



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor
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Subject: Federal Highway Administration; Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection; Emergency Relief Funding Applications [Docket No.: FHWA-2026-0166]

To Whom It May Concern:

The Virginia Department of Transportation (VDOT) appreciates the opportunity to provide comments to the Federal Highway Administration (FHWA) in response to its Notice published in the *Federal Register* on February 18, 2026, regarding “Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection; Emergency Relief Funding Applications”. VDOT’s comments are as follows:

Whether the Proposed Collection is Necessary for the FHWA’s Performance:

The Emergency Relief (ER) Program’s application process is described in FHWA’s ER Program manual dated May 31, 2013, and 23 CFR 668. The application process begins with a letter of intent to apply for ER Program funding. A state Department of Transportation (state DOT) submits the letter of intent to FHWA with either the President’s or state Governor’s emergency declaration. Once FHWA receives the letter of intent, FHWA sends the state DOT an acknowledgement letter. After the letter of intent and acknowledgement letter, the ER application process can begin. State DOTs must submit applications for ER funding to the FHWA Division within two calendar years of the date of disaster. The application must include a comprehensive list of all eligible project sites and repair costs (or initial Detailed Damage Inspection Report (DDIR)) as required by 23 U.S.C. 125(d).

The current DDIR process requires the collection of a large amount of data, which is at times repetitive, and consists of information which often results in many points of potential discussion

between the state DOTs and FHWA. FHWA's performance could increase by finding efficiencies if the ER Program funding was made available following a disaster based on observed damage. The National Aeronautics and Space Administration's (NASA's) Disasters Response Coordination System could provide needed imagery of disaster impacted areas to FHWA and state DOTs. A formula for dollars required to recover damaged infrastructure could be used to quickly estimate and deliver funds to state DOTs to perform the work. Actual costs could be communicated to FHWA on completion of projects to close out the disaster and reconcile costs.

FHWA's performance metrics should be based on the number of final DDIRs approved. FHWA and state DOTs should work collaboratively on project delivery and recovery instead of paperwork collection. The purpose of the ER Program funding is for the traveling public's ability to access the damaged assets quickly and not whether FHWA concurs that the state DOT has all the correct paperwork (e.g., pictures, contracts, right-of-way documents, etc.). FHWA could assist state DOTs in the collection process. This approach would ensure timely receipt of the documentation and funding for project delivery.

Accuracy of the Estimated Burdens

VDOT recommends that FHWA factor in additional time in calculating the estimate of the actual burden per assessment. FHWA's estimated burden of 250 hours per each assessment significantly underestimates the actual burden. FHWA's estimate of the number of hours spent per DDIR appears to only include office time spent gathering previously collected data. However, data collection in the field is required to complete a DDIR, and travel times alone are often an hour or more between individual sites, which would greatly increase the estimated burden. FHWA should include an estimate of the time spent collecting data and documentation for the DDIR.

Additionally, a state DOT's ER Program application must include a separate DDIR per site, which substantially increases the burden. In disasters, such as Tropical Storm Helene, an ER Program funding application requires numerous DDIRs, as there were numerous sites involved. VDOT submitted one ER Program funding application that included over 135 DDIRs (sites) for Tropical Storm Helene. While FHWA-VA Division assisted where possible, VDOT's burden between restoring facilities and paperwork collection was time consuming.

Initial DDIR approval

Each DDIR requires an initial approval by FHWA and the following documentation is required just to request funding from the ER Program:

- Picture of damaged sites
- National Environmental Protection Agency (NEPA) document
- Right-of-Way Certification
- Planning level site estimate

- Map

The initial DDIR must be broken down into Emergency Repairs and Permanent Repairs. VDOT spent over three weeks with the FHWA division working back and forth to have the DDIRs uploaded to the current FHWA portal for approval. VDOT had three individuals working full time over three weeks at 12 hours a day (60 hours per week per individual) or over 540 hours for the initial DDIR approval for the ER Program funding request. The number of hours does not include FHWA-VA Division's work on the storm which increases the burden for FHWA and state DOTs.

Final DDIR approval

Once funding from the ER Program is approved, additional documentation is required to include:

- Timesheets
- Contract documents
- Invoice documents and/or all payment documents to include materials
- Final NEPA documentation
- Site pictures of the completed work
- Any other requested data from the FHWA division office

VDOT has worked on the collection of this documentation and data for FHWA-VA Division since February 2025. Some site work has taken longer than anticipated and/or collection of documentation requires additional time. Several individuals within VDOT have worked on this effort with at least 3,000 hours put into the collection of data for the Tropical Storm Helene storm. Again, the numbers do not include FHWA-VA Division's work on the storm.

Each DDIR (site) requires a separate FMIS agreement for emergency repairs and/or permanent repairs. The burden placed on FHWA, and state DOTs will add to the number of work hours required in the ER Relief Program collection process. VDOT has over 135 DDIRs (sites) for Tropical Storm Helene and several of the sites have emergency and permanent repairs. The 135 DDIRs may require separate agreements for emergency repairs and permanent repairs for a potential total of 270 FMIS agreements entered into FMIS by VDOT and approved in FMIS by FHWA. FHWA should consider using FHWA's DDIR portal to upload submissions and approvals into FMIS.

Ways for the FHWA to Enhance the Quality, Usefulness, and Clarity of the Collected Information

VDOT recommends that FHWA use a GIS-based DDIR and provide the tool to the states to allow for quick, accurate, and complete data collection, verification, and sharing with FHWA. The goal would be to use one tool nationwide for collections, review, and sharing and to upload additional substantiating documentation in one standard solution.

One standard national review process should be considered by FHWA for DDIRs (sites). FHWA should be required to learn the ER Program process experienced by state DOTs by assisting in the DDIR (site) process which includes procurement and collecting data after a state DOT storm. This action would assist state DOTs in accuracy of the data and assist FHWA in understanding the process clearly. Also, this action will assist FHWA in understanding the difficulties experienced by state DOTs to include the state DOT crew members when collecting data for DDIRs (sites).

To assist with the DDIR (site) process, FHWA should consider creating an ER Program toolkit to assist state DOTs. The ER toolkit should include a federally eligible contract that can be used by states to advertise in advance and/or during an emergency. FHWA should consider a standard MOA to define the responsibilities of the FHWA division office and state DOT, as well as the requirements for the ER Program. FHWA consideration of updating 23 CFR 668, the ER Manual dated May 31, 2013, creation of a tool kit and standard MOA, in conjunction with State DOT participants, would assist in FHWA's performance, reduce the state DOT burden, and enhance the quality, usefulness and clarity of the collection information.

FHWA should consider combining DDIRs in geographical areas to limit the number of DDIRs (sites). Currently, FHWA may combine DDIRs (sites) within a one-mile radius. FHWA should consider combining DDIRs by logical areas determined by state DOTs. For example, VDOT is separated by nine construction districts. During emergencies, VDOT should only create nine DDIRs based on the nine construction districts. This action would allow a more coordinated process and stop redundancy of documentation.

Several years ago, the state DOTs were required to take on additional responsibilities with FHWA undertaking audit processes. Based on VDOT's experience with Tropical Storm Helene, FHWA could reduce the estimated burden and cost on FHWA Divisions and state DOTs by only auditing a few sites in a storm of this magnitude.

Another way to reduce the burden on state DOTs is related to the process in the ER Program for approvals of Emergency and Permanent Repairs. Currently, the initial DDIR approval does not approve the state DOT to move forward with Permanent Repairs. If a state DOT moves forward with Permanent Repairs on an ER Program site without FHWA Financial Management Information System (FMIS) federal authorization, the ER Program will not pay for the site. The FHWA division office approval of the initial DDIR should serve as the approval for Emergency Repairs and Permanent Repairs. This approval should be uploaded into FMIS as the authorization for state DOTs. The federal authorization could be "advance constructed" until the final work is completed along with the required paperwork.

In order to enhance the quality, usefulness and clarity of the collected information, the FHWA DDIR approval for Emergency Repairs and Permanent Repairs should serve as the official federal authorization instead of requiring another approval within FMIS. The continuous back and forth in differing systems causes confusion for the state DOT and FHWA.

How FHWA Could Minimize the Burden


The burden to state DOTs could be reduced by placing the initial DDIR collection on the FHWA division office. While the FHWA division office is collecting the information necessary for the initial DDIR, the FHWA division representative could ensure that the necessary pictures, documentation and FHWA approvals are granted while at the site. FHWA approval could serve as the approval for the DDIR and FMIS federal authorization.

FHWA should assist state DOTs by providing guidance related to completion of permanent repairs at the same time as emergency repairs, if applicable. Both 23 CFR 668.109(a)(2) and the FHWA Emergency Relief manual (see p.22 of FHWA Emergency Relief Manual (Federal-Aid Highways), updated May 31, 2013, at <https://www.fhwa.dot.gov/reports/erm/er.pdf>) specifically state this item as part of the eligibility sections. FHWA's guidance would have assisted state DOTs in streamlining the federal approval process.

To further reduce the administrative burden on FHWA and state DOTs, VDOT recommends that FHWA should only require an audit of a sample of sites and documentation for DDIRs, as opposed to the current FHWA practice of auditing every single DDIR. FHWA treats each DDIR as a separate project but requires audits of all these separate projects instead of using a process that is aligned with the state DOT's normal oversight process.

Thank you for providing VDOT with the opportunity to submit comments on this matter. If you have any questions concerning VDOT's comments, please do not hesitate to contact Jennifer Ahlin, Asset Management Division Administrator, at (804) 786-6581.

Regards,

Signed by:

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Stephen C. Brich, P.E.
Commissioner of Highways