

EMERGENCY RELIEF PROGRAM (ER)

Year	2013	2014
Authorization	\$ 100 M	\$ 100 M

Program purpose

The Emergency Relief program provides funds for emergency repairs and permanent repairs on Federal-aid highways 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 citation(s): MAP-21 §§1107 and 1508; 23 USC 120(e) and 125; SAFETEA-LU §1112

Funding features

Funded by a permanent authorization of \$100 million per year in contract authority from the Highway Account of the Transportation Trust Fund. Funds are available until expended, and exempt from the Federal-aid highway obligation limitation. [23 USC 125]

In addition to the permanent authorization, SAFETEA-LU authorized from the General Fund of the Treasury such sums as may be necessary to supplement the permanent authorization in years when Emergency Relief allocations exceed \$100 million. Appropriation legislation would be necessary to make the additional funds available. [SAFETEA-LU §1112]

Funds are allocated to the States based on an assessment of repair costs following a disaster.

Up to 5% of ER funds may be used by the Secretary for projects to protect public safety or maintain or protect roadways included within the scope of an emergency declaration.

Federal share: In accordance with 23 USC 120, including sliding scale adjustment for States with high percentages of Federally-owned public lands.

- Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100% Federal share; time period may be extended for delay in the ability to access damaged areas.
- For eligible permanent repairs to restore damaged facilities, up to 90% Federal share is allowed if total eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the State's apportionments under 23 USC 104 for the fiscal year in which the event occurred.
- The Federal share for repair work on Federal land, Federal land access, and tribal transportation facilities is 100%.

Eligible activities

ER eligibilities are continued, with some changes:

- Addition of actual and necessary costs of maintenance and operation of transit service as eligible activity to provide a temporary substitute for highway traffic service.
- Debris removal is eligible only if the event is not declared a major disaster by the President or where the event is declared a major disaster by the President but the debris removal is not eligible for assistance under the Stafford Act.

- ER funds may participate in costs to repair or reconstruct a comparable facility, which is defined as a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.
- *Construction phase* defined – No funds may be used for repair or reconstruction of a bridge if the construction phase of a replacement structure is included in a State's approved transportation improvement program at the time of the event.

Program features

Changes to the ER program include the following:

- The State's application for ER funds must include a comprehensive list of all eligible project sites and repair costs within 2 years after the event.
- The \$100 million cap on obligations in a State for a single event is removed.
- Tribal transportation facilities, Federal lands transportation facilities, and other Federally-owned roads open to public travel are eligible for ER funding.

Superseded