

Funding and Project Decision Protocols

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

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

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

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