



**Integrated Waste
Road & Bridge Operations
Sonoma County Airport
Sonoma County Transit**

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Attachment B

Sonoma County Transportation & Public Works

Narrative of FEMA Project #37314

Sidewalks, Curbs, Gutters, and Asphalt/Private Property Debris Removal (PPDR) Damaged County Roads

CalOES management, during a meeting held in Sacramento shortly after the 2017 Wildfire disaster in Sonoma County, assured the Counties of Napa, Lake, Mendocino, and Sonoma that despite them not having a policy to address damage to local agencies' roads after debris removal operations they would fund damage if documented. Sonoma County Department of Transportation and Public Works (County) approached FEMA in May 2018 to inquire about reimbursement for these damages. FEMA directed the County to collect data and provide photos of damages.

After receiving limited information from the United States Army Corps of Engineers (USACE) who contracted with the debris hauling companies (Ashbritt, Inc. and ECS), County staff followed the trucks to determine actual PPDR haul routes. The County became aware of damages caused by these trucks after monitoring these routes and also after receiving complaints from residents about road damages, potholes, etc. The roads in the areas impacted by PPDR activity were designed to sustain typical local traffic and not the concentration of heavy trucks. Regardless of the Pavement Condition Index (PCI) prior to debris hauling, damage was observed and recorded as the result of the largest debris removal operation to date in the state of California.

It is well documented that trucks were overloaded and at least one serious traffic accident occurred as a result. After the PPDR hauling, roads were monitored in the haul routes for visible physical damage. The County observed damage to 32 roads that included potholes, pushing/shoving, and rutting consistent with damages caused by traffic/vehicles for which the roads were not designed to sustain.

On June 21, 2018, after inspecting roads damaged by the PPDR haul trucks with FEMA project managers, the County provided FEMA with a summary that included GPS coordinates, photos, PCI and engineering cost estimates for repairs. At the recommendation of FEMA project managers, these damages were added to an existing Category C project for repair of damaged sidewalks, curbs, gutters, and one retaining wall. After the site visits, the County was informed by FEMA that damage from the PPDR was evident. The County submitted an estimate of \$22,365,500 to repair all the damaged segments.

On August 13, 2018 the County received a Determination Memo from FEMA approving costs only for damaged asphalt (exclusive of the PPDR damaged roads), and denying the County's claim for repair of damaged sidewalks, curbs, gutters, and retaining wall. No mention was made of the PPDR road damages however, supporting documentation approved total costs of \$3,110,275. It was unclear in the determination memo whether that amount included PPDR damaged road costs.

On October 10, 2018 the County appealed the Determination Memo through CalOES, submitting total project costs of \$21,535,692 that excluded sidewalks and the retaining wall, but included costs for damaged curbs, gutters, and PPDR damaged roads.

On December 10, 2018, the County received a response to a first appeal from CalOES, recommending that FEMA only approve \$7,443 for replacement of damaged curbs and gutters, and denying all PPDR damages.

On May 24, 2019, the County received a Response to First Appeal from CalOES that concluded sufficient information had been provided to support the County had legal responsibility for the damages to asphalt, gutters, curbs, sidewalks, and a retaining wall. The letter also stated that FEMA was currently working with the County to determine eligibility for the PPDR damaged roads. No dollar amount was provided, but the letter referenced a previously denied amount of \$126,525.

On November 21, 2019, the County received a Determination Memo from FEMA denying the claim of \$21,365,500 for PPDR damaged roads, stating insufficient evidence that the damage was a direct result of the disaster. The County intends to appeal this determination and will include additional details about the damages.

On May 28, 2020, the County received a letter from CalOES recommending FEMA deny reimbursement for PPDR damages on the basis that the roads had not been well maintained prior to damage.

On January 14, 2021, the County received an e-mail correspondence from the FEMA Appeals Unit, indicating that our appeal had been received, but it would take time to process as they had a large backlog.

On March 5, 2021, the County sent a letter to CalOES requesting FEMA's disposition of the appeal, in accordance with federal regulations (44 CFR 206.206(c)(3)), which requires them to respond within 90 days of the recommendation from CalOES. That 90 days expired on August 13, 2020. An acknowledgement of receipt was received.

On May 14, 2021, the County reached out to FEMA for status of the appeal.