

Public Assistance (PA) Guidance on Inundated and Submerged Roads

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Applicability

This policy is being applied retroactively to events declared on or after 1/1/2016 and applies to new damage claims, as well as projects still in formulation. Projects that are closed or have already been obligated are not subject to this policy.

Summary

The purpose of this policy is to clarify the eligibility of funding for public roads inundated by flood waters directly related to a major disaster declared under the Stafford Act. The document is composed of the following:

- General Work Eligibility section that provides an overarching framework for eligible work.
- Timeframes for Reporting Damages section that identifies the deadlines and requirements associated with reporting damages.
- Demonstrating Disaster-Related Damage section that explains Applicants must demonstrate that surface damage to roadways was caused directly by the declared event.
- Documentation to Support Claimed Damage section that describes the documentation necessary to support claimed surface damage to roadways.

Any claimed road damages should be supported by maintenance records. Surface loss of material from inundation is not assumed and cannot be based on projected or estimated losses; Applicants must demonstrate actual surface loss resulting from the declared event. FEMA does not provide funding for repair of damage caused by deterioration, deferred maintenance, the Applicant's failure to take measures to protect a facility of further damage, or negligence. If maintenance records are absent, FEMA will review what documentation is available to assist in making an informed decision on the condition of the road at the time of the disaster. If maintenance records are insufficient or absent, FEMA is not required to include claimed damages as event related.

General Work Eligibility

Roads with Visible Damage - FEMA considers visible and quantifiable surface damage caused by the declared event to include, but not limited to, washouts, collapses, and slips. Distinguishing between pre-existing damage and event related damage becomes more difficult when the event related damage is minor and easily confused with typical depreciation of the road. Examples of minor damages can be associated with fatigue cracking or potholes. Lacking extensive maintenance records, Applicants should not anticipate minor damages to be covered by the PA program. For the repair of this type of damage to be eligible, the Applicant must demonstrate that the damage was directly caused by the incident. FEMA typically considers potholes and fatigue cracking as ineligible costs as they are rarely caused directly by one incident.

Roads without Visible Damage - Submerged Roads without visible and quantifiable surface damage during an inspection of the road, after the floodwaters have receded, is not eligible for PA Program funding. Any subsurface damage for sections of road without visible and quantifiable surface damage

will not be considered eligible for assistance from the PA Program. Inspections of subsurface damages on sections of road without visible and quantifiable surface damage is also not eligible.

Restoration work based on projected loss of useful service life is ineligible because the loss of useful service life cannot likely be attributed to a single event.

Saturated Roadbeds and Reopening Road Prematurely - Applicants should allow time for saturated soil to dry out prior to reopening roads to normal traffic. Damages to roads with saturated roadbeds that open prematurely to normal traffic may be considered neglect or non-event related; either way the road would not be eligible for the PA Program. Exceptions: Emergency vehicles performing eligible debris removal or other emergency work under PA necessary as a result of the declared event or single access roads the Applicant determined were required to be reopened for emergency response purposes due to lack of alternate route. In both cases, Applicant must provide documentation to justify reopening the road prematurely.

Closed Basin Flooding - Roads that remain submerged indefinitely as water is not able to drain from the closed basin area may be eligible for PA funding to raise the grades of eligible sections of road faced with long-term loss of use due to an unprecedented rise in closed basin water level, directly related to declared event. Work is only eligible if:

- The submerged section of road is in a closed basin flooding area;
- The closed basin flooding is directly attributed to the declared event; and
- The closed basin flooding results in long-term loss of use of critical routes

Only those routes that are critical to restoring traffic service are eligible for grade raises; consequently, additional factors will be taken into consideration between FEMA, Applicant, and FDEM prior to these projects being authorized.

Gravel Roads - Surface loss from inundation is not assumed and cannot be based on projected or estimated losses. Applicant must demonstrate actual gravel surface loss. FEMA only pays for the portion of the road damaged by the declared event. Rutting of gravel roads opened prematurely will only be eligible if emergency vehicles performing eligible, event related, activities and appropriately documented. Corrugation of gravel roads, or "wash boarding", is not eligible.

Timeframes for Reporting Damages

Damages need to be identified and reported to FEMA within 60 days for the Applicant's Recovery Scoping Meeting (RSM). Inundated and submerged roads should not be assessed until flood waters have receded and to allow time for saturated soil to dry. FEMA may extend the 60-day deadline only for sections of road that are inaccessible if the Recipient (FDEM) submits a request in writing outlining extenuating circumstances beyond the Recipient's or Applicant's control.

Demonstrating Disaster-Related Damage

Applicant must demonstrate surface damage was caused by the declared event. Visible surface damage may become apparent once flood waters have receded, i.e., voids may result from soil erosion that may lead to sections to collapse or slip. Therefore, it's important to assess submerged roads after waters

have receded. There is no presumption of damage based on a section of road being inundated, therefore the Applicant must document in accordance with FEMA guidance. Eligibility of damages to inundated roads is often determined by the quality of the Applicant's maintenance records.

Documentation to Support Claimed Damage

1) Minimum Documentation

- a) Pre-event (if available) and post-event photos/ videos or other documentation that indicates pre- and post-event surface condition.
- b) Maintenance Records including (if applicable)
 - i) Pavement evaluation inspection or pavement management systems - example Distress Identification Manual for Long-Term Pavement Performance Program
- c) Documentation of any repairs following pre-disaster assessments, specific to each section of road claimed and/or documentation of any post-disaster repair work already completed, specific to each section of road claimed.

2) Traffic-Induced Surface Damage Resulting from Reopening Road Prematurely

- a) If Road MUST be re-opened prior to allowing saturated soil to dry, then Applicant needs to provide justification as to why the road was used prior to drying completely
 - i) Emergency Response Traffic - provide emergency call logs and map showing the route taken by the emergency vehicle
 - ii) Normal Traffic Loads - documentation to support that no detour or alternate route was available
 - iii) Eligible PA work - provide schedule and documents showing FEMA, Applicant, and State went on the road to document PA Damages.

3) Closed Basin Flooding

- a) Documentation to support the closed basin flooding was directly attributed to the event and the long-term loss of use of critical routes(?)
- b) Show the water elevation in the closed basin has reached historically high levels, flood is event related, historic flood or rainfall records, maintenance reports or similar
- c) Long-Term loss of use of critical routes - needs data documenting the length of time the road has been closed to traffic and how long the road is projected to remain closed.

4) Gravel Roads - Gravel Loss

- a) Documentation indicating gravel loss due to event (work logs, material invoices within 12 months of the start of incident period)
- b) Photos or video of displaced gravel
- c) FDEM recommends that Applicants provide a statement specific to each claimed site, as well as an impact statement of how the damages occurred. For example, "*Rainwater flowed down hill in (photo1) and caused section of road to be inundated with flood waters that resulted in loss of material (photo2) that washed out to the other side of the road (photo3).*"

5) Gravel Roads - Rutting

- a) Emergency Response Traffic - provide emergency call logs and map showing the route taken by the emergency vehicle
- b) If claiming rutting from normal traffic loads due to reopening a single-access road immediately following the declared event or once flood waters have receded, documentation, such as a work log indicating that the rutted section of road was graded and surface aggregate applied prior to the event.