TTP Update
BIA Provider’s Conference
December 2, 2014
Topics

- Legislative Update and Status
- TTP Safety Funding
- Bridge Inspections
- FLH Program Reviews
- OIG Report Status
- National Business Plan
- TIGER
- Surplus equipment availability
- Chapter 1 funding in FHWA Agreements
Legislative Update and Status

- Public Law 113–159
  - Keeps Highway Trust Fund solvent until May 2015.
  - Extends the provisions of MAP–21 through May 2015.
  - Provides 8 months or 67% of the TTP authorization level.

- Public Law 113–164
  - Provides actual funding for TTP through December 11.
  - STILL NEED CONGRESS TO PASS AN APPROPRIATIONS BILL OR CONTINUING RESOLUTION (CR) IN ORDER TO RECEIVE ADDITIONAL FUNDING.
FY15 Funding

- **Current Situation:**
  - FHWA received the 72 days of funding
    - Represents about 19.7% of the annual program
  - FY15 Tribal Shares have been run and are posted
    - 3rd year of formula transition
      - 40% IRR FY11 tribal shares; 60% TTP funding formula
      - Data updated to reflect FY14 NAHASDA population figures
  - Funds Allocation to BIA completed
  - Funds distribution to Tribes in process
  - TTP Bridge and Safety funded at 19.7% also
Reauthorization Proposals

- FY 14 is final year of MAP–21
- Senate EPW Committee has passed the “MAP–21 Reauthorization Act”
  - 6 year Bill
  - TTP
    - No changes
    - $450 million/year through FY 2020
  - But this is only out of committee. It has yet to hit the Senate Floor for full vote.
The Administration’s Reauthorization Proposal sent to Congress

- GROW AMERICA ACT
  - “Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America”

- 4 year Bill
- TTP is included with increase in program $$
  - No change in formula
  - Some change in takedowns
  - Brings HPP back into the primary program
GROW AMERICA – TTP

- Authorized Amounts
  - FY15 – $507 million
  - FY16 – $517 million
  - FY17 – $527 million
  - FY18 – $538 million

- Takedowns
  - 6% PM&O
  - 4% Bridge
  - 3% Planning
  - 2% Safety; and
  - 7% HPP
FY15 will be the 3rd year of transition for the MAP–21 funding formula

- 40% based on FY 11 tribal shares with remainder under new MAP–21 statutory formula

Set Aside changes:

- Bridge
  - Set aside increase is to provide funding for inspection and additional projects

- Planning
  - Set aside increase is for data collection and other transportation planning activities

- HPP
  - Brought back into the program
  - $1.5 million maximum project size

These changes in the set asides do not impact the funds made available for tribal shares and the primary funding formula
Other GROW AMERICA opportunities

- SEC. 2008. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM
  - Would provide $150 million/year in funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and Tribal transportation projects. (NO DESIGN)
  - Projects must have NEPA completed and an estimated cost equal to or exceeding $25 million.
  - Priority consideration will be given to projects over $50 million.
  - Intent is to fund high cost projects that are not able to be funded through regular programs.
  - Would expect 2–3 projects/yr.
Other GROW AMERICA opportunities

- **TIGER**
  - Continues with tribes as eligible applicants
  - Proposed at $1.25 Billion/year

- **BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.**
  - (A) BRIDGES OWNED BY FEDERAL AGENCIES OR TRIBAL GOVERNMENTS.
    - If after inspection, the entity with jurisdiction fails to properly close (48 hrs.) or load restrict a bridge (30 days), the Secretary may withhold funding.
Reauthorization Summary

- Senate’s proposal still needs vote by the full Senate – and the Senate will be controlled by the Republicans.

- Nothing yet has come out of the House Transportation committees.

- After passage of Proposals by both chambers, they must go to a Conference Committee for development of 1 Bill, which then returns to each chamber for a re-vote.

- * Remember: SAFETEA-LU expired in ‘09 but was extended 9 times until MAP-21 was passed.
TTP Safety Funding

- Program set-aside is approx. $8.5 million
- 126 Applications received asking for $27.1 million
  - Applications have been reviewed
  - Award paperwork being developed
- Announcement likely in early December
- FY15 TTP Safety NOFA will be issued shortly after the announcement of the FY14 recipients.
Bridge Inspections

- Required for all public road bridges every 2 years.
- BIA has 4 engineering firms under contract.
- Tribal bridges can be included upon request.
FHWA and BIA continue to conduct TTP Program reviews of BIA Regional Offices and Tribes.

Helps identify improvements that need to be incorporated into processes and systems so that the agency and Tribes can better track and account for the funds and manage program requirements.
4 of 7 recommendations have been completed.

Remaining:
- National Business Plan
- Update regulations and guidance
- Develop database

FHWA is working to complete remaining issues in a timely manner.
National Business Plan

- Contains three parts:
  - Stewardship Agreement
  - Communication Plan
  - TTP Program Guidance
- PCC representatives were given opportunity to review and comment.
- All three parts are in the final draft stage and will be submitted to FHWA and BIA leadership shortly.
- The Program Guidance and Communication Plan are fluid documents that will be continually upgraded to reflect changes in legislation, operations, or technology.
TIGER VI awards were announced in Sept.

There were four tribal projects.

- The Hopi Tribe in Arizona for their Tawa'ovi Community Streets and Infrastructure Project.
- The Assiniboine & Sioux Tribes of the Fort Peck Reservation in Montana for their Poplar Airport Redevelopment and Regional Access Project.
- The Mandan, Hidatsa, and Arikara Nation (Three Affiliated Tribes) of the Fort Berthold Indian Reservation in North Dakota for their Comprehensive Regional Transportation Plan.
The Department received 797 eligible applications from 49 states, U.S. territories, the District of Columbia, and tribes, which was an increase from the 585 applications received in 2013. Overall, applicants requested 15 times the $600 million available for the program, or $9 billion for needed transportation projects, making the fact that these four tribes were successful even more significant.

TIGER is included in the reauthorization proposals and appropriations bills but at significantly different levels.
Surplus Equipment Availability

- 25 USC 450j (f) allows for the transfer or donation of excess or surplus Government personal property to Tribes under the ISDEAA.
- The statute specifically addresses the DOI and IHS;
- FHWA is working with GSA for procedures under USDOT that will address surplus or excess property
23 USC 202(a)(9)

- Longstanding issue: How to move Chapter One apportioned funds to Tribes.
- Transfer procedures are in place under 23 USC 132
  - This assumes the Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency. See FHWA Transfer Order 4551.1 dated August 12, 2013.
- MAP–21 set forth a new section in Chapter Two.
  - Title 23 USC 202(a)(9)
    - (A) provides: “The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.”
    - (B) provides: “any funds received form a State, county, or other local subdivisions shall be credited to appropriations available for the tribal transportation program.”
- FHWA is working with the CFO’s Office to determine the best method to implement 23 USC 202(a)(9).
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