



Emergency Relief Program SDDOT & FHWA

Program Description:

Congress authorized in Title 23, USC, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program, commonly referred to as the emergency relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

What the South Dakota Department of Transportation (SDDOT) Can Do:

The SDDOT can reimburse the counties and cities for expenses incurred from repairs made to a Federal-aid route due to a disaster event. The types of repairs that are eligible include:

Emergency Repairs: Emergency repairs are those repairs that during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. These repairs may be reimbursed at 100% if the work is completed within 270 days of the disaster beginning date.

Permanent Repairs: Permanent repairs are those repairs undertaken, normally after the emergency repairs have been completed, to restore the highway to its pre-disaster condition. These repairs may be reimbursed at 81.95%.

Basin Flooding: ER funding may be 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 levels when basin flooding is considered a natural disaster event for the purpose of the ER program. Only those routes that are critical to restoring traffic service are eligible for a grade raise.

Critical Federal-Aid Highways: Factors to take into account in evaluating individual routes to be critical could include functional classification (Rural Major Collectors and higher), provision of essential community services such as access for school, ambulance, fire, and mail vehicles, availability of alternate routes, length of detours, average daily traffic (ADT), etc. The Federal Highway Administration (FHWA) Division office in cooperation with the State, will jointly determine those critical Federal-aid routes eligible for grade raises.

Site Minimum: \$5000 per site (may be able to group several smaller sites if in close proximity to each other).

Grade Raises: The County must submit a template or set of plans to the State DOT for any grade raises for approval by FHWA. SDDOT will notify the County of FHWA approval.

Contracting Requirements: Emergency repairs may be completed by force account, solicited contracts, negotiated contracts, or by competitive bidding. Permanent repairs not accomplished as emergency repairs, must be done by contract awarded by competitive bidding.

Checklist:

- ✓ Verify with SDDOT the official beginning date of the disaster. All costs incurred prior to the official beginning date are not eligible for reimbursement.
- ✓ Take pictures of all damages prior to repairing them. Make sure there is a date on the photo.
- ✓ Equipment Rate and Payroll Additive Calculations need to be sent to SDDOT.
- ✓ Check that all invoices for reimbursement from the State include all supporting documentation.
- ✓ Dates the actual work activity was performed need to be on invoice or supporting documentation.
- ✓ FHWA 1273 must be included in all contracts (emergency and permanent work).
- ✓ All bidding laws apply.
- ✓ Davis-Bacon Wage Rate apply to all contractors and subcontractors.
- ✓ Grade Raises – Set of plans or template must be submitted to SDDOT for FHWA approval.
- ✓ Work performed must be within the scope of work identified on the Detailed Damage Inspection Report. Work outside this scope of work must have prior approval from SDDOT and FHWA.

CONTACT INFORMATION

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ER information is available on the SDDOT website at: <https://dot.sd.gov/doing-business/local-governments/emergency-relief-er>