

# Emergency Relief Manual

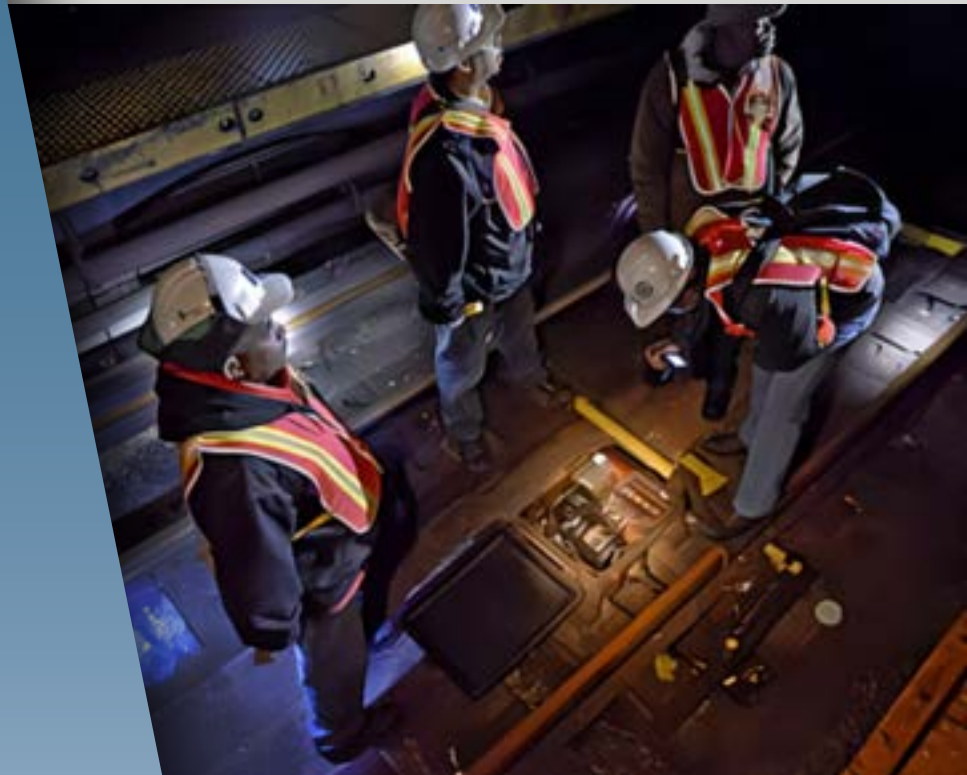
*Reference Manual for States and Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C. 5324) Version 2.0*

PREPARED BY

Federal Transit Administration  
Battelle  
Dewberry  
PMO Partnership JV



U.S. Department of Transportation  
Federal Transit Administration



MARCH  
20  
23

## COVER PHOTO

*Courtesy of New York Metropolitan Transportation Authority*

## DISCLAIMER

*This document is disseminated under the sponsorship of the U.S. Department of Transportation in the interest of information exchange. The United States Government assumes no liability for its contents or use thereof. The United States Government does not endorse products or manufacturers. Trade or manufacturers' names appear herein solely because they are considered essential to the objective of this report. The opinions and/or recommendations expressed herein do not necessarily reflect those of the U.S. Department of Transportation.*

# Emergency Relief Manual

*Reference Manual for States and Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C. 5324) Version 2.0*

**MARCH 2023**

PREPARED BY

Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Battelle  
505 King Avenue  
Columbus, OH 43201

Dewberry  
8201 Arlington Boulevard  
Fairfax, VA 22031

PMO Partnership JV  
188 The Embarcadero, Suite 460  
San Francisco, CA 94105

SPONSORED BY

Federal Transit Administration  
Office of Research, Demonstration and Innovation  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

AVAILABLE ONLINE

<https://www.transit.dot.gov/about/research-innovation>

## Metric Conversion Table

SYMBOL	WHEN YOU KNOW	MULTIPLY BY	TO FIND	SYMBOL
<b>LENGTH</b>				
<b>in</b>	inches	25.4	millimeters	mm
<b>ft</b>	feet	0.305	meters	m
<b>yd</b>	yards	0.914	meters	m
<b>mi</b>	miles	1.61	kilometers	km
<b>VOLUME</b>				
<b>fl oz</b>	fluid ounces	29.57	milliliters	mL
<b>gal</b>	gallons	3.785	liters	L
<b>ft<sup>3</sup></b>	cubic feet	0.028	cubic meters	m <sup>3</sup>
<b>yd<sup>3</sup></b>	cubic yards	0.765	cubic meters	m <sup>3</sup>
NOTE: volumes greater than 1000 L shall be shown in m <sup>3</sup>				
<b>MASS</b>				
<b>oz</b>	ounces	28.35	grams	g
<b>lb</b>	pounds	0.454	kilograms	kg
<b>T</b>	short tons (2000 lb)	0.907	megagrams (or "metric ton")	Mg (or "t")
<b>TEMPERATURE (exact degrees)</b>				
<b>°F</b>	Fahrenheit	5 (F-32)/9 or (F-32)/1.8	Celsius	°C

**REPORT DOCUMENTATION PAGE**Form Approved  
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE March 2023		2. REPORT TYPE Guidance Manual		3. DATES COVERED June-Dec 2014; Oct 2022 – Feb 2023	
4. TITLE AND SUBTITLE Emergency Relief Manual Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C. 5324), Version 2.0				5a. CONTRACT NUMBER: DTFT60-11-D-00002	
				5b. GRANT NUMBER:	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Chandler, Kevin L.; Graves, Bonnie; McGinley, Laurel E.; Pieters, Brian C.; Ryman, Sarah; Schildge, Adam; and Sutherland, Pamela J.				5d. PROGRAM NUMBER	
				5e. TASK NUMBER: T14012	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Federal Transit Administration, 1200 New Jersey Ave, SE, Washington, DC 20590 Battelle, 505 King Ave., Columbus, OH 43201 Dewberry, 8401 Arlington Blvd., Fairfax, VA 22031 PMO Partnership JV, 188 The Embarcadero, Suite 460, San Francisco, CA 94105				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) Office of Program Management Federal Transit Administration 1200 New Jersey Ave, S.E. Washington, DC 20590				10. SPONSOR/MONITOR'S ACRONYM(S) FTA	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT No Restrictions. Available From: National Technical Information Service/NTIS, Springfield, Virginia 22161. Phone 703.605.6000, Fax 703.605.6900, Email [ <a href="mailto:orders@ntis.fedworld.gov">orders@ntis.fedworld.gov</a> ]					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT This manual provides guidance to transit agencies that are planning for, responding to, or recovering from a federally-declared emergency or disaster. It incorporates material from the 2013 update to <i>Response and Recovery for Declared Emergencies and Disasters: A Resource Document for Transit Agencies</i> and includes additional information about FTA's Emergency Relief Program that was authorized by MAP-21. The manual describes steps that transit agencies can take to be better prepared prior to an event as well as actions that can be taken post-event in order to receive FTA assistance. It is intended to assist transit agencies by providing program eligibility information and requirements, while describing the process for applying for Emergency Relief Program funding to facilitate transit agencies receiving reimbursement for response, restoration, repair, and resilience actions taken related to the emergency or disaster.					
15. SUBJECT TERMS Federal Transit Administration, Office of Program Management, emergency response and recovery, disaster response and recovery, resilience					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Unlimited	18. NUMBER OF PAGES 103	19a. NAME OF RESPONSIBLE PERSON Adam Schildge
a. REPORT Unclassified	b. ABSTRACT Unclassified	c. THIS PAGE Unclassified			19b. TELEPHONE NUMBER 202.366.0778

Standard Form 298 (Rev. 8/98)  
Prescribed by ANSI Std. Z39.18

## TABLE OF CONTENTS

vii	Version History
1	Executive Summary
2	Section 1 Introduction
10	Section 2 Disaster Preparation Considerations for Transit Agencies
19	Section 3 Overview of Disaster Response and Recovery Funding and Resources
28	Section 4 FTA ER Program Policies and Requirements
57	Appendix A Emergency Relief Program Final Rule: 49 CFR Part 602— Emergency Relief
69	Appendix B 49 CFR Part 601, Subpart D—Emergency Procedures for Public Transportation Systems
72	Appendix C FTA Regional Office Contact Information
75	Appendix D FEMA Regional Office Contact Information
78	Appendix E State Emergency Contact Information
89	Acronyms and Abbreviations
91	Glossary

## LIST OF FIGURES

22	Figure 3-1 FTA’s ER Program Process
25	Figure 3-2 Overview of Stafford Act Support to States
29	Figure 4-1 Process for Evaluating FTA ER Program Recipient Eligibility

## LIST OF TABLES

47	Table 4-1 Planning Requirements and Section 5324 Emergency Relief Projects
----	--

## Version History

- V1.0 – Released October 2015. Initial release.
- V2.0 – Released March 2023. Removed requirement that permanent repair expenses incurred more than one year after a disaster be included in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). Added insurance related requirements from the Bipartisan Infrastructure Law. Updated contact information for FEMA and State emergency management offices.

## Abstract

This manual provides guidance to transit agencies that are planning for, responding to, or recovering from a federally declared emergency or disaster. It incorporates material from the 2013 update to Response and Recovery for Declared Emergencies and Disasters: A Resource Document for Transit Agencies and includes additional information about FTA's Emergency Relief Program that was authorized by MAP-21. The manual describes steps that transit agencies can take to be better prepared prior to an event as well as actions that can be taken post-event in order to receive FTA assistance. It is intended to assist transit agencies by providing program eligibility information and requirements, while describing the process for applying for Emergency Relief Program funding to facilitate transit agencies receiving reimbursement for response, restoration, repair, and resilience actions taken related to the emergency or disaster.



## Executive Summary

The Federal Transit Administration (FTA) is issuing this reference manual on federal emergency response assistance and disaster relief programs for transit agencies, state departments of transportation, local government officials, metropolitan planning organizations, and other entities responsible for operating, funding, or directing public transportation in the event of an emergency or disaster. The guide will help users identify the appropriate source of federal disaster relief funding, understand the kinds of activities that are eligible for reimbursement, and provides instructions on applying for funding.

Section One explains the purpose of this manual and provides background on the relevant federal statutes guiding the federal emergency response and disaster relief structure. It also provides an overview of how FTA coordinates disaster relief efforts with the Federal Emergency Management Agency (FEMA).

Section Two provides a series of disaster preparation strategies for transit agencies to consider implementing well before a disaster appears imminent. This includes a selection of recommended practices in the areas of planning, operations, contracts, and asset management that will help a transit system better withstand and more quickly recover from a disaster.

Section Three includes an overview of key disaster response and recovery programs and resources, including information on disaster relief programs available from FTA, FEMA, the Federal Highway Administration (FHWA), and some non-federal sources. This section provides basic guidelines and instructions on identifying the appropriate program and applying for funding.

Section Four presents detailed information about FTA's Emergency Relief (ER) Program, including an explanation of key program policies and requirements, such as applicant and project eligibility, special conditions for emergency relief grants, and requirements associated with floodplains and insurance. It also includes instructions on applying for waivers from FTA requirements when necessary to support disaster response and recovery.

Finally, this manual provides resources in several appendices, including the ER Program Final Rule, a glossary, and contact information for FTA, FEMA, and state emergency management offices.

This reference manual has been produced by FTA's Office of Program Management in cooperation with FTA's Office of Transit Safety and Oversight. The contents of the manual have been developed in close coordination with FEMA, with which FTA coordinates extensively in the event of a disaster affecting public transit systems.

# Introduction

## Background, Purpose, and Scope

This manual contains important guidance for transit agencies that have been affected by an emergency or disaster, as well as information on emergency relief resources for agencies preparing for a potential future emergency. This manual will be of particular use for agencies that are seeking or have received funding under the Federal Transit Administration's (FTA's) Emergency Relief (ER) Program.<sup>1</sup> The information in this manual explains and expands upon FTA's final ER Program regulations as published in 49 Code of Federal Regulations (CFR) Part 602.

The FTA ER Program was authorized by Congress in 2012 under the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). Under the ER Program, FTA may make grants for capital projects to protect, repair, or replace damaged assets, and for operating expenses incurred while responding to a declared emergency or major disaster. In general, FTA will reimburse expenses associated with evacuations and other emergency services, as well as the capital and operating cost of responding to and recovering from a disaster that has affected a transit agency's system and operations.

This manual serves two purposes. First, it is a resource document for transit agencies planning for, responding to, or recovering from declared emergencies and disasters, including natural disasters, acts of terrorism, and other catastrophic failures from external causes. Second, this manual provides key guidance on resources available to transit agencies under FTA's ER Program, including information about costs eligible for reimbursement, program requirements, and the application process. In reviewing available resources, this manual also discusses the relationships between FTA's ER Program and some Federal Emergency Management Agency (FEMA) disaster relief programs.

This manual is intended for use by transit agencies, state and local agencies that oversee or fund transit services, and private transit operators that are either affected by a declared emergency or disaster or provide assistance to others affected by a declared emergency or disaster. Although this manual contains information useful to transit agencies in advance of a disaster, it does not provide comprehensive guidance on emergency preparedness or emergency management, nor does it provide information for developing or executing

---

<sup>1</sup> This document incorporates and revises information previously published in FTA's 2013 resource document, *Response and Recovery for Declared Emergencies and Disasters: A Resource for Transit Agencies*, available here: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Response\\_and\\_Recovery\\_for\\_Declared\\_Emergencies\\_and\\_Disasters\\_062813.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Response_and_Recovery_for_Declared_Emergencies_and_Disasters_062813.pdf).

emergency response plans or procedures. FTA provides [separate publications](#) on emergency preparedness and emergency management for transit agencies.<sup>2</sup>

Similarly, although this manual provides guidance for applicants and recipients of FTA ER funds, it does not provide comprehensive guidance on FTA's grant management procedures or cross-cutting program requirements. This information can be found in other FTA publications, including FTA.C.5010.1, *Grant Management Requirements*; FTA.C.9030.1, *Urbanized Area Formula Program: Program Guidance and Application Instructions*; and FTA.C.9040.1, *Formula Grants for Rural Areas: Program Guidance and Application Instructions*.

## Statutory History, References, and Agreements

Federal resources for emergency and disaster relief are authorized by Congress through several pieces of legislation and sections of statute. Of particular importance are the Stafford Act, which establishes FEMA's disaster assistance programs as well as a national framework for emergency response, and Section 5324 of Title 49, U.S. Code (U.S.C.), which authorizes FTA's ER Program. Implementation of the provisions of these laws is also informed through formal agreements among federal agencies as described below.

### The Stafford Act

In 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§5121-5206) (Stafford Act) established the modern framework for the Federal Government to respond to disasters in support of state, tribal, and local governments; defined two levels of adverse events - emergency and major disaster; and provided for the Federal Disaster Relief Fund. This law establishes the process for requesting and obtaining presidential emergency and major disaster declarations, defines the type and scope of assistance available from the Federal Government, and sets the conditions for obtaining that assistance. FEMA, part of the U.S. Department of Homeland Security (DHS), coordinates the response. Additional information on the types of assistance available through FEMA under the Stafford Act is available [online from FEMA](#).<sup>3</sup>

### Memorandum of Understanding (MOU) with DHS

In July 2007, the U.S. Department of Transportation (DOT) and DHS entered into an MOU that recognizes that DHS has primary responsibility for transportation emergency preparedness and response, and that DOT has a supporting role providing technical assistance. Specifically, DHS, through FEMA, has the authority to provide grants for planning mass evacuations and to coordinate all disaster assistance provided by the Federal Government in support of state and

<sup>2</sup> Additional FTA publications can be found at: <http://www.fta.dot.gov/TSO/12537.html>.

<sup>3</sup> FEMA has published A Guide to the Disaster Declaration Process and Federal Disaster Assistance online at <https://www.fema.gov/media-library/assets/documents/6094>.

local government agencies and private organizations, including precautionary evacuations. FEMA's roles now include pre-positioning commodity transportation assets; moving commodities, goods, equipment and emergency response personnel; and planning and coordinating the evacuation of persons, including accounting for the needs of individuals with household pets and service animals before, during, and after an evacuation. The DOT's supporting technical assistance roles include reporting damage to transportation infrastructure, coordinating alternate transportation services, and coordinating the restoration and recovery of the transportation infrastructure. As a component of DOT, FTA is governed by this MOU.

### **Moving Ahead for Progress in the 21st Century (MAP-21)**

In 2012, MAP-21 established the authority for FTA to support public transportation agencies after an emergency or major disaster. The ER Program (49 U.S.C. 5324) helps states and public transportation systems pay for protecting, repairing, and/or replacing equipment and facilities that may suffer or have suffered serious damage as a result of an emergency, including natural disasters such as floods, hurricanes, and tornadoes. Eligible activities include capital projects to protect, repair, reconstruct, or replace public transportation equipment and facilities in danger of or having incurred serious damage as a result of an emergency. Operating costs related to evacuation, rescue operations, and temporary public transportation service, as well as reestablishing, expanding, or relocating public transportation service before, during, or after an emergency are also eligible activities. These eligible activities also extend to tribal lands.

Under MAP-21, transit systems affected by a disaster may also utilize funds apportioned under the Urbanized Area Formula Program (49 U.S.C. 5307) or the Formula Grants for Rural Areas Program (49 U.S.C. 5311) under the terms of the ER Program.

### **Memorandum of Agreement (MOA) with FEMA**

In March 2013, DOT and FEMA signed an MOA that outlines the roles of both agencies in providing federal assistance to repair and restore public transportation systems in areas that the President has declared a major emergency or disaster. Under this MOA, FEMA maintains its primary federal responsibility for emergency preparedness, response, and recovery in major emergencies and disasters. However, in the event Congress appropriates funds for FTA's ER Program, FTA has the primary responsibility for reimbursing emergency response and recovery costs after an emergency or disaster that affects public transit and for helping to mitigate the impacts of future disasters.

## Unified Federal Review (UFR) MOU for Coordinated Environmental and Historic Preservation Reviews in Disaster Recovery Projects

The [Sandy Recovery Improvement Act of 2013](#) amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act by adding Section 429, directing the Administration to “establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.” This process aims to coordinate Environmental and Historic Preservation (EHP) reviews to expedite planning and decision-making for disaster recovery projects. This can improve the Federal Government’s assistance to states, local and tribal governments, communities, families, and individual citizens as they recover from future presidentially declared disasters. Multiple federal agencies involved in disaster recovery, including DOT, FEMA, and others, entered into an MOU in July 2014 to enhance their working relationship by committing to the use of existing and new tools to expedite and unify the process for completing EHP reviews required for disaster recovery projects, while maintaining the technical rigor and public participation associated with those reviews.

## Emergencies, Disasters, and the Federal Response Framework

Under the Stafford Act, the Federal Government is authorized to support national preparedness for disasters, coordinate disaster management and response activities, and assist in recovery efforts in the aftermath of a disaster. Different agencies, programs, and authorities are responsible for this mission. This section describes the key concepts underlying federal assistance, as well as the roles of federal, state, and local entities in responding to and recovering from an emergency or disaster.

### Definition of Declared Emergency and Declared Disaster

Traditionally, the term *disaster* describes a large-scale adverse event that overwhelms the resources of an affected community. The term *emergency* has multiple definitions, and sometimes refers to an adverse event of a less extensive scope, duration, or impact than a disaster. It is important to know that federal programs may use these terms differently, as described below.

The Stafford Act defines a federally declared *emergency* as:

*“any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and*

*safety, or to lessen or avert the threat of a catastrophe in any part of the United States.”*

The Stafford Act defines a federally declared *major disaster* as:

*“any natural catastrophe..., or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”*

Section 5324 of Title 49, Chapter 53 (FTA’s ER Program), defines *emergency* as:

*“a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm or landslide) or a catastrophic failure from any external cause, as a result of which the governor of a state has declared an emergency and the Secretary of Transportation has concurred; or the president has declared a major disaster under the Stafford Act.”*

The federal response to the COVID-19 global pandemic beginning in 2020 established that public health emergencies are eligible for major disaster and emergency declarations.

Importantly, as used in this manual, a federal or state declaration of an emergency or major disaster allows a transit agency to obtain additional resources and reimbursement for their participation in response and recovery. In the case of a state declaration, FTA must concur with the state emergency declaration.

In the context of FTA’s ER Program, this manual may use the terms *emergency* and *disaster* interchangeably to describe a declared event for which FTA may award funding. When referring specifically to an *emergency* or *major disaster* under the terms of the Stafford Act, the specific context will be identified.

## Overall Federal Response Structure

Current federal policy for all-hazards preparedness and disaster management originates from Homeland Security Presidential Directive (HSPD) 5, “Management of Domestic Incidents,”<sup>4</sup> and Presidential Policy Directive/ PPD-8, “National Preparedness.”<sup>5</sup> HSPD 5 sets federal policy for a structured national framework for disaster response at local, state, and federal levels, and directs the Secretary of Homeland Security to develop and administer the system.

<sup>4</sup> The full text of HSPD 5 is available at <http://www.dhs.gov/publication/homeland-security-presidential-directive-5#>.

<sup>5</sup> The full text of PPD-8 is available at [http://www.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm).

PPD-8 sets federal policy for preparing for national disasters and directs DHS to coordinate with other federal agencies to develop and implement all-hazards preparedness in the United States.

Per HSPD 5 and PPD-8, DHS is responsible for establishing a comprehensive, national, all-hazards approach and guidance for preparing for and responding to major emergencies and disasters. Issued in 2008 by DHS, and last revised in October 2019, the [National Response Framework](#) (NRF) provides the framework for federal interaction with state, local, and tribal governments, the private sector, and non-governmental organizations (NGOs) during major emergencies and disasters. As a foundational document, it discusses resources available through the Stafford Act and establishes responsibilities, operational processes, and protocols. The [National Disaster Recovery Framework](#), issued by DHS in 2011, provides similar information on roles, responsibilities, and processes for disaster recovery.

DHS and many state governments organize their resources, as well as those of certain NGOs and private-sector organizations, under 15 emergency support functions (ESFs) annexed to the NRF. These ESFs may be selectively activated for both Stafford Act and non-Stafford Act declared emergencies and disasters.

Generally funded by FEMA and led by DOT, Emergency Support Function #1 – Transportation (ESF 1) is an annex to the NRF that provides the structure for coordinating transportation support for responses to declared disasters and emergencies. The scope of ESF 1 includes movement restrictions, transportation safety, damage and impact assessments, and restoration and recovery of transportation infrastructure. Implemented and accounted for at local, regional, state, and federal planning levels, ESF 1 ensures appropriate execution of transportation support for response and recovery for declared emergencies and disasters at all levels.

Per HSPD 5, also issued by DHS in 2008, the [National Incident Management System](#) (NIMS) provides a consistent, coordinated, modular approach for federal, state, and local governments to work efficiently and effectively together in managing disasters based on the incident command system (ICS). The NIMS also provides information on mutual aid and assistance agreements for local governments, and ICS features the flexibility to assign ESF 1 and other stakeholder resources according to their capabilities and response needs.<sup>6</sup>

The Transportation Security Administration (TSA) and the Federal Bureau of Investigation (FBI) have primary responsibility for countering a domestic terrorist attack. The TSA Administrator has authority under 49 U.S.C. 114(g)<sup>7</sup>

<sup>6</sup> Additional information on ESF 1 is available at [https://www.fema.gov/sites/default/files/2020-07/fema\\_ESF\\_1\\_Transportation.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_ESF_1_Transportation.pdf).

<sup>7</sup> The TSA was authorized under 49 U.S.C. Part 114. Subpart 114(g) delineates the TSA's National Emergency Responsibilities.

to “coordinate” domestic transportation during an emergency and to “carry out such other duties, and exercise other such powers” as the Secretary of Homeland Security may prescribe. Such coordination has traditionally included the movement and routing of trains and traffic on the interstates.

## Disaster Relief Assistance

Both FEMA and FTA are authorized to award disaster relief assistance to public transit agencies that have incurred emergency expenses as a result of a disaster. When and if funding is available for FTA’s ER Program, FTA has the primary responsibility of awarding disaster relief assistance. If funding is not available under FTA’s ER Program, FEMA has the authority to award disaster relief assistance to affected transit agencies.

Additional information on disaster relief assistance is provided in Sections 3 and 4 of this manual.

## Role of State Governments

As primary recipients of FEMA funds under Stafford Act programs, state governments are responsible for ensuring that potential applicants are aware of the assistance programs, assessing applicants’ eligibility for FEMA funds, providing technical advice to eligible applicants, submitting necessary paperwork for grant awards, and notifying applicants that funds are available.

States have significant resources to help local governments if they need assistance. These resources include emergency management and homeland security agencies, state police, health agencies, transportation agencies, incident management teams, specialized teams, and the National Guard.

If a state needs additional resources to respond to an emergency, the state may request assistance from other states through interstate mutual aid and assistance agreements such as the [Emergency Management Assistance Compact](#). If an emergency is beyond local and state capabilities, the governor can seek federal assistance. The state then collaborates with the impacted communities and the Federal Government to provide the help needed.

## Role of Metropolitan Planning Organizations (MPOs)

The role of MPOs in regional emergency response planning varies from region to region and may include conducting vulnerability analyses on regional transportation facilities, analyzing transportation networks for redundancies in moving large numbers of people, and analyzing transportation networks for emergency route planning, including strategic gaps in the network and services. In addition, MPOs help ensure that emergency transportation services are



available to populations in the region with special needs, such as the elderly or people with disabilities; residents of institutionalized settings; children; those from diverse cultures, including individuals who have limited English proficiency or are non-English-speaking; or those who are transportation disadvantaged.

### **Role of Local Governments**

Local governments (e.g., counties, cities, and towns) plan for and respond to emergencies every day using their own resources. They also develop and rely on mutual aid and assistance agreements with neighboring jurisdictions when they need additional resources. When local jurisdictions cannot meet response needs with their own resources or with help from other local jurisdictions, they may ask the state for assistance.

## Section 2

# Disaster Preparation Considerations for Transit Agencies

This section provides information and recommendations for practices that transit agencies may consider implementing in advance of an emergency or disaster to reduce the impacts (including costs and service disruptions) associated with disaster response.

As explained earlier, transit agencies are responsible for ensuring their preparedness in advance of a disaster. In addition, a transit agency is generally the primary responder when a disaster threatens to, or directly affects, its system or operations. The following recommendations are categorized by the common business units to which they might apply, including planning and preparedness, operations, contracting, and capital asset management.

## Planning and Preparedness

### **1. Develop recordkeeping policy and protocols.**

Develop a policy and procedures to document hours of asset use as well as asset losses during declared emergencies. Documentation is essential for recovery funding under the Stafford Act and FTA's ER Program.

### **2. Develop and train staff on emergency management plans.**

A transit agency's emergency management plan should address various types and levels of emergencies and disasters. It should also address coordination with local governments and responders.

Plan elements should include key personnel contact lists; communications protocols; checklists by functional area of actions to be taken; action timelines for before, during, and after an emergency; and emergency and disaster response policies, protocols, and procedures.

Emergency management plans should also include protocols for parking and deploying bus and rail fleets and support vehicles during emergencies. These activities include fueling buses and support vehicles prior to emergency events, moving buses and support vehicles out of flood-prone areas, splitting fleets between two or more locations to minimize loss and maximize availability, and parking vehicles in structurally safe facilities where available.

Transit agencies should train staff and practice their emergency management plans to ensure they will be effective when emergencies arise. Transit agencies should conduct periodic training sufficient to ensure that all employees are familiar with the agencies' emergency management plans and their own and others' responsibilities and duties. Transit agencies should conduct training

drills and exercises at the agency level, and should participate in local and state emergency operations center (EOC) exercises. Internal drills should be sufficient so that all employees can carry out their agency responsibilities. Through participation in local and state EOC exercises, transit agencies can assess whether their employees understand the relationships with community partners and passengers, including special needs passengers. Transit agencies should also participate in the development of after action reports (AARs) based on their involvement and relationship with the local or regional organization responsible for the AAR.

Most states have emergency management plans that establish a framework through which local governments prepare for, respond to, and recover from disasters that affect the residents of their jurisdictions. State plans normally address evacuations, sheltering, post-disaster response and recovery, deployment of resources, communications, and warning systems, and they define the responsibilities of local and state agencies and volunteer organizations. State plans describe the basic strategies, assumptions, and mechanisms through which the states mobilize resources and take actions to guide and support local emergency management. State plans also normally call for annual exercises to determine the ability of state and local governments to respond to emergencies. Transit agencies should participate in these exercises.

Additional information on the development and implementation of a security and emergency preparedness plan is available from the American Public Transportation Association's (APTA's) webpage on [Security and Emergency Management Resources](#).<sup>8</sup>

### **3. Develop policies to address personal belongings, pets, and service animals.**

In an emergency, evacuees commonly want to bring their pets and personal belongings aboard evacuation vehicles. Transit agencies should have policies in place to inform riders about what they may carry with them when evacuating. Agencies that prohibit pets must always allow persons with disabilities to ride with their service animals.

### **4. Clarify staff responsibilities and duties.**

Transit agencies should clarify the responsibilities and duties of employees during emergencies. If the responsibilities and duties are a mandatory part of a job, transit agencies should spell them out in job descriptions. If voluntary, transit agencies should obtain commitments from employees before assigning staff for emergency response and recovery actions. Transit agencies should also encourage employees to make plans with their families so that during

---

<sup>8</sup> Additional details on APTA's recommendations for emergency response planning are available at <http://www.apta.com/resources/standards/Documents/APTA-SS-SRM-RP-001-09.pdf>.

emergencies the employees are free to perform the agency's emergency response duties.

#### **5. Develop fair employee compensation policies.**

Transit agencies should review and, as needed, amend their compensation policies to ensure that they do not penalize employees who respond during declared emergencies and disasters. For example, while policies that do not include overtime pay for extended work hours during emergency evacuations may realize short-term economic savings, they may negatively impact employees' willingness to respond in the future. As appropriate, compensation for employees volunteering during declared emergencies and disasters may be negotiated in advance with employee unions.

#### **6. Add volunteers to bus operations.**

Transit agencies may consider allowing volunteer staff from other organizations to assist bus operations in loading and unloading evacuees and in communicating with pick-up points, shelters, and other locations during evacuations. If transit agencies allow volunteers from other organizations, these volunteers should participate in training, drills, and exercises sufficient to carry out their responsibilities. Transit agencies may also want to provide volunteers with suitable attire, such as vests, to identify them to both transit employees and evacuees.

#### **7. Provide employee support and assistance.**

Transit agencies should evaluate the types of support that may be most useful and practicable, such as emergency shelter for family members, employee assistance programs, and day care.

#### **8. Educate passengers.**

Transit agencies should provide passengers with both general preparedness information and specific directions for how to access transportation services during an emergency or other incident. Transit agencies should provide the information in formats suitable for the populations they serve, including special needs passengers.

Public information messages should be planned and coordinated with other local entities to ensure that people have access, not only to transit stations or locations, but also to emergency relief and essential services during and after an incident.

#### **9. Create backup communication systems.**

Transit agencies should prepare for disruptions in their communications systems by creating redundancies such as hard copies of communications

protocols and contact information and backups of electronic versions of passenger records and manifests for scheduling and dispatching during paratransit operations. Power outages may also limit telephone communications, especially if they are routed through internal systems. Additional information on emergency communication strategies for transit agencies is available from APTA's Recommended Practices program.

### **10. Coordinate and pre-plan evacuation of special populations.**

Working proactively with MPOs, local governments, and their local EOCs, transit agencies should, as needed, develop a plan to assist with evacuations for special needs populations. Special paratransit scheduling software can facilitate evacuation planning for these populations. In addition, by working with community health and human service agencies, transit agencies and/or other government entities responsible for emergency management can identify individuals who need special transportation assistance at various locations and pre-establish pick-up locations for transport of these groups.

Prior to emergencies, transit agencies should work in cooperation with the locally responsible emergency management agency to create agreements and coordinate information sharing with special needs facilities that have pre-planned destinations for their patients to receive specialized care. Transit agencies can also plan in advance the scheduling, dispatching, and rider notification processes needed during an evacuation. Transit agencies should also proactively develop a plan for the evacuation of passengers who require pick-up at individual locations.

In regions that provide fixed-route transit service, portions of the population use Americans with Disabilities Act (ADA) complementary paratransit systems. Transit agencies with ADA paratransit systems should assess their system's capacity to provide emergency evacuation to paratransit users as well as other individuals with disabilities.

As possible, transit agencies and/or other government entities responsible for emergency management should work with local governments and non-government organizations to:

- A. Identify and address linguistic, institutional, cultural, economic, and historical barriers that may prevent special needs populations from participating agency planning processes
- B. Identify areas with special needs populations who may need additional response assistance (i.e., children, older adults and people with disabilities; individuals who are transportation disadvantaged; people in institutionalized settings; people of diverse cultural backgrounds, and people who do not speak English (or who have limited English proficiency))

- C. Partner with and provide emergency transportation plans and information to local social-service, culture- and faith-based, and other nonprofit organizations so that these organizations can educate their transit-dependent constituents on transportation services available during emergencies
- D. Share information with partner agencies and organizations on coordinating vehicles, operators, dispatch, and technologies for passenger evacuation and transport

For more information on communication with special populations, see Transit Cooperative Research Program (TCRP) Report 150, *Communicating with Vulnerable Populations: A Transportation and Emergency Management Toolkit*.<sup>9</sup>

## Operations

### 1. Pre-establish alternate and/or evacuation routes.

For advance-notice emergencies (e.g., hurricanes, floods), transit agencies should, to the extent possible, pre-establish alternate and/or evacuation routes and vehicle assignments to facilitate quick response and expedite implementation of services, and to allow passengers, especially transit-dependent passengers, to be aware of these services.

### 2. Identify pick-up point, shelter, and treatment center points of contact (POCs) and protocols.

The logistics of getting people to and from pick-up points, shelters, and treatment centers during emergencies may be challenging. Incomplete information or lack of a single POC for each point, shelter, or center can lead to inefficiencies. Transit agencies that are responsible for emergency evacuations should work with local first responders, EOCs, or other designated emergency coordination centers to establish POCs for each point, shelter, or center for accessing vehicles, coordinating arriving and departing vehicles, escorting passengers into processing areas, and arranging for return trips.

### 3. Purchase and install batteries and electrical generators.

In anticipation of loss of electrical power, transit agencies should purchase extra batteries for portable radios and other equipment. Transit agencies should also purchase and install vehicular chargers for both radios and cell phones.

Transit agencies should also purchase and install backup generators to allow critical emergency functions to resume as quickly as possible following an emergency. Ideally, the generators should power all transit facility

---

<sup>9</sup> This report is available online at: [http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_rpt\\_150.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_150.pdf).

functions. At a minimum, they should be able to power fueling systems, radio communications, computerized scheduling and dispatching systems, and lights, electrical outlets, and shop equipment to allow transit agencies to maintain service until normal power is restored.

#### **4. Fuel fleet and staff vehicles prior to an emergency when possible.**

To ensure that fleet and support vehicles are fueled prior to an emergency, transit agencies should place fueling on the action checklists in their emergency response plans.

#### **5. Be aware of the requirements for establishing a contingency fleet.**

Transit agencies may place buses in an inactive contingency fleet (stockpile) in preparation for emergencies. However, transit agencies may not stockpile buses acquired with FTA funding before they have reached the end of their minimum normal service life. Transit agencies must store and maintain the buses in their contingency fleet, and must document them in a contingency plan, updated as necessary, to support continuation of the fleet.

#### **6. Consider fare suspension.**

Transit agencies should consider establishing no-fare policies and operational plans that could be implemented as part of emergency evacuations. Fare suspension policies facilitate vehicle boarding, eliminate the money-handling and other security problems related to fare collection, and are user-friendly to first-time users.

#### **7. Coordinate with local human services organizations and schools.**

In conjunction with federal, state, local, and tribal emergency management structures, transit agencies should establish relationships with local human services and health care organizations, schools, and other NGOs, such as The Red Cross and the Salvation Army, that have access to transportation departments or other transportation resources (e.g., vehicles, drivers, fuel, and maintenance facilities) available for emergency response. Availability of accessible, smaller, or specialized vehicles may be especially important.

#### **8. Establish a continuity of operations plan (COOP).**

Transit agencies should consider establishing a continuity of operations plan (COOP) that details how an agency will respond to an incident that may interrupt existing business or service operations. In such cases, various levels of leadership or staff may not be able to carry out their typical functions. A COOP can ensure that an agency has clearly defined backup procedures that will enable an agency to continue to maintain and support its most critical functions. Additional information on COOP planning is available under APTA's recommended practices program.

## Contracting

### **1. Be aware of federal contracting provisions.**

Federal procurement standards established in 2 CFR Part 200.317-326 permit the use of a noncompetitive procurement when the circumstances of an emergency (or public exigency) would not permit a delay resulting from competitive solicitation. Accordingly, based on the circumstances of a disaster, emergency preparation and response activities and temporary repairs conducted immediately preceding, during or after a disaster are not required to conduct a competitive procurement or comply with relevant federal contracting provisions.

Prior approval by FTA is not required for such procurements; however, it is very important to document the emergency or exigent circumstances at the time of the procurement for review at a later date. Once the exigent or emergency circumstances no longer exist, agencies must competitively bid those contracts.

In addition, under the regulations governing the ER Program, FTA may determine that federal contracting requirements generally do not apply for certain emergency response costs incurred within a 45-day period after a declared disaster. FTA recognizes that timing is critical in the aftermath of a disaster and that some work may need to be procured under expedited contracting procedures. However, recipients are advised that while immediate response and recovery costs may be permitted to use an expedited procurement process, this extended 45-day waiver period is not automatically granted.

In the event FTA has not proactively waived certain requirements, recipients are encouraged to seek a waiver through the process outlined in 49 CFR part 601, as described in section 4.2.7 and included in Appendix B.

### **2. Consider just-in-time contracts.**

Transit agencies should consider just-in-time contracts as a way to aid continuation of service during emergencies. Agencies should also consider including federally required contract provisions in these contracts in case they decide to submit these costs for subsequent federal reimbursement either after the emergency waiver period or in case a waiver is not granted.

### **3. Develop MOAs or mutual aid agreements.**

Transit agencies should develop MOAs or mutual aid agreements with other relevant organizations and agencies in the same or adjoining communities or areas. These agreements should formalize and authorize assistance during emergencies, including addressing financial reimbursements to service providers.



## Capital Projects and Asset Management

### **1. Incorporate asset resilience in transit asset management planning.**

Transit agencies should consider current and future climate and weather-related hazards as part of their transit asset management processes and procedures. The projected impacts of climate change associated with greenhouse gases may include the increased frequency and severity of hazards such as heavy rainfalls, coastal and riverine flooding, heat waves, extreme cold, and wind events. These weather events and disasters may directly impact assets located in vulnerable areas and may affect how an agency identifies and prioritizes necessary hazard mitigations, asset replacement schedules, or the expected useful service duration of capital assets.

### **2. Consider climate-related hazards in capital project engineering and design.**

When designing major capital projects, transit agencies should consider potential hazards that may affect an asset over the course of its anticipated useful lifetime, and develop and evaluate potential mitigations that would reduce possible damage to the newly constructed asset. Mitigations included in the initial design of new capital projects are typically much more cost effective than those designed and built after a project is completed.

### **3. Develop and prioritize projects to harden assets to potential disasters.**

As part of transit asset management planning, transit agencies should develop a list of potential hazard mitigation projects to physically protect existing assets from current and future vulnerabilities. These projects should be evaluated and prioritized using a hazard mitigation benefit cost analysis<sup>10</sup> to achieve the greatest possible reduction in potential damages and service interruptions based on the amount of capital funding that may become available. FTA is aware that hazard mitigation projects must compete for funding with other needed investments and recommends that transit agencies carefully evaluate the benefits and costs of such projects to properly understand the potential value of such projects when deciding which projects to fund. At a minimum, agencies should consider the criticality of vulnerable assets to the overall transit system, the vulnerability of such assets to various threats, and the costs associated with protecting or replacing the asset.

Transit agencies should ensure that new transit facilities are designed to withstand natural disasters and other emergencies, and to provide shelter for agency personnel. Transit agencies should proactively assess existing facilities

---

<sup>10</sup>For example, FTA developed a Hazard Mitigation Cost Effectiveness Tool for use by applicants for competitive resilience funding in response to Hurricane Sandy. Background information on this tool can be found at <https://www.transit.dot.gov/funding/grant-programs/emergency-relief-program/hazard-mitigation-cost-effectiveness-hmce-tool>. Additional resources on this topic are available from FEMA at <https://www.fema.gov/benefit-cost-analysis>.

to determine potential retrofits and administrative actions, and implement these as practicable. The cost for physically protecting transit facilities, also known as hardening, is an eligible expense in FTA grant applications. From time to time, FTA may make funding available under the ER Program for projects that improve the resilience of transit systems, including hardening projects. Hardening projects may also be eligible for funding under FEMA's Hazard Mitigation Grant Program.

## Section 3

# Overview of Disaster Response and Recovery Funding and Resources

This section provides an overview of disaster response and recovery assistance available through FTA, FEMA, and other sources. This assistance includes reimbursement for emergency-related expenses, support for emergency transit service, and technical support in responding to a disaster.

Regardless of the source of emergency assistance, it is very important that a transit agency affected by a disaster keep clear and complete records of all resources spent and actions taken during disaster response. Without adequate recordkeeping from the very start, a transit agency may be unable to verify its eligible emergency-related expenditures. At a minimum, transit agencies should maintain the following records:

1. Mutual aid agreements
2. Service or resource requests and funds/resources expended in providing requested services (Transit agencies should register service and resource requests with state and local EOCs)
3. Physical assets, personnel, and supplies used in the emergency
4. Damage assessments for vehicles, facilities, and equipment, and estimates or costs of repair or replacement
5. Contracts and procurement documentation

The remainder of this section explains the multiple federal programs that are available for disaster relief and how they interrelate.

## Federal Transit Administration

Although the Stafford Act is the most familiar mechanism by which the Federal Government provides support to state and local governments, it is not the only one. Often, federal assistance does not require coordination by DHS and can be provided without a presidential major disaster or emergency declaration. In these instances, federal departments and agencies provide assistance to states, as well as directly to local jurisdictions, consistent with their own authorities. This support is typically coordinated by the federal agency with primary jurisdiction rather than DHS.

In general, FTA has broad flexibility under its planning and capital funding programs for states, metropolitan planning authorities, and transit agencies to spend FTA funds for emergency preparedness and response planning and for capital security projects. FTA can also hire private sector contractors to provide assistance to transit agencies in disaster areas to support transit planning, operations and engineering, and project management.

Although federal transportation law at 49 U.S.C. 5334(b)(1)<sup>11</sup> prohibits FTA from regulating transit operations, FTA may regulate the operation of federally funded transit systems (public transportation grantees) for national defense purposes or in the event of a national or regional emergency.

### Emergency Program Authority

As established by MAP-21 and codified at 49 U.S.C. 5324, FTA has authority to develop and implement an ER Program to provide financial assistance to public transportation systems, including FTA grantees (grant recipients) and sub-grantees (subrecipients), in restoring public transportation services and in repairing and reconstructing public transit assets to a state of good repair following declared emergencies or disasters. In conjunction with repair and reconstruction, FTA may award funding for projects that increase the resilience of transit systems to future emergencies and disasters.

Before FTA can award disaster assistance under the ER Program, Congress must first appropriate funding for the program. For example, Congress may appropriate funding as a general appropriation to the program or as a supplemental appropriation tied to a specific disaster. Should funding be available under the ER Program, FTA will be the primary federal agency responsible for reimbursing affected transit agencies. If sufficient funding is not available under the ER Program, FEMA may provide disaster relief to affected transit agencies.

FTA funding may equal up to 80 percent of project costs for capital and operating projects. The FTA Administrator has the authority to waive some or all of the non-federal share, and FTA may also defer the local share. FTA's final rule, at 49 CFR Part 602, Emergency Relief, is reproduced in full in Appendix A. The final rule includes grant eligibility requirements and application procedures and explains Pre-Award Authorities and the types of activities that are eligible for relief funding.

Transit operators impacted by a disaster or emergency should contact their FTA Regional Office to determine whether ER funds are available and for information on how to proceed with requesting federal disaster relief assistance. If FTA ER funds are available, grantees will work with FTA, not FEMA, for reimbursement of emergency-related expenses. This process is outlined in Figure 3-1. Grantees are advised that FTA and FEMA will ensure that emergency assistance is not duplicated under either program.

---

<sup>11</sup> Section 5334 of Title 49 establishes general administrative provisions for the federal transit program.

If FTA ER funds are unavailable, grantees may pursue funding from FEMA and may also utilize formula funds apportioned for the Section 5307 or Section 5311 programs for costs eligible under the ER Program.<sup>12</sup>

If a grantee draws down formula funds to reimburse emergency expenses, these formula funds will not be replaced or restored with ER funds if funding is subsequently made available under the ER Program. However, FTA may allow a grantee to use any unexpended formula funds awarded for emergency expenses for other purposes under the applicable formula program. FTA recommends that grantees follow both FTA and FEMA procedures until it is clear whether funding will be available for FTA's ER program.

FTA also has an ER docket to allow waivers from administrative requirements during declared emergencies and disasters. Appendix B describes procedures for FTA grantees and sub-grantees in petitioning the FTA Administrator for temporary relief from the provisions of Chapter 53 of Title 49, U.S.C., as well as any FTA policy statement, circular, guidance document, or rule, as provided in 49 CFR Part 601, Subpart D.

### **Funds for Emergency Transportation Services under FTA's ER Program**

Under FTA's ER Program, grantees may be reimbursed for emergency transportation services. This includes any temporary service that is outside the scope of an affected transit system's normal operations, including, but not limited to, evacuations; rescue operations; bus, rail or ferry service to replace inoperable rail service or to detour around damaged areas; additional service to accommodate an influx of passengers or evacuees; returning evacuees to their homes after the disaster or emergency; and the net project costs related to reestablishing, expanding, or relocating public transportation service before, during, or after an emergency or major disaster.

---

<sup>12</sup> Formula funds may be used for costs eligible under the ER Program, but continue to be subject to the program and grant requirements of the program under which they were apportioned, unless otherwise determined by FTA.

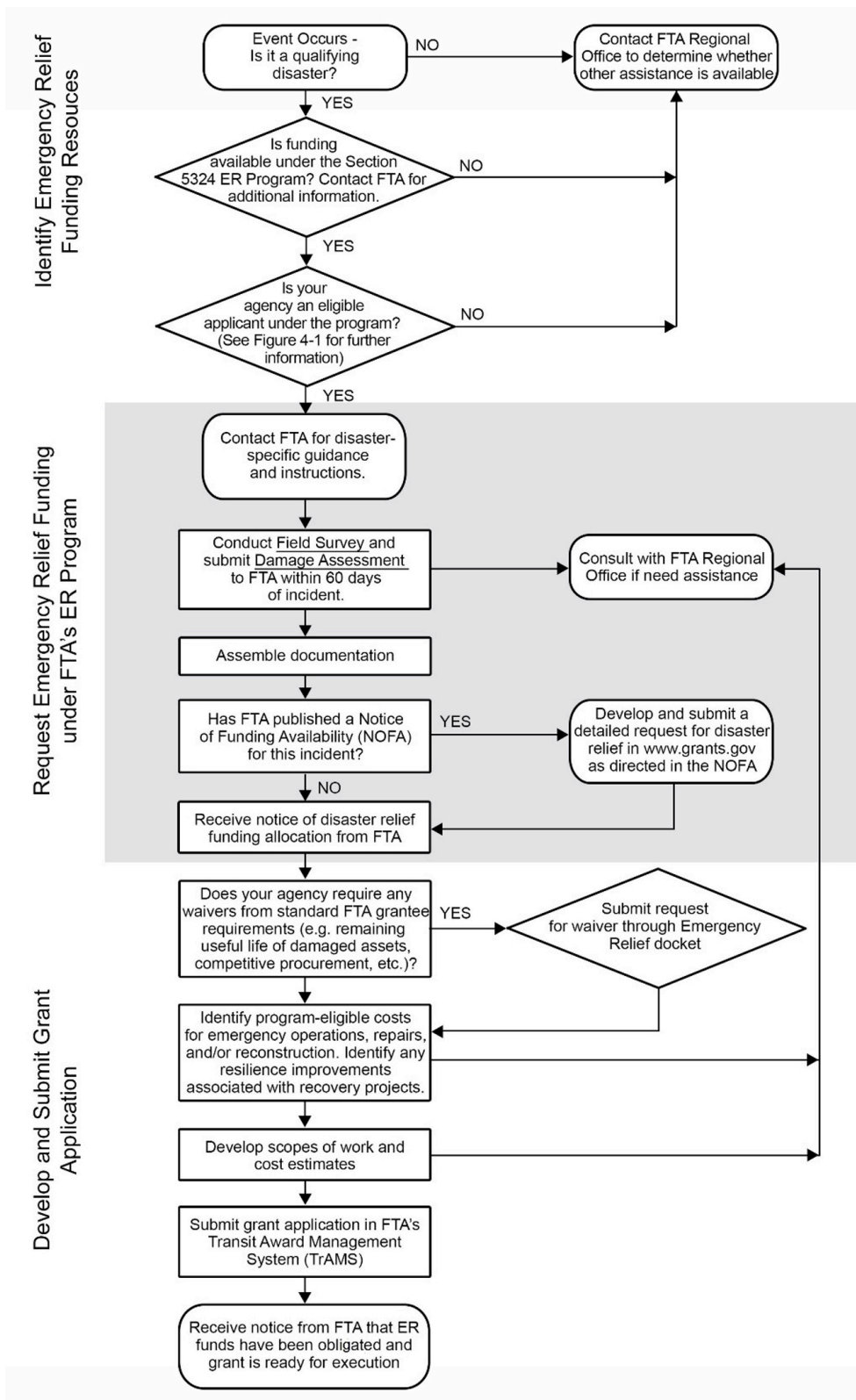


Figure 3-1 Flow Chart of FTA's ER Program Process

## Funds for Capital Equipment and Facility Replacement under FTA's ER Program

For transit agencies whose vehicles, capital equipment, or facilities are damaged during a declared emergency or disaster, FTA's ER Program will fund capital projects undertaken for the purpose of repairing, replacing or reconstructing seriously damaged public transportation system elements, including rolling stock, equipment, and facilities and infrastructure as necessary to restore the elements to a state of good repair.

## Federal Highway Administration

Section 125 of Title 23, U.S.C., authorizes the FHWA ER Program to provide funds for the repair or reconstruction of federal aid highways and roads on federal lands that have suffered serious damage as the result of natural disasters or catastrophic failures from external causes.

### Overview of FHWA ER Program

Historically, Congress appropriates approximately \$100 million annually to the FHWA ER Program, and occasionally provides additional funds through supplemental appropriations. Typically, an incident must cause at least \$700,000 in eligible damages for the incident to qualify for FHWA ER Program funding; damages less than that are generally considered to be heavy maintenance or routine repairs, which are ineligible for the program. By policy, a minimum of \$5,000 per repair site is used to determine if sites are eligible for funding. By statute, the FHWA ER Program funding is limited to the cost of repair or reconstruction of a comparable facility. However, design and construction repairs should consider the long-term resilience of the facility using a risk-based analysis to ensure the repairs are cost-effective and reduce the potential for future losses.

The FHWA ER Program funds two categories of work: emergency repairs and permanent repairs. Emergency repairs resulting from emergency events with an event start date before October 1, 2021, that restore essential travel, minimize the extent of damage, or protect remaining facilities and are accomplished in the first 180 days after the incident occurs are reimbursed at 100 percent federal share. For emergency events with an event start date on or after October 1, 2021, such repairs may be reimbursed at 100 percent federal share when accomplished in the first 270 days after the incident occurs. The 180- and 270-day limits may be extended if a state cannot access a site to evaluate damages and the cost of repairs. Permanent repairs to interstates are reimbursed at a 90-percent federal share; permanent repairs to all other federal-aid roads are reimbursed at an 80-percent federal share. State departments of transportation must submit a notice of intent to request ER Program funds to the FHWA division

office located in their state to begin the application process. States must submit an application for FHWA ER Program funding within two calendar years of the date of the disaster. The application should include a comprehensive list of all project sites and repair costs.

## Funds for Transit Services

In some cases, transit services may be eligible for reimbursement under the FHWA ER Program. For example, if a road or bridge has been damaged or destroyed by a disaster, and a temporary structure or alternate route is not practical as a temporary connection, additional detoured or temporary ferry or other transit services may be eligible for reimbursement under FHWA's ER Program.

Eligible costs under such a scenario could include the cost of the ferryboat or transit vehicle (less salvage value), reasonable rental fee for the ferryboat or transit vehicle, maintenance and operation of the temporary ferry or transit service, and docking and loading facilities.

When multiple federal disaster funding programs are in effect, FTA coordinates closely with FHWA and FEMA to ensure eligibility of activities and to avoid duplication of resources. Transit systems are advised to contact their FTA Regional Office to determine whether funding may be available under the FTA ER Program before seeking funding through the FHWA ER Program. If FTA funding is not anticipated, FTA may be available to assist transit systems in seeking funding under the FHWA ER Program.

For additional information, please consult FHWA's *Emergency Relief Manual*, which provides guidance for transit agencies on applying for emergency relief funds from FHWA (<http://www.fhwa.dot.gov/reports/erm/er.pdf>).

## Federal Emergency Management Agency

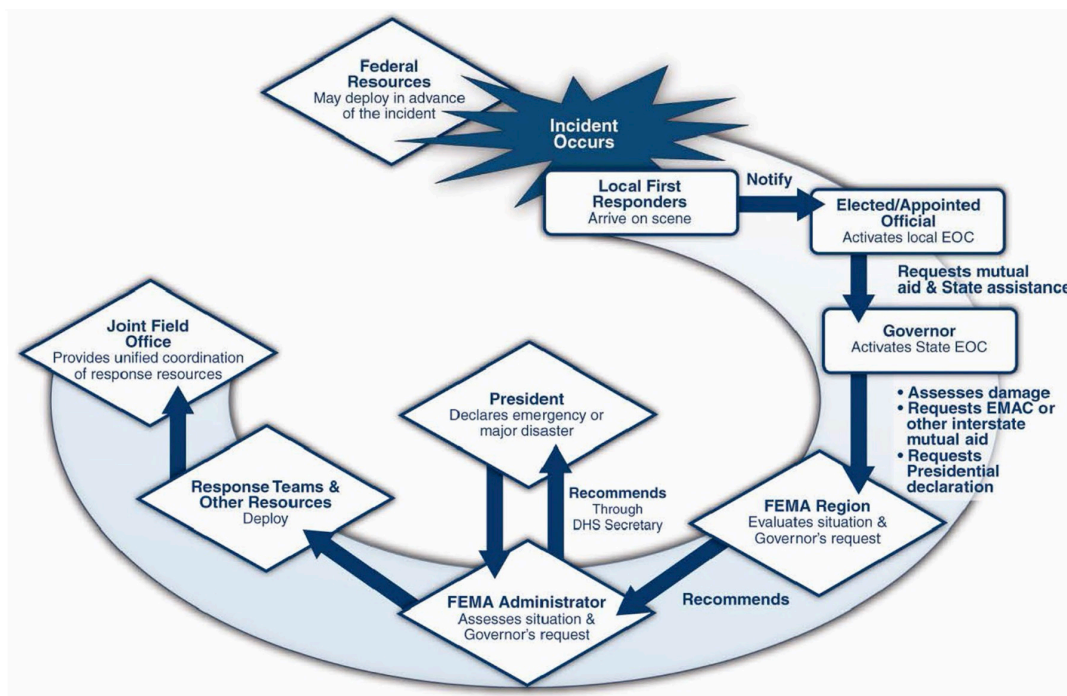
FEMA is authorized under the Stafford Act to make funding for emergency- and disaster-related activities available through three major grant programs: Individual Assistance; Public Assistance (PA); and Hazard Mitigation Assistance. FEMA is responsible for educating states, the primary recipients of grant funding under the programs, about the programs and the procedures for applying for funds.

Under the Stafford Act, FEMA coordinates federal assistance to supplement state and local government response to declared emergencies and disasters. The NRF outlines the progress of events leading to a response by local, state, and federal resources, as shown in Figure 3-2.

Under the Stafford Act, states can request assistance from FEMA to provide emergency transit services to assist a community or regional area to recover



from the effects of a disaster. In addition, if FTA does not have funds available, FEMA assistance is available to transit agencies to help replace or repair vehicles, equipment, and facilities that are damaged or destroyed during a disaster.



**Figure 3-2** Overview of Stafford Act Support to States

Source: <http://www.fema.gov/pdf/emergency/nrf/nrf-stafford.pdf>

## Funds for Emergency Transportation Services under the Stafford Act

FEMA assistance is available for reimbursement of costs associated with evacuations and other emergency transportation needs. In addition, through contract or mission assignment, FEMA can directly provide temporary public transportation services to meet emergency needs and provide transportation to government offices, employment centers, and other places, as necessary, to enable the community to resume its normal pattern of life as soon as possible. However, emergency public transportation service is intended to supplement, not replace, pre-disaster transportation facilities that remain operable after a major disaster. FEMA funding for such transportation is discontinued as soon as the emergency needs are met. Stafford Act assistance is generally provided at a 75 percent federal share.

## Funds for Capital Equipment and Facility Replacement under the Stafford Act

For transit agencies whose vehicles, capital equipment, or facilities are damaged during a declared emergency or disaster, the PA program under the Stafford Act makes provisions for federal reimbursement for permanent work, including repairs, restoration, or replacement of the damaged assets. Stafford Act assistance is generally provided at a 75-percent federal share.

## State, Regional, and Local Resources

During presidentially declared emergencies and disasters, funds available through Stafford Act programs flow from FEMA to affected states, then grantees. The states identify potentially eligible projects, identify the local cost share (up to 25 percent), notify sub-grantees that funds are available, and disburse the funds.

Transit agencies may receive FEMA funds directly from states or through lower-tier organizations or agencies, such as regional emergency management coordinating organizations, depending upon state and jurisdictional agreements.

Transit agencies that receive funds under Stafford Act programs are accountable to states for use of the funds. They must provide documentation and personnel to work with FEMA and the state in assessing damages, completing application processes, and identifying all damages to the state and FEMA for reimbursement.

## Non-governmental and Nonprofit Organizations

### APTA

APTA coordinates information about the availability of buses during declared emergencies and disasters. Through this coordination, available transit buses from cooperating transit agencies can be available nationwide to supplement emergency transit services.

FTA partnered with APTA to develop the [Emergency Response and Preparedness Program \(ERPP\)](#), an online “mutual aid” tool to assist transit systems and industry entities in accessing resources to prepare for or respond to an emergency or disaster.

### **Community Transportation Association of America (CTAA)**

CTAA staff and members of its peer network may provide hands-on assistance in reestablishing disrupted transit service and providing consultants to transit agencies on a short-term basis.

### **American Bus Association**

The American Bus Association provides coordination and assistance for intercity evacuations, as transit buses may be limited by fuel availability and range.

## Section 4

# FTA ER Program Policies and Requirements

This section provides detailed guidance for transit agencies seeking or receiving funding under FTA's ER Program.

## Program Overview

The ER Program was established to allow FTA to make grants to public transportation systems for costs associated with preparing for, responding to, or recovering from declared emergencies or disasters.

The policies and requirements that apply to recipients of ER funds are in some ways different than those that apply under other FTA grant programs. In some cases, when permitted under both law and program regulations, FTA may waive certain requirements or, if necessary, establish additional requirements for recipients of ER funding. Additional requirements may include increased milestone or financial reporting, reporting of insurance proceeds, enhanced project oversight, or other conditions that FTA determines are necessary. Any variation from the standard requirements listed in this manual will be published at the time funding is allocated in response to a declared emergency or disaster, and may be incorporated as part of the special conditions for a grant made under the ER Program. Any special requirements will be published as early as possible to ensure that affected recipients are able to retain eligibility for costs incurred because of a disaster. This section of the manual provides standard guidance that applies to the ER Program as a whole.

The guidance provided in this section applies to funding allocated through the FTA ER Program, as well as for funds apportioned under 49 U.S.C. 5307 and 49 U.S.C. 5311 and awarded for ER under 49 U.S.C. 5324(d).

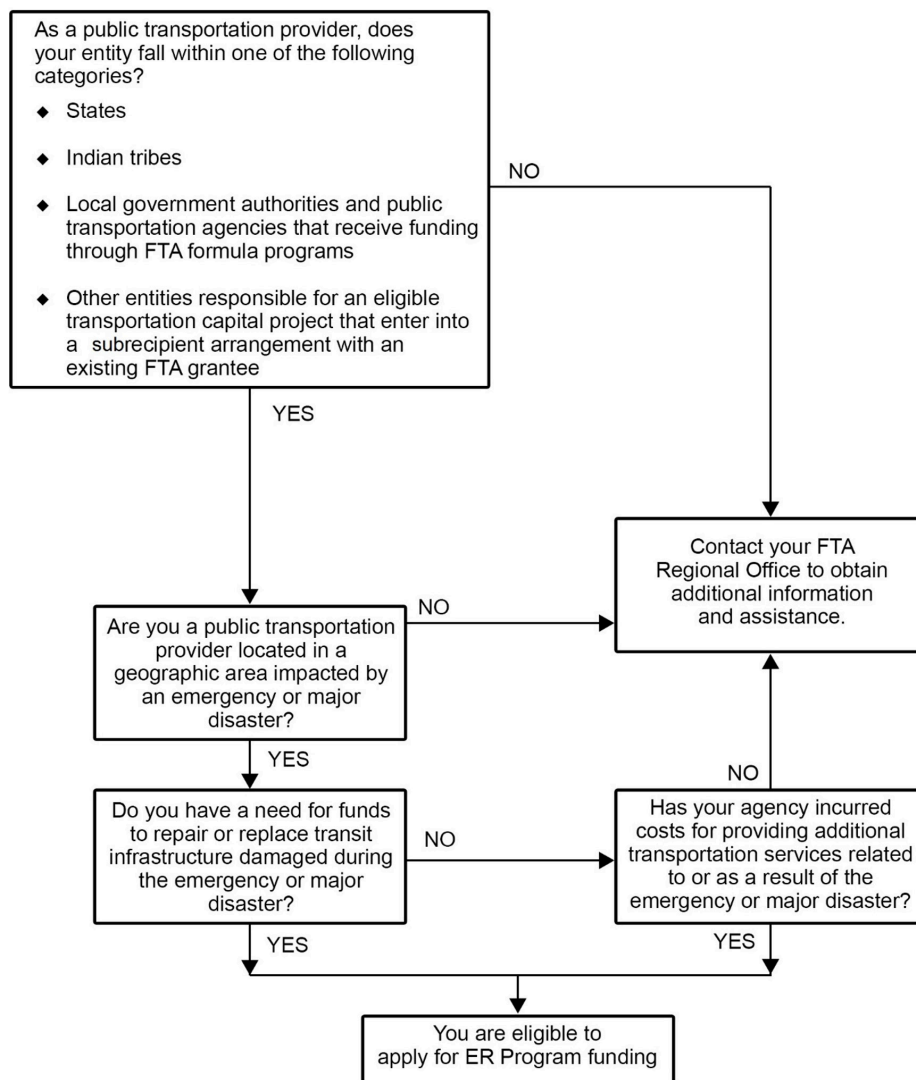
## Eligible Recipients

Eligible recipients of FTA ER funding are entities that receive federal transit funding directly from FTA, whether as a state, a designated recipient of 5307 program funding, or as a direct recipient of program funds. Eligible recipients are typically states, local government authorities, and public transit systems. Eligible recipients may apply for FTA ER program funds on behalf of themselves and any subrecipients.

Eligible subrecipients are entities that provide public transportation service, but do not receive funding directly from FTA. Eligible subrecipients may receive FTA ER funds as a subrecipient of an eligible recipient. Potential subrecipients should contact the appropriate FTA Regional Office for assistance

in determining whether a direct FTA recipient in their geographic area may be willing to apply on their behalf.

All recipients or subrecipients must be located in geographic areas for which an emergency or disaster has been declared (as defined in 49 U.S.C. 5324 and 49 CFR Part 602) in order to apply for FTA ER Program funds. A process for evaluating recipient eligibility is included in Figure 4-1.



**Figure 4-1** Process for Evaluating FTA ER Program Recipient Eligibility

## Application Process and Allocation of Emergency Relief Funding

In the event of an emergency or major disaster affecting public transportation systems, FTA will consult with the affected transit systems to determine the scope and extent of damage or the existence of other eligible costs. If a

presidential or state declaration of an emergency or major disaster is in effect, the affected transit systems may be eligible for reimbursement of eligible ER costs through FTA's ER Program.

### *Overview of the allocation process*

The availability of ER assistance under FTA's ER Program is contingent upon a congressional appropriation of funding to the program on a general basis or for a specific disaster. Affected transit systems should contact their respective FTA Regional Office to determine whether ER Program funds are available. If funds are limited or unavailable, the regional office may facilitate communication with other funding agencies. Please refer to Appendix C for FTA regional office contact information.

If eligible ER costs have been identified, and funding is available for the ER Program, FTA will make ER funding available to affected transit systems by soliciting funding requests from affected transit systems.

FTA will clearly communicate the application requirements and the supporting documentation that is needed. FTA may require specific information to show that costs were incurred within the 45-day period following the emergency or major disaster, such as contracts, requests for proposals, or items to support force account costs. The type of documentation required will be identified in the specific solicitation of funding requests.

If necessary, FTA may prioritize the types of projects to which funding is made available. The prioritization of funding may be based on the overall amount and character of eligible expenses, estimated damages, availability of program funds, and type of relief most needed.

### *Preliminary field survey*

The first step in applying for FTA ER Program assistance is for the applicant to complete a preliminary field survey and submit a damage assessment report to FTA in accordance with 49 CFR 602.17. Transit systems requesting ER funding are required to complete a preliminary field survey to determine the general type and extent of damages sustained as the result of an emergency or major disaster, and to submit this information to FTA as a damage assessment report. The field survey and damage assessments are intended to summarize the extent of damages caused by a disaster and are not detailed cost estimates for subsequent repair projects. The field survey and damage assessment will be used to ascertain the extent of damage to transit infrastructure and the need to allocate ER funding in response to the emergency. Applicants have 60 days from the onset of the incident period to complete preliminary field surveys and submit damage assessment reports.

The preliminary field survey should be made as soon as it is practical and safe to do so after an incident. If a federal declaration is anticipated, transit agencies should contact their FTA Regional Office to coordinate their efforts with other local and state agencies and FEMA to reduce duplication of effort and to ensure that information is included in the joint FEMA-state preliminary damage assessments that inform the federal declaration process. If the availability of FTA ER funding is not known in the immediate aftermath of the disaster, the transit agency should work closely with both FEMA and FTA to ensure the broadest eligibility for potential reimbursement.

Preliminary field surveys are usually accomplished using a boots-on-the-ground approach, wherein the applicant's personnel (or contractors) walk around the damaged site to record their observations in written notes and photographs and/or videos. Another approach is the "windshield" or "dashboard" method, during which an applicant's personnel (or contractors) drive around the impacted area, usually two people to a vehicle, so that one person can take notes and pictures while the other drives. Aerial inspections can be used to estimate initial damages followed by more detailed inspections, particularly if a geographic area is not immediately accessible after the event.

Regional FTA personnel participate in preliminary field surveys, to the extent practicable, when the applicant requests technical assistance or if the regional office determines FTA personnel should participate in the inspection process.

### ***Damage assessment report***

After the preliminary field survey is complete, potential recipients are required to submit a damage assessment report to FTA. The damage assessment report will document the damages observed in the field and summarize the overall impact of the disaster for FTA, which will then determine whether public transportation assets sustained serious damage as a result of the emergency or disaster. Damage assessments should be organized by grant recipient, subrecipient, or, in the case of large complex recipients, by operating unit. A geographic breakdown by state or political subdivision may also be appropriate.

FTA does not require that applicants use a standard format for the damage assessment report. However, each report should contain, at a minimum, the following information:

1. Specific location, type of facility or equipment, and nature and extent of damage
2. The most feasible and practical method of repair or replacement
3. A preliminary cost estimate to restore, replace, or reconstruct the damaged system/element, including any temporary repairs to return the system/element to operation or reduce further damage before permanent repairs are completed

4. A description of potential environmental and historic impacts from the disaster or as a result of the proposed repair or replacement
5. Photographs showing the type and extent of damages and/or sketch maps depicting the damaged areas

If available, the following information may also be included in the damage assessment report:

1. Recommended resilience projects to protect equipment and facilities from future emergencies or major disasters
2. Evaluation of reasonable alternatives (including change of location, addition of resilience/mitigation elements, and any other reasonable alternatives) for any damaged transit facility that has previously been damaged and repaired or replaced because of an emergency or major disaster

In addition to FTA regional office personnel, FEMA and FHWA personnel who are familiar with the field survey process may provide additional guidance and support in completing the surveys and the damage assessment reports. Damage assessment reports should be submitted to the FTA Regional Administrator by email, using the contact information available on FTA's website.

### *Allocation and award process*

FTA may announce the availability of ER funding through a Notice of Availability of Emergency Relief Funding (NAERF). The NAERF will include a description of eligible recipients and projects and request pertinent information from potential recipients. In such circumstances, FTA will evaluate information received and announce funding allocations on its website.

After the applicant has submitted the damage assessment report to the appropriate FTA Office, and has been notified that funding is available, either through an official notice or a letter of allocation, the applicant may then submit an application for recovery funding through FTA's electronic award management system. A grant application in FTA's electronic award management system must include detailed information about each eligible project activity and expense, as well as information indicating that all applicable FTA and cross-cutting federal requirements have been met.

The FTA regional office may provide technical assistance to applicants in the preparation of grant applications. FTA personnel will review submitted grant applications for the eligibility of the submitted expenses and the consistency of the application with applicable rules and requirements. The timeline for review and approval of a grant application is dependent upon the scope and complexity of the proposed activities and expenses and the applicant's previous familiarity with the grant application process.



After FTA approval and obligation, and the recipient's execution of the grant agreement, the recipient may draw down funding for reimbursement of eligible expenses using FTA's electronic payment system.

### ***Grant reporting requirements***

Unless otherwise specified in the grant, FTA's quarterly reporting requirements will apply. Grantees will be required to submit a quarterly federal financial report (FFR) and a detailed milestone progress report (MPR) identifying all activities undertaken in the previous quarter for each project. Under certain circumstances, more frequent reporting may be required.

### **Eligible Projects and Costs**

ER Program funds may be used to repair, replace, or reconstruct public transportation assets that are in danger of being damaged, or have been seriously damaged by an emergency or disaster, and to reimburse affected transit systems for eligible operating costs. Specific information on eligible and ineligible expenses is addressed below.

FTA will not award ER funding for costs that have been reimbursed by another federal agency, that have been funded through insurance proceeds, or that are already funded in an existing FTA grant. See Section 4.3 for additional guidance on the allocation and treatment of insurance proceeds.

The categories of projects that are eligible for funding under FTA's ER Program include:

### ***Emergency operations***

Emergency operations include temporary services carried out by public transportation providers that fall outside the scope of their normal operations and may be undertaken to prepare for or respond to an emergency or disaster. The costs of emergency operations are considered operating expenses.

Examples of emergency operations include:

1. Evacuations
2. Rescue operations
3. Temporary bus, ferry, or rail service to replace an inoperable service or to detour around damaged areas
4. Temporary service to accommodate increased numbers of passengers or evacuees resulting from the event
5. Returning evacuees to their homes after the emergency or disaster
6. Reestablishing, expanding, or relocating public transportation service before, during, or after an emergency or major disaster

7. Relocating rolling stock or spare parts necessary for system operation from a threatened or impacted area to a safer area to protect it from (additional) damage

### *Emergency protective measures*

Emergency protective measures are capital expenses incurred immediately before, during, or after an emergency to protect public health and safety or property. These projects lessen or eliminate an immediate threat to public health or safety, or eliminate or lessen the immediate threat of significant damage or additional damage to the applicant's real property or other assets in a cost-effective manner.

Examples of emergency protective measures include, but are not limited to, the capital costs associated with:

1. Emergency communications – In some cases, regular means of communication used by a public transportation agency might be damaged by the emergency or major disaster such that the agency cannot carry out its duties to respond to the disaster and/or provide essential community services. A temporary communication system might be needed to supplement the portion of the communication system that remains operable to facilitate the agency's emergency operations. Only measures that are taken to supplement the inoperable portions of the system are eligible for reimbursement; the emergency system should not expand beyond the capabilities of the existing (but temporarily inoperable) system.
2. Security forces – Additional police and security personnel may be needed at public transportation facilities in the disaster area to keep people safe and/or to protect transit assets.
3. Sandbagging – Sandbags might be filled and placed in a manner to protect an applicant's assets.
4. Bracing/shoring damaged structures – Structures that are damaged due to the emergency or major disaster may need to be temporarily secured by physical means to protect them from further damage and to protect public welfare. In some instances, demolition of severely damaged or destroyed buildings or structures might be necessary if they pose an immediate threat to public health and safety.
5. Debris removal – Debris typically includes trees, limbs, other vegetative materials, sand, mud, silt, rocks, gravel, etc., as well as damaged building materials. Debris removal generally is limited to the extent that is required to minimize damage, protect facilities, or restore essential services. Removal of debris from a public transportation provider's property that resulted from the incident and is considered a health and safety hazard may also be eligible for funding.

6. Dewatering – If an asset is inundated by water due to a qualifying event, the costs associated with removing the water from the asset may be eligible for funding.
7. Removal of health and safety hazards – Conditions resulting from the emergency or major disaster could pose a threat to public health and safety, requiring public transportation agencies to remove or assist with removing them.

### *Emergency repairs*

Emergency repairs are capital projects that are undertaken within a short time after an emergency to minimize the extent of damage, restore service, or ensure that service can continue until such time as necessary permanent repairs can be made. Emergency repairs may be temporary measures that are intended to last from a period of weeks to several years and can include permanent repairs implemented within a short timeframe.

Emergency repairs typically require little preliminary engineering or engineering reviews. The scope of emergency repairs is generally limited to the extent necessary to allow a safe resumption of regular service. Emergency repairs can be constructed using an agency's own labor forces, without the requirement for a force account plan, or with emergency contract labor, equipment, and materials.

Emergency repairs are generally eligible for reimbursement under Pre-Award Authority. Emergency repairs do not require inclusion in the Metropolitan Transportation Improvement Program (TIP) or the Statewide Transportation Improvement Program (STIP), unless they include substantial functional, locational, or capacity changes.

In some cases, it may be most effective to accomplish some permanent repairs while completing emergency repairs. An example might be a washout of a section of track where constructing a detour would be more costly and time-consuming than repairing the track. In this case, the repair, if limited to repair or replacement of what previously existed without incorporating any resilience measures or other upgrades (i.e., one-for-one replacement), would be considered equivalent to an emergency repair.

The cost of materials, equipment, contractor resources, and an agency's own labor forces associated with accomplishing emergency repairs and emergency protective measures generally is eligible for funding under FTA's ER Program.

In some cases, responding to an emergency might overwhelm the capabilities or resources of an affected transit agency, and additional resources might be required. In such cases, the affected transit agency may choose to activate an existing MOA with another transit agency to request assistance. The process

whereby one transit agency provides support to another agency during an emergency or major disaster is commonly called mutual aid. If an affected transit system owner requests and receives mutual aid through an existing agreement with another transit system owner, the requesting agency should pay the providing agency for the assistance provided according to the terms and conditions set forth in the MOA. The requesting agency then can seek reimbursement for this assistance through FTA's ER Program.

### *Permanent repairs*

Permanent repairs are capital projects that are undertaken after an emergency or major disaster to permanently repair, replace, or reconstruct seriously damaged public transportation system elements, including rolling stock, equipment, facilities, infrastructure, and other assets to a satisfactory operable condition.

FTA understands that it may not always be feasible or advisable to replace damaged assets with identical facilities, vehicles, or equipment. As a result, projects to repair, replace, or reconstruct assets may include improvements and upgrades as necessary to meet current safety and design standards, including the ADA, or that will reduce the risk of similar damage from future disasters.

Specifically, recipients may replace damaged or destroyed vehicles, equipment, and facilities with new assets; relocate assets at risk of future damage, and for which repair at the current location is not practical or feasible; replace obsolete equipment with equipment that is fully compliant with current safety and design standards, including existing agency-specific operational specifications; and incorporate cost-effective resilience measures into replacement and repair projects.

Permanent repairs are generally eligible for reimbursement under pre-award authority. Expenses for permanent repairs do not need to be included in the TIP and STIP unless they include changes to the function, location, or capacity of the underlying infrastructure.

Force account labor costs for permanent repairs are eligible for reimbursement if the affected agency develops a force account plan in accordance with the requirements of FTA Circular 5010.

Transit agencies are encouraged to consider current and future conditions and hazards when identifying and scoping disaster recovery projects. For example, it may be both cost-effective and resilient to replace flood-damaged equipment with elevated or waterproof equipment.

Funding awarded for recovery expenses may not be used for functionally independent resilience projects or to alter the function or capacity of the

original infrastructure without prior FTA approval. Funding for larger-scale resilience improvements or standalone resilience projects is discussed below, under “resilience projects.” A recipient is encouraged to contact FTA if the eligibility of an improvement for recovery funding is unclear.

Permanent repairs may also include repairs undertaken as a result of damages that were not identified in the immediate aftermath of an emergency (latent damages). For example, exposure to saltwater may cause damages that are only identified months after the initial exposure.

### *Resilience projects*

Resilience projects are capital projects, or functionally independent elements of capital projects, that are designed and built specifically to address existing and future vulnerabilities to a public transportation facility or system as a result of a probable occurrence or recurrence of an emergency or major disaster in the geographic area where the public transportation system is located. For example, a functionally independent resilience element of a capital project might consist of a floodwall constructed as part of a rebuilt facility. Resilience projects may incorporate consideration of projected changes in development patterns, demographics, or climate change and extreme weather patterns.

The availability of funding for resilience projects will be determined on an incident-by-incident basis. Unlike repair and recovery projects, unless otherwise provided, resilience projects are not eligible for reimbursement under Pre-Award Authority in the aftermath of a disaster. Once authorized for reimbursement, resilience projects must be included in the TIP and STIP prior to incurring costs.

A grantee should contact their FTA Regional Office if they are unsure whether a resilience improvement should be considered part of a permanent repair project, and therefore eligible for Pre-Award Authority, or as a functionally independent resilience project.

Force account labor costs for resilience projects are eligible for reimbursement if the affected agency develops a force account plan in accordance with the requirements of FTA Circular 5010.

Potential grantees are advised that if funding for resilience projects is made available, FTA may require prior approval of resilience projects before a grantee may begin incurring costs. FTA reserves the right to request additional documentation and justification for the approval of resilience projects.

### *Spare parts*

It is common for transit agencies to maintain a stock of spare parts and other maintenance items that are needed to keep the public transportation system

operating. Spare parts that are the property of an affected transit system and held in the normal course of business and are damaged or destroyed are eligible for funding under the FTA ER Program. If a transit agency has utilized its existing supplies to respond to a major emergency or disaster, the agency may apply for reimbursement through the ER Program to replace these items.

### ***Insurance policy deductibles***

Deductibles consistent with sound management practices associated with otherwise eligible expenses as described above are eligible for reimbursement.

### **Ineligible Expenses**

The following categories of expenses are not eligible for reimbursement under the ER Program:

#### ***Heavy maintenance***

Heavy maintenance includes work that would usually be done by a public transit agency to repair damage normally expected from seasonal and occasionally unnatural conditions or occurrences, such as snow removal, debris removal from seasonal thunderstorms, and major repairs required due to deferred maintenance. Heavy maintenance may include work required as a direct result of a disaster, but that can reasonably be accommodated by a transit system's routine maintenance, emergency, or contingency program, and does not rise to the level of serious damage.

If the total extent of repairs and other work associated with a disaster exceeds the definition of heavy maintenance, FTA will not exclude individual costs from eligibility for reimbursement. The threshold for heavy maintenance will be determined case by case commensurate with the scale and scope of repairs and other work required, relative to the agency's annual maintenance and contingency budget.

#### ***Project costs for which the recipient has received funding from another source***

FTA funds may not be used to reimburse project costs for which a transit system has received funding from another federal agency or from payments from insurance policies. If a transit system has requested or sought funding from another federal agency, FTA will confirm that the transit system has withdrawn the request prior to payment before approving a grant award. If a transit system has submitted an insurance claim or has requested or received reimbursement from an insurance policy, FTA may withhold funding until such payments have been applied to eligible expenses, as necessary, to determine the amount of remaining unfunded recovery expenses.

### ***Projects that change the function of the original infrastructure***

Projects that change the function of the original infrastructure *and that FTA has not approved in advance as resilience projects* are not eligible for funding through the FTA ER Program. For example, an affected transit system may not use ER funds to convert a damaged light rail system into a bus rapid transit system, or to convert a passenger facility into a maintenance facility.

Although FTA ER Program funds cannot be used for these types of projects, other formula funds may be used in conjunction with FTA ER Program funds to alter the function of damaged infrastructure. For example, FTA ER Program funds could be used to replace damaged or destroyed diesel buses with liquid natural gas buses, and formula funds could be used to convert a fueling facility from diesel to liquid natural gas to accommodate the replacement buses. Potential recipients are strongly advised to consult with their FTA regional office if a repair project is likely to have an impact on the function of the original infrastructure.

### ***Projects for which funds were obligated in an FTA grant prior to the emergency or disaster***

If FTA grant funds were obligated to a project prior to the occurrence of an emergency or major disaster, those funds may not be supplanted with ER Program funds; however, ER funds may be used to fund recovery expenses associated with the project that were incurred because of the emergency or major disaster.

### ***Reimbursements for lost revenue due to service disruptions caused by an emergency or disaster***

FTA will not reimburse affected transit operators for lost revenue due to suspended operations, inoperable assets, or ensuing reduced ridership due to an emergency or major disaster. Lost revenue does not qualify as either an eligible operating expense or as a temporary or permanent repair project.

### ***Replacement or replenishment of damaged or lost material that is not the property of the affected applicant and not incorporated into a public transportation system***

When transit agencies hire contractors to implement capital improvement projects, the contractors may maintain an on-site stockpile of materials needed to complete the project. Likewise, the contractor may have equipment on-site to install the stockpiled material and otherwise construct the project. These materials and equipment are the property of the contractor and should be covered under a contractor's private insurance policy. Accordingly, FTA will not reimburse a transit agency for damaged or lost materials that have not yet been incorporated into the public transportation system.

### ***Catastrophic failures from internal causes***

Some catastrophic failures may not be the result of an external cause such as an emergency or major disaster, but rather may result from an internal cause such as lack of proper maintenance, progressive deterioration, or a design flaw. Closures of system elements because of imminent danger of collapse and/or repairs to system elements because of internal causes of failure are not eligible for grant funding through the FTA ER Program.

### ***Fare media***

Farecards and other fare media are not eligible expenses. Transit agencies may elect to provide fare-free service in response to a disaster, and the operating expenses associated with additional service implemented in response to the disaster are eligible for reimbursement by the ER Program.

### ***Other project costs FTA determines are not appropriate for the FTA ER Program***

In the process of working with a transit agency affected by an emergency or disaster to assess damages and eligible emergency operating expenses, FTA may identify specific project costs that are not appropriate for reimbursement through FTA's ER Program.

## **Program Policies and Grant Requirements**

This section addresses key policies for FTA's ER Program, as well as specific requirements that apply to recipients of funding under this program.

### **Pre-Award Authority**

Pre-Award Authority allows eligible recipients to respond to critical needs in preparation for an impending disaster or for disaster response and recovery and allows those expenses to be eligible for reimbursement before funding is approved through the FTA ER Program. Grantees do not require prior approval from FTA to incur costs under pre-award authority, but are advised that Pre-Award Authority does not guarantee the eligibility of the expenses incurred nor the eventual reimbursement of those costs under FTA's ER Program.

Costs incurred under Pre-Award Authority must comply with all applicable federal and FTA-specific requirements and are always incurred at the potential recipient's own risk. Eligible costs incurred under Pre-Award Authority may be reimbursable under the FTA ER Program, subject to availability of funds.

Pre-Award Authority will be effective on the first day of the incident period or may be utilized in advance of an event under the conditions specified below.



### ***Pre-Award Authority in advance of an event***

Actions taken by public transportation agencies to protect assets in advance of a serious weather event can have substantial financial benefits. For example, moving rolling stock to higher ground to protect it from storm surges can save millions of dollars. Further, actions taken during a weather event and in its immediate aftermath, including debris removal and dewatering, can prevent further damage to public transportation assets. It is in FTA's and the federal taxpayer's interest to reimburse the cost of these activities.

Public transportation agencies are an integral part of the communities they serve, and these agencies will often assist with evacuations, rescue operations, and transportation of utility workers and other first responders, often without regard to the expense of those services. In addition, reestablishing public transportation service after an emergency or major disaster may cause a public transportation agency to incur extraordinary costs that are not in the agency's budget.

If a weather event occurs with adequate warning so that protective measures can be implemented, Pre-Award Authority for emergency operations and emergency protective measures undertaken in advance of the event may be reimbursable if:

1. The governor of the state declares a state of emergency and requests concurrence from the U.S. Secretary of Transportation, or requests an emergency declaration from the President in advance of the event
2. The governor takes appropriate action under state law and directs implementation of the state emergency plan
3. The activities undertaken by the transit agency are required in anticipation of the impacts of the event
4. Assistance for a pre-disaster emergency declaration is limited to emergency protective measures and emergency operations

### ***Additional considerations for the use of Pre-Award Authority***

Affected transit systems may seek reimbursement of eligible emergency expenses under the terms of FTA's ER Program from funds apportioned under FTA's Section 5307 Urbanized Area Formula Program or FTA's Section 5311 Formula Grants for Rural Areas Program. Certain emergency expenses may also be eligible under the terms of the formula program for which the funding was originally apportioned.

If a transit system intends to request reimbursement of emergency-related expenses under the terms of FTA's ER Program, regardless of the source of funds, the guidance in this manual applies. If a transit system intends to request reimbursement under the terms of one of FTA's formula programs, the policies in effect for the formula program will apply.

If a grantee draws down formula funds to reimburse emergency expenses, these funds may not be replaced or restored with ER funds if funding is subsequently made available under the ER Program. However, FTA may allow a grantee to use any unexpended formula funds awarded for emergency expenses for other purposes under the applicable formula program.

Pre-Award Authority may be limited to a maximum amount determined by FTA based on estimates of immediate financial need, the results of field surveys, available FTA ER Program funds, and other criteria to be determined.

If FTA awards funds to the applicant for the project, the amount of expenses incurred under Pre-Award Authority must be reported as part of the grantee's initial FFR in FTA's electronic grants management system.

### Federal and Local Cost Sharing

FTA's Section 5324 generally requires applicants to match FTA ER Program funding with a minimum local cost share. Unless otherwise specified, the following cost sharing requirements will be in effect:

1. FTA will fund up to 80 percent of any eligible expenses for operating and capital projects reimbursed with FTA ER Program funds.
2. FTA will fund up to 80 percent of the net project cost for capital projects and up to 50 percent of the net project cost for operating projects when FTA formula funds are used (Sections 5307 or 5311).

The Secretary is authorized to waive, in whole or part, the non-federal share. For this reason, FTA may set a different local cost share percentage for ER Program funds based on the circumstances of a particular disaster and will notify potential recipients of the applicable matching rate prior to allocating funds.

The affected transit system must certify that it has or will promptly have available the proportionate amount of local share as project costs are incurred or become due, except to the extent that FTA determines in writing that the local share may be deferred.

The local cost share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. In addition, Community Development Block Grant (CDBG) funds may be used as the non-federal share when such funds are available for transportation purposes. Local funds that are spent on eligible expenses under Pre-Award Authority, including CDBG funds, may count towards the local cost share requirement on a subsequent grant.

Transportation development credits may be used as a local match; however, grant applicants are advised that this may reduce the overall funding available

for ER projects, because FTA funds must be applied to 100 percent of the net project cost.

In addition to the above, sources for the local match may include:

1. Cash from non-federal sources other than revenues from providing public transportation services
2. Non-farebox revenues from the operation of public transportation service
3. Amounts received under a service agreement with a state or local social service agency or private social service organization
4. Amounts appropriated or otherwise made available to a department or agency of the government (other than DOT) that are eligible to be expended for transportation
5. In-kind contributions integral to the project such as real estate property needed to carry out the scope of the approved project

Additional sources of local match may be used subject to specific requirements. Consult FTA Circular 9030.1, *Urbanized Area Formula Program: Program Guidance and Application Instructions*, for additional information.

## Floodplain Management

All FTA ER Program recipients receiving funding for infrastructure projects must comply with Executive Order 11988, “Floodplain Management,” as amended by Executive Order 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425),” which includes assessment of flood risk associated with proposed projects in floodplains. EO 11988 requires that FTA program recipients avoid adverse impacts associated with the occupancy and modification of land within floodplains if a practicable alternative exists and to the extent possible. Additionally, if no practicable alternative exists, development in a floodplain must be designed to minimize adverse impact to the floodplain’s natural and beneficial values as well as to minimize the potential risks for flood-related property loss and the loss of human life.

FTA’s Emergency Relief Rule specifically states, “recipients shall not use grant funds for any activity in an area delineated as a ‘special flood hazard area’ or equivalent...[unless,] prior to seeking FTA funding for such action, the recipient designs or modifies its actions to minimize potential harm to or within the floodplain.” (See 49 CFR 602.15).

A special flood hazard area (SFHA) is an area that is subject to a 1-percent or greater chance of flooding in any given year, and therefore is often misleadingly referred to as the 100-year flood zone. SFHAs are mapped in zones commonly designated as Zone A or AE (in the 1-percent-annual-chance floodplain), or Zone V or VE (an area in the 1-percent-annual-chance floodplain with additional

hazards from velocity wave action) on flood hazard maps. However, other flood zone designations are also used to designate SFHAs.

FTA ER Program recipients should be aware that DOT is in the process of developing guidance and considering updates to its floodplain requirements to account for future climate conditions consistent with Executive Order 14030, Climate-Related Financial Risk (86 FR 27967) and Executive Order 13690.

Grant recipients must use the best available information as identified by FEMA to determine whether a project is located in an SFHA. Best available information includes advisory base flood elevations, preliminary or final flood insurance rate maps (FIRMs), or flood insurance studies. Flood information is available through FEMA's website, [www.fema.gov](http://www.fema.gov). Most flood maps are available electronically through FEMA's Map Service Center website, [www.msc.fema.gov](http://www.msc.fema.gov), and through [www.floodsmart.gov](http://www.floodsmart.gov). Applicants who are uncertain about the flood zone designation where their project is located can contact their State Floodplain Manager or FEMA regional office to obtain assistance and additional information (see Appendices D and E).

If FTA and the applicant mutually determine that FEMA information is unavailable or insufficiently detailed, the applicant may use other federal, state, or local data as the best available information to comply with Executive Order 11988, as amended by EO 13690. The best available information will be used to establish the base flood elevation (BFE), which is the elevation floodwater is expected to reach during the 1-percent-annual-chance flood. The BFE is used to establish reconstruction requirements such as a project's minimum elevation. If a BFE from an interim, preliminary, or non-FEMA source is lower than the BFE on the current FIRM, the BFE on the current FIRM applies. At its discretion, or as required by future policy, guidance, or regulations, FTA may require higher minimum elevations than the published BFE for ER projects.

Some state and local building codes require higher minimum elevations than FEMA requires. If the state or locality where the applicant's project is located has adopted higher minimum elevation requirements, the higher of the competing minimums applies. This also applies if a local government authority, such as a transit agency, has adopted a higher minimum elevation.

## National Environmental Policy Act Review Process

Prior to awarding FTA funding, FTA is required to consider a project's potential impacts on the environment. These environmental reviews are conducted under the National Environmental Policy Act (NEPA) review process and related federal environmental laws (e.g., the National Historic Preservation Act), regulations, and executive orders. The resources required to complete this process (time, documentation, consultant services, etc.) will vary depending on the type of project and its potential to impact the human and natural environment. Many

emergency relief activities will qualify for an expedited review as a categorical exclusion, as described below.

This section identifies and briefly describes various levels of environmental review that may apply to a project.

### ***C-List Categorical Exclusion (CE) (23 CFR 771.118(c))***

Projects that historically do not result in significant environmental impacts may qualify as a CE and would require little to no documentation as described further in 23 CFR 771.118. Examples of this type of project include buying a bus or construction of transit facilities primarily within the transportation right-of-way.

The actions related to transportation facilities damaged by a qualifying emergency or major disaster that typically do not require any further NEPA approvals by FTA are listed in 23 CFR 771.118(11), and include:

1. Emergency repairs accomplished under 49 U.S.C. 5324
2. Repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that are in operation or under construction when damaged and the action:
  - A. Occurs within the existing right-of-way and in a manner that substantially conforms to the pre-existing design, function, and location of the original (which may include upgrades to meet existing codes and standards, as well as upgrades to address conditions that have changed since the original construction); and
  - B. Is commenced within a 2-year period beginning on the date of the declaration.

FTA Regional Offices can advise applicants further on projects that meet the requirements for FTA's categorical exclusions from NEPA.

It is important to note that projects that are categorically excluded from FTA's NEPA review process might not be excluded from other required reviews or from reviews by other federal agencies if FTA funds will be supplemented by funds from other federal disaster relief programs. The Environmental and Historic Preservation (EHP) reviews must be completed by the funding agency or through the Unified Federal Review (UFR) process, whichever is applicable, before a project can be funded. Each federal agency that takes an action in relation to a project (e.g., to issue an approval or provide funding) may need to demonstrate compliance with applicable EHP requirements. The UFR process has been set up to help coordinate those reviews in the most efficient manner. Applicants can request additional information from the FTA Regional Office,

which can provide technical assistance and help coordinate any required EHP or UFR reviews.

### ***D-List Documented Categorical Exclusion (DCE) (23 CFR 771.118(d))***

Certain actions that do not meet the requirements for a c-list CE in 23 CFR 771.118(c) may still meet the criteria for a CE as demonstrated by limited documentation on the environmental impacts of the project. Examples of this type of project may include, but are not limited to, real property acquisition or construction of transit facilities with features located primarily outside of the transportation right-of-way.

### ***Environmental Assessment (EA) and Environmental Impact Statement (EIS)***

For actions that do not qualify as CEs and do not clearly require the preparation of an EIS, preparation of an EA is normally required. This level of environmental review provides the public an opportunity to comment and will ultimately determine whether the project will result in any significant impacts. If the analysis in an EA concludes that the project will result in significant impacts, or if from the early planning stages it is determined that the size and scope of the project will result in significant impacts, an EIS will be required. Most grantees typically need to enlist consultant services when preparing an EA or EIS.

Grantees should consult with FTA early in the grant application process, and prior to expending funds for a planned project for which federal funds are requested, to confirm the appropriate level of environmental review.

Further detail and explanation on the different levels of environmental review can be found in 23 CFR 771, “FTA’s Environmental Impact and Related Procedures.” Grantees must receive confirmation that their proposed FTA-funded project has complied with the policies and procedures provided in 23 CFR 771 before FTA can approve the grant application and obligate funds.

### **Metropolitan and Statewide Planning Requirements**

While most projects that receive funding from FTA must be listed on the TIP and STIP prior to incurring costs, federal planning regulations at 23 CFR 450.324(c) (5) make an exception for emergency relief projects. FTA has interpreted this exception to apply to emergency and permanent repairs that do not involve functional, locational, or capacity changes. While not required, FTA recommends that such repair project expenses incurred more than one year after the disaster be included in the TIP and STIP to promote adequate planning and funding alongside non-emergency projects.

If an emergency or permanent repair project involves functional, locational, or capacity changes, it must be included in the TIP/STIP prior to incurring costs.

Resilience projects must be included in the TIP/STIP prior to incurring costs.

**Table 4-1** *Planning Requirements and Section 5324 Emergency Relief Projects*

Type of Project	Required to be in TIP/STIP	Eligible for Pre-Award Authority
Emergency Repair (no functional, location, capacity change)	NO	YES
Emergency Repair (with functional, location or capacity change)	YES	YES, with prior approval by FTA
Permanent Repair (no functional, location, capacity change)	NO	YES
Permanent Repair (with functional, location, or capacity change)	YES	YES, with prior approval by FTA
Resiliency/Enhancement Project	YES	NO, unless otherwise authorized

## Special Grant Conditions

As permitted under statute or regulation, FTA reserves the right to impose special grant conditions on ER grants.

For example, FTA may require:

1. More frequent submissions of federal financial reports and/or milestone progress reports
2. Drawdown limitations or advance notification requirements on drawdowns over a certain amount
3. Other requirements as determined necessary by FTA

Such requirements will be incorporated into the grant agreement, and may be applied using a risk-based evaluation method based on characteristics of the grantee or the projects being funded.

## Part 601 and 602 Waivers of Requirements/Emergency Relief Docket

Under 49 CFR Part 602.15(b), the FTA Administrator shall determine the terms and conditions for ER grants based on the circumstances of a specific emergency or major disaster for which funding is available under the ER Program.

In general, projects funded under the ER Program shall be subject to the requirements of Chapter 53 of title 49 U.S.C., as well as cross-cutting requirements, including but not limited to those outlined in FTA's Master Agreement.

These requirements allow for limited exceptions to procurement and planning requirements for activities undertaken in response to an emergency. Specifically, non-competitive procurement practices are authorized in emergency circumstances when the amount of time required for a competitive procurement would not allow for a timely response. This includes emergency preparation and response activities and temporary repairs undertaken immediately preceding, during, or immediately after an emergency. Additionally, as discussed in sections 4.1.3 and 4.2.5, certain emergency response and repair activities are not required to be included in the Metropolitan and Statewide Transportation Improvement Programs (TIP and STIP).

However, the FTA Administrator may determine that certain requirements associated with public transportation programs are inapplicable as necessary and appropriate for emergency repairs, permanent repairs, emergency protective measures and emergency operating expenses that are incurred within 45 days of the emergency or major disaster, or longer as determined by FTA. If the FTA Administrator determines that any requirement is inapplicable, the determination shall apply to all eligible activities undertaken with funds authorized under [49 U.S.C. 5324](#) within the 45-day period, as well as funds authorized under [49 U.S.C. 5307](#) and 5311 and used for eligible emergency relief activities.

In addition to any FTA determination regarding terms and conditions applicable to ER grants within or after the 45-day period after a disaster, FTA may waive Chapter 53 requirements if the requirement(s) limit an applicant's ability to respond to an emergency or major disaster. FTA has established an ER docket that allows applicants and/or recipients to request waivers for temporary relief from administrative requirements in response to declared emergencies and disasters. Applicants may petition FTA for temporary relief from Chapter 53 requirements as well as the provisions of any FTA policy statement, circular, guidance document, or rule by following the procedures described in 49 CFR Part 601, Subpart D, which is included in this document as Appendix B.

The applicant should specify if the petition for relief is one-time or ongoing, and if ongoing identify the period for which the relief is requested. The period may not exceed 3 months; however, additional time may be requested through a second petition for relief. Applicants should not proceed with projects assuming that requests for waivers will be granted. In particular, applicants requesting waivers from complying with federal procurement requirements should not assume that these waivers will be authorized.



## Policies Regarding Insurance

This section provides detailed guidance on FTA policies regarding insurance, including the requirement that certain assets be insured against flood hazards, and how reimbursements received from insurance policies must be applied when FTA is providing disaster relief assistance.

### Documentation of Required Insurance

Before receiving a grant under FTA's Public Transportation Emergency Relief Program, recipients must submit documentation demonstrating proof of any insurance required under federal law for all structures related to the grant application and certify they have insurance for those structures as required by state law as well. Insurance required under certain circumstances under federal law includes, but may not be limited to, flood insurance and insurance for facilities previously repaired, restored, or rehabilitated with assistance received under the Stafford Act (see Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act). This requirement was added in 2021 in the Infrastructure Investment and Jobs Act (P.L. 117-58), is codified at 49 U.S.C. 5324(f), and applies to new grant applications for previously allocated funds as well as future allocations.

### Requirements for Insuring Assets in the Floodplain

In accordance with the Flood Disaster Protection Act of 1973 and FTA's Master Agreement, transit buildings located in an SFHA must be insured against flood damage. Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(a)) provides that federal agencies may not provide any financial assistance for the acquisition, construction, reconstruction, repair, or improvement of a building in an SFHA unless the recipient has first acquired flood insurance to cover the buildings and contents constructed or repaired with federal funds, in an amount at least equal to the federal investment (less land cost) or to the maximum limit of coverage made available under the National Flood Insurance Act of 1968, whichever is less.

- For insurance purposes, a *building* is a structure with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site. This includes manufactured or modular office trailers that are built on a permanent chassis, transported to a site in one or more sections, and affixed to a permanent foundation.
- For insurance purposes, *contents coverage* means personal property within a building, including fixtures, machinery, equipment, and supplies. In addition to the costs to repair or replace, contents insurance coverage shall include the cost of debris removal and the reasonable cost of removal of contents to minimize damage.

- National Flood Insurance Program (NFIP) Limits: Current NFIP limits are \$500,000 for buildings and \$500,000 for contents. This means grantees must ensure buildings and contents to an amount at least equal to the federal investment (less land cost), or \$500,000 for each building and \$500,000 for the contents of each building, whichever is less.

Transit facilities to which this applies are buildings located in SFHAs and include maintenance facilities, storage facilities, and above-ground stations and terminals. Where transit facilities include above and below-ground components, the flood insurance requirement applies when at least 51 percent of the cash value of the facility, less land value, is above ground.

Flood insurance is not required for underground subway stations, track, tunnels, ferry docks, or for any transit facilities located outside of an SFHA.

- Uninsured buildings in SFHAs: FTA will provide assistance for uninsured transit facilities that have previously received federal funding only after the maximum limit of coverage made available under the NFIP or the amount of federal investment in the property prior to the emergency, whichever is less, is subtracted from the total cost to repair or rebuild.
- Obtain and maintain: Grant recipients must obtain and maintain flood insurance on those buildings and contents for which FTA has provided funds.

## Treatment of Insurance Proceeds

Under existing FTA guidance in Circular 5010.1, if a grantee receives insurance proceeds when project property has been lost or damaged by fire, casualty, or natural disaster, the grantee agrees to:

1. Apply those proceeds to the cost of replacing the damaged or destroyed project property taken out of service up to the amount equivalent to the remaining federal interest in the asset (listed below are two examples of the application of insurance proceeds), or
2. Return to FTA an amount equal to the remaining federal interest in the lost, damaged, or destroyed project property.

For projects where FTA awards funding under the ER Program, if a grantee receives insurance proceeds when project property has been lost or damaged because of a declared disaster, the grantee agrees to:

1. Apply the insurance proceeds attributable to the lost asset to the net project cost of repairing or replacing that asset, with the resulting net project cost eligible for reimbursement under the ER Program at the applicable federal share, or
2. Return to FTA an amount equal to the remaining federal interest in the lost, damaged, or destroyed project property.

If insurance proceeds are insufficient to cover the costs of disaster recovery work, and FTA ER Program funding is unavailable or insufficient, a transit agency may pursue FEMA funding for specific projects under FEMA's disaster assistance policies. Affected agencies are advised that FEMA will only allocate funding for eligible disaster relief expenses in excess of reasonably anticipated insurance proceeds and funds available from other sources. In circumstances when FTA ER funding is available but insufficient, grantees are advised to inform both FEMA and FTA immediately of their intention to pursue funding from both agencies.

### *Application of Insurance Proceeds:*

#### **Example 1. Insurance proceeds greater than the remaining federal interest in the damaged or destroyed property:**

A transit asset with a replacement value of \$6,000 has been damaged or destroyed. The remaining federal interest in the damaged or destroyed property is \$1,800. The grantee receives insurance proceeds in the amount of \$2,500. If FTA awards funds for the repair or replacement of the damaged or destroyed asset through the ER Program, the full \$2,500 must be used to reduce the net project cost of that award.

A damaged asset with a replacement cost of \$6,000, with remaining federal interest of \$1,800, and insurance proceeds in the amount of \$2,500 is calculated as follows:

Repair/Replacement Project:	\$6,000
Insurance Proceeds	(\$2,500)
Net Project Cost:	\$3,500
FTA ER Program Grant	\$2,800
<b>Grantee Local Share</b>	<b>\$700</b>

Under the scenario above, the grantee must apply the entire \$2,500 received towards the net project cost of repairing or replacing the asset. The resulting net project cost is \$3,500. The federal share of an ER Program award, at an 80% federal share, would be \$2,800, with a local share of \$700.

If the grantee does not receive ER funds for the repair or replacement, the provisions of FTA Circular 5010 will apply, which means that \$1,800 of the insurance proceeds must be used either for the repair or replacement of the asset or must be returned to FTA. The remaining \$700 in insurance proceeds may be used locally or as local share for other FTA grants.

**Example 2. Insurance proceeds less than the remaining federal interest in the damaged or destroyed property:**

A transit asset with a replacement value of \$6,000 has been damaged or destroyed. The remaining federal interest in the damaged or destroyed property is \$1,800. The grantee receives insurance proceeds in the amount of only \$500.

If FTA awards an ER Program grant for the repair or replacement of the asset, the grantee is required to apply an amount no less than the remaining federal interest towards reducing the net project cost of the repair or replacement project. Because the insurance proceeds are insufficient for the remaining federal interest, the recipient must also contribute \$1,300 in non-federal funds towards reducing the net project cost.

A damaged asset with a replacement cost of \$6,000, with remaining federal interest of \$1,800 and insurance proceeds in the amount of \$500 is calculated as follows:

Repair/Replacement Project:	\$6,000
Value of Remaining federal Interest	(\$1,800)
Insurance Proceeds	(\$500)
Local Funds	(\$1,300)
Net Project Cost:	\$4,200
FTA ER Program Grant	\$3,360
Grantee Local Share	\$840

Under the scenario above, the net project cost for repairing or replacing the asset must be reduced by \$1,800, resulting in a net project cost of \$4,200. The federal share of an ER Program award would be \$3,360 with an additional local share of \$840. When combined with the \$1,300 required to reimburse the remaining federal interest, the total local funding required for the project would be \$2,140.

If the grantee does not receive ER funds for the repair or replacement, the provisions of FTA Circular 5010 will apply. The amount of the remaining federal interest, including both insurance proceeds and additional local funds, must be used either for the repair or replacement of the asset, or must be returned to FTA.

**Example 3. In the event FTA waives the federal interest in the damaged/destroyed asset:**

Agency X receives an insurance payment of \$5 million under a limited insurance policy for a damaged station that will cost \$10 million to repair. The remaining

\$5 million not covered by insurance is eligible for FTA assistance at an 80-percent share. FTA may fund 80 percent of the total project cost prior to the receipt of the insurance payment. At the time the payment is received, Agency X must reimburse FTA for 80 percent of the amount applied to the project, so that FTA's participation in the project will not exceed \$4 million.

### **Policy on Unallocated Insurance Proceeds**

Some disasters will result in substantial damage to transit assets such that the insurance companies will settle claims based on policy maximums or settlement agreements, which are not attributable, in whole or in part, to specific assets that were damaged. As a result, FTA has established a policy guiding the application of these insurance proceeds to eligible transit projects.

An appropriate share of any insurance proceeds received by a grantee must be applied to the repair, reconstruction, or restoration of transit assets for which FTA provides financial assistance under the FTA ER Program.

### ***Implementation***

If a grantee receives insurance proceeds that are directly attributable to specific assets, the provisions of section 4.3.3 of this section will apply. A grantee that receives an insurance settlement for damage to both transit and non-transit assets, or receives a settlement that does not include amounts attributable to specific assets, will be required to work with FTA as outlined in the steps below. FTA will review the allocation and application of insurance proceeds through standard oversight meetings and reviews.

### **Step One**

If a grantee receives an insurance settlement for transit assets only, but for which specific assets are not identified, step one is not required, and FTA will begin with step two.

When a grantee has both transit and non-transit insured losses, FTA will work with the grantee to identify the share of the insurance settlement attributable to transit losses. The insurance settlement must be allocated to eligible FTA ER projects in the proportion that insured losses eligible under FTA's ER Program bear to total insured losses, including those ineligible for assistance under the ER Program.

### ***Example***

Based on a review of damage assessments and estimates of the cost of rebuilding, FTA determines that Agency Y suffered \$100 million in insurable losses due to a hurricane. Insurable losses included transit assets (\$70 million), non-transit assets (\$20 million), and revenue loss associated with both transit

operations (\$5 million) and non-transit operations (\$5 million). Of the \$100 million in assessed insurable damage, only the \$70 million for transit assets (70%) is eligible for the ER Program. Hence, if the grantee receives a lump sum insurance settlement of \$50 million, FTA will require that no less than 70% of the settlement (\$35 million) be applied to projects eligible under the ER Program. The grantee may allocate the remaining \$15 million without obligation to FTA, including as a local share for FTA grants.

FTA will work with the grantee and other appropriate agencies, including FEMA, if applicable, to identify the share of damage attributable to transit and non-transit losses. Documentation of insured losses may include insurance claims; documentation of the insurance settlement; the grantee's insurance policy documents; damage assessments prepared in cooperation with FTA, FEMA, or another federal agency; FEMA project worksheets; or other satisfactory documentation of the extent of insured damage.

FTA and the grantee will document the amount of insurance proceeds attributable to transit losses, and this information must be attached to any ER grant awarded after the insurance proceeds are received.

## Step Two

FTA and the grantee will work together to identify specific transit projects to which the insurance proceeds will be applied.

FTA will allow a grantee flexibility in identifying the specific project(s) to which the insurance proceeds will be applied. Possible alternatives include:

1. Assigning an equal portion of the attributable insurance proceeds to all transit recovery projects. For example, if the grantee has documented \$100 million in damages and had an insurance policy for \$50 million, FTA would reduce the federal participation in each project by 50 percent.
2. Assigning the attributable insurance proceeds equally to a defined set of transit recovery projects. For example, if the grantee has received \$7 million in insurance proceeds, the grantee may elect to apply \$1 million each to seven projects.
3. Assigning the attributable insurance proceeds to one or more individual transit recovery projects. For example, if the grantee receives \$20 million in insurance proceeds and two projects will cost \$20 million, the grantee may apply all of the insurance proceeds to those two projects, and FTA will not participate in those projects.

FTA will consider alternative approaches upon request.

A grantee must be aware that if it chooses to fund a recovery project entirely from insurance proceeds without FTA assistance, that recovery project would

only be eligible for future FTA assistance (e.g., for cost overruns) provided that all federal requirements are met prior to incurring costs on the project. In this case, FTA will require additional documentation of how the attributable insurance proceeds are used.

Once insurance proceeds are applied to a specific transit recovery project, FTA will deduct the amount of the applied insurance proceeds from the net project cost and account for this in the recovery grant. The application of transit-attributable insurance proceeds to recovery projects will be documented by FTA as an attachment to any ER grant to which insurance proceeds are applied. If the insurance proceeds are applied to a disaster relief project for which FTA has already awarded funds, the grantee must reimburse FTA for the resulting difference in the federal cost share.

If the amount of insurance proceeds attributable to transit losses is greater than the remaining unfunded cost of disaster recovery projects, FTA will reduce the grantee's emergency relief allocation so that the ER allocation plus the attributable insurance proceeds is equal to the total estimated cost of disaster recovery. FTA will not allocate recovery funding in an amount greater than the total cost of disaster recovery (less insurance proceeds) attributable to transit losses, as determined in step one. FTA may only allocate funding for resilience improvements in excess of the estimated total cost of disaster recovery, including insurance proceeds.

A grantee may request that FTA update the total estimated cost of disaster recovery. In this case, the grantee must provide documentation and an explanation of increased recovery costs, or previously unknown damage.

## Recipient Oversight and Reviews

FTA oversees a continuing and broad-based oversight program that is described below. Recipients of funding under FTA's ER Program may be subject to the following oversight activities.

### Triennial / State Management Review

FTA performs a triennial or state management review at least once every 3 years to evaluate the performance of each recipient of FTA funds. FTA must ensure that the recipient is carrying out its program in compliance with federal statutory and administrative requirements. Triennial and state management reviews of recipient performance allow FTA to determine if the recipient is complying with the certifications it has made. Most recipients of FTA ER funds are subject to a triennial or state management review, which include special guidance on funding received under the ER program.

## Specialized Reviews

FTA may also conduct procurement, financial management, civil rights, drug and alcohol, safety, project management oversight, and other compliance reviews and audits, in addition to the triennial or state management review. When FTA evaluations or independent audits identify compliance deficiencies, FTA provides technical assistance to the recipient to facilitate compliance with federal requirements. FTA may reduce or withdraw financial assistance due to review findings or withhold further grants until the grantee comes into compliance.

## Single Audit Act

The Single Audit Act of 1984, as amended in 1996 (31 U.S.C. 7501 *et seq.*) and 2 CFR 200 Subpart F – Audit Requirements, provides audit requirements for ensuring that funds granted by the Federal Government to non-federal entities are expended properly.

All non-federal entities that expend \$750,000 or more in federal awards in a non-federal entity's fiscal year are required to obtain an annual audit in accordance with the Single Audit Act Amendments of 1996, (31 U.S.C. 7502), 2 CFR 200 subpart F – Audit Requirements, and the OMB Circular Compliance Supplement and Government Auditing Standards. A single audit is intended to provide a cost-effective audit for non-federal entities in that one audit is conducted in lieu of multiple audits of individual programs.

## Additional Oversight Activities

As permitted by statute (49 U.S.C. 5324(d)(1)), FTA will determine the terms and conditions that apply to grants awarded under the ER Program. Accordingly, FTA may institute additional oversight requirements in addition to the standard oversight program described in this section. For example, these may consist of grantee or project-specific risk assessments used to inform FTA's management and oversight of ER funding.



# Emergency Relief Program Final Rule: 49 CFR Part 602—Emergency Relief

### **§ 602.1 Purpose.**

This part establishes the procedures and eligibility requirements for the administration of emergency relief funds for emergency public transportation services, and the protection, replacement, repair or reconstruction of public transportation equipment and facilities which are found to have suffered or are in danger of suffering serious damage resulting from a natural disaster affecting a wide area or a catastrophic failure from an external cause.

### **§ 602.3 Applicability.**

This part applies to entities that provide public transportation services and that are impacted by emergencies and major disasters.

### **§ 602.5 Definitions.**

The following definitions apply to this part:

*Affected recipient.* A recipient or subrecipient that operates public transportation service in an area impacted by an emergency or major disaster.

*Applicant.* An entity that operates or allocates funds to an entity to operate public transportation service and that applies for a grant under [49 U.S.C. 5324](#).

*Building.* For insurance purposes, a structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site. This includes manufactured or modular office trailers that are built on a permanent chassis, transported to a site in one or more sections, and affixed to a permanent foundation.

*Catastrophic failure.* The sudden failure of a major element or segment of the public transportation system due to an external cause. The failure must not be primarily attributable to gradual and progressive deterioration, lack of proper maintenance or a design flaw.

*Contents coverage.* For insurance purposes, contents are personal property within a building, including fixtures, machinery, equipment and supplies. In addition to the costs to repair or replace, contents insurance coverage shall include the cost of debris removal and the reasonable cost of removal of contents to minimize damage.

*Emergency.* A natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm or landslide) or a catastrophic failure from any external cause, as a result of which:

- (1) The governor of a state has declared an emergency and the Secretary of Transportation has concurred; or
- (2) The President has declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5170](#)).

*Emergency operations.* The net project cost of temporary service that is outside the scope of an affected recipient's normal operations, including but not limited to: evacuations; rescue operations; bus, ferry, or rail service to replace inoperable service or to detour around damaged areas; additional service to accommodate an influx of passengers or evacuees; returning evacuees to their homes after the disaster or emergency; and the net project costs related to reestablishing, expanding, or relocating public transportation service before, during, or after an emergency or major disaster.

*Emergency protective measures.* (1) Projects undertaken immediately before, during or following the emergency or major disaster for the purpose of protecting public health and safety or for protecting property. Such projects:

- (i) Eliminate or lessen immediate threats to public health or safety; or
  - (ii) Eliminate or lessen immediate threats of significant damage or additional damage to an affected recipient's property through measures that are cost effective.
- (2) Examples of such projects include, but are not limited to:
- (i) Moving rolling stock in order to protect it from damage, e.g., to higher ground in order to protect it from storm surges;
  - (ii) Emergency communications;
  - (iii) Security measures;
  - (iv) Sandbagging;
  - (v) Bracing/shoring damaged structures;
  - (vi) Debris removal;
  - (vii) Dewatering; and
  - (viii) Removal of health and safety hazards.

*Emergency repairs.* Capital projects undertaken following the emergency or major disaster, until such time as permanent repairs can be undertaken, for the purpose of:

- (1) Minimizing the extent of the damage,
- (2) Restoring service, or
- (3) Ensuring service can continue to be provided until permanent repairs are made.

*External cause.* An outside force or phenomenon that is separate from the damaged element and not primarily the result of existing conditions.

*Heavy maintenance.* Work usually done by a recipient or subrecipient in repairing damage normally expected from seasonal and occasionally unusual natural conditions or occurrences, such as routine snow removal, debris removal from seasonal thunderstorms, or heavy repairs necessitated by excessive deferred maintenance. This may include work required as a direct result of a disaster, but which can reasonably be accommodated by a recipient or subrecipient's routine maintenance, emergency or contingency program.

*Incident period.* The time interval during which the emergency-causing incident occurs. FTA will not approve Pre-Award Authority for projects unless the damage to be alleviated resulted from the emergency-causing incident during the incident period or was incurred in anticipation of that incident. For each Stafford Act incident, FTA will adopt the incident period established by FEMA.

*Major disaster.* Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. [42 U.S.C. 5122](#).

*Net project cost.* The part of a project that reasonably cannot be financed from revenues. [49 U.S.C. 5302](#).

*Permanent repairs.* Capital projects undertaken following the emergency or major disaster for the purpose of repairing, replacing or reconstructing seriously damaged public transportation system elements, including rolling stock, equipment, facilities and infrastructure, as necessary to restore the elements to a state of good repair.

*Recipient.* An entity that operates public transportation service and receives Federal transit funds directly from FTA.

*Resilience.* The ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions such as significant multi-hazard threats with minimum damage to social well-being, the economy, and the environment.

*Resilience project.* A project designed and built to address existing and future vulnerabilities to a public transportation facility or system due to a probable occurrence or recurrence of an emergency or major disaster in the geographic area in which the public transportation system is located, and which may include the consideration of projected changes in development patterns, demographics, or climate change and extreme weather patterns. A resilience project may be a stand-alone project or may be completed at the same time as permanent repairs.

*Serious damage.* Heavy, major or unusual damage to a public transportation facility which severely impairs the safety or usefulness of the facility. Serious damage must be beyond the scope of heavy maintenance.

*State.* A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

*Subrecipient.* An entity that operates public transportation service and receives FTA funding through a recipient.

#### **§ 602.7 Policy.**

(a) The Emergency Relief Program is intended to aid recipients and subrecipients in restoring public transportation service and in repairing and reconstructing public transportation assets to a state of good repair as expeditiously as possible following an emergency or major disaster.

(b) Emergency relief funds are not intended to supplant other Federal funds for the correction of preexisting, non-disaster related deficiencies.

(c) Following an emergency, affected recipients may include projects that increase the resilience of affected public transportation systems to protect the systems from the effects of future emergencies and major disasters.

(d) The expenditure of emergency relief funds for emergency repair shall be in such a manner so as to reduce, to the greatest extent feasible, the cost of permanent restoration work completed after the emergency or major disaster.

(e) Emergency relief funds, or funds made available under [49 U.S.C. 5307](#) (Urbanized Area Formula Program) or [49 U.S.C. 5311](#) (Rural Area Formula Program) awarded for emergency relief purposes shall not duplicate assistance under another Federal program or compensation from insurance or any other source. Partial compensation for a loss by other sources will not preclude FTA emergency relief fund assistance for the part of such loss not compensated otherwise. Any compensation for damages or insurance proceeds for repair or replacement of the public transit equipment or facility must be used upon receipt to reduce FTA's emergency relief fund participation in the project.

(1) If a recipient receives insurance proceeds that are directly attributable to specific assets, the recipient must:

(i) Apply those proceeds to the cost of replacing or repairing the damaged or destroyed project property; or

(ii) Return to FTA an amount equal to the remaining Federal interest in the lost, damaged, or destroyed project property.

(2) If under the terms of its policy a recipient receives insurance proceeds that are not attributable to specific assets, such as blanket, lump-sum, or unallocated proceeds, FTA, in consultation with the recipient, will determine the portion of such proceeds that the recipient must attribute to transit assets.

(3) Any insurance proceeds not attributable to transit assets may be used for other purposes without obligation to FTA, including as local share for FTA grants.

(f) The Flood Disaster Protection Act of 1973 ([42 U.S.C. 4001](#) et seq.) provides that Federal agencies may not provide any financial assistance for the acquisition, construction, reconstruction, repair, or improvement of a building in a special flood hazard area (100-year flood zone) unless the recipient has first acquired flood insurance to cover the buildings and contents constructed or repaired with Federal funds, in an amount at least equal to the Federal investment (less land cost) or to the maximum limit of coverage made available under the National Flood Insurance Act of 1968, whichever is less.

(1) Transit facilities to which this paragraph (f) applies are buildings located in special flood hazard areas and include but are not limited to maintenance facilities, storage facilities, above-ground stations and terminals, and manufactured or modular office trailers.

(2) Flood insurance is not required for underground subway stations, track, tunnels, ferry docks, or to any transit facilities located outside of a special flood hazard area.

(g) Recipients must obtain and maintain flood insurance on those buildings and contents for which FTA has provided funds.

**§ 602.9 Federal share.**

(a) A grant, contract, or other agreement for emergency operations, emergency protective measures, emergency repairs, permanent repairs and resilience projects under [49 U.S.C. 5324](#) shall be for up to 80 percent of the net project cost.

(b) A grant made available under [49 U.S.C. 5307](#) or [49 U.S.C. 5311](#) to address an emergency shall be for up to 80 percent of the net project cost for capital projects, and up to 50 percent of the net project cost for operations projects.

(c) The FTA Administrator may waive, in whole or part, the non-Federal share required under paragraphs (a) and (b) of this section.

**§ 602.11 Pre-award authority.**

(a) Except as provided in paragraph (c) of this section, pre-award authority for the Emergency Relief Program shall be effective beginning on the first day of the incident period, subject to the appropriation of Emergency Relief Program funds.

(b) Recipients may use section 5307 or section 5311 formula funds to address an emergency, and, except as provided in paragraph (c) of this section, pre-award authority shall be effective beginning on the first day of the incident period of the emergency or major disaster.

(c) For expected weather events, pre-award authority for evacuations and activities to protect public transportation vehicles, equipment and facilities, shall be effective in advance of the event under the following conditions:

(1) The Governor of a State declares a state of emergency and requests concurrence by the Secretary of Transportation or makes a request to the President for an emergency declaration, in advance or anticipation of the impact of an incident that threatens such damage as could result in a major disaster;

(2) The Governor takes appropriate action under State law and directs execution of the State emergency plan;

(3) The activities are required in anticipation of the event; and

(4) Assistance for a pre-disaster emergency declaration is limited to Emergency Protective Measures and Emergency Operations.

(d) Pre-award authority shall be subject to a maximum amount determined by FTA based on estimates of immediate financial need, preliminary damage assessments, available Emergency Relief funds and other criteria to be determined in response to a particular event.

(e) Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all activities undertaken by the applicant will be eligible for inclusion in the project(s).

(f) Except as provided in § 602.15, all FTA statutory, procedural, and contractual requirements must be met.

(g) The recipient must take no action that prejudices the legal and administrative findings that the FTA Regional Administrator must make in order to approve a project.

(h) The Federal amount of any future FTA assistance awarded to the recipient for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/non-Federal match ratio at the time the funds are obligated.

(i) When FTA subsequently awards a grant for the project, the Financial Status Report in FTA's electronic grants management system must indicate the use of pre-award authority.

### **§ 602.13 Eligible activities.**

(a) An affected recipient may apply for emergency relief funds on behalf of itself as well as affected subrecipients.

(b) Eligible uses of Emergency Relief funds include:

(1) Emergency operations;

(2) Emergency protective measures;

(3) Emergency repairs;

(4) Permanent repairs;

(5) Actual engineering and construction costs on approved projects;

(6) Repair or replacement of spare parts that are the property of an affected recipient or subrecipient and held in the normal course of business that are damaged or destroyed; and

(7) Resilience projects.

(c) Ineligible uses of Emergency Relief funds include:

(1) Heavy maintenance;

(2) Project costs for which the recipient has received funding from another Federal agency;

(3) Project costs for which the recipient has received funding through payments from insurance policies;

(4) Except for resilience projects that have been approved in advance, projects that change the function of the original infrastructure;

(5) Projects for which funds were obligated in an FTA grant prior to the declared emergency or major disaster;

(6) Reimbursements for lost revenue due to service disruptions caused by an emergency or major disaster;

(7) Project costs associated with the replacement or replenishment of damaged or lost material that are not the property of the affected recipient and not incorporated into a public transportation system such as stockpiled materials or items awaiting installation; and

(8) Other project costs FTA determines are not appropriate for the Emergency Relief Program.

#### **§ 602.15 Grant requirements.**

(a) Funding available under the Emergency Relief program is subject to the terms and conditions FTA determines are necessary.

(b) The FTA Administrator shall determine the terms and conditions based on the circumstances of a specific emergency or major disaster for which funding is available under the Emergency Relief Program.

(1) In general, projects funded under the Emergency Relief Program shall be subject to the requirements of Chapter 53 of title 49, United States Code, as well as cross-cutting requirements, including but not limited to those outlined in FTA's Master Agreement.

(2) The FTA Administrator may determine that certain requirements associated with public transportation programs are inapplicable as necessary and appropriate for emergency repairs, permanent repairs, emergency protective measures and emergency operating expenses that are incurred within 45 days



of the emergency or major disaster, or longer as determined by FTA. If the FTA Administrator determines any requirement is inapplicable, the determination shall apply to all eligible activities undertaken with funds authorized under 49 U.S.C. 5324 within the 45-day period, as well as funds authorized under 49 U.S.C. 5307 and 5311 and used for eligible emergency relief activities.

(3) FTA shall publish a notice on its Web site and in the emergency relief docket established under 49 CFR part 601 regarding the grant requirements for a particular emergency or major disaster.

(c) In the event an affected recipient or subrecipient believes an FTA requirement limits its ability to respond to the emergency or major disaster, the recipient or subrecipient may request that the requirement be waived in accordance with the emergency relief docket process as outlined in 49 CFR part 601, subpart D. Applicants should not proceed on projects assuming that requests for such waivers will be granted.

(d) In accordance with Executive Order 11988, Floodplain Management, recipients shall not use grant funds for any activity in an area delineated as a special flood hazard area or equivalent, as labeled in the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs). If there are no alternatives but to locate the action in a floodplain, prior to seeking FTA funding for such action, the recipient shall design or modify its actions in order to minimize potential harm to or within the floodplain.

(1) Except as otherwise provided in this subparagraph, recipients shall use the "best available information" as identified by FEMA, which includes advisory data (such as Advisory Base Flood Elevations (ABFEs)), preliminary and final Flood Insurance Rate Maps, or Flood Insurance Studies (FISs).

(2) If FEMA data is mutually determined by FTA and the recipient to be unavailable or insufficiently detailed, other Federal, State, or local data may be used as "best available information" in accordance with Executive Order 11988.

(3) The final determination on "best available information" shall be used to establish such reconstruction requirements as a project's minimum elevation.

(4) Where higher minimum elevations are required by either State or locally adopted building codes or standards, the higher of the State or local minimums would apply.

(5) A base flood elevation from an interim or preliminary or non-FEMA source may not be used if it is lower than the current FIRM.

(6) Recipients shall also consider the best available data on sea-level rise, storm surge, scouring and erosion before rebuilding.

**§ 602.17 Application procedures.**

(a) As soon as practical after an emergency, major disaster or catastrophic failure, affected recipients shall make a preliminary field survey, working cooperatively with the appropriate FTA Regional Administrator and other governmental agencies with jurisdiction over affected public transportation systems. The preliminary field survey should be coordinated with the Federal Emergency Management Agency, if applicable, to eliminate duplication of effort. The purpose of this survey is to determine the general nature and extent of damage to eligible public transportation systems.

(1) The affected recipient shall prepare a damage assessment report. The purpose of the damage assessment report is to provide a factual basis for the FTA Regional Administrator's finding that serious damage to one or more public transportation systems has been caused by a natural disaster affecting a wide area, or a catastrophic failure. As appropriate, the damage assessment report should include by political subdivision or other generally recognized administrative or geographic boundaries—

(i) The specific location, type of facility or equipment, nature and extent of damage;

(ii) The most feasible and practical method of repair or replacement;

(iii) A preliminary estimate of cost of restoration, replacement, or reconstruction for damaged systems in each jurisdiction.

(iv) Potential environmental and historic impacts;

(v) Photographs showing the kinds and extent of damage and sketch maps detailing the damaged areas;

(vi) Recommended resilience projects to protect equipment and facilities from future emergencies or major disasters; and

(vii) An evaluation of reasonable alternatives, including change of location, addition of resilience/mitigation elements, and any other alternative the recipient considered, for any damaged transit facility that has been previously repaired or reconstructed as a result of an emergency or major disaster.

(2) Unless unusual circumstances prevail, the initial damage assessment report should be prepared within 60 days following the emergency, major disaster, or catastrophic failure. Affected recipients should update damage assessment reports as appropriate.

(3) For large disasters where extensive damage to public transportation systems is readily evident, the FTA Regional Administrator may approve an application

for assistance prior to submission of the damage assessment report. In these cases, the applicant shall prepare and submit to the FTA Regional Administrator an abbreviated or preliminary damage assessment report, summarizing eligible repair costs by jurisdiction, after the damage inspections have been completed.

(b) Before funds can be made available, a grant application for emergency relief funds must be made to, and approved by, the appropriate FTA Regional Administrator. The application shall include:

(1) A copy of the damage assessment report, as appropriate;

(2) A list of projects, as documented in the damage assessment report, identifying emergency operations, emergency protective measures, and emergency repairs completed as well as permanent repairs needed to repair, reconstruct or replace the seriously damaged or destroyed rolling stock, equipment, facilities, and infrastructure to a state of good repair; and

(3) Supporting documentation showing other sources of funding available, including insurance policies, agreements with other Federal agencies, and any other source of funds available to address the damage resulting from the emergency or major disaster.

(c) Applications for emergency operations must include the dates, hours, number of vehicles, and total fare revenues received for the emergency service. Only net project costs may be reimbursed.

(d) Applicants that receive funding from another Federal agency for operating expenses and also seek funding from FTA for operating expenses must include:

(1) A copy of the agreement with the other Federal agency, including the scope of the agreement, the amount funded, and the dates the other agency funded operating costs; and

(2) The scope of service and dates for which the applicant is seeking FTA funding.

(e) Applicants that receive funding from another Federal agency for emergency or permanent repairs or emergency protective measures and also seek funding from FTA for emergency or permanent repairs or emergency protective measures must include:

(1) A copy of the agreement with the other Federal agency, including the scope of the agreement and the amount funded; and

(2) A list of projects included in the other agency's application or equivalent document.

(f) Applicants are responsible for preparing and submitting a grant application. The FTA Regional Office may provide technical assistance to the applicant in preparation of a program of projects. This work may involve joint site inspections to view damage and reach tentative agreement on the type of permanent repairs the applicant will undertake. Project information should be kept to a minimum, but should be sufficient to identify the approved disaster or catastrophe and to permit a determination of the eligibility of proposed work. If the appropriate FTA Regional Administrator determines the damage assessment report is of sufficient detail to meet these criteria, additional project information need not be submitted.

(g) The appropriate FTA Regional Administrator's approval of the grant application constitutes a finding of eligibility under [49 U.S.C. 5324](#).

# 49 CFR Part 601, Subpart D—Emergency Procedures for Public Transportation Systems

### Notes:

1. Please review the current calendar year Notice of Establishment of Emergency Relief Docket in the Federal Register for updated instructions on how to locate the docket online, submit petitions to the docket, or request the docket be opened.
2. A link to the current docket can be found by searching for “emergency relief docket” on FTA’s website (<https://www.transit.dot.gov>).
3. The text of the regulation below has been updated to reflect website addresses current as of September 2022.

**Authority:** 49 U.S.C. 5141 and 5334; 49 CFR §1.51.

Source: 72 Federal Register (FR) 912, Jan. 9, 2007, unless otherwise noted.

### § 601.40 Applicability

This part prescribes procedures that apply to FTA grantees and sub-grantees when the President has declared a national or regional emergency, when a State Governor has declared a state of emergency, when the Mayor of the District of Columbia has declared a state of emergency, or in anticipation of such declarations.

### § 601.41 Petitions for relief

In the case of a national or regional emergency or disaster, or in anticipation of such a disaster, any FTA grantee or sub-grantee may petition the Administrator for temporary relief from the provisions of any policy statement, circular, guidance document or rule.

### § 601.42 Emergency relief docket

(a) By January 31st of each year, FTA shall establish a publicly accessible Emergency Relief Docket <https://regulations.gov>

(b) FTA shall publish a notice in the Federal Register identifying, by docket number, the Emergency Relief Docket for that calendar year. A notice shall also be published in the previous year's Emergency Relief Docket identifying the new docket number.

(c) If the Administrator, or his/her designee, determines that an emergency event has occurred, or in anticipation of such an event, FTA shall place a message on its web page (<https://transit.dot.gov>) indicating the Emergency Relief Docket has been opened and including the docket number.

#### **§ 601.43 Opening the docket**

(a) The Emergency Relief Docket shall be opened within two business days of an emergency or disaster declaration in which it appears FTA grantees or sub-grantees are or will be impacted.

(b) In cases in which emergencies can be anticipated, such as hurricanes, FTA shall open the docket and place the message on the FTA web page in advance of the event.

(c) In the event a grantee or sub-grantee believes the Emergency Relief Docket should be opened and it has not been opened, that grantee or sub-grantee may submit a petition in duplicate to the Administrator, via U.S. mail, to: Federal Transit Administration, 400 Seventh Street, SW., Washington, DC 20590; via telephone, at: (202) 366-4043; or via fax, at (202) 366-3472, requesting opening of the Docket for that emergency and including the information in §601.45. The Administrator in his/her sole discretion shall determine the need for opening the Emergency Relief Docket.

#### **§ 601.44 Posting to the docket**

(a) All petitions for relief must be posted in the docket in order to receive consideration by FTA.

(b) The docket is publicly accessible and can be accessed 24 hours a day, seven days a week, via the Internet at <https://www.regulations.gov>. Petitions may also be submitted by U.S. mail or by hand delivery to the DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590.

(c) In the event a grantee or sub-grantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or sub-grantee may contact any FTA Regional Office or FTA headquarters and request that FTA staff submit the petition on their behalf.

(d) Any grantee or sub-grantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and that calendar year's docket number. Grantees and sub-grantees making submissions by mail or hand delivery should submit two copies.

#### **§ 601.45 Required information**

A petition for relief under this section shall:

- (a) Identify the grantee or sub-grantee and its geographic location;
- (b) Specifically address how an FTA requirement in a policy statement, circular, or agency guidance will limit a grantee's or sub-grantee's ability to respond to an emergency or disaster;
- (c) Identify the policy statement, circular, guidance document and/or rule from which the grantee or sub-grantee seeks relief; and
- (d) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

#### **§ 601.46 Processing of petitions**

- (a) A petition for relief will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket.
- (b) FTA will review the petition after the expiration of the three business days and review any comments submitted thereto. FTA may contact the grantee or sub-grantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision.
- (c) FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition.
- (d) If FTA fails to post a response to the request for relief to the docket within three business days, the grantee or sub-grantee may assume its petition is granted until and unless FTA states otherwise.

#### **§ 601.47 Review Procedures**

- (a) FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or sub-grantee upon denial of a request for relief. FTA shall notify the grantee or sub-grantee if it plans to reconsider a decision.
- (b) FTA decision letters, either granting or denying a petition, shall be posted in the appropriate Emergency Relief Docket and shall reference the document number of the petition to which it relates.

# FTA Regional Office Contact Information

FTA regional contact information is available at <https://www.transit.dot.gov/about/regional-offices/regional-offices>

**FTA Region 1** (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont)

Federal Transit Administration  
Kendall Square  
55 Broadway  
Suite 920  
Cambridge, MA 02142-1093  
Phone (617) 494-2729  
Fax (617) 494-2865

**FTA Region 2** (New Jersey and New York)

Federal Transit Administration  
One Bowling Green  
Room 4289  
New York, NY 10004-1415  
Phone (212) 668-2170  
Fax (212) 668-2136

**FTA Region 3** (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia)

Federal Transit Administration  
1835 Market Street  
Suite 1910  
Philadelphia, PA 19103  
Phone (215) 656-7100  
Fax (215) 656-7260

Washington DC Metro Office  
1200 New Jersey Ave SE  
Washington, DC 20590  
Phone (215) 656-7100



**FTA Region 4** (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the U.S. Virgin Islands)

Federal Transit Administration  
230 Peachtree, NW  
Suite 1400  
Atlanta, GA 30303  
Phone (404) 865-5600  
Fax (404) 865-5606

Puerto Rico Office  
Federico Degetau - Federal Building  
150 Chardon Ave; Suite 370  
San Juan, PR 00918  
(787) 773-8450

**FTA Region 5** (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)

Federal Transit Administration  
200 West Adams Street  
Suite 320  
Chicago, IL 60606  
Phone (312) 353-2789  
Fax (312) 886-0351

**FTA Region 6** (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

Federal Transit Administration  
Fritz G. Lantham Federal Building  
819 Taylor Street  
Room 14A02  
Fort Worth, TX 76102  
Phone (817) 978-0550  
Fax (817) 978-0575

**FTA Region 7** (Iowa, Kansas, Missouri, and Nebraska)

Federal Transit Administration  
901 Locust Street  
Suite 404  
Kansas City, MO 64106  
Phone (816) 329-3920  
Fax (816) 329-3921

**FTA Region 8** (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming)

Federal Transit Administration  
Byron Rogers Federal Building  
1961 Stout Street  
Suite 13-301  
Denver, Colorado 80294  
Telephone: (303) 362-2400  
Fax: (303) 292-5904

**FTA Region 9** (American Samoa, Arizona, California, Guam, Hawaii, Nevada, and Northern Mariana Islands)

Federal Transit Administration  
San Francisco Federal Building  
90 7th Street  
Suite 15-300  
San Francisco, CA 94103-6701.  
Telephone: (415) 734-9490  
Fax: (415) 734-9489

***Los Angeles Metro Office***

Federal Transit Administration  
888 South Figueroa Street  
Suite 440  
Los Angeles, CA 90017-5311  
Phone (213) 202-3950

**FTA Region 10** (Alaska, Idaho, Oregon, and Washington)

Federal Transit Administration  
915 Second Avenue  
Suite 3142  
Seattle, WA 98174-1002  
Phone (206) 220-7954  
Fax (206) 220-7518

# FEMA Regional Office Contact Information

FEMA regional contact information is available at <https://www.fema.gov/regional-contact-information>

**Region 1** (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)

Federal Emergency Management Agency  
99 High Street  
Boston, MA 02109  
(877) 336-2734

**Region 2** (New Jersey, New York, Puerto Rico, and U.S. Virgin Islands)

Federal Emergency Management Agency  
One World Trade Center  
285 Fulton Street  
New York, NY 10007  
(212) 680-3600

**Region 3** (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia)

Federal Emergency Management Agency  
615 Chestnut Street  
One Independence Mall  
6th Floor  
Philadelphia, PA 19106-4404  
(215) 931-5500

**Region 4** (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)

Federal Emergency Management Agency  
3005 Chamblee Tucker Road  
Atlanta, GA 30341  
(770) 220-5200

**Region 5** (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)

Federal Emergency Management Agency  
536 South Clark Street  
6th Floor  
Chicago, IL 60605  
(312) 408-5500

**Region 6** (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

Federal Emergency Management Agency  
Federal Regional Center  
800 N. Loop 288  
Denton, TX 76209  
(940) 898-5399

**Region 7** (Iowa, Kansas, Missouri, and Nebraska)

Federal Emergency Management Agency  
11224 Holmes Rd  
Kansas City, MO 64131  
(816) 283-7061

**Region 8** (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming)

Federal Emergency Management Agency  
Denver Federal Center  
Lakewood, CO 80225  
(303) 235-4800

**Region 9** (American Samoa, Arizona, California, Guam, Hawaii, Nevada, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, and Republic of the Marshall Islands)

Federal Emergency Management Agency  
1111 Broadway  
Suite 1200  
Oakland, CA 94607  
(510) 627-7100

**Region 10** (Alaska, Idaho, Oregon, and Washington)

Federal Emergency Management Agency  
Federal Regional Center  
130 228th Street, S.W.  
Bothell, WA 98021-8627  
(425) 487-4600

## Appendix E

# State Emergency Contact Information

State offices and agencies of emergency management are available at <https://www.usa.gov/state-emergency-management>.

### **Alabama Emergency Management Agency**

5898 County Road 41  
P.O. Drawer 2160  
Clanton, Alabama 35046-2160  
(205) 280-2200  
<https://ema.alabama.gov/>

### **Alaska Division of Homeland Security and Emergency Management**

Building 49000  
Army Guard Road  
Fort Richardson, Alaska 99505-5750  
(907) 428-7000  
<https://ready.alaska.gov/>

### **Territorial Emergency Management Coordination (TEMCO)**

American Samoa Department of Homeland Security  
American Samoa Government  
P.O. Box 1086  
Pago Pago, American Samoa 96799  
(011) (684) 699-0411

### **Arizona Division of Emergency Management**

5636 E. McDowell Road  
Phoenix, Arizona 85008-3495  
(800) 411-2336 | (602) 244-0504  
<https://dema.az.gov/emergency-management>

### **Arkansas Division of Emergency Management**

Bldg. # 9501  
Camp Joseph T. Robinson  
North Little Rock, Arkansas 72199-9600  
(501) 683-6700  
<https://www.dps.arkansas.gov/emergency-management/adem/>

**California Governor's Office of Emergency Services**

3650 Schriever Avenue  
Mather, California 95655  
(916) 845-8510  
<https://www.caloes.ca.gov/>

**Colorado Division of Homeland Security and Emergency Management**

9195 East Mineral Avenue  
Suite 200  
Centennial, Colorado 80112  
(720) 852-6600  
<https://dhsem.colorado.gov/>

**Connecticut State Division of Emergency Management and Homeland Security**

1111 Country Club Road  
Middletown, CT 06457  
(860) 685-8541  
<https://portal.ct.gov/demhs>

**Delaware Emergency Management Agency**

165 Brick Store Landing Road  
Smyrna, Delaware 19977  
(302) 659-3362  
(302) 659-6855 FAX  
<https://dema.delaware.gov/>

**District of Columbia Homeland Security and Emergency Management Agency**

2720 Martin Luther King, Jr. Avenue, S.E.  
Washington, D.C. 20032  
(202) 727-6161  
(202) 715-7288 FAX  
<https://hsema.dc.gov/>

**Florida Division of Emergency Management**

2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100  
(850) 815-4000  
<http://www.floridadisaster.org>

**Georgia Emergency Management & Homeland Security Agency**

935 United Ave SE  
P.O. Box 18055  
Atlanta, Georgia 30316-0055  
(404) 635-7200  
<https://gema.georgia.gov/>

**Guam Homeland Security/Office of Civil Defense**

221B Chalan Palasyo  
Agana Heights, Guam 96910  
(671) 475-9600  
(671) 477-3727 FAX  
<https://www.ghs.guam.gov/>

**Hawaii Emergency Management Agency**

4204 Diamond Head Road  
Honolulu, Hawaii 96816-4495  
(808) 733-4300  
(808) 733-4287 FAX  
<https://dod.hawaii.gov/hiema/>

**Idaho Office of Emergency Management**

4040 Guard Street  
Bldg. 600  
Boise, Idaho 83705-5004  
(208) 258-6500  
(208) 422-3044 FAX  
<https://ioem.idaho.gov/>

**Illinois Emergency Management Agency**

2200 S. Dirksen Parkway  
Springfield, Illinois 62703  
(217) 782-2700  
<http://www.state.il.us/iema>

**Indiana Department of Homeland Security**

Emergency Management and Preparedness Division  
Indiana Government Center South  
302 West Washington Street  
Room E208  
Indianapolis, Indiana 46204-2739  
(317) 232-2222  
<https://www.in.gov/dhs/emergency-management-and-preparedness/division/>



**Iowa Department of Homeland Security & Emergency Management**

7900 Hickman Road  
Suite 500  
Windsor Heights, Iowa 50324  
(515) 725-3231  
(515) 725-3260 FAX  
<https://homelandsecurity.iowa.gov/>

**Kansas Division of Emergency Management**

2800 S.W. Topeka Boulevard  
Topeka, Kansas 66611-1287  
(785) 646-2000  
(785) 646-2001 FAX  
[https://www.kansastag.gov/kdem\\_default.asp](https://www.kansastag.gov/kdem_default.asp)

**Kentucky Emergency Management**

EOC Building  
100 Minuteman Parkway  
Frankfort, Kentucky 40601-6168  
(502) 607-1682 or (800) 255-2587  
<https://kyem.ky.gov/Pages/default.aspx>

**Louisiana Office of Homeland Security & Emergency Preparedness**

7667 Independence Boulevard  
Baton Rouge, Louisiana 70806  
(225) 925-7500  
(225) 925-7501 FAX  
<http://gohsep.la.gov/>

**Maine Emergency Management Agency**

#72 State House Station  
45 Commerce Drive  
Suite #2  
Augusta, Maine 04333-0072  
(207) 624-4400  
(207) 287-3178 (FAX)  
<https://www.maine.gov/mema/>

**Commonwealth of the Northern Mariana Islands Homeland Security & Emergency Management**

Office of the Governor  
Commonwealth of the Northern Mariana Islands  
P.O. Box 10007  
Saipan, Mariana Islands 96950  
(670) 237-2200  
<http://cnmihsem.gov.mp/>

**Republic of Marshall Islands National Disaster Management Office**

Office of the Chief Secretary  
P.O. Box 15  
Majuro, Republic of the Marshall Islands 96960-0015  
(011) (692) 625-6366  
<https://rmi-data.sprep.org/group/5>

**Maryland Emergency Management Agency**

Camp Fretterd Military Reservation  
5401 Rue Saint Lo Drive  
Reisterstown, Maryland 21136  
(410) 517-3600  
(877) 636-2872 Toll-Free  
(410) 517-3610 FAX  
<https://mdem.maryland.gov/Pages/default.aspx>

**Massachusetts Emergency Management Agency**

400 Worcester Road  
Framingham, MA 01702-5399  
(508) 820-2000  
<https://www.mass.gov/orgs/massachusetts-emergency-management-agency>

**Michigan State Police Emergency Management & Homeland Security Division**

Michigan Dept. of State Police  
P.O. Box 30634  
Lansing, Michigan 48909  
(517) 284-3745  
<https://www.michigan.gov/msp/divisions/emhsd>

**Department of Environment, Climate Change & Emergency Management**

Federated States of Micronesia  
PS69  
Palikir Station, Pohnpei State, FM96941  
(011) (691) 320-8815  
(001) (691) 320-8936 FAX

**Minnesota Homeland Security and Emergency Management Division**

Minnesota Department of Public Safety  
445 Minnesota Street  
St. Paul, MN 55101  
(651) 201-7000  
<https://dps.mn.gov/divisions/hsem/Pages/default.aspx>

**Mississippi Emergency Management Agency**

1 Mema Drive  
Pearl, MS 39208  
(866) 920-6362  
<https://www.msema.org/>

**Missouri State Emergency Management Agency**

2302 Militia Drive  
P.O. Box 116  
Jefferson City, Missouri 65102  
(573) 526-9100  
(573) 634-7966 FAX  
<https://sema.dps.mo.gov/>

**Montana Disaster & Emergency Services**

1956 Mt. Majo Street  
PO Box 4789  
Fort Harrison, Montana 59636-4789  
(406) 324-4777  
<https://des.mt.gov/>

**Nebraska Emergency Management Agency**

2433 N.W. 24th Street  
Lincoln, NE 68524-1801  
(402) 471-7421  
(402) 471-7433 FAX  
<https://nema.nebraska.gov/>

**Nevada Division of Emergency Management**

2478 Fairview Drive  
Carson City, Nevada 89701  
(775) 687-0300  
(775) 687-0330 FAX  
<https://dem.nv.gov/>

**New Hampshire Homeland Security and Emergency Management**

New Hampshire Department of Safety  
33 Hazen Drive  
Concord, New Hampshire 03305  
(603) 271-2231  
(603) 271-3609 FAX  
<https://www.nh.gov/safety/divisions/hsem/>

**New Jersey Office of Emergency Management**

New Jersey State Police  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068  
(609) 538-6050 Monday-Friday  
(609) 963-6900 Emergency  
(609) 963-6208 Mitigation  
(609) 882-2000 Ext. 6214 State Training Officer  
(609) 671-0160 FAX  
<https://nj.gov/njoem/index.shtml>

**New Mexico Department of Homeland Security and Emergency Management (DHSEM)**

13 Bataan Boulevard  
P.O. Box 27111  
Santa Fe, New Mexico 87502  
(505) 476-9600  
<https://www.nmdhsem.org/>

**New York State Emergency Management Office**

1220 Washington Avenue  
Albany, New York 12226-2251  
(518) 292-2200  
<https://www.dhse.ny.gov/office-emergency-management>

**North Carolina Emergency Management**

1636 Gold Star Drive

Raleigh, NC 27607

(919) 825-2500

(800) 858-0368 24-hour operations

<https://www.ncdps.gov/our-organization/emergency-management>

**North Dakota Department of Emergency Services**

Fraine Barracks Lane - Building 35

Fraine Barracks Lane

Building 35

Bismarck, North Dakota 58504

(701) 328-8100

<https://www.des.nd.gov/>

**Ohio Emergency Management Agency**

2855 West Dublin-Granville Road

Columbus, Ohio 43235-2206

(614) 889-7150

(614) 889-7183 FAX

<https://ema.ohio.gov/>

**Oklahoma Department of Emergency Management**

2401 Lincoln Blvd

Suite C51

Oklahoma City, Oklahoma 73105

(405) 521-2481

(405) 521-4053 FAX

<https://oklahoma.gov/oem.html>

**Oregon Office of Emergency Management**

3225 State St.

Room 115

Salem, Oregon 97301

(503) 378-2911

(503) 373-7833 FAX

<https://www.oregon.gov/oem/>

**Palau National Emergency Management Office (NEMO)**

P.O. Box 100

Koror, Republic of Palau 96940

(011) (680) 587-6366

(011) (680) 587-6368

<https://www.palau.gov.pw/the-national-emergency-management-office/>

**Pennsylvania Emergency Management Agency**

1310 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 651-2001  
<https://www.pema.pa.gov/>

**Puerto Rico Emergency Management Agency**

PO Box 194140  
San Juan, PR 00919-4140  
(787) 724-0124  
(787) 725-4244 FAX  
<https://pr.gov/Directorios/Pages/InfoAgencia.aspx?PRIFA=021>

**Rhode Island Emergency Management Agency**

645 New London Ave  
Cranston, Rhode Island 02920-3003  
(401) 946-9996  
(401) 944-1891 FAX  
<https://riema.ri.gov/>

**South Carolina Emergency Management Division**

2779 Fish Hatchery Road  
West Columbia, South Carolina 29172  
(803) 737-8500  
(803) 737-8570 FAX  
<https://www.scemd.org/>

**South Dakota Division of Emergency Management**

Department of Public Safety  
118 West Capitol Ave.  
Pierre, South Dakota 57501  
(605) 773-3231  
<https://dps.sd.gov/emergency-services/emergency-management>

**Tennessee Emergency Management Agency**

3041 Sidco Drive  
Nashville, Tennessee 37204-1502  
(615) 741-0001  
(615) 242-9635 FAX  
<https://www.tn.gov/tema>

**Texas Division of Emergency Management**

1033 La Posada  
Suite 300  
Austin, Texas 78752-3824  
(512) 424-2208  
(512) 424-7160 FAX  
<https://tdem.texas.gov/>

**Utah Division of Emergency Management**

Department of Public Safety  
Taylorsville State Office Building  
4315 S 2700 W., Suite 2200  
Taylorsville, UT 84129-2128  
(801) 538-3400  
<https://dem.utah.gov/>

**Vermont Emergency Management Agency**

Department of Public Safety  
45 State Drive  
Waterbury, VT 05671-1300  
(802) 244-8721 or (800) 347-0488  
<https://vem.vermont.gov/>

**Virgin Islands Territorial Emergency Management – VITEMA**

8221 Estate Nisky  
St. Thomas, VI 00803  
(340) 774-2244  
<http://www.vitema.vi.gov/>

**Virginia Department of Emergency Management**

9711 Farrar Court  
North Chesterfield, VA, 23236  
(804) 267-7600  
(804) 272-2046 FAX  
<https://www.vaemergency.gov/>

**State of Washington Emergency Management Division**

20 Aviation Drive  
Building 20  
Camp Murray, WA 98430-5112  
(253) 512-7056 / 800-562-6108  
(253) 512-7207 FAX  
<https://www.mil.wa.gov/emergency-management-division>

**West Virginia Emergency Management Division**

West Virginia Department of Homeland Security

2403 Fairlawn Avenue

Dunbar, WV 25064

(304) 558-5380

<https://emd.wv.gov>

**Wisconsin Emergency Management**

2400 Wright Street

P.O. Box 7865

Madison, Wisconsin 53707-7865

(608) 242-3000

<https://wem.wi.gov>

**Wyoming Office of Homeland Security**

5500 Bishop Blvd

East Door

Cheyenne, Wyoming 82002

307-777-4900 (307) 635-6017 FAX

<https://hls.wyo.gov>





## Acronyms and Abbreviations

AAR	After Action Reports
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
BFE	Base Flood Elevation
CFR	Code of Federal Regulations
COOP	Continuity of Operations Plan
CDBG	Community Development Block Grant
CTAA	Community Transportation Association of America
DCE	Documented Categorical Exclusion
DHS	Department of Homeland Security
DOT	United States Department of Transportation
EA	Environmental Assessment
EHP	Environmental and Historic Preservation
EIS	Environmental Impact Statement
EMAC	Emergency Management Assistance Compact
EOC	Emergency Operations Center
ER	Emergency Relief
ERPP	Emergency Response and Preparedness Program
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FBI	Federal Bureau of Investigation
FFR	Federal Financial Report
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
HSPD	Homeland Security Presidential Directive
ICS	Incident Command System
MAP-21	Moving Ahead for Progress in the 21st Century Act
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MPR	Milestone Progress Report
NAERF	Notice of Availability of Emergency Relief Funding
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NGO	Non-Governmental Organization
NIMS	National Incident Management System
NRF	National Response Framework
PA	Public Assistance
POC	Point of Contact
SFHA	Special Flood Hazard Area

STIP	Statewide Transportation Improvement Program
TCRP	Transit Cooperative Research Program
TIP	Transportation Improvement Program
TSA	Transportation Security Administration
UFR	Unified Federal Review

# Glossary

Regulatory definitions applicable for the FTA Emergency Relief Program are found in Appendix A, and in 49 CFR subpart 602.5.

Other common emergency relief terms are defined below. These definitions were taken from the following sources:

- *DHS Risk Lexicon*. September 2008. U.S. Department of Homeland Security. Available at [http://www.dhs.gov/xlibrary/assets/dhs\\_risk\\_lexicon.pdf](http://www.dhs.gov/xlibrary/assets/dhs_risk_lexicon.pdf)
- *An Introduction to All-Hazards Preparedness for Transit Agencies*. May 2010. Federal Transit Administration. Available at <https://www.transit.dot.gov/oversight-policy-areas/introduction-all-hazards-preparedness-transit-agencies>
- *National Disaster Recovery Framework*. September 2011. Federal Emergency Management Agency. Available at <http://www.fema.gov/pdf/recoveryframework/ndrf.pdf>
- *National Incident Management System*. December 2008. U.S. Department of Homeland Security. Available at [http://www.fema.gov/pdf/emergency/nims/NIMS\\_core.pdf](http://www.fema.gov/pdf/emergency/nims/NIMS_core.pdf)
- *National Infrastructure Protection Plan*. 2009. U.S. Department of Homeland Security. Available at [http://www.dhs.gov/xlibrary/assets/NIPP\\_Plan.pdf](http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf)
- *National Preparedness*. December 2021. U.S. Department of Homeland Security. Available at <https://www.fema.gov/emergency-managers/national-preparedness>
- *National Response Framework*. January 2008. U.S. Department of Homeland Security. Available at <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>
- *The Public Transportation System Security and Emergency Preparedness Planning Guide*. January 2003. Federal Transit Administration. DOT-FTA-MA-26-5019-03-01. DOT-VNTSC-FTA-03-01. Available at <https://www.transit.dot.gov/oversight-policy-areas/public-transportation-system-security-and-emergency-preparedness-planning>
- *Transit Security Update: A Synthesis of Practice*. 2009. Transportation Research Board. Transit Cooperative Research Program (TCRP) Synthesis 80. Available at <https://www.trb.org/Publications/Blurbs/160791.aspx>.

**All-hazards:** 1) Integrated planning and capability building for safety, security, and emergency management to optimize and continuously improve the use of resources and the management of risks from hazards, threats, vulnerabilities, and adverse events or incidents. Source: *An Introduction to All-Hazards Preparedness for Transit Agencies* (2010); 2) Describing an incident, natural or manmade, that warrants action to protect life, property, environment, and public health or safety, and to minimize disruptions of government, social, or economic activities. Source: *National Incident Management System (NIMS)* (2008) and *National Response Framework (NRF)* Glossary and Acronyms.

**Emergency:** 1) A situation which is life threatening to passengers, employees, or other citizens, or which causes significant damage to any transit vehicle or facility that requires assessment and repair, or which reduces the ability of the system to fulfill its mission within its service area. Source: *The Public Transportation Security and Emergency Preparedness Planning Guide* (2003); 2) Any incident, whether

natural or manmade, that requires responsive action to protect life or property. Source: NIMS (2008) and NRF Glossary and Acronyms (2008); 3) Any occasion or instance for which, in the determination of the President, [F]ederal assistance is needed to supplement [S]tate and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. Source: Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

**Evacuation:** 1) A condition requiring all passengers and employees to depart a transit vehicle and enter onto the transit right-of-way or roadway under emergency circumstances. Source: TCRP Synthesis 80, *Transit Security Update* (2009); 2) Organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas. Source: NIMS (2008) and NRF Glossary and Acronyms.

**Incident:** An occurrence, natural or manmade, that requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wild-land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response. Source: NIMS (2008) and NRF Glossary and Acronyms.

**Incident/Attack:** 1) Occurrence, caused by either human action or natural phenomena, which may cause harm and may require action. Source: *National Infrastructure Protection Plan* (NIPP) (2009); 2) Occurrence, caused by either human action or natural phenomena, that may cause harm and that may require action. Source: *DHS Risk Lexicon* (2008); 3) Actual or potential emergency or all-hazards event that ranges from accident and natural disaster to actual or potential terrorist attack. Source: NRF (2008).

**Incident command system:** A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. Source: NIMS (2008) and NRF Glossary and Acronyms.

**Major disaster:** Any natural catastrophe or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which[,] in the determination of the President[,] causes damage of sufficient severity and magnitude to warrant major disaster assistance under this act to supplement the efforts and available resources of [s]tates, local governments, and disaster relief organizations to alleviate the damage, loss, hardship, or suffering caused thereby. Source: Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

**National Incident Management System:** A set of principles that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life or property and harm to the environment. Source: NIMS (2008).

**National Response Framework:** A guide to how the United States conducts all-hazards response. Source: NIMS (2008).

**Recovery:** 1) The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents. Source: NIMS (2008) and NRF Glossary and Acronyms; 2) Those capabilities necessary to assist communities affected by an incident to recover effectively, including but not limited to, rebuilding infrastructure systems; providing adequate interim and long-term housing for survivors; restoring health, social, and community services; promoting economic development; and restoring natural and cultural resources. Source: *National Disaster Recovery Framework* (NDRF) (2011).

**Reimbursement:** A mechanism to recoup funds expended for incident-specific activities. Source: NIMS (2008).

**Resources:** Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Source: NIMS (2008) and NRF Glossary and Acronyms. In NIMS (2008), resources are further “described by kind and type and may be used in operational support or supervisory capacities at an incident or at an Emergency Operations Center.”

**Response:** 1) Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice. Source: NIMS (2008); 2) Immediate actions to save lives, protect property and the environment, and meet basic human needs. Response also includes the execution of emergency plans and actions to support short-term recovery (Source: NRF Glossary and Acronyms; 3). Those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. Source: NDRF (2011).

**Special needs population:** A population whose members may have additional needs before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures; who have limited English proficiency or are non-English-speaking; or who are transportation disadvantaged. Source: NIMS (2008) and NRF Glossary and Acronyms.

**Terrorism:** As defined in the Homeland Security Act of 2002, activity that involves an act that is dangerous to human life or potentially destructive of critical infrastructure or key resources; is a violation of the criminal laws of the United States or of any State or other subdivision of the United States; and appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping. Source: NIMS (2008) and NRF Glossary and Acronyms.

**Terrorist activity/attack:** Intentional act of violence with the intent to inflict significant damage to property, inflict casualties, and produce panic and fear. Source: TCRP Synthesis 80, *Transit Security Update* (2009).



**U.S. Department of Transportation**  
**Federal Transit Administration**

---

U.S. Department of Transportation  
Federal Transit Administration  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
<https://www.transit.dot.gov/about/research-innovation>