



Alaska Tribal Transportation Work Group

www.attwg.org

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Section 2. Purpose. The Corporation is organized for the purpose of providing technical support and advocacy for transportation issues that impact Alaska Native Villages and to conduct any other lawful business or endeavor permitted under the laws of the State of Alaska to a corporation incorporated under the Alaska Nonprofit Corporation Act.

We host the annual Alaska Tribal Transportation Symposium

**10th Annual Alaska Tribal
Transportation Symposium
2012 Symposium is April 2-6, 2012
Princess Hotel, Fairbanks, AK**

Concerns of the ATTWG

1. Continued authorization of the Tribal Transportation Programs
2. Fair Implementation of the IRR by the FHWA and BIA following current Statute and Regulations (25 CFR 170).

1. Reauthorization of SAFETEA-LU

Senate EPW has already passed out of committee their Highway Bill, “Moving Ahead for Progress in the 21st Century Act” (MAP 21), which dramatically changes tribal transportation programs

A complete rewrite of the funding formula:

Current Formula:

**20% Population 30% VMT 50% CTC
plus IRR High Priority Projects
plus Population Adjustment Factor**

to

MAP 21 Formula

20% Lane Miles

40% Population

40% Population Range

(1-25; 26-100; 101-1000; 1001-10,000;

10,001-60,000; 60,000+)

**Renames IRR to Tribal
Transportation Program (TTP) and
adds a number of currently
separately funded programs to the
TTP without additional funding**

MAP 21

**Includes a very difficult to
understand Supplemental Fund**

Bridge Program – funded out of TTP

Safety Program – funded out of TTP



MAP 21

**Rewrites the definitions of
what belongs in the Inventory**

MAP 21

**No IRR High Priority
Projects**

**No Population
Adjustment Factor**

**Some tribes will gain funding (those
with populations over 1000)
most tribes in Alaska will loose.**

**Funding appears to be funneled to
tribes with populations between
1,001 and 60,000**

**ISSUE 2. Fair Implementation of
the IRR by the
FHWA and BIA following
current
Statute and Regulations.**

{Excerpt from 25 CFR 170.2}

(a) It is the policy of the Secretary of the Interior and the Secretary of Transportation (Secretaries) to do the following in relation to the IRR and BIA Road Maintenance Programs:



(1) Provide a uniform and consistent set of rules;

(6) Implement policies, procedures, and practices in consultation with Indian tribes to ensure the letter, spirit, and goals of Federal transportation programs are fully implemented.

Note:

The IRR Regulations went into effect in November of 2004

SAFETEA-LU was signed into law in August 2005, and over-rides a number of sections of the Regulation

SAFETEA-LU

What belongs in the IRR Inventory?

**Reference: SAFETEA-LU National
Inventory Language**

(i) In general. - Not later than 2 years after the date of enactment of the SAFETEA-LU, the Secretary, in cooperation with the Secretary of the Interior, shall complete a comprehensive national inventory of transportation facilities that are eligible for assistance under the Indian reservation roads program.

(ii) Transportation facilities included in the inventory. - For purposes of identifying the tribal transportation system and determining the relative transportation needs among Indian tribes, the Secretary shall include, at a minimum, transportation facilities that are eligible for assistance under the Indian reservation roads program that a tribe has requested, including facilities that-

(I) were included in the Bureau of Indian Affairs system inventory for funding formula purposes in 1992 or any subsequent fiscal year;

(II) were constructed or reconstructed with funds from the Highway Trust Funds (other than the Mass Transit Account) under the Indian reservation roads program since 1983

**(III) are owned by an Indian
tribal government; or**

**(IV) are community streets or bridges
within the exterior boundary of
Indian reservations, Alaska Native
villages, and other recognized Indian
communities (including communities
in former Indian reservations in
Oklahoma) in which the majority of
residents are American Indians or
Alaska Natives; or**

What is a community Street?

**What limitation is to be applied
when the majority of residents are
not native?**

**Functional Classifications from the Regulations
that include the term “communities” 25 CFR
*Appendix D to Subpart C***

(c) Class 3: Streets that are located within communities serving residential areas.

(f) Class 6: City Minor Arterial Streets that are located within communities, and serve as access to major arterials.

(g) Class 7: City Collector Streets that are located within communities and serve as collectors to the city local streets.

(V) are primary access routes *proposed* by tribal governments, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal termini, such as airports, harbors, or boat landings.

What does proposed mean in this context?

1) Is this a road the Tribe would like to add to the Inventory?

or

2) Is this a road that currently does not exist?

If 1) then it applies to all access roads whether existing or not

(iii) Limitation on primary access routes.
- For purposes of this subparagraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.

This sounds like a non-existent route, it also implies that the road must be reasonable to build?

prac·ti·ca·ble

“capable of being done, effected,
or put into practice, with
the available means; feasible: a
practicable solution.”

(iv) Additional facilities. - Nothing in this subparagraph shall preclude the Secretary from including additional transportation facilities that are eligible for funding under the Indian reservation roads program in the inventory used for the national funding allocation if such additional facilities are included in the inventory in a uniform and consistent manner nationally.

The ATTWG's analysis is that the Secretaries have not implemented the Inventory portion of the Statute or the Regulations as intended.

The Q10 solution includes a term not found in the Regulations – Urban. Urban is not an equal replacement for the Regulatory term “City”. A City can have a small population. Urban by definition is a population of at least 5000

Q10 Final

			Class											
			1	2	3	4	5	6	7	8	9	10	11	
Ownership	1 & 6	BIA	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	0%
	2	TRIBAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	0%
	3	STATE	NFS	NFS	100%	NFS	100%	NFS	NFS	NFS	NFS	0%	0%	0%
	4	URBAN	NFS	NFS	100%	NFS	100%	NFS	NFS	NFS	NFS	0%	0%	0%
	5	COUNTY/ TOWNSHIP	NFS	NFS	100%	NFS	100%	NFS	NFS	NFS	NFS	0%	0%	0%
	7	OTHER FEDERAL	NFS	NFS	100%	NFS	100%	NFS	NFS	NFS	NFS	0%	0%	0%
	8	OTHER	NFS	NFS	100%	NFS	100%	NFS	NFS	NFS	NFS	0%	0%	0%

Our greatest concern is that the BIA made many mistakes in implementing the IRR Inventory. While the BIA and FHWA are trying to make corrections, this is simply taking too long. In the meantime, tribes have become divided because any change makes winners and losers.

During a 11/17/11 caucus of AK tribes in Nashville, the following were agreed to as viable strategies:

- 1) Tell Congress don't change the funding formula**
- 2) Allow the BIA and FHWA to complete their implementation corrections**
- 3) Continue advocating for more funding.**

**Let Congress know what has
worked. IRR projects built, ARRA
projects completed. IRRHPP
projects that have helped your
community**

THEY NEED TO KNOW!