



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

California Division

February 14, 2018

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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 Program – Statewide Approval of Permanent Repairs under Caltrans' Emergency Opening Procedures

Dear Mr. Dougherty:

FHWA hereby grants statewide approval of permanent repairs that are most practical if completed using Caltrans' emergency opening procedures to restore federal aid highway facilities. This approval applies to projects resulting from FHWA acknowledged disaster events, and its applicability is retroactive to February 7, 2017 respectively.

With this action, Emergency Relief (ER) projects meeting the requirements outlined in this letter are authorized to proceed with the necessary permanent repairs in accordance with Caltrans' emergency opening 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 Caltrans or Local Agency full-time public employee accountable for the project ("responsible charge"). This determination must be signed by the responsible charge employee. A justification statement to perform permanent repairs under Caltrans' emergency opening procedures must also be included and address the following:

- Why the immediate completion of permanent repairs is the most economical option to restore essential traffic;
- Why permanent repairs are the only practical alternative to restore essential traffic;
- and,

- What immediate actions have taken place at the damage site since the initial damage occurred.

The certification letter, justification statement, and support documents must be submitted with the Detailed Damage Inspection Report (DDIR)/ Damage Assessment Form (DAF) to FHWA for review.

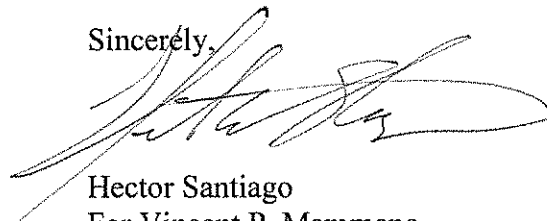
When performing permanent repairs under Caltrans' emergency opening procedures, submittal of the DDIR/DAF is not necessary prior to the start of work; however, for federal-aid ER eligibility consideration, it must be submitted no later than 3 months after the initial site inspection date. If FHWA does not concur with the usage to perform permanent repairs under Caltrans' emergency opening procedures the applicant, Caltrans' or Local Public Agency, will be at risk for any expenses incurred to perform permanent repairs under Caltrans' emergency opening procedures.

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 emergency opening 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 repair procedures established by Caltrans and supported by the ER Manual. These projects will require a DAF signed by FHWA before any construction begins.

Should you have any questions relating to this determination, please contact Keaton Browder, Transportation Engineer, at (916) 498-5344 or Keaton.Browder@dot.gov.

Sincerely,



Hector Santiago
For Vincent P. Mammano
Division Administrator