

FHWA/MODOT PARTNERING AGREEMENT

EMERGENCY RELIEF PROGRAM

(MoDOT Safety and Emergency Management Unit)

FHWA Performance Year 2022

(October 1, 2021 – September 30, 2022)

I. Roles and Responsibilities of MoDOT

MoDOT's Role - Ensure Emergency Relief (ER) Program requests are prepared and submitted in accordance with federal laws and regulations in a timely manner. For this program area, the following tasks are considered the most important and MoDOT will work with FHWA as partner to ensure success:

- Ensure that ER is a top priority throughout the entire ER reimbursement process.
- Begin coordination immediately with District offices to determine the level of damage on both state and local federal-aid routes.
- Coordinate with Local Public Agencies as necessary so that all eligible federal-aid damage sites are identified.
- Assure that districts adequately document the disaster damage with photos, records, and other pertinent documentation.
- Submit notice of intent to request emergency relief funds to FHWA within six (6) weeks following the disaster declaration date unless discussed with FHWA in advance.
- Work with FHWA ER Coordinator and Program Implementation Team Leader to determine a reasonable damage threshold for individual sites that will require field inspection of the damage by FHWA staff. The damage threshold will be based on an initial statewide assessment of the extent of the damage, the number of damage sites and the availability of FHWA staff to conduct the reviews.
- In order to expedite the ER process, MoDOT will establish internal procedures that allow the initial Detailed Damage Inspection Reports (DDIRs) to be completed by staff at the lowest level that MoDOT determines to be appropriate.
- Work with FHWA Program Implementation Team to set up damage site inspections, as soon as possible, for those sites that require a field inspection by FHWA staff. In most cases where eligible damages can be verified and adequate documentation is provided, the DDIR for these sites should be completed, approved and signed by FHWA at the conclusion of the field inspection, whenever possible.

- Work with FHWA Program Implementation Team to set up damage site documentation review meetings, as soon as possible, for those sites that do not require a field inspection by FHWA staff. In most cases where eligible damages can be verified and adequate documentation is provided, the DDIR for these sites should be completed, approved and signed by FHWA during the course of the meeting.
- The goal is to complete most DDIRs and submit for review and approval by FHWA staff within six (6) weeks after the field conditions allow for an assessment of the damage at each site.
- Standard ER Request Method- Submit Damage Survey Summary Report (DSSR) with supporting information within one (1) week after a sufficient number of DDIR's have been signed by FHWA and MoDOT Staff to establish the scope of the damage and document that the event exceeds the minimum Federal Share threshold of \$700,000 in damages. This will allow FHWA to make a determination of the eligibility for the event. The DSSR should be completed within six (6) weeks after MoDOT submits its letter of intent to seek reimbursement for the disaster.
- Quick Release ER Request Method - Formal preparation of a Damage Survey Summary Report (DSSR) is not required in order for FHWA to make a determination of eligibility for the event when requesting ER funds utilizing the Quick Release Method. However, an abbreviated DSSR should be prepared and submitted within one (1) week after a sufficient number of DDIR's have been signed by FHWA and MoDOT Staff to document that the event exceeds the minimum threshold of \$700,000 in damages. A complete DSSR is still needed to meet the requirements for preparing a program of projects. The completed DSSR should be submitted within six (6) weeks after MoDOT submits its letter of intent to seek reimbursement for the disaster.
- Immediately following the FHWA Division Administrator's approval of the ER application, MoDOT will proceed with preparation of a program which defines the work needed to restore or replace the damaged facilities, known as the Program of Projects. The Program of Projects should be submitted to FHWA within three (3) months of receipt of the Division Administrator's approval of the event.
- Obtain approval from FHWA for any permanent restoration work to be performed by state forces in accordance with 23 CFR 635.204 or to be accomplished by contracted repairs prior to performing work. Notify FHWA Transportation Engineers of any immediate action needed regarding permanent restoration work to protect the facilities from further damage and ensure the safety of the traveling public.

- Coordinate with MoDOT Financial Services to assure that Project authorization is received from FHWA prior to performing permanent restoration work with state forces or advertisement of any contracted permanent repairs.
- Coordinate with MoDOT Financial Services as necessary to provide status updates on ER obligations, current fund balances and additional funding needs.
- Provide progress reports to FHWA regarding the status of the ER projects.
- Submit amendments to DDIR's for FHWA approval, when there are changes in the scope of the repairs or changes that would affect the classification of the repairs as either permanent or emergency repairs.
- Submit amendments to DDIR's prior to the FMIS project authorization if the actual cost exceeds the estimated cost in the DDIR by more than 20 percent or a minimum of \$20,000.
- Retain the following documentation for each disaster electronically and provide access to FHWA staff:
 - MoDOT's Letter of Intent;
 - FHWA Division Acknowledgement Letter;
 - Governor's Proclamation and/or Presidential Declaration;
 - Damage Survey Summary Report;
 - ER quick release request, if applicable;
 - ER standard method request letter;
 - FHWA Division Administrator's finding of eligibility;
 - Approved DDIRs with initial and final cost estimates
 - Application with comprehensive list of eligible sites and costs.
 - Maintain files and records necessary to document the scope of the repairs and cost reimbursement documentation for each damage site. Make this information available to MoDOT Financial Services for use in obligating federal funds and for preparing FMIS requests.
 - Documentation shall be retained for 10 years following the last FMIS transaction for any repair project included in the disaster event.
- Participate in training sessions offered by FHWA when changes to the Emergency Relief Program occur.
- MoDOT will offer training to Local Public Agencies (LPAs) in the ER Program procedures and assist them in seeking reimbursement for damages to the federal aid system sustained during an eligible event.

II. Roles and Responsibilities of FHWA

FHWA's Role - Ensure the Emergency Relief (ER) Program is administered in accordance with federal laws and regulations. For this program area, the following tasks are considered the most important and FHWA will work with MoDOT as true partners to ensure success:

- Ensure that ER is a top priority throughout the entire ER reimbursement process.
- Submit acknowledgement letter to MoDOT within two (2) weeks after receiving their notice of intent to request emergency relief funds. Notify FHWA HQ concurrently.
- Work with MoDOT's Chief Safety and Operations Officer (CSOO) and MoDOT's Assistant to the CSOO – Safety and Emergency Management, to determine a reasonable damage threshold for individual sites that will require field inspection of the damage by FHWA staff. The damage threshold will be based on an initial statewide assessment of the extent of the damage, the number of damage sites and the availability of FHWA staff to conduct the reviews.
- Reassign Transportation Engineers and other staff as necessary to ensure damage site inspections can be conducted in a timely manner.
- Work with MoDOT staff to set up damage site inspections, as soon as possible, for those sites that require a field inspection by FHWA staff. In most cases where eligible damages can be verified and adequate documentation is provided, the DDIR for these sites should be completed, signed and approved by FHWA, at the conclusion of the field inspection, whenever possible.
- Work with MoDOT staff to set up damage site documentation review meetings, as soon as possible, for those sites that do not require a field inspection by FHWA staff. In most cases where eligible damages can be verified and adequate documentation is provided, the DDIR for these sites should be completed, approved and signed by FHWA during the course of the meeting.
- Ensure that most DDIRs are reviewed and approved by FHWA staff within six (6) weeks after the field conditions allow for an assessment of the damage at each site.
- Review Damage Survey Summary Report and supporting documentation and notify MoDOT of FHWA's eligibility determination within two (2) weeks. Notify FHWA HQ concurrently.
- Review and respond to requests for utilization of state forces to complete permanent restoration projects in accordance with 23 CFR 635.204 within two (2) weeks.

- Review FMIS ER authorization requests within two (2) weeks after receipt. If the request is found to be acceptable then approval will be provided, otherwise comments will be provided as soon as possible.
- Notify MoDOT Staff when ER Funding allocations are made by FHWA HQ for reimbursement purposes.
- Provide MoDOT with updates to any changes to the ER Program.

III. Ground Rules

We agree to concentrate efforts in improving our work by following these ground rules:

- We will respect each other by valuing individual opinions and maintaining an open mind to suggestions.
- We will communicate directly with each other by telephone, mail, e-mail and, more importantly, in face to face conversations.
- We will work closely together to add the most value to the Emergency Relief Program.
- We will develop DDIR's and provide review and approval of them in a timely manner while striving to meet requested timelines.
- We will be mindful of resource and staffing constraints concerning all state and federal agencies involved with the ER Event. We will not set unrealistic timeframes.
- We will jointly attend and actively participate in statewide emergency coordination meetings.
- We will add value to the discussions and refrain from personal agendas at all meetings.
- We will respond to e-mails and telephone calls within two business days unless out of the office during that time.
- We will revisit this agreement every year and make revisions as necessary.

IV. Conflict Resolution

MoDOT and FHWA personnel are empowered to make timely and innovative decisions. In case of conflict, we will resolve it at the lowest level by holding one-on-one discussions. If we cannot reach an agreement within one (1) week, we agree to elevate the issue in the following manner:

- Elevate the discussion to MoDOT's Chief Safety and Operations Officer and FHWA's Program Implementation Team Leader. We will make every effort to solve the conflict at this level. If a resolution cannot be reached within one (1) week after hearing from the parties involved, the Chief Safety and Operations Officer

and the Program Implementation Team Leader will present their cases verbally and/or in writing to MoDOT's Chief Engineer and the FHWA Deputy Division Administrator. We will abide by their decision and will share that decision with staff.

- Issues that cannot be resolved between MoDOT's Chief Engineer and the FHWA Deputy Division Administrator will be elevated to MoDOT's Director and the FHWA Division Administrator for resolution.

V. Performance Evaluation Criteria

We will measure our partnering progress and success by the following performance measures, which will be discussed, evaluated, and updated annually:

- MoDOT will submit the notice of intent to request emergency relief funds to FHWA within six (6) weeks of the disaster declaration date one hundred percent (100%) of the time.
- MoDOT will submit the Damage Survey Summary Report (DSSR) within one (1) week after a sufficient number of DDIR's have been signed by FHWA and MoDOT Staff to establish the scope of the damage and allow for a determination of the eligibility of the event one hundred percent (100%) of the time.
- MoDOT will complete most DDIRs and submit for review and approval by FHWA staff within six (6) weeks after the field conditions allow for an assessment of the damage at each site.
- FHWA will submit acknowledgement letter to MoDOT within two (2) weeks after receiving MoDOT's notice of intent to request ER funds one hundred percent (100%) of the time.
- FHWA will submit a response to MoDOT of FHWA's eligibility determination regarding MoDOT's DSSR within two (2) weeks one hundred percent (100%) of the time.
- FHWA and MoDOT will work together to see that all ER events older than the most recent events, which have active projects, are closed in PY 2022.

VI. Program Assessment

As a part of FHWA's Risk Based Stewardship and Oversight process, MoDOT and FHWA staff will meet each Federal Performance Year to discuss risks associated with the ER Program area and evaluate Emergency Relief requests that have been submitted during the year. This discussion will include areas where the program can be improved as well successful practices that may be implemented into the program procedures.

Specifically, the items to be discussed will include, but are not be limited to, problems or issues related to the submittal of the DDIRs, the DSSR, and the Program of Projects. Eligible/ineligible site issues and the status of pending fund reimbursement requests are also topics that may be included in the discussion.

FHWA and MoDOT will work together during each FHWA Performance Year to make improvements to the ER Program that will help address and/or minimize the identified risks to the program. Any changes or modifications to the Partnering Agreement that result from these efforts will be incorporated into a future version of the agreement.

VII. Communicating with Management and Staff

MoDOT and FHWA Management and Staff will be updated as necessary on pertinent ER activities and issues.

VIII. Supersession

This agreement supersedes the FHWA/MoDOT Partnering Agreement, Emergency Relief Program – MoDOT Safety and Emergency Management Unit, last signed on October 7, 2020, between the FHWA and MoDOT. The FHWA/MoDOT Partnering Agreement, Emergency Relief Program – MoDOT Safety and Emergency Management Unit, last signed on October 7, 2020, between FHWA and MoDOT shall terminate upon execution of this Agreement.

This agreement will be reviewed and updated, as needed, on an annual basis.

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IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.



Chris Engelbrecht
MoDOT Assistant to the CSOO – Safety
and Emergency Management

DATE: 11-24-21

Charles Pursley
FHWA Emergency Relief Program
Coordinator

DATE: 11/30/2021



Rebecca Allmeroth
MoDOT Chief Safety and Operations
Officer (CSOO)

DATE: 11/29/21

Dawn Perkins
FHWA Program Implementation
Team Leader

DATE: 11/30/2021

