

# Tribal Transportation Program

September 16, 2020



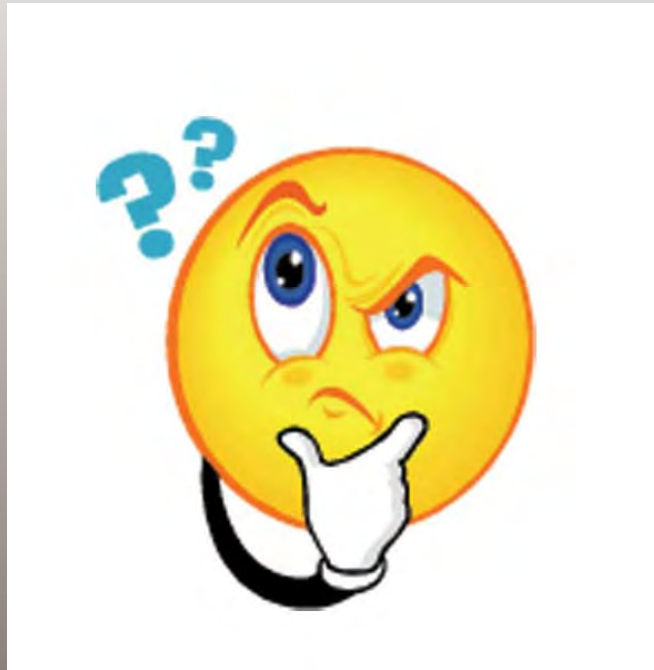
## Tribal Transportation Program - 101



# Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
- Laws, Regulations, Program Agreements, and Reporting
- Implementing the Tribal Transportation Program





# What is the Tribal Transportation Program?



# Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
- Laws, Regulations, Program Agreements, and Reporting
- Implementing the Tribal Transportation Program



# What is the TTP?



## TTP Overview

- What is the TTP?
- Mission Statements
- Purpose
- Principles
- Funding
- FHWA
- Email Updates
- Tribal Safety

- **TTP = Tribal Transportation Program**
- Largest Federal Lands Highway Program
  - Bigger than programs for the National Park Roads, and Forest Service Roads
- Began in 1983 – as the Indian Reservation Roads (IRR) Program.
- Jointly managed and administered by BIA and FHWA
- Serves **574\*** Federally recognized Tribes.

\* As of February 2020



# Mission Statements

## TTP Overview

- What is the TTP?
- **Mission Statements**
- Purpose
- Principles
- Funding
- FHWA
- Email Updates
- Tribal Safety

## FHWA Office of Tribal Transportation

“Through mutual respect and understanding, enhance the quality of life in Tribal communities by supporting the Tribes’ delivery of transportation programs.”

## BIA Department of Transportation

“To provide for and assist tribes in the development of their capacity to plan, construct and maintain safe and efficient transportation networks.”





# What is the purpose of the TTP?

## TTP Overview

- What is the TTP?
- Mission Statements
- **Purpose**
- Principles
- Funding
- FHWA
- Email Updates
- Tribal Safety

Tribes, Tribal partners, and the Federal government work together to accomplish:

- Safe and adequate transportation for native villages, communities, reservations & Indian lands;
- Contribute to economic development, self-determination, and employment of Indians and Alaska Natives.



# Principles Guiding/Governing the TTP?

## TTP Overview

- What is the TTP?
- Mission Statements
- Purpose
- **Principles**
- Funding
- FHWA
- Email Updates
- Tribal Safety

- Encourage Flexibility and Innovation;
- Government interprets regulations to the benefit of the Tribe;
- Recognize Tribal sovereignty, and the “Government-to-Government” relationship.



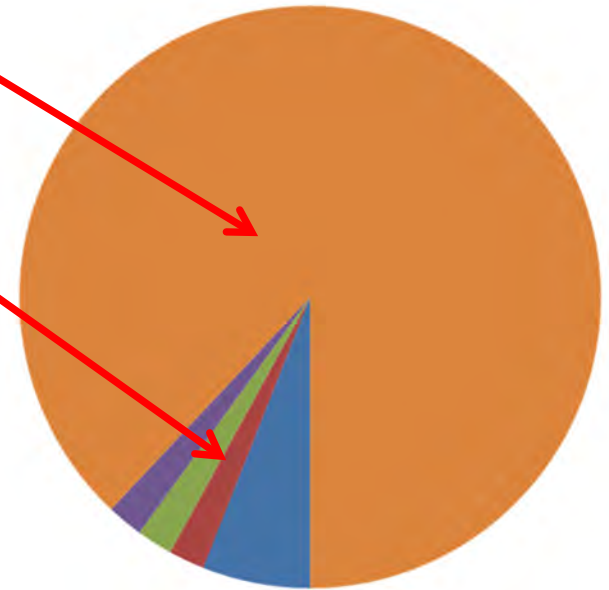


# How much of the TTP Tribal shares go to Tribes?

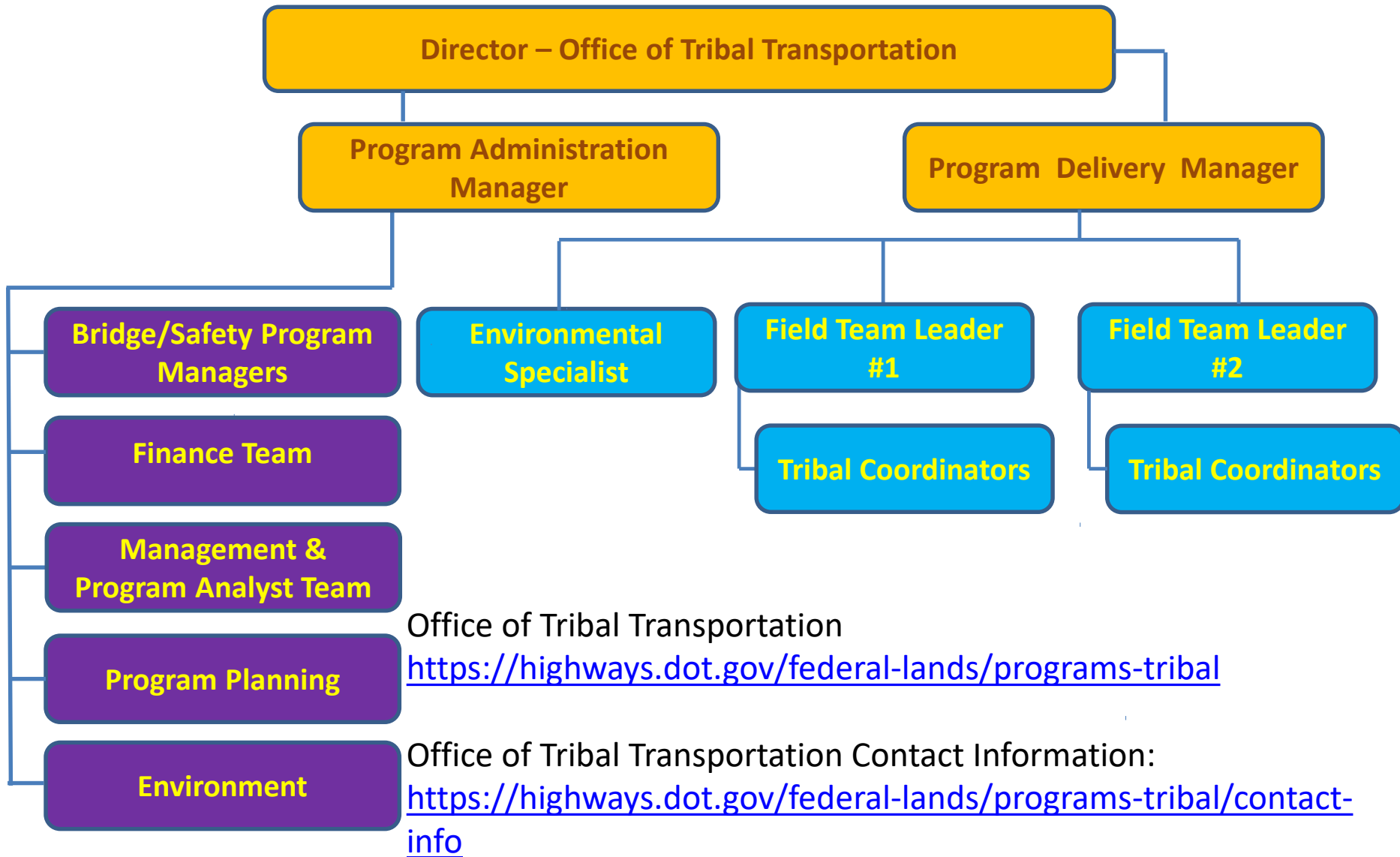
## TTP Overview

- What is the TTP?
- Mission Statements
- Purpose
- Principles
- **Funding**
- FHWA
- Email Updates
- Tribal Safety

- **Most** funding goes directly to Tribal Governments through a statutory formula
- **The other parts are:**
  - 2% for Planning
  - 3% for Bridge program.
  - 2% for Safety program.
  - 5 % PM&O – FHWA & BIA inherent federal functions.
  - Obligation Limitation, not available for use, changes each year..



# FHWA Office of Tribal Transportation Team



# Sign up for Email Updates (TTP Website)

## TTP Overview

- What is the TTP?
- Mission Statements
- Purpose
- Principles
- Funding
- FHWA
- **Email Updates**
- Tribal Safety

[TTP E-mail News and Updates Subscription](#)



# Sign up for Email Updates (Tribal Safety)

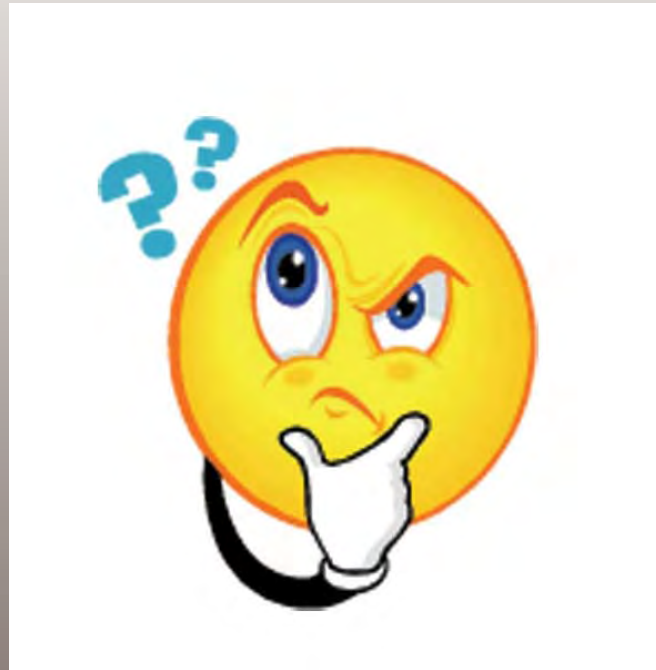
## TTP Overview

- What is the TTP?
- Mission Statements
- Purpose
- Principles
- Funding
- FHWA
- Email Updates
- **Tribal Safety**

[www.TribalSafety.org](http://www.TribalSafety.org)

The screenshot shows the homepage of the Tribal Safety website. At the top, there is a navigation bar with links for HOME, COMMUNITY, RESOURCES, NEWS/EVENTS, and FATALITY DATA. The main header reads "Transportation Safety for Tribal Governments". Below this, there are four icons representing "Join the Mailing List", "Funding", "Training & Events", and "Contacts". A central grid of eight icons represents various safety topics: Pedestrians, Roadway Departure, Impaired Driving, Seat Belts & Child Safety Seats, Availability of Public Safety Services, Safety Plans, Safety Data Collection & Analysis, and a "More..." link. Below the grid is a "Spotlights" section with three featured articles: "Systemic Safety Improvements by the Sisseton Wahpeton Ojate Tribe", "Ground Penetrating Radar Helps Ensure Safe Travel on Alaska's Ice Roads", and "Roundabouts & Tribal Governments".





# Authorizations, Code of Laws, Regulations, Agreements, and Reporting Requirements





# Questions???



# Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
- Laws, Regulations, and Reporting
- Implementing the Tribal Transportation Program



# Laws, Regulations, Program Agreements

Transportation  
Authorizations (Law)

SAFETEA  
-LU

MAP-21

FAST Act

Code of Laws

U.S. Code:  
Title 23

Regulations

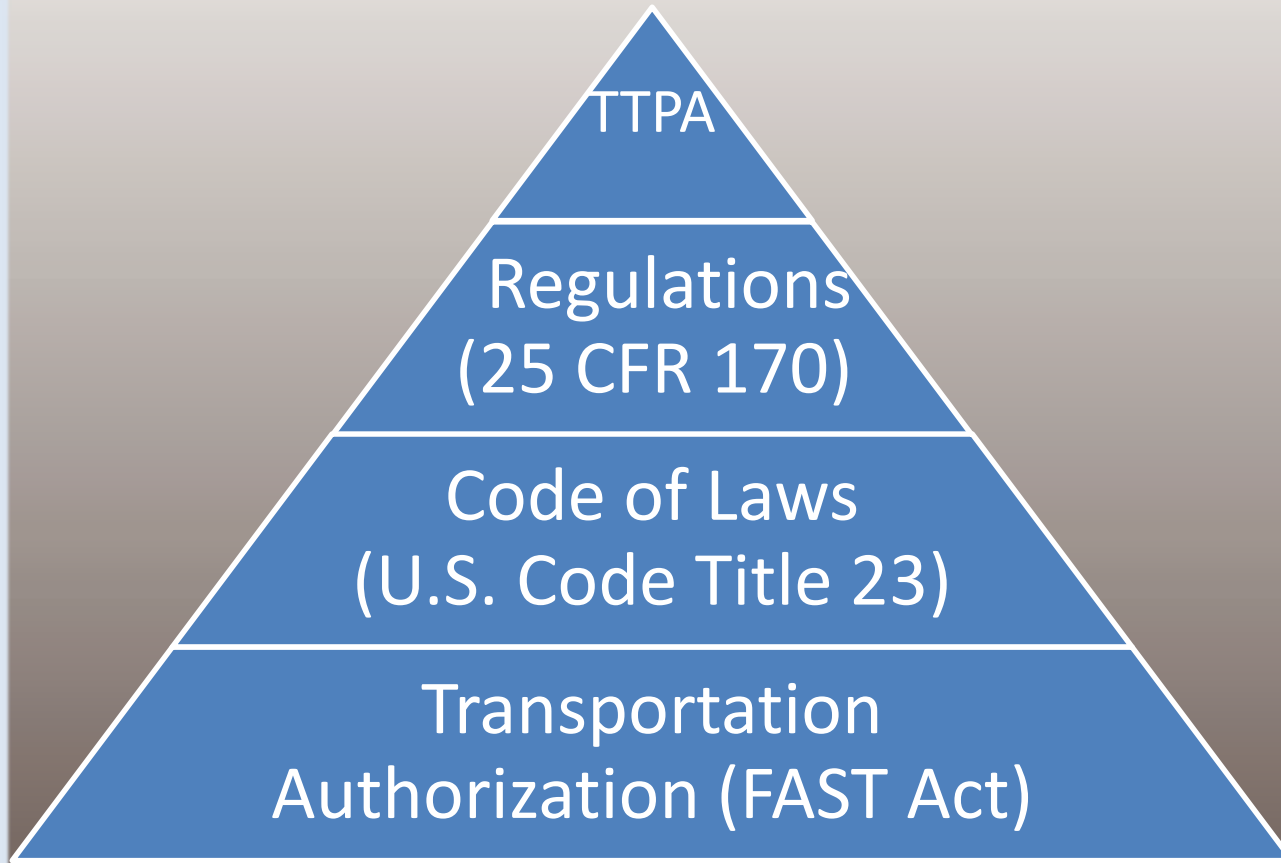
25 CFR 170

Agreements

Program  
Agreement



# Laws, Regulations, Program Agreements




# 25 CFR 170

## Laws, Regulations, Reporting

- Overview
- **25 CFR 170**
- TTP Delivery Options
- Reporting
  - Year-end
  - Single Audit

- Tribal Transportation Program
  - Addresses surface transportation
  - Implemented in accordance with ISDEAA
- Topics listed in order of when they occur.

 **78456** Federal Register / Vol. 81, No. 215 / Monday, **November 7, 2016** R

**DEPARTMENT OF THE INTERIOR**  
**Bureau of Indian Affairs**  
**25 CFR Part 170**  
[No. BIA-2014-0005; 167A2100DD/  
AAKC001030/A0A501010.999900 253G]  
RIN 1076-AF19  
**Tribal Transportation Program**  
AGENCY: Bureau of Indian Affairs,  
Interior.  
ACTION: Final rule.

the Indian Reservation Roads Inventory; the Act and  
• Revise certain sections of the current rule that were provided for informational purposes by removing certain sections that are no longer required by statute and adding information to direct the reader to BIA or FHWA Web sites where additional information is available.  
On December 19, 2014, BIA and FHWA published a proposed rule for 25 CFR part 170 and then conducted Tribal consultation sessions at six locations throughout the country during January

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# TTP Delivery Options

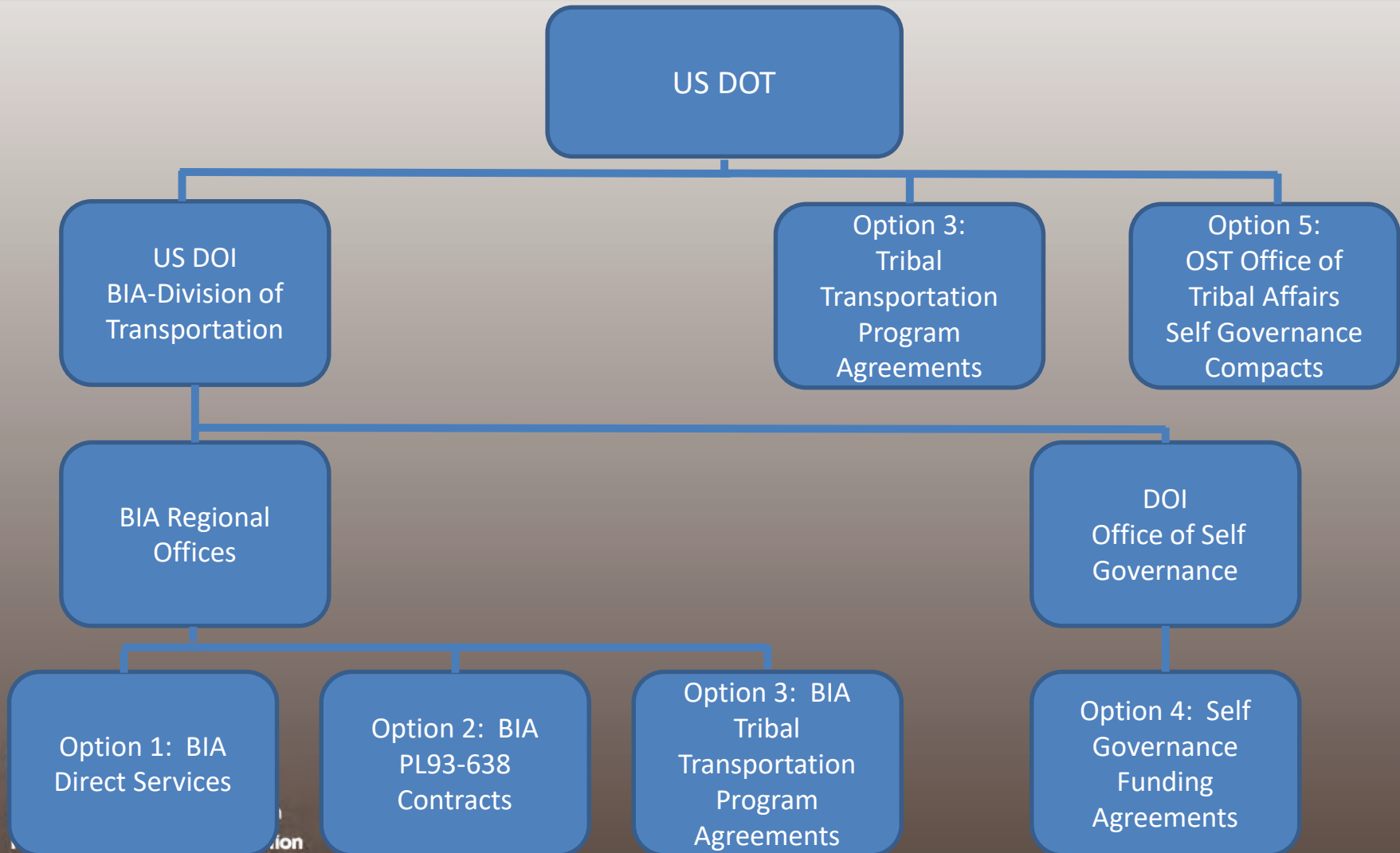
## Laws, Regulations, Reporting

- Overview
- 25 CFR 170
- **TTP Delivery Options**
- Reporting
  - Year-end
  - Single Audit

- BIA Direct Service
- BIA PL93-638 Contracts
- DOI Office of Self Governance
- BIA G2G Agreements
- FHWA Program Agreements
- US DOT Self Governance



# Indian Tribal governments choices in the delivery of the TTP program



# Option 1: BIA Direct Services

- Tribe agrees with BIA which activities will be delivered by the Region.



# Option 2: BIA PL93-638 Contracts

- Contracting with the Tribes for programs and services provided by Bureau of Indian Affairs
- Contracting with the Tribes for construction projects provided by the Bureau of Indian Affairs
- Oversight of the audits submitted by the Tribes.
- Provide Technical Assistance to the Tribes in the region.



# Option 3: Tribal Transportation Program Agreements

- A Tribe with a TTPA administers its own Tribal Transportation Program (TTP).
- Transfer to the Tribe all the functions and duties that the Secretary would have performed with respect to a program or project under Chapter 2 of Title 23, other than those that cannot be legally transferred.
- Tribe carry out the statutory requirements pursuant to the FAST Act.
- Provide the Tribe or its designee, under a Referenced Funding Agreement (RFA), its share of TTP funds pursuant to the FAST Act and 25 CFR 170.
- Allows Tribes the option of working directly with the FHWA or BIA in the administration of their Tribal Transportation Program.



# Option 4: DOI Office of Self Governance

- The Office is responsible for implementation of the Tribal Self Governance Act of 1994.
- The Office provides financial management, budgeting, accounting and contracting services for funds that are allocated or awarded to self-governance tribes
- The Office works with tribal governments to protect and support tribal sovereignty within a Government-to-Government partnership and to advocate for the transfer of Federal programmatic authorities and resources to tribal governments in accordance with tribal self-governance statutes and policies.



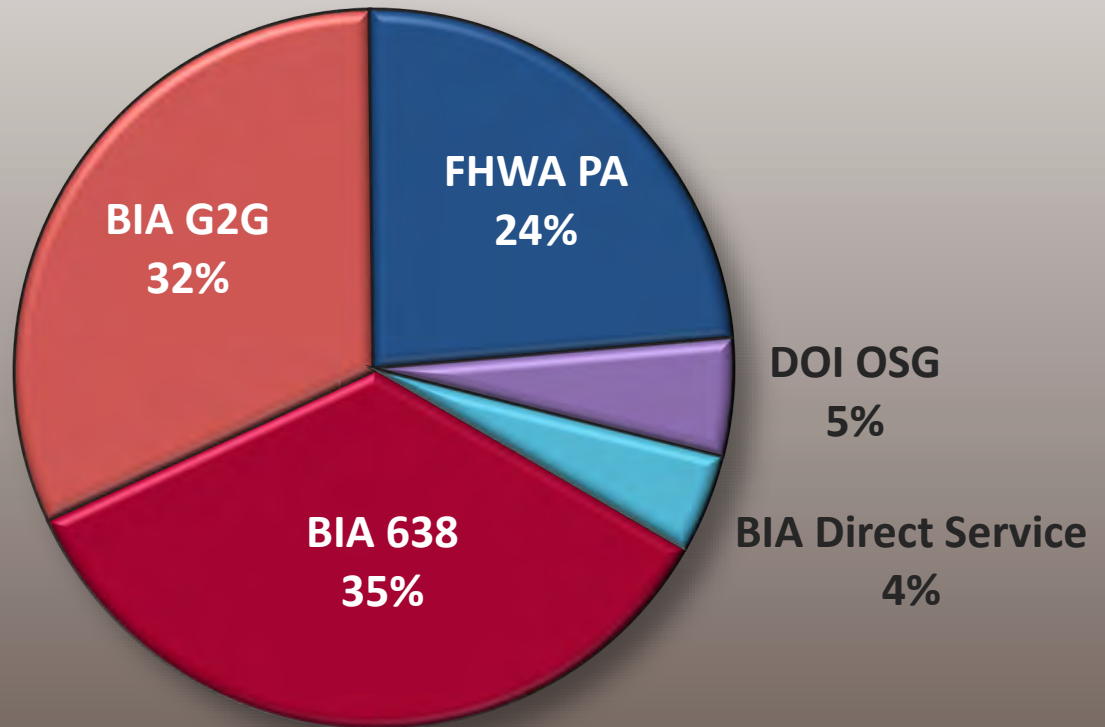
# Option 5: Tribal Transportation Self-Governance Program (TTSGP)

- The Tribal Transportation Self-Governance Program (TTSGP) provides federally recognized Tribes and Tribal organizations with greater control, flexibility, and decision-making authority over federal funds used to carry out tribal transportation programs
- The TTSGP was authorized by Section 1121 of the Fixing America's Surface Transportation Act, Pub. L. 114-94. Section 1121 is codified at 23 U.S.C. § 207. As directed by 23 U.S.C. 207, the Department developed the TTSGP regulation through a negotiated rulemaking with Tribe and Tribal organization representatives under the procedures of the Negotiated Rulemaking Act.
- The TTSGP final rule becomes effective on October 1, 2020.

# TTP Delivery Options

Laws,  
Regulations,  
Reporting

- Overview
- 25 CFR 170
- **TTP Delivery Options**
- Reporting
  - Year-end
  - Single Audit



# 25 CFR 170

## Laws, Regulations, Program Agreements, Reporting

- Overview
- **25 CFR 170**
- TTPA
- Program Delivery Guide
- Reporting
  - Mid-Year
  - Single Audit

- Tribal Transportation Program
  - Addresses surface transportation
  - Implemented in accordance with ISDEAA
- Topics listed in order of when they occur.

78456 Federal Register / Vol. 81, No. 215 / Monday, November 7, 2016 / Rules and Regulations

**DEPARTMENT OF THE INTERIOR**  
**Bureau of Indian Affairs**  
**25 CFR Part 170**  
(No. BIA-2014-0005; 167A2100DD/  
AAKC001030/A0A501010.999900 253G)  
RIN 1076-AF19  
**Tribal Transportation Program**  
**AGENCY:** Bureau of Indian Affairs,  
Interior.  
**ACTION:** Final rule.

**SUMMARY:** This final rule updates the Tribal Transportation Program regulations (formerly the Indian Reservation Roads Program) to comply with statutory updates. The Tribal Transportation Program is a program to address the surface transportation needs of Tribes. This rule reflects statutory changes in the delivery options for the program, clarifies the requirements for proposed roads and access roads to be added to, or remain in, the inventory, revises certain sections that were

the Indian Reservation Roads Inventory; and

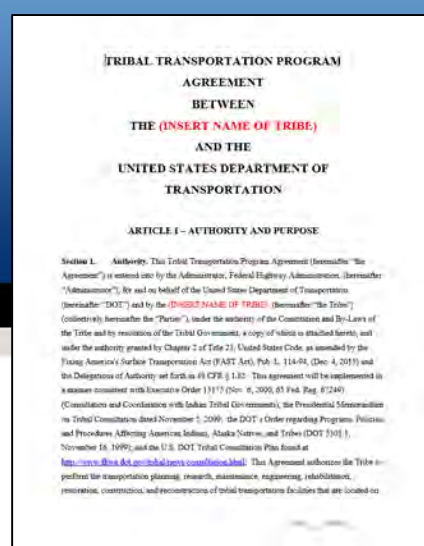
- Revise certain sections of the current rule that were provided for informational purposes by removing certain sections that are no longer required by statute and adding information to direct the reader to BIA or FHWA Web sites where additional information is available.

On December 19, 2014, BIA and FHWA published a proposed rule for 25 CFR part 170 and then conducted Tribal consultation sessions at six locations throughout the country during January and February of 2015. See 79 FR 76192. Written comments on the Proposed Rule were accepted at the consultations as well as by email and mail through March 20, 2015. Before publishing the proposed rule, BIA and FHWA distributed draft revisions of 25 CFR part 170 to Tribes and published a notice of consultations on the draft revisions. These consultations were conducted at three locations in May of 2013. See 78 FR 21861 (April 12, 2013).

the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424. The FLHP is a coordinated program that addresses access needs to and within Indian and other Federal lands, and the TTP continues as a funding category of this program. STAA also expanded the IRR system, as it was then known, to include Tribally-owned public roads as well as state and county-owned roads. STAA was followed in 1987 by the Surface Transportation Uniform Relocation Assistance Act (STURAA). See Pub. L. 100-17. In 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA), which authorized 2 percent of program funds to be used for transportation planning. See Pub. L. 102-240. ISTEA also established Indian Local Technical Assistance Program (Indian LTAP) Centers, which are now known as Tribal Technical Assistance Centers (TTACs). ISTEA was followed by the Transportation Equity Act for the 21st Century (TEA-21), which was signed into law in 1998. See Public Law 105-178. TEA-21 authorized \$1.6 billion of



# FHWA Program Agreement



## Laws, Regulations, Program Agreements, Reporting

- Overview
- 25 CFR 170
- **TTPA**
- Program Delivery Guide
- Reporting
  - Mid-Year
  - Single Audit

- **Transfer to the Tribe all the functions and duties that the Secretary of the Interior would have performed with respect to a program or project under Chapter 2 of Title 23, other than those that cannot be legally transferred;**
- To **carry out the statutory requirements** pursuant to the current transportation authorization; and
- To **provide the Tribe** or its designee, under a Referenced Funding Agreement (RFA), **its share of TTP funds** pursuant to the current transportation authorization and 25 CFR 170.





# Program Delivery Guide

## Laws, Regulations, Program Agreements, Reporting

- Overview
- 25 CFR 170
- TTPA
- **Program Delivery Guide**
- Reporting
  - Mid-Year
  - Single Audit

- Provides procedural guidelines to eligible Tribes entering into, or already having, a Tribal Transportation Program Agreement (TTPA) with FHWA.
- Expands on the terms, roles and responsibilities, and provisions for the Tribes and FHWA as outlined in the TTPA.
- <https://flh.fhwa.dot.gov/programs/ttp/guide/>

FLH Office of Tribal Transportation  
Program Delivery Guide - 2019

A Guide for Tribes Having a  
Tribal Transportation Program Agreement  
with FHWA



# Program Delivery Guide

## Topics

### Laws, Regulations, Program Agreements, Reporting

- Overview
- 25 CFR 170
- TTPA
- **Program  
Delivery Guide**
- Reporting
  - Mid-Year
  - Single Audit

- Reporting Responsibilities
- Transportation Planning
- Preliminary Engineering – NEPA and Other Environmental Requirements
- Preliminary Engineering – Project Package
- Preliminary Engineering – Right-of-Way and Utilities
- Procurement, Construction Bid Advertisement and Award
- Construction and Construction Engineering
- Maintenance
- TTP Bridge and Safety Program



# Reporting Requirements

## Laws, Regulations, Reporting

- Overview
- 25 CFR 170
- TTP Delivery Options
- **Reporting**
  - Year-end
  - Single Audit

- Year-end reports (Financial, Non-Construction, Projects)
- Single Agency Audits
- Construction Project Closeout Report (discussed later)



# Reporting Requirements

## Year-end reports

### Laws, Regulations, Reporting

- Overview
- 25 CFR 170
- TTP Delivery Options
- Reporting
  - **Year-end**
  - Single Audit

- Reporting period October 1 – September 30 (due December 30)
- Important terms/information
  - Reporting Keychain (created from current TTIP)
  - Program Online Reporting Tool (PORT)
  - [TTP Annual Report](#)



# Reporting Requirements

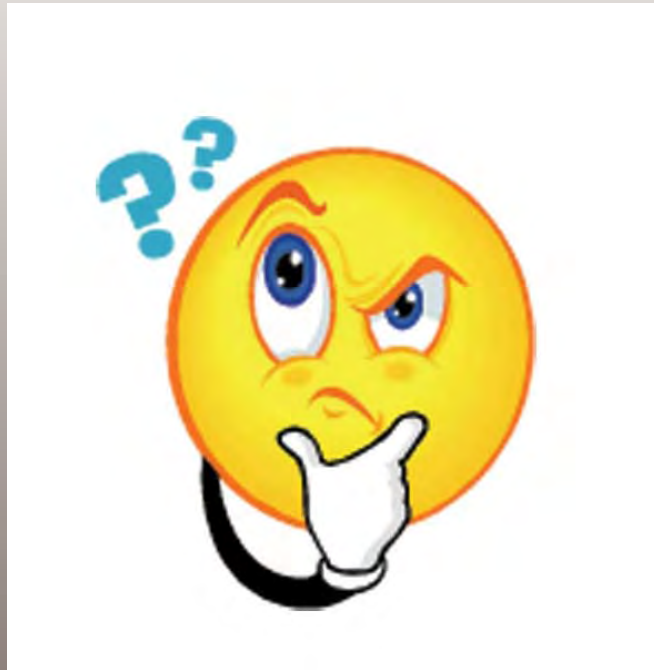
## Single Audit

### Laws, Regulations, Reporting

- Overview
- 25 CFR 170
- TTP Delivery Options
- Reporting
  - Year-end
  - **Single Audit**

- Required if a Tribe expends more than \$750,000 total of Federal funds in a fiscal year.





When Can I Spend Money?



# Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
- Laws, Regulations, and Reporting
- Implementing the Tribal Transportation Program





# Implementation Topics

- Eligible use of TTP funds
- When/If Hiring a Consultant or Contractor
- Transportation Planning
- Preliminary Engineering (Design, Environmental, Right-of-Way)
- Construction
- Maintenance





# Eligible use of TTP funds

- **Eligible Activities**

- Hiring a Consultant or Contractor
- Planning
- Design
- Construction
- Maintenance

- Allowable activities can be found in 25 CFR 170, Appendix A to Subpart B and include:
  - Administration
  - Transportation Planning
  - Preliminary Engineering (Design or Project Development)
  - Construction (and Construction Engineering)
  - Transit
  - Maintenance
  - Research
- A route (road) must be in “Official” status on the NTTFI
- A Tribe may request new uses of TTP funds in writing to BIA or FHWA.



# New use of funds and eligibility

- A Tribe that proposes new uses of TTP funds must ask BIA or FHWA in writing whether the proposed use is eligible under Federal law.
- 25USC eligibility questions are addressed by BIA
- 23USC and TTP eligibility questions are addressed by FHWA



- To the extent practical BIA and FHWA must consult with the TTP Coordinating Committee.
- Final determination should be provided to the Tribe within 45 days.
- Tribes may appeal a denial of a proposed use by BIA or FHWA.



# When/If Hiring A Consultant/Contractor

- Eligible Activities
- **Hiring a Consultant or Contractor**
- Planning
- Design
- Construction
- Maintenance

If hiring a Consultant/Contractor, follow the Tribe's Procurement Policy and Procedures when hiring for:

- Planning
- Design
- Environmental Service
- Construction Contractor
- Construction Engineer/Manager
- Anytime your hire for services



# Questions???

