

**CHAPTER 112. NATURAL DISASTER REIMBURSEMENT  
PROGRAM FOR POLITICAL SUBDIVISIONS**

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**Authority**

The provisions of this Chapter 112 issued under the Emergency Management Services Code, 35 Pa.C.S. §§ 7313 and 7707, unless otherwise noted.

**Source**

The provisions of this Chapter 112 adopted June 25, 1982, effective June 26, 1982, 12 Pa.B. 1936, unless otherwise noted.

**§ 112.1. Scope.**

(a) Whenever the Governor shall have proclaimed that conditions of disaster emergency exist throughout this Commonwealth or in one or more political subdivisions thereof due to a natural disaster including but not limited to floods, heavy snows, or prolonged periods of subfreezing weather, officials of any political subdivision affected by such conditions of disaster emergency shall have the authority to clear such roadways as are necessary for the health, safety and welfare of residents, even though such roadways are not officially the responsibility of such political subdivisions. In the event that a water system owned or operated by a political subdivision or municipal authority is damaged, destroyed, or made inoperable as a direct result of such conditions of disaster emergency, the political subdivision or municipal authority shall have the authority to lease or hire such personnel and equipment as may be needed to effect restoration of such water system.

(b) Whenever the Governor shall have proclaimed that conditions of disaster emergency exist throughout this Commonwealth or in one or more political subdivisions due to a natural disaster, he may direct funds to be made available for the reimbursement of political subdivisions and municipal authorities in accordance with the application procedures outlined in § 112.5 (relating to procedures). Reimbursement will be made only if the Governor makes available funds for that specific purpose. The total amount of reimbursement shall never exceed \$1 million in any one year except by action of the General Assembly.

**§ 112.2. Policy.**

(a) Section 4 of the act of July 6, 1961 (P. L. 515, No. 265) (71 P. S. § 1689.104) provides that political subdivisions and municipal authorities may be

reimbursed for the costs of roadway clearance and repair of public water systems whenever the Governor proclaims that a disaster emergency exists in the affected area.

(b) The Governor has designated the Pennsylvania Emergency Management Agency to administer the reimbursement program.

### § 112.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings:

*Disaster emergency*—Those conditions which:

(i) Seriously affect the safety, health or welfare of a substantial number of citizens of this Commonwealth or preclude the operation or use of essential public facilities.

(ii) Be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced.

(iii) Have been caused by forces beyond the control of man by reason of civil disorder, riot, or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

*Natural disaster*—Any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which results in damage to property, hardship, suffering or possible loss of life.

*Political subdivisions*—Any county, city, borough, township, town or home rule community in this Commonwealth.

### § 112.4. Responsibilities.

(a) *Office of the Budget*. The Office of the Budget shall have the following responsibilities:

(1) Review the request from the Pennsylvania Emergency Management Agency for transfer of funds for use in the emergency.

(2) Recommend to the Governor an amount of executive authorization for reimbursement programs and an existing appropriation from which funds may be transferred.

(3) Review the request from the Pennsylvania Emergency Management Agency for the allocation of available funds among supporting agencies and process the appropriate transfers of funds.

(4) Provide assistance to State agencies on financial and accounting matters.

(b) *Pennsylvania Emergency Management Agency*. The Pennsylvania Emergency Management Agency shall have the following responsibilities:

(1) Provide the Office of the Budget with an estimate of the funds to be recommended for transfer to deal with the emergency.

- (2) Provide overall supervision of the reimbursement programs.
  - (3) Review and coordinate application procedures established by supporting State agencies.
  - (4) Recommend to the Office of the Budget the allocation of transferred funds to supporting agencies.
- (c) *Department of Transportation.* The Department of Transportation shall have the following responsibilities:
- (1) Administer the reimbursement program as it relates to clearing roadways.
  - (2) Develop procedures whereby political subdivisions may make application for reimbursement for the costs of clearing roadways.
  - (3) Disburse allocated funds to eligible applicants based on the distribution system established in § 112.5 (relating to procedures) and on detailed implementing instructions to be published.
  - (4) Inform the Pennsylvania Emergency Management Agency and the Office of the Budget of the dollar amounts and number of claim application forms received.
- (d) *Department of Environmental Protection.* The Department of Environmental Protection shall have the following responsibilities:
- (1) Administer the reimbursement program as it relates to restoration of water systems.
  - (2) Develop the procedures whereby political subdivisions and municipal authorities may make application for reimbursement for the costs of restoring damaged or destroyed public water systems.
  - (3) Disburse allocated funds to eligible applicants based on the priority system established in § 112.5 and on detailed implementing instructions to be published.
  - (4) Inform the Pennsylvania Emergency Management Agency and the Office of the Budget of the dollar amount and number of claim application forms received.

**§ 112.5. Procedures.**

- (a) The following system is established for the disbursement of funds appropriated as the result of a Gubernatorial Proclamation of Disaster Emergency:
- (1) The executive agency for each segment of the program, that is, Pennsylvania Department of Transportation, for clearing roadways and the Department of Environmental Protection for water systems, will make determinations and disbursements of eligible reimbursement costs under these procedures.
  - (2) When the Governor issues a Proclamation of Disaster Emergency and proclaims funds available, those political subdivisions within the designated extreme emergency area will be notified by the Department of Transportation or the Department of Environmental Protection or both that funds have been allocated for reimbursement assistance.

(3) A claim-application must be submitted to the appropriate Commonwealth agency, the Department of Transportation or the Department of Environmental Protection, within 60 days after the termination of the Gubernatorial Proclamation. The application must include the value of the claim.

(4) Application forms will be available from the responsible agency, the Department of Transportation, Bureau of Municipal Services, or the Department of Environmental Protection, Office of Environmental Protection.

(5) Within 90 days after the termination of the proclamation the Department of Transportation or the Department of Environmental Protection or both will provide the Pennsylvania Emergency Management Agency the total cost of damage claimed.

(6) The Pennsylvania Emergency Management Agency will determine, from the amount of reimbursement money made available by the Governor, and the total emergency related costs, the amount of such costs which may be reimbursed. Based upon this determination the Pennsylvania Emergency Management Agency will indicate to the Office of Budget the amount of the available reimbursement funds which should be allotted to the Department of Transportation and the Department of Environmental Protection.

(7) The Department of Transportation will determine the total mileage on the local highway system within the political subdivision. The Department of Transportation will then make a pro rata calculation by political subdivision of the funds to be made available. These funds will be distributed based on the percentage of each political subdivision's local mileage to the total local mileage of all affected political subdivisions. The sole criteria for eligibility to receive reimbursement for clearing roadways shall be that the actual emergency related roadway clearance costs exceeded that particular activity's current year's total budgeted amount from all sources by 25% and that no net claim of less than \$100 will be considered.

(8) Priorities for the allocation of funds by the Department of Environmental Protection for water systems will be determined by the following criteria:

(i) Severity and extent of disruption of water service in relationship to size of water supply.

(ii) Severity of public health hazard.

(iii) Relationship of the cost of correcting work to the annual revenue.

(9) Reimbursements shall not be made if the Commonwealth, a political subdivision or a municipal authority are eligible for assistance from the Federal government.

(b) Funds will be administered as follows:

(1) At the close of the fiscal year in which a disaster emergency occurred, a Certificate of Eligibility shall be completed and filed by the local elected or appointed auditors.

(2) Thirty days after the end of the fiscal year, the Department of Transportation and the Department of Environmental Protection will submit to the

Pennsylvania Emergency Management Agency and the Governor's Office of the Budget a complete accounting of all funds disbursed under this program chargeable to that fiscal year.

**Cross References**

This section cited in 4 Pa. Code § 112.1 (relating to scope); and 4 Pa. Code § 112.4 (relating to responsibilities).

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