



**U.S. Department of Transportation  
Federal Highway Administration**



**Emergency Relief for  
Federally Owned Roads**

**Disaster Assistance Manual**

Publication No. FHWA-FLH-04-007

**E**mergency

**R**elief for

**F**ederally

**O**wned  
Roads

**Disaster Assistance Manual**

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**U.S. Department of Transportation  
Federal Highway Administration  
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## Chapter 1 Getting Started

- 1.1 Purpose** - The purpose of this manual is to provide program guidance and instructions for the owners of Federal roads applying for Federal assistance under the Emergency Relief for Federally Owned (ERFO) Roads program.
- 1.2 Program Intent** - The ERFO Program is intended to help pay the unusually heavy expenses associated with the repair and reconstruction of Federal roads and bridges seriously damaged by a natural disaster over a wide area or catastrophic failure. Restoration in-kind to pre-disaster conditions is expected to be the predominate type of repair.

Federal, tribal, state, and local governments that have the authority to repair or reconstruct Federal roads may apply for ERFO funds. Federal land management agencies are considered "applicants" under the ERFO program. Other governmental entities apply through an applicant.

- (a) **Natural Disaster** - The Federal Highway Administration will determine if there has been a natural disaster of sufficient extent and intensity to warrant ERFO funding consideration. There must be serious damage to Federal roads, over a wide area, which has resulted in unusually heavy expenses.
- (1) Serious damage - Heavy, major, or unusual physical damage to the highway which severely impacts the safety, capacity, or usefulness of the highway or results in road closure. Serious damage must be beyond the scope of heavy maintenance.
  - (2) 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, refuges, regions, districts, etc.) and can include areas outside of the land administered by a Federal agency applying for emergency relief. In the case of significant flooding, eligible damage sites should be evident in a number of major drainage basins. In the determination of "wide area", examination of other roads (state, county, local) should be included. 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.
- (b) **Catastrophic Failure** - A catastrophic failure of a road or bridge is a failure that is sudden and complete due to an external cause. The failure must occur on a major segment or element of the road system and cause a disastrous impact that results in unusually high expenses. A failure that results from structural deficiencies, normal physical deterioration, or lack

of maintenance will not qualify for ERFO funding. Additionally, if alternate routes are available ERFO funds may not be approved.

- (1) The term “disastrous impact” denotes severe disruption of access to critical facilities (e.g. schools, hospitals, or residences), or severe economic impact to an industry important to the local economy, or elimination of access to a major portion of Federal Lands.

**1.3 Overview** - Federal, tribal, State, and local governments must be prepared to respond quickly when disasters strike. Federal assistance may mean the difference between transportation system recovery and failure.

This chapter provides a brief overview of the Emergency Relief for Federally Owned Roads Program, its statutory authority, its intent, the purpose for this manual as well as an outline of the various roles and responsibilities shared by the various entities.

The Federal Highway Administration has developed a video presentation entitled "When Disaster Strikes" that provides a visual overview of the ERFO program. This video may be obtained by contacting your local Federal Lands Highway ERFO Coordinator.

**1.4 Highlights of Federal Emergency Relief Programs** - The Federal government has three emergency relief programs which provide assistance for the repair and reconstruction of seriously damaged roads and bridges caused by natural disasters or catastrophic events as follows:

**(a) Emergency Relief for Federally Owned (ERFO) Roads Program.**

- (1) Authorized under Title 23, United States Code, Sections 120 and 125.
- (2) Provides for assistance for roads and bridges that have been defined as Federal roads.
- (3) Funds are provided from the Highway Trust Fund through the Federal-Aid Highway Emergency Relief Program.
- (4) Further clarified with interagency agreements.
- (5) The Federal share for the repair of Federal roads is 100 percent.

**(b) Federal-Aid Highway Emergency Relief (ER) Program.**

- (1) Authorized under Title 23, United States Code, Section 125.
- (2) Provides assistance to roads that have been defined as Federal-Aid highways (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).
- (3) Local streets and rural minor collectors are not eligible for the Emergency Relief Program.
- (4) A cost-sharing program established by law between the Federal Government and the state transportation departments and/or local highway authorities. The Federal share ranges from 80 percent to 100 percent.
- (5) 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 the ER or ERFO Program for these roads.
- (6) The Federal Highway Administration also publishes an Emergency Relief Manual, which includes detailed guidance on the Emergency Relief process, including the eligibility of repair work for funding. Copies of the manual [Publication No. FHWA-PD-98-054-HNG-1219-09(7M)E] may be obtained from the Federal Highway Administration, Office of Program Administration (HIPA), 400 7th Street, Washington, D.C., 20590 or over the internet at <http://www.fhwa.dot.gov/programadmin/erelief.html>.

**(c) Robert T. Stafford Disaster Relief and Emergency Assistance Act, Federal Emergency Management Agency.**

- (1) Authorized under Title 42, United States Code, Section 5121, et seq.
- (2) Grants and eligibility of repairs are determined by individual Presidential declarations which may authorize State or local government for the repair, restoration, reconstruction, or replacement of public facilities that are damaged or destroyed by a major disaster and for associated expenses incurred by such government.
- (3) Considered as an alternative funding source to repair damage that is ineligible under the ERFO or Emergency Relief programs.

- (4) For additional information on the Federal Emergency Management Agency (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 322, may be obtained from FEMA, RR-IS-EN, 500 C Street SW, Washington, DC 20472 or over the internet at <http://www.fema.gov/r-n-r/pa/padocs.htm>

**1.5 Authority** - The Emergency Relief for Federally Owned Roads Program is authorized under Title 23, United States Code, Sections 120 and 125. This law authorizes an emergency fund and expenditure for the repair or reconstruction of roads and bridges 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.

**1.6 Stewardship Policy** - The Office of Federal Lands Highway is responsible for management oversight and accountability of the ERFO Program.

**1.7 Federal Share Payable** - The Federal share payable on account of any 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, [refuge roads and trails], and Indian reservation roads may amount to 100 percent. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. U.S.C. Title 23, Sec. 120. Federal share payable.

## **1.8 Policy Clarifications**

### **(a) Funding**

- (1) The Emergency funds are replenished on an annual basis from the Highway Trust Fund and may be supplemented by special appropriations.
- (2) ERFO funds may be used as follows:
  - (i) To restore Federal roads and bridges to pre-disaster conditions.
  - (ii) To repay other funds used on approved ERFO repairs.
- (3) ERFO funds may **NOT** be used as follows:
  - (i) To duplicate assistance under another Federal program or compensation from insurance, cost share, or any other funding source. Each applicant is expected to identify its responsible participants and their level of participation in

cost share agreements on the requested Program of Projects Table as well as on the Damage Survey Report. The applicant shall make diligent efforts to recover their 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.

**Special Note:** Where other funds cover only part of the cost, ERFO funds can be used to pay the remaining eligible costs.

- (ii) To replace other funds shown on an approved Transportation Improvement Program for the correction of pre-existing, non-disaster/non-catastrophic failure related deficiencies.
  - (iii) To pay for the heavy maintenance, ineligible repair work, emergency services (e.g., ambulances, helicopters, etc.) or material, equipment, economic losses (e.g., stockpiled material, maintenance equipment, lost revenue, snow removal, etc.).
- (b) **Compliance** - All ERFO projects shall comply with all pertinent Federal, state, and local laws.
- (c) **Funding Threshold.**
- (1) The threshold for Federal road and bridge damage is \$700,000 for each natural disaster.
  - (2) The threshold for Federal road and bridge damage is \$700,000 for each catastrophic failure.
  - (3) Damage less than \$700,000 will be reviewed on a case-by-case basis.
  - (4) If the combined road and bridge damages for an individual natural disaster for all the agencies that manage eligible Federal roads is less than \$700,000, the agencies are expected to fund the repair costs, even if the damage sites could be potential ERFO sites.

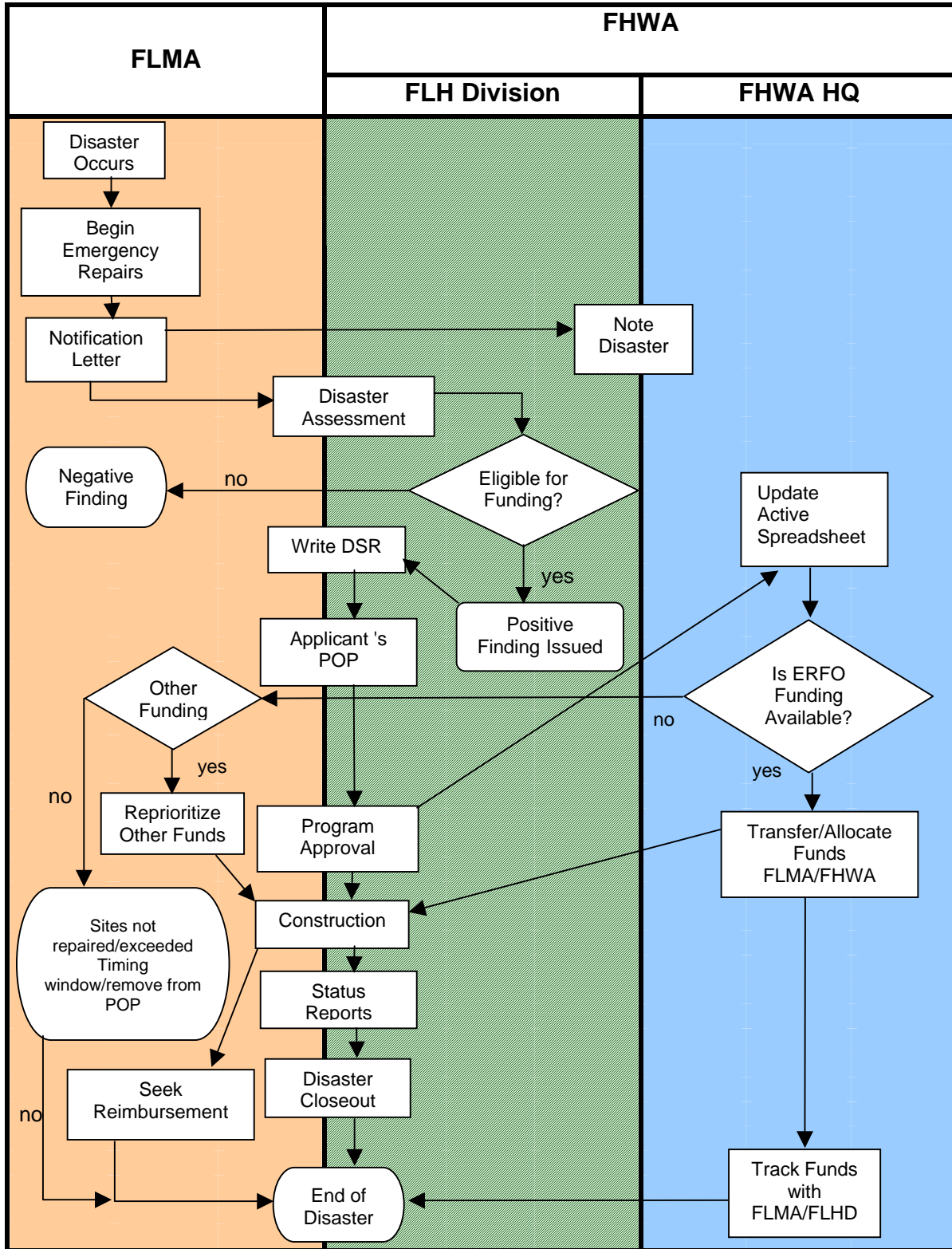


- (d) **Economic Hardship.** Agencies shall strive to anticipate their probable needs for additional funding that may result from disaster events and budget accordingly. Economic hardship is not a factor in determining eligibility.
  
- (e) **Approvals/Determinations.**
  - (1) Federal Highway Administration determination concerning the extraordinary nature of the natural disturbance is not necessary 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.).
  
  - (2) The Federal Lands Highway Division Engineer must determine that serious damage has occurred to Federal roads for all disasters. However, since it is incumbent on the Applicant to protect remaining facilities, minimize damage, and restore essential travel, eligible emergency repairs do not require prior concurrence of the Federal Lands Highway Division Engineer to maintain eligibility for ERFO funds.
  
  - (3) Permanent repairs shall have prior program approval unless they are necessary and practical to accomplish as emergency ERFO repairs.
  
- (f) **Timing.**
  - (1) ERFO work shall be given prompt attention and priority over the agencies non-emergency work and programmed projects.
  
  - (2) Projects not under construction by the end of the second fiscal year following the year that the disaster occurred will be withdrawn from the approved Program of Projects unless suitable justification is provided by the agencies to warrant retention.
  
  - (3) The agencies should complete permanent repairs by the end of the fourth fiscal year following the year that the disaster occurred.

**1.9 Interagency Agreement Needed for Participation in the ERFO Program -** Participation in the ERFO program requires an interagency agreement be in place or in the process of being established between the Federal Highway Administration and entity in need of relief prior to release of funds.

## Chapter 2 The Process

### 2.1 Process Flow Chart



**2.2 Damage Occurs** - It is the applicant's responsibility to assess damage to their roads and bridges. When it is the applicant's opinion that Federal roads have suffered serious damage by a natural disaster over a wide area or by catastrophic failure, they must immediately notify the Federal Lands Highway Division Engineer of the damage and of their intent to apply for ERFO funds.

**Special Note:** Photographs of the damage must be taken prior to beginning any emergency repairs to document eligibility or the repairs will become ineligible.

- (a) **Informal Notice of Intent** shall be immediately initiated by the applicant via telephone or email to the Federal Lands Highway Division ERFO Coordinator.
- (b) **Formal Notice of Intent Letter** shall be written by the applicant and submitted to the Federal Lands Highway Division Engineer within (2) weeks following the disaster or catastrophic failure. See Appendix C.1 for a sample letter and C.1.1 for letter instructions.

**Special Note:** The applicant may request Quick Release of ERFO funds for emergency repairs prior to the approval of ERFO Program of Projects. These funds are only to be used by Agencies to make emergency repairs to re-establish its vital transportation system(s) after a catastrophic failure or major natural disaster. A request for Quick Release shall be reviewed by the Federal Lands Highway Division on a case-by-case basis. See Sections 3.4 and Appendix C.6.

- (c) **Acknowledgment Letter** - The Federal Lands Highway Division Engineer shall respond within one (1) week of receipt of the applicant's formal Notice of Intent letter with an Acknowledgment Letter. See Appendix C.2.

**2.3 Disaster Assessment** - The ERFO Coordinators for the Federal Lands Highway Division and the applicant must plan and conduct an assessment of the disaster damage and prepare a Disaster Assessment Report. The Disaster Assessment Report shall document the cause and extent of the damage and provides a recommendation to the Federal Lands Highway Division Engineer for either a positive or negative finding. If a Presidential Disaster Declaration has been issued for a disaster, the Federal Lands Highway Division Engineer may waive or limit the disaster assessment efforts.

**Special Note: Two Disasters Treated as One** - Disasters can occur so closely in time that the damage to roads and bridges is difficult or impossible to evaluate and tabulate as two (2) separate events. In these cases, the applicant should request in a letter to the Federal Lands Highway Division Engineer that the two (2) disasters be recognized as a single event. Treating two disasters as one may simplify the processing of the repair and reconstruction projects by having a

single ERFO finding resulting from the two disasters. This may not be desirable if one or both of the disasters potentially are subject to the \$100,000,000 cap per disaster per State. 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.

**(a) Form a Disaster Assessment Team** - The ERFO Coordinators for the Federal Lands Highway Division and applicant work together to form a Disaster Assessment Team and develop a plan to perform the Disaster Assessment. The applicant is responsible for the following:

- (1) Prior to the field assessment, identifying the location of most of the damage sites to expedite the disaster assessment.
- (2) Current bridge inspection reports for potential bridge damage.
- (3) Providing maps of the road system and identifying eligible roads.
- (4) Obtaining details of the cause of the failure, responsible parties, and impact of the damage for catastrophic failures.
- (5) Gathering available pertinent data on the cause and extent of the damage such as:
  - (i) Rainfall.
  - (ii) Runoff data.
  - (iii) Dates of disaster occurrence.
  - (iv) Parties who may be responsible.
  - (v) Impact of the damage sites and/or facilities.
  - (vi) Information regarding the damage.
  - (vii) Provide general maps of the damaged area.
  - (viii) Obtain photographs of specific damage in each area.

**(b) Field Assessment** - The Disaster Assessment Team will:

- (1) Review representative damage in each area cited by the applicant in the Notice of Intent Letter to determine the extent, type, cost, impact and eligibility of the damage.

- (2) Develop a preliminary estimate of how much it will cost to repair damaged sites and/or facilities to their pre-disaster conditions.
- (c) **Disaster Assessment Report.** The Federal Lands Highway ERFO Coordinator will prepare the Disaster Assessment Report for submission to the Federal Lands Highway Division Engineer. The report must either support or dispute whether the natural disaster or catastrophic failure is eligible for ERFO funding and provide a recommendation of either a positive or negative finding. See Appendix C.3
- (d) **Submit the Disaster Assessment Report** to the Federal Lands Highway Division Engineer as soon as possible (normally within two (2) weeks of the date the assessment is completed). The Report shall include the following elements:
- (1) The intensity of the natural disaster or catastrophic failure.
    - (i) The severity of the event. In the case of flooding, the report shall include available information regarding high water elevations, stream-gage data, and rain-gage data. This information is not required if a Major Disaster Declaration by the President is issued.
    - (ii) The nature, cause, and seriousness if it is a catastrophic failure. 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.
  - (2) Dates of the occurrence.
  - (3) Extent of the affected area, including areas outside the lands administered by Federal agencies.
  - (4) Description of the damage to Federal roads and other roads (Federal-Aid highways, State, county and city).
  - (5) Copies of emergency relief reports and newspaper articles, as available.
  - (6) Copies of Presidential Disaster Declarations and/or Governor Proclamations.
  - (7) Approximate cost of repairs or reconstruction of the damage.

- (8) Photographs of typical damage and appropriate maps showing the location of each area and extent of damage.
- (9) Copies of ERFO coordinators trip reports.
- (10) A discussion of 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.
- (11) A concluding statement indicating that a natural disaster has (or has not) caused serious and widespread damage to Federally owned roads or a catastrophic failure has (or has not) occurred resulting in serious damage to Federally owned roads. Include a specific recommendation for a finding. If a Positive Finding is recommended, include a discussion to support the Positive Finding for disasters that do not meet the \$700,000 threshold.

**2.4 Disaster Finding.** The Federal Lands Highway Division Engineer will make a Disaster Finding determination not later than two (2) weeks after receipt of the Disaster Assessment Report.

- (a) **Positive Finding** will be issued by letter from the Federal Lands Highway Division Engineer to the applicant committing ERFO funds to repair eligible damage subject to availability. The positive finding letter will establish the disaster number. See Appendix C.4.
- (b) **Negative Finding Determination.** The Federal Lands Highway Division Engineer must advise the applicant by letter when the damage is not eligible for the ERFO program. See Appendix C.5.

**Special Note:** Eligibility questions that cannot be resolved by the Federal Lands Highway Division and the applicant may be appealed through the Division of The Office of Federal Lands Highway Associate Administrator with copies to the Director, Office of Program Development and the ERFO Program Manager. The appeal should be submitted within two (2) weeks of the receipt of the Negative Finding.

**2.5 Damage Survey Report (DSR)** - After the Federal Lands Highway Division Engineer determines that an eligible natural disaster or catastrophic failure occurred, Damage Survey Reports must be prepared and submitted for approval.

**Special Note:** For some disasters, the Damage Survey Report(s) may be prepared while making the disaster assessment.

- (a) **Develop a Plan.** The Federal Lands Highway Division ERFO Coordinator will develop a plan that discusses joint briefing meetings and Damage Site Survey Team organization.
- (b) **Assemble Damage Survey Team.** The team will consist of applicant and Federal Lands Highway Division personnel. In a case where the Federal Lands Highway Division is unable to provide team personnel, the applicant personnel will be authorized to perform the Damage Site Survey. See Section 2.5(e) for alternative procedures for conduction and preparing the Damage Survey Report.
- (c) **Conduct Damage Site Survey.** Appendix C.8 contains a list of recommended equipment to be used by the Damage Survey Team.

**Special Note:** The applicant must provide two area maps showing each damage site, properly numbered, corresponding to the Damage Survey Report Number (see Appendix C.9.1 and C.9.2). Upon completion of site inspections, one map shall be furnished to the applicant and the other to the Federal Lands Highway Division to accompany copies of completed Damage Survey Reports.

- (d) **Prepare Damage Survey Report.**
  - (1) The Damage Survey Team shall make a detailed inspection of each damage site and prepare a Damage Survey Report.
  - (2) The Damage Survey Report shall describe the extent and cause of the damage, propose a repair, and estimate the cost of the repair. The Damage Survey Team members shall sign the report. The Federal Lands Highway team member shall indicate if they think the site is eligible or ineligible. For detailed instructions in completing Damage Survey Reports see Appendix C.9. The team shall gather the following data:
    - (i) The extent and nature of the damage.
    - (ii) Emergency repairs completed or those necessary.
    - (iii) Permanent repairs necessary to restore the site to its original condition.
    - (iv) Justification for betterments, if proposed.
    - (v) Cost estimates for eligible activities.
    - (vi) Repair options if applicable.

- (3) The Damage Survey Report must contain the following:
  - (i) An assigned number. (See Appendix A, DSR Number)
  - (ii) List of emergency repairs already completed at the time of the detailed site inspection.
  - (iii) Any additional emergency repairs.
  - (iv) Description of permanent repairs that were not accomplished as emergency repairs.
  - (v) High quality color photographs for each site properly numbered and referenced to a particular damage site and ultimately to a Damage Survey Report.
  - (vi) Sketch of damage and proposed repairs.
- (4) The applicant must submit the original Damage Survey Report to the Federal Lands Highway Division Engineer for approval.
- (5) Combining Sites. It may be appropriate to prepare a single Damage Survey Report for a road or a segment of road. The team will identify each site by mile post and prepare a cost estimate complete with recommended repairs and pictures for each site. The Damage Survey Report form will represent a summary of the costs to repair the damage sites along the total length of road. Sites may not be combined to meet the \$5,000 threshold. Sites such as bridge replacements and major landslides shall have a separate Damage Survey Report.
- (e) **Alternate Procedures for Conducting Site and Preparing the Damage Survey Report.** Because of Federal Lands Highway Division personnel shortages, the Federal Lands Highway Division ERFO Coordinator may use this alternate procedure to conduct the detailed site inspections. At a minimum, such alternate procedures will provide that:
  - (1) Applicant personnel will conduct the detailed site inspections and prepare the Damage Survey Reports.
  - (2) Federal Lands Highway Division personnel will review all Damage Survey Reports and may conduct field reviews of selected sites to determine the accuracy of the damage description, eligibility of the proposed repair, and suitability of the repair cost estimate.



- (3) Based on the results of these reviews, the applicant will make appropriate changes to the Damage Survey Report as deemed necessary by the Federal Lands Highway Division ERFO Coordinator.
- (f) **Amended Damage Survey Reports** must be completed when the following applies:
- (1) The applicant wants to revise the scope of approved repairs. Examples of scope revisions that require amended Damage Survey Reports include:
    - (i) Adding or deleting betterments.
    - (ii) Revising the roadway cross-sections.
    - (iii) Extending the repair limit.
    - (iv) Abandoning the road.
  - (2) The cost variance (estimated to actual) is more than \$20,000 for Damage Survey Reports less than \$100,000.
  - (3) The cost variance (estimated to actual) is more than 20 percent for Damage Survey Reports over \$100,000.
  - (4) When multiple sites have been combined into a single Damage Survey Report, and if the area is inaccessible because of weather, snow or flooding, and requires deferring repair work on some sections of the damage route, the repair of the deferred sections shall be separated from the projects that can be repaired promptly. Revised Damage Survey Reports shall be prepared and submitted.

**2.6 Program of Projects (POP) Proposed by the Applicant** must be submitted to the Federal Lands Highway Division Engineer within ninety (90) days after receipt of the Positive Finding letter unless an extension is granted in writing by the Federal Lands Highway Division Engineer. The submittal must contain the following:

- (a) **Program of Projects Letter** transmitting the completed Damage Survey Reports and the Program of Project Table, and requesting ERFO funds be made available for the repair of damaged sites. See Appendix C.10.
- (b) **Program of Projects Table** is a list of all the Damage Survey Reports submitted for approval. See Appendix C.11.

**2.7 Program of Projects Approval Letter** establishes the maximum amount of funds that will be made available, subject to availability, for the repair of eligible damage. The approved Program of Projects shall be completed within thirty (30) calendar days of receipt of the applicant's Program of Projects. See Appendix C.12. In this letter, the Federal Lands Highway Division Engineer shall:

- (a) **Identify Projects** in the applicant's proposed programs that are approved, including any required changes.
- (b) **Identify Future Project Approvals** required by the Federal Lands Highway Division Engineer such as plans, specifications, and estimates; concurrence in award; rejection of bids, and project acceptance. Project selection will be based on project complexity, cost and past performance and may include randomly selected projects.
- (c) **Identify Work the Federal Lands Highway Division Agrees to Perform.**
- (d) **Provide Approval of the Use of Force Account** when it is determined that it is in the best interest of the public.
- (e) **Cap the approved program amount** for Forest Service and Bureau of Land Management Roads during periods of funding shortage. Repair of maintenance level 2 administrative roads will not be included in the approved program of projects unless justified on a case by case basis.

**2.8 Revisions to the Program of Projects** - If the total estimated cost of a disaster exceeds the amount of the approved Program of Projects by more than ten (10) percent, a revised Program of Projects must be submitted to the Federal Lands Highway Division Engineer for approval as soon as possible. The agency responsible for submitting the revised Program of Projects varies as follows:

- (a) **Applicant** - When the applicant is the lead agency for the repair of a project, the applicant must request a revision to the Program of Projects, at the earliest possible opportunity, to ensure that funds are available in accordance with Federal law, for approval by the Federal Lands Highway Division Engineer.
- (b) **Federal Lands Highway Division** - When the Federal Lands Highway Division is the lead agency for the repair of a project, the Federal Lands Highway Division Engineer will revise the Program of Projects and notify the applicant of any changes to the approved Program of Projects.
- (c) **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 shall be programmed as separate projects. If necessary Damage Survey Reports shall be prepared and submitted for projects that can be promptly started and completed.

(d) **Revised Damage Survey Reports** that propose an increase or decrease to the estimated cost of repair must be approved by the Federal Lands Highway Division Engineer and the Program of Projects must be revised as follows:

- (1) When the applicant is the lead agency for the repair of a projects, the applicant must request a revision to the Program of Projects, at the earliest possible opportunity, to ensure that funds are available in accordance with Federal law, for approval by the Federal Lands Highway Division Engineer.
- (2) When the Federal Lands Highway Division is the lead agency for the repair of a project, the Federal Lands Highway Division Engineer will revise the Program of Projects, notify the applicant of any changes and obtain concurrence to the approved Program of Projects.

**2.9 Request Federal Lands Highway Division to Perform Work.** All requests for the Federal Lands Highway Divisions to perform work on ERFO projects in addition to those requested at the time of program approval must be made in writing by the applicant to the Federal Lands Highway Division Engineer. The Federal Lands Highway Division Engineer shall inform the applicant by letter within thirty (30) calendar days, of the work that the Federal Lands Highway Division agrees to perform. When the Federal Lands Highway Division performs work for ERFO repairs, ERFO funds are allocated directly to the appropriate Federal Lands Highway Division.

**2.10 Fund Availability** - Even though the funding level is approved in the Federal Lands Highway Division Engineer's Program of Projects Approval Letter, ERFO funds may or may not be available. If ERFO funds are not available, the applicant is expected to use other funds to cover the cost of the approved repairs.

**2.11 Preparation of Construction/Project Documents** - Construction documents (plans, specifications, and estimates) may be prepared by either the applicant or by the Federal Lands Highway Division. All Federal Lands Highway Division Projects shall incorporate "ERFO" in the project number, regardless of any other funding source used.

(a) **Environmental Compliance** - The lead agency must comply with all 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.

- (1) Emergency Repairs: Regardless of which agency administers the project, emergency repairs are categorically excluded from requirements to prepare an Environmental Assessment or Environmental Impact Statement. See Federal Highway Administration's implementing regulations for the National Environmental Policy Act, specifically, 23 Code of Federal Regulations, 771.117(c)(9), emergency repairs under the ERFO program.
  - (2) Permanent Repairs: The National Environmental Policy Act compliance (Categorical Exclusions, Environmental Assessment, or Environmental Impact Statements, and Record of Decision) is the responsibility of the lead agency administering the project.
  - (3) When the applicant prepares an Environmental Assessment or Environmental Impact Statement for Federal Lands Highway administered projects, the applicant shall request the Federal Lands Highway Division's participation as a cooperating agency. This request shall be addressed to the Federal Lands Highway Division Engineer.
  - (4) When the Federal Lands Highway Division administers an ERFO project that includes environmental compliance responsibilities, Title 23, Code of Federal Regulations 771 will be the basis of the environmental process. 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 Federal Lands Highway Division's request.
- (b) **Repairs not eligible for ERFO Funding.** If ineligible repairs are added to an ERFO project the Applicant must complete the following:
- (1) Inform the Federal Lands Highway Division Engineer of the funding source, in writing, prior to project completion. Failure to notify the Division Engineer may jeopardize ERFO funding.
  - (2) Ensure that separate accounts are established.
  - (3) Charge repairs not eligible for ERFO funding to non-ERFO accounts.

- (c) **Simplified Plans, Specifications, and Estimates Procedures** - The Federal Lands Highway Division Engineer or applicant may prepare abbreviated plans and simplified project procedures that may expedite ERFO repairs.

**2.12 Construction Timing** - ERFO projects by their very nature must be constructed promptly.

**(a) Emergency Repairs:**

- (1) Since it is in the public interest for emergency repairs to be performed as soon as possible, such repairs may be started without prior approval from the Federal Lands Highway Division Engineer and shall be completed within 60 days after accessibility to the site.

**Special Note:** Photographs of the damage must be taken prior to beginning any emergency repairs to document eligibility.

- (2) The method of contracting to be use may be determined by the applicant.

**(b) Permanent Repairs:**

- (1) Force Account projects must be completed by the end of the second fiscal year following the fiscal year in which the disaster or catastrophic failure occurred.
- (2) Contracted projects must be awarded by the end of the second fiscal year following the fiscal year in which the disaster occurred. This requirement provides the applicant with between 25 and 36 months to award the construction contract for permanent repair project and to begin construction.

- (c) **Time Extensions** - Projects not under contract for permanent repair by the end of the second fiscal year following the fiscal year of the disaster shall be withdrawn from the Program of Projects and considered non-emergency permanent repairs, unless the Federal Lands Highway Division Engineer approves a time extension. If the damage persists with no correction for an extended period of time, it will eventually become unreasonable to continue to classify it as a disaster-related emergency regardless of the reason for the delay.

- (1) The applicant is responsible for submitting suitable justification for time extension to the Federal Lands Highway Division Engineer

for approval at least sixty (60) days prior to the end of the second fiscal year following the year of the disaster. See Appendix C.16.

(2) The Federal Lands Highway Division Engineer may grant a time extension (see Appendix C.17) if the applicant advanced the project on a priority basis, if the project will likely be under contract before the end of the time extension, and if one of the following conditions exists:

(i) A new disaster enlarges eligible sites or prevents access to the site.

(ii) Repairs are delayed due to ongoing litigation.

(iii) Significant environmental or public involvement delay the project.

(3) Time extensions shall **NOT** be granted for the following reasons:

(i) Lack of available ERFO or agency funds

(ii) Delays caused by the applicant's force account crews.

(4) When time extensions are granted, the applicant is responsible for submitting time extension requests at least sixty (60) days prior to the end of each fiscal year thereafter, until the project is under construction.

(d) **Completion of Permanent Repairs** and closeout that exceeds a period of 4 years from the date of the occurrence shall be justified in writing to the Federal Lands Highway Division Engineer.

**2.13 Reports** - The applicant must submit two reports each year for each ERFO disaster.

(a) **Disaster Repair Status/Closeout Report** must be completed by the applicant and sent to the Federal Lands Highway Division Office by December 31 of each year. See Appendix C.20.

(b) **Annual ERFO Funds Request** serves as a statement of upcoming needs for the next fiscal year and must be submitted to the Federal Lands Highway ERFO Program Manager by September 15th. See Appendix C.18.

**2.14 Closeout** - The Federal Highway Administration expects that all ERFO projects will be completed by the end of the fourth year following the year of the disaster. The Federal Lands Highway Division Engineer will begin closing out projects at the end of the fourth year following the year of the disaster. If all projects are not complete, a partial closeout of the disaster may be conducted.

- (a) **Disaster Repair Status/Closeout Report** - This report serves as the applicant's annual Status Report and final Closeout Report. When all projects have a date listed under the final column (Date Closed), the report is the applicant's final Closeout Report. At final closeout the report must identify the actual costs of repair for each Damage Survey Report. Individual sites that are combined into a single construction contract may be reported together. Force Account work may be reported on a road-by-road basis. Combining costs from multiple Damage Survey Reports, other than as stated above, is not permitted. See Appendix C.20.
- (b) **Partial Closeout** - At the request of the Federal Lands Highway Division Engineer or the applicant, partial closeout of completed site repairs for the disaster may be initiated prior to completion of other site repairs. The partial closeout may include a review of ongoing construction projects as well as completed projects.
- (c) **Federal Lands Highway Division Review** - The Federal Lands Highway Division Engineer will review the Disaster Repairs Status/Closeout Report for consistency with the approved Program of Projects and conduct follow-up field reviews as needed. Individual Damage Survey Reports will be selected based on the following:
  - (1) Actual costs greater or less than 20% of the approved Program of Projects amount.
  - (2) High cost or technically complex projects.
  - (3) Force account projects.
  - (4) Representative of the majority of projects.
- (d) **Field Review Notification** - The applicant will be notified when projects are selected for an in-depth field review. For the selected projects, the applicant shall assemble contract documents and all financial records that support the costs submitted in the Closeout Report.
  - (1) Contract Documents including plans, specifications, permits, contract changes, contract payments, release of claims, and NEPA documentation.

- (2) Financial Records, such as payroll, travel, per diem, materials, supplies, equipment rental, and equipment hours, must be properly documented and made available for each selected Damage Survey Report.
- (e) **Field Review Agenda** - The applicant's performance in the administration of the ERFO Program will be reviewed and evaluated. The applicant should be prepared to answer the following questions:
- (1) General - What degree of support and oversight did the main (Regional/State) office exercise? Were projects given prompt attention and priority over non-emergency work?
  - (2) DSR Scope - Were projects built in agreement with the approved DSR's?
  - (3) Completion Time - Were the construction projects awarded by the second fiscal year following the year of the disaster? Were Force Account projects completed by the end of the second fiscal year following the disaster? Were time extensions requested and approved for delayed work?
  - (4) DSR Revisions - Were the DSR's revised when appropriate (e.g., 20% cost differential, change in scope)?
  - (5) NEPA - What type of NEPA documentation was prepared? What obstacles were encountered in completing the NEPA or biological assessments?
  - (6) Engineering - How was engineering handled (e.g. in-house, contract)? Were the design plans and specifications adequate? Did the plans and specifications have peer or program manager review for compliance with the approved DSR scope? Were reviews conducted by the Federal Lands Highway Division if noted in the Approved Program of Projects?
  - (7) Materials and Supplies - What kinds of materials and supplies were purchased? Were they eligible? Are all materials supported with adequate documentation? How were agency furnished materials accounted for?
  - (8) Repairs - How were the repairs handled, (e.g. in-house, contracts)? Were Permanent Repairs approved prior to construction? Were repairs consistent with the approved DSR's? If contract modifications occurred, are they adequately documented? Were there any salvaged items or materials? How were they reused?



- (9) Accounting
- (i) Records - Is there adequate detail to determine if the charges are appropriate (e.g., location of work, who worked, time worked, and material placed or removed)? Are the agency submitted final costs supported by their financial records?
  - (ii) Non-eligible work - If projects included non-eligible work were ERFO and non-ERFO accounts set up? Were the accounts adjusted at project completion to reflect actual expenses?
  - (iii) Other funding sources - Are ERFO funds being used to replace other funding sources (e.g. repairs programmed prior to the disaster, damaged caused by legally responsible parties, share cost roads)?
  - (iv) Force account rates - Are the equipment rental rates reasonable and what schedule are the rates based on?
  - (v) Right-of-way acquisitions and litigation - What kind of documentation is available to track this kind of work?
- (f) **Federal Lands Highway Closeout Report** - The Federal Lands Highway Division Engineer will prepare a report summarizing the results of the office and/or field review. Adjustments to the applicant's Closeout Report will be made if non-eligible costs were submitted. If the results of the field review indicate that additional projects should be reviewed, the applicant will be notified and additional follow-up field reviews will be conducted as needed. The Federal Lands Highway Division Engineer will notify the applicant and the Federal Lands Highway ERFO Program Manager when the ERFO Disaster should be closed.
- (g) **Closeout Letter** - The Federal Lands Highway Division Engineer will summarize the results of the closeout review in the Closeout Letter, revise the amount of the approved Program of Projects, and request that the Federal Lands Highway ERFO Program Manager begin funding reconciliation with the applicant's headquarters. See Appendix C.21.
- (h) **Funds Reconciliation** - Based on the Federal Lands Highway Closeout Letter, the Federal Lands Highway ERFO Program Manager will reconcile funds with the applicant's headquarters.

- (1) Funds will either be transferred to or withdrawn from the applicant.
- (2) If ERFO funds are not available, the disaster will not be totally closed out until the funds become available and are transferred to the applicant.

## Chapter 3 Funding

- 3.1 Funding Source** - The Highway Trust Fund is the source of Emergency Relief funds. Title 23, United States Code, Section 125, authorizes funds for emergency and permanent repairs of Federal-Aid and other Federally owned roads and bridges. Congress can also authorize additional emergency relief funds through supplemental appropriations acts.
- 3.2 Funding Cap** - The total obligation of emergency relief funds (both Emergency Relief for Federal-Aid Highways and ERFO) for projects resulting from a single natural disaster or catastrophic failure is capped at \$100,000,000 per disaster, per state, unless otherwise waived by Congress.
- (a) **If the funding cap is waived or modified**, the Federal Lands Highway ERFO Program Manager will notify the applicants and the Federal Lands Highway Divisions in writing. The applicants and the Federal Lands Highway Division Engineers may then request any additional funds necessary to reach the full amount of funding in the approved Program of Projects.
  - (b) **When the Federal Highway Administration calculates that the emergency relief cap of \$100,000,000 per disaster, per state would be exceeded** if all repairs were completed, the Federal Lands Highway ERFO Program Manager will allocate emergency relief funds, if available, among the applicants.
    - (1) The funding of emergency repairs will be given preference over permanent repairs.
    - (2) Applicants shall submit prioritized lists of the emergency and permanent repairs shown in the approved Program of Projects, based on available funding amount.
- 3.3 Requesting ERFO Funds** - All requests for ERFO funds must be made in writing to the Federal Lands Highway ERFO Program Manager. Only request funds that will be obligated within the current fiscal year. The request for funds (except requests for Quick Release as described below) must include a copy of the Program of Projects Approval Letter. Each agency or Division shall make following request:
- (a) **Applicant Administered Projects** - The applicant shall make the requests for projects administered by their own agency.
  - (b) **Federal Lands Highway Administered Projects** - The Federal Lands Highway Division Engineer or ERFO Coordinator shall make the requests for projects administered by the Federal Lands Highway Division.

**3.4 Types of Requests for Transfer of ERFO Funds** - There are (3) three types of ERFO funds requests and are described below.

- (a) **Quick Release Request** - After the positive disaster finding by the Federal Lands Highway Division Engineer and before the Program of Projects is approved, a Quick Release of funds may be requested. The purpose of Quick Release is to make emergency repairs to re-establish vital transportation system(s) after a catastrophic failure or major natural disaster. The requests will be reviewed by the Federal Lands Highway Division Engineer, on a case-by-case basis. The process to request and receive Quick Release is as follows:
- (1) The applicant must make a request in writing to the Federal Lands Highway Division Engineer. See Appendix C.6.
  - (2) For each request, the applicant will receive a Quick Release Response Letter. If the request is approved, the response letter will authorize the initial amount available for emergency repairs. See Appendix C.7.
  - (3) If Quick Release is approved, the applicant's headquarter office must formally request these funds from the Federal Lands Highway ERFO Program Manager.
  - (4) The Federal Lands Highway ERFO Program Manager will transfer, if available, Quick Release funds to the applicant.
- (b) **Initial Request** - Any time after the first Program of Projects has been approved, the applicant or Federal Lands Highway Division, may request the initial transfer of ERFO funds that they expect to **obligate within the current fiscal year**. The request shall not exceed the amount of the approved Program of Projects.
- (c) **Subsequent Request** - After the initial request and prior to September 15, the applicant and the Federal Lands Division shall make their funds requests for the new fiscal year.
- (1) The Federal Lands Highway ERFO Program Manager will consolidate these requests and submit them to the Emergency Relief Program Manager.
  - (2) The Federal Lands Highway ERFO Program Manager, will transfer to the applicant or allocate to the Federal Lands Division offices amounts not to exceed the approved Program of Projects based on the following factors:

- (i) Funding amount received from the ER Program Manager for the ERFO Program.
- (ii) ERFO Funds Request for fiscal year.
- (iii) Current Approved Program of Projects.
- (iv) New fiscal year disasters.

**3.5 Transfer/Allocation of ERFO Funds/Obligational Authority** - All ERFO fund transfers and allocations shall be entered into the DOT accounting system by State and funding program code. The Federal Lands Highway ERFO Program Manager will transfer or allocate Obligational Authority, by disaster, state, and funding program code to the applicant's headquarters or the Federal Lands Highway Division Engineer as described below.

**Special Note:** Transfer or Allocation of ERFO funds will be delayed if prior year Disaster Repair Status/Closeout Reports have NOT been submitted to the Federal Lands Highway Division Engineer. In addition, transfer of ERFO funds may also be delayed until prior year obligations have been reconciled between the applicant and Federal Lands Highway Program Headquarters offices.

- (a) **Applicant** - The Federal Lands Highway ERFO Program Manager shall issue a Transfer of ERFO Funds letter with a summary of the Applicant's current fiscal year ERFO Program obligations. In addition, the Federal Highway Administration's Office of Budget and Finance shall issue a Federal Highway Administration Form 370 (Allotment Advice Form) to the applicant, confirming the transfer authority and limitation.
- (b) **Federal Lands Highway Division** shall receive an Allocation Memorandum from the Federal Lands Highway ERFO Program Manager with a summary of the Division's current fiscal year ERFO Program or obligations.
- (c) **State or Local Government** -When approved for ERFO funding, they will not receive funds directly from the Federal Lands Highway ERFO Program Manager. They should enter into a reimbursable agreement directly with the Federal Lands Highway Division Engineer, which allows them to directly bill the Federal Lands Highway Division Engineer for the cost of approved ERFO repairs. With this method, the ERFO funds needed for the repairs are allocated by an Allocation Memorandum to the Federal Lands Highway Division Engineer by disaster number, state and funding program code.

(d) **Indian Tribal Governments** will not receive funds directly from the Federal Lands Highway ERFO Program Manager. They must make their funding needs known directly to the Bureau of Indian Affairs. The Bureau of Indian Affairs has the responsibility of an applicant for Indian-administered projects and must:

- (1) Request and receive funds from the Federal Lands Highway ERFO Program Manager for Indian projects.
- (2) Enter into Public Law 93-638 contracts or self-governance compacts with the Indian tribes for the repair of ERFO projects as requested by the tribes.

**3.6 ERFO Funding Program Codes** - Each ERFO Allocation Memorandum and Transfer Letter will provide funding program codes that indicate the type of ERFO funds authorized. The Federal Lands Highway Divisions and the applicant must use these funding program codes to track the obligation and expenditure of all ERFO funds received. The applicant and Federal Lands Highway Division Engineer must report the obligation of funds back to the Federal Lands Highway ERFO Program Manager by disaster number and funding Program Code(s). The three digit program fund code historically used follows the format PC-09\*.  
\*(alpha or numeric digit)

**3.7 Applicant Points of Contact** - Applicant field units are not to request ERFO funds directly from the Federal Lands Highway ERFO Program Manager. The applicant's headquarters office is responsible for providing a point of contact who is responsible for requesting funds from the Federal Lands Highway ERFO Program Manager.

**3.8 Repairs NOT Eligible for ERFO Funds** - When a construction contract contains both eligible and ineligible ERFO work, the agency administering the contract has the following responsibilities.

(a) **Applicant, State, County, and Tribe Administered Projects** - The agency administering the contract must inform the Federal Lands Highway Division Engineer of the funding source of the ineligible work in writing prior to project completion. Failure to notify the Division Engineer may jeopardize future ERFO funding. The responsible agency must ensure that separate accounts are established and work not eligible for ERFO funding is charged to non-ERFO accounts.

(b) **Federal Lands Highway Division Administered Projects** - The agency responsible for the operation and maintenance of the road must transfer funds (obligational authority and liquidated cash) or enter into a reimbursable agreement with the Federal Lands Highway Division for the ineligible work prior to the Federal Highway Administration advertising

the approved ERFO repairs. Fund transfers by the applicant to the Federal Highway Administration will be made via Standard Form-1151 or other established fund transfer procedures.

**3.9 Advancing Projects During an ERFO Fund Shortage** - When all available funds are exhausted, the Federal Lands Highway ERFO Program Manager will not allocate ERFO funds to the applicant or Federal Lands Highway Division to cover funding needs on previously-approved disasters or for new disasters. ERFO fund requests received during this time will be held until Congress replenishes the Emergency Relief Program accounts through a supplemental appropriation. Recognizing that quick congressional action is not always possible, the following options or combinations thereof may be used to fund or advance ERFO projects on an interim basis. When ERFO funds become available, the Federal Lands Highway ERFO Program Manager shall reimburse the applicant for the use of any applicant or Federal Lands Highway Program funds which have been appropriately documented.

- (a) **Unobligated Balances from other Approved Disasters** - If an applicant has received funds for other ongoing ERFO disasters, the unobligated balance of ERFO funds from these approved disasters could be made available. Although the Federal Highway Administration transfers ERFO funds to an applicant based on funds requested for a specific disaster, it does not object to the applicant using unobligated ERFO funds from one previously approved disaster to cover additional approved ERFO needs on another approved disaster. The applicant is required to obtain approval from the Federal Lands Highway ERFO Program Manager when this option is used. The only time this use of ERFO funds is not acceptable is when funds are limited by law to a specific disaster or the use of the funds exceeds the approved Program of Projects for that disaster.
- (b) **Applicant Funds** - Other applicant funds may be used to perform approved ERFO repairs. If this option is used, the Federal Lands Highway ERFO Program Manager would reimburse the applicant an amount of ERFO funds equal to the total obligated amount of applicant funds upon their availability.
- (c) **Federal Lands Highway Program Funds** - Federal Lands Highway Program funds may only be used on highways that are eligible for that particular category of funds. In addition, the following approval is required:
  - (1) Forest Highway funds may only be used pending agreement from the appropriate state and Forest Service officials;
  - (2) Park Road and Parkways funds may only be used pending approval from National Park Service Headquarters;

- (3) Indian Reservation Roads funds may only be used pending approval from the affected Indian tribal government(s) and the Bureau of Indian Affairs;
- (4) Refuge Roads funds may only be used pending approval from the Fish and Wildlife Service Headquarters office; and
- (5) Public Lands Highway Discretionary funds are project specific and approval from the Federal Highway Administration is required.

**3.10 ERFO Funding Priorities** - When available ERFO funds are insufficient to meet current fiscal year fund requests, the Federal Lands Highway ERFO Program Manager will allocate funds as shown below. Listed in priority order they are:

- (a) **Reimbursement (Payback) of Agency Funds**, including State, county and local government funds used on approved ERFO repairs.
- (b) **Reimbursement (Payback) of Federal Lands Highway Program Funds** (FH, PRP, IRR, RR, and PLH-D) used on approved ERFO repairs.
- (c) **Funds Needed for CE and Contract Modifications** for ongoing ERFO construction projects.
- (d) **Funds Needed for Current Fiscal Year.**

**3.11 Fiscal Responsibility and Reporting Requirements** - The applicant is responsible for the administration of ERFO funds and obligational authority that has been transferred with it. This includes compliance with all applicable laws, regulations, and fiscal reporting requirements. Fiscal reporting is required for each disaster. The Federal Lands Highway ERFO Program Manager will withhold funds if the reporting requirements shown below are not met.

- (a) **Unobligated Balances** – The applicant and Federal Lands Highway Division must report all unobligated ERFO Funds at the end of each fiscal year as follows:
  - (1) **Applicant** - The applicant shall report the amount of unobligated ERFO funds (by Program Code) to the Federal Highway Administration using a Standard Form 133, Report on Budget Execution (generally done by the applicant's Budget Office on September 30). The Federal Lands Highway ERFO Program Manager and the applicant will reconcile all reported amounts. Per written request by the applicant, the Federal Lands Highway ERFO Program Manager will reinstate the unobligated fund balances (by Disaster Number and Program Codes) as soon as possible the following fiscal year.



- (2) Federal Lands Highway Division – The Federal Lands Highway ERFO Program Manager and the Federal Lands Highway Division ERFO Coordinators will reconcile all reported amounts of unobligated ERFO funds (by Disaster Numbers and Program Codes). Per the written request from either the Federal Lands Highway Division Engineer or Federal Lands Highway ERFO Coordinator, the Federal Lands Highway ERFO Program Manager will withdraw all unobligated funds and reinstate the funds (by Disaster Number and Program Code) as soon as possible the following fiscal year.
- (b) **Disaster Repair Status/Closeout Report** - The applicant and the Federal Lands Highway Divisions must prepare and submit a Disaster Repair Status/Closeout Report for each disaster by December 31 of each year. The information on this report should reflect the status of each disaster through the end of the previous fiscal year.
- (1) Applicant - Submit the Disaster Repair Status/Closeout Report to the Federal Lands Highway Division Engineer. See Appendix C.20.
  - (2) Federal Lands Highway Division - Submit the Disaster Repair Status/Closeout Reports for any work conducted by Federal Lands Highway Division to the applicant. In addition, submit these reports and all reports received from the applicants (Section 3.11(b)(1)) to the Federal Lands Highway ERFO Program Manager. See Appendix C.20.
- (c) **Annual ERFO Funds Request** – This serves as a statement of upcoming needs for the next fiscal year and must be submitted by the applicant and the Federal Lands Highway Divisions to the Federal Lands Highway ERFO Program Manager by September 15. See Appendix C.18.
- (1) As a final Closeout Report by the applicant, the Disaster Repair Status/Closeout Report must present a final accounting of the costs claimed for the disaster by each Damage Survey Report. The final Closeout Report must be submitted to the Federal Lands Highway ERFO Program Manager within six (6) months of the completion of all repairs. See Appendix C.20.
  - (2) As a final Closeout Report by the Federal Lands Highway Division Engineer, a Disaster Repair Status/Closeout Report must present a final accounting of the costs claimed for the disaster by each Damage Survey Report. The final Closeout Report must be submitted to the applicant and the Federal Lands Highway ERFO Program Manager within six (6) months of the completion of all repairs. See Appendix C-20.

**3.12 Fund Reconciliation** - Based on the Federal Lands Highway final Disaster Closeout Letter, the Federal Lands Highway ERFO Program Manager will reconcile funds with the applicant's headquarters and the Federal Lands Highway Division Engineer.

- (a) **Funds are Available.** Funds will either be transferred to or withdrawn from the applicant or allocated to or deallocated from the Federal Lands Highway Division by Disaster Number, State and Program Code.
- (b) **Funds are NOT available.** If ERFO funds are not available for transfer or allocation, the disaster will not be closed until funds become available and are either transferred to the applicant or allocated to the Federal Lands Highway Division by disaster number, state and program code.

## Chapter 4 Eligibility

This chapter provides guidance regarding Federal Road eligibility as well as specific eligible costs under the ERFO Program. Questions about eligibility should be directed to the Federal Lands Highway ERFO Coordinator. The Federal Lands Highway Division Engineer is responsible for approving all repairs under the ERFO program.

**4.1 Federal Roads that are Open to Public Travel** are eligible for funds under the ERFO Program as follows:

- (a) **Bureau of Reclamation Roads** owned by the Bureau of Reclamation for which title and maintenance responsibility is vested in the United States Government.
- (b) **Corps Recreation Roads** are public roads owned by the U.S. Army Corps of Engineers 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.
- (c) **Department of Energy Roads** are public roads that provide access to or within facilities such as transmission lines, switch yards, substations and related facilities on public lands, including those lands and facilities located on withdrawn public lands, previously under the jurisdiction of the Bureau of Reclamation (i.e., owned by the Western Area Power Association).
- (d) **Forest Development Roads** owned by the Forest Service and under Forest Service Jurisdiction (maintenance level 2-5). During periods of funding shortages, repair of maintenance level 2 roads, that are Open to Public Travel, will not be approved for funding unless they meet the following criteria:
  - (1) Access high use trails
  - (2) Provide high value recreational through traffic
- (e) **Forest Highways** are public roads serving National Forests and National Grasslands that have been designated in accordance with 23 CFR 660. These roads are under the jurisdiction of, and maintained by, a public authority and open to public travel.
- (f) **Indian Reservation Roads** (see 23 U.S.C. 101(12)) are public roads that are designated by the Bureau of Indian Affairs as Indian Reservation Roads that provide access to or within the following:

- (1) Indian reservations.
- (2) Indian trust lands.
- (3) Restricted Indian land.
- (4) Alaska native villages, groups, or communities.

**(g) Military Installation Roads** that are public roads and owned by the Department of Defense (DOD) on military installations.

**(h) Park Roads and Parkways** owned by the National Park Service that are:

- (1) Park Roads – Public roads that provide access to or within the National Park System with title and maintenance responsibilities vested in the United States Government.
- (2) Parkways – Public roads authorized by an Act of Congress on lands to which title is vested in the United States Government.

**(i) Public Lands Development Roads -** Roads that the Secretary of the Interior determines are of primary importance for the development, protection, and utilization of public lands and resources under the control of the Secretary of the Interior (maintenance level 2-5). This category includes administrative roads that are classified by the Bureau of Land Management 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). During periods of funding shortages, repair of maintenance level 2 roads, that are Open to Public Travel, will not be approved for funding unless they meet the following criteria:

- (1) Access high use trails
- (2) Provide high value recreational through traffic

**(j) Refuge Roads** owned by the United States Fish and Wildlife Service that are public roads providing access to or within the United States Wildlife Refuge System and which title and maintenance responsibility is vested in the United States Government.

**(k) Selected State, County, and Other Roads** as listed:

- (1) Forest Highways that are designated by the Federal Highway Administration.
- (2) Defense Access Roads that are designated by the Surface Deployment & Distribution Command.

- (3) Land Management Highways that are designated by the Bureau of Land Management.

**4.2 Federal and Administrative Roads and Trails that may or may not be approved for limited ERFO Funds** include the following:

- (a) **Administrative Roads** can be closed by their owners at any time, for any reason and remain closed indefinitely and as a result do not meet the definition of a public road. Administrative roads owned by the agencies listed below are NOT eligible.

- (1) Bureau of Indian Affairs.
- (2) Bureau of Reclamation.
- (3) Department of Defense.
- (4) U.S. Army Corp of Engineers.
- (5) Fish and Wildlife Service.
- (6) National Park Service.
- (7) Tribal governments.
- (8) Department of Energy.

- (b) **U.S. Forest Service and Bureau of Land Management Administrative Roads** that are not open for public travel will only be approved for abandonment and limited work to reduce additional adverse resource impacts caused by the disaster. These roads are typically identified as follows:

- (1) Forest Development Roads with traffic management strategies that discourage, eliminate or prohibit standard passenger autos (Maintenance Levels 1 and 2).
- (2) Public Lands Development Roads (Maintenance Level 1 and 2).

- (c) **Trails and trailheads** will be approved if they are:

- (1) An integral part of an eligible damaged roadway cross section;
- (2) Designated by the U.S. Congress as a National Trail under the National Trails System Act of 1968 (as amended), or

- (3) Trail bridges on other trails that provide the only access to significant points of interest are eligible for ERFO funding on a case by case basis.
- (d) **Roads Open to Public Travel less than 5 months each year** may only be approved for limited work to reduce additional adverse resource impacts caused by the disaster. The scope of these repairs may include 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. The cost to reduce additional resource impacts may not exceed the estimated cost to repair the road to pre-disaster condition.
- (e) **Roads Identified in an Abandonment or Decommissioning Plan** will NOT be approved for ERFO funding. Abandonment and decommissioning costs should be funded as originally planned.
- (f) **Tribal Owned Public Roads NOT on the Indian Reservation Road System** will NOT be approved for ERFO funding.

**4.3 Items Eligible for ERFO Funds** - The ERFO program is not intended to fund all repairs resulting from a natural disaster or catastrophic failure. Only repair of serious damage is eligible for ERFO funding. Restoration in-kind to pre-disaster conditions is expected to be the predominate type of repair. When it is not practical or economically feasible to repair or restore a damaged element to its pre-existing condition, replacement facilities are appropriate. Betterments may be approved when economically justified to the ERFO Program. The subsections listed below provide guidance in determining eligible costs.

- (a) **Abandonment of Roads** is eligible if the road is open to public travel, is difficult to maintain, has experienced frequent storm and flood damage, and if abandonment is in line with the road's management objectives. Abandonment costs are capped at the cost to repair the road. A portion of the abandoned road can be left to function as a trail; however, trail construction along the abandoned facility is NOT eligible. Suitable turnaround facilities at the beginning of the abandoned road section are eligible.
- (b) **Access Road Damage** is eligible provided the applicant is able to document the pre-disaster condition of the roadway and the damage is the result of the following:
  - (1) Damage caused by vehicles hauling roadway construction equipment or material necessary for making eligible ERFO repairs. Damage to the roadway caused by other traffic is NOT eligible.

- (2) Damage on detour routes around eligible damage, caused by increase traffic volume.
- (3) Damage caused by emergency vehicles responding to the disaster.

**(c) Additional Damage to a Previously-Approved Site.**

- (1) Damage that occurs before permanent repairs are completed is eligible for ERFO funds as follows:
  - (i) The additional damage could not have been anticipated and appropriate emergency ERFO repairs were made to prevent further damage.
  - (ii) The repairs are not the responsibility of the contractor.
  - (iii) The permanent repairs were under construction by the end of the second fiscal year following the year of the disaster.
- (2) Damage that occurs after permanent repairs are completed may be eligible if it can be shown that the damage was directly caused by the disaster and not by other factors and the repair shows signs of failure within three (3) months after final inspection.
- (3) When additional damage is the result of a subsequent eligible disaster, the repairs are eligible. The repairs may be combined under either disaster as follows:
  - (i) If the cost of the additional damage is applied to the original disaster, an amended Damage Survey Report is required.
  - (ii) If the cost of the additional damage is applied to the new disaster, a new Damage Survey Report is required and the original Damage Survey Report for that site must be amended.

**(d) Basin Flooding** - According to 23 CFR 668.109(b)(8), raising the grade as a result of basin flooding may be eligible for ERFO funds if the Federal Highway Administration makes a formal determination based upon the following factors:

- (1) The affected road must be considered a critical Federal-Aid highway or transportation route with potential long-term loss of use.
  - (2) The proposed increase in grade must be substantial, reasonable, and economically feasible.
- (e) **Betterments** may be eligible if the applicant demonstrates through a benefit/cost analysis that the betterment is economically justified to the ERFO Program. See Section 4.5 - Betterments and Appendix A.8 - Benefit/Cost Analysis

**Special Note:** In many instances betterments will fail to meet the test of being economically justified to the ERFO Program. If a betterment provides considerable benefit when other factors are considered, the applicant is encouraged to use other funds, as appropriate, to fund the betterment.

(f) **Bridges**

- (1) Bridges that are scheduled for replacement may be eligible for Emergency ERFO repairs only. Permanent repairs should be completed as originally planned.
- (2) Structurally Deficient Bridges.
  - (i) Emergency repairs to restore essential traffic are eligible. These funds may be combined with non-ERFO funds to correct nondisaster-related deficiencies so that the bridge will be structurally sufficient when repairs are completed.
  - (ii) A replacement structure, meeting current design standards, is eligible for funds if all the following apply:
    - (aa) The bridge was completely destroyed or repair is not feasible.
    - (bb) The bridge was not scheduled for replacement.
  - (iii) 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 funds.



- (3) Bridges that are NOT structurally deficient (including functionally obsolete bridges) may be eligible as follows:
  - (i) When a minor section or a single span of a functionally obsolete bridge is damaged or destroyed as a result of a disaster, in addition to emergency repairs, ERFO funds may be used to repair or rebuild that section to geometric standards consistent with undamaged sections of the structure.
  - (ii) If the bridge is destroyed as a result of the disaster, ERFO funds may be used for a replacement bridge that is constructed to current design standards required for the types and volume of traffic over its design life.
  - (iii) If the bridge is not totally destroyed as a result of the disaster, but the damage is extensive and the applicant can economically justify that a total replacement rather than repair is warranted, the Federal Lands Highway Division Engineer may approve ERFO funds for the replacement on a case-by-case basis.
  
- (4) Log Stringer Bridges.
  - (i) Damaged Structures - Costs to repair damaged structures to pre-disaster conditions are eligible. ERFO funds can be combined with non-ERFO funds to replace the bridge with a new structure.
  - (ii) Destroyed Structures - It is the policy of the Federal Lands Highway not to replace log stringer bridges "in kind". The costs and type of replacement structure eligible for ERFO funds will be determined on a case-by-case basis as mutually agreed upon by the applicant and the Federal Lands Highway Division Engineer.
  
- (g) **Clearing Debris/Timber Removal** from roadways and water courses around bridge piers to adjacent locations within the right-of-way are eligible for ERFO funds. The costs of hauling timber to sawmills or to other locations beyond the proximity of the highway right-of-way are not eligible for ERFO funds.
  - (1) Debris removed on roads is limited to that necessary to clear the traveled way and to assure the safety and full function of the roadway.

- (2) Debris removed from watercourses is limited to that necessary to protect the structural integrity of the road or bridge and is limited to debris within the actual drainage channel, right-of-way boundary (or typical boundary if none).

**(h) Culverts**

- (1) Destroyed culverts may be replaced to current design or environmental standards if such culverts currently are being installed in accordance with the applicant's normal practices and if damage is not attributable to lack of maintenance.
- (2) Damaged culverts may be repaired or re-set as long as it is not considered heavy maintenance.

- (i) Detour Construction** costs are eligible to restore essential traffic consistent with anticipated volume and type of traffic, considering appropriate speeds, safety considerations, duration of use, and overall costs. However, detour construction that establishes pre-disaster levels of service requires prior approval by the Federal Lands Highway Division Engineer.

- (j) Embankment** replacement to repair eligible serious damage is eligible under the following conditions:

- (1) Repair of slip-outs extending into the traveled way is eligible.
- (2) Repair of slip-outs NOT extending to the traveled way is eligible if the roadway is in imminent danger of failure.
- (3) Repair of slips-outs NOT extending into the traveled way must be justified through a cost-benefit analysis if the roadway is NOT in imminent danger of failure.

- (k) Emergency Repairs** are eligible and should be accomplished in a manner that reduces the additional work required for permanent repairs.

- (l) Engineering costs** are eligible as follows:

- (1) Preliminary engineering.
- (2) Construction engineering directly attributed to repair of eligible damage or related to contract administration and inspection of construction work.

- (m) **Environmental studies**, review, and documentation required to comply with the National Environmental Policy Act and the applicant's implementing regulations are eligible. Requests for payment for repairs required by proposed actions to avoid, minimize, or mitigate for environmental impacts, resulting in costs above replacement in-kind, are eligible if:
  - (1) Thoroughly documented.
  - (2) Mutually shared.
  - (3) Submitted to the Federal Lands Highway Division Engineer for consideration on a case-by-case basis.
  
- (n) **Equipment** cost may be eligible as follows:
  - (1) Purchase (minus resale value) must be approved in advance by the Federal Lands Highway Division Engineer and must be cost effective when compared to renting.
  - (2) Rentals may include applicant-owned equipment, equipment rented from another public entity, and equipment rented from commercial sources. Rental rates should include operation, maintenance and depreciation costs. Documentation required to support costs include the following:
    - (i) A commercial invoice or other applicant-generated time and equipment use report that specifies, for each Damage Survey Report the equipment was used on, the date of use and hours of operation.
    - (ii) The equipment use record must be signed by the applicant's employee.
  
- (o) **Flood Fighting Operations** at an eligible site that restores essential traffic, protects remaining facilities, and minimizes the extent of the damage are eligible.
  
- (p) **Mobilization** costs are eligible as calculated from:
  - (1) The pre-disaster location of the equipment to the first eligible site.
  - (2) From one eligible site to the next logical eligible site.

- (q) **Permanent Repairs that Receive Prior Approval** from the Federal Lands Highway Division Engineer are eligible.
- (r) **Picnic and Camping Areas** - Roads within an area that serves mainly as a picnic area or as an overnight camping facility must meet the eligibility and funding approval criteria listed in Sections 4.1 and 4.2.
- (s) **Replacement of Highway Facilities** - Replacement highway facilities are appropriate when it is not practical and economically feasible to repair or restore a damaged element to its pre-existing condition. See section 4.6 Replacement Facilities.
- (t) **Rest Areas.** The repair of roads and bridges within Rest Areas are eligible.
- (u) **Right-of-Way Acquisition** required for repair of eligible damage.
- (v) **Roadway Surfacing.** Major loss of roadway surfacing is eligible.
- (w) **Salaries**, including overtime pay, for all applicant employees directly assigned to and working on a specific ERFO eligible project(s) provided their time is properly documented in accordance with acceptable accounting standards (e.g. time slips, time and attendance reports, or time books) and readily available for inspection by the Federal Lands Highway Division ERFO Coordinator.
- (x) **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 repairs include removing debris, restoring slopes, and reconstructing the roadway and drainage facilities. Slides that occur after the disaster period may be eligible for ERFO funds if written documentation shows that the slides were the direct result of the disaster. Other limitations to the eligibility of ERFO funds are as follows:
  - (1) Slide stabilization is a betterment. ERFO funds may be approved based on a detailed analysis of the slide and on reasonable assurance that the stabilization will prevent similar future damage.
  - (2) 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.

- (3) Additional corrective repairs 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 funds.
- (4) Repairs to provide a safe roadway are eligible for ERFO funds for existing slides if the slide is significantly accelerated by the disaster. ERFO funds may not be provided for all corrective measures performed by the applicant to "stabilize" the slide. ERFO funds generally are limited to paying the cost to provide a usable road.
- (y) **Snow and Ice Removal** associated with repairs from a catastrophic failure.
- (z) **Stone Walls (Substandard).** 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 non-ERFO funds to replace the undamaged portion(s) of the wall. However, if small sections were damaged, ERFO funds could be used to repair the wall to pre-disaster conditions.
- (aa) **Stream Channel restoration** necessary for the continued safe operation of bridge and drainage facilities. The applicant must have responsibility and authority for maintenance and proper operation of the stream.
- (bb) **Supplies and Materials**, provided they are:
  - (1) Expendable.
  - (2) Properly identified on the stock-issue slip or vendor's invoice with the project charged and readily available for inspection by the Federal Lands Highway ERFO Coordinator.
- (cc) **Temporary/Prefabricated/Portable Bridges** may be leased or purchased to maintain essential traffic contingent upon the following stipulations:
  - (1) Purchase price minus resale value only.
  - (2) An economic analysis is completed prior to the purchase that demonstrates significant cost benefit of purchasing over leasing.

- (3) Removal of the structure following permanent repairs.

**Special Note:** Maintenance of bridge after installation is not eligible.

- (dd) **Traffic Control** devices, barricade erection and removal, and flagging traffic through or around damaged sections of roadway or bridges.
- (ee) **Travel and Per Diem expenses** properly assigned to an eligible site and directly attributable to individual ERFO projects in accordance with Federal Joint Travel Regulation.

**4.4 Items NOT Eligible for ERFO Funds** included but not limited to the following:

- (a) **Additional Damage** resulting from an applicant's lack of protection of remaining facilities.
- (b) **Administrative Costs.** Administration and overhead costs are not eligible. Costs such as a general overall assessment of damage, general supervision, contract administration other than construction engineering, and project planning and scheduling are considered administrative costs. These 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 ERFO repair project.
- (c) **Boat Ramps.**
- (d) **Bridge(s):**
  - (1) Permanent repair of bridges that were structurally deficient before the disaster and were not totally destroyed.
  - (2) Bridges that are scheduled for replacement at the time that a natural disaster or catastrophic failure occurs.
  - (3) If the bridge receives little or no damage, but the channel has been altered, ERFO participation is limited as follows:
    - (i) The cost to replace the bridge or raise the superstructure is NOT eligible.
    - (ii) Repair of the approach is eligible. A bridge extension may be eligible if it is cost effective compared to channel and approach repairs. Bridge replacement or extension is generally NOT eligible.

- (e) **Deficient Facilities:** Repairs to roadways damaged as a result of preexisting and non-disaster related, i.e., inherent deficient conditions are not eligible.
- (1) Pre-disaster structurally deficient roads, walls and drainage structures. Rusted culverts are NOT eligible for replacement but may be reinstalled if unseated.
  - (2) Work already programmed to repair or replace deficient facilities that are damaged during a disaster. This work must be financed as originally intended. A project is considered "programmed" if the construction phase is included in the Federal Lands Highway Program or State Transportation Improvement Program or if contract plans are being prepared.
- Special Note:** Emergency repairs to restore essential traffic may be eligible.
- (3) Damage attributable to deterioration or lack of maintenance such as:
    - (i) Drainage ditches obstructed with sediment and vegetation.
    - (ii) Culverts with leaking joints, deteriorated materials or piping along the outside of the culvert.
    - (iii) Log culverts.
- (f) **Delayed Projects.**
- (1) Force account projects not completed by the end of the second fiscal year following the year of the disaster.
  - (2) Contract work not awarded by the second fiscal year following the year of the disaster unless a time extension is granted.
- (g) **Embankments** damaged by slides and slip-outs, erosion, settlement, and sloughing not extending into the traveled way.
- (h) **Flood Fighting** operations normally expected by an applicant.
- (i) **Force Account Repair Costs** that exceed the costs comparable to those expected by the competitive bidding process.

- (j) **Heavy Maintenance** normally required after heavy rains or other frequently occurring natural events even though it is more extensive (more wide area).
- (k) **Isolated Sites** not directly related to, or away from, the pattern of the disaster.
- (l) **Levees and Dikes** used for water control. Roads on top of levees and dikes are eligible after repairs are completed.
- (m) **Material Stockpiles, Equipment, and Other Losses.**
  - (1) Replenishing or paying losses for damaged or destroyed material stockpiles (i.e., sand, gravel, pipe, etc.).
  - (2) Damages to an applicant's equipment (i.e., motor graders, tractors, etc.) and other losses (i.e., maintenance sheds, offices, picnic tables, trash cans, tent pads, boat launch ramps, etc.).
- (n) **Miscellaneous Damage**
  - (1) Not directly attributable to the natural disaster.
  - (2) Not included in an eligible site.
  - (3) Outside the highway right of way that is caused by or attributed to the highway facility (even if the applicant may be found liable for the damage).
- (o) **Permanent repairs** are not eligible if performed prior to authorization unless it is determined to be more economical or practical to perform such work as an associated part of the emergency repairs.
- (p) **Roads Closed to Public Travel** for more than 7 months of the year.
- (q) **Roadway Surface Upgrades** beyond the pre-disaster conditions.
- (r) **Routine Maintenance of Detour Routes** not related to increase traffic volumes such as:
  - (1) Brushing.
  - (2) Maintaining drainage.



- (3) Snow plowing.
- (s) **Routine Snow and Ice Removal.**
- (t) **Slides:**
  - (1) Pre-existing, slow moving slides that are not significantly accelerated during the disaster.
  - (2) Additional corrective repairs after completion of the initial stabilization.
  - (3) The cost of monitoring slide stabilization measures after construction.
- (u) **Total Repair Costs** of a damaged site (emergency and permanent repairs) less than \$5,000. Damages at two or more sites shall NOT be combined to meet the threshold.
- (v) **Trails and Trailheads** other than those designated by the U.S. Congress under the National Trail System Act of 1968 (as amended), or similar will NOT be approved unless they are an integral part of a eligible damaged roadway cross section.

**4.5 Betterments** – The ERFO Program is intended to assist the applicant in repairing damaged highway facilities to their pre-disaster condition. In-kind restoration is the predominate type of repair. Added features (betterments) that help protect highway facilities from possible future damage and are economically justified through a benefit/cost analysis may be approved. Requests for funding betterments must be submitted by the applicant to the Federal Lands Highway Division Engineer for approval. A justification and economic analysis should be provided at the time the Damage Site Survey Team prepares the Damage Survey Report.

- (a) **Benefit/Cost Analysis.** Betterments must be economically justified to the ERFO Program through a benefit/cost analysis. The analysis must be based solely on the benefit of the projected savings in recurring eligible ERFO repair costs should future disasters occur and the cost of the betterment. When calculating the projected savings (benefits) subtract the estimated cost of repairing the site with the betterment from the estimated cost of repairing the site again without the betterment. 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.

Betterments that fail to meet the test of being economically justified for ERFO funding should not 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 other Federal Lands Highway Program funds, agency funds, or local funds, as appropriate, to fund the betterment.

(b) **Examples of Betterments** that help protect highway facilities from possible future damage and as a result may be approved are as follows:

- (1) Raising roadway grades.
- (2) Relocating roadways to higher ground or away from slide-prone areas.
- (3) Stabilizing slide areas.
- (4) Stabilizing slopes.
- (5) Installing riprap.
- (6) Lengthening or raising bridges to increase waterway openings.
- (7) Deepening channels.
- (8) Increasing the size or number of drainage structures.
- (9) Replacing culverts with bridges.
- (10) Installing seismic retrofits on bridges.
- (11) Adding scour protection at bridges.
- (12) Adding spur dikes.

**4.6 Replacement Facilities.** Replacement highway facilities are appropriate when it is not practical and economically feasible *from an engineering standpoint* to repair or restore a damaged element to its pre-existing condition.

(a) **Design Standards.** Replacement facilities may be built to current standards as described below. (Reference CFR § 668.209(d) Eligibility of work.)

Roads - 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.

Bridges - ERFO funds are limited to the cost of a comparable facility that meets current geometric and construction standards for the type and volume of traffic it will carry during its design life.

- (b) **Justification Requirements.** Because the ERFO Program is intended to fund the repair of a facility to its pre-disaster condition, all proposed replacement facilities must be submitted to the Federal Lands Highway Division Engineer for approval. As a minimum, the Applicant must address the following in its justification submittal:
- (1) Primary road use and ADT.
  - (2) Additional cost of the replacement facility.
  - (3) Socio/economic/environmental considerations. Describe road condition and list deferred maintenance and capitol investment needs.
  - (4) Evaluate likelihood of future damage.
  - (5) Describe Agency and ERFO work completed on the road within the past 10 years.
  - (6) Availability of other funding sources.
- (c) **Environmental Considerations** - Features added as a result of required environmental mitigation can be included in the approved overall cost of the project only if the replacement facility is justified to and approved by the Federal Lands Highway Division Engineer. These features are not viewed as betterments but rather as integral parts of the replacement project needed to comply with NEPA.
- (d) **Examples.** The extent of eligible funding varies depending on the circumstances involved, as illustrated in the following examples:
- (1) A highway has been seriously damaged; however, inspection verifies that it is practical and economically feasible to repair the existing highway. After considering environmental constraints or transportation related needs, the applicant decides through the NEPA process they want to replace the existing highway with a new one. In this case, ERFO funds can be applied towards a new or alternative replacement; however, ERFO funds are limited to the estimated cost to repair the existing highway. This practice is commonly referred to as capping the amount of eligible ERFO funds. Other non-ERFO funds must used to fund project costs above the eligible amount.
    - (i) 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 \$2,000,000. The applicant does not want to repair the embankment, but instead wants to replace it with a bridge. ERFO funds may participate in

the Federal share of the replacement facility up to the estimated amount of \$2,000,000.

- (ii) A bridge approach is eroded so there is a large gap between the road and the end of the bridge. An inspection confirms that the embankment is repairable, however due to environmental constraints and permitting issues, the applicant is not able to repair the embankment to preexisting conditions. As a result, the applicant decides to extend the bridge. ERFO funds may participate in the bridge extension project up to the estimated cost to repair the embankment.
- (2) A highway has been seriously damaged and the inspection confirms that it is not practical or economically feasible to repair the damage. In this case, ERFO funds may participate in the total cost of the replacement highway.
- (i) 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 built to current standards costs \$1,000,000. ERFO funds may participate in 100% of the incurred costs.
  - (ii) A roadway embankment fails and an inspection confirms the embankment cannot be repaired to preexisting conditions because the ground at the failure is too steep. The applicant decides to build a retaining wall on the original alignment. ERFO funds may participate in 100% of the incurred costs.
  - (iii) A roadway culvert fails and an inspection confirms that the culvert is not salvageable. The culvert may be replaced with one meeting current engineering standards with ERFO funds participating at 100%. During the design phase, the applicant requests the culvert be replaced with a structure that accommodates fish passage. In this case, justification must be provided by the applicant and approved by the Federal Lands Highway Division Engineer in order to have ERFO funds participate at 100%. If justification is not approved, ERFO funding will be capped at the cost of replacing the culvert to current engineering standards.
- (3) A highway has been seriously damaged and it is not practical or economically feasible to repair the damage. It is practical or economically feasible to build a replacement highway at the existing location. However, due to environmental constraints or transportation related needs, the applicant chooses to replace the existing damaged highway with one at a new location. In this case, ERFO funds for the relocated highway are

capped at the estimated cost to replace the damaged highway at its original location. Other funds must be used to cover costs above the capped amount.

(i) 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. It is practical and economical to build a new bridge at the existing site for \$1,000,000. However, the applicant wants to replace the bridge at a new site requiring a longer structure and additional approach work. The result is a bridge at the new site costs an additional \$2,000,000. For this project, ERFO funds are capped at the original \$1,000,000.

(ii) A roadway embankment along a river is eroded causing serious damage. It is not practical or economically feasible to rebuild an embankment because of stream degradation and impingement of the river. It is determined that a retaining wall can be built at the damaged site. Because of environmental constraints, the applicant decides to relocate the road to a new alignment. In this example ERFO funds are capped at the cost of the retaining wall replacement facility.

(4) A highway has been seriously damaged and the inspection confirms that it is not practical or economically feasible to repair the damage or replace the highway at its existing location. Consequently, an alternative replacement highway on a new location is developed. Provided this alternative highway is of comparable function and character to the destroyed facility, it is eligible for ERFO funds. This scenario rarely arises under the ERFO Program. In almost all cases, it is practical or economically feasible, from an engineering standpoint, to replace a damaged highway on its existing location.

**4.7 Resolving Eligibility Issues** - These shall be handled between the Federal Lands Highway and applicant ERFO Coordinators.

(a) **Unresolved Disputes** may be forwarded to the Federal Lands Highway Division Engineer.

(b) **Appeals** may be elevated to the Federal Lands Highway Associate Administrator with copies to the following:

(1) Director, Office of Program Development.

(2) ERFO Program Manager.

## **Chapter 5 Roles and Responsibilities**

**5.1 Applicant** - The applicant's representative is responsible for coordinating ERFO activities at the following organizational levels:

**(a) Field**

- (1) Takes photos of the damage prior to repairs to help justify and document site eligibility.
- (2) Initiates emergency repairs.
- (3) Advises higher authorities about the severity and extent of the damage.
- (4) Participates on disaster assessment teams and provides all available information required for the Disaster Assessment Report.
- (5) Arranges for advance briefing sessions.
- (6) Ensures that all teams evaluate the damage in a consistent manner.
- (7) Monitors the progress of Damage Survey operations.
- (8) Completes all required documentation from the beginning to end for the Program of Projects. (See Chapter 2.)
- (9) Requests approval to use force account.
- (10) Oversees the development of Plans, Specifications, and Estimates.
- (11) Designates the Contracting Officer for work being administered by the applicant.
- (12) Concurs in award/rejection of bids.
- (13) Accepts completed construction.
- (14) Insures prompt and efficient completion of ERFO repairs.
- (15) Requests funds from Regional/State offices.
- (16) Administers transfer of ERFO funds from applicant's headquarters office.
- (17) Recovers ERFO repair costs from legally responsible parties.

- (18) Submits the following to the Federal Lands Highway Division office through the applicant's Regional/State office:
  - (i) Notice of Intent Letter.
  - (ii) Program of Projects.
  - (iii) Requests for changes.
  - (iv) Plans, Specifications, & Estimates.
  - (v) Suitable justification for all requests for Time Extension(s).
  - (vi) Disaster Repair Status/Closeout Report.
  - (vii) Any request for Federal Lands Highway assistance in project development and/or construction process.

**(b) Regional/State Office** is responsible for the following activities:

- (1) Notifies the Federal Lands Highway Division's ERFO Coordinator of a natural disaster or catastrophic failure.
- (2) Arranges Disaster Assessment activities.
- (3) Assignment of personnel to the Damage Survey Team.
- (4) Participates in Disaster Assessment activities in the field.
- (5) Assembles the following:
  - (i) Program of Projects.
  - (ii) Revisions for the disaster.
- (6) Prepares all ERFO correspondence for the applicant field unit including but not limited to the following:
  - (i) Notice of Intent Letter.
  - (ii) Program of Projects Letter.
  - (iii) Time Extension requests.

- (iv) All Disaster Repair Status/Closeout Reports (including partial).
- (v) Any request for Federal Lands Highway assistance in project development and/or construction process.
- (7) Monitors and ensures prompt and efficient completion of all repairs.
- (8) Provides:
  - (i) Technical assistance.
  - (ii) Copies of this ERFO Manual.
  - (iii) Training.
  - (iv) Information.
  - (v) Eligibility guidance to applicant (field units).
  - (vi) Maps identifying public and administrative routes.
- (9) Requests funds through the applicant's headquarters office.

**(c) Headquarters (Budget Office) Representative**

- (1) Advises applicant field units of the amount of ERFO funds available for their disasters.
- (2) Requests the following from the Federal Lands Highway Headquarters office:
  - (i) ERFO fund transfers.
  - (ii) Liquidating cash.
  - (iii) Reinstatement of year-end unobligated ERFO fund balances.
- (3) Reports annual obligations and expenditures of ERFO funds to Federal Lands Highway Headquarters office.



## 5.2 Federal Lands Highway

- (a) **Division ERFO Coordinators** are primarily responsible for coordination of the ERFO Program and subsequent activities with the applicant's Regional/State office. They are also responsible for ERFO program issues and activities within the Federal Lands Highway Division office and with the Federal Lands Highway Headquarters office including but not limited to the following:
- (1) Receives informal Notices of Intent from the applicant.
  - (2) Contacts other Federal Agencies to see if they have related damage.
  - (3) Notifies the Federal Lands Highway Division Engineer.
  - (4) Notifies Federal Lands Highway ERFO Program Manager.
  - (5) Writes the Notice of Intent, Acknowledgment Letter.
  - (6) Conducts Disaster Assessments to verify the significant impact of the natural disaster or catastrophic failure and then coordinates all Disaster Assessment activities necessary for preparing Disaster Assessment Reports.
  - (7) Writes the Disaster Assessment Report
  - (8) Provides joint guidance briefings prior to beginning the Damage Surveys.
  - (9) Coordinates Damage Survey Team(s) assignments.
  - (10) Instructs the Damage Survey Team(s) about the following:
    - (i) How to perform the detailed damage site inspections.
    - (ii) How to prepare the Damage Survey Reports.
    - (iii) Eligibility requirements.
  - (11) Reviews and ensures completeness of all pertinent documentation including, but not limited to, the following:
    - (i) Damage Survey Reports.
    - (ii) Applicant Program of Projects and subsequent revisions.

- (iii) Disaster Repair Status/Closeout Reports.
- (iv) Time Extension requests.
- (12) Makes recommendations to the Federal Lands Highway Division Engineer.
- (13) Discusses eligibility questions with the Federal Lands Highway Division Engineer.
- (14) Forwards eligibility questions that cannot be resolved between the Federal Lands Highway Division Engineer and the applicant to the Federal Lands Highway ERFO Program Manager for resolution.
- (15) Spends as much time in the field as practical when Damage Survey Reports are being prepared.
- (16) Retains the original of each Damage Survey Report and furnishes a copy of each completed Damage Survey Report to the applicant.
- (17) Reviews the applicant's Program of Projects.
- (18) Writes and forwards the Program of Projects Approval Letter and corresponding spreadsheets to the Federal Lands Highway Division Engineer for signature/approval.
- (19) Writes ERFO correspondence for the Federal Lands Highway Division Engineer.
- (20) Reviews and recommends approval of a variety of documents including, but not limited to, the following:
  - (i) Applicant's Disaster Repair Status/Closeout Reports.
  - (ii) Completed ERFO projects.
  - (iii) Plans, Specifications, and Estimates on selected projects.
  - (iv) Damage Survey Reports and their amendments.
  - (v) Program of Projects and their revisions.
  - (vi) Time Extensions.
- (21) Monitors in-house design efforts.

- (22) Requests funds from Federal Lands Highway Headquarters office.
- (23) Administers allocated ERFO funds.
- (24) Prepares Disaster Repair Status/Closeout Reports for in-house work.
- (25) Forwards Disaster Repair Status/Closeout Reports to the Federal Lands Highway ERFO Program Manager.
- (26) Conducts Disaster Closeout reviews in a timely manner, makes closeout recommendations to the Federal Lands Highway Division Engineer, and prepare final Closeout Letters.

(b) **Division Engineer** - Is ultimately responsible for successful administration of the ERFO Program within the Federal Lands Highway Division office. Specific duties include, but are not limited to, the following:

- (1) Designates the Federal Lands Highway Division's ERFO Coordinator.
- (2) Acknowledges the applicant's Notice of Intent Letter.
- (3) Designates and dispatches Disaster Assessment Team(s), as necessary.
- (4) Issues Positive or Negative Findings.
- (5) Determines ERFO eligibility.
- (6) Approves Damage Survey Reports, Program of Projects and subsequent changes/amendments.
- (7) Delivers the ERFO Program for in-house work.
- (8) Approves the following:
  - (i) Requests for Time Extensions.
  - (ii) Plans, Specifications, and Estimate package.
  - (iii) Force Account work.
- (9) Concurs in award/rejection of bids.

- (10) Accepts completed construction for repairs performed by the Federal Lands Highway Division.
- (11) Requests funds from Federal Lands Highway Headquarters office.
- (12) Administers allocated ERFO funds.
- (13) Completes disaster closeout in a timely manner.
- (14) Enters into reimbursable agreements with agencies, State, county and local governments prior to performing work on approved ERFO repairs during funding shortages.
- (15) Forwards final Disaster Repair Closeout Report and letter to the Federal Lands Highway office.

**(c) ERFO Program Manager**

- (1) Administers the nationwide ERFO Program and assures overall program quality through management oversight, program stewardship and funds accountability.
- (2) Coordinates with the Federal Highway Administration's Emergency Relief (ER) Program Manager the following :
  - (i) Annual ERFO fund allocations and transfers.
  - (ii) Disaster Numbers.
  - (iii) Reporting requirements.
  - (iv) ERFO Funds Request for fiscal year.
  - (v) Resolves conflicts between the ER and ERFO Programs.
- (3) Reviews Positive or Negative Findings.
- (4) Transfers and allocates funds.
- (5) Coordinates with applicant, division, and headquarters personnel.
- (6) Issues policy and procedures.
- (7) Reviews eligibility appeals from applicants and makes recommendations to the Director, Office of Program Development

and the Associate Administrator, Office of Federal Lands Highway.

- (8) Updates the ERFO Manual.
- (9) Develops, conducts, and/or assists in ERFO training.
- (10) Develops and monitors Interagency Agreements.
- (11) Assists applicants in the reconciliation and reinstatement of end-of-year unobligated ERFO funds by Program Code.
- (12) Coordinates with the applicant's headquarters offices and the Federal Lands Highway Division's ERFO Coordinators on monitoring program activities.
- (13) Develops:
  - (i) Method to track fund transfers and allocations.
  - (ii) Fiscal year obligation projections.
- (14) Leads the following efforts:
  - (i) Overall ERFO quality assurance.
  - (ii) Program stewardship.
- (15) Monitors the following:
  - (i) ERFO field activities.
  - (ii) ERFO funds request and Program of Projects.
  - (iii) Obligation of ERFO funds.
- (16) Notifies each applicant:
  - (i) When the \$100,000,000 cap per State per disaster has been exceeded or met.
  - (ii) How ERFO funds will be transferred.
  - (iii) When Congress has waived the \$100,000,000 cap per State per disaster.

- (17) Provides:
  - (i) Status reports, as required.
  - (ii) Technical assistance and training.
  - (iii) Status of the ERFO Program to the ER program Manager.
  - (iv) Guidance regarding administration of the ERFO Program.
- (18) Reinstates unobligated ERFO funds to applicants at the end of the fiscal year.
- (19) Reconciles fund transfers with the final Disaster Repair Closeout Report and letter.

**(d) Federal Lands Highway Director, Office of Program Development**

- (1) Advises the applicant's headquarters office about the availability of funds.
- (2) Approves ERFO Policy changes and ERFO Program agreements.
- (3) Replies to congressional and public correspondence.
- (4) Decides appeals.

**(e) Associate Administrator, Office of Federal Lands Highway**

- (1) Delegates Administration of the ERFO Program.
- (2) Decides appeals.

**5.3 Other Agency Specific Roles and Responsibilities**

- (a) **Bureau of Indian Affairs** notifies the Federal Lands Highway Division Engineer of damages sustained on Indian Reservation Roads. In addition, they are also required to inform the following entities of ERFO activities when such activities may impact:
  - (1) Indian tribal governments.
  - (2) State transportation agencies.

- (3) Counties.
- (b) **Bureau of Land Management** notifies the Federal Lands Highway Division Engineer about damages to Land Management Highways under the jurisdiction of a State or county providing access to or through public lands administered by the Bureau of Land Management.
- (c) **County, Local Governments and Other Agencies:**
  - (1) Advises Federal Lands Management Agencies when damages are sustained on Federal Roads under their jurisdiction.
  - (2) Enters into a Reimbursement Agreement with the Federal Lands Highway Division Engineer, prior to performing eligible ERFO repairs.
  - (3) Has the same roles and responsibilities as an applicant as described in Section 5.1 (a).
- (d) **Forest Service** notifies the Federal Lands Highway Division Engineer about damages to Forest Highways that are under Forest Service or county jurisdiction.
- (e) **Indian Tribal Government**
  - (1) Notifies the serving Bureau of Indian Affairs agency or Regional Office that Indian Reservation Roads have been damaged and requests that the Bureau of Indian Affairs apply for ERFO funds to make repairs.
  - (2) Participates in the following activities:
    - (i) Damage Survey Team.
    - (ii) Detailed site inspections.
    - (iii) Final inspection of ERFO projects on/near their reservation(s).
- (f) **State Transportation Department**
  - (1) Applies for ERFO funds through the Federal Lands Highway Division Engineer for all Forest Highways that are Federal-Aid Highways.

- (2) Advises the Federal Lands Highway Division Engineer and Federal Lands Management Agencies of damage sustained on Federal Land Management Agency roads.
- (3) Enters into Reimbursement Agreements with the Federal Lands Highway Division Engineer, prior to performing eligible ERFO repairs.
- (4) Has the same roles and responsibilities as an applicant as described in Section 5.1 (a).

**5.4 Federal Highway Administration** - The Secretary of the Department of Transportation has delegated the administration of the emergency relief provision contained in Title 23 United States Code, Section 125, to the Federal Highway Administrator.



## Appendix A - Definitions

- A.1 Abandonment** The process by which the applicant evaluates the continued need of a damaged road or facility that is open to the public. Abandonment of the road may include one or more of the following:
- (a) Re-establishing former drainage patterns, stabilizing slopes, and restoring vegetation;
  - (b) Blocking the entrance to a road and installing water bars;
  - (c) Removing culverts, re-establishing drainage-ways, removing unstable fills, pulling back road shoulders, and scattering slash on the roadbed; and
  - (d) Completely eliminating the roadbed by restoring natural contours and slopes.
- A.2 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 drawings must provide all essential information necessary to describe the repairs to be accomplished and to allow bidders to properly estimate unit prices for the contract.
- A.3 Acknowledgment Letter** Letter issued by the Federal Lands Highway Division Engineer to the applicant upon receipt of the applicant's Notice of Intent letter providing basic information about the subsequent Disaster Assessment, eligibility information and application procedures, including the necessary coordination and cooperation between the applicant and Federal Lands Highway Division Engineer.
- A.4 Administrative Road** A road under the jurisdiction of a Federal agency or Indian tribal government that does not meet the definition of a public road. These roads may be closed locally at any time for any reason and remain closed indefinitely. Some of these roads may be gated or closed by earth barricades.
- A.5 Allocation** An administrative distribution of funds for programs that do not have statutory distribution formulae. Allocations are made authorizing an amount of funds, by Program Code, for a specific ERFO disaster.
- A.6 Allotment** Provides current year obligational authority to the Federal Lands Highway or Federal Agency (FHWA's Allotment Advice Form 370).
- A.7 Applicant** Any Federal agency which submits an application for emergency relief (ERFO funds) and that has authority to repair or reconstruct Federal

roads. State transportation agencies, Indian tribal governments, counties, and other local governments apply indirectly through a Federal agency.

- A.8 Benefit/Cost Analysis** - A systematic quantitative method of assessing the desirability of adding a betterment to an ERFO Project. The analysis must be based solely on the future benefit of the projected savings in recurring ERFO eligible repair costs (should future disasters occur) and the present cost of the betterment. The analysis cannot include other factors typically included in highway benefit/cost evaluations, such as traffic delay costs, added user costs, motorist safety, maintenance, and economic impacts. When calculating the projected savings, subtract the estimated cost of repairing the betterment from the cost of repairing the site again without the betterment and discount the savings to net present value.
- A.9 Betterment** Added features/facilities not existing prior to the natural disaster or catastrophic failure.
- A.10 BIA** Bureau of Indian Affairs.
- A.11 Catastrophic Failure** A sudden and complete failure of a major element or segment of a Federal road that is due to an external cause and not attributable to gradual and progressive deterioration or lack of proper maintenance and causes a disastrous impact. The closure of a facility because of imminent collapse is not in itself a sudden failure.
- A.12 CFLHD** Central Federal Lands Highway Division.
- A.13 Comparable Facility** For roads - a facility identical in capacity and character to the original. For bridges, a facility which meets the current geometric and construction standards required for the types and volume of traffic that such facility will carry over its design life.
- A.14 Construction Engineering** The work performed to supervise the construction operations through inspection of construction repairs, payments to the contractor, and otherwise representing the interests of the Government.
- A.15 Construction Limits** The limits on each side of the project which establish the area disturbed by construction operations and beyond which no disturbance is permitted.
- A.16 Corps Recreation Road** A public road that provides access to or within U.S. Army Corps of Engineers recreation or administrative areas for which title and maintenance responsibility is vested in the United States Government.

- A.17 Damage Survey Report (DSR)** A Federal Lands Highway ERFO form that documents damage by road/route number and mile post, scope of work, estimated repair costs, and eligibility recommendations.
- A.18 Damage Site Survey Team** A team composed of Federal Highway Administration and applicant representatives responsible for conducting inspections of damage sites. They collect the information used to prepare the Damage Survey Report.
- A.19 Defense Access Road** Public road designated by the Surface Deployment & Distribution Command that provides primary access to a military reservation, defense industry, or Department of the Air Force missile silos.
- A.20 Department of Energy Roads** Public roads that provide access to or within facilities such as transmission lines, switch yards, substations and related facilities on public lands, including those lands and facilities located on withdrawn public lands, previously under the jurisdiction of the Bureau of Reclamation (i.e., owned by the Western Area Power Association).
- A.21 Disaster Assessment** An on-site evaluation of a site(s) conducted by a Disaster Assessment Team to determine extent, type, impact of damage, and cost to repair damage.
- A.22 Disaster Assessment Report** Documents the extent, type, impact, and cost of damage to transportation facilities used to determine whether a natural disaster or catastrophic failure has occurred and recommends a Positive or Negative Finding to the Federal Lands Highway Division Engineer.
- A.23 Disaster Assessment Team** A team of Federal Lands Highway and applicant representatives who conduct a Disaster Assessment.
- A.24 Disaster Number** Reference number issued by the Federal Lands Highway ERFO Program Manager to the applicant indicating, state, fiscal year of the disaster (four digits only), sequential number of approved disaster for that state; and Federal agency.
- For example, CA2000-2-NPS indicates that it is for the second disaster in California during Fiscal Year 2000 for the National Park Service. It could be either the first or the second Emergency Relief (ER) or ERFO disaster in California. Prior to 1999, the disaster numbers included only two digits for the fiscal year (i.e., CA98-1-NPS).
- A.25 DSR** See Damage Survey Report.
- A.26 DSR Number** Assigned number given to each Damage Survey Report containing at least the road/route number and mile post.

- A.27 EFLHD** Eastern Federal Lands Highway Division.
- A.28 Emergency Repairs** Those repairs, including necessary preliminary engineering, construction engineering, and temporary traffic operations, undertaken during or immediately after a natural disaster or catastrophic failure to:
- (a) Restore essential travel,
  - (b) Protect remaining facilities, and
  - (c) Minimize the extent of damage.
- A.29 ERFO** Emergency Relief for Federally Owned Roads.
- A.30 ERFO Coordinator** An individual designated by the Federal Lands Highway Division Engineer to have overall ERFO Program coordination responsibility within the Division.
- A.31 ERFO Funds** Emergency Relief funds available for expenditure under the authority of 23 U.S.C. 125(a) and (c).
- A.32 ERFO Program Manager** An individual designated by the Federal Lands Highway Associate Administrator, Office of Federal Lands Highway and the Director, Office of Program Development, who is the Federal Lands Highway point of contact for the administration and oversight of the nationwide ERFO Program.
- A.33 Facility** Road or Bridge.
- A.34 Federal-Aid Billing System** The financial accounting system used by the Federal Highway Administration's Federal-Aid Divisions to reimburse States for eligible Federal-Aid expenses.
- A.35 Federal-Aid Division Office** Federal Highway Administration field office located in every State.
- A.36 Federal Lands Highways** Forest Highways, Park Roads and Parkways, Refuge Roads, Indian Reservation Roads, and Public Lands Highways that are public roads.
- A.37 Federal Lands Highway Division Engineer** The individual designated to have overall responsibility for the operations of one of the three Federal Lands Highway Divisions.

- A.38 Federal Lands Highway Associate Administrator, Office of Federal Lands Highway** The individual designated to have overall responsibility for the administration and delivery of the Federal Lands Highway Program.
- A.39 Federal Lands Highway Director, Office of Program Development** The individual designated to have overall responsibility for the program development and oversight of the Federal Lands Highway Program.
- A.40 Federal Road** Forest Highways, Federal Lands Highways, Forest Development Roads, Public Lands Development Roads, Public Lands Highways, Park Roads, Parkways, [Refuge Roads], and Indian Reservation Roads as defined under 23 U.S.C. 101(a).
- A.41 FHWA** Federal Highway Administration.
- A.42 Finding** A letter or other official correspondence issued by the Federal Lands Highway Division Engineer 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.
- A.43 FLH** Federal Lands Highway.
- A.44 FLHP** Federal Lands Highway Program
- A.45 Force Account** A method of reimbursement for repair work performed by the applicant that is based on actual labor, equipment, and material costs.
- A.46 Forest Development Roads** Forest Roads under the jurisdiction of the Forest Service.
- A.47 Forest Highway** A Forest Road under the jurisdiction of, and maintained by, a public authority and open to public travel.
- A.48 Forest Road** A road wholly or partly within or adjacent to, and serving the Forest Service and which is necessary for the protection administration and utilization of the National Forest System and the use and development of its resources.
- A.49 Functionally Obsolete** A structure that does not meet modern structural standards in terms of deck geometry, load carrying capacity, clearance, or whose approach roadway alignment no longer meets the criteria for the road system that it is on.
- A.50 FY** Fiscal Year.

**A.51 Heavy Maintenance** Repair work which normally includes the following:

- (a) Grading roads rutted by traffic.
- (b) Cleaning or reshaping ditches.
- (c) Correction of minor embankment or cut slope slip-outs.
- (d) Removal of minor deposits of debris on roadways.
- (e) Correction of minor erosion damage to traveled way, shoulders (i.e., loss of surfacing down to sub-grade), or embankments.
- (f) Removal of minor mud deposits on roadways.
- (g) Minor pavement settlement unless significantly accelerated by the disaster.
- (h) Minor damage to guardrail.
- (i) Minor riprap damage.
- (j) Replacement of short, isolated sections of surfacing washed away by flood water.
- (k) Cleaning out culverts.
- (l) Minor damage to culverts.
- (m) Minor repair of fencing.
- (n) Repair or replacement of isolated traffic signs.
- (o) Area-wide projects to correct extensive minor damage.

**A.52 Indian Reservation Roads** 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.

**A.53 Interagency Agreement** A Memorandum of Agreement (MOA) between the Federal Highway Administration and a Federal agency establishing procedures for ensuring full cooperation under the ERFO Program and the administration

of ERFO funds to repair or reconstruct agencies' Federally-owned roads damaged by natural disasters or catastrophic events.

- A.54 Land Management Highway** Designated public roads that provide access to or are within lands administered by the Bureau of Land Management.
- A.55 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 to the extent that the roadway is not traversable by all classes of vehicles or the roadway is no longer safe to travel.
- A.56 Military Installation Roads** A public road that provides access within military installations for which title and maintenance responsibility is vested in the United States Government.
- A.57 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. NEPA also requires Federal agencies to use an interdisciplinary approach in planning and decision making for actions that impact the environment, and the preparation of an Environmental Impact Statement on all major Federal actions significantly affecting the human environment.
- A.58 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.
- A.59 Notice of Intent Letter** First formal application for ERFO funds submitted by the applicant to the Federal Lands Highway Division Engineer. (See Appendix C.1.)
- A.60 Open to Public Travel** A road section that is passable by standard passenger autos, 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
- A.61 POP** Program of Projects.
- A.62 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 Government.
- A.63 Parkway** A public road authorized by an Act of Congress on lands to which title is vested in the United States Government.

- A.64 Permanent Work (Permanent Repair)** The final repair or reconstruction of a damage site, in accordance with an approved Damage Survey Report, including related Preliminary Engineering and Construction Engineering.
- A.65 Preliminary Engineering (PE)** The preparation of Plans, Specifications, and Estimates and other related documentation for use to construct repairs.
- A.66 Program Code** An alphanumeric code used by the Federal Highway Administration and the applicant to track the obligation and expenditure of ERFO funds.
- A.67 Program of Projects (POP)** A list of projects either proposed by the applicant or approved by the Federal Lands Highway Division Engineer. The approved Program of Projects establishes the maximum amount of ERFO funds to be distributed pending availability.
- A.68 Programmed Project** A project is considered "programmed" if the construction phase is included in the Federal Lands Highway Program or Statewide Transportation Improvement Plan or if contract plans are being prepared for advertisement within the next three years.
- A.69 Public Authority** 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.
- A.70 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 the control of the Secretary of the Interior.
- A.71 Public Lands Highways** A 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.
- A.72 Public Road** Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.
- A.73 Quick Release** A transfer of ERFO funds for emergency repairs made prior to the approval of the Program of Projects and after the Positive Finding is issued. These funds are only to be used by the applicant to make emergency repairs to re-establish its vital transportation system(s) after a catastrophic failure or natural disaster over a wide area.



- A.74 Refuge Road** A public road that provides access to or within a unit of the Fish and Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.
- A.75 Replacement Facilities** Completely reconstructed (not repaired) facility built to the following standards:
- (a) Bridges built to meet current geometric and construction standards required for the type and volume of traffic it will carry during its design life.
  - (b) Roads built to current design standards of comparable capacity and character to the destroyed facility.
- A.76 Right-of-Way** Land acquired for and devoted to transportation purposes.
- A.77 Roadway Cross Section** The finished or proposed finished section between construction limits.
- A.78 Serious Damage** Damage that severely impairs the safety, capacity, or usefulness of a road or bridge and is considered beyond the scope of heavy maintenance.
- A.79 State Transportation Agency** The department, commission, board, or official of any State charged by its laws with the responsibility for transportation facilities.
- A.80 Statewide Transportation Improvement Program (STIP)** A staged, multi-year, statewide, intermodal program (list) of transportation projects consistent with the Statewide Transportation Plan including the long-term vision of the State's multi-modal and intermodal transportation system.
- A.81 Structurally Deficient** A bridge whose load rating has been reduced, is closed, or requires immediate rehabilitation to remain open.
- A.82 Surface Deployment & Distribution Command (SDDC)** Formerly Military Traffic Management Command.
- A.83 Trail** A general term for a route used exclusively for travel by foot, stock, or trail vehicle.
- A.84 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.

- A.85 Traveled Way** The portion of the roadway for the movement of vehicles, exclusive of the shoulders.
- A.86 Western Area Power Association** Department of Energy public roads that provide access to Western-owned facilities such as transmission lines, switch yards, substations, and related facilities on public lands, including those lands and facilities located on withdrawn public lands, previously under the jurisdiction of the Bureau of Reclamation.
- A.87 WFLHD** Western Federal Lands Highway Division.

**Appendix B - ERFO Disaster Assistance Service Area Reference Matrix**

<b>ERFO Disaster Assistance Service Area Reference Matrix</b>						
<b>State</b>	<b>Federal Lands Management Agency/ Servicing Federal Lands Highway Division Office</b>					
	Bureau of Indian Affairs Department of Defense Army Corps of Engineers	Bureau of Land Management	Forest Service	Bureau of Reclamation	Fish and Wildlife Service	National Park Service
Alabama	EFLHD		EFLHD		EFLHD	EFLHD
Alaska	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD
Arizona	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Arkansas	EFLHD		EFLHD		EFLHD	EFLHD
California	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Colorado	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Connecticut	EFLHD		EFLHD		EFLHD	EFLHD
Delaware	EFLHD		EFLHD		EFLHD	EFLHD
Florida	EFLHD		EFLHD		EFLHD	EFLHD
Georgia	EFLHD		EFLHD		EFLHD	EFLHD
Hawaii	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Idaho	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD
Illinois	EFLHD		EFLHD		EFLHD	EFLHD
Indiana	EFLHD		EFLHD		EFLHD	EFLHD
Iowa	EFLHD		EFLHD		EFLHD	EFLHD
Kansas	CFLHD		EFLHD	CFLHD	EFLHD	CFLHD
Kentucky	EFLHD		EFLHD		EFLHD	EFLHD
Louisiana	EFLHD		EFLHD		EFLHD	EFLHD
Maine	EFLHD		EFLHD		EFLHD	EFLHD
Maryland	EFLHD		EFLHD		EFLHD	EFLHD
Massachusetts	EFLHD		EFLHD		EFLHD	EFLHD
Michigan	EFLHD		EFLHD		EFLHD	EFLHD
Minnesota	EFLHD		EFLHD		EFLHD	EFLHD
Mississippi	EFLHD		EFLHD		EFLHD	EFLHD
Missouri	EFLHD		EFLHD		EFLHD	EFLHD
Montana	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD
Nebraska	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Nevada	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
New Hampshire	EFLHD		EFLHD		EFLHD	EFLHD
New Jersey	EFLHD		EFLHD		EFLHD	EFLHD
New Mexico	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
New York	EFLHD		EFLHD		EFLHD	EFLHD
North Carolina	EFLHD		EFLHD		EFLHD	EFLHD
North Dakota	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Ohio	EFLHD		EFLHD		EFLHD	EFLHD
Oklahoma	CFLHD		EFLHD	CFLHD	EFLHD	CFLHD
Oregon	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD
Pennsylvania	EFLHD		EFLHD		EFLHD	EFLHD
Puerto Rico	EFLHD		EFLHD		EFLHD	EFLHD

<b>ERFO Disaster Assistance Service Area Reference Matrix</b>						
<b>State</b>	<b>Federal Lands Management Agency/ Servicing Federal Lands Highway Division Office</b>					
	Bureau of Indian Affairs Department of Defense Army Corps of Engineers	Bureau of Land Management	Forest Service	Bureau of Reclamation	Fish and Wildlife Service	National Park Service
Rhode Island	EFLHD		EFLHD		EFLHD	EFLHD
South Carolina	EFLHD		EFLHD		EFLHD	EFLHD
South Dakota	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Tennessee	EFLHD		EFLHD		EFLHD	EFLHD
Texas	CFLHD		EFLHD	CFLHD	CFLHD	CFLHD
Utah	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD
Vermont	EFLHD		EFLHD		EFLHD	EFLHD
Virginia	EFLHD		EFLHD		EFLHD	EFLHD
Virgin Islands	EFLHD		EFLHD		EFLHD	EFLHD
Washington	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD	WFLHD
Washington, DC	EFLHD		EFLHD		EFLHD	EFLHD
West Virginia	EFLHD		EFLHD		EFLHD	EFLHD
Wisconsin	EFLHD		EFLHD		EFLHD	EFLHD
Wyoming Yellowstone Grand Tetons	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD	CFLHD WFLHD WFLHD
<b><i>Legend</i></b>						
EFLHD Eastern Federal Lands Highway Division 21400 Ridgetop Circle Sterling, VA 20166 Phone: 703 404 6201		CFLHD Central Federal Lands Highway Division 555 Zang Street, Room 259 Lakewood, CO 80228 Phone: 303 716 2003		WFLHD Western Federal Lands Highway Division 610 East Fifth Street Vancouver, Washington 98661-3801 Phone: 360 619 7700		

## Appendix C - Correspondence Samples, Instructions, Tables and Reports

### C.1 Notice of Intent Letter - *To be written by the applicant.*

Division Engineer  
Federal Highway Administration  
*(Division Name)*  
*(Division Address)*

This letter is to confirm our informal Notice of Intent to seek emergency relief funds conveyed by telephone to *(Name)* on *(Date)*.

The cause of the damage/disaster is *(Specifically state the location and damage/disaster cause)*.

*[Example: 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 23 U.S.C 125.

Preliminary cost estimate: *(Amount)*

Please ensure that responses to this letter are copied to *(Name, Title, and Address)*.

If you have questions, please contact *(Name)*, *(Title)*, at *(Phone number)*.

Sincerely,

*(Signature)*  
*(Title)*

***(Special Note: Please include the Federal Lands Highway ERFO Coordinator on your distribution list.)***

### **C.1.1 Notice of Intent Letter Instructions**

First formal application for ERFO funds submitted by the applicant to the Federal Lands Highway Division Engineer. Components of the letter should include the following:

- (a) Statement of intention to apply for Emergency Relief.
- (b) Request that a Finding be made.
- (c) Location of damage.
- (d) Occurrence date(s).
- (e) Type(s) of damage.
- (f) An estimate of the cost of repair/reconstruction.
- (g) A general indication of the extraordinary character of the natural disturbance.
- (h) Indication of the extent of areas affected outside the land(s) administered by the applicant.
- (i) The counties covered by Presidential Disaster Declaration made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 United States Code 5121 et seq.).
- (j) The counties covered by State Governor's Proclamation of Emergency.
- (k) Quick Release may be requested by the applicant at this time (see Appendix A.73).

**C.2 Acknowledgment Letter** - *To be written by Federal Lands Highway Division Engineer*

**(Applicant Address)**

Emergency Relief for Federally Owned Roads  
Acknowledgment Letter

This letter is to acknowledge your **(Date)**, 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 **(Damage/Disaster Site)**.

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

To maintain eligibility of repairs for ERFO funds you must (1) photograph each site to document the extent of the damage and (2) track emergency repair expenditures by damage site.

The eligibility of such repairs for ERFO funds will be contingent upon the issuance of a Positive Finding on the eligibility of the disaster and subsequent approval of the repairs by the **(Division Name)** Federal Lands Highway Division, Federal Highway Administration. The basis for the decision will be a Disaster Assessment Report with estimates of cost to repair or reconstruct the damaged routes and (evidence of wide area damage extent and intensity of the disaster) or (evidence the failure occurred on a major segment of the road system causing a disastrous impact).

A representative from this office will contact your field unit representative to make arrangements to review the disaster damage to determine eligibility and begin preparing the Disaster Assessment Report. If a Positive Finding is made, we will make further arrangements for individual site inspections (if required) to prepare Damage Survey Reports.

You have the option to request the Quick Release of ERFO funds which may only be used to offset (reimburse) the costs to Agencies for making emergency repairs to re-establish its vital transportation system(s). These funds, subject to availability, may be transferred only once a Positive Finding has been issued.

If you have questions or need further information, please contact the Federal Lands Highway Division ERFO Coordinator, **(Name)** at **(Phone Number)**.

Sincerely yours,

**(Signature)**  
**(Title)**

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit (cc list from notice of intent letter) with copy of incoming to all.

**C.3 Disaster Assessment Report** - *To be written by the Federal Lands Highway Division ERFO Coordinator and should include the following elements:*

- (a) The intensity of the natural disaster or catastrophic failure.
- (b) The extent and severity of the event. In the case of flooding, the Disaster Assessment Report shall include available information regarding high water elevations, stream-gauge data, and rain-gauge data.
- (c) Description of the nature, cause, and seriousness of the failure (if a catastrophic failure). Explain if the catastrophic 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.
- (d) Dates of the occurrence.
- (e) Extent of the affected area.
- (f) Description of the damage to Federal roads and other roads (Federal-Aid highways, State, county and city).
- (g) Copies of Emergency Relief Reports and newspaper articles, as available.
- (h) Copies of Presidential Disaster Declarations and Governor Proclamations, as available.
- (i) Approximate cost of repairs or reconstruction of the damage.
- (j) Photographs of typical damage and appropriate maps showing the location of each area and extent of damage.
- (k) A discussion on 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.
- (l) A concluding statement indicating a natural disaster or catastrophic failure causing severe damage has (or has not) occurred to Federal roads and make a specific recommendation for a Finding.



**C.4 Positive Finding Letter** - *To be written by Federal Lands Highway Division Engineer.*

*(Applicant Address)*

Emergency Relief for Federally Owned Roads  
Positive Finding Letter - *(ERFO Disaster Number)*

Your letter of *(Date)*, requested Emergency Relief for Federally Owned Roads (ERFO) funds be made available for the repair of *(Damage/Disaster Site)*. The dates of said damage are from *(Beginning date)* to *(Ending date)*.

An assessment of the **(catastrophic failure /natural disaster)** has been completed and pursuant to Title 23 United States Code, Section 125, I find that Emergency Relief funds, subject to availability, will be provided for eligible repairs.

The Disaster Identification Number will be *(ERFO Disaster Number)*. Please use this number as the reference for any correspondence.

Arrangements will be made by my staff to finish joint damage site inspections and reports.

Upon completion of the site inspections, your office must submit a Program of Projects within 90 days from receipt of this letter.

The Program of Projects must include detailed descriptions and estimated costs of emergency repairs and proposed permanent repairs at each damage site. Following its approval by this office, ERFO funds may be requested by your headquarters office in accordance with the established procedures.

ERFO work shall be given prompt attention and priority over non-emergency work and programmed projects. Projects not under construction by the end of the second fiscal year following the year that the disaster occurred will be withdrawn from the approved Program of Projects unless suitable justification is provided by the applicant to warrant retention.

If you have questions or need further information, please contact the Federal Lands Highway ERFO Coordinator, *(Name)* at *(Phone Number)*.

Sincerely yours,

*(Signature)*  
*(Title)*

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

**C.5 Negative Finding Letter** - *To be written by the Federal Lands Highway Division Engineer.*

*(Applicant Address)*

Emergency Relief for Federally Owned Roads  
Negative Finding Letter

Your letter of *(Date)*, requested Emergency Relief for Federally Owned Roads (ERFO) funds be made available for the repair of *(Damage/Disaster Site)*. The dates of the damage are from *(Beginning Date)* to *(Ending Date)*.

An assessment of damage has been completed. It was found that certain damage did occur; however, these damages are *(Give brief explanation such as: considered heavy maintenance/ roads are ineligible/ threshold not met/ does not meet the criteria for serious damage)*.

If you disagree with this finding, you may appeal as outlined in the ERFO Manual. If you have questions or need further information, please contact the Federal Lands Highway ERFO Coordinator, *(Name)* at *(Phone Number)*.

Sincerely

*(Signature)*  
*(Title)*

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

**C.6 Request for Quick Release Letter - To be written by the applicant.**

Federal Lands Highway Division Engineer

*(Division Name)*

*(Division Address)*

Emergency Relief for Federally Owned Roads  
Request for Quick Release Letter - *(ERFO Disaster Number)*

We have received your letter of Positive Finding dated *(Date)* and formally request Quick Release of ERFO funds specifically as indicated in the table below.

We understand that these funds may only be used to offset (reimburse) the costs to Agencies for making emergency repairs to re-establish its vital transportation system(s) and that they are subject to availability.

<b>Request for Quick Release Letter Table</b>			
<i>Applicant</i>			
<i>Emergency Repair</i>	<i>Location</i>	<i>Funds Requested</i>	<i>Justification</i>
<i>Example: Culvert Replacement</i>	<i>Mile Post 10, Rt 101</i>	<i>\$150,000</i>	<i>Access to private residences culvert washed out</i>
<i>Example: Bridge Replacement</i>	<i>Mile Post 20, Rt 101</i>	<i>\$150,000</i>	<i>Vital link serving local hospital.</i>

We understand that the availability of these funds is subject to an issuance of a positive finding.

If you have questions, please contact *(Name)*, *(Title)*, at *(Phone Number)*.

Sincerely,

*(Signature)*

*(Title)*

***(Special Note: cc: Federal Lands Highway ERFO Coordinator)***

**C.7 Quick Release Response Letter** - *To be written by Federal Lands Highway Division Engineer.*

*(Applicant Address)*

Emergency Relief for Federally Owned Roads  
 Quick Release Response Letter *(Disaster Number)*

Your Request for Quick Release has been *(Approved/Disapproved)* as indicated below:.

<b>Request for Quick Release Letter Table</b>					
<i>Applicant</i>				<i>Division Engineer</i>	
<i>Emergency Repair</i>	<i>Location</i>	<i>Funds Requested</i>	<i>Justification</i>	<i>Approved/Disapproved</i>	<i>Reason</i>
<i>Example: Bridge Replacement</i>	<i>Mile Post 10, Rt 101</i>	<i>\$150,000</i>	<i>Access to private residences culvert washed out</i>	<i>Disapproved</i>	<i>Alternate access available.</i>
<i>Example: Bridge Replacement</i>	<i>Mile Post 20, Rt 101</i>	<i>\$150,000</i>	<i>Vital link serving local hospital.</i>	<i>Approved</i>	

This letter provides advice on Quick Release of ERFO funds approval only and does not transfer obligation authority or cash to accomplish the approved repairs. Please advise your headquarters office that funds, subject to availability, in the amount of *(Amount)* may be formally requested from the Federal Lands Highway ERFO Program Manager.

If you have any questions, please contact *(Name)* and *(Phone Number)*.

*(Signature)*  
*(Title)*

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

### C.8 Equipment List

Available?	Description	Provider	
		Applicant	Federal Lands Highway
	Two maps identifying designated applicant's Federal Roads which clearly depict the damage site.	X	
	A copy of the current ERFO Manual.		X
	Supply of Damage Survey Report forms.		X
	Camera and method to identify the photographed location (e.g., marker and pad, small chalk board and chalk).	X	X
	A measuring tape or electronic distance measuring device.	X	X
	Clipboard, pencils, pens, stapler, and extra staples, calculator, paper, and straight edge.	X	X
	Applicant-owned equipment rental rates (with operator rate included).	X	
	Local market, private industry operator labor rates (with operator rate included).	X	
	Tabulation of recent average unit contract prices for selected repairs.	X	
	Local market, private industry equipment rental rates.	X	
	Notebook computer as needed.	X	X
	Global Positioning System (GPS) Equipment (optional)		X
	Hard hats.	X	
	Safety vests.	X	X
	First-aid kit.	X	X
	Traffic control devices (i.e., cones).	X	
	Steeled-toe boots (optional).	X	X
	Communication equipment (telephone/radio).	X	X
	Clinometer	X	X
	Compass	X	X
	Flashlight.	X	X

## **C.9 Damage Survey Report**

- (a) The Damage Survey Report is used to describe the damage, method, and estimated cost of emergency and permanent repairs. This report is completed by the Damage Site Survey Team.
- (b) Use the required blank form provided in Appendix C.8.1.
- (c) The Damage Survey 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 cause of the damage.
  - (2) Emergency repairs completed or those necessary.
  - (3) Proposed permanent repairs within ERFO guidelines. Include applicable repair options on supplemental sheets (see Appendix C.9.3).
  - (4) Identify and justify betterments, if proposed.
  - (5) Cost estimates for eligible repairs.

### C.9.1 Blank Sample

<b>FEDERAL HIGHWAY ADMINISTRATION, Federal Lands Highway DAMAGE SURVEY REPORT (Title 23, Federal-Aid System/Federal Domain)</b>			Sheet No. ____ of ____ DSR No. _____ Disaster No. _____	
Applicant: _____		County: _____	State: _____	
Location of Damage (Route No., Name of Road and Mile Post)			Inspection Date: _____	
ADT: _____			Photographs #: _____	
Bridge Data: Type: _____ ID #: _____	Road Traveled Way: Width _____ Shoulder: Width _____	Classification: _____ Type _____ Thickness _____ Type _____		
Description and Cause of Damage:			Scope of Work:	
<b>COST ESTIMATE FOR EMERGENCY REPAIRS*</b>				
QUANTITY	UNIT	DESCRIPTION (Equipment, Labor, and Materials)	Unit Price	COST
Proposed: Force Account <input type="checkbox"/> Contract <input type="checkbox"/>			Total Emergency Repairs \$	
<b>COST ESTIMATE FOR PERMANENT REPAIRS *</b>				
QUANTITY	UNIT	DESCRIPTION (Equipment, Labor, and Materials)	Unit Price	COST
Proposed: Force Account <input type="checkbox"/> Contract <input type="checkbox"/>			Total Permanent Repairs \$	
<b>*Identify Betterment if any and Provide justification</b>			Preliminary Engineering ----- \$	
			Construction Engineering ----- \$	
			Right-of-Way ----- \$	
			Other ----- \$	
			<b>TOTAL ESTIMATE COST</b> ----- \$	
Submitted by: (Name and Title)			Signature: _____	Date: _____
Reviewed by: (Name and Title) <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible			Signature: _____	Date: _____
Recommended Approved by: (Name and Title) <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible			Signature: _____	Date: _____

**C.9.2 Instructions** - One or more eligible damage sites can be reported on one Damage Survey Report; however, large slides and bridges may not be grouped on one report. Use supplemental sheets as needed.

When multiple sites are combined on one Damage Survey Report, provide a separate supplemental sheet for each site. For each site provide a description of damage, scope of repairs, and cost estimate. Summarize the cost by site on the first page of the Damage Survey Report.

- (a) **Sheet No. \_\_\_\_ of \_\_\_\_:** - Sheet numbers are entered to sequence the Damage Survey Reports.
- (b) **DSR No. :** - Assigned number given to each Damage Survey Report containing at least the route number, name of road and mile post.
- (c) **Disaster No.:** - The Disaster Number is provided in the Positive Finding letter and must be included on every Damage Survey Report.
- (d) **Applicant:-** Enter the name of the field unit (National Forest, National Park, etc).
- (e) **County:** - Enter the name of the county in which the damage site is located.
- (f) **State:** - Enter the two-letter abbreviation of the State in which the damage site is located.
- (g) **Inspection Date:** - Enter the inspection date.
- (h) **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.
- (i) **ADT:** - Enter the Average Daily Traffic for the road.
- (j) **Bridge Data:** - Enter type of bridge and the bridge number.
- (k) **Road Data:** - Enter the road classification, traveled way width and surface type and thickness, shoulder width, thickness, and surface type and thickness.
- (l) **Photographs Numbers** - Enter information to identify photographs.
- (m) **Description and Cause of Damage:**
  - (1) Provide a clear description about how the damage occurred.



- (2) Describe the amount of road lost, noting the length, width, and depth. Include the same information on the damage, such as slides, slumps, or washouts.
  - (3) Include the size and condition of the structures.
  - (4) Note any signs of a preexisting condition for slides and slumps such as sealed pavement cracks, vegetation growing in slope cracks, horizontal drains.
  - (5) Provide a sketch or cross-section drawing with dimensions that illustrates the damage and current roadway width.
- (n) **Scope of Work:**
- (1) Describe both emergency and permanent repairs.
  - (2) Provide a brief outline of alternate repair option(s), if considered.
  - (3) Indicate proposed changes to meet current design standards.
- (o) **Cost Estimate for Emergency Repairs:** - Show all emergency repairs as well as temporary traffic control devices, warning signs, Damage Survey Report preparation, NEPA, and erosion control.
- (1) **Quantity:** - Enter the number of units of equipment, labor, or materials.
  - (2) **Unit:** - Enter the unit of measure.
  - (3) **Description:** - Enter the name of the equipment, labor, and materials.
  - (4) **Unit Price:** - Enter the unit price for the item.
  - (5) **Cost** - Calculate the COST by multiplying the QUANTITY by the Unit Price.
  - (6) **Force Account:** - Mark this box if the emergency repairs were done by the applicant's employees.
  - (7) **Contract:** - Mark this box if the emergency repairs were done by a contractor.
  - (8) **Total Emergency Repairs** - Add up the costs for each item and enter the total.

- (p) **Cost Estimate for Permanent Repairs:** - Use the type of cost items that typically appear in competitively bid construction contracts.
- (1) **Quantity** - Enter the number of units of equipment, labor, or materials.
- Special Note:** Do not use units of equipment and labor of more than ten (10) percent of the permanent repair costs.
- (2) **Unit** - Enter the unit of measure.
- Special Note:** Do not use lump sum for more than twenty-five (25) percent of repair costs.
- (3) **Description:** - Enter the name of the equipment, labor, and materials.
- (4) **Unit Price:** - Enter the unit price for the item.
- (5) **Cost:** - Calculate the COST by multiplying the QUANTITY by the Unit Price.
- (6) **Force Account:** - Mark this box if the permanent repairs will be done by the applicant's employees.
- (7) **Contract:** - Mark this box if the permanent repairs will be done by a contractor.
- (8) **Total Permanent Repairs:** - Total the costs.
- (q) **Identify Betterment and Provide Justification in the block provided.**  
Add separate sheets, as needed.
- (r) **Preliminary Engineering:** - Calculate the cost of preliminary engineering as a percentage of the total permanent repair cost. Average preliminary engineering costs are fifteen (15) percent.
- (s) **Construction Engineering:** - Calculate the cost of construction engineering as a percentage of the total permanent repair cost. Average construction engineering costs are ten (10) percent.
- (t) **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.
- (u) **Other** - Costs other than previously identified.

- (v) **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.
- (w) **Submitted by:** - Fill in the applicant's field unit ERFO Coordinator's submitter's name, title, signature and date.
- (x) **Reviewed by:** - Reserved for use by Federal Lands Highway (field) reviewer. Enter reviewer's name, title, note your opinion of eligibility/ineligibility by marking the appropriate box, signature and date.
- (y) **Recommended by:** - Reserved for use by Federal Lands Highway ERFO Coordinator. Enter the Coordinator's name, title, note your opinion of eligibility/ineligibility by marking the appropriate box, signature and date.

**C.9.3 Supplemental Sheets**

- (a) Duplicate the information contained on the original Damage Survey Report about the site(s) at the top of each supplemental sheet.
- (b) The following items are required and should be attached to supplemental sheets.
  - (1) Additional explanations of the damage, scope of work, estimated costs of repairs, betterment justification, etc.
  - (2) Sketches or drawings illustrating the damage or proposed repairs.
  - (3) Photos of the damage site(s).
  - (4) Map(s) showing the site location(s).

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

**C.10 Applicant's Program of Projects Letter - To be written by applicant.**

*(Date)*

Division Engineer  
Federal Highway Administration

*(Division Name)*

*(Division Address)*

Emergency Relief for Federally Owned Roads  
Program of Projects Letter *(Disaster Number)*

Dear *(Division Engineer name)*:

We request *(initial/revised)* Program of Projects approval for roads damaged in disaster *(Disaster Number)* which occurred on *(Dates)* as a result of *(Natural Disaster/Catastrophic Failure)* under our jurisdiction as summarized below.

<b>Program of Projects Summary Table</b>				
<b>Location of Damage</b>	<b>Organization Performing the Repairs</b>	<b>Previously Approved Amount</b>	<b>Current Approved Amount</b>	<b>Total Approved Amount</b>
Mt Rainier	NPS	\$0	\$468,949	\$468,949
	WFLHD	\$0	\$176,000	\$176,000
N. Cascades				
<b>Subtotal</b>	NPS	\$0	\$468,949	\$468,949
	WFLHD	\$0	\$176,000	\$176,000
<b>Grand Total</b>		<b>\$0</b>	<b>\$644,949</b>	<b>\$644,949</b>

Attached is our *(initial/revised)* proposed Program of Project's spreadsheet. *(Submit the original Damage Survey Reports if not previously submitted.)*

We request that the *(Division Name)* Federal Lands Highway Division perform the following work:

*(Include description and site location.)*

If you have any further questions, please contact *(Name)*, at *(Phone Number)*.

Sincerely,

*(Signature)*  
*(Name & Title)*

Enclosure: Program of Projects Table

*(Special Note: Please include the Federal Lands Highway ERFO Coordinator on your distribution list.)*

**C.11 Program of Projects Table**

<b>Program of Projects Table</b>						
<b>PROGRAM OF PROJECTS Number:</b> _____				<b>Date:</b> _____		
<b>Disaster Number:</b> _____			<b>Agency Sub-Unit:</b> _____			
DAMAGE SURVEY REPORT NUMBER (Bold/Ital row(s) affected by change)	DESCRIPTION OF REPAIR	PROPOSED (APPROVED) PROGRAM DOLLAR AMOUNT				Method of PERMANENT REPAIRS (Force Account/ Contract/Other)
		Applicant	Federal Lands Highway Division Office	Other includes Tribe, State, Agency, County	TOTAL	
<i>Example: BLU 2300-4.9</i>	<i>Reconstruct roadway embankment and replace two culverts</i>	\$56,000	\$0	\$0	\$56,000	<i>Contract or Force Account</i>
<b>PREVIOUSLY APPROVED PROGRAM TOTAL</b>						
<b>Revision/Change(s)</b>						
DAMAGE SURVEY REPORT NUMBER  Special Note: Bold/Ital row(s) affected by change	DESCRIPTION OF REPAIR	PROPOSED (APPROVED) PROGRAM DOLLAR AMOUNT				Method of PERMANENT REPAIRS  Force Account/ Contract/Other
		Applicant	Federal Lands Highway Division Office	Other includes Tribe, State, Agency, County	TOTAL	
<i>Example: BLU 2300-4.9</i>	<i>Reconstruct roadway embankment and replace two culverts</i>	\$20,000	\$10,000	\$0	\$30,000	<i>Contract</i>
<b>PROPOSED PROGRAM REVISIONS TOTAL</b>						
<i>Example</i>		\$20,000	\$10,000	\$0	\$30,000	
<b>PROPOSED PROGRAM TOTAL</b>						
<i>Example</i>		\$76,000	\$10,000	\$0	\$86,000	

**C.12 Program of Projects Approval Letter - To be written by the Federal Lands Highway Division Engineer.**

*(Applicant Address)*

Emergency Relief for Federally Owned Roads  
 Program of Projects Approval Letter No:\_\_\_ *(Disaster Number)*

The proposed Program of Projects submitted with your letter dated *(Date)*, is approved as indicated below.

<b>Program of Projects Summary Table</b>				
<b>Location of Damage</b>	<b>Organization Performing the Repairs</b>	<b>Previously Approved Amount</b>	<b>Current Approved Amount</b>	<b>Total Approved Amount</b>
Mt Rainier	NPS	\$0	\$468,949	\$468,949
	WFLHD	\$0	\$176,000	\$176,000
N. Cascades				
<b>Subtotal</b>	NPS	\$0	\$468,949	\$468,949
	WFLHD	\$0	\$176,000	\$176,000
<b>Grand Total</b>		<b>\$0</b>	<b>\$644,949</b>	<b>\$644,949</b>

We are pleased to advise you that Federal Lands Highway is available to assist your agency per your request to perform work dated *(Date)*. A representative from our office will be in contact with your field unit representative to coordinate this effort. Federal Highway Administration approval is required at the following stages *(Approval of Plans, Specifications, and Estimates packages; Concurrence in rejection of bids; and Concurrence in award)*.

This letter provides advice on program approval only and does not transfer obligation authority or cash to accomplish approved repairs. Funds, subject to availability, in the amount of *(Amount)* may be requested on an as-needed/written request basis. Please advise your headquarters office to formally request these funds from the Federal Lands Highway ERFO Program Manager. **[Please note: Transfer of ERFO funds will be withheld if prior year Disaster Repair Status/Close-out Reports have not been submitted to the Federal Lands Highway Division Engineer.]**

We will be requesting our Washington Headquarters to arrange the transfer of obligation authority on an as needed/written request basis in the amount of *(Amount)* to *(Division Name)* Federal Lands Highway Division.

If you have questions or need further information, please contact the Federal Lands Highway Division ERFO Coordinator, *(Name)* at *(Phone Number)*.

*(Signature)*  
*(Name & Title)*

Enclosure: Program of Projects Table  
 cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

**C.13 Request for ERFO Funds - *To be written by the applicant.***

*(Applicant Address)*

*(Date)*

Federal Lands Highway Associate Administrator  
Federal Highway Administration  
400 Seventh Street SW - HFL-1  
Washington, DC 20590

Emergency Relief for Federally Owned Roads  
Request for ERFO Funds Letter Number: \_\_\_\_\_ *(Disaster Number)*

This is to request ERFO funds in the amount of *(Amount)* for disaster *(Disaster Number)* which will be obligated in fiscal year *(Fiscal Year)*.

Thank you for your assistance in this matter. If there are any questions, please contact *(Name)* at *(Phone Number)*.

Sincerely,

*(Signature)*  
*(Name and Title)*

**Special Note:** include HFPD-5 in the "cc:" lines.



**C.14 Transfer of ERFO Funds - To be written by the Federal Lands Highway ERFO Program Manager.**

*(Applicant Address)*

*(Date)*

Emergency Relief for Federally Owned Roads  
Allocation of ERFO Funds Letter Number: \_\_\_\_ *(Disaster Number)*

The *(Applicant)* 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 (obligational authority) are made to the *(Applicant)* throughout the year by the Federal Highway Administration's (FHWA) Federal Lands Highway (FLH) office to pay the cost of these approved repairs. In a letter dated *(Date)* from *(Name)*, your agency requested *(Amount)* of ERFO funds for *(Type of work/Repairs)* at *(Location)*, *(State)* under *(Disaster Number)*.

By copy of this letter, we are transferring *(Amount)* of ERFO funds contract/obligation authority, **Program Code (PC)**-*(Alpha and Numeric digits)*, to the *(Agency)*. This is the *(Number of Transfers)* transfer(s) of ERFO funds for FY *(Fiscal Year)*. The resulting summary of the *(Agency)* FY *(Fiscal Year)* ERFO Program dated *(Date)*, is enclosed.

A FHWA 370 (Allotment Advise Form) confirming this transfer will soon be issued by the FHWA Budget Division, Office of Budget and Finance. This action is for obligation 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. The ERFO obligations must be reported separately from other Highway Trust Funds on the SF-133. Please direct and questions to *(ERFO Program Manager)* at *(Phone Number)*.

Sincerely yours,

*(Signature)*  
*(Name and Title)*

Enclosure

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

**C.15 Allocation Memorandum to a Federal Lands Highway Division - To be written by the Federal Lands Highway ERFO Program Manager.**

*(Date)*

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

Director, Office of Program Development  
Federal Lands Highway

Division Engineer (*Routing Code*)  
(*Division City, State*)

As requested by your staff, this memorandum allocates ERFO funds to (*Type of Work/Repairs, Advertisement, Reimbursement, Additional Funds, etc.*) In (*State(s)*) for this fiscal year. This memorandum:

**ALLOCATES** (*Amount*) of ERFO funds, **PC-**(*Alpha and Numeric Digits*), to the (*Division*) (**HFL-**(*Division*) for (*Disaster Number*) in (*State*).

This allocation will be entered as a sub-allotment in the General Ledger module of Delphi. The accounting flex field information is as follows: Fund, (*10 Alpha and Numeric Digits*); Budget Year, 0000; and BPAC, (*10 Alpha and Numeric Digits*). Each entry will be recorded at the organization level consisting of FLHD and state.

The resulting summary of the (*Division*) **FY** (*Fiscal Year*) ERFO Program dated (*Date*), is enclosed. The amounts of approved (*Type of Work/Repairs, Pay Back, or Reimbursement, etc.*) costs by Program Code for each ERFO disaster are shown in the attachments. If there are any questions, please contact (*ERFO Program Manager*), at (*Phone Number*).

Attachment

**Special Note:** include Federal Lands Highway ERFO Coordinators in "cc"lines.

**C.16 Request for Time Extension - To be written by the applicant.**

*(Date)*

Division Engineer  
Federal Highway Administration  
*(Division Name)*  
*(Division Address)*

Emergency Relief for Federally Owned Roads  
Request for Time Extension Letter Number: \_\_\_\_\_ *(Disaster Number)*

Dear *(Division Engineer Name)*:

The *(Applicant Name)* requests a *(Time)* time extension for approved ERFO site *(Site Location)* which resulted from disaster number *(Disaster Number)*.

Please see the attached table for additional information.

If you have any further questions, please contact *(Name, Title)*, at *(Phone)*.

Sincerely,

*(Applicant Title)*

Attachment

**C.16.a - Request for Time Extension Table - To be written by the applicant**

<b>Request for Time Extension Table</b>			
<b>Damage Survey Report Number</b>	<b>Current Approved Contract Award Date</b>	<b>Revised Contract Award Date Requested</b>	<b>Rationale for Request for Revision of the Contract Award Date</b>
<i>Example: BLU 2300-4.9</i>	<i>Example: Date</i>	<i>Example: Date</i>	<i>Example: We cannot access this site because of road damage along Route 6 that occurred in the OR98-2-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.</i>

**C.17 Approval of Request for Time Extension - To be written by the Federal Lands Highway Division Engineer.**

*(Date)*

*(Applicant Title)*

*(Applicant Address)*

Emergency Relief for Federally Owned Roads  
Approval of Request for Time Extension Letter Number: \_\_\_\_\_ *(Disaster Number)*

Dear *(Name)*:

We received your letter dated *(Date)*, requesting a time extension for Emergency Relief for Federally Owned Roads (ERFO) projects damaged in the *(Disaster Number)* disaster.

Based upon the information you presented, approval/disapproval is indicated on the attached table. The projects must be under contract as indicated on the attached table in order to ensure continued eligibility of ERFO funds.

Sites not eligible for time extensions should be removed from future ERFO fund requests. Any expenditure of ERFO funds on these sites after the approved completion date is prohibited. In addition, expenditure of any other program/agency funds after that date will not be reimbursed under the ERFO Program.

If you have questions or need further information, please contact the Federal Lands Highway Division ERFO Coordinator, *(Name)* at *(Phone Number)*.

Sincerely yours,

Division Engineer

Attachment

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

**C.17.a Time Extension Table** - *To be written by the Federal Lands Highway Division Engineer*

<b>Time Extensions Table</b>			
<b>Damage Survey Report Number</b>	<b>Revised Contract Award Date Requested</b>	<b>Approved Contract Award Date</b>	<b>Rationale for Decision Made</b>
<i>Example: BLU 2300-4.9</i>	<i>Example: Date</i>	<i>Example: Date</i>	<i>Example: The time extension is approved based on another eligible ERFO disaster delaying the repair of this site. We expect that the repair of this site will be accomplished along with the repair of the bridge abutment at MP 1.0.</i>

**C.18 Annual ERFO Funds Request - To be written by the applicant.**

<b>ANNUAL ERFO FUNDS REQUEST</b>						
Agency Administering ERFO Repairs	Disaster Number	Reimbursement (Payback) Funds		(3) Amount of Funds needed for Ongoing Projects	(4) Amount of Funds needed for this Fiscal Year	Totals
		(1) Agency Funds	(2) Federal Lands Highway			
		\$	\$	\$	\$	\$
		\$	\$	\$	\$	\$
		\$	\$	\$	\$	\$
		\$	\$	\$	\$	\$
		\$	\$	\$	\$	\$
<b>Total</b>		\$	\$	\$	\$	\$
<b>Prepared by:</b> _____ <b>Date:</b> _____ <b>Phone:</b> _____						
<p>(1) Amount of Agency funds used on repairs to be repaid by ERFO.</p> <p>(2) Amount of Federal Lands Highway Program funds used on repairs to be repaid by ERFO.</p> <p>(3) Amount of ERFO funds needed for Construction Engineering(CE)/Contract Modifications (CM) for active/ongoing construction projects.</p> <p>(4) The amount of funds needed for design, advertisement, award, and construction engineering for new projects this fiscal year.</p>						

**C.19 Request for Closeout - To be written by the applicant**

*(Date)*

Division Engineer  
Federal Highway Administration  
*(Division Name)*  
*(Division Address)*

Emergency Relief for Federally Owned Roads  
Request for Closeout Letter Number: \_\_\_\_ *(Disaster Number)*

Dear *(Division Engineer Name)*:

The *(Applicant Name)* requests a *(final/partial)* closeout of approved ERFO site(s) which resulted from disaster number *(Disaster Number)*. The site(s), shown on the attached table, have been repaired according to the description of repairs on the most recent DSR and the approved Program of Projects (except as noted). The total expenditure to repair all damage is \$\_\_\_\_.

If you have any further questions, please contact *(Name, Title)*, at *(Phone)*.

Sincerely,

*(Title)*

Attachment: Disaster Repair Status/Closeout Report



**C.20 Disaster Repair Status/Closeout Report** - To be written by the applicant.

Note: As a status report, this report is due to Federal Lands Highway ERFO Coordinator by December 31 of each year until the disaster is closed out.

As a closeout report, this report is due to Federal Lands Highway ERFO Coordinator at the time of closeout submittal.

<b>DISASTER REPAIR STATUS/CLOSEOUT REPORT</b>												
<b>Date:</b> _____			<b>Disaster Number:</b> _____				<b>Sub-Unit:</b> _____					
LOCATION DAMAGE SURVEY REPORT NUMBER	DESCRIPTION OF APPROVED REPAIR	APPROVED ESTIMATED COSTS				CURRENT OBLIGATIONS/ FINAL EXPENDITURES				(Anticipated/ Actual) Contract Award Date	(Anticipated/ Actual) Construction Completion Date	Date Closed
		Applicant	Federal Lands Highway Division	Other (Tribe, State, Agency, County)	TOTAL	Applicant	Federal Lands Highway Division	Other (Tribe, State, Agency, County)	TOTAL			
<i>Example:BLU 2300-4.9</i>	<i>Reconstruct roadway embankment and replace two culverts</i>	<i>\$56,000</i>			<i>\$56,000</i>					<i>9/24/1997</i>	<i>10/30/2003</i>	
<b>TOTAL</b>												
	<i>Example</i>	<i>\$56,000</i>			<i>\$56,000</i>					<i>9/24/1997</i>	<i>10/30/2003</i>	

The submitted expenditures are the actual costs incurred to complete only approved eligible repairs. Attach a separate sheet to explain any deviations.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**C.21 Closeout Letter** - *To be written by the Federal Lands Highway Division Engineer.*

**(Date)**

**(Applicant Title)**

**(Applicant Address)**

Dear **(Name)**:

ERFO Program Approval Letter No. (\_\_\_\_)

**(Disaster Number)**

**(Partial/Final)** Disaster Closeout

**(Dates of Disaster)**

We received your notification that **(all/a portion of the)** eligible ERFO activities associated with **(Disaster Number)** have been completed.

The revised total program and authorized expenses for eligible ERFO repairs for this disaster is **(Amount)**. The previously approved program amount of **(Amount)** was **(Overrun/Underrun)** by **(Amount)**.

<b>SUMMARY CLOSEOUT REPORT TABLE</b>							
<b>Location</b>	<b>Responsible Agency</b>	<b>Previously Approved Amount</b>	<b>Total Expenditures Submitted</b>	<b>Closeout Adjustments</b>	<b>Repairs Remaining</b>	<b>Revised Total Program Amount</b>	<b>(Underrun)/Overrun</b>
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E=B±C+D</b>	<b>F=E-A</b>
<i>Example: Spokane IR</i>	<i>BIA</i>	<i>\$900,000</i>	<i>\$830,000</i>	<i>\$30,000</i>	<i>\$0</i>	<i>\$860,000</i>	<i>(\$40,000)</i>
	<i>FLH</i>	<i>\$100,000</i>	<i>\$120,000</i>	<i>\$0</i>	<i>\$0</i>	<i>\$120,000</i>	<i>\$20,000</i>
<b>Grand Total</b>							
<i>Example: Spokane IR</i>	<i>BIA</i>	<i>\$900,000</i>	<i>\$830,000</i>	<i>\$30,000</i>	<i>\$0</i>	<i>\$860,000</i>	<i>(\$40,000)</i>
	<i>FLH</i>	<i>\$100,000</i>	<i>\$120,000</i>	<i>\$0</i>	<i>\$0</i>	<i>\$120,000</i>	<i>\$20,000</i>
<i>Grand Total</i>		<i>\$1,000,000</i>	<i>\$950,000</i>	<i>\$30,000</i>	<i>\$0</i>	<i>\$980,000</i>	<i>(\$20,000)</i>

We have conducted a final review of the damage repair and supporting records and have discussed our findings with **(Name)** of your office on **(Date)**. As a result of our review, we find all repairs 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 (*Disaster Number*) has received final inspection and acceptance at the final approved program amount of (*Amount*) and should begin final fund reconciliation with your headquarters. If you have any questions, please contact (*Name*) at (*Phone Number*).

Sincerely,

Division Engineer

cc: Local FHWA Div. Office; Federal Lands Highway ERFO Program Manager; Federal Highway Administration ER Program Manager; Superintendent of Field Unit with copy of incoming to all.

## Appendix D - Law and Regulation

### D.1 Select Provisions of 23 U.S.C., 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.

### **23 U.S.C. 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 one 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 therefore 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.

## **D.2 Title 23, Code of Federal Regulations**

### **PART 668 EMERGENCY RELIEF PROGRAM**

Subpart B Procedures for Federal Agencies for Federal Roads – Authority granted under: 23 U.S.C. 101, 120(e), 125 and 315; 49 CFR 1.48(b).

#### **§ 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, construction engineering, 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 (Direct Federal Division Engineer) 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 Preliminary Engineering and Construction Engineering.
- (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 Direct Federal Division Engineer 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 (where

Federal Highway Administration 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 Direct Federal Division Engineer 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 Preliminary Engineering 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 must 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 Direct Federal Division Engineer must weigh the cost of such betterments against the risk of eligible recurring damage and the cost of future repair.
  - (4) Actual Preliminary Engineering and Construction Engineering 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 Direct Federal Division Engineer of its tentative intent to apply for emergency relief and request that a Finding be made.
- (b) Acknowledgment. The Direct Federal Division Engineer will promptly acknowledge the notification and briefly describe subsequent damage assessment, Finding, and application procedures.

- (c) Field report. The applicant shall cooperate with the Direct Federal Division Engineer 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 Direct Federal Division Engineer 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 Direct Federal Division Engineer to make a detailed inspection of each damage site.
  - (2) If it appears certain an Affirmative Finding will be made, the Direct Federal Division Engineer 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 Federal Highway Administration 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 Direct Federal Division Engineer which shall include a list of projects for which emergency relief is requested. The application shall be submitted within three (3) months after an Affirmative Finding.
- (b) The list of projects shall include emergency repairs, Preliminary Engineering, 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 Direct Federal Division Engineer.
- (c) If the initial list of projects is incomplete, a subsequent list(s) of projects shall be forwarded to the Direct Federal Division Engineer 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 Direct Federal Division Engineer 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 shall be developed based on work identified in the approved program.
- (c) The Direct Federal Division Engineer 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 Direct Federal Division Engineer.
- (d) The applicant shall notify the Direct Federal Division Engineer 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].