

Definitions:

- Emergency Repairs:** FHWA's terminology for repairs that are made during and immediately following a disaster to restore essential traffic, to minimize the extent of the damage, or to protect the remaining facilities.
- Federal-aid Highways:** FHWA's terminology for the National Highway System (NHS), the Interstate system, and all other public roads not classified as local roads or rural minor collectors. For consistency, FEMA's *Federal-aid Road* terminology is used in place of FHWA's *Federal-aid Highway* terminology throughout this emergency program comparison.
- Federal-aid Roads:** FEMA's terminology for all public roads functionally classified as other than local or rural minor collectors.
- Federal Fiscal Year:** The federal government's financial year, which starts October 1 before the given calendar year and ends September 30 in the given calendar year.
 ex: Federal Fiscal Year 2004 is the period from October 1, 2003 to September 30, 2004.
- Non-Federally-owned road:** Any road owned by city, county, or state government. This includes all local city and county roads, the state highway system, the Interstate system, and turnpikes.
- Permanent Repairs:** FHWA's terminology for repairs that are undertaken, normally after emergency repairs have been completed, to restore the road to its predisaster condition.
- Public Road:** Any road owned by a public government and open to public travel.
- Reimbursement:** The payment method for all FHWA projects and many FEMA and OEM projects. The applicant incurs and pays for the eligible costs, then submits invoices to the applicable Federal or State program to be repaid the eligible share of the costs.
- State Fiscal Year:** The Oklahoma state government's financial year, which starts July 1 before the given calendar year and ends June 30 in the given calendar year.
 ex: State Fiscal Year 2004 is the period from July 1, 2003 to June 30, 2004.
- Share:** The eligible project cost amounts or percentages that local, state, and federal governments pay for.
- Small Project:** FEMA's terminology for projects that are under a certain Congressionally established dollar amount, which usually increases yearly. For Federal Fiscal Year, this amount is \$54,100.

Acronyms:

- DFO:** FEMA's Disaster Field Office.
- ER:** FHWA's Emergency Relief Program.
- FEMA:** Federal Emergency Management Agency.
- FHWA:** Federal Highway Administration.
- ODOT:** Oklahoma Department of Transportation.
- OEM:** Oklahoma Department of Civil Emergency Management.
- OKDIV:** FHWA's Oklahoma Division Office.
- PA:** FEMA's Public Assistance Program.

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Responsible Federal Agency:	Federal Highway Administration (FHWA).	Federal Emergency Management Agency (FEMA).
Parent Federal Agency:	US Department of Transportation.	US Department of Homeland Security.
Partner State Agency:	Oklahoma Department of Transportation (ODOT).	Oklahoma Department of Emergency Management (OEM).

	Emergency Relief (ER) Program	Public Assistance (PA) Program
<p>Primary Agency Functions:</p>	<p>FHWA:</p> <ul style="list-style-type: none"> • Administers the Federal-aid highway program. This is primarily focused on oversight of statewide transportation planning activities; and State environmental, design and construction activities that use Federal-aid Highway Trust Funds. <p>ODOT:</p> <ul style="list-style-type: none"> • Conducts statewide planning activities. • Conducts environmental, design, construction, and maintenance activities on state-owned routes. • Conducts environmental, design and construction oversight activities on FHWA Federal-aid local government projects. <p>Unlike FEMA and OEM, FHWA and ODOT are not geared toward disaster response/recovery.</p>	<p>FEMA:</p> <ul style="list-style-type: none"> • Works with state and local officials to determine the scope of the disaster and essential needs in the impacted area. • Creates and staffs Federal/State Disaster Field Offices and coordinates with other federal agencies under the Federal Response Plan. • Makes aid available for both disaster response and hazard mitigation. • Educates the public about preparing for and reducing risk from disasters. • Funds emergency planning in all 50 states. • Sponsors emergency preparedness exercises. • Trains firefighters and sets firefighting standards. • Administers the National Flood Insurance Program. • Credentials urban search and rescue teams. • Develops consequent management plans for domestic terrorism. <p>OEM</p> <ul style="list-style-type: none"> • Maintains and activates the State Emergency Operations Plan (EOP). • Assists the Governor in coordinating State emergency operations if the State EOP is activated. • Provides FEMA funding assistance to local communities as part of the State-Local Assistance (SLA) program. • Conducts and promotes local emergency planning, training, and exercises.

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Emergency Program Foundations:	<p>FHWA: 1934: The Bureau of Public Roads (FHWA's predecessor) was given authority to provide funding for highways and bridges damaged by natural disasters</p>	<p>FEMA: 1974: The Disaster Relief Act established the process of Presidential disaster declarations. 1979: President Carter's executive order merged many of the separate Federal agencies' disaster-related responsibilities into FEMA.</p> <p>OEM: 1951: Created by Oklahoma Legislature. Later laws combined the responsibilities of the Department of Emergency Resources Management with the Department of Civil Defense. 1967: Oklahoma Civil Defense and Emergency Resources Act. 2003: Oklahoma Emergency Management Act.</p>
Emergency Programs for Non-Federally-Owned Public Roads:	<p>FHWA: Emergency Relief (ER) Program:</p> <ul style="list-style-type: none"> • Provides assistance to State and local governments for the repair or reconstruction of publicly-owned roads. • Assistance is limited to eligible public road damages within the right-of-way. <p>ODOT: No corresponding program.</p>	<p>FEMA: Public Assistance (PA) Program:</p> <ul style="list-style-type: none"> • Provide financial and other forms of assistance to State and local governments, and certain private nonprofit organizations to support response, recovery, and mitigation efforts. • Assistance may cover property, buildings, equipment, materials, and roads. <p>OEM: No specific emergency program, but the following disaster response efforts may apply to public roads.</p> <ul style="list-style-type: none"> • Assist local government sub-divisions with training for, and mitigation of, disasters. • Coordinate actual disaster response and recovery operations.
Program Authority:	<p>FHWA: Title 23, USC (United States Code), §125 created a special program from the Highway Trust Fund.</p>	<p>FEMA: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Title 42 USC §5121 et. seq. as amended, (commonly referred to as The Stafford Act).</p> <p>OEM: Title 63 Oklahoma Statute Chapter 24, Section 683.1.</p>

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Program Regulations:	<p>FHWA: 23 CFR (Code of Federal Regulations) 668, Highways–Emergency Relief Program</p>	<p>FEMA: 44 CFR 206, Emergency Management and Assistance–Federal Disaster Assistance for Disasters Declared on or after November 23, 1988.</p> <p>OEM: Oklahoma Emergency Management Act 2003.</p>
Oklahoma Federal Office:	<p>FHWA Oklahoma Division (OKDIV) Office, Oklahoma City, OK.</p>	<p>FEMA Region VI Office, Denton, TX (FEMA Region VI covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas).</p>
Disaster Administration:	<p>ODOT: Permanent presence with established points-of-contact. Refer to ODOT ER _____ (<i>disaster administration guide, operations memo, policy manual, etc.</i>) for information.</p>	<p>FEMA Disaster Field Office (DFO): Temporarily established on a disaster-by-disaster basis and staffed by FEMA and OEM. FEMA points-of-contact likely change between disasters, and they may change during an disaster.</p>
Funds Administration:	<p>ODOT.</p>	<p>OEM.</p>
Funding Mechanism:	<p>FHWA: The Federal-aid highway program, including the ER Program, is strictly a reimbursement program. ODOT and local governments incur eligible costs, then ODOT submits claims to FHWA OKDIV for reimbursement of the Federal share. City/county local governments' claims are processed through ODOT Local Government Division. Reimbursements are made as ER funds become available.</p>	<p>FEMA: Small Project: OEM provides the FEMA share of the funds to applicant as soon as possible after FEMA obligates the funds. The OEM share is reimbursed later. Large Project: Applicant incurs eligible costs and submits claims to OEM for reimbursement of the Federal and State shares. Direct Federal Assistance: When the impact of a disaster is so severe that neither the State nor local governments can respond, the State may request that certain emergency work be performed directly by a Federal agency. This type of assistance is limited to debris removal and emergency protective measures. The State and city/county local governments will reimburse FEMA for the appropriate non-Federal share of the work's cost.</p> <p>OEM: State agencies (including public schools), Counties, municipalities and some private non profit organizations incur eligible costs in either Federal declared (FEMA) or State declared disasters. OEM administers both FEMA funds and State funds in reimbursement of these costs.</p>

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Funding Levels:	<p>FHWA: Congress appropriates a fixed \$100 million annually out of the Highway Trust Fund for the ER Program.</p>	<p>FEMA: FEMA projects the volume of relief activities based on historical averages.</p> <ul style="list-style-type: none"> FY2002 FEMA Annual Performance Plan reported \$919 million of PA Program obligations. <p>OEM: <i>(need information from OEM)</i></p>
Funding Share:	<p>FHWA:</p> <ul style="list-style-type: none"> Emergency Repairs before 180 days: 100% FHWA Federal share. All Permanent Repairs and Emergency Repairs after 180 days: 90% FHWA Federal share for Interstates and 80% FHWA Federal share for all other roads. <p>ODOT:</p> <ul style="list-style-type: none"> Must provide remaining ODOT State share to the FHWA Federal share for State roads. Soft-match credits cannot be used for the ODOT State share. Does not provide any ODOT State share to the FHWA Federal share for City/County Local Government public roads. <p>City/County Local Governments:</p> <ul style="list-style-type: none"> Must provided remaining Local share to the FHWA Federal share for their City/County Local Government public roads. 	<p>FEMA:</p> <ul style="list-style-type: none"> Subject to the cost-sharing provisions applicable to the given disaster, but it will be least 75% FEMA Federal share. <p>OEM:</p> <ul style="list-style-type: none"> The OEM State share is one-half of the non-Federal share; the maximum is 12.5% OEM State share. <p>ODOT:</p> <ul style="list-style-type: none"> Must provide remaining ODOT State share to the FEMA Federal and OEM State shares for State roads. Does not provide any ODOT State share to the FEMA Federal and OEM State shares for City/County Local Government Federal-aid Roads. <p>City/County Local Governments:</p> <ul style="list-style-type: none"> Must provided remaining Local share to the FEMA Federal and OEM State shares for their City/County Local Government Roads.

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Eligible Roads:	<p>All public, non-Federally-owned, Federal-aid Roads.</p> <p>Federal-aid Roads are the following Oklahoma functional classifications:</p> <p>Urban: Interstate, Freeway or Expressway, Other Principle Arterial, Minor Arterial, and Collector. These are shown in the ODOT <i>Urban Area: Functional Classification Maps</i>.</p> <p>Rural: Interstate, Other Principle Arterial, Minor Arterial, Major Collector (State Highway System), and Major Collector (County). These are shown in the ODOT <i>Atlas of County Maps: Depicting the County Collector System</i>.</p> <ul style="list-style-type: none"> • These represent about 1/4 of all public road mileage. 	<p>All public, non-Federally-owned, non-Federal-aid Roads.</p> <ul style="list-style-type: none"> • These represent about 3/4 of all public road mileage.
Exceptions for Non-Eligible Roads:	<p>Damages to any public road, including non-Federal-aid Roads, are eligible for ER funds if they are:</p> <ul style="list-style-type: none"> • Caused by vehicles making repairs to Federal-aid Road, or • Caused by traffic using the officially designated detour around a damaged Federal-aid Road 	<p>Because FHWA has the authority to provide assistance on Federal-aid Roads, FEMA's ability to provide Public Assistance (PA) Program assistance on these roads is restricted, as described below:</p> <p>Permanent Work: FEMA is prohibited from providing PA Program funds for the permanent repair of roads and bridges that are Federal-aid Roads, even if the ER program is not activated. As a result, there may be times when no Federal assistance is available for the permanent repair of disaster-damaged facilities on Federal-aid Roads.</p> <p>Emergency Work: FEMA may provide limited assistance for emergency work, such as debris clearance, on Federal-aid Roads if the work is not eligible for ER funds. This situation could occur if the ER Program is not activated, or if a particular facility does not qualify for ER funding (e.g., a site below the FHWA dollar threshold).</p> <p>When providing assistance, FEMA must ensure that a Duplication of Benefits does not occur between its own programs and insurance recoveries and between its own programs and assistance provided by other Federal agencies. If an Applicant can obtain assistance for a project from another Federal agency, then FEMA cannot provide funds for that project.</p>

	Emergency Relief (ER) Program	Public Assistance (PA) Program
Emergency Program Staffing:	<p>FHWA and ODOT: Little or no permanently assigned staff for ER Program activities. FHWA Division Office and ODOT staff are temporarily pulled from other activities to accomplish ER work. Maybe 25-50 staff can be made available to work disaster.</p>	<p>FEMA: About 2,500 full-time employees stationed in Washington, DC, and across the country, and nearly 4,000 standby disaster assistance employees who are available to help out after disasters.</p> <p>OEM: About 25-30 full-time employees and 5-10 temporary employees or contract reservists.</p> <p>ODOT: Some ODOT staff are involved with FEMA, even though the disaster may not be an ER-eligible event.</p>
Disaster Declaration Process:	<ul style="list-style-type: none"> • Disaster event, either man-made or natural, occurs. • ODOT and local governments conduct preliminary damage assessments and document actions/costs taken to respond to the disaster. • Governor issues a formal proclamation of the disaster. A Presidential declaration, or the Governor's request for this declaration, can serve the same purpose. • If the \$700,000 Federal share ER preliminary damage assessment threshold is met for the disaster, then ODOT files a letter of intent to apply for ER funding with the FHWA OKDIV Office, who acknowledges the letter. • ODOT/FHWA response team performs damage assessments. • ODOT formally requests ER funding based on the damage assessments. ODOT sends request, along with damage assessment information and the FHWA OKDIV Office's recommendations, to the FHWA OKDIV Administrator. • FHWA OKDIV Administrator reviews ODOT's request and issues a letter to ODOT head notifying them of the approval/disapproval of the event. 	<ul style="list-style-type: none"> • Disaster event, either man-made or natural, occurs. • Local/state assessments of damage. • Governor reviews damage and decides to seek federal help. • Governor asks FEMA Regional Office to participate in Federal/State Preliminary Damage Assessments (PDAs). • Joint FEMA/state PDAs conducted. • Governor requests a federal disaster declaration through its FEMA Regional Office. • Regional Office reviews request and sends its recommendation to FEMA Headquarters. • FEMA's Response and Recovery Directorate prepares a declaration packet, reviews information and recommends either approving or denying the request. • FEMA Director reviews declaration packet and sends recommendation for approval or denial to the President. • President makes final determination on federal disaster declaration.

	Emergency Relief (ER) Program	Public Assistance (PA) Program
<p>Funds Disbursement:</p>	<ul style="list-style-type: none"> • FHWA OKDIV office requests FHWA HQ office to allocate ER funds. • FHWA OKDIV receives allocated ER funds and notifies ODOT. • As Federal ER funds are available, ODOT creates ODOT projects from the ER disaster assessments and submits the projects to FHWA OKDIV for obligation. • Upon receipt and approval of the ODOT projects, the FHWA OKDIV obligates the ER funds. • ODOT and city/county local governments incur ER project costs. ODOT submits all invoices to FHWA OKDIV for reimbursement of eligible Federal share of costs. City/County Local Governments' invoices are processed through ODOT Local Government Division. 	<ul style="list-style-type: none"> • An estimate is prepared either by FEMA or by the applicant. • FEMA approves funding using the estimate and obligates the Federal share of the funds to OEM. • If Small Project, OEM provides the FEMA share of the funds to applicant as soon as possible after FEMA obligates the funds. The OEM share is reimbursed later to the applicant. • If Large Project, Applicant submits claims to OEM for reimbursement of eligible costs.