



## EMERGENCY RELIEF PROGRAM (ER)

Fiscal year	2016	2017	2018	2019	2020
Authorization	\$100 M				

### Program purpose

The FAST Act continues the Emergency Relief program, which provides funds for emergency repairs and permanent repairs on Federal-aid highways and roads, tribal transportation facilities, and roads on Federal lands that the Secretary finds have suffered serious damage as a result of natural disasters or catastrophic failure from an external cause.

**Statutory citations:** FAST Act §§ 1107 & 1408(b); 23 U.S.C. 120(e) & 125

### Funding features

#### Type of budget authority

Funded by a permanent authorization of \$100 million per year in contract authority from the Highway Account of the Highway Trust Fund. Funds are available until expended, and exempt from the Federal-aid highway obligation limitation.

### Federal share

In accordance with 23 U.S.C. 120, including sliding scale adjustment for States with high percentages of Federally-owned public lands.

#### Emergency repair work

100% Federal share for emergency repair work—work to restore essential travel, minimize the extent of damage, or protect the remaining facilities—that is accomplished in the first 180 days after the disaster occurs. FHWA may extend this time period based on delay in the ability to access damaged areas. [23 U.S.C. 120(e)(1) & (3)]

#### Permanent repairs

Up to 90% Federal share for eligible permanent repairs to restore damaged facilities if the total eligible expenses that a State incurs due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the State's apportionments under 23 U.S.C. 104 for the fiscal year in which the event occurred. [23 U.S.C. 120(e)(4)]

#### Emergency Relief for Federally-Owned Roads (ERFO)

100% Federal share for repair work on Federal land transportation facilities, tribal transportation facilities, and other Federally-owned roads open to public travel. Under MAP-21, Federal Lands Access Program Facilities also had been eligible for this 100% Federal share; the FAST Act eliminated that eligibility. Per § 421 of the Department of Transportation Appropriations Act, 2016 (P.L. 114-113), the FAST Act amendment applies to projects to repair or reconstruct facilities damaged as a result of a qualifying natural disaster or catastrophic failure that occurs after October 1, 2015. [FAST Act § 1408(b); 23 U.S.C. 120(e)(2)]

### Eligible activities and program features

#### Debris removal

The FAST Act clarifies eligibility for debris removal on Federal Lands and Tribal Transportation facilities or other federally-owned roads if the facility is eligible under the Emergency Relief program. [FAST Act § 1107; 23 U.S.C. 125(d)(3)]

Open to public travel

The FAST Act clarifies the definition of “open to public travel” for purposes of eligibility of roads on tribal transportation facilities, Federal Lands transportation facilities, and other federally owned roads.  
[FAST Act § 1107; 23 U.S.C. 125(e)(1)]

Except as specified above, the FAST Act makes no changes to the ER or ERFO programs.