

## **Emergency Route Working Group Charter**

1. Committee's Official Designation: The Committee's official designation is the Emergency Route Working Group (ERWG).
2. Authority: The ERWG is established under the authority of section 5502 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94). The ERWG is also being established in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
3. Objectives and Scope of Activities: The ERWG shall provide the Secretary of Transportation, through the Administrator of the Federal Highway Administration (FHWA), with advice and recommendations for the implementation of best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery. In determining best practices, the ERWG shall consider whether:
  - a. Impediments currently exist that prevent expeditious State approval of special permits for vehicles involved in emergency response and recovery;
  - b. It is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or emergency;
  - c. A State could pre-designate an emergency route identified under paragraph (b) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during periods of declared emergency and recovery from such periods; and
  - d. An online map could be created to identify each pre-designated emergency route under paragraph (c), including information on specific limitations, obligations, and notification requirements along that route.
4. Description of Duties: The members of the ERWG shall:
  - a. Attend ERWG meetings;
  - b. Gather information as necessary to discuss issues presented by the Designated Federal Officer (DFO);
  - c. Provide the Secretary of Transportation, a written report by December 4, 2016, on its findings and recommendation for the implementation of best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery. The ERWG is not established to provide advice or recommendation on Federal laws or individual State laws related to commercial vehicle length or width.

5. Agency or Official to Whom the ERWG Reports: The ERWG shall report to the Secretary of Transportation through the Federal Highway Administrator. The FHWA Administrator is the sponsor of the ERWG and accepts or rejects recommendations produced by the ERWG.
6. Support: The FHWA's Office of Operations will provide necessary funding, logistics, and administrative support for the ERWG.
7. Estimated Annual Operating Costs and Staff Years: The annual operating costs associated with the ERWG's functions are estimated to be \$120,000, including all direct and indirect expenses. The Agency estimates that a .5 full-time equivalent position will be required to support the ERWG.
8. Designated Federal Office: The DFO for the ERWG is the FHWA's Team Lead for the Office of Freight Management and Operations or his or her designee.
  - a. The ERWG's DFO is required to be in attendance at all meetings of the ERWG for the entire duration of each and every meeting.
  - b. The DFO shall approve or call all ERWG and subcommittee meetings, prepare and approve all meeting agendas, attend all meetings, adjourn any meetings when he or she determines adjournment to be in the public interest, and chair meetings when directed to do so by the FHWA Administrator or the Secretary of Transportation.
9. Estimated Number and Frequency of Meetings: The ERWG shall meet at the call of the ERWG's DFO, in consultation with the ERWG's Chairperson(s). The estimated number of meetings by the ERWG before the termination date is 12.
  - a. As necessary, special and subcommittee meetings may be called by the DFO. As used in this charter, the word "meeting" does not include gatherings of the ERWG members for the purpose of preparatory or administrative work as provided under 41 CFR § 102-3.160.
  - b. Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. The meeting agenda and all relevant meeting information will be posted in advance of each meeting at the Web site (<http://www.ops.fhwa.dot.gov/fastact/index.htm>)
  - c. Meetings shall be open to the general public, except as provided under section 10(d) of FACA, as implemented by 41 CFR § 101-6.10, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and DOT Order 1120.3B.
  - d. Detailed minutes of each meeting shall be certified by the DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying at the Web site (<http://www.ops.fhwa.dot.gov/fastact/index.htm>).

10. Duration: Section 5502(e) of Public Law 114-94 provides that the ERWG shall terminate 1 year after the Secretary of Transportation receives the ERWG's report required under Section 5502(c)(1); however, the charter is subject to renewal every 2 years.

11. Termination: The ERWG shall terminate 1 year after the date the Secretary receives the report required by section 5502(c)(1) of the FAST Act or 2 years after the filing date of this charter, whichever occurs first.

12. Membership and Designation:

- a. The ERWG shall comprise no more than 25 members.
- b. Eight of the members shall be designated and appointed by the Administrator of the FHWA on behalf of the Secretary of Transportation. The ERWG members shall include representation from State highway transportation departments or agencies; relevant modal agencies within the DOT; emergency response or recovery experts; relevant safety groups; and entities affected by special permit restrictions during emergency response and recovery efforts.
- c. The FHWA will coordinate with the following agencies for recommendations to fill the remaining membership positions:
  - American Association of State and Highway Transportation Officials;
  - Federal Emergency Management Agency;
  - Edison Electric Institute;
  - American Public Power Association;
  - American Public Works Association;
  - National Rural Electric Cooperative Association;
  - National Utility Contractors Association; and
  - Electric Power Supply Association.
- d. The FHWA Administrator will seek to ensure that the membership of the ERWG will be fairly balanced in terms of the points of view represented and the functions to be performed by the working group, to the maximum extent feasible.
- e. With the exception of travel and per diem for official travel related to the ERWG, members of the ERWG shall serve without compensation.
- f. Members of the ERWG appointed solely for their expertise shall be appointed to serve as a special Government employee (SGE) member under the authority of 5 U.S.C. § 3109.
- g. The FHWA Administrator may appoint additional experts and consultants, with relevant expertise, to assist the ERWG on an ad-hoc basis as advisers. These non-member experts and consultants, who do not count toward the

ERWG's total membership, shall be appointed to serve as SGEs under the authority of 5 U.S.C. § 3109 and 41 CFR 102-3.130; however, these experts and consultants have no voting rights on the ERWG and are prohibited from engaging in any deliberations by members of the ERWG except as may be requested by the ERWG to advise the ERWG in a requested matter. These advisers shall be reimbursed for necessary travel expenses.

- h. Members serve at the pleasure of the Secretary. The FHWA Administrator, on behalf of the Secretary, may extend appointments and may appoint replacements for members who have resigned outside a stated term, as necessary.

13. Subcommittees: The FHWA has the authority to establish subcommittees. Subcommittees shall not work independently of the chartered ERWG and shall report all of their recommendations and advice to the full ERWG for deliberation and discussion. Subcommittees must not provide advice or work products directly to FHWA or DOT.
14. Recordkeeping: The records of the Committee, formally and informally established subcommittees or other subcommittees of the Committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.
15. Filing Date: The filing date of this charter is August 24, 2016.