TTP Update

BIA Providers Conference
Anchorage, AK

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December 1, 2015
Topics

- TTP Funding for FY16
- Reauthorization
- 25 CFR 170
- Safety
- Bridge
- Use of 23 USC 202(a)(9) to Transfer Funds
- TIGER VII
- Funds Accountability
- Miscellaneous
TTP Funding

Authorization
- Operating under a 3rd Extension (14 day) for this fiscal year that extends the provisions of MAP-21 through December 4, 2015.
  - 65 days into FY16

Appropriations
- Operating under a Continuing Resolution through December 11, 2015.

FY16 Funding
- Initial 29 days of FY15 TTP is available.
  - Funding is being made available to Tribes through FHWA. BIA, or OSG.
- Additional funding will be available in December
  - Based on what actions Congress takes
FY16 Tribal Shares

- Will be posted on BIA and FHWA websites after passage of new Bill.
- For now, tribal share funding is based on FY15 program percentages.
- The next fund distribution will be based on:
  - What the current program total is at the time (extension ($450) or new highway bill ($465);
  - Program changes resulting from a new Highway Bill;
  - The 4th and final year of transition to the TTP statutory formula (20% IRR FY11 tribal shares, 80% TTP funding formula); and
  - July 2015 NAHASDA population figures.
TTP Funding….So where are we?

- MAP–21 is extended through December 4.
  - Authority
- Appropriations good through December 11.
  - Limitation
- Congress still needs to:
  - Produce a new Highway Bill or pass another MAP–21 extension before December 4; and
  - Pass an annual DOT Appropriations Bill (or Omnibus Bill) or another Continuing Resolution before December 11.
Reauthorization

- Conference Report issued this morning
- FAST Act (**Fixing America’s Surface Transportation Act**)
  - 5 year, fully paid for (through FY20)
  - TTP (Sections 1117 – 1119)
    - $465 million with increase to $505 million in FY20
    - No change to the funding formula
FAST Act

New additions or changes to TTP
- PM&O funding reduced from 6% to 5%
- Bridge Program funding increased from 2% to 3%
  - to address bridge inspection costs and rehabilitate deficient bridges in Indian Country
- A “Data Collection” requirement for Tribes receiving TTP funding.
  - A report due each December 31 to Secretaries of DOT and DOI that contains all TTP projects and activities by name and includes:
    - The obligations and expenditures on each;
    - Project status; and
    - The number of jobs created and the number of jobs retained.
FAST Act

- Safety
  - Report to Senate on quality of transportation safety systems and the relevance of that data to improving the collection and sharing of data on crashes in Indian Country.
  - A study on BIA Road Safety – completed within 2 years that identifies and evaluates options for improving safety on public roads in Indian Country.
FAST Act

- Tribal Transportation Self-Governance Program

- Nationally Significant Federal Lands and Tribal Projects Program
  - $150 million/year, $25 – $50 million projects
  - For construction, reconstruction and rehabilitation activities (project design is not eligible);
  - Must be a single continuous project, and
  - All NEPA must be completed.

- No HPP
Road to Reauthorization

Schedule:
- Voted on by the House on Thursday;
- Voted on by the Senate on Friday; and
- Signed by the President Friday night.
After passage of a new Highway Bill:

- FHWA and BIA will review language
- FHWA will develop a new TTP Agreement that will incorporate changes to the TTP (IE: reporting requirements).
- FHWA will review all current agreement tribes to see if requirements of the program agreement have been met.
- If not, there is a good chance that those tribes that are not in good standing with regard to the requirements of their FHWA Agreement will not be offered a new Agreement.
  - Those tribes will then have to work their TTP through the BIA Regional Office.
25 CFR 170

  - 6 consultation sessions were held
    • (Sacramento, Phoenix, Minneapolis, Oklahoma City, Anchorage, and Seattle)
  - Comment period ended March 20, 2015
- Approximately 700 comments were received.
- BIA and FHWA are nearing completion of finalizing the NPRM into a final regulation based on agreed upon changes.
- Target date for publication is end of fiscal year.
  - When published, approved back-up documentation will be published as well.
- If a new Highway Bill is enacted before final publication, BIA and FHWA will review the Bill, notify the PCC, and update the regulation so as to address any statutory change to the Program.
TTP Safety Funding

- 2% takedown – Approx. $8.5 million/year

- FY13
  - 239 applications received totaling $27 million
  - Awarded 193 projects to 183 Tribes

- FY14
  - 126 applications received totaling $27.1 million
  - Awarded 94 projects to 82 Tribes

- 2 year total – 287 funded projects/activities – $17 M

- FY15
  - 167 applications were received asking for $37 million
    - Award Paperwork is circulating through FHWA and DOT with plan to announce the awards this month.
FHWA and BIA has re-established the IRR Safety Management Steering Committee that was created after the passage of SAFETEA-LU.

Primary purpose is to update the strategies that the original committee developed for transportation safety in Indian Country.

Membership comprised of FHWA, BIA, Tribal, and several other Federal agencies

Initial meeting was conducted at NTTC in September.
Safety Steering Committee

Committee Chairs:
- Robert Frazier, BIA Division of Transportation
- Adam Larsen, TTP Safety Engineer, FHWA
- Janis Spear, TTP Director, Northern Cheyenne Tribe

Tribal Members:
- Royce Gchachu, Roads Program Manager, Pueblo of Zuni
- Sandi Tripp, Roads Program Director, Karuk Tribe
- Clarence Daniel, Transportation Director, AVCP
- Philip Manes, Roads Project Analyst, Cherokee Nation

Federal Agencies
- Cinco Cronemeyer, Community Planner, BIA NW Region
- Jennifer Warren – FHWA Office of Safety
- Lawrence Robertson – BIA Indian Highway Safety Program
- Nancy Bill – Indian Health Service

Other committee resources (TTAP, FHWA, CDC, NHTSA)
Bridge Funding

- 2% takedown – Approx. $8.5 million/year

- Under MAP–21
  - FY13 – 17 bridge applications funded (PE & CN)
  - FY14 – 19 bridge applications funded (PE & CN)
  - FY15 – 29 bridge applications funded (PE & CN)
  - Total – 65 bridge projects totaling $25.5 million
Included in MAP–21

New: All bridges located on tribal roads must be inspected every two years.

Inspections must be carried out by qualified inspectors

Need to work with FHWA or BIA Regional Office to coordinate getting your tribal bridges inspected
Provides authority for “Title 23” funds that were provided to a state, county, or local government to be made available to Tribes through an Agreement with the BIA or FHWA.

- State must request that funds be transferred to a tribe for a project or activity
A master tri–party agreement (template) is used for the transfer of this funding.
- Apply to tribes with existing FHWA and G2G Funding Agreements.
- Signed by Tribe, State, and FHWA or BIA
- Contains an attachment that identifies the project, funding, expectations, roles and responsibilities, etc.

Funds must be tracked separately from TTP
Project is carried out like a TTP project but eligibility requirements of original funding source remain.
TIGER VII

- TIGER VII Awardees announced on October 29. Only 2 tribal awardees:
  - Native Village of Point Hope, AK
    - $2.9 million to assist in the construction of critical roads and sidewalks and the purchase of ADA-compliant transit buses.
  - Pueblo of Leguna, NM
    - $1 million to help complete a bike and pedestrian network in the Pueblo

- Further information can be found at:
  - [http://www.dot.gov/tiger](http://www.dot.gov/tiger)

- Debriefing available at USDOT
  - Contact Ada Valaitis
    - ada.Valaitis@dot.gov
Accountability of Title 23 Funds under FHWA Program Agreements

- TTP funds are to be used only for eligible activities identified in 25 CFR 170.
- TTP funds can only be expended on those projects and activities that are listed on your Tribe’s Transportation Improvement Program (TIP) that is approved by FHWA.  
  - (see 23 USC 202)
- A tribe is required to account for the receipt, obligation, and expenditure of these funds.
- It is strongly encouraged that TTP funds be kept in a separate account.
Other Miscellaneous

- Access to GSA Surplus Equipment
  - FHWA is still working on a resolution for the transferring of title of surplus GSA Equipment to FHWA Agreement Tribes.

- New AA at Federal Lands
  - Timothy Hess – Introduced at NTTC; Met with TTPCC in November.

- New Division Director for Western Federal Lands
  - Sandy Otto
Questions?