MAP-21
Emergency Relief Changes

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MAP-21 Changes - General

- Removed the $100,000,000 cap per event
  - Cap still applies to pre 10/1/2012 events
  - Supplemental funding bills may re-impose caps

- Added 2 year deadline to submit ER application
  - 2 calendar years from date of event
  - Must include a comprehensive list of sites/costs
  - Required before obligation of ER funds
MAP-21 Changes - General

- Project cost limited to cost of comparable facility
  - Initially based on As-Built’s
  - Current geometric and construction standards
  - Type and volume of traffic over design life

- Deficient bridges
  - Permanent Repairs not eligible if already in STIP
    - STIP – typically 4-6 years time frame
  - Previously in regulation, now in law
MAP-21 Changes - Debris Removal

**Governor’s Proclamation Only**
- FHWA handles debris on Federal-aid highways
- Only debris deposited by disaster

**Stafford Act Only**
- FEMA may handle all debris... but, it depends...
- Is debris removal eligible under sect. 403, 407, or 502 of the Stafford Act?
  - Yes – FEMA handles all affected highways
  - No – FHWA handles Federal-aid highways only
MAP-21 Changes - Debris Removal (continued)

Stafford Act and Governor’s Proclamation

- Locations in Presidential Declaration
  - FEMA handles all affected highways
- Locations only in Governor’s Proclamation
  - FHWA handles Federal-aid highways
- FHWA will handle Federal-aid highways included in the Stafford Act if FEMA determines they are not eligible under sec. 403, 407, or 502

See http://www.fhwa.dot.gov/map21/qandas/qaer.cfm
Federal-aid Highway

Definition

“Federal-aid highway” is from 23 USC 101(a)(6)

The term "Federal-aid highway" means a public highway eligible for assistance under this chapter other than a highway functionally classified as a local road or rural minor collector
Example of Program of Projects - DSR

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<th>Bridge No.</th>
<th>Classification</th>
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<th>Span Type</th>
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**COST ESTIMATE for EMERGENCY REPAIRS**

| Work Description | Unit Price | Total 
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<tbody>
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<tr>
<td>Erosion Control</td>
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<tr>
<td>Drainage</td>
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<td>$5,000</td>
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</table>

**COST ESTIMATE for PERMANENT REPAIRS**

| Work Description | Unit Price | Total 
<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Drainage</td>
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<td>$5,000</td>
</tr>
</tbody>
</table>

**Total Permanent Repairs**

$110,000

*Attach Supplemental Sheets if necessary*
MAP-21 Changes - Federal Share

- Allows increase of 180-day limit
  - 100% Federal share for emergency repairs
  - Site inaccessible for damage assessment
  - Requires FHWA Division Administrator’s approval

- Allows 90% Federal share
  - Total annual ER expenses exceed annual Federal funds apportionment
Categorical exclusion (CE) for ER projects that have:

- Same design
- Same location
- Same dimensions
- Same capacity as the original

Notice of proposed rulemaking 10/1/2012
CE Final rule published - 2/19/13
MAP-21 Change Affecting ER

• Federal Lands Access Facilities meeting the definition of a Federal Aid Highway are eligible for 100% ER Federal share
• Eligible Fed Aid roads within Federal boundaries are clearly eligible for 100%
  • For outside the boundary, definition is – from boundary to intersection with first major collector (generally within 10 miles)

– Note: ERFO Disaster damage assessment is done once first respondents have moved to the recovery phase.
Example of Eligible Fed Aid roads within Federal boundaries
Resources

- FHWA Emergency Relief Program
- ERFO – Emergency Relief of Federally Owned Roads
- FEMA and FHWA Emergency Relief Funds Reimbursements to State Departments of Transportation
  - http://www.trb.org/Main/Blurbs/172458.aspx
- FHWA Federal-aid Essentials
QUESTIONS?