Fact Sheet – 23 CFR 667 Resiliency Requirements and Certification

**Requirements**

**Applies to:**

* + **All** federal-aid road and bridge projects (except as stated below)
	+ Permanent Repair (PR) work on Emergency Relief (ER) projects; Permanent Repair (PR) work is not exempt from 23 CFR 667.

**Does not apply to:**

* + Tribe owned roads and bridges
	+ Federally owned roads and bridges
	+ Emergency Repair (a.k.a. Emergency Opening, EO) work on ER projects. Only EO work is exempt; PR work is not exempt from 23 CFR 667, as mentioned earlier.

**Prior to local agency**:

* + Programming project RW and CON phases of work in the FTIP/FSTIP
	+ Processing a Request for Authorization for RW (i.e., before RW obligation (E76))
	+ Processing a Request for Authorization for CON (i.e., before RW obligation (E76))

**Local Agency must do following:**

1. Begin 23 CFR 667 Resiliency Certification form (23 CFR 667 Resiliency Certification)
2. Determine if, within the limits of the proposed project, there exists one or more locations of repeated past disaster damage (use 23 CFR 667 Resiliency Certification and the SORDD Table)
3. If NO, the local agency then completes 23 CFR 667 Resiliency Certification
	* Keeps completed, signed Certification in Project file
	* Share completed, signed copy of Certification with MPO; RTPA if no MPO
	* Send copy of Certification to 23CFR667.Compliance@dot.ca.gov
4. If YES, the local agency must evaluate project for alternatives
	* Write in information site(s) from SORDD table to Sites of Repeated Disaster Damage table located on the 23 CFR 667 Resiliency Certification
	* Begin 23 CFR 667 Resiliency Worksheet
	* Complete Project Information
	* Identify and write in root cause of disaster damage
	* Identify and consider project alternatives that will:
		+ Fully Resolve the root cause of the recurring damage,
		+ Partially Resolve the root cause of the recurring damage, or
		+ Mitigate the root cause of the recurring damage.
	* Provide answers to all questions on the 23 CFR 667 Resiliency Worksheet
	* Attach B/C Analysis for the selected preferred alternative identified, which:
		1. Considers the risk of reoccurring damage (see B-C Analysis)
		2. Estimates of the costs of each alternative, and
		3. Estimates the likely duration of each alternative
		4. Considers cost of future repairs under current environmental conditions
		5. Considers cost of future repairs under future environmental conditions
	* For B-C Analysis, include
		+ list of assumptions made
		+ the disaster frequency used, explain how this was determined
		+ the expected service life of the facility, give reference
	* Complete B-C Analysis and **attach** to 23 CFR 667 Resiliency worksheet
	* If no B/C Analysis was completed, explain why and how local agency was able to comply with items (a) through (e) listed above.
	* Complete the 23 C.F.R. 667 Resiliency Worksheet and **attach** to 23 C.F.R. 667 Resiliency Certification
5. Complete the 23 C.F.R. 667 Resiliency Certification
6. Keep completed, signed Certification in Project file
7. Share copy of completed, signed copy of Certification with MPO; RTPA, if no MPO
8. Send copy of Certification to 23CFR667.Compliance@dot.ca.gov

**MPOs and/or RTPAs**:

* Should consider the results of evaluation(s) when developing, or contributing to the development of, relevant and applicable plans and programs; including the Metropolitan Transportation Plan(s) and the Transportation Improvement Program(s) (TIP).
* Should consider best way to use evaluation(s) in the preparation of their:
	+ Metropolitan Transportation Improvement Program (MTIP)
	+ Other transportation plans and programs

**State DOT** (e.g., Caltrans):

* Shall Maintain of Sites of Repeated Disaster Damage (SORDD) List
	+ Update after every Proclaimed or Declared ER Eligible Disaster Event
	+ Review and update minimum of once every four years
* Should consider the results of an evaluation when developing projects
* Should consider best way to use evaluation(s) in the preparation of the:
	+ Long-Range Statewide Transportation Plan
	+ Transportation asset management plan (TAMP)
	+ Statewide Transportation Improvement Plan (STIP)
	+ Transportation plans and programs, including TIPs and STIPs.

**Agencies may** consider multiple approaches to how it uses the information from the evaluation. Examples include, but are not limited to, the following:

* Using evaluation(s) within project-level environmental review and design decisions.
* Using evaluation(s) within strategic network-level studies, where strategies are developed and are used to guide planning and programming decisions.
* Using evaluation(s) to support corridor-level studies

**List of Fed-Aid Roadway Sites Damaged in Multiple Disaster Events**

Sites Of Reoccurring Disaster Damage (*SORDD*)

**Forms**

23 C.F.R. 667 Resiliency Evaluation Certification (*Evaluation Certification*)

23 C.F.R. 667 Resiliency Evaluation Worksheet (*Evaluation Certification*)

23 C.F.R. 667 Benefit-Cost Analysis (*B-C Analysis*)

**Guidance and other important documents**

Refer to [23 CFR 667 website](https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/23-cfr-667)

**Links**

FHWA 23 C.F.R. 667 webpage

DOT 23 C.F.R. 667 webpage

(Ref: 23 CFR 667 Resiliency Certification, the SORDD Table, and the 23 CFR 667 Resiliency Worksheet)

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