

Public Assistance Program & FEMA Eligibility

Wayne Lamoreaux, P.E. - January 17, 2023

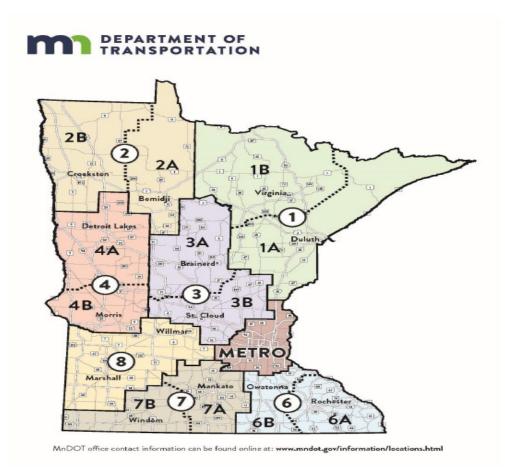


OVERVIEW

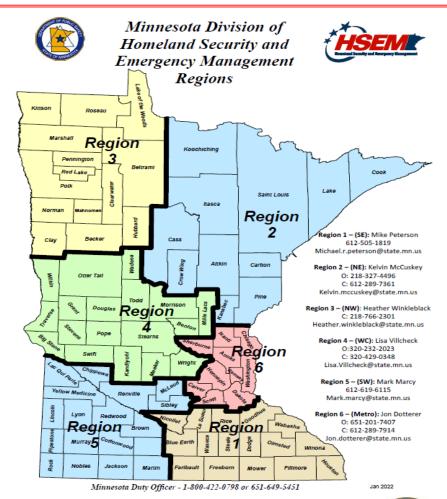
- MN DOT Districts vs. HSEM Regions
- Public Assistance / FEMA & State Program
- Roadway Functional Classifications
- FEMA Categories & Eligibility



Mn DOT Districts



HSEM Regions







Public Assistance Process Can Be Confusing – Which Way?





Public Assistance Process

PUBLIC ASSISTANCE FOR DISASTERS

In 2014 Governor Mark Dayton signed legislation establishing the state's Disaster Assistance Contingency Account to assist local communities after a natural disaster, even when federal aid is not available. The legislation also requires the state to cover the full FEMA match in federally declared disasters.

DAMAGE THRESHOLDS

The state and/or county must meet a certain damage threshold in order to qualify for state or federal disaster assistance.

Presidential Disaster Declaration

- State must have at least \$10.1 million in damage; and
- Counties must meet individual county threshold (County population x \$4.40)

State Disaster Declaration — New

 County incurred eligible damages that equal or exceed 50 percent of countywide per capita impact indicator



Public Assistance Process

HOW DOES MY COUNTY APPLY FOR DISASTER ASSISTANCE?

Presidential Disaster Declaration:	State Disaster Declaration: When the Governor approves state disaster assistance, the state will assist eligible applicants (counties, cities, townships) with costs to repair and replace public infrastructure damaged in the disaster.			
STEP 1: If HSEM believes Minnesota may qualify for a Presidential disaster declaration, HSEM requests FEMA to conduct a preliminary damage assessment to make the determination.	STEP 1: County declares a local state of emergency and does an initial damage assessment.			
STEP 2: If a Presidential Disaster Declaration is granted, assistance from FEMA's Public Assistance program would include: — Debris Removal — Emergency Protective Services — Roads and Bridges — Water Control Facilities — Buildings and Equipment — Utilities — Parks, Recreational Facilities	STEP 2: County requests a preliminary damage assessment. HSEM officials meet with local officials to identify the cost of debris removal and emergency measures and to review the damage to public infrastructure. Damages must meet the following criteria: — Damage and costs are the direct result of the disaster; — Federal assistance is not available; and — Applicant incurred eligible damages that meet the damage threshold.			
STEP 3: Applicants apply to HSEM for reimbursement of eligible costs. Under legislation signed in 2014, the state will now provide 100 percent of the non-federal share when a presidential disaster declaration is made.	STEP 3: A county's board chair, elected official or designee submits a letter requesting state disaster assistance. Applicants assume responsibility for 25 percent of total eligible costs.			

FEMA Disaster Program

FEMA PUBLIC ASSISTANCE PROGRAM

Federal Per Capita Damage Indicators

Fiscal Year October 1, 2022 - September 30, 2023

MINNESOTA	Census 2020	Multiplier	Indicator	Fire Mgt Assistance	Fire Mgt Assistance Individiual		
	5,706,494	\$1.77	\$10,100,494.38	Calendar Year 2022	\$411,054	\$1,233,163	
COUNTY	Population	Multiplier	Indicator	COUNTY	Population	Multiplier	Indicator
Aitkin	15,697	\$4.44	\$69,694.68	Morrison	34,010	\$4.44	\$151,004.40
Anoka	363,887	\$4.44	\$1,615,658.28	Mower	40,029	\$4.44	\$177,728.76
Becker	35,183	\$4.44	\$156,212.52	Murray	8,179	\$4.44	\$36,314.76
Beltrami	46,228	\$4.44	\$205,252.32	Nicollet	34,454	\$4.44	\$152,975.76
Benton	41,379	\$4.44	\$183,722.76	Nobles	22,290	\$4.44	\$98,967.60
Big Stone	5,166	\$4.44	\$22,937.04	Norman	6,441	\$4.44	\$28,598.04
Blue Earth	69,112	\$4.44	\$306,857.28	Olmsted	162,847	\$4.44	\$723,040.68
Brown	25,912	\$4.44	\$115,049.28	Otter Tail	60,081	\$4.44	\$266,759.64
Carlton	36,207	\$4.44	\$160,759.08	Pennington	13,992	\$4.44	\$62,124.48
Carver	106,922	\$4.44	\$474,733.68	Pine	28,876	\$4.44	\$128,209.44
Cass	30,066	\$4.44	\$133,493.04	Pipestone	9,424	\$4.44	\$41,842.56
Chippewa	12,598	\$4.44	\$55,935.12	Polk	31,192	\$4.44	\$138,492.48
Chisago	56,621	\$4.44	\$251,397.24	Pope	11,308	\$4.44	\$50,207.52
Clay	65,318	\$4.44	\$290,011.92	Ramsey	552,352	\$4.44	\$2,452,442.88
Clearwater	8,524	\$4.44	\$37,846.56	Red Lake	3,935	\$4.44	\$17,471.40
Cook	5,600	\$4.44	\$24,864.00	Redwood	15,425	\$4.44	\$68,487.00
Cottonwood	11,517	\$4.44	\$51,135.48	Renville	14,723	\$4.44	\$65,370.12
Crow Wing	66,123	\$4.44	\$293,586.12	Rice	67,097	\$4.44	\$297,910.68





STATE Disaster Program

MINNESOTA STATE PUBLIC ASSISTANCE PROGRAM

State Per Capita Damage Indicators

Fiscal Year October 1, 2022-September 30, 2023

COUNTY	Population	Multiplier	Indicator	COUNTY	Population	Multiplier	Indicator	
Aitkin	15,697	\$2.22	\$34,847.34	Morrison	34,010	\$2.22	\$75,502.20	
Anoka	363,887	\$2.22	\$807,829.14	Mower	40,029	\$2.22	\$88,864.38	
Becker	35,183	\$2.22	\$78,106.26	Murray	8,179	\$2.22	\$18,157.38	
Beltrami	46,228	\$2.22	\$102,626.16	Nicollet	34,454	\$2.22	\$76,487.88	
Benton	41,379	\$2.22	\$91,861.38	Nobles	22,290	\$2.22	\$49,483.80	
Big Stone	5,166	\$2.22	\$11,468.52	Norman	6,441	\$2.22	\$14,299.02	
Blue Earth	69,112	\$2.22	\$153,428.64	Olmsted	162,847	\$2.22	\$361,520.34	
Brown	25,912	\$2.22	\$57,524.64	Otter Tail	60,081	\$2.22	\$133,379.82	
Carlton	36,207	\$2.22	\$80,379.54	Pennington	13,992	\$2.22	\$31,062.24	
Carver	106,922	\$2.22	\$237,366.84	Pine	28,876	\$2.22	\$64,104.72	
Cass	30,066	\$2.22	\$66,746.52	Pipestone	9,424	\$2.22	\$20,921.28	
Chippewa	12,598	\$2.22	\$27,967.56	Polk	31,192	\$2.22	\$69,246.24	
Chisago	56,621	\$2.22	\$125,698.62	Pope	11,308	\$2.22	\$25,103.76	
Clay	65,318	\$2.22	\$145,005.96	Ramsey	552,352	\$2.22	\$1,226,221.44	
Clearwater	8,524	\$2.22	\$18,923.28	Red Lake	3,935	\$2.22	\$8,735.70	
Cook	5,600	\$2.22	\$12,432.00	Redwood	15,425	\$2.22	\$34,243.50	
Cottonwood	11,517	\$2.22	\$25,567.74	Renville	14,723	\$2.22	\$32,685.06	
Crow Wing	66,123	\$2.22	\$146,793.06	Rice	67,097	\$2.22	\$148,955.34	





Roadway Functional Classification



ROAD ELIGIBILITY FACT SHEET

Roadways in the United States are classified by their capacity for vehicle traffic. As the through traffic movement and speed increase, the road classification increases. As the roadway speeds slow and provides access to property, the classifications tend to be lower. For example, you wouldn't enter your driveway from an Interstate Highway and you wouldn't legally drive 70 mph on a city street.

Certain roads are funded by the federal government and others are funded by state, county and local governments. When these systems are damaged following a natural disaster, certain assistance program may become available or determined to be ineligible based on their functional classification. For assistance under the Federal Highway Administration, \$700,000 in damages for the event must be reached. For assistance under the FEMA Public Assistance Program, state and county damage indicators must be met.



Roadway Functional Classification

Below is the road classification associated with its disaster funding source:

Road Classification	. Disaster Funding Source		
Principal Arterial, Interstate	Federal Highway Administration		
Principal Arterial, Other Freeway/Expressway	Federal Highway Administration		
Principal Arterial, Other	Federal Highway Administration		
Minor Arterial	Federal Highway Administration		
Rural Major and Urban Major /Minor Collector	Federal Highway Administration		
Rural Minor Collector	● FEMA		
Local	• FEMA		
(ROSEAU)	FEMA-Rural Minor Collectors & Local		
County State Aid Highway	FHWA- Urban Major/Minor Collector, Rural Major		
County State Ald Highway	and higher		
MINNESOTA AVE	■ FEMA-Rural Minor Collectors & Local		
Municipal State Aid System	FHWA- Urban Major/Minor Collector, Rural Major		
-,	and higher		
MINNESOTA MINNESOTA	FEMA-Rural Minor Collectors & Local		
78 Table 1 Table 1	FHWA- Urban Major/Minor Collector, Rural Major		
State Trunk Highway	and higher		
US Trunk Highway 61	Federal Highway Administration		
Interstate Freeway	Federal Highway Administration		

Roadway Functional Classification

Functional Class

- Principal Arterials, Interstates
- Principal Arterial, Other Freeway/Expressway
- Principal Arterial, Other
- Minor Arterial
- Major Collector
- Minor Collector
- ____ Local

MN DOT Interactive base map:

http://mndotgis.dot.state.mn.us/basemap



FEMA Categories of Work

FEMA CATEGORIES AND EXAMPLES OF COMMON ELIGIBLE WORK

Α	В	С	D	E	F	G
Debris Removal	Emergency Protective Measures	Roads & Bridges	Water Control Facilities	Buildings & Equipment	Utilities	Parks, Recreation, & Other
Debris removal must be in the public interest and necessary to: • Eliminate immediate threats to lives, public health & safety; • Eliminate immediate threats of significant damage to improved public or private property Trees and Woody Debris Building Components Sand, Mud, Silt, & Gravel Removal of Temporary Levees	Search & Rescue Security Emergency Pumping Sandbagging Detour & Warning Signs EOC Activation Emergency & Temporary Repairs Overhead Power Lines Emergency Medical Facilities Emergency Evacuations Activities undertaken before, during and following a disaster to save lives, protect improved property	Roads Surfaces Bases Shoulders Ditches Drainage Structures Low Water Crossings Bridges Decking & Pavement Piers Girders Abutments Slope Protection Approaches Slope Failures	Dams and Reservoirs Levees Engineered drainage Channels Canals Aqueducts Sediment Basins Shore Protective Devices Irrigation Facilities Pumping Facilities	Buildings Structural Components Interior Systems • Electrical • Mechanical • Contents	Water Treatment Plants Power Generation & Distribution Facilities • Natural Gas Systems • Wind Turbines • Generators • Substations • Power Lines	Playground Equipment Swimming Pools Bath Houses Tennis courts Boat Docks Piers Picnic Tables Golf Courses Fish Hatcheries Mass Transit Facilities





FEMA Eligibility Requirements

To be eligible for the FEMA Public Assistance Program, Cost A project must meet the four Eligibility Components Work **Facility Applicant**



Eligible Applicant

- State Agencies
- County, City, & Township Governments
- Tribal Governments and Organizations
- Certain Private Non-Profit Organizations
- School Districts & Other Subdivisions of the State

Eligible Facility

- Legal responsibility of an eligible applicant
- Damaged as a result of the declared disaster
- Located within the designated disaster area
- In active use at the time of the disaster
- Not eligible for funding by another federal agency Examples of eligible *public facilities* include:
 Roads (non-Federal Aid)



Eligible Work

Emergency Work

Debris Removal & Protective Measures

Permanent Work

Replace / Repair / Rebuild Damaged Infrastructure

(Bridges, Buildings, Roads, Utilities & etc.)



Eligible Cost

Reasonable and necessary to accomplish work

Reduced by insurance or salvage values

 In compliance with local and state laws and regulations



Federal-Aid Roads

- The Federal Highway Administration (FHWA) administers the Emergency Relief (ER) Program to assist State and local governments with the repair of **Federal-Aid Roads** and bridges damaged during disasters.
- Funds from this program are used for facilities on routes identified by the FHWA. They include most public roads, except those functionally classified as rural or minor collector routes.
- FEMA's ability to provide Public Assistance (PA) Program assistance on Federal-Aid Roads is restricted, as described below.
- Permanent Work: FEMA is prohibited from providing PA Program funds for repair of roads and bridges that are Federal-Aid Roads, even if the ER program is not available.
- Emergency Work: FEMA may assist with emergency repairs and debris clearance on Federal-Aid Roads if the ER Program is not activated on a case-by-case basis, and only for those cases in which there is an immediate threat to the public health and safety.
- To speed the processing of PA Program grants, local officials should be aware of roads in their communities that are considered Federal-Aid Roads.



QUESTIONS?





FHWA'S Emergency Relief Program

Intersections with FEMA's Public Assistance Program



Abbi Ginsberg
Transportation Engineer/ROW Specialist

MCEA, Cragun's Resort, MN January 17, 2023

A Disaster Strikes...and Your Road is Damaged!

#1 Initial Response -- Do what you have to do, to protect public safety

#2 – Document, document, document

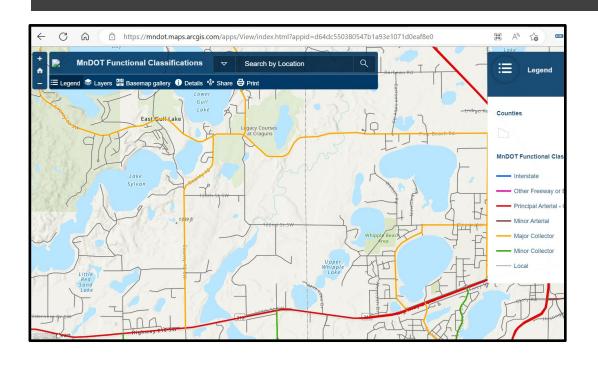
#3 - Contact MnDOT State-Aid

FHWA or FEMA?

OVERVIEW:

- 1. Functional Class of the damaged road
- 2. Event Eligibility/County Eligibility
- 3. Who pays for Debris Removal? (Hint: see item 2)

Roadway Functional Class



Emergency Relief funding is intended for the Federal-aid Highway System:

- Arterials, including Interstates
- Urban Collectors & Major Rural Collectors

I use MnDOT's <u>Functional Class</u> Map

Quick Screening for Site Eligibility

- 1. Road's Functional Class:
 - Major Collector or Higher can be eligible for FHWA ER
 - Minor Collector or Local is not eligible for FHWA ER. (Check **FEMA.**)
- 2. \$5000 or more in site damage can be eligible for **FHWA ER**.

Conclusion: If less than \$5000 or if on minor collector or local road, you do not have to worry about dealing with ER funding.

FHWA ER EVENT ELIGIBILITY

- 1. Eligible events (typically natural disasters):
 - The event is sudden, unusual, and causes serious damage to Federal-aid highways; and
 - The extent of serious damage to Federal-aid highways covers a wide area.
- 2. The event caused at least \$ 700,000 (Federal share) in eligible damage.
- 3. Only those areas of the State included in the Governor's proclamation or the Presidents' declaration may be considered for ER funding.

Wayne Lamoreaux will discuss HSEM's role in obtaining Governor's proclamation and President's declaration.

Event Eligibility – Disaster Declarations 2014 Examples

For Immediate Release

July 21, 2014

President Obama Signs Minnesota Disaster Declaration

The President today declared a major disaster exists in the State of Minnesota and ordered federal aid to supplement state and local recovery efforts in the area affected by severe storms, straight-line winds, flooding, landslides, and mudslides during the period of June 11 to July 11, 2014.

Federal funding is available to state and eligible local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the severe storms, straight-line winds, flooding, landslides, and mudslides in the counties of Chippewa, Freeborn, Jackson, Murray, Nobles, Pipestone, Renville, and Rock.

Supplementing Emergency Executive Order 14-11, Declaring a State of Peacetime Emergency in the State of Minnesota

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes do hereby issue this Executive Order:

Whereas, on June 19, 2014 I issued an executive order declaring a peacetime emergency for 35 counties across the state in response to severe summer storms causing flooding, road washouts, mudslides, and wind damage necessitating road closures and creating life safety issues; and

Whereas, on June 23, 2014 the Executive Council extended the peacetime emergency for 30 days; and

Whereas, roads eligible for Federal Highway Administration emergency funds were damaged in counties that were not included in Emergency Executive Order 14-11; and

Whereas, the Minnesota Department of Veteran's Affairs can provide assistance to veterans with damaged homes in counties included in Emergency Executive Order 14-11; and

Whereas, available resources of the affected county and state governments are inadequate to cover the costs of the repairs and assistance.

Now, Therefore, I hereby order that:

- A state of Emergency pursuant to Minnesota Statutes 2013, Section 12.31 exists in the counties of Anoka, Chippewa, Chisago, Dakota, Hennepin, Itasca, Kandiyohi, Lac Qui Parle, Martin, Marshall, Stearns, Wabasha, Washington, Watonwan, Wright, and Yellow Medicine.
- Emergency Executive Order 14-11 is hereby supplemented and all terms apply to the counties listed in paragraph 1.

FHWA ER SITE ELIGIBILITY – DEBRIS REMOVAL

- 1. If your disaster is in a County that is part of a President's declaration, FEMA will reimburse for the debris removal even if the rest of the repairs are reimbursed by FHWA.
- 2. When you are working on your Detailed Damage Inspection Report (DDIR), include all your debris removal, regardless of who will reimburse for the removal.
 - 1. Tells us the estimated total damage at the site, for site and event eligibility
 - 2. Allows flexibility if new President's declarations are generated.

OTHER ER TOPICS

- Sites not eligible for ER
- Costs not eligible for ER
- ER Emergency Repairs vs ER Permanent Repairs

SITES NOT ELIGIBLE FOR ER

- 1. Site damage < \$5000 (heavy maintenance)
- 2. Minor collector or local road
- 3. Proactive work temporary levees, pumping, etc. ER Program only reimburses to repair damage or protect from additional damage, not to prevent damage.
- 4. Pre-existing conditions
 - Culverts corroded through
 - Silt piles or woody debris not ever cleared
 - Pavement or other distress appears to have been there awhile (road or roadside distress is visible in road maintenance logs, slides already being monitored, etc)
- 5. Impending project

COSTS NOT ELIGIBLE FOR ER

- 1. Improvements beyond comparable facility designed to current standards, but no benefit/cost justification
- Did not follow agreed-upon Federal-aid process!
 - ER Programmatic Agreement
 - State-Aid Manual
- 3. Lack of Documentation!



ER EMERGENCY REPAIRS vs ER PERMANENT REPAIRS

REGULATORY DEFINITIONS eCFR :: 23 CFR Part 668 -- Emergency Relief Program

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.

Permanent work. Repair or reconstruction to pre-disaster or other allowed geometric and construction standards and related PE and CE.

ER EMERGENCY REPAIRS - EXAMPLES (guidance)

- (1) to restore essential travel: SITE SPECIFIC NEEDS, not a return to normal level of service nor full reconstruction of the site.
- temporary traffic control (MnMUTCD?)
- Safe passage of emergency vehicles and construction vehicles (responding for emergency repair)
- Public access to essential locations
- (2) **to protect remaining facilities**: typically, emergency work completed immediately following an event that stops or limits the extent of damage to a facility
- Stop/eliminate/limit erosion of underlying material
- Remove load by redirecting water or reducing debris
- Stop/limit additional failure by shoring bridge
- (3) to minimize the extent of damage: typically work to safeguard the public or to avoid significant maintenance repair, or reconstruction that may be conducted when there is significant risk of loss
- Removing trees/overhead items presenting eminent collapse

Permanent repairs, and more about emergency repairs, will be covered at MnDOT ER Training

Questions?

Thank-you!

Abbi Ginsberg
Transportation Engineer / ROW Specialist

Office phone: 651-291-6104 Office cell: 651-485-3248

Minnesota Division | Federal Highway Administration (dot.gov) 180 East 5th Street, Suite 930 Saint Paul, MN 55101-1857



State Aid Emergency Relief

Chris Nobach | Assistant Project Development Engineer

State Aid Programs

- FHWA Emergency Relief Program Applies to Major Collectors and above.
- State Aid Disaster Account Applies to CSAH or MSAS routes (functional classification doesn't matter). Damage > 10% of your county's annual construction allotment.
- Report Local Unmet Emergency Needs Bonding and/or General Obligation funding for past events, requires legislation.
- Help Facilitate Disaster Assistance Contingency Account (DACA) / Chapter
 12 / HSEM Funds 20% Local Match Coverage for FHWA ER Event.

State Aid Links

State Aid Emergency Relief Website:

https://www.dot.state.mn.us/stateaid/relief.html

Emergency Relief Programmatic Agreement:

https://edocs-

public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=19625 818

Site Eligibility Form/Damage Report:

https://edocs-

public.dot.state.mn.us/edocs public/DMResultSet/download?docId=25253

Site Eligibility Form – Use to Report to State Aid

State Aid Emergency Relief Site Determination Form										
	County	Roadway type	Roadway/ Route Number	Functional Classification ²	Date Damage was Observed	Brief Description of Damage	Location	Damage Estimate ²	Photos Attached	Map Attached
Site Number	Pick name from drop down list below	Pick from drop down list below	Type in rosdway number - e.s, '4', '10t', etc.	Pick classification from drop down list below	Type in, Format: mm/dd/yy	Be as descriptive as possible, what happened, when, current condition of roadway, type of failure, length of damage, etc.	Use intersections, mile markers, road names, etc.	Must be ≥ \$5,000 at each site to qualify.	Check Bex	Check box
ī										
2										
3										
4										
5										
6										
7										
8										
9										
10										
	ssified as "Major Colle	ctor' or above qualify	for this program, A	ny "Minor Collectors" or belo	w are ineligible for FH	y Engineering, Construction Engineering, ROW Acquisition. WA rolmbursement and are covered by FEMA.	County Total:	s -		
		*REMINDER - You me	st attach photos o	f damage and a map showin		occurred, can be screenshots on Google Earth, for example. Please print this form, photos, and Contact Chris Nobach with any questions at 651-366-3824.	map and return to christopher.n	obach@state.mn.us.		

- FIVMA will not reimburse for pre-existing conditions. By completing this form you are centifying that there are no pre-existing conditions on site. Dumple -> Washed out culvert that was scheduled to be replaced or documented as "damaged" on a previous inspection and was never replaced.

- If your Campage attei a basedy programmed in the STIP, it is ineligible for reimbursement.

- Preventative mainternacy/posture measures are religible for reimbursement.

Heavy maintenance items are also ineligible
 Any work reimbursed by FEMA is ineligible.

Notes from County Engineer to State Aid:

Upcoming Training Opportunities

- Looking to coordinate with the DSAEs about doing virtual training for each District Double up (D1/2), (D3/4), (D6/M), (D7/8). Hour long training.
- Late February to early April.
- Will try to coordinate with FHWA to get them to at least one training for better direction and opportunity for a Q and A session.
- If you miss your training session, contact me and I can invite you to another District's session.
- Look for E-Scene article for more information at end of this month.



Thank You!

Chris Nobach

Christopher.Nobach@state.mn.us

651-366-3824