures for organization, maintenance, general administration, supervisory overhead, or other overhead of the Applicant, other than construction engineering, and project planning and scheduling are not eligible for Federal participation. Such costs relate to the overall responsibilities of an agency to manage and operate a highway system rather than to the design and construction of an individual repair project. Personnel whose activities normally place them in an overhead category may be assigned to a specific project in an emergency. During such periods, salaries of these individuals would be eligible for participation, provided their time is identified on source documents with ERFO projects.

(3). Eligibility of Payroll, Travel, and Per Diem Costs for Regular and Extra Employees

Salaries, including overtime pay and normal payroll additives, are eligible costs for both regular employees performing ERFO work and for extra employees temporarily assigned to the Applicant. Travel and per diem expenses are also eligible. Such costs must be properly assigned and directly attributable to individual ERFO projects. Timekeeping procedures should facilitate allocating employees' time to projects and other activities each day on an hourly basis. A timekeeping document, such as time slip, time and attendance report, or time book, must be available for examination by audit personnel to support direct labor costs claimed on any ERFO project. The document should be signed by a responsible employee having knowledge that the time distribution is accurately reported.

(4). Payroll Additives

Usually referred to as labor surcharge, a set percentage over and above the total direct labor costs charged to a project is eligible for participation. This surcharge is to cover costs of various types of leave allowances,

industrial accident insurance coverage, and other employee benefits. The allowable percentage rates will normally vary from year to year. Also, employee benefits allowed by one Applicant may differ widely from those allowed by another. Therefore, the records used in developing percentage rates should be preserved under suitable control conditions to assure availability for examination when requested. The acceptable percentage rate may be applied only to direct labor costs.

(5). Supplies and Materials

Engineering and general office supplies of an expendable nature charged from stock or purchased for a particular project and properly identified on the stock-issue slip or vendor's invoice with the project charged are considered eligible for participation. In the case of issues from stock, verifiable evidence to assure validity of the prices charged must be available for examination if requested. Many classes of materials required for ERFO projects are purchased for a particular project. In such cases, the costs are eligible for Federal participation, provided the project on which the materials are used is properly identified on the supplier's invoice. The cost of materials issued from stock warehouses or from agency-produced or purchased stockpiles for use on an ERFO project must be properly supported. The records supporting the prices charged should be available for audit when requested. Also, the source document (stock-issue slip or supplier's invoice) should be signed by a responsible employee having knowledge that the supplies or materials actually have been incorporated into the project.

(6). Equipment Rental Costs

The use of Applicant-owned equipment, equipment rented from another public entity, or equipment rented from commercial sources, which is necessary for emergency ERFO repairs, may be eligible for ERFO participation. The rental of equipment will be in accordance with the Applicant's acquisition regulations and procedures.

Generally ERFO funds are not eligible for purchasing equipment. Economic justification for the purchasing of equipment must demonstrate that the purchase is cost effective over renting and must be approved by the FLHDE. IF ERFO funds are used to purchase equipment, then ERFO participation is limited to the purchase price less the resale value.

Rates charged for Applicant owned or public owned equipment should be the same rates used for force account work for normal operations; however, other rates can be used if they are properly supported and approved by the

FLHDE. Generally, equipment rental should be charged on a per hour, per shift, per kilometer, etc., basis. Equipment operating costs (gasoline, oil, lubricants, etc.), maintenance costs, and depreciation are eligible costs that normally are included in rental rates. A commercial invoice, signed by a responsible employee signifying actual use of the equipment on the project designated, is required documentation to support equipment rental charges. The supporting document must indicate the period of use shown thereon applicable to an identified ERFO project. The Applicant also may claim operating costs if the rental costs do not include operating cost. Equipment delivery costs may also be eligible.

Equipment rental generally is not a factor regarding permanent repairs when such repairs are done by contract. If force account is approved by the FLHDE, the above requirements apply. The required document action to support equipment rental charges will be an acceptable time and equipment use report, signed by a responsible employee signifying actual use of the equipment on the ERFO project.

When estimating the cost of repairs for a site, equipment mobilization costs can be calculated (1) from the location of the equipment to the damage site and (2) from one damage site to the next logical damage site. For the second and subsequent damage sites, the lower mobilization amount is to be used in estimating the total repair cost for that site.

d. Replacement Highway and Bridge Facilities

Completely reconstructed highway facilities are appropriate when it is not practical and economically feasible to repair or restore a damaged element to its predisaster condition. Normally ERFO funds are limited to the cost of a new facility constructed to current design standards of comparable capacity and character to the destroyed facility. Regarding bridge facilities, a comparable replacement facility is one that meets current geometric (design) and construction standards for the type and volume of traffic it will carry during its design life.

(1). Highways

Comparable capacity and character of roads generally are defined to be the type of roadway (urban, rural), number of lanes, and type of surfacing. Additional costs to upgrade the surface (e.g., gravel to pavement) or add lanes (e.g., 1 to 2, 2 to 4) are not eligible for ERFO funds. If the Applicant chooses to upgrade the facility, ERFO funds may participate to the extent of construction of a new facility to current standards of comparable capacity and character of the destroyed facility.

Example 1: The Applicant chooses to replace a destroyed one-lane gravel road with a two-lane paved road. ERFO funds can participate only to the cost of reconstructing a one-lane gravel road to current standards. The Applicant must fund the additional costs.

Example 2: The Applicant chooses to replace a destroyed two-lane paved road with a similar road to current standards. Current standards used by the Applicant for their own work call for two 12-foot lanes, 4-foot shoulders, and 3-inch pavement. ERFO funds would participate in the full costs even though the destroyed facility had 11 foot lanes, 2-foot shoulders and 2-inch pavement.

(2). Bridges

Example 1: A single-lane bridge on a single-lane road is destroyed. Current standards for future type and volume of traffic call for a two-lane bridge if the Applicant has documentation showing the intent to upgrade the adjacent roadway to a two lane facility.

Example 2: A single span of a multispan bridge is destroyed. If it is feasible to reconstruct the existing span, ERFO funds would be eligible to reconstruct the destroyed span. ERFO funding would be limited to a span constructed to the same standards as the remaining bridge spans even though the bridge does not meet current standards.

e. Environmental Considerations

All ERFO projects will comply with the National Environmental Policy Act (NEPA) and the Applicant's implementing regulations. Costs required to comply with environmental or other similar considerations that result directly from eligible ERFO repairs are eligible for ERFO funds, if such considerations normally are incorporated in similar Applicant work (See Chapter 6). Additional costs based on environmental or other similar considerations resulting from an ineligible betterment are not eligible for ERFO funding.

f. Betterment

The ERFO Program is intended to assist the Applicant in repairing damaged highway facilities to their predisaster condition. In-kind restoration is the

predominate type of repair. On occasion, an Applicant may decide to incorporate additional features into the repair work that help protect the highway facility from future disaster damage, or decide to make changes that modify the function or character of a highway facility from what existed prior to the disaster. These added protective features or changes to the function or character of the facility are viewed as betterments for the purposes of the ERFO Program. Betterments involving added protective features are not eligible for ERFO funding unless they are found to be cost-effective in terms of reducing probable future recurring repair costs to the ERFO Program. Betterments that change the function or character of the facility generally are not eligible for ERFO funding. (See Appendix C for an example of a betterment justification.)

- (1). The first category of betterments includes those that help protect highway facilities from possible future damage. Examples are:
 - (a). Raising roadway grades.
 - (b). Relocating roadways to higher ground or away from slide-prone areas.
 - (c). Stabilizing slide areas.
 - (d). Stabilizing slopes.
 - (e). Installing riprap.
 - (f). Lengthening or raising bridges to increase waterway openings.
 - (g). Deepening channels.
 - (h). Increasing the size or number of drainage structures.
 - (i). Replacing culverts with bridges.
 - (j). Installing seismic retrofits on bridges.
 - (k). Adding scour protection at bridges.
 - (l). Adding spur dikes.

If a betterment involving an added protective feature is included in an ERFO repair project, the betterment may be considered eligible for ERFO funding if it can be economically justified based on an analysis of the cost of the betterment versus projected savings in costs to the ERFO Program should future disasters

occur. This cost/benefit analysis must focus solely on benefits resulting from estimated savings in future recurring repair costs under the ERFO program. The analysis cannot include other factors typically included in highway benefit/cost evaluations, such as traffic delay costs, added user costs, motorist safety, and economic impacts.

It is recognized that in many instances betterments will fail to meet the test of being economically justified for use of ERFO funding. If ERFO funding cannot be provided for a betterment, this does not mean that the betterment should necessarily be excluded from the ERFO repair project. If a betterment provides considerable benefit when other factors are considered, the Applicant is encouraged to use Federal Lands Highway Program funds, Federal funds, or local funds, as appropriate, to fund a betterment.

One exception to the above discussion on betterments associated with added protective features involves grade raises associated with basin flooding. The FHWA has determined that raising the grades of critical Federal-Aid highways faced with long-term loss of use because of basin flooding is eligible for ER/ERFO funding (See 23 CFR 668.109(b)(8)). In these instances, if the FHWA Administrator finds that a basin flooding event is eligible for ER/ERFO funding, reasonable grade raises require no further economic justification as betterments.

Another exception involves repairing of features, such as bridges, that may require permits or approvals from other entities. If these other entities routinely are requiring added features as standard industry practice on other projects of a similar nature to the ERFO project, then these added features can be included on the ERFO project without further justification as a betterment.

- (2). The second category of betterments includes changes to the function or character of the facility. Examples are:
 - (a). Adding lanes.
 - (b). Upgrading surfaces, such as from gravel to paved.
 - (c). Improving access control.
 - (d). Adding grade separations.
 - (e). Changing from a rural to an urban cross-section.

In general, betterments that change the function or character of a facility are not eligible for ERFO funding. One exception allows ERFO funding participation in

replacement bridge facilities that can accommodate traffic volumes over the design life of the bridge, thus potentially allowing ERFO funding for added lanes on bridges. (See Paragraph 3.5.d)

(3). Examples of situations where use of ERFO funding for repair activities is not considered a betterment are:

- (a). Replacing of older features or facilities with new ones. The mere fact that a damaged highway feature or facility (pipe culvert, sign, guardrail, traffic signal) is replaced with something new that may extend the service life of the facility, in and of itself, is not a betterment.
- (b). Incorporating current design standards. Repaired facilities may be built to current design standards, which could result in improved or added features that do not change the function or character of the facility. For example, a repaired length of roadway may have wider lanes or shoulders and additional roadside safety hardware that result from following current design standards. This is not a betterment.
- (c). Replacing in-kind on existing location not practical or feasible. On rare occasions, when it is neither practical nor feasible to replace a damaged highway facility in-kind on its existing location, an alternative, selected through the environmental/public involvement process, if of comparable function and character to the destroyed facility, is eligible for ERFO funding. This is not a betterment. (See Paragraphs 3.5.d and 3.5.h for more information.)
- (d). ERFO projects may include additional required features as an outcome of the project being developed in accordance with the NEPA process. These features are eligible for ERFO funding. This is not a betterment. (See paragraph 3.5.f(5) for more information.)

(4). Replacement Facilities

An Applicant may decide to replace a damaged highway with a new highway. The extent of ERFO funding varies depending on the circumstances involved. Various scenarios, with examples, are discussed below.

- (a). In the first scenario, a highway has been seriously damaged; however, inspection verifies that it is possible to repair and restore the existing highway. Although the highway is repairable, the

Applicant decides it wants to replace the existing highway with a new one. In this case, ERFO funding can be applied towards a new or alternative replacement; however, ERFO funding is limited to the ERFO Program share of the estimated cost to repair the existing highway. Federal Land Highway Program funds or Applicant funds may be used to fund project costs above the amount eligible for ERFO funding.

Example:

A long embankment, although seriously damaged by an earthquake, does not collapse. An inspection confirms that the embankment is repairable at an estimated cost of \$2 million. The Applicant does not want to repair the embankment, but instead wants to replace it with a bridge. If the bridge provides comparable traffic service and will accommodate known future traffic demands of the predisaster highway, then ERFO funds may participate in the Federal share of the replacement facility up to an amount of \$2 million in ERFO funds. This practice is commonly referred to as capping the amount of eligible ERFO funding.

- (b). In a second scenario, a highway has been seriously damaged and the inspection confirms that it is not repairable. The Applicant decides it wants to replace the existing highway with an in-kind replacement highway (of comparable function and character to the damaged one) on the existing location. In this case, ERFO funding may participate in the total cost of the replacement highway.

Example:

A bridge crossing a river is heavily damaged and collapses during flooding. The inspection confirms that the bridge cannot be repaired but must be replaced. The Applicant decides to replace the bridge at the existing site. The replacement structure costs \$1 million to build. ERFO funding may participate in 100 percent of the incurred costs, which, in this example, amount to \$1 million.

- (c). In a third scenario, a highway has been seriously damaged and the inspection confirms that it is not repairable. Although it is feasible to build a replacement highway at the existing location, the Applicant chooses to replace the existing damaged highway with one at a new location. In this case, ERFO funding for the relocated highway is limited (capped) to the ERFO Program share of the estimated cost to

replace the damaged highway at its existing location. Federal Lands Highway Program or Applicant funds may be used to fund project costs above the amount eligible for ERFO funding.

Example:

In the same example used in the second scenario above, instead of replacing the bridge at the existing site, the Applicant chooses to replace the bridge at a new site a half mile downstream, using the situation as an opportunity to improve the overall alignment of this section of the highway. Because of stream characteristics at the new downstream bridge site, however, a longer structure is required. The new site also requires a mile of additional approach work. The result is that a bridge at the new site costs an additional \$2 million (to a total of \$3 million) above the estimated cost to replace the bridge at the existing site. For this \$3 million project, ERFO funding may participate in the Federal share of costs up to an amount of \$1 million.

- (d). In a fourth scenario, a highway has been seriously damaged and the inspection confirms that it is not repairable. Additionally, because of the unique circumstances involved, it is also determined that it is neither practical nor feasible to replace the highway at its existing location. Consequently, an alternative replacement highway on a new location is developed through the NEPA process. Provided this alternative highway is of comparable function and character to the destroyed facility, it is eligible for ERFO funding. It is noted that this scenario rarely arises under the ERFO Program. In almost all cases, it is practical or feasible to replace a damaged highway on its existing location, and the determination that the highway must be built on a new location is intended to be an extremely stringent test.

Example:

A highway located on the valley floor, is blocked by a massive landslide that also dams up a river in the valley. The landslide forms an earthen dam, backing up the river and forming a lake. Two kilometers of roadway are submerged under a significant depth of water. A decision is made by authorities that the landslide formed dam will remain in place along with the lake it has created. It is determined it is neither practical nor feasible to replace the highway at the existing location. As a result, the highway must be relocated and the replacement highway developed under the NEPA

process is now four kilometers in length. The relocated highway costs \$10 million to build and ERFO funding may participate in 100 percent (\$10 million) of the total cost.

(5). Environmental Considerations

ERFO projects that include betterments, even if the betterments are not eligible for ERFO funding, need careful environmental review. Although on the surface it may appear that a project qualifies as a categorical exclusion, certain betterments may be of enough significance that an environmental assessment or environmental impact statement is appropriate. ERFO projects that involve constructing replacement facilities may need environmental assessments or environmental impact statements, particularly where a replacement facility on a new location is being proposed.

As a result of an ERFO project being developed in accordance with the NEPA process, it may be necessary for the project to incorporate added features to mitigate impacts associated with items such as wetlands, noise, and endangered species. Economic analyses need to be made when considering mitigation treatments. For example, replacing a culvert with a bridge should also be based on the economic analysis of using an oversize culvert with gravel, an open-bottom arch pipe, or a bridge. The justified features are eligible for ERFO funding.

In the case of ERFO replacements projects, where ERFO funding may fully participate in the replacement facility (the second and fourth scenarios described above), any required added features are eligible for ERFO funding. These features are not viewed as betterments but rather as integral parts of the replacement project needed to comply with NEPA.

For alternative facilities where ERFO funding participation has been capped (the first and third scenarios described above), ERFO funding will participate in the replacement facility, including any added features, only up to the capped amount established for ERFO funding.

(6). Betterment Requests

Requests for eligibility of ERFO funds for a betterment will be submitted by the Applicant for approval by the FLHDE. Justification should be provided at the time the damage assessment team prepares the DSR. (See Chapter 2)

An economic justification, if required, must be attached to the DSR. It needs to weigh the cost of the betterment(s) against the risk of future

recurring eligible damage and repair cost on betterments such as raising grades, relocating, or replacing with increased waterway openings or change in facility type.

g. Heavy Maintenance

Work that normally is required after heavy rains or other frequently occurring natural events is not eligible for ERFO funding. Work that is frequently performed by maintenance crews, even though it is more extensive (more widespread), is considered to be heavy maintenance. Work that normally would be classified as heavy maintenance includes:

- (1). Grading roads rutted by traffic.
- (2). Cleaning or reshaping ditches.
- (3). Correcting minor embankment or cut slope slip-outs.
- (4). Removing minor deposits of debris on roadways.
- (5). Correcting minor erosion damage to traveled way, shoulders (i.e. loss of surfacing down to subgrade), or embankments.
- (6). Removing minor mud deposits on roadways.
- (7). Correcting minor pavement settlement unless significantly accelerated by the disaster.
- (8). Repairing minor damage to guardrail.
- (9). Repairing minor riprap damage.
- (10). Replacing short, isolated sections of surfacing washed away by floodwater.
- (11). Cleaning out 'silted' culverts.
- (12). Repairing minor damage to culverts.
- (13). Repairing minor repair of fencing.

- (14). Repairing or replacing isolated traffic signs.
- (15). Conducting area-wide projects to correct extensive minor damage.

Work that may be eligible for ERFO funds, even though it would ordinarily be considered heavy maintenance, is as follows:

- (1). The work is closely intermixed with extensive eligible repairs.
- (2). It is impracticable to exclude the work as an integral part of repairs at a damage site.
- (3). Damage caused by equipment use or access, adjacent to or related in repair of an approved ERFO site.

h. Damage to Predisaster Deficient Facilities

(1). Work Already Scheduled

(a). General

Work already scheduled to repair or replace deficient facilities that are damaged during a disaster will not be eligible for ERFO funds. The work should be financed as originally intended. A project is considered scheduled if the construction phase is included in the Federal Lands Highway's Program or the State's Transportation Improvement Program or if contract plans are being prepared. ERFO funds may participate in emergency ERFO repairs to restore traffic.

(b). Roadway

If a road that is scheduled for relocation or reconstruction is destroyed during a disaster, ERFO funds generally would be limited to emergency ERFO repairs to restore essential travel.

(c). Bridges

Bridges that are scheduled for replacement at the time a natural disaster or catastrophic failure occurs are not eligible for ERFO funding except for emergency ERFO repairs.

(2). Structurally Deficient Bridges

- (a). Emergency ERFO repairs to restore travel may be eligible.

- (b). ERFO funds based on the cost of making emergency ERFO repair to restore travel can be combined with other funds to correct any major nondisaster-related deficiencies so that the bridge will be structurally sufficient when repairs are completed.
- (c). A new comparable replacement structure may be eligible for ERFO funding if the old bridge is completely destroyed as a result of the disaster and the bridge was not scheduled for replacement.
- (d). Increased bridge width or other geometric improvements and correction of nondisaster-related structural or surfacing improvements, such as deteriorated piling or decks, are not eligible for ERFO funding.

(3). Functionally Obsolete Bridges

When a minor section or a single span of a functionally obsolete bridge is damaged or destroyed as a result of a disaster, ERFO funds can be used to repair or rebuild that section to geometric standards consistent with undamaged sections of the structure in addition to emergency ERFO repairs.

If the bridge is destroyed by the disaster, the replacement bridge constructed to current needs and design standards is eligible for ERFO funds.

If the bridge is not totally destroyed by the disaster, but the damage is extensive and the Applicant can economically justify that a total replacement rather than repair is warranted, the FLHDE may approve ERFO funds to pay the replacement costs.

(4). Log Stringer Bridges

Because of environmental and safety reasons, ERFO funds will not be provided for the replacement of log stringer bridges 'in kind'. When a log stringer bridge is damaged beyond repair, the amount of ERFO funds that will be provided and the type of replacement structure will be determined on a case-by-case basis. When the bridge can be repaired, the Applicant can elect to use up to all of the funds estimated to repair the structure to predisaster conditions for a replacement structure.

(5). Stone walls

If small sections (10 meters or 25% of a stone wall) were damaged, ERFO funds could be used to repair the wall to predisaster conditions. For large

damaged sections, a replacement wall meeting current standards is eligible for ERFO funds if the Applicant agrees to reconstruct the entire wall to current standards and uses other funds to replace the nondamaged portion(s) of the wall.

(6). Log culverts

The replacement of log culverts is considered a maintenance item and thus is not eligible to be replaced with ERFO funds. The associated damage caused by a log culvert failure is not eligible for ERFO funding.

i. Damage to Predisaster Nondeficient Facilities

(1). Damage to Highway Elements within the Right-of-Way (ROW)

Repairing or reconstructing seriously damaged highway elements within normal highway ROW limits, is eligible for ERFO funding if the work is not classified as heavy maintenance.

(2). Damage to or Affecting Facilities Outside the ROW

Damage to facilities outside the highway ROW that is caused by or attributed to the highway facility is not eligible for ERFO funding even though the Applicant may be found liable for the damage. The Applicant should contact FEMA if the damage repair has been determined ineligible for ERFO funds.

Example 1:

High flow through a culvert under the road is causing the undercutting of a hillside outside the ROW and is threatening a private home built on the hill. The situation can be corrected by realigning the culvert and outlet channel. Since there is no storm damage to the culvert or the highway, the proposed work is not eligible for ERFO funding.

Example 2:

A large slip-out in the road embankment and subsequent mudflows deposited large amounts of debris outside the ROW. The landowner wants the debris, mud, and slide material removed and the area revegetated. Work to repair the roadway is eligible. Work to remove material and revegetate the area outside the ROW is not eligible for ERFO funding.

(3). Highway Appurtenances and Auxiliary Facilities

Extensive adjacent disaster damage to other highway components may be eligible for ERFO funds as outlined below. The Applicant should contact FEMA if damage repair has been determined ineligible for ERFO funds.

- (a). Appurtenances such as signs, signals, fences, guardrail.
- (b). Highway facilities, such as rest areas, weight stations, parallel bike and pedestrian trails, and paths that are an integral part of or are adjacent to the roadway cross section.

(4). Bridges

- (a). If a bridge is destroyed, a new comparable replacement structure is eligible. If the replacement bridge can be built on the existing location, the estimated replacement cost is the 'cap' for ERFO funding for a replacement bridge built on a new location.
- (b). The replacement of a movable bridge (drawbridge) with a high-level structure is beyond the intent of a comparable facility and is considered a betterment. ERFO participation normally will be limited to the cost of a comparable movable structure.
- (c). If a bridge is seriously damaged, but repair is feasible, only a basic repair in kind is eligible for ERFO funds. If appropriately justified, the following betterments may be eligible for ERFO funding:
 - (i). Added protection features such as riprap, dikes, or additional channel work.
 - (ii). Increased waterway opening or raising of the structure.
 - (iii). Safety improvements (i.g., guardrail, bridge rail, signs, markings) if incidental and related to eligible disaster repair.
- (d). If the bridge receives little or no damage, but the channel has been altered, ERFO funding is limited as follows:
 - (i). The cost to restore a channel that has been filled with sediment for a reasonable distance upstream and downstream to allow proper function of the bridge.

- (ii). The cost to replace the bridge or raise the superstructure is not eligible for ERFO funding.
- (iii). If the stream has changed its channel and washed out a bridge approach, the costs for channel restoration and repair of the approach are eligible for ERFO funding. A bridge extension may be considered if it is cost effective compared to channel and approach repairs. Bridge replacement or extension generally is not eligible for ERFO funding.

(5). Low-Water Crossing (LWC)

Where the Applicant chooses to replace a LWC section with a bridge, overall cost of repair as related to the actual damage and previous storm damage history should be considered. Minimal damage, present and past, does not provide sufficient warrants for a bridge with ERFO funds. (See Paragraph 3.5.f, Betterments to replace a culvert with a LWC.)

ERFO participation for a replacement bridge will be limited to restoring the damaged section unless betterments can be justified.

(6). Damages Caused by Ships, Illegally Loaded Vehicles, Etc.

The Applicant will make diligent effort to recover repair costs from legally responsible parties to reduce the project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events. Where compensation obtained does not cover all costs, ERFO funds are eligible to pay the remaining costs for work which normally would be eligible.

(7). Stream Channels

Only those costs associated with current damage, or the prevention of imminent damage, to the roadway or structure are eligible for ERFO funds. Normally, only stream channel work within the roadway ROW, or limits that would be the normal ROW boundary for the class of roadway involved (many Federal roads do not have ROW boundaries), would be eligible. Channel work outside the ROW boundary is not eligible unless it can be documented that the proposed work is necessary for the satisfactory operation and protection of the highway. ERFO participation is limited as follows:

- (a). Removing debris from the channel within the ROW boundary and the clearing of waterway openings clogged by silt, boulders, or trees.

Removing debris from the channel outside the ROW boundary that poses a threat to the roadway or structure is eligible if justified.

- (b). Repairing to the channel bank.
- (c). Providing additional bank protection (rock riprap, concrete lining) and channel change work if appropriately justified.
- (d). Installing riprap, channel improvements, and other protective features may be eligible if justified as a betterment, if there is reasonable assurance that similar future damage will be prevented and the cost of the betterment does not unreasonably exceed anticipated future ERFO repair costs.

(8). Drainage Facilities and Structures

- (a). Minor Ditch Erosion

Minor ditch erosion, filled ditches and culverts, and isolated loss of minor drainage fixtures are considered heavy maintenance and are not eligible.

- (b). Upgrading Culverts

Upgrading culverts to current standards must be related to specific eligible disaster damage repair. Wholesale upgrading of deficient culverts in an area or route basis is not eligible.

Damaged culverts are eligible for repair in kind. If a washed out damaged culvert can be cost-effectively used on another eligible site to replace a destroyed culvert, the culvert at the original site can be upgraded to current standards.

Destroyed culverts are eligible for replacement to current standards.

- (c). Plugged Culverts

Cleaning plugged culverts is an eligible activity as long as its considered beyond heavy maintenance or is associated with other eligible damage. Replacing of plugged culverts should be considered eligible only when justified as a betterment or when clean up is not cost-effective.

(d). Replacing a Destroyed Culvert With a Bridge or LWC.

Replacement of a damaged culvert with a bridge or LWC is generally not eligible unless justified as a betterment. ERFO funds could participate to the extent of a comparable culvert.

(e). Changing Type of Culvert for Environmental Reasons

A change in type of culvert for environmental purposes, (e.g., for fish passage) may be eligible if the existing culvert was destroyed and such culverts are currently being installed by the Applicant in its own work.

(f). Rusted culverts

When dealing with a rusted culvert that has been unseated, the Applicant may choose to reset or reinstall the existing culvert or provide a replacement culvert at the Applicant's expense. The use of ERFO funds will be limited to the cost of reinstalling the existing culvert.

(9). Debris Removal Including Timber Blown Down

The clearing limits for debris, including timber blown down, should be the limits which clear the traveled way and assure the full functioning of the pavement, drainage ditches, and structures. Clearing the remainder of the full ROW limits is considered to be the responsibility of the Applicant. Cut sections should be cleared to that safe distance that will assure that no debris will cause roadway slope erosion and will not allow debris to roll into ditches or endanger traffic. The extent of timber and debris removal should conform to the standards of safety for the particular route on which such operations are performed.

The cost of piling and burning debris at adjacent sites, as well as the costs of removing merchantable timber from the acceptable clearing limits and transporting it to adjacent stockpile sites is eligible for emergency relief participation. Hauling costs to sawmills or to other locations beyond the proximity of the highway ROW are not eligible for ERFO funding.

(10). Roadway Surface

Minor loss of surfacing from the traveled way and shoulders due to runoff or spillover of flood waters is considered heavy maintenance and is not eligible for ERFO funding.

Major loss of surfacing due to the disaster, which is documented to be beyond heavy maintenance, is eligible for replacement with comparable surfacing. For example, there is major loss of gravel surfacing on a particular road. The Applicant indicates that current standards for the current volume of traffic calls for a 2-inch bituminous surfacing rather than a 4-inch lift of gravel. ERFO participation would be limited to the cost of the 4-inch gravel surfacing.

The repair costs for rutting or pothole damage caused by vehicles traveling over surfacing or base material saturated by floodwater inundation or by snow or ice melt generally are not eligible. Damage caused by vehicles hauling roadway construction equipment or material necessary for making eligible emergency or permanent ERFO repairs, or by traffic engaged in making eligible ERFO repairs to prevent more extensive damage to the highway would be eligible for ERFO funds if the use and damage are documented in writing.

Damage caused by the freezing and thawing (frost action) of surfacing and/or base material saturated by floodwater inundation or by snow or ice melt is not eligible for ERFO funding.

(11). Overlays

Where entire sections of roadways are damaged and need to be reconstructed, new surfacing is eligible. In addition, where several intermittent but close-by sites need to have the surfacing repaired, resurfacing of the entire section between and including the sites may be eligible. Overlays of roadways that, even though submerged during the flooding, have suffered no significant damage as a direct result of the flooding are not eligible for ERFO funding.

(12). Roadway Embankments

Minor erosion of slopes and shoulders, filled ditches, slides and slip-outs not extending to the traveled way, pavement settlements, and slope sloughing are considered to be heavy maintenance and are not eligible for ERFO funding.

Where significant slip-outs of cut or fill slopes occur, even if the slip-outs do not extend into the traveled way, ERFO funding may participate in repairing or stabilizing of the slopes if the highway facility is in imminent danger.

(13). Slides

Major slides extending to the top of cut or toe of fill that create a significant stability problem or safety problem are eligible for ERFO funds. Eligible work would include removing debris, restoring slopes, and reconstructing the roadway and drainage facilities. Slides that occur after the disaster period may be eligible for ERFO funding if written documentation shows that the slides were the direct result of the disaster. Other limitations to the eligibility of ERFO funding are as follows:

- (a). Slide stabilization is a betterment. ERFO funding may be approved based on a detailed analysis of the slide and on reasonable assurance that the stabilization will prevent similar future damage.
- (b). The analysis must show that the stabilization cost does not unreasonably exceed anticipated future ERFO costs. The analysis must include road relocation and do-nothing alternatives and must consider previous geotechnical recommendations for the area.
- (c). Additional corrective work after completion of the initial stabilization is not eligible. ERFO funding in the initial construction does not create a continuing responsibility for future additional work. The cost of monitoring slide stabilization measures after construction is not eligible for ERFO funding.
- (d). Repairs to provide a safe roadway are eligible for ERFO funding on existing slides if the slide is significantly accelerated by the disaster. ERFO funding may not be provided for all corrective measures performed by the Applicant to “stabilize” the slide. ERFO funding generally is limited to paying the cost to provide a usable road.

(14). Damage to Picnic and Camping Areas

If a picnic area is considered a safety rest area, all roads within the area are eligible for ERFO funding. Usually, such facilities are located along major roads such as parkways and forest highways. Where an area serves mainly as a picnic area or as an overnight camping facility, eligibility is limited to access roads into the area, major circulatory routes within such areas, and parking pads. Repair or replacement of picnic tables, trash cans, tent pads, etc., is not eligible for ERFO funding. Repair or replacement of boat launch ramps are not eligible for ERFO funding.

(15). Material Stockpiles, Equipment, and Facilities Losses

Replenishing or paying losses for damaged or destroyed material stockpiles (sand, gravel, pipe) is not eligible for ERFO funding. Damages to an Applicant's roadway equipment (motor graders, tractors, etc.) and facilities, such as maintenance sheds and offices, are not eligible for ERFO funding.

(16). Roadways on Levees and Dikes

Replacing of the pavement structural section and certain highway appurtenances (signs, signals, fences, guardrail) are eligible for ERFO funding. The repair of the levee and dike embankments which are used for water control are not eligible for ERFO funding.

Chapter 4 - Application and Programming

4.1 Application (Proposed Program)

If a Positive Finding is issued, the Applicant must submit an application for ERFO funds to the FLHDE in the form of a letter, which should include a list of projects (Program of Projects (POP)) for which ERFO funds are requested. The POP will be based on the Damage Survey Reports (DSRs) completed as described in Chapter 2. The application should be submitted within 3 months after the date of the positive finding letter, unless an extension is granted in writing by the FLHDE. (See Appendix C for an example of an Applicant's proposed POP letter)

4.2 Specific Information Required in Proposed Program of Projects

The proposed POP must:

- a. Include all damage sites for which ERFO funding is requested.
- b. Indicate the date(s) of occurrence and the disaster number of the natural disaster or catastrophic failure.
- c. Include the DSR cost estimate which identifies emergency repairs and permanent work.
- d. Indicate if known whether the FHWA will be requested to perform some or all of the repair work.
- e. Provide a summary of damage by subunit of the following information in the proposed POP transmittal letter: number of roads damaged, number of bridges damaged, number of bridges destroyed, and number of major slides.

4.3 Supplemental Program of Projects Submittal

If the initially proposed program is incomplete due to uncontrollable events, such as delays in completing detailed site inspections because of inaccessibility, it should be noted in the application. The Applicant should forward a subsequent POP to the FLHDE for approval as soon as possible.

4.4 Programming Delayed Work

If an area is inaccessible because of weather, snow or flooding and requires deferring repair work on some sections of damaged routes, the repair of the deferred sections

should be programmed as separate projects from those involving work that can be promptly started and completed. Deferred sections should be noted in the initial program submission.

4.5 Approval of the Proposed Program of Projects

The FLHDE will advise the Applicant, by letter within 30 calendar days, about which projects in the proposed program are approved, including any approval conditions and, if applicable, the FLHDE will identify work that the FHWA agrees to perform. This letter constitutes the approved POP and establishes the amount of ERFO funds that will be made available.

4.6 Changes to the Approved Program of Projects

Changes to the approved POP that increase the amount approved for the disaster must be approved by the FLHDE. Such changes can include the approved amount of ERFO funds even if there is no change in scope of work (overrun). For FHWA-administered projects, the FLHDE will notify the Applicant of any changes to the approved POP. The procedure to modify the POP is the same as defined in Paragraph 4.5.

4.7 Requests for the FHWA to Perform Work After Initial Program Approval

All requests for the FHWA to administer ERFO projects in addition to those requested at the time of program approval will be made in writing by the Applicant to the FLHDE. The FLHDE will inform the Applicant by letter within 30 calendar days of additional projects that the FHWA agrees to perform. When the FHWA administers ERFO repairs, ERFO funds are allocated directly to the appropriate FLHDE.

4.8 Program Revisions Based on Alternate Procedure for Detailed Site Inspections

If inspections by FHWA personnel performed in accordance with Paragraph 2.4.e, “Alternate Procedure for Conducting Detailed Site Inspections” indicate that some items on approved or proposed programs should be changed, the Applicant will make changes accordingly and resubmit them to the FLHDE for approval.

Chapter 5 - Funding Procedures

5.1 Source of ERFO Funds

The Highway Trust Fund is the source of Emergency Relief for Federally Owned Roads (ERFO) funds. Section 125 of Title 23, United States Code, provides \$100 million per year for emergency and permanent repairs of Federal-Aid and lands highways. Congress also authorizes additional emergency relief funds from the Highway Trust Fund through supplemental appropriations acts.

5.2 Allocation of ERFO Funds by the FHWA

ERFO funds are allocated by the Federal Lands Highway Program Manager (FLHPM), the Federal Lands Highway Core Business Unit, in Washington, DC. ERFO funds are generally allocated by disaster to the Applicant or the Federal Lands Highway Division Engineer (FLHDE).

5.3 Maximum Amount of Emergency Relief Funds Available per Disaster

All obligations of Emergency Relief funds (ER and ERFO) for projects resulting from a single natural disaster or a catastrophic failure are limited (capped) to a specified amount. Currently the cap is \$100 million per disaster per State for ER and ERFO. For some disasters, Congress has waived this cap. For most disasters, the \$100 million cap is not met, and thus the maximum amount of ERFO funds that an Applicant can receive is the amount of their approved POP.

5.4 ERFO Funds Allocations When the \$100 Million Cap per State per Disaster is Exceeded

When the FHWA calculates that the \$100 million cap per State per disaster for ER and ERFO will be exceeded, it will allocate emergency funds among the Applicants. The funding of emergency repairs is usually given preference over the funding of permanent repairs. The FLHPM will notify each Applicant and FLHDE of this situation in writing. The Applicant prioritizes the emergency and permanent repairs within the POP based on the amount of ERFO funds available. If Congress waives the \$100 million cap, the FLHPM will notify the Applicant in writing. The Applicant and FLHDE can request additional funds to reach the full amount of funding contained in the POP.

5.5 When and How Does an Applicant Ask for ERFO Funds to Be Transferred?

Quick Release: In the Notification of Intent (NOI) letter, the Applicant may include an estimated amount desired to fund emergency repairs. The Positive Finding

letter will authorize the initial amount available for emergency repairs. The FLHPM will allocate these funds to the Applicant without any additional correspondence from the Applicant.

After a Positive Finding letter is issued, and before a POP is approved, the Applicant can request, by letter to the FLHDE, ERFO funds for emergency repairs. The FLHDE will approve the quick release of ERFO funds and request that the FLHPM allocate the funds. The FLHPM will allocate these funds to the Applicant without any additional correspondence from the Applicant.

Normal allocations: ERFO funds can be requested anytime after the POP is approved when the Applicant or FLHDE has not received the approved amount of ERFO for that disaster. The Applicant can request, by letter to the FLHPM, ERFO funds for making approved repairs up to the amount of the approved POP if obligations will be made before the end of the fiscal year.

Additional ERFO funds can also be requested by the Applicant after increases are made to the approved POP and if obligations will be made before the end of the fiscal year.

Beginning of the fiscal year: During the first quarter of each fiscal year, the FLHPM will work directly with the Applicant's headquarters and FLHDE to develop an estimate of obligations of ERFO funds for the current fiscal year. The FLHPM will submit a consolidated estimate of projected obligations to the ER Program Manager for overall monitoring of the Emergency Relief Program.

Request methods: All requests for ERFO funds to be transferred to the Applicant are to be in writing. These requests are to be sent to the FLHPM.

The FLHDE will make a written request to the FLHPM when funds are required for a FHWA administered ERFO repair project. This request for funds can be included in a POP approval letter.

5.6 How Are ERFO Funds Made Available to an Applicant or FLHDE?

The FLHPM will allocate ERFO obligational authority (subject to availability) to the Applicant's headquarters or FLHDE by disaster on an as-needed written request basis as described below. The total amount must be within the approved Program of Projects amount.

Federal Agency: The FLHPM issues an allocation funds letter is issued to the Applicant. Enclosed with the letter is a summary of the current ERFO program for

that Applicant. An FHWA Form 370, Advice of Funds Available for Obligation, is also sent to the Applicant's budget office. (See Appendix C for an example.)

Federal Land Highway Divisions: The FLHPM will allocate the requested funds and obligational authority by memorandum to the FLHDE. (See Appendix C for an example.) The ERFO fund allocations by State are entered into the FHWA accounting system by the FLHPM. Attached to the memorandum is a summary of the current ERFO Program for that division.

State and local governments: The ER Program Manager issues an allocation memorandum to the FHWA Federal-aid Division where the State or local government is located. The allocation is entered in FHWA's Federal-aid accounting system. County and local governments are reimbursed by the States for eligible repair work performed.

States, counties, and local governments can enter into ERFO reimbursable agreements directly with the FLHDE. Under these agreements they will bill the FLHDE directly for the cost of the repairs. The ERFO funds needed for these repair projects are allocated by the FLHPM to the FLHDE by memorandum.

Indian tribal governments: ERFO fund allocations are not made directly to Indian tribal governments. These allocations are made by the FLHPM to the BIA by letter. Indian tribal governments can contract to perform the permanent repairs under a Public Law 93-638 contract or self-governance compact.

5.7 Program Codes for ERFO Funds

The FHWA and the Applicant use a three digit program code to track the obligation and expenditure of all Highway Trust Funds, including ERFO funds. Each ERFO allocation memorandum and letter has an associated program code(s). The Applicant and FLHDE must report back to the FLHPM on the use of these funds by disaster number and program code. The program codes also indicate the type of ERFO funds authorized. Program code 09W is used for the initial yearly \$100 million amount of funds from the Highway Trust Fund. Program codes such as 09K, 09M, 09R, and 09U have been used for supplemental ERFO funding appropriations from Congress.

5.8 Who Are the Applicant Contacts for Requesting ERFO Funds from the FLHPM?

The following table provides the internal ERFO funding point of contact for the various Federal agencies participating in the ERFO program. The Applicant field units are not to request ERFO funding directly from the FLHPM.

Applicant	ERFO Headquarters Funding Contact	Location
Bureau of Indian Affairs	Division of Transportation	Washington, DC
Bureau of Land Management	Budget and Finance Team	Washington, DC
Bureau of Reclamation	Program Coordination and Budget Division	Washington, DC
Department of Defense	Military Traffic Management Command	Newport News, VA
Fish and Wildlife Service	Division of Engineering	Denver, CO
Forest Service	Office of Engineering	Washington, DC
National Park Service	Budget Team	Washington, DC
U.S. Army Corps of Engineers	Natural Resources Management Branch	Washington, DC

5.9 Unobligated ERFO Funds at the End of the Fiscal Year

Federal Agencies: The amount of unobligated ERFO funds by program code are reported to the FHWA by the Applicant using a standard form (SF) 133, Report on Budget Execution, by the Applicant's budget office at the end of fiscal year (September 30). The FLHPM may withdraw any of these unobligated funds and reinstate these funds early in the next fiscal year.

FLHDE: The FLHDE will provide a list of unobligated ERFO funds by disaster and program code to the FLHPM. The FLHDE will carryover these funds into the next fiscal year unless they are withdrawn by the FLHPM.

States and counties: The FHWA Federal-aid Division Offices will advise ER Program Manager of the unobligated ERFO fund balances by September 15, and these will be withdrawn.

5.10 How Does an Applicant Pay for Ineligible Work That is Performed on an ERFO Project Being Administered by the FHWA?

When the FHWA is administering an ERFO project that involves some ineligible work being performed on an approved ERFO project, the Applicant must transfer the funds (obligational authority and liquidated cash) via SF-1151 or enter into a reimbursable agreement prior to the FHWA advertising the work. Transfers by the Applicant to the FHWA will be made using established fund transfer procedures.

5.11 Advancing Projects During ERFO Program Funding Shortage

When regular ERFO funding is exhausted, the FLHPM cannot allocate ERFO funds to the Applicant to cover either additional funding needs on previously approved disasters or funding needs for new disasters as discussed in paragraph 5.1. As a result, ERFO funding requests received may be held for some time while waiting for Congress to replenish the ERFO accounts through a supplemental appropriation.

Recognizing that quick congressional action is not always possible in today's Federal budgetary climate, the following options or combinations thereof could be used to fund or advance ERFO projects on an interim basis:

a. Use Unobligated ERFO Funds From Other Applicant Disasters

This option could be available to an Applicant that has had several ongoing ERFO disasters that have previously received ERFO funding. Although the FHWA allocates ERFO funds to an Applicant based on funding requests for a specific disaster, it does not object to the Applicant using unobligated ERFO funds from one previously approved disaster to cover additional ERFO needs on another previously approved disaster. The only time this use of funds would not be acceptable is when an ERFO funding source is limited by law to a specific disaster or the use of funds would exceed the approved POP amount for that disaster for repairs which are being administered by the Applicant. The Applicant is required to advise the FLHPM when this option is used and the amounts involved at the end of the fiscal year.

b. Use of Regular Applicant funds

Regular Applicant funds could be used to perform ERFO repairs. When ERFO funds become available, the FLHPM would allocate the remaining approved ERFO funds to the Applicant.

c. Use of Federal Lands Highway Program funds

Regular Federal Lands Highway Program (FLHP) funds could be used to perform ERFO repairs. This means that FLHP funds may only be used on roads which are eligible for that category of funds. FLHP funds cannot be used to repair eligible damage on administrative roads. In addition, the following approval is required:

1. Use of Forest Highway funds. Agreement from the appropriate State and Forest Service officials must be obtained.
2. Use of Park Road and Parkways funds. Approval of the NPS Headquarters is required.

3. Use of Indian Reservation Roads funds. Approval from Indian tribal government (s) and the BIA is required.
4. Use of Refuge Roads funds. Approval from appropriate Fish and Wildlife Service officials is required.
5. Use of Public Lands Highway Discretionary. These funds are project specific and approval from FHWA is required. Usually, there are no uncommitted funds available.

The use of FLHP funds to initially fund eligible ERFO repairs needs to be appropriately documented. When ERFO funds would become available , the FLHPM would allocate the remaining approved ERFO funds to the Applicant.

5.12 Fiscal Responsibilities of the Applicant

The Applicant is responsible for administrating ERFO funds and obligational authority that have been transferred. This responsibility includes complying with all applicable laws and regulations and reporting fiscal information required by the FHWA.

5.13 Fiscal Responsibilities of the FLHDE

The FLHDE is responsible for administrating ERFO funds and obligational authority that have been allocated for ERFO Program administration and the FHWA administered ERFO projects. This responsibility includes complying with all applicable laws and regulations and reporting fiscal information required by the FHWA.

5.14 Fiscal Reporting Requirements for ERFO Funds

Monthly and year end: The amount of unobligated ERFO funds by program code are reported to the FHWA by the Applicant using a standard form (SF) 133, Report on Budget Executions, by the Applicant’s budget office.

Year End: A list of unobligated fund balances by disaster is prepared by the Applicant and the FLHDE. All disasters whose work was completed during the fiscal year are noted. Any unobligated funds for these disasters may be withdrawn by the FLHPM and reinstated in the next fiscal year.

After completion of repairs for a disaster: The Applicant and each FLHDE must prepare and submit a final accounting of the costs claimed for each disaster, or portion thereof, that they administer.

5.15 How Do Federal Agencies get the Cash from the FHWA to Pay Their Approved ERFO Expenses?

Cash to pay ERFO expenses will be transferred via SF-1151 in advance by the FHWA's Chief, Finance Division (HABF-20), upon written request from the Applicant's budget office.

5.16 How Do States and Local Governments Get Reimbursed for Their Approved ERFO Expenses?

State and local governments can request reimbursement using the FHWA Federal-aid Division's billing system or by billing the FLHDE as discussed in Paragraph 5.6.

Chapter 6 - Project Procedures

6.1 Introduction

After a Program of Projects (POP) has been submitted and approved, construction documents (plans and specifications) will be prepared by the Applicant or by the Federal Lands Highway Division Engineer (FLHDE) for each individual project. A project may include one or more Damage Survey Reports (DSR) and may consist of one or more sites. This Chapter discusses the methods of contracting, the procedures required for preparing and approving plans, and the requirements for submitting status reports of individual projects.

6.2 Time Frame for Construction

ERFO projects will be promptly constructed. Generally, emergency repair projects should be completed within 2 months of accessibility to the site. Permanent restoration projects are expected to be under construction by the end of the second fiscal year following the year (fiscal) in which the disaster or catastrophic failure occurred. This requirement provides the Applicant with between 25 and 36 months to complete the design of the permanent repair project and to begin construction. Projects not under construction by that time may be withdrawn from the approved POP unless an extension is approved by the FLHDE. The Applicant is responsible for submitting suitable justification for the time extension to the FLHDE for approval at least 60 days prior to the end of the second fiscal year following the year (fiscal) in which the disaster or catastrophic failure occurred.

Examples of justifications may include:

- a. Delay of eligible work because of a new ERFO disaster that enlarges the damage of eligible sites from an existing ERFO disaster or damages an access road to the sites.
- b. Delay of eligible work due to ongoing litigation.

The Federal Highway Administration (FHWA) expects that the Applicant will complete permanent repairs and closeout the disaster within 4 years from the beginning date of the disaster.

6.3 Contracting Method

a. Emergency Repairs

Emergency repairs are immediate corrective work that must be performed to restore essential travel, protect remaining facilities, or minimize the extent of damage.

It is not required that the emergency repair activity follow the normal competitive bid contracting procedures. It is in the public interest for emergency repairs to be performed as soon as possible. The exact method will be determined by the Applicant that is responsible for the work and must be in accordance with the Federal Acquisition Regulations. Emergency repairs can be performed by one or more of the following:

- (1). Force account. Because of the emergency nature of the work, Applicant forces and/or negotiated equipment rental contracts may be used to complete emergency repairs.
- (2). Negotiated contract. A negotiated contract may be used to complete emergency repairs.
- (3). Contract awarded by competitive bidding through formal advertising with a shortened advertising period. A solicited contract may be used to complete emergency repairs. How the solicitation was conducted, who was contacted, and which contractors responded should be documented by the Applicant or the FLHDE in accordance with established procedures.

b. Permanent Work

Permanent work should be done by contracts awarded under the competitive bidding process or by force account work by the Applicant. The FLHDE will determine if the force account method is in the best interest of the Government, through approval of the DSR or by the ERFO Program interagency agreement.

(1). Force Account

When the force account method is used, construction obligation must be completed by the end of the second fiscal year following the year (fiscal) in which the disaster occurred. Delays due to the Applicant having inadequate resources to begin construction by the end of the fiscal year following the year in which the disaster occurred will not be considered an acceptable justification. In addition, the cost for the Applicant to complete permanent repairs must be comparable to the cost determined by the competitive bidding process.

(2). Cost-Plus-Time Bidding

Cost-plus-time bidding, more commonly referred to as the A+B method, involves time, with an associated cost, in the low-bid determination. Under the A+B method, each bid submitted consists of two components:

The 'A' component is the traditional bid for the contract items and is the dollar amount for all work to be performed under the contract.

The 'B' component is a bid of the total number of calendar days required to complete the project, as estimated by the bidder. (Calendar days are used to avoid any potential for controversy which may arise if work days were used.)

The bid for award consideration is based on a combination of the bid for the contract items and the associated cost of the time, according to the formula:

$$(A) + (B \times \text{Road User Cost} / \text{Day})$$

This formula is used only to determine the lowest bid for award and is not used to determine payment to the contractor.

A disincentive provision that assesses road user costs is incorporated into the contract to discourage the contractor from overrunning the time bid for the project. In addition, an incentive provision should be included to reward the contractor if the work is completed earlier than the time bid. The Applicant would furnish the road user cost information.

For critical repair projects that have high road user delay impacts, the A+B method can be an effective technique to significantly reduce these impacts.

(3). Lane Rental

As with cost-plus-time bidding, the goal of the lane rental concept is to encourage contractors to minimize road user impacts during construction. Under the lane rental concept, a provision for a rental fee assessment is included in the contract. The lane rental fee is based on the estimated cost of delay or inconvenience to the road user during the rental period. The fee is assessed for the time that the contractor occupies or obstructs part of the roadway and is deducted from the monthly progress payments.

The rental fee rates are stated in the bidding proposal in dollars per lane per time period, which could be daily, hourly or fractions of an hour. Neither the contractor nor the contracting agency give an indication of the anticipated amount of time for which the assessment will apply and the low bid is determined solely on the lowest amount bid for the contract items.

The rental fee rates depend on the number and type of lanes closed and can

vary for different hours of the day. For example: the rush hour periods of say 6:30 to 9:00 a.m. and 3:00 to 6:00 p.m. could have an hourly rental fee of \$2,000 for closing one lane, while a lane could be closed at any other time at a rental fee of \$500 per hour.

The intent of lane rental is to encourage contractors to schedule their work to keep traffic restrictions to a minimum, both in terms of duration and number of lane closures. The lane rental concept has merit for use on projects that significantly impact the traveling public; major urban area projects are prime candidates for this approach.

(4). Design-Build

The design-build concept allows the contractor maximum flexibility for innovation in selecting design, materials, and construction methods. With design-build procurement, the contracting agency identifies the end-result parameters and establishes the design criteria. The prospective bidders then develop design proposals that optimize their construction abilities. The submitted proposals may be rated by the contracting agency on factors such as design quality, timeliness, management capability, and cost. These factors may be used to adjust the bids for the purpose of awarding the contract.

By enabling the contractor to optimize its work force, equipment and scheduling, the design-build concept opens a new degree of flexibility for innovation. Along with the increased flexibility, the contractor must also assume greater responsibility. Extended liability insurance or warranty clauses may be used to ensure that the finished product will perform as required.

From the contracting agency's perspective, the potential time savings is a significant benefit. Because the design and construction are performed through one procurement, construction can begin before all design details are finalized. For example: pile driving could begin while bridge lighting is still being designed. Because both design and construction are performed under the same contract, claims for design errors or construction delays due to design errors are not allowed and the potential for other types of claims is greatly reduced.

The design-build method of contracting is an alternative to the traditional design-bid-build contracting method but it only should be used for projects that fit the design-build process. The contracting agency must adequately define the scope of work prior to the request for proposals. The FLHDE must approve the design-build scope of work. A design-build project should have a strong creative design component. Relatively simple

projects, such as roadway resurfacing or minor roadway widening projects, do not provide significant design components and are not the ideal type of projects for design-build. The design-build method will help an agency expedite the project delivery process; however, the primary reasons for using the design-build method should not be the obligation of funds or a means for compensating for inadequate Applicant personnel resources.

6.4 Standards

Reconstruction of damaged roadway and bridge facilities may meet current Applicant standards, including appropriate safety features. Reconstruction of extensively damaged facilities, including betterment projects when adequately justified, should meet the current Applicant design standards. Replacement of roadway facilities other than bridges is limited to the existing number of lanes and surface type. Bridges may be replaced with a facility that meets current geometric and construction standards required for the type and volumes of traffic that such a facility will carry over its design life.

6.5 Environmental Compliance

Under the FHWA's implementing regulations for the National Environmental Policy Act (NEPA), specifically 23 CFR 771.117(c)(9), emergency repairs under the ERFO program, regardless of which agency administers the project, are categorically excluded from requirements to prepare an Environmental Assessment or Environmental Impact Statement. For permanent repair work the NEPA compliance (Categorical Exclusions, Environmental Assessment, or Environmental Impact Statements, and Record of Decision) is the responsibility of the lead Federal agency administering the project. The lead agency must also comply with other Federal, State, and local environmental laws and permit requirements dealing with issues such as wetlands, resource conservation, clean water, endangered species, farmland, and cultural resources.

When an Applicant is the lead Federal agency for permanent repairs, it conducts NEPA and environmental compliance processes using its own environmental regulations and procedures. Most permanent ERFO work would fall into Categorical Exclusion categories although some projects may require an Environment Assessment or Environmental Impact Statement. This work is eligible for funding under the ERFO program. Excessive delays in completing the environmental process may warrant removal of its eligibility and ERFO funding. If the damage persists with no correction for an extended period of time, it may be unreasonable for the FHWA to continue to classify it as a disaster related emergency.

When an Applicant prepares an Environmental Assessment or Environmental Impact Statement, the Applicant should request the FHWA's participation as a cooperating agency. This request should be addressed to the FLHDE.

When the FHWA administers an ERFO project that includes environmental compliance responsibilities, 23 CFR 771 will be the basis of the environmental process and the Federal Lands Highway Project Development and Design Manual would provide additional environmental guidance. The Applicant normally would participate as a cooperating agency at the FHWA's request.

6.6 Development of Plans, Specifications, and Estimates (PS&E)

PS&Es can be developed by either the Applicant or the FHWA.

Normally, the Applicant will indicate in the submittal of the POP which projects they propose that the FHWA design and/or perform construction engineering. The Applicant can request the FHWA to perform additional work at any time. Upon receipt of a written request, and after assessing the current workload, the FLHDE will notify the Applicant, in writing, about which projects that the FHWA agrees to perform.

The Applicant must inform the FLHDE if unauthorized work is added to an ERFO project during design, or after construction has started, and specify the source of funding.

6.7 Simplified PS&E Procedures

To expedite ERFO work, the FLHDE or Applicant may approve abbreviated plans and simplified project procedures, provided that all essential information to describe the work to ensure ERFO eligibility and to determine the reasonableness of cost has been provided.

6.8 Project Numbering for FHWA Projects

Projects to be constructed by the FHWA should be numbered in a manner consistent with the data processing requirements of Form FHWA-37, Project Status Record, and should incorporate the letters, 'ERFO' as a prefix for each project number.

6.9 Project Numbering for Applicant Projects

Projects to be constructed by an Applicant should be numbered in accordance with the Applicant's numbering system.

6.10 PS&E Approvals and Project Acceptance

The FLHDE may require FHWA approval of a PS&E package, concurrence in award/rejection of bids, approval of force account work, and acceptance of completed construction for individual projects on major work sites. The Applicant will be advised in writing regarding which of these items will require FLHDE approval during the POP approval process.

The requirement for FHWA approvals will be at the discretion of the FLHDE. The decision will be based on project complexity and cost. To ensure the integrity of the ERFO Program, the FLHDE may also select projects on a random basis.

Normally, where the FHWA performs preliminary engineering or construction engineering for an Applicant, such work will be reviewed and approved by the Applicant in accordance with Federal Lands Highway Program procedures.

6.11 Status Reports

The Applicant is to submit two Status Reports to the FLHDE, for each of their ERFO disasters. A mid-year status report should be submitted by letter in April for the period from October through March. An end of year status report should be submitted by letter in December for the entire fiscal year.

a. Mid-Year Status Report

The mid-year Status Reports should contain the following information:

- (1). Percent complete, by disaster and subunit.
- (2). Approved Program of Projects amount for Applicant administered repairs, by disaster.
- (3). Amount of required proposed supplemental funding requests, by disaster.
- (4). Program needs for current fiscal year, by disaster.
- (5). Estimated construction completion date, by disaster.
- (6). Estimated date of final construction obligation, by disaster.

b. End of year Status Report

The end of year Status Report should contain the following information:

- (1). Percent complete, by disaster.
- (2). Approved Program of Projects amount for Applicant administered repairs, by disaster.
- (3). Amount of ERFO funding needed for the next fiscal year, by disaster.
- (4). Amount of unobligated ERFO funds to be carried over into the next fiscal year, by disaster.

6.12 Final Closeout Report

Within 6 months after the final inspection of the last construction project for each individual disaster, the Applicant should review all completed construction projects and prepare a final closeout report for submission to the FHWA.

The report must include a comparison of the cost estimates as approved by the FLHDE and the final actual costs for all DSRs in the approved POP. Significant overruns or underruns should be addressed. Only the cost of work that is within the scope of the approved POP is eligible for ERFO funds.

The Applicant can request a partial closeout of the disaster if most of the sites have been repaired.

The FHWA expects that the Applicant will complete permanent repairs and closeout the disaster within 4 years from the beginning date of the disaster.

Upon receiving of the final closeout report, the FLHDE will review the report and possibly conduct followup field reviews to determine that all ERFO Program requirements have been satisfied. The FLHDE will then notify the Applicant and the FLHPM that the ERFO disaster should be closed out.

Chapter 7 - Stewardship of the ERFO Program

7.1 FHWA's Stewardship Policy

In cooperation with our partners, the Federal Highway Administration (FHWA) continues to tailor its stewardship activities and programs to provide responsible management oversight and accountability for Federal assistance programs through flexible and innovative concepts.

7.2 Participation in the ERFO Program

Participation in the Emergency Relief for Federally Owned Roads (ERFO) Program is voluntary. Federal agencies and other Applicants must participate in the ERFO Program to receive Highway Trust Funds for the repair of their roads and bridges. An ERFO Program interagency agreement between the Federal agency and the FHWA must be executed before the Federal agency can receive ERFO funds.

7.3 Applicant Roles and Responsibilities

a. Applicant Field Unit

- (1). Responsible for the administration of any ERFO funds allocated to the agency within the field unit's area. This includes following the procedures outline in this manual, current laws (including National Environmental Policy Act (NEPA)), regulations, and Executive Orders.
- (2). Designates Applicant field coordinator (s).
- (3). Submits a Notice of Intent letter to the Federal Lands Highway Division Engineer (FLHDE) within 2 weeks of the beginning of the disaster.
- (4). If a positive finding is determined, submits by letter the ERFO Program of Projects (POP) for each disaster within 3 months after the date of the Positive Finding letter.
- (5). Submits by letter to the FLHDE any changes to the approved ERFO POP for each disaster.
- (6). Requests by letter to the FLHDE the ERFO repair project(s) that the Applicant wants the FHWA to administer.
- (7). Requests ERFO funds from their headquarters/budget office.

- (8). Submits for FLHDE approval a Plan, Specifications, and Estimate (PS&E) package, concurrence in award/rejection of bids, approval of force account work, and acceptance of completed construction for individual projects on major work sites if required in the POP approval letter.
- (9). Designates the contracting officer on work being administered by the Applicant.
- (10). Requests FHWA participation as a cooperating agency when preparing environmental assessments.
- (11). Ensures that metric units are used in the PS&E in accordance with the Applicant's implementation plan.
- (12). Promptly and efficiently completes temporary and permanent ERFO repairs. This includes compliance with all applicable laws, regulations, Executive Orders, and reporting requirements contained in this manual. All ERFO permanent repairs should be under construction by the end of the second fiscal year following the fiscal year in which the disaster occurred.
- (13). Transfers funds necessary for ineligible work being done on a FHWA administered ERFO repair project to the FHWA.
- (14). Submits suitable justification for time extension(s) to complete permanent repairs at least 60 days prior to the end of the second fiscal year to the FLHDE for approval.
- (15). Submits two Status Reports to the FLHDE, for each of their ERFO disasters. A mid-year status report is submitted by letter in April for the period from October through March. An end of year status report is submitted by letter in December for the entire fiscal year.
- (16). Reviews all completed construction projects and prepares a final closeout report that is sent to the FLHDE at the completion of all projects for an individual disaster.
- (17). Requests that the FLHDE conduct a disaster closeout review of repairs made.
- (18). Maintains lists and maps for each facility which identify their public and administrative roads.
- (19). Makes diligent efforts to recover repairs from legally responsible parties to reduce the ERFO repair costs for highway damages that are caused by

ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events.

b. Applicant ERFO Coordinator

- (1). Immediately notifies the FHWA ERFO coordinator by telephone when it appears that damage or destruction caused by a natural disaster or catastrophic failure is sufficient to justify repair or reconstruction under the ERFO Program and states its intent to apply for emergency relief and will request a finding.
- (2). Arranges all disaster assessment activities necessary for preparing a disaster assessment report.
- (3). Develops a plan to conduct the disaster assessment activities.
- (4). Participates in the disaster assessment activities. This includes collecting information for preparation of the disaster assessment report.
- (5). Arranges for the Applicant and FHWA personnel to be assigned to the damage assessment team to perform the detailed site inspections and conducts joint guidance briefings prior to beginning the damage assessment.
- (6). During the damage assessment period, spends as much time in the field as practical. The field coordinator:
 - (a). Makes advance arrangements for briefing sessions and subsequent detailed site inspections in the event of a Positive Finding.
 - (b). Keeps higher authorities advised about the severity and extent of the damage.
 - (c). Monitors the progress of damage assessment operations.
 - (d). Answers eligibility questions and ensures consistency between damage assessment teams.
 - (e). Makes changes in damage assessment teams as necessary.
- (7). Assembles the POP and subsequent revisions for the disaster.
- (8). Monitors the completion of emergency and permanent repairs.

- (9). Provides ERFO technical assistance and training.
- (10). Prepares ERFO correspondence for the Applicant field unit.
- (11). Monitors ERFO events and repair projects to ensure that they are completed and closed out as soon as possible.

c. Applicant Headquarters/Budget Office Roles and Responsibilities

- (1). Establishes ERFO policies and procedures, to be followed by the Applicant, which are consistent with this manual.
- (2). Trains ERFO coordinators.
- (3). Requests ERFO funds by disaster from the Federal Lands Highway Program Manager (FLHPM).
- (4). Requests liquidating cash via SF-1151 from the FHWA Office of Budget and Finance (Federal agencies only).
- (5). Advises Applicant field units of the amount of ERFO funds available for their disasters.
- (6). Reports monthly on the obligations and expenditures of ERFO funds using the SF-133 (Federal agencies only).
- (7). Returns unobligated ERFO funds to the FHWA before the end of the fiscal year if the amount is known and certain.
- (8). Requests reinstatement of year-end unobligated ERFO fund balances by the FHWA (Federal agencies only).
- (9). Furnishes lists of public and administrative roads, by facility and State, to the FLHPM (Federal agencies only).

7.4 Bureau of Indian Affairs Roles and Responsibilities

- a.** Has the roles and responsibilities of an Applicant. (See Paragraph 7.3.)
- b.** Keeps Indian tribal governments informed of current ERFO activities that impact their reservation (s).
- c.** Keeps State transportation agencies and counties informed of current ERFO activities that impact their roads which have been designated as Indian Reservation roads.

7.5 Bureau of Land Management Roles and Responsibilities

Has the roles and responsibilities of an Applicant. (See Paragraph 7.3.)

7.6 Bureau of Reclamation Roles and Responsibilities

Has the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.7 County and Local Government Roles and Responsibilities

- a. Advises the Forest Service (FS) of any Forest highways under their jurisdiction that were damaged and asks them to apply for ERFO funds.
- b. Advises the Bureau of Indian Affairs (BIA) of any Indian reservation road under their jurisdiction that were damaged and ask them to apply for ERFO funds.
- c. Advises the FLHDE and Military Traffic Management Command (MTMC) of any defense access roads under their jurisdiction that were damaged.
- d. Advises the FLHDE and Bureau of Land Management (BLM) of any land management highways under their jurisdiction that were damaged.
- e. Has the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.8 Damage Assessment Team Roles and Responsibilities

As a minimum, the team:

- a. Visits each damage site.
- b. Describes and photographs the damage and overall site.
- c. Calculates preliminary estimated repair costs.
- d. Completes a Damage Survey Report (DSR) for each damage site, route, or group of sites.
- e. Furnishes one map that identifies all ERFO damage sites to the Applicant and one map to the FHWA ERFO coordinator along with copies of the completed DSRs upon completion of the damage survey work.

7.9 Disaster Assessment Team Roles and Responsibilities

As a minimum, the team:

- a. Views representative damage in each area cited by the Applicant to verify widespread nature of the occurrence.
- b. Obtains general maps of the damaged area.
- c. Obtains photographs of typical damage in each area.
- d. Gathers data as may be available on the natural disaster or catastrophic failure causing the damage, such as rainfall and runoff data, and dates of occurrence.
- e. Obtains details of the cause of the failure, the parties who may be responsible, the impact of the failure for catastrophic failures, and completes the DSR, if possible.

7.10. Federal Highway Administration Roles and Responsibilities

The Secretary of the Department of Transportation has delegated the administration of the emergency relief provision, Section 125 of Title 23 United States Code (U.S.C.), to the Federal Highway Administrator. The administration of emergency relief for States is handled by the Emergency Relief (ER) Program Manager. The emergency relief for Federal roads is administered by the FLHPM.

a. FHWA Federal Lands Highway Program Manager Roles and Responsibilities

- (1). Has overall responsibility for administrating and delivering the ERFO Program.
- (2). Issues ERFO policy and procedures.
- (3). Concurs in positive or negative disaster findings.
- (4). Concurs in ERFO fund allocations (exception basis).
- (5). Determines the eligibility of different types of Federal roads.
- (6). Assures overall program quality and stewardship.
- (7). Reviews appeals from Applicants concerning negative findings and DSRs.

b. FHWA ERFO Program Manager Roles and Responsibilities

The administration and oversight of the ERFO Program has been assigned to the FHWA ERFO Program Manager, who manages all ERFO activities, except for the transfer of liquidating cash, with the Applicants.

The FHWA ERFO Program Manager:

- (1). Coordinates the ERFO Program with ER Program Manager, the Applicant headquarters offices, other agencies, and the FLHDE and monitors program activities.
- (2). Coordinates Positive Findings with the ER Program Manager to assure funding availability and assignment of a Disaster Number.
- (3). Advises the Applicant's headquarters office in writing of the approved POP, availability of funds, and provides guidance regarding administration of the ERFO Program.
- (4). Allocates obligational authority to the Applicant or the FLHDE for ERFO work using the current Federal Lands Highway Program allocation correspondence procedures within 7 calendar days after receiving the request, when funds are available.
- (5). Notifies each Applicant in writing when the \$100 million cap per State per disaster was exceeded and how ERFO funds will be allocated.
- (6). Notifies the Applicant in writing if Congress waives the \$100 million cap per State per disaster.
- (7). Monitors the obligation and use of ERFO funds.
- (8). Adjusts the allocations as necessary and withdraws excess authority upon completion of a disaster.
- (9). Provides status reports as required and develops fiscal year obligation projections.
- (10). Develops and uses procedures to track ERFO fund allocations by disaster. This system provides information to headquarters and the field on the status of funds transferred internally and to Applicants and estimated future ERFO funding needs.

- (11). Leads the overall ERFO quality assurance and program stewardship efforts.
- (12). Provides status of the ERFO Program and funds to the ER Program Manager for distribution to the Congress, Office of Management and Budget, and Secretary of Transportation.
- (13). Develops and recommends ERFO procedures and policy.
- (14). Monitors ERFO field activities to maintain overall consistent application of ERFO policies.
- (15). Prepares replies to congressional and public correspondence.
- (16). Provides technical assistance and training.
- (17). Assists Applicants in the year-end adjustments of ERFO fund allocations and obligations.
- (18). May withdraw any unobligated ERFO funds from Applicants at the end of the fiscal year.
- (19). Prepares, reviews, and modifies ERFO Program agreements with Federal agencies.

c. FHWA Federal Lands Highway Division Engineers Roles and Responsibilities

The Federal Lands Highway Division Engineers are responsible for the prompt and efficient administration and delivery of the ERFO Program in their service area. This includes compliance with all applicable laws, regulations, Executive Orders, and the reporting of fiscal data required by the FHWA.

- (1). Designates a FHWA ERFO coordinator.
- (2). Designates /dispatches Federal Lands Highway (FLH) emergency response team(s) that can provide technical assistance during and immediately after a natural disaster or catastrophic failure.
- (3). Promptly acknowledge the Applicant's Notice of Intent letter in writing within 7 calendar days of receiving the Applicant's Notice of Intent letter.
- (4). Confers with the FLHPM prior to making any positive or negative findings determinations on ERFO disasters.

- (5). Determines that there has been a natural disaster of sufficient extent and intensity or catastrophic failure to warrant ERFO funding consideration.
- (6). Makes a Finding (positive or negative) that serious damage did or did not occur on the Applicant's roads within 60 calendar days of receiving the Applicant's Notice of Intent letter.
- (7). Advises the Applicant by letter of the Negative Finding, and closes the disaster file.
- (8). Advises the Applicant by letter of the Positive Finding that explains the remaining process. If a quick release of ERFO funding is appropriate, includes its approval in the Positive Finding letter.
- (9). Reviews and approves or denies the quick release of ERFO funds before an ERFO POP is approved for the disaster and requests the FLHPM to allocate the funds.
- (10). Advises the Applicant by letter within 30 calendar days, of the approved POP and DSRs for each disaster and provides guidance relative to the administration of ERFO projects. This includes the FHWA's need to approve the PS&E package, concurrence in award/rejection of bids, approval of force account work, and acceptance of completed construction for individual projects on major work sites. The letter also includes ERFO repair projects that the Federal Lands Highway Division will administer.
- (11). Reviews and approves or denies by letter to the Applicant within 30 calendar days, any changes to the approved ERFO POP and DSRs for each disaster.
- (12). Reviews and approves or deny by letter to the Applicant within 30 calendar days, time extensions for completing permanent repairs on a disaster.
- (13). Reviews selected completed construction projects and prepares a final report after the completion of projects administered by the FHWA for an individual disaster.
- (14). Services counties receiving ERFO funds from their divisions. This includes preparing reimbursable agreements, monitoring/processing funding requests, making payments, etc.

d. FHWA ERFO Coordinator

The FHWA ERFO Coordinators are individuals designated by the FLHDE to have overall ER/ERFO program coordination responsibility within their FLHD division. These individuals also have overall field interagency ERFO coordination responsibility for individual disasters and coordinates with the Applicant's ERFO coordinator.

- (1). Arranges all disaster assessment activities necessary for preparing a disaster assessments reports.
- (2). Conducts a windshield survey or an abbreviated FHWA review to verify the significant impact of the event. This survey/review includes collecting information for the preparation of the disaster assessment report.
- (3). Prepares the disaster assessment report.
- (4). Develops a plan to conduct damage assessment activities.
- (5). Arranges for Applicant and FHWA personnel to be assigned to perform the damage assessments and conducts joint guidance briefings prior to beginning the damage assessment (s).
- (6). Instructs the damage assessment team (s) on how to perform the detailed damage site inspections and prepare the DSRs.
- (7). Spends as much time in the field as practical when detailed site inspections are being made. The coordinator:
 - (a). Makes advance arrangements for briefing sessions and subsequent detailed damage inspections in the event of a Positive Finding.
 - (b). Keeps higher authorities advised as to the severity and extent of damage.
 - (c). Monitors the progress of damage assessment operations.
 - (d). Answers eligibility questions and ensures consistency among damage assessment teams.
 - (e). Makes changes in damage assessment teams as necessary.
 - (f). Resolves any differences of opinion among members of the damage assessment teams.

- (8). Establishes and uses an independent checking system to assure that the DSRs are complete, accurate, and properly numbered.
- (9). Reviews and recommends each DSR for approval or denial.
- (10). Retains the original of each DSR.
- (11). Furnishes a photocopy of each completed DSR to the Applicant after the DSR has been checked, any necessary revisions have been made, and eligibility has been determined.
- (12). Discusses eligibility questions with the FLHDE. Forwards any eligibility questions that cannot be resolved between the FLHDE and the Applicant to the FHWA ERFO Program Manager for resolution.
- (13). Reviews Applicant POPs and subsequent revisions.
- (14). Prepares ERFO correspondence for the FLHDE.
- (15). Provides ERFO information for calculation of the ERFO Program performance measures.
- (16). Reviews completed ERFO projects and closes out disasters as soon as possible.
- (17). Prepares ERFO status reports.

e. FHWA Emergency Relief Program Manager Roles and Responsibilities

The FHWA Emergency Relief Program Manager is responsible for the administration of the ER program for FHWA and:

- (1). Keeps track of ER and ERFO funds.
- (2). Concurs in all allocations of ERFO funds.
- (3). Assigns ERFO disaster numbers.
- (4). Provides the status of the ERFO Program and funds to the Congress, Office of Management and Budget, and Secretary of Transportation.
- (5). Provides technical assistance on ER through telephone and training courses.
- (6). Resolves conflicts between the ER and ERFO programs.

- (7) Monitors the \$100 million cap per State per disaster. Calculates the amount of ERFO funds to be allocated among the Applicants when the cap is exceeded.
- (8) Develops ER policy and guidance.

f. FHWA Federal-aid Division Office Roles and Responsibilities

- (1) Shares disaster information with the FHWA ERFO coordinators.
- (2) Consults on ER/ERFO funding for damage on Federal roads that are Federal-aid highways with the FHWA ERFO coordinator.
- (3) Posts all ERFO obligations and expenditures on ERFO project(s) administered by States, counties, and local governments using the Federal-aid billing system.
- (4) Monitors ERFO repair work done by States and/or counties in accordance with the FHWA/State stewardship plan.
- (5) Advises the ER Program Manager of completed disaster repairs and unneeded ERFO funds.
- (6) Provides end-of-fiscal year information on unobligated ER/ERFO funds to the ER Program Manager.

g. FHWA Office of Budget and Finance Roles and Responsibilities

- (1) Prepares FHWA 370, Advice of Funds Available for Obligation form, and sends it to the Federal agency's budget office.
- (2) Transfers liquidating cash via SF-1151 to the Federal agency to meet current expenditures needs within 7 calendar days of receiving the request.
- (3) Posts all ERFO allocations, transfers, and Federal agency's obligations and expenditures.
- (4) Reinstates unobligated ERFO fund balances.
- (5) Assists the Federal agency's accounting office in reconciling data reported to the Department of the Treasury and the Office of Management and Budget.

h. FLH Emergency Response Team Roles and Responsibilities

- (1). Provides technical assistance during and immediately after a natural disaster or catastrophic failure to the Applicant.
- (2). May perform the disaster assessment.
- (3). May perform the damage assessments and prepare DSRs.

7.11 Fish and Wildlife Service Roles and Responsibilities

Performs the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.12 Forest Service Roles and Responsibilities

- a. Notifies the FLHDE of damages to forest highways that are under FS or county jurisdiction.
- b. Performs the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.13 Indian Tribal Government Roles and Responsibilities

- a. Notifies the serving BIA agency or region office that Indian reservation roads have been damaged and requests that the BIA apply for ERFO funds to make repairs.
- b. Participates in damage assessment teams and detailed site inspections.
- c. Performs ERFO permanent repairs under a Public Law 93-638 contract or compact.
- d. Participates in the final inspection of ERFO projects on/near their reservation(s).

7.14 Military Traffic Management Command Roles and Responsibilities

Performs the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.15 National Park Service Roles and Responsibilities

Performs the roles and responsibilities of an Applicant. (See Paragraph 7.3)

7.16 State Transportation Department Roles and Responsibilities

- a.** Applies to the FHWA Federal-aid Division Administrator or the FLHDE for all Forest Highways that are Federal-aid highways.
- b.** Advises the FLHDE and MTMC of any segments of defense access roads under their jurisdiction that were damaged.
- c.** Advises the FLHDE and BLM of any segments of land management highways under their jurisdiction that were damaged.
- d.** Performs the roles and responsibilities of an Applicant. (See Paragraph 7.3.)

7.17 U.S. Army Corps of Engineers Roles and Responsibilities

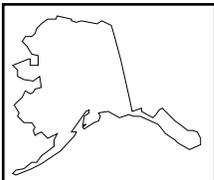
Perform the roles and responsibilities of an Applicant. (See Paragraph 7.3)

Appendix A

ERFO Disaster Assistance Service Area Maps

ERFO Disaster Assistance Service Areas for the Bureau of Indian Affairs

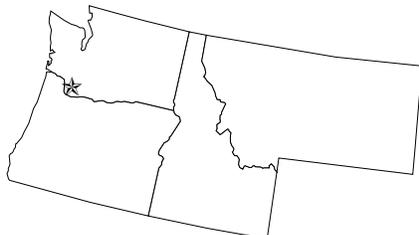
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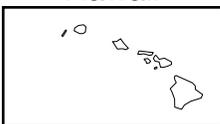
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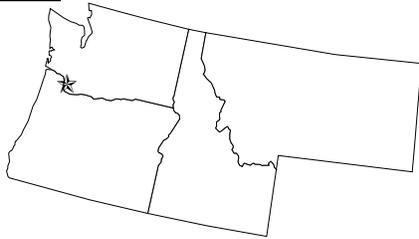
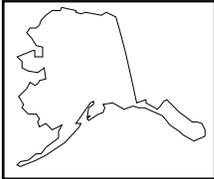
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ERFO Disaster Assistance Service Areas
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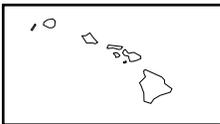
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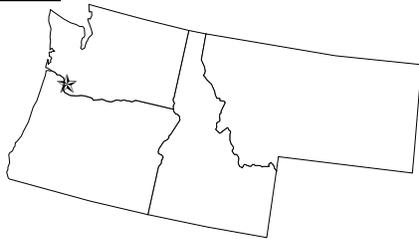
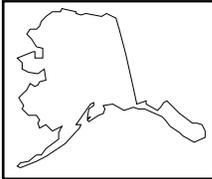
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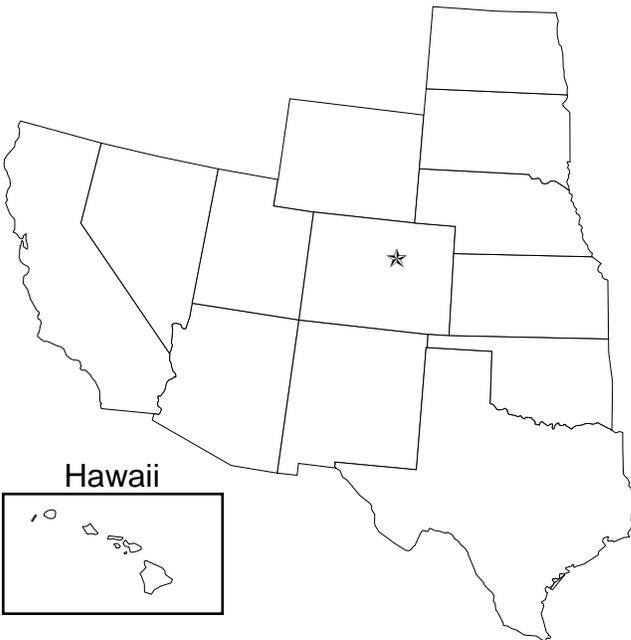
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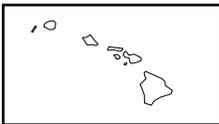


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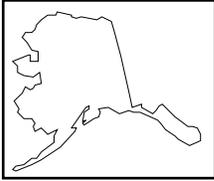
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ERFO Disaster Assistance Service Areas for the Department of Defense

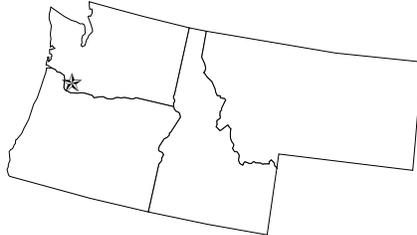
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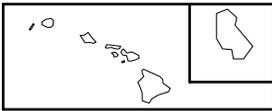
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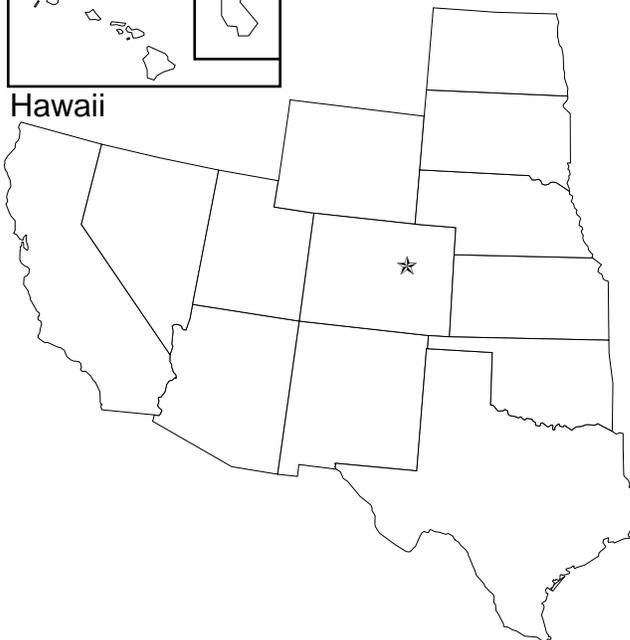
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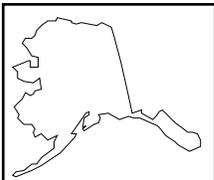
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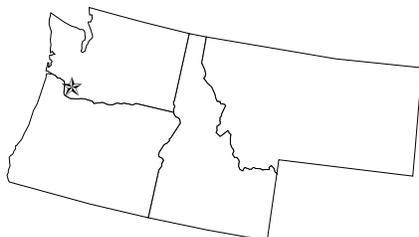
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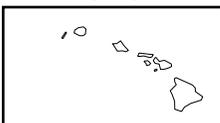
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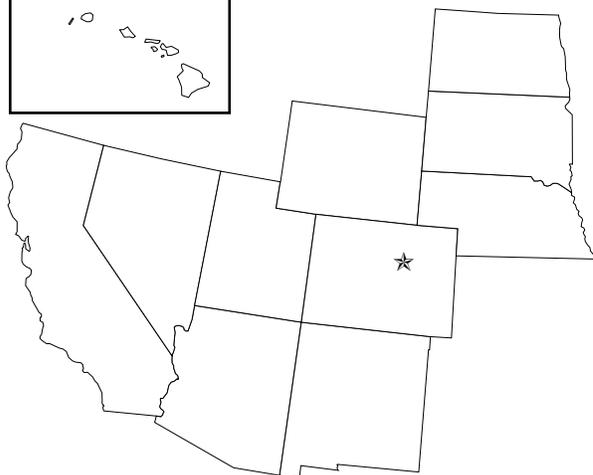
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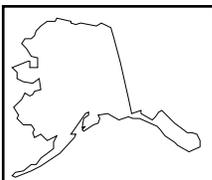
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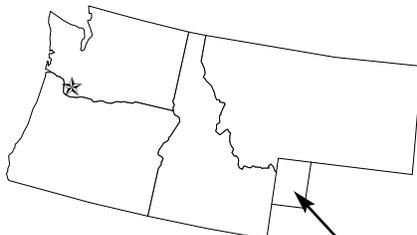
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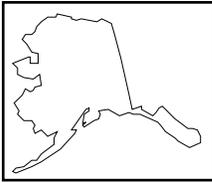
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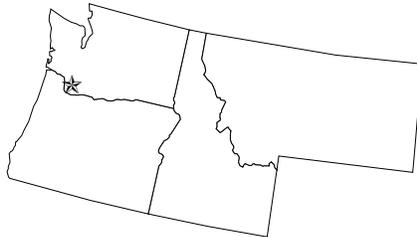
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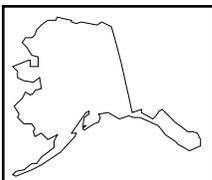
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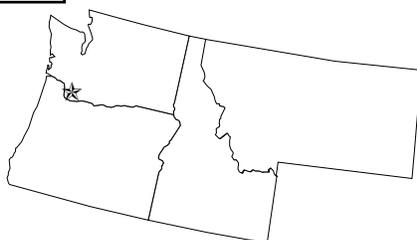
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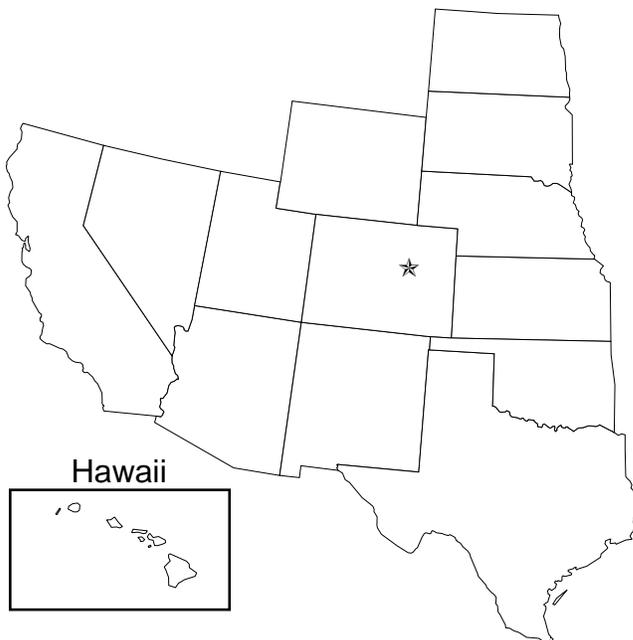
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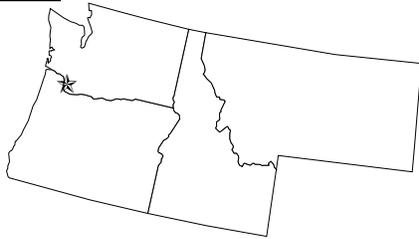
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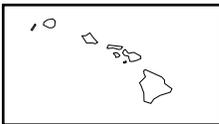


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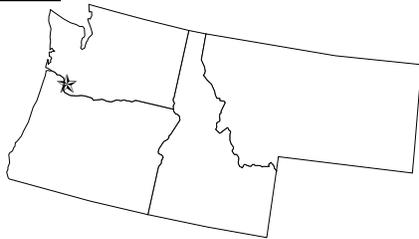
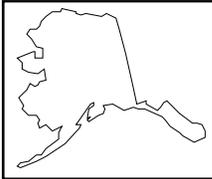
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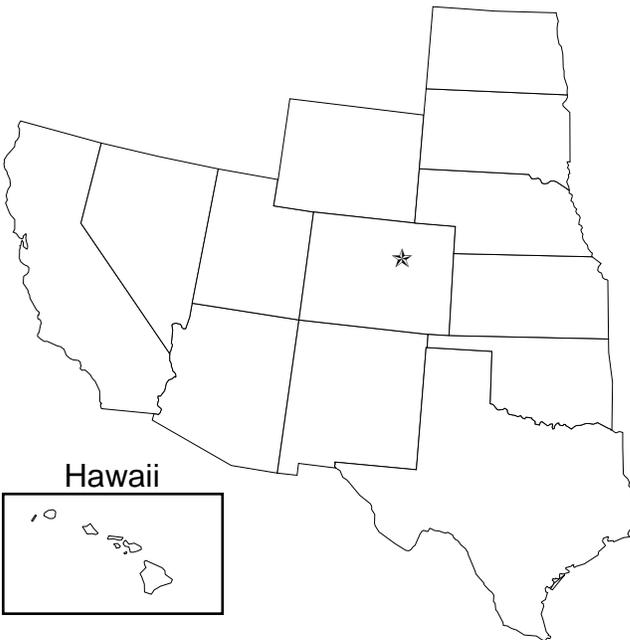
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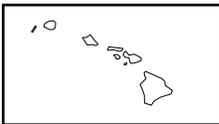


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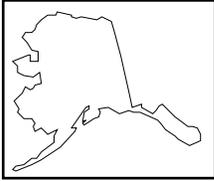
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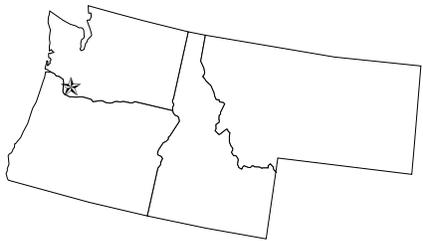
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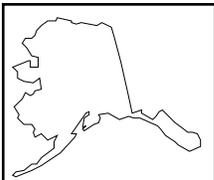
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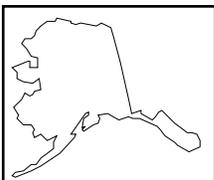
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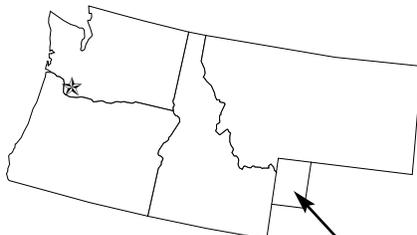
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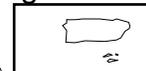
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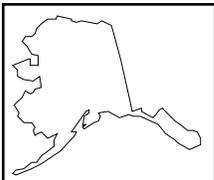
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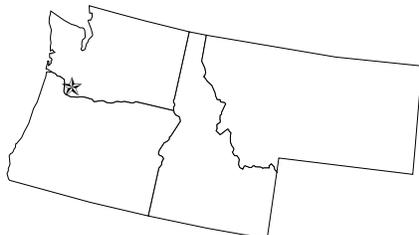
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Appendix B

Damage Survey Report

Instructions for Completing the ERFO Damage Survey Report (DSR)

Introduction

As discussed in chapter 2, the Damage Survey Report (DSR) is used to describe the damage and the method and cost of emergency and permanent repairs. This report usually is prepared by the damage assessment team.

The actual DSR form used by the Applicant may appear slightly different from the one shown in this appendix. This difference in appearance may be a result of the software used to prepare the DSR or may be because of additional information included by the Applicant. Before using a customized DSR form, the form needs to be reviewed and approved for use by the Federal Highway Administration (FHWA) Emergency Relief for Federally Owned (ERFO) Roads coordinator.

Before conducting detailed damage site inspections, members of the team should attend a briefing/training meeting and/or view the ERFO training video on conducting detailed site inspections and completing the DSR. During these meetings, the ERFO coordinators will explain how the detailed site inspections should be made and what types of photographs are needed for the DSR. The ERFO coordinators will also provide any other information considered important to ensure efficiency of the ERFO Program, including copies of this manual, instructions on its application, materials and equipment costs, and applicant information used in preparing DSRs.

The damage assessment team will make a detailed inspection of each damage site. The data gathered determines the scope of work and preliminary cost estimates, and will include the following information:

- (1) The extent and nature of the damage.
- (2) Emergency repairs completed or those necessary.
- (3) Permanent work necessary to restore the site to its original condition.
- (4) Justification for betterments, if proposed.
- (5) Cost estimates for eligible activities.
- (6) Repair options, which may be discussed on supplemental sheets; however, one option will be selected and shown on the DSR form.

DSR Information Blocks

One or more damage sites can be reported on one DSR. For example, five culvert washouts along a road and four slump sites. Large slides and bridges can not be grouped on one DSR. (See chapter 2 for additional information.)

The top portion of the DSR establishes who is applying for ERFO funds, where the damage occurred, and what damage happened (short description).

Sheet No. _____ of _____ Sheet numbers are entered to sequence the DSRs.

Site No. This is a unique number. The DSR numbering system is normally created by the Applicant. The following system is suggested:

AAA-XX-YY where AAA is either a letter or number identification for the national forest, Bureau of Land Management (BLM) district, national park, Indian reservation, etc. XX is the road number; and YY is the mile (kilometer) post.

Disaster No. The disaster number is provided in the positive finding letter and also is provided by the FHWA ERFO coordinator. WA98-1-BIA is a Bureau of Indian Affairs ERFO disaster in the State of Washington. The number appears on every DSR for the disaster.

Applicant: Enter the name of the field unit (national forest, national park, etc).

County: Enter the name of the county in which the damage site is located.

State: Enter the two-letter abbreviation of the State in which the damage site is located.

Inspection Date: Enter the date of the inspection.

Location of Damage: Enter the route number, name of the road, and milepost of the damage site in miles or kilometers according to your agency's metric policy.

ADT: Enter the average daily traffic for the road, if known.

Road/Bridge Data: Enter the bridge number and type of bridge, the widths of the traveled way and shoulders, and the type of surface.

Photographs:

Roll No.____ Pictures ____ Enter the film roll number and picture numbers of the high-quality color photographs taken at each site.

Description of Damage:

Provide a clear description about how the damage occurred and what the end result was. Describe how much of the road was lost, noting the length, width, and depth. Include the same information on the damage, such as slides, slumps, or washouts. Also include the size and condition of the damaged culverts, bridges, or other structures.

Indicate why an existing pipe needs to be replaced. For example: washed away, badly plugged with rocks, not salvageable. Indicate why a larger culvert is needed.

Note any signs of a preexisting condition for slides and slumps. For example: sealed pavement cracks, vegetation growing in slope cracks, horizontal drains.

If necessary, make a sketch or cross-section drawing that illustrates the damage and current roadway width and that uses relative dimensions. Indicate the thickness of the pavement layers.

Scope of Work:

Describe the emergency repairs that were already completed at the time of the detailed site inspection, as well as the additional emergency repairs that are required. Include the permanent work that was not accomplished as emergency repairs that is required to restore the damaged road or bridge to its original condition. For example: “Repair an existing 900 mm corrugated metal pipe, backfill to existing road grade, and place gabions along the toe of fill slope.”

When several repair options exist, provide a brief outline of each option on supplemental sheets. Then indicate which one is recommended.

Remember that the purpose of the repair is to return the road or bridge to its preexisting condition and not to rebuild the road to the current standard.

Review chapter 3 to see what repair work is eligible and what proposed work is considered a betterment and requires justification.

COST ESTIMATE FOR EMERGENCY REPAIRS

The middle part of the DSR form contains space to identify the cost of the emergency repairs. Show all work that was performed before this damage site visit. Include additional emergency repairs, if they are anticipated. Include temporary traffic control devices and warning signs. Include permanent repair work with emergency repairs, if it is cost effective. See chapter 3 for eligible repair work and materials.

QUANTITY Enter the number of units of equipment, labor, or materials.

UNIT Enter the unit of measure.

DESCRIPTION Enter the name of the equipment, labor, and materials.

Unit Price Enter the unit price for the item.

COST Calculate the COST by multiplying the QUANTITY by the Unit Price.

Force Account Put an X in this box if the emergency repairs were done by the applicant's employees

Contract Put an X in this box if the emergency repairs were done by a contractor.

Total Emergency Repairs Add up the costs for each item and enter the total.

COST ESTIMATE FOR PERMANENT REPAIRS*

This section of the DSR form is used to report the estimated cost of making the permanent repairs at the damage site. Include such costs as clearing and grubbing; debris removal; excavation; backfill; repairing culverts; repairing retaining walls; providing slope protection; construction materials such as riprap, base aggregate, and paving mixtures; equipment rental; and revegetation. See chapter 3 for eligible repair work and materials.

Include the cost of mobilization, which is the cost of transporting the necessary equipment, materials, and labor to the damage site. When estimating the cost of repairs for a site, equipment mobilization costs can be calculated from the location of the equipment to the damage site and from one damage site to the next logical damage site. For the second and subsequent damage sites, use the lower mobilization amount in estimating the total repair cost for that site.

The actual type of cost items that appear depend on whether the permanent repairs are to be done by the Applicant’s employees or by a contractor. Remember to include erosion control, traffic control, betterments, and environmental mitigation.

QUANTITY Enter the number of units of equipment, labor, or materials.

UNIT Enter the unit of measure.

DESCRIPTION Enter the name of the equipment, labor, and materials.

Unit Price Enter the unit price for the item.

COST Calculate the COST by multiplying the QUANTITY by the Unit Price.

Force Account Put an X in this box if the permanent repairs will be done by the applicant’s employees

Contract Put an X in this box if the permanent repairs will be done by a contractor.

Total Permanent Repairs Add up the costs for each item and enter the total.

Identify Betterment if any and Provide justification* Provide a description of any betterments and their justification here. (See appendix C for a sample justification.)

Preliminary Engineering Calculate the cost of preliminary engineering as a percentage of the total permanent repair cost. If the repairs are simple, use 15 percent. If geotechnical investigations, hydraulic studies, or environmental studies are needed, increase the percentage used in this calculation. The percentage may also be increased if it is anticipated that a consultant will be preparing the design.

Construction Engineering

Calculate the cost of construction engineering as a percentage of the total permanent repair cost. If the repairs are simple, use 10 percent. If the repairs are complex, use 15 percent.

Right-of-Way

Enter the cost of acquiring the right-of-way that is necessary to make the repairs. Consider using construction easements whenever possible.

TOTAL ESTIMATED COST

Enter the total cost for emergency repairs, permanent repairs, preliminary and construction engineering, and right of-way.

If there is cost sharing on the road, adjust the total amount to reflect the government’s share. ERFO funds can pay only for the government’s share of the repair costs.

Applicant

The Applicant signs the DSR form in this space.

Concurrence Blocks

One of these blocks is checked by the FHWA Federal Lands Highway Engineer on the damage assessment team. The signature does not mean the repairs and costs described on the DSR are approved.

Recommendation Blocks

One of these blocks is checked by the FHWA ERFO coordinator. The recommended eligibility is usually accepted by the FLHDE and noted in the program of projects (POP) approval letters.

*

Attach Supplemental Sheets if necessary.

Supplemental Sheets

Supplemental sheets are used as follows:

- (1) for providing additional explanations of the damage, scope of work, estimated costs of repairs, betterment justification, etc.
- (2) for sketches or drawings illustrating the damage or proposed repairs. As the saying goes “A picture is worth a thousand words.”
- (3) photos of the damage site(s).
- (4) a map showing the site location(s).

Duplicate all pertinent information about the site(s) at the top of each supplemental sheet by including the duplication block below.

FEDERAL HIGHWAY ADMINISTRATION <i>Federal Lands Highway</i> DAMAGE SURVEY REPORT (Title 23, Federal-Aid System/Federal Domain)			Sheet No. _____ of _____ Site No. _____ Disaster No. _____
Applicant	County:	State:	Inspection Date:
Location of Damage (Route No., Name of Road, and Mile Post):			ADT (existing):

FEDERAL HIGHWAY ADMINISTRATION <i>Federal Lands Highway</i> DAMAGE SURVEY REPORT (Title 23, Federal-Aid System/Federal Domain)	Sheet No. <u> 1 </u> of <u> 3 </u> Site No. <u> GP26-10.6 </u> Disaster No. <u> WA 96-2 ES </u>
Applicant: Gifford Pinchot County: Skamania State: WA	Inspection Date: 4/18/96
Location of Damage (Route No., Name of Road, and Mile Post): Road 26, Ryan Lake Road, Mile Post 10.6 at Quartz Creek	ADT (existing): 188
Road/Bridge Data: Bridge ID: <u> NA </u> Type <u> </u> Traveled Way: Width <u> 18' </u> Type <u> Bituminous </u> Shoulder: Width <u> 1' </u> Type <u> Aggregate </u>	Photographs: Roll No. <u> </u> Pictures <u> </u>
Description of Damage: Two large debris torrents crossed the road on a long sweeping curve. A 1200-mm culvert was buried. A 3600-mm x 2490-mm x 27 m arch pipe on Quartz Creek was severely damaged, and plugged with rock. Road washed out 24 m long x 5 m deep. 75 m of shoulder and 1/2 lane was washed out.	
Scope of Work: Reconstruct the road in its original location, but lower the grade to create a dip. Replace the culvert with a steel grate open top concrete culvert.	

COST ESTIMATE FOR EMERGENCY REPAIRS*

QUANTITY	UNIT	DESCRIPTION (Equipment, Labor, and Materials)	Unit Price	COST
		None		

Proposed: Force Account Contract **Total Emergency Repairs \$0**

COST ESTIMATE FOR PERMANENT REPAIRS*

1	EA	Culvert Removal	\$ 800	\$ 800
1	EA	Clearing	\$ 3,000	\$ 3,000
3600	m3	Excavation	\$ 8	\$ 29,000
400	m3	Slope Paving	\$ 600	\$ 24,000
1400	m3	Riprap	\$ 22	\$ 30,800
348	m3	Aggregate	\$ 15	\$ 5,200
260	t	Asphalt	\$ 80	\$ 21,000
1	EA	Steel Grate Concrete Box Culvert	\$ 53,400	\$ 53,400
1	EA	Miscellaneous	\$ 2,000	\$ 2,000
1	EA	Mobilization	\$ 17,000	\$ 17,000

Proposed: Force Account Contract **Total Permanent Repairs \$ 187,100**

Identify Betterment if any and Provide justification* Lower grade, slope paving, and install an steel grate open top concrete culvert. The cost of the betterment is about \$90,000 and this does not take into account any savings due to lowering the road grade. The cost of repairing the road and replacing the culvert if a future event occurs will exceed \$200,000.	Preliminary Engineering Construction Engineering Right-of-Way TOTAL ESTIMATED COST (Emergency and Permanent Repairs)	\$ 28,065 \$ 28,065 \$ \$ 243,230
Concurrence <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible	Applicant	Date
Recommendation <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible	FLH Field Engineer	Date
	FHWA ERFO Coordinator	Date

*Attach Supplemental Sheets if necessary.

FEDERAL HIGHWAY ADMINISTRATION
Federal Lands Highway
DAMAGE SURVEY REPORT
(Title 23, Federal-Aid System/Federal Domain)

Sheet No. 2 of 3

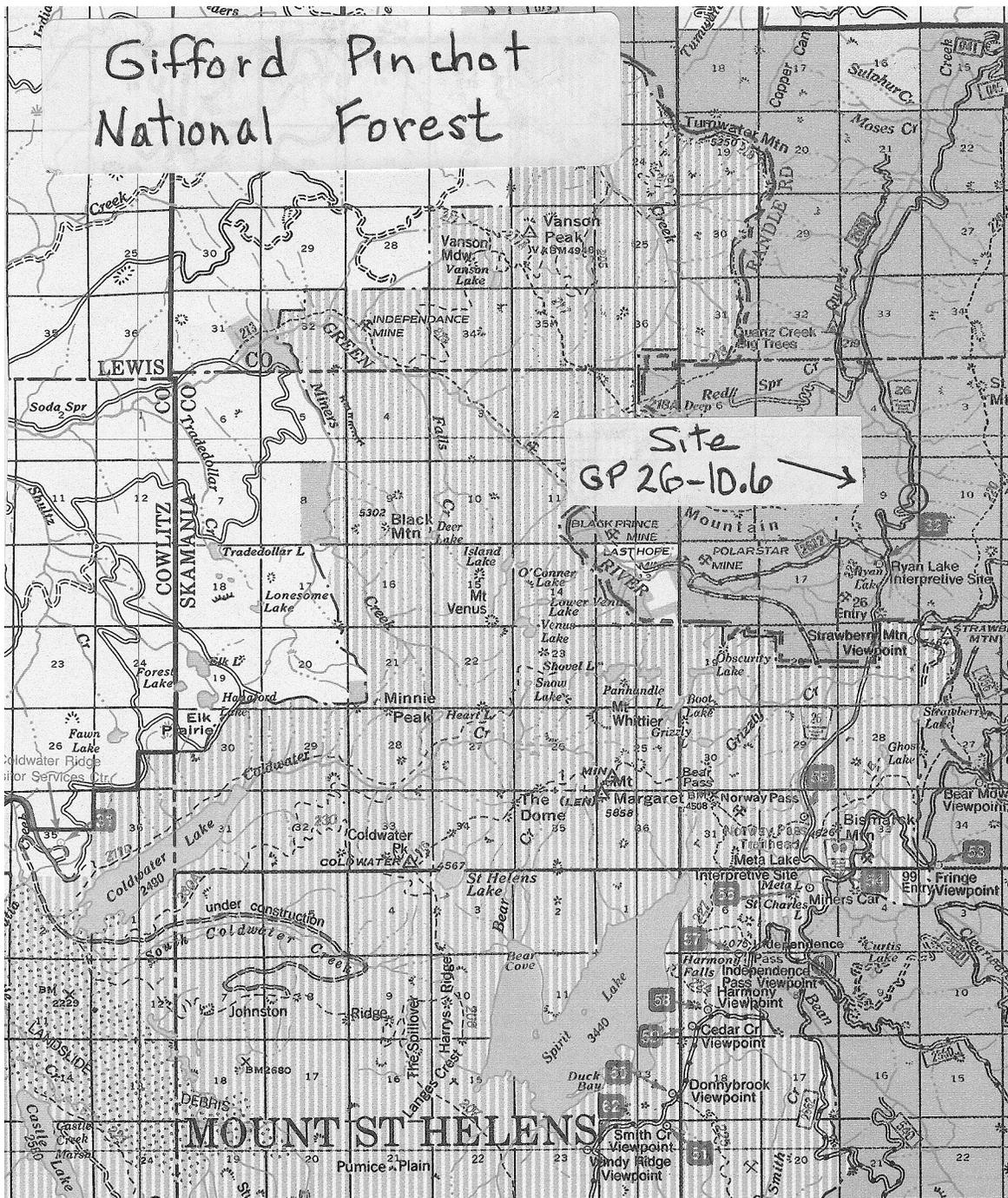
Site No. GP26-10.6
Disaster No. WA 96-2 ES

Applicant: Gifford Pinchot County: Skamania State: WA

Inspection Date: 4/18/96

Location of Damage (Route No., Name of Road, and Mile Post):
Road 26, Ryan Lake Road, Mile Post 10.6 at Quartz Creek

ADT (existing): 188



Site Location Map

FEDERAL HIGHWAY ADMINISTRATION <i>Federal Lands Highway</i> DAMAGE SURVEY REPORT (Title 23, Federal-Aid System/Federal Domain)			Sheet No. <u> 3 </u> of <u> 3 </u> Site No. <u> GP26-10.6 </u> Disaster No. <u> WA 96-2 ES </u>
Applicant: Gifford Pinchot	County: Skamania	State: WA	Inspection Date: 4/18/96
Location of Damage (Route No., Name of Road, and Mile Post): Road 26, Ryan Lake Road, Mile Post 10.6 at Quartz Creek			ADT (existing): 188



Road 26, milepost 10.6
Both ends of multi plate culvert visible



Road 26, milepost 10.6
Stream scour below road shoulder

Appendix C

Sample Letters and ERFO Documents

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

June 6, 1997

Division Engineer
Federal Highway Administration
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661-3893

Dear Sir:

This letter is to confirm our informal notice of intent to seek emergency relief funding conveyed by telephone to Mr. Jim Emerson on March 24, 1997. Heavy rains falling on an unusually large snow pack from about March 17, 1997, through March 20, 1997, and April 21, 1997, through about April 24, 1997, damaged five Indian Reservation roads on the Colville, Kalispel, and Spokane Indian Reservations in Washington. On April 25, 1997, the Governor of the State of Washington declared Douglas, Ferry, Lincoln, and Pend Oreille Counties disaster areas.

This letter is our formal Notice of Intent to apply for emergency relief funds to assist with the needed repairs and reconstruction under provisions of Title 23, U.S.C., Section 125. Our very preliminary cost estimates show damage on BIA-owned roads to be about \$150,000.

If you have questions, please contact Mr. Fred Volz, ERFO Coordinator, at (503) 872-2874.

Sincerely,

Portland Area Director

Quick Release wording:

We are requesting a quick release of \$_____ of emergency relief funds for making emergency repairs.

Applicant Notice of Intent Letter - Chapter 2

June 9, 1997

Refer to: HTS-17.9
File: 701 (general)

Area Director
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland, OR 97232-4169

Dear Sir:

This letter is to acknowledge your June 6, 1997, letter, which advised that you intend to apply for Emergency Relief for Federally Owned Roads (ERFO) Funds under 23 U.S.C. 125, for the repair of Indian Reservation roads on the Colville, Kalispel and Spokane Indian Reservations in Washington. The roads were damaged as a result of a heavy rains falling on an unusually large snow pack from about March 17, 1997, through March 20, 1997, and April 21, 1997, through about April 24, 1997.

You should proceed with the performance of the emergency operations necessary to restore essential travel; to protect the remaining facilities; to reduce the extent of damage; to begin preliminary engineering (consisting of surveys, designs, and permanent restoration work) that is required as an associated part of the emergency operations; and to use agency forces and/or negotiated equipment rental contracts as necessary to perform the work.

The eligibility of such work for ERFO funds will be contingent upon a favorable finding on the eligibility of the disaster and subsequent approval of the work by the Western Federal Lands Highway Division (WFLHD) Engineer, Federal Highway Administration (FHWA).

The basis for the decision will be a field report with estimates of cost to repair or reconstruct the damaged routes and evidence of the widespread extent and intensity of the disaster.

A representative from this office will contact the affected ERFO Coordinator in your office to make arrangements to review the disaster damage and begin preparing the field report. If a favorable finding is made, we will make further arrangements for individual site inspections to prepare Damage Survey Reports (DSRs).

FHWA Acknowledgment Letter - Chapter 2

Mr. Stanley Speaks
June 9, 1997

2

If a favorable finding of eligibility is made for the disaster, a program of projects prepared by the Bureau of Indian Affairs must be submitted to WFLHD for approval. The program must include a detailed description and estimated costs of the necessary emergency operations performed and the permanent restoration proposed at each damage site. The ERFO funds will be transferred to the Bureau of Indian Affairs for eligible work contained in the approved program in accordance with established procedures. Permanent restoration work performed prior to program approval will not be eligible for ERFO funds unless such work was performed as an associated part of eligible emergency repairs.

Emergency and permanent repairs must conform to the policies and procedures described in the ERFO Disaster Assistance Manual, 1998.

If you have questions or need further information, please contact Mr. Jim Emerson at (360) 696-7674.

Sincerely yours,

Division Engineer

cc: FLHPM, FLH, Washington, DC (HFL-1)
Division Administrator, FHWA, Olympia, WA, (HDA-WA)
Area Road Engineer, BIA, Portland Area Office, Portland, OR
Superintendent, BIA, Colville Indian Reservation, Nespelem, WA
Superintendent, BIA, Wellpinit, WA
Kalispel Business Center, Usk, WA

July 21, 1997

Refer to: HTS-17.9

File: 701 (general)

Area Director
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland, OR 97232-4169

Dear Sir:

Emergency Relief for Federally Owned Roads
WA97-2-BIA

Your letter of June 6, 1997, requested Emergency Relief for Federally Owned Roads (ERFO) funding be made available for the repair of Indian Reservation roads on the Colville, Kalispel, and Spokane Indian Reservations in Washington which were damaged as a result of a heavy rains falling on an unusually large snow pack from about March 17, 1997, through March 20, 1997, and April 21, 1997, through about April 24, 1997.

An assessment of damage to Bureau of Indian Affairs roads in these reservations as well as Forest Service roads in the Colville National Forest in the State of Washington has been completed. It was found that serious damage has occurred on the Kalispel and Spokane Indian Reservations.

Pursuant to Section 125 of Title 23, United States Code, I find that Emergency Relief funds, subject to availability, will be provided for eligible repairs to Indian Reservation roads. The total repair costs are estimated to be \$150,000.

The Disaster Identification Number will be WA97-2-BIA. Please use this number as the reference for any correspondence.

Arrangements will be made with the Portland Area Road Engineer by my staff to finish joint damage site inspections and reports. Preliminary damage site inspections were made during the disaster assessment field trip. Upon completion of the site inspections, your office will submit a program of projects to this office. Following approval of the program, obligational authority and a transfer of ERFO funds can be requested by your headquarters office in accordance with the established procedures.

If you have questions or need further information, please contact Mr. Jim Emerson at (360) 696-7674.

Sincerely yours,

Division Engineer

cc:

FHWA Positive Finding Letter - Chapter 2

July 21, 1997

Refer to: HTS-17.9

File: 701 (general)

Area Director
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland, OR 97232-4169

Dear Sir:

Emergency Relief for Federally Owned Roads

Your letter of June 6, 1997, requested Emergency Relief for Federally Owned Roads (ERFO) funding be made available for the repair of Indian Reservation roads on the Colville, Kalispel, and Spokane Indian Reservations in Washington which were damaged as a result of a heavy rains falling on an unusually large snow pack from about March 17, 1997, through March 20, 1997, and April 21, 1997, through about April 24, 1997.

An assessment of damage to Bureau of Indian Affairs roads in these reservations as well as Forest Service roads in the Colville National Forest in the State of Washington has been completed. It was found that certain damage did occur on the Colville Indian Reservation. These damages are considered heavy maintenance.

Considering the above, and pursuant to Section 125 of Title 23, United States Code, I find that Emergency Relief funds will not be made available for the repair of damaged roads on the Colville Indian Reservation due to the March and April rains.

If you have questions or need further information, please contact Mr. Jim Emerson at (360) 696-7674.

Sincerely yours,

Division Engineer

cc: FLHPM, Washington, DC (HFL-1)
Division Administrator, FHWA, Olympia, WA, (HDA-WA)
Area Road Engineer, BIA, Portland Area Office, Portland, OR
Superintendent, BIA, Colville Indian Reservation, Nespelem, WA

FHWA Negative Finding Letter - Chapter 2

Disaster/Damage Assessment Team Equipment List

Disaster and Damage Survey Teams should be furnished with:

1. A copy of this manual. (Instructions for completing the DSR is provided in Appendix B.)
2. Supply of DSR forms. (A copy is provided in Appendix B of this manual.)
3. Adequate camera and supply of film.
4. Small blackboard (approximately 8 by 10 inches) and chalk to record the DSR and/or site number in the photograph.
5. Maps clearly identifying designated Federal roads of the Applicant (s).
6. A measuring tape.
7. Clipboard, pencils, pens, stapler and extra staples, electronic hand-held calculator, paper, triangle, and 6-inch ruler.
8. Applicant-owned equipment rental rates (preferably with operator rate included).
9. Applicant-operator labor rates.
10. Local market, private industry operator labor rates.
11. Tabulation of recent average unit contract prices for selected types of work.
12. Local market, private industry equipment rental rates.
13. Notebook computer (optional).
14. Hard hats, safety vests, steel-toe boots, and first-aid kit.
15. Communication equipment.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

August 28, 1997

Division Engineer
Federal Highway Administration
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661-3893

Dear Ms. Jacoby:

We request program approval for roads damaged in disaster WA97-2-BIA that are under the jurisdiction of the Department of Interior, Bureau of Indian Affairs, Portland Area Office. The enclosed spreadsheet is the initial Program of Projects (POP) list of damage sites for ERFO work.

We request that the Western Federal Lands Highway Division perform the survey and design for site S-4.

Shown below is a table that provides a summary of the road and bridge damage as requested in Chapter 4 of the ERFO Manual. This summary is for the new sites reported in this POP.

	Roads Damaged	Bridges Damaged	Bridges Destroyed	Major Slides
Kalispel Indian Reservation	1			
Spokane Indian Reservation	4	1		1

If you have any further questions, please contact Mr. Fred Volz, ERFO Coordinator, at (503) 872-2874.

Sincerely,

Portland Area Director

Applicant Program of Projects Letter - Chapter 4

BIA PROGRAM OF PROJECTS WA97-2-BIA

March 17-20 and April 21-24, 1997

SITE	DESCRIPTION	EMERGENCY REPAIR COSTS		PE	CE	PERMANENT REPAIR COSTS		TOTAL COSTS	SURVEY	DESIGN	CONTRACT OFFICER	INSPECTION	POP \$
		REPAIR COSTS	REPAIR COSTS			REPAIR COSTS	REPAIR COSTS						
	<u>KALISPEL</u>												
K-1	River overflowed dike & washed out portions of road.			\$2,000.00	\$3,862.00	\$15,750.00		\$21,612.00	BIA	BIA	BIA		\$0.00
K-2	River washed out 32" CMP & headwall. Broke slab			\$2,415.00	\$4,025.00	\$16,100.00		\$22,540.00	BIA	BIA	BIA		\$0.00
	<u>SPOKANE</u>												
S-3	Snowmelt eroded shoulder & ditch 4' x 5' x 2,500'.	\$4,300.00		\$473.00	\$945.00	\$9,450.00		\$15,168.00	BIA	BIA	BIA		\$0.00
S-4	Cut slope failed, fill slope slumped 5'-10'. 125' of guardrail damaged.	\$3,255.00		\$5,000.00	\$3,873.00	\$38,725.00		\$50,853.00	WLFHD	WFLHD	BIA		\$5,000.00
S-5	Inlet & outlet of multiplate culvert washed out	\$4,737.00		\$375.00	\$750.00	\$7,500.00		\$13,362.00	BIA	BIA	BIA		\$0.00
S-6	West bridge abutment eroded 4' behind piles for 10'. Bank eroded	\$4,185.00		\$858.00	\$1,801.00	\$17,150.00		\$23,994.00	BIA	BIA	BIA		\$0.00
S-7	2-24" CMPs plugged 1000' of ditch eroded & undermined pavement.	\$7,388.00		\$738.00	\$1,475.00	\$14,750.00		\$24,351.00	BIA	BIA	BIA		\$0.00
S-8	Roadway washed out 200' of road bed.			\$119.00	\$238.00	\$2,375.00		\$2,732.00	BIA	BIA	BIA		\$0.00
TOTALS		\$23,865.00	\$11,978.00	\$16,969.00	\$121,800.00	\$174,612.00		\$5,000.00					

September 10, 1997

Refer to: HTS-17.9
File: 701 (WA 97-2 BIA)
#18908L.JRE
Area Director

Bureau of Indian Affairs
Portland Area Office
911 N.E. 11th Avenue
Portland, OR 97232-4169

Dear Sir:

ERFO Program Approval Letter No.1
WA97-2-BIA
March and April, 1997 Disaster

The initial program of Emergency Relief (ERFO) projects submitted with your letter dated August 28, 1997, is approved in the amount of \$174,612.

INDIAN RESERVATION	<u>PREVIOUS APPROVAL</u>	<u>CURRENT APPROVAL</u>	<u>TOTAL AMOUNT APPROVED</u>
Kalispel	\$ 0	\$ 44,152	\$ 44,152
Spokane (BIA)	\$ 0	\$ 125,460	\$ 125,460
(WFLHD)	<u>\$ 0</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
TOTALS (BIA)	\$ 0	\$ 169,612	\$ 169,612
(WFLHD)	<u>\$ 0</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
GRAND TOTALS	\$ 0	\$ 174,612	\$ 174,612

The specific site approved for funding is shown on the enclosed program. We have made minor changes (shown in red) to some of the figures on the enclosed program. The following changes have been made to the program submitted with your letter dated August 28, 1997.

We are pleased to advise you that we can assist your agency in the survey and design for permanent repairs of damage site S-4 on the Spokane Indian Reservation. A representative from our Operations Branch will be in contact with the reservation to coordinate this effort.

FHWA approval of the PS&E packages, concurrence in award/rejection of bids, and approval of force account work for this disaster is not required.

This letter provides advice on program approval only and does not transfer obligation authority or cash to accomplish approved work. Funds, subject to availability, in the amount of \$169,612

FHWA Program of Projects Approval Letter - Chapter 4

Mr. Stanley Speaks
September 14, 1997

2

may be requested on an as-needed/written request basis. You should advise your headquarters office of your funding needs upon receipt of this letter to assure expeditious transfer of funds.

By copy of this letter, we are requesting our Washington Headquarters to arrange the transfer of obligation authority in the amount of \$5,000 to Western Federal Lands Highway Division.

If you have any questions, please contact at Jim Emerson (360) 696-7674.

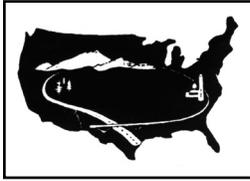
Sincerely yours,

Division Engineer

Enclosure:
Program of Projects

cc: FLHPM, Washington, DC (HFL-1)
Area Road Engineer, BIA Area Office, Portland, OR
Spokane Indian Reservation, Hoquiam, WA
Kalispel Business Center, Usk, WA
Division Administrator, Washington Division (HDA-WA)
Program Coordination and Finance Engineer, WFLHD
Operations Engineer, WFLHD
Technical Services Engineer, WFLHD
ERFO Design Manager, WFLHD

FHWA Program of Projects Approval Letter - Chapter 4



**Emergency Relief for Federally Owned Roads
(ERFO) Program Transmittal Form**

“Commitment to Excellence”

September 18, 1997

Notification of Change in ERFO Program of Projects for Disaster: **WA97-2-BIA**

To: Chief, Division of Transportation
Bureau of Indian Affairs, Washington, DC

Attached is a copy of X an initial or ___ a revised ERFO program of projects, program approval letter number 1 , issued on **September 10, 1997** for road and bridge repair work from our Western Federal Lands Highway Division (WFLHD) Engineer. The approved program was adjusted as follows:

	Previous Approved Amounts	This Change	Total Approved Amounts
Bureau of Indian Affairs (BIA)	0	169,612	169,612
WFLHD	<u>0</u>	<u>5,000</u>	<u>5,000</u>
Totals	\$ 0	\$ 174,612	\$ 174,612

This transmittal is intended to provide advice on program approval only and does not transfer funds (obligation authority). Obligational authority, subject to availability, will be transferred to you upon your request to the Federal Lands Highway (HFL-1) in Washington, DC. This request should be in the form of a letter indicating the amount needed for each disaster. Only the amount that is projected to be obligated this fiscal year will be transferred to the BIA. Please note that ERFO funds X are ___ are not available at this time.

Only costs directly associated with the approved program of projects are eligible for ERFO funds. The BIA’s overhead and administrative costs are not eligible for reimbursement with ERFO funds. If there are any questions, please call me at 202-366-9480.

ERFO Program Manager

Attachment

**FHWA Letter on ERFO Program Approval &
Funding Availability - Chapter 4**

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

Transportation
MS-4058-MIB

October 1, 1997

Federal Lands Highway
Program Manager
Federal Highway Administration
400 Seventh Street SW - HFL-1
Washington, DC 20590

Dear Mr Edick:

This is to request ERFO funds in the amount of \$169,612 for disaster WA97-2-BIA. Our Portland Area Office has reported that above stated amount will be obligated in fiscal year 1998.

Thank you for your assistance in this matter. If there are any questions, please contact this office at (202) 208-4359.

Sincerely,

Chief, Division of Transportation

Letter Requesting ERFO Funds - Chapter 5

HFL13-1097-099BI01*001

Refer to: HFL-13
October 5, 1997

Director, Office of Trust Responsibilities
U.S. Department of the Interior
Bureau of Indian Affairs
1849 C Street, N. (200 MS 4513 MIB)
Washington, DC 20240

Dear Sir:

The Bureau of Indian Affairs (BIA) has jurisdiction over certain roads that have been determined eligible for emergency relief funds under the Emergency Relief for Federally Owned Roads (ERFO) program. Allocations of ERFO funds (contract authority) are made to the BIA throughout the year by the Federal Highway Administration's (FHWA) Federal Lands Highway Office to pay the cost of these approved repairs.

In an October 1, 1997, letter from the Chief, BIA Division of Transportation, the BIA requested 169,612 of ERFO funds for disaster WA97-2-BIA. With this letter, we are **transferring \$169,612** of contract/obligation authority, **program code-099**, to the BIA for ERFO repair costs in fiscal year (FY) 1998. Including this transfer, a total of \$169,612 of ERFO funds are available for FY 1998. The resulting summary of the BIA's FY 1998 ERFO program dated October 4, 1997, is enclosed.

An FHWA 370 (Allotment Advice form) confirming this transfer will be issued soon by the FHWA's Budget Division. This action is for obligational authority only and does not involve liquidating cash. You should continue to request the transfer of liquidating cash from the FHWA's Chief, Finance Division (HABF-20). If you have questions, please contact the ERFO Program Manager at (202) 366-9480.

Sincerely yours,

Chief, Program and Administration Division
Federal Lands Highway Office

Enclosure

cc:

Chief, Division of Transportation w/enclosure by FAX

Chief, Program Development and Implementation Division w/enclosure

Letter Allocating ERFO Funds - Chapter 5

ACTION: Emergency Relief for Federal Owned
Roads (ERFO)—Project Allocation

October 10, 1998

Chief, Program and Administration Division
Federal Lands Highway Office

HFL-13

Division Engineer (HFL-17)
Vancouver, Washington

Your September 14, 1997, program approval letter for ERFO disaster WA97-2-BIA requested ERFO funds be allocated to your division for this disaster in the State of Washington. This memorandum **ALLOCATES \$5,000** of ERFO funds, **PC-099**, to the WFLHD (**HFL-17**) for disaster WA97-2-BIA in **WASHINGTON STATE**.

Including this allocation, a total of \$5,000 is available for FY 98. The resulting summary of the WFLHD's FY 98 ERFO program dated October 9, 1997, is attached.

This office will enter the allocation into DAFIS. The accounting string is X098-A50-60-0-099050. Each entry will be coded down to the cost center consisting of Federal Lands Highway Division (FHWA region) and State.

Attachment

**FHWA Allocation Memorandum to a
Federal Lands Highway Division - Chapter 5**

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

September 6, 1999

Division Engineer
Federal Highway Administration
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661-3893

Dear Ms. Jacoby:

The Spokane Indian Reservation requests a one-year time extension of time for Site S-8, Route 6, M.P. 2.2. This site is an approved ERFO site from flood event WA97-2-BIA that occurred April 20-24, 1997. We expect to have funds obligated for this site by the end of fiscal year 2000.

We cannot access this site because of road damage along Route 6 that occurred in the WA98-2-BIA disaster. The damage at M.P. 1.0 has severely damaged the bridge abutment and it will not be repaired until later this fall. As soon as this damage is repaired, we will advertise the repair contract for the damage at M.P. 2.2.

If you have any further questions, please contact Mr. Fred Volz, ERFO Coordinator, at (503) 872-2874.

Sincerely,

Portland Area Director

Letter Requesting a Time Extension for a Disaster - Chapter 6

September 23, 1999

Refer to: HTS-17.9
File: 701
(WA 97-2-BIA)

Area Director
Bureau of Indian Affairs
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

Dear Mr. Speaks:

We received your letter dated September 6, 1999, requesting a time extension for Emergency Relief for Federally Owned Roads (ERFO) project at Site S-8, Route 6, M.P. 2.2 on the Spokane Indian Reservation. This site was damaged in the WA97-2-BIA disaster.

Based upon the information you presented, we agree that additional time is necessary to award a construction contract for the site listed in your letter. The additional time will allow you to complete the repair at M.P. 1.0 before advertising the contract for repair at M.P. 2.2. We approve a one-year extension for this project. The project must be under construction by September 30, 2000, to be eligible for ERFO funding.

If you have any questions, please contact Jim Emerson at (360) 696-7674.

Sincerely yours,

Division Engineer

cc: FLHPM, Washington, DC (HFL-1)
Area Road Engineer, BIA Area Office, Portland, OR
ERFO Design Manager, WFLHD

**FHWA Letter Approving the Time Extension for
the ERFO Disaster - Chapter 6**

September 23, 2000

Refer to: HTS-17.9
File: 701
(WA 97-2-BIA)

Area Director
Bureau of Indian Affairs
Portland Area Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169

Dear Mr. Speaks:

Final Closeout
WA97-2-BIA
March and April 1997 Disaster

We received your notification that all eligible ERFO activities have been completed for the repair of damages caused by the March-April 1997 heavy rain storms on the Kalispel and Spokane Indian Reservations in the State of Washington.

The total program approval to date for eligible ERFO repairs within the above mentioned reservations amounts to \$235,430. Your final authorized expenses are \$201,430 resulting in an underrun of \$34,000.

We have conducted a final review of the damage repair and supporting records and have discussed our findings with Mr. Fred Volz of your office on August 15, 2000. As a result of our review we find all work to be accomplished in reasonably close conformity to the approved program. We hereby grant final acceptance of the subject damage repairs.

The expertise and diligence of your office and field personnel in restoring damaged roadways to stable and serviceable conditions through innovative and cost-savings techniques are appreciated.

By copy of this letter we are advising our Washington headquarters that the subject ERFO program (WA97-2-BIA) has received final inspection and acceptance resulting in a total underrun of \$34,000. If you have any questions, please contact Jim Emerson at (360) 696-7674.

Sincerely,

Division Engineer

cc: FLHPM, Washington, DC (HFL-1)
Area Road Engineer, BIA Area Office, Portland, OR
ERFO Design Manager, WFLHD

FHWA Final Closeout Letter - Chapter 6

Emergency repairs of the roadway embankment figure have been made in this area. The stream is still thrusting heavily against the embankment, and a potential weak area exists immediately downstream of the previous repair work. We are proposing to place selected barbs along this area to move the stream away from the shoreline. This action will result in a permanent restoration, and will address the weak area in the fill downstream of this repair area. The cost of the repairs at this location have reached \$600,000, and it is reasonable to expect that a future failure would be in the same range of costs. The work we are proposing is estimated to cost \$75,000. The cost of this betterment is much less than the cost of repairs if a storm of this magnitude occurs again. We request approval of the betterment.

Betterment Example

Appendix D

Photographs



D-1: Eligible repair consists of the replacement of the fill, subbase, and surfacing to current standards.



D-2: Eligible repair consists of resetting the culvert, replacing the fill material and resurfacing to current standards.



D-3: Eligible repair consist of removing and replacing of the culvert. If salvageable, resetting of the culvert is eligible.



D-4: Eligible repair consists of reconstructing the fill slope, and using appropriate slope protection measures. A retaining wall may be necessary if reconstructing the fill slope is not technically or economically feasible.



D-5: Eligible repair consists of stabilizing the embankment and reconstructing the road to current standards.



D-6: Eligible repair consists of reconstructing the roadway to predisaster condition, replacing the fill, stabilizing the slope, if justified, and resurfacing.



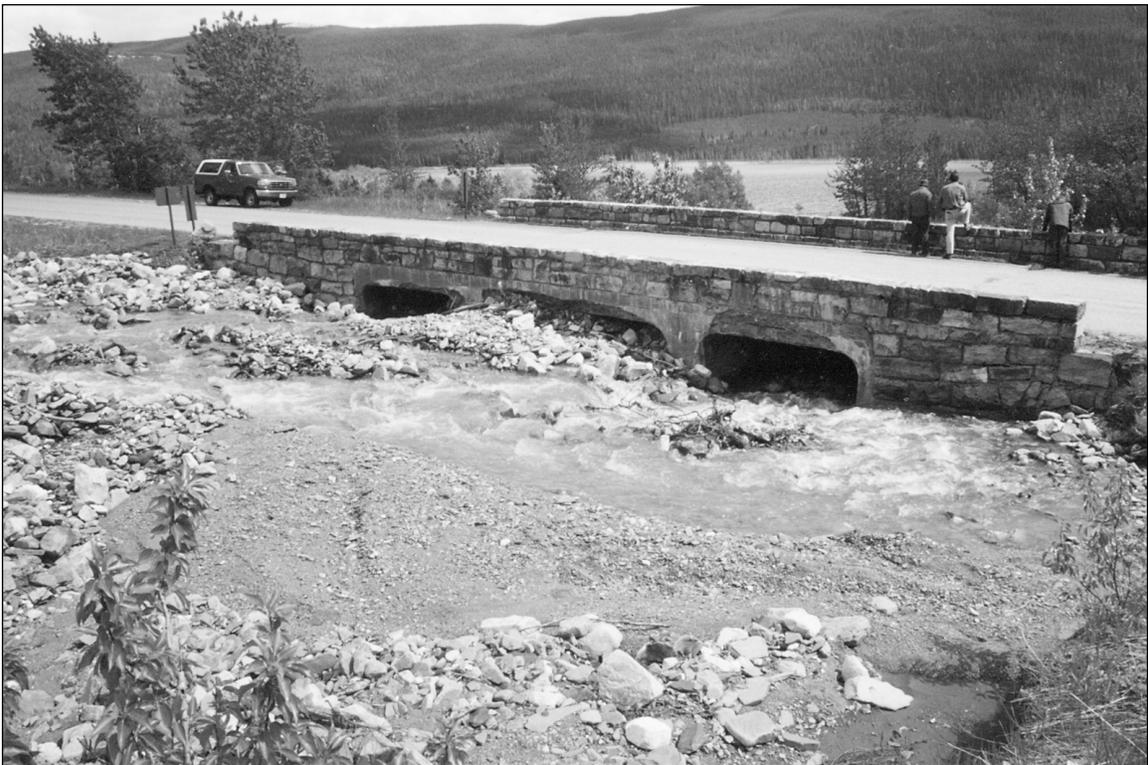
D-7: Eligible repair consists of reconstructing the damage road to current standards and replacing the riprap. Consideration should be given to relocating the road to avoid future damage, and/or abandoning the road if appropriate.



D-8: Eligible repair consist of reconstructing the roadway to current standards or realigning the road and slope protection, if justified as a betterment.



D-9: When the road is completely destroyed over a long distance consideration should be given to abandoning or relocating the road.



D-10: Removing severe stream bedload deposits is eligible if the structural integrity of the roadway is damaged or threatened. Otherwise, this is considered heavy maintenance and is not eligible.



D-11: Eligible repair consists of the replacement of the culvert, fill, and surfacing material. If salvageable, the resetting of the culvert is eligible.



D-12: Eligible repair consists of replacing the washed out fill material and riprap.



D-13: Removing debris on up-stream side of the bridge, if justified, is eligible.



D-14: Removing debris against bridges is eligible.



D-15: Some cleaning of debris from ditches is considered heavy maintenance and is not



D-16: Work on emergency openings may proceed prior to damage survey reviews and the ERFO Program approval. This work is eligible if a positive finding is made.



D-17: Significant slope failures may be eligible even though they do not extend into the traveled way. (Ahead view)



D-18: Significant slope failures may be eligible even though they do not extend into the traveled way. (Back view)



D-19: Surface erosion and rutting is heavy maintenance and is not eligible.



D-20: Surface erosion and rutting is heavy maintenance and is not eligible.



D-21: Minor ditch erosion is heavy maintenance and is not eligible.



D-22: Major ditch erosion is eligible.



D-23: Minor settlement of the road surface is heavy maintenance and is not eligible.



D-24: The cost of repairing a minor slip-out must exceed the \$3,000 per site threshold to be eligible.

Appendix E

ERFO Laws and Regulations

**Select Provisions of Title 23, Highways,
Related
to the
ERFO Program**

Sec. 101. Definitions.

(a) Definitions.—In this title, the following definitions apply:

(4) County.—The term ‘county’ includes corresponding units of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

(5) Federal-aid highway.—The term ‘Federal-aid highway’ means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

(6) Federal-aid system.—The term ‘Federal-aid system’ means any of the Federal-aid highway systems described in section 103.

(7) Federal lands highway.—The term ‘Federal lands highway’ means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

(8) Forest development roads and trails.—The term ‘forest development roads and trails’ means forest roads and trails under the jurisdiction of the Forest Service.

(9) Forest highway.—The term ‘forest highway’ means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

(10) Forest road or trail.—The term ‘forest road or trail’ means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

(11) Highway.—The term ‘highway’ includes—(A) a road, street, and parkway; (B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and (C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be

required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

(12) Indian reservation road.—The term ‘Indian reservation road’ means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

(14) Maintenance.—The term ‘maintenance’ means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

(19) Park road.—The term ‘park road’ means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

(20) Parkway.—The term ‘parkway’, as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

(23) Public authority.—The term ‘public authority’ means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

(24) Public lands development roads and trails.—The term ‘public lands development roads and trails’ means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

(25) Public lands highway.—The term ‘public lands highway’ means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

(27) Public road.—The term ‘public road’ means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

(28) Refuge road.—The term ‘refuge road’ means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

Sec. 120. Federal share payable

(e) Emergency Relief.—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (b) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trail, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, “a comparable facility” shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

Sec. 125. Emergency relief

(a) General Eligibility.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

(2) catastrophic failure from any external cause.

(b) Restriction on Eligibility.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

(c) Funding.—Subject to the following limitations, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section; except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized. Funds obligated under this paragraph shall be reimbursed from such appropriation or replenishment.

(d) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on Federal-aid highways in accordance with the provisions of this chapter:

Provided, That (1) obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (e) of this section, resulting from a single natural disaster or a single catastrophic failure in a State shall not exceed \$100,000,000, and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed \$20,000,000.

Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on Federal-aid highways.

Except as to highways, roads, and trails mentioned in subsection (e) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) concurrence of the Secretary is not required.

(e) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are on any of the Federal-aid highways.

(f) Treatment of Territories.- For the purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each territory shall be considered to be Governor of a State.

Title 23, Code of Federal Regulations - ERFO Program

PART 668 — EMERGENCY RELIEF PROGRAM

Subpart A — Procedures for Federal-Aid Highways

Sec.

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Subpart B — Procedures for Federal Agencies for Federal Roads

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668.211 Notification, damage assessment, and finding.

668.213 Application procedures.

668.215 Programming and project procedures.

Authority: 23 U.S.C. 101, 120(e), 125 and 315; 49 CFR 1.48(b).

Subpart B — Procedures for Federal Agencies for Federal Roads

§ 668.201 Purpose.

To establish policy, procedures, and program guidance for the administration of emergency relief to Federal agencies for the repair or reconstruction of Federal roads which are found to have suffered serious damage by a natural disaster over a wide area or by catastrophic failure. [43 FR 59485, 12/21/1978]

§ 668.203 Definitions.

(a) Applicant. Any Federal agency which submits an application for emergency relief and which has authority to repair or reconstruct Federal roads.

(b) Betterments. Added protective features, such as, the relocation or rebuilding of roadways at a higher elevation or the extension, replacement or raising of bridges, and added

facilities not existing prior to the natural disaster or catastrophic failure such as additional lanes, upgraded surfacing, or structures.

(c) Catastrophic failure. The sudden failure of a major element or segment of a Federal road which is not primarily attributable to gradual and progressive deterioration or lack of proper maintenance. The closure of a facility because of imminent danger of collapse is not in itself a sudden failure.

(d) Emergency repairs. Those repairs, including necessary preliminary engineering (PE), construction engineering (CE), and temporary traffic operations, undertaken during or immediately after a natural disaster or catastrophic failure (1) to restore essential travel, (2) to protect remaining facilities, or (3) to minimize the extent of damage.

(e) Federal roads. Forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads as defined under 23 U.S.C. 101(a).

(f) Finding. A letter or other official correspondence issued by the Direct Federal Division Engineer (DFDE) to a Federal agency giving notification that pursuant to 23 U.S.C. 125, Federal roads have (Affirmative Finding) or have not (Negative Finding) been found to have suffered serious damage as the result of (1) a natural disaster over a wide area, or (2) a catastrophic failure.

(g) Natural disaster. An unusual natural occurrence such as a flood, hurricane, severe storm, tidal wave, earthquake, or landslide which causes serious damage.

(h) Permanent work. Repair or reconstruction to pre-disaster or other allowed geometric and construction standards and related PE and CE.

(i) Direct Federal Division Engineer. Director of one of the Direct Federal field offices located in Vancouver, WA; Denver, CO; and Arlington, VA.
[43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]

§ 668.205 Policy.

(a) This emergency relief program is intended to pay the unusually heavy expenses in the repair and reconstruction of Federal roads resulting from damage caused by natural disasters over a wide area or catastrophic failures.

(b) Emergency relief work shall be given prompt attention and priority over non-emergency work.

(c) Permanent work shall be done by contract awarded by competitive bidding through formal advertising, where feasible.

(d) It is in the public interest to perform emergency repairs immediately and prior approval or authorization from the DFDE is not required. Emergency repairs may be performed by the method of contracting (advertised contract, negotiated contract, or force account) which the applicant or the Federal Highway Administration (FHWA) (where FHWA performs the work) determines to be most suited for this work.

(e) Emergency relief projects shall be promptly constructed. Projects not under construction by the end of the second fiscal year following the year in which the disaster occurred will be reevaluated by the DFDE and will be withdrawn from the approved program of projects unless suitable justification is provided by the applicant to warrant retention.

(f) The Finding for natural disasters will be based on both the extraordinary character of the natural disturbance and the wide area of impact. Storms of unusual intensity occurring over a small area do not meet these conditions.

(g) Diligent efforts shall be made to recover repair costs from the legally responsible parties to reduce the project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events.

(h) Emergency funds shall not duplicate assistance under another Federal program or compensation from insurance or any other source. Where other funding compensates for only part of an eligible cost, emergency relief funding can be used to pay the remaining costs. [43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]

§ 668.207 Federal share payable from emergency fund.

The Federal share payable under this program is 100 percent of the cost. [43 FR 59485, Dec. 12, 1978]

§ 668.209 Eligibility of work.

(a) Permanent work must have prior program approval in accordance with paragraph (a) of § 668.215 unless such work is performed as emergency repairs.

(b) Emergency repairs, including permanent work performed incidental to emergency repairs, and all PE may begin immediately and do not need prior program approval. Reimbursement shall be contingent upon the work ultimately being approved in accordance with the requirements of paragraph (a) of § 668.215.

(c) To qualify for emergency relief, the damaged or destroyed road or trail shall be designated as a Federal road.

(d) Replacement highway facilities are appropriate when it is not practical and economically feasible to repair or restore a damaged element to its preexisting condition.

Emergency relief is limited to the cost of a new facility constructed to current design standards of comparable capacity and character to the destroyed facility. With respect to a bridge, a comparable facility is one which meets current geometric and construction standards for the type and volume of traffic it will carry during its design life.

(e) Emergency relief funds may participate to the extent of eligible repair costs when proposed projects contain betterments or other work not eligible for emergency funds.

(f) Work may include:

(1) Repair to, or reconstruction of, seriously damaged highway elements for a distance which would be within normal highway right-of-way limits, including necessary clearance of debris and other deposits in drainage courses, where such work would not be classed as heavy maintenance.

(2) Restoration of stream channels when the work is necessary for the satisfactory operation of the federal road. The applicant must have responsibility and authority for maintenance and proper operation of stream channels restored.

(3) Betterments where clearly economically justified to prevent future recurring damage. Economic justification acceptable to the DFDE must weigh the cost of such betterments against the risk of eligible recurring damage and the cost of future repair.

(4) Actual PE and CE costs on approved projects.

(5) Emergency repairs. [43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]

§ 668.211 Notification, damage assessment, and finding.

(a) Notification. During or as soon as possible after a natural disaster or catastrophic failure, each applicant will notify the DFDE of its tentative intent to apply for emergency relief and request that a Finding be made.

(b) Acknowledgment. The DFDE will promptly acknowledge the notification and briefly describe subsequent damage assessment, Finding, and application procedures.

(c) Field report. The applicant shall cooperate with the DFDE to promptly make a field survey of overall damage and in the preparation of a field report.

(d) Finding. Using the field report and other information deemed appropriate, the DFDE will promptly issue a Finding and if an Affirmative Finding is made, establish the date after which repair or reconstruction will be considered for emergency relief, and note the dates of the extraordinary natural occurrence or catastrophic event responsible for the damage or destruction.

(e) Detailed site inspections. (1) If an Affirmative Finding is made, the applicant shall cooperate with the DFDE to make a detailed inspection of each damage site.

(2) If it appears certain an Affirmative Finding will be made, the DFDE may elect to make these site inspections at the time damage is initially assessed pursuant to paragraph (c) of this section.

(f) The applicant shall make available to FHWA personnel conducting damage survey and estimate work maps depicting designated Federal roads in the affected area. [43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]

§ 668.213 Application procedures.

(a) Based on the detailed site inspections and damage estimates prepared pursuant to paragraph (e) of § 668.211, the applicant will submit an application in the form of a letter to the DFDE which shall include a list of projects for which emergency relief is requested. The application shall be submitted within 3 months after an Affirmative Finding.

(b) The list of projects shall include emergency repairs, PE, and permanent work, and provide for each project a location, length, project number, type of damage, description of work with a separate breakdown for betterments including a justification for those intended for emergency relief funding, proposed method of construction, estimated cost, and any other information requested by the DFDE.

(c) If the initial list of projects is incomplete, a subsequent list(s) of projects shall be forwarded to the DFDE for approval consideration as soon as possible. [43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]

§ 668.215 Programming and project procedures.

(a) The DFDE will advise the applicant in writing which projects in the application, or in any subsequent submittals pursuant to paragraph (c) of § 668.213 are approved including any approval conditions. Approved projects shall constitute the approved program of projects (program).

(b) Plans, specifications, and estimates (PS&E) shall be developed based on work identified in the approved program.

(c) The DFDE will approve PS&E's, concur in the award of contracts or the rejection of bids, determine that construction by the force account method is in the public interest, and accept completed work in accordance with interagency procedures established by the DFDE.

(d) The applicant shall notify the DFDE in writing of the semi-annual status and completion of each emergency relief project constructed by applicant forces. [43 FR 59485, Dec. 12, 1978, as amended at 47 FR 10529, Mar. 11, 1982]