



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

California Division

September 1, 2023

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In Reply, Refer To:
HDA-CA

ELECTRONIC CORRESPONDENCE ONLY

Mr. Fardad Falakfarsa, Chief
Office of Federal Resources
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: Acknowledgement of Caltrans Letter of Intent for the August 2023 Wildfires
(CA23-5)

Dear Mr. Falakfarsa,

This is to acknowledge receipt of your Letter of Intent (LOI), dated August 30, 2023, to request Emergency Relief funds, authorized under 125 of Title 23, U.S.C., for the repair of eligible damage to Federal-aid highways resulting from wildfires beginning on August 15, 2023. The Governor's Proclamations identified the Happy Camp Complex Fires in Siskiyou County and the Smith River Complex Fires in Del Norte County. The wildfires have caused extensive damage to critical infrastructure and roadside facilities.

You should proceed with performance of emergency operations, including emergency repairs, on the Federal-aid highways necessary to restore essential traffic, to protect the remaining facilities, and to minimize the extent of damage. Also, you may proceed with preliminary engineering, meaning surveys, design, and preparation of construction plans to perform the permanent restoration work required as an associated part of the emergency operations and to use agency forces and/or negotiated equipment rental contracts, as necessary, to perform the work.

Permanent repairs completed during permanent restoration must receive Federal Highway Administration (FHWA) authorization prior to the start of work. To accelerate restoration efforts, Caltrans and Local Public Agencies are allowed to perform certain Permanent Repairs under Caltrans' Emergency Opening procedures (PR Under EO). Agencies electing to use PR under EO must provide the certification form to certify that the work is within the existing right of way and that permanent repairs are the most economical option to restore essential traffic, or that a temporary detour that could safely accommodate essential traffic does not exist. These permanent repairs are subject to Right of Way and Environmental requirements but may be performed prior to the completion of normal Federal-aid procedures and documentation.

When performing PR under EO, submittal of the Detailed Damage Inspection Report/Damage Assessment Form (DDIR/DAF) is not necessary to start work. If FHWA does not concur with the use of PR under EO procedures, the costs incurred by the applicant are not eligible.

The eligibility of such work for Emergency Relief funds will be contingent upon a favorable finding of eligibility of the disaster by FHWA and subsequent approval of the work on a DAF(s) by FHWA. The basis for FHWA's decision will be the Emergency Relief Application which must include the Damage Survey Summary Report, Emergency Relief Application letter, and the Governor's Proclamation and/or President's Declaration.

If FHWA finds Caltrans' Emergency Relief Application to be eligible, all emergency work must be included in a program of projects under Emergency Relief disaster number CA23-5. The program of projects must be submitted within three months of FHWA's event eligibility determination, and it must include a detailed outline of the necessary emergency operations performed, and a description of the permanent restoration work proposed.

For site visits, please have your staff contact the corresponding FHWA Transportation Engineer to make arrangements for visiting and reviewing the damage and assisting with DAFs. All DAFs must be completed by November 30, 2023. Sufficient record keeping must be done to permit audit of cost eligibility on a site-by-site basis.

The two-year deadline described in the Emergency Relief Manual and U.S.C. 125 (d)(1)(b) pertains to the deadline given to Caltrans for the submittal of the final program of projects eligible for Emergency Relief reimbursement under a particular disaster event.

Should you have any questions relating to this determination, please contact Peter Pangilinan, Emergency Relief Program Manager, at (916) 498-5886 or Peter.Pangilinan@dot.gov.

Sincerely,

**MATTHEW T
SCHMITZ** Digitally signed by
MATTHEW T SCHMITZ
Date: 2023.09.01
07:11:40 -07'00'

Matt Schmitz
Director, Project Delivery
Federal Highway Administration

TO:

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CC (Via Email):

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