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.
§ 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 23 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.
170.112 What activities are not eligible for TTP funding?

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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
Administrative
Trail Marking
Boardwalks and Board Roads
Pedestrian Trails
Ice Road Construction & Maintenance
Boat Ramps, Piers
Docks
Docks
Fixing America’s Surface Transportation Act (FAST Act) mandated annual collection of TIP project and activity data, including jobs created and retained.  
23 U.S.C. § 201(c)(6)(C)
Program Online Reporting Tool

- FHWA TIP Database
- BIA CSTIP

PORT

Tribe’s Combined Summary Report & National Reports
Tribe submits TIP

- FHWA TIP Database
- BIA CSTIP

PORT

Tribe reports on projects

Email confirmation

Tribe’s Combined Summary Report & National Reports

Summary Report PDF
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
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.
PORT FAQ - Frequently Asked Questions

Available at surveys.max.gov/162274

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?

The number of projects on a Tribal TIP determines the 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.
Token mismatch

The token you provided doesn't match the one in your session.

For further information please contact:
no-reply.survey@max.gov
Within non-construction activities report only, Tribe verifies Tribal data BIA/FHWA has on record. Changes can be made by checking the box indicated and make the changes in the dropdown box that appears.

Tribe's Transportation point of contacts already entered. Only one additional email address can be entered here.
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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Amount of Federal Transportation Funds RECEIVED during reporting period. This would include all funds transmitted from FHWA during the fiscal year of reporting.</td>
</tr>
<tr>
<td>2.a.</td>
<td>Amount of Federal transportation funds EXPENDED during reporting period. This includes all funds spent during the fiscal year of reporting.</td>
</tr>
<tr>
<td>2.b.</td>
<td>Amount of TTP Funds EXPENDED during reporting period. This includes only the TTP funds spent during the fiscal year of reporting.</td>
</tr>
</tbody>
</table>
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 (TTF, 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 FHWA during the fiscal year of reporting.

3b. What indirect cost rate was applied to your Federal Transportation Funds?

Choose one of the following answers:

- 0%, no indirect cost rate used
- 10% de minimis
- Approved Indirect Cost Rate

This is the indirect cost rate type applied to Federal funds.

3c. What approved indirect cost rate was applied to your Federal Transportation Funds?

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

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

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.
7. Single Audit Qualification

During the 2018 Federal Fiscal Year did the Tribe meet the minimum requirements for a Single Audit to be performed?

Note: A non-Federal entity that expends $750,000 or more from all Federal programs during the non-Federal entity’s fiscal year must have a single or program-specific audit conducted for that year. (2 CFR 200.501(a))

- [ ] Yes
- [ ] No

Resume later
Permanent position may be full-time or part-time.

Short-term positions have a limited duration, such as seasonal or tied to a construction project.
Safety and transit related construction projects should be included as a separate project on a TIP and wouldn’t fall within the non-construction activities report.
1. Project Numbers

Federal Agency Project Number: FHWAxx1

Tribe’s Project Number (enter “none” if not used): none

2. Project Name

Project 1

Enter the name of this project as shown on the TIP.

3. Project Description

Reconstruction

Describe the improvement that this project aims to make. For example: This project will add sidewalks, improve drainage, and pave ABC Street.

4. Funding Source(s)

Check any that apply or enter funding source not listed under “Other”.

Check any that apply:

- TP Formula Funds
- TP Bridge Program
- TP Safety Fund
- Other:
### 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.

1 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.

- [ ] Preliminary Design (Pre-project Planning)
- [ ] Environmental Compliance (NEPA & Permits)
- [ ] Right of Way Acquisition
- [ ] PS&E Development
- [ ] Construction
- [ ] PROJECT COMPLETE

Other: ________
8. Project Funding
These amounts should include all project costs (Preliminary Engineering (PE), Construction Need (CN), and Construction Engineering (CE)) and reflect the most current estimate.

TTP Funds Expended this Fiscal Year $ 
Total Funds Expended this FY $ 
Anticipated Total Project Cost (include all funding sources and all years) $1938280

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 Data
<table>
<thead>
<tr>
<th>Financial Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Financial Report: TTP Expended (Q 2b)</td>
</tr>
<tr>
<td>B. Total of Project TTP Expenditures</td>
</tr>
<tr>
<td>C. Total of Non-Construction Expenditures</td>
</tr>
<tr>
<td><strong>D. Difference (A-B-C=D)</strong></td>
</tr>
<tr>
<td>E. Federal Transportation Funds Available (from Federal Record)</td>
</tr>
<tr>
<td>F. Reported Federal Transportation Funds Received (FHWA onl)</td>
</tr>
<tr>
<td><strong>G. Difference (E-F=G)</strong></td>
</tr>
</tbody>
</table>

**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 |

**Summary of Projects**

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

F & G Completed only by Tribes with FHWA Agreements.
QA/QC

Report Data Overview A-D finds the difference (D) between all TIP 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.
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.
### 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.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Maintenance Cap</td>
<td>$500,000</td>
</tr>
<tr>
<td>I. Maintenance Expenditures</td>
<td>$550,000.00</td>
</tr>
</tbody>
</table>

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 non-construction activities report.

J highlights if the expenditures are greater than the cap.
## TTP Annual Report to Secretaries

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTP Funds Available</td>
<td>$410 M</td>
<td>$414 M</td>
<td>$431 M</td>
</tr>
<tr>
<td>TTP Funds Expended</td>
<td>$267 M</td>
<td>$298 M</td>
<td>$283 M</td>
</tr>
<tr>
<td>Jobs Retained</td>
<td>1519</td>
<td>1587</td>
<td>1367</td>
</tr>
<tr>
<td>Jobs Created</td>
<td>5973</td>
<td>4732</td>
<td>4034</td>
</tr>
<tr>
<td>Active Design/Construction Projects</td>
<td>970</td>
<td>840</td>
<td>828</td>
</tr>
<tr>
<td>Additional Project Funds Used</td>
<td>$264 M</td>
<td>$104 M</td>
<td>$43 M</td>
</tr>
<tr>
<td>Estimated Project Costs Total</td>
<td>$2.8 B</td>
<td>$2.73 B</td>
<td>$2.65B</td>
</tr>
</tbody>
</table>
## TTP Annual Report to Secretaries

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety (non-construction)</td>
<td>$1.16 M</td>
<td>$2.08 M</td>
<td>$2.33 M</td>
</tr>
<tr>
<td>Transit (non-construction)</td>
<td>$6.29 M</td>
<td>$7.58 M</td>
<td>$8.02 M</td>
</tr>
<tr>
<td>Administration</td>
<td>$23.78 M</td>
<td>$38.8 M</td>
<td>$39.2 M</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$34.73 M</td>
<td>$47.26 M</td>
<td>$46.75 M</td>
</tr>
<tr>
<td>Other Non-Construction</td>
<td>$1.75 M</td>
<td>$3.66 M</td>
<td>$7.01 M</td>
</tr>
</tbody>
</table>
Tribal Transportation Program (TTP) Annual Report

Fixing America’s Surface Transportation Act, more commonly known as the FAST Act, mandated annual collection of TTP project and activity data, including jobs created and retained as codified in 23 U.S.C. § 2016(c)(6)(C). Each year this report is published by the Federal Highway Administration and submitted to the Secretaries of the Departments of Transportation and Interior. The reports are also available for public review on this webpage.

FY2016 Tribal Transportation Program Report (Acrobat, 1.17 MB)
Appendix A. National Financial Summary Report (Acrobat, 497 KB)
Appendix B. Non-construction Activities Report (Acrobat, 733 KB)
Appendix C. Construction Projects Report (Acrobat, 387 KB)
Appendix D. Bridge Projects Report (Acrobat, 460 KB)
Appendix E. Safety Projects Report (Acrobat, 527 KB)

Tribal Transportation Program Online Reporting Tool (PORT)

The Federal Highway Administration and Bureau of Indian Affairs have worked to develop the Tribal Transportation Program Online Reporting Tool (PORT) to facilitate meeting the reporting requirements. PORT utilizes existing Tribal TTP data received by the agencies to make the best use of the data Tribes have already provided and tailor Tribal reporting accordingly. Information on how to utilize PORT when completing reports can be found through the links below.

PORT Overview Guide (Acrobat, 2.62 MB)
Provides a preview of the PORT system through screen shots and clarifying direction for PORT.
PORT FAQ (Frequently Asked Questions) ➔
Answers common questions and provides ability to submit PORT questions online.
PORT Introductory Recorded Webinar ➔
Approximately 13-minute introductory webinar of the PORT system.

flh.fhwa.dot.gov/programs/ttp/
TRIBAL TRANSPORTATION PROGRAM (TTP)

WHERE DOES THE DATA GO?

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

Danny Capri
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Federal Highway Administration
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danny.capri@dot.gov