

Tribal Transportation Program (TTP) - Bridge Program Questions and Answers (Q&As)

The Q&As provide guidance on the TTP Bridge Program funds under the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58, also known as the “Bipartisan Infrastructure Law” (BIL)).

Updated June 7, 2022

Except for any statutes or regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind Tribes or the public in any way. This document is intended only to provide clarity regarding existing requirements under the law or agency policies.

Tribal Transportation Bridge Program Overview

1. What is the TTP Bridge Program?

The Tribal Transportation Program (TTP) Bridge Program provides funds to Federally recognized Indian tribes in order to improve the condition of eligible Bureau of Indian Affairs (BIA)/tribally owned and non-BIA/tribally owned bridges. Federally recognized Indian tribes (see link below) may submit an application at any time for eligible tribal transportation bridges for funding for various activities including planning, design, engineering, preconstruction, construction, and inspection.

<https://www.federalregister.gov/documents/2022/01/28/2022-01789/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>

The TTP Bridge Program consists of the implementation of the eligible activities under 23 U.S.C. 202(d).

2. Where can I find additional information about the TTP Bridge Program?

TTP Bridge website: <https://highways.dot.gov/federal-lands/programs-tribal/bridge>

3. Where can I find the statutory and regulatory language for the TTP Bridge Program?

The TTP Bridge Program is authorized at 23 U.S.C. 202 and implementing regulations at 23 CFR part 661, and 25 CFR part 170.

4. Did BIL make any changes to the TTP Bridge Program?

Yes. BIL modified 23 U.S.C. 202(d) to update outdated terminology and broaden eligibility with respect to new bridges. Also, BIL eliminated the 3 percent set aside from the TTP (23 U.S.C. 202) and, instead, sets aside funding for the TTP Bridge Program

from other authorized or appropriated programs.

5. How will the TTP Bridge Program be administered?

FHWA wants to make it as easy as possible for Tribes to apply for and receive funding to fix bridges, so although the funding sources come from different programs, all available funds will be administered pursuant to the regulations at 23 CFR part 661.

Tribal Transportation Bridge Program Funding

6. What are the dedicated funding sources for the TTP Bridge Program?

Three programs include set asides for the TTP Bridge Program:

- (1) The Bridge Formula Program (BFP), sets aside 3 percent of the BFP amounts each fiscal year to carry out the TTP Bridge Program.
- (2) The Bridge Investment Program (BIP) authorizes funds from the Highway Trust Fund (HTF) for the BIP for each of FY 2022 through FY 2026. Of these amounts, 23 U.S.C. 124(q) specifies that certain amounts from the HTF amounts are set-aside for the TTP Bridge Program.
- (3) The BIP sets aside certain amounts each fiscal year from the BIP General Fund appropriations to carry out the TTP Bridge Program.

The BIL established the BFP under Title VIII of Division J. BIL 11118 codified BIP at 23 U.S.C. 124; BIL 11101 authorized amounts from the HTF, and Division J set aside amounts from the BIP appropriated General Fund amounts.

7. What are the periods of availability for the obligation and expenditure of the available funds?

7a. TTP Bridge Program Funds from the BFP Set-aside

TTP Bridge Program funds from the BFP set-aside, \$165,000,000 for each of FY22 through FY26, will remain available for obligation and expenditure as follows:

| Fiscal Year | Period of Availability for | |
|-------------|-----------------------------|------------------------------|
| | Obligation and Expenditure | Expenditure |
| 2022 | Lapse on September 30, 2025 | Cancel on September 30, 2030 |
| 2023 | Lapse on September 30, 2026 | Cancel on September 30, 2031 |
| 2024 | Lapse on September 30, 2027 | Cancel on September 30, 2032 |
| 2025 | Lapse on September 30, 2028 | Cancel on September 30, 2033 |
| 2026 | Lapse on September 30, 2029 | Cancel on September 30, 2034 |

The BFP funds will be used first. Any such amounts not obligated within the period of availability for obligation shall lapse. Once the period of availability for obligation has

expired, TTP Bridge Program funds will only remain available for adjusting and liquidating obligations as authorized in accordance with 31 U.S.C. 1553.

7b. TTP Bridge Program Funds from the BIP Set-aside

The BIP funds are different than the BFP funds since there is both appropriated budget authority from the General Fund and contract authority from the Highway Trust Fund.

TTP Bridge Program funds that are appropriated budget authority from the BIP set-aside, \$20,000,000 for each of FY22 through FY26 will remain available for obligation and expenditure as follows:

| Fiscal Year | Period of Availability for | |
|-------------|-----------------------------|------------------------------|
| | Obligation and Expenditure | Expenditure |
| 2022 | Lapse on September 30, 2025 | Cancel on September 30, 2030 |
| 2023 | Lapse on September 30, 2026 | Cancel on September 30, 2031 |
| 2024 | Lapse on September 30, 2027 | Cancel on September 30, 2032 |
| 2025 | Lapse on September 30, 2028 | Cancel on September 30, 2033 |
| 2026 | Lapse on September 30, 2029 | Cancel on September 30, 2034 |

Any such amounts not obligated within the period of availability for obligation shall lapse. Once the period of availability for obligation has expired, such TTP Bridge Program funds will only remain available for adjusting and liquidating obligations as authorized in accordance with 31 U.S.C. 1553.

TTP Bridge Program funds that are contract authority from the BIP set-aside would not lapse until September 30, 2029, at the earliest, following a first-in first-out schedule for obligations. See [Memorandum: Funds Availability and Reobligating Expired Funds - Resources | Federal Highway Administration \(dot.gov\)](#).

Tribal Transportation Bridge Program Eligibility

8. What kinds of bridges are eligible for this funding?

For bridge replacement or rehabilitation:

Eligible bridges are required to:

- (a) have an opening of 20 feet or more;
- (b) be classified as a Tribal transportation facility;
- (c) be classified as in poor condition, have low load capacity, or need geometric improvements; and
- (d) be recorded in the National Bridge Inventory (NBI) maintained by the FHWA.

For new bridge construction:

Eligible bridges are required to be:

- (a) classified as a Tribal transportation facility;

- (b) a public bridge with opening of 20 feet or more; and
- (c) recorded in the NBI after project completion.

These eligibilities are provided for in 23 U.S.C. 202(d)(3) as modified by Section 11524(c) of the BIL and 23 CFR 661.17.

9. What are the eligible activities for TTP Bridge Program funds?

The eligible activities are:

- (A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges;
- (B) to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or
- (C) to implement any countermeasure for tribal transportation facility bridges classified as in poor condition, having a low load capacity, or needing highway geometric improvements, including multiple-pipe culverts.

These eligibilities are provided for in 23 U.S.C. 202(d)(2).

10. With the elimination of the 3 percent set aside of TTP Section 202 funds, may Tribes use their respective Tribal TTP shares of TTP Section 202 funds for bridge activities that are eligible under 23 U.S.C. 202(d)?

Yes. Tribes can continue to use their Tribal TTP shares for bridges, because all of the activities specified under 23 U.S.C. 202(d) continue to be eligible TTP activities. Each Tribe can decide for itself how to use their Tribal shares for eligible activities. There is no longer a requirement to set-aside a portion of the TTP for the TTP Bridge program.

Tribal shares are determined by using the National Tribal Transportation Facility Inventory (NTTFI) as calculated for FY12, and the most recent data on American Indian and Alaska Native population within each Tribe's Reservation or Statistical Area, as computed under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

How to Apply for Tribal Transportation Bridge Program Funding

11. What are the application processes for submitting a bridge application?

Any time during the fiscal year, a Tribe may prepare and submit to the BIA Region or FHWA Tribal Coordinator (TC) an application package to request TTP Bridge Program funding. The BIA Region or FHWA TC will assist the Tribe in preparing the application package, review the Tribe's submittal and resolve any issues with the Tribe.

For Tribes with FHWA Program Agreements¹, the FHWA TC will submit the completed bridge application package directly to the TTP Bridge Program Manager at the Federal Lands Highway/Office of Tribal Transportation (OTT) for review of the application.

For Tribes who have not entered into Program Agreements with FHWA and who are working directly with the BIA, the BIA Region will submit the completed bridge application package to the BIA Bridge Program Manager for review. Upon review and resolution of any issues with the bridge application, BIA will submit the completed bridge application package directly to the TTP Bridge Program Manager at OTT for further processing and consideration.

12. What does a complete application package for preliminary engineering (PE) consist of and how does the proposed project receive funding?

A complete application package for PE consists of:

- (a) the TTP Bridge Program certification checklist²;
- (b) an FHWA approved TTP Tribal Transportation Improvement Program (TTIP);
- (c) a description of the project scope of work;
- (d) detailed cost estimate for PE;
- (e) NBI data sheet; and

¹ 23 U.S.C. § 202(a)(2) authorizes Indian Tribal governments to enter into a Tribal Transportation Program Agreement (TTPA) with the Secretary of Transportation to carry out their transportation program and projects. This gives Tribes the option of working directly with FHWA in the administration of their Tribal Transportation Program rather than having to go through the BIA. The TTPA allows Tribes to assume all the functions and duties that the BIA who would have performed with respect to a program or project under Chapter 2 of Title 23, except those federally inherent functions.

² The TTP Bridge Program certification checklist can be found in Appendix B, Exhibit 12.2 of the TTP Program Delivery Guide found here: <https://flh.fhwa.dot.gov/other/documents/ott/ttp-delivery-guide.pdf>.

- (f) an acknowledgment by the Tribe of the project specific funding requirements and that any excess funds will be returned to FHWA for further distribution.

Once determined to be complete, applications are then placed into a bridge PE application queue. Funding for approved eligible projects in the bridge application queues will be made available to the Tribes, under an FHWA/Tribal agreement, or the Secretary of the Interior upon availability of program funding at FHWA.

For non-Bureau of Indian Affairs (BIA)/non-Tribal TTP bridge projects funded under the TTP Bridge Program, the application package must also include a Tribal resolution supporting the project.

These requirements are provided for in 23 CFR 661.25.

13. What does a complete application package for construction consist of and how does the proposed project receive funding?

A complete application package for construction consists of:

- (a) a copy of the approved plans, specifications, and estimate (PS&E);
- (b) the TTP Bridge Program certification checklist;
- (c) NBI data sheet;
- (d) an FHWA approved TTP Tribal Transportation Improvement Program (TTIP);
- (e) all environmental and archeological clearances and complete grants of public rights-of-way that must be acquired prior to submittal of the construction application package; and
- (f) an acknowledgment by the Tribe of the project specific funding requirements and that any excess funds will be returned to FHWA for further distribution.

Once determined to be complete, applications are then placed into a bridge construction application queue. Funding for the approved eligible projects in the bridge construction application queues will be made available to the Tribes, under an FHWA/Tribal agreement, or the Secretary of the Interior upon availability of program funding at FHWA.

For non-BIA/non-Tribal TTP bridge projects funded under the TTP Bridge Program, the application package must also include a copy of a letter from the bridge's owner approving the project and its PS&E, and a Tribal resolution supporting the project.

These requirements are provided for in 23 CFR 661.27.

Tribal Transportation Bridge Program Bicyclist and Pedestrian Considerations

14. What are the requirements for accommodation for bicyclists and pedestrians?

TTP Bridge Program funding is subject to requirements for accommodations for bicycle transportation and pedestrian walkways pursuant to 23 U.S.C. 217(e). Under this provision, all projects with Federal financial participation that replace or rehabilitate a TTP eligible bridge deck are required to provide safe accommodation of bicyclists or pedestrians, as applicable, on the bridge, when both of the following conditions are met: (1) the bridge is located on a highway on which bicyclists or pedestrians are allowed to operate at each end of the bridge, and (2) FHWA determines that safe accommodation can be provided at reasonable cost.

The first step in this process is to assess whether the bridge is located on a highway on which pedestrians or bicyclists are allowed to operate at each end of the bridge. If that is the case, in making a determination as to whether safe accommodation can be provided at a reasonable cost FHWA will rely on its bicycle and pedestrian travel accommodation policy (https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design.cfm); FHWA will presume, that safe accommodation for bicyclists and pedestrians can be provided at reasonable cost for all TTP Bridge projects absent an affirmative showing by the project sponsor that the cost of such accommodation would exceed twenty percent of the cost of the larger transportation project. For instances where such accommodation exceeds twenty percent, the addition of bicyclist and pedestrian accommodation is not required, but FHWA encourages Tribes to consider providing for such accommodation.