

## **ORGANIZATIONAL PROTOCOLS**

### **TRIBAL TRANSPORTATIONS**

### **PROGRAM COORDINATING COMMITTEE (TTPCC)**

*The tribal representatives of the TTPCC, in cooperation with the U.S. Department of the Interior (DOI) and the U.S. Department of Transportation (DOT) present the following protocols:*

#### **I. BACKGROUND AND PURPOSE:**

Through the Tribal Transportation Program (TTP) Final Rule (25 CFR Part 170), the Secretaries of the Interior and Transportation recognize and promote the inherent authority of tribal governments as sovereign nations. The Secretaries further recognize that tribal administration of the TTP is an exercise of each tribal government's self-determination and self-governance, regardless of how an Indian tribe chooses to administer the TTP. Tribal governments, as sovereign nations, have inherent authority to establish their own transportation departments and programs under their own tribal laws.

The Federal government has a trust responsibility to Indian Tribes and the Indian people as a whole. The TTP Coordinating Committee (Committee or TTPCC) has been created by a negotiated rulemaking process reflecting the unique nature of the government-to-government relationship. The Committee shall conduct its business in a manner recognizing the Federal government's self-determination and self-governance policy and its unique trust responsibility to Indian Tribes and Indian people.

The TTPCC was established pursuant to 25 CFR Part 170 and as published in the Federal Register (Vol. 70, No.173, September 8, 2005). Its purpose is to provide input and recommendations to the Bureau of Indian Affairs (BIA) and the Federal Highway Administration (FHWA) in developing policies and procedures for the TTP, and to supplement the government-to-government consultation by coordinating with and obtaining input from Tribes, BIA, and FHWA.

In accordance with the Tribal Consultation Presidential Memorandum of November 5, 2009, Executive Order 13175, and subsequent Departmental Consultation Plans, DOI and DOT will utilize the TTPCC as a resource to strengthen consultation, not in lieu of. Further, the Committee will work with other federal agencies as applicable to provide guidance and recommendations on transportation programs affecting Indian Tribes.

## **II. PARTICIPATION:**

The Committee shall consist of one primary tribal representative and one tribal alternate from each BIA Region to serve with one non-voting federal representative each from the BIA and the FHWA. The Committee may ask the Secretary to appoint additional non-voting Federal representatives to the Committee, as needed to carry out the Committee's responsibilities. The Secretary of the Interior shall appoint tribal representatives and alternates to the committee to serve three year terms. Tribal governments within each BIA Region shall be responsible for nominating representatives and alternates for Secretarial consideration for appointment. To the extent feasible, tribal representatives shall be appointed in a manner that includes a broad cross-section of large, medium, and small Tribes. Each appointee must be able to do the following:

- a) Authority – Tribal Committee members – both primary and alternate representatives must be tribal government officials or tribal employees with authority to act on behalf of a tribal government. If a Committee member no longer meets this requirement, the Secretary will request nominations and appoint a replacement from the affected Region.
- b) Attendance – All Committee members, Primary & Alternates must make a good faith effort to attend all Committee sessions. Three consecutive unexcused absences will constitute grounds for removal, at which time; the committee may recommend the member's removal to the Secretary. Excused absences will be determined by the committee chairman.
- c) Alternates – Alternates shall fulfill the responsibilities of the primary member when the primary member is absent.

## **III. COMMITTEE RESPONSIBILITIES:**

The Committee will provide input and recommendations to the BIA and FHWA during the development of policies or regulations, regarding matters, including but not limited to the following:

- 1) The BIA/FHWA Stewardship Plan;
- 2) TTP eligibility determinations;
- 3) TTP transit policy;
- 4) TTP policy and procedures;
- 5) TTP management systems policies and procedures that include, but are not limited to the following:
  - a. New TT Inventory Data Format and Form.
  - b. Simplified Cost to Construct (CTC) Methodology including formula calculations, formula program design, and bid tab methodology.
  - c. Cost elements.
  - d. Over-design issues.

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- 6) National tribal transportation needs/concerns including implementation of 25 CFR Part 170 and all subsequent amendments.
- 7) Other tribal transportation matters the Committee deems necessary, as approved by the Secretary.

The Committee's operating budget to carry out these responsibilities is \$150,000.00, which will be provided from the BIA's Program Management and Oversight (PM&O) funds.

#### **IV. MEMBER RESPONSIBILITIES**

All members agree to act in good faith to reach consensus in all aspects of Committee business by encouraging free and open exchange of ideas, views, and information. Personal attacks and prejudiced statements will not be tolerated. If this occurs, the matter shall be addressed in Executive Session. The Chairman is responsible for assuring that committee members, guests, speakers and staff treat each other in a respectful manner. All members agree not to divulge identified confidential governmental information outside of the Committee or work group meetings. Members shall report on Committee activities and discussion to their constituents. The TTPCC is funded from Federal appropriated funds and subject to statutory Anti-Lobbying restrictions. Committee members may respond to questions from the media on behalf of their own organization, but not on behalf of other members or the TTPCC as a whole.

#### **V. ATTENDEES CONDUCT:**

Disorderly conduct or other disruptive behavior of any kind will not be tolerated. Meeting participants exhibiting such behavior will be asked to leave the meeting space immediately. If the attendee does not comply, security will be called to escort them from the meeting.

When attendees wish to speak they must first request to be recognized by any committee member.

#### **VI. COMMITTEE PROCEDURES:**

The Committee shall hold at least two meetings per year and may hold additional meetings, budget permitting, with the consent of one-third of the Committee members. The BIA or FHWA members may also request additional meetings. Any additional meetings requested by the BIA or FHWA will be at the expense of the Federal government and not be charged to the Committee's operating budget, without the Committee's approval. As an intergovernmental advisory committee established by regulation, the Committee is exempt from the requirements of the Federal Advisory Committee Act.

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The operating procedures of the Committee are as follows:

1. Committee meetings are open to the public.
2. A quorum consists of Committee members (either primary or alternate) from eight Regions.
3. The Committee will operate by consensus vote, with each Region having one vote. Consensus means general agreement as shown by the absence of express disagreement by a committee member in regards to a particular issue. Committee members may register concern about a proposed course of action either verbally or in writing, but this does not prevent consensus from being reached, unless a member affirmatively votes to withhold consent. When consensus cannot be reached on an issue, the matter shall be returned to the work group or sent to a special work group (that includes the dissenting committee member(s) to develop a consensus recommendation. The dissenting committee member(s) will work in good faith effort to develop alternate recommendations that help the work group come to consensus. The work group recommendation will then be presented back to the full committee for consideration, *within an established time line*. Continued non-consensus issues shall be documented and further action decided by the Committee.
4. At the first meeting of each fiscal year, the Committee must elect from among the committee representatives a Chair, Vice-Chair, and a Secretary. These officers shall have such duties as prescribed by the Committee. The Vice-Chair shall perform the Chair's responsibilities if the Chair is unavailable. *Officers retain their voting rights in accordance with Sections II(c) and VI(3) above.*
5. Meetings shall be conducted under Roberts Rules of Order. The Chair may authorize deviations from these Rules to facilitate Committee business.
6. The Committee will annually update its work plan and operate within its budget.
7. Any Committee member may submit an agenda item to the Chair. The Chair will make a draft agenda available to all committee members four weeks prior to each meeting.
8. During any Committee meeting, any Committee member may request that the TTPCC enter into executive session to discuss Committee business.
9. The Committee may form Work Groups to address specific issues and make recommendations to the Committee. Work Group meetings are open to the public. The work groups shall annually appoint their Work Group Chair to conduct business in a manner consistent with full Committee procedures.
10. Final Committee decisions and recommendations will not be reopened without the consensus of the Committee.
11. The Committee shall hold two semi-annual meetings and may request additional meetings with officials of the Department of Transportation and the Department of the Interior to discuss policy issues and present Committee recommendations. The Federal Committee representatives will assist the Committee in arranging such meetings. The Committee may authorize a delegation of Committee members to attend such meetings on behalf of the Committee.
12. The Committee will prepare and disseminate an annual accomplishment report to the Secretaries and Indian Tribal Governments for the first semi-annual meeting (see #11 above) each fiscal year.

**VI. TRAVEL AND REIMBURSEMENT:**

The travel costs and per diem expenses of the Tribal Committee members (both primary and alternates) attending Committee meetings and other functions authorized by the Chair will be paid for in accordance with Federal travel regulations. Additionally, the travel cost and per diem expenses for one non-member to record Committee meetings and provide staff assistance will be paid for in accordance with Federal travel regulations, subject to the availability of funds. The Committee may designate an organization to make travel and meeting arrangements for the Committee.

**For the TTP Coordinating Committee:**

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Raymond Concho, Jr.  
Chair

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Jacque Hostler,  
Vice Chair

**Attest:**

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Rick Galloway,  
Secretary