
INSTRUCTIONS FOR FILLING OUT “DOCUMENTS NEEDED PRIOR TO CONSTRUCTION” FORM

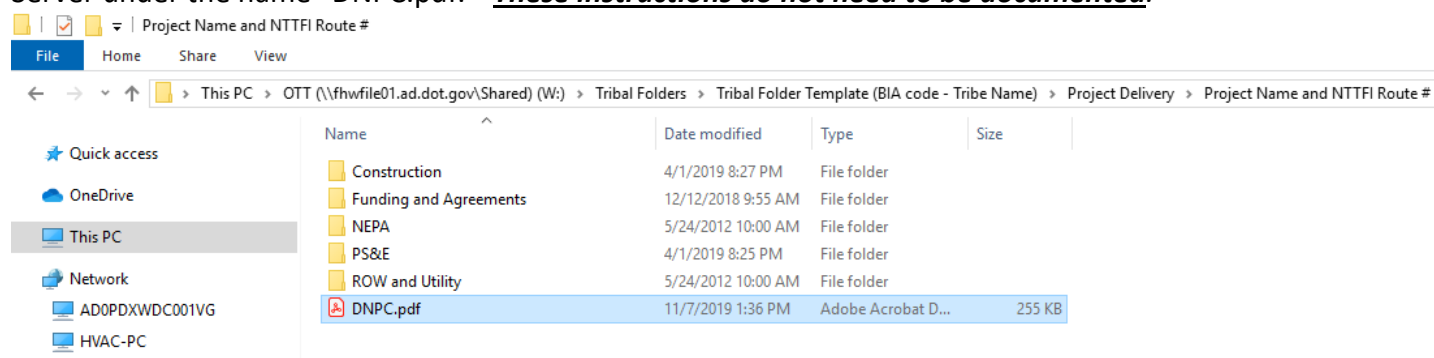
(The field number below correspond to the numbered boxes on the “Documents Needed Prior to Construction” Form

Purpose of the form:

This form ensures that all documents have been provided by the Tribe before the start of construction in accordance with 25 CFR 170.460 (project package documents) and Article III, Section 1.C. (PS&E Approval Authority) of the FHWA Tribal Transportation Program Agreement.

Documentation of the Form:

The completed and signed form shall be documented in Project folder in the FLH HQ Shared Server under the name “DNPC.pdf.” ***These instructions do not need to be documented.***



Heading Fields

Tribe. Provide the Tribe’s name.

Public Authority. Provide the Federal, State, county, town, or township, Indian Tribe, municipal, or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities, according to 25 CFR 170.5.

Project Name. Provide the Project Name

Field 1: PLANS, SPECIFICATIONS, AND ESTIMATES

Receipt of the Plans, Specifications, and Estimates satisfies the requirements of 25 CFR 170.460(a).

Documentation verification needed:

1. Plans are certified (stamped) by a State-licensed civil engineer, which also satisfies the requirements of 25 CFR 170.461(c).
2. Specifications are certified (stamped) by a State-licensed civil engineer, which also satisfies the requirements of 25 CFR 170.461(c).
3. Engineer’s Estimate showing bid items, units, and unit prices.

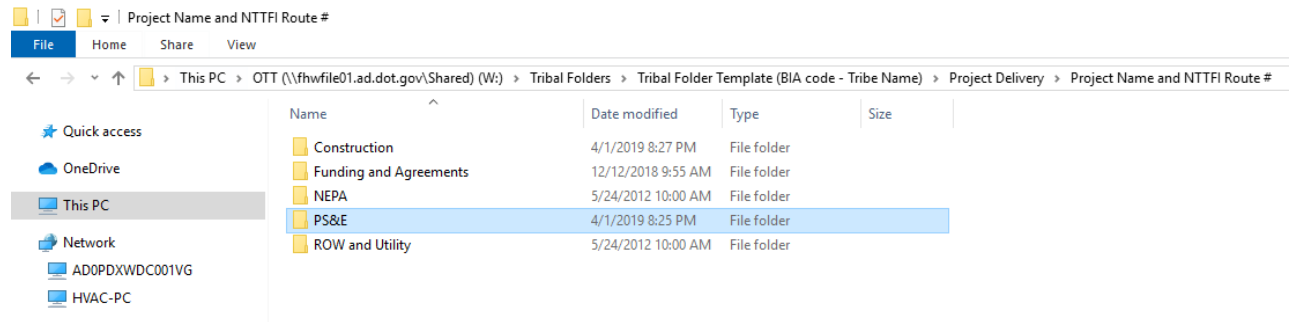
Note: According to 25 CFR 170.461, a Tribe may approve plans, specifications, and estimates if the Indian Tribal government:

- (a) *Provides assurances in the contract or [Program] agreement that the construction will meet or exceed applicable health and safety standards. In Article III, Section 1.C(1)(a) the Tribe provides their assurance by*

signing the FHWA Program Agreement.

- (b) Obtains advance review of the plans and specifications from a State-licensed civil engineer that has certified the plans and specifications meet or exceed the applicable health and safety standards. This is addressed through the state-licensed civil engineer certifying (stamping) the plans.
- (c) Provides a copy of the certification under paragraph (a) of this section to the...Department of Transportation; and
- (d) Provides a copy of 25 CFR 170.460 (project package) to...FHWA before the start of construction.

Documentation of the files will be in the “PS&E” folder in the FLH HQ Shared Server.



Fill in the date the document was received.

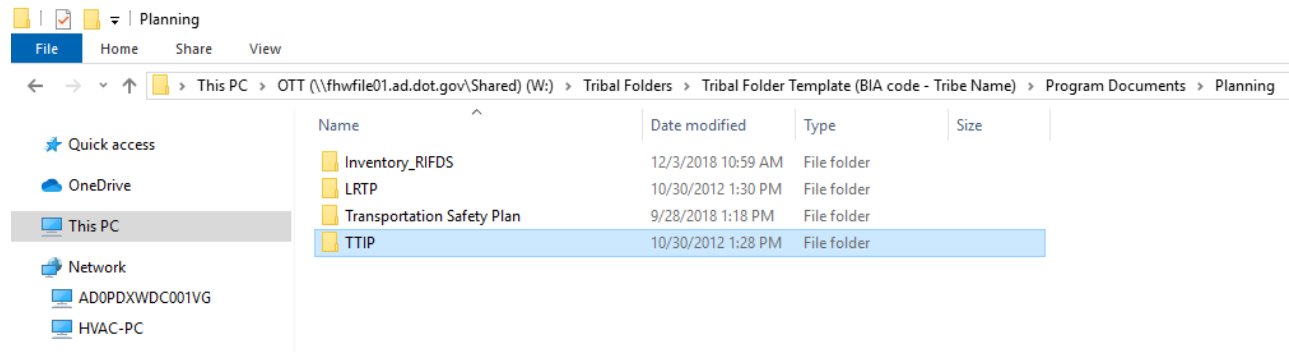
Field 2: TRIBAL RESOLUTION OR OTHER AUTHORIZED DOCUMENT SUPPORTING THE PROJECT

The Self-Certification and/or Tribal Resolution accompanying the current FHWA-approved TTIP satisfies the requirements of 25 CFR 170.460(b).

Documentation verification needed:

1. The project is included in the current FHWA-Approved TTIP
2. The project facility, as applicable, is included in the National Tribal Transportation Facility Inventory

Documentation of the files will be maintained in the “TTIP” folder in the FLH HQ Shared Server.



Fill in the first Fiscal Year that the current FHWA-approved TTIP has been approved for.

Field 3: CERTIFICATION OF COMPLIANCE WITH THE REQUIREMENTS OF 25 CFR PART 169, AS WELL AS ANY ADDITIONAL PUBLIC TAKING DOCUMENTATION CLEARANCES, IF APPLICABLE

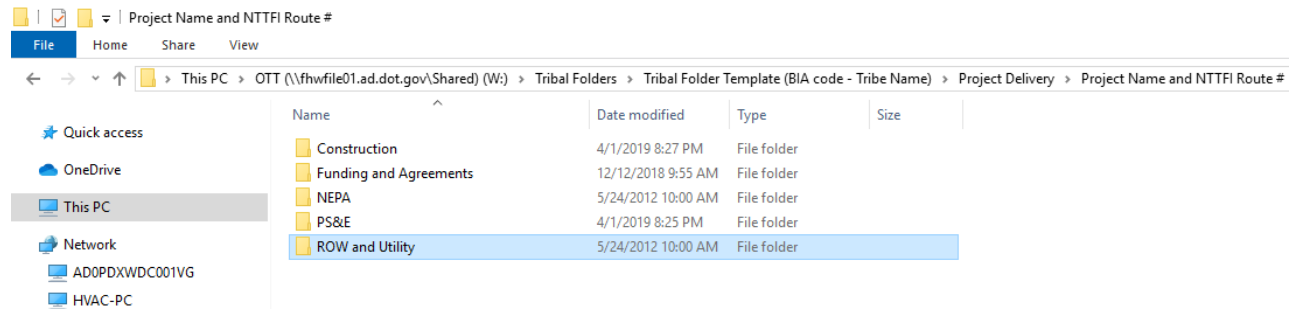
Receipt of the right-of-way certification satisfies the requirements of 25 CFR 170.460(c).

Documentation verification needed:

1. Right-of-way certification signed by the Tribe or authorized designee. Documentation of

the packet from BIA Region is also acceptable. If no Right-of-Way was needed to be acquired, there should also be a certification document stating that no Right-of-Way was needed to be acquired.

Documentation of the files will be maintained in the “ROW and Utility” folder in the FLH HQ Shared Server.



Fill in the date the document was received.

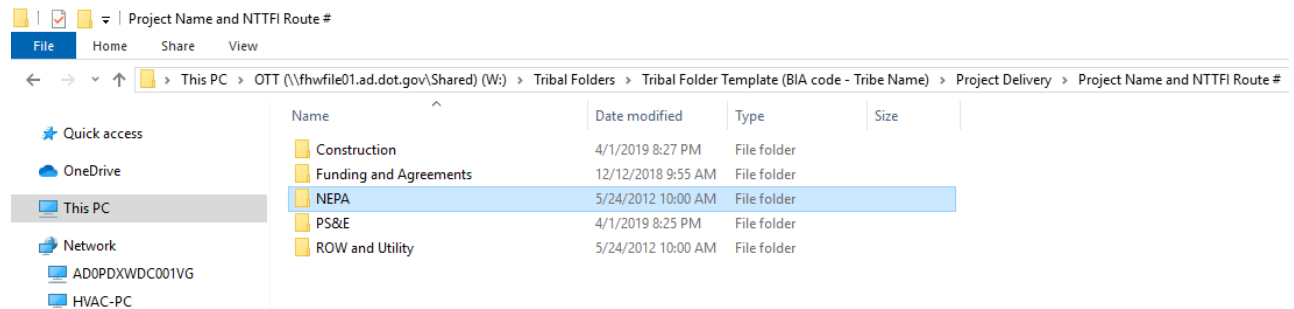
Field 4: REQUIRED ENVIRONMENTAL, ARCHEOLOGICAL, AND CULTURAL CLEARANCES

Documentation of the TTP Environmental Checklist signed by the Tribe and FHWA satisfies the requirements of 25 CFR 170.460(d).

Documentation verification needed:

1. TTP Environmental Checklist signed by the Tribe and FHWA.

Documentation of the files will be maintained in the “NEPA” folder in the FLH HQ Shared Server.



Fill in the date the document was signed by FHWA.

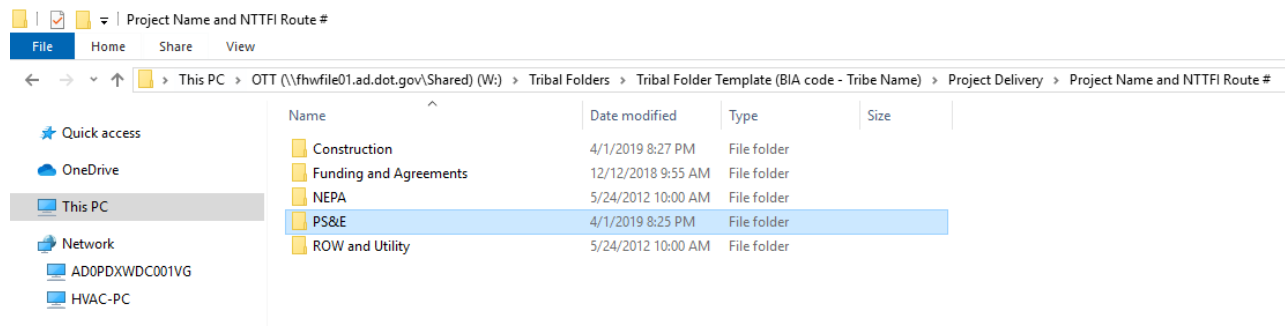
Field 5: IDENTIFICATION OF DESIGN EXCEPTIONS IF USED IN THE PLANS

Documentation of the design exceptions, if used, satisfies the requirements of 25 CFR 170.460(e). If design exceptions are not identified, it is assumed that the State-licensed civil engineer ensures that there are no design exceptions by certifying (stamping) the plans and specifications.

Documentation verification needed:

1. Design exceptions signed and approved by FHWA, if used.

Documentation of the files will be in the “PS&E” folder in the FLH HQ Shared Server.



Fill in the date the design exception was signed by FHWA or;
Fill in the date with an “N/A” if no design exceptions were identified.

Field 6: TRIBE’S CERTIFICATION THAT THE PUBLIC AUTHORITY, OTHER THAN THE TRIBE OR BIA, WAS AFFORDED AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PS&E

Documentation of the Tribe’s Certification that the public authority, other than the Tribe or BIA, was afforded an opportunity to review and comment on the PS&E satisfies the requirements outlined in Article III, Section 1.C. of the FHWA Tribal Transportation Program Agreement.

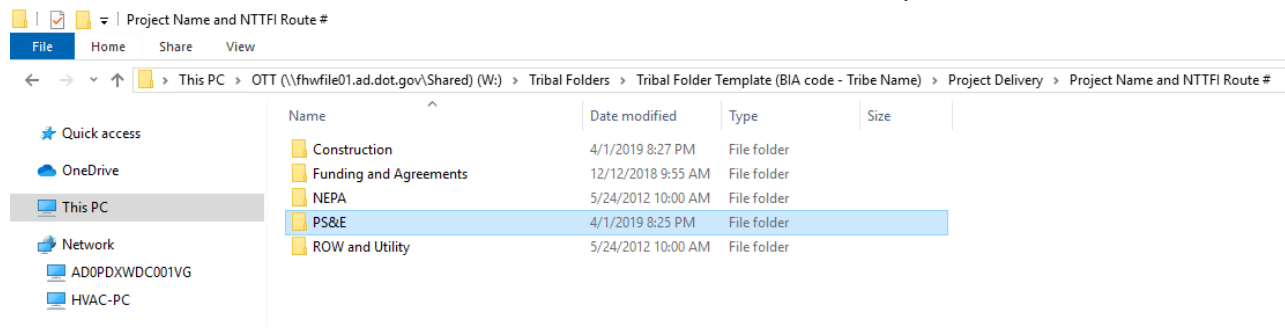
The requirements outlined states that the Tribe agrees to (a) provide the public authority an opportunity to review and comment on the Tribe’s PS&E package when it is between 75 and 95 percent complete, unless an agreement between the Tribe and the public authority states otherwise; and (b) allow the public authority at least 30 days for review and comment on the PS&E package, unless the Tribe and the public authority agree upon a longer period of time.

25 CFR 170.5 defines a Public Authority as a Federal, State, county, town, or township, Indian Tribe, municipal, or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

Documentation verification needed:

1. If the Public Authority, in the header, is not the Tribe or BIA, a certification is required by the Tribe.

Documentation of the files will be in the “PS&E” folder in the FLH HQ Shared Server.



Fill in the date the certification was received or;
Fill in the date with an “N/A” if no certification is required.

Field 7: FHWA TRIBAL COORDINATOR PROVIDES COPY OF PROJECT PACKAGE TO BIA ON BIA-OWNED FACILITIES (INTERNAL POLICY)

When a project is being constructed on a BIA owned facility, the FHWA Tribal Coordinator will

send the project package document to the appropriate Regional Road Engineer.

Fill in the date the project package was sent to the Regional Road Engineer or;
Fill in the date with an "N/A" if BIA is not the facility owner.



Documents Needed Prior to Construction

Tribe:

Public Authority:

Project Name:

Document	Date
25 CFR 170.460 Requirements (Project Package)	
1. Plans, specifications, and estimates <i>(25 CFR 170.460(a))</i>	
a. Plans (stamped)	
b. Specifications (stamped)	
c. Engineer's Estimate	
2. Tribal resolution or other authorized document supporting the project. <i>(25 CFR 170.460(b))</i>	
3. Certification of compliance with the requirements of 25 CFR part 169, as well as any additional public taking documentation clearances, if applicable. <i>(25 CFR 170.460(c))</i>	
4. Required environmental, archeological, and cultural clearances. <i>(25 CFR 170.460(d))</i>	
5. Identification of design exceptions if used in the plans. <i>(25 CFR 170.460(e))</i>	
Tribal Transportation Program Agreement Requirement	
6. Tribe's certification that the Public Authority, other than the Tribe or BIA, was afforded an opportunity to review and comment on the PS&E. <i>(FHWA Tribal Transportation Program Agreement Article III, Section 1.C)</i>	
BIA-owned Facilities	
7. FHWA Tribal Coordinator provides a copy of project package to BIA.	
FHWA Tribal Coordinator Signature:	Date: