Tribal Transportation Program (TTP)

Overview

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Tribes in the Tribal Transportation Program

- Total number of Tribes 573
- Alaska Tribes 225
- Rest of Tribes in U.S. 348
  (Incl. Metlakatla Indian Community)

Federal Agencies in the TTP

- Federal Highway Administration (FHWA)
- Bureau of Indian Affairs (BIA)
- Office of Self Governance (OSG)
The FHWA TTP Team:
- Serves 78 Alaska Tribes who have FHWA PAs
- Five Tribal Coordinators for Alaska Tribes
  - Specialties: construction, design, safety, environmental
- Two others: Transportation Planner and Environmental Specialist
- Also, a right-of-way specialist available

Tribal Transportation Program $450 million
FHWA + BIA + OSG
Tribal Shares + 2% Planning funds to Tribes:
- Total after “takedowns” $384.4 million
- Alaska Tribes $48.9 million
- Rest of Tribes in U.S.* $335.5 million
  (Incl. Metlakatla Indian Community)

Allowable Uses of TTP Funds **
- Tribe’s Administration of its TTP
- Transportation Planning
- Preliminary Engineering (NEPA, Design, ROW)*
- Project Construction and Management *
- Transit System (structures, vehicles and operation)
- Maintenance *(includes approved equipment purchase)*
  * Allowed only on National Tribal Transportation Facility Inventory facilities (“BIA Inventory”)
  ** See 25 CFR § 170 Appendix A to Subpart B, and 25 CFR § 170 Appendix A to Subpart G
Stewardship and Oversight (S & O)

- **Stewardship** is the efficient and effective management of the public funds entrusted to the Tribal Transportation Program (TTP).
- **Oversight** helps us all accomplish the TTP according to its laws, regulations & policies.

BIA, FHWA and Tribes are partners in accomplishing Stewardship and Oversight.

BIA and FHWA roles in Stewardship and Oversight include:
- Technical assistance to Tribes
- Sharing & promoting “best practices”
- Project Construction Reviews
- Formal and “Mini” Program Reviews
- Identify funding opportunities
- Administrative assistance to Tribes
- Program administration and oversight

Tribe’s roles in Stewardship and Oversight include:
- Create & provide:
  - LRTPs and TTIPs for your Tribal Community
  - PS&E (plans, specs, estimate) for your projects
  - Final construction reports
  - Financial reports, status reports, and single audits
- Accomplish any corrective actions from a Program review or from the Tribe’s audit
1. BIA 638 Contract

- Formal name is BIA Contract P.L. 93-638 Subpart J Contract / Model 108 Contract ("BIA 638 Contract")
- Also known as a “Self-Determination” or “Title 1” Contract
- Tribe negotiates, signs 638 Contract with BIA
- BIA awards 638 Contract

1. BIA 638 Contract (cont’d.)

- BIA 638 Contract has specific requirements of the Tribe and BIA for the work to be performed
- A Tribe can have several BIA 638 Contracts active at the same time in these areas:
  - Transportation Planning
  - Design
  - Project construction & management
  - Maintenance

TTP Delivery Options available to Tribes

2. Government-to-Government (G2G) Program Agreement (with BIA)
3. Program Agreement (with FHWA)
4. Office of Self-Governance (OSG) Annual Funding Agreements with TTP provisions

Note: Tribes/Consortiums with Self-Governance Compacts also have the other three TTP Delivery Options 1, 2 and 3 available.
1. BIA 638 Contract (cont’d.)
   - Tribe submits:
     - Federal Financial reports and Narrative reports (quarterly or semi-annually), and
     - single audits (annually)
   - BIA sends payments to Tribe as work occurs, or in advance for planning and maintenance activities

2. Program Agreement (PA) with FHWA, or
3. Government to Government (G2G) with BIA

   - These two Agreements are very similar
   - A signed Agreement of the Tribal Government with the Federal Government
   - A Tribe/Consortium has a choice to apply for:
     - Program Agreement (PA) with FHWA, or
     - Government to Government (G2G) PA with BIA

   - The PA or G2G transfers authority to the Tribe to run their TTP, except for:
     - Stewardship & oversight that the Government must perform by law
     - TTP activities that all agree BIA or FHWA will keep with a “Retained Services Addendum”

Note: Tribes can also enter into Project Agreements with Federal, State, or local agencies/governments to perform some of the Tribe’s TTP activities. A Memorandum of Agreement or Memorandum of Understanding would be included.
**Tribe’s Responsibilities in a PA or G2G:**

- Administers its Tribal Transportation Program
- Submits financial & status reports, & audits
- Transportation planning (LRTP, TTIPS)
- Project design (PS&E)
- Environmental (NEPA) documents / permits
- Obtain Right-of-way (except state/city/borough roads)
- Project Construction and management
- Road maintenance

* According to 25 CFR Part 170 as amended by MAP-21 and SAFETEA-LU

**Onboarding to a Program Agreement, or Government-to-Government Agreement (PA or G2G):**

“Onboarding” is the process for a Tribe and FHWA or BIA to:

- Determine if a PA or G2G is a good fit for a Tribe at this time
- If yes, then finalize and approve a PA or G2G Agreement with the Tribe

**Onboarding process for a PA or G2G:**

*Steps* in the Onboarding process:

**Step 1.** Tribe sends to FHWA or the BIA Region:
- Tribal Resolution stating interest
- Last 3 years of Annual Single Audits
  - Including Findings and corrective action plans
- Tribe’s organizational charts:
  - Transportation and Financial Departments
- Tribe’s written Procedures for:
  - Financial, Procurement, and Property Management
Step 2. BIA or FHWA performs Risk Assessment
• Each agency has its own process

Step 3. Approves / disapproves the PA, G2G
• Each agency has own decision makers

Step 4. If approved, the G2G or PA may include additional reporting / requirements based on risks identified during Onboarding process
If disapproved, BIA or FHWA advises on actions for possible future approval

G2G or PA: Payment of Funds to Tribes
• Payment is lump sum paid annually * (unlike 638 Contracts)
• Referenced Funding Agreement (RFA) sent to Tribe each year, listing payment amounts
• Funds sent to Tribe’s account by electronic transfer
* Note: Partial amounts paid during the year if Congress passes part-year appropriations.

G2G or PA: Payment of Funds to Tribes
• Tribe has option to request BIA or FHWA to add to the RFA any funds the Tribe can receive from other programs outside of the U.S. Dept. of Transportation
• For example: USDA, ACOE, HUD, IHS, and STATE, Local and others
• The funds need to be related to transportation projects on the Tribe’s TTIP
**Saving up G2G or PA Funds:**

- Tribe may save up part or all of the funds it receives each year thru a G2G or PA:
  - Tribe will spend the funds later on projects in Tribe's approved TTIP - Tribal Transportation Improvement Program
  - Until then, Tribe may invest the saved-up funds in: Obligations of the U.S; obligations or securities guaranteed or insured by the U.S.; or mutual (or other) funds.

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**TTP Delivery Options for Tribes**

1. BIA 638 Contract
2. Government-to-Government Agreement (G2G) with BIA
3. Program Agreement (PA) with FHWA
4. Office of Self-Governance (OSG) Funding Agreements with TTP provisions

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**4. Office of Self-Governance (OSG) Funding Agreements with TTP provisions**

- Tribe / Consortium negotiates TTP provisions onto its Funding Agreement (FA) with it’s Self-Governance Compact
- A negotiated “TTP Addendum” is used
- Self-Governance Tribes also have available the other three TTP Delivery Options:
  1. BIA 638 Contract
  2. G2G Agreement (with BIA)
  3. Program Agreement (with FHWA)
Additional Funding or Grants for Transportation activities & projects

- Tribal Transportation Safety Program (TPSF)
- TTP Bridge Program
- Tiger Grants at www.dot.gov/tiger
- Federal Lands Access Program (FLAP)
- Tribal High Priority Projects (THPP) Program
- State funding

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