

Lesson-3

Chapter II (pp. 2-19)

Eligibility of Damage Repair Work

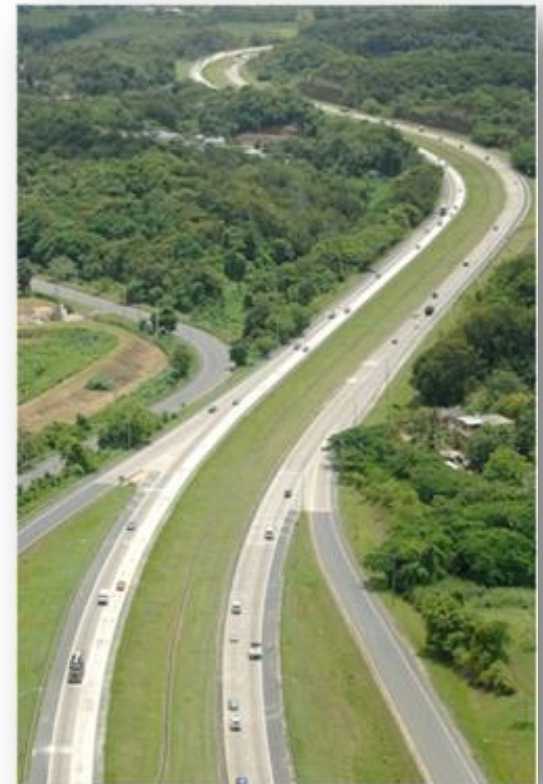


Eligible Roadways

- In general roadways and bridges that are on a Federal-aid highway
- Federal Aid Highways
 - Defined in 23 U.S.C. section 101
 - No local road or rural minor collector.
- All repair work falls under two major categories:

Emergency Repairs

Permanent Repairs.



Eligible Items

1. Engineering and Right-of-Way

- P/E and C/E, and
- R/W costs associated with the ER event.

2. Indirect Costs

- Assessment of damage, general supervision, project planning, scheduling and others.
- Develop an indirect cost rate. Requires FHWA review and approval.

3. Detours

Subject to
FHWA review
and approval

Relieve excess
traffic directly
attributable to the
eligible disaster.

May include additional
traffic control, necessary
overlays, and required
widening needed to
support the excess
traffic.

Temporary ferry
service as an
alternate route.

Repair of
surface
damage to a
designated
detour.

4. Traffic Damage (Surface Repairs)

- Roads aggravated by saturated subgrade conditions, or by inundation, is not eligible for ER funds.
- There are 3 eligible exceptions for surface repairs:

Any Public Roads

- Damages caused by vehicles making repairs to Federal-aid highways

Any Public Roads

- Damages caused by traffic using the officially designated detour

Any Federal-aid highways

- Damages caused by vehicles responding to a disaster

Limited to surface damage that has occurred during the first 60 days after a disaster event.

5. Overlays

- Where entire sections of roadways are damaged and need to be reconstructed, new surfacing is eligible.
- Intermittent but close-by sites that need to have the surfacing repaired, is eligible.
- Submerged roads during the flooding, that have not suffered significant damage are not eligible.



6. Raising Grades

a. Traditional Flooding

Temporary work to raise roadway grades to maintain essential traffic service during flooding is eligible.

b. Basin Flooding

Large depression with no natural drainage. Raising the grade may be considered eligible if the work is restorative rather than preventive, and causes a long term loss of use of a critical federal-aid route.

7. Slides

- The removal of rock and mud slides is eligible.
- Stabilizing slide areas to protect a facility from future damage is an eligible betterment, only if the repairs are cost effective.
- Relocation of road is an eligible betterment, only if the cost is justified and approved by FHWA.



8. Work on Active Construction Projects

- Contractors shall protect all Federal-aid projects from damage.
- Generally, project elements that are in place and accepted by the State prior to the disaster would be eligible for ER funding.
- Damages to materials stockpiles and contractor equipment are not eligible for ER funding.



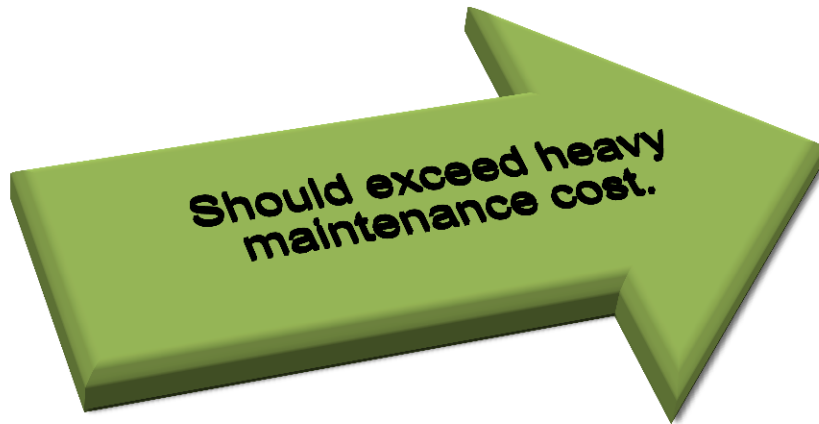
9. Toll Facilities

- ER funds may participate in repair of federal-aid toll facilities when the provisions of *Section 129 of Title 23, U.S.C. are met. Loss of toll revenue is not eligible for reimbursement.

***Note:** Section 1512(a) of MAP-21 replaces provides a complete replacement for the statutory language of 23 U.S.C. 129(a).

10. Traffic Control Devices

- ER funds can participate in the cost of the repair or replacement of traffic control devices



11. Landscaping

- Replacement of damaged highway landscaping is eligible if it represents incidental cost associated with otherwise eligible damage.
- The eligibility of erosion control and hydro-seeding outside the right-of-way should be economically justified.

12. Roadside Appurtenances (Accessories)

- The repair or necessary replacement of damaged or destroyed guardrail, bridge rail, impact attenuators, right-of-way fences, etc., is eligible.
- Should be extensive damages and not limited to a few isolated cases.



13. Timber and Debris Removal

- Debris removal from Stafford Act disasters funded by FEMA (MAP-21)
- Considered Emergency Repair Work



- Stockpiling and deposing to adjacent site is eligible.
- Hauling cost beyond proximity is not eligible.

14. Transportation System Management (TSM) Strategies

- TSM strategies to monitor, control and restore traffic during and after a disaster are eligible for ER reimbursement.
- ER funds are eligible to provide emergency traffic management services by police during and following a disaster under the following conditions:

1) the service is on a federal-aid route, and is directly related to the disaster

2) the reimbursement is for added costs above and beyond costs related to normal day-to-day responsibilities

15. NEPA Process

- Repair projects under the ER Program must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969.
- Emergency Repair components of work are normally classified as categorical exclusions under 23 CFR 771.117(c)(9).
- Permanent Restoration repairs, especially betterments or work in new locations, must go through the standard environmental processes.

16. Outside of the Highway Right of Way

- Generally, work done outside the R/W is not eligible for ER funding. The exceptions are:

1) the work is directly related to the protection of the highway facility,

2) the work is not eligible for funds from any other agency,

3) no other agency has the responsibility for the work, and

4) the applicant agrees to accept the future maintenance of all work performed.

17. Administrative Expenses

Regular and
Extra
Employees

- Regular salaries and overtime wages for all regular and extra employees.

Payroll
Additives

- Labor surcharges, over and above the total direct labor costs.

18. Supplies and Material

- Engineering and general office supplies, of an expendable nature are eligible for reimbursement.

19. Equipment

- Equipment which is necessary for the prosecution of work properly authorized under an ER project, is eligible for participation. Rental rates should be developed by the State.

20. Catastrophic Failure from an External Cause

- A catastrophic failure from an external cause is an eligible ER expense.

21. Work performed by National Guard

- Under MAP-21 this is now eligible.
- Must be done under the agency's direct control.
- Segregated from other National Guard efforts.



22. Protection for Public Safety & Roadways

- MAP-21 allows up to 5% of the ER authorization to be used for projects that the Secretary determines are necessary to protect the public safety or to maintain or protect roadways (Further guidance will be provided)

Ineligible Items

1. Heavy Maintenance

- Minimum of \$5,000 per location.

2. Traffic Damage

- Repair of surface damage that doesn't meet the three criteria defined in eligible items.

3. Erosion Damage

- Due primarily or wholly to rainfall, saturation of slopes and embankments, rather than from floodwaters, is not eligible.

Ineligible Items

4. Prior Scheduled Work

If scheduled for repair or replacement (STIP)

5. Emergency Transportation Services

Emergency/Medical transportation services, such as ambulances or helicopters

6. Preventive Work

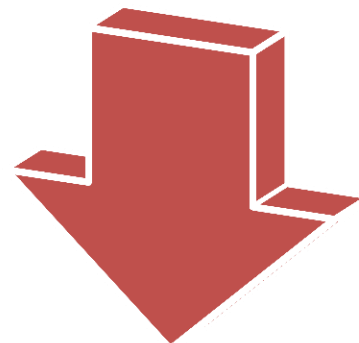
Preventive work to avoid damage to a highway facility in anticipation of a disaster

Ineligible Items

7. Betterments

- Added features or changes in capacity or character (including relocation) to a facility from its pre-disaster condition.
- Economic justification must weigh the cost of the betterment for eligibility. **All betterments MUST have FHWA approval**

Quiz



Eligible?



Ineligible
Work?



Is this Eligible Work?

- No
- Work by Convict Labor is not eligible



Is this Eligible Work?



No! Heavy Maintenance!!!

Is it Eligible?

Yes!

1st Pass Debris Piles
created from 1st Push efforts



IS IT ELIGIBLE?

NOPE!

