



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

**California Division**

August 23, 2023

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In Reply, Refer To:  
HDA-CA

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Fardad Falakfarsa, Chief  
Office of Federal Resources  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

**SUBJECT:** Acknowledgement of Caltrans Letter of Intent for the August 2023  
Tropical Storm Hilary Event (CA23-4)

Dear Mr. Falakfarsa:

This is to acknowledge receipt of your Letter of Intent (LOI), dated August 22, 2023, to request Emergency Relief Funds, authorized under 125 of Title 23, U.S.C., for the repair of eligible damage to Federal-aid highways resulting from the August 2023 Tropical Storm Hilary (Storm) event beginning on August 18, 2023. The California Department of Transportation (Caltrans) anticipates an executed State of Emergency by the Governor of California, identifying the Storm impacting Fresno, Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura counties. The Storm brought heavy rain, flooding, lightning, and gusty winds, along with the threat of mud and debris flows. The precipitation and flooding caused damage to and forced the closure of federal-aid roads and highways in the impacted counties.

You should proceed with performance of emergency operations, including emergency repairs, on the Federal-aid highways necessary to restore essential traffic, to protect the remaining facilities, and to minimize the extent of damage. Also, you may proceed with preliminary engineering, meaning surveys, design, and preparation of construction plans to perform the permanent restoration work required as an associated part of the emergency operations and to use agency forces and/or negotiated equipment rental contracts, as necessary, to perform the work.

Permanent repairs completed during permanent restoration must receive Federal Highway Administration (FHWA) authorization prior to the start of work. To accelerate restoration efforts, Caltrans and Local Public Agencies are allowed to perform certain Permanent Repairs under Caltrans' Emergency Opening procedures (PR Under EO). Agencies electing to use PR

under EO must provide the certification form to certify that the work is within the existing right of way and that permanent repairs are the most economical option to restore essential traffic or that a temporary detour that could safely accommodate essential traffic does not exist. These permanent repairs are subject to Right of Way and Environmental requirements but may be performed prior to the completion of normal Federal-aid procedures and documentation.

When performing PR under EO, submittal of the Detailed Damage Inspection Report/Damage Assessment Form (DDIR/DAF) is not necessary to start work. If FHWA does not concur with the use of PR under EO procedures, the costs incurred by the applicant are not eligible.

The eligibility of such work for Emergency Relief funds will be contingent upon a favorable finding of eligibility of the disaster by FHWA and subsequent approval of the work on a DAF(s) by FHWA. The basis for FHWA's decision will be the Emergency Relief Application which must include the Damage Survey Summary Report, Emergency Relief Application letter, and the Governor's Proclamation and/or President's Declaration.

If FHWA finds Caltrans' Emergency Relief Application to be eligible, all emergency work must be included in a program of projects under Emergency Relief disaster number CA23-4. The program of projects must be submitted within three months of FHWA's event eligibility determination. The program of projects must include a detailed outline of the necessary emergency operations performed and a description of the permanent restoration work proposed.

For site visits, please have your staff contact the corresponding FHWA Transportation Engineer to make arrangements for visiting and reviewing the damage and assisting with DAFs. All DAFs must be completed by November 30, 2023. Sufficient record keeping must be done to permit audit of cost eligibility on a site-by-site basis.

The two-year deadline described in the Emergency Relief Manual and U.S.C. 125 (d)(1)(b) pertains to the deadline given to Caltrans for the submittal of the final program of projects eligible for Emergency Relief reimbursement under a particular disaster event.

Should you have any questions relating to this determination, please contact Peter Pangilinan, Emergency Relief Program Manager, at (916) 498-5886 or [Peter.Pangilinan@dot.gov](mailto:Peter.Pangilinan@dot.gov).

Sincerely,

**MATTHEW T  
SCHMITZ** Digitally signed by  
MATTHEW T SCHMITZ  
Date: 2023.08.23  
15:02:15 -07'00'

Matt Schmitz  
Director, Project Delivery  
Federal Highway Administration

TO:

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CC (via email):

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