LOCAL AGENCY 23 CFR 667 CERTIFICATION & THE FTIP/FSTIP PROJECT LISTING

Overview [23 CFR 667.1]

All federally funded projects must comply with 23 CFR 667 *Periodic Evaluation of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events*. This directs agencies with fed-aid projects, to evaluate projects at locations of repeated disaster damage and consider possible alternatives that address the root cause of the repeated damage. Local agencies have two forms to help them document these efforts, which are the 23 CFR 667 Resiliency Certification form and the 23 CFR 667 Resiliency Worksheet.

Statewide Assessment [23 CFR 667.7 and 23 CFR 667.9(a)]

The Division of Local Assistance (DLA) shall complete a statewide assessment of repeated disaster damage locations on local agency federal aid roads and bridges. The assessment shall include data from disaster events beginning Jan. 1st, 1997, to today. The assessment shall be updated after every disaster event, to identify new locations of repeated disaster damage. A comprehensive update of the assessment shall be made a minimum of once every four years by DLA. The assessment shall also consider projects that mitigate, resolve, or partially resolve the root cause of the damage at a repeated disaster location. Locations that have subsequent projects that are considered to have resolved the root cause of the damage may be removed from the assessment.

The unresolved locations of repeated disaster damage, identified during the assessment, shall be posted by DLA to the *Sites of Repeated Disaster Damage (SORDD)* table, on the DLA web page. The SORDD Table shall reflect the latest assessment.

Local Agencies, MPOs, RTPAs and other planning organization should consult to the list during their planning, programming, and project development work to determine if the site of their proposed project has any locations of repeated disaster damage. These locations should be considered for possible projects adjustments or new projects implementing one or more resiliency improvements addressing the underlying cause of the repeated disaster damage.

During Planning Stage [23 CFR 667.3]

Optimally, the evaluation should be completed during the planning stage of the project, prior to the programming of the project into the FTIP/FSTIP. MPOs and RTPAs shall consider the Sites Of Repeated Disaster Damage (SORDD) listed locations and information from the completed project 23 CFR 667 Resiliency Certification when developing projects on the federal aid system. The MPOs, RTPAs, and other planning organizations should include consideration of evaluations as they develop transportation plans and programs, including TIPS and STIPs, as well as during environmental review for projects.

During Preliminary Engineering [23 CFR 667.3]

Alternatively, in cases where the planning stage was skipped, or too brief to adequately evaluate and consider project 23 CFR 667 resiliency, the 23 CFR 667 resiliency evaluation may take place during the project Preliminary Engineering (PE) phase. In such cases, the project PE phase may be programmed in the FTIP/FSTIP, but the Right-of-Way (RW) and the Construction (CON) phases of work shall not be programmed in the FTIP/FSTIP until the 23 CFR 667 Resiliency Certification process is completed. PE authorization allows the 23 CFR 667 Resiliency Certification work to occur concurrently with the development of the NEPA document review of alternatives and selection of the preferred alternative.

Authorization of RW and CON [23 CFR 667.3]

Prior to obligating the Right-of-Way phase or the Construction phase of work for a federally funded project, a completed 23 CFR 667 Resiliency Certification shall be required. Therefore, for projects requesting authorization of RW and CON funds, the 23 CFR 667 Resiliency Certification and, if applicable, the attached 23 CFR 667 Resiliency Worksheet, shall be a required as part of the Request for Authorization (RFA) submittal package.

Scope Changes

Should there be a change in the project scope at any time that requires the reopening of the NEPA process and consideration of alternatives, a new 23 CFR 667 Resiliency review will be required for the new consideration of alternatives, to be completed concurrently with the completion of the renewed or revised NEPA document.

Implementation [23 CFR 667.7(b)]

A phased in approach will be used to implement the program. A completed 23 CFR 667 Resiliency Certification will be required for all new projects and new FTIP/FSTIP programming of new RW and CON/CE phases of work. Program implementation for local agency projects is estimated to begin on October 28, 2022. Implementation may be delayed for a short period of time (est. a couple of weeks), if needed, to allow time for instruction and education of the new process and procedure to the 600+ local agencies, MPOs, RTPAs, and other FHWA federal-aid partners.

Exemptions [23 CFR 667.3]

The 23 CFR 667 *Periodic Evaluation of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events*, applies to ALL projects on the local agency federal aid roads, minus exempt projects. Exempt projects are projects located on Tribe owned roads and bridges, and Federal owned roads and bridges. Emergency repairs (a.k.a. Emergency Opening, EO) work on Emergency Relief projects are also exempt from this requirement. The Permanent Repairs (a.k.a. PR) on Emergency Relief projects are not exempt and shall comply with 23 CFR 667 requirements described in the above sections.