



Local Programs Procedures

LPP 11-04 Manual Update
Subject: Emergency Relief Program

Reference:

Local Assistance Program Guidelines (LAPG), Chapter 11-Emergency Relief Program;

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Approved: _____

Original Signed By

Denix Anbiah, Chief
Division of Local Assistance

WHAT IS AN LPP

LPPs are Local Programs Procedures. These documents are used for the deployment of procedures and policies between updates of the Local Assistance manuals, guidelines and programs. They are numbered according to calendar year and order in which released.

PURPOSE

The purpose of this LPP is to replace Chapter 11 of the LAPG (Disaster Assistance) in its entirety.

BACKGROUND

The Emergency Relief Program is an FHWA program that provides disaster assistance to local agencies for repair and reconstruction of damaged transportation facilities located on federal-aid highways and bridges (i.e. all functionally classified roads except as local roads or rural minor collectors). This program requires a Governor's Proclamation of Emergency and a subsequent request for disaster assistance to the federal government, by Caltrans. The FHWA administrator must concur with the state's request for emergency relief assistance. Eligibility determinations can begin when the FHWA Administrator concurs with the state's request.

POLICY & PROCEDURE

Substantial changes have been made to Chapter 11 “Emergency Relief” (formerly “Disaster Assistance”) Program of the LAPG, which is replaced in its entirety to reflect new federal policy and procedural changes. It also includes a new Damage Assessment Form and instructions.

USER FRIENDLY FEATURES

- These new procedures are incorporated in the electronic version of the LAPM and LAPG that are available at the Division of Local Assistance (DLA) Home Page on the Internet at: <http://www.dot.ca.gov/hq/LocalPrograms/>. Under “Publications” select *Local Assistance Procedures Manual* or *Local Assistance Program Guidelines*.
- Sidebars are used to indicate where revisions were made to affected pages. However, when a chapter is released in its entirety, sidebars are not indicated. The revised pages in this LPP are to replace the pages affected in the hard copy of the LAPM and/or LAPG.
- To receive an electronic notification when new information is posted on the DLA web site, please subscribe to the DLA list server at:
<http://www.dot.ca.gov/hq/LocalPrograms/sub.htm>
- Comments and suggestions for improvement to the manual or the processes and procedures are welcome. They may be submitted to:

Department of Transportation
Division of Local Assistance, MS 1
Attention: David Saia
P.O. Box 942874
Sacramento, CA 94274-0001
FAX (916) 654-2409
David_Saia@dot.ca.gov

SUMMARY OF CHANGES

LAPG Item	Change
Chapter 11	Reissued in its entirety as Emergency Relief Program. Original Chapter 11 “Disaster Assistance.”

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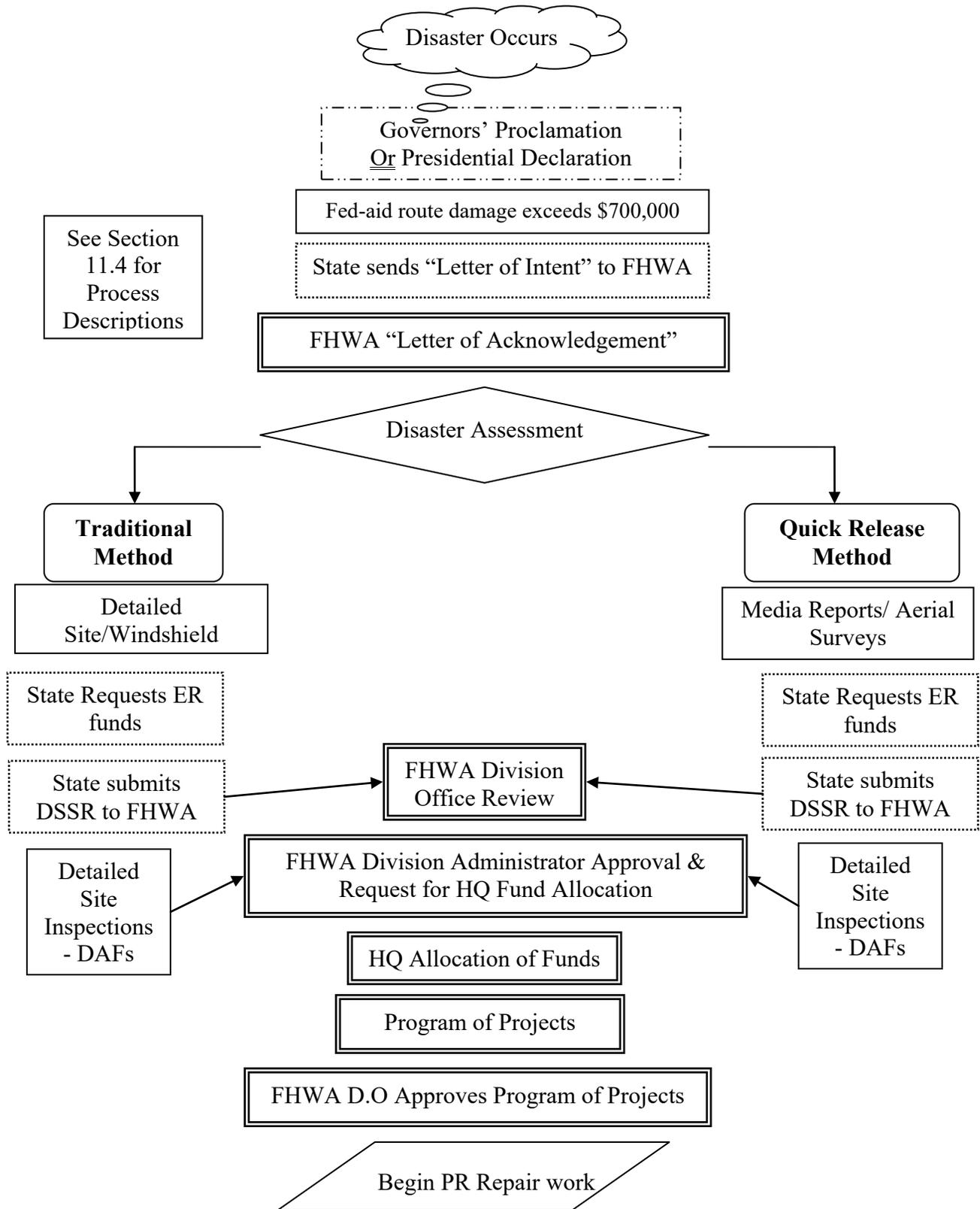
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FIGURE 11-1 EMERGENCY RELIEF PROGRAM FLOW CHART



CHAPTER 11 EMERGENCY RELIEF PROGRAM

11.1 INTRODUCTION

The Federal Highway Administration's (FHWA) Emergency Relief (ER) Program was created to repair or reconstruct federal-aid routes that have suffered serious damage as a direct result of a declared event. Federal-aid routes are defined as all roadways which are functionally classified as urban collectors and higher. In other words, local roads and rural minor collectors are not federal-aid routes. Federal-aid routes also include forest highways, park roads and trails, public lands highways, public lands development roads and trails, and Indian reservation roads.

There are two different types of FHWA recognized disasters. The first type is a **natural disaster**; this category includes storms, earthquakes, and hurricanes. In order for natural disaster damage to qualify for FHWA reimbursement the federal-aid roadway damage must cover a widespread area and repair costs must exceed seven hundred thousand dollars (\$700,000). The second type is a **catastrophic failure**; a failure caused by an external source; such as a barge or tall trailer striking a bridge. A collapse caused by lack of maintenance is not a catastrophic failure. In order for catastrophic damage to be reimbursed by FHWA the failure must have occurred on a major transportation segment, and the repair costs must exceed seven hundred thousand dollars (\$700,000).

The primary public agency responsible for coordinating California disaster assistance is the California Emergency Management Agency (Cal EMA). Cal EMA, in turn, depends upon various state agencies to furnish detailed disaster information within each Agency's area of expertise. A Governor's Executive Order requires state agencies to respond to Cal EMA's request for assistance by providing engineering personnel, furnishing damage estimates, and/or other services to lessen the effects of a disaster. Caltrans is one of three primary state agencies that Cal EMA relies upon for disaster services.

There are three separate disaster assistance programs that provide financial aid for local agencies to reconstruct disaster-damaged transportation facilities. They are discussed below.

- **Emergency Relief - Title 23, Code of Federal Regulations (CFR), Section 668 - FHWA**
This FHWA program provides disaster assistance to local agencies for repair and reconstruction of damaged transportation facilities located on federal-aid highways or bridges (i.e. all functionally classified roads except those classified as local roads or rural minor collectors). This program requires either a Governor's Proclamation of Emergency or a Presidential Declaration. Eligibility determinations can begin when the FHWA Administrator acknowledges the State's request for disaster funding.
- **Robert T. Stafford Disaster Relief and Emergency Assistance Act - Federal Emergency Management Agency (FEMA)**
Public Law 100-797, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act" or the Stafford Act, provides emergency funds for damage to public transportation facilities not on a federal-aid highway when such damage occurs during a declared disaster. The President activates the program with a Declaration that a major disaster has occurred over a specific geographical area of the United States.
- **California Disaster Assistance Act (CDAA) – Cal EMA**
CDAA is a state-funded program that provides state financial assistance to local agencies affected by a natural disaster. CDAA may also provide local agencies

with assistance toward meeting the federal matching share requirement when federal disaster programs are authorized. State agencies are not eligible for assistance under CDAA. Cal EMA administers all provisions of the Act, and may request that Caltrans and other state agencies provide engineering personnel and services to assist it in implementing the Act.

11.2 ROLES AND RESPONSIBILITIES

Local Agencies

1. Declare a State of Emergency to Cal EMA
2. Identify all damage sites
3. Identify damage sites on federal-aid routes
4. Complete Emergency Opening (EO) repairs
5. Coordinate damage response with Caltrans District contact
6. Participate on Damage Assessment Teams
7. Submit funding requests to Caltrans District contact
8. Process revised Damage Assessment Forms (DAFs) for cost and scope changes (Access the DAF at: <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>)
9. Administer Permanent Restoration (PR) contract
10. Process Program Supplement Agreements
11. Invoice for reimbursement
12. Project closeout

If an agency is not contacted by their Caltrans Local Assistance Engineer (LAE) or Storm Damage Coordinator, after they have sustained disaster damage; then the agency should notify their Caltrans District.

Caltrans District

1. Identify and contact agencies with possible eligible damage
2. Gather damage estimates from impacted agencies
3. Confirm the damage is on a federal-aid route
4. Participate on Damage Assessment Teams
 - Contact FHWA engineer for damage sites requiring FHWA approval
 - Assist local agencies with filling out their DAFs
5. Coordinate local projects
6. Acts as NEPA lead agency
7. Transmit funding (E-76) requests to Caltrans Headquarters (HQ)
8. Coordinate Time Extension justifications

Each District Local Assistance Storm Damage Coordinator should immediately contact affected local agencies after any serious disaster event for information regarding all damaged transportation facilities. This information is needed by Cal EMA to determine if sufficient damage has occurred to warrant requesting participation of Federal Disaster Agencies. Cal EMA may request that FEMA, FHWA, and/or Caltrans dispatch one or more Preliminary Damage Assessment (PDA) teams to determine if a Governor's Proclamation is warranted.

Once the HQ Division of Local Assistance (DLA) ER Coordinator has been notified that there may be ER related damage, a spreadsheet will be e-mailed to each impacted District Local Assistance Engineer (DLAE) and District Storm Damage Coordinator. The District should either e-mail the spreadsheet to all of its agencies; that may have ER damage, or call their agencies and fill in the spreadsheet with the requested information (District, County, estimate of federal-aid route damage, estimate of non-federal-aid route damage). Once the spreadsheet is filled out it should be e-mailed back to the ER Coordinator.

Caltrans HQ ER Coordinator

1. Gather damage estimates from each impacted district
2. Report damage estimates to FHWA California Division (FHWA-CA)
3. Review agency DAFs and send copies to FHWA-CA
4. Send funding requests to FHWA-CA
5. Process Program Supplement Agreements
6. Give program training to District and agency staff
7. Coordinate Cal EMA kick-off meeting presentations
8. Submit Revised DAF requests to FHWA-CA
9. Submit Time Extension requests to FHWA-CA
10. Notify FHWA-CA of ER program issues

FHWA-CA

1. Report disaster to FHWA Headquarters (FHWA-HQ)
2. Administer ER program
3. Implement policy & procedures
4. Assist in developing the ER Program Application
5. Provide technical assistance and training
6. Process Revised DAF requests
7. Process Time-extension requests
8. Get funding for the CA ER program from FHWA-HQ

Functional Classification

The determination of federal-aid routes and non-federal-aid routes is called Functional Classification (FC). A set of FC maps is accessible online at: http://www.dot.ca.gov/hq/tsip/hseb/crs_maps/ Local roads and rural minor collectors are non-federal-aid routes, all others are federal-aid routes. These maps are the legal FC document.

All initial reports of damage to state highways and local roads on-system and off-system, (see Chapter 3, “Federal-Aid Routes & Functional Classifications,” of the Local Assistance Program Guidelines [LAPG]) are made available to Cal EMA. Cal EMA has the responsibility for reporting the total estimated cost to mitigate the effects of a disaster to the Governor.

Cal EMA will submit a recommendation based upon the results of the spreadsheet information and PDA teams to the Governor. The Governor will assess the cost impact upon the State's resources, and, if warranted, will declare the affected area to be in a “State of Emergency.” The Governor will also determine whether or not to request the President of the United States to declare the affected area to be a “Disaster Area.” The resulting actions of the Governor and/or the President makes some Federal and State disaster relief programs available to the local agencies.

11.3 PREREQUISITES FOR ALL DISASTER PROGRAMS

ACTIONS REQUIRED BY LOCAL AGENCY

The governing body of a local agency should declare that a “local emergency” exists within its jurisdictional boundaries. **The Declaration must be received at either a regional Cal EMA office or the Headquarters Cal EMA office within ten (10) calendar days of the actual disaster occurrence to preserve eligibility under the CDAA.**

If the local agency knows that their transportation system has suffered from ER related damage, they should contact their DLAE or District Engineer, and notify them of the damage.

The following are essential when processing ER projects:

- Check the FC of each site.
- Photographs taken of the damage **PRIOR** to commencing any repairs or clean-up
- Field notes indicating agreed upon scope of work and detours
- Invoices for labor, equipment and materials used at **EACH** site
- Timesheets that clearly indicate the location and type of work performed, for Force Account work. Force Account work is defined as work done by the agency's staff.
- Diagrams of the scope of work; and
- Thorough documentation, including permits, Right of Way (R/W) Certification and NEPA approval

ACTIONS REQUIRED BY CALTRANS

During the early stages of a disaster, Cal EMA may request damage estimates on a weekly basis, if not more frequently. Each disaster impacted District will be contacting their agencies to determine if they have any transportation facility damage; assisting impacted agencies with processing their damage estimates, and returning them to the ER Coordinator.

11.4 ER PROGRAM

Section 125 of Title 23 of the United States Code (23 U.S.C. 125) provides for a continuing ER fund. Currently, the annual ER funding set-aside is one hundred million dollars (\$100,000,000). Also the maximum amount available to a single State cannot exceed one hundred million dollars (\$100,000,000) per disaster. The Secretary of Transportation may increase any State's allocation, when their federal-aid route damage exceeds the cap \$100,000,000. The funds are to be used for the reconstruction of roads, streets, trails and bridges on the federal-aid system, that were damaged by floods, earthquakes, hurricanes or other catastrophes. Federal-aid highways are defined as all functionally classified roads except those roads functionally classified as local roads or rural minor collectors. For damage to roads not on a federal-aid highway local agencies should seek disaster assistance from Cal EMA and FEMA. ER funds become available when the damage is extensive and the emergency is formally declared by the Governor, or the President, and approved by the FHWA.

FHWA ER PROCESS

State Letter of Intent and Letter of Acknowledgement

Once the federal-aid damage estimate has reached seven hundred thousand dollars (\$700,000), and a Proclamation or Declaration has been made; Caltrans will submit a "Letter of Intent" to the FHWA Division Office. The "Letter of Intent," which covers both Caltrans and local agency damage, states that Caltrans intends to request emergency assistance under Title 23. The FHWA Division Administrator, upon receipt of Caltrans' letter of intent, will respond with a "Letter of Acknowledgement." Caltrans' receipt of the "Letter of Acknowledgement" signals local agencies to begin filling out DAFs, (Access the DAF at: <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>) and scheduling field reviews with their DLAE for all damaged roads, streets and bridges on federal-aid highways. When planning for DAF field reviews, local agencies and the District should keep in mind that District staff has the authority to approve all DAFs except in three cases. For the three exceptions, please see the following Detailed Site Inspections section under Method 1.

DISASTER ASSESSMENT

There are two different FHWA ER Disaster Assessment options. Generally Caltrans

DISASTER ASSESSMENT

There are two different FHWA ER Disaster Assessment options. Generally Caltrans applies for the “Quick Release” method. With the Quick Release, the FHWA Division Administrator will make an eligibility determination based on the spreadsheet estimates and readily available damage information, such as media reports. Caltrans will submit an abbreviated Damage Survey Summary Report (DSSR) to the FHWA Division office. The DSSR covers both Caltrans and local agency damage, the information is broken out by County; and has a photo of at least one damage site, per County.

METHOD 1- TRADITIONAL

Detailed Site Inspections- These inspections are conducted on many, if not all sites, to determine the extent of damage, scope of repair, preliminary estimate of repair cost, environmental issues, ER funding eligibility, and completion of the site DAF (Access the DAF at <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>). The FHWA/Caltrans Stewardship Agreement states; For Local Agency ER projects FHWA is generally not required to sign/approve the DAF, or attend the site field review. There are three instances when FHWA is required to approve the original DAF. Those instances are:

1. If there are any R/W property takes.
2. If the paving costs exceed 50% of the total site repair costs; and
3. If there are any Betterments proposed for the site.

State Request for ER funding- The state request to FHWA for ER funding is based on the detailed damage inspections. When there is only a Governor’s Proclamation; the FHWA Administrator’s concurrence will indicate that there is a finding of an extraordinary natural disaster condition, or that a catastrophic failure occurred, and the disaster is eligible for ER funding.

When the President has issued a major disaster declaration, the FHWA Administrator does not need to concur that a disaster has occurred, but must make a finding, based on the state’s submission, that the damage is eligible for ER funding.

DSSR- The FHWA Division office assists Caltrans in preparing a DSSR based on the state and local agency assessments. The DSSR provides the Division Administrator with a basis to make a finding that the disaster is eligible for funding under the FHWA ER Program. The report describes the general nature and extent of the resulting damage and delineates the limits of damage. The sudden and unusual nature of the disaster should be documented or evidence of external cause should be included for a catastrophic failure.

FHWA Division Office Review- The state's request, along with the information from the detailed inspections and the FHWA's Division office's recommendations, are submitted to the FHWA Division Administrator, for a finding.

Length of time to Develop Application- Typically, these steps would take around six to ten weeks.

METHOD 2- QUICK RELEASE

The Quick Release method is not appropriate for all disasters. In general, it is used for larger disasters where extensive damage is readily evident and where there is a desire, both by FHWA and a state, to have ER resources flowing quickly to the state.

Media Reports/Aerial Survey- These reviews are conducted to verify the extent of damage and to collect damage information to determine disaster eligibility for ER funding.

DSSR- The state DOT prepares and submits an abbreviated DSSR to the FHWA Division Office, after most of the detailed damage assessments have been completed.

Length of time to Develop Application- Typically, these steps would take around one to two days.

LIMITATIONS

Extraordinary flooding is considered a natural disaster. However, ER funds are not authorized where flooding occurs with regularity and results in little or no damage. Similarly, damage classified as “heavy maintenance” is not eligible for reimbursement with ER funds.

Heavy maintenance is defined as normal localized damage that may consist of eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, minor slides, and slipouts of cut and fill slopes that do not extend to or affect the traveled way. FHWA has determined that heavy maintenance is defined as any site where the repair costs are \$5,000 or less. Most sites that are under the \$5,000 threshold are eligible for Cal EMA/FEMA reimbursement. In order to capture Cal EMA/FEMA reimbursement the site must be within the Cal EMA recognized declared disaster area; and a FHWA DAF must be filled out for the site and marked ineligible by the State Engineer.

ER funds may not be used for replacement or repair of a damaged facility when a failure is caused by gradual and progressive deterioration or lack of proper maintenance (i.e., pavement surfaces, slipouts, etc.).

Diligent efforts shall be made to recover losses from legally responsible parties whenever damage occurs to transportation facilities resulting from external causes such as from aggregate/sand mining, collisions by ships, barge tows or highway vehicles.

FEDERAL SHARE REIMBURSEMENT

Match Ratio: The federal reimbursement share of an eligible ER project is the normal reimbursement ratio for the highway facility on which the ER project is located (88.53% on local highways).

Eligibility: EO work is defined as work that 1) is necessary to restore essential traffic, or 2) protects the remaining facility, or 3) prevents further damage to an existing facility.

EO work completed during the first one hundred eighty (180) calendar days following start of the incident period is reimbursed at a 100 percent ratio. All EO work done after the first 180 days is reimbursed at the pro-rata share. All work that does not meet any of the three EO criteria is considered PR. PR work other than work that is “incidental” (generally less than 10%) to EO work, requires prior FHWA authorization. **Any PR work that is done prior to FHWA authorization except Preliminary Engineering (PE) is ineligible for reimbursement.** PR work is reimbursed at the pro-rata share. The use of “incidental” PR work will mostly happen at sites where FHWA has signing authority.

ER projects located on federal-owned lands (forest highways, forest development roads and trails, National Park roads and trails, parkways, public lands highways, public lands development roads and trails, and roads serving Indian Reservations) are designated Emergency Relief Federally Owned or “ERFO” projects and are funded 100 percent with ER funds. They are normally designed, repaired and reconstructed by the Central Federal Lands Division of FHWA in Denver, Colorado.

ELIGIBILITY AND PROGRAMMING REQUIREMENTS

Eligibility of all proposed ER projects is contingent upon approval by the FHWA Division Administrator of the state application for ER; and inclusion of the DAF (Access the DAF at <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>) in an approved program of projects. Each ER site must be included in the Damage Estimate spreadsheet prior to being submitted to the FHWA. Following the approval of the work described by individual DAFs similar DAFs may be combined to form a project.

ER projects (except those involving substantial functional, location or capacity changes) are not required to be included in an approved Federal State Transportation Improvement Program (FSTIP).

ELIGIBILITY CRITERIA

The following criteria are applicable to work reimbursed from the ER Program. For more in-depth eligibility information please see the FHWA ER manual at <http://www.fhwa.dot.gov/reports/erm/index.cfm>

Prior FHWA approval or “Authorization to Proceed” is not required for EO repairs or PE, but an eligibility determination is necessary, prior to reimbursement.

PR construction must have prior approval and authorization to proceed unless the work was accomplished as part of the EO repairs. Note: Documentation is required if PR work is part of EO repair

Typical damage may include, but is not limited to, damage occurring to pavement or other surface courses, shoulders, embankments, cut slopes, roadside development, and stream channels, whether man-made or natural. Pavement repairs or reconstruction may also include rock slope protection, cribbing, or other stream bank control features, bridges, retaining walls, culverts and debris removal, including other deposits from roadway drainage channels and the traveled way.

1) Work outside the R/W*

Emergency funds may participate in repairs or reconstruction of damaged facilities within the R/W limits. Generally, work done outside the R/W is not eligible for ER funding. The exceptions are: 1) the work is directly related to the protection of the highway facility, 2) the work is not eligible for funds from any other agency, 3) no other agency has the responsibility for the work, and 4) the applicant agrees to accept the future maintenance of all work performed.

2) Pavement Repairs*

a. **Traffic Damage-** Pavement repairs due to traffic damage, even if damage is aggravated by saturated conditions are not eligible for ER funds. However there are three exceptions:

- i) Any public road damage caused by vehicles making repairs to damaged federal-aid routes.
- ii) Any public road that is officially designated as a detour that experiences damage by traffic using the detour. A pre-detour pavement survey or photos is recommended.
- iii) Any federal-aid route that is damaged by vehicles responding to a disaster.

b. **Overlays-** Where entire sections of roadways are damaged, new surfacing is eligible. In addition, where several nearby sites have had surfacing repair, resurfacing of the entire section between and including the sites is eligible.

- 3) **Engineering and R/W**
Preliminary and construction engineering, and R/W costs associated with approved projects are eligible for federal reimbursement.
- 4) **Betterments**
Betterments; such as upgrading, adding features or changes in capacity or character (including relocation) to a facility from its pre-disaster condition, are considered betterments and generally are not eligible for ER funding unless they can be economically justified. Economic justification must weigh the cost of the betterment against the risk of recurring damage and the costs of future repairs. **All betterments MUST have FHWA approval.**
- 5) **Raising Grades**
 - a. **Traditional Flooding**
Temporary work to raise roadway grades to maintain essential traffic service during flooding is eligible. If a roadway has suffered no significant damage; work to permanently raise the roadway grade is not eligible for ER funding on roadways that have been temporarily elevated during flooding.
 - b. **Basin Flooding**
Basin flooding is the flooding of a large depression with no natural drainage. Raising the grade where basin flooding occurs may be considered eligible if the work is restorative rather than preventive, and if the flooding will cause a long term loss of use of a critical federal-aid route.
- 6) **Slides**
The removal of rock and mud slides is eligible. Stabilizing slide areas to protect a facility from future damage is a betterment, and is eligible **only if** the repairs are determined by FHWA to be cost effective. If relocating the road is proposed, instead of correcting the slide; the cost of relocation may be eligible if the cost is justified and approved by FHWA.
- 7) **Work on an Active Construction Site & Stockpiling**
Most Agencies require their contractor's to have insurance against damage. Before considering ER funding to repair an active construction site, it must be established that the work is not the responsibility of the contractor. Stockpiled items, or any item that has not been incorporated into the construction project is not eligible for FHWA reimbursement.
- 8) **Toll Facilities**
ER funds may participate in repair of federal-aid toll facilities when the provisions of Section 129 of Title 23, U.S.C. are met. Loss of toll revenue is not eligible for reimbursement.
- 9) **Traffic Control Devices**
The cost of repair or replacement of traffic control devices, including traffic signals, directional and informational signs, and railroad-highway crossing warning devices, are eligible for ER reimbursement.
- 10) **Landscaping**
The replacement of damaged highway landscaping is eligible only if it represents an incidental portion of the total ER site repair costs.
- 11) **Roadside Appurtenances**
The repair or replacement of damaged guardrails, bridge rails, impact attenuators, R/W fences, etc., is eligible

12) Timber and Debris Removal

The cost of stockpiling, transporting, and disposing of debris, as well as the cost of removing marketable timber from acceptable clearing limits is eligible. However, hauling costs to sawmills or to locations beyond the vicinity of a damaged site is not eligible.

13) Transportation System Management (TSM) Strategies

TSM strategies to monitor, control and restore traffic during and after a disaster are eligible for ER reimbursement. TSM elements may include Highway Advisory Radio (HAR), closed circuit television, video image process surveillance, changeable message signs, public awareness programs, etc.

ER funds are eligible to provide emergency traffic management services by police during and following a disaster under the following conditions: 1) the service is on a federal-aid route, and is directly related to the disaster 2) the reimbursement is for added costs above and beyond costs related to normal day-to-day responsibilities, i.e., overtime costs or additional shift costs. The added costs should be itemized and documented to support any use of ER funds for this activity.

14) NEPA Process

Repair projects under the ER Program must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969.

EO components of work are normally classified as categorical exclusions under 23 CFR 771.117(c)(9). Under the NEPA Pilot Program, the FHWA **DAF NO LONGER serves as the Categorical Exclusion**. It is necessary to complete a Categorical Exclusion/Categorical Exemption form and CE/CE checklist either simultaneously or a reasonable time after the DAF (Access the DAF at <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>). Note: In the event consultation with the USFWS or NOAA during the EO project results in the need to incorporate added features to mitigation impacts from the EO repairs on the environment, these features are eligible and are not considered betterments for the purposes of the ER program.

Permanent Restoration (PR) repairs, especially betterments or work in new locations, must go through the standard environmental processes in compliance with all applicable laws, regulations and executive orders. Local agencies may not proceed with the final design of a permanent restoration project or request "Authorization to Proceed with Construction" until Caltrans has signed a Categorical Exclusion (CE), a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD). Failure to follow this requirement will make the PR project ineligible for FHWA reimbursement. See Chapter 6, "Environmental Procedures," of the Local Assistance Procedures Manual (LAPM).

15) Administrative Expenses

a. Regular and Extra Employees

Regular salaries and overtime wages for all regular and extra employees directly engaged in the performance of ER work are eligible for reimbursement.

b. Payroll Additives

Labor surcharges, over and above the total direct labor costs charged to an ER project are eligible for ER funds.

c. Other Expenses

Expenditures for organization, maintenance, general administration, supervisory overhead, and other overhead costs are not eligible for ER reimbursement. However, personnel whose activities normally place them in

an overhead category may be assigned to a specific ER project. During such periods, salaries of these individuals would be eligible for participation, provided their time is identified on source documents with ER projects.

16) Supplies and Materials

Engineering and general office supplies, of an expendable nature are eligible for reimbursement.

*Items listed with an asterisk may OR may not be eligible. Read the information carefully.

INELIGIBLE ER ITEMS

The following items are not eligible for FHWA ER reimbursement. For more in-depth eligibility information please see the FHWA ER manual at

<http://www.fhwa.dot.gov/reports/erm/index.cfm>

Repair of damage not directly related to the disaster or repair or reconstruction of facilities affected by pre-existing conditions such as damage from slow moving unstable cut or fill slopes is not eligible.

Repairs of previously identified deficient bridges on federal-aid highways and other scheduled construction projects with other funds are not ER eligible. "Scheduled" is defined as being included in the current TIP. However EO work to keep the facility functioning is eligible.

1) Work outside the R/W*

Generally, work done outside the R/W is not eligible for ER funding; unless the work meets one of the four exceptions outlined in 1) Work outside the R/W, in the Eligibility Criteria section.

2) Pavement Repairs*

Repair of surface damage resulting from traffic, whether or not the damage was aggravated by saturated sub-grade or inundation, is not eligible for ER reimbursement unless the damage meets one of the three criteria covered under 2) Pavement Repairs a) Traffic Damage in the Eligibility Criteria section.

3) Heavy Maintenance

Heavy maintenance; or site repairs that cost less than \$5,000 per location, are not eligible for FHWA reimbursement; but generally less costly repairs are eligible for CAL EMA/FEMA reimbursement.

4) Betterments

Betterments; such as upgrading, adding features or changes in capacity or character (including relocation) to a facility from its pre-disaster condition, are considered betterments and generally are not eligible for ER funding unless they can be economically justified. Economic justification must weigh the cost of the betterment against the risk of recurring damage and the costs of future repairs. **All betterments MUST have FHWA approval**

5) Raising Grades

a. Traditional Flooding

If a roadway has suffered no significant damage; work to permanently raise the roadway grade is not eligible for ER funding.

b. Basin Flooding

Raising the grade where basin flooding occurs is not eligible if the work is considered preventive.

6) Slides

Stabilizing slide areas to protect a facility from future damage is a betterment, and is not eligible unless the repairs are determined by FHWA to be cost effective. If relocating the road is proposed, instead of correcting the slide; the cost of relocation is not eligible unless the cost is justified, and approved by FHWA.

7) Work on an Active Construction Site & Stockpiling

Most agencies require their contractor's to have insurance against damage. Before considering ER funding to repair an active construction site, it must be established that the work is not the responsibility of the contractor. Stockpiled items, or any item that has not been incorporated into the construction project is not eligible for FHWA reimbursement

8) Toll Facilities

Loss of toll revenue is not eligible for reimbursement.

9) Landscaping

The replacement of damaged highway landscaping is not eligible, unless it only represents an incidental portion of the total ER site repair costs.

10) Timber and Debris Removal

Hauling costs to sawmills or to locations beyond the vicinity of a damaged site is not eligible.

11) Transportation System Management (TSM) Strategies

ER funds are not eligible to provide emergency traffic management services by police during and following a disaster under the following conditions: 1) the service is not on a federal-aid route, and 2) the reimbursement is for regular wages and equipment.

12) Administrative Expenses

a. Other Expenses

Expenditures for organization, maintenance, general administration, supervisory overhead, and other overhead costs are not eligible for ER reimbursement. However, personnel whose activities normally place them in an overhead category may be assigned to a specific ER project. During such periods, salaries of these individuals would be eligible for participation, provided their time is identified on source documents with ER projects.

13) Frost Heaving

Damage to roadway base and subbase materials due to inundations or because of freezing, even if the roadbed has been saturated by flood waters, is not eligible for repairs.

14) Mine/Underground Subsidence

Repair work to prevent mine subsidence damage to a roadway is not eligible for ER funding.

15) Snow and/or Ice Removal

ER funds are not eligible for snow and ice removal, as snow and ice generally do not cause damage to the roadway. Although ER funds are not available, FEMA may assist in limited snow clearance on federal-aid highways during extreme snowfalls.

16) Emergency/Medical Transportation Services

Emergency/Medical transportation services, such as ambulances or helicopters, are not eligible for ER funding.

* Items listed with an asterisk may OR may not be eligible. Read the information carefully.

Replacing highway facilities is considered appropriate when it is not technically or economically feasible to repair or restore a seriously damaged roadway element to its pre-disaster condition. ER reimbursement will be limited to the cost of a new facility constructed to current standards and codes conforming to the former facilities capacity and character.

The total project cost eligible for ER funding may not exceed the cost of repair or reconstruction of a comparable facility. Proposed projects that include unsupported betterment features shall be restricted in the use of ER funds to the cost of repair or reconstruction of the comparable facility.

REVISED DAF CRITERIA

The scope of work eligible under the ER Program is established during the initial damage inspection and is shown on the DAF. Significant quantity deviations and/or change in scope of work from the approved DAF report must be approved by a FHWA Engineer. The agency must prepare a revised DAF requesting the increased cost and/or scope of work. (Access the DAF at <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>)

“Significant Quantity Deviations” are:

- For projects between \$5,000.00 and up to \$100,000.00 where the dollar figure is in excess of \$10,000.00 and 25% of the original DAF.
- For projects between \$100,000.00 and up to \$1,000,000.00 where the dollar figure is in excess of 15% of the original DAF.
- For projects over 1,000,000.00 where the dollar figure is in excess of 10% of the original DAF.

When a revision is being proposed to EO work after the first 180 days; and no work has been started, that request should be classified as PR work.

PROCESSING OF ER PROJECTS

Following program approval by the FHWA Administrator, expenditures for emergency measures, temporary repairs, establishment of detours and PE are generally eligible for reimbursement. Reimbursement of funds to a local agency, however, is not permitted until the work described in a DAF is programmed and approved by FHWA. Permanent restoration work must conform to the same basic procedures used for any other federal-aid highway construction. The planning requirements, however, have been simplified for ER projects. All ER projects, except those involving substantial functional, location, or capacity changes, are exempt from the FTIP process. An “Authorization to Proceed,” must be approved by the FHWA before any permanent restoration project may be advertised for contract, see Chapter 3, “Project Authorization,” of the LAPM.

ER PROJECT NUMBERS

ER project numbers **do not use the agency LOCODE**. For each disaster, the HQ ER Coordinator will set up different CODEs for each County and Cities within each county. The LP2000 database is used by the district to create the project number for each EO and PR project. DAFs with similar EO and/or PR work can be combined onto the same projects.

Because of the need to track and report on environmental work required by the Caltrans NEPA Assignment, EO and PR work shown on the same DAF might have separate project numbers. This determination will be made by the Environmental Branch.

R/W CERTIFICATION PROCEDURES

EO Phase: A R/W Certification is **not** required prior to starting EO construction; but may be required in order to process an EO construction funds request. Projects conducted solely for the purpose of emergency opening of transportation facilities are exempt from the formal R/W Certification processes if no Plans, Specifications & Estimates (PS&E) are prepared. The R/W Certification is a formal document to confirm that no individuals or business entities were denied the use of their property during the emergency repair activities and that no personal property was moved. The R/W certificate is filled out by the agency and submitted to the district R/W department, where it is signed by a District R/W Agent. See Chapter 13, "Right of Way," of the LAPM.

If either persons or properties were affected during the emergency repair phase, even temporarily, the actions must be reviewed to determine if anyone has a right to be compensated for their loss. If warranted, an appraisal should be prepared followed by the acquisition and relocation assistance. A R/W Certification should be prepared by the agency and sent to the District R/W Agent describing the rights acquired and ensuring that any relocation assistance complies with the Federal Uniform Act.

PR Phase: This phase is to be treated like a regular federal-aid project and all R/W activities will have to be certified **PRIOR** to advertising, obtaining bids, awarding and administering the contract.

ENVIRONMENTAL COMPLIANCE PROCEDURES

EO Phase: Repair projects under the ER program must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969. EO repairs to restore essential travel, minimize the extent of damage, or protect the remaining facilities are normally classified as categorical exclusions under 23 CFR 771.117(c)(9). **Under the NEPA Pilot Program and MOUs, for emergency repairs (a.k.a. emergency openings), the FHWA DAF NO LONGER serves as the Categorical Exclusion. It is necessary to complete a Categorical Exclusion/Categorical Exemption form and CE/CE checklist for emergency openings either simultaneously or a reasonable time after the DAF.** However, if impacts to protected or otherwise sensitive or high-value resources are possible, advance coordination with the appropriate local, State, and Federal resource agencies should be closely considered to avoid or minimize project delays or shutdowns.

There is no exemption from consultation with the U.S. Fish and Wildlife Service, but there is a process for emergencies, 50 CFR Part 402.05- (a) Where emergency circumstances mandate the need to consult in an expedited manner, consultations may be conducted informally through alternative procedures that the Director of U.S. Fish and Wildlife determines to be consistent with the requirements of sections 7(a)-(d) of the Act. This provision applies to situations involving acts of God, disasters, casualties national defense or security emergencies, etc. (b) Formal consultations shall be initiated as soon as practicable after the emergency is under control. The Federal Agency (Caltrans, under NEPA Delegation) shall submit information of the nature of the emergency action(s), the justification for the expedited consultation, and the impacts to endangered or threatened species and their habitats. The service will evaluate such information and issue a biological opinion including the information and recommendations given during the emergency consultation. Contact U.S. Fish and Wildlife Service as soon as possible (usually within 48 hours) by telephone or facsimile followed by written correspondence. Once the emergency is under control, formal consultation will be initiated if necessary.

The same procedures apply to emergency consultation with NOAA Fisheries, as well.

Informal consultation and further environmental studies may need to be initiated with applicable resource agencies, such as the U.S. Fish and Wildlife Service, U.S. Army

Corps of Engineers, U.S. Coast Guard, California Coastal Commission, park officials, U.S. Department of Interior/National Parks Service, Advisory Council on Historic Preservation, and State Historic Preservation Office to obtain agreement on expedited environmental processes to address the requirements of other federal environmental processes to address the requirements of other federal environmental laws.

Environmental staff should be invited to and should attend the initial field review of the emergency repair site.

EO work completed within the R/W will generally not require use of the PES form. The use of the PES form is ultimately an environmental staff decision.

State and local transportation agencies are empowered to begin EO repairs immediately. EO repairs are repairs made during and immediately following a disaster, to restore essential travel, to minimize the extent of damage, to protect the remaining facility, and to ensure public safety where there is imminent danger. As soon as possible and concurrent with the repair, the environmental document and any needed permits and approvals are prepared and/or obtained.

EO work cannot be used solely to avoid the requirements of NEPA and other federal environmental laws, regulations, and executive orders.

PR Phase: Permanent repairs, especially betterments or work in new locations, must go through the regular federal-aid process and the standard environmental processes in compliance with all applicable laws, regulations and executive orders. Local agencies may not proceed with the final design of a project or request “Authorization to Proceed with Construction” of the permanent restoration project until Caltrans has signed a CE, a FONSI, or a ROD. Failure to follow this requirement will make the project ineligible for FHWA reimbursement. See Chapter 6, “Environmental Procedures,” of the LAPM.

Additional information regarding the legal requirements associated with emergency repairs to historic structures and/or emergency work in rivers and streams is available at http://www.dot.ca.gov/ser/downloads/general/Emergency_Projects.pdf

Copies of the current Categorical Exclusion/Exemption (CE/CE) Form and the Categorical Exemption Checklist are available at: http://www.dot.ca.gov/ser/forms_instruction.htm

CONTRACTING METHODS

A Governor’s Proclamation of Emergency usually triggers suspension of the State Contract Act thereby permitting soliciting of informal bids from qualified contractors. This will permit an immediate start of emergency repair work. A local agency should always consult with its legal counsel prior to soliciting informal bids for an emergency type project.

The force account method (use of the agency’s staff and equipment) may be used to perform emergency opening and temporary operations required to minimize the extent of damage, protect remaining facilities, and reestablish essential travel.

Typically, repair work designated as “permanent restoration” is performed by contract following a two-to-three week advertising period. Permanent restoration, while usually performed by the contract method, may on occasion be performed by local agency forces using force account procedures (see Chapter 12, “PS&E,” of the LAPM). Performing permanent work by force account is reserved for unusual situations such as encountering a lack of bidders, projects with scattered and remote locations, and where there is a need for specialized personnel.

PUBLIC INTEREST FINDING (PIF) CRITERIA

Title 23 CFR 635 Subpart B allows for "rare" circumstances which may justify the use of force account, negotiated contract, or other unusual methods of construction. The regulations indicate that, in the absence of an emergency situation, (such as PR work) circumstances are unlikely to justify the use of other methods of construction. Therefore, the consideration of any non-competitive construction contract method requires a cost effectiveness determination as well as an evaluation which demonstrates that the circumstances are unusual and unlikely to recur.

Cost Effectiveness Finding

A cost effectiveness finding is required for any non-competitive method of contracting. Title 23 CFR 635.205 cites the following situations as possible reasons for undertaking a construction project by force account:

1. When "the rights or responsibilities of the community at large are so affected as to require some special course of action, including situations where there is a lack of bids or the bids received are unreasonable," and
2. When by reason of the inherent nature of the operation, it is deemed cost-effective to do minor adjustments of railroad and utility facilities (major work still to be accomplished by competitive bidding) by force account.

Under the first circumstance the use of force account may be found cost-effective when properly documented. Under the second circumstance, FHWA has determined that the use of force account is *always* cost-effective, and therefore, no Cost Effectiveness Finding is required.

Requests to undertake such work using the force account method must be fully justified and approved by the DLAE or District staff before construction begins (see Chapter 12, PS&E," of the LAPM and Exhibit 12-F "Request for Approval of Cost-Effectiveness/Public Interest Finding").

EXPEDITING ER PROJECTS

Local agencies are expected to maintain safe roadways during disasters. Emergency repairs necessary to protect life and property should be undertaken immediately. Such repairs do not require prior authorization from a Federal/State inspection team, however, keeping good records for each site (i.e., **mandatory pre-repair pictures**, diagrams, diaries, etc.) is essential to support later reimbursement. The inspection team will later review and authorize work resulting from the disaster that was repaired prior to the inspection team's review. The inspection team will also authorize emergency work remaining to be performed, and work designated as PR. Work so designated should be undertaken as soon as possible after DAF approval. (Access the DAF at <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>). A local agency is responsible for the preparation of project PS&E, permits, environmental and R/W certifications, and construction engineering.

Emergency Relief reimbursement eligibility for work that has not progressed to the construction stage by the end of the "second fiscal year" following the "federal fiscal year" of the disaster may be terminated. Local agency costs incurred and reimbursed (PE, R/W, etc.) for terminated projects may need to be refunded to the federal government. For projects where PE work was done; and it was determined not to proceed with construction; the agency may send a "letter requesting PE forgiveness" through their DLAE and ER coordinator, to FHWA for approval. In cases where this deadline is not met, the local agency may request a time extension through their DLAE and ER Coordinator. With proper justification the request will be forwarded to FHWA for approval/disapproval.

Caltrans will process necessary project documents on an expedited basis to permit prompt reimbursement of local agency funds.

ADVANCE CONSTRUCTION FOR ER PROJECTS

When an agency is ready to advertise their PR contract, and FHWA ER funds are not available; an Advance Construction (AC) E-76 has to be processed. Per ER regulations, PR construction work done prior to E-76 authorization is not eligible for reimbursement. If ER funds are not available, the agency can request an AC E-76 and start the contract using local funds. Once ER funds are made available the AC E-76 is converted to an ER E-76.

SEQUENCE OF ER ACTIONS TO BE PERFORMED

The following checklist indicates the sequence that ER actions are performed, and the related documents submitted to the DLA for review and transmitted to FHWA. **Note:** See flow chart at the beginning of this chapter.

1. The **local agency photographs damage, performs and prepares records of EO repairs** to minimize the extent of damage, protect remaining facilities, and restore essential travel.
2. The **local agency identifies damaged locations**, that are federal-aid highways, work performed and the associated cost for EO repairs to date for each location, and prepares a listing. Note: See Section 2.3, *State-Authorized Projects*, and 2.4, *Stewardship-Letters of Agreement*, in the LAPM for Stewardship-FHWA Oversight project classification.
3. The **local agency** coordinates with Caltrans DLAE to **arrange for the federal/state review team**. The local agency provides personnel familiar with the locations and history of work performed to date. The local agency representative is expected to be an active team member. See “Detailed Site Inspections” in Section 11.4 for directions on when a FHWA signature is required on a DAF. (Access the DAF at: <http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>)
4. **State/local agency** team reviews sites and **prepares DAF for EO and/or PR as applicable**. **Note: All PR work follows regular federal-aid procedures**. See “Detailed Site Inspections” in Section 11.4 for directions on when a FHWA signature is required on a DAF.
5. **The district** assigns separate EAs and Project numbers to the DAFs. Several DAFs can be combined onto the same project. For example if several DAFs have EO work which consists of debris removal, these DAFs could be combined onto a single project. If the PR work is similar on some or all of the DAF; then the similar PR DAFs can be combined, also. If the PR component of these DAFs are very different, they should not be combined. Instead they should remain as individual projects.
6. **Caltrans HQ prepares and submits Program of Proposed ER Projects** to FHWA for approval.
7. The **local agency submits a Request for Authorization for EO work**, along with the applicable Environmental and R/W documentation (see Chapter 3, “Project Authorization,” of the LAPM) to Caltrans - DLAE.
8. **Caltrans submits the Authorization to Proceed (E-76)** to FHWA and receives funding approval.

9. **Caltrans HQ sends the local agency two copies of a Program Supplement Agreement for each project.**
10. **Local agency signs the Program Supplement Agreements** and sends them back to Caltrans HQ. Caltrans HQ executes the agreements, and sends one copy back to the agency. Once the agency has received their copy, the local agency submits invoices for work completed.
11. **The local agency completes the identified EO work.**
12. For the EO portion of the project **the local agency** completes the Final Inspection Form (Exhibit 17-C of the LAPM) and submits it to the DLAE. Caltrans then verifies project completion.

Additional steps for DAFs with Permanent Restoration

1. **The local agency submits the Request for PE authorization.** (see Chapter 3, "Project Authorization," of the LAPM) to Caltrans - DLAE.
2. **The local agency obtains NEPA approval and completes the R/W Certification process** (see Chapter 6, "Environmental Procedures" and Chapter 13, "Right of Way," of the LAPM).
3. **The local agency develops PS&E for the permanent restoration work.** (see Chapter 12, "Plans, Specifications, and Estimate," of the LAPM)
4. **The local agency submits PS&E Certification, R/W Certification to Caltrans and Request for Authorization** for identified items of permanent restoration work.
5. **Caltrans:**
 - **DLAE submits Request for Authorization** to Caltrans HQ;
 - Receives FHWA's Authorization to Proceed; and
 - **DLAE sends copy of Authorization to Proceed to local agency.**
 - **Caltrans HQ sends two copies of the Supplement Agreement to the local agency for signature**
6. **The local agency advertises project** and opens bids (see Chapter 15, "Advertise and Award Project," of the LAPM).
7. **Local agency signs Program Supplement Agreement** and returns it to Caltrans HQ.
8. **The local agency awards contract, submits Contract Award Checklist to DLAE,** proceeds with construction contract and submits invoices.
9. Upon completion of projects, local agency completes Final Inspection Form, (Exhibit 17-C of the LAPM) and submits to Caltrans. Caltrans then verifies project completion. See Chapter 17, "Project Completion," of the LAPM for complete details on final inspections.
10. **The local agency prepares final billing** and submits it to Caltrans.

REPORTING OF FINAL COSTS

A local agency must promptly notify the DLAE when each ER project is completed. The local agency will also submit a Final Detail Estimate of cost, together with a Final Invoice in the form specified in Chapter 17, "Project Completion," of the LAPM

The DLAE will prepare a “Report of Completion” (Form 1446C) for each ER project. The Form 1446C is required for both emergency repair and permanent restoration projects. The original and one copy are to be submitted by the DLAE to DLA.

REFERENCES

Title 23 US Code, Section 120(e), Federal Share Payable Title 23 US Code, Section 125, Emergency Relief Title 23 US Code, Section 133(c), Surface Transportation Program 23 CFR 688, Emergency Relief Program FHWA - Emergency Relief Manual – 2009

11.5 FHWA ON-LINE ER TRAINING

FHWA has developed seven ER training modules that can be taken at any computer, at any time. The user can choose to go through all the modules at one time; which should take about four hours, or pick certain modules to focus on. The modules do have audio, so you will need to adjust your computer volume.

Module Name	Module Web link
• Pre-training Quiz	http://fhwa.adobeconnect.com/erquiz
• Program Overview	http://fhwa.adobeconnect.com/caeroverview
• Application Process	http://fhwa.adobeconnect.com/caerapplicationprocess
• EO vs. PR	http://fhwa.adobeconnect.com/caereovspr
• Eligibility	http://fhwa.adobeconnect.com/caereligibility
• DAF	http://fhwa.adobeconnect.com/caerdaf
• ER Specifics	http://fhwa.adobeconnect.com/caerspecifics
• ER Examples	http://fhwa.adobeconnect.com/caerexamples

Once or twice annually FHWA will host a web conference, if you have logged on to use any module during the past year, you should be e-mailed a web conference notification.

11.6 FHWA ER APPEAL PROCESS

FHWA has developed an ER appeal process. The appeal process is to be used whenever a local agency does not agree with an ER related FHWA decision. With each sequential step listed below, the previously involved parties may be included in the next step of the appeal process. It is expected that the next step can be requested by any party, if resolution is not achieved at the present level.

Step 1

Caltrans district staff and the local agency meet to determine if an appeal should be made.

Step 2

The Caltrans staff who signed the DAF will request a meeting with the FHWA Engineer that has responsibility for the impacted area. FHWA may ask for additional information, in order to assist in making an eligibility decision.

Step 3

Caltrans DLAE or District ER Coordinator will meet with the FHWA Team Leader, HQ ER Coordinator and/or applicable specialists

Step 4

Caltrans HQ ER Coordinator will meet with the FHWA Field Operations Director

Step 5

Caltrans Director will meet with the FHWA Division Administrator

Any time the appeals process appears to have stalled; Caltrans or the local agency may request that political representatives take the issue to FHWA HQ. It needs to be recognized that the FHWA Division Administrator is responsible for the federal-aid program in California and has the ultimate decision for any appeal.

11.7 ROBERT R. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT, FEMA

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, administered by the FEMA, is a comprehensive federal program providing disaster assistance to both the public and private sectors. The Act can provide disaster assistance funding to both Caltrans (State Highway System) and local agencies for eligible disaster damage occurring to transportation facilities not on a federal-aid highway.

This Act, in the event of a declared natural disaster, can provide for debris removal from the R/W of federal-aid highways whenever the FHWA determines a Title 23 area-wide declaration is not warranted.

All state involvement under the Act is coordinated by Cal EMA. The information required by Cal EMA to implement this Act is described in Section 11.2 “Initial Departmental Actions” of the Act. The documentation used by Cal EMA to support the request for a Presidential Declaration is submitted to FEMA. FEMA assesses the disaster's total impact upon the state's economy and makes a recommendation to the President of the United States. The President, upon reaching a positive decision, will announce the details governing the “Disaster Area(s).”

Administrative procedures for both the federal (Robert T. Stafford Disaster Relief and Emergency Assistance Act) and the state (California Disaster Assistance Act) - discussed below - are similar.

For more Stafford Act information go to the FEMA website at <http://www.fema.gov/about/stafact.shtm>

REFERENCES

FEMA - Handbook for Applicants Pursuant to Public Law 93-288
44 CFR Section 206
FEMA Website: <http://www.fema.gov/news/disasters.fema>

11.8 CALIFORNIA DISASTER ASSISTANCE ACT (CDAA), CAL EMA

The CDAA is a state-funded program that assists disaster impacted local agencies. CDAA helps mitigate the effects of disasters that are not of sufficient magnitude to receive federal assistance. CDAA also provides assistance to local agencies in meeting the remaining federal matching share requirement when federal disaster programs are authorized.

State agencies are not eligible for assistance under CDAA. Cal EMA administers all provisions of the Act. And they may request Caltrans, as well as other State Agencies, to provide personnel and services to assist in implementing the Act. This request is made to Caltrans HQ ER Coordinator for local agency projects.

Detailed information for local agencies seeking assistance under the Act may be found in the Cal EMA publication entitled “CDAA - Eligibility Guidelines and Claiming Instructions,” or by going to the Cal EMA website at <http://www.oes.ca.gov> then clicking on “Recovery,” then search for CDAA on “Public Assistance (PA).”

DLA’s Disaster Assistance Coordinator will advise each disaster-impacted District ER Coordinator what services are to be provided to the Cal EMA and the local agencies.

Localized disasters that do not impact large areas or populations of the state usually do not receive consideration for a federal disaster program; however, such affected areas will probably be eligible for assistance under CDAA. Cal EMA, in such cases, will notify Caltrans when it is required to assist Cal EMA to mitigate the effects of the disaster. Each affected District ER Coordinator will subsequently be contacted by DLA's Disaster Assistance Coordinator, who will provide instructions for complying with the Cal EMA directive.

REFERENCES

Cal EMA - Natural Disaster Assistance Act as Amended, 1988

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EXHIBIT 11-A DAMAGE ASSESSMENT FORM INSTRUCTIONS

To access a fillable PDF version of the DAF, click on the following link:
<http://www.dot.ca.gov/hq/LocalPrograms/erp/erp.html>

U.S. Department of Transportation Federal Highway Administration- California Division- Title 23 Damage Assessment Form (DAF)		DAF No. [1A] - [1B] - [1C] - D	
Sheet # 1 of [2]		Federal Project # EO ER - [3] ()	
Disaster No. CA [4] - []		PR ER - [3] ()	
Applicant [5]		County [6]	Incident (mm/dd/yyyy) [7] Inspection [8]
Location of Damage: [9] Per Site <input type="checkbox"/> or <input type="checkbox"/> Per Mile		Federal-aid Highway? [10] Y for yes, if no, ineligible for ER funds <input type="checkbox"/>	
Name of Road/Bridge: [11]		Map No. []	
PM Begin: [12] PM Length: [13] (in feet)		Functional Classification Type: []	
PM End: [12]		Route # [16]	
Road/Bridge Data: Bridge No [14] Type: [15]		Forest Hwy? Y/N <input type="checkbox"/> [19] Interstate? Y/N <input type="checkbox"/>	
Traveled Way: Width [17] Type: PCC <input type="checkbox"/> AC <input type="checkbox"/> Gravel <input type="checkbox"/>		Existing ADT: [20]	
Shoulder: Width [18] Type: PCC <input type="checkbox"/> AC <input type="checkbox"/> Gravel <input type="checkbox"/>			
Description of Damage: [21]			

COST ESTIMATE				
Emergency Opening (EO)	Type of Repair	Description of Work	Cost Summary	
	EO- AGENCY FORCES CT Work Order #(s): _____ EA(s): _____	[22]		PE
			CE	[24]
			Construction	[25]
EO- CONTRACT EO EA(s): _____	[26]		PE	[27]
			CE	[28]
			Construction	[29]
NOTE: Environmental documentation for EO is required. It is generally started after work has begun.			R/W	[30]
Subtotal Emergency Opening				[31]
Permanent Restoration (PR)	PR- CONSTRUCTION FA requires an approved PIF	[32]	PE	[33]
	Contract _____ FA _____		CE	[34]
	PR EAs _____		Construction	[35]
NOTE: PRIOR AUTHORIZATION (APPROVED E-76) IS REQUIRED TO PROCEED WITH PERMANENT RESTORATION R/W & CONSTRUCTION			R/W	[36]
NOTE: Environmental clearance for permanent restoration is conducted through normal Federal-aid procedures				[37]
Subtotal Permanent Restoration				[37]
Eligible	Signature	Date	PE Total	[38]
<input type="checkbox"/> Yes <input type="checkbox"/> No	Local Agency (if applicable): [39]		CE Total	[40]
<input type="checkbox"/> Yes <input type="checkbox"/> No	Caltrans: [41]		Construction Total	[42]
<input type="checkbox"/> Yes <input type="checkbox"/> No	FHWA*: [43]		R/W Total	[44]
TOTAL ESTIMATE				[45]

Agency sig. Name (print): [46] FHWA Sig. Name (print): [47]
CT signature Name (print): [48] DAF Prepared by (print): [49]

Original: Caltrans District **Copies:** FHWA, Division of Local Assistance(local roads), Federal Resources (state hwy), HQ Major Damage Engineer (state hwy)
*Write "N/A" in FHWA signature block if the project has no Federal ER funding or Federal ER funding delegated to the State.
FHWA Signature: REQUIRED for all Federal Funded State projects. REQUIRED for any Local Agency projects with 1) any BETTERMENT, 2) more than 2 ROW takes or 3) when paving is more than 50% of the Total Estimated Cost. **Reminder:** This DAF must be accompanied by photos of the damage.

FHWA CA Form (CA Rev 12/10)

Damage Assessment Form Instructions

The New DAF format- the Emergency Relief (ER) Damage Assessment Form (DAF) has been recreated in Adobe Acrobat Professional v.9 to streamline processing data. Also, users must have Acrobat Reader in order to fill in the form on their computer. Users will be able to save the data in the application form with Reader 8.0 or later and send the file as an attachment to an email. Download free software: <http://get.adobe.com/reader/>

You can tab from field to field; but if you are not sure exactly what type of data is needed in a particular field you can manually move your cursor over a field, and “hover”, and a tool tip will appear, that will explain what information is needed.

The scope of work eligible for ER funds is established on the DAF. After the DAF is completed and signed, the Caltrans District representative is responsible for assuring that copies of the DAF are distributed as indicated at the bottom of the DAF and that the DAF data is entered into the FADS 2.0 database.

A **revised DAF** must be prepared if significant deviations from the prior approved DAF scope are proposed or if a significant quantity change is made. Generally, a significant quantity change is considered for:

- DAF amount is \$100,000 or less and the change is greater than \$10,000 and 25%.
- DAF amount is between \$100,000 and \$1,000,000 and the change is greater than 15%.
- DAF amount is greater than \$1,000,000 and the change is greater than 10%.

Revised DAF requests will be reviewed every two months. The revised DAF paperwork should be submitted to the ER Coordinator two weeks prior to the review meeting.

[1] DAF Number: The DAF number uses the format:
AAA-BBBBBB-123-0.

FHWA and Caltrans have agreed to standardize the DAF numbering format as follows:

For State ER Projects:

- **[1A]** The first three spaces (“AAA”) are for the FHWA representative’s first, middle and last initials (or something similar). All three spaces must be filled in using alpha characters only. The letter “O” should be replaced with an “X”. No empty spaces!
- **[1B]** The next six spaces (“BBBBBB”) are used to indicate the agency (abbreviated) which is administering the ER project at the damaged site. Not all spaces are required to be filled in. However, no internal spaces are permitted between characters. For State Highway sites, enter CT followed by the district number as CT01, CT02, (not CT 01) and so on.
- **[1C]** The next three spaces (“123”) are used to designate the site or location number. All three spaces must be filled in with numeric characters only. The entry for the first site for an agency will be “001”. The next DAF for a different site will be “002”, and so on.
- **[1D]** The last single space entry is to show the DAF revision number. The initial DAF must show a “0” (zero) in this space. If major changes are made to the existing DAF, fill out a revised DAF with the new information, get the DAF signed by FHWA, and change this entry from “0” to “1”.
- The following is an example of the first revision to the 18th DAF for a State Highway site in District 2: **ABC-CT02__-018-1** (State Hwy. DAF).

Damage Assessment Form Instructions

Local Agency Projects:

- **[1A]** The first three spaces (“AAA”) are for the FHWA representative’s first, middle and last initials. If the FHWA representative does not attend the site visit for a local agency site, enter the initials of the Caltrans District Local Assistance Engineer who attended, or the Caltrans representative who will be signing the DAF. All three spaces must be filled in using alpha characters only. The letter “O” should be replaced with an “X”. No empty spaces!
- **[1B]** The next six spaces (“BBBBBB”) are used to indicate the agency (abbreviated) which is administering the ER project at the damaged site. Not all spaces are required to be filled in. Start on the left and work to the right, no empty spaces between characters. If an agency doesn’t know their abbreviation, District staff can look it up in LP2000, on the first page in the Route box. Counties use their standard abbreviation followed by CO. i.e. YUBCO (not YUB CO) is Yuba County and CND is Concord.
- **[1C]** The next three spaces (“123”) are used to designate the site number for a given agency. All three spaces must be filled in with numeric characters only. The entry for the site for an agency will be “001”. The next DAF for a different site will be “002”, and so on.
- **[1D]** The last single space entry is to show the DAF revision number. The initial DAF submitted to FHWA must show a “0” (zero) in this space. If major changes are made to the existing DAF, fill out a revised DAF with the new information and change this entry from “0” to “1”.
- The following is an example of the third DAF for a local site in the County of Yuba: **CBA-YUBCO_-003-0** (Local Agency DAF).

[2] Sheet number: Fill in total number of sheets.

[3] Project #s: Enter the seven-digit Federal Project Number (if known). The following is an example entry: 4321(004) for Emergency Opening (EO) and/or Permanent Restoration (PR) 4321(005). You may not have the project numbers by the time the DAF needs to be submitted to FHWA, these can be filled in later.

[4] Disaster #: Enter the three-digit Federal Disaster Number (required). The disaster number is CA for California, then the Federal Fiscal Year (which starts on October 1) followed by the event number, starting with 1. The following is an example entry: CA09-1, for the first event in California during FFY 2009.

[5] Applicant: Caltrans if State administered, or the name of the City, County or other local agency if locally administered.

[6] County: The name of the county where the damage is located.

[7] Incident Date: Usually the Governor’s Proclamation date; but it may be the date the damage occurred, or was first discovered. If the site is damaged in more than one proclaimed event, write additional incident dates in the Justification box at the bottom of the Cost Calculation sheet.

[8] Inspection Date: The date that FHWA or Caltrans (local agency sites) visited the damage site. If there was more than one group inspection, it is best to document the additional dates in the justification area at the bottom of the Cost Calculation sheet.

[9] Location of Damage: Check “Per Site” or “Per Mile”

Damage Assessment Form Instructions

For damage to be eligible for FHWA funding, the repair estimate must be greater than one of the following criteria:

	State	County	City
Per site	\$5,000	\$5,000	\$5,000
Per mile	\$15,000	\$9,000	\$5,000

[10] **Federal-aid Highway, Map Number, and Classification:** Enter Y for yes in the box next to “Y for yes...”if the damaged route is eligible.

- Go to the CSR maps at http://www.dot.ca.gov/hq/tsip/hseb/crs_maps/ to determine if the route is a federal-aid route. Local roads and rural minor collectors (grey or yellow) are not eligible for FHWA ER funds.

Fill in the Map Number from the lower right hand corner of the CRS map, and enter the functional classification type (i.e. major collector).

[11] Name of Road/Bridge: Enter the name of the road/bridge or route number.

[12] PM Begin and PM End: If the route has post mile markers enter that information; if not use a short description such as “.1 mile SO River Intersection.”

[13] PM Length: Enter the length of the site, in feet.

[14] Road/Bridge Data: Fill in bridge # if applicable.

[15] Type: Enter bridge type. (T-beam, PSPT)

[16] Identify State/Local Route Number: Enter route number if applicable.

[17] Traveled Way: Enter width of traveled way (two 12’ lanes= 24’), and check traveled way type- Portland Cement Concrete (PCC), Asphalt Concrete (AC) or Gravel.

[18] Shoulder: Enter width of the shoulder (two 8’ shoulders=8’), and check shoulder type- PCC, AC or Gravel.

[19] Forest Highway? Enter “Y” for Yes or “N” for No. If yes, the project may be eligible for - Emergency Relief Federally Owned (ERFO), for more information see publication number FLH-04-007 or go online at <http://www.efl.fhwa.dot.gov/programserfo.aspx> .

[19] Interstate? Enter “Y” for Yes or “N” for No, if the damage is on the Federal Interstate route system.

[20] Existing ADT: Enter the Average Daily Traffic (ADT). This number is useful in determining EO versus PR, in some instances.

[21] Description of Damage: Use general terms describing dimensions, and cause of damage, i.e. mudslide covering 75 feet of road, due to winter storms.

Damage Assessment Form Instructions

Emergency Opening (EO) versus Permanent Restoration (PR)- EO funding is for work that is needed for either 1) restoring essential travel, 2) minimizing the extent of damage, or 3) protecting the remaining facilities, ONLY.

[22] EO Agency Forces Description of Work: Write a general description of EO repairs made by agency forces, only. No contract work of any type. CT Work Order # is for State applicant work, and probably will not be known at the field review. EA # may not be known at FHWA submittal time.

[23], [27], and [33] PE (Preliminary Engineering) Costs: Round up to even dollars. Expenses must be justified in the Description of Work. If the PE estimate exceeds 10% of the construction cost, it needs a justification. The justification can be written in the Description of Work area, or on the Narrative page, or in the Justification area at the bottom of the Cost Calculation page.

[24], [28], and [34] CE (Construction Engineering) Costs: Round up to even dollars. Expenses must be justified in the Description of Work. If the CE estimate exceeds 15% of the construction cost it needs a justification. The justification can be written in the Description of Work area, or on the Narrative page, or in the Justification area at the bottom of the Cost Calculation page.

[25], [29], and [35] Construction Costs: Round up to even dollars. Write the estimate of the cost for repair work.

[26] EO- Contract Description of Work: Write a general description of EO repairs made by any type of contractor.

- For local agencies- Local Program Accounting wants an award package for any work done by a contractor. For shortlist or Force Account (FA) contracts- On a piece of paper state that the work is ER Force Account contract work. Show the date of the agreement, the type/quantity of work that has been agreed upon, and the agreed price. Show the name of the company and the persons who have entered into the agreement. Have both parties sign and date it.

[30] and [36] R/W (Right of Way): Fill in the estimated R/W acquisition expenses and support costs. ER will only fund work outside of the R/W if the following four conditions are met:

- Directly related to the protection of the highway
- Not eligible for funds from another agency
- No other agency has responsibility
- Applicant agrees to accept all future maintenance

[31] Subtotal Emergency Opening: If you are filling in the DAF by computer, this will automatically be filled in. The sum of all EO estimated work. Round up to even dollars.

PR Type of Repair: PR work must follow federal contract requirements.

[32] Description of PR work and Summary Cost: Mark contract and/or FA. For FA, a PIF (Public Interest Finding) must be completed. For local agencies see “*Local Assistance Procedures Manual (LAPM)*” Chapter 12 PS&E, Exhibit 12-F.

Write a general description of the restoration work needed to repair the damaged facility. The EA# may not be known at FHWA submittal.

[37] Subtotal Permanent Restoration: If you are filling in the DAF by computer, this will automatically be filled in. The sum of all PR estimated work. Round to up to even dollars.

Damage Assessment Form Instructions

[38] PE total: If you are filling in the DAF by computer, this will automatically be filled in. Add up the three PE totals from above.

[39] Eligibility, Local Agency Signature and Date: If the applicant is a local agency, the agency will mark eligible and sign and date.

- For local sites that are less than \$5,000- mark the DAF as Ineligible, get a State representative's signature, and submit the DAF to Cal EMA for 75% reimbursement, for debris removal.

[40] CE total: If you are filling in the DAF by computer, this will automatically be filled in. Add up the three CE totals from above.

[41] Eligibility, Caltrans Signature and Date: The Caltrans representative marks Eligible or Ineligible, signs and dates the DAF.

[42] Construction Total: If you are filling in the DAF by computer, this will automatically be filled in. Add up the three Construction totals from above.

[43] Eligibility, FHWA Signature and Date: The FHWA representative marks Eligible or Ineligible, signs and dates the DAF. For local applicants- FHWA signature is only required if there are *any Betterments*, more than 2 R/W takes, or when paving is more than 50% of the total cost.

[44] R/W total: If you are filling in the DAF by computer, this will automatically be filled in. Add up the two R/W totals from above.

[45] Total Estimate: If you are filling in the DAF by computer, this will automatically be filled in. Add up all totals from above.

[46], [47] and [48] Local Agency Representative, Caltrans Representative & FHWA Representative: Print the name of the signatures above.

[49] DAF Prepared by: Print the name of the person who prepared the DAF.

Cost Calculation Page: Local agencies may provide their own spread sheet of calculations, in lieu of this page. Put the DAF # and page # in the upper right hand corner. Check if the calculation is for EO local forces, EO contract, or PR. Lump sum will generally only be accepted for non-biddable items such as mobilization. If you are filling in the DAF by computer- it will automatically multiply quantity by unit price, and add up all the items.

Justifications/Comments: Use this area to explain high PE and/or CE costs, additional site visit dates, and any other topics.

Photos, Sketches and/or Narrative Page: Photos are required with any DAF. Locals may submit photos without this page. Put the DAF# and page # in the upper right hand corner.

Local agencies- Do not include plans, time sheets, Proclamations, Resolutions, or bid packages as part of the DAF.