



U.S. Department
of Transportation
**Federal Highway
Administration**

Ohio Division Office
200 North High Street
Columbus, Ohio 43215

September 15, 2008

In Reply Refer To:
HEO-OH

Director James Beasley, P.E., P.S.
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223

Dear Director Beasley:

There have been recent instances where State Departments of Transportation have been approached with requests to certify highway embankments as levees or flood control structures, or to retrofit highway embankments as levees. Our Washington Office has issued a memorandum providing background and guidance on this issue.

In summary, the FHWA discourages State Departments of Transportation in certifying highway embankments as levees. In addition, FHWA discourages retrofitting highway embankments as levees.

The memorandum is enclosed for your use and distribution. Please share this memorandum with local transportation officials.

Should you have any questions or wish assistance, please contact Matt Shamis at (614) 280-6847, matt.shamis@fhwa.dot.gov or Thomas Lefchik at (614) 280-6845, thomas.lefchik@fhwa.dot.gov.

Sincerely,

For: Dennis A. Decker
Division Administrator

Enclosure

**MOVING THE
AMERICAN
ECONOMY**

File: 16-A Bridge Policy and Procedures

ecc:

Mr. Tim Keller, ODOT

Mr. Matt Shamis, FHWA-OH

Mr. Gene Geiger, ODOT



Memorandum

Subject: **ACTION:** Highway Embankments versus Levees
and other Flood Control Structures

Date: September 10, 2008

From: */s/ Original Signed by*
King W. Gee
Associate Administrator for Infrastructure

In Reply Refer To: HIBT-20

To: Associate Administrator for Federal Lands
Highway Programs
Directors of Field Services
Acting Resource Center Director
Division Administrators

This memorandum provides guidance to our field offices on the distinctions between highway embankments, levees, and other flood control structures. The memorandum also provides background of why these distinctions are important and recommendations in the event that the FHWA encounters questions or issues in this area.

Background:

The Federal Emergency Management Agency (FEMA), primarily through the National Flood Insurance Program (NFIP), works with communities to determine floodplain areas threatened by flood damages and sets appropriate insurance rates for property owners within those areas. The primary means to determine the locations of these flood prone areas are through flood insurance studies (FIS) and associated flood insurance rate maps. By the time the FEMA and the communities began conducting these FIS, much of our Nation's highway system had already been constructed, including embankments within some floodplains.

Recent FEMA map modernization and levee certification initiatives have revealed that for many years some highway embankments may have been either inadvertently or incorrectly designated as levees or other flood control structures. Also, some NFIP communities incorrectly assumed that these embankments provided some level of protection. Until recently, the FHWA was unaware of such assumptions.

Furthermore, there have been recent instances where the FEMA, other floodplain regulators, and communities (hereafter referred to as 'entities') have approached State departments of transportation (DOTs) to request DOT certification of these highway embankments as levees or flood control structures. Some entities have suggested that DOTs need to retrofit these embankments into levees and do so using Federal-aid highway funds, thus allowing for certification. Many times these entities cite significant economic hardship for the community should the DOT not take such actions.

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