HOW TO GUIDE: FOR LOCAL PUBLIC AGENCIES GETTING REIMBURSED FOR DISASTER RECOVERY WORK ON TRANSPORTATION FACILITIES AND ASSETS

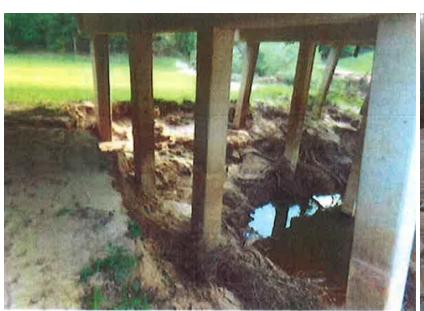
















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References:

FHWA Emergency Relief Manual - https://www.fhwa.dot.gov/reports/erm/er.pdf

FHWA Federal Aid Essential Videos -

FEMA Public Assistance Program and Policy Guide – January 2018 http://www.fema.gov/media-library/assets/documents/111781

COMPARISON: FEMA Public Assistance (PA) vs. FHWA Emergency Relief (ER) Programs

FEMA – PA	FHWA - ER
Presidential Declaration	Governor or Presidential Declaration
Must meet current minimum established threshold of eligible damages (based on the annual CPI)	Must have at least \$700,000 (Federal share) in eligible damages
Project minimum (varies between disasters) • \$3,140 Small projects • \$125,000 Large projects	Project minimum per site \$5,000 Must be a direct result of the disaster Must exceed heavy maintenance
Project Worksheets (PW)	Detailed Damage Inspection Reports (DDIR)
2 Types of Work – Emergency Protective Measures Emergency Work and Permanent Work - Categories A-G	2 Categories – Emergency Repairs & Permanent Restoration – damage must be a direct result of the event
Administered by FEMA – Coordinated by GOHSEP	Administered by FHWA – Coordinated by LADOTD (similar to FHWA Urban Systems Program)
Debris for all Presidentially declared parishes	Debris will be determined by the type of disaster/emergency declaration and parishes included

Definitions:

- Local Public Agency (LPA) or Local Governments include Towns, Cities, Parishes,
 Municipalities, Townships, Local Public Authorities, Council of Governments, Regional or
 Interstate government entities, Agencies or instrumentalities of local governments,
 Special districts or regional authorities organized under State law, Rural or
 unincorporated communities represented by the State or a political subdivision of the
 State, or School District.
- 2. <u>Transportation facilities and assets</u> Roads, streets, highways, bridges, and other elements within the cross-section of the roadway or bridge. The LPA must own the asset to be able to apply for federal assistance for it.
- 3. FEMA PA Federal Emergency Management Administration Public Assistance Program
- 4. <u>FHWA ER</u> Federal Highway Administration Emergency Relief Program for federal-aid eligible roadways/routes only
- 5. <u>Emergency Repair</u> FHWA repairs undertaken during or immediately after a disaster and must be to:
 - a. restore essential traffic,
 - b. minimize the extent of damage, or
 - c. protect the remaining facilities.
 - d. Emergency Repair should be done immediately following the event. LPAs should ensure documentation to justify force account work, including costs, is retained to submit to DOTD and FHWA see Attachments A, B & C. If emergency repair is determined to be eligible, and completed within 180 days following the event, it is eligible for 100% reimbursement. Any other repairs are considered Permanent Repair.
- 6. <u>Emergency Protective Measures</u> FEMA actions taken by a community before (in preparation), during and after a disaster to save lives, protect public health and safety, and prevent damage to improved public and private property. LPAs should ensure documentation is kept, to submit to GOHSEP and FEMA see Attachments A, B & C.
- 7. Permanent Repair (Restoration) FHWA those repairs undertaken after the occurrence of a disaster to restore the highway to its pre-disaster condition must have an approved DDIR and prior FHWA authorization, typically needs design plans before work can be performed, and must be handled by competitive bidding through DOTD. 80% funding reimbursement, if eligible. Permanent Repair must always be authorized by FHWA prior to actually performing the work.
- 8. <u>Permanent Work</u> FEMA repairs which are required to restore a damaged facility, through repair or restoration, to its pre-disaster design, function, and capacity in accordance with applicable codes and standards. If the work is to repair to pre-disaster condition, then FEMA approval is not needed prior to construction.
- 9. Eligibility

FHWA – all elements within the cross section of a highway that are damaged as a direct result of a disaster are eligible for repair under the Emergency Relief (ER) program. ER funds are NOT intended to fund repairs of pre-existing damage or non-disaster related damage.

FEMA – Category C: Roads & Bridges – Repair of roads, bridges and associated features (components), such as shoulders, ditches, culverts, lighting, and signs that are visibly damaged as a <u>direct result</u> of the disaster are eligible for repair or restoration under the FEMA Public Assistance (PA) Program.

- 10. <u>Project Worksheet (PW)</u>— a tool used by the applicant and FEMA to develop projects and to record the damage and project information. *Example is found in* Attachment D.
- 11. <u>Detailed Damage Inspection Report</u> (DDIR) the FHWA form used to document the information found during the damage inspection following the disaster. This form contains information needed to document the damage, emergency repair and permanent repair needed at each location to bring the location back to pre-existing condition. A blank DDIR is found in Attachment E.
- 12. <u>Approval</u> FHWA determines the work is eligible and signs the DDIR or FEMA determines the work is eligible and signs the PW.
- 13. <u>Authorization</u> FHWA authorizes the project in FHWA's accounting system (NOT the same as Approval and comes after the project design has been completed through DOTD and the project is ready to be let to construction for competitive bidding.)
- 14. <u>Obligation</u> FEMA obligates funding once the project is approved. Funds are provided to GOSHEP to reimburse sub-applicants upon approved reimbursement request.

Be Prepared - Before the Storm/Event:

Before the Disaster, it is imperative that a Local Public Agency has knowledge and pre-existing condition documentation of all the transportation facilities and assets owned by the LPA. If your LPA does not have this – see the Pre-Event Checklist in Attachment F for further information and action.

During and After the Storm/Event - DISASTER RELATED PROJECT DEVELOPMENT:

After a disaster strikes, it is imperative that damages to transportation infrastructure as a direct result of the disaster are identified, reported and assessed so that the project development can begin for disaster assistance from FEMA and FHWA.

FEMA will use a Project Worksheet (PW) to capture the damages, scope of work and cost on FEMA eligible routes (on non-federal aid system).

FHWA will use a Detailed Damage Inspection Report (DDIR) to capture the damages, scope of work and cost on FHWA eligible routes (on the federal-aid system). A DDIR will be prepared for each damaged site.

To determine whether a route is Federal Aid or Non-Federal Aid, see Emergency Relief Funding Eligibility Maps at:

http://wwwsp.dotd.la.gov/Inside LaDOTD/Divisions/Multimodal/Data Collection/Mapp ing/Pages/Maps Emergency Relief Funding Eligibility Maps.aspx

Go to the map of your Parish – read the map legend to determine which roads are covered by FEMA and which routes are covered by FHWA (For locally owned roads, green roads = FHWA, gray roads = FEMA).

For ALL damage to roadways, bridges, or other transportation infrastructure:

- LPA performs Preliminary reconnaissance immediately after storm to identify potential damaged sites, as soon as sites are accessible
- Document disaster-related damages using local agency documentation system (paper, spreadsheet, etc.)

Documentation should include at a minimum:

- Location
- FEMA or FHWA route
- Photos of damage
- Type of damage
- Damage description
- Estimated Cost
- Method of Repair (contract or local forces)
- Once damage has been documented, the LPA can make the needed Emergency repairs
 to the roadway or bridge to restore essential traffic ensure all documentation listed in
 Attachment A, B & C is retained to submit to DOTD, GOHSEP, FEMA and/or? FHWA.
 Documentation must be separated out by each damaged site (not all lumped together
 into one).

STEPS For FHWA Eligible Routes:

<u>STEP 1</u> – The Local Representative will need to contact DOTD Headquarters Damage Assessment Team Coordinator (*identified on page 1-under Contact Information*) to report that the LPA has storm related damage to a FHWA eligible route and ask for a Damage Assessment Team visit to be scheduled to perform the damage assessments. After documenting the site damage, the LPA can proceed with Emergency Repair work. The LPA must document all expenditures by site for the emergency repairs completed (see Attachment B).

<u>STEP 2</u> – Damage Assessment Teams (DOTD/FHWA/Local Representative) will visit locations identified and complete site assessment forms.

<u>STEP 3</u> – Detail Damage Inspection Reports (DDIR) will be completed for each site with damage on a Federal Aid Route –

- Damage Assessment Teams will develop the DDIR which contain the following details:
 - Emergency Work work needed to restore traffic, minimize the extent of damage, or protect remaining facility.
 - Permanent Repair or Restoration work to restore the route to perdisaster condition (needs FHWA Authorization before work can begin).
- Photos are needed (to document condition before and after damages occurred)
- o Cost Estimates for both the Emergency and Permanent work.
- The DDIR must be signed by DOTD, FHWA and Local Representative this is the determination of eligibility and approval for receiving ER funding for repairs.
- DOTD will include the signed DDIRs in their Program of Projects provided to FHWA for ER funding for the event.
- LPA will receive a copy of the signed and approved DDIRs (BUT this is NOT Authorization to begin Permanent Repair Work).

<u>STEP 4</u> – Approved LPA DDIRs will be given to DOTD's Project Management Section and the project will be assigned a Project Manager at DOTD. The DOTD Project Manager will work with LPA to:

- Develop Entity State Agreement The Entity/State agreement needs to be drafted at this time and processed for signing, before any reimbursement can be made.
- Project Development plans, specifications, cost estimate
- FHWA Authorization
- Contracting bidding through DOTD for Permanent work
- Project Reimbursements Site Manager
- Project Completion and closeout documentation

LPA Responsible Charge is responsible for:

- ensuring the work in the project stays within the scope of work and cost identified in the DDIR
 - For changes in scope of work or cost, contact the DOTD Project Manager handling your project and inform them the DDIR may need to be revised. The DOTD Damage Assessment Coordinator will be notified that a revision is needed.
 - DOTD's Damage Assessment Coordinator will contact the LPA's Responsible
 Charge to review and process the request for changes in scope with FHWA.

The Emergency Repair work section of the DDIR can immediately be given a project number and processed for funding reimbursement from FHWA, as long as proper documentation has been submitted. The LPA must provide sufficient documentation (see Attachment B) to DOTD to verify and validate project costs and actual expenditures by the LPA.

The Permanent Repair section of the DDIR will become the scope of a separate project, given a new project number, and the project will move forward in the DOTD project development process, the same as other locally sponsored Federal-aid projects.

STEPS For FEMA Eligible Routes –

<u>STEP 1</u> – The Local Representative must submit a Request for Public Assistance (RPA) through <u>www.louisianapa.com</u> for the presidentially declared event.

<u>STEP 2</u> – GOHSEP will appoint a State Applicant Liaison (SAL) to LPA to work through the process.

- The LPA will need to provide at a minimum:
 - Damage Inventory (list of damaged sites)
 - Estimate of the costs of those damages
 - Means of repair
 - Photos (before, during and after)
- If the repair work is simply to repair the damages in-kind, the applicant may begin the work prior to FEMA participation. However, any significant change in pre-disaster condition needs to be evaluated by FEMA Environmental and Historic Preservation (EHP) review prior to beginning work.
- FEMA may request to conduct a site assessment which will be coordinated through GOHSEP. This is when the applicant would discuss any mitigation opportunities for the damaged elements.
- Maintenance Records or other documentation/photos for specific routes may be used to help determine pre-event road condition.
- o Google Maps may also be used to demonstrate prior road condition.
- FEMA will write any large PW. The LPA may write the PW if the costs are below the small/large project threshold for the event.
- o GOHSEP and LPA will approve the draft PW delivered by FEMA.
- FEMA will approve the PW and obligate funds, funding will occur through GOHSEP.

<u>STEP 3</u> – LPA Local Representative will receive a copy of the approved PW – with a Record of Environmental Consideration (REC) with conditions that need to be followed during the project to ensure compliance with the National Environmental Protection Act (NEPA).

- If the project is below the small/large project threshold for the event (currently at \$125,500), then the LPA will receive reimbursement from GOHSEP upon obligation of the PW.
- If the project is above the threshold, the LPA may submit invoices/work orders with supporting documentation including a signed Request for Reimbursement Form (RRF) via www.louisianapa.com to GOHSEP to request reimbursement for completed work.
- The LPA is responsible for:
 - ensuring the work stays within the scope of work, cost and time limits identified in the PW
 - For changes in scope of work or cost contact GOHSEP and FEMA to request a revision to the PW.

<u>STEP 4</u> – Project Completion

- Within 180 days of completion of the work or obligation of the PW for work already completed, the LPA Local Representative will ensure all project related documentation (costs and scope) has been submitted to GOHSEP.
- o The LPA will then request Closeout for any large PW.
- The LPA can request Closeout for all small PW once the work on all small PW have been completed.
- The LPA must retain all project related documentation (including payment information) for three years beyond the closeout of the disaster.

Attachment A: DISASTER REIMBURSEMENTS

DOCUMENTATION REQUIREMENTS FOR CONTRACTED PROJECTS

The following list of documentation is required to validate projects and costs for participation in FHWA Emergency Relief and/or FEMA Public Assistance disaster reimbursement programs. This list should be considered a **guide**. Based on the type of contract, some items listed may not be applicable. Additional documentation may be identified for specific projects.

- Emergency Letter (if applicable)
- Photos (before, during and after)
- Procurement (based on the type of contract)
 - Advertisement (any method of procurement)
 - o Proposal
 - o Bids
 - Plans
 - Questions and Answers
 - List of bidders
 - Bid Tabs
 - Verification of State Contractors
 - SAM Verification
 - Notice of Contract Award Letter
 - Notice of Contract Execution
 - Notice to Proceed
 - Signed Contract
 - Bonding Information
 - Insurance Information
- Court filing fees documentation
- Pre-Construction Meeting documentation
- Task Orders
- Approved Change Orders
- Approved invoices or construction estimates with backup documentation
- Photos of completed project
- Final Inspection Letter
- Final Approval
- Audit request
- Audit finding
- Invoices
- Payment Documentation
- H&H (Hydrologic and Hydraulic) Studies or other studies (if applicable)
- Environmental (NEPA) Clearance

Attachment B: DISASTER REIMBURSEMENTS

DOCUMENTATION REQUIREMENTS FOR **IN-HOUSE WORK (Force Account)**

The following list of documentation is required to validate projects and costs for participation in FHWA Emergency Relief and FEMA Public Assistance disaster reimbursement programs. This list should be considered a **guide**. Based on the type of work, some items listed may not be applicable. Additional documentation may be identified for specific projects.

All work accomplished by In-House Forces (Emergency or Permanent) needs the following:

- Approved Timesheets
 - Identifying hours worked and work activities
 - Comments indicate specific location and work being done
 - Payroll Report
- Approved Work Orders
 - Separate Work Orders for each site Federal Aid routes and Non-Federal Aid Routes
 - Identify location, hours worked, in-house equipment used with operator identified, in-house materials used, work activities and work completed
 - Equipment Report for equipment used
 - List of equipment rates
 - Materials Report for inventoried items used/Inventory stock tickets
- Invoices/receipts for purchases
 - Rental agreements
 - Invoices
 - Proof of payment
 - Invoices/receipts purchases
 - Materials
 - description of where or what material was used for
 - identify work order
 - Travel
 - Identify purpose of travel
 - Any associated work orders
 - Travel costs with supporting documentation
 - Procurement process
 - Documents identifying the procurement process used in accordance with local, state and federal regulations

For Permanent Repairs (must have FHWA prior approval and authorization)

- All of the above
- Photos (before, during and after)

Attachment C: DISASTER REIMBURSEMENTS

DOCUMENTATION REQUIREMENTS FOR **DEBRIS OPERATIONS**

Debris Operations documentation should follow the documentation lists for <u>Contract or In-House Work</u>. PLUS – Specific documentation is required for debris operations. The following list of documentation is required to validate projects and costs for participation in FHWA Emergency Relief and FEMA Public Assistance disaster reimbursement programs. This list should be considered a **guide**. Based on the type of work, some items listed may not be applicable. Additional documentation may be identified for specific projects.

Contracted Work: Refer to Attachment A

In-House Work: Refer to Attachment B

Specific Documentation for Debris Operations:

- Debris Monitors identification
- Haul Tickets
- Debris Sites
 - List of Sites
 - Disposal
 - Staging
 - Debris Site Activation Form
 - DEQ approval for sites
 - List of Tipping Fees per Landfill site used:
 - Agreements with Landfills in other Parishes
 - Invoices from Landfills
 - Debris Summaries
- Permits
- Driver and Truck Information
- Photos (before, during and after)

Attachment D Example of FEMA Project Worksheet (PW)

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FEMA Form 90-91, FEB 06

REPLACES ALL PREVIOUS EDITIONS.

Attachment E – Example of FHWA Detailed Damage Inspection Report (DDIR)

Appendix E. Detailed Damage Inspection Report

6	DETAILED DAMAGE INSPE	стю	N REPOR	т	Report Number	
of 1	Department ransportation (Title 23 Federal aid b				Sheet	
Adı	Administration				_	of
Lo	Location (Name of Road and Milepost) FHWA			FHWA Disaster N	HWA Disaster Number	
					Inspection Date	
De	scription of Damage				Federal-aid Route	e Number
					State	County
	Cos	t Estim	nate			
	Description of Work to Date	Unit	Unit Price	Quantity	С	ost
	(Equipment, Labor, and Materials)				Completed	Remaining
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	Local Forces State Forces		tract		Right-of-Way	
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Re	commendation Ineligible Ineligible	FHWA Er	ngineer			Date
Co	rourrence No No	State Eng	jineer			Date
Co	ncurrence No	Local Age	ency Represent	ative		Date
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Form FHWA-1547 (Rev. 4-98)

Attachment F: Pre-Event Checklist for a Local Public Agency

<u>Transportation Asset (Roadway & Bridge) Condition Inventory Prior to</u> Emergency Events

<u>1.</u>	Before the Storm/Event – Protecting your Transportation Assets
	(roads/streets/bridges, etc.) – What you need to know and document:

ш	The number of miles of roads, streets & bridges, etc. owned and maintained by the
	entity.
	Is this road information on a map, preferably a GIS map?
	The category (functional classification type) of the roads and streets.
	Are the roads/streets/bridges, etc. eligible for FEMA or FHWA Emergency funds?
	What is the priority of the roads/streets/bridges, etc. as determined by level of use or
	importance?

- o Priority Level 1, 2 or 3 (1 being most important)
- Begin with Priority 1 Identify & prioritize your High Priority Level 1 Routes, which could include:
 - ➤ Main Routes for First Responders
 - Potential Debris Haul Routes
 - Potential Detour Routes
 - Routes that typically flood
 - ➤ Highest Traffic Volume Routes
 - Main Through Routes
 - Important Bridges
- ☐ Start data collection & documentation on the Priority Level 1 routes first, then continue documentation on Priority Levels 2 & 3. Documentation should include:
 - Pictures that show the roads/streets/bridges in their current (pre-storm) condition – Take LOTS of pictures from various viewpoints with written notes and/or explanations
 - Video various views such as driving down the road, under the bridge, through the culvert, etc.
 - Spreadsheets containing basic information such as name of route, type of road or bridge, dimensions (i.e. 20 foot wide aggregate roadway), GPS coordinates, FEMA or FHWA eligible, culvert locations, etc.)
 - What is the condition of each of the transportation assets today pre-storm condition?
 - Good
 - Fair
 - Poor
 - Very Poor
 - Maps showing road names, bridge names, GPS coordinates or address and all
 of the above information GIS is the preferred type of map.

		 Maintenance Records – pre-disaster work orders, material purchases, etc. for the
		past few years that document how the road/street/bridge has been maintained.
		Store the Documentation in a "safe" place – Storm proof.
		Identify which routes are eligible for the different Federal Agencies.
		Functional Classification: Arterials, urban collectors and major rural
		collectors are eligible for <u>FHWA funding.</u>
		Minor rural collectors or local roads are eligible for <u>FEMA funding.</u>
		Parish Maps that show whether roads are eligible for FHWA or FEMA funding can be
		found at:
		http://wwwsp.dotd.la.gov/Inside LaDOTD/Divisions/Multimodal/Data Collection/Mapp
		ing/Pages/State District Parish Maps.aspx
		Understanding of what is considered "damage" for purposes of FHWA & FEMA – see
		Definitions at the end of this checklist.
		LA DOTD District contact name, cell number & email should be included in the
		documentation.
		GOHSEP State Applicant Liaison (SAL) contact name, cell number & email should be
	_	included in the documentation.
2.	Th	e Day Before the Storm/Event:
		☐ Check & Review your documentation
		Ensure it is safe "Storm proof"
		 List/verify roads, streets, bridges, etc. that are your Priority 1, 2 & 3.
		 Plan to check condition immediately following the Storm/Event.
		☐ Assign staff to check condition of roads/streets/bridges etc. immediately after
		the Storm/Event.
		 Provide clear instructions on how to document the existing condition of
		roads, streets, bridges, etc. and if there is disaster related damage –
		before and after documentation that clearly shows storm related
		damage.
		☐ Verify DOTD and GOHSEP contact information is accurate.
		Welliy DOTD and Gottser contact information is accurate.
2	Th	e "Early" Days After the Storm/Event (within 2 or 3 days, maximum):
J .	1111	☐ Check that Assigned staff is gathering "After Storm" condition information of
		roads, streets, & bridges, etc. and documenting any damage.
		☐ Ensure that updated information is documented with pictures, videos, written
		notes, etc., and that it is saved in a safe place.
		☐ Review information gathered and determine if your entity has potential disaster
		related damage on FHWA or FEMA eligible routes.
1	Th	e Days Following the Storm/Event:
4.		e Days Following the Storm/Event:
	Ш	Identify Disaster Related Damaged Sites – ensure documentation of storm related
		damage has been obtained and saved. Complete Emergency Repairs (to restore essential traffic) – keep documentation of all
		work performed on these renairs

Ш	Coordinate with DOTD & GOHSEP – tell them you have damage to FHWA and/or FEMA
	eligible routes that was a direct result of the disaster.
	Maintain Adequate, Detailed Records/Documentation of ANY Emergency Repair Work.
	FHWA eligible – Participate in Damage Inspections with DOTD & FHWA – the Detailed
	Damage Inspection Report (DDIR) is prepared at the time of inspection – must be done
	within 3 months of the Disaster Event)
	☐ Once project work is Approved and Authorized by DOTD & FHWA, LPA can
	complete Permanent Repairs.
	FEMA eligible – Participate in joint GOHSEP/FEMA Preliminary Damage Assessments
	(PDAs). This will determine if major declaration will be requested by the Governor.
	FEMA eligible – If declared, participate in Recovery Scoping Meeting (RSM) with FEMA.
	From the date of the RSM, LPA will have 60 days to identify all damages that are a direct
	result of the declared disaster.
	☐ FEMA eligible - Site visits and Project Worksheets will be formulated,
	subsequent to the RSM, based on completed and un-completed work.
	☐ Applicant can complete Emergency and Permanent work prior to FEMA
	inspecting the damages, ONLY if it is repaired in kind (to pre-disaster condition),
	good documentation is kept and repairs are reasonable.
	Damage to Roads/Bridges due to Traffic After the Storm (on haul roads, for example) –
	Pre -Storm and after storm condition of the road/bridge must be documented, plus the
	number, types and reasons for vehicles being on the roads and causing damage (up to 60
	days after the storm) to determine if eligible for repair or restoration to pre-storm
	condition.

Definition: What is Damage as Defined by FHWA?

All elements within the cross section of a highway that are damaged <u>as a direct result of a disaster</u> are eligible for repair under the FHWA ER program, including, *but is not limited to:*

- pavement, shoulders, slopes and embankments,
- guardrail, signs and traffic control devices,
- bridges, culverts, cribbing or other bank control features,
- bike and pedestrian path, fencing, and retaining walls.
 - 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

<u>Definition: What is Damage as Defined by FEMA? – Roads and Bridges (Category C)</u>

Repair of **VISIBLE** damage caused by the incident:

- Roads may be paved, gravel or dirt. Road components include, but may not be limited to:
 - Surfaces
 - Bases
 - Shoulders
 - Ditches
 - Drainage structures, such as culverts

- Low water crossings
- Associated facilities, such as lighting, sidewalks, guardrails, signs
- Bridge components include, but may not be limited to:
 - Decking
 - Guardrails
 - Girders
 - Pavement
 - Abutments
 - Piers
 - Slope protection
 - Approaches

- Associated facilities, such as lighting, sidewalks, and signs
- Work to repair scour or erosion damage to a channel or stream bank if the repair is necessary to restore the structural integrity of an eligible road, culvert or bridge

Attachment G: DOTD District Map with Contact Information

