

Emergency Relief (ER) Program- ER Time Extensions

Presented By
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FHWA – CA Division Office

Caltrans & FHWA Time Extension Workshop
2021



Outline

California Division Office

Cove at Julia Pfeiffer Burns State Park

- ER Program Overview
- FHWA ER Time Extension Policy
- FHWA Expectations
- Resources



ER Program Overview

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- The Emergency Relief Program (ER) is a program within the Federal-aid Highway Program (FAHP).
- FAHP is a state administered and federally assisted program.



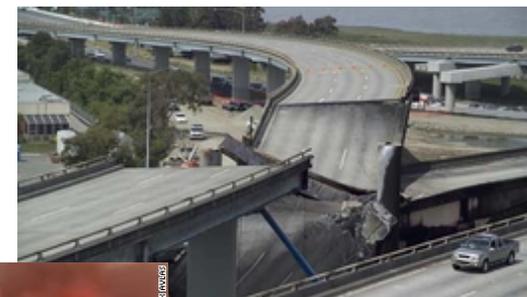
ER Program Overview

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The ER Program is a national program authorized by Congress in Title 23 U.S.C., Section 125 to provide funds for the repair or reconstruction of highways, roads, and trails that **suffered serious damage** as a result of:

- a natural disaster over a wide area; or
- catastrophic failure from any external cause



ER Program Overview

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- Not intended for:
 - Covering all repair costs;
 - Relieving heavy maintenance responsibilities; or,
 - Reimbursing repairs to non Federal-aid highways



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- **Emergency Repairs** defined in 23 U.S.C. 120(e) and 23 CFR 668.103.
 - Minimizing the extent of the damage;
 - Protecting remaining facilities; or
 - Restoring essential traffic



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- **Permanent Repairs**
 - Those repairs undertaken to restore the facility to its pre-disaster condition
 - Preliminary Engineer work does not require prior FHWA approval and authorization



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- 23 CFR 668.105 (h)
 - “ER projects shall be **promptly constructed**. Any project that has not advanced to the construction obligation[authorization] stage by the end of the second fiscal year following the disaster occurrence will not be advanced unless suitable justification to warrant retention is furnished to the FHWA.”



ER Time Extensions

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Satisfactory Justification

- Environmental evaluation;
- Litigation;
- Complex ROW acquisition; or,
- Time to permit geotech study

Unsatisfactory Justification

- Staffing Resources
- Economic hardship
- Prioritizing other projects over the ER eligible site (inactivity)



Expectations

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- ER projects should be constructed promptly
- Time extensions are an exception and not the norm
- Sites that have previously received an extension will be scrutinized closely to ensure applicability to the ER Program



ER Time Extensions

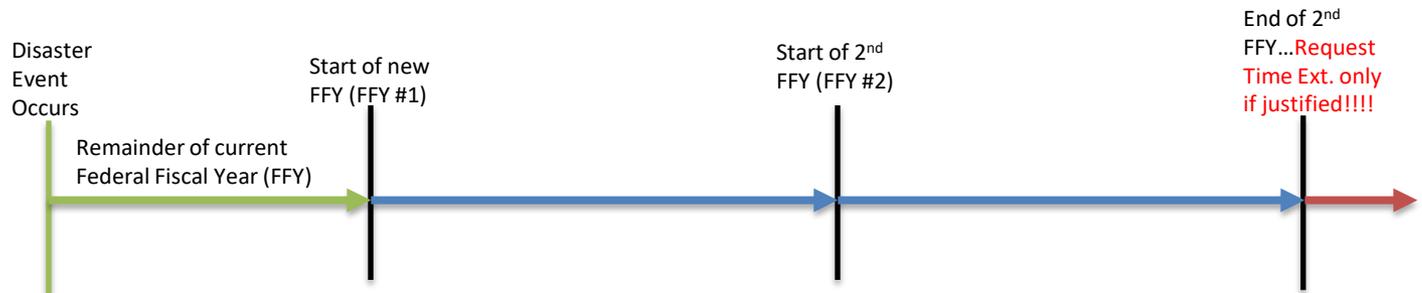
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Timeline of Events

Note:

FFY = October 1st – September 30th



ER Time Extensions

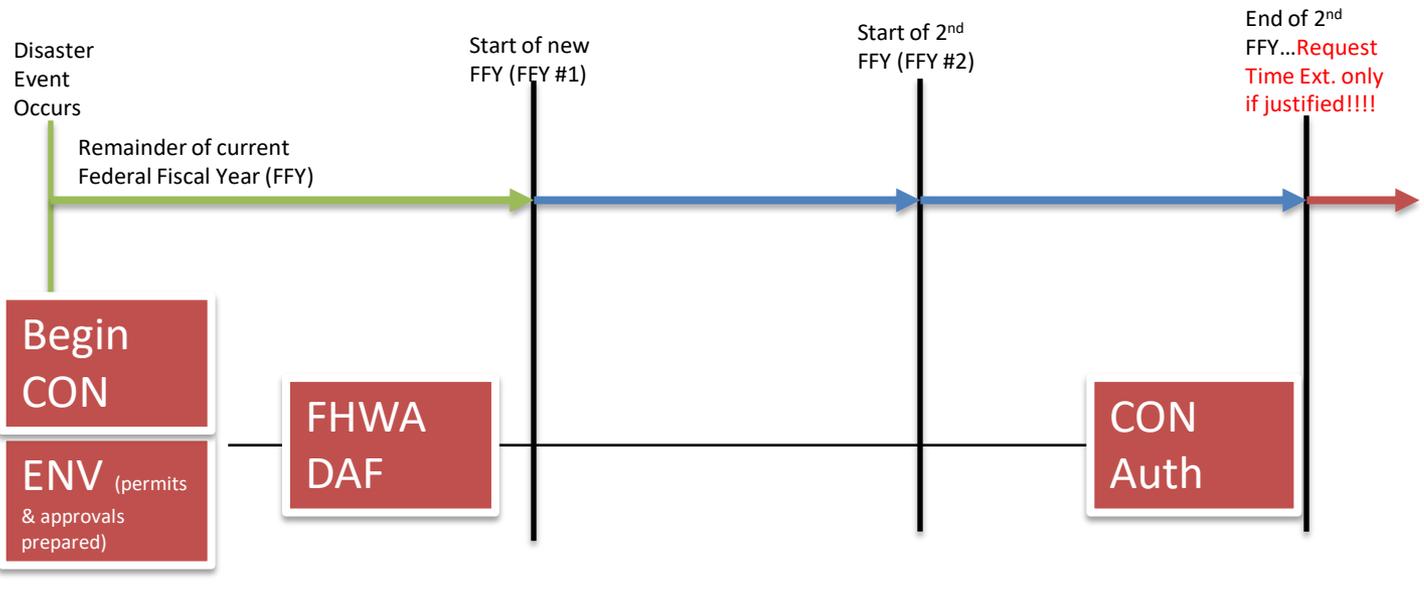
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Timeline of Events (Emergency Opening or PR under EO)

Note:

FFY = October 1st – September 30th





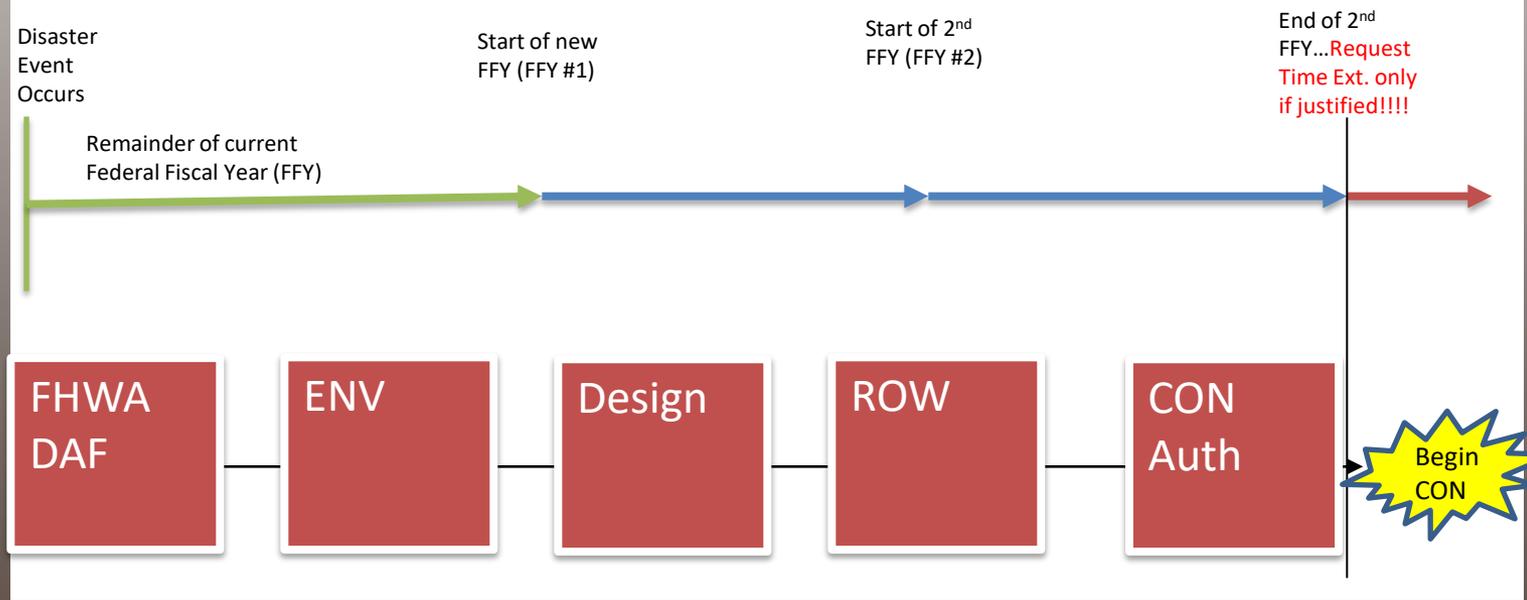
ER Time Extensions

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Timeline of Events (Permanent Repairs during Permanent Restoration)

Note:
FFY = October 1st – September 30th



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- Things to consider:
 - Must provide sufficient delay justification pertaining to: extensive environmental evaluation, litigation, or complex right-of-way acquisition.
 - Delays must be **reasonable and beyond** the LPAs control.
 - Request must include a timeline of major milestones reached to achieve construction obligation
 - Time extensions will only be granted in one-year increments for eligible Emergency Relief projects.
 - Time extension requests should include an evaluation of the time needed to advance the project to construction obligation.
 - Recommendations for extension will be provided solely on the delay justification and support documentation provided to FHWA.
 - An Emergency Relief applicant's time extension request is an opportunity to provide FHWA a complete understanding for the cause of delay. Information that is not provided at the time of request will not be considered for FHWA's final recommendation!



FHWA Contacts

Cove at Julia Pfeiffer Burns State Park

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Districts 9 & 10 have Lamin in an acting role.			
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Resources

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FEDERAL-AID ESSENTIAL VIDEO'S

[Program Overview and Eligibility](#)

[Initial Steps for Requesting ER Funds](#)

[Steps for Receiving Reimbursement of ER Expenses](#)

[Emergency versus Permanent Repairs](#)

[Avoiding Waste and Abuse, and Detecting Fraud](#)

[Contractor Force Account](#)

FHWA HQ'S

[Emergency Relief Program](#) ..includes various other MEMO's/etc.

[Emergency Relief Manual \(5/31/2013\)](#)

[FHWA Order 5182.1 Emergency Relief Program Responsibilities \(02/22/2016\)](#)

[23 CFR 667 Guidance: Evaluation of Facilities Repeatedly Requiring Repair \(11/26/2018\)](#)





Q&A

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