

TRANSPORTATION & PUBLIC WORKS COMMITTEE

March 12, 2018

9:30 A.M.

Baltimore Metropolitan Council
1500 Whetstone Way, Suite 300, Baltimore, MD 21230

The meeting was called to order at 9:30 A.M. by Mr. Chris Letnaunchyn.

1. REVIEW OF MINUTES FROM DECEMBER 11, 2017 MEETING

The minutes were approved as written.

2. PRESENTATION ON FHWA EMERGENCY RELIEF PROGRAM

Mr. Daniel Suarez, FHWA Maryland Division, provided an overview of the FHWA Emergency Relief Program. The presentation is attached.

The Emergency Relief (ER) program provides funding for the repair or reconstruction due to damages on Federal-aid roads. Damages must be caused by natural disasters or catastrophic failure from an external cause. The ER funds cannot be used on roads classified as minor rural collectors or local roads. The cost eligibility threshold is:

- at least \$700,000 (Federal share) in eligible damage per event
- at least \$5,000 in repair costs per site
- work is to restore road to pre-disaster condition; case by case to improve to better than pre disaster

There are two types of repairs:

- **Emergency Repairs** are made during or after a disaster to minimize extent of damage, restore traffic, and protect remaining facilities. FHWA approval is not required to begin. For emergency repairs, the federal share is 100% during first 180 days from day of the event. Examples are provided in the attached presentation.
- **Permanent Repairs** are made after the disaster to restore a facility to pre-disaster condition and mostly occur after temporary repairs. FHWA approval is needed prior to the start of work and the cost share is normal cost share for the facility.

The question was asked about whether the repairs can improve a facility, for example to meet current design criteria. Mr. Suarez said that repairs should meet current design criteria. A question was asked about how complete streets requirements might impact repairs; Mr. Suarez responded that this example, and other questions related to betterment of a facility, should be discussed at the time of

applying for ER funds. In some cases, all improvements might qualify for funding under ER program but in other cases, improvements may fall under betterment.

There are two ways to apply for funds:

- Standard Application Process involves submitting a request with all proper justification.
- Quick Release Application is used for large-scale projects to provide initial quick funds for large disasters. It is intended as a down payment to cover emergency operations costs until the application package is submitted.

The steps for the application process are provided in the presentation.

Step 1 is a Declaration of Emergency. In response to a question about whether snow/blizzards are covered in the FHWA ER program, it was noted that most times snow removal does not qualify for FHWA ER, but FEMA has covered blizzard snow removal.

There was a question about who covers signs damaged due to snow plow operations. In the past, this has been an unresolved issue for the state.

Step 2 is notification in which the state DOT submits a letter of intent to FHWA indicating intent to pursue ER funds. In the case of ER funds, local jurisdictions need to notify the state if the local would like to apply for ER funds. This is different from the FEMA process in which MEMA asks locals about requesting FEMA funds.

Step 3 is acknowledgement by FHWA MD Division that it received the state's letter of intent. The FHWA response to the LOI indicates what work can begin before formal FHWA authorization.

Step 4 is disaster assessment which is performed via a windshield survey or detailed damage assessment. This step identifies what are Emergency Repairs and what are Permanent Repairs.

Step 5 is the ER funding request from MDOT/SHA to FHWA. It takes about 10 weeks to prepare the request; requesters have up to 2 calendar years from the event date to submit the request.

Step 6 is receipt of approval from FHWA MD Division office, and Division office then coordinates with FHWA HQ to obtain formal approval.

The Quick Release Application has the same steps as the Standard Application, except inspections would be windshield surveys and it should take about five days to prepare the application; in the meantime, preparations of the Standard Application should be in progress.

The presentation includes a flow chart of the application process.

The Damage Summary Survey Report, developed by state/locals, documents the type and extent of damages. In photos showing the extent of serious damages, FHWA will be looking to see if asset management procedures were used to maintain the asset. If possible, FHWA would like pre-disaster photos and paperwork showing routine maintenance was performed. Imposing weight restrictions on a bridge could show that an agency is trying to maintain usability of a bridge.

Reimbursement for debris removal is limited to ER eligible events on a federal aid eligible facility. Debris removal eligible for FEMA reimbursement is not FHWA ER eligible. Debris removal from federal aid highways is eligible for FEMA funding when:

- the President declares an emergency or major disaster
- FEMA determines that debris removal is eligible under sections 403, 407, or 502 of the Stafford Act

Debris removal eligibility under FHWA:

- If the Governor makes a disaster declaration but the President does not:
 - if FHWA concurs with the Governor's declaration, ER funds are eligible for debris removal on federal aid highways
 - only for federal aid highways in jurisdictions are FHWA eligible
- If the president declares an emergency but FEMA determines debris removal is not eligible under the Stafford Act:
 - FHWA ER funds may be used on eligible sites on Federal-aid highways that FEMA determines are ineligible

To facilitate reimbursement, local and state representatives should talk as soon as possible to coordinate. Local jurisdictions should start the process with FHWA as soon as possible.

Privately owned roads would not be covered by FHWA, agencies would need to check if FEMA would cover them, but note that there is a need to meet the event threshold separately.

Maryland has a GIS layer that shows federal aid roads [MDOT SHA Federal Aid Eligible Roadways](#). Users can search for the Federal-aid eligible roads using this online application. You can filter the search so you can use the road name during the search.

If the governor's declaration covers counties that are not included in the president's declaration, FHWA will cover governor-declared jurisdictions.

Some concluding thoughts and resources:

- If local jurisdictions have questions about FHWA ER program, send questions to MDOT-SHA: Mr. Bill Johnson (wjohnson11@sha.state.md.us) and Mr. Chris Diaczok (cdiaczok@sha.state.md.us).
- Document everything
- FEMA Program and FHWA Program are not the same
- FHWA ER manual: explains in a detailed and simple manner how to go about the various aspects of the program: recommended to read: <https://www.fhwa.dot.gov/reports/erm/er.pdf>.
- FHWA ER Program Website: <https://www.fhwa.dot.gov/programadmin/erelief.cfm>
- Look at Maryland ER manual – get from Mr. Johnson
- Local jurisdictions should work with their SHA district.
- There are FHWA ER funds available annually to do heavy maintenance; locals can request these funds.
- FHWA is looking at incorporating resiliency in Transportation Asset Management Plans from the perspective of rebuilding the same asset multiple times (addressed in 23 CFR 667).
- Federal-aid Essential Videos for Local Public Agencies – short videos (8-10 min long each) that explain aspects of the Federal-aid Highway Program as a way to build basic knowledge of the program into LPAs:
 - ER Program Overview:

<https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=96>

- Initial Steps for Requesting ER Funds-this video explains what actions that need to be taken by the state DOT and the LPA to request ER funds once it is known a disaster has struck:
<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=97>
- Steps for Receiving Reimbursement of ER Expenses – what steps need to occur to receive needed ER funding:
<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=98>
- Permanent versus Emergency Repairs: This video is critical to understanding what is eligible for ER funding. It helps explain which activities within a site are emergency repairs and is considered permanent restoration:
<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=99>

3. DISCUSSION OF UNMANNED AERIAL VEHICLES

The group discussed Unmanned Aerial Vehicles (UAVs) and interest in holding a regional information session on UAVs:

- The Virginia Public Safety Committee UAV Committee is looking at this topic for Virginia. Ms. Katelyn McCauley has a contact for this group.
- Maryland Transportation Authority:
 - has one UAV that is used by MDTA Police. They have developed a UAV response and policy how to use. The UAV is currently used for crash reconstruction.
 - MDTA engineering is looking to get one for bridge inspections; however, there is a requirement for use that the operator has line of sight of the UAV. It may be possible to get exemption.
- It was noted that UAV regulations may make it restrictive to use UAVs which could reduce the efficiency gained from their use. Restrictions may deter from using the technology.
- UAV programs are not inexpensive; they cost both money and time.
- The Maryland General Assembly currently has a bill, HB1814: *Task Force and Pilot Program to Study the Integration of Unmanned Aircraft Systems Within State and Local Government Public Safety Operations*.
 - There was a question whether incident inspection / traffic incident management is covered under “public safety” as defined in the bill
- It was noted that there seem to be fewer restrictions for UAV use today than in the past. The private sector is pushing for use of UAVs.
- Anne Arundel County is contracting with a vendor to provide UAV services, starting with water and sewer and will then expand to transportation.
- Queen Anne’s County used UAVs for documenting construction of the courthouse and for a sewer project. Queen Anne’s County has two UAV operators.
- Lehigh used UAVs to monitor construction.
- A Baltimore company called Global Air Media uses UAVs to perform a variety of services to support mapping, surveying, and construction.
- There is a need to educate the public and elected officials on use of UAVs.

General consensus on next steps:

- This is a good time to look into how UAVs can be used to support local and state transportation and public works functions.
- Investigate possibility of having a session at the summer MACo meeting on UAVs, including:
 - potential uses and benefits of UAVs
 - provide use cases for DPWs/DOTs
 - address issues: privacy, archive/storage
- Consider holding a UAV information exchange session (with the Baltimore Regional GIS Committee) in fall 2018. If the summer MACo session happens, the regional session would include items discussed at that event.

4. UPDATES ON COMMITTEE WORK

No updates on committee work.

5. OTHER BUSINESS

Upcoming special events:

- Fleet Week – monthly planning meetings have begun, with Baltimore City as the lead on planning. The event will take place October 3 – 8, 2018.

Maryland Transportation Asset Management Plan (TAMP)

- Initial draft TAMP due to FHWA headquarters on April 30, 2018.
- SHA has received input from MDTA and on local planned projects.
- The TAMP needs to identify locations that required repeated reconstruction; need to show process for investigating and mitigating repeated reconstruction of major infrastructure.

Army Corps of Engineers Western Shore Hurricane Evacuation Study

- The project team met with Anne Arundel County.
- The project will create two zones in each coastal jurisdiction.
- Work includes developing a decision tool for states to look at clearance times.
- Participants were shown a preliminary inundation map.
- Planning is based on direction and storm path.
- Ms. Eileen Singleton will send a link on evacuation work already developed for the region to Kyle Overly at MEMA.

Maryland Road Closure Reporter

- Anne Arundel County did not use this tool during the recent high wind event.
- There are issues with road closures not getting reported to CHART.

Data from Maryland Adaptation and Vulnerability Assessment

- If a jurisdiction would like the data from this project, they should send a request to Ms. Elizabeth Habic (ehabic@sha.state.md.us) and copy Ms. Amy Purves (apurves@sha.state.md.us). To request data, Ms. Purves provided wording that jurisdictions should use: “county HVI file geodatabase and sea level inundation layers for all years and all storms” (from HAZUS) and indicate for which jurisdiction(s) the data is being requested.

Future Presentation: There was a suggestion to have a speaker on cybersecurity; Mr. Johnson will look into this.

[Handout: Notes for Agenda Items 4 – 6]

2018 Meetings – June 11, September 17*, December 10 [*Note: Moved from regular date due to holiday.]

ATTENDANCE

Members

Alex Baquie, Anne Arundel County Department of Public Works
T.J. Bathras, Maryland Transportation Authority
Steve Cohoon, Queen Anne’s County Department of Public Works
Chris Diaczok, State Highway Administration Office of Maintenance
Mark Harris, Maryland Department of Transportation
Darryl Kelly, State Highway Administration, CHART
Bill Johnson, State Highway Administration Office of Maintenance
Chris Letnaunchyn, Carroll County Department of Public Works
Keith Link, Baltimore County Department of Public Works
Katelyn McCauley, Baltimore City Department of Transportation
Amy Purves, State Highway Administration
Kristofer Singleton, Howard County Department of Public Works
Scott Yinger, State Highway Administration, CHART

Staff and Guests

Yanira Rivera, Federal Highway Administration, MD Division
Eileen Singleton, Baltimore Metropolitan Council
Daniel Suarez, Federal Highway Administration, MD Division