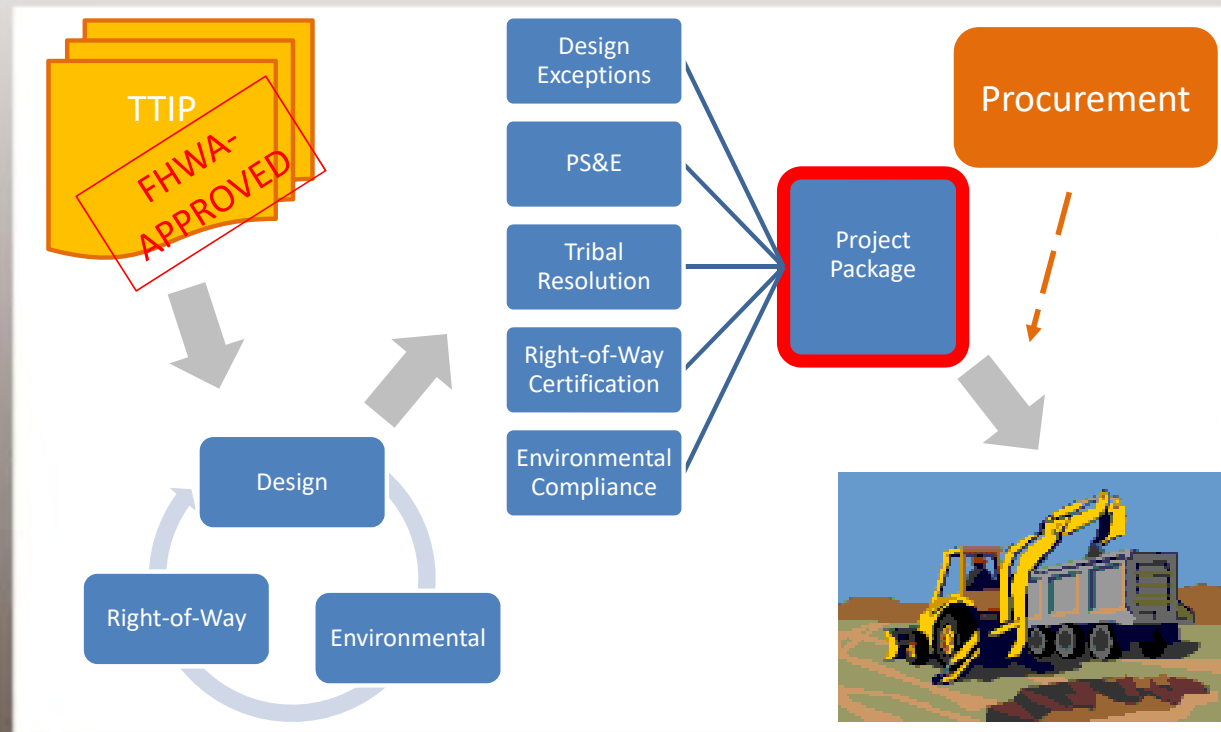


Project Delivery Overview

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - **Overview**
 - Influence/Cost
 - Environment
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance
-



Project Delivery

Influence/Cost

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - **Influence/Cost**
 - Environment
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

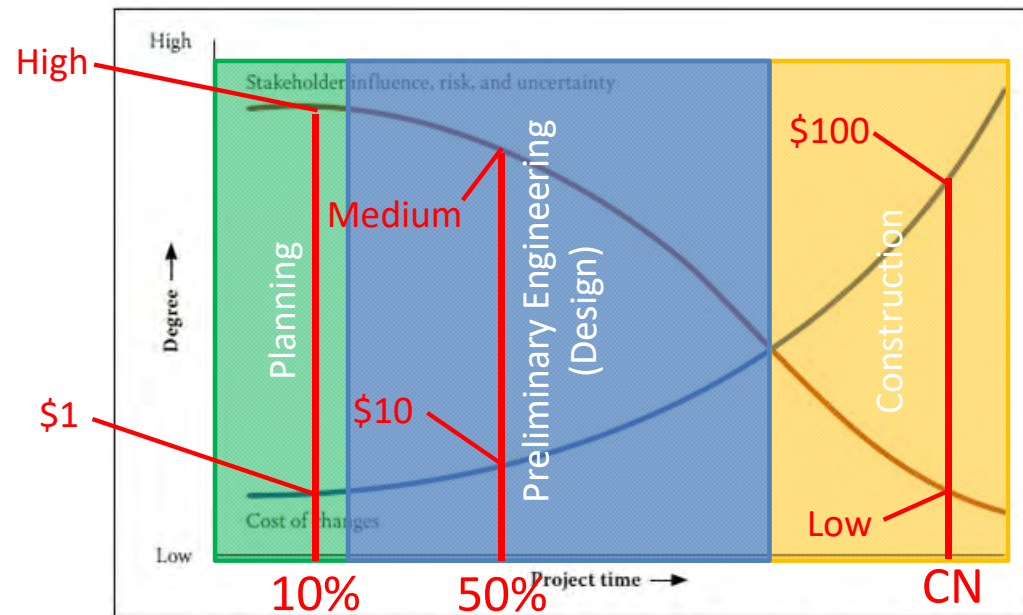


Figure 1 Impact of variables based on project time (Project Management Institute 2008)



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

NEPA and Other Environmental Requirements

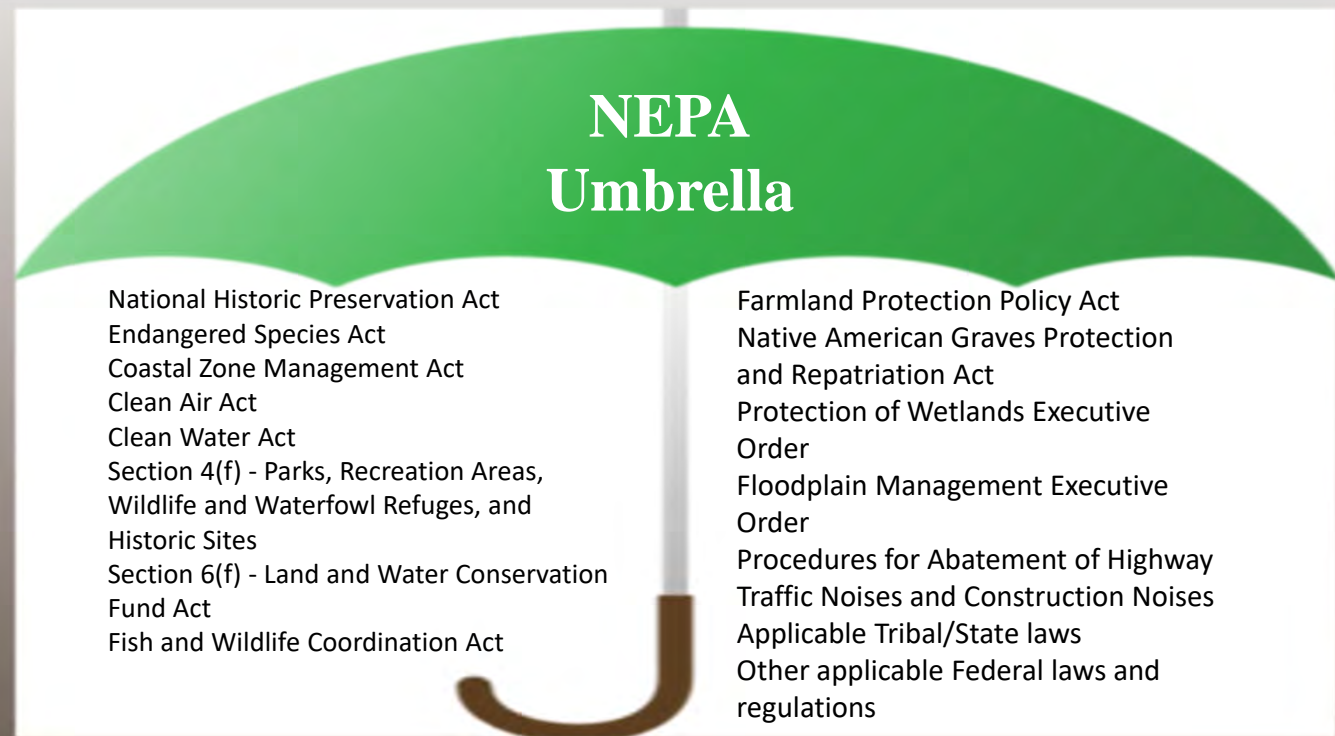
- NEPA: National Environmental Policy Act (1969)
- It is the “National Charter” for protection of the environment, and it applies to all federal actions (including funding).
- Requires that a Federal agency consider the impacts of its activities on the **natural and human environment**.
- NEPA provides a comparative process that allows the decision maker (FHWA) to make an informed decision.
- FHWA and TTP Implementing Regulations: 23 CFR 771 and 25 CFR 170.450-453



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Compliance with other Environmental Requirements (examples, but not all-inclusive)

- Section 106 of National Historic Preservation Act
- Section 7 of Endangered Species Act
- Protection of Wetlands Executive Order 11990
- Section 4(f) of the Department of Transportation Act
- Clean Water Act
- Clean Air Act
- Floodplain Management Executive Order 11988



Project Delivery

Environment



- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Three Types of NEPA Documents

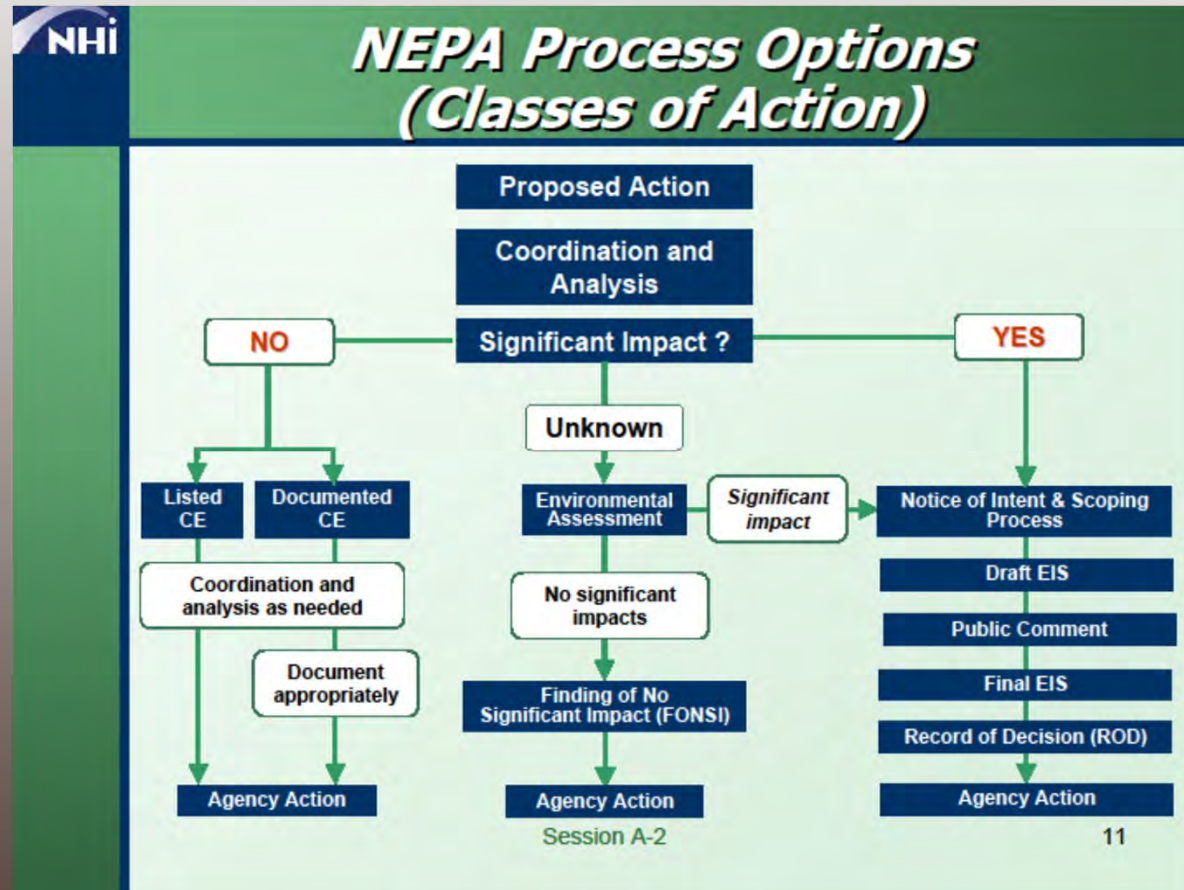
- **Environmental Impact Statement**
 - Used when a project will or is likely to result in significant environmental impacts
- **Categorical Exclusion**
 - Used for certain types of projects that normally will not result in significant environmental impacts
- **Environmental Assessment**
 - Used when it is uncertain if a project will result in significant environmental impacts



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance



Project Delivery Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- Think of the “NEPA” document as a Box
- The box will hold all of the necessary Environmental Information for understanding potential impacts for a project in one place.
- FHWA determines the size of the box (and when it is full)
 - The type of documentation (CE, EA or EIS).
- The box will contain all of the necessary Regulations.
 - Pertinent Regulations under the NEPA Umbrella



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- The Regulations that fill the box are “owned” by other agencies (Agency with Jurisdiction).
 - FHWA needs to “ask permission” to place those regs in the box. (This is consultation and coordination)
 - Cultural is “owned” by the THPO or SHPO
 - Biology is “owned” by USFWS
 - ROW (often) is “owned” by BIA
 - Etc.
- FHWA needs to be sure that all of the necessary environmental regulations and information has been placed in the box before “putting on the lid” (issuing clearance).



Project Delivery Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- NEPA is a CONSULTATION PROCESS (not regulatory)
- It is “Procedural” not “Substantive”
- About the process, not necessarily about the resulting decision.
- Did we follow the process? Did we do our “due diligence”? Did we attempt to discern all impacts and take them into account? Did we include and coordinate with all affected parties?
- The “owned” regulations that the NEPA process covers may be regulatory.



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- **Exercise: Which Project is a Cat Ex?**
- Chip Seal Project on 58 miles of roadway.
- Creation of Bike Trails through a local park
- 23 Miles of New Asphalt Roadway
- Paving 17 miles of a previously dirt road



Project Delivery Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- **It's All about the Impacts**

- NEPA documentation and Mitigations are about IMPACTS, not project type.
 - Even lists of Categorical Exclusions were created based on potential impacts
- An impact can be defined as a change (that the project will produce) on the **natural, cultural, historic, and human environment.**
- Need to be able to evaluate and explain these changes to interested parties (and get their input)



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Environmental Commitments

- Tribe must follow through on its commitments to avoid, minimize, mitigate environmental impacts.
- Commitments result from coordination with agencies and the public. Also from conditions listed in permits issued by regulatory agencies.
- As much as possible, commitments should be listed in the NEPA document.
- Incorporate them into final design as appropriate.



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Environmental Permits

- Under PAs and G2Gs, Tribes are responsible for obtaining and complying with all necessary permits associated with a project.
- Environmental Permits (examples, but not all-inclusive)
 - Corps of Engineers 404 permit
 - Environmental Protection Agency 402 permit (NPDES) and 401 certification
 - Floodplain permit
 - Fish habitat permit



Project Delivery

Environment

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - **Environment**
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- If a Tribe has a Program Agreement with FHWA, then FHWA is the approving agency for NEPA, otherwise BIA has NEPA approval.
- Regardless of whether BIA or FHWA is the lead agency for NEPA, if applicable, TTP-funded projects can use FHWA's categorical exclusions (25 CFR 170.453)
- Majority of TTP projects are Categorical Exclusions
- Even if your project is cleared as a CE, it does not mean other environmental laws do not apply.
- Under a Program Agreement with FHWA or G2G with BIA, the Tribe is responsible for studies/analyses to support NEPA and other environmental decisions.



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Plans, Specifications & Estimates (PS&E):

- Conforms to the project scope and the TTIP
- Must follow design standards listed in 25 CFR Part 170 Appendix B to Subpart D
- Design Exceptions
- Typical design milestones include:
 - 30% (preliminary/conceptual design)
 - 75% (intermediate design)
 - 100% (final design)



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- AASHTO - A Policy on Geometric Design of Highways and Streets, 7th Edition 2018 (the “Green Book”) at <https://store.transportation.org/item/collectiondetail/180>
- AASHTO - Guidelines for Geometric Design of Low-Volume Roads, 2nd Edition, 2019, Single User PDF available for purchase at <https://store.transportation.org/Item/PublicationDetail?ID=4192>
- FHWA - Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-14 at <https://highways.dot.gov/federal-lands/specs>
- MUTCD 2009 Edition, DOT, FHWA, 2009 at <http://mutcd.fhwa.dot.gov/>
- FHWA-approved State standards



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- Other design standards may be approved by FHWA for a specific project if they:
 - Meet or exceed those listed in 25 CFR 170;
 - Provide a 20-year (or longer) design life for highway projects, and 75-year design life for highway bridges.



Project Delivery

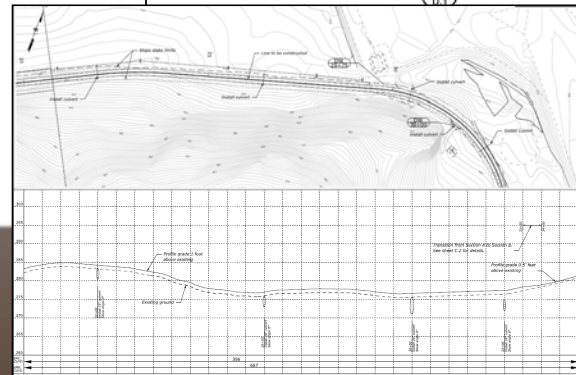
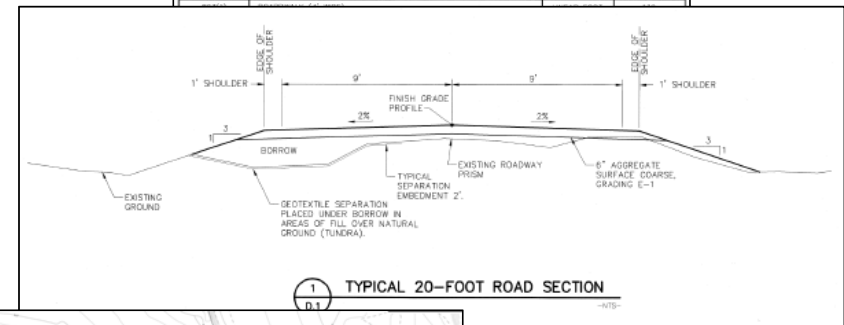
PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

What should be included in the PS&E:

- Design standards
- Summary of quantities
- Typical sections
- Horizontal and Vertical
- Drainage needs
- Erosion Control
- Traffic Control

SUMMARY OF QUANTITIES, BASE BID*			
ITEM	DESCRIPTION	UNIT	QUANTITY
201(36)	CLEARING AND GRUBBING	LUMP SUM	ALL REQUIRED
202(1)	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LUMP SUM	ALL REQUIRED
203(3)	UNCLASSIFIED EXCAVATION	CUBIC YARD	847
203(5)	BORROW	CUBIC YARD	5,923
301(2)	AGGREGATE SURFACE COURSE, GRADING E-1	CUBIC YARD	5,232
611(1)	RIBRAP, CLASS 1	CUBIC YARD	490
603(1)	24-INCH CORRUGATED METAL PIPE	LINEAR FOOT	83
603(2)	10-INCH POLYETHYLENE PIPE	LINEAR FOOT	66
603(2)	12-INCH POLYETHYLENE PIPE	LINEAR FOOT	603
615(1)	STANDARD SIGN	SQUARE FOOT	500
618(1)	SEEDING	LUMP SUM	ALL REQUIRED
630(1)	GEOTEXTILE FOR EMBANKMENT SEPARATION	SQUARE YARD	5,199
639(3)	RESIDENCE/COMMERCIAL DRIVEWAY	EACH	106
640(1)	MOBILIZATION AND DEMOBILIZATION	LUMP SUM	ALL REQUIRED
641(1)	EROSION AND POLLUTION CONTROL ADMINISTRATION	LUMP SUM	ALL REQUIRED
641(3)	TEMPORARY EROSION AND POLLUTION CONTROL	LUMP SUM	ALL REQUIRED
642(1)	CONSTRUCTION SURVEYING	LUMP SUM	ALL REQUIRED
643(2)	TRAFFIC MAINTENANCE	LUMP SUM	ALL REQUIRED
643(8)	WATERING	LUMP SUM	ALL REQUIRED
646(1)	CPM SCHEDULING	LUMP SUM	ALL REQUIRED
672(1)	DUST PALLIATIVE	SQUARE YARD	31,245
807(1)	BOARDWALK REMOVAL AND SITE PREPARATION	LUMP SUM	ALL REQUIRED



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

A Tribe may approve PS&E's and proceed to construction if:

- PS&E is stamped (certified) by a State licensed engineer, and the certification is provided to BIA or FHWA.
- Assures construction will meet or exceed applicable health and safety standards
- Additional requirements may be in Tribe's Agreement with BIA or FHWA



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- Tribe submits Design Exception requests for FHWA consideration:
 - Should submit early in the development of the PS&E.
 - Before licensed engineer certifies (seals) the plans.
 - Must include Engineer of record's written justification (and supporting documents), based on their engineering analysis.
 - Tribe needs to inform and coordinate with the owner (Public Authority) of the road regarding the exception.
 - Send to FHWA or BIA point of contact



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- FHWA has 30 days from receiving the request to approve or decline the exception.
- FHWA may **approve** Design Exceptions for:
 - (1) Experimental features on projects; and
 - (2) Projects where conditions justify the exceptions.
- Document the exception using the Highway Design Standards Certification form, or equivalent information.



Project Delivery

PS&E

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - **PS&E**
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- Highway Design Standards Certification:
 - Optional form, but good way to document reasoning for request
- Exhibit 7.2 in the Fillable Forms of the Program Delivery Guide at <https://highways.dot.gov/federal-lands/programs-tribal/guide/hds-certification>



U.S. Department of Transportation
Federal Highway Administration

TTP HIGHWAY DESIGN STANDARDS CERTIFICATION

Project Number and Name: _____

NTTFI Route(s) and Section Number(s): _____

Type of Project: New Construction Reconstruction RRR Other (describe)

Description of Work: _____

System: TTP BIA National Highway System (NHS)
 TTP Tribal State Transportation Plan Non NHS
 TTP County, Borough or Municipal Off State Transportation Plan
 TTP State Other (describe)

Functional Classification Description: _____

Owner Agency & Address: _____

Terrain: _____

TRAFFIC	YEAR	AVERAGE	SEASONAL	DHV	PERCENT TRUCKS DHV ADT		D
Current					%	%	
Design					%	%	

Design Standards: AASHTO Green Book AASHTO Low Volume County/Borough
 State Other (describe)

Project Delivery

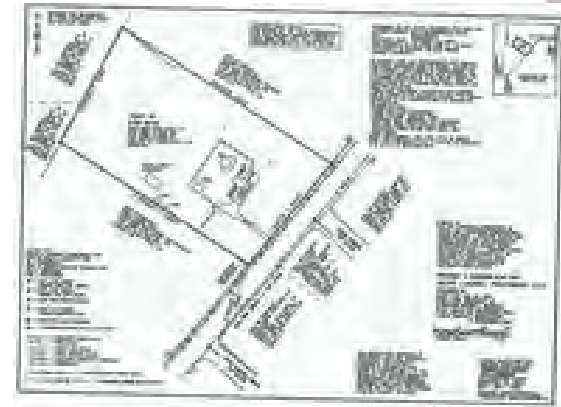
Right-of-Way

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - PS&E
 - **Right-of-Way**
 - Project Package
- Construction
- Maintenance

Right-of-Way (ROW) and Utilities

- Acquisition cannot begin until NEPA document is complete and approved.
- Many types of property (trust/non-trust)*
- Regulations for acquisition
 - 25 CFR Part 169 (ROW over Indian land)
 - Uniform Relocation Act (ROW over fee land)
- Certification of Right-of-Way clearances
- Real Estate Acquisition Guide for Local Public Agencies

* See Indian Land Tenure Foundation website



Project Delivery

Project Package

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

Project Package

- Provide to BIA or FHWA before the start of construction
- Includes documentation identified in 25 CFR §170.460:
 - Plans, Specification, Estimate (may be approved by Tribe)
 - Required environmental clearances.
 - Right-of-Way certification
 - Approved design exceptions
 - Tribal resolution or other authorized document supporting the project
- Approved by Public Authority **before starting construction**



Project Delivery

Project Package

- Eligible Activities
- Hiring a Consultant or Contractor
- Planning
- **Project Delivery**
 - Overview
 - Influence/Cost
 - Environment
 - PS&E
 - Right-of-Way
 - Project Package
- Construction
- Maintenance

- Pre-Advertisement Checklist (optional).
- Tool to ensure Project Package is complete.
- Exhibit 9.2 in the Fillable Forms of the Program Delivery Guide at <https://highways.dot.gov/federal-lands/programs-tribal/guide/pre-advertisement>

Exhibit 9.2 – TTP Pre-Advertisement Checklist

TTP PRE-ADVERTISEMENT CHECKLIST

Project Name:Project Number:

National Tribal Transportation Facility Inventory Route No.:

National Tribal Transportation Facility Inventory Sections:

DOCUMENT or MILESTONE

DATE

Project Agreement (with Facility Owner for Maintenance)

TTP Design Standards Certification Form signed.....

Environmental Clearance (CE__ EA__ or EIS__).....

Environmental Commitment Review by:.....

(Verified all commitments incorporated into the PS&E)

Permits (if applicable):

404 Permit (Individual No.____, or Nationwide No.____).....

401 Permit.....

NPDES Permit (Notice of Intent).....

SWPPP filed

Encroachment Permit (State DOT, County, Municipality).....

Special Use Permit (for USFS projects).....

Other: (Any additional items to be included in SCRs).....

Tribal resolution or other authorized document (signed and dated by the Tribal Government Leader) supporting the project

.....

Right-of-Way and Utility Certification (Certification Level ____).....

Right-of-Way Agreements w/landowners or others

Right-of-Entry/Letter of Consent (if applicable).....

Utility Data Quality Level Certification

Utility Agreements.....



Project Delivery

Questions?

