

## Process for Emergency Relief (ER) and FEMA Funding for roadways & bridges

As a result of excessive spring runoff in areas of North Dakota this year, damage is likely to be occurring or has already occurred to Township, County or State roads and/or other public owned property as well as private property. Damages may include; flooded roadways; washed out roadways and culverts or bridges; damaged culverts or bridges; and homes may have been flooded.



There are Federal and State agencies responding to this disaster, all assisting in different capacities to help the people of North Dakota. In order to assist or help with the recovery of a disaster, each agency carries different responsibilities.

### Funding for repair of flooding damage to federal aid routes

The North Dakota Department of Transportation (NDDOT) manages the Emergency Relief (ER) program. **The ER program provides funding to repair damage to roads and bridges on the Federal Aid System.** As an example, the Federal Aid System encompasses the Interstate, State Highways, Urban Minor Collectors, and County Major Collectors. If a road is eligible to receive federal funds, then the ER program may provide funding for repairs if certain criteria are met. The ER program does not provide funding to non-federal aid local roads such as city streets, county roads, or township roads.

### Funding for repair of flooding damage to non-federal aid routes

For damage to non-federal aid routes, the North Dakota Department of Emergency Services (DES), is working through local Emergency Managers, to manage the Federal Emergency Management Agency (FEMA) program. For damages on non-federal local roads, such as county or township roads, please contact your local County Emergency Manager to report this damage. County emergency contact information can be found on the DES website at: <http://www.nd.gov/des/emergency/>

### How is a Federal aid road categorized for Emergency Relief (ER) Funding?

Damage to Federal aid routes is categorized by either “Traditional” or “Basin” damage. **Traditional damage** is a result of flowing water which has a tendency to washout roads, culverts, or bridges. **Basin type damage is a result of rising water generally contained in a drainage basin which floods or saturates the road because the water has nowhere else to go.** Under the ER Program, “basin” damage only qualifies for ER if it is in one of the four predetermined basins. The predetermined basins are mainly in the eastern half of North Dakota. In the event that either one of these scenarios presents itself, emergency response may be required to maintain traffic and also ensure the safety of the public.

### How does a Federal Aid route qualify for ER funding?

To qualify for the Emergency Relief (ER) Program, the state of North Dakota must reach a minimum of \$700,000 in damages for a declared portion of the state. To qualify, the “basin flood-related” damage within each established basin must exceed \$700,000 during each disaster event for the entire basin. Each site within the established basin must exceed \$5,000 to meet the threshold. If a site within a basin consists of “non-basin flood-type damage (traditional)” and exceeds \$5,000 it would still be eligible for ER funding if the entire basin exceeds \$700,000. Please see chart on Page three for examples of qualifying damages.

Under the ER Program (federal aid routes only) there are two categories of repair-“emergency” and “permanent.” The “emergency” portion of repair is only that which is needed to carry traffic safely on critical routes. Critical routes are those routes that are needed for school bus routes, mail routes, fire and ambulance routes, etc. Reasonable detour length may affect the qualification for ER.

An example of the “emergency” portion of ER would be if a critical road is washed out, including a culvert; placing any culvert in the washout, filling in the washout and putting just enough surfacing on the road to carry traffic will qualify for “emergency” repair and it will be paid at 100%, if the work is done within 180 days of the Incident Date. The Incident Date of this disaster has been specified in the Governor’s Proclamation as March 13, 2009.

An example of the “permanent” portion of repair, in this case, may be; removing the “emergency” fix, placing a properly sized culvert in the washout, filling in the washout; and putting a sufficient amount of surfacing aggregate to carry all traffic and repair the roadway to prior flood condition. The “permanent” portion of repair will only be paid at 80% ER funding. The local entity will have to provide the remaining costs.

### How does the local entity pay for repair costs on Federal Aid routes?

Once a road project has been determined as qualifying for ER funds, the local entity will pay all costs as they are incurred and then will need to submit the costs for reimbursement. The funding for reimbursement for ER projects comes through the NDDOT based on qualifications.

### When can repair work begin on Federal Aid routes?

The “emergency” portion of the repair **work may be done immediately upon discovery of damage**. Detailed records must be kept of dates, costs incurred, and photographs before and after repair. Permitting agencies should be contacted prior to work if possible. If a site qualifies for ER, the records you kept will be needed to get reimbursement.

The “permanent” portion of the repair **work must be approved by FHWA prior to constructing**. The same procedures must be followed as for any other Federal-aid type project. This normally includes, a concept report, environmental determination, plan approval, and competitive bidding process. This type of work should be completed as soon as possible and should not extend beyond two years.

If you have any questions about ER on federal aid routes, please call NDDOT and ask for Blane Hoesel at 328-3482 or Bryon Fuchs at 328-2516.

**NORTH DAKOTA 2009 ER PROGRAM**  
**ER FUNDING IS ALLOWED FOR FEDERAL-AID ROUTES ONLY**

<b>ELIGIBLE FOR ER FUNDING</b>	<b>INELIGIBLE FOR ER FUNDING</b>
Washouts of Pavements/Shoulders	Pavement/Shoulder Damage Resulting from Soft Subgrades
Curb and Gutter	Frost Heaves
Sidewalks	Erosion Damage due to Falling Rain
Bikeways – Within Right of Way	Independent Bikeways – FEMA Responsibility
Structures – Bridges and Culverts	Prior Scheduled Work
Pedestrian Separations	Slope Sloughing Not Affecting Roadway
Retaining Walls & Riprap	Preventative Work Prior to Disaster
Storm Sewers/Storm Sewer Outfalls	Sanitary Sewers
Lift Stations (Storm Sewers)	Lift Stations (Sanitary Sewers)
Guardrail	Pavement Repair due to Saturated Subgrade
Signals	Heavy Maintenance
Signing	Underground Subsidence (circumstance dep.)
Lighting	Snow or Ice Removal
Landscaping	Sites Estimated < \$5,000
Fencing (Public Property)	Fencing (Private Property)
Corridor Parking	Others
Debris Removal – Roadway Ditch Culverts Storm Sewers	Installation and Removal of Flood Dikes – COE/FEMA Responsibility
	Utilities (Public and Private)
Damage to Federal-Aid System due to hauling/ construction of temporary dikes for protection of some type of transportation facility such as airport, bus terminal, etc.	Damage to Federal-Aid System due to hauling/ construction of temporary dikes for protection of public and private facilities other than trans- portation – FEMA Responsibility

**NOTES:**      Damage must be greater than \$5000 per site to be eligible.

For Non-Traditional (basin) damage, each established basin must exceed \$700,000 during each disaster event for the entire basin. Each site within the established basin must exceed \$5,000 to meet the threshold.

For Traditional (moving water) damage, damages must exceed \$700,000 during each disaster event for the declared areas. Damage must be within counties included in Disaster Declaration. Each site must exceed \$5,000 to meet the threshold.

Participation Ratio –      Emergency work done within 180 days will be 100%.  
    Permanent work will be 80% ER and 20% Local.

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