FHWA ER & ERFO: OVERVIEW AND FAQS

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WHAT ARE THE ER & ERFO PROGRAMS?

U.S.C. Title 23 programs administered by FHWA

- (23 U.S.C., § 101, 120, and 125) CFR, Part 668 – Emergency Relief Program
  - Subpart A - Procedures for Federal-Aid Highways (ER)
  - Subpart B – Procedures for Federal Agencies for Federal Roads (ERFO)
- Pays to repair seriously damaged transportation facilities
To pay the unusually heavy expenses to repair serious damage to eligible facilities caused by natural disaster or catastrophic failure

• Not heavy maintenance
• Not routine emergency repair activities
• Not repair of facilities affected by long term, pre-existing conditions, or predictable developing situations
• Not a preventative program
• Not an improvement program
FHWA EMERGENCY RELIEF PROGRAM APPLICANTS

- ER
  - States apply to Federal-aid Division Offices
  - Counties & Cities are sub-applicant to the State
- ERFO
  - Federal Agencies (including BIA) apply to FLH Division Offices
  - Tribes are a sub-applicant to BIA
FHWA EMERGENCY RELIEF PROGRAM APPROVAL

- ER
  - Presidential or Governor’s disaster declaration with the FHWA concurrence
  - Federal Share ~80%

- ERFO
  - Federal Lands Highway Division Director approval
  - Federal Share 100%
FHWA EMERGENCY RELIEF PROGRAM ELIGIBLE FACILITIES

- ER
  - Federal-aid Highways
    - Arterials
    - Urban Collectors
    - Major Rural Collectors

- ERFO
  - Tribal Transportation Facilities on TTP Inventory (NTTFI)
  - Federal Lands Transportation Facilities on the FLTP Inventory (NFLTFI)
    - NPS, FS, FWS, BLM, COE, BOR
  - Other Federally Owned Roads
  - Eligible Facility types include: Roads, Trails, Parking areas, & Transit
DISASTER TYPES

• FHWA requires a disaster to have occurred before funding can be made available
• Two Types of disasters:

Natural

Catastrophic
Natural Disasters must:

- Be **Unusual** natural **occurrence** which causes **serious damage**
  - Floods, hurricanes, tornados, earthquakes, severe storms, landslides
- And Occurs over a **wide area**
  - Several counties, federal land units, or major drainages
- And Over **$700,000** of damage
ERFO & ER ELIGIBLE DISASTERS

Catastrophic Disasters must:

• Be **Sudden failure** of a **major element** or segment of an eligible facility from an **external cause**

• And Failure is not primarily attributable to progressive deterioration or lack of maintenance

• And Over **$700,000** of damage
ERFO ELIGIBLE FACILITIES

Facilities must be:
• Open to Public
• On official Inventory
• Actively maintained
• Roads accommodate standard passenger vehicles
ER & ERFO DAMAGE ELIGIBILITY

- Disaster related damage only
- Only ‘Serious Damage’ is eligible
- Repairs must exceed $5,000 per site
- Not maintenance or routine repair activities
- Covers Emergency & Permanent repairs
DAMAGE DOCUMENTATION

- DDIR or DSR report completed for each site
- Report includes site data, location, damage pictures, sketches, cost estimate, calculations
- Includes emergency and permanent repairs
ERFO & ER KEY POLICIES

• Least cost, repair in-kind programs
• Funds can only be used on approved sites
• Funding is based on documented actual costs
• Reimbursement program, however when funds are available it may provide upfront funds
BEEN THERE, FIXED THAT. FHWA CAN HELP FIX YOURS TOO!
WHERE CAN I LEARN MORE?

• Program information
  • ERFO  https://flh.fhwa.dot.gov/programs/erfo/
  • ER  https://www.fhwa.dot.gov/programadmin/erelief.cfm

• ERFO Coordinators:
  EFLHD – Eric Wright (571) 434-1547
  CFLHD – Lorell Duteil (720) 963-3425
  WFLHD – Steve Hinz (360) 619-7532
OTHER DISASTER RELIEF FOR TRANSPORTATION

FEMA - Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.) Public Assistance Grants Program

• Provides federal technical and financial assistance to states, tribes, & LPAs

• Applicants must respond to disaster/ emergency using plan & the event must exceed applicant’s capability before requesting declaration

• Covers Public, Tribal, & Non-profit Infrastructure including transportation

• Presidential declaration required

• Emergency measures & Permanent Repairs

• Federal Share ~75%

• Tribes pursue ERFO for transportation damages prior to FEMA
Tribes should pursue ERFO for transportation damages prior to FEMA.

FEMA has similar yet different eligibility so some items not eligible for ERFO may be FEMA eligible.

FEMA has some pre-event planning requirements so important to establish relationship prior to disaster.

For more information, FEMA Tribal contacts can be found at [https://www.fema.gov/tribal-contacts](https://www.fema.gov/tribal-contacts).

All the disaster relief programs have time limitations so reach out and apply as soon as possible following an incident.
Disasters Happen, Be Prepared! QUESTIONS?