FHWA Emergency Relief (ER) Program for Federal-aid Highways

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Contact your VTrans District Project Manager to request FHWA Emergency Relief Program assistance for your Federal-aid highways.

FEMA Public Assistance does not cover damages to roads and bridges on Federal-aid highways.

Federal-aid highways are public roads that are classified as arterial, urban collectors, and major rural collectors. You can identify the Federal-aid highways in your municipality using VTrans' Vermont Functional Class and Federal Aid Highways webmap.

Federal-aid highway roads and bridges that are damaged as a direct result of a natural disaster or catastrophic failure from an external cause are eligible for Federal Highway Administration (FHWA) Emergency Relief funding.

What You Need to Know:

- The State of Vermont submits the application for FHWA Emergency Relief (ER) assistance. **Municipalities MUST work through their VTrans District to access this funding.** District staff and the VTrans Municipal Assistance Bureau will help you navigate the ER process. A Detailed Damage Inspection Report (DDIR) is required for each site.

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- Statewide, an event must cause at least $700,000 (Federal share; $875,000 total damages) in eligible damage for the event to be eligible for ER funding.
- Generally, sites must have a minimum of $5,000 in repair costs to be eligible for funding. VTrans staff will help you identify what a "site" is. Discuss all damaged areas with them because grouping damages may be possible.
- **Emergency Repairs** are made during or right after a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. Emergency repair work must be accomplished in the first 270 days after a disaster occurs. Reimbursement for emergency repairs is 100%. After 270 days, the Permanent Repair cost share applies. The environmental process for emergency repairs can occur after repairs have been made, but emergency repairs must comply with the requirements of the National Environmental Policy Act (NEPA). Unlike FEMA Public Assistance, first responder costs, such as fire and police assistance, are not eligible for reimbursement.
- **Permanent Repairs** are those repairs undertaken after a disaster to restore the highway to its pre-disaster condition. They occur after emergency repairs have been completed. The cost share for permanent repairs in Vermont is 80% Federal, 10% State, and 10% local. ERAF ratings do not apply to this program. Normal Federal-aid contracting procedures must be used.
- **FHWA reimbursements typically are based on pre-disaster conditions.** If items such as culverts are washed out, but not destroyed, FHWA will not pay for their replacement, regardless of whether a municipality has adopted codes and standards. If items are destroyed and a municipality has adopted and adheres to codes and standards, FHWA will typically use the full replacement cost as the basis for approved costs.
- The repair of a pedestrian or bicycle trail inside the right-of-way of a Federal-aid highway is eligible for ER funding whether or not the roadway itself is damaged.

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- Contracts for both emergency repairs and permanent repairs must incorporate all applicable federal requirements. **You must attach FHWA Form 1273 to all Federal-aid highway repair contracts to meet this requirement.**
- **Betterments** are added protective features or changes that modify the function or character of a facility from what existed prior to the disaster. They must be justified through a cost benefit analysis. FHWA determines eligibility and must review and approve all work.

Resources

- Damaged Road? Take These Steps for FHWA-Eligible Repairs - Guidance from VTrans about actions steps if your Federal Aid Highway was damaged during a disaster event,
- First Steps Decision Flowchart - Use this decision tree to help you make decisions on FHWA Emergency Relief projects.
- Field Checklist - What to do immediately, daily, and within five days after a disaster event.
- FHWA-Eligible Documents Checklist - A list of documents required by the program, including when signatures are needed.
- FEMA fact sheet on debris removal on Federal-aid Highways - Debris removal from Federal-aid highways and their rights-of-way are FEMA PA eligible.
- Emergency versus Permanent Repairs - Seven-minute FHWA video about the difference between emergency and permanent repairs and betterments.
- FHWA Emergency Relief Program Manual - For details on eligible and ineligible items and betterments.
- VTrans ER Program Quick Reference Guide - VTrans reference guide with the basic program facts. Incorporates 2021 program updates that aren't included in the FHWA Program Manual. For use in the first few weeks after a disaster event.

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Municipal Responsibilities

- Identify damaged sites.
- Take pictures and document the damage.
- Complete emergency repairs and document all costs (labor, equipment, materials, ICAP*, design, and other necessary work).
- Call your VTrans District to report damages.
- Schedule an on-site initial inspection through District staff (a.k.a. Detailed Damage Inspection Team).
- Review each Detailed Damage Inspection Report (DDIR) carefully to ensure it includes all eligible costs.
- Complete Permanent Restoration, when authorized.

*Overhead costs are eligible if the municipality has an approved Indirect Cost Allocation Plan (ICAP or Indirect Rate). Most Vermont municipalities do not have an ICAP.

Contracting

- Both Force Account work and contracted work are eligible ER costs.
- Document how all services were procured. For emergency repairs, quotes can be solicited from a few contractors via telephone or email. If a negotiated contract was used for emergency repairs (municipality reached out to one contractor only), FWHA must agree with the

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selection and price. For Permanent Repairs, normal Federal-aid contracting procedures must be used. In either case, document, document, document your process and save your documentation!

- Include all Federal-aid requirements in contracts. Use of **FHWA Form 1273** is required.

Betterments (Improvements)

There are two types of betterments.

Added Protective Features

- Raising roadway grades
- Stabilizing slopes or slide areas
- Installing riprap
- Lengthening or extending bridges
- Replacing culverts with bridges
- Adding scour protection

Changes to the Function or Character of the Highway

- Adding lanes
- Adding grade separations
- Improving access control
- Upgrading surfaces, such as from gravel to pavement

Betterments must be within the documented Scope of Work and budget. FHWA approval is required.

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Resiliency

ER funds can be used to improve climate change and extreme weather resilience when repairing or rebuilding damaged federal-aid highways either by:

1. Bringing the highway up to current standards (this is not a Betterment), OR
2. Implementing cost-effective betterment that would save the FHWA ER program money over time.

Replacement roadways and bridges should be designed to the current geometric and construction standards for the facility's design life. Building to current standards must be supported with engineering.

For cost effective betterments, a benefit-cost analysis is completed. This is different than FEMA's Benefit-Cost Analysis. Only costs to the FHWA ER program are included. Costs such as the cost of traveler delay or reduced economic activity are not included. Basic FHWA formula: Avoided future cost to FHWA ER program (benefit) / Cost of added protective feature > 1

Changes to the function or character of the roadway are generally ineligible.

Eligible and Ineligible Items

Eligible Items

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- Roadway repairs
- Traffic control devices
- Labor and equipment, including maintenance forces
- Railroad crossings on Federal-aid routes only
- Safety patrols
- Engineering and right of way
- Detours
- Overlays
- Slides
- Work on active construction projects
- Toll facilities
- Landscaping, if incidental to other eligible repairs
- Roadside appurtenances, such as sign and light poles, traffic barriers
- Transportation System Management Strategies
- Features resulting from the National Environmental Policy Act (NEPA) process
- Pre-authorized outside of highway right of way work (e.g., stream channels adjacent to roadway)
- Others (refer to FHWA ER Manual)

Ineligible Items

- Heavy maintenance, Ex. Damage under $5,000 per site, snow or ice removal, frost heaving/potholing
- Traffic damage
- Applicant-owned material (stockpiles)
- Emergency transportation services / first responders
- Radiological contamination
- Catastrophic failure from an internal cause

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- Preventative work / evacuation prior to disaster
- Previously scheduled bridge work

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