



U.S. Department of Transportation
Federal Highway Administration
Office of Infrastructure

Emergency Relief Program

U.S. Territorial Peer Exchange
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ER Program Background

- Authorized by Congress in 23 U.S.C., section 125
- Repair or reconstruction of Federal-aid highways and roads on Federal lands damaged by:
 - Natural disasters
 - Catastrophic failures from an external cause

Federal-aid Highway

- Public highways **other than** those functionally classified as:
 - a) Local Road
 - b) Rural Minor Collector
- Non Federal-aid highways may have received other Federal-aid, but are **not eligible** for ER

Purpose of Program

- Restore to pre-disaster conditions
- Replacement-in-kind
- Cost limited to comparable facility
- Current geometric/construction standards
- Type and volume of traffic over design life
- Territories are expected to prepare for certain recurring weather patterns

Natural Disasters

- Storms and Flooding
- Hurricanes/Typhoons
- Earthquakes/Volcanoes
- Tornadoes
- Tidal Waves/Tsunamis
- Landslides
- Wildfires

Catastrophic Failure from an External Cause

- Sudden or complete failure of highway
- Disastrous impact on transportation
- Cause must be external
 - Barge striking a bridge pier
 - Truck crash and fire
- Territory must pursue recovery of insurance settlements, when applicable
 - Recovered funds must reimburse project costs
 - ER Regulation: 23 CFR 668.105(e) and (f)

General Requirements

- Disaster Declaration
 - Governor's Declaration or
 - Presidential declaration of a major disaster (Stafford Act)
- Federal-aid highway or Federal Lands roadway
- Event Threshold = \$700,000
- Site Threshold = \$5,000

Limit on Annual ER Obligations

- Annual ER obligations in the Territories – except Puerto Rico - are limited to \$20 million per fiscal year, combined (23 U.S.C. 125(d)(4))
 - Waived for FY 2018 and FY 2019 in Bipartisan Budget Act of 2018
- No annual ER obligation cap in Puerto Rico

Two Categories of Repair

- Emergency Repairs
 - Restore essential traffic, minimize the extent of damage, or protect the remaining facilities
- Permanent Repairs
 - Restore highway to pre-disaster conditions

Federal Share

- American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands
 - All ER eligible at 100%
- Puerto Rico - eligible at 100% for...
 - Hurricanes Irma and Maria
 - Emergency repairs within 180 days
 - Time may be extended if a State cannot access a site to evaluate damages
 - Federal land transportation facilities, other Federally owned roads open to public travel, and tribal transportation facilities

Federal Share

- Puerto Rico - eligible at normal pro-rata share for ...
 - Emergency repairs beyond 180 days (without an extension granted)
 - Permanent repairs (even within 180 days)

Eligible Items

- Damaged highway elements
- Engineering and right-of-way
- Designated detours
- Traffic control
- Some landscaping (incidental costs)
- Roadside appurtenances
- Some debris removal

Ineligible Items

- Mitigation/ preventive work prior to a disaster
- Evacuation costs
- Catastrophic failure from an internal cause

Debris Removal

- Governor's Proclamation Only
 - FHWA handles debris on Federal-aid highways
 - Only debris deposited by disaster
- Stafford Act Only
 - FEMA handles debris on all affected highways per their Public Assistance Program, including Federal-aid highways
- Both Stafford Act and Governor's Proclamation
 - Locations in Presidential Declaration
 - FEMA handles all affected highways
 - Locations only in Governor's Proclamation
 - FHWA handles Federal-aid highways

ER Process

- Restore essential service
- Disaster declaration
- Letter of intent
- FHWA Acknowledgement letter
- Damage assessments
- FHWA Division Administrator's finding
- Request funds from HQ

Requesting ER Funds

- Quick release process
 - Appropriate for immediate needs for large disasters
 - “Down payment” on known larger needs
- Standard ER request process
 - Generally twice each fiscal year
 - Depends on availability of funds
 - Keep FHWA informed of current needs

ER Application

- Must be submitted within two calendar years from the date of the event
- Must include a comprehensive list of all eligible sites and repair costs
- Required before obligation of ER funds

Funds Available

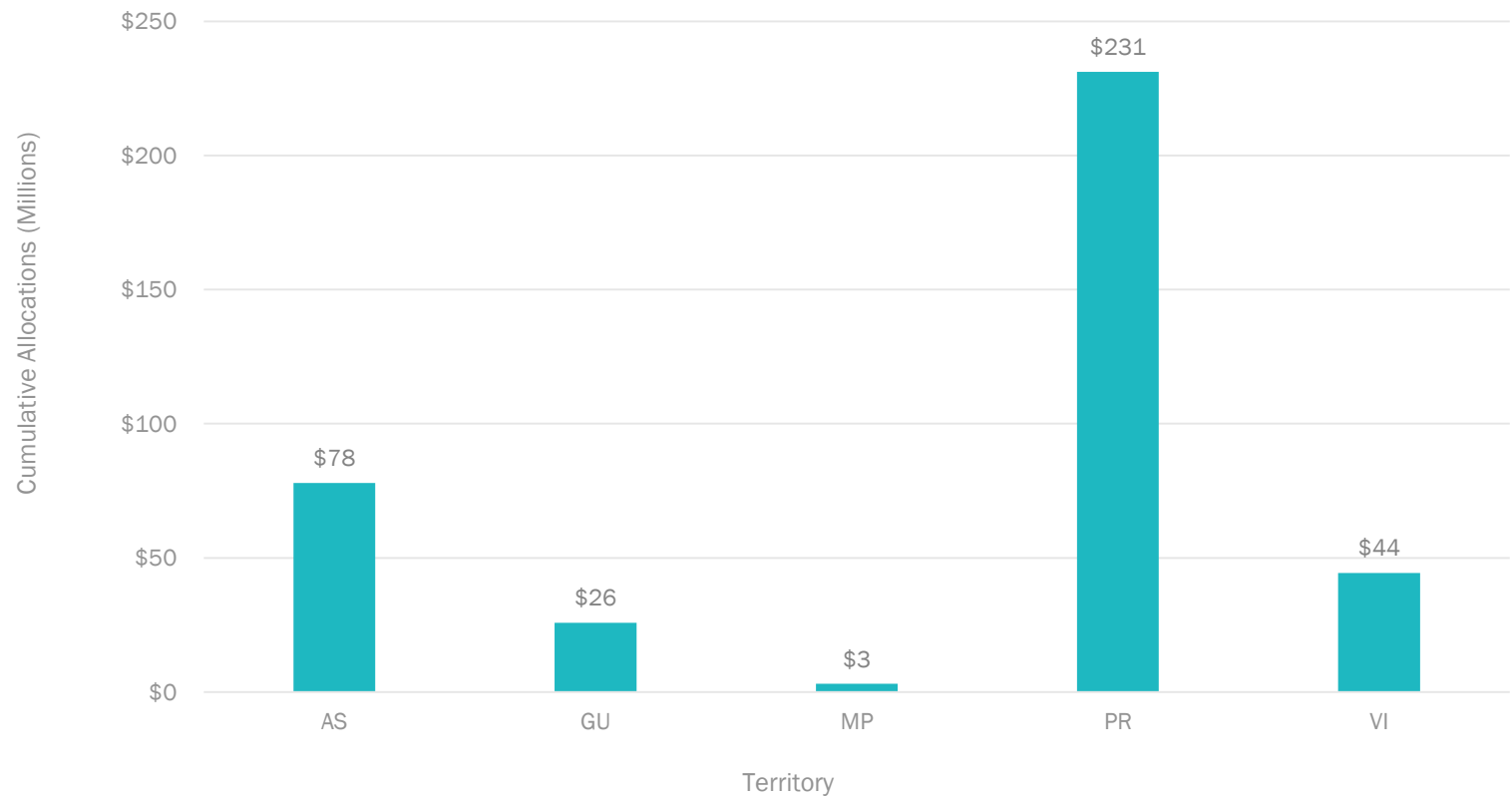
- Annual Authorization of \$100 million
- Supplemental Appropriations provided by Congress
- Unneeded funds withdrawn from States and Territories to be redistributed

Territorial ER Event Allocations

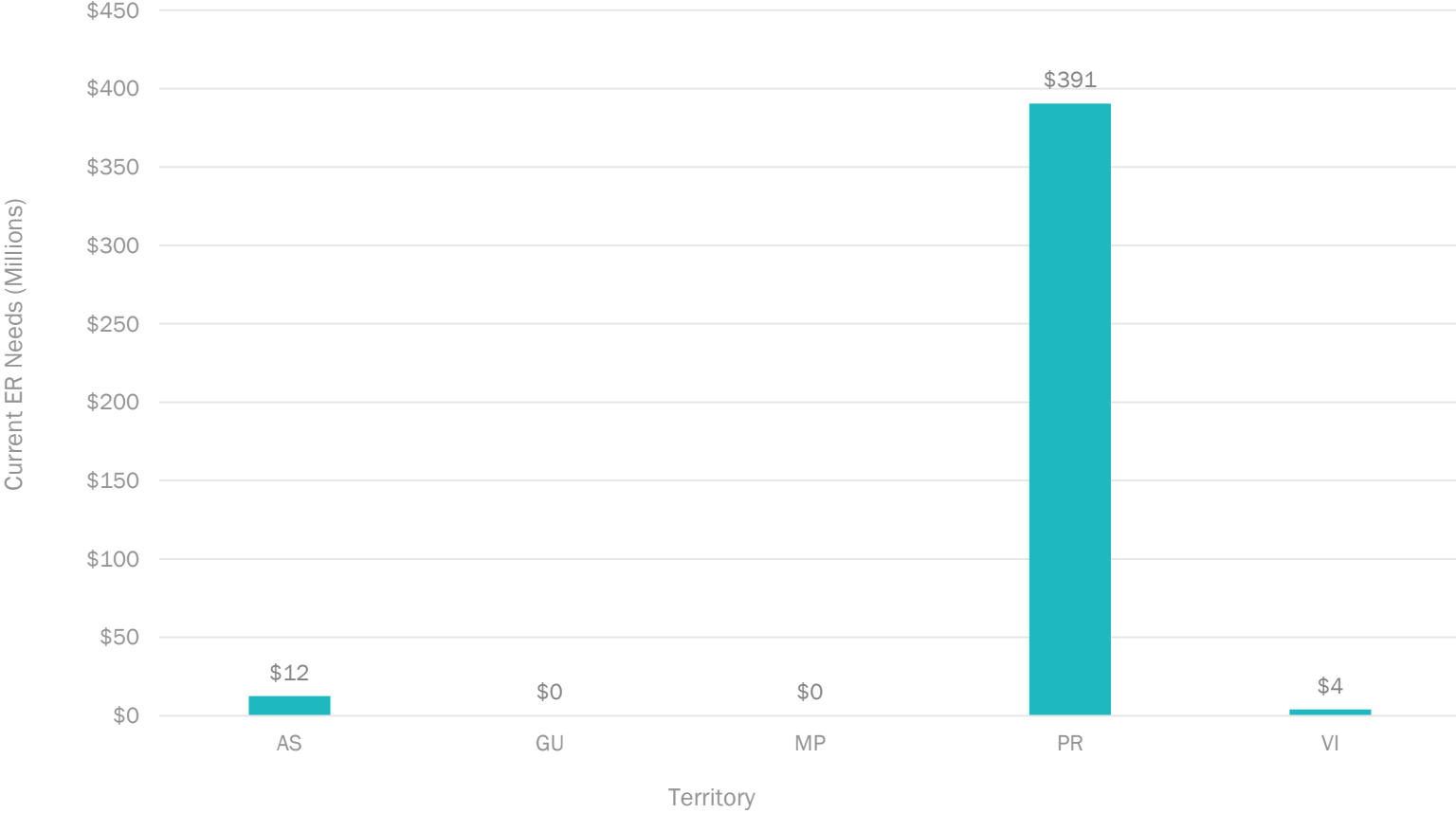
- American Samoa
 - September 29, 2009 tsunami (\$43 million)
- Guam
 - June 27, 2004 Tropical Storm Ting-Ting (\$600,000)
- Northern Mariana Islands
 - August 2015 Typhoon Soudelor (\$900,000)
- Puerto Rico
 - September 2017 Hurricanes Irma and Maria (\$150 million)
- Virgin Islands
 - September 2017 Hurricanes Irma and Maria (\$38 million)

Territorial ER Allocation Summary

Since FY 2002



Outstanding ER Needs



Resources

- Program Statute: 23 U.S.C. 125
- Federal Share Statute: 23 U.S.C. 120(e)
- Regulation: 23 CFR 668
- ER Order 5182.2 (Feb 2016)
<https://www.fhwa.dot.gov/legsregs/directives/orders/51821.cfm>
- Policy: ER Manual (May 2013)
<http://www.fhwa.dot.gov/reports/erm/er.pdf>
- ER Program Website
<https://www.fhwa.dot.gov/programadmin/erelief.cfm>

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