Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
- Laws, Regulations, Program Agreements, and Reporting
- Implementing the Tribal Transportation Program
What is the Tribal Transportation Program?
Overview

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What is the TTP?

**TTP = Tribal Transportation Program**

- Largest Federal Lands Highway Program
  - Bigger than programs for the National Park Roads, and Forest Service Roads
- Began in 1983 – as the Indian Reservation Roads (IRR) Program.
- Jointly managed and administered by BIA and FHWA
- Serves **574** Federally recognized Tribes.

* As of February 2020
Mission Statements

FHWA Office of Tribal Transportation

“Through mutual respect and understanding, enhance the quality of life in Tribal communities by supporting the Tribes’ delivery of transportation programs.”

BIA Department of Transportation

“To provide for and assist tribes in the development of their capacity to plan, construct and maintain safe and efficient transportation networks.”
What is the purpose of the TTP?

Tribes, Tribal partners, and the Federal government work together to accomplish:

- Safe and adequate transportation for native villages, communities, reservations & Indian lands;
- Contribute to economic development, self-determination, and employment of Indians and Alaska Natives.
Principles Guiding/Governing the TTP?

- Encourage Flexibility and Innovation;
- Government interprets regulations to the benefit of the Tribe;
• **Most** funding goes directly to Tribal Governments through a statutory formula.

• **The other parts are:**
  - 2% for Planning
  - 3% for Bridge program.
  - 2% for Safety program.
  - 5% PM&O – FHWA & BIA inherent federal functions.
  - Obligation Limitation, not available for use, changes each year.
Office of Tribal Transportation

https://highways.dot.gov/federal-lands/programs-tribal

Office of Tribal Transportation Contact Information:
https://highways.dot.gov/federal-lands/programs-tribal/contact-info
Sign up for Email Updates (TTP Website)

TTP Overview
- What is the TTP?
- Mission Statements
- Purpose
- Principles
- Funding
- FHWA
- Email Updates
- Tribal Safety

TTP E-mail News and Updates Subscription
Authorizations, Code of Laws, Regulations, Agreements, and Reporting Requirements
Questions???
Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?

- Laws, Regulations, and Reporting

- Implementing the Tribal Transportation Program
Laws, Regulations, Program Agreements

Transportation Authorizations (Law)
- SAFETEA-LU
- MAP-21
- FAST Act

Code of Laws
- U.S. Code: Title 23

Regulations
- 25 CFR 170

Agreements
- Program Agreement
Laws, Regulations, Program Agreements

- TTPA
- Regulations (25 CFR 170)
- Code of Laws (U.S. Code Title 23)
- Transportation Authorization (FAST Act)
25 CFR 170

- Tribal Transportation Program
  - Addresses surface transportation
  - Implemented in accordance with ISDEAA
- Topics listed in order of when they occur.
TTP Delivery Options

- BIA Direct Service
- BIA PL93-638 Contracts
- DOI Office of Self Governance
- BIA G2G Agreements
- FHWA Program Agreements
- US DOT Self Governance

Laws, Regulations, Reporting
- Overview
- 25 CFR 170
- TTP Delivery Options
- Reporting
  - Year-end
  - Single Audit
Indian Tribal governments choices in the delivery of the TTP program

US DOT

- Option 3: Tribal Transportation Program Agreements
- Option 5: OST Office of Tribal Affairs Self Governance Compacts

US DOI

- BIA-Division of Transportation
  - BIA Regional Offices
    - Option 1: BIA Direct Services
    - Option 2: BIA PL93-638 Contracts
    - Option 3: BIA Tribal Transportation Program Agreements

DOI

- Office of Self Governance
  - Option 4: Self Governance Funding Agreements
• Tribe agrees with BIA which activities will be delivered by the Region.
Option 2: BIA PL93-638 Contracts

- Contracting with the Tribes for programs and services provided by Bureau of Indian Affairs
- Contracting with the Tribes for construction projects provided by the Bureau of Indian Affairs
- Oversight of the audits submitted by the Tribes.
- Provide Technical Assistance to the Tribes in the region.
A Tribe with a TTPA administers its own Tribal Transportation Program (TTP).

Transfer to the Tribe all the functions and duties that the Secretary would have performed with respect to a program or project under Chapter 2 of Title 23, other than those that cannot be legally transferred.

Tribe carry out the statutory requirements pursuant to the FAST Act.

Provide the Tribe or its designee, under a Referenced Funding Agreement (RFA), its share of TTP funds pursuant to the FAST Act and 25 CFR 170.

Allows Tribes the option of working directly with the FHWA or BIA in the administration of their Tribal Transportation Program.
The Office is responsible for implementation of the Tribal Self Governance Act of 1994.

The Office provides financial management, budgeting, accounting and contracting services for funds that are allocated or awarded to self-governance tribes.

The Office works with tribal governments to protect and support tribal sovereignty within a Government-to-Government partnership and to advocate for the transfer of Federal programmatic authorities and resources to tribal governments in accordance with tribal self-governance statutes and policies.
• The Tribal Transportation Self-Governance Program (TTSGP) provides federally recognized Tribes and Tribal organizations with greater control, flexibility, and decision-making authority over federal funds used to carry out tribal transportation programs.

• The TTSGP was authorized by Section 1121 of the Fixing America’s Surface Transportation Act, Pub. L. 114-94. Section 1121 is codified at 23 U.S.C. § 207. As directed by 23 U.S.C. 207, the Department developed the TTSGP regulation through a negotiated rulemaking with Tribe and Tribal organization representatives under the procedures of the Negotiated Rulemaking Act.

• The TTSGP final rule becomes effective on October 1, 2020.
TTP Delivery Options

Laws, Regulations, Reporting
- Overview
- 25 CFR 170
- TTP Delivery Options
  - Reporting
    - Year-end
    - Single Audit

- BIA G2G 32%
- FHWA PA 24%
- BIA 638 35%
- DOI OSG 5%
- BIA Direct Service 4%
• Tribal Transportation Program
  o Addresses surface transportation
  o Implemented in accordance with ISDEAA
• Topics listed in order of when they occur.
Transfer to the Tribe all the functions and duties that the Secretary of the Interior would have performed with respect to a program or project under Chapter 2 of Title 23, other than those that cannot be legally transferred;

To carry out the statutory requirements pursuant to the current transportation authorization; and

To provide the Tribe or its designee, under a Referenced Funding Agreement (RFA), its share of TTP funds pursuant to the current transportation authorization and 25 CFR 170.
Program Delivery Guide

- Provides procedural guidelines to eligible Tribes entering into, or already having, a Tribal Transportation Program Agreement (TTPA) with FHWA.
- Expands on the terms, roles and responsibilities, and provisions for the Tribes and FHWA as outlined in the TTPA.
Program Delivery Guide

Topics

- Reporting Responsibilities
- Transportation Planning
- Preliminary Engineering – NEPA and Other Environmental Requirements
- Preliminary Engineering – Project Package
- Preliminary Engineering – Right-of-Way and Utilities
- Procurement, Construction Bid Advertisement and Award
- Construction and Construction Engineering
- Maintenance
- TTP Bridge and Safety Program

Laws, Regulations, Program Agreements, Reporting
- Overview
- 25 CFR 170
- TTPA
- Program Delivery Guide
- Reporting
  - Mid-Year
  - Single Audit
Reporting Requirements

- Year-end reports (Financial, Non-Construction, Projects)
- Single Agency Audits
- Construction Project Closeout Report (discussed later)

Laws, Regulations, Reporting
- Overview
- 25 CFR 170
- TTP Delivery Options
- Reporting
  - Year-end
  - Single Audit
Reporting Requirements

Year-end reports

- Reporting period October 1 – September 30 (due December 30)
- Important terms/information
  - Reporting Keychain (created from current TTIP)
  - Program Online Reporting Tool (PORT)
  - TTP Annual Report
• Required if a Tribe expends more than $750,000 total of Federal funds in a fiscal year.
When Can I Spend Money?
Overview

- What is the Tribal Transportation Program (formerly Indian Reservation Roads Program)?
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Implementation Topics

- Eligible use of TTP funds
- When/If Hiring a Consultant or Contractor
- Transportation Planning
- Preliminary Engineering (Design, Environmental, Right-of-Way)
- Construction
- Maintenance
Eligible use of TTP funds

- Allowable activities can be found in 25 CFR 170, Appendix A to Subpart B and include:
  - Administration
  - Transportation Planning
  - Preliminary Engineering (Design or Project Development)
  - Construction (and Construction Engineering)
  - Transit
  - Maintenance
  - Research

- A route (road) must be in “Official” status on the NTTFI
- A Tribe may request new uses of TTP funds in writing to BIA or FHWA.
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.

- 25USC eligibility questions are addressed by BIA
- 23USC and TTP eligibility questions are addressed by FHWA
• To the extent practical BIA and FHWA must consult with the TTP Coordinating Committee.
• Final determination should be provided to the Tribe within 45 days.
• Tribes may appeal a denial of a proposed use by BIA or FHWA.
If hiring a Consultant/Contractor, follow the Tribe’s Procurement Policy and Procedures when hiring for:

- Planning
- Design
- Environmental Service
- Construction Contractor
- Construction Engineer/Manager
- Anytime your hire for services
Questions???