



## **SUMMARY OF EMERGENCY RELIEF (ER) PROCEDURES FOR FEDERAL-AID HIGHWAYS**

### **Purpose**

The Federal Highway Administration (FHWA) Emergency Relief (ER) program assists state governments by providing funds for emergency repairs and permanent repairs on Federal-aid highways (classified as major collectors and above) and tribal transportation facilities and roads on Federal Lands resulting from a catastrophic failure, natural disaster or external cause. This policy provides an overview of initial procedures to follow in applying for Emergency Relief. If you would like more information, please contact Dan Schultz at the Wisconsin Department of Transportation (WisDOT) Bureau of Highway Maintenance, Emergency Response Engineer, at 414-227-2150, or email [dan.schultz@dot.wi.gov](mailto:dan.schultz@dot.wi.gov).

### **Background**

ER funds are not intended to cover all damage repair costs nor interim emergency repair costs that will necessarily restore the facility to pre-disaster conditions. State and local highway agencies must expect additional expenditures, changes in project priorities, and some inconvenience to traffic as a result of emergency conditions. State and local governments are responsible for planning and providing for extraordinary conditions. Although there is no nationwide definitive monetary break point between what is considered routine and extraordinary repair expenses, the Federal Highway Administration (FHWA) has determined that eligible ER repair activities in a State in the range of \$700,000 (Federal share) or more are usually significant enough to justify approval of ER funds.

### **Repairs**

**Emergency Repairs** are typically undertaken during or immediately after a disaster to:

- Restore essential traffic
- Minimize the extent of damage
- Protect the remaining facilities

Emergency repairs may begin immediately following a disaster and should be completed as soon as possible. Emergency repairs immediately following an event (up to 270 days, previously 180 days) can be included for consideration of ER funding.

**Permanent Repairs** are those done to restore the Federal-aid roadway to its pre-disaster condition regardless of when this work takes place after a disaster or catastrophic failure. Permanent repairs require FHWA approval to be eligible for ER funding.

### **Betterments**

If a betterment will add protective features to make the facility more resilient to damage from future natural disasters or catastrophic failures, it may be eligible.

### **ER Eligibility**

BHM will work with FHWA to determine eligible sites. Region staff should work with BHM and not directly with FHWA. All repairs must be documented and photographed to aid in this determination.

Basic eligibility criteria are as follows:

- A formal disaster proclamation made by the governor
- Damage on Federal-aid highway with functional classification of major collector or higher
- At least \$700,000 (federal share) of eligible damage in the state with individual site damage  $\geq$  \$5,000 (federal share)
- Work needs to be considered beyond "heavy maintenance". For Emergency Relief considerations, heavy maintenance can be described as damage that is expected from seasonal and occasionally unusual natural conditions or occurrences. Examples of heavy maintenance include work necessary to repair minor damage due to eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, and slip-outs in cut or fill slopes.

Eligible items – generally, all elements within the cross section of a highway that are significantly damaged as a result of a disaster are eligible for repair under the ER Program, including but not limited to the following:

- Pavement, shoulders, slopes, embankments, guardrail, signs and traffic control devices, bridges, culverts, cribbing and bank control devices, bike and pedestrian paths (even if the roadway is not damaged) fencing, and retaining walls.
- Design Engineering, ROW, and Construction Engineering costs that are reasonable and directly related to the repair of the eligible damage.
- Timber and debris removal if there is eligible infrastructure damage.
- Detours and traffic control devices
- If FEMA funds become available, debris removal costs become **ineligible** under the Emergency Relief program and must be removed from the total ER project costs.
  - Traffic control costs would typically be prorated based on the amount of debris removal to overall costs if FEMA funds are available. Debris removal costs and traffic control costs must be tracked separately for this reason.
- Transportation System Management (TSM) Strategies – traffic cameras, traffic detection, dynamic message signs...
- Projects and project features resulting from the NEPA process.
- Administrative expenses – employee salaries and wages of the applicant directly engaged in the performance of work on ER projects.
- Indirect costs if an approved indirect cost rate for ER has been approved by FHWA.
- In addition, the Bipartisan Infrastructure Law (BIL), enacted 11/15/2021 includes additional eligible activities:
  - Removes the restriction on ER eligibility for the repair or reconstruction of a bridge if the construction phase of a replacement structure is included in the approved Statewide transportation improvement program at the time of the event.
  - Improvements that are protective features – mitigate the risk of recurring damage or cost of future repairs from extreme weather, flooding or other natural disaster.
  - raising roadway grades
  - relocating roadways in a floodplain to higher ground above projected flood elevation levels or away from slide prone areas
  - stabilizing slide areas or slopes
  - lengthening or raising bridges to increase waterway opening
  - increasing the size or number of drainage structures

- replacing culverts with bridges or upsizing culverts
- installing seismic retrofits on bridges
- adding scour protection at bridges, installing riprap, or adding other scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes
- the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather, flooding, and other natural disasters

ER funding is contingent upon a favorable finding by FHWA on the eligibility of the disaster.

## **Funding**

### **Emergency Repairs:**

100% federal funds if repairs are done within 270 days of the event.

### **Permanent Repairs:**

90% federal funds and 10% state funds - interstate highways.

80% federal funds and 20% state or local funds for all other Federal aid highways.

Proper cost accounting for ER funding requires that each emergency repair be tracked by a site number. Each site number is defined with the two-digit abbreviation for the state of Wisconsin (WI), a two-digit number representing the year in which the event took place, and a sequential number assigned to each damage site per region. Site numbers can be determined by the Region when gathering damage assessments with BHM and FHWA input. Location descriptions can be described as an isolated spot, an intersection, a bridge, a length of roadway, or specific location. Some example site descriptions can be seen in the table below.

<b>Site #</b>	<b>Region</b>	<b>County</b>	<b>Route</b>	<b>Location</b>	<b>Damage Description</b>
WI-24-101	SW	Sauk	STH 136	STH 154 to Oak Street	Slope failure, pavement undermining and lose of aggregate shoulder
WI-24-102	SW	Crawford	STH 82	Lansing Iowa to STH 35	Slope failure of embankment, voids under pavement
WI-18-201	NW	Douglas	STH 53	Solon Springs, CTH A to CTH B	Several culvert pipe and shoulder washouts, drop inlet sluff in ditch line.
WI-18-202	NW	Douglas	CTH M	Stucky Rd – US 53	Shoulder washouts, pavement damage
WI-18-301	NC	Adams	STH 13	Fur Lane to Fur Ct.	Shoulder and in-slope washed out and riprap displaced.
WI-18-302	NC	Adams	CTH G	CTH P to Golden Ave	Culvert, shoulder and in-slope washed out. Pavement undermined.
WI-08-401	NE	Calumet	STH 55	S of Stockbridge	Pavement undermining and deep shoulder washouts
WI-08-402	NE	Calumet	US 151	S of STH 55	Shoulder and rip rap washouts, debris removal
WI-08-501	SE	Milwaukee	STH 38	N of Racine Co Line	Deep (8-18 inch) shoulder washout for 0.75 miles.
WI-08-502	SE	Milwaukee	US 45	Near Center Avenue Bridge	Various locations of pavement and shoulder being undermined

## **Emergency Repair Procedures**

### **Timeline: First few days**

Notifications to BHM Emergency Response Engineer should take place whenever any infrastructure damages greater than \$5000 have taken place due to a catastrophic failure, natural disaster or external cause. If there is a question as to whether a specific damage is eligible for emergency relief mentioned above, please contact Dan Schultz, [dan.schultz@dot.wi.gov](mailto:dan.schultz@dot.wi.gov)

Damage assessments need to be performed once the damage sites are considered safe. Getting photos taken of the damage and debris removal is required for proving eligibility for ER funding. The use of the Survey 123, Initial Disaster Damage Assessment Survey mobile application is highly recommended. The damage assessment data can be collected at the damage site including photos and saved to your device. The information can be uploaded later if a cellular connection is unavailable at the site. As additional or more accurate information becomes available it can be updated from the mobile application or from your browser. Information collected from County maintenance personnel can be used to create or edit a damage assessment while working remote or from the office by accessing the Initial Damage Assessment Survey form in your browser. Please see the [ER Process Documents](#) for more detailed information.

Emergency repairs to restore essential traffic, minimize the extent of the damage and protect the facility have been predetermined to be categorical exclusions and are covered under federal environmental permits as noted below.

### **Timeline: After first few days – 270 days**

Soon after a disaster, coordination efforts are taking place between County maintenance personnel, WisDOT Region Maintenance Engineers and Coordinators, BHM, BTO, and Wisconsin Emergency Management (WEM) to get a status of the damages sustained to state infrastructure. See **Attachment A** for an ER Program Flowchart. Input from local, county and state agencies including the data collected using the Initial Damage Assessment Survey helps to determine if a governor's disaster declaration (State of Emergency) is warranted. The governor's request for a determination by the president may be submitted as part of the State's application for ER funds in lieu of a state proclamation. A subsequent finding by FHWA that a natural disaster or catastrophic failure occurred and that the damage is eligible for ER assistance is also required. If this does occur:

- Update the [ER-Checklist](#) spreadsheet with a summarized list all damage locations or email a copy to Dan Schultz at [dan.schultz@dot.wi.gov](mailto:dan.schultz@dot.wi.gov). Provide estimated repair costs as well as costs for work already done.
- When Emergency Relief damage thresholds are met, BHM will send a letter of intent to the FHWA Division Administrator requesting ER funds.
- After the FHWA Division Office acknowledges the letter of intent, additional guidance will be provided by FHWA on what activities can begin.
- BHM will coordinate with the region(s) and FHWA for field inspections and assessments with FHWA representatives.
- FHWA will inspect some or all damage locations along with region and BHM personnel to verify damage extent.
- Detailed Damage Inspection Reports (DDIR) will be started during field inspections with FHWA and provide the extent of repairs eligible for ER funding. See **Attachment B** for an example DDIR.

- Update damage assessments using the Initial Damage Assessment Survey mobile application or browser version. This information will be used to create the Damage Survey Summary Report.
- When all damage site assessments are completed the Damage Survey Summary Report (DSSR) can be created by combining the damage assessments and submitted to the FHWA Division Administrator. The DSSR provides a basis to make a finding that the disaster is eligible for ER funding.

When the FHWA makes a determination of eligibility, a Program of Projects shall be developed and submitted to FHWA within 3 months of the disaster finding. The Program of Projects is the list of damage sites or projects that contain information from the ER-Checklist and DDIR's, including site numbers or Project ID's, damage descriptions, emergency and permanent repair estimates, Federal share amounts and total project costs.

The region will complete Detailed Damage Inspection Reports (DDIRs) for each damage site with updated project costs as they become available. The completed DDIRs will be electronically signed by the Region, BHM and FHWA representative and retained by FHWA.

Environmental Coordination for Permanent repairs is required. A valid National Environmental Policy Act (NEPA) document is required along with all other environmental processing for similar Federal-aid projects.

**Do not begin any permanent repairs in this timeframe without prior approval. All permanent repairs need federal approval and authorization.**

Permanent repairs that are contracted out must follow normal Federal-aid procedures including the following:

- Engineering and joint agreements
- Any necessary environmental review
- Any necessary right-of-way acquisition
- Approved PS&E
- Work approved by FHWA prior to beginning work

Begin preliminary engineering for permanent repairs as soon as possible. Preliminary engineering can begin prior to FHWA project authorization. Reimbursement is subject to approval of ER funds for the damage location. During preliminary engineering for permanent repairs, if work cannot wait for funding approval or if there is a change in scope or significant increase in costs, contact Dan Schultz, [dan.schultz@dot.wi.gov](mailto:dan.schultz@dot.wi.gov)

### **Environmental Considerations**

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

The following Emergency repairs are normally classified as categorical exclusions (CE) under 23 CFR 771.117(c)(9):

- Restore essential travel
- Minimize the extent of damage
- Protect remaining facilities

- Repair, reconstruction, restoration, retrofitting, or replacement of damaged eligible facilities if the work:
  - Occurs within the existing right of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
  - Is commenced within a 2-year period beginning on the date of the declaration.

### **More information**

WisDOT Emergency Relief:

<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/relief.aspx>

Dan Schultz is the Wisconsin Department of Transportation (WisDOT) ER Program Manager: (414) 227-2150, or [dan.schultz@dot.wi.gov](mailto:dan.schultz@dot.wi.gov)

### **Damage on roads other than Federal Aid Highways**

Damage to highway facilities that are neither Federal-aid highways nor roads on Federal lands may be eligible for other Federal funds authorized by the Stafford Act, P.L. 93-288, and administered by FEMA in cooperation with the WI Emergency Management Agency. A brief overview of FEMA programs is available at [Get Assistance After a Disaster | FEMA.gov](https://www.fema.gov/get-assistance-after-a-disaster).

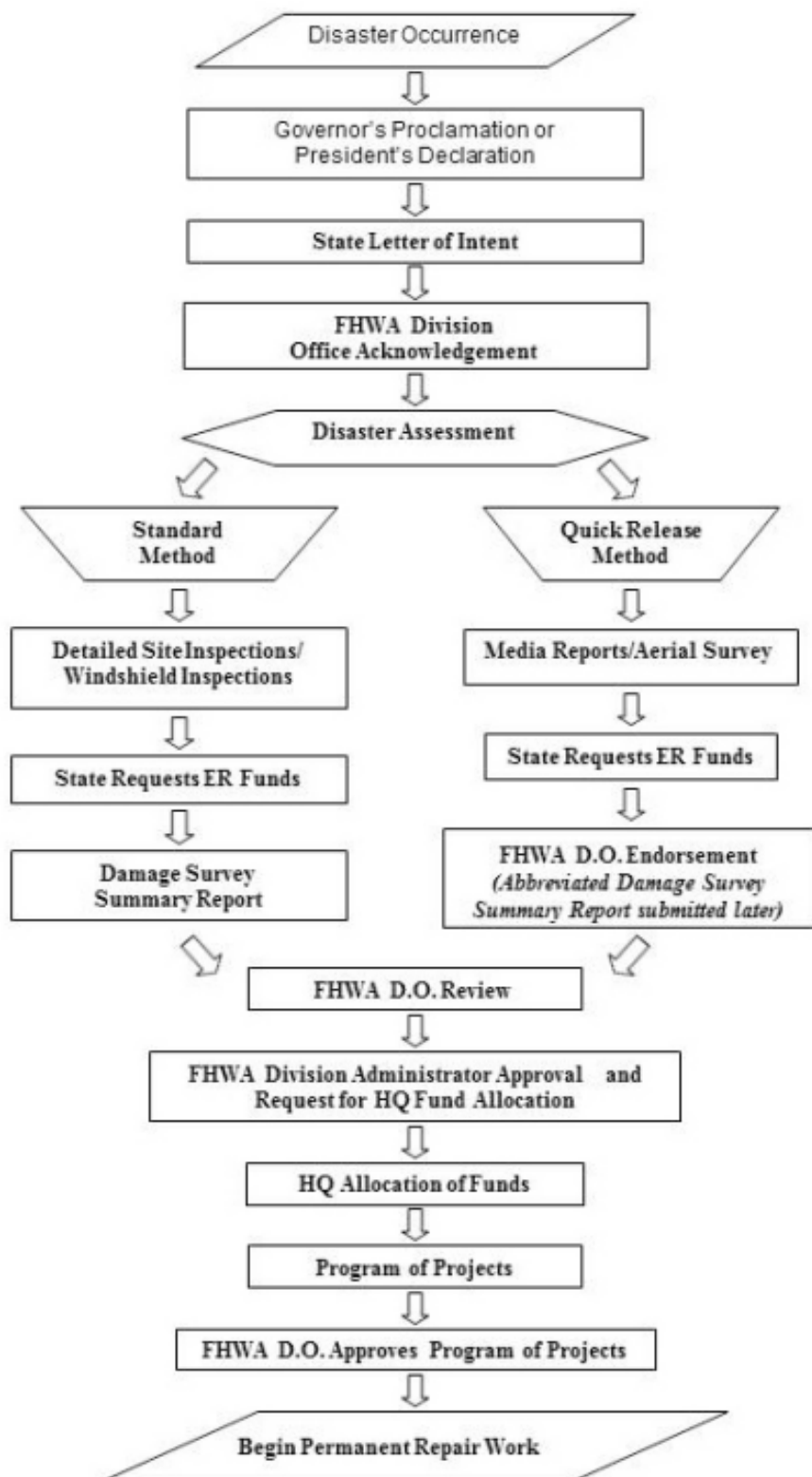
For more information on WI Emergency Management's Public Assistance program, go to: <https://dma.wi.gov/DMA/wem/recovery/public-assistance-program>

WisDOT also administers the **Disaster Damage Aids** program, which reimburses local units of government for the cost of highway damages resulting from heavy rains or flooding. More information on Disaster Damage Aids is available at:


<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/disaster.aspx>

**Attachment A:**

**ER Program Flow Chart**



## Attachment B: Detailed Damage Inspection Report (DDIR)

 <b>DETAILED DAMAGE INSPECTION REPORT</b> (Title 23, Federal-aid Highways)				Site Number <b>WI-24-001</b>		
Location (Name of Road and Milepost) STH 136, Village of Rock Springs GPS (Start:43.478611, -89.916388 End:43.481388, -89.916944)				Sheet <b>1</b> Of <b>1</b>		
The damage included slope failure due to washouts, pavement undermining, and loss of aggregate shoulder.				FHWA Disaster Number  Date <b>June 21 - 25, 2024</b>		
				Federal-aid Route Number <b>STH 136</b>		
				State <b>WI</b>	County <b>Sauk</b>	
<b>Cost Estimate</b>						
<b>Emergency Repair</b>	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Completed	Remaining
Method <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input checked="" type="checkbox"/> Contract			Subtotal PE/CE	\$0.00	\$0.00	
				Emergency Repair Total		
				\$0.00		
<b>Permanent Restoration</b>	Sauk County - traffic control/road closure					
	Labor	L.S.	\$ 3,493.57	1	\$ 3,493.57	
	Equipment	L.S.	\$ 1,507.21	1	\$ 1,507.21	
	Emergency Contract 5573-05-63	L.S.	\$ 2,244,294.84	1	\$ 2,244,294.84	
	Design Engineering 5573-05-33	L.S.	\$ 38,991.50	1	\$ 38,991.50	
	Construction Engineering 5573-05-63	L.S.	\$ 74,435.37	1	\$ 74,435.37	
Method <input checked="" type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input checked="" type="checkbox"/> Contract			Subtotal PE/CE	\$2,362,722.49		
				Right-of-Way		
				Perm. Repair Totals	\$2,362,722.49	
Environmental Assessment Recommendations <input checked="" type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS				Estimated Total	\$2,362,722.49	
Recommendation <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible		FHWA Engineer Nathan Kabir <i>Nathan Kabir</i> 2025.06.25 08:22:08 -05'00'		Date		
Concurrence <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		State Engineer Dan Schultz <i>Dan Schultz</i> Digitally signed by Dan Schultz Date: 2025.06.25 09:03:41 -05'00'		Date		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No		Local Agency Representative		Date		

Form FHWA-1547 (Rev. 4-98)