## **Allowable Uses of TTP Funds**

Determining Eligibility and Allowable Uses of Tribal Transportation Funds

### **Topics**

- Applicable Statutes & Regulations
- Allowable Costs
- Eligibility
- Non-typical Examples

### **TTP Statutes & Regulations**

- 23 U.S. Code § 202 Tribal transportation program
- 23 CFR Part 661 IRR Bridge Program
- Any provision of Title 23 U.S.C.
- 25 CFR Part 170 Tribal Transportation Program
- Tribe's TTP Contracts or Agreements
- 25 CFR 900
- 2 CFR 200





### **Known Allowable Costs**

- 1. Appendix A to Subpart B Allowable Uses of TTP Funds
- 2. Appendix to Subpart G List of Eligible Maintenance Activities under the TTP.
- 3. Activity listed under Title 23?
- 4. If any questions, work with your Agency Point of Contact.



# POP QUIZ

### § 170.112 What activities are not eligible for TTP funding?

TTP funds cannot be used for any of the following:

- (a) Structures and erosion protection unrelated to transportation and roadways;
- (b) General or Tribal planning not involving transportation;
- (c) Landscaping and irrigation systems not involving transportation programs and projects;
- (d) Work or activities that are not listed on an FHWA-approved TTPTIP;



# **Eligibility: 25 CFR 170.111**

25 CFR 170.111 What activities may be carried out using TTP funds?

TTP funds will be used to pay the cost of items identified in USC 202(a)(1). A more detailed list of eligible activities is available in appendix A to this subpart. Each of the items identified in this appendix must be interpreted in a manner that permits, rather than prohibits, a proposed use of funds.





### **Eligibility: 25 CFR 170.112**

### 170.112 What activities are not eligible for TTP funding?

TTP funds cannot be used for any of the following:

- a) Structures and erosion protection unrelated to transportation and roadways;
- b) General or Tribal planning not involving transportation;
- c) Landscaping and irrigation systems not involving transportation programs and projects;
- d) Work or activities that are not listed on an FHWA-approved TTPTIP;
- e) Condemnation of land for recreational trails;
- f) Salaries and/or other incidental costs of any Federal employee or contractor not performing Federal TTP stewardship and oversight, work identified in the appendix to subpart E, or project-related activities identified on an approved TTIP; or
- g) Direct and/or incidental costs associated with the Federal Government's acquisition of goods, services, or construction unrelated to the program.



# Eligibility: 23 USC 202(a)(1)(A)

- (i) transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;
- (ii) adjacent vehicular parking areas;
- (iii) interpretive signage;
- (iv) acquisition of necessary scenic easements and scenic or historic sites;
- (v) provisions for pedestrians and bicycles;
- (vi) environmental mitigation in or adjacent to tribal land
- (I)to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
- (II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
- (vii) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
- (viii) other appropriate public road facilities as determined by the Secretary;

# Eligibility: 23 USC 202(a)(1)(B)&(C)

- **(B)** operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government; and
- **(C)** any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government

### **Eligibility: 25 CFR 170.5**

Tribal transportation facility means a public highway, road, bridge, trail, transit system, or other approved facility that is located on or provides access to Tribal land and appears on the NTTFI described in 23 U.S.C. 202.

### Eligibility: 25 CFR 170.410 & .414

# 170.410 How does a long-range transportation plan relate to the NTTFI?

A LRTP is developed using a uniform process that identifies the transportation needs and priorities of a Tribe. The NTTFI (see § 170.442) is derived from transportation facilities identified through an LRTP. It is also a means for identifying projects and activities for the TTP.

# 170.414 How is the Tribal long-range transportation plan used and updated?

The Tribal government uses its TTP long-range transportation plan to develop transportation projects as documented in a Tribal priority list or TTIP and to identify and justify the Tribe's updates to the NTTFI...



# **Eligibility: Key Criteria**

- 1. Transportation-related
- 2. Public Facility
- 3. On the NTTFI
- 4. On an approved TTIP
- 5. On your LRTP



### **New Uses of TTP Funds**

25 CFR 170.113 How can a Tribe determine whether a new use of funds is allowable?

- (a) 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.
- (1) In cases involving eligibility questions that refer to 25 U.S.C., BIA will determine whether the new proposed use of TTP funds is allowable and provide a written response to the requesting Tribe within 45 days of receiving the written inquiry. Tribes may appeal a denial of a proposed use by BIA under 25 CFR part 2 ...
- (2) In cases involving eligibility questions that refer to the TTP or 23 U.S.C., BIA will refer an inquiry to FHWA for decision. FHWA must provide a written response to the requesting Tribe within 45 days of receiving the written inquiry from the Tribe. Tribes may appeal denials of a proposed use by the FHWA...

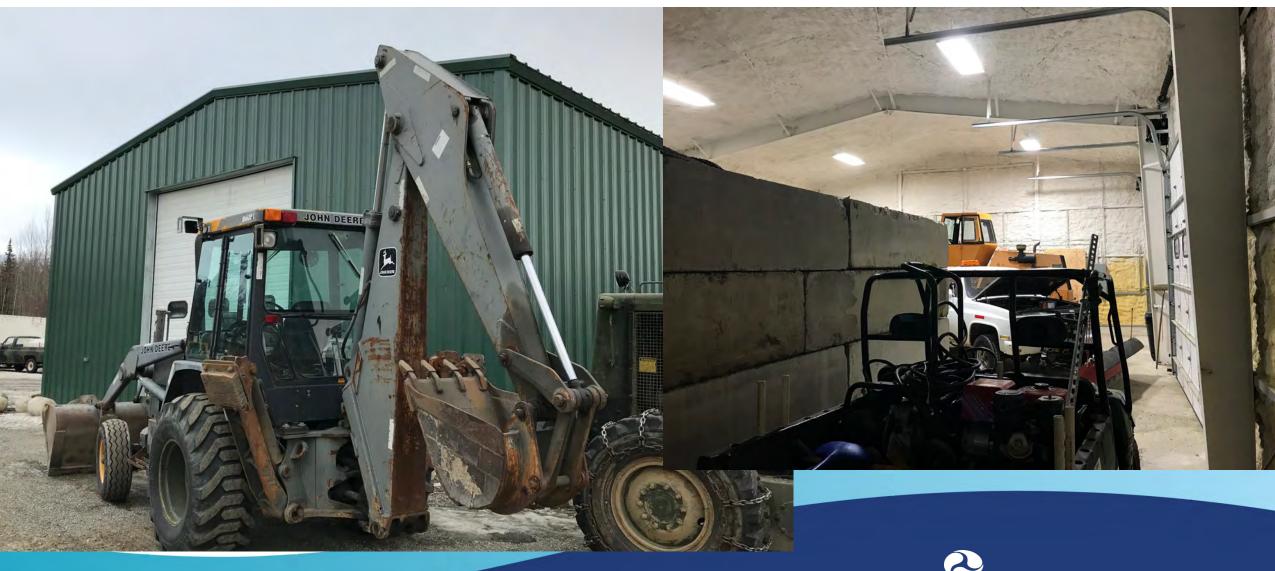
### **New Uses of TTP Funds**

- 25 CFR 170.113 (continued)
- (b) To the extent practical, the deciding agency must consult with the TTP Coordinating Committee before denying a request.
- (c) BIA and FHWA will:
- (1) Send copies of all eligibility determinations to the TTP Coordinating Committee and BIA Regional offices;
- (2) Coordinate all responses and if the requested agency fails to issue a decision to the requesting Tribe within the required time, the proposed use will be deemed to be allowable for that specific project; and
- (3) Promptly make any final determination available on agency Web sites.





### **Administrative**



U.S. Department of Transportation

Federal Highway Administration





# Pedestrian Trails



U.S. Department of Transportation

Federal Highway Administration



### **Ice Road Construction & Maintenance**





# **Boat Ramps, Piers**

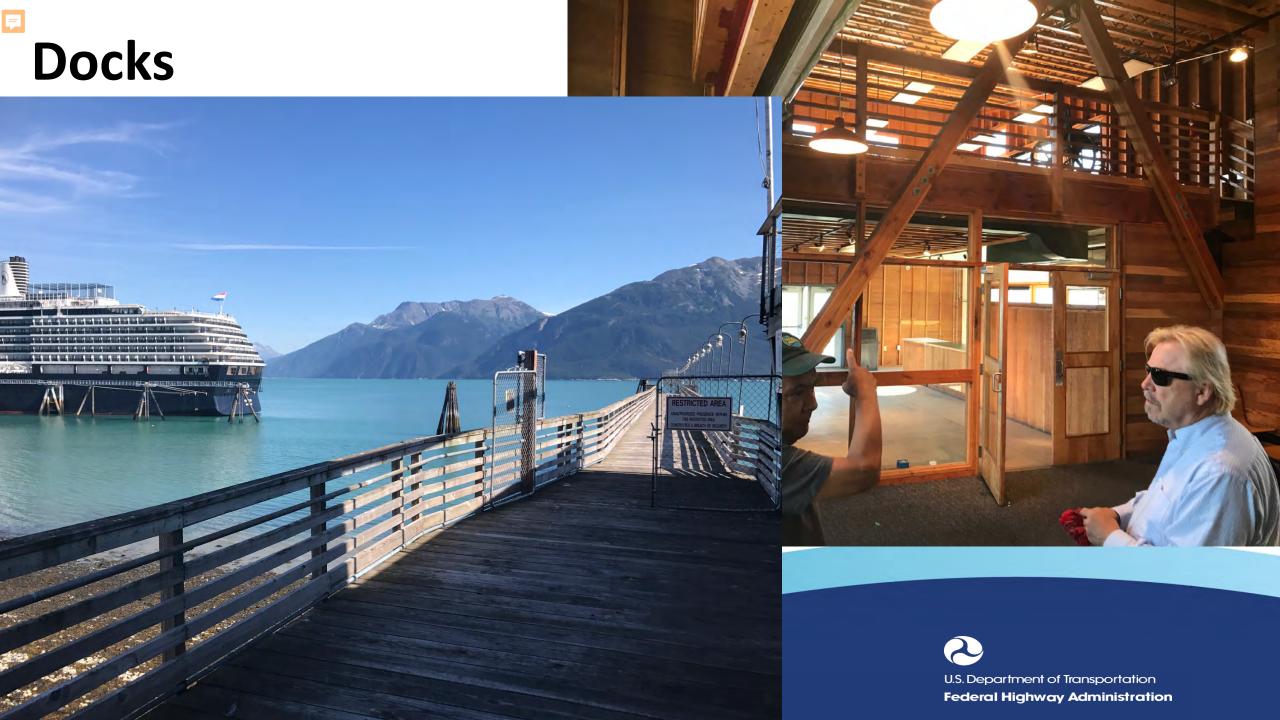








U.S. Department of Transportation Federal Highway Administration



# TRIBAL TRANSPORTATION **PROGRAM** ONLINE REPORTING TOOL





April 15, 2020



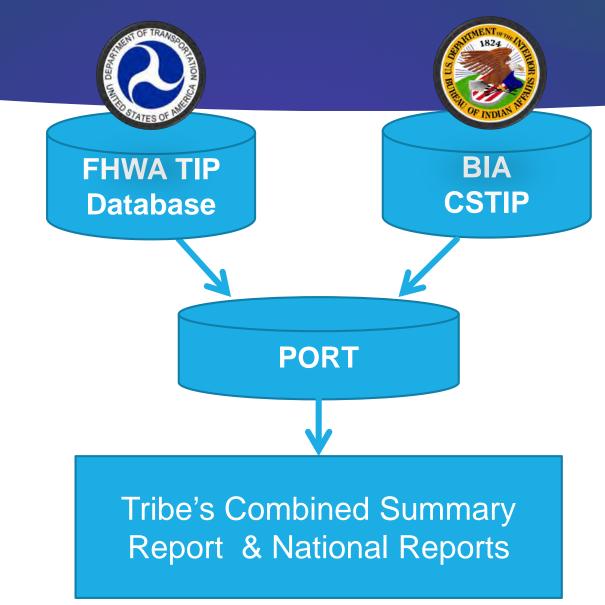
### Program Online Reporting Tool

Fixing America's Surface Transportation Act (FAST Act) mandated annual collection of TTP project and activity data, including jobs created and retained.

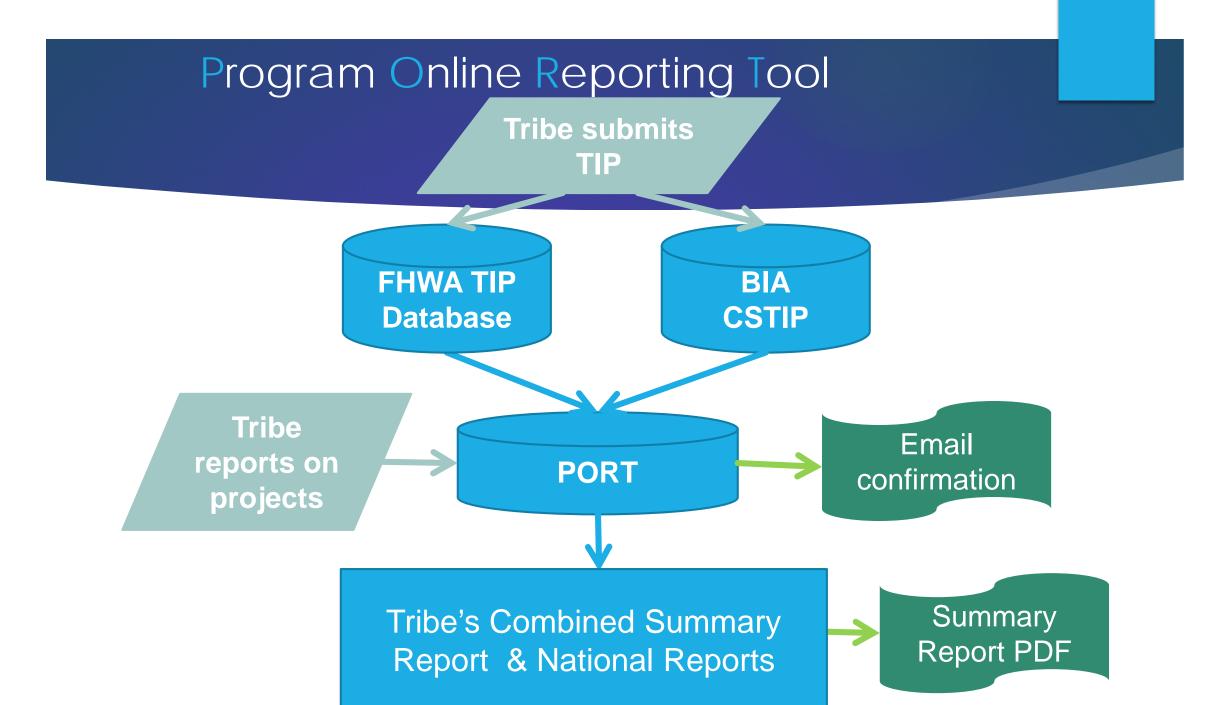
23 U.S.C. § 201(c)(6)(C)



### Program Online Reporting Tool









### Program Online Reporting Tool

► Financial Report \*REQUIRED

- ► Non-construction Activities Report \*REQUIRED
  - Jobs, Safety, Transit, Administration, Maintenance, and Planning

- Project Reports
  - Only required for ACTIVE projects



### Overview Guide for the Tribal Transportation Program Online Reporting Tool (PORT)

The following document is a pdf version of the online reports, intended to help familiarize you with the Tribal Transportation Program Online Reporting Tool (PORT), including the reporting keychain you'll receive and PORT reports to be completed. Much effort has been made to make questions within the reports clear and concise. Blue text has been added within this document to provide clarification where possible. Should you have any additional questions or seek further clarification, please visit the FAQ page at https://survey.max.gov/162274 or contact your FHWA or BIA point of contact.



flh.fhwa.dot.gov/programs/ttp/port



### PORT FAQ- Frequently Asked Questions

### Available at <a href="mailto:surveys.max.gov/162274">surveys.max.gov/162274</a>

### General questions addressed :

- What is a "reporting keychain"?
- How can I obtain a copy of my reporting keychain links?
- What fiscal year am I reporting on?
- What reporting period do I select?
- What is a Federal funding mechanism?
- What Federal transportation funds am I reporting on?
- What happens when a report is submitted?
- How do I update my Tribe's information?
- I submitted my report but discovered changes that need to be made?
- Why is there already information within my report?
- Why isn't my reporting link working?



# PORT FAQ Submit questions at <a href="mailto:survey.max.gov/162274">survey.max.gov/162274</a>

Please provide your contact information so that we may respond to your question. If you are providing feedback this is optional.  Employer  Name  Phone  Email  If possible, please provide a screenshot if your question is concerning an error you recieved while using PORT.	*Act a many averaging as manyida foodbaat have		
Please provide your contact information so that we may respond to your question. If you are providing feedback this is optional.  Employer  Name  Phone  Email	*Ask a new question or provide feedback here		
Employer  Name  Phone  Email			
Name Phone Email	Please provide your contact information so that we may respond to your question. If you are providing feedback this is optional.		
Phone Email	Employer		
Email	Name		
	Phone		
If possible, please provide a screenshot if your question is concerning an error you recieved while using PORT.	Email		
If possible, please provide a screenshot if your question is concerning an error you recieved while using PORT.			
, ., .			
Please upload at most 3 files			
<u>Upload files</u>			

### **KEYCHAIN: Summary of Projects**



### Tribal Transportation Program Reporting Keychain

### **FHWA PORT Test**

Tribe's Proje

Click on the blue text below to access the coresponding page in the TTP Online Reporti necessary to report on projects that were active during the reporting period.

Additional information can be found in the PORT Overview Guide and the frequently a

### **Required Reports**

Financial Report

Non-Construction Activity Report (Jobs, Safety, Transit, Admin, tration, Maintenance,

#### Project Reports (Required for all active projects)

Project Name

Project 1

Project 2 - Ft Vancouver Sidewalks

Report on a Project Not Listed Above (Extra No. 1)

Report on a Project Not Listed Above (Extra No. 2)

Report on a Project Not Listed Above (Extra No. 3)

Report on a Project Not Listed Above (Extra No. 4)

Report on a Project Not Listed Above (Extra No. 5)

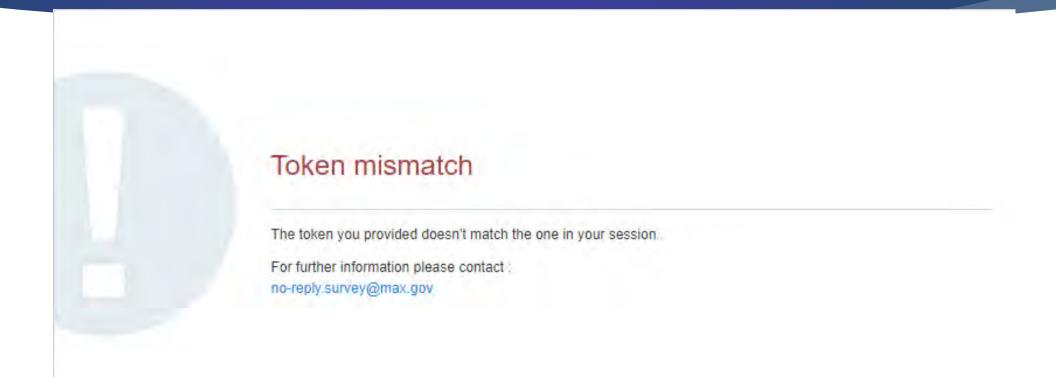
Financial Report and Non-Construction Activity Report will appear on every keychain.

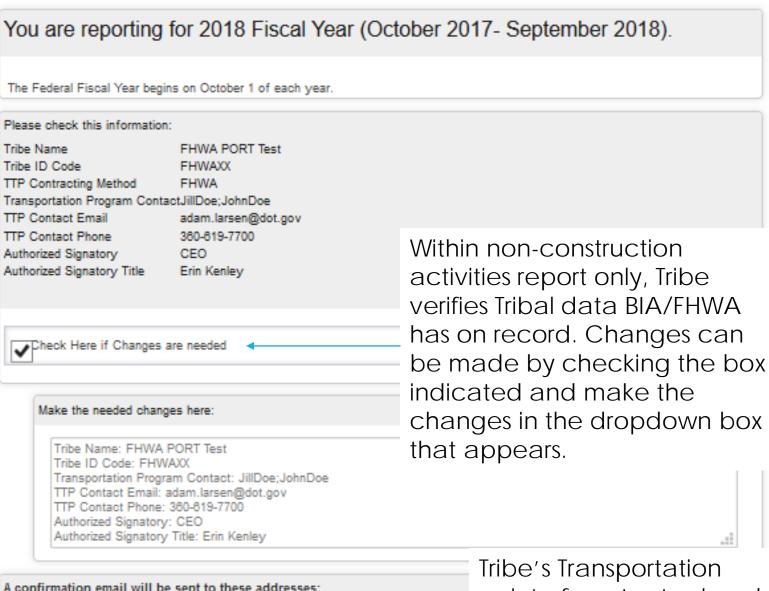
The number of projects on a Tribal TIP determines number of project report links. Reports only need to be completed for active projects.

5 additional project report links for projects that weren't included in TIP or don't appear on keychain.



### Redirect





A confirmation email will be sent to these addresses:
adam.larsen@dot.gov;503capri@gmail.com;;;danny.capri@dot.gov
If an additional email address should receive a copy, please enter it here:

Tribe's Transportation point of contacts already entered. Only one additional email address can be entered here.

35



### \*2.b. Amount of TTP Funds EXPENDED during reporting period

Enter the total amount of only TTP Funds (TTP includes TTP tribal shares, TTP 2% Planning, TTP Safety Fund, and TTP Bridge Program) expended during this reporting period, regardless of the year TTP funds were received through a Tribal Transportation funding mechanism, such as a Referenced Funding Agreement (RFA). (Do not include FTA Transit funds or BIA Road Maintenance Program funds.)

This amount will equal the amount in 2a if the Tribe only expended TTP funds.

Note: When entering amounts, do not use commas.

This includes only the TTP funds spent during the fiscal year of reporting.

### \*1. Amount of Federal Transportation Funds RECEIVED during reporting period

Enter the total amount of Federal transportation funds (TTP, ERFO, & other Highway Funds) routed to the Tribe during the reporting period through a Referenced Funding Agreement (RFA).

(Do not include FTA Transit funds or BIA Road Maintenance Program funds.)

Note: When entering amounts, do not use commas.

This would include all funds transmitted from FHWA during the fiscal year of reporting.

#### \*2.a. Amount of Federal transportation funds EXPENDED during reporting period

Enter the total amount of Federal transportation funds (TTP, ERFO, & other Highway Funds) expended during this reporting period, regardless of the year the funds were received through a Referenced Funding Agreement (RFA).

(Do not include FTA Transit funds or BIA Road Maintenance Program funds.)

Note: When entering amounts, do not use commas.

This includes all funds spent during the fiscal year of reporting.

#### \*2.b. Amount of TTP Funds EXPENDED during reporting period

Enter the total amount of only TTP Funds (TTP includes TTP tribal shares, TTP 2% Planning, TTP Safety Fund, and TTP Bridge Program) expended during this reporting period, regardless of the year TTP funds were received through a Tribal Transportation funding mechanism, such as a Referenced Funding Agreement (RFA). (Do not include FTA Transit funds or BIA Road Maintenance Program funds.)

This amount will equal the amount in 2a if the Tribe only expended TTP funds.

Note: When entering amounts, do not use commas.

This includes only the TTP funds spent during the fiscal year of reporting.

*3a. Amount of Federal Transportation Funds expended on INDIRECT COSTS during this reporting period (if any)  Enter the amount of indirect costs collected from Federal transportation funds (TTP, ERFO, & other Highway Funds) expended this reporting period.  Include this amount under 2.a and 2.b above.  Note: When entering amounts, do not use commas.				
This includes all	indirect costs collected from funds transmitted from FH I year of reporting.	WA		
*3b. What indirect cost rate was applie	ed to your Federal Transportation Funds?			
① Choose one of the following answers	This is the indirect cost rate type applied to Federal fu	ınds.		
0%, no indirect cost rate used				
10% de minimis				
Approved Indirect Cost Rate				
*3c. What approved indirect cost rate	was applied to your Federal Transportation Funds?	Ç->		
Only numbers may be entered in this field. Your answer must be between 0 and 100	If "Approved Indirect Cost Rate" selected in 3b, 3c appears where the rate can be entered.			
		%		

#### \*4. All Federal Transportation Funds received

Enter the total amount of Federal transportation funds (TTP, ERFO, & other Highway Funds) routed to the Tribe since signing your first FHWA Program Agreement. Include all funds that were originally shown on a Referenced Funding Agreement (RFA) with FHWA.

Note: When entering amounts, do not use commas.

This would include all Federal transportation funds received from FHWA since the Tribe signed their initial Program Agreement with FHWA.

\$ 400

#### 5. All Federal Transportation Funds Expended

Enter the total amount of Federal transportation funds (TTP, ERFO, & other Highway Funds) expended by the Tribe since signing your first FHWA Program Agreement. Include all transportation funds that were originally shown on a Referenced Funding Agreement (RFA) with FHWA.

Note: When entering amounts, do not use commas.

Please check the format of your answer.

This includes all Federal transportation funds spent since the Tribe signed their initial Program Agreement with FHWA.

\$ 300

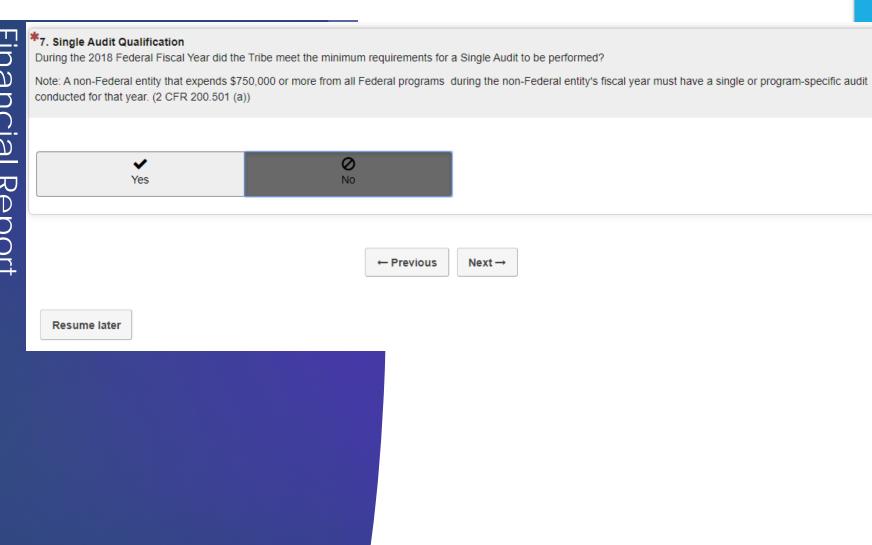
#### \*6. All Federal Transportation Funds Available

Enter the total unexpended amount of Federal transportation funds (TTP, ERFO, & other Highway Funds) routed to the Tribe by all Referenced Funding Agreements (RFAs) since signing your first FHWA Program Agreement.

Note: When entering amounts, do not use commas.

- Please check the format of your answer.
- Response to question 6 should equate to the question 4 minus question 5

This includes all Federal transportation funds held by the Tribe at the end of the reporting period. This will equal question 4 minus question 5.



#### Non-Construction Activities Report

Please report on this page Semi-annual progress report information for Non-Construction Activities

# 1.1 Jobs retained Enter the estimated number of permanent positions funded by TTP during this Fiscal Year. A Only Integer value may be entered in this field Permanent position may be full-time or part-time.

#### 1.2. Jobs Created

Enter the estimated number of short-term positions used to carry out the listed projects and activities identified on both this report and the design-construction projects report.

- Short-term positions have a limited duration, such as seasonal or tied to a construction project.
- A job retained cannot also be counted as a job created.
- . Count jobs created by each project or activity even if the same contractor gets multiple projects
- A job retained cannot also be counted as a job created.
- Count jobs created by each project or activity even if the same contractor or force account crew works on multiple projects.

#### 4. Safety Activities Non-construction Safety Activities may include: Coordinate with Transportation Safety Partners, Developing Transportation Safety Plans, Conducting Road Safety Assessments, or Transportation Safety Related Enforcement/EMS/Education activities. Note: Safety construction projects are to be reported separately using the unique link for that project. 4.1 Funds Programmed for Safety Activities Enter amount shown on TIP Safety and transit related \$ 999 construction projects should be included as a separate project on a 4.2 TTP Funds Expended for Safety Activities TTIP and wouldn't fall within the noninclude only TTP funds spent on non-construction safety activities. construction activities report. \$ 999 \*4.3 Describe Progress of Safety Activities progress 5. Maintenance Activities 5.1 Funds Programmed for Maintenance Activities Enter Amount shown on TIP \$ 999 5.2 TTP Funds Expended for Maintenance Activities Include only TTP Funds. Do not include BIA Maintenance funds. \$ 999 \*5.3 Describe Progress of Maintenance Activities Please list the Maintenance Activities (Mowing, Patching, Snow Removal, New Equipment, Employees, etc.) and give a brief status of each activity.

*5. Project Location
National Tribal Transportation Facility Inventory (NTTFI) Route and Section Numbers  Milepost, place name, or other reference  County / Borough  State(s)
*6. Project Length
△ Only numbers may be entered in this field.  miles
*7.a. Project Status Narrative Please describe the progress to date on this project. Include any major highlights or changes related to the project.
*7.b. Project Status: Active Phases Please choose all phases that were active during the reporting period.
Check any that apply
Preliminary Design (Pre-project Planning)
Environmental Compliance (NEPA & Permits)
Right of Way Acquisition
PS&E Development
Construction
PROJECT COMPLETE
Other:

# PROJECT REPORT

# PROJECT REPORT

*8. Project Funding These amounts should include all project costs (Preliminary Engineer (CE)) and reflect the most current estimate.	ring (PE), Construction Need (CN), and Construction Engineering
TTP Funds Expended this Fiscal Year  Total Funds Expended this FY  Anticipated Total Project Cost (include all funding sources and all years)	\$
*9. Estimated Percentage of Work Complete  Each answer must be between 0 and 100  Only integer value may be entered in this field.  %  *10. Estimated Project Completion Date	
← Previous	Next →

F

<u>JMMARY</u>

REPORT

# Report Data Overview TRIBE NAME

2017 Fiscal Year (October - September) BIA & FHWA

#### Financial Summary

- A. Financial Report: TTP Expended (Q 2b) \$441,595.00
- B. Total of Project TTP Expenditures
- C. Total of Non-Construction Expenditures \$1,024,179.00
  - D. Difference (A-B-C=D) (\$7,146,795.00)
- E. Federal Transportation Funds Available (from Federal Record \$13,314,505.61
- F. Reported Federal Transportation Funds Recieved (FHWA onl \$7,076,133.00
  - G. Difference (E-F=G) \$6,238,372.61

\$6,564,211.00

F & G Completed only by Tribes with FHWA Agreements.

#### **Maintenance Summary**

25 CFR 170.800 What funds are available for maintenance activities?

- (a) Under 23 U.S.C. 202(a)(8), a Tribe can use TTP funding for maintenance, within the following limits, whichever is greater:
- (1) 25 percent of its TTP funds; or (2) \$500,000.
  - H. Annual Maintenance Cap

\$3,328,626.40

I. Reported Maintenance Expenditures

\$0.00

Ok

#### Summary of Projects

<u>Project Name</u>	All Fund Sources Expended This FY	TTP Funds Expended This FY	Total Est. Cost	
Leach-Kenwood Road	\$1,859,684.00	\$1,859,684.00	\$5,624,408.00	
Bell North Road	\$16,144.00	\$16,144.00	\$8,409,000.00	



# QA/QC

#### **Financial Summary**

A. Financial Report: TTP Expended (Q 2b) \$1,023,429.00

B. Total of Project TTP Expenditures \$439,738.00

C. Total of Non-Construction Expenditures \$1,250.00

#### D. Difference (A-B-C=D) \$582,441.00

Report Data Overview A-D finds the difference (D) between all TTP funds reported expended in the reporting period (A) to the reported total project TTP expenditures (B) and reported non-construction expenditures total (C). If there is a difference greater than \$1000 then (D) is highlighted yellow.

This has been identified as an area in need of improvement based on the large overall differences in these totals in last two annual reports.



# QA/QC

E. Federal Transportation Funds Available (from Federal Records) \$53,003.87

F. Reported Federal Transportation Funds Received (FHWA only)

\$12,062.00

G. Difference (E-F=G) \$40,941.87

E will be the total Federal Transportation funds made available for the FY reporting period (tribal shares+TTP Bridge Program awards+TTP Safety Fund awards).

F & G is only populated for Tribes with an FHWA PA and is the reported total federal transportation funds received by a Tribe (should include all funds received through an RFA).

If there is a difference greater than \$1000 then (G) is highlighted yellow.



# QA/QC

#### Maintenance Summary

25 CFR 170.800 What funds are available for maintenance activities?

- (a) Under 23 U.S.C. 202(a)(8), a Tribe can use TTP funding for maintenance, within the following limits, whichever is greater:
- (1) 25 percent of its TTP funds; or (2) \$500,000.
  - H. Maintenance Cap

\$500,000

I. Maintenance Expenditures

\$550,000.00

J. Check Reported expenditures may be greater than allowable

H reflects the maintenance cap as limited by 25 CFR 170.800(a), as calculated by the greater of \$500,000 or 25% of the Tribe's annual TTP funds (as determined by box E).

I reflects the reported maintenance expenditures from the nonconstruction activities report.

J highlights if the expenditures are greater than the cap.



# TTP Annual Report to Secretaries

Fiscal Year	2016	2017	2018
TTP Funds Available	\$410 M	\$414 M	\$431 M
TTP Funds Expended	\$267 M	\$298 M	\$283 M
Jobs Retained	1519	1587	1367
Jobs Created	5973	4732	4034
Active Design/Construction Projects	970	840	828
Additional Project Funds Used	\$264 M	\$104 M	\$43 M
Estimated Project Costs Total	\$2.8 B	\$2.73 B	\$2.65B



# TTP Annual Report to Secretaries

Fiscal Year	2016	2017	2018
Safety (non-construction)	\$1.16 M	\$2.08 M	\$2.33 M
Transit (non-construction)	\$6.29 M	\$7.58 M	\$8.02 M
Administration	\$23.78 M	\$38.8 M	\$39.2 M
Maintenance	\$34.73 M	\$47.26 M	\$46.75 M
Planning	\$10.99 M	\$14.89 M	\$14.66 M
Other Non-Construction	\$1.75 M	\$3.66 M	\$7.01 M



# TRIBAL TRANSPORTATION PROGRAM (TTP)



M-72 Roundabout/Turtle Creek L Drive. Grand Traverse Band of Ottawa and Chippewa Indians, Michigan

#### FISCAL YEAR (FY) 2016 DATA REPORT TO THE SECRETARY OF TRANSPORTATION AND THE SECRETARY OF THE INTERIOR

WHERE

### **Questions?**



Danny Capri
Office of Tribal Transportation
Federal Highway Administration
360-619-7960
danny.capri@dot.gov