

## Change No. 11

1. Material transmitted. This Change No. 11 to the CEFR consists of a revised table of contents, revised page i, and a new Chapter 22 - Department of Transportation, Federal Highway Administration.

2. Filing instructions:

Remove

Table of contents page.  
Page i.

Insert

Table of contents.  
New page i.  
Chapter 22.  
Pages 22-40-i through  
22-47-3.

## Table of Contents

### Explanation

#### Chapter

1	The President
2	The Congress
3	Office of Emergency Preparedness
4	Office of Civil Defense
11	Department of State
12	Department of the Treasury
12A	Fiscal Service
12B	Internal Revenue Service
13	Department of Defense
14	Department of Justice
15	Post Office Department
16	Department of the Interior
17	Department of Agriculture
18	Department of Commerce
19	Department of Labor
20	Department of Health, Education, and Welfare
21	Department of Housing and Urban Development
22	Department of Transportation Federal Highway Administration
31	Civil Service Commission
32	Board of Governors of the Federal Reserve System
34	Interstate Commerce Commission
35	Federal Home Loan Bank Board
36	Railroad Retirement Board
38	Civil Aeronautics Board
39	General Services Administration

Appendix A      Standby Emergency Regulations published  
                    in the Code of Federal Regulations as  
                    of January 1, 1970.

Appendix B      Standby Emergency Documents published  
                    as Notices in the Federal Register.

## Explanation

### I. Purpose and scope.

The Code of Emergency Federal Regulations (CEFR) is issued under section 2002(6), E. O. 11490, as amended by E. O. 11522, 3 CFR, 1966-1970 Comp., pp. 820 and 914. It is designed to provide continuity in the publication of Federal statutes and regulations during a condition of enemy attack or threatened attack. It provides a vehicle for the prepositioning of emergency regulations on a stand-by basis for implementation as described in paragraph III below. By centralizing stand-by emergency regulations in one publication, the CEFR makes available information that may be essential to coordinated action and planning by all agencies having emergency functions.

Emergency documents published in the CEFR do not supersede all existing law. Rather, when called into effect, these documents would amend and supplement existing law to the extent necessary to meet the emergency. The CEFR, therefore, would be used in conjunction with normal sources, such as the United States Code and the Code of Federal Regulations.

### II. Distribution.

The CEFR is issued in loose-leaf format and is kept up-to-date by periodic transmittal of new material and changed pages. A limited number of copies are furnished to agencies through their mobilization officers. At least two sets of the CEFR should be maintained at each agency relocation site.

### III. Implementation of the CEFR.

(a) Emergency Federal Register. Under 44 U.S.C. 1505 (c), the President may establish an alternate system for promulgating, filing, or publishing Presidential proclamations, Executive orders, and other legal documents during a period of attack or threatened attack. In such event, a serial publication designated the Emergency Federal Register (EFR) may be issued. Documents published in the EFR would then implement by reference, amend, or supplement the material carried in the CEFR.

(b) Original documents. The signed original of a document issued during an emergency shall be retained by the issuing agency. In lieu of a separate original, agencies may elect to use the CEFR pages containing the document. Affixation of an official signature to the CEFR document would create the original. Original documents and two duplicate originals or two certified copies shall be preserved for transmission to the Office of the Federal Register when requested after the emergency period.

(c) Effectiveness. A document published in the CEFR may automatically become effective as prescribed by its own terms (self-triggering) or may be made effective by separate announcement published in the EFR during an emergency. To the extent practicable, when a self-triggering document goes into effect during an emergency, notice of that effectiveness should also be published in the EFR.

#### IV. Submission instructions.

The CEFR is produced by means of a photographic printing process, based on the pages of the material as actually submitted. Its quality is therefore dependent on the quality of the submissions. The following considerations and requirements are involved:

(a) Security classification. All submissions must be unclassified.

(b) Number of copies. Two copies of each document (three if printed on both sides) shall be submitted.

(c) Size and quality. All submitted copies shall be single-spaced, in black ink on white paper, 8"x10 1/2", with 1-inch margins. All copies shall be amply clear for photographic reproduction. Printed or reproduced copies are acceptable if prepared in conformance with these standards.

(d) Numbering system and pagination. Agencies normally are assigned chapter numbers by the CEFR editor when they first submit material. Documents are assigned numbers keyed to the agency's chapter. Thus, the third document issued within Chapter 8 would be numbered "EFR Doc. 8-3". Each document carries an independent pagination based on its EFR Document number: e.g., page 8-3-4 is page 4 of EFR Doc. 8-3. There is no prescribed internal numbering system.

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

---

## Chapter 22

### Department of Transportation

Department of Transportation  
22-1 through 22-39 reserved

## FEDERAL HIGHWAY ADMINISTRATION

## Table of Contents

EFR Doc. 22-40	Establishment of Emergency Highway Traffic Regulation (EHTR).
EFR Doc. 22-41	Highway Repair and Reconstruction in the immediate postattack period.
EFR Doc. 22-42	Preparation of requirement estimates (materials, supplies, equipment, and manpower) for highway work.
EFR Doc. 22-43	Requisitioning of private property for highway purposes.
EFR Doc. 22-44	Allocation of resources for essential highway work.
EFR Doc. 22-45	Curtailment of highway construction.
EFR Doc. 22-46	Emergency contracting and procurement activities.
EFR Doc. 22-47	Termination or resumption of suspended projects and initiation of new highway projects.

EFR Doc. 22-40

January 28, 1972

**EMERGENCY STANDBY ORDER - ESTABLISHMENT OF EMERGENCY HIGHWAY  
TRAFFIC REGULATION (EHTR)**

- Par. 1. Purpose  
2. Authority  
3. General Policy  
4. Implementation  
5. Responsibilities

**1. PURPOSE**

This order outlines policies, responsibilities and procedures relating to EHTR activities and provides for the implementation of such activities prior to and subsequent to an attack on the United States or a major peacetime disaster.

**2. AUTHORITY**

Federal Highway Administration (FHWA)  
Order 10-4.

**3. GENERAL POLICY**

a. Operational readiness requires the establishment of an emergency highway traffic regulation organization in peacetime. This organization shall be adequate to operate a system of traffic management and control which will regulate the use of highways and will facilitate urgent highway movements following a nuclear attack or a major peacetime disaster. This organization will be staffed by representatives of the State highway department, the police and, when appropriate, by the cooperating organized highway users. The functions of this organization are to be prepared to protect highway users from hazardous conditions and to ration road space for effective utilization of the highway system. The establishment of priorities for cargo or personnel movements is a function of the appropriate emergency transportation organizations and not of the EHTR organization.

b. Guidelines concerning the detailed operation of the EHTR program are contained in a Guide for Highway Traffic Regulation in an Emergency, published by the FHWA.

c. The EHTR program is a decentralized postattack program which will become operational when shelter emergence occurs. Each State shall have an EHTR plan which contains detailed procedures for the implementation and conduct of statewide EHTR operations. Since the highway system is comprised of key

resource facilities, these plans will function as required during the postattack period or in a major peacetime emergency. EHTR will be implemented under the following conditions:

(1) When highway users must be protected from fallout resulting from a nuclear attack.

(2) When traffic demand exceeds highway capacity.

(3) When unauthorized traffic should be excluded from a specific area.

**4. IMPLEMENTATION**

When communications are available, the postattack provisions of this order will normally be made effective upon specific direction of the Federal Highway Administrator when deemed necessary in the light of conditions following an attack on the United States or during a major peacetime emergency. The following situations could arise:

a. The Federal Highway Administrator may make the order effective upon a specified date and delegate final decisionmaking authority to the Regional Federal Highway Administrator(s) with authority to redelegate (see Attachment No. 1).

b. In a postattack cutoff situation when communications are disrupted within the FHWA, this order is effective and all the authorities therein are available to the Regional Federal Highway Administrators as soon as there is reason to believe that the President has issued pertinent instructions.

c. If a major disaster such as a flood, hurricane, earthquake, etc.; occurs, EHTR can be implemented by the chief executive of a State under the statutory authorities of that State.

**5. RESPONSIBILITIES**

a. Each State is responsible for the annual updating of its EHTR plan. These revisions will result from changing national policies, State laws and experience resulting from the use of State plans as EHTR training tools. State plans and changes in these plans should be submitted prior to publication through channels to the Washington Headquarters Office of Traffic Operations for approval.



b. The Federal Highway Administrator has the overall responsibility for administration of the EHTR program. The Regional Federal Highway Administrators have the responsibility for the development of an EHTR program in their respective States. The region and division offices will work with appropriate State agencies to develop records, displays, etc., upon which routes that are impassable due to radiation, blast damage or the resultant effects of a major peacetime emergency can be recorded. These offices will also be prepared to resolve problems of a multistate nature if State efforts to affect a workable solution have failed.

Attachment



F. C. Turner  
Federal Highway Administrator

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

22-40-3

January 28, 1972

Attachment 1

TELETYPE

TO: Administrators. FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.30, "Establishment of Emergency Highway Traffic Regulation (EHTR)" is effective \_\_\_\_\_  
Date

You are delegated the authority, with authority to redelegate, for the taking of all necessary actions required by this order.

Federal Highway Administrator

EFR Doc. 22-41

March 3, 1972

EMERGENCY STANDBY ORDER - HIGHWAY REPAIR AND RECONSTRUCTION  
IN THE IMMEDIATE POSTATTACK PERIOD

- Par. 1. Purpose  
2. Authority  
3. Implementation  
4. General Policy  
5. Procedures

1. PURPOSE

This order establishes the procedures for the repair or reconstruction, by any means possible immediately following an attack on the United States, of highways, roads, streets, bridges, tunnels, and appurtenances that are urgently needed for survival, retaliatory military operations or restoration of transportation services in disaster areas.

2. AUTHORITY

Federal Highway Administration (FHWA)  
Order 10-4.

3. IMPLEMENTATION

a. When communications are available, this order is normally made effective upon specific direction of the Federal Highway Administrator when deemed necessary in the light of national emergency conditions. The following situations could arise during the immediate postattack period:

(1) The Federal Highway Administrator may make the order effective on a specified date but retain final decisionmaking authority. In such a case, decisions would be made at headquarters based on recommendations submitted by the Regional Federal Highway Administrator(s). The reason for the retention of this authority is the necessity for the consideration of intelligence data from the various regions, i. e., compilation at a central location of nationwide situation reports (see Attachment No. 1). After reviewing the regional recommendations the Federal Highway Administrator will advise the Regional Federal Highway Administrators of his decisions and will authorize the reconstruction of some or all of the recommended facilities by the Federal Government (see Attachment No. 2).

(2) The Federal Highway Administrator may make the order effective upon a specified date and delegate final decision-making authority to the Regional Federal Highway Administrator(s) (see Attachment No. 3).

b. In a postattack cutoff situation when communications are disrupted within the FHWA, this order is effective and all the authorities therein are available to the Regional Federal Highway Administrators and Division Engineers when, in the absence of any communication from the Federal Highway Administrator, there is reason to believe that the President has issued pertinent instructions.

4. GENERAL POLICY

a. The number of lives that can be saved, and the rapidity of recovery from the devastating effects of a nuclear attack on the United States may be largely dependent upon the speed and efficiency with which vital highway transportation facilities in heavily damaged areas can be restored or rebuilt in the immediate postattack period.

b. In keeping with national policies for reconstruction and rebuilding the economy, postattack disaster highway repair and construction will, to the fullest extent possible, be performed by State, county and city authorities using their own forces or private contracting firms. Intervention by the Federal Government into direct construction or reconstruction operations will be considered only as a last resort when the aforementioned processes fail to meet emergency demands.

5. PROCEDURES

a. In a cutoff situation or upon the delegation of the authorities contained in this order to the Regional Federal Highway Administrators, the Regional Federal Highway Administrators are authorized to:

(1) Obligate Federal funds for emergency postattack repair and reconstruction and authorize expenditures for emergency highway repair and reconstruction work (subject to the procedures contained in FHWA Order 10-4.21, "Emergency Financial Management Activities");

(2) Perform all activities necessary for the emergency clearing, repair, or restoration of highways, bridges, streets, and roads deemed essential in view of the emergency;

(3) Negotiate and execute contracts and agreements of all types with public

Par. 5a(3)

agencies, contractors, equipment and materials distributors, and any other private individuals or organizations for the furnishing of equipment, materials, supplies, and services for emergency work, without prior advertising for bids and without limitation as to amount (subject to the procedures contained in FHWA Order 10-4.22, "Emergency Contracting and Procurement Activities");

(4) Modify contracts and agreements, settle claims, and authorize payments therefor (subject to the procedures contained in FHWA Order 10-4.22);

(5) Requisition equipment, materials, or supplies essential for emergency work, and not otherwise available (subject to the procedures contained in FHWA Order 10-4.24, "Requisitioning of Private Property for Highway Purposes"); and

(6) Employ temporarily, without regard to civil service regulations or procedures, manpower required for emergency clearing, repair, replacement, construction or maintenance of highways (subject to the procedures contained in FHWA Order 10-4.20, "Emergency Personnel Activities").

b. The aforementioned duties, powers and authorities are to be exercised as needed depending on the gravity of a particular situation. Suitable records and complete data on all official actions taken and obligations incurred pursuant to this authorization will be maintained and reported to higher headquarters as soon as practicable.



F. C. Turner  
Federal Highway Administrator

Attachments

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

22-41-3

March 3, 1972

Attachment 1

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.41, "Highway Repair and Reconstruction in the Immediate Postattack Period" is effective \_\_\_\_\_.

You are requested to make immediate recommendations to the Federal Highway Administrator concerning actions to be taken pursuant to this order.

Federal Highway Administrator

Attachment 2

March 3, 1972

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

Based on the recommendations contained in your communication of \_\_\_\_\_

Date

\_\_\_\_\_ the restoration of the following project(s) are deemed vital  
Time

to immediate National defense and recovery operations:

(List Projects)

In order to expedite this restoration, you are authorized to reconstruct  
these facilities under the authorities contained in FHWA Order 10-4.41.

\_\_\_\_\_  
Federal Highway Administrator

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

22-41-5

March 3, 1972

Attachment 3

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.41, "Highway Repair and Reconstruction in the Immediate  
Postattack Period" is effective \_\_\_\_\_  
Date

You are delegated the authority to take all the necessary actions re-  
quired by this order.

Federal Highway Administrator

## EFR Doc. 22-42

February 14, 1972

EMERGENCY STANDBY ORDER - PREPARATION OF REQUIREMENT ESTIMATES  
(MATERIALS, SUPPLIES, EQUIPMENT, AND MANPOWER) FOR HIGHWAY WORK

- Par. 1. Purpose  
2. Authority  
3. Implementation  
4. Responsibilities  
5. Procedures  
6. Preparation of Requirement Estimates  
7. Format of Presentations  
8. Frequency of Submissions  
9. Time Schedule for Processing Requirement Estimates

1. PURPOSE

This order sets forth procedures for the submission of estimates of resources (materials, supplies, equipment and manpower) needed for the construction, repair, maintenance, and operation of the Nation's highways, roads, streets, and bridges under emergency conditions.

2. AUTHORITY

Federal Highway Administration (FHWA)  
Order 10-4.

3. IMPLEMENTATION

a. When communications are available between the FHWA headquarters and the regional office(s), this order is effective when a request is received by a regional office(s) to prepare and submit requirement estimates for claiming the materials, supplies, equipment, and manpower needed for highway work (see Attachment No. 1).

b. In a postattack cutoff situation when communications have been disrupted between the FHWA headquarters and the regional office(s), this order is made effective when the aforementioned request is received from either the Department of Transportation Emergency Organization (DOT EO) regional office or the Office of Emergency Preparedness/Office of Defense Resources (OEP/ODR) regional office.

4. RESPONSIBILITIES

a. As the claimant agency for the Nation's highway construction and maintenance industry, the FHWA is responsible for gathering, processing, and assembling data on resources required for all public highways and facilities, whether rural or urban, regardless of the agency having supervision over the work.

b. Regional offices of the FHWA are responsible for exercising resource management functions for the highway programs in their areas, and for coordinating their activities with the DOT EO regional offices and/or the OEP/ODR regional offices. The division offices will also exercise resource management responsibilities working closely with the State highway departments.

c. The State highway departments are responsible for coordinating claimancy actions for resources needed for all highways, roads, streets, bridges, and tunnels within their geographical areas, including public highways and structures normally under the jurisdiction of toll agencies, counties, towns, and municipalities. This responsibility does not cover facilities located on military or other Federal reservations. In addition to materials for highways and bridges, the claimancy responsibility includes publicly-owned equipment required for highway construction and maintenance; highway traffic service devices; and fuels, supplies, and shops for the servicing, repairing and storage of publicly-owned highway equipment and materials.

5. PROCEDURES

a. State highway departments will collect estimated resource requirement data for all highway projects within the State except those for which the FHWA or other Federal agencies have direct responsibility. In order to carry out this responsibility, the State highway departments will:

(1) Assemble requirement estimates.

(2) Evaluate the projects to determine their essentiality in accordance with the criteria established in FHWA Order 10-4.42, "Termination or Resumption of Suspended Projects and Initiation of New Highway Projects."

(3) Recommend projects to which critical resources should be allotted.

(4) Conduct investigations and studies as required involving damage assessment, anticipated traffic demands and assessment of the capabilities of contractors and public agencies to perform highway work.

(5) Submit resource requirements to the FHWA division offices.



Par. 5b

February 14, 1972

b. The division offices will review resource requirements submitted by the State highway departments for essentiality before submitting them to the regional office of the FHWA. Regional offices will review these requirement estimates and submit them to the FHWA headquarters for action. Requirement estimates and justifications for the essential highway projects will be consolidated by the FHWA headquarters and presented to the appropriate Federal resource agencies, through the Department of Transportation (DOT), on the basis of nationwide total amounts needed for the highway program for each class of material, equipment, and manpower rather than for individual projects.

c. For Federal highway projects, the Federal agency directly responsible for construction or maintenance will gather requirement data and information for presentation to the appropriate regional office of the FHWA. Where the regional office itself has direct supervision over a Federal project, it will prepare data on requirement needs. Each FHWA regional office will aggregate these estimates with those received from the divisions and submit a consolidated estimate to FHWA headquarters with appropriate recommendations and justifications.

#### 6. PREPARATION OF REQUIREMENT ESTIMATES

a. Requirement estimates for each project should originate with the governmental agency--Federal, State, or local--having direct responsibility for the highway work. Estimates are to be reasonably accurate in terms of quantities of resources needed and timeliness of deliveries required for the duration of the project.

b. The initial presentation for each project should provide detailed information regarding its location, physical characteristics, mileage, estimated cost, proposed time schedule for completion, and justification from the standpoint of facilitating essential civil activities and national defense, including information on type and volume of anticipated traffic, alternate routes available, etc.

#### 7. FORMAT OF PRESENTATIONS

a. Claims for resources to be required for highway work will be classified into the following "Basic Claimancy Program Elements:"

- (1) New construction and reconstruction.
- (2) Maintenance, repair, and operation (MRO).

b. Each of the basic claimancy program elements above is subdivided into the following major categories:

- (1) Controlled materials.
- (2) Manufactured or processed items and materials.
- (3) Petroleum products.
- (4) Fuel and power.
- (5) Manpower.
- (6) New equipment.

c. A listing of items included in each of the six major resource categories above, likely to be needed for highway work, is attached (Attachment No. 2).

d. For each project, requirement estimates should be presented separately for each of the six major resource categories. For the first one, "Controlled Materials", the attached form should be used (Attachment No. 3). Detailed instructions and forms will be furnished for the other resource categories as soon as available.

e. The extent of control to be exercised by the Federal Government with regard to the production, distribution, and usage of specific categories of resources may vary widely, depending upon the severity of the emergency, the type of resource, etc. If detailed instructions are not available on the format and methodology for submitting requirement estimates for certain categories of needed resources, judgment should be used in developing and presenting meaningful data and information.

#### 8. FREQUENCY OF SUBMISSIONS

a. The frequency with which claimant agencies will be required to submit estimates for specific resources will depend upon the degree of the emergency and the nature of the resource. Pending further instructions, requirement estimates for each project should be prepared on a calendar quarter basis showing requirements for the initial quarter, projected estimates for the subsequent three quarters, and totals for the entire project including requirements beyond the first year.

b. Quarterly estimates should continue to be made for approved projects for which initial allotments have already been made, in order to update the estimates and to show revisions, if any, in quantities of resources or changes in timeliness of deliveries needed in subsequent quarters for completion of the project.

#### 9. TIME SCHEDULE FOR PROCESSING REQUIREMENT ESTIMATES

When provisions of this emergency order become effective, the time schedule for gathering, evaluating, compiling, and transmitting data on resource requirements is as follows:

a. The State highway departments will submit information and data for recommended projects to the appropriate FHWA division offices not later than 2 months preceding the first day of the initial calendar quarter.

b. The FHWA division offices will evaluate the proposals for all projects in its geographical area, determine the projects to be recommended, combine the data for recommended projects into totals for each resource category, assemble the file, and submit to the regional offices within a week (or at least 7 weeks preceding the quarter).

c. The FHWA regional offices will evaluate and combine the regionwide totals for each resource category and submit these totals to the FHWA headquarters 6 weeks preceding the quarter.

d. The FHWA headquarters will present requirement estimates for the national highway program to the DOT within a week (or 5 weeks preceding the quarter).

e. The FHWA headquarters will attempt to obtain final resource allocations for the immediately following quarter and partial resource allocations for the remaining quarters in sufficient time to notify the FHWA regional offices of suballotments granted at least 3 weeks before the beginning of the quarter.

Attachments



F. C. Turner  
Federal Highway Administrator

February 14, 1972

Attachment 1

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.43, "Preparation of Requirement Estimates (Materials, Supplies, Equipment, and Manpower) for Highway Work" is effective

\_\_\_\_\_  
Date

You are requested to prepare and submit the aforementioned estimates in accordance with previous instructions.

Federal Highway Administrator

February 14, 1972

Attachment 2

Major Categories of Resources1. Controlled Materials, Forms and Shapes

- |   |                       |
|---|-----------------------|
| a. Carbon Steel   | - Units of short tons |
| b. Alloy Steel (excl. Stainless Steel)                      | - Units of short tons |
| c. Stainless Steel  | - Units of pounds     |
| d. Copper and Copper-base alloy brass mill products         | - Units of pounds     |
| e. Copper wire mill products                                | - Units of pounds     |
| f. Copper and Copper-base alloy foundry products and powder | - Units of pounds     |
| g. Aluminum   | - Units of pounds     |
| h. Nickel Alloys  | - Units of pounds     |

2. Manufactured/Processed Items and Materials

- |   |                        |
|---|------------------------|
| a. Cement, Portland, dry  | - Units of barrels     |
| b. Lumber, Dimensioned, Rough and Dressed                             | - Units of MBF         |
| c. Lumber, Plywood  | - Units of MBF         |
| d. Piling, Timber   | - Units of linear feet |
| e. Tires (automobiles, truck, tractor, trailer)                       | - Units of each        |
| f. Batteries, parts, skid chains, antifreeze (automobiles and trucks) | - Units of each        |
| g. Salts, paints, herbicides, traffic control devices and materials   | - Units of each        |

## Attachment 2

February 14, 1972

3. Petroleum Products

- a. Motor vehicle gasoline - Units of barrels
- b. Diesel fuel - Units of barrels
- c. Fuel oil - Units of barrels
- d. Kerosene - Units of barrels
- e. Liquefied petroleum gas (LPG) - Units of barrels
- f. Oil, motor, all grades - Units of barrels
- g. Grease, lubrication - Units of pounds
- h. Asphalt - Units of barrels

4. Fuel and Power

- a. Gas, natural or manufactured - Units of MCF
- b. Solid Fuel - Units of short tons
- c. Electric Power - Units of KWH

5. Manpower

- Itemized by individual occupational title, as outlined in Department of Labor's "Dictionary of Occupational Titles" - By numbers required for each title

6. New Equipment

- a. Automobiles - Units of each
- b. Trucks and Truck Tractors - Units of each
- c. Truck Trailers (all types) - Units of each
- d. Construction equipment (cranes, graders, pavers, bulldozers, scrapers, compressors, etc.) - Units of each

June 1, 1973

## CODE OF EMERGENCY FEDERAL REGULATIONS

22-42-7

February 14, 1972

Attachment No. 3

## ESTIMATED REQUIREMENTS FOR HIGHWAY WORK-CONTROLLED MATERIALS

1. Name and address of agency to which this request is submitted.

DATE

CHECK ONE

2. Name and address of applicant.

☐ Initial application☐ Supplemental

3. Project name, location, and number  
(If this is an initial application, see instructions on reverse for detailed information to be furnished.)

CHECK ONE

☐ New Construction or Reconstruction☐ Maintenance, Repair and Operation

4. Project schedule:

Starting date, actual or proposed \_\_\_\_\_

Percent complete at date of this application \_\_\_\_\_

Date proposed for completion \_\_\_\_\_

MATERIALS REQUIREMENTS						
MATERIALS	UNITS	TOTAL FOR ENTIRE PROJECT *	1st QUARTER	2nd QUARTER	3rd QUARTER	4th QUARTER
CARBON STEEL	SHORT TONS					
ALLOY STEEL						
STAINLESS STEEL						
COPPER AND BRASS PRODUCTS						
COPPER WIRE						
COPPER AND ALLOY FOUNDRY PRODUCTS						
ALUMINUM						
NICKEL ALLOYS						
*SUM OF FIRST 4 QUARTERS AND REQUIREMENTS BEYOND FIRST YEAR						
CERTIFICATION						
THE UNDERSIGNED CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT AND COMPLETE.						
SIGNATURE AND TITLE						
AGENCY					DATE	

Attachment No. 3

February 14, 1972

## INSTRUCTIONS

General

This application should be used for both proposed and on-going projects. A separate application should be prepared for each project. Submissions will be made every 3 months (quarterly).

Initial Applications

An initial application is one for the total amounts of controlled materials for which an allotment is requested for essential highway projects--proposed new projects, and suspended projects proposed for resumption. Initial applications must be accompanied by a letter describing the physical characteristics of the project, estimated cost, and a justification in the interest of essential civil needs and national defense.

Supplemental Applications

Supplemental applications are to be made quarterly for projects for which initial allotments of controlled materials have already been approved. Supplemental applications are for the purpose of updating, each quarter, the amounts and the schedule for delivery of allotted controlled materials for the duration of the project. If an increase in the total amount of controlled materials allotted initially is needed, supporting information should be attached to the supplemental application.

EFR Doc. 22-43

August 14, 1972

EMERGENCY STANDBY ORDER - REQUISITIONING OF PRIVATE PROPERTY  
FOR HIGHWAY PURPOSES

- Par. 1. Purpose  
 2. Authorities  
 3. Definitions  
 4. Implementation  
 5. Acquisition of Rights-of-Way for Highway Construction and Reconstruction Under Postattack Conditions  
 6. Limitation of the Use of Requisitioning Authority  
 7. Procedure

1. PURPOSE

This order prescribes Federal Highway Administration (FHWA) policy, delineates authority and responsibility and outlines procedures for requisitioning privately-owned real or personal property for highway purposes under emergency conditions such as a postattack situation.

2. AUTHORITIES

FHWA Order 10-1; FHWA Order 10-4.

3. DEFINITIONS

a. Requisitioning means the taking by the Federal Government of real or personal property for temporary use, or the acquisition of title thereto in the name of the United States of America, as may be appropriate. Requisitioning, as distinguished from conventional procurement action, is the act of acquiring property or services needed immediately for essential defense activities or rehabilitation purposes without regard to the willingness of the owners or suppliers to provide such property or services. Requisitioning implies payment of fair value for property or services furnished.

b. Requisitioning authority means a person to whom authority has been delegated to sign "Orders of Taking."

c. Ordering officer means a person to whom a requisitioning authority has delegated the power to sign "Orders of Taking."

4. IMPLEMENTATION

a. When communications are available, this order is normally made effective upon specific direction of the Federal Highway Administrator when deemed necessary in the light of national emergency conditions. The

following situations could arise during the immediate postattack period:

(1) The Federal Highway Administrator may make the order effective on a specified date but retain final decisionmaking authority. In such a case, decisions would be made at Headquarters based on recommendations submitted by the Regional Federal Highway Administrator(s). The reason for the retention of this authority is the necessity for the consideration of intelligence data from the various regions, i. e., compilation at a central location of nationwide situation reports (see Attachment 1). After reviewing the regional recommendations, the Federal Highway Administrator will advise the Regional Federal Highway Administrators of his decisions and will authorize the requisitioning of specific items for specific purposes (see Attachment 2).

(2) The Federal Highway Administrator may make the order effective upon a specified date and delegate final decision-making authority to the Regional Federal Highway Administrator(s) (see Attachment 3).

b. In a postattack cutoff situation when communications are disrupted within the FHWA, this order is effective and all the authorities therein are available to the Regional Federal Highway Administrators and Division Engineers when, in the absence of any communication from the Federal Highway Administrator, there is reason to believe that the President has issued pertinent instructions.

5. ACQUISITION OF RIGHTS-OF-WAY FOR HIGHWAY CONSTRUCTION AND RECONSTRUCTION UNDER POSTATTACK CONDITIONS

The Associate Administrator for Right-of-Way and Environment shall, as provided in paragraph 7a(3)(a) FHWA Order 10-1, assist as appropriate in the emergency acquisition of rights-of-way for the highway construction and reconstruction required by postattack conditions.

6. LIMITATION OF THE USE OF REQUISITIONING AUTHORITY

Requisitioning, one of the most drastic powers exercised by the Federal Government, shall be used only when necessary in support of military operations or survival of the population of the country. Ordinarily, requisitioning is to be used only after reasonable efforts to



## Par. 6

secure the required property by purchase agreement or other arrangements have failed, or when time does not permit acquisition through conventional methods. Requisitioning of real property or facilities should, wherever possible, be limited to acquisition of such property or facilities on a temporary basis. Furthermore, requisitioning in the absence of prior centralized review should ordinarily be limited to emergency acquisitions in disaster areas during the critical immediate postattack period.

7. PROCEDURE

a. When property is acquired by requisition, the ordering officer shall, where possible, issue an "Order of Taking" (see Attachment 4) to all persons known to have any interest in the property, and all claimants shall be directed to file their claims with the requisitioning authority. Ordering officers shall, where feasible, file a true copy of all "Orders of Taking" of real property at the appropriate courthouse or other office where records of the real property requisitioned are maintained.

b. The requisitioning authority shall make, without delay, a preliminary determination of just compensation to be paid for requisitioned property. Notice of the determination shall be given to each person known to have or to claim interest in the property requisitioned.

c. A claimant may file with the requisitioning authority written objections to the preliminary determination, specifying in reasonable detail the grounds for his objection, not later than 180 days after receipt of the notice of determination.

d. Procedures for hearing objections, appeals, entering into settlement agreements, returning or disposing of acquired property, etc., are as set forth in the Code of Emergency Federal Regulations, Chapter 39-4.



R. R. Bartelsmeyer  
Acting Federal Highway Administrator

Attachments

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

22-43-3

August 14, 1972

Attachment 1

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Emergency Standby Order No. 10.4-24, Requisitioning of Private Property for  
Highway Purposes, is effective \_\_\_\_\_  
Date

You are requested to make immediate recommendations to the Federal Highway Administrator  
concerning actions to be taken pursuant to this order.

\_\_\_\_\_  
Federal Highway Administrator

\_\_\_\_\_  
Date

August 14, 1972

Attachment 2

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

Based on the recommendations contained in your communication of \_\_\_\_\_  
Date\_\_\_\_\_ the requisitioning of (list items) for highway purposes is authorized in  
Time

order to expedite the following projects vital to national defense and recovery operations:

(List Projects)

In order to carry out these requisitioning activities, you are authorized to use the authorities  
contained in FHWA Order 10-4.24\_\_\_\_\_  
Federal Highway Administrator\_\_\_\_\_  
Date

June 1, 1973

CODE OF EMERGENCY FEDERAL REGULATIONS

22-43-5

August 14, 1972

Attachment 3

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Emergency Standby Order No. 10-4.24, Requisitioning of Private Property for  
Highway Purposes, is effective \_\_\_\_\_  
Date

You are delegated the authority to take all necessary actions required by this order.

\_\_\_\_\_  
Federal Highway Administrator

\_\_\_\_\_  
Date

August 14, 1972

Attachment 4

United States of America

## ORDER OF TAKING

THE UNITED STATES OF AMERICA, PURSUANT TO EXECUTIVE ORDER NO. \_\_\_\_\_  
HEREBY REQUISITIONS THE USE OF THE PROPERTY DESCRIBED BELOW.

Name and Address of Owner \_\_\_\_\_

## DESCRIPTION OF PROPERTY AND DATE OF TAKING \_\_\_\_\_

## NOTE TO OWNER:

At your earliest convenience, forward  
your claim for just compensation with  
a copy of this Order to:

DATE \_\_\_\_\_

Title of Requisitioning Authority \_\_\_\_\_

Title of Ordering Officer \_\_\_\_\_

Signature \_\_\_\_\_

Receipt of this notice is acknowledged. I certify that the description set out above is correct  
and accurate.

Signature \_\_\_\_\_

- ( ) Owner  
( ) Other Person in Possession  
( ) Witness

Date \_\_\_\_\_

Attachment 4

August 14, 1972

INSTRUCTIONS:

This form shall be completed as accurately and in as much detail (particularly the description of the property taken) as circumstances will permit.

If known or readily ascertainable, the name and address of the owner or other person in possession shall be inserted where indicated. If not ascertainable, the address of the property or its location (or other appropriate identification) will suffice.

The description of the property MUST be as accurate and complete as possible, although it need not be a legal description. It is sufficient if the description is detailed enough to inform the appropriate authorities (as well as the owner or person in possession, if any,) as to the exact property covered by the Order. If the taking includes personal property, and an inventory of the property is available or can be taken, a copy of the inventory should be attached to the original and each copy of the Order of Taking.

The date the taking is effected, the title of the Ordering Officer, and his signature should be inserted in the spaces provided.

A receipt and certification should be obtained from the owner or other person in possession, if any, by having that person sign the Order in the space provided. If such an individual is not available, or refuses to sign the receipt and certification, the Ordering Officer shall obtain the signature of a witness who can verify the accuracy of the description of the property covered by the Order of Taking.

The original and one copy of the Order of Taking are to be given to the owner or other person in possession. If no such person is available, the original and the copy should be posted in a conspicuous place on or near the property covered by the Order (if real property), and a true copy should be filed, if feasible, at the appropriate location where real property records of the jurisdiction in question are maintained. If personal property, the original and the copy should be posted in a conspicuous place or delivered to a responsible local inhabitant who will endeavor to deliver them to the owner or person otherwise entitled to the possession of the personal property. A copy of the Order of Taking is to be retained by the Ordering Officer and an additional copy shall be mailed to

(insert address of owner or other person in possession).

EFR Doc. 22-44

February 2, 1972

EMERGENCY STANDBY ORDER - ALLOCATION OF RESOURCES FOR  
ESSENTIAL HIGHWAY WORK

- Par. 1. Purpose  
2. Authority  
3. Implementation  
4. Procedure

1. PURPOSE

This order provides for the apportionment of materials, supplies, equipment, and manpower allocated for essential construction, reconstruction, maintenance, and operation of the Nation's highway, road and street systems, and establishes the procedures therefor.

2. AUTHORITY

Federal Highway Administration (FHWA)  
Order 10-4.

3. IMPLEMENTATION

a. When communications are available between the FHWA headquarters and the regional office(s), this order is effective when allocations of highway resources have been received by the FHWA from the Department of Transportation (DOT) (see Attachment No. 1).

b. In a postattack cutoff situation when communications have been disrupted between the FHWA headquarters and the regional office(s), this order is made effective upon receipt of the aforementioned allocations from either the Department of Transportation Emergency Organization (DOT EO) regional office or the Office of Emergency Preparedness/Office of Defense Resources (OEP/ODR) regional office.

4. PROCEDURE

a. When allocations are imposed to control the distribution and use of critical resources in an emergency, the Federal resource agencies will make overall allotments to claimant agencies. When DOT receives decisions on claims it has presented to the appropriate resource agencies, it will promptly inform the FHWA headquarters of the total allocation of each category of materials, supplies, equipment, and manpower to be used for essential highway work.

b. Because there may be serious shortages of the specific resources involved, the amounts allocated for highways may be somewhat less than the total requirements claimed.

Allotments of controlled resources for the highway program will be apportioned by the FHWA headquarters to the FHWA regional offices. The regional offices will, in turn, reapportion these controlled resources to the FHWA division offices. The division offices will, in cooperation with the State highway departments, allocate the resources to specific projects.

c. When unforeseen needs develop in terms of relative urgency and importance, FHWA division engineers, upon recommendation of the State highway departments, may shift allotments among essential projects. Sub-allotments to individual projects--State, county, city, etc. are charged against the State's allotment for each period. The total amount of controlled materials, equipment, and manpower authorized for a State may not exceed the State's allocation for each period, unless a supplemental allocation is possible from another State's unused balances.

d. The allocation procedure is the reverse of the claimancy procedure described in FHWA Order 10-4.43, "Preparation of Requirement Estimates (Materials, Supplies, Equipment, and Manpower) for Highway Work," which describes the method of processing estimates of resources required for essential highway work. Forms and instructions for recording and transmitting allocations of specific categories of resources will be distributed as soon as available.

Attachment



F. C. Turner  
Federal Highway Administrator

February 2, 1972

Attachment 1

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Emergency Standby Order No. 10-4.44, "Allocation of Resources for  
Essential Highway Work" is effective \_\_\_\_\_  
Date

Based on these allocations as related to National emergency requirements,  
the following resources have been made available to your region.

(List resources with appropriate quantifications)

Federal Highway Administrator



EFR Doc. 22-45

January 21, 1972

## EMERGENCY STANDBY ORDER - CURTAILMENT OF HIGHWAY CONSTRUCTION

- Par. 1. Purpose  
2. Authority  
3. Implementation  
4. General Policy  
5. Suspension of Highway Construction  
6. Responsibilities

1. PURPOSE

This order establishes the procedures for the suspension of work on all highway construction projects throughout the country, whether federally funded or not, that are already under way or are about to be started when a condition of national emergency dictates a cessation of highway construction activities.

2. AUTHORITY

FHWA Order 10-4.

3. IMPLEMENTATION

a. This order is effective upon specific direction of the Federal Highway Administrator when a condition of national emergency dictates a cessation of highway construction activities (see Attachment No. 1).

b. In a postattack cutoff situation when communications are disrupted within the Federal Highway Administration, this order is effective and all the authorities therein are available to the Regional Federal Highway Administrators and Division Engineers when, in the absence of any communication from the Federal Highway Administrator, there is reason to believe that the President has issued pertinent instructions.

4. GENERAL POLICY

In the period immediately following a nuclear attack on the United States, all decisions regarding the use of resources--manpower, equipment, materials, supplies, etc. will be directed to the national objective of survival and recovery. In order to achieve this objective, resources will be assigned to activities concerned with the saving of lives, immediate military defense and retaliatory operations, and economic activities essential to continued survival and recovery.

5. SUSPENSION OF HIGHWAY CONSTRUCTION

a. In order to conserve these scarce resources and to assure their most effective use in the postattack period, further work on all highway construction projects, on-going and scheduled new starts, regardless of financing, is to be suspended. Highway agencies should immediately notify contractors involved of this suspension of highway construction.

b. Emergency repair and reconstruction of damaged or destroyed highway facilities in disaster areas will be handled in accordance with FHWA Order 10-4.41, "Highway Repair and Reconstruction in the Immediate Post-attack Period." Decisions regarding the termination or resumption of suspended projects or the initiation of new projects will be made as soon as practicable in accordance with criteria set forth in FHWA Order 10-4.42, "Termination or Resumption of Suspended Projects and Initiation of New Highway Projects."

6. RESPONSIBILITIES

Regional and division offices of the FHWA, working with the State highway departments, are expected to see that upon effectuation of this stop order, all highway construction--Federal, State, and all other--is promptly and effectively suspended pending reexamination of the essentiality of these projects.

Attachment



F. C. Turner  
Federal Highway Administrator

Attachment 1

January 21, 1972

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.40, "Curtailement of Highway Construction." is effective

\_\_\_\_\_  
Date

. You are directed to take all necessary

actions as required by this order.

\_\_\_\_\_  
Federal Highway Administrator\_\_\_\_\_  
Date

EFR Doc. 22-46

**EMERGENCY STANDBY ORDER - EMERGENCY CONTRACTING  
AND PROCUREMENT ACTIVITIES**

December 4, 1972

- Par. 1. Purpose  
2. Authority  
3. References  
4. Policy  
5. Delegations of Procurement Authority  
6. Special Considerations  
7. Emergency Procurement Procedures  
8. Summary

**1. PURPOSE**

- a. To prescribe policy for effecting timely purchasing and contracting procedures throughout the Federal Highway Administration (FHWA) under emergency conditions.
- b. To delineate authority and responsibility of individuals in key FHWA positions for purchasing and contracting operations under emergency conditions.
- c. To prescribe procedures for expediting the acquisition of supplies, equipment and services under emergency conditions.

**2. AUTHORITY**

Federal Highway Administration Order 10-4.

**3. REFERENCES**

- a. Federal Highway Administration Order 1-1 (Organization Manual).
- b. Federal Procurement Regulations (FPR).
- c. Department of Transportation Procurement Regulations (DOTPR).
- d. Federal Property Management Regulations (FPMR).
- e. Federal Highway Administration Procurement Instructions (FHWAPI).
- f. Pertinent Policy and Procedure Memorandums (PPM).

**4. POLICY**

Procurement activities essential to the accomplishment of the FHWA mission will

be conducted under emergency conditions to the fullest extent possible at both Headquarters and field elements. Strict compliance with procurement regulations may be relaxed to permit administrative and procedural streamlining to satisfy emergency procurement requirements. However, procurement regulations will continue as the basis for procurement decisions.

**5. DELEGATIONS OF PROCUREMENT AUTHORITY**

a. The Federal Highway Administrator, as head of the agency (see DOTPR 12-1.204), has overall responsibility for the accomplishment of the procurement mission throughout FHWA under emergency conditions.

b. The Associate Administrator for Administration, as head of the procuring activity (see DOTPR 12-1.206), will exercise general supervision and control over emergency purchasing and contracting activities throughout FHWA.

c. The delegations of procurement authority to the Associate Administrator for Administration, the Regional Administrators and Chief, Contracts and Procurement Division (Headquarters), as set forth in FHWA Order 1-1, will apply for essential purchasing and contracting under emergency conditions. Changes in delegated authority required by an emergency will be made as appropriate. The following specific delegations of procurement authority are contained in FHWA Order 1-1:

(1) Washington Headquarters-- Associate Administrator for Administration-- broad procurement authority set forth in chapter 4, section 4, paragraph 45a(1), and the special procurement authorities contained in paragraphs 46 through 55. (These authorities have for the most part been redelegated to the Chief, Contracts and Procurement Division. See functions under the redelegation as set forth in Part II, chapter 12, paragraphs 29 through 32.)

(2) Field--Regional Administrators-- broad procurement authority set forth in chapter 4, section 4, and the special procurement authorities contained in paragraph 45a and paragraphs 46 through 55 and in

Par. 5c(2)

December 4, 1972

chapter 6, section 3, paragraph 11. (These authorities may be redelegated.)

d. Regional Administrators may delegate special procurement authorities within their immediate offices or to division engineers, as necessary, to cope with emergency requirements for procurement of supplies and services.

#### 6. SPECIAL CONSIDERATIONS

a. Planning for emergency procurement under the provisions of this order will include continuation of the purchasing and contracting function at emergency relocation centers.

b. Where feasible all applicable requirements of law, executive orders, and regulations will be met prior to effecting procurement action, even under emergency conditions. Departure from essential requirements is authorized and permissible only when deemed necessary to effect timely procurement action.

c. Firm fixed-price contracts will be awarded wherever feasible, consistent with contracting officers' basic responsibility to obtain supplies and services, whenever required, at fair and reasonable prices. Cost-plus-a-percentage-of-cost contracting is not authorized under any condition.

d. Each contracting officer awarding orders or contracts under the authority of this order, will, in each instance, insert a succinct but factual emergency certification in the procurement file to support the procurement action. The certificate will cite this order as procurement authority. This certification will serve to satisfy the requirements set forth in FPR 1-3.202(b) for a contracting officers' determination and findings.

e. Notwithstanding emergency conditions, all records pertaining to each procurement transaction shall, if at all possible, be preserved and retained in the file.

f. Administration of active purchase orders and contracts will continue consistent with available resources over and above those required for emergency procurement action. Inspection and acceptance requirements may be relaxed in order to expedite availability of supplies. Where contract specifications and terms are waived or relaxed, equitable adjustment in favor of the Government will be obtained. Contracts will be terminated for the convenience of the Government when it is determined that such action is in the best interests of the Government.

g. Procurement officers will, where feasible, maintain lists of emergency contractors. Advanced understanding with such prospective contractors where practicable will serve to minimize emergency procurement leadtime.

h. Emergency contracting to help State and local governments will be used as needed under the provisions of FHWA Order 10-4.41, (Highway Repair and Reconstruction in the Immediate Postattack Period).

i. Where sources of supplies available to contractors are limited, supplies and materials from Government stocks may be furnished contractors in the performance of priority contracts where required.

j. Where required, Government property in the hands of contractors may be recalled to satisfy emergency requirements.

k. Where directed by the Federal Highway Administrator or his designee, Regional Administrators may effect emergency purchases in support of other FHWA regions or the Headquarters elements. Likewise, the Headquarters may render direct emergency procurement support to the regions.

l. The program responsibilities of the several FHWA Associate Administrators, pertaining to procurement planning and programming, will not be affected by implementation of this order. Such programming and planning functions, as set forth in FHWA Order 1-1 and other directives, will be continued to the extent that manpower, materials, and other resources will permit.

#### 7. EMERGENCY PROCUREMENT PROCEDURES

Contracting officers and other contracting officials will, in all probability, be required to deviate from certain regulatory requirements in accomplishment of the emergency procurement mission. The following are examples of expeditious actions that may be employed as required:

a. Purchase by negotiation of those requirements which would normally be obtained through formal advertising (reference FPR 1-3.202, Public Exigency). Should a national emergency be declared, the authority under FPR 1-3.201, National Emergency, would apply in procuring all requirements by negotiation.

b. Devote all purchasing office manpower and material resources to fulfill emergency purchasing requirements.

December 4, 1972

Par. 7c

c. Cancel Invitations for Bids (IFB) and Requests for Proposals (RFP) where contract award under the circumstances should be postponed.

d. Accept oral requests for emergency procurement action to be confirmed in writing as soon as possible.

e. Curtail the extent of procurement office review of proposed purchase orders and contracts and supporting documentation.

f. Waive or postpone audit services.

g. Waive or postpone cost and price analysis of prospective contractors' proposals.

h. Reduce the extent of competition, confining solicitations to those sources known to be capable of performing the proposed contract in the time required.

i. Waive or simplify sole source justifications.

j. Award letter contracts for the purpose of expediting the commencement of work (see FPR 1-3.408, Letter Contract).

k. Make telegraphic awards.

l. Make oral awards to be finalized as soon as possible.

m. Disregard protests against award of any emergency requirement and proceed with award as expeditiously as necessary. (See FPR 1-2.407-8, Protests Against Award.)

n. Disregard requirement to notify unsuccessful bidders or offerors. (See FPR 1-2.408, Information to Bidders.)

o. Disregard small business and minority business enterprises considerations and procedures set forth in FPR 1-1.7, Small Business Concerns and FPR 1-1.13, Minority Business Enterprises.

p. Waive the use of Federal or other specifications in orders and contracts where their use would delay procurement. (See FPR 1-1.305-2, Exceptions to Mandatory Use of Federal Specifications.)

q. Make awards to debarred, suspended and ineligible prospective contractors when urgently required supplies are available more expeditiously from such firms.

r. Disregard the requirement for synopsis of proposed procurement actions and synopsis of proposed awards, set forth in FPR 1-1.10, Publicizing Procurement Actions.

s. Waive, in whole or in part, minimum standards for responsible prospective contractors prescribed in FPR 1-1.1203, Minimum Standards for Responsible Prospective Contractors, should urgent supplies or services be readily available from firms, who, under normal conditions, might not satisfy the minimum standards.

t. Dispense with post award orientation conferences with construction contractors.

u. Disregard the policies set forth in FPR, Parts 1-5, that excess personal property be the first source of supply and that General Services Administration (GSA) special and directed sources of supply be given priority consideration in the purchasing of supplies and services.

v. Employ advance and progress payments liberally where such payments will serve to expedite delivery of needed supplies and services. (See FPR 1-30.4, Advance Payments, and 1-30.5, Progress Payments Based on Costs.) In lieu of findings and determinations authorizing advance payments, a brief note to the file justifying the use of advance payments, because of an emergency, will suffice.

w. Disregard the presolicitation and preaward review actions required by DOT Orders 4200.10, 4200.11 and 4200.12.

x. Take all other reasonable and prudent actions to minimize procurement leadtime in the acquisition of emergency supplies and services.

## 8. SUMMARY

In that availability of supplies and services to cope with emergency situations may save lives, alleviate suffering and preserve Government property, this order would, when implemented, grant to contracting officers and other procurement officials great latitude to take whatever action, within reason, is necessary to meet emergency procurement needs. Notwithstanding such latitude, contracting officers and requirements officials will consider the best interests of the Government in all emergency purchasing and contracting transactions. Insofar as is practicable, all requirements of law, executive orders, and the regulations will be satisfied prior to entering into procurement transactions under the provisions of this order.



R. R. Bartelsmeyer  
Acting Federal Highway Administrator

EFR Doc. 22-47

January 18, 1972

**EMERGENCY STANDBY ORDER - TERMINATION OR RESUMPTION OF SUSPENDED PROJECTS AND INITIATION OF NEW HIGHWAY PROJECTS**

- Par. 1. Purpose  
2. Authority  
3. Implementation  
4. National Postattack Activities  
5. Criteria for Evaluating the Essentiality of Highway Projects  
6. Federal Support to State and Local Governments

**1. PURPOSE**

This order outlines the criteria for evaluating the essentiality of highway projects in the light of national emergency conditions and recovery goals, and provides for the termination or resumption of suspended projects and the initiation of new projects deemed vital to national defense and recovery.

**2. AUTHORITY**

FHWA Order 10-4.

**3. IMPLEMENTATION**

a. When communications are available, this order is effective upon specific direction of the Federal Highway Administrator when deemed necessary in the light of national emergency conditions. The following situations could arise during the immediate post-attack period:

(1) The Federal Highway Administrator may make the order effective on a specified date but retain final decisionmaking authority. Decisions would then be made at headquarters based on recommendations submitted by the Regional Federal Highway Administrator(s). Retention of this authority would permit consideration by the Federal Highway Administrator of intelligence data from the various regions, i.e., compilation at a central location of nationwide situation reports (see Attachment No. 1). After reviewing the regional recommendations, the Administrator would advise the Regional Federal Highway Administrators as to which highway projects should be terminated, which should be resumed and where new projects should be initiated (see Attachment No. 2).

(2) The Federal Highway Administrator may make the order effective on a specified date and delegate final decisionmaking authority to the Regional Federal Highway Administrator(s) (see Attachment No. 3).

b. In a postattack cutoff situation when communications are disrupted within the Federal Highway Administration, this order is effective and all the authorities therein are available to the Regional Federal Highway Administrators and Division Engineers when, in absence of any communication from the Federal Highway Administrator, there is reason to believe that the President has issued pertinent instructions.

**4. NATIONAL POSTATTACK ACTIVITIES**

After a nuclear attack, certain important activities are most likely to require priority in the national interest. These activities are as follows:

- a. Support of military personnel and the production and distribution of military weapons, materials, and equipment required to carry out immediate defense and retaliatory combat operations.
- b. Maintenance of government authority and control to preserve order and to assure direction of emergency operations for the safety and protection of the people.
- c. Production and distribution of survival items such as food, shelter, and medical supplies.
- d. Production and distribution of materials and supplies necessary for the rehabilitation of the Nation's economy.
- e. Provision of communication and transportation services needed to carry out the above activities.

**5. CRITERIA FOR EVALUATING THE ESSENTIALITY OF HIGHWAY PROJECTS**

Postattack conditions will require reprogramming of highway construction in the light of survival and national recovery objectives. An evaluation will be made as soon as practicable to determine the most urgent highway needs. Decisions regarding the termination or resumption of suspended projects, or the initiation of new projects, will be based on the relative urgency and essentiality of each highway project. The following general guidelines are suggested for the determination of relative priorities:

- a. High priority will be given to the restoration of damaged highway facilities needed to reestablish sufficient capacity on through routes that bypass damaged areas rather than restoring highways or bridges on routes within these areas.

Par. 5b.

b. High priority will be given to the restoration of damaged highway facilities on through routes in areas not seriously contaminated by radioactive fallout. Repair of damaged facilities on other routes in uncontaminated areas will be accomplished as soon as possible.

c. New construction projects may be included along existing corridors when needed to provide connecting roads that are required to achieve system integration.

d. Careful consideration must be given to factors such as:

(1) The revised traffic demand required to support the surviving population and those industries vital to the restoration of the economy.

(2) The locations, characteristics, and capacities of undamaged highways.

(3) The extent of damage to other highways that can be restored and are needed for motor transportation.

(4) The amount of work and time required for completion of projects.

(5) The immediate and long-range benefits of the projects.

(6) The most effective usage of available resources of manpower, equipment, and materials.

(7) The ability of other transportation modes such as the railroads to provide service to an affected area.

6. FEDERAL SUPPORT TO STATE AND LOCAL GOVERNMENTS

When State or local governments are unable to handle urgently needed postattack highway repair or construction, particularly in heavily damaged disaster areas, Federal authority will be relied upon to ensure performance of the work. Federal funding, emergency contracting, and requisitioning authorities will be used as needed by the Federal Highway Administration for emergency construction operations. (See FHWA Order 10-4.41, "Highway Repair and Reconstruction in the Immediate Post-attack Period.")

Attachments



F. C. Turner  
Federal Highway Administrator

January 18, 1972

Attachment 1

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.42, "Termination or Resumption of Suspended Projects  
and Initiation of New Highway Projects" is effective \_\_\_\_\_  
Date

You are requested to make immediate recommendations to the Federal Highway  
Administrator concerning actions to be taken pursuant to this order.

\_\_\_\_\_  
Federal Highway Administrator



Attachment 2

January 18, 1972

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

Based on the recommendations contained in your communication of

\_\_\_\_\_, the following highway projects should be  
Date/Time  
terminated:

(List projects to be terminated)

The following highway projects should be resumed:

(List projects to be resumed)

The following highway projects should be initiated:

(List projects to be initiated)

\_\_\_\_\_  
Federal Highway Administrator

January 18, 1972

Attachment 3

TELETYPE

TO: Administrators, FHWA Region(s) \_\_\_\_\_

FHWA Order 10-4.42, "Termination or Resumption of Suspended Projects and  
Initiation of New Highway Projects" is effective \_\_\_\_\_  
Date

You are delegated the authority to take the actions required by this  
order.

\_\_\_\_\_  
Federal Highway Administrator