

# Lesson-2

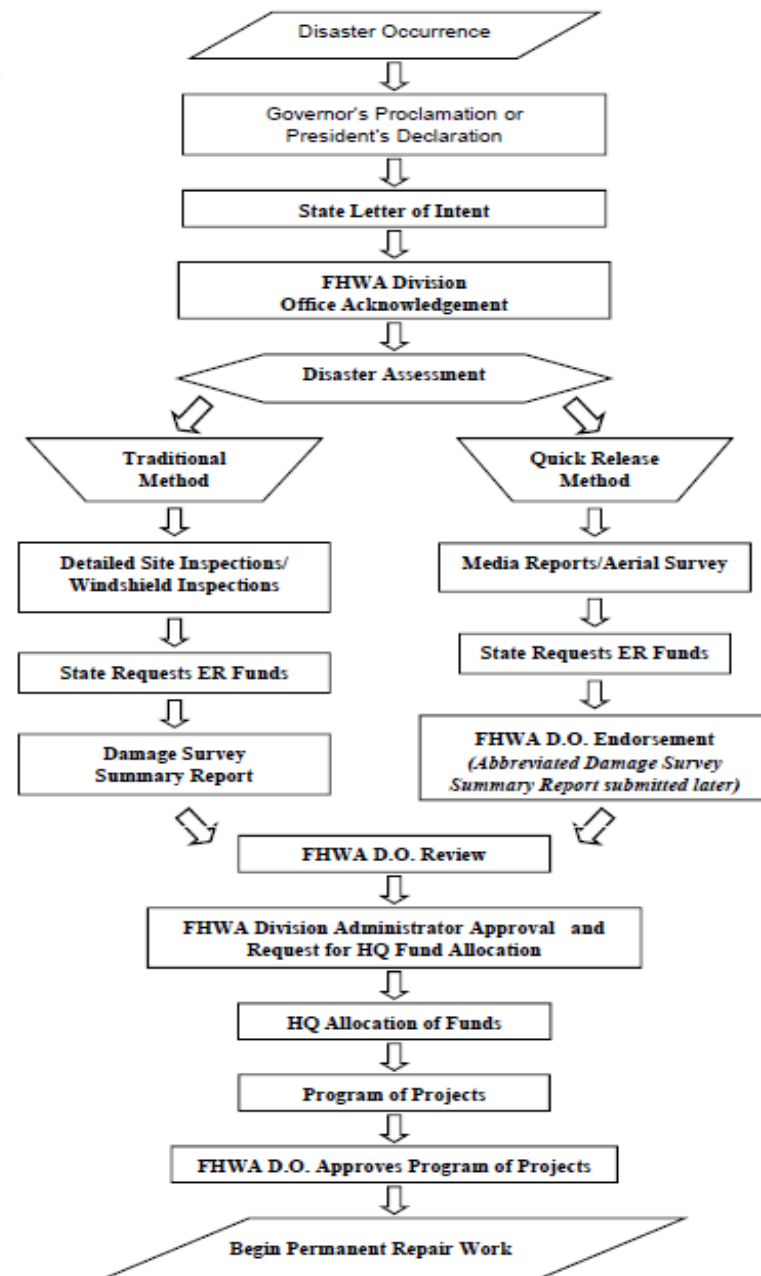
Chapter III (pp. 30-35)

## ER Application Process

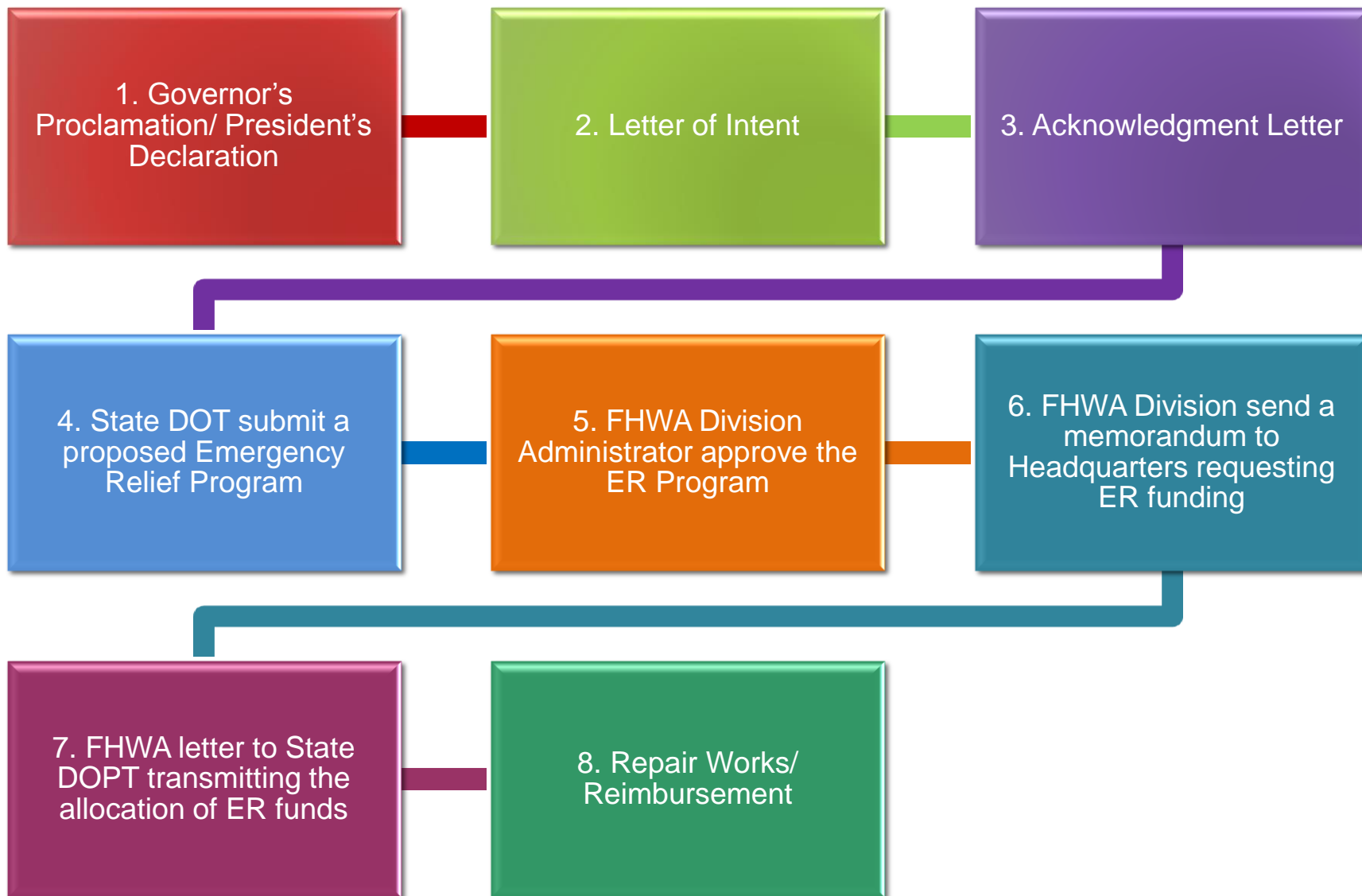


# ER Program Flow Chart

Quick snap shot of the steps involved in the Emergency Relief process!



# ER Application Process



# 1. Governor's Proclamation/ President's Declaration



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR  
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802  
340-774-0001

**A PROCLAMATION  
BY THE GOVERNOR OF THE  
UNITED STATES VIRGIN ISLANDS  
DECLARING A STATE OF EMERGENCY IN THE  
UNITED STATES VIRGIN ISLANDS  
DUE TO SUB-TROPICAL STORM OTTO**

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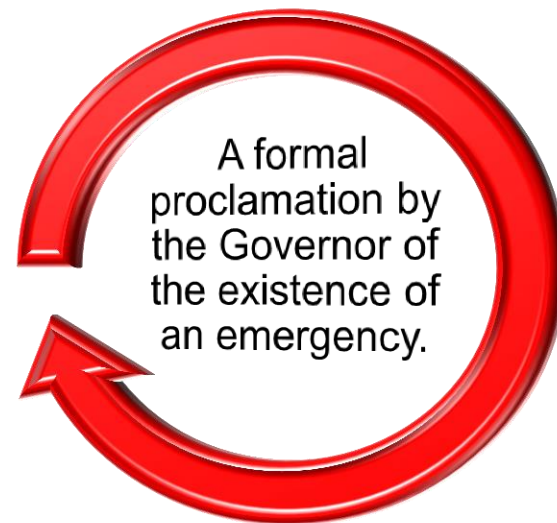
**WHEREAS**, Title 23, Section 1005(a), Virgin Islands Code, vests in the Governor the responsibility for meeting the dangers to the Territory and people presented by emergencies or major disasters; and

**WHEREAS**, on October 5, 2010, the National Hurricane Center issued a flash flood watch and small craft advisory warning for the United States Virgin Islands based on the course of a tropical wave and unstable air mass and forecast heavy sustained rains and thunderstorms with the potential of inflicting damage on residential, commercial, industrial and governmental facilities in the Territory; and

**WHEREAS**, on October 7, 2010, the severe weather system developed into sub-Tropical Storm Otto causing the Territory to experience torrential rains, flash-flooding, mudslides and extensive flooding which caused damage to critical infrastructure, failed roads systems, overflowing guts, and electrical power outages throughout the islands of St. Croix, St. Thomas, St. John and Water Island; and

**WHEREAS**, in order to protect the lives and property of the residents of the United States Virgin Islands, the Governor of the Virgins Islands closed public schools and suspended governmental operations and activated all possible territorial resources including the Virgin Islands Territorial Emergency Management Agency, Department of Public Works, and other agencies with the cooperation of partners to allow for the repair and/or restoration of damaged infrastructure where necessary to prevent further damage to critical structures; and

**WHEREAS**, Title 23, Section 1005(d), Virgin Islands Code, vests in the Governor the authority to declare a State of Emergency if it is determined that an emergency or major disaster has occurred or is imminent.



## 2. Letter of Intent



OFFICE OF  
THE COMMISSIONER

GOVERNMENT OF  
THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PUBLIC WORKS  
8244 SUB BASE  
ST. THOMAS, V.I. 00802-5805

Tel: (340) 774-1301  
Fax: (340) 774-5869

October 13, 2010

Martin Knopp  
Division Administrator  
Federal Highway Administration  
350 Chardon Avenue, Suite 210  
Hato Rey, Puerto Rico 00918

**RE: Letter of Intent, Damages due to Tropical Storm Otto  
Territory of the US Virgin Islands  
October 5- 8, 2010**

Dear Mr. Knopp:

Please allow this correspondence to serve as our notice of intent by the Department of Public Works, Territory of the U.S. Virgin Islands, to request emergency relief funds, under the provisions of Title 23, U.S.C., Section 125, to assist with the cost of repairing damages on the Territorial Highway System (THS) caused by runoff and flooding during Tropical Storm Otto.

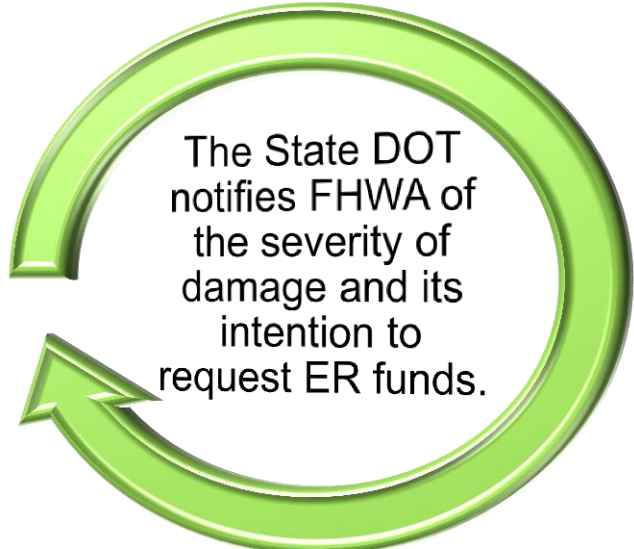
Attached is a copy of the Governor's Proclamation of a State of Disaster in the U.S. Virgin Islands as a result of this event. Preliminary estimates of the damages sustained to the THS will be forwarded as soon as they can be tabulated. We proceeded to clear debris resulting from landslides on the Highway System in order to maintain at least one (1) lane of traffic for access of emergency vehicles.

Sincerely,

  
Darryl A. Smalls P.E.  
Commissioner

DAS/WDB 

xc: Carlos Machado, Assistant Division Administrator, FHWA  
Jaime Torres, Area Engineer, FHWA  
Jonetta Darden, Territorial Public Assistance Officer, VITEMA  
Roberto Cintron, Assistant Commissioner  
Wystan Benjamin, Federal-Aid Highway Program Manager  
Nicole Turner-Wilkinson, Territorial Chief Engineer



The State DOT  
notifies FHWA of  
the severity of  
damage and its  
intention to  
request ER funds.

# 3. Acknowledgment Letter



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

**Puerto Rico Division**  
350 Chardon Ave, Suite 210  
San Juan, PR 00918-2148

In Reply Refer To: HDA-  
PR

October 15, 2010

Mr. Darryl Smalls, Commissioner  
Virgin Islands **Department of Public  
Works**, 8244 Sub Base, Charlotte Amalie,  
St. Thomas, VI 00802-5805

Dear Mr. Smalls:

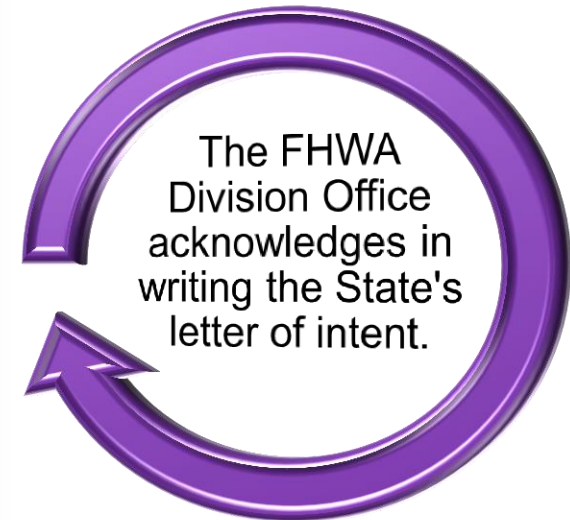
This is to acknowledge receipt of your letter of intent dated October 13, 2010 to request Emergency Relief Funds, authorized under Section 125 of Title 23, U.S.C., for the repair of damage to Federal-aid highways resulting from heavy rains associated to Tropical Storm Otto beginning October 5, 2010.

You should proceed with the performance of emergency operations, including emergency repairs, on the Federal-aid highways necessary to restore essential traffic, to protect the remaining facilities, and to minimize the extent of damage.

The eligibility of such work for ER funds will be contingent upon a favorable finding by the FHWA Division Administrator, on the eligibility of the disaster, and subsequent approval of the work by FHWA.

The basis for the Division Administrator's decision will be the Damage Survey Summary Report, which must be submitted to this office. The DSSR, among other requirements, must include estimates of cost to repair and reconstruct the damaged Federal-aid highways.

My office will be meeting with members of your staff to make arrangements for reviewing the disaster damage and assisting in preparing the Damage Survey Summary Report and site damage reports. The Damage Survey Summary Report is to be submitted within 6 weeks, if possible. If additional time is required, please advise, including the reasons why the extra time is necessary.



# 4. Proposed ER Program by State DOT



GOVERNMENT OF  
THE VIRGIN ISLANDS OF THE UNITED STATES  
DEPARTMENT OF PUBLIC WORKS  
8244 SUB BASE  
ST. THOMAS, V.I. 00802-5805

OFFICE OF  
THE COMMISSIONER

March 11, 2011

Martin Knopp, Division Administrator  
Federal Highway Administration  
Federico Degetau Building  
Room 329, Carlos Chardon Street  
Hato Rey, P.R. 00918-2288

**RE: Request for Emergency Repair Funding  
Tropical Storm Otto and Tropical Storm Tomas Highway System Damages  
Transmittal – Preliminary Damage Inspection Reports Territory Wide**

Dear Mr. Knopp:

Transmitted herewith for your review and approval are the Preliminary Damage Inspection Reports for the heavy rain events that occurred in October 2010 from Tropical Storm Otto and November 2010 from Tropical Storm Tomas, with both events receiving Disaster Declarations from President Obama.

Attached are two summary sheets: one for the St. Croix District with a total of sixteen (16) sites totaling \$743,329.35 worth of eligible road repairs and \$93,400.00 worth of eligible debris removal work and the other for the St. Thomas/St. John District with twelve (12) sites totaling \$3,474,040.00 worth of eligible road repairs and an estimated \$139,898.00 worth of eligible debris removal.

The Department is requesting a total of \$ 4,450,667.35 of Emergency Repair Funds for the territory. The Department of Public Works respectfully requests your review, authorization and release of Emergency Repair Funds for the completion of these much needed repairs.

Sincerely,

  
Darryl A. Smalls, P.E.  
Commissioner

DAS/WDB/JM *WDB*

cc: Carlos Machado, Federal Highway Administration  
Jaime Torres, Federal Highway Administration  
Wystan D. Benjamin, Federal-Aid Highway Program Manager  
Jomo McClean, Design Program Manager  
John Paul David, Construction Program Manager, STX  
Marilyn Holmes, Construction Program Manager, STT  
Thomas Jones, Materials Program Manager/Project Engineer  
Nelson Petty, Design Engineer  
Catalina Torres, Design Engineer

Tel: (340) 774-1301  
Fax: (340) 774-5869

Federal Highway Administration  
Public Works Division

MAR 17 2011

RECEIVED

SUMMARY OF ER REPAIRS  
Tropical Storm OTTO  
ST. THOMAS/ ST. JOHN DISTRICT

ST. JOHN

Site	Route (MilePost)	Cost Estimate
1	10 MP. 7	321,000.00
2	10 MP. 7.25	321,000.00
3	10 MP. 7.4	325,900.00
4	10 MP. 7.3	448,100.00
5	10 MP. 7.2	291,000.00
6	10 MP. 7.0	297,200.00
7	104 MP. 6.6 & 6.7	418,900.00
8	20 MP. 5.0	43,650.00
9	10 MP. 6.2	19,340.00
<b>Sub Total</b>		<b>\$ 2,486,090.00</b>

ST. THOMAS

1	33 & 332	639,600.00
2	37 (Site 1)	286,250.00
3	37 (Site 2)	62,100.00
<b>Sub Total</b>		<b>\$ 987,950.00</b>

DEBRIS REMOVAL

St. Thomas	89,898.00	
St. John	50,000.00	
<b>Sub Total*</b>		<b>\$ 139,898.00</b>

**GRAND TOTAL \$ 3,613,938.00**  
\* These Figures are Estimates for Debris Removal

Federal Highway Administration  
Public Works Division

MAR 17 2011

RECEIVED

# 5. Approval of the ER Program by FHWA DA



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

**Puerto Rico & U.S.  
Virgin Islands Division  
Office**

350 Chardon Ave. Suite 210  
San Juan, PR 00918

April 25, 2011

Mr. Darryl Smalls, PE  
Commissioner  
Government of The US Virgin Islands  
Department of Public Works  
8244 Sub Base  
St. Thomas, VI 00802-5805

Dear Mr. Smalls:

Attached is the approved Emergency Relief Program for the ER events: Tropical Storm Otto - VI-11-01 and Tropical Storm Tomas – VI-11-02 submitted for our approval. The program was revised and discussed with the Department of Public Works, Program Manager, Mr. Wyan Benjamin.

Please note that all eligible work classified as emergency repairs was authorized effective October 5, 2011 (VI-11-01) & November 12, 2011 (VI-11-02) and will be reimbursed at 100% federal share. Permanent repairs will be also reimbursed at 100 percent federal share. Permanent repairs must be approved by FHWA prior of advertisement.

ER projects that have not advanced to the construction obligation stage by the end of FY13 will not be advanced.

In order to complete these projects promptly you should proceed with force account work for those projects to be performed by the Department of Public Works. The rest of the projects may be accomplished by either competitive bid contract method or by solicited contract.




2

When the bids by invitation methods of contracting is used a reasonable number of contractors (three or more) should be contacted for bids. As required under 23 USC 112(c), sworn statement of non-collusion must accompany the contractor's bid submittal.

The Federal Highway Administration's PR Division Office has assigned a disaster number of VI-11-01 & VI-11-02 respectively. Based on the information in the Damage Survey Summary Report, we have requested an initial allocation of \$4,450,668.00 in ER funds to cover the Federal share of eligible costs for the event. It is our understanding that ER funds for this event are not available at this time. Until funds are made available, there are three options presented in the ER manual to advance projects under an approved event. These include: 1) Using unobligated ER funds from other ER events, 2) Using regular Federal-aid highway funds, and 3) Using Advanced Construction (AC) funds.

Since safety of the motorists is DPW's and FHWA's common goal, we expect the agencies cooperation in this matter. If you have any questions please contact Mr. Jaime F. Torres at 787-766-5600 x 229.

Sincerely yours,

  
for Martin Knopp, PE  
Division Administrator

Cc: Mr. David Gibbs, FHWA  
Mr. David Nicol, FHWA  
Mr. Greg Wolf, FHWA  
Mr. Roberto Escalera, FHWA  
Mr. Wyan Benjamin, DPW





# 6. Memorandum to FHWA Headquarters



## Memorandum

Date: May 06, 2011

Subject: **ACTION:** US Virgin Islands - Emergency Relief (ER) Events:  
Tropical Storm Otto, VI-11-01  
Tropical Storm Tomas, VI-11-02

In Reply  
Refer To: HDA-PR

From: Martin Knopp  
Division Administrator  
San Juan, Puerto Rico

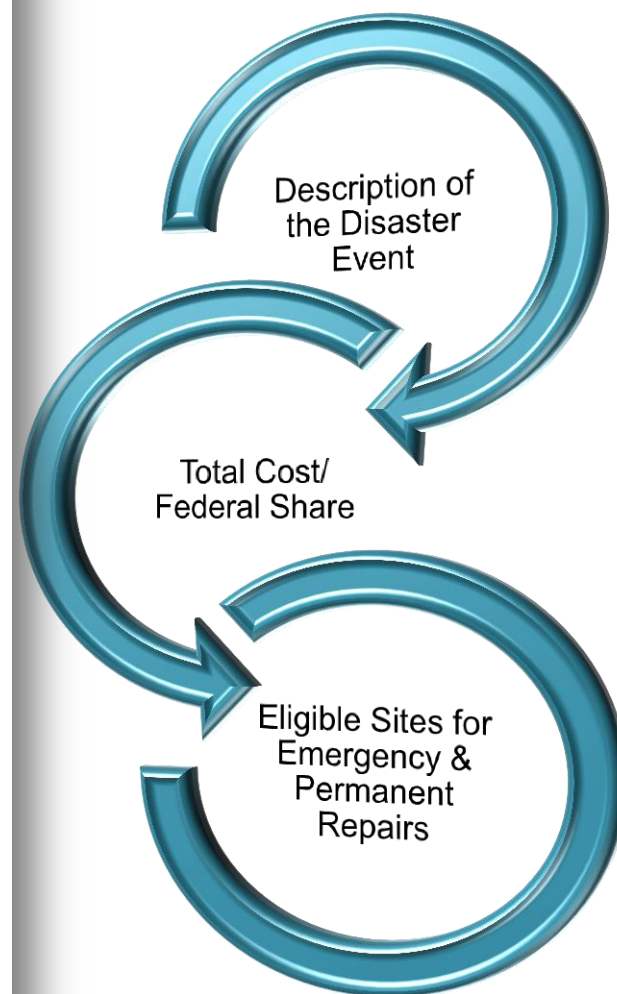
To: David Nicol, Director  
Office of Program Administration (HIPA-1)

The purpose of this memorandum is to advise you that the Puerto Rico Division Office has approved the subject event as eligible for ER funding. In accordance with the Delegation of ER "Finding" Approval memorandum, dated June 28, 1999, we are providing the following information:

1. The US Virgin Islands experienced unusually heavy rains during the month of October 2011, associated to the Tropical Storm Otto and during the months of November 2011, associated to Tropical Storm Tomas. These heavy rains caused flooding, landslides, and mudslides affecting various Federal Aid routes across the islands of St. Croix, St. Thomas, and St. John. The date of occurrence for Tropical Storm Otto was October 5, 2011, and the date of occurrence for event for Tropical Storm Tomas was November 10 – 12, 2011. The Division Office approved the event as eligible for ER on April 25, 2011.
2. The disaster numbers for these events are: Tropical Storm Otto – VI-11-01, and Tropical Storm Tomas – VI-11-02.
3. The total estimated cost of eligible damage is:
  - a. \$3,613,938.00 with an estimated Federal share of \$3,613,938.00 (VI-11-01)
  - b. \$836,730.00 with an estimated Federal share of \$836,730.00 (VI-11-02)
4. Eligible sites for emergency and permanent repairs are listed in the emergency declaration attached; all associated with U.S. Congressional District At-Large (US Virgin Islands).

We request that ER funding in the amount of \$4,450,668.00 (\$3,613,938.00 for VI-11-01, and \$836,730.00 for VI-11-02) be made available for the subject disaster in Fiscal Year 2011. Your review and consideration of this request would be appreciated.

Please note that a copy of our April 25, 2011 ER Event Approval letter to the Puerto Rico Highway and Transportation Authority attached. If you require additional information or have any questions please call Mr. Jaime F. Torres at (787) 766-5600, extension 229.



# 7. FHWA Letter to State DOT : ER Funds Allocation



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

**Puerto Rico & U.S.  
Virgin Islands Division  
Office**

350 Carlos Chardon Ave.  
Suite 210  
San Juan, PR 00918  
787-766-5600

January 17, 2012

In Reply Refer To:  
HDA-PR

Mr. Darryl Smalls, PE  
Commissioner  
Government of The US Virgin Islands  
Department of Public Works  
8244 Sub Base  
St. Thomas, VI 00802-5805

Dear Mr. Smalls:

This letter transmits the memorandums dated November 29, 2011 & January 9, 2012 which allocate Emergency Relief (ER) program funds for FY 2012 for the Tropical Storm Otto (Oct. 2010) and Tropical Storm Tomas (Nov. 2010). Attached are the copies of these memorandums. The allocated total amounts are shown in the following tables for each event.

**Emergency Relief Program Fund Allocations Table for Tropical Storm Otto**

Event	Allocation Date	FMIS Program code	Fiscal Year	Allocation Amount
VII11-1, Tropical Storm Otto	Nov/29/11	09VE	2012	\$ 370,382.00
VII11-1, Tropical Storm Otto	Jan/9/12	ER80	2012	\$ 3,243,556.00
<b>TOTAL</b>				<b>\$ 3,613,938.00</b>

**Emergency Relief Program Fund Allocations Table for Tropical Storm Tomas**

Event	Allocation Date	FMIS Program code	Fiscal Year	Allocation Amount
VII11-2, Tropical Storm Tomas	Nov/29/11	09VE	2012	\$ 836,730.00
<b>TOTAL</b>				<b>\$ 836,730.00</b>

Please ensure that the 5-digit disaster code is entered in the FMIS so that ER funds obligated for a disaster can be determined at any time (VII11-1 for Otto and VII11-2 for Tomas). **Also, note that all projects for these events shall be authorized (obligated) by September 14, 2012 because these funds will be withdraw at the end of FY2012 for reallocation on FY2013.** We will provide further information later.

According to the ER Manual, Chapter VI, Section I, ER funds are allocated to assist the States and other agencies or organizations in conditions of emergency. Consequently, after approval of programs and allocation of funds, all projects should be completed promptly. Failure to advance an approved ER project to completion within a reasonable period of time could result in withholding of funding for that project. Emergency opening work should be accomplished within one month of accessibility to the site under normal circumstances.

Unless there is satisfactory justification for project delay to warrant its retention, projects for permanent repairs that have not advanced to construction by the end of FY2014 will not be authorized. Justification for such delay and request for time extension must be submitted to the FHWA Division administrator for approval.

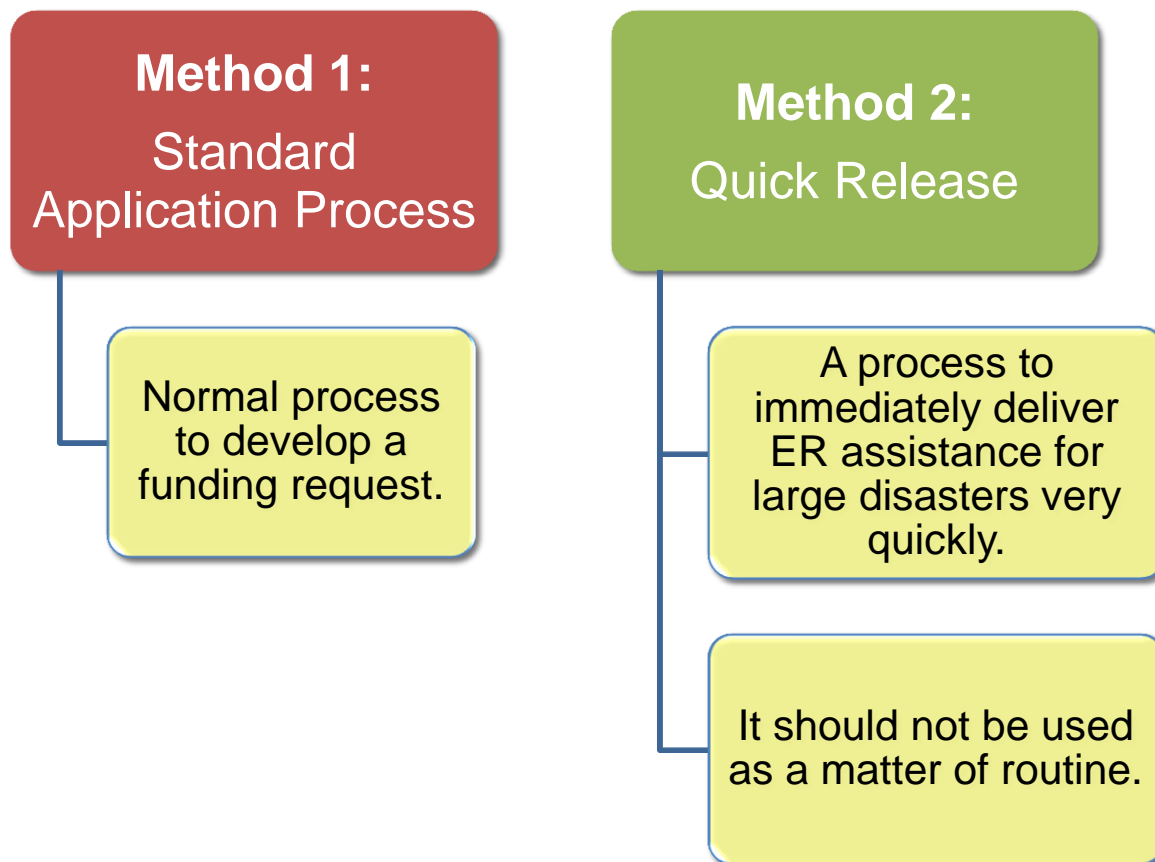
If you have any questions regarding the allocation, please contact Julio Nuñez, ER Coordinator from our staff at 787-766-5600 (ext. 232).

Sincerely,

For: Martin Knopp  
Division Administrator

cc: Mr. Wystan Benjamin, VIDPW Highway Program Manager

# Methods for Developing and Processing a State Request for ER Funding



# Method 1: Standard Application Process

## Preliminary Steps

- Governor's Proclamation / President's Declaration
- State DOT Letter of Intent
- FHWA Division Office Acknowledgement Letter

## Disaster Assessment

- Detailed damage inspections
- Windshield surveys

## ER Funding Application

- Within *2 calendar years* of the date of disaster
- Information from the site inspections
- FHWA Division Office's recommendations

## Length of Time to Develop Application

- Detailed Inspection: 6 to 10 week period
- Windshield Surveys: 2 to 3 week period

## Division Administrator's Finding

- Notifies the State of the approval of ER funds
- Requests the FHWA Headquarters Office to allocate ER funds



# Method 2: Quick Release

## Preliminary Steps

- State's letter of intent and request for an ER finding may be combined into a single document.

## Disaster Assessment

- Few on-site damage surveys
- Based on credible media reports or aerial surveys done by the State

## ER Funding Application

- State requests ER funding based on their preliminary assessment
- FHWA Division Office request for an initial allocation of ER funds to Headquarters

## Length of Time to Develop Application

- 1 to 2 day period

## Division Administrator's Finding

- Notifies the State of the Approval of ER Funds
- Requests the FHWA Headquarters Office to Allocate ER Funds

