



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

INFORMATION: Emergency Relief (ER)

Subject: Program; Basin Flooding Eligibility

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From: Director, Office of Engineering

Reply to
Attn. of HNG-12

To: Regional Administrators

The purpose of this memorandum is to clarify our policy concerning ER funding for basin flooding. Under the special situations described below, basin flooding may be considered a natural disaster for the purposes of the ER program. The ER funding could be made available to raise the grades of critical Federal-aid highways faced with long-term loss of use due to an unprecedented rise in basin water level. For purposes of this policy on basin flooding, a basin is considered to be a large depression in the land with no natural drainage outlet where water levels would decrease only due to infiltration or evaporation.

In the past, reconstruction or repair of highways affected by basin flooding was generally not considered eligible for ER funding as set forth in 23 CFR 668.109(c)(6). Basin flooding was seen as a gradual rise in water level that could be predicted. Hence, work to prevent the potential damage could be anticipated and was not considered eligible for ER funding. However, paragraph B2(a)(3), page 20, chapter VII (Eligibility) of the Emergency Relief Manual provides some guidance on basin flooding eligibility under special circumstances. The newly developed policy noted below replaces the guidance on basin flooding in the Emergency Relief Manual.

Basin flooding may be considered an eligible disaster under the ER program if it can be shown that:

1. There has been an unprecedented rise in the basin water level, both in terms of the magnitude of the increase and the time frame in which this increase occurred. To document the unprecedented rise, the State should provide information supporting that the water elevation in the basin is at historically high levels. Further, it should provide information to support that recently there has been a significant rise in water levels in the basin during a short period of time with the rate of increase much greater than had been previously experienced and that the rate of increase could not have reasonably been anticipated. Support information could be historic water level elevation records. If these are not available for the basin, more empirical evidence, such as State and/or local maintenance reports or other information that provides some historical perspective on events and water levels within the basin, could be used.

2. There will be long-term loss of the use of Federal-aid routes. To document the long-term loss, information should be provided concerning the length of time highway facilities have been closed to traffic and are projected to remain closed to traffic based on the basin water level elevations that have and/or are projected to occur and the estimated decline in water levels due to evaporation, etc. In the case of major arterials currently still in service, but threatened by rising water levels, which the State determines cannot be closed for any period of time, documentation on long-term loss of use will have to be based on the potential for this loss to occur should anticipated basin water levels be reached. Since the ER program is not of a preventative nature but only provides funding after a disaster has occurred, care should be exercised in evaluating situations involving potential loss of use to ensure the integrity of the ER program is maintained.
3. The Federal share (cost to the ER program) of the estimated cost to raise the grade of critical Federal-aid routes to restore traffic service exceeds \$500,000, the minimum threshold for an ER disaster. Once the Federal-aid routes are identified within the basin that meet the criteria in Item 2 above, a decision will be made concerning which routes are critical and are to have grade raises. This will not necessarily be all the Federal-aid routes identified in Item 2 but only those routes that are critical to restoring traffic service. Factors to take into account in evaluating individual routes could include functional classification, provision of essential community services such as access for school, ambulance, fire, and mail vehicles, availability of alternate routes, etc. The State, in cooperation with the FHWA division office, will jointly determine those critical Federal-aid routes eligible for grade raises.

Grade raises of critical Federal-aid highways are considered emergency repairs to restore essential traffic and therefore work accomplished within 180 days after the beginning date of the disaster is eligible for a 100 percent Federal share.

Basin flooding will be handled as a separate disaster under the ER program. Generally, each basin will be evaluated individually based on the water level rise that has occurred within that basin, and the previously described criteria must be satisfied for that basin before ER funding will be considered. However, special cases may arise where several adjacent basins, all of which are affecting the same critical Federal-aid routes, may be treated as one event for the purposes of an ER finding that a disaster has occurred.

The beginning date for incurring ER eligible costs for a basin flooding disaster is not as clear-cut as the typical ER disaster. Basin flooding may represent the culmination of several meteorological events that have caused excessive run-off into the basin and occurred over an extended period of time. For a typical ER eligible disaster, the ER program activity that corresponds with the start of the disaster is a State's submittal of a letter of intent under the ER program. Accordingly, so that a basin flooding disaster is treated in a manner comparable to other disasters, a State's letter of intent for a basin flooding disaster will serve as the beginning date of ER eligibility for that disaster. If the State or division office believes that use of another beginning date can be justified,

the division office field report accompanying a State's request for ER funding for a basin flooding disaster must present rationale as to an alternate beginning date.

For eligible basin flooding disasters, ER funding will generally be limited to grade raises. However, if within the basin, Federal-aid routes have concurrently suffered traditional ER eligible damage, such as culvert washouts or embankment failures, repair of this traditional damage need not be handled as a separate ER disaster but may be included as incidental to the basin flooding disaster.

Although basin flooding as described is a valid ER disaster, we expect ER requests to be limited to those truly unusual events that meet the three criteria outlined above. It is not the intent of the ER program to raise the grades in dips or other low-spots along Federal-aid routes that suffer chronic inundation problems. Rather, these latter situations should more appropriately be corrected using regular Federal-aid funding sources.

Questions concerning this memorandum should be directed to Mr. David Price, Chief, Federal-Aid Program Branch, or Mr. Mohan Pillay or Mr. Jim Overton of his staff.



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