



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

Florida Division

545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

(850) 942-9650

July 16, 2008

In Reply Refer To: HPO-FL  
Re: Emergency Relief (ER)  
Program Requirements  
2008 Guidance

Ms. Stephanie C. Kopelousos  
Secretary of Transportation  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, Florida 32399-0450

Attention: Ms. Lora Hollingsworth, Interim Chief Engineer

Dear Ms. Kopelousos:

The purpose of this letter is to update you on the FHWA Florida Division's procedures regarding administration of the ER program. Many important lessons have been learned in the years following the eight hurricanes that impacted Florida in 2004 and 2005. As a result of this experience, FHWA would like to preempt any future events by ensuring the requirements and expectations of ER program are clear to all participants. Of particular importance is the need for Local Agencies to better understand our requirements.

The following sections provide information that supplements the FHWA policy letter issued on September 12, 2006, which should be familiar to all participants in the ER program.

#### Debris Collection Guidelines

The intent of the Emergency Relief (ER) Program is to only remove debris which was deposited on the Federal-Aid Roadway by the FHWA ER eligible disaster event. As such, debris removal is expected to be completed within 60 days from the FHWA declared event date. In the case of hurricanes, this will usually be the date that the storm makes landfall, unless there are multiple landfall dates. Specific operational parameters and guidelines necessary to clear the roadways are detailed in the FHWA Emergency Relief Manual.

Based on Florida practices, FHWA has defined first push and first pass as follows:

First push - is the initial effort to clear the roadway of debris which includes cut and toss operations to push debris out of the traveled way. Subsequent efforts to push debris from the roadway will not be eligible for ER program reimbursement.

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First pass - is the initial effort to collect debris pushed aside during first push operations and other debris removed from clearing limits as defined below. Vegetative and non-vegetative debris are not required to be on the same vehicles, but they are to be removed within the same time period for the first pass operation for that section of roadway. Once debris from a roadway segment has been initially removed, subsequent efforts to remove debris are not considered ER eligible expenses, regardless of the date or time in which the material was collected. It should be further clarified that with the exception of the initial collection of hazardous waste deposited on the roadway by the storm (which requires separate handling and disposal), there can not be multiple first pass efforts for collecting different types of debris within the same roadway section.

The clearing limits for debris normally include the traveled way, cut and fill slopes, and any additional clearing required to ensure the full functioning of the pavement, drainage ditches, and structures. It also includes the clear zone. Clearing of the remainder of the full right-of-way is considered heavy maintenance, and shall not be considered as part of the first pass collection activities eligible under the Emergency Relief Program. The eligible limits for various Federal-aid road classifications are as follows:

- Interstate/Florida Turnpike/Other Freeways: not to exceed 50 feet from the edge line, or the ROW limits, whichever is less.
- U.S./State roads: not to exceed 40 feet from the edge line, or the ROW limits, whichever is less.
- Other Federal-aid roads: not to exceed 20 feet from the edge line, or the ROW limits, whichever is less.

Debris in drainage ditches beyond the limits presented above, will be eligible for first pass removal to enable proper functioning of the drainage system. The debris collected should be documented by specific information (e.g., load tickets, spreadsheets, etc.) that clearly indicates the date and exact location (Federal-aid roadway) where it was removed and the quantity of debris that was removed. The documentation for debris removed from Federal-aid routes should clearly separate it from debris taken from non-Federal-aid roadways. Federal-aid eligible roadways are those shown on the approved Federal-aid maps maintained by the FDOT State Planning Office at:  
<http://www.dot.state.fl.us/planning/statistics/fedaidinfo/>

#### Detailed Damage Inspection Report (DDIR) Documentation

As stated in the September 12, 2006, letter if the performance of emergency repair work has already started, FHWA will require a copy of the contract and prices at the time a DDIR is written. The contract and other supporting material should be made available to the FHWA Transportation Engineer, and will be attached to the DDIR at the time of submittal. Our expectation is that there should not be a request to write a DDIR for ongoing work, without having the contract documents available to FHWA staff. For permanent ER work, the DDIR will be written without this documentation since the work will not be underway, but will be authorized following normal Federal-aid procedures used for regular program funds.

The initial and any revised DDIRs should be written within six months of the FHWA-declared event date. Any exceptions to this timeframe will be considered on a case-by-case basis; the request must be signed and submitted by the FDOT District Secretary, and subsequently must be approved by the FHWA Division Administrator.

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### Pre-Event Contracts

FHWA has reviewed and accepted the standard scope, developed by the State Maintenance Office for statewide use, for the following types of pre-event contracts:

1. Debris removal (2 types) – Cut & Toss and Debris Removal.
2. Signals & Generators (3 types) – Emergency Signal Repair & Emergency Generator Installation, Emergency Generator Installation, and Emergency Signal Repair.
3. Permanent lighting or signal repair - The use of pre-event contracts for permanent lighting or signal repair has been approved as a pilot based on the criteria established in FHWA letters dated August 10, 2006 and September 1, 2006. Under this concept the PS&E contract documents are submitted to FHWA for review. An advance construction (AC) authorization is submitted prior to contract advertisement and award. Work eligibility will be determined later based on an eligible event occurring and FHWA providing an allocation of funds for that event; and the site specific FHWA approved DDIRs written as a result of that event. If an eligible event does not occur, there will be no eligible Federal-aid costs for these contracts.

All costs associated with establishing the pre-event contracts are not eligible. After there is a declared eligible ER event the work performed by these contracts will become eligible if reasonable and supported. If local agencies utilize pre-event contracts they must be consistent with the approved State FDOT scope to be considered eligible for Federal-aid reimbursement. FHWA will not routinely review the local agency contracts but it is expected the local agency should coordinate the review of these contracts with the FDOT Districts.

The use of electronic debris monitoring has not been approved. Since the additional costs are unknown at this time, the approval of this method may not be appropriate for all quantity levels. The FHWA is currently awaiting a detailed analysis from the FDOT, before approving this method.

For pre-event contracts that identify a sole source material supplier or proprietary product, a Public Interest Finding must be sent to the FHWA Transportation Engineer for approval in advance of executing the contract. This applies to both FDOT and local agency pre-event contracts where Federal-aid reimbursement through the ER Program is anticipated.

### Consultant Services

In order to be eligible for reimbursement under the FHWA ER program, any consultant CEI monitoring services must be contracted directly through a public agency (e.g., city, county, town, state). The consultant cannot be hired by a contractor, including any Asset Maintenance contractors. The consultant must be procured following the "Acquisition of Professional Services" procedure. If local agencies do not use the State's procedures then their own procedures must be consistent with the Federal-aid requirements for hiring consultants. The consultant should be familiar with the requirements of the FHWA ER program and that it differs from the FEMA program.

### Authorization of Funds

The State financial management number (FM) must match the FMIS authorization request and the authorization amount requested should be consistent with the supporting documentation accompanying the authorization request. Documentation provided to FHWA accompanying the authorization request should be adequate and sufficient to support the requests. All emergency and permanent work must be

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performed on Federal-aid-eligible roads with the route locations clearly annotated on the supporting documents.

Reimbursement Procedures

Conditional approval of ER reimbursement requests will no longer be utilized by FHWA. A summary of documentation requirements were prepared by FDOT Emergency Management staff, in their July 2007 "Supporting Documentation Requirements for FHWA ER Program and FEMA Public Assistance Program" document. Additionally, reimbursements should be processed as quickly as possible after the event, in order to identify discrepancies and reduce disputes.

Indirect Cost Eligibility

FHWA will work with FDOT to establish an appropriate indirect cost ratio. Indirect costs for ER projects may be reimbursed in accordance with Federal regulations and guidance. Indirect costs will not be estimated and shown on individual DDIRs. The indirect cost will be estimated based on the ER event total costs, and added to the total ER allocation requested from FHWA headquarters.

We recommend that this guidance be shared with all FDOT employees who may be involved with the ER program and urge that it is shared with FDOT's local agency partners throughout the state. In addition, a Frequently Asked Questions (FAQ) document developed by the FHWA Florida Division is enclosed to serve as another resource for participants in the ER program. The FAQ is found at the following web link: <http://www.fhwa.dot.gov/fldiv/erpfaq.htm>.

FDOT is strongly encouraged to update their internal FDOT ER Manual to be consistent with the FHWA ER Manual (August 2003 version) and FAQ document.

If you have any questions please contact Mr. Chris Richter or Dr. Leslie McCarthy at (850) 942-9650.

Sincerely,

For: /s/ Leslie McCarthy, PhD, P.E.  
David C. Gibbs  
Acting Division Administrator

Enclosure(s)

cc: Messrs. James Jobe, and Chuck Rohling, FDOT (MS-21)  
Mr. Jason Wheeler, (MS-53)