

Tribe's Checklist for Tribal HPP Program Application (Emergency or Disaster)
(For Information Only)

To apply for funds under this section, an applicant shall meet the eligibility criteria AND submit an application with attachment to their FHWA or BIA Point of Contact

Eligibility Checklist

- Applicant is any Indian Tribe that has an emergency or disaster with respect to a transportation facility included on the NTTFI under section 202(b)(1) of title 23, U.S.C.
- Tribal transportation facility is included in the National Tribal Transportation Facility Inventory (NTTFI) under section 23 U.S.C. 202(b)(1) and has official status.
- Project will become whole (fiscally constrained) with Tribal HPP Program funds. After an application is determined to be eligible for an emergency or disaster project, the project will need to be placed on a FHWA-approved TTIP before funds are sent to the Tribe.
- Only (1) application for assistance pending at any one time, including priority project applications.
- Cost of project is *less than* \$700,000? Projects \$700,000 or more should apply for Emergency Relief or Emergency Relief for Federally Owned Roads funds.
- Cost of project is *at least* 10% of the Tribes' annual allocation of statutory formula shares through TTP (does not include the 2% planning set-aside, TTP Safety, or TTP Bridge). See <https://highways.dot.gov/federal-lands/programs-tribal/finance> for the most recent full year of annual TTP funds available to the Tribe.
- Funds requested is limited to the estimated cost of repairing damage to the Tribal transportation facility.
- Damage to a Tribal transportation facility that meets all of the following*:
 - Currently** renders the Tribal transportation facility impassable or unusable; **AND**
 - Is caused by (1) a natural disaster over a widespread area; or (2) a catastrophic failure from an external cause

Note: Per the ERFO manual, FHWA defines the following:

Natural disaster: *An unusual natural occurrence such as a flood, hurricane, severe storm, tidal wave, earthquake, or landslide which causes serious damage.*

Serious damage: *heavy, major, or unusual damage to an eligible facility which severely impairs the safety or usefulness of the facility or results in closure.*

Wide area: *a tract sufficiently large to encompass parts or all of several entities such as counties, states, or federal agency management units (individual forests, parks, refuges, regions, districts, and so on) and can include areas outside of federal lands. Significant flooding would involve a number of major drainage basins.*

***Serious damage to roads caused by extraordinary storms occurring over small areas would not be considered eligible for ERFO funding.*

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Catastrophic failure: *The sudden failure of a major element or segment of the highway system due to an external cause. The failure must not be primarily attributable to gradual and progressive deterioration or lack of proper maintenance. The closure of a facility because of imminent danger is not in itself a sudden failure."*

Program funds are not used for (1) transportation planning; (2) research; (3) routine maintenance activities; (4) structures and erosion protection unrelated to transportation and roadways; (5) general reservation planning not involving transportation; (6) landscaping and irrigation systems not involving transportation programs and projects; (7) work that is not included on a transportation improvement program approved by FHWA; (8) the purchase of equipment unless authorized by Federal law; or (9) the condemnation of land for recreational trails.

** FHWA and BIA will jointly make a determination whether the emergency or disaster application meets the eligibility requirements under the emergency relief program under 23 U.S.C. 125.*

Application Checklist

Submit application form (fillable pdf) by an authorized official of the Tribe.

Best Practices:

Send a signed and dated letter of transmittal outlining the attachments sent and any additional information the Tribe feels will help reviewers.

Keep a full copy of the packet (transmittal letter, application form, attachments) for your records.

If mailing the application, date stamp the envelope and keep a record of the date sent.

Attach documentation demonstrating that damage to a Tribal transportation facility that meets the eligibility requirements described above. Information may include stream-gage data, rain-gage data, pictures of the event and other information to support the emergency or disaster event. An emergency or disaster declaration is helpful, but not required, to make an emergency or disaster eligibility determination.

Attach preliminary cost estimate with a cost breakdown that includes:

Only work to bring the facility back to pre-disaster conditions;

Preliminary Engineering cost;

Identification of major work items for construction;

Lump sum cost of minor work items for construction; and/or

Construction engineering costs.

Attach NTTFI data sheet showing the routes(s) and section(s) have official status.

Attach Official Tribal action (resolution or authorization) that includes all the following:

Stating that the project is the "highest priority" for the Tribe's Transportation Program;

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- Providing authority of the Secretary of Interior to place the project on a Transportation Improvement Program if the project is selected and approved: **AND**
- Signed by an authorized official of the Tribe.
- Attach preliminary sketch(es) of the damage and proposed repairs
- Attach preliminary quantity calculations for major work items
- Detailed inspection of each damage site including photos of the extent and cause of the damage and a description of the proposed repairs that are consistent with the preliminary cost estimate supporting the funds request. **Only include work to bring the facility back to pre-disaster conditions.**
- Attach email to BIA informing them of emergency or disaster event.
- Optional attachment: photos
- Optional attachment: location map
- Optional attachment: any official ERFO related documentation available