

# Emergency Relief (ER)

The ER program is intended to provide funding to help with repairs on Federal-Aid eligible routes necessary due to a declared natural disaster or catastrophic failure from an external cause. The funding is available for federal aid routes that are not classified as local roads or rural minor collectors. In general, there needs to be a **minimum of \$700,000** estimated in total damage for the entire geographical area affected by the disaster for routes to be eligible for this program.

The FHWA Emergency Relief Manual (found at: <http://www.fhwa.dot.gov/reports/erm/er.pdf>) is the main reference document for the ER program.

KDOT and LPAs are empowered to begin emergency repairs immediately to restore essential traffic service and to prevent further damage to Federal-aid highway facilities. Properly documented eligible expenses will later be reimbursed based on availability of funding after the FHWA Division Administrator makes a finding that the disaster is eligible for ER funds.

When KDOT learns of a disaster event, efforts will be made to estimate the amount of damage that has occurred. To be eligible to utilize the ER program, \$700,000 in wide-spread damages to the state and local federal-aid road system need to be estimated. KDOT BLP will send a notification to affected LPAs asking for damage information (specific GPS location, map, preliminary estimate, photos, etc.) on any eligible routes. BLP Project Managers will coordinate with LPAs to develop a list of possible sites to be funded. Individual locations should have a minimum of \$5,000 in estimated repair/replacement costs to be eligible.

The LPA should:

1. Review the Federal ER Manual.
2. Maintain records for any work performed at affected sites and include a separate file for each location which includes, but is not limited to:
  - i. timesheets
  - ii. equipment sheets
  - iii. material receipts
  - iv. pictures.
3. Create a summary spreadsheet with daily individual expenses separated by site.

The intent of emergency repairs is to permit the immediate performance of work to restore essential traffic that cannot wait for a finding of eligibility and programming of a project. Emergency repair work should be accomplished in a manner that will reduce additional work required for permanent repairs. Emergency repairs are eligible for reimbursement at **100% of costs for the first 180 days after the disaster**. Permanent repairs are reimbursed 80% by the FHWA. Permanent restoration work not performed in conjunction with emergency repairs will be administered as a Federal Aid Highway Project.

# ER Questions and Answers

1. What is the process?
  - a. KDOT will send a “letter of intent” to the FHWA to give notice that we plan to request ER funds; the FHWA will acknowledge the letter and begin the disaster assessment; the disaster assessment will be conducted on site with the County, KDOT, and FHWA. Information from the County regarding the location of the damage is necessary before the disaster assessment can be scheduled.
  
2. What information do Counties need to submit?
  - a. A rough estimate (or more detailed, if available) of the damage and the specific site location (on an RS route). If you are unsure of which routes are eligible, this link will take you to a map for your county. RS routes are major collectors shown in purple.  
<http://www.ksdot.org/bureaus/burtransplan/maps/CountyFunClass.asp>
  
3. How are these ER funds different from FEMA funds?
  - a. These Emergency Relief funds are only for the repair or reconstruction of Federal-aid highways (RS routes/county major collectors) that suffered serious damage from natural disasters. FEMA does not cover these routes. However, FEMA may pay for debris removal; in that case, ER funds could not be also used for debris removal.
  
4. What documentation should Counties keep?
  - a. Photographs (before and after the event and any repairs, if available), time and materials spent at the site.
  
5. What is the federal share on ER projects?
  - a. For emergency repair, 100% of costs are eligible for reimbursement; this is the work to get the road open to traffic, not the permanent repair; this work must take place within the first 180 days following an event. Permanent repairs are at the normal federal share of 80%. All phases of a project are allowable

(preliminary engineering, right of way, utilities, construction, and construction engineering).

6. Do we have to put back what was there?
  - a. In general, yes. Betterments such as raising or relocating a roadway may be allowed to prevent future disasters but need to be discussed on a case-by-case basis. The new work does need to meet current standards. So, if the current hydraulic calculations require a larger pipe or longer guardrail, etc., those types of improvements are not considered betterments and would be eligible.
7. Is traffic damage due to detoured traffic eligible?
  - a. If the RS route is the officially designated detour around a damaged federal-aid highway, ER funds may participate in repair of surface damage.
8. How much damage must a site have to be eligible?
  - a. \$5,000 per site; this dollar threshold criterion is used to distinguish repairs that are maintenance activities from an ER program responsibility.
9. May locations be combined into one "site"?
  - a. No, each location is a site to meet the minimum damage requirement of \$5,000. Generally, a site is an individual location where damage has occurred. However, there are some exceptions to this rule. Questions may be discussed with KDOT and FHWA. Several sites may be combined into one project for permanent repairs.
10. Is replacement of gravel shoulders an eligible expense?
  - a. It depends on the extent. If it is greater than \$5,000, we will look at these on a case by case basis. ER is not intended to cover heavy maintenance and heavy maintenance includes "work necessary to repair minor damage due to eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, and slip-outs in cut or fill slopes."