



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

March 14, 2017

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In Reply Refer To:  
HDA-CA

Mr. Malcolm Dougherty  
Director  
California Department of Transportation  
P.O. Box 942873  
Sacramento, CA 94273-0001

Attention: Mr. Fardad Falakfarsa, Chief, Office of Federal Resources

**SUBJECT:** Emergency Relief (ER) Program – Statewide Approval of Permanent Repairs  
under Caltrans' Emergency Opening (EO) Procedures

Dear Mr. Dougherty:

Due to the severe winter storms that have affected California over the last three months, and in order to accelerate restoration efforts, the Federal Highway Administration (FHWA) hereby grants statewide approval of permanent repairs that are most practical if completed using Caltrans' EO procedures to restore federal aid highway facilities. This approval applies to projects resulting from Disaster Events CA 17-1 and CA 17-2, and its applicability is retroactive to December 9, 2016 and January 3, 2017 respectively. Other disaster events are not covered under this statewide approval.

With this action, ER projects meeting the requirements outlined in this letter are authorized to proceed with the necessary permanent repairs in accordance with Caltrans' EO procedures. The permanent repairs must occur within the existing right-of-way and either of the following two conditions must also be met:

1. Immediate completion of permanent repairs is the most economical option to restore essential traffic; or,
2. Permanent repairs are the only practical alternative to restore essential traffic when a detour that can safely accommodate essential traffic does not exist.

The applicable condition must be certified by the full-time public employee accountable for the project ("responsible charge"); that is, if on the state highway system, a Caltrans employee and a Local Public Agency employee on local roadways. This determination, along with all applicable supporting documentation, must be signed by the responsible charge employee and be included

with the Damage Assessment Form (DAF). Submittal of the DAF is not necessary prior to the start of work; however, for Federal-aid ER consideration, it must be submitted no later than 3 months after the initial site inspection date.

In addition to the requirements set forth under 23 CFR Part 668, the FHWA 2013 ER Manual, and state and local requirements and regulations, please note the following:

- Permanent repairs under EO procedures are subject to state environmental requirements, in addition to federal ER requirements under 23 CFR 771.117(c)(9).
- Permanent repairs are always reimbursed at the pro-rata rate regardless if completed under Caltrans' EO Procedures.
- Permanent repairs that include betterments must be substantiated by a Benefit/Cost analysis; this analysis is independent from the Cost Effective Analysis necessary to support the condition No. 1 above.
- Permanent repairs not meeting the conditions of this letter must proceed with the regular Permanent Restoration (PR) procedures established by Caltrans and supported by the ER Manual. Those projects will require a DAF signed by FHWA before any construction begins.

Should you have any questions relating to this determination, please contact Josué M. Yambó, Sr. Transportation Engineer, at (213) 894-5351 or [Josue.Yambo@dot.gov](mailto:Josue.Yambo@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Mammano". The signature is fluid and cursive, with a large, sweeping flourish at the end.

For: Vincent P. Mammano  
Division Administrator