



FEMA

SEP 13 2017

MEMORANDUM FOR: FEMA Regional Administrators  
Regions I - X

ATTENTION: Recovery Division Directors

FROM: Alex Amparo *Oh a B*  
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Recovery Directorate

SUBJECT: Clarification of Public Assistance Eligibility of Damage to  
Submerged Roads

The purpose of this memorandum is to clarify existing eligibility requirements for damage to roads that have been inundated by flood waters. This guidance is applicable to all major disaster declarations.

#### Authorities

Stafford Act § 406(a)(1)(A) establishes that the repair, restoration, reconstruction, or replacement of a public facility may be eligible for Federal assistance if it was damaged or destroyed by a major disaster. 44 CFR § 206.223(a)(1) additionally states that in order to be eligible for Public Assistance funding, an item of work must be required as the result of the emergency or major disaster event.

#### Discussion

The Stafford Act authorizes FEMA to provide funding for specific work performed as a result of the incident. Where an applicant is claiming damage to submerged roads, the damage must be visible and quantifiable from a site inspection in order to be eligible for Public Assistance funding. The applicant must also demonstrate that the damage is the result of the event. Claiming damage that is not visible and quantifiable from a site inspection, or claiming that such damage may occur due to the event, constitutes a projected loss of useful service life, and this is not eligible for Public Assistance funding. FEMA Recovery Policy FP 104-009-2, *Public Assistance Program and Policy Guide* (PAPPG), addresses projected loss of useful service life of a facility as ineligible costs. Both PAPPG Version 1, dated January 1, 2016, and Version 2, dated April 2017, specifically address this issue with regard to inundated roads in Chapter 2, Section V.R.2:

FEMA cannot provide PA funding for the projected loss of useful life of a facility. For example, if a road has been inundated by flood waters for an extended period of time, FEMA cannot provide PA funding for the value of the projected loss of useful life of the road due to the long-term effects the inundation may have on the road.

There are instances where an applicant may discover damage not visible during the site inspection, or where an applicant discovers hidden, disaster-related damage during the course of completing previously approved work. Such instances may be eligible for Public Assistance funding, and are distinguishable from the projected loss of useful service life because these instances represent actual observable damage.

If you have any questions about this guidance, please contact Christopher Logan, Director of the Public Assistance Division, via email at [Christopher.Logan@fema.dhs.gov](mailto:Christopher.Logan@fema.dhs.gov), or by phone at (202) 646-3834.