

## Temporary / Permanent ER Repair Clarification

Temporary Repairs (ER Manual): See Chapter II, Section A, fourth paragraph; and Section D, first paragraph. Temporary repairs are repairs made during and immediately following a disaster event (within 180 day of the event) to restore essential traffic, minimize the extent of damage, or protect remaining facilities. It is a premise of the ER program that emergency/ temporary repairs reduce the cost, or additional work required, to accomplish subsequent permanent repairs.

What is essential traffic? The road is open for essential traffic when it is open to allow access for emergency vehicles and local traffic. There is not a requirement to provide highway speed of use, permanent surfacing for smoothness of the roadway, construction to line and grade similar to the facility prior to the event, or roadway use periods uninterrupted by traffic flagging control to facilitate on-going repairs. Therefore, the emergency repair is considered the repair that provides the ability to move traffic on a gravel surface, a detour, a temporary bridge, or through a roadway section cleared of debris.

NOTE: Emergency/Temporary repairs to restore essential traffic, minimize extent of damage, and/or protect remaining facilities are funded at a 100% share by the ER program provided those emergency/temporary repairs are completed within the first 180 days following the occurrence of the disaster. Repairs made after 180 days following the occurrence are subject to pro-rata funding shares. Any repairs done within 180 days to restore the highway to pre-disaster condition are permanent and are funded at pro-rata share.

Emergency/Temporary repairs are just what the term implies, the repairs are temporary in nature and that temporary work will be replaced by permanent work.

Examples of Emergency/Temporary Repairs:

- Re-grading of roadway surfaces, roadway fills, and embankments;
- Debris and slide removal
- Replacement of approach fills
- Required traffic control during the emergency
- Construction or implementation of detours
  - Roadway connections, Temporary Bridges, Ferryboat usage
- Replacement of rip-rap to protect structures or roadway embankments
  - From further damage during the event, or following the event
  - Embankment protection includes direct scour, and overtopping scour
  - Note: placement of riprap at new locations is a betterment.
- Removal of drift deposited debris, including boat rental
- Short sections/lengths of bituminous surfacing on routes with heavy traffic

Permanent Repairs (ER Manual): See Chapter II, Section A, fourth paragraph; and Section D, first paragraph. Permanent repairs restore the highway, in-kind, to its pre-disaster condition. That is, the ER program is specifically intended to replace the function the facility provided prior to the event. Minor

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allowances, such as increased culvert size to assure that the work would be granted a permit, are eligible under the program, but significant improvements in capacity, pavement section, or other roadway characteristics are not. In most cases, permanent repairs require FHWA approval prior to the beginning of those repairs and are funded at the pro-rata share applicable to the roadway in question.

However, the ER Manual recognizes that it may be more economical or practical to accomplish permanent repairs coincidentally with emergency repairs in some instances this is referred to as incidental permanent. FHWA approval is still required for those incidental permanent repairs, but allowance is given to approve those repairs after the fact. The decision to accomplish permanent repairs coincidentally with the emergency repairs must be documented by the agency to demonstrate the economical or practical reason for the decision and allow the after the fact approval and signature of the DDIR. Permanent repairs may involve betterment, see Chapter II, Section D, sub-section f. All permanent repairs, incidental or otherwise are funded at a pro-rata share, regardless of when the work is completed.

Typically the restoration of line and grade of the roadway and the placement and provision of high-type pavement surfacing is considered to be a permanent repair. Regardless of whether the final grading and surfacing was placed incidentally with the emergency repairs or independent from them, these permanent repairs are to be funded at the pro-rata share.

NOTE: Funding of permanent repairs is at the appropriate pro-rata share for the roadway regardless of when those permanent repairs are made. That is, permanent repairs are pro-rata share funded regardless if they are considered incidental permanent or permanent. Permanent repairs require FHWA authorization to be considered eligible for funding.

EXCEPTION: Funding of all repairs, emergency and permanent is at 100% on roads on Federal Lands.