Public Assistance Programs for Recovery Efforts

Kelsey Brown
WDF Coordinator
2019 Wisconsin Tribal Transportation Conference
Public Assistance Programs

- Public Assistance Program – Federal Declaration
- Wisconsin Disaster Fund
- Small Business Assistance – SBA
- WI DOT Disaster Damage Aids Program - DDA
Eligible PA Sub-Recipients

- State Governments
- County Governments
- Cities, Towns, and Villages
- Native American Tribes and Tribal Organizations
- Some Private Non-Profits
  - Activities of community centers or houses of worship open to the general public, without regard to their secular or religious nature
Eligible Work: Public Assistance

Categories of Work

A. Debris Clearance
B. Protective Measures
C. Roads & Bridges
D. Water Control Facilities
E. Buildings & Equipment
F. Utilities
G. Other

Emergency Work

Permanent Work
PA: Federal Aid Roads

• Federal Highway Administration
  – Rural or minor collector routes are eligible

• Functional Classification
  – Major, Minor, Local Collectors

• DOT Maps
Need to add info about tribal roads, USFS and BIA roads
Kelsey Brown, 8/14/2019
Public Assistance Program

Appleton-Fox Cities Urbanized Area
Existing and Planned Functional Classification Systems
Damage Thresholds for PA

• Determined by the annual Consumer Price Index, effective October 1, 2018

**County Threshold**
$3.78 per capita

**State Threshold**
$1.50 per capita
$8,530,479 TOTAL
Public Assistance Program

• Once determination has been made on the request letter:
  – If jurisdiction is included in a Federal Declaration
    • Request for Public Assistance (RPA) Submitted
    • Work with WEM PA Staff and FEMA PDMG Staff
  – If no Federal Declaration, then applications to other funding sources can be pursued
    • WDF
    • DDA
    • SBA
Public Assistance Program

Labor Costs

Materials

Equipment

Contract
The only eligible costs are those that are documented.

- Who did the work?
- When did they do it?
- Where did they do it?
- What did they do?
- What did they use?
- How long did they do it?
Wisconsin Disaster Fund

• Created in 2005 and signed into law in 2006.
• Established a State program to make limited payments to eligible applicants for damages caused by natural disaster situations when federal or other financial assistance is not available.
• Reimburses 70% of total eligible and documented costs.
Eligible Applicants

- County Governments
- Cities, Towns & Villages
- Native American Tribes and Tribal Organizations
- Electric Cooperatives
- Special Governmental Units
  - Fire Districts
  - Drainage Districts
WDF Process

• Within 72 Hours
  – County/Tribal Emergency Management Director submits UDSR information through WebEOC – as of May 1st.

• Within 30 Days
  – County/Tribal EM Director submits County Notification Form which identifies impacted local jurisdictions, their estimated damages and threshold #s
    • Threshold is $3.78 as of FY 2019
    • County does not have to meet threshold, but each jurisdiction does

• Within 60 Days
  – Jurisdictions requesting WDF reimbursement submit:
    • Local Declaration of Emergency/Disaster
    • Applicant Request Form for State Public Assistance
    • Documentation Toolkit – one toolkit per applicant
    • All supporting documentation
WDF Eligible Work

Categories of Work

- A. Debris Clearance
- B. Protective Measures
- C. Roads & Bridges

Emergency Work

Permanent Work
Category A – Debris Clearance

- Public Right-of-Way
- Public Property and other areas where public entity has responsibility
- Debris that poses an immediate threat to public safety
Category B – Protective Measures

- Police, Fire, EMS, Search & Rescue
- Barricades and Area Security
- Food and water for volunteers and emergency workers during response phase of disaster (72 hours)
- Costs from Mutual Aid Agreements are ineligible.
Category C – Roads and Bridges

• Costs to repair roads and associated facilities (bridges, culverts, sidewalks, and gutters) to their pre-disaster condition.

• Suggested to first request aid or reimbursement from other programs such as
Public Assistance Program

- Labor Costs
- Equipment
- Materials
- Contract
Volunteer Labor and Equipment

• Provide the sign-in sheet
  – Names, dates, daily hours worked
  – What activity were they performing?
  – Wage rate is $7.25/hour/volunteer
    • Federal minimum wage

• Total volunteer amount is put towards the 30% local share.
The only eligible costs are those that are DOCUMENTED!
## Overview of SBA Disaster Declarations

### Declaration approvals are not official until they are in writing

<table>
<thead>
<tr>
<th>How this type of declaration is obtained</th>
<th>Presidential Individual Assistance (IA)</th>
<th>Presidential Public Assistance (PA) - SBA PNP</th>
<th>Administrative (Agency)</th>
<th>Governor’s Certification (Governor’s Cert)</th>
<th>Secretary of Agriculture</th>
<th>Secretary of Commerce (Sec-Ag)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor makes request to FEMA for Presidential declaration. FEMA notifies SBA that declaration is approved.</td>
<td>Governor makes request to FEMA for Presidential declaration. FEMA notifies SBA that declaration is approved.</td>
<td>Governor must make written request to SBA with supporting SBA Preliminary Damage Assessment (PDA) information.</td>
<td>Governor must make written request to SBA with supporting economic injury loss information.</td>
<td>Generally, the Governor makes request to Secretary of Agriculture and they notify SBA of a USDA declaration.</td>
<td>Secretary of Agriculture declares a fishery resource disaster under 308 (b) of the Interjurisdictional Fisheries Act of 1996, as amended.</td>
<td>Secretary of Commerce declares a fishery resource disaster under 308 (b) of the Interjurisdictional Fisheries Act of 1996, as amended.</td>
</tr>
</tbody>
</table>

### General criteria for an SBA declaration is:
- Automatic once we get written notification of FEMA declaration.
- Automatic once we get written notification of FEMA declaration.

### Request to SBA must be made:
- N/A — see above.
- N/A — see above.

### Normal deadline to apply for loan:
- 50 days from declaration for physical loans, 9 months for EIDL.
- 60 days from declaration for physical loans, 9 months for EIDL.
- 60 days from SBA declaration for physical loans, 9 months for EIDL.
- 9 months from the date of SBA declaration.
- 8 months from declaration. Deadline set by Agriculture-SBA uses same date.
- 9 months from declaration. Deadline set by Commerce-SBA uses same date.

### Eligible for physical damages?
- Yes — only in the primary counties.
- Yes — in both primary and contiguous counties.
- No.
- No.
- No.

### Eligible for economic injury disaster loans (EIDL)?
- Yes, for small businesses, small agricultural cooperatives, small businesses engaged in aquaculture and most private non-profit organizations, except those non-profits engaged in aquaculture.
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### Counties included for EIDL:
- Primary and contiguous counties.
- Primary counties only.
- Primary and contiguous counties.
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- Primary and contiguous counties.

### Initial press release is:
- SBA’s press release is issued only after FEMA makes the initial announcement of presidential declaration.
- SBA’s press release is issued only after FEMA makes the initial announcement of presidential declaration.
- Issued by SBA, unless the Governor’s office wants to make the first announcement of the SBA declaration.
- Issued by SBA, unless the Governor’s office wants to make the first announcement of the SBA declaration.
- Issued by SBA.

*When the Governor certifies with respect to a drought or to below average water levels, the supporting documentation must include findings which show that conditions during the incident period meet or exceed the U.S. Drought Monitor (USDM) standard of "severe".*

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**SBA-Office of Disaster Assistance**

More details are available in the Code of Federal Regulations, Title 13, Part 123

For more information, contact Field Operations Center East - Communications Department at (404) 331-0333

(Chart revision date: 7/31/12)
• Use FEMA IA Damage Criteria
• Ground truth/spot check to identify at least 30 sites meet SBA criteria
• Formally request SBA for your county in writing, through WEM
• Within 48 hours of receiving the request, SBA will be on site
• Assessor will need to see the identified sites
• If criteria met, Governor will request a SBA designation
Wisconsin DOT
Disaster Damage Aids Program

• Damages caused by flooding to any roadway or roadway structure that is NOT on the State Trunk Highway System.

• Road MUST have been closed OR rendered impassable due to the flood damage.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>EMERGENCY RELIEF (ER)</th>
<th>PUBLIC ASSISTANCE (PA)</th>
<th>DISASTER DAMAGE AIDS (DDA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Administering Agencies</td>
<td>Federal Highway Administration (FHWA)</td>
<td>Federal Emergency Management Agency (FEMA)</td>
<td>WisDOT, DTSD Bureau of Transit, Local Roads, Railroads and Harbors (admin-lead)</td>
</tr>
<tr>
<td></td>
<td>WisDOT, DTSD BMO (admin-lead), Regions (damage assessments, project set-up), DEM BBS (accounting), DTIM SHSP (programming)</td>
<td>Wisconsin Emergency Management (WEM) (admin-lead)</td>
<td>WisDOT, DTSD, BMO (admin) and Regions (inspections)</td>
</tr>
<tr>
<td>(2) Coverage</td>
<td>Roadway or roadway structure damage on ALL Federal-aid highways (major collectors and above) resulting from a catastrophic failure or natural disaster. Besides physical damage, ER may include debris removal and emergency protective measures such as traffic control and detour signing.</td>
<td>Damage to any publicly owned or private non-profit facility. This includes damage to parks, schools, buildings, utilities, and roads/structures NOT on the Federal-aid system (minor collectors and below). PA also covers debris removal and emergency protective measures on ALL roads regardless of functional classification. This includes traffic control, detour signing, police/fire protection, pumping and sandbagging.</td>
<td>Damage caused by a disaster event to any highway that is not on the State Trunk Highway System.</td>
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<tr>
<td>(3) Activation &amp; Eligibility</td>
<td>Governor’s State of Emergency Declaration required. Presidential Disaster Declaration is not required. Minimum event damages of $700,000 (Federal share) required to be eligible for PA funds. A Governor’s State of Emergency will precede the Presidential Declaration. Joint FEMA/WisDOT team determines eligibility on a site-by-site basis with Local representative concurrence.</td>
<td>Presidential Disaster Declaration required for a county to become eligible for PA funds. A Governor’s State of Emergency will precede the Presidential Declaration. Joint FEMA/WisDOT team determines eligibility on a site-by-site basis with Local representative concurrence.</td>
<td>A local government authority must submit a DDA petition to the local transportation Region office for damaged roads or structures under its jurisdiction. Region office makes the final decision on eligibility based upon interpretation of statute 86.34.</td>
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<td>(4) Payment Coverage</td>
<td>Emergency repairs: 100% if done within 180 days of the event, otherwise they are paid on prorated basis. May also include permanent restoration upon prior approval from FHWA.</td>
<td>Grant-share arrangement where: FEMA pays 75% WEM pays 12.5% Applicant pays 12.5%</td>
<td>1. For claims with final costs, applicant receives 75% of replacement costs plus 50% of improvement costs. 2. For claims ≤ $15,000, applicant must accept payment equal to 75% of WisDOT’s estimate for all repairs (replacement and improvements), which may include final costs if available. 3. For claims submitted for damage by any governmental unit in response to the disaster, applicant receives 70% of replacement. 4. If Federal aid is granted for damage reimbursement, it shall be in lieu of aid otherwise available under DDA.</td>
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<td></td>
<td>Permanent restoration projects: 60/10 (Interstate) or 60/20 (non-interstate). Also includes, if necessary, preliminary engineering on those projects.</td>
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<td>(5) Time Limits</td>
<td>Emergency repairs are allowed up to 180 days of the event. After that, the work is considered permanent. Permanent restoration projects must be completed within 2 years of the event. The event duration is determined by FHWA.</td>
<td>Damage MUST have occurred within the incident (disaster) period as specified by FEMA and WEM. The incident period may cover one day or a series of days.</td>
<td>Petitions must be submitted within 60 days, and final costs submitted within 2 years of the disaster event. If federal disaster aid may be forthcoming, the deadline may be extended.</td>
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<td>(6) Limitations</td>
<td>Damage must be at least $5,000 per site (Federal share). Heavy maintenance activities (minor shoulder washouts, slides, etc.) are not eligible. Damage must be directly related to disaster. A permanent restoration project needs prior approval from FHWA before commencing unless it is more economical or practical to perform as a related part of emergency repairs.</td>
<td>The costs to repair a damaged site must be at least $1,000. Reimbursement will be made to repair the facility to its pre-disaster condition. Additional improvements may be allowed under certain circumstances such as hazard mitigation or code requirements.</td>
<td>The road MUST be closed OR rendered impassable due to the disaster damage or qualify for damages caused by any governmental unit in response to the event. Debris or water over a road does not automatically make a site eligible. Shoulder damage may not be eligible if non-4WD vehicles could still travel safely on the normal driving lanes. Heavy maintenance items (see FHWA column) are not eligible. Reimbursement will be made to repair a road to its pre-event condition. Improvements may also be done to prevent or minimize future damages to a site.</td>
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<td>(7) Documentation</td>
<td>PICTURES of the damage are required. Each site should have: Location of, description of, and estimated cost to repair the damage (labor, equipment and materials). Final costs will be verified thru invoices and/or force account work. Permanent restoration projects require prior concept approval from FHWA.</td>
<td>FEMA and WisDOT inspectors prepare a Project Worksheet (PW) based upon applicant cost records of the finished work (labor, equipment and materials), contract work, and rental invoices. Any remaining work will be estimated and a partial payment made. Final payment will be made when final costs are completed and submitted to WEM.</td>
<td>1. Petition forms (available from WisDOT) 2. Site map and pictures 3. Estimated or final costs for labor, equipment and materials, plus any force account or contractual work for each site. 4. Invoices and/or electronic or hand-written records for applicable costs listed in 3.</td>
</tr>
<tr>
<td>(8) Contacts</td>
<td>Gary Martin, FHWA, 608/285-7512</td>
<td>Eric Laben, WEM, 608/242-3200</td>
<td>Joe Schneider, WisDOT, 608/266-9457</td>
</tr>
<tr>
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More Information, Problems, or Questions

• Recovery Section contact:
  – Kelsey Brown – WDF Coordinator
    • widisasterfund@Wisconsin.gov
  – WEM Public Assistance Program
    • DMAWEMPublicAssistance@Wisconsin.gov

• WEM Website
  – https://dma.wi.gov/DMA/wem/