

FHWA New Jersey Division Office

Questions and Answers Regarding the FHWA's Emergency Relief Program

Q: I will complete all the repairs at a site in 180 days. Can I get reimbursed 100 percent with ER funds?

A: Not necessarily. Only emergency work, necessary to restore essential travel, minimize the extent of damage, and protect remaining facilities, completed within the first 180 days is eligible for 100 percent reimbursement. Permanent repairs completed within that time period are eligible for the normal pro rata share.

For example, an owner has a site where a bridge or portion thereof or a segment of highway has failed and is closed to traffic. The owner decides to temporarily span over the "hole" and stabilize the site so that traffic can be restored immediately (emergency work). This would be eligible for reimbursement at 100 percent. The owner plans to design and construct a more permanent solution at the site as well, to restore it to its pre-disaster condition (permanent repairs), and plans to complete this work in 180 days. This would be eligible at the normal pro rata share (normally 80 percent ER funds and 20 percent owner funds), because it is classified as permanent repairs.

At another site, erosion has occurred to an embankment on either side of the roadway. The owner has stabilized the embankment with fill material and riprap on the slopes and re-opened the roadway (emergency work). This work is eligible for 100 percent reimbursement with ER funds. The storm also caused the failure of the culvert headwalls at the bottom of the slope. The owner plans to come back within 180 days to replace the headwalls (permanent repairs). This work is eligible at the pro rata share, since the roadway is both opened to traffic and stabilized.

At another site, the owner decides to keep the roadway has been damaged to the point that it is closed. Although the road is very significant locally, the owner decides that it would be more efficient to keep it closed for a couple of months until they can replace the damaged portions of the facility and reopen it to traffic. The plan is to have all of this work completed within the 180 time period. This is considered combining emergency and permanent work and would be eligible for 100 percent reimbursement.

Q: What do I need to do for emergency work?

A: Perform the work however you need to, using in house or contract forces, and keep accurate records for each site of the costs involved in the repairs, including invoices, in case an audit is performed.

Q: What do I need to do for permanent work?

A: Permanent work follows normal Federal-aid procedures. Regarding project oversight (FHWA and NJDOT oversight), the project would be processed in accordance with the Stewardship Agreement, and would be either Alternate Procedures or Full Oversight (FHWA oversight). The vast majority of projects will be processed as Alternate Procedures.

Q: When does this 180 day time clock start ticking?

A: The first day of the event. This date is provided in the State's Letter of Intent to seek ER funding, and hopefully coincides with the Governor's Disaster Declaration. When disasters are combined into one ER event, the date that the first one begins is when the 180 day clock begins ticking.

Q: Can this 180 day time period be increased, or changed? This disaster was very large and caused extensive damage. There is no way we can complete the work in 180 days.

A: No. The 180 day time period for completion of emergency repairs cannot be altered. It is mandated by law, and intended to ensure that essential traffic is restored promptly, regardless of the magnitude of the event.

Q: What is the pro rata share for permanent repairs?

A: Except for Interstate routes, where the pro rata share is 90 percent Federal and 10 percent State, it is 80 percent Federal to 20 percent other.

Q: What is this "site" that you keep talking about?

A: A site is a location of damage from an event where the cost to repair it is greater than \$5000. This amount is intended to weed out isolated locations of damage that require routine or heavy maintenance. This is an example that we just found of a site on a State highway that would not be eligible for ER funds. It is an isolated location a short length curb was damaged and a small amount of material behind it was removed. This was an isolated occurrence with no visible damage anywhere else in the area.

Sites can be aggregated within reason. For example, a particular County may have had damaged signal controller boxes throughout the County. These could be aggregated on a geographic basis. Another example is a segment of roadway that had multiple areas of embankment erosion that required repair. These could be grouped from milepoint to milepoint for that corridor.