



**Washington State
Department of Transportation**

Emergency Relief Procedures Manual

M 3014.03

February 2012

Maintenance Operations Division
Emergency Management Office

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Contents

	<i>Page</i>
Acronyms	1
Introduction	3
Purpose	3
References and Contacts	3
Key Points to Remember	3
Supersession	3
RCWs, WACs, and Directives	5
RCWs	5
Local Permits	5
State Permits	5
Federal Permits	6
WACs	7
Directives/Instructional Letters/Manuals	7
Checklists and Flowcharts	9
FHWA Emergency Relief Package	9
Life Span of a Disaster Event	10
Funding and Project Decision Protocols	11
Capital Program: Disaster and Third Party Damage Programming and Recovery Process ...	12
Disaster Site Contracting Process	13
Disaster Work Order Process	14
Declaration of Emergency	15
Introduction	15
U.S. Department of Transportation (DOT)	15
Declaration of Emergency	17
Procedures	17
Funding and Project Decision Protocols	19
Maintenance Work	21
Ordinary Maintenance	21
Definition of the Two Types of Maintenance Activities	21
Funding	22
Performance of Maintenance Work	22
Roadway Debris Removal	23
Construction Work	25
Emergency Projects in the Highway Construction Program	25
Definition of Construction Type Activities	25
Funding for Construction Work	26
Limitations on State Force Forces Accomplishing Construction Work	26
Definition of a Project	29
Statutory Definition for Purposes of Using State Forces	29
Definition of Continuous and Interrelated	29

	Page
Definition of Simultaneously	29
Other Considerations	30
Conclusion	31
Work Order Process	33
General	33
DM Work Order Responsibilities	35
Assignment of DM Work Order Numbers	35
Work Order Authorization Form	36
Review by Region Prior to Submitting WOA	37
Posting Charges to DM Work Orders	38
DM Work Order Management	38
Closure of DM Work Order	39
Examples of Emergency Maintenance Work Orders	39
FHWA Eligible Work	41
Introduction	41
Emergency/Temporary Work	41
Incidental Permanent Work	42
Documentation of this Determination is Essential	42
Permanent Work	43
Additional Examples of Emergency/Incidental Permanent/Permanent Work	47
Betterments Per FHWA Memorandum	49
Categories of Betterments for Protection from Possible Future Damage	49
Categories of Betterments to Change the Function or Character of the Facility	50
Replacement Facilities	53
Contracting	55
Purpose and Scope	55
Rules	55
Contracting Procedures	56
Contract Administration Procedures	58
Project Closure	61
Environmental Considerations	63
Declaring an Emergency	63
Responding to an Emergency	64
Permit Documentation and Federal Nexus	65
Glossary	67
Appendix 1 Declaration of Emergency	69
Appendix 2 Disaster Maintenance Work Order Authorization	71
Appendix 3 Detailed Damage Inspection Report	73
Appendix 4 Interim Inspection of Federal-Aid Project	75
Appendix 5 Inspection of Federal-Aid Projects in Maintenance Program	77
Appendix 6 Emergency Work Contract	79

Acronyms

BMP	Best Management Practices
CAPS	Contract Administration and Payment System
CCIS	Construction Contract Information System
CE	Categorical Exclusion
CED	Chronic Environmental Deficiencies
CEQ	Council on Environmental Quality
CFR	Code of Federal Register
COE	Corps of Engineers
CPDM	Capital Program Development and Management Office
D	Directive
DDIR	Detailed Damage Inspection Report
DM	Disaster Maintenance
DMA	Northwest Region Disaster Maintenance Work Order
DMB	North Central Region Disaster Maintenance Work Order
DMC	Olympic Region Disaster Maintenance Work Order
DMD	Southwest Region Disaster Maintenance Work Order
DME	South Central Region Disaster Maintenance Work Order
DMG	Eastern Region Disaster Maintenance Work Order
DOT	Department of Transportation
EMD	Emergency Management Division
ERFO	Emergency Relief for Federally Owned Roads
EIS	Environmental Impact Statements
ER	Emergency Relief
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
HPA	Hydraulic Project Approval
IL	Instructional Letter
JARPA	Joint Aquatic Resource Permit Application
M	Manual
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
OFM	Office of Financial Management
PS&E	Plans, Specifications, and Estimates
PS&R	Project Support and Receivables

RCW	Revised Code of Washington
RMEC	Regional Maintenance Environmental Coordinator
RRMP	Regional Road Maintenance Program
SEPA	State Environmental Policy Act
SMA	Shoreline Management Act
SW	Storm Water
TRAINS	Transportation Reporting and Accounting Information System
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WO	Work Order
WOA	Work Order Authorization
WSDOT	Washington State Department of Transportation
WSF	Washington State Ferries

Purpose

This manual is provided by the Washington State Department of Transportation (WSDOT) to assist in obtaining federal resources for the repair of local federal aid highway facilities damaged and/or destroyed by natural disasters or major catastrophes.

The purpose of this manual is to provide the legal and procedural guidelines for WSDOT employees to prepare all necessary documentation to respond to and recover from emergencies/disasters that affect the operations of the department.

References and Contacts

Office of Infrastructure, Office of Program Administration, Federal Highway Administration: *Emergency Relief Manual*.

Key Points to Remember

Quick action and thorough documentation are essential when dealing with the Emergency Relief (ER) Program including photographs, field notes indicating the approved scope of work, invoices, and timesheets that clearly indicate the location and type of work performed.

Disaster assistance projects funded through the FHWA Emergency Relief Program must be located on a federal aid highway. Disaster assistance for roads on federal land that are not federal aid highways may be provided through the Emergency Relief for Federally Owned Roads (ERFO) Program. Local highway repair projects not located on federal aid highways may qualify for disaster assistance through federal and state programs administered by FEMA and EMD.

Documentation for disaster assistance projects on both federal aid and non-federal aid highways must distinguish between emergency operations and heavy maintenance. FHWA has set a minimum ER funding threshold of \$700,000 per disaster. For any disaster where the total estimated ER repairs are less than this minimum threshold, with few exceptions, FHWA will classify the repairs as heavy maintenance and will not reimburse the repair work.

Accurate posting of charges to groups in the disaster maintenance (DM) work order is essential in ensuring eligibility for federal reimbursement.

Supersession

This supersedes M 3014.01 issued February 2007.

RCWs, WACs, and Directives

RCWs

[RCW 47.28.030](#) *Contracts – State forces – Monetary limits – Small businesses, minority, and women contractors – Rules – Work on ferry vessels and terminals, ferry vessel program*

[RCW 47.28.035](#) *Cost of project, defined*

[RCW 41.06.142](#) *Purchasing services by contract not prohibited – Effect on employees in the classified service – Criteria to be met – Bidding – Definitions*

[RCW 47.28.050](#) *Call for bids*

[RCW 47.28.070](#) *Form of bid – Data required – Requirements – Refusal to furnish form – Appeal*

[RCW 47.28.170](#) *Emergency protection and restoration of highways*

[RCW 60.28.011](#) *Retained percentage*

Local Permits

Floodplain Development Permits

[RCW 86.16](#) *Floodplain management*

Shoreline Management Permits

[RCW 90.58](#) *Shoreline management act of 1971*

[WAC 173-26](#) *State master program approval/amendment procedures and master program guidelines*

Critical Area Ordinances (CAO)

[RCW 36.70A.172](#) *Growth management act – Critical areas – Designation and protection – Best available science to be used*

State Permits

Department of Ecology – Short Term Modifications to Water Quality Standards under [RCW 90.48](#) are no longer issued. You must meet water quality standards.

Department of Ecology – Section 401 Water Quality Certification under [33 USC 1341](#)

[Federal Clean Water Act Section 401](#)

[RCW 90.48](#) *Water pollution control*

[WAC 173-225](#) *Federal water pollution control act – Establishment of implementation procedures of application for certification*

Department of Ecology – Coastal Zone Management Certification

U.S. Coastal Zone Management Act, 16 USC 1451, et seq., and [15 CFR](#), Parts 923-930

Department of Ecology – NPDES Construction Site

National Pollutant Discharge Elimination System (NPDES) Permit

[RCW 90.48](#) *Water pollution control*

[WAC 173-224](#) *Wastewater discharge permit fees*

[WAC 173-226](#) *Waste discharge general permit program*

Department of Ecology – NPDES Municipal Stormwater (SW) Discharge State Waste Discharge Permit

[RCW 90.48](#) *Water pollution control*

[RCW 90.52](#) *Pollution disclosure act of 1971*

[RCW 90.54](#) *Water resources act of 1971*

[WAC 173-216](#) *State waste discharge permit program*

Department of Fish and Wildlife – Hydraulic Project Approval (HPA)

[RCW 77.55](#) *Construction projects in state waters*

[WAC 220-110](#) *Hydraulic code rules*

Federal Permits

US Army Corps of Engineers – Section 10 of the Rivers and Harbors Act of 1899 under 33 USC 403. Work or structures in or over navigable waters of the United States will require a Section 10 permit from the Corps of Engineers.

US Army Corps of Engineers – Section 404 Permit of the Clean Water Act under 33 USC 1344. The discharge of dredged or fill material into water of the US, including wetlands requires a Section 404 permit from the Corps of Engineers. This requirement covers the placement of material excavated or dredged from waters of the US, mechanized landclearing, and the discharge of any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of the waterbody.

Endangered Species Act (ESA) – Sections 7 and 9 of the Endangered Species Act of 1973, as amended.

WACs

[WAC 173-18](#) *Shoreline Management Act – Streams and rivers constituting shorelines in the state*

[WAC 173-20](#) *Shoreline Management Act – Lakes constituting shorelines in the state*

[WAC 173-303-090](#) *Dangerous waste characteristics*

[WAC 173-303-9903](#) *Discarded chemical products list*

[WAC 173-303-9904](#) *Dangerous waste sources list*

[WAC 197-11](#) *SEPA rules*

Directives/Instructional Letters/Manuals

[Accounting Manual](#), Section 10-2.7 and 10.4(4), M 13-82

[Advertisement and Award Manual](#) M 27-02

[Construction Manual](#) M 41-01

[Purchasing Manual](#) M 72-80

“Federal-Aid Highway Program Stewardship and Oversight Agreement” (dated 2008)

Checklists and Flowcharts

The following pages have a checklist and several flowcharts to assist the reader in following the various steps necessary when a disaster event occurs and what actions need to occur to ensure the proper procedures, documentation, and forms are completed to ensure all appropriate issues are dealt with in the proper process.

FHWA Emergency Relief Package

To ensure consistent and necessary documentation is submitted to FHWA for emergency relief funding, please include the following three items in the initial request for eligibility:

- Detailed Damage Inspection Report (DDIR)
 - Use the current [DOT Form 300-001 EF](#) found in [Appendix 3](#).
 - Ensure there is a detailed breakdown of labor, equipment, materials, and other (LEMO).
- Map
 - Submit a vicinity map of the site location (e.g., Bing, Google).
 - Ensure that it has enough detail to allow a person unfamiliar with the area to be able to drive to the site.
- Photos
 - Essential to submit photos showing the damage before cleanup has begun.
 - If possible, place labels directly on the photos indicating route, milepost, date, and disaster maintenance work order authorization (state only). Ensure that this information is in the subject line of all email messages.

Additional items that may be included in the package to assist in clarification:

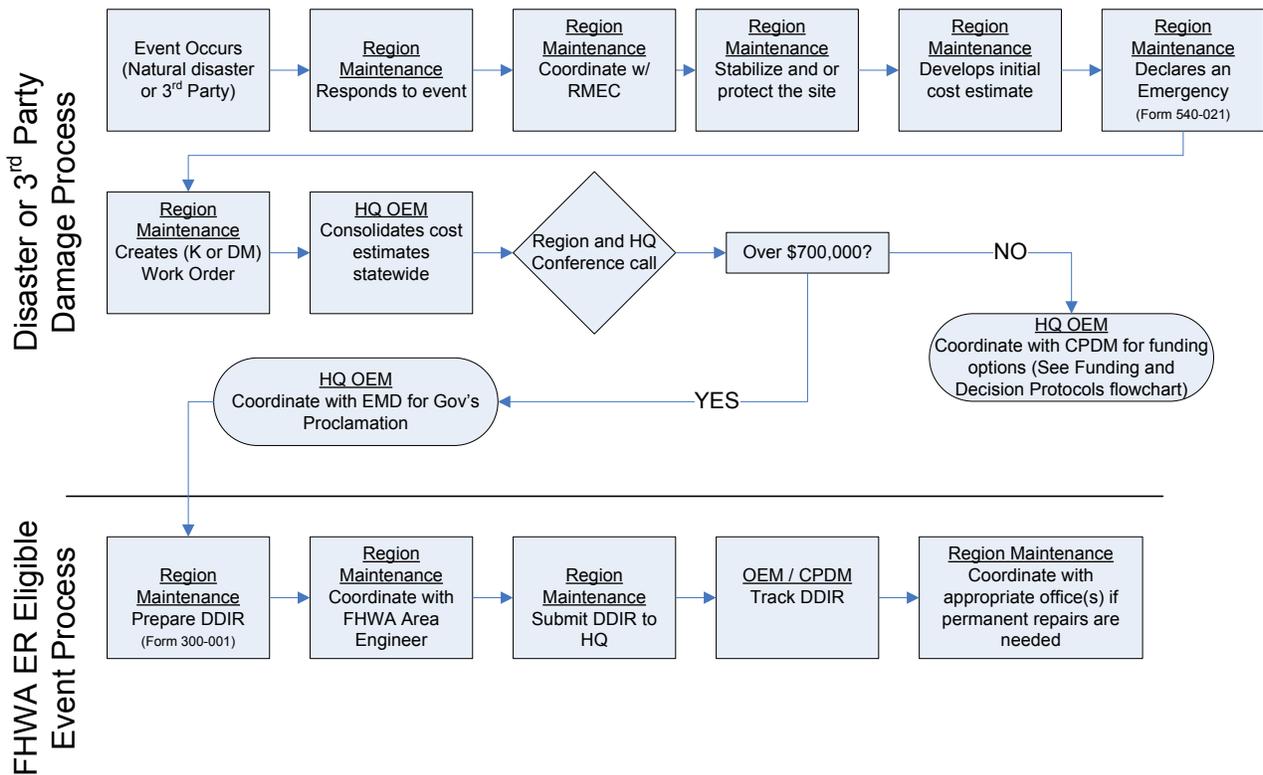
- Weather (charts, reports, maps)
- Geotech reports
- News releases
- Correspondence
- Letter of acknowledgement
- Letter of intent
- Letter of proclamation
- Governor's Declaration of Emergency
- DOT Declaration of Emergency ([DOT Form 540-021 EF](#))

If the work outlined in the DDIR changes in scope:

- DDIR
 - Ensure that an updated DDIR is completed outlining the new scope of work
 - Attach any additional information or documentation (e.g., geotech report, weather information) that justifies the change in the scope of work.
 - Add maintenance records if applicable (e.g., roadway was patched and stabilized repeatedly and now it is severely damaged)
- Photos
 - Send additional photos to demonstrate the reason for the change

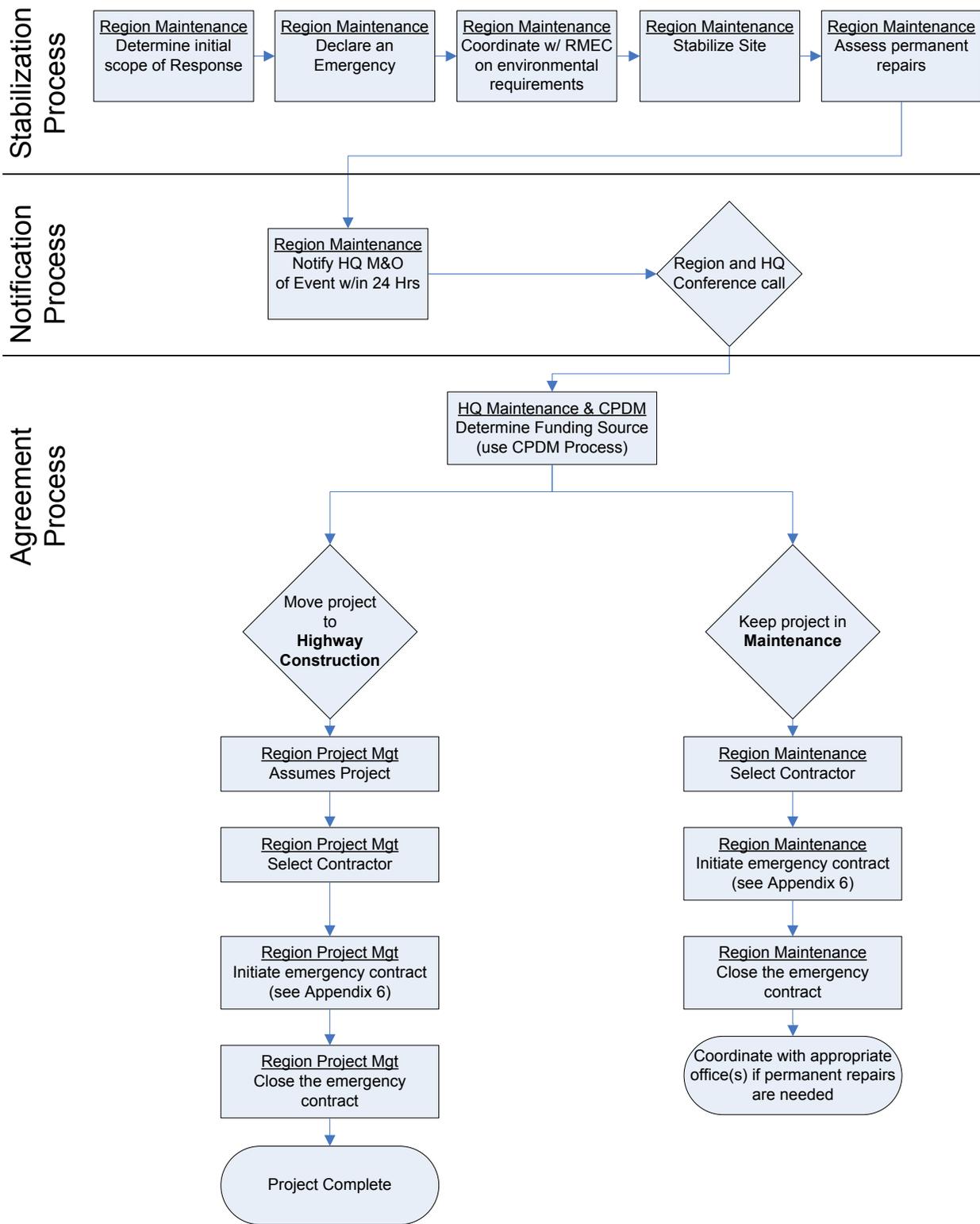
FHWA appreciates initial information coming to them even if WSDOT is unsure of site eligibility. Please place the route, milepost, date, and disaster maintenance (DM) number (state jobs only) in the subject line of all email messages.

Life Span of a Disaster Event



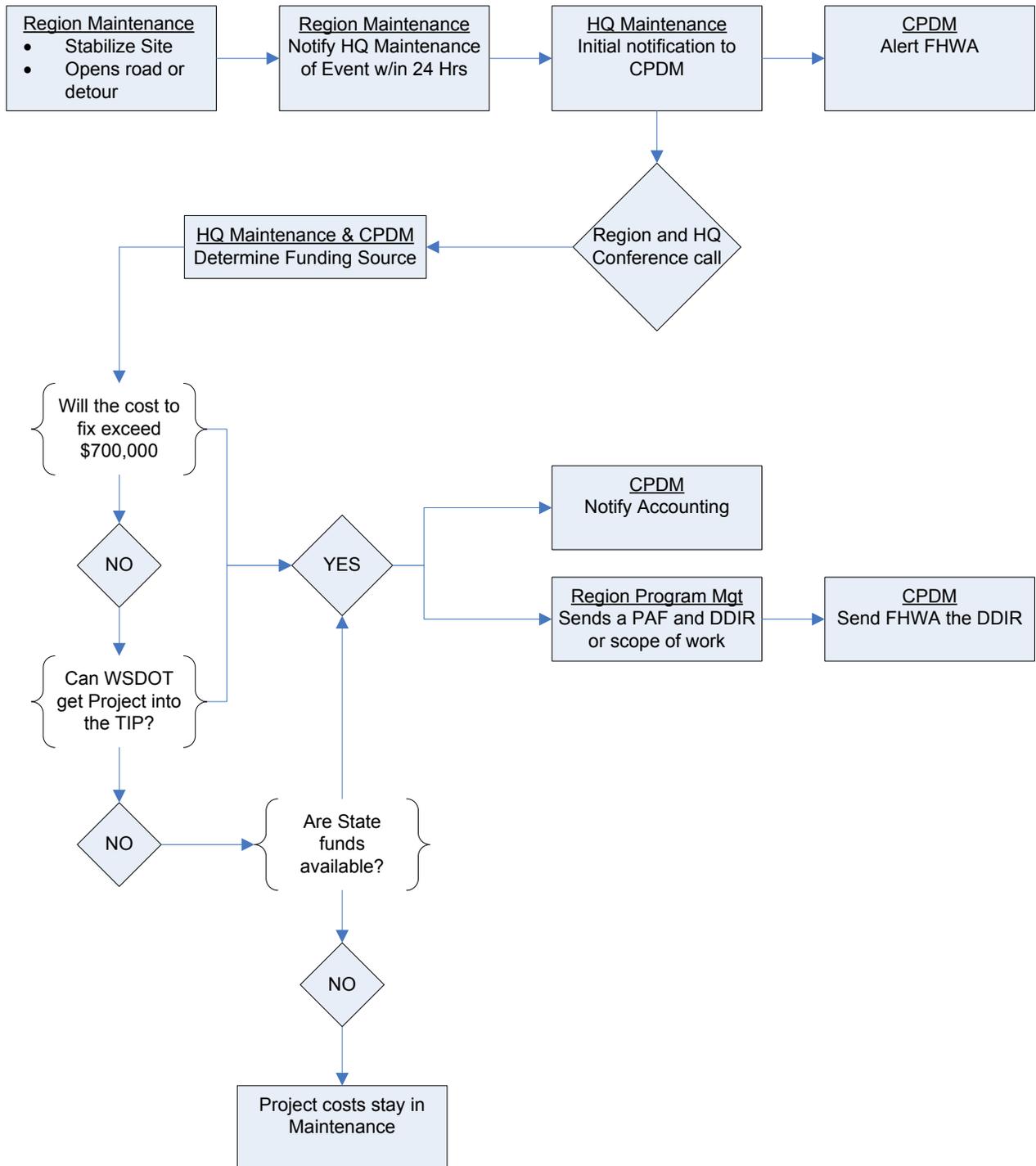
CPDM – Capital Program Development and Management
 DDIR – Detailed Damage Inspection Report
 EMD – Washington State Emergency Management Division
 OEM – WSDOT Office of Emergency Management (360.705.7973)
 RMEC – Regional Maintenance Environmental Coordinator

Funding and Project Decision Protocols



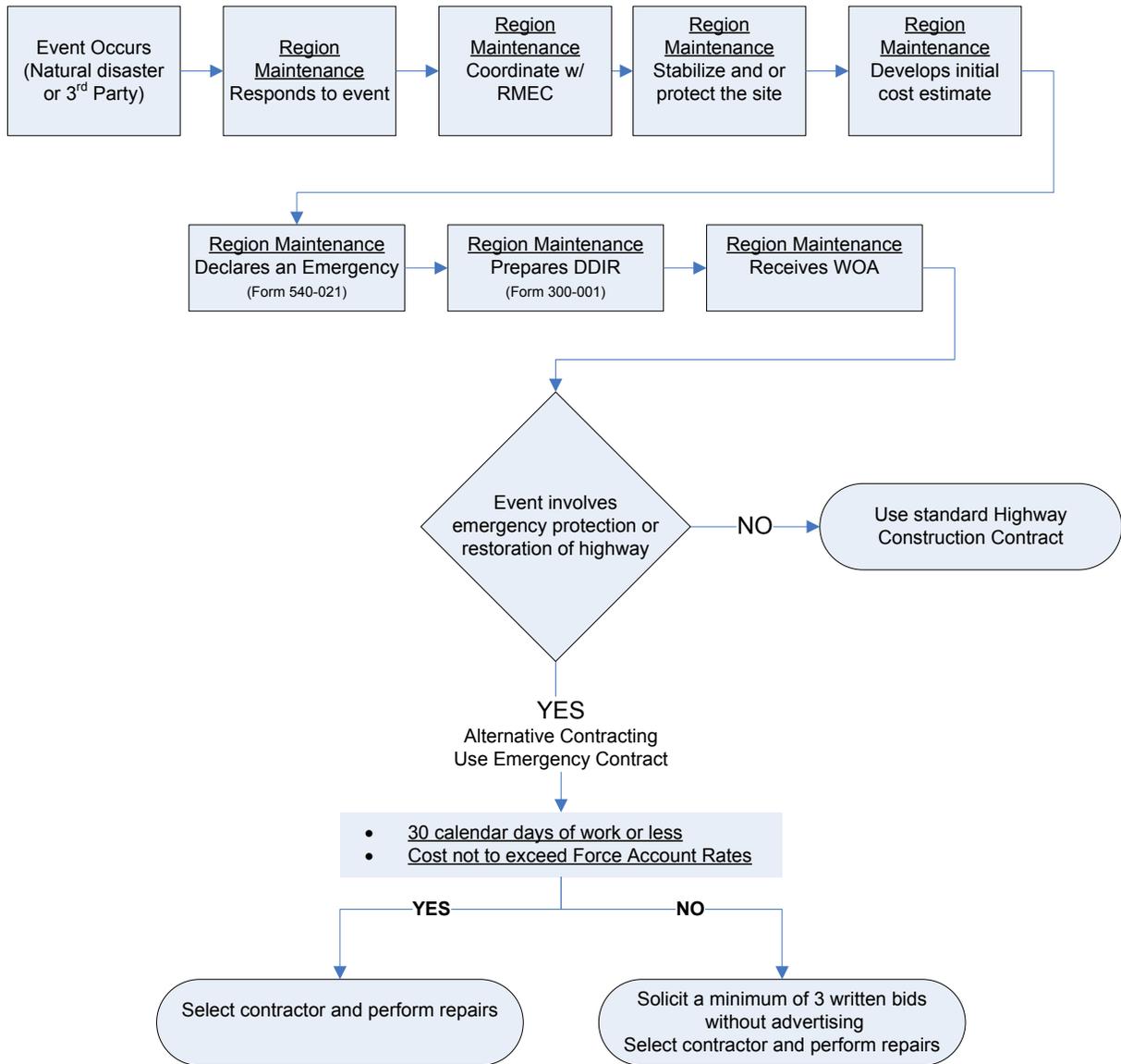
CPDM – Capital Program Development and Management
 RMEC – Regional Maintenance Environmental Coordinator

Capital Program: Disaster and Third Party Damage Programming and Recovery Process



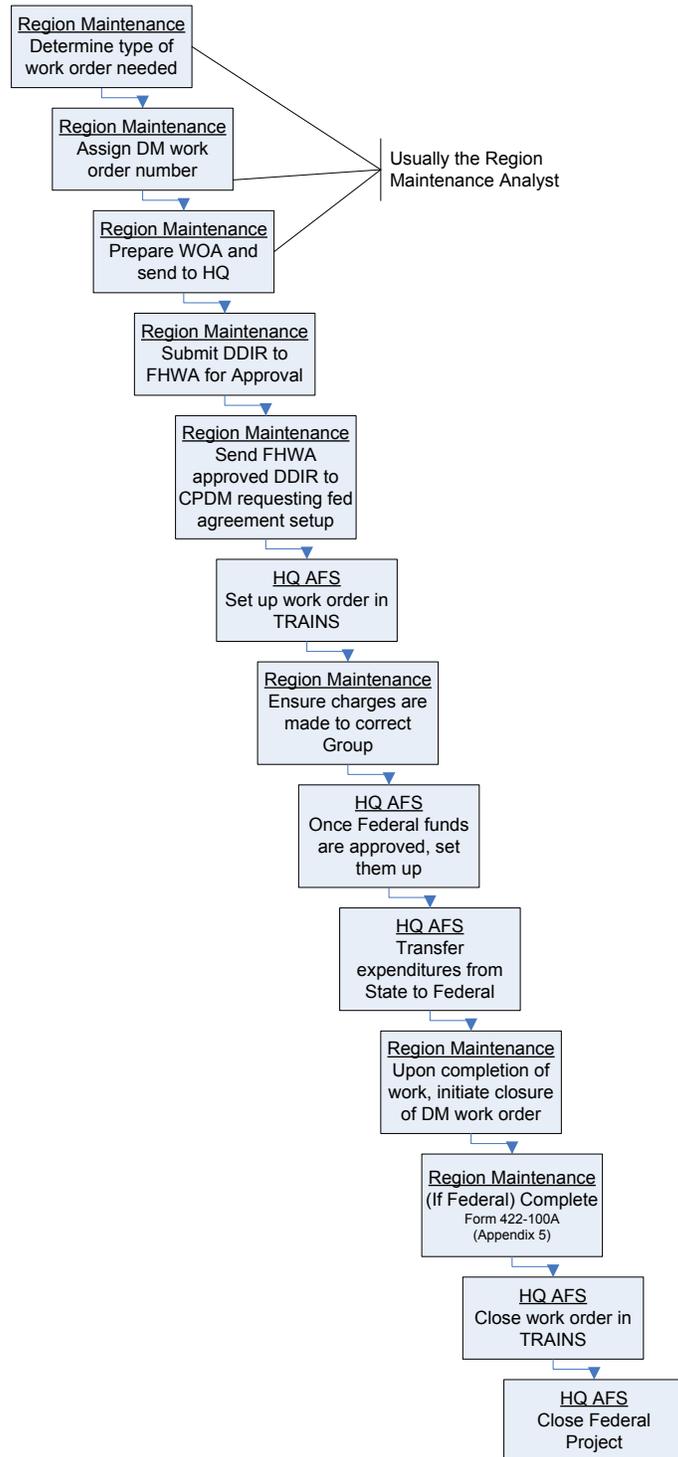
CPDM – Capital Program Development and Management
 DDIR – Detailed Damage Inspection Report
 TIP – Federal Transportation Improvement Plan
 PAF – Programming Approval Form

Disaster Site Contracting Process



DDIR – Detailed Damage Inspection Report: WSDOT Form 300-001
 WOA – Work Order Authorization

Disaster Work Order Process



AFS – Accounting and Financial Services
 CPDM – Capital Program and Development Management
 DDIR – Detailed Damage Inspection Report: WSDOT Form 300-001
 DM – Disaster Maintenance
 TRAINS - Transportation Reporting and Accounting Information System
 WOA – Work Order Authorization

Declaration of Emergency

Introduction

When an emergency occurs the region needs to determine if the emergency requires a “Declaration of Emergency.”

A “Declaration of Emergency” is required whenever it is necessary to utilize emergency contracting procedures for work related to transportation facilities and to increase the limit for state force repair work from \$60,000 to \$100,000.

If the event is large enough (defined as: widespread area of catastrophic failure with a minimum repair cost of \$700,000) that federal “emergency relief” funding will be pursued, the region needs to complete a detailed damage inspection report (DDIR) that will be forwarded to the Federal Highway Administration (FHWA) in Olympia. *Note:* A signed DDIR (FHWA signature) is required prior to setting up the federal aid agreement (FHWA Form 120-006).

The following is applicable to all divisions of the Department of Transportation.

U.S. Department of Transportation (DOT)

Federal Highway Administration (FHWA)

Congress authorized in Title 23, United States Code, 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. Two programs exist to provide aid under the circumstances described above. The Emergency Relief (ER) Program exists to provide relief on federal aid highways and is discussed in detail in this manual. In the case of roads on federal land that are not federal aid highways, the Emergency Relief for Federally Owned Roads (ERFO) Program may provide relief. These programs, run by DOT’s FHWA, supplement the commitment of resources by states, their political subdivisions, or other federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, or landslides. A catastrophic failure is defined as the sudden and complete failure of a major element or segment of the highway system that causes a disastrous impact on transportation services. The failure must be catastrophic in nature. Additionally, in order to be eligible for ER, the cause of the failure must be determined to be external to the facility. Both conditions must be satisfied. A bridge suddenly collapsing after being struck by a barge is an example of a catastrophic failure from an external cause.

ER funds are not intended to cover all damage repair costs nor interim emergency repairs costs that will necessarily restore the facility to predisaster conditions. State and local highway agencies must expect additional expenditures, changes in project priorities, and some inconvenience to traffic as a result of emergency conditions. State and local governments are responsible for planning and providing for such extraordinary conditions. Economic hardship is not a factor in determining repair eligibility. Although there is no nationwide definitive monetary break point between what is considered routine and extraordinary repair expenses, the FHWA has determined that eligible ER repair activities in a state in the range of \$700,000 (federal share) or more are usually significant enough to justify approval of ER funds. If the event will necessitate ERFO funds as well as ER funds, an additional \$700,000 or more in extraordinary repair expenses must be incurred on roads that are on federal land that are not federal aid highways.

By law the FHWA can provide up to \$100 million in combined ER and ERFO funding to a state, or to federal agencies for each natural disaster or catastrophic failure event that is found eligible for funding under the ER Program (commonly referred to as the \$100 million per state per disaster cap).

State and local transportation agencies are empowered to begin emergency repairs immediately to restore essential traffic service and to prevent further damage to federal aid highway facilities. Properly documented costs will later be reimbursed once the state formally requests ER funding, and the FHWA Division Administrator makes a finding that the disaster is eligible for ER funds.

There are three methods for developing and processing a state request for ER funding.

- **Traditional** – Requires a detailed damage inspection at many, if not all, sites. It generally takes six to ten weeks to develop an application.
- **Traditional (Expedited)** – Damage assessments are based on a “windshield” inspection at a sampling of sites. At least one site is visited in each county involved in the event. It generally takes two to three weeks to develop an application.
- **Quick Release** – For the purposes of an ER application few, if any, on-site damage surveys are made. Instead the disaster assessment is based on other readily available information such as credible media reports or aerial surveys done by the state. The state then requests ER funding based on their preliminary assessment of the damage. The request is done in a brief letter to the FHWA Division office. This method is highly visible and use is controlled by the DOT Secretary/FHWA Administrator. No damage survey summary report is prepared to accompany the ER application. Quick release begins the Traditional method and the damage survey reports follow at a later time in the recovery.

For more information about the Emergency Relief (ER) Program, interested parties should visit www.fhwa.dot.gov/programadmin/erelief.cfm.

For more information about the Emergency Relief for Federally Owned Roads (ERFO) Program, interested parties should visit www.efl.fhwa.dot.gov/programs-erfo.aspx.

Declaration of Emergency

The declaration of emergency authority is hereby delegated from the Secretary of Transportation to the Regional Administrators and the Directors of Aviation and Ferries for all work directly or indirectly related to transportation facilities. This also includes all work affecting property owned or used by their headquarters organization.

The declaration of emergency authority can be further delegated to the maintenance superintendent and/or project engineer by the Regional Administrator or a designee of the Directors of Aviation and Ferries when the preliminary repair estimate to provide the work does not exceed \$100,000 including sales tax. This also applies to property owned or used by a headquarters organization.

The Regional Administrators and/or the Directors for Aviation and Ferries are required to inform the Secretary of Transportation of all declared emergency projects.

Each declared emergency will be recorded on [DOT Form 540-021 EF](#) (see [Appendix 1](#)). The form is to be signed by the declarer and sent to Headquarters Emergency Management by the next working day. For each declared emergency, a project title will be given and work order(s) will be established. The same project title should be utilized wherever possible throughout all subsequent work phases and communications concerning the emergency.

Procedures

Declaration of Emergency ([DOT Form 540-021 EF](#))

<i>Action By</i>	<i>Action</i>
Maintenance superintendent and/or project engineer, and designee(s) for the Directors for Aviation and Ferries	<ul style="list-style-type: none"> Prepare declaration of emergency using DOT Form 540-021 EF, emergency work up to \$100,000. Send form to Headquarters Emergency Management Office by the next working day.
Regional Administrator and Directors for Aviation and Ferries	<ul style="list-style-type: none"> Prepare declaration of emergency using DOT Form 540-021 EF, emergency work over \$100,000. If project estimate exceeds \$700,000, the Secretary or Designee will review the form. Send form to Headquarters Emergency Management Office by the next working day.
HQ Emergency Management	<ul style="list-style-type: none"> Process the form and provide to the Secretary or designee for review.

Note: Headquarters Emergency Management Office will make distribution of the Emergency Declaration Form to the Secretary of Transportation, Assistant Secretary for Engineering and Regional Operations, Director of Highways and Local Programs Division, Headquarters Program Management, and the State Maintenance Engineer.

Funding and Project Decision Protocols

Given the dynamic nature of emergent needs and the critical funding challenges faced by the department, it is necessary that all efforts are made to provide early notification of the emergent needs and to collectively work towards agreement of the permanent repair work needed to restore the function of the damaged infrastructure. Without this type of collaborative effort, the department's ability to adequately fund or seek funding from outside sources (FHWA, third parties, etc.) may be compromised which in turn could significantly impact the department's ability to meet existing program and project delivery commitments.

When an event occurs Maintenance and Highway Construction will clarify financial delivery responsibility. To this end a case-by-case approach with open communication between all affected programs is the best solution, rather than relying only on the development of specific criteria for different types of events. It is important to note that there are some situations where delivery of work and the financial responsibility will be shared based on the collective discussion and decision related to the event. The process will include the following:

1. **Stabilization** – Region Maintenance will provide the initial response to the event and set up a disaster maintenance work order as appropriate. The focus of the initial response is to assess the site and stabilize the situation using one or more of the following steps:
 - a. Close the roadway and establish traffic control; and/or
 - b. Clean up roadway and debris and perform the temporary/emergency repairs necessary to open the facility to the traveling public.
2. **Notification** – Once it is determined that additional work beyond the temporary/emergency repairs is required to restore the area to the pre-damaged condition, it is critical that notification via a conference call occur within 24 hours and include the following parties:
 - a. Region Maintenance, Construction, and Program Management
 - b. HQ Maintenance and Emergency Management
 - c. HQ Program Management
 - d. HQ Risk Management (in events related to third party damage)

3. **Agreement** – After the initial response from region Maintenance occurs and the location/situation is stabilized (this could be different from event to event), there needs to be an opportunity for all of the representatives listed above to meet and collectively determine the most appropriate course of action from that point forward. Determination of subsequent financial and delivery responsibility will be coordinated and determined through this effort. This would include general agreement on the extent, magnitude, and timing of the repair, as well as which program will fund the repair.
4. **Risk** – If significant design/construction work occurs prior to the notification and agreement steps as detailed above, region Maintenance assumes risks for the costs and eligibility of this work to be funded out of the Highway Construction Program and/or Federal Emergency Relief Program.
5. **Eligibility** – The Highway Construction Program will accept emergency relief work when the following steps have been taken:
 - a. Maintenance has stabilized the situation and/or reopened the road (work and costs to accomplish this stays in the Maintenance Program).
 - b. Work in addition to the initial stabilization can be programmed and budgeted in Highway Construction if it is eligible for federal emergency relief and or regular federal aid. Certain exceptions may be granted when state funding may be available in the Highway Construction Program.
 - c. Permanent restoration work that is eligible only for regular federal aid must be incorporated into the Federal Transportation Improvement Plan (TIP) at the metropolitan or state level before opening up a work order. This process could take several weeks to gain federal funding approval.
 - d. The Highway Construction Program and Maintenance Program have an agreement to not accept any state funded permanent restoration work other than by the exception in Section 5.b (i.e., transfer expenditures from Maintenance to Highway Construction). This includes restoration work that may be eligible but was placed under contract before getting it included in the TIP and receiving federal approval.

Ordinary Maintenance

There are two types of maintenance work activities classified as “ordinary maintenance” – normal maintenance and emergency maintenance.

Accordingly, if the work is considered to be “ordinary maintenance” state forces may accomplish the work without being subject to the dollar limitations outlined in [RCW 47.28.030](#) and [47.28.035](#). “Ordinary maintenance” is also exempt from the competitive bidding process.

Definition of the Two Types of Maintenance Activities

1. **Normal Maintenance** – Budgeted work performed routinely on a scheduled basis. It is intended to maintain the highway facility/element so that it substantially retains its original intended use and function.

Examples include:

- Sweeping and debris removal.
- Maintaining access control.
- Clean ditches, culverts, and catch basins.
- Correcting moderate slides and slope failures.
- Vegetation management and litter pick up.
- Moderate bridge maintenance.
- Rest Area operation and maintenance.
- Pavement patching, crack sealing, and moderate surface treatment.
- Bridge maintenance such as debris removal or scour.
- Restoration/replacement of traffic control devices.
- Traffic control.
- Snow and ice control.
- Drainage restoration.
- Placing riprap.

2. **Emergency Maintenance** – Work activities are the same or similar to normal maintenance activities except that they are greater in magnitude and scope depending upon the nature and intensity of the emergency. This work is not budgeted and/or scheduled and is not done on a routine basis. This includes work accomplished on a damaged highway facility/element that has substantially retained the intended functionality of its original design. It does not include construction of new roadway elements.

Examples include:

- Emergency traffic control.
- Establishment of detours and temporary minor structures.
- Erection, dismantling, and maintenance of a Bailey bridge.
- Any work needed to protect and maintain the area affected by the emergency pending the letting of a contract under [RCW 47.28.170](#).

Funding

1. **Normal maintenance** work is not eligible for federal reimbursement because it is routinely scheduled or budgeted to historical levels. This work is funded out of the state funded M2 maintenance budget. Nonemergency work orders, charge numbers, and coding are used to track accomplishments and costs.
2. **Emergency maintenance** work may be eligible for federal reimbursement when properly approved by FHWA if the work exceeds the threshold amount, currently \$700,000 minimum for a statewide event and \$5,000 per site. This work is initially funded out of the state funded M2 maintenance budget and later reimbursed by a transferral of federal funds appropriation for reimbursement through the ER federal project. Disaster maintenance (DM) work orders are established to ensure the department properly accounts for and documents expenditures.

As a footnote, there are other federal agencies which provide emergency funding including the Federal Emergency Management Agency (FEMA) and the US Army Corps of Engineers (USACE). Each agency has different eligibility requirements. These are not discussed in this document.

Performance of Maintenance Work

Although the department has the authority to contract out maintenance work in accordance with [RCW 41.06.142](#), state personnel may be used without any dollar limitation. However, the proposed tasks must be true maintenance activities such as the examples listed on the preceding page. If state maintenance forces have traditionally performed the work, the activities will usually be considered as “ordinary maintenance” and thus can be performed regardless of cost. Conversely, if the proposed work has been considered by the department as an “alteration, repair or improvement” activity, as those terms are defined below, the proposed work is not “ordinary maintenance” and is subject to the dollar limitation on the use of state forces as set forth in [RCW 47.28.030](#).

If there is any question as to whether the proposed activity can be considered “ordinary maintenance,” a good faith decision should be made based upon the facts of each particular situation. Keep in mind that the purpose of [RCW 47.28.030](#) is to limit the use of state forces so that they are not performing the type of construction work done by private contractors. If a determination is made that the proposed work is in fact a maintenance activity, support for the decision needs to be documented at the time it is made and submitted on the work order. By doing so, evidence is readily available to justify the department’s decision if it is questioned at a later date.

Roadway Debris Removal

Roadway Debris Collection Guidelines

1. **Roadway Debris Removal** – The intent of the Emergency Relief (ER) Program is to only remove debris which was deposited on the federal aid roadway by the FHWA emergency relief eligible disaster event. As such roadway debris removal is expected to be completed within 30 days from the FHWA declared event date.

The removal of debris deposited on a federal aid roadway by an FHWA emergency relief eligible event is an eligible activity for reimbursement under the program.

Culvert: Debris removal from drainage culverts is eligible under the program, provided that the eligible event deposited the debris in the culvert which threatens the traveled way and the documentation clearly demonstrates the eligible event deposited the debris in the culvert.

It is an expectation that debris removal will typically be completed within 30 days from the FHWA declared event date.

Reimbursement for roadway and culvert debris removal typically requires advance notification and provision of adequate documentation to FHWA.

2. **First Push** – Roadway: The” first push” is the initial effort to clear the roadway. It includes cut and toss operations to push debris out of the traveled way.

Culvert: When water ponds on, flows over, and otherwise threatens the traveled way due to event generated debris blocking a drainage culvert, “first push” operations shall clear the culvert to allow drainage.

“First push” operations are expected to typically be completed within five days from the FHWA declared event date. Additional time may be needed to complete first push operations in some cases such as when events are widespread, floodwater covers highways for an extended time, or unsafe conditions necessitate a delay. However, this will be at the discretion of the FHWA area engineer.

3. **First Pass** – The first pass is the effort to collect and remove all debris (vegetative and nonvegetative) pushed aside during “first push” operations.

Once debris has been cleared by the first pass effort, any subsequent efforts to clear and remove debris are not considered ER eligible regardless of the date or time in which the material was collected.

The sole exception to the above is the collection of hazardous debris requiring separate handling and disposal that were deposited on the roadway or within the clearing limits by the eligible event. Hazardous debris means debris that contain a hazardous waste listed in [WAC 173-303-9903](#) or [173-303-9904](#) or that exhibits a characteristic of hazardous waste identified in [WAC 173-303-090](#). The state WAC that governs/hazardous wastes is <http://apps.leg.wa.gov/wac/default.aspx?cite=173-303>.

First pass operations are expected to be completed within 25 days from the FHWA declared event date. Additional time may be needed to complete first pass operations in some cases such as when events are widespread, floodwater covers

highways for an extended time or unsafe conditions necessitate a delay, and when waiting for a stretch of drier weather will make debris handling/removal easier or when waiting for a break in winter storms which necessitate a focus on snow and ice control. However, this will be at the discretion of the FHWA area engineer.

4. **Documentation of Roadway Debris Collection** – Document the specifics of debris removal to include the federal aid route, the location on the route, type and or amount of debris removed, and the date of removal. Documentation may be by load tickets, spreadsheets with appropriate signature/certification, counts of truck loads, labor and equipment hours of use, or other agreed upon method that clearly provides the required information.

Before photos shall show, as well as possible, the roadway conditions at the time the event occurred prior to any cleanup occurring. After photos shall be included in the documentation package for the first push and first pass operations to the greatest extent possible. However, this will be at the discretion of the FHWA area engineer. Photos shall display the date the photo was taken and the federal aid route and route location shall be provided.

5. **Federal Aid Roadway** – The roadway debris must be located on a federal aid route to be eligible under the ER Program.
6. **Clearing Limits for Roadways** – The clearing limits on the roadway normally include the traveled way and any additional clearing required to assure the full functioning of the pavement, drainage ditches, and structures within the clearing limits. Clearing of drainage culverts and the remainder of the full right of way is the responsibility of the agency having jurisdiction (unless the eligible event deposited the debris in the drainage culvert) and shall not be considered as part of the first pass collection activities eligible under the ER Program. The definition of eligible clearing limits for various federal aid road classifications is as follows:
 - **Interstate** – Eligible limits not to exceed back of guardrail or concrete barrier, 50 feet from the edge line, or the right of way limits, whichever is less.
 - **US/State Routes** – Eligible limits not to exceed back of guardrail or concrete barrier, 40 feet from the edge line, or the right of way limits, whichever is less.
 - **Other Federal Aid Routes** – Eligible limits not to exceed back of guardrail or concrete barrier, 20 feet from the edge line, or the right of way limits, whichever less.

Clearing of the remainder of the full right of way is at the discretion of the agency having jurisdiction and shall not be considered as eligible under the ER Program.

7. Definitions

- **Traveled Way** – Is the portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes. This includes two-way left-turn lanes and truck lanes are eligible.
- **Edge Line** – Is defined as the line that separates the traveled way from the shoulder of the roadway.

Emergency Projects in the Highway Construction Program

If the proposed work activity is not considered ordinary maintenance as defined previously, the work may be accomplished by state forces only to the extent permitted in [RCW 47.28.030](#) and [47.28.035](#). This rule applies whether the work involves an emergency or not.

This work typically requires the use of preliminary engineering services, personnel, and contract plans specifications and estimates. When the work is not programmed, it follows the department's unprogrammed project process.

Definition of Construction Type Activities

1. **Alteration** – Work that results in a substantial change in the form or nature of an existing highway facility/element without destroying its identity.

Examples include:

- Realignment of the roadway.
- Widening the roadway.
- Raising the grade.
- Replace signal span wire with mast arms.

2. **Repair** – Work required to restore the intended functionality of a highway facility/element when damage results in a substantial loss of the intended design functionality.

Examples include:

- Major slide (may require soils analysis and walls).
- Repair of large culverts.
- Replacement of major sections of riprap.
- Roadway paving.
- Replacement of bridges, bridge approaches, or bridge piers.
- Work needed to repair a section of washed out road that is not passable.

3. **Improvements** – Work that results in the enhanced, expanded, or improved functionality of a highway facility/element over that of the original design. This work includes new roadway elements and improves the original function and design.

Examples include:

- Culvert replacement to improve drainage.
- Constructing all weather highway.
- Constructing left turn lane or climbing lane.
- Hydraulic enhancements.
- Correction of unstable slopes through the use of horizontal drains, new wall, or other methods.

Funding for Construction Work

Emergency work considered to be “alteration, repair, or improvement” when properly approved, is eligible for federal reimbursement, either from normal highway construction funds or emergency relief funds. Work is initially funded out of the Highway Construction Program with state funds and later transferred to federal appropriation for reimbursement through the ER federal project. Appropriate work order numbers are established to ensure the department can properly account for and document expenditures (see Maintenance Work Order Process Section).

Limitations on State Force Forces Accomplishing Construction Work

If the work involves “alteration, repair, or improvement” as defined above, the statutory requirements set forth in [RCW 47.28.030](#) and [47.28.035](#) apply as follows:

- The work may be done by state forces when the estimated cost of the work is less than \$60,000 in non-emergency conditions.
- When delay of the work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces as long as the estimated cost of the work is less than \$100,000.
- If the estimated cost of a project is more than the \$60,000/\$100,000 limitations, state forces may still be used to perform work up to those limits. The cost of the remaining project work over the \$60,000/\$100,000 limits would have to be contracted out by competitive bidding. The only exception is where the department finds it necessary to protect a highway facility from imminent danger or to perform emergency work to reopen a highway. When that occurs, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed 30 working days.
 - Thirty (30) working days does not count weekends, weather delays, holidays, or other expected days of down time.

[RCW 47.28.035](#) sets out two rules that must be followed in estimating the cost of using state forces.

- First, the costs must include the aggregate of all amounts to be paid for labor, material, and equipment (see below).
- Second, the aggregate costs are those costs that will be incurred on one continuous or interrelated project where work is to be performed simultaneously.

Note: To better understand this second requirement, one must go beyond the actual statutory language and the difficulty of defining the key term “project” and focus on the objective of the statute. Its purpose is to ensure that a project is not artificially divided into smaller projects for the sole purposes of using state forces instead of contracting out the work. This will be discussed in more detail in the Project Definition Section.

The estimate must be reasonable based on the best information known at the time it was made. To support the reasonableness of the estimate, written documentation on how it was ascertained is necessary ([RCW 47.28.030](#)). The purpose of the dollar limitation is to ensure that private contractors provide the majority of non-maintenance emergency work. Therefore the estimate should be reasonable in view of the facts that are known at the time and consistent with the purpose of the limitation. Any questions on what should be included in the estimate should be directed to the department so that the estimates are consistent.

The following examples are provided to help understand how the estimate should be made. To be included:

1. **Labor Costs** – Included when state personnel are being used on the project to do the following:
 - a. Operate equipment.
 - b. Place material.
 - c. Any activity done on the site that would have been done by the contractor’s labor force if the work had been contracted out.
2. **Material Costs** – If state forces are being used to perform the project or a portion of it, the cost of the materials supplied by the state would be included in determining the dollar limitation.
3. **Equipment Costs** – If state forces are being used to perform the project or a portion of it, any equipment provided by the state would be included in estimating the dollar limitation.

Not to be included:

1. **Labor Costs** – Do not include preliminary engineering (PE) costs and construction engineering costs. These costs are incurred on all projects whether performed by contractors or by state forces and therefore are to be excluded in the labor estimate.
2. **Material Costs** – If the state only supplies the materials to the project, the cost of the materials are not to be included. For example, if the state supplied traffic signal equipment for a signal construction project but state labor forces were not used to perform any portion of the project, the cost of the materials would not be included. Conversely if state forces are to be used to do work on the project, the cost of the materials provided by the state would be included.

Also, consumable items not incorporated in the project such as traffic control devices, signals, etc., are not to be included in the material cost estimate.

3. **Equipment Costs** – If the state provides equipment to the project but state labor forces are not to be used to perform any work on the project, the equipment costs will not be included.
4. **Overhead Costs** – [RCW 47.28.035](#) refers only to the aggregate of all amounts to be paid for labor, material, and equipment. Therefore state overhead costs do not have to be included in estimating the costs using state forces.

Definition of a Project

Statutory Definition for Purposes of Using State Forces

[RCW 47.28.030](#) has placed a dollar limitation on the use of state forces if the work involves the construction, alteration, repair, or improvement of a state highway. When such work is of an emergency nature as defined in [RCW 47.28.170](#), state forces may be used to perform the work or any portion of it when the estimated cost is less than \$100,000. To calculate the state costs, [RCW 47.28.035](#) requires that the estimate must include the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously. The statute also warns the department not to divide a project into units of work or classes of work to give the appearance that the estimated cost of using state forces is within the dollar limitation set forth in [RCW 47.28.030](#). Therefore in determining the scope of a proposed project and the work activities to be included, the department must follow the criteria for a project as set forth in [RCW 47.28.035](#). If this is not done, the department may be accused of artificially dividing the work into more than one project to avoid the dollar limitation on the use of state forces.

Definition of Continuous and Interrelated

With the statute's objective in mind one must remember that a project consists of a series of activities or events that must be accomplished to produce an intended result. The project is generally "continuous" in nature (both length and depth) until each required activity is completed to produce the desired outcome. Also, each activity alone cannot create the final result. They must be "interrelated" with other activities to establish the final goal and objective. The activities are part of the overall project and logically could not be considered as separate and independent projects. Since individual activities or units of work are only components of a single project, the statute precludes the department from treating them as separate projects in order to increase the use of state forces.

Definition of Simultaneously

The statute also refers to work being performed "simultaneously." This term must be interpreted in view of what actually happens on a project. It's obvious not all of the activities can be done at the exact same time. However, they must be accomplished before the entire project is completed. For example if the road is washed out, the end result is to replace the road. To accomplish this the activities would include replacement of fill, riprap, crushed surfacing, paving, striping, and guardrail. The work activities are not being phased because of future funding or other reasons; but simply continuing on until the work is completed and the new road is in place. As long as the activities are being carried in a logical sequence to produce the end result, the work is being done "simultaneously" for purposes of the statute.

Other Considerations

1. If various work activities could be treated as separate projects as defined by [RCW 47.28.035](#) but they have been combined for accounting and/or contracting convenience, the reasons for the combination should be documented. This prevents an appearance that the dollar limitation on state force use has been exceeded.
2. [RCW 47.28.035](#) provides a definition of what is considered to be a project for purposes of estimating the costs of using state forces. That definition must be applied uniformly by the department in making such estimates.
3. If the decision is made to divide the work activities into separate projects, document the reasons for it. Make sure the decision is based on legitimate reasons as opposed to separating the work for the sole purpose of being able to use more state forces.

To better understand how the statutory definition of a project would apply to various fact situations, the following examples are provided.

- **Example 1** – Assume two major slides occur causing extensive damage to the roadway. The damaged areas are separated on the roadway by only a few feet. Technically the work to clear and repair the two areas is not continuous because of the separation. However since the distance is so minimal, the work in both areas would be considered as one continuous project. Also [RCW 47.28.035](#) refers to “. . . one continuous or interrelated project.” In the example all of the work is interrelated because both areas would have to be repaired before that section of roadway could be used by the traveling public. Thus for purposes of the statute, the work activities at both locations would be treated as one single project.
- **Example 2** – Two major slides occur on the same highway but are located several miles apart. Unlike Example 1, the distance between the slides is substantial so work at the two locations would not be considered as one continuous project. Also the repair work at location one can be completed to open that section of the roadway independent of the repair work at the second location. Thus, the work at the two sites is not interrelated. As a consequence the work at the slide areas would be considered two separate projects.
- **Example 3** – A slide covers 1 mile of road. In order to restore the road for traffic use, the following work activities must be done: (1) removal of debris; (2) replacement of fill material; (3) repair of the shoulders; (4) repaving; and (5) placement of new guardrail. Each of these activities is interrelated in order to put the road back into service. The work is also being done in a logical sequence so it is being performed “simultaneously.” Therefore the sum total of the work would be considered as one project instead of five separate jobs for purposes of estimating the cost of using state forces.

- **Example 4** – Three slides occur on the same highway. Two are located 10 feet apart and the third one is located 5 miles to the north. The only work activities involved to open the roadway in all three locations is to remove the debris and clean the ditches. The issue of what is considered a project for purposes of [RCW 47.28.035](#) only applies where the activity involves either “construction, repair, alteration, or improvement work.” Unlike Examples 1, 2, and 3, the work activities in this example would be considered emergency maintenance work. Therefore state forces can be used to do all of the work regardless of costs and regardless of whether the three work areas are classified as one or more projects.
- **Example 5** – A storm does damage to a bridge structure and two culverts in the same area. Work is done immediately to repair the culverts. However because of lack of funding or other legitimate reasons, a decision is made to delay repair work to the bridge. Since the repair work on the culverts can be accomplished without repairing the bridge, the two activities are not interrelated. Also, the bridge work will occur at a later date so the work is not continuous. Therefore, the repair of the culverts and the subsequent bridge repair work can be treated as two separate projects.
- **Example 6** – Work is done to correct unstable slopes in multiple locations. Each site can be corrected independent of the improvement work at the other sites. Also, the work is not continuous because of the separate locations. Therefore, the improvement work at each location would be considered a separate project.
- **Example 7** – One rest area is damaged. The repairs include removal of debris, replacing sections of the sidewalk, and repaving. The work is continuous because all of the repairs are being made at one location. These activities are also interrelated because the repairs must be done in order to put the rest area in the condition it was prior to the damage. The individual repair activities cannot be considered as separate projects but must be treated as one project for purposes of estimating the cost of using state forces.

Conclusion

The purpose of [RCW 47.28.035](#) is to preclude the department from dividing a proposed project into separate units of work or classes of work in order to avoid the dollar limitation on the use of state forces. Therefore, the statute defines what a project is for that purpose. There will be many situations where the application of the statutory definition does not provide a clear answer as to whether the proposed work can be incorporated into more than one project. If in those situations the work activities are in fact divided into separate projects, the decision can be justified as long as the department can show that the reason for it was not to circumvent the statutory restrictions on state force use.

General

When an emergency/disaster occurs, a method for capturing expenditures is needed for the work both within the region as well as for federal emergency relief (ER) work. The work order is the method used to capture these expenditures. A separate work order is normally set up for each individual disaster site and has a unique identifying number.

The following work order types (prefixes) may be established to record costs associated with the immediate response to an emergency/disaster and/or to record costs for more permanent design or repair:

- **DM (Disaster Maintenance)** – Used to track costs associated with work performed by Maintenance which is generally emergency repairs but may include additional work as required
- **Kx (Third Party Damages)** – Used to track costs associated with work performed by Maintenance when the damage was caused by a third party. The Enterprise Risk Management Office (ERMO) is responsible for facilitating collection of funds from the third party, insurance companies, etc. Refer to Chapter 8 of the [Risk Management Manual](#) M 72-01 for more information.
- **XL (Preliminary Engineering)** – Used to track costs associated with preliminary engineering or design activities that may be associated with a more permanent fix to the damage site. These costs are generally funded in the Highway Construction Program.
- **00 (Construction Contract)** – Used to track costs associated with contractor payments and related WSDOT engineering activities. These costs are generally funded in the Highway Construction Program, but could also remain in the Maintenance Program. Refer to the Funding and Project Decision Protocols Section of this manual for information on required conversations about which program(s) will be responsible for funding the event. Refer to the [Construction Manual](#) M 41-01 for requirements for construction contracts.
- **MS (Miscellaneous)** – Used when Program Management takes over a site from maintenance prior to the permanent repair.

This section focuses primarily on DM work orders.

Disaster maintenance (DM) work orders are initially set up with state funds since early on it is not known whether they will be eligible for federal participation or not. In many cases part or all of the emergency work may be done prior to knowing if the project will receive federal participation. Once the magnitude of the disaster and the funding requirements are known and before Headquarters Accounting and Financial Services (AFS) can bill FHWA for reimbursement, it may be necessary for Headquarters Maintenance to obtain a federal appropriation from the Office of Financial Management (OFM).

As a general rule (except for specific nonparticipating items) emergency work within 180 days of the disaster is eligible for 100 percent federal participation. Permanent, incidental permanent work, and emergency work after 180 days is eligible for federal participation at a federal pro rata share for the route the work is on, in most cases 86.5 percent. Permanent and incidental permanent work within the first 180 days is only eligible for the pro rata share of 86.5 percent.

FHWA cannot extend the 180-day period, cannot shift the start of the 180-day period, and cannot suspend and restart the 180-day period. The 180-day period begins on the date noted in the disaster declaration and ends 180 days later.

When requesting information from Headquarters on the status of a work order authorization (WOA), reference the work order number and the federal aid number if known.

In setting up DM work orders, region management and field personnel will also consider:

1. The need to prepare a detailed damage inspection report (DDIR) for FHWA review/approval that clearly defines scope of work, type of work, location, and estimated costs of the emergency and/or permanent work. **Note:** A signed DDIR (FHWA signature) is required prior to requesting obligation/authorization of federal ER funding.
2. The need to manage the DM setups and to be accountable for the costs incurred under the DM setup.
3. That the region be able to ascertain, through inspection, that the work performed was accomplished in accordance with the scope and/or approved change orders to the DDIR.
4. The estimated cost associated with a work order setup. Because of the complexity of some emergency work it may be necessary to have some work orders for an estimated amount greater than the \$60,000/\$100,000 limit.

DM Work Order Responsibilities

Responsible Office	Action
Region Maintenance Analyst or Designee	<ul style="list-style-type: none"> Assign DM work order number and log required data. Prepare work order authorization, get required signatures, and FAX to Headquarters AFS, PS&R Section, prior to noon of the first working day after the number is assigned.
Headquarters AFS, PS&R Section	<ul style="list-style-type: none"> Set up the work order in TRAINS based on the information from the work order authorization.
Region Maintenance / Financial Services	<ul style="list-style-type: none"> Ensure that charges are made to the appropriate group depending on the eligibility of the charges and the time frame in which they were incurred.
Headquarters AFS, PS&R Section.	<ul style="list-style-type: none"> Upon notification that federal funds have been approved, set up the federal funds on federal eligible groups per the federal agreement. Transfer the eligible expenditures which have accumulated from the state appropriation to the federal appropriation and federal project to facilitate federal reimbursement.
Region Maintenance	<ul style="list-style-type: none"> Upon completion of work: <ul style="list-style-type: none"> Notify region financial services to initiate closure of the DM work order Complete DOT Form 422-100A EF – Inspection of federal aid projects in Maintenance (or coordinate with FHWA for completion if required)
Region Financial Services	<ul style="list-style-type: none"> Complete work order closure form and sent to Headquarters AFS, PS&R Section.
Headquarters AFS, PS&R Section	<ul style="list-style-type: none"> Close work order in TRAINS. Prepare closure of federal project (once all associated work orders/groups are closed and required final inspection reports have been received)

Assignment of DM Work Order Numbers

Approval of the disaster maintenance (DM) work order and assigning the “DM number” has been delegated to the regions. Each region will assign their own DM work order numbers. The first two characters of the work order number will be DM to indicate the type of work order. The third character of the work order will be used to define the region (DMAxxx for the Northwest Region, DMBxxx for the North Central Region, DMCxxx for the Olympic Region, DMDxxx for the Southwest Region, DMExxx for the South Central Region, DMGxxx for the Eastern Region). The next three characters are numeric and will be assigned sequentially by the region. The block of DM numbers will not be further subdivided.

In order to expedite work order setup, minimize confusion, and ensure that regions and Headquarters Maintenance, Program Management, and Accounting and Financial Services each has the information they need, the following rules will be observed.

1. Responsibility for assigning DM numbers will be assigned to an individual.
2. The individual (or designee) responsible for assigning DM numbers will be available to assign numbers whenever they are needed.
3. The individual responsible for assigning DM numbers will prepare the work order authorizations for the DM work orders, acquire required signatures, and fax (or email) them to Headquarters AFS, PS&R Section, prior to noon on the first working day following the assignment of the number.
4. DM numbers will not be reserved for potential work but only set up for actual projects.
5. Each region will maintain a log of DM numbers which carries the data elements that they require plus any other elements which may have been requested by Headquarters Maintenance, Program Management, and Accounting and Financial Services.

Work Order Authorization Form

A work order authorization (WOA) form is required in order to set up a DM work order in TRAINS. The WOA identifies the estimate of costs and the groups required to capture the costs within categories (time period and/or type of work). The WOA is also used for budgeting purposes and in filling out the DDIR which is required prior to obligating federal funds. Thus it is important that the WO is as current as possible and accurately reflects current and future expenditure needs.

A sample work order authorization (WOA) form, [DOT Form 120-021 EF](#), is included in [Appendix 2](#). This form is available in electronic format. For consistency and to speed processing of work orders within Headquarters, all regions will submit work order authorizations on the current version of the form. It is not required that each region use the electronic format, only that the work order have the same information in the same format as the sample provided.

When preparing a WOA request whether it is for a new setup or an adjustment to an existing setup work order, complete and accurate information must be provided. The WOA must clearly identify the group category of the work (contract, state force work, etc.) and the type of work and timeframe (emergency work within 180 days, emergency work after 180 days, incidental permanent work, permanent work, etc.). This separation of charges is key to the department being able to obtain federal reimbursement.

Groups will need to be set up for the following as needed within each group category:

- Emergency work within 180 days
- Emergency work after 180 days
- Incidental permanent work
- Permanent work
- Nonparticipating work

It is essential that the group title be used with each group so that the appropriate expenditures can be moved if federal participation is received.

At the time of the initial DM setup, the AFS, PS&R Section, will set up only the groups which have been requested by the region. Generally, Group Category 01 is set up for state force work and Group Category 04 for emergency work within 180 days.

The groups on DM work orders are not limited to Group Category 04. As long as all other requirements have been met, other group categories may be used. For example, it is permissible to set up groups which are in Group Category 01 (work done agreement) or Group Category 02 (work done agreement). Other groups can be added later (by email) as long as the authorized dollars are not being increased. An example is Group Category 99 which is vendor supplied services and materials. It is possible to use Group Category 99 following Purchase Authority G3 Guidelines. Appendix 17, Road Repair Service, could also be used in some cases.

Review by Region Prior to Submitting WOA

To aid processing within Headquarters to reduce processing time and to minimize the number of errors, the regions must completely and accurately fill in the WOA.

Prior to submitting an increase for a work order authorization to Headquarters, an effort should be made to check TRAINS to ensure that all group categories will have sufficient authorization after the WOA is processed.

If a group is going to be set up on the work order which references a payable agreement, the agreement needs to be completed through the Headquarters review process and ready for set up in TRAINS prior to submittal of the work order authorization to Headquarters Accounting and Financial Services. If the agreement is not completed prior to the WOA being submitted for approval, the group setup will be delayed until the reviewed agreement is received in Headquarters Accounting and Financial Services.

Work order authorizations for the construction phase of a federal aid emergency relief (ER) project containing permanent work must have:

- FHWA signed DDIR showing permanent repairs have been approved.
- Complete environmental documentation
- Certified right of way and the design completed prior to receiving federal approval (this includes state force construction).

When submitting a WOA for construction include along with the request:

- Copy of the estimate
- Design approval date (if applicable).
- Right of way certification and the NEPA dates indicating the environmental classification of the project (NEPA, CE, EA, EIS, etc.).

Failure to have any of these items complete prior to submitting the funding request to FHWA will result in delays of the funding approval and may delay the start of the project. **Note:** The region must have a signed DDIR (FHWA signature) for the permanent work prior to initiating a work order for construction.

Posting Charges to DM Work Orders

The region offices are responsible for ensuring that all charges posted to DM work orders are recorded in the proper groups. For example, if group 01 is set up for state force work within 180 days of the event, then only charges that were incurred during the 180 days can be charged to Group 01. Additional charges for emergency work done after 180 days must be charged to the group for emergency work after 180 days. The key is when the work is done or goods received, not when the bill was paid. (If work was actually done within the 180 days it remains in Group 01 even though the bills may be paid AFTER the 180 day limit.) The 180 days is measured from the declared first day of the emergency which may be prior to the date that the damage occurred.

DM work orders are initially set up using state appropriation authority. If federal funds are approved for the work order, AFS, PS&R Section, will attach the federal project to the work order and transfer the eligible charges at the appropriate federal pro rata from state appropriation to federal appropriation and bill for reimbursement under the federal project. In order for this to occur, the region must have posted charges correctly in the groups on the DM work order since the federal pro rata varies depending on the time period and category of work being done.

It is critical that the region Maintenance Office works with Headquarters Capital Program Development and Management Office (CPDM) to ensure that all DDIRs have been completed and federal aid projects established as soon as possible to ensure that expenditures can be transferred from state appropriation authority to federal funds. If this does not occur prior to the end of the biennium, some federal reimbursement may be lost.

DM Work Order Management

The region is responsible for monitoring that all charges are properly reported in the groups on the DM work order (charges within 180 days, charges after 180 days, etc.). Since federal funds are reimbursable at different percentages depending on the type of work and timeframe from the date of the incident, it is VERY important that the region monitors the work order closely.

At the end of the 180-day time limit, if additional charges will be necessary, the region needs to stop charging to the group(s) set up for work within the 180 days and start charging to the group(s) set up for work after the 180 days. If no groups were set up on the original WOA, the region needs to contact HQ AFS, PS&R to have the additional groups established. When a new group is requested for work after 180-day time limit region should also notify HQ CPDM office so the federal aid agreement can be revised.

The region must also ensure that incidental permanent work, permanent work and nonparticipating work are properly recorded in the appropriate groups.

Work order manager should periodically check the status of the work order and the approved DDIR. If TRAINS shows a work order is overrun or it will soon overrun and work is ongoing, a revised DDIR should be submitted to FHWA for approval and a work order increase should be prepared and submitted to Headquarters. The increase should provide adequate funds to cover the overrun and estimated future expenditures. The estimate should be reasonable and should be based on the best information available at the time. Significant increases/decreases to existing work orders need to be submitted prior to overrunning the work order whenever possible.

When reducing existing work orders prior to closure, consideration must be given to estimating expenditures that will occur prior to the work order actually closing. When the groups are still open, submitting a request to reduce a work order to actual expenditures will almost always result in the work order overrunning or the actual expenditures changing prior to the work order being processed through Headquarters.

Closure of DM Work Order

Once work is complete on the DM work order, the close out process needs to occur in a timely manner. The region Maintenance Office is responsible for taking the following actions:

- Notify the region Financial Services Office to proceed with requesting closure of the work order in TRAINS.
- Complete the [DOT Form 422-100A EF](#), *Inspection of Federal-Aid Projects in Maintenance*, (or coordinate with FHWA for completion if required) and send to AFS, PS&R Section.
- Follow additional requirements identified in the Project Closure Section of this manual as they apply to the specific DM work order.

Headquarters AFS, PS&R Section, will close the work order in TRAINS. Once all work orders and or work order groups on associated work orders are also closed and any required final inspection reports are received, PS&R will process the closure of the federal project with the FHWA.

Examples of Emergency Maintenance Work Orders

Parameters for this type of work activity are flexible to the extent that they are required to meet only one criteria, i.e., the cost of the activity described under the DM work order setup must be at least \$5,000 to meet FHWA eligibility requirements, given the total of all DM work orders statewide meet the federal minimum for the event of \$700,000.

Parameters for a DM work order may be identified by maintenance section, sign route (in its entirety), or specific locations so long as the type of activity being performed is functionally related or continuous in nature. Given these parameters, the following examples can be used by field personnel in reviewing and setting up emergency maintenance DM work orders:

Example 1 – High winds caused extensive damage to trees and signs along an entire maintenance area/sign route. In this case one DM work order may be used for the entire section. A similar example would be damage to signals in several locations where the work would be accomplished by the region-wide signal crew.

Example 2 – Bridge scouring and related erosion occurred at MP 79 Mill Creek Bridge, MP 89 Twin Canyon Bridge, MP 108 Rainey Creek Bridge, MP 116 Silver Creek Bridge, and MP 123 Cora Bridge. In this example there are three options.

1. Bridge scouring and related erosion may be considered one project since the work is similar in nature and repairs will be accomplished by one organization—the regions' bridge crew—and can all be placed on one WO.
2. The second option is for the region to establish an individual WO for each location. This is desirable if there is a need to track the individual bridge repair costs.
3. Or third, separate groups can be set up for each bridge on one WO.

In instances where repair activities on a single sign route are diverse in nature and/or widely separated in terms of miles of roadway field personnel may set up individual work orders (or they could be set up on one WO with a separate group for each type of work) for example:

Example 3 – SR 12, MP 71 to 75: slide clean up, ditch cleaning, culvert cleaning, and traffic control might be one WO.

Example 4 – SR 12, MP 143 to 148: roadway settlements in several locations may be a separate WO for the emergency/incidental permanent work performed by maintenance state forces.

Example 5 – SR 12, MP 154.5: loss of roadway. A DM WO would be set up to cover only the traffic control and emergency incidental/permanent work with any permanent work to be handled either through the emergency bidding authority or as an unprogrammed project under the Preservation Program under a separate WO.

Example 6 – SR 12, MP 143 to 148: has emergency/incidental permanent work. Within that section at MP 145 to 146 there is a section of lost roadway that will require permanent work by contract using the unprogrammed project process. When setting up work orders, one WO is set up for the emergency/incidental work for the whole section while another would be set up to capture the permanent work for that part of the section.

Introduction

Emergency work is all necessary work done during or immediately following a disaster to restore essential traffic, to minimize the extent of the damage, or to protect the remaining facilities.

Emergency relief work (including emergency work, incidental permanent work, and permanent work) at a site is eligible for ER funds if the damage was directly related to an eligible event and the cost of the work exceeds \$5,000/site. Since debris removal costs may be widespread rather than site-specific, FHWA will determine if the costs exceed normal maintenance.

The detailed damage inspection report (DDIR), [DOT Form 300-001 EF, Appendix 3](#), and its approval is used to document the scope and eligibility of the work. Normally the region maintenance analyst is responsible for preparing the DDIR for FHWA review and approval. The DDIR must be prepared (normally by the region) and reviewed for eligibility by FHWA within 90 days after the ER event is approved by the FHWA Administrator. The DDIR divides the work on the project into three categories: emergency, incidental permanent, and permanent work. The following is a further definition of these three categories.

Emergency/Temporary Work

The intent of temporary operations, including emergency work, is to restore essential traffic which cannot wait for a finding of eligibility and programming of a project. Emergency work should be accomplished in a manner which will reduce additional work required for permanent work. The department will need to coordinate with resource agencies for permit requirements.

Emergency/temporary work may be eligible for 100 percent federal aid as long as the work is within the first 180 days of the start date of the eligible ER event as declared in the Governor's Proclamation. Repairs made after 180 days following the occurrence are subject to pro rata funding shares. The 180 days is calculated from the first date of the incident as determined with FHWA. The 180-day ending date will be shown on the FHWA Form 120-006. Any repairs done within 180 days to restore the highway to predisaster conditions are permanent and are funded at pro rata share.

The use of emergency relief (ER) funds for emergency work on roadways will normally be limited to the amount necessary to bring the washed-out fills and slip outs back to grade with a gravel surface. In most cases the emergency work will not construct the roadway to a true line and grade but rather follow the terrain and be constructed in the easiest and fastest manner. Nevertheless, work on the roadway should be adequate so that traffic can travel over it safely at a speed reasonable for the site conditions.

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 riprap 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.

Incidental Permanent Work

FHWA's concurrence in the need for repair does not in itself authorize the agency to proceed with permanent restoration work on damaged roadways. However, there may be situations in which immediate completion of the permanent restoration portion of the work is the most economical and feasible way to quickly restore essential traffic. In these situations the permanent restoration work is considered to be incidental permanent restoration work and can be performed with the emergency work, provided it is properly documented in the DDIR. If such work has been accomplished prior to the site damage review, retroactive approval may be given when circumstances warrant. Always coordinate with your FHWA regional engineer, and ensure you have a signed DDIR before you proceed with this type of work. Also, ensure that HQ has a signed federal aid agreement (FHWA Form 120-006) before proceeding with the work. Incidental permanent work requires FHWA approval and is funded at the normal match rate for the route regardless of when the work is done.

Documentation of this Determination is Essential

Example 1 – An example would be a bridge and approaches being washed out, construction of a detour being both costly and time consuming, and the agency having precast concrete girders readily available that could be used at the site. In such a case, immediate construction of the permanent structure and approaches could be accomplished at the discretion of the department and FHWA would consider the work to be incidental permanent restoration and would be documented and reimbursed at the pro rata share.

Example 2 – The placement of the final surfacing is normally considered to be permanent work. But it may be considered incidental permanent restoration work in some cases. Such paving must have FHWA concurrence, on the DDIR or subsequent to the DDIR, to be eligible for federal participation. FHWA will consider traffic characteristics, remoteness of the site, traffic control requirements, and socioeconomic factors before approval.

Permanent Work

Permanent repairs are those repairs undertaken, normally after emergency work has been completed, to restore the highway to predisaster conditions, and requires prior FHWA authorization. Permanent repairs require a separate FHWA Form 120-006 before starting any phase of permanent work, including preliminary engineering for the permanent repair or going to bid if the work is contracted out. Any permanent work performed prior to approval and authorization of the FHWA Form 120-006 is not eligible for federal reimbursement. (This is in addition to the FHWA Form 120-006 form required for the emergency or incidental permanent work.)

A work order authorization for permanent work needs to be submitted to Headquarters at least three weeks ahead of the planned start date to allow adequate time for processing in Headquarters (Program Management and Accounting and Financial Services) and with FHWA.

Permanent restoration is funded at the normal match rate for the route regardless of when the work is done. Permanent restoration shall be administered using normal federal aid procedures that include written authorization, NEPA clearance, design approval, permits, right of way certification, Plans, Specifications and Estimates (PS&E), advertisement period, etc. The construction phase of all permanent restoration work must begin within two years after the event.

Permanent restoration may involve one or more of the following categories of work:

1. **Restoration-in-Kind** – The ER Program provides for repair and restoration of highway facilities to predisaster conditions. Restoration-in-kind is the expected predominant type of repair to be accomplished with ER funds. Any additional features or changes in character from that of the predisaster facility are considered to be betterments and are generally not eligible for ER funding unless they can be justified because of construction, economy, prevention of future recurring damage, or technical feasibility.
2. **Replacement Facilities** – Where a facility has been damaged to the extent that restoration to its predisaster condition is not technically or economically feasible, a replacement facility is appropriate. Replacement facilities should be constructed to current design standards. ER participation in a replacement roadway will be limited to the costs of current design standards of comparable capacity (i.e., number of lanes), and character (i.e., surfacing type, access control, rural/urban section). Replacement of a bridge will be the cost of a new bridge to current design standards for the type and volume of traffic it will carry during its design life.

ER participation may be prorated at the costs of a comparable facility when the proposed replacement project exceeds the capacity and character of the destroyed facility.

3. **Betterments** – Betterments are defined as any additional feature, upgrading or change in capacity, or character of the facility from its predisaster condition. Betterments are generally not eligible for ER funding unless justified on the basis of economy, suitability and engineering feasibility, and reasonable assurance of preventing future similar damage. Betterments should be obvious and quickly justified without extensive public hearing, environmental, historical, right of way or other encumbrances. The justification must weigh the costs of the betterment against the probability of future recurring eligible damage and repair costs.

Upgrades resulting from construction of replacement facilities to current standards, as defined above, is not considered a betterment requiring further justification. However with respect to roadways, increases in capacity or a change in character of the facility would be considered betterments and are not justified for ER participation.

Betterments which have been approved in the past with proper justification include:

- Installation of riprap.
- Installation of hydraulic enhancements.
- Relocation.
- Increased waterway opening.
- Slope/bank stabilization.
- Slide stabilization.
- Dike construction.
- Raise grade of roadway.

Betterments resulting from environmental or permit requirements beyond the control of the agency are eligible for ER funds if these betterments are normally required when the agency makes repairs of a similar nature in its own work.

Minor relocations and alignment shifts are frequently advisable and are generally eligible for ER participation. However, any design changes made to avoid damage which could be expected to occur infrequently is questionable. Added features of appropriate protection must have proper support, such as slope stabilization, slope protection, and slide prevention measures wherever practicable. Slide stabilization work has been declared ineligible in problem areas where slides recur regularly. The cost of monitoring slide stabilization measures after completion of the initial stabilization is not eligible. ER participation in the initial construction does not create a continuing ER responsibility for future additional work.

Betterments which are eligible for reimbursement will be addressed, agreed to, and documented on the DDIR or approved separately by WSDOT and FHWA in response to a local agency request justifying the proposed betterment.

4. **Replacement-in-Kind** – Where extensive damage has occurred, ER funds may be used for replacement-in-kind as the proper solution but with current standard safety features. Where relocation is necessary, each case is considered carefully to determine what part of the relocation is justified for construction with ER funds.
5. **Wayside Areas** – Wayside areas include rest areas and truck weighing stations. Access and parking facilities at a wayside area can be cleared and protected as part of an ER project. Local agency and WSDOT maintenance facilities are not included.
6. **Replacement of Culverts** – Upgrading culverts to current standards must be specifically related to eligible disaster damage repair. Damaged culverts are eligible for repair in kind. Destroyed culverts are eligible for replacement to current standards. Areawide upgrading of deficient culverts on an area or route basis is not eligible.
7. **Deficient Bridges** – This includes bridges unsafe in structural condition only and does not consider waterway opening, functional obsolescence, or serviceability. A structurally deficient bridge which was not under construction or scheduled for replacement with other federal funds may be eligible. ER funds do not replace other federal funds nor will they fund permanent repairs if the bridge is scheduled for replacement. The following represent two common situations:
 - a. Bridge is damaged and is repairable. ER funds may participate in:
 - (1) Reasonable emergency work to restore travel.
 - (2) Repair of disaster damage to restore a bridge to a structurally safe condition.
 - (3) Repair of disaster damage if other funds are used to simultaneously correct the structural deficiencies (ER funds cannot be used to correct structural deficiencies).
 - b. Bridge is destroyed or repair is not feasible. ER funds may participate in:
 - (1) Reasonable emergency work to restore traffic.
 - (2) New comparable replacement structure to current standards if bridge was not scheduled for replacement.

However, inclusion of bridge replacement work in a city or local agency capital improvement plan is viewed by FHWA as prior scheduled work and, therefore, is not eligible for ER funding.
8. **Bridge Betterments** – Two common bridge betterment situations are:
 - a. Bridge is destroyed. A new comparable replacement structure would be eligible. Betterments are generally not a consideration except:
 - (1) Extensive relocation of a replacement bridge is an ineligible betterment and ER participation will normally be limited to the cost of the structure and a reasonable approach length.

(2) Replacement of a current nonnavigable structure or movable bridge with a high level navigable structure is beyond the intent of a comparable facility and is an ineligible betterment.

- b. Bridge is seriously damaged but repair is feasible. Repair-in-kind is eligible for ER funds.

Added protection features such as riprap, spur dikes, or additional channel work if justified as a betterment would be eligible (i.e., there is reasonable assurance that similar future damage would be prevented and the cost of the betterment does not unreasonably exceed anticipated future ER costs).

However, inclusion of bridge replacement work in a city or local agency capital improvement plan is viewed by FHWA as prior scheduled work and, therefore, is not eligible for ER funding.

9. **Control Features** – Stream channels outside the agency’s right of way are generally not eligible. Work involved in channel changes, hydraulic enhancements, riprap, bank protection, clearance of debris and wreckage from the channels and stream beds, and other associated permanent work is not eligible. However if the agency can establish it has jurisdiction and responsibility for the maintenance and proper operation of this section of the stream, the work may be eligible. Normally, projects associated with channel work (riprap, bank protection, etc.) that require right of way purchases and/or easements outside the right of way are not eligible. The fact the agency responsible for channel maintenance does not have funds to finance the repair and protection work is not an acceptable reason for ER fund assistance. In situations involving requests for participation in erosion control and bank protection outside the agency right of way, the following items must be verified by the agency to obtain eligibility:

- The work is directly related to protection of the highway facility.
- The work is not eligible for funds from another agency.
- No other agency has the responsibility for such work.
- The applicant agrees to accept the future maintenance of all work performed.

When work of this type is proposed, the project documents should include a letter from the local agency covering all four of the above features including acceptance of the responsibility for maintenance. Other supporting data should include copies of correspondence with the Corps of Engineers or other appropriate agency to verify that no other eligibility or responsibility exists.

- Increased bridge width or other geometric improvements and correction of nondisaster related structural or surfacing improvements such as deteriorated pilings or decks are not eligible.

10. **Protective Work** – When permanent and emergency work cost considerably less than proposed protective measures such as riprap, eligibility of protective measures is questionable. For example, if repairs consisting of replacement-in-kind cost only \$5,500 and the estimated cost to provide sufficient protection to prevent damage under similar unusual conditions is \$9,000, participation beyond that necessary for replacement-in-kind would not be economically justified.
11. **“Convenient” Damage** – To eliminate a recurring annual maintenance problem based on the occurrence of a disaster is questionable. For instance, the department proposes to replace a damaged triple box culvert and roadway fill with a bridge. This is a betterment to alleviate an annual maintenance problem which was accelerated by a disaster. ER participation in the construction cost of a bridge is limited to the amount necessary to restore the triple box culvert.
12. **Rock and Mud Slides** – The removal of rock and mud slides is eligible unless determined to be a preexisting condition. Unless justified on their own as a catastrophic failure, such a slide must be associated with the overall natural disaster and must have occurred during the event period as determined by FHWA and/or FEMA.

When an old slide has been activated during a natural disaster, its correction to provide a safe roadway is eligible. Should the agency propose to relocate a road instead of correcting the old slide, the cost of the relocation to predisaster capacity and character may be eligible if justified as a betterment.

Slide stabilization is also a betterment. ER participation must be based on detailed analysis of the slide and reasonable assurance of preventing similar future damage, showing stabilization costs do not unreasonably exceed anticipated ER costs. Such analysis must include road relocation, do nothing alternatives, and consideration of previous testing recommendations for the area.
13. **Plugged Culverts** – Cleaning out plugged culverts is an eligible activity as long as it is considered beyond heavy maintenance and is associated with other eligible damage. Replacement of plugged culverts should be considered eligible only when justified as a betterment or when cleaning is not cost effective.

Additional Examples of Emergency/Incidental Permanent/Permanent Work

Example 1

- a. The fill section of a road failed, leaving a two-lane road impassable. WSDOT Maintenance crew blocked traffic and proceeded to bring in fill material. Once the material was in place, the crew opened the road to traffic on gravel. At this point essential traffic had been restored; therefore, the emergency work was complete. Paving the surface was accomplished a month later due to other reasons. Therefore, the paving and striping is considered permanent work. The emergency work would be eligible for 100 percent ER and the permanent work would be eligible for the standard pro rata share for that highway.

- b. Same example, except the paving is immediately accomplished. Since the crew had most of the equipment already at the site while doing the fill work, it was decided that it would be more cost effective to complete the project while doing the emergency work. Even though it is more cost effective to complete the paving work along with the emergency work, paving in this case is considered permanent restoration and is therefore funded at standard pro rata share by FHWA.

Example 2

- a. A bridge washed out making the highway impassable. A temporary bridge was constructed until the main bridge was replaced. The temporary structure restores essential traffic and is therefore eligible for 100 percent ER funding. The replacement of the bridge would be permanent restoration eligible for the standard pro rata share for that highway.
- b. Same example, except due to the location, no temporary detour can be constructed. Therefore, the bridge replacement becomes incidental permanent replacement which is funded at the standard pro rata share of ER funding regardless if it is required to restore essential traffic.
- c. Same example, a detour is constructed, the old bridge is removed, and a year later a new bridge is constructed and the detour is removed. The detour construction would be emergency work at 100 percent ER funding, since it serves to restore essential traffic and prevent damage to the remaining facility. The removal of the old bridge, construction of the new bridge, and the detour removal would be permanent restoration eligible for reimbursement at the pro rata share.

Example 3

- a. A large slide covered the highway making it impassable. Due to the threat of continued activity, the department made the decision for safety reasons not to allow any work on the slide. The department constructed a detour around the slide. This detour is emergency work required to restore essential traffic and is eligible for 100 percent ER funding. The removal of the slide material is considered permanent restoration and is eligible for the standard pro rata share for that highway.
- b. Same example, except the department has determined that the slide material is too expensive to remove and due to the size of the slide would not be a safe work environment. Therefore the decision was made to make the detour alignment a permanent structure, therefore the standard pro rata share is applicable for ER funding.

Example 4

- a. A section of roadway sinks. Maintenance fills up the hole using emergency repairs and opens the road to traffic. A short time later the roadway sinks again, requiring the same fix. The roadway sinks a third time requiring the same fix. Finally, the roadway stabilizes. Because all of the work described was required to restore essential traffic and preserve the existing roadway, all of the work would be 100 percent federal funding emergency work if completed within the first 180 days.

Betterments Per FHWA Memorandum

The ER Program is intended to assist the states in repairing damaged highway facilities to their predisaster condition. In-kind restoration is the predominate type of repair. On occasion a state may decide to incorporate additional features into the repair work that help protect the highway facility from future disaster damage or to make changes that modify the function or character of a highway facility from what existed prior to the disaster. These added protective features or changes to the function or character of the facility are viewed as betterments for the purposes of the ER Program. Betterments involving added protective features are not eligible for ER funding unless found to be cost effective in terms of reducing probable future recurring repair costs to the ER Program. Betterments that change the function or character of the facility are generally not eligible for ER funding.

Categories of Betterments for Protection from Possible Future Damage

The first category of betterments includes those that help protect highway facilities from possible future damage. Examples are:

- Raising roadway grades.
- Relocating roadways to higher ground or away from slide prone areas.
- Stabilizing slide areas.
- Stabilizing slopes.
- Installing riprap.
- Lengthening or raising bridges to increase waterway openings.
- Deepening channels.
- Increasing the size or number of drainage structures.
- Replacing culverts with bridges.
- Installing seismic retrofits on bridges.
- Adding scour protection at bridges.
- Adding spur dikes.

If a betterment involving an added protective feature is included in an ER repair project, the betterment may be considered eligible for ER funding under [23 CFR 668.109\(b\)\(6\)](#) if it can be economically justified based on an analysis of the cost of the betterment versus projected savings in costs to the ER Program should future disasters occur. This cost/benefit analysis must focus solely on benefits resulting from estimated savings in future recurring repair costs under the ER Program. The analysis cannot include other factors typically included in highway benefit/cost evaluations such as traffic delays costs, added user costs, motorist safety, economic impacts, etc.

It is recognized that in many instances betterments will fail to meet the test of being economically justified for use of ER funding. If ER funding cannot be provided for a betterment, this does not mean that the betterment should necessarily be excluded from the ER repair project. If a betterment provides considerable benefit when other factors are considered, the state is encouraged to use regular apportioned federal aid highway funds, as appropriate, to fund a betterment.

One exception to the above discussion on betterments associated with added protective features involves grade raises associated with basin flooding. FHWA has determined that raising the grades of critical federal aid highways faced with long-term loss of use due to basin flooding is eligible for ER funding (see [23 CFR 668.109\(b\)\(8\)](#)). In these instances, if the FHWA Administrator finds that a basin flooding event is eligible for ER funding, reasonable grade raises require no further economic justification as betterments.

Another exception involves repairs of features that may require permits or approvals from other entities such as bridges. If these other entities are routinely requiring added features as standard industry practice on other projects of similar nature to the ER project, then these added features can be included on the ER project without further justification as a betterment.

Categories of Betterments to Change the Function or Character of the Facility

Examples:

- Adding lanes.
- Upgrading surfaces such as from gravel to paved.
- Improving access control.
- Adding grade separations.
- Changing from rural to urban cross-section.

In general betterments that change the function or character of a facility are not eligible for ER funding. One exception is established under [23 USC 120\(e\)](#) that allows ER funding participation in replacement bridge facilities that can accommodate traffic volumes over the design life of the bridge, thus potentially allowing ER funding for added lanes on bridges.

Examples:

Situations where use of ER funding for repair activities is not considered a betterment are:

- **Replacement of Older Features or Facilities With New Ones** – The mere fact that a damaged highway feature or facility is replaced with something new that may extend the service life of the facility in and of itself is not a betterment.

- **Incorporation of Current Design Standards** – Repaired facilities may be built to current design standards which could result in improved or added features that do not change the function or character of the facility. For example, a repaired length of roadway may have wider lanes or shoulders and additional roadside safety hardware that result from following current design standards. This is not a betterment.
- **Replacement In-Kind on Existing Location Not Practical or Feasible** – On rare occasions when it is neither practical nor feasible to replace a damaged highway facility in-kind on its existing location, an alternative selected through the environmental/public involvement process is eligible for ER funding if of comparable function and character to the destroyed facility. This is not a betterment. (See the following discussion on replacement facilities for more information on this special situation.)
- **Additional Required Features Resulting From the Environmental Process** – ER projects may include additional required features as an outcome of the project being developed in accordance with the NEPA process. These features are eligible for ER funding. This is not a betterment. (See the following discussion on environmental considerations for more information.)

Replacement Facilities

A state may decide to replace a damaged highway facility with a new replacement facility. The extent of ER participation varies depending on the circumstances involved. Various scenarios, with examples, are discussed below.

Scenario 1 – A highway facility has been seriously damaged; however, inspection verifies that it is possible to repair and restore the existing facility. Although the facility is repairable, the state decides it wants to replace the existing facility with a new or alternative facility. In this case ER funding can be applied towards a new or alternative replacement facility; however, ER funding is limited to the ER Program share of the estimated cost to repair the existing facility. Regular apportioned federal aid highway funds may be used to fund project costs above the amount eligible for ER funding.

Example – An elevated structure serving as a portion of a non-interstate route in an urban area does not collapse although seriously damaged by an earthquake. It is determined the structure is repairable at an estimated cost of \$50 million. The state does not want to repair the elevated structure but instead wants to replace it with an alternate facility at-grade or depressed. If the alternate facility provides comparable traffic service and will accommodate the known corridor traffic demands of the predisaster facility, then ER funds may participate in the federal share of the replacement facility up to an amount of \$40 million in ER funds (\$50 million estimated cost of repair multiplied by the 80 percent federal share for non-interstate ER repair work). This is commonly referred to as capping the amount of eligible ER funds.

Scenario 2 – A highway facility has been seriously damaged and inspection confirms that it is not repairable. The state decides it wants to replace the existing facility with an in-kind replacement facility (of comparable function and character to the damaged facility) on the existing location. In this case, ER funding may participate in the total cost of the replacement facility.

Example – A bridge on a non-interstate route crossing a river is heavily damaged and collapses during flooding. It is determined the bridge cannot be repaired but must be replaced. The state decides to replace the bridge at the existing site and the replacement structure costs \$5 million to build. Emergency relief funding may participate in 80 percent of the incurred costs which, in this example, amount to \$4 million.

Scenario 3 – A highway facility has been seriously damaged and inspection confirms that it is not repairable. Although it is feasible to build a replacement facility at the location of the existing facility, the state chooses to replace the existing facility with an in-kind replacement on a new location. In this case ER funding for the replacement facility is limited (capped) to the ER Program share of the estimated cost to replace the facility in-kind at its existing location. Regular apportioned federal aid highway funds may be used to fund project costs above the amount eligible for ER funding.

Example – In the same example used in the second scenario previously, instead of replacing the bridge at the existing site, the state chooses to replace the bridge at a new site a half mile downstream, using this as an opportunity to improve the overall alignment of this section of roadway. Because of stream characteristics at the new downstream bridge site, a longer structure is required. Also, the new site requires a mile of additional approach work. The result is that a bridge at the new site costs an additional \$2 million (to a total of \$7 million) above the estimated cost to replace the bridge at the existing site. For this \$7 million project, ER funding may participate in the federal share of costs up to an amount of \$4 million (\$5 million estimated cost of replacement at the existing site multiplied by the 80 percent federal share for non-interstate ER repair work).

Scenario 4 – A highway facility has been seriously damaged and inspection confirms that it is not repairable. Additionally because of the very unique circumstances involved, it is determined that it is neither practical nor feasible to replace the facility in-kind at its existing location. Consequently, an alternative replacement facility is developed through the NEPA process that is on a new location. Provided this alternative is of comparable function and character to the destroyed facility, it is eligible for ER funding. It is noted this scenario rarely arises under the ER Program. In almost all cases it is practical or feasible to replace a damaged facility in-kind on its existing location and the determination that the facility must be built on a new location is intended to be an extremely stringent test.

Example – Located in a valley area, a rural non-interstate highway is blocked by a massive landslide that also dams up a river in the valley. The landslide forms an earthen dam, backing up the river and forming a lake. Two miles of roadway are submerged under a significant depth of water. A decision is made by authorities that the landslide formed dam will remain in place along with the lake it has created. It is determined it is neither practical nor feasible to replace the highway at the existing location. As a result, the highway must be relocated and the appropriate replacement facility, developed through the environmental/public involvement process, becomes a relocated facility, four miles in length, bypassing the submerged section of roadway. The relocated facility costs \$20 million to build and ER funding may participate in 80 percent (\$16 million) of this total cost.

Purpose and Scope

To provide guidance in the initial contracting procedures of the emergency/temporary work in accordance with the applicable statutory laws and in the administration of the resulting contract. The guidance provided herein primarily focuses on force account, 30-day or less contracts.

Rules

If a contractor is to perform work during a declared emergency, the rules set forth below apply regardless of whether the work is considered a maintenance activity, construction activity, or a combination of both.

1. Regardless of the estimated dollar amount of the contract, the contractor must be pre-qualified. If the estimate to perform the work is \$100,000 or less, [DOT Form 272-063 EF](#) may be used to expedite the qualification process of the contractor.
2. Under statute, the department may contract without bids for emergency/temporary work for a period not to exceed 30 working days. The price of the work may be negotiated but shall not exceed the cost of doing the work by force account. The 30-day time frame cannot be extended. Contract specifications (always required) and contract plans (when necessary) shall be provided to the contractor within 48 hours of execution of the contract. If contract specifications are not provided within this time frame, the emergency work may not be eligible for federal reimbursement.

At the onset of the initial emergency/temporary work, utilization of the emergency work contract is required (see [Appendix 6](#)). The emergency work contract must be prepared and signed prior to any work being performed.

At the end of the 30-day period, if the department finds that reconstruction, repair, or other work is still needed to preserve or restore the highway for public travel, the department may have the remaining work done by obtaining at least three written bids and awarding the contract work to the lowest responsible bidder. [RCW 47.28.170](#) allows this alternative contracting method regardless of the size of the contract.

3. If the emergency contract work will not exceed \$100,000, the department need not require a bid deposit or a performance bond. However if a performance bond is not required, progress payments to the contractor may, at the discretion of the Regional Administrator, be conditioned on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment. If the contract will exceed \$100,000, a performance bond is required.

4. [RCW 60.28.011](#) requires that 5 percent of the moneys earned by the contractor be withheld by the public agency or be covered as a part of the contract bond in the case of contracts involving federal funds. In the case of contracts where the region will be seeking federal reimbursement, you shall rely solely upon the contract bond for protection and payment afforded to those covered under statute and no retainage will be held. Federal reimbursement will not be granted if the contracting agency has withheld 5 percent retainage. This withholding or bond is to be used as a trust fund for the protection and payment of (a) the claims of any person arising under the contract and (b) state taxes which may be due from the contractor. This requirement applies to all public improvements or work other than for professional services. If the department does not properly withhold the money or if the money is refunded to the contractor without the appropriate clearances from claimants, the department will be obligated to pay legitimate claims and/or taxes.
5. Since the work is being contracted out, the department must follow all rules regarding the payment of prevailing wages. In addition if federal reimbursement will be sought for the project, it will be necessary to include the required federal aid contract provisions (contact the region Project Development Office for help with federal aid contract provisions).
6. Regardless of the dollar amount of the work, the department shall prepare a written contract setting forth the terms, conditions, and responsibilities of the contractor, including reference to the applicable [Standard Specifications](#) M 41-10 (see number 2 above and [Appendix 6](#), Emergency Work Contract).

Contracting Procedures

Once the decision is made to enter into a contract with an outside entity:

1. **Contractor Prequalification** (required in all cases)
 - a. Under \$100,000 – Use abbreviated process, [DOT Form 272-063 EF](#), only if the contractor is not prequalified.
 - b. Over \$100,000 – Use a firm already prequalified or call Contract Ad and Award.
 - c. Subletting the work must be done in accordance with [Standard Specifications](#) Section 1-08.1.
2. **Wages**
 - a. No federal dollars involved:

State wage laws apply. Include state prevailing wages in the contract documents.

Statement of Intent and Affidavit of Wages Paid are required.

- b. Federal dollars involved?

[Davis-Bacon Act](#) applies.

Required federal aid provisions are to be included in the contract ([FHWA 1273](#) and amendments to the [FHWA 1273](#)).

Certified payrolls and employee interviews are required.

Statement of Intent and Affidavit of Wages Paid are required.

Include state and federal prevailing wages in the contract documents.

3. **Bond**

- a. No federal dollars involved.

Under \$100,000 – Not required (consider invoice verification).

Over \$100,000? – Performance bond is required.

- b. Federal dollars involved.

Contract bond is required.

4. **Insurance**

The contractor shall obtain and keep in force policies of insurance in accordance with [Standard Specifications](#) Section 1-07.18.

5. **Retainage**

- a. State funds only – retainage is always required – may be covered by a contract bond or moneys earned by the contractor are withheld.

- b. Federal dollars involved – is a part of the contract bond – no moneys are to be withheld.

- c. Taxes and claims must be cleared before release of retainage or contract bond.

- d. WSDOT is obligated to cover the rights under [RCW 60.28](#) if moneys are not retained or covered by the bond.

6. **Written Contract**

A written contract is always required (see [Appendix 6](#)).

7. **Types of Contract**

- a. Negotiated, single contractor, no bids.

(1) Cannot exceed 30 working days.

(2) Work may be negotiated but cannot exceed force account amounts.

Generally emergency work contracts are under a force account basis.

- (3) If getting close to the end of the 30-working days and work will not be completed, start one of the appropriate processes defined in 2 or 3 below. It is recommended to confer with the region Project Development Office if this is necessary:
- b. Solicited bids.
 - (1) A minimum of three required.
 - (2) Needs bid documents—description of work, specifications, quantities, and plan sheets (if needed).
- c. Conventional published call for bids.
 - (1) Plan preparation.
 - (2) Review process.
 - (3) Policy inclusions such as federal training, Disadvantaged Business Enterprises, Apprentice Utilization, etc.

Contract Administration Procedures

1. **Layout** – The responsibility for layout (defining the work on the ground—surveying, staking, etc.) of the work is the state's, unless the contract provisions say otherwise.
2. **Materials** – If standard items are used, they must meet the *Standard Specifications* M 41-10 requirements and they must be sampled and tested as required by the *Construction Manual* M 41-01. Regions may insert special provisions that call out other specs. These should be approved by Headquarters Construction (after-the-fact approvals are possible, but there is a risk). Materials will need to be certified in accordance with the *Construction Manual* Section 9-1.5.
3. **Inspection** – A state employee must be present when paying by force account to verify hours worked, etc, or if paid for by lump sum, must be able to see the work done since the last visit.
4. **Payment** – Estimates are prepared using Contract Administration and Payment System (CAPS). If CAPS is not used, payments may be made by voucher. If the work is being funded under the construction programs, CAPS and Construction Contract Information System (CCIS) must be used. The use of CAPS leads to the assignment of a “00” contract number. CCIS entries are needed and are made by the region.
5. **Subcontracting** – Subcontracting must be done in compliance with *Standard Specifications* Section 1-08.1. Subcontractors can do up to 70 percent of the work. Subcontractors must be approved by the project engineer and must follow all of the same contractual requirements as the prime contractor.

6. **Retainage** – For projects containing no federal funds using CAPS, the retainage is done automatically and all reviews, clearances, and claims are automatically tracked by CAPS. If the work is being paid by voucher, the originating office will need to withhold five percent unless a bond is provided. At the end of the job, the originating office verifies that taxes and claims have been satisfied before releasing the funds or bond. If you are seeking federal reimbursement, you must not withhold retainage. If you are using CAPS, you must notify the Accounting and Financial Service Office, Contract Payments, that you are intending to seek federal participation. CAPS will automatically withhold retainage if you do not inform the Contract Payments unit.
7. **Wages** – On all jobs, the prime and all subcontractors must submit a Statement of Intent to Pay Prevailing Wages, obtained from Labor and Industries, and provide an Affidavit of Wages Paid at completion. On federal funded jobs, the state must collect certified payrolls from the prime and all subcontractors. The state must also conduct field interviews of employees to confirm the amounts shown on the payrolls.
8. **Changes** – Any changes to the work must be in writing and must be approved by the region representative, the region construction engineer, or the Headquarters Construction Office, depending on the nature of the change (see the [Construction Manual](#) Section 1-2.4C for guidance).
9. **Closure** – The region is responsible for determining the final payment amount, preparing final records, and as-built plans.

Project Closure

The closure of a contract is an ongoing effort and although it formally begins with physical completion and continues well beyond project acceptance, it really begins during the construction phase.

Contract close-out includes several areas of effort and will include but is not limited to:

1. Verifying that measurements and calculations used to support payments are correct and accurate.
2. Any disputes need to be resolved by closure.
3. Materials utilized on the project must be documented, physical tests checked, and the materials certified.
4. Documentation produced/provided by the contractor must be received, reviewed, and verified (e.g., certifications of materials quality, certified payrolls, and affidavits of wages paid).
5. Final records must be completed and assembled in the same manner as any other contract.

When a DM or miscellaneous (MS) contract is paid for by voucher through the region, notification of contract completion shall be provided to the following:

The prime contractor:

Department of Revenue
Public Works Contract Section
pwc@dor.wa.gov

Department of Labor and Industries
Contract Release
contractrelease@lni.wa.gov

National Association of Credit Mgmt
Western Washington-Alaska
PO Box 21966
Seattle, WA 98111-3966
joannet@nacmbcs.org

Liendata USA Incorporated
PO Box 1643
Woodinville, WA 98072-1643

Bonding agent for the contract:

Employment Security Department
Compliance Section
publicworks@esd.wa.gov

Daily Journal of Commerce
PO Box 11050
Seattle, WA 98111-9050
legals@djc.com

Once the work is complete and if the project is federally funded, two separate actions must take place.

1. All work orders associated with the federal aid project must be closed.
2. The federal aid project must be closed. This requires the region to prepare the appropriate form and submit it to Headquarters Accounting and Financial Services Office, Project Support Services, with a copy to Headquarters Program Management and FHWA. If the project requires the FHWA to write the final report, then the region is responsible to coordinate with the FHWA to get the report completed.

The closure and the form to be used depends on which program the project is in.

1. **Projects in M2** – Closure of DM projects by Maintenance Administration or by the region when administrating a “DM” contract, [DOT Form 422-100A EF \(Appendix 5\)](#).
2. **Projects in the Highway Construction Program** – Closure of “00” and “MS” projects by Construction Administration, [DOT Form 422-099 EF](#) or [DOT Form 422-101 EF \(Appendix 4\)](#).

For contracts executed by the State Construction Engineer (00xxxx contracts), ninety days after final acceptance of the project, Headquarters Accounting and Financial Services Office will change all construction work orders to state funds and the federal project will be closed.

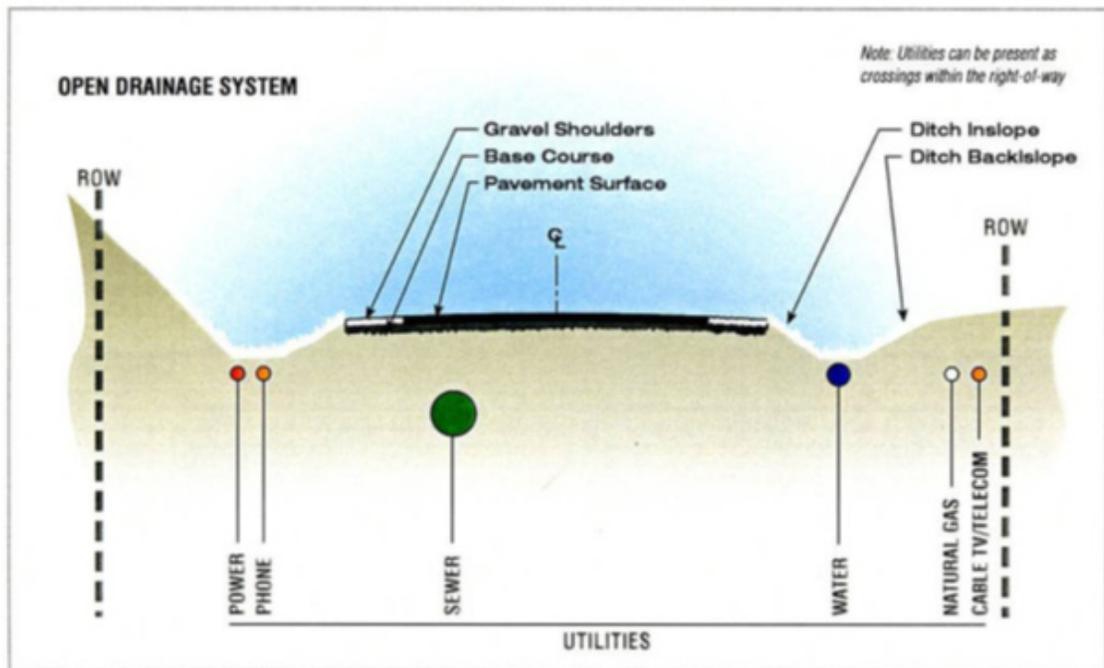
Environmental Considerations

Declaring an Emergency

WSDOT has the authority to declare an emergency under [RCW 47.32.130](#) and [47.28.170](#). For environmental purposes a “Declaration of Emergency” is made when there is an immediate threat of damage to the road structure or threat of safety to the traveling public. WSDOT Environmental staff can rely upon the Declaration of Emergency to ensure itself that the proposed work falls within the various definitions of the term “emergency” as found in the federal and state environmental laws. Regulatory agencies require notification and authorization procedures (see discussion under Responding to an Emergency on the following page).

Road Structure

The following diagram illustrates components of the road structure which include roadway, shoulders, drainage features, sediment containment, retention/detention, utilities, permits/franchises, street lights, and traffic signals.



Responding to an Emergency

1. **Notification** – Each region is required to develop notification procedures for contacting resource agencies prior to or during an emergency response. To obtain a region’s current procedure, contact the region Maintenance Environmental Coordinator (RMEC) below. Region emergency notification procedures should include contact information for the US Army Corps of Engineers, WDFW, NMFS, USFWS, Ecology, Shoreline Administrators, Tribes, and Cultural Resources and specify whether the notification and/or authorization is immediate or follow-up, and the type of information that is required.

Region Maintenance Environmental Coordinator	
Northwest Region	206-440-4523
Olympic Region	360-570-6707
Southwest Region	360-905-2179
South Central Region	509-577-1758
North Central Region	509-667-3054
Eastern Region	509-324-6136

2. **During an Emergency Response** – Emergency response is covered under WSDOT’s ESA 4(d) Program coverage under Maintenance Category 11. This program identifies that emergency response will include the following measures to minimize and avoid impacts during an emergency response:
 - Emergency response and inspection followed by implementing the region emergency response notification procedures above.
 - Where possible, emergency maintenance will use the same best management practices (BMPs) as routine maintenance activities covered under the program to avoid and minimize impacts.
3. **Documenting the Emergency Response** – WSDOT can be protected from future liability by using the following methods of documentation.
 - **Telephone Logs** – Keeping telephone billing statements as documentation provides incalculable proof that notification requirements were made in a timely manner to the proper authority.
 - **Photographs** – Taking photographs documenting site conditions before, during, and after an event provides invaluable information. Digital photographs allow for a quicker response. Written documentation should be provided to explain photographs.
 - **Diaries or Disaster Maintenance (DM) Work Orders** – Record the events and observations as they occur. Record the who, what, where, when, and how of the event. Often a few short sentences in a field notebook are better than a few foggy memories.

Permit Documentation and Federal Nexus

Environmental statutes and rules may require permit documentation following an emergency response. This is managed by the region environmental office. Below is an overview of basic documentation procedures for National Environmental Policy Act (NEPA), State Environmental Policy Act (SEPA) and Endangered Species Act (ESA) compliance. Other permit documentation may be required by WDFW, USACE, Ecology, Tribes, and Local Shoreline and Floodplain Permits.

1. NEPA and SEPA Documentation

Categorical Exclusions (NEPA)

- a. Emergency repairs restoring essential travel, minimizing the extent of damage, or protecting remaining facilities have been classified as categorical exclusions under [23 CFR 771.117\(c\)\(9\)](#). These actions are excluded from the requirement to prepare an Environmental Assessment or Environmental Impact Statement.
- b. Emergency relief projects that involve permanent repair work to restore the existing facility in-kind at the existing location are likely to be viewed as categorical exclusions.

Categorical Exemptions (SEPA)

- a. Maintenance work that stabilizes the situation and construction work that restores the highway system have been classified as categorical exemptions under [WAC 468-12-880](#). They are not subject to SEPA review.
- b. Repair projects that are categorically exempt (for SEPA) may require additional documentation in the NEPA process. This occurs when repair projects receive funding under the Emergency Relief (ER) Program, they must comply with NEPA requirements.

2. **ESA Federal Nexus** – Emergency response maintenance work may trigger a federal nexus that requires consultation requirements under ESA Section 7. National Marine Fisheries Service (NMFS) has issued a letter that clarifies maintenance work covered under WSDOT's regional Road Maintenance Program (RRMP) ESA 4d Program also satisfies ESA compliance requirements for other federal nexuses. Examples of federal nexuses may include the following:

- a. Federal pass through funding (i.e., FHWA emergency relief funding or FEMA funding).
- b. USACE provided assistance (flood fight).
- c. Floodplain Permit required under the FEMA.
- d. Federal Permit Authorizes work (USACE permits).
- e. Work located on federal lands (USFW, National Park Service, Military, or Tribal Lands).

Contact the appropriate WSDOT RMEC for questions regarding whether emergency response actions are covered under WSDOT's RRMP ESA 4d Program.

Betterment – A betterment is defined as any additional feature, upgrading, or change in capacity or character of the facility from its predisaster condition. Costs for a betterment are generally not eligible for ER funding unless justified on the basis of economy, suitability, and engineering feasibility and reasonable assurance of preventing future similar damage. A betterment should be obviously and quickly justifiable without extensive public hearing, environmental, historical, right of way, or other encumbrances. The justification must weigh the costs of the betterment against the probability of future recurring eligible damage and repair costs.

Upgrading resulting from construction of replacement facilities to current standards as defined above, is not considered a betterment relative to the need for further justification. However with respect to roadways, increases in capacity or a change in character of the facility would be considered a betterment but are not justified for ER participation.

Catastrophic Failure – The sudden failure of a major element of the highway system due to an external cause. The failure must not be attributable primarily to gradual and progressive deterioration or lack of proper maintenance. Closing a facility because of danger of imminent collapse is not in itself a catastrophic failure.

Emergency Repairs/Emergency Opening – Repairs, including temporary traffic operations, which are undertaken during or immediately following a disaster to: (1) minimize the extent of damage, (2) protect remaining facilities, or (3) restore essential travel.

External Cause – An outside force or phenomenon separate from the damaged element and not primarily the result of an existing condition.

Force Account – The performance of highway construction work by a state transportation agency, a local agency, a railroad, or a public utility company by use of labor, equipment, materials, and supplies furnished by them and used under their direct control.

Functional Classification – Streets and highways are grouped into classes or systems according to the character of service they are intended to provide. This process is called functional classification. Most travel involves movement through a network of roads, so it is necessary to determine how this travel can be channeled within the network in a logical and efficient manner. Functional classification defines the nature of this channeling process by defining the role that any particular road or street should play in serving the flow of trips through a highway network.

Heavy Maintenance – Work usually done by local agencies to repair damage normally expected from seasonal and/or occasionally-unusual natural conditions or events. It includes work at a site required as a direct result of a disaster which reasonably can be accommodated by a local agency’s road maintenance forces. Snow removal is considered heavy maintenance. Heavy maintenance is not eligible for emergency relief assistance.

Natural Disaster – Sudden and unusual natural occurrences which cause serious damage, such as intense rainfall, floods, windstorms, landslides, tidal waves, or earthquakes.

Permanent Restoration – Repair and restoration of highway facilities to predisaster conditions, including restoration in kind or replacement facilities.

Proclamation – A declaration of emergency by the Governor or President.

Serious Damage – Heavy, major, or unusual damage to a highway which severely impairs the safety or usefulness of the highway or results in road closure. Serious damage must be beyond the scope of heavy maintenance.

Disaster Event Date – A specific date which FHWA approves as the event date of the disaster (i.e., earthquake). This date is generally the same as that declared by FEMA.

Disaster Event Period – The time span or duration between the beginning date and ending date approved by FHWA for certain disasters such as storms. These dates are generally the same as those declared by FEMA.



Declaration of Emergency

For the purpose of documenting the use of alternative bidding procedures under RCW 47.28.170 and estimating the costs of using State Forces for emergency work under RCW 47.28.030.

1. Date of Emergency	2. SR	3. MP Locations/Limits	4. County
5. Preliminary Estimate: <input type="checkbox"/> Up to \$100,000* <input type="checkbox"/> Over \$100,000** <input type="checkbox"/> Over \$700,000 ***			6. Work Order No. (if known)

7. Cause and Description:

8. <input type="checkbox"/> Maintenance Superintendent/Project Engineer* <input type="checkbox"/> Director, Regional Administrator or Designee** <input type="checkbox"/> Review By Secretary of Transportation or Designee***	9. Signature
	10. Date

* Projects for up to \$100,000 or less can be authorized by the Maintenance Superintendent. or Project Engineer
 ** Projects over \$100,000 require authorization by the Regional Administrator.
 *** Projects over \$700,000 requires review by the Secretary of Transportation or designee.

1. Record the beginning date of the project.
2. Record the State Route (SR) number affected.
3. Record the mile post location (both start and end if know).
4. Record the county the damage occurred in.
5. Check the appropriate box based on the preliminary estimate.
6. Record the work order number (DM, MS, etc..) if known.
7. In brief narrative, explain the cause of the event, describe the damage and the need to use emergency procedures.
8. Check the appropriate box for the level of signature authority.
9. Signature of appropriate authority.
10. Date the declaration is signed.
11. Distribution: Original - Retained by Region; Copy - Headquarters Office of Emergency Management and Headquarters Accounting.

DOT Form 540-021 EF
 Revised 1/2007

◆ Supersedes Previous Editions ◆

Appendix 2

Disaster Maintenance Work Order Authorization



**Washington State
Department of Transportation**

Disaster Maintenance Work Order Authorization

Work Order Number DM	Supplement No.	Sub Program M2	Manager	Organization Code
SR(s)	MP From	To	County(s)	
Work Order Title			Control Section(s)	
Work Description			Source of Funds <input type="checkbox"/> State <input type="checkbox"/> FEMA <input type="checkbox"/> ER (FHWA) <input type="checkbox"/> Other	

Group	Group Category					Subtotals
	01 Work Done Contract	02 Work Done Agreement	03 Construction Engineering	04 State Force Work	Other (Specify)	
Previous Authorization Totals						
Emergency Work Within 180 Days						
Emergency Work After 180 Days						
Temporary Incidental Work						
Permanent Work						
Non-Participating Work						
This Request Amount						
New Authorization Totals						
Total Authorization						

Additional Project Information

Notes to Accounting

For Federal Aid Projects Only

FA Number FA % FA Appropriation FHWA Auth. Date

NEPA Approval Date _____ Right of Way Required

Design Approval Date _____ Yes No

Initiated By _____ Date
10/11/2007

Expenditure Authorization By _____ Date

Copy Distribution:

HQ Maintenance HQ Program Management

DOT Form 120-021 EF
11/2011



**Washington State
Department of Transportation**

**Detailed Damage Inspection Report
FHWA Emergency Relief**

Applicant		County(s)	FHWA Disaster No.
Location of Damage (Name of Road or Street)		Milepost	Inspection Date
		From _____	Federal-Aid Route
		To _____	
Description of Damage (Include Bridge Number(s) if Applicable)		Local /State Project No(s).	
		Functional Class	

Cost Estimate (Including Preliminary and Construction Engineering)

Temporary/Emergency Repair <i>(Work required to restore essential travel and protect the remaining facility from immediate threat.)</i>		Temporary / Emergency Repair
Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Emergency Contract Total Temporary Repair \$		
Incidental Permanent Restoration <i>(That portion of the permanent work which has been determined to be more economical to be constructed along with the Temporary/Emergency work.)</i>		Incidental Permanent Restoration
Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Emergency Contract Total Incidental Perm. \$		
Permanent Restoration <i>(This work is eligible for Federal participation at the standard matching ratio. This work must receive additional FHWA authorization before advertisement.) Describe any proposed betterments and their eligibility.</i>		Permanent Restoration
Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Contract Total Perm. Restoration \$		
Environmental Classification ESA, Section 106, and Section 4(f) are required on all ER work. NEPA approval is required on permanent work only.		Total Estimated Cost \$
Recommendation for Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No Local Agency Representative Date		
Recommendation for Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No State Representative Date		
FHWA Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible FHWA Engineer Date		

DOT Form 300-001EF
(Revised 04/2011)

Appendix 4

Interim Inspection of Federal-Aid Project



Interim Inspection of Federal-Aid Project

Washington Division	Date of Inspection	Federal-Aid No.		
WSDOT Contract Number	Project Title			
Inspected By <input type="checkbox"/> Region <input type="checkbox"/> Construction Office	Quality of Work <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	Progress of Work <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	Time Elapsed _____ %	Work Completed _____ %
Inspection Made By		In Company With		
Remarks:				

DOT Form 422-100 EF
Revised 6/03

Appendix 5

Inspection of Federal-Aid Projects in Maintenance Program



**Washington State
Department of Transportation**

Inspection of Federal-Aid Projects in Maintenance Program

Project Number		Program M2	Region	Federal-Aid No. ER-	
County(s)			Project Title		
Type of Inspection <input type="checkbox"/> Interim <input type="checkbox"/> Final	Inspected By <input type="checkbox"/> Region <input type="checkbox"/> Construction Office	Quality of Work <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	Progress of Work <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	From MP	To MP
Date Work Started: _____		Date Work Completed: _____			
Project Cost	Temporary/Incidental Permanent Work	Permanent Work			
State Force Work:	_____	_____			
Contract / Agreement Work:	_____	_____			
Sub Total:	_____	_____			
Ineligible Work:	_____	_____			
Total Cost:	_____	_____			
Description of Work:					
Remarks:					
Inspector's Signature		Inspector's Title		Date of Inspection	In Company With

DOT Form 422-100A EF
5/96

cc: Funds Mgmt. Engr., MS47325; Project Support Supvr., MS 47420; FHWA Olympia, MS 0943



Washington State Department of Transportation

Emergency Work Contract

THIS AGREEMENT, made and entered into this [] day of [], [] between the STATE OF WASHINGTON, acting through the Washington State Department of Transportation, and the Secretary of Transportation under and by virtue of Title 47.28.170 RCW, as amended and

Contractor's name & address: []

Herein called the Contractor.

WITNESSETH:

That in consideration of the terms and conditions contained herein and made a part of this agreement, the parties hereto covenant and agree as follows:

I. The Contractor shall do all work and furnish all tools, materials, and equipment for:

Description of work: []

in accordance with directions of the Engineer and in accordance with the Standard Specifications for Road and Bridge Construction (20___), Amendments to the Standard Specifications and the Special Provisions which are, by this reference, incorporated herein and made a part hereof and, shall perform any changes in the work in accord with the Contract Documents.

II. The State of Washington hereby promises and agrees with the Contractor to employ and does employ the Contractor to do and cause to be done the above-described work and to complete and finish the same in accordance with the provisions of the of the Standard Specifications for Road Bridge and Municipal Construction, in the manner and upon conditions provided for in this contract.

III. The Contractor for himself and for his heirs, executors, administrators, successors, and assigns, does hereby agree to full performance of all covenants required of the Contractor in the Contract, and shall finish and complete all work describe in the contract no later than thirty (30) working days from the executed day and year first written below.

DOT Form 350-008 EF Revised 12/2011

IV. It is further provided that no liability shall attach to the State by reason of entering into this contract, except as provided herein.

V. A contract Bond will be required: Yes No

IN WITNESS WHEREOF, the Contractor has executed this instrument, on the day and year first below written and the Secretary of Transportation has caused this instrument to be executed by and in the name of the said State of Washington and the Washington State Department of Transportation on the day and year first below written.

Executed by the Contractor this day of , .

CONTRACTOR		WASHINGTON STATE DEPARTMENT OF TRANSPORTATION	
Signature	<input type="text"/>	Signature	<input type="text"/>
Printed	<input type="text"/>	Printed	<input type="text"/>
Title	<input type="text"/>	Title	<input type="text"/>
Date	<input type="text"/>	Date	<input type="text"/>

DOT Form 350-008 EF
Revised 12/2011