

# The Emergency Relief Guide for Iowa

June 25, 2024

## Purpose

The purpose of the Emergency Relief (ER) Program is to provide reimbursement funding to assist State and Local agencies in repairing Federal-aid highways damaged during a disaster. This document was created to help applicants maximize their benefit of FHWA's ER Program.

## What initiates the ER Program

- Iowa must experience at least \$1,000,000 worth of damage statewide to their federal aid routes, meaning major collectors and above.
- The Governor must issue a Disaster Proclamation, or the President must issue a Disaster Declaration. Only sites within counties covered by the Proclamation or Declaration may be ER eligible.
- For a site to be considered it must have at least \$5,000 in new damage related to the current disaster event.

## FHWA not FEMA

Identifying FEMA or FHWA early is important for reimbursement purposes. Submit damage estimates timely to the Iowa DOT Emergency Relief web application as this information is used to support FHWA ER event applications. This system distinguishes ER eligible routes from Non-ER eligible routes. Debris related costs are ER eligible unless FEMA Public Assistance is active in that county.

## Contacts

Frequent and timely communication is critical to an effective ER program. Please coordinate with the contacts listed below, as necessary.

- Regional Local Systems Field Engineers
- [https://iowadot.gov/local\\_systems/contact-us](https://iowadot.gov/local_systems/contact-us)
- Assistant District Engineers
- <https://iowadot.gov/districts/district-contacts>
- Iowa DOT ER Coordinator: Brian Pribyl 515-233-7850 – [Brian.Pribyl@iowadot.us](mailto:Brian.Pribyl@iowadot.us)
- Iowa DOT ER Assistant: Scott McLain 515-239-1677 – [William.McLain@iowadot.us](mailto:William.McLain@iowadot.us)
- FHWA ER Contact: Andrew Zimmerman 515-233-(7334 or 7300) – [Andrew.Zimmerman@dot.gov](mailto:Andrew.Zimmerman@dot.gov)

## How to get reimbursed for repair cost

The ER program is a reimbursement program, so you must document the repairs you made and or the repairs you plan to make in the DDIR form. Attached to the back of this document is a step by step list of what the Iowa DOT and FHWA need identified and explained in the DDIR to approve and authorize the repairs. (See appendix "DDIR Details")

### Eligible Repairs and Cost

In general, any damage within the ROW of the transportation facility is eligible for repair. The following is a list of eligible cost used to identify the scope of the ER program.

- Restoring the transportation facility to its pre-existing condition (Restore in Kind)
- Rebuilding/upgrading the roadway or an element of the roadway to current design standards if it's severely damaged. (See appendix 'DDIR Details' for severe damage explained)
- Rebuilding with a betterment repair if the roadway or an element of the roadway experienced severe damage, and a B/C analysis is approved
- Preliminary engineering, and construction engineering
- Detours for damaged federal aid routes; cost needed for the traffic control, repairs caused by detoured traffic, and even strengthening the roadway to support the additional detoured traffic. Detours can be Local or Minor collectors because they are treated like the federal aid route they are detouring
- Damage to federal aid routes caused by vehicles responding to the disaster
- Damage to any route caused by vehicles repairing federal aid routes
- Raising the grade over a flooded section of roadway to allow traffic to continue using the route
- Damage to an active construction project, but only for the material that has been incorporated
- Debris removal when no presidential declaration has been issued
- ITS, Lighting, ROW fence and traffic control devices within the ROW
- NEPA mitigation features that may arise
- Work outside the ROW if – it directly protects the facility, no other agency is responsible for the work, and the applicant agrees to accept future maintenance cost

### Ineligible Repairs and Cost

ER funds are only intended to cover the cost of repair work that exceeds heavy maintenance, and damage sustained from the declared disaster. There are a few other circumstances that are outside the scope of the ER program and are considered ineligible.

- Frost Heaving
- Damage to stockpiled materials and other onsite construction equipment
- Gradual and progressive deterioration of a roadway element overtime and not directly from the declared disaster
- Rebuilding the roadway to an upgraded condition if no severe damage was determined. (See appendix 'DDIR Details' for severe damage explained)

Contracting/Procurement Methods

**The Emergency** procurement method is unique because it allows for flexibilities such as utilizing force account work, solicited contracting, negotiated contracting, or emergency lettings. This method can be used when a repair is needed to either protect the facility, minimize the extent of the damage, or restore essential traffic. (See appendix “essential traffic” for more info). These repairs do not need prior approval.

**The Permanent** procurement method is the standard federal aid contracting method. This method is used for permanent repairs because they are not considered urgent, are usually more structural in nature, and reimbursed at the normal pro rata share %. FHWA cannot authorize a permanent project for letting until the DDIR is approved.

- There is some overlap that is described in Tables 1. and 2. for certain permanent repairs that can be done using the emergency procurement method, and do not need prior FHWA concurrence.

Before you read the table below, understand that all emergency actions and repairs must be well documented and justified to receive 100% Federal funding. The repair actions defined below do not guarantee its eligibility until the emergency situation is understood.

**Table 1. - NHS Routes**

<b>Repairs done without prior FHWA concurrence</b>	<b>Repairs Paid 100% / Emergency</b>
	Temporary traffic control
	Temporary detours
	Debris removal when no presidential declaration has been issued, otherwise debris is charged to FEMA
	Removing the damaged material – broken up pavement or other destroyed structures
	Placing riprap on piers, abutments, edge of roadway, or anywhere that will prevent further erosion/scour
	Adding TBR and rock to raise a roadway temporarily
	Reestablishing a granular shoulder that now threatens the traffic safety or the facility from further damage
	Reestablishing a damaged roadway subbase or base – creating a temporary gravel surface to carry traffic
	HMA/PCC patching
	HMA/PCC full depth paving
	Roadway striping
	<b>Repairs Paid 90% or 80% / Permanent</b>
All culvert installations	
<b>Repairs needing prior FHWA concurrence</b>	New Bridges
	Guardrail
	Traffic signs, lights, signals
	Barrier rail
	Retaining wall
	ITS equipment
	Backslope repair
	Work outside the ROW
	Vegetation related, seeding mulch topsoil

**Table 2. - Non-NHS Routes**

<b>Repairs done without prior FHWA concurrence</b>	<b>Repairs Paid 100% / Emergency</b>
	Temporary traffic control
	Temporary detours
	Debris removal when no presidential declaration has been issued, otherwise debris is charged to FEMA
	Removing the damaged material – broken up pavement or other destroyed structures
	Placing riprap on piers, abutments, edge of roadway, or anywhere that will prevent further erosion/scour
	Adding temporary barrier rail (TBR) and rock to raise a roadway temporarily
	Reestablishing a lost granular shoulder that now threatens the traffic safety or the facility from further damage
	Reestablishing a damaged roadway subbase or base – creating a temporary gravel surface to carry traffic
	<b>Repairs Paid 80% / Permanent</b>
	All culvert installations
	HMA/PCC patching
	HMA/PCC full depth paving
	Roadway striping
<b>Repairs needing prior FHWA concurrence</b>	New Bridges
	Guardrail
	Traffic signs, lights, signals
	Barrier rail
	Retaining wall
	Intelligent transportation system (ITS) equipment
	Backslope repair
	Work outside the ROW
Vegetation related, seeding, mulch, topsoil	

### 270 days of 100% federal reimbursement

When the disaster event is declared the 270-day countdown begins. In that timeframe emergency phase procurement methods can take place and emergency repairs are reimbursed at 100%. All incurred cost after day 270 are reduced to the normal pro rata share % and no new emergency phase procurement methods can be initiated.

- **Extensions to this 270-day timeframe** can be granted on a site-by-site basis, - the justification for an extension must be primarily based around the site or locations inaccessibility. For example, taking dated pictures of a flooded route to show that it has been underwater for months and therefore was inaccessible to repair. Extension request must be submitted to the Iowa DOT before the 270 days has expired, with a proposed date of completion. If the site is still inaccessible on the 270<sup>th</sup> day the extension must still be requested before day 271, but the date of completion can be determined later once the site can be accessed.

### What happens after a DDIR has been approved

When the DDIR is approved by FHWA it's sent out to the original submitter, Assistant District Engineer or Regional Local Systems Field Engineer, Iowa DOT ER coordinator, and the Iowa DOT central office. At that point, it's up to the Iowa DOT central office staff to program the DDIR into a project that can be authorized in FHWA's financial system. When the project is ready for authorization FHWA will compare the approved DDIR estimate to the proposed obligated cost and if the cost increases by more than 20% from the DDIR an amendment to the DDIR will be requested. If the scope of work didn't change the amendment is simply updating the prices to reflect the current cost. If the scope of work did change there may need to be a few more adjustments to the DDIR before it's reapproved.

When the ER project is authorized by FHWA it becomes a state administered project and FHWA's involvement is complete. There is no additional reporting or unique processes, and it's treated like any other federal aid project.

Remember ER projects are federal project and may be audited from the Division Office or from FHWA Headquarters to ensure that all federal regulations are followed. The form 1273 must still be physically attached to the contract as well as the current wage rate.

## **Appendix**

### ***“DDIR Details”***

#### **PURPOSE**

This concurrence memo is intended to provide additional Iowa-specific details for Detailed Damage Inspection Reports (DDIR's) in Iowa. The 2013 FHWA Emergency Relief (ER) Manual, which can be found at <https://www.fhwa.dot.gov/reports/erm/er.pdf>, provides an overall summary of the ER program and process.

#### **SUBJECT**

This memo serves to identify an area of concurrence between Iowa Department of Transportation (Iowa DOT) and Federal Highway Administration (FHWA) regarding the level of detail needed in Detailed Damage Inspection Reports (DDIR's) as referred to in the ER manual.

#### **SUMMARY**

The Iowa DOT and Iowa Division of the FHWA agree to the following:

DDIR's are completed following onsite inspections that provide an important opportunity to clearly define the extent of damages and repairs that may be eligible for ER funding.

DDIR's are to be completed as fully as possible with sufficient details for the “story” of each site to be easily determined by reviewers and FHWA to maximize eligibility for reimbursement. Some sites may be complex or contain a large scope of work. In these cases, the information defined below may be too extensive to add into the DDIR form, so a separate document outlining the details should be attached to the DDIR for clarity.

The following information should be included when completing a DDIR.

- The location of the damage
  - Include specific location mile markers or GPS coordinates
  - Describe the part of the cross section of the transportation system that was damaged
- Description of the damage
  - Explain what caused the damage
  - Explain what was damaged and the severity of the damage
  - Describe the extent and or dimensions of the damage: length, widths, depths, etc.
  - If the work is Emergency repair (100% Federal share)
    - Please indicate what contracting method was used.
      - Local/State Forces
      - Force account with contractor

- Negotiated contract with contractor
  - Emergency let contract
- Please describe how one of the following criteria was met for emergency work to be eligible:
  - The work was needed to protect the remaining facility
  - The work was needed to restore essential traffic
  - The work was needed to minimize the extent of damage
- If permanent repairs are done during emergency repairs (See Tables 1. and 2.)
  - The applicant must receive FHWA concurrence prior to starting the work. This can be done quickly by an email or phone call.
  - The applicant also must explain how doing the permanent repairs now are more economically feasible than waiting to let them through the standard method.
- Define the nature of the repair
  - Restore in kind
  - Constructed to current standards
  - Added betterments
    - Note, if the repair falls under “constructed to current standards” or “added betterments”, it must be demonstrated that the damaged section was severe enough that it completely destroyed the cross-section element that is being updated/improved. Example: A roadway experienced minor shoulder rock washout, eligible for restore in kind but not severe enough to warrant an upgraded paved shoulder. Coordination is needed with FHWA in these cases.

Pictures (before the repairs were made) must be included. The applicant must decide how many pictures are necessary, but there must be enough documentation to properly describe and define the area of damage. Other attachments that would help provide this justification may be maps, drawings, plans, etc.

## ***“Essential Traffic”***

### **PURPOSE**

This concurrence memo is intended to provide additional details for the definition of essential traffic in Iowa. Restoring essential traffic is one of the 3 criteria for eligible emergency repairs.

The 2013 FHWA Emergency Relief (ER) Manual, which can be found at <https://www.fhwa.dot.gov/reports/erm/er.pdf>, provides an overall summary of the ER program and process.

### **SUBJECT**

This memo serves to identify an area of concurrence between Iowa Department of Transportation (Iowa DOT) and Federal Highway Administration (FHWA) on the definition of “essential traffic” as referred to in the ER manual.

### **SUMMARY**

Essential traffic does not always mean restoring the roadway to full capacity that existed prior to the disaster, but there are certain circumstances where the placement of the final roadway surface is necessary to restore essential traffic. FHWA proposes the following circumstances where this would be allowed:

- NHS Routes: Repairing and paving a new hard roadway surface to restore essential traffic can be eligible for 100% funding. The roadway damaged must be severe enough to warrant the new paving and/or patching, the scope of damaged pavement must correlate to the scope of new paving.
- Non-NHS Routes: Repairing and paving of a new hard roadway surface to restore essential traffic is considered a permanent repair and will only be eligible for 80% funding.
  - As stated in the DDIR Details concurrence memo – other permanent repair items can be completed during emergency work operations if FHWA is notified and concurs beforehand. (See Tables 1. and 2.)