



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

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August 10, 2007

The Honorable Carol Molnau  
Lt. Governor  
Department of Transportation  
MS 100, Transportation Building  
St. Paul, Minnesota 55155

Re: I-35W Bridge Collapse, MN07-1  
Emergency Relief (ER) Eligibility

The purpose of this letter is provide some general information on items that are eligible for reimbursement under the ER program as a result of the collapse of the I-35W bridge that may be helpful in the preparation of the Damage Survey Summary Report.

**Overview:** The ER program provides for repair and restoration of highway facilities to pre-disaster conditions. Restoration in kind is therefore the predominate type of repair expected to be accomplished with ER funds. ER funds are not intended for new construction to increase capacity, correct non-disaster related deficiencies, or otherwise improve highway facilities. Added features, such as added facilities not existing prior to the catastrophic failure (e.g., additional lanes, upgraded surfacing, etc) are commonly referred to as betterment. Betterments are not generally eligible for ER funding unless justified.

### **Roadway Replacement**

- Generally, the repair or replacement of all existing elements of the damaged highway within its cross section are eligible for ER funds, including (but not limited to) pavement, shoulders, slopes and embankments, guardrail, signs and traffic control devices, bridges, culverts, bike and pedestrian paths, fencing, and retaining walls. Other eligible items may include: engineering and right-of-way costs, debris removal, transportation system management strategies, administrative expenses, and equipment rental expenses. Some of these are discussed in more detail below.
- Features included beyond pre-disaster conditions are likely to be considered betterments and eligibility for ER funding would need to be reviewed and approved by FHWA.

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## **Bridge Replacement**

- ER funds will participate in the cost of a replacement bridge built to current geometric and construction standards for the type and volume of traffic that the structure will carry over its design life.
- Features beyond these are likely to be considered betterments and eligibility for ER funding would need to be reviewed and approved by FHWA. Eligible features on the bridge are those that are reflective of the purpose(s) for which the original bridge was designed.
- Where added features are to be included that are not eligible for ER funds, ER participation will be limited to the eligible cost of the replacement structure.
- A nominal amount of approach work, sufficient to connect the replaced bridge to the existing roadway or to return the gradeline to an attainable touchdown point is eligible for ER funding.

## **Detours**

- Subject to FHWA review and approval, designated detours and supplemental detours are eligible for ER funding if such detour routes can be shown to relieve excess traffic directly attributable to the bridge collapse. Such detours may include:
  - additional traffic control devices and traffic monitoring devices
  - traffic management activities
  - necessary overlays to accommodate the detour traffic
  - required widening to accommodate the detour traffic

## **Debris Removal**

- Reimbursement for U.S. Navy salvage divers engaged in debris removal from the bridge collapse site is eligible for ER funding.
- Debris removal operations in the immediate location of the bridge collapse. It is recognized that some vehicles and other debris may have drifted from the immediate location due to river currents. Removal of these items are eligible for ER funding.
- Hazmat recovery, limited to the immediate vicinity of the collapse site, that is associated with submerged vehicles and other debris are eligible for ER funding.

## **Police and Other Emergency Personnel**

- ER funds are eligible to provide emergency traffic management services by the police during and immediately following a disaster under the following conditions: Such traffic services by the police must 1) directly relate to the disaster recovery work; and 2) represent added costs above and beyond costs related to normal, day-to-day responsibilities,
  - Note that first responders, including local agency divers, immediately involved in emergency medical or other emergency response activities are not eligible for ER funding. This includes emergency medical transportation services, such as ambulances or helicopters.
- Necessary security of the site during recovery and forensic operations are eligible for ER funding.

## **Traffic Damage**

- The following incidental traffic damage is eligible for ER funding:
  - damage to any public roads caused by vehicles making repairs to Federal-aid highways
  - damage to any public roads caused by traffic using the officially designated detour around a damaged Federal-aid highway
  - damage to any Federal-aid highways caused by vehicles responding to a disaster
- Repair of surface damage to a designated detour, caused by detour traffic, is eligible for ER funding. This may include roadway surface repairs to provide reasonable traffic service during the period of time the detour is in use as well as surface repairs to the detour route to restore the detour route to pre-disaster condition after detour traffic has been removed.

My office has met and will continue to meet with members of your staff to make arrangements for reviewing the disaster damage and assisting in preparing the Damage Survey Summary Report and site damage reports.

Please let us know if you desire additional information concerning items eligible for ER funding or any ER related information that will assist in preparing the Damage Survey Summary Report.

Sincerely yours,



Thomas K. Sorel  
Division Administrator

RG/trb

cc: 2 Mn/DOT  
1 Mn/DOT - Lisa Freese, MS110  
1 Mn/DOT - Tim Henkel, MS120  
1 Mn/DOT - Bob Hofstad, MS140  
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1 Schroeder  
1 Wallace  
1 RF  
DMS – "I-35W Bridge Collapse, MN07-1, Emergency Relief (ER) Eligibility Final"