

EMERGENCY RELIEF PROGRAM (ER)

FAQs

Acronyms

ER = Emergency Relief program

EO = Emergency Opening Repairs

PR = Permanent Repairs

FAQs

1. How are the Emergency Relief federal funds distributed?

Answer:

For the ER \$100M annual apportionment, the ER funding is distributed by FHWA to the U.S. States and Territories (STATE) with eligible ER disasters showing they have an immediate need and can obligate the funding. FHWA determines the amount of apportionment distributed to each STATE and, within each STATE, the distribution of the STATEs apportionment to each individual disaster.

Unfortunately, this \$100M annual apportionment is nowhere near enough to fund all the needs of the ER program. As a result, from time to time, the U.S. legislature supplements the ER annual apportionment through an additional Congressional Apportionment. Usually, the Congressional supplemental apportionment for disaster relief is available to all federal agencies, through their respective Departments. This includes, but is not limited to, Department of the Interior, Department of Homeland Security, Department of transportation, Federal Highway Administration (FHWA), U.S. Corps of Engineers, Bureau of Reclamation, etc.

Once FHWA receives their portion of the supplemental funds, they distribute it to States and then further subdivides it to individual disaster events within the apportioned state as they do with \$100M annual apportionment.

2. What is the local share?

Answer:

The local share required as a match for federal ER funding (a.k.a. local share) depends on when and what type of work is being performed (assuming ER eligibility). Following are the federal/local funding split per the condition given:

Federal / Local Reimbursement Ratios*

Type of Work	Begin Date of Disaster	Time Period	Fed. Share	Local Share
Emergency Opening Repairs	before 10/01/21	1 st 180-days	100%	0%
Emergency Opening Repairs	before 10/01/21	after 1 st 180-days	100%	0%
Emergency Opening Repairs	10/01/21 & after	1 st 270-days	88.73%	11.47%
Emergency Opening Repairs	10/01/21 & after	after 1 st 270-days	88.73%	11.47%
Permanent Repairs	N/A	From begin date of disaster	88.73%	11.47%
Permanent Repairs Under Emergency Opening Procedures	N/A	From begin date of disaster	88.73%	11.47%

*Does not consider individual project specifics, which may impact project reimbursement ratios.

3. What if the total project cost of the work exceeds the total estimated cost on the approved DAF?

Answer:

The total ER project cost is allowed to exceed the total estimated cost on the latest approved DAF by up to 20%. This means if the total project cost is 20%, or less, over the total estimated cost in the latest approved DAF the local agency may request authorization without having to revise the DAF submittal package for the change in costs. If the total project cost exceeds the total estimated cost on the latest approved DAF over 20%, the local agency will need to first have a revised DAF submittal package with the additional costs approved by FHWA before they will be able to request authorization of the additional funding.

4. To qualify for Emergency Opening Repair work do all three EO qualifying criteria need to be met or only one of the three EO qualifying criteria?

Answer:

For work to qualify as Emergency Opening Repairs, it must fit any one of the following three criteria:

- 1] Restore the Essential Traffic,
- 2] Minimize Extent of the Damage, or
- 3] Protecting the Remaining Facilities.

5. If there is no ER eligible disaster damage is a local agency still expected to submit an Initial Damage Estimate (IDE) to Caltrans?

Answer:

No, however a local agency should still report any disaster damage they've received to CalOES.

6. When is the Initial Damage Estimate (IDE) due to Caltrans?

Answer:

Although the Initial Damage Estimate (IDE) is due within 14-days of the beginning of the disaster event, local agencies are asked to send their IDE to Caltrans within five-days of the beginning of the disaster event. Updates to the IDE may be sent up to six weeks after the beginning of the disaster event.

7. Where does the local agency send their completed Initial Damage Estimate (IDE)?

Answer:

Completed IDEs should be emailed to ER.IDE.Submittals@dot.ca.gov with a cc: copy of the email directed to their District Local Assistance Engineer (DLAE). DLAE contact information may be found on the web at: <https://dot.ca.gov/programs/local-assistance/other-important-issues/local-assistance-contacts>

8. What approvals are required for E76 authorization?

Answer:

For E76 authorization, both the Damage Assessment Form (DAF) submittal package and Request For Authorization (RFA) submittal must both be approved. Other documents may be required depending on the specifics of the project and type of E76 request. Contact your DLAE for details.

9. Is the AED on the RFA forms treated like the PED in that it should not lapse before we complete the phase for which we request funding?

Answer:

Our old RFA forms show the AED, which is an earlier form of the PED. The RFA forms will be updated to with the PED included, in place of the AED.

10. Can you touch on the option to use "normal" Fed-aid funds until ER federal funding is available?

Answer:

Per FHWA, rather than use Local Advanced Construction (AC) funds to advance an ER project, local agencies may use funding from another federal program. Then, when ER federal funds are available, these funds would be exchanged with the funds used from the other federal program. Once exchanged the other federal funds used would be returned to the local agency for use. On the other hand, if the ER federal funds are never made available, the other federal funding used would never return to the program from which it came.

This would be a new process so the details and procedures would need to be worked out with FHWA, if used.

11. To avoid being placed on the Inactive Project list, can local agencies "invoice" for no money (if there haven't been reimbursable expenses during the last six-month time period)?

Answer:

I will defer to the Division of Local Assistance's Implementation Office for the answer to this question. The Implementation Office manages and administers the Inactive Project List and requirements local agencies must meet to keep their projects off the list.

Just a note concerning the Inactive Project list and ER projects. Because of the emergency nature of the ER program, local agencies are expected to continually work to advance their ER projects to completion. When ER funding is obligated to a project and there are funds available to invoice, the local agency should be working on the project. When there are no federal funds available to invoice, the local agency is still expected to advance their project using local Advance Construction (AC) funding.

12. Betterment - For our Landslide project, are added facilities to stabilize the slide mass, and prevent future slide movement always considered betterment?

Answer:

Any features or facilities not present at the project location, just prior to the disaster event, are always seen as "Betterments." If the local agency can provide justification for a Betterment, the betterment may be eligible for ER funding. Justification of a Betterment may include, but not be limited to, a Benefit-Cost Analysis, Economic Analysis, and/or other analysis, to support ER eligibility of the Betterment.

13. Is identification of areas of reoccurring damage related to 23 CFR 667?

Answer:

Yes, 23 CFR 667 requires States to assure projects listed in the FTIP are checked for locations of repeated damage due to two or more disasters, have identified the location(s), considered incorporating a resiliency improvement into their proposed project and then report on what was the result of their consideration.

14. Was the 100 million dollars set aside for the ER program for just California or was it was nationwide?

Answer:

The \$100 million dollar amount is the set annual apportionment the ER program receives each year. These funds are available to States and U.S. Territories for ER projects, until expended. FHWA apportions ER program funds to each ER eligible disaster event within each State, by demonstrated need.

15. Presumably, a State Governor can issue a disaster proclamation, without the President also issuing a disaster proclamation. Has this previously happened?

Answer:

Yes, to meet the official disaster proclamation requirement for ER funding, only the Governor's Disaster Proclamation or the U.S. President's Disaster Declaration is needed, not both.

16. Is a local agency supposed to submit a completed ER program Initial Damage Estimate (IDE) even though they have no ER eligible damage? What if the local agency has FEMA eligible damage, with or without ER eligible damage?

Answer:

If a local agency has no ER eligible damage, there is no need for them to complete and submit an ER program IDE. The reporting of the ER damages using the IDE is not related to any FEMA program, and only depends on whether the local agency has any potentially ER eligible damage to report. Local agency damages must be reported to FHWA and FEMA separately.

17. Where online may I find the California Road System (CRS) Maps that provide the roadway Functional Classifications?

Answer:

The California Road System (CRS) maps, where roadway Functional Classifications are found, are located via an online GIS map located at the following web location:

<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=026e830c914c495797c969a3e5668538>

18. How may I distinguish between a minor urban collector road and a minor rural collector road?

Answer:

When a road is identified as a “minor collector” using the California Road System (CRS) map, further analysis is required to determine if the road is an urban minor collector or a rural minor collector. This is done using the latest U.S. Census Urban Area Reference Maps. The 2010 U.S. Census Urban Area Reference Maps will be used until the 2020 U.S. Census Urban Area Reference Maps have been adopted, which is scheduled to occur sometime in the Spring or Summer of 2023. The 2010 Census Urban Area Reference Maps are located online at the below web address.

<https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>

19. How do local agencies consult with Caltrans or the Metropolitan Planning Organizations (MPO) to address placing ER projects in the FTIP/FSTIP?

Answer:

Emergency Relief program projects are exempt from the FTIP/FSTIP listing requirement. ER projects are not required to be listed in the FTIP/FSTIP. Hence, there is no need to consult to have the projects added to the FTIP/FSTIP.

20. Are there any considerations made by the ER program when the Disaster Proclamation for a disaster event is issued three months or more after the beginning of the disaster begin date, which is after the local agency DAF submittal deadline?

Answer:

When a disaster proclamation is delayed near or beyond the disaster deadline, FHWA will usually extend the DAF submittal deadline a reasonable amount of time, usually one to three months. This additional time is to allow the State and local agencies enough time to prepare, complete and submit their DAF submittal packages.

A local agency may also request additional time to submit their DAF submittal package, if needed, by providing a their DLAE with an email stating which disaster locations (roadway segments), additional time needed, and reason the additional time is needed. If granted, DAF submittal deadlines may be extended by FHWA between one to three months.

21. Are local agencies expected to maintain the facilities they are installing outside the public right of way, which are installed as part of their ER project?

Answer:

Yes.

22. Is it true the ER program typically does not participate in right of way acquisitions outside of the right of way?

Answer:

ER funding eligibility is typically limited to repairs or reconstruction of damaged facilities within the local agency right of way. ER will only fund work outside of the right of way if each of the following four conditions are all met:

- 1) Directly related to the protection of the highway,
- 2) Not eligible for funds from another agency,
- 3) No other agency has responsibility, and
- 4) Applicant agrees to accept all future maintenance.

23. What can be done within the eligibility bounds of the ER program to reestablish existing storm drainage that was obliterated as part of a slide? to dewater the slide and prevent it from occurring again?

Answer:

This question cannot be answered specifically, without knowing the specific details of the project. However, we can answer this question in general terms. Work and construction of facilities to stabilize a slide area that has directly damaged a federal aid road, may be considered a “betterment involving added protective features.” This category of betterments involves adding protective features to highway facilities to make them more resilient to damage from future disaster disasters. As such, the existing storm damage might be justified with an economic analysis and a brief justification. The betterment should be approved as part of the DAF submittal package.

24. Just for clarity does an RFA need to be made or is it just after the DAF is approved that the E 76 has authorized?

Answer:

Before any completed ER eligible work can be invoiced, the local agency must have FHWA authorization for the work. This authorization is provided to the local agency in a document called the “E76,” named after the FMIS form number appearing at the top of the Authorization / Agreement Summary document, which summarizes FHWA approved funding dates and amounts for the federal aid project.

To receive E76 authorization to begin reimbursable work, the local agency must prepare a Request for Authorization, using the ER required program forms and documents. This information may be found on the ER web page.

RFA SUBMITTAL PACKAGE

KEY = Required
 = Required if not submitted earlier or changed since last submittal
 = District Submittal requirement

Required Document(s)	EO-PE	EO-RW	EO-CON	PR-PE	PR-RW	PR-CON	Cost Adj (Award)	Cost Adj (PE, RW)	Cost Adj (CON/CE)	Cost Adj (Final)	PED Extension
CT E-76/FADS Submittal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
First Approved DAF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Latest Approved DAF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
ER Finance Letter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CT Finance Letter (LP-2000)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NEPA Document		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
ER RFA Data Sheet		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
RW Certification			<input checked="" type="checkbox"/> ¹			<input checked="" type="checkbox"/>					
Auth to Relocate Utilities			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					
Detailed Estimate			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Final Report of Expenditures										<input checked="" type="checkbox"/>	
Final Inspection (Exh 17-C)										<input checked="" type="checkbox"/>	
Draft Final Invoice										<input checked="" type="checkbox"/>	
PED Ext. - Reason & Justification							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

¹Only if there will be utility work, utility issues, or if the work will not be entirely within local agency RW.