

# Federal Reimbursement Funding For Disasters



## There are TWO names to know in emergency management: FEMA and FHWA

FEMA is a household name when it comes to disasters. In the past 5 hurricane seasons, FEMA has allocated LADOTD approximately 151 Million dollars in disaster recovery funding and additional funding is expected. Louisiana is considered one of the largest recipients of FEMA Public Assistance funds.

FHWA, on the other hand, is less talked about and less known about, but is equally important when it comes to disasters in Louisiana. Knowing about FHWA Emergency Relief (ER) assistance and how the program works may mean the difference in your parish or community's economic recovery taking months instead of years or decades. Since the 2012 Hurricane season, LADOTD has received approximately 92 Million dollars from this important program.



# SUMMARY OF FEDERAL FUNDING DIFFERENCES

	FHWA - ER	FEMA - PA
State Coordinating Agency	LA Department of Transportation and Development (DOTD)	LA Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)
Guiding Policies	<p><b>Highway Trust Fund</b> 23 USC 120, 125 23 CFR 635, 668</p> <p><b>Emergency Relief Manual</b> (May 31, 2013)</p> <p><b>Moving Ahead for Progress Act (MAP 21)</b> July 6, 2012</p> <p><b>Fixing America's Surface Transportation (FAST) Act</b> December 4, 2015</p> <p><b>FHWA Order 5182.1</b> February 22, 2016</p>	<p><b>Stafford Act, as amended</b> 42 USC 645 44 CFR 204, 205, 206</p> <p><b>Disaster Specific Guidance (DSG)</b> FEMA Public Assistance Program and Policy Guide (FP 104-009-02/January 2018) 9500 Series FEMA Disaster Assistance Policies FEMA Debris Management Guide (FEMA 325, July 2007)</p>
Categories of Damage Coverage	<p><b>Emergency repair</b></p> <ul style="list-style-type: none"> <li>made during or immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities</li> </ul> <p><b>Permanent repair</b></p> <ul style="list-style-type: none"> <li>Category of work not meeting the definition of Emergency Repair</li> </ul> <p><b>Refer to FHWA ER Manual (May 31, 2013) for guidance</b></p>	<p><b>Emergency work</b></p> <ul style="list-style-type: none"> <li>Category A—Debris Removal</li> <li>Category B—Protective Measures</li> </ul> <p><b>Permanent work</b></p> <ul style="list-style-type: none"> <li>Category C—Roads and Bridges</li> <li>Category D—Water Control Facilities</li> <li>Category E—Buildings &amp; Equipment</li> <li>Category F—Utilities</li> <li>Category G—Parks and Recreational Facilities</li> </ul>
Typical Federal Cost Share	<p>Roads on Federal Lands—100% All other Roads on the Federal-aid system:</p> <ul style="list-style-type: none"> <li>Emergency repairs—up to 100% within first 180 days</li> <li>Interstate Highways—90%</li> <li>Other Highways—80%</li> </ul>	<p>All Categories (A-G): 75% minimum, may increase based on Presidential declaration cost share</p>
Funding Requests	LADOTD Emergency Operations	GOHSEP
Eligible Project Cost Threshold	≥\$5000 per site	<p>Small Projects ≥\$3,140 (FY 2017) Large Projects ≥\$125,000 (FY2017) <b>Both adjusted based on annual CPI</b></p>
Debris Removal	<p>May be eligible for FHWA ER if..</p> <ul style="list-style-type: none"> <li>Governor's declaration, but no Presidential declaration -FHWA concurs with Governor's declaration</li> <li>Presidential declaration but FEMA determines debris not eligible for assistance—FHWA may participate in eligible sites</li> <li>Presidential declaration and eligible under FEMA, but Governor's declaration covers more parishes—FHWA concurs with additional Governor's parishes..</li> </ul> <p><b>NOTE: Debris not deposited by the natural disaster on the highway is ineligible, i.e., debris placed on the curb by property owners.</b></p>	<p>Considered Emergency Work</p> <ul style="list-style-type: none"> <li>Must have an Emergency or Major Presidential Disaster declaration</li> <li>Debris/Damages must in a declared Parish</li> <li>Debris (CAT A) removal must be eligible—must be an immediate threat to life or improved property</li> </ul>
Mitigation	<p>Betterments that add features to highway facilities for protection against possible future damage could be considered eligible, if they can be economically justified.</p>	<p>Hazard mitigation—406 Mitigation prevents future damages to <u>damaged elements</u>..(Permanent work categories only)</p> <p>Prepared by LA DOTD, Emergency Operations Revised: April 2018</p>



# Louisiana Department of Transportation and Development

# Federal Reimbursement Funding for Disasters



**Local governments have several federal funding sources to pay for repairs on the transportation infrastructure after a disaster occurs.**

**This brochure provides a brief description of the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration (FHWA) programs for disaster funding, their differences, how they interact and where to obtain additional information.**

## Federal Highway Administration (FHWA) Emergency Relief (ER) Program:

Congress authorized a special program from the Highway Trust Fund for the repair or reconstruction of roads and bridges on the Federal-aid system which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause.

(Copy of maps showing the Federal-aid system can be accessed through the Louisiana Department of Transportation and Development (LADOTD) website address shown on this brochure)

Approved ER funds are available at the pro-rata share that would normally apply to the federal-aid facility damaged. For Interstate highways, the federal share is 90 percent. For all other highways, the federal share is 80 percent. Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent federal share. After a declared disaster, LA DOTD coordinates with FHWA. LA DOTD is responsible for implementing and administering the Emergency Relief Program for the Local Public Agencies (LPA). LPA's must notify LA DOTD of damages and schedule a Damage Assessment Team site visit to document damages and develop a DDIR.

## Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program:

To alleviate suffering and hardship resulting from major disasters or emergencies declared by the President, FEMA provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) Organizations, as authorized in the Stafford Act as amended.

The federal share of assistance is not less than 75% of the eligible cost for emergency measures and permanent restoration. The grantee (usually the state) determines how the Non-Federal share (up to 25%) is split with the sub-grantees that are typically local governmental subdivisions of the state and state agencies (a.k.a. eligible applicants). After a natural or man-made event that causes extensive damage, FEMA coordinates with the Governor's Office of Homeland Security (GOHSEP) to implement and administer the Public Assistance Grant Program. The funding process consists of the following steps:

- **Governor's Executive Order and Request for Federal Assistance**
- **Preliminary Damage Assessment (PDA)**
- **Presidential Disaster Declaration**
- **Applicants' Briefing led by Grantee (State)**
- **Submission of Request for Public Assistance by Sub-Grantee (Applicant)**
- **Kick-off Meeting with FEMA Public Assistance Coordinator (PACL)**
- **Project Formulation and Cost Estimating**
- **Project Review and Validation**
- **Obligation of Federal and State Funds and Disbursement to Sub-grantees**
- **Final Inspections and Appeals**
- **Administrative and Financial Closeout**

With certain exceptions, an eligible facility is any building, public works facility, system, or equipment that is built or manufactured, or any improved and maintained natural feature that is owned by an eligible public or private nonprofit (PNP) applicant.

## General Eligibility Criteria for all work:

- Result of declared event
- Located in designated disaster area
- Not under the specific authority of another federal agency
- Legal responsibility of an eligible applicant
- Be in active use at the time of the disaster

## Debris Specific Criteria:

Must be in the "Public Interest," as defined by the ability to:

- Eliminate immediate threat to life, public health or safety
- Eliminate immediate threats of significant damage to improved public or private property
- Ensure economic recovery of the affected community to the benefit of the community-at-large

## Examples of eligible public facilities under the FEMA PA program include:

- Roads
- Sewage Treatment Plants
- Airports
- Schools
- Irrigation Equipment
- Public Utilities
- Bridges and Culverts
- Buildings

## Eligible items under the FHWA ER program:

All elements of the Federal-aid highway within the highway right of way damaged as a direct result of a disaster are eligible for repair. Refer to the FHWA ER Manual for more detailed guidance on the type of eligible items.

## SUMMARY OF FEDERAL FUNDING DIFFERENCES

### Overall Program Differences

- **For FHWA ER reimbursement contact the LADOTD Emergency Operations Office - LADOTD is the State Coordinating Agency for ER participation.**
- For FEMA file a "Request for Public Assistance" with LA Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) - GOHSEP is the State Coordinating Agency for PA participation.
- Emergency and permanent categories are eligible under both programs.
- **FEMA does not reimburse for items eligible under the FHWA ER Program.**
- FHWA project threshold minimum \$5,000, FEMA project threshold minimum \$3,140 (FY 2017—adjusted annually based on the CPI).

### Debris Removal and Disposal

- FHWA pays only for debris deposited by natural disaster on Federal Aid roadways and not covered under FEMA PA (Stafford Act).
- FEMA pays for debris removal on Federal Aid roadways if not funded under the ER program.
- FHWA reimburses 100% based on estimated quantities of eligible debris on the highway and for work completed in the first 180 days.
- FEMA reimburses a minimum of 75% for all passes on roadways for work completed within the first 180 days (private roads typically excluded).
- FEMA reimburses for the removal of hazardous trees and limbs in the interest of public safety.
- FEMA pays for stump grinding provided it is pre-approved, determined to be an immediate threat, and cost-effective when compared to stump removal.
- All debris removal on eligible roadways under FEMA is emergency work Category A.

## Permanent Repairs

- **Permanent repairs require authorization from FEMA on Non-Federal Aid Roads and from FHWA on Federal Aid Roads.**
- Federal share varies under FHWA (interstate 90%, other federal aid highways 80%, roads on federal lands 100%).
- Federal share remains constant under FEMA PA based on the applicable presidential disaster declaration (a minimum of 75%).
- Betterments improve and prevent future damages under FHWA.
- Hazard mitigation prevents future damages to a damaged element under FEMA 406 Mitigation.
- Both measures need to be cost effective determined by the cost benefit analysis.

## Contracts

- **FHWA and FEMA PA both require a proper bidding process.**
- FHWA Permanent Repairs must follow the normal FHWA letting process and cannot use Emergency contracting methods

## DDIRs & PWs

- FHWA uses Detailed Damage Inspection Reports (DDIR) to determine eligibility, scope, and determine a preliminary cost estimate for the work.
- FEMA uses Project Worksheets (PW) to document damages, scope of work and costs.
- Both programs control the scope of work, control quantities, but do not control unit prices or current market prices of labor, equipment, and materials as long as they meet reasonable cost.
- DDIRs are reviewed and approved by both LADOTD and FHWA. For Local damages, the DDIR must have LPA representative concurrence (signature).
- Project Worksheets are reviewed by FEMA and GOHSEP. PWs greater than a million dollars will go to FEMA headquarters in Washington, DC for additional review and funding.
- Both DDIRs and PWs require as much documentation as possible to be prepared and subsequently funded, this includes but is not limited to: procurement documents, proposals, contracts, cost estimates, invoices, GPS coordinates, drawings, GIS maps, time sheets, expense forms, supply receipts, equipment logs, debris removal load tickets, landfill receipts, etc.

## For Additional Information:

**FEMA:** [www.fema.gov/government/grant/pa](http://www.fema.gov/government/grant/pa)

**FHWA:** Louisiana Division Office (225) 757-7600

**LA GOHSEP LA Public Assistance:** (225) 925-7500

<http://www.louisianapa.com>  
<http://www.gohsep.la.gov>

**LADOTD :** Damage Assessment Coordinator: (225) 379-1916  
Emergency Operations: (225) 379-1792

[http://www.sp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Operations/Emergency\\_Operations/Pages/default.aspx](http://www.sp.dotd.la.gov/Inside_LaDOTD/Divisions/Operations/Emergency_Operations/Pages/default.aspx)

The LADOTD website address contains links to these documents:

- National Weather Service
- State Evacuation Information Guides
- Louisiana Emergency Relief (ER) Funding Eligibility Maps
- FHWA ER Manual
- Brochure—Federal Reimbursement Funding for Disasters
- Presentation—FHWA ER for Local Government (**May 2015**)