



RECOVERY POLICY

- I. TITLE: Assistance for Privately Owned Access Routes**
- II. DATE OF ISSUANCE: SEP 26 2013**
- III. PURPOSE:** This policy outlines the criteria for awarding repair or replacement assistance for disaster-related damages to a privately owned access route. This policy also delineates the appeal process after being denied assistance for privately owned access routes.
- IV. SCOPE AND EXTERNAL AUDIENCE:** This policy is effective upon the date of issuance in paragraph II above. This policy applies to all major disasters declared with Individual Assistance on or after the date of issuance of this policy. It is intended for recipients of assistance under the Individuals and Households Program (IHP). In addition, all Federal Emergency Management Agency (FEMA) personnel involved in the administration of the IHP are directed to follow this policy.
- V. AUTHORITY:** Section 408(c)(2)(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5174; Title 44 of the Code of Federal Regulations, Part 206.117(c)(1)(vi).
- VI. DEFINITIONS, ABBREVIATIONS, AND FORMATTING:**
- Applicant.* An individual or household who has applied for FEMA IHP assistance.
 - Single Family Driveway.* The ingress and egress of a private residence, to include roads and bridges, which is primarily used by, and is the sole financial responsibility of, the owners of the private residence.
 - Privately Owned Access Route.* The ingress and egress to multiple single family driveways, which is jointly used by and/or is the financial responsibility of two or more of the owners of the private residences serviced by the access route. This may include roads and bridges.



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4. *Record of Environmental Consideration.* A signed administrative record for each project that is determined to be categorically excluded from the preparation of an environmental impact statement or an environmental assessment that briefly documents that a FEMA action has received environmental review.

- VII. **POLICY:** FEMA will provide eligible applicants other forms of Individuals and Households Program assistance (including resolution of all appeals) before providing assistance for repair of a Privately Owned Access Route (hereinafter "access route").
- A. Prior to providing assistance to repair an access route, FEMA will verify whether the State and/or local government has taken, or plans to take, any emergency actions to repair the route to provide access for emergency services providers or to remove immediate threats to public health and safety.
 - B. Financial assistance to repair the access route is limited to the cost to repair disaster-related damages to the access route, up to the residence or single family driveway. When the access route to a residence or a single family driveway has been damaged or destroyed, applicants may be eligible for repair assistance if:
 1. The applicant meets all of the following conditions:
 - a. The applicant is eligible for 408 Assistance;
 - b. The applicant is a homeowner;
 - c. The residence to be accessed is the applicant's primary residence; AND
 2. The applicant meets at least one of the following criteria:
 - a. The access route is the only access to the residence; OR
 - b. Repair or replacement of a secondary route is necessary for practical use (e.g., it is impossible to access the residence without a bridge or road); OR



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- c. The safety of the occupants or the residence would be adversely affected because State or local emergency equipment could not reach the residence. (Access of emergency vehicles should only be considered if access was available prior to the disaster.)

- C. The eligible award amount is based on repair items (e.g., decking, guardrails, and handrails) that are of average quality, size, and capacity. Repairs shall be disaster-related and shall be limited to the minimum repairs necessary to enable the applicant to access their residence.
 1. Repair awards will not include improvements to the access route's pre-disaster condition unless improvements are required by current State and/or local building codes or ordinances.
 2. An applicant with access and functional needs, such as a physical disability, that requires access for a particular vehicle may be approved for additional funds to improve the access if required for safe passage.

- D. Financial assistance for an access route will only be awarded when the cost of repairs to the road or bridge does not exceed the combined dollar amount available to all eligible applicants under IHP and any confirmed additional funding secured by the owners of the access route. The combined dollar amount available will be based on the remaining assistance, subject to paragraph "A" for each individual applicant.
 1. Awards will be separately made to eligible applicants that share the access route if:
 - a. They individually provide a declarative statement confirming that the FEMA award will be used to make repairs to the access route and they understand that the applicant(s) are responsible for securing permits and complying with local codes and ordinances (e.g., environmental assessments);



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- b. They do not have an established Homeowners Association or Covenant responsible for repair of the access route; OR
 - c. The established Homeowner Association or Covenant responsible for the repair of the access route is unable to receive assistance from the Small Business Administration (SBA) or private insurance.
2. When the cost of the repairs exceeds the funding FEMA can award, as determined by paragraph "D" above, FEMA may provide the applicants rental assistance and provide the necessary instructions on how to appeal for the privately owned access route funds.
- E. When considering appeals for assistance for access routes, FEMA requires applicant(s) to submit documentation to show that they have access to additional funding to supplement the amount FEMA can award for access route (i.e. if applicant is able to secure funds from the SBA, FEMA will release any remaining funds for the access route to reduce the amount of the loan from the SBA). The applicant(s) will be given to the end of the period of assistance for the disaster (18 months from the date of declaration) to secure additional funding and/or to obtain alternate estimates from a State-certified engineer.
- F. **Environmental and Historic Review Requirements.** Eligible activities for the repair or replacement of privately owned access routes under this policy must satisfy environmental and historic preservation compliance review requirements as established by (44 CFR Part 9 and 10), the National Historic Preservation Act, the Endangered Species Act, and all other applicable legal requirements.
1. FEMA will develop a Record of Environmental Consideration prior to providing assistance for the repair or replacement activity.
 2. Eligible applicants may be responsible for complying with any conditions developed as a result of the environmental and historic compliance review process.



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3. Eligible applicants will be responsible for obtaining any applicable Federal, State, and local permits such as those under Section 10 of the Endangered Species Act, Section 404 of the Clean Water Act, section 9 of the Rivers and Harbors Act and General Bridge Act, and others.

- VIII. ROLES & RESPONSIBILITIES:** The Recovery Directorate will be the primary party responsible for the implementation, development of processing procedures, monitoring, evaluation and review of this policy. Specifically, the Individual Assistance Division will monitor, evaluate and review this policy. The National Processing Service Center Division will implement this policy through approved system configuration and processing procedures.
- IX. RESPONSIBLE OFFICE:** Recovery Directorate (Individual Assistance Division).
- X. SUPERSESION:** This policy superseded Recovery Policy RP 9445.1, Individuals and Households Program: Assistance for Privately Owned Access Routes, dated April 6, 2010, and all other previous guidance on this subject.
- XI. REVIEW DATE:** This policy expires three years from the date of issuance.

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