

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 1500 – External Relations
Chapter 1530 - Interdepartmental**

Amendment: 1500-1992-1

Effective date: May 07, 1992

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 1535-1535.12 (no amendment number listed)

Approved by: F. Dale Robertson, Chief

Date approved:

Responsible Staff:

POSTING NOTICE. Amendments are numbered consecutively by title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 1500-91-20 to 1580-1582.

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

1535.11: Adds Amendment No. 2 to the existing Memorandum of Understanding between the Forest Service and the Federal Highway Administration (FHWA). Amendment No. 2 implements the provisions of the National Bridge Inspection Standards (NBIS) to bridges on Forest Development Roads "open to public travel"; sets national guidelines for bridge inspection interval increases; revises bridge elements to be inspected and rated for condition and appraisal codes in accordance with those in FHWA Coding Guide; and requires an annual report to the States of bridge inventory data prescribed in the FHWA Coding Guide for bridges subjects to NBIS.

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1535 - Department of Transportation

1535.1 - Federal Highway Administration

1535.11 - Memorandum of Understanding on Highway Safety Program Standards

76-SIE-005

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOREST
SERVICE AND THE
FEDERAL HIGHWAY ADMINISTRATION

1. PURPOSE

The purpose of this Memorandum of Understanding between the Forest Service (hereinafter referred to as FS) and the Federal Highway Administration (hereinafter referred to as FHWA) is to prescribe the elements of the Highway Safety Program Standards applicable to the FS and the implementation responsibilities and requirements of the FS.

2. BACKGROUND

23 CFR 1230.3 provides as follows:

Pursuant to 23 U.S.C. 402, the highway safety program standards set forth in this chapter are applicable to Federal departments and agencies that control highways open to public travel within federally administered areas or supervise traffic operations on such highways, to the extent that they engage in activities covered by the highway safety program standards set out in this chapter.

Under 23 CFR 1230.4, the FS is required to review its activities, in cooperation with FHWA and NHTSA, to determine which are covered by the highway safety program standards.

3. APPLICABILITY

- (a) It is understood and agreed by and between the FS and the FHWA that, except as provided in subparagraph (b) of this paragraph, all of the requirements of highway safety program standards 9, 12, 13, and 14, administered by the FHWA, are applicable to all FS roads open to public travel.

- (b) It is understood and agreed by and between the FS and the FHWA that the following elements of the standards administered by the FHWA are not relevant to the activities of the FS and, therefore, are not applicable to the FS:

<u>Standard</u>	<u>Paragraph</u>	<u>Subject</u>
12	IB	Safe traffic environment for pedestrians in residential areas
12	IC	Roadway lighting
12	ID	Standards for pavement design with high skid resistance qualities
12	IE	Resurfacing of roads with low skid resistance
12	IJ5	Design features which protect people at playgrounds, school yards, and commercial areas
12	IK1	Signs at freeway interchanges
12	Ik3	Freeway access and egress for emergency vehicles
14	IIB	Land use planning in new and redevelopment areas
14	IID	Environmental illumination
14	V	Program for protection of children walking to and from school, entering and leaving school buses, and in neighborhood play

4. REQUIREMENTS

- (a) Under 23 CFR 1230.4, the FS will
- (1) Review the current status of its activities with regard to the relevant requirements of the standards.
 - (2) Develop, submit to FHWA and NHTSA, implement, and periodically update a multiyear Comprehensive Plan for highway safety in accordance with the highway safety program standards.

(3) Submit annually to the Secretary of Transportation a comprehensive report on the administration of its highway safety program in accordance with 23 CFR 1230.4(b).

(b) In addition to the requirements of subparagraph (a) of this paragraph, the FS will submit the following to FHWA for review and approval:

(1) Highway safety design standards applicable to all FS roads open to public travel and relating to the safety features specified in paragraph 1A of highway safety program standard 12.

(2) Clear roadside criteria for FS roads.

(3) Criteria for the use of guardrails on FS roads.

(4) Bridge railing criteria for FS roads.

(c) The FS will establish a close working relationship with State, county, and community traffic engineering offices which are involved with highways within or bordering the National Forests.

5. EXECUTION AND EFFECTIVE DATE

This Memorandum of Understanding is executed on behalf of the FS by the Chief of the Forest Service, and on behalf of the Federal Highway Administration by the Federal Highway Administrator, and its is effective immediately.

Date: October 14, 1975

/s/ John R. McGuire
Chief, Forest Service

_____/s/
Administrator
Federal Highway Administration

AMENDMENT No. 1

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOREST SERVICE
AND THE FEDERAL HIGHWAY ADMINISTRATION

2. BACKGROUND

Add the following between the first and last paragraph:

"Open to public travel" means that the road section is available, except during scheduled periods, extreme weather, or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration.

Date: NOV 16 1982

Date: NOV 20 1982

/s/
Chief, Forest Service

/s/
Administrator,
Federal Highway Administration

AMENDMENT No. 2

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOREST SERVICE AND THE FEDERAL HIGHWAY ADMINISTRATION

1. PURPOSE. Add the following after the first paragraph:

This Memorandum of Understanding between the Forest Service and the Federal Highway Administration (FHWA) includes the requirements of the Title 23, United States Code, section 151 (23 U.S.C. 151), which define the National Bridge Inspection Standards (hereinafter referred to as NBIS), prescribed in Title 23, Code of Federal Regulations, Part 650, Subpart C, sections 650.301 through 650.311 (23 CFR Part 650, Subpart C, 650.301-650.311) that are applicable to the Forest Service and the implementation responsibilities and requirements assigned to the Forest Service.

2. BACKGROUND. Add the following after the last paragraph:

The Forest Service and the FHWA agree that while forest development roads are not public roads per se, many are "open to public travel" as that phrase is generally understood. The Forest Service agrees to identify those bridges on forest development roads that are "open to public travel" as those bridges subject to the NBIS. The Forest Service will report the prescribed inventory data for these bridges to the States.

For Forest Service bridge inspection purposes, bridges on forest development roads "open to public travel" are those with a maintenance level of 3, 4, or 5; or a traffic service level of A, B, or C.

3. APPLICABILITY. Add the following after paragraph (b):

(c) It is also understood and agreed by and between the Forest Service and the FHWA that, except as provided in subparagraph 3(d) of this amendment, all bridges on Forest Service roads that are "open to public travel" are subject to the requirements of the NBIS; and the Forest Service will manage bridge inspection programs subject to the NBIS in accordance with said requirements.

(d) Under 23 CFR 650.305(c), proposals to increase interval between inspections, the Forest Service will:

(1) Use the criteria prescribed in the FHWA Technical Advisory T 5140.21, paragraph 5, dated September 16, 1988, to evaluate proposals for increasing inspection intervals.

(2) Be exempt from submitting proposals to the FHWA through the State(s) for increasing inspection intervals. See paragraph 5a(6) of the FHWA Technical Advisory regarding submittals by federal agencies for increasing inspection intervals. When the Forest Service proposes to inspect some bridges subject to the NBIS less frequently than the specified 2-year interval (up to 4 years maximum), the Forest Service Region or Forest must submit a detailed proposal with supporting data justifying the proposed increase in the inspection interval for each bridge directly to the Forest Service, Washington Office, Director of Engineering. The Forest Service, Washington Office, Director of Engineering will submit such proposals to the FHWA Administrator for review and comment.

(3) The Forest Service, Washington Office, Director of Engineering will approve or disapprove each proposal.

4. REQUIREMENTS. Add the following after paragraph (c):

(d) Under 23 U.S.C. 151, 23 CFR 650.301, et seq. and this amendment the Forest Service agrees to:

(1) Establish a bridge inspection program capability for performing inspections, preparing reports, and determining ratings in accordance with the NBIS and the "Manual for Maintenance Inspection of Bridges" (AASHTO Manual), published by the American Association of State Highway and Transportation Officials.

(2) Rate for each bridge the safe load carrying capacity at the Inventory and Operating Rating levels. Post bridges with capacities less than the maximum legal load(s) under State law.

(3) Prepare and maintain inspection records and bridge inventories.

(4) Maintain master lists of bridges with fracture critical details, bridges needing underwater inspections, and bridges with other features needing special inspections. Master lists will contain critical feature location(s) and description, and inspection frequency and procedures.

(5) Inspect bridges on a 2-year interval except as provided in paragraph 3(d).

(6) Use qualified personnel to manage bridge inspection programs and lead field inspection teams.

(7) Record bridge inspection data as prescribed in the "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges" (FHWA Coding Guide), current edition; and section 3 of the AASHTO Manual.

(8) Annually submit FHWA Coding Guide data to the State Bridge Engineer for inclusion in the State's inventory for the National Bridge Inventory. The Forest Service data submittal to the State shall be limited to the data set forth in the FHWA Coding Guide. (See FHWA Coding Guide, Appendix A, for an example of the data summary.)

- (e) The Forest Service will establish a close working relationship with the State bridge engineering unit responsible for collection of the Forest Service National Bridge Inventory data.

5. EXECUTION AND EFFECTIVE DATE. Add the following paragraphs:

This second amendment to the Memorandum of Understanding will become effective on the date of the last signature; and provisions of the NBIS standards to Forest Service bridge inspection programs will be implemented March 1, 1992. The Forest Service will commence reporting NBIS inventory data to the State Bridge Engineers for approximately 50 percent of Forest Service bridges subject to the NBIS in March 1993 and the remainder in March 1994.

Either party to this Memorandum of Understanding, including subsequent amendments, may terminate participation upon written notice to the other party one hundred and twenty (120) days in advance of the effective date of termination. This Memorandum of Understanding and amendments, may be revised or amended at any time by mutual consent of both parties and shall be reviewed every five (5) years by both parties.

Date: 11/13/91

Date: 12/17/91

/s/ JEFF M. SIRMON, acting
Chief, Forest Service

/s/ T. D. LARSON
Administrator,
Federal Highway Administration

1535.12 - Memorandum of Understanding on Administration of Emergency Relief for Federal Roads Off Federal Aid System

79-SIE-009

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. FOREST SERVICE
AND
THE FEDERAL HIGHWAY ADMINISTRATION
FOR
THE ADMINISTRATION OF
EMERGENCY RELIEF AVAILABLE UNDER 23 U.S.C. 125 FOR FEDERAL
ROADS OFF THE FEDERAL-AID SYSTEM

The purpose of this agreement is to establish interagency procedures through which the Federal Highway Administration (hereinafter referred to as the FHWA) and the U.S. Forest Service (hereinafter referred to as the FS) will administer emergency relief for Federal roads not on the Federal-aid system available under 23 U.S.C. 125, and

WHEREAS, the Secretary of Transportation (hereinafter referred to as the Secretary) acting through the FHWA, is authorized to expend monies from an emergency fund authorized under 23 U.S.C. 125 for the repair or reconstruction of forest highways and forest development roads and trails which the Secretary shall find have suffered serious damage as the result of a natural disaster over a wide area or catastrophic failure from any cause (such finding actions being referred to, hereinafter, as Finding), and

WHEREAS, authority to make a Finding for Federal agencies for forest highways and forest development roads and trails as defined in 23 U.S.C. 101(a) has been delegated to the Regional Federal Highway Administrator in Regions 8 and 10 and the Regional Engineer in Region 15 (these Regional Administrators and Regional Engineer being referred to, hereinafter, as the RFHA), and

WHEREAS, the FS may from time-to-time need emergency relief for forest development roads and trails, and forest highways not on the Federal-aid system, (such roads, trails, and highways being referred to collectively, hereinafter, as Federal roads),

NOW WITNESSETH that the FS and FHWA do hereby mutually agree as follows:

1. GENERAL

- a. The policies, procedures, and program guidance established in the Federal-Aid Highway Program Manual, Volume 6, Engineering and Traffic Operations; Chapter 9, Special Programs; Section 16, Emergency Relief Program; Subsection 2, Procedures for Federal Agencies for Federal Roads (hereinafter referred to as FHPM 6-9-16-2) will be followed in the administration of emergency relief between the FHWA and the FS for Federal roads not on the Federal aid system. By attachment as Appendix A, FHPM 6-9-16-2 is hereby made a part of this agreement.
- b. A Finding of eligibility for emergency relief requires that serious damage has occurred to Federal roads as the result of (1) a natural disturbance causing serious damage to roads over a wide area, or (2) a catastrophic failure. It is understood that the term "wide area" can include areas outside National Forest boundaries and can include roads other than Federal roads.
- c. It is agreed that for Federal roads not on the Federal-aid system, only (1) forest highways off the Federal-aid system, and (2) forest development roads and trails on the Forest Development Transportation System will be eligible for emergency relief.
- d. Emergency funds are available for reimbursement of costs directly attributable and allocable to preliminary engineering, construction engineering, and repair/reconstruction costs on individual emergency relief projects. Preliminary engineering begins with the detailed site report work identified in Section 2f.
- e. Coordination between FHWA and the FS will be as follows for emergency relief actions under the terms of this agreement:
 - (1) FS Region 1 (except for damage in northern Idaho), 2, 3, 4 (except for damage in southern Idaho), and 5 will coordinate with FHWA Region 8.
 - (2) FS Region 1 (for damage in northern Idaho), 4 (for damage in southern Idaho), 6, and 10 will coordinate with FHWA Region 10.
 - (3) FS Regions 8 and 9 will coordinate with FHWA Region 15.
- f. The RFHAs and Regional Foresters (hereinafter referred to as RF) will designate emergency relief coordinators (hereinafter referred to as ERFO Coordinators) in their respective regions to be responsible on a continuing basis for the overall coordination of emergency relief.

- g. Projects may be funded by a combination of emergency relief monies covering work eligible for emergency relief and other funds covering work not eligible for emergency relief.
- h. The Director, Office of Federal Highway Projects in FHWA Regions 8 and 10 or the Regional Engineer for FHWA Region 15 will be the contracting officer for any project for which FHWA agrees to perform construction engineering regardless of whether the project is financed with emergency relief funds or emergency relief funds combined with other funds.
- i. All emergency relief work will be subject to the inspection and approval of the RFHA.

2. NOTIFICATION, DAMAGE ASSESSMENT, AND FINDING

- a. Notification - When it appears that damage or destruction of a nature, and from an event, that will justify repair or reconstruction with emergency relief monies is occurring or has occurred to Federal roads, the FS ERFO Coordinator will promptly notify the FHWA ERFO Coordinator by telephone that the FS intends to apply for emergency relief and request that a Finding be made. The telephone notification will be followed by a written notification from the RF to the RFHA.

(1) The decision to notify FHWA will be made by the RF. This decision will be made only after it is fairly clear that the conditions described in Section 1b have developed.

(2) In addition to a statement that the FS intends to apply for emergency relief and a request that a Finding be made, the notification should describe (a) the National Forest(s) where damage has occurred; (b) occurrence date(s); (c) the general location and extent of affected FS area(s); (d) type(s) of damage; (e) a rough estimate of the cost of repair and reconstruction; (f) a general indication of the extraordinary character of the natural disturbance, and (g) if readily available, an indication of the extent of areas affected outside the National Forest(s).

(3) The notification will be made during or as soon as possible after the occurrence.

- b. Acknowledgment by FHWA - The RFHA will acknowledge each notification in writing. The acknowledgment will provide basic coordination, eligibility, damage assessment, and Finding information and procedures required by Paragraph 7b of FHPM 6-9-12-2.
- c. Field Coordination for Damage Assessment

(1) The RFHA and RF will assign FS and FHWA individual to be responsible for field interagency coordination and field coordination between the FS and FHWA, these individuals being referred to hereinafter as Field Coordinators.

(2) The RF and RFHA will assign FS and FHWA personnel to cooperate with Field Coordinators in making a field survey of damage for preparation of a field report and in making detailed site inspections in accordance with the provisions of Section 2d and Section 2f, respectively.

(3) FS and FHWA Field Coordinators will arrange joint briefing meetings with FS and FHWA inspection personnel prior to starting damage survey work.

(4) Inspection teams consisting of FS and FHWA personnel will be assigned jointly by FS and FHWA Field Coordinators at the briefing meetings. Inspection procedures and eligibility criteria will be explained to inspection personnel by the Field Coordinators at these meetings.

(5) Two maps depicting designated Federal roads will be provided by the FS to each inspection team at the time briefing meetings are held. Additional maps will be made available, as needed, for other agencies which may be involved in emergency relief operations.

(6) During the period when damage surveys are in progress, Field Coordinators will manage their time so as to give top priority to the tasks of answering eligibility questions and ensuring consistency between survey teams, making advance arrangements for briefing sessions and subsequent damage inspections, collecting information for preparation of the field report, making changes in damage survey teams as necessary, and ensuring the general efficiency of emergency relief operations.

d. Field Report

(1) FHWA and FS personnel assigned per Sections 2c(1) and 2c(2) will promptly make a field survey of damage and cooperate in the preparation of a field report. The field report will contain information required by Paragraph 7c of FHPM 6-9-16-2 except that if the President has made a Major Disaster Declaration under the Disaster Relief Act of 1914 (P.L. 93-288), detailed information on the extraordinary nature of the natural disturbance is not required.

(2) Unless unusual conditions prevail, it will be the intent of FHWA and the FS to complete the field report within 3 weeks after the notification.

e. Finding

- (1) Using the field report and any other information he deems appropriate, the RFHA will issue a Finding to the RF stating that repair or reconstruction of Federal roads is (Affirmative Finding) or is not (Negative Finding) eligible for emergency relief.
- (2) If an Affirmative Finding is made, the RFHA will delineate the area(s) covered by such Finding. The RFHA may amend the initial Affirmative Finding to cover additional area(s) if supplementary data to that in the field report is provided to, and is acceptable to, the RFHA to support such action.

f. Detailed Damage Site Reports

- (1) If an Affirmative Finding is issued, FHWA and FS personnel assigned as inspection team members pursuant to Section 2c(4) will make a detailed inspection of each damage site and cooperate in the preparation of a damage site report (DSR) to collect information required per Paragraph 7e(1) of FHPM 6-9-16-2.
- (2) The DSR will be prepared in a format approved by the RFHA and will provide for high quality photographs of damage to accompany DSR's to show extensive damage where complicated or very costly repairs are proposed, or to show damage of questionable eligibility.
- (3) Work eligibility and needs will be based on the criteria established in Paragraphs 6c, d, e, f, and g of FHPM 6-9-16-2, except that roads and trails which evolved over time without benefit of engineered design will be eligible only for repair to preexisting conditions unless emergency repairs necessitate repair to higher standards. Any differences in opinion between FHWA and FS inspection personnel concerning work needed and the eligibility of work for emergency relief funding will, to the extent possible, be resolved between the FHWA and FS Field Coordinators during the period when detailed site surveys are being conducted. Any eligibility questions which cannot be resolved by the Field Coordinators will be forwarded to the FHWA ERFO Coordinator for resolution.
- (4) If it appears certain an Affirmative Finding will be made, the RFHA may elect to conduct these inspections at the time damage is initially assessed pursuant to Section 2d.
- (5) Due to personnel shortages, the RFHA may elect to prescribe procedures whereby FS personnel will conduct the detailed damage site inspections and complete the DSR's. As a minimum, such procedures shall provide that:

- (a) FHWA personnel will conduct reviews of selected sites and DSR's at a later date to determine the eligibility of damage, the eligibility of repair or reconstruction proposed, and whether the proposed method of construction is appropriate.
- (b) Based on the results of FHWA reviews, the FS will make appropriate changes in inspection procedures, in completed DSR's, in any list(s) of projects submitted per Section 3 as necessary, and will make any other changes deemed necessary by the RFHA.

3. APPLICATION

- a. Within 3 months after an Affirmative Finding, the RF will submit an application for emergency relief to the RFHA in the form of a letter which will include a list of projects for which emergency relief is requested. It is desirable that the list of projects indicate whether the FS will perform the work or if the FHWA is requested to perform the work.
- b. The list of projects will be based upon the detailed site inspections conducted per Section 2f, and will include the information required per Paragraph 8b of FHPM 6-9-16-2.
- c. The list of projects shall separately identify proposed work which is eligible for emergency relief funding and work which is not eligible.
- d. If the initial list of projects is incomplete due to uncontrollable events, e.g., delays in completion of detailed site inspections due to weather, such will be noted in the application and a subsequent list(s) of projects will be forwarded as quickly as possible to the RFHA for approval consideration.

4. PROGRAMING

- a. The RFHA will advise the RF by letter which projects in the application, and in any subsequent submittals per Section 3d, are approved including any approval conditions. If applicable, the letter(s) will provide a statement of the work FHWA agrees to perform.
- b. Approved projects shall constitute the approve program of projects (program).
- c. All requests for FHWA to perform work for emergency relief projects in addition to work requested by FHWA at the time of program approval will be made by letter from the RF to the RFHA. The RFHA will inform the RF in writing of additional work FHWA agrees to perform.

- d. The RFHA will, as appropriate, make revisions to any programs approved based on DSR's later found to be in need of revision as the result of reviews per Section 2f(5)(a).
- e. Permanent work must have prior program approval in accordance with Section 4a unless such work is performed as emergency repairs. The definition of "permanent work" shall be as defined in Paragraph 3h of FHPM 6-9-16-2.
- f. Emergency repairs, including permanent work performed incidental to emergency repairs, and all preliminary engineering may begin immediately and do not need prior program approval. Reimbursement, however, will be contingent upon the work ultimately being included in the approved program. The definition of "emergency repairs" shall be as defined in Paragraph 3d of FHPM 6-9-16-2.
- g. Betterments may be programed for emergency relief participation in accordance with Paragraph 6e of FHPM 6-9-16-2 if they are clearly justified pursuant to Paragraph 6f(3) of FHPM 6-9-16-2. The term "Betterments" shall be as defined in Paragraph 3b of FHPM 6-9-16-2.
- h. Ineligible betterments to be constructed under ERFO projects, will be identified and included in program submissions.

5. PROJECT PROCEDURES

- a. Plans, specifications and estimates (PS&E) will be developed based on work identified in the approve program. All ineligible work will be separately identified in the PS&E. Where during PS&E development the FS determines that work in addition to that identified in the approved program is necessary, any additional eligible work will be submitted to the RFHA for program approval.
- b. Standards to be used in reconstruction work shall be consistent with standards in actual use for regular FS work. The FS will provide FHWA with such standards for any work to be performed by FHWA.
- c. PS&E reviews and approvals; reviews of directives, change orders, and supplemental agreements which affect eligibility or approved funding levels; and acceptance of completed work and other administrative procedures will be in accordance with procedures established by the RFHA.
- d. The RF will notify the RFHA in writing of the semi-annual status, and completion of each emergency relief project constructed by the FS.

- e. Where agreed to by the RFHA, simplified procedures, including abbreviated plans, will be used to expedite emergency relief work.
- f. Emergency relief projects shall be promptly constructed. Normally, projects will be expected to be under construction by the end of the fiscal year following the year in which the disaster or catastrophic failure occurs. Projects not under construction by the end of the second fiscal year following the year in which the disaster or catastrophic failure occurred will be reevaluated by the RFHA and will be withdrawn from the approved program of projects unless suitable justification is provided by the FS to warrant retention.

6. FUNDING PROCEDURES

- a. Where the FS is to perform work, FHWA will transfer obligational authority and liquidating cash to the FS not to exceed the amount of the work in the approved program. Obligational authority and liquidation cash will be transferred between the FS and FHWA at the Headquarters level following arrangements made between the appropriate field offices of the FHWA and FS.
- b. The FS has the responsibility for administering funds transferred to it. This includes compliance with all applicable laws and regulations, and the reporting of fiscal data as may be required by FHWA.
- c. Upon completion of all work under a particular natural disaster or catastrophic failure, the FS will submit through the RFHA a final accounting of all approved program items listing the program estimates as approved and final actual costs.
- d. During August of each year, the RF will submit to the RFHA an estimate of obligational authority and funding which will be needed by the FS during the next fiscal year to accomplish work to be performed by the FS to correct past disaster damage.

THIS AGREEMENT will be reviewed by the FS and FHWA at least every 3 years to determine if changes should be sought.

RENEGOTIATION for any part of this agreement can be initiated at any time by either party.

THIS AGREEMENT shall become effective on the date of the last approving signature and will continue in effect until termination by either party upon giving a 60-day notice.

Approved:

FEDERAL HIGHWAY ADMINISTRATION U.S. FOREST SERVICE

By: _____/s/_____
Federal Highway Administrator

By: /s/ Douglas R. Leisz
Chief, Forest Service

Date: May 14, 1979

Date: May 25, 1979

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

FEDERAL-AID HIGHWAY PROGRAM MANUAL

TRANSMITTAL 291
December 29, 1978
HHO-10

1. MATERIAL TRANSMITTED. Volume 6, Engineering and Traffic Operations; Chapter 9, Special Programs; Section 16, Emergency Relief Program; Subsection 2, Procedures for Federal Agencies for Federal Roads.

2. COMMENTS.

- a. FHWA Notice N 5180.9, dated December 1, 1977, titled Delegations of Authority for Emergency Funds Procedures, is superseded.
- b. Procedures and policies for administering emergency relief to Federal agencies for Federal roads have been extracted from FHPM 6-3-2-10, which has been canceled by transmittal 290.
- c. Procedural requirements for administering emergency relief to highway agencies for Federal-aid highways will be issued as FHPM 6-9-16-1, Procedures for Federal-aid Highways.
- d. The Regional Federal Highway Administrator in Regions 8 and 10, and the Regional Engineer, Region 15, will make findings for Federal agencies that damage or destruction suffered by Federal roads not on the Federal-aid system caused by natural disasters or catastrophic failures is eligible for emergency relief pursuant to 23 U.S.C. 125.
- e. Red tape has been reduced through the elimination of separate program authority allocations and obligation authority allotments.
- f. The need for prompt construction of emergency relief projects has been emphasized.
- g. In order to expedite this emergency relief program and preclude duplication of effort where other disaster assistance is available, Federal roads must be designated prior to the field survey.

h. The manual of instructions mentioned in Paragraph 12 is in the final stages of development and will be distributed upon its completion.

3. REGULATORY MANUAL. The regulatory material in the attached directive is italicized and is published in the Federal Register as final regulations under 23 CFR 668, Subpart B.

s/ Karl S. Bowers
Karl S. Bowers
Federal Highway Administrator

FILING INSTRUCTIONS

Page Changes

Insert

1 thru 9 of Vol. 6, Ch. 9,
Sec. 16, Subsec. 2

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAY PROGRAM MANUAL

VOLUME 6	ENGINEERING AND TRAFFIC OPERATIONS
CHAPTER 9	SPECIAL PROGRAMS
SECTION 16	EMERGENCY RELIEF PROGRAM
SUBSECTION 2	PROCEDURES FOR FEDERAL AGENCIES FOR FEDERAL ROADS

Transmittal 291
December 29, 1978
HHO-10

- Par.
1. Purpose
 2. Authority
 3. Definitions
 4. Policy
 5. Federal Share Payable from Emergency Fund
 6. Eligibility of Work
 7. Notification, Damage Assessment, and Finding
 8. Application Procedures
 9. Programing and Project Procedures
 10. Funding Procedures
 11. Interagency Agreements
 12. Manual of Instructions
1. PURPOSE. *To establish policy, procedures, and program guidance for the administration of emergency relief to Federal agencies for the repair or reconstruction of Federal roads which are found to have suffered serious damage by a natural disaster over a wide area or by catastrophic failure.
 2. AUTHORITY. This directive is issued and administered under the authority of 23 U.S.C. 120(f), 125, and 315; 42 U.S.C. 5155; 49 CFR 1.48(b); and 41 U.S.C. 252.
 3. DEFINITIONS
 - a. Applicant - Any Federal agency which submits an application for emergency relief and which has authority to repair or reconstruct Federal roads.

* Regulatory material appears in the Federal Register under 23 CFR 668, Subpart B.

- b. Betterments - Added protective features such as the relocation or rebuilding of roadways at a higher elevation or the extension, replacement, or raising of bridges, and added facilities not existing prior to the natural disaster or catastrophic failure such as additional lanes, upgraded surfacing, or structures.
- c. Catastrophic failure - The sudden failure of a major element or segment of a Federal road which is not primarily attributable to gradual and progressive deterioration or lack of proper maintenance. The closure of a facility because of imminent danger of collapse is not in itself a sudden failure.
- d. Emergency repairs - Those repairs, including necessary preliminary engineering (PE), construction engineering (CE), and temporary traffic operations, undertaken during or immediately after a natural disaster or catastrophic failure (1) to restore essential travel, (2) to protect remaining facilities, or (3) to minimize the extent of damage.
- e. Federal roads - Forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads as defined under 23 U.S.C. 101(a).
- f. Finding - A letter or other official correspondence issued by the Regional Federal Highway Administrator to a Federal agency giving notification that pursuant to 23 U.S.C. 125, Federal roads have (Affirmative Finding) or have not (Negative Finding) been found to have suffered serious damage as the result of (2) a natural disaster over a wide area, or (2) a catastrophic failure.
- g. Natural disaster - An unusual natural occurrence such as a flood, hurricane, severe storm, tidal wave, earthquake, or landslide which causes serious damage.
- h. Permanent work - Repair or reconstruction to pre-disaster or other allowed geometric and construction standards and related PE and CE.
- i. Regional Federal Highway Administrator - For the purposes of this directive, Regional Federal Highway Administrator (RFHA) shall be the RFHA in Regions 8 and 10, and the Regional Engineer in Region 15.

4. POLICY

- a. This emergency relief program is intended to pay the unusually heavy expenses in the repair and reconstruction of Federal roads resulting from damage caused by natural disasters over a wide area or catastrophic failures.

- b. Emergency relief work shall be given prompt attention and priority over nonemergency work.
 - c. Permanent work shall be done by contract awarded by competitive bidding through formal advertising, where feasible.
 - d. It is in the public interest to perform emergency repairs immediately and prior approval or authorization from the RFHA is not required. Emergency repairs may be performed by the method of contracting (advertised contract, negotiated contract, or force account) which the applicant or FHWA (where FHWA performs the work) determines to be most suited for this work.
 - e. Emergency relief projects shall be promptly constructed. Normally, projects are expected to be under construction by the end of the fiscal year following the year in which the disaster or catastrophic failure occurs. Projects not under construction by the end of the second fiscal year following the year in which the disaster occurred will be reevaluated by the RFHA and will be withdrawn from the approved program of projects unless suitable justification is provided by the applicant to warrant retention.
 - f. The Finding for natural disasters will be based on both the extraordinary character of the natural disturbance and the wide area of impact. Storms of unusual intensity occurring over a small area do not meet these conditions.
 - g. Diligent efforts shall be made to recover repair costs from the legally responsible parties to reduce the project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events.
 - h. Emergency funds shall not duplicate assistance under another Federal program or compensation from insurance or any other source. Where other funding compensates for only part of an eligible cost, emergency relief funding can be used to pay the remaining costs.
5. FEDERAL SHARE PAYABLE FROM EMERGENCY FUND. The Federal share payable under this program is 100 percent of the cost.
6. ELIGIBILITY OF WORK
- a. Permanent work must have prior program approval in accordance with Paragraph 9a unless such work is performed as emergency repairs.

- b. Emergency repairs, including permanent work performed incidental to emergency repairs, and all PE may begin immediately and do not need prior program approval. Reimbursement shall be contingent upon the work ultimately being approved in accordance with the requirements of Paragraph 9a.
- c. To qualify for emergency relief, the damaged or destroyed road or trail shall be designated as a Federal road.
- d. Replacement highway facilities are appropriate when it is not practical and economically feasible to repair or restore a damaged element to its preexisting condition. Emergency relief is limited to the cost of a new facility constructed to current design standards of comparable capacity and character to the destroyed facility. With respect to a bridge, a comparable facility is one which meets current geometric and construction standards for the type and volume of traffic it will carry during its design life.
- e. Emergency relief funds may participate to the extent of eligible repair costs when proposed projects contain betterments or other work not eligible for emergency funds.
- f. Work may include:
 - (1) Repair to, or reconstruction of, seriously damaged highway elements for a distance which would be within normal highway right-of-way limits, including necessary clearance of debris and other deposits in drainage courses, where such work would not be classed as heavy maintenance.
 - (2) Restoration of stream channels when the work is necessary for the satisfactory operation of the Federal road. The applicant must have responsibility and authority for maintenance and proper operation of stream channels restored.
 - (3) Betterments where clearly economically justified to prevent future recurring damage. Economic justification acceptable to the RFHA must weigh the cost of such betterments against the risk of eligible recurring damage and the cost of future repair.
 - (4) Actual PE and CE costs on approved projects.
 - (5) Emergency repairs.
- g. Work shall not include:

(1) Repairs such as correcting eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, and minor slides and slip-outs, where such work would be classed as heavy maintenance.

(2) Repair of surface damage by traffic whether or not aggravated by saturated subgrade or inundation unless the traffic was necessary for emergency repairs.

(3) Repair of damage not directly related to, and isolated away from, the pattern of the disaster.

(4) Maintenance of detours and temporary surfaces, upon completion of emergency repairs and prior to permanent reconstruction.

(5) Damage to, or loss of, material stockpiles.

(6) Normal or heavy maintenance and operations functions.

7. NOTIFICATION, DAMAGE ASSESSMENT, AND FINDING

- a. Notification. During or as soon as possible after a natural disaster or catastrophic failure (normally no later than 2 weeks after the occurrence), each applicant will notify the RFHA of its tentative intent to apply for emergency relief and request that a Finding be made.
- b. Acknowledgment. The RFHA will promptly acknowledge the notification and briefly describe subsequent damage assessment, Finding, and application procedures. This will include the necessary coordination and cooperation between the applicant and FHWA and provide basic eligibility information.
- c. Field report. The applicant shall cooperate with the RFHA to promptly make a field survey of overall damage and in the preparation of a field report. The report will describe the intensity of the disaster or catastrophic failure including the dates of occurrence, the extent of the affected area, the damage to Federal and other roads to the extent such information is available, the approximate cost of repairs or reconstruction, photographs of typical damage, and appropriate maps showing the locations and extent of damage. Unless unusual circumstances prevail, completion of the report will be expected within 3 weeks after the notification.
- d. Finding. Using the field report and other information deemed appropriate, the RFHA will promptly issue a Finding and if an Affirmative Finding is made, establish the date after which repair or reconstruction will be considered for emergency relief, and note the dates of the extraordinary natural occurrence or catastrophic event responsible for the damage or destruction.

e. Detailed Site Inspections

(1) If an Affirmative Finding is made, the applicant shall cooperate with the RFHA to make a detailed inspection of each damage site. The purpose of the inspection is to determine the extent and nature of damage, emergency repairs already completed or those necessary, permanent work necessary, estimated costs, and a recommended method of construction.

(2) If it appears certain an Affirmative Finding will be made, the RFHA may elect to make these site inspections at the time damage is initially assessed pursuant to Paragraph 7c.

f. The applicant shall make available to FHWA personnel conducting damage survey and estimate work maps depicting designated Federal roads in the affected area.

8. APPLICATION PROCEDURES

a. Based on the detailed site inspections and damage estimates prepared pursuant to Paragraph 7e, the applicant will submit an application in the form of a letter to the RFHA which shall include a list of projects for which emergency relief is requested. The application shall be submitted within 3 months after an Affirmative Finding.

b. The list of projects shall include emergency repairs, PE, and permanent work, and provide for each project a location, length, project number, type of damage, description of work with a separate breakdown for betterments including a justification for those intended for emergency relief funding, proposed method of construction, estimated cost, statement that the applicant will perform the work or that FHWA is requested to perform the work, and any other information requested by the RFHA.

c. If the initial list of projects is incomplete due to uncontrollable events such as delays in completing detailed site inspections because of inaccessibility, such will be noted in the application and a subsequent list(s) of projects shall be forwarded to the RFHA for approval consideration as soon as possible.

9. PROGRAMING AND PROJECT PROCEDURES

a. The RFHA will advise the applicant in writing which projects in the application, or in any subsequent submittals pursuant to Paragraph 8c, are approved including any approval conditions. Approved projects shall constitute the approved program of projects (program). If applicable, the letter(s) will provide an indication of the work FHWA agrees to perform.

- b. Plans, specifications, and estimates (PS&E) shall be developed based on work identified in the approved program.
- c. The RFHA will approve PS&E's, concur in the award of contracts or the rejection of bids, determine that construction by the force account method is in the public interest, and accept completed work in accordance with interagency procedures established by the RFHA.
- d. The applicant shall notify the RFHA in writing of the semi-annual status and completion of each emergency relief project constructed by applicant forces.
- e. Projects will be numbered in a mutually acceptable manner consistent with data processing requirements for the Form PR-37, Project Status Record.
- f. Simplified procedures including abbreviated plans should be used, where appropriate, to expedite emergency relief work.

10. FUNDING PROCEDURES

- a. The RFHA will submit to FHWA Headquarters (HNG-12 with a copy to HHO-10) during September of each year an estimate of emergency relief work which will advance to the obligation stage for ongoing disasters or catastrophic failures during the next fiscal year. The estimate shall be broken down according to the expected obligations by each applicant and according to work FHWA is expected to perform for each applicant. The unobligated balance of emergency relief allotments will also be shown.
- b. Based on the above submissions and similar reporting for emergency relief work on the Federal-aid system in accordance with FHPM 6-9-16-1, an annual allotment of emergency relief obligational authority will be made to the regions.
- c. Should a need for additional obligational authority arise during the fiscal year, a request should be made by the RFHA to the FHWA Headquarters (HNG-12 with a copy to HHO-10).
- d. Work undertaken by an applicant will require a transfer of obligational authority and funds to that agency. Such transfers will be arranged by the RFHA through the FHWA Headquarters (HNG-12 with copies of all requests to HHO-10). Funds will be transferred between the applicant and FHWA at the Headquarters level.
- e. The applicant has the responsibility for administering funds transferred to it. This includes compliance with all applicable laws and regulations, and the reporting of fiscal data to FHWA.

11. INTERAGENCY AGREEMENTS. To the extent practicable, this emergency relief program will be tailored to the needs of each applicant by the execution of an interagency agreement between FHWA and each applicant establishing operational procedures through with the provisions of this directive will be implemented.
12. MANUAL OF INSTRUCTIONS. A manual providing detailed information and examples of how Federal agencies apply for emergency relief for Federal roads; application approval guidelines; programing, fiscal, and project processes; specific examples and explanations of eligibility criteria; and explanations of other policies and procedures pursuant to this directive can be obtained by contracting:

Federal Highway Administration
Office of Highway Operations
Federal Highway Projects Division
400 7th Street, SW.
Washington, D.C. 20590