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## Federal-aid Program Overview Emergency Relief (ER) Emergency versus Permanent Repairs

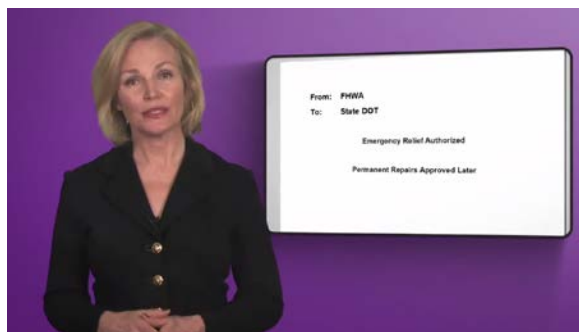
[www.fhwa.dot.gov/federal-aidessentials](http://www.fhwa.dot.gov/federal-aidessentials)

*When applying for ER funds, agencies must identify which projects are emergency repairs and which involve permanent restoration*



When disaster strikes, the Federal Highway Administration's (FHWA's) Emergency Relief, or ER program, can help fund repairs to roads bridges and other infrastructure eligible for Federal-aid. Your State department of transportation, or DOT, will guide the ER efforts with support from the FHWA division office.

The ER program has two parts covering emergency repairs and permanent repairs. Understanding the differences is crucial to receiving the appropriate reimbursement of funds.



ER funding applies only to the parts of the facility damaged by the disaster. FHWA's initial acknowledgement letter generally authorizes only emergency repairs, with approval for permanent repairs coming later. The DOT categorizes the emergency and permanent repairs in the ER program of projects submitted for FHWA approval after immediate work has

already begun. The program of projects includes documented damages and estimates for each repair site on the Detailed Damage Inspection Report form, or DDIR. The FHWA authorizes funding for all eligible and documented repairs at this time, including for emergency work already completed.



Here's a quick overview of key requirements and guidance for emergency repairs. Emergency repairs are to restore essential traffic, minimize the extent of damage, or protect remaining facilities.

The DOT and local agencies should begin emergency repairs right away while the DOT is also requesting ER program funding from FHWA.

Engineering is not typically needed for the construction of emergency repairs. The State DOT determines the best approach to

accomplish emergency repairs, whether it's a negotiated contract, using an agency's own forces, or using a standard bid and contract.



Agencies should make emergency repairs in ways that reduce follow-up permanent repairs. When immediate permanent work is the most economical, it can be done along with the emergency repairs. An example would be replacing a bridge where providing a temporary bridge or detour would be costly and time-consuming. Damage assessments on the DDIRs need to provide solid justification for this situation.



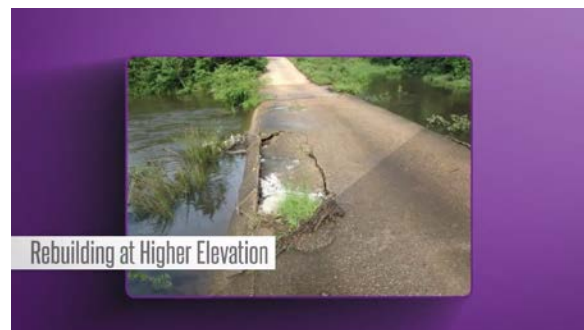
For emergency repairs, States receive 100 percent reimbursement during the first 180 days after the disaster.



Here's a quick overview of the key requirements and guidance for permanent repairs.



Permanent repairs are meant to restore a highway facility to its pre-disaster condition. This can cover repairs that bring a facility to current standards and requirements, known as a comparable facility.



A betterment is a common ER term that comes into play when the damaged infrastructure cannot be restored to its pre-disaster condition. Examples of measurements would be rebuilding roadways at higher elevations, or raising a bridge. Betterments might also include adding features not present before the disaster, such as more lanes, upgraded pavements or structures. Agencies must justify betterments by demonstrating a savings to the ER program over time, such as reducing the need of future repairs.

Permanent repairs completed separately from emergency repairs must be awarded through free open and competitive bidding, unless the DOT demonstrates another method is more cost-effective. Contracting techniques such as cost plus time bidding, shortening the list of

qualified contractors, using abbreviated plans, and shortened advertisement periods for bids can expedite construction.



Reimbursement for permanent repairs, even those done along with the emergency repair work, is at the normal Federal share for the type of facility, which is typically 80-90 percent.



Classifying the type of repair correctly often determines whether the States receive funding. Examples of eligible emergency work include controlling traffic, constructing detours, and providing ferry or transit service. The removal of debris and slides is eligible, although Federal Emergency Management Agency or FEMA funds may cover this. Emergency repairs might also include placing materials at washouts to prevent further damage, regrading roadways, or placing final surfaces may be eligible if needed to restore essential traffic.

As part of eligible permanent repairs, agencies can replace bridges, build retaining structures, and relocate roadways. Agencies can also add protective measures and repair other facilities such as rest areas.



To illustrate the difference between emergency and permanent repairs, let's look at a flood event that caused damage to the Auburn River bridge.



The bridge was closed to traffic after inspectors raised concerns that erosion had undermined the foundation. The city provided a temporary ferry service as an emergency measure while permanent repairs were underway.



As part of the permanent repairs, workers added materials to prevent further erosion, and additional support around the foundation for structural integrity. The city had requested a better method to move the foundation out of the river, but it was determined that this was not cost-effective in the long run. However,

because standards had changed since the bridge was built, the new support was designed to the current requirements.



The emergency repairs were completed in the first 180 days and reimbursed at 100 percent, while the permanent repairs were paid back at the appropriate Federal share, which was 80 percent for this case.



Knowing the difference between emergency and permanent repairs allows the DOTs and local agencies to apply for and use ER program funds effectively.

To learn more about the Emergency Relief Program, watch the other ER modules in this series. In addition, ER policies and procedures, such as the quick-release application, can change to meet the demands of emergency relief support, so please contact your State department of transportation and FHWA division office for the latest information.

### Additional Resources

- FHWA's Emergency Relief Program Web site  
<http://www.fhwa.dot.gov/programadmin/erelief.cfm>
- FHWA Order 5182.1 - Emergency Relief Program responsibilities  
<http://www.fhwa.dot.gov/legsregs/directives/orders/51821.cfm>
- FHWA's Emergency Relief Manual  
<http://www.fhwa.dot.gov/reports/erm/er.pdf>
- Emergency Relief questions and answers related to MAP-21  
<http://www.fhwa.dot.gov/map21/qandas/qaer.cfm>
- FHWA's Web site covering Emergency Relief for Federally Owned Roads (ERFO)  
<http://www.efl.fhwa.dot.gov/programs/erfo.aspx>
- FHWA's Contract Administration Core Curriculum providing an overview of Federal contracting requirements  
<http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>
- FEMA's policy and guidance covering public assistance  
<http://www.fema.gov/public-assistance-policy-and-guidance>
- FEMA facts sheet on debris removal on Federal-aid Highways  
<http://www.fema.gov/media-library/assets/documents/29617?id=6640>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This Companion Resource is the script content for the video production of the same name.