

FHWA Emergency Relief (ER) Program for Roads & Bridges

The Federal Highway Administrations (FHWA) ER Program is for the repair or reconstruction of Federal-aid (FA) highways which have suffered serious damage as a result of either natural disasters or catastrophic failures from an external cause. In ND this typically results from excessive spring runoff across the state.

Federal, State, and Local agencies all assist in different capacities to help during emergency events. The North Dakota Department of Transportation (NDDOT), North Dakota Division of Emergency Services (NDDDES), and Local Public Agencies (LPA) are responsible for keeping our roads and bridges open and safe. FHWA and the Federal Emergency Management Agency (FEMA) provide funding and other assistance during and after the emergency event.



The FHWA ER program applies only to FA highways. Damage to non FA routes may be eligible under FEMA and are managed by NDDDES.

The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Failures due to an inherent flaw in the facility itself do not qualify for ER assistance.

Funding for repair of flooding damage to federal aid routes

The North Dakota Department of Transportation (NDDOT) manages the ER program. The ER program provides funding to repair damage to roads and bridges on the Federal Aid System. As an example, the Federal Aid System encompasses the Interstate, State Highways, Urban Collectors, and County Major Collectors. If a road is eligible to receive federal funds, then the ER program may provide funding for repairs if certain criteria are met. The ER program does not provide funding to non-federal aid local roads such as local city streets, local county roads, or township roads. Maps showing which routes are on the federal aid system can be found on the NDDOT website at:

<https://www.dot.nd.gov/construction-and-planning/nddot-maps/county-urban-traffic-maps>

Funding for repair of flooding damage to non-federal aid routes

Any federal assistance programs for non-federal aid routes are administered by FEMA and are managed by the NDDDES. For damages on non-federal local roads, such as local city streets, local county roads, or township roads please contact your local County Emergency Manager to report this damage. County emergency contact information can be found on the DES website at:

<https://www.fhwa.dot.gov/programadmin/erelief.cfm>

How does a Federal Aid route qualify for ER funding?

The federal share of the total cost of all work required to repair damages for eligible ER sites must be greater than \$700,000 to qualify as an ER event. Events can be classified as either traditional damage, which in ND is typically caused by flowing water washing out roads, culverts or bridges, or as basin damage, which in ND is typically caused by confined basin flooding that inundates roadways. Each individual site must have more than \$5,000 in damage to be eligible, any lesser damage is considered heavy maintenance and is not eligible under the ER program.

There are two categories of ER repair

- Emergency Repair is work that occurs during and immediately following a disaster to restore essential traffic, minimize the extent of damage, or to protect remaining facilities
- Permanent Restoration work typically occurs after Emergency Repairs have been completed and is intended to restore the roadway to pre-disaster conditions

An example of the emergency repairs would be replacing a washed out culvert on a critical state or local FA route with a temporary culvert to reopen the road to traffic.

An example of the permanent restoration of the site would be removing the emergency culvert, replacing it with a culvert designed to meet the hydraulic requirements of the site and restoring the roadway cross section to pre-disaster conditions.

How does the Local Public Agency (LPA) pay for repair costs on Federal Aid routes?

Once a road project has been determined as qualifying for ER funds, the local entity will pay all costs as they are incurred for the Emergency Repair work and then will need to submit the costs for reimbursement. Permanent restoration work must not be completed until FHWA ER funding is secure and must follow the NDDOT and FHWA project development and bidding guidelines for federal aid projects.

Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent Federal share. The 180 day time period for 100 percent eligibility of emergency repairs may be extended if a State cannot access a site to evaluate damages and the cost of repair. Repairs after the 180 days are reimbursable at the federal pro-rata share:

- Interstate Highways: 90% federal 10 % local/state
- Indian Reservation Roads (IRR): 100% federal
- All other federal aid routes: 80.93% federal 19.07% local/state

When does an ER Event Start?

The start date for the disaster event is listed in the letter of intent from the NDDOT to FHWA. The start date can be:

- Date of disaster occurrence
- Date of Presidential or Gubernatorial Disaster Declaration
- Other date specified in letter of intent with NDDOT justification and FHWA approval

When can repair work begin on Federal Aid routes?

Emergency Repair work may be done immediately upon discovery of damage. However, any work done before the start date of the disaster is not eligible for ER funds. Detailed records must be kept of dates, costs incurred, and photographs before and after repair. Permitting agencies should be contacted prior to work if possible. If a site qualifies for ER, the records kept will be needed to get reimbursement.

Permanent Restoration work must not be completed until FHWA ER funding is secure and must follow the NDDOT and FHWA project development, bidding, and construction specification and guidelines for federal aid projects.

What is the sequence of events for an ER Event?

1. The Disaster occurs
 - a. Emergency repairs can begin
2. LPA and NDDOT begin site documentation
 - a. Including photos, timesheets, expenses, contracts, etc.
3. Emergency is Declared by President or Governor
 - a. If an Emergency Declaration does not occur, no costs will be reimbursable through the ER program
4. NDDOT sends Notice of Intent to FHWA ND Division Office requesting FHWA ER Funds to assist in the cost of repairing the damage
5. FHWA ND Division Office sends Letter of Acknowledgement
6. Inspections of each damage site are performed by NDDOT, FHWA, and LPA staff to assess damage and site eligibility
7. NDDOT or LPA completes a Detailed Damage Inspection Report (DDIR) for each site
8. State submits DDIRs to FHWA for review and approval
9. NDDOT submits ER Program of Projects and requests ER funds
10. FHWA Division Administrator reviews NDDOT request and submits request to FHWA HQ for fund allocation
11. FHWA Headquarters allocates funds
12. ER permanent restoration projects are programmed, designed, and constructed

Where can I find more information?

Additional information on the FHWA ER program and how it is implemented in ND can be found in:

- [FHWA ER Manual](https://www.fhwa.dot.gov/reports/erm/er.pdf) <https://www.fhwa.dot.gov/reports/erm/er.pdf>
- [NDDOT ER Manual](https://www.dot.nd.gov/divisions/localgov/docs/ddir/ER-Manual.pdf) <https://www.dot.nd.gov/divisions/localgov/docs/ddir/ER-Manual.pdf>