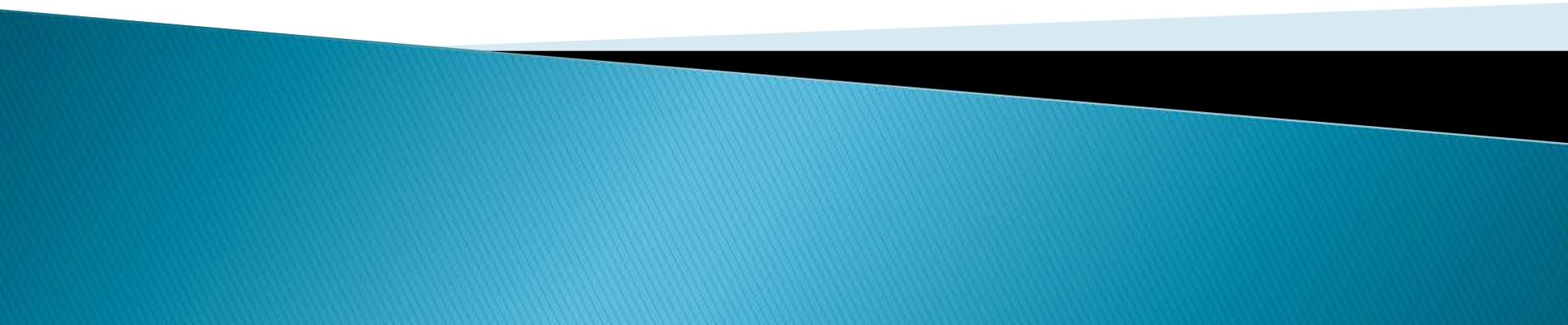


**Consultation  
on NPRM to  
Update 25 CFR Part 170  
Subparts A – C**



# Subpart A—Policies, Applicability, and Definitions

- ▶ § 170.1
  - Adds the Department of Transportation (DOT) and the Secretary of Transportation as a partner in the delivery of the TTP
  - Adds “program agreements, and other appropriate agreements.” as additional contracting mechanisms currently available to Tribes.
- ▶ § 170.2
  - Eliminates references to the BIA Road Maintenance Program with regard to policies under 25 CFR 170 since that program is not funded through TTP and had previously been included “for reference purposes only”.
- ▶ Updates contact information for those wishing to comment or make suggestions on the burden estimate or any other aspect of the information collection process.

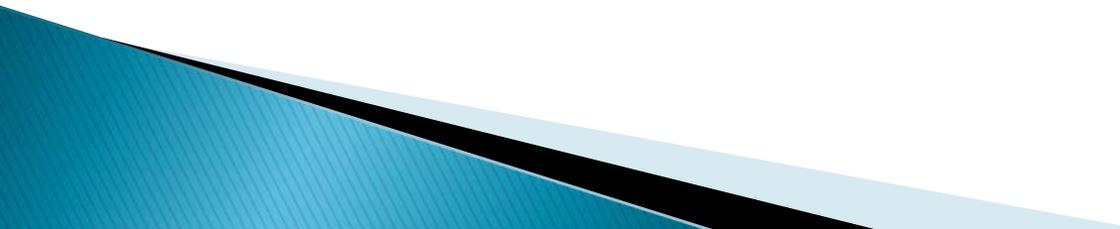
# Subpart A – (continued)

- ▶ Adds the following definitions into 25CFR170:
  - Access Road
  - Asset Management
  - BIA System Inventory
  - BIA Transportation Facility
  - DOT
  - Financial or Fiscal Constraint
  - Population Adjustment Factor
  - Program Agreement
  - Relative Need Distribution Factor
  - Seasonal Transportation Route
  - Tribal Road System
  - Tribal Transit Program
  - TTP Formula Funds
  - TTP Funds
  - TTP Planning Funds

# Subpart A – (continued)

- ▶ Modifies the following definitions previously included in 25CFR170:
  - Agreement
  - BIA Road System
  - Construction
  - Construction Contract
  - Maintenance
  - NBI
  - Proposed Roads
  - Public Authority
  - Regionally Significant Project
  - Secretary
  - Secretaries
  - State Transportation Agency
  - Transit
  - TTIP

# Subpart A – (continued)

- ▶ Removes the following definitions previously included in 25CFR170:
    - IRR Program Construction Funds
    - Office of Self-Governance
- 

# Subpart A – (continued)

## ► And Replaces:

Existing 25 CFR 170	(with) NPRM
Indian Reservation Road (IRR)	Tribal Transportation Facility
IRR Bridge Program	Tribal Transportation Facility Bridge Program
IRR Inventory	National Tribal Transportation Facility Inventory (NTTFI)
IRR Program	Tribal Transportation Program (TTP)
IRR Program Management and Oversight Funds	TTP Program Management and Oversight (PM&O ) Funds
IRR System	TTP System
IRR Transportation Facilities	Tribal Transportation Facility
IRR Transportation Improvement Program (IRRTIP)	TTPTIP

# Subpart B—Tribal Transportation Program Policy and Eligibility

- ▶ *Consultation, Collaboration, and Coordination*
  - § 170.101
    - “Developing plans and projects for the Safety funding identified in 23 U.S.C. 202(e)” was added as an activity covered under the TTP consultation and coordination policy.
  - § 170.102
    - Combined into § 170.101.
  - § 170.103
    - Should be numbered as § 170.102
  - § 170.103 (2<sup>nd</sup> one)
    - Clarifies that consultation is required before obligating any TTP funds for direct service activities

# Subpart B – (continued)

- § 170.104
  - No significant changes
- § 170.105
  - Reworded for clarification purposes
- § 170.106, § 170.107, § 170.108
  - No significant changes
- § 170.109
  - Changes “State and local government officials shall work with tribes” to “will work with tribes”.
- § 170.110
  - No significant changes

# Subpart B – (continued)

## ▶ *Eligible Uses of TTP Funds*

- § 170.111
  - Includes reference to 23 USC 202(a)(1) to identify eligible uses of TTP funds
  - References Appendix A to this Subpart as a more detailed listing of eligible activities
- § 170.112
  - Deletes references to maintenance activities from list of ineligible activities.
  - Clarifies that the purchase of construction or maintenance equipment must be approved by BIA and FHWA
- § 170.113
  - Clarifies the process by which proposals for a “new use of TTP funds” must follow
  - Updates new address for BIA and FHWA
  - Adds that new uses will be posted on FHWA and BIA websites

# Subpart B – (continued)

- ▶ *Use of TTP and Cultural Access Roads*
  - § 170.114
    - States that all facilities in the NTTFI must be open and available for public use per 23 USC 101(a)(31).
    - Identifies when a road may be temporarily closed
    - Describes how a facility could be permanently closed
  - § 170.115 – 116
    - No significant changes

# Subpart B – (continued)

## ▶ *Seasonal Transportation Routes*

### ◦ § 170.117

- Combines old §170.123 and §170.124 into §170.117
- Clarifies that TTP funds can be used on seasonal transportation routes that are included in the NTTFI.
- Clarifies required design standards for ensuring the health and safety of the traveling public

## ▶ *TTP Housing Access Roads*

### ◦ § 170.118–119

- No significant changes

# Subpart B – (continued)

- ▶ *Toll, Ferry, and Airport Facilities*
  - § 170.120
    - FHWA Program Agreements added to table
  - § 170.121
    - No significant changes
  - § 170.122
    - Clarifies how TTP funds can be used for airport access roads and maintaining airport facilities

# Subpart B – (continued)

## ▶ *Recreation, Tourism, and Trails*

### ◦ § 170.123

- Updates references for possible funding sources for RTT activities

### ◦ § 170.124

- Clarifies ways a tribe can obtain RTT funds

### ◦ § 170.125

- No significant changes

### ◦ § 170.126

- Clarifies that roads cannot be built in designated roadless and wild areas.

# Subpart B – (continued)

## ▶ *Highway Safety Functions*

- GENERAL – Replaces old § 170.141–145 with regulations on the TTP Safety Funding set aside established under MAP–21 and found at 23 U.S.C. 202(e).
- § 170.127
  - Provides what funds are available for safety activities
- § 170.128
  - Describes the eligible activities for TTP Safety funds
- § 170.129
  - Describes how the TTP Safety funds will be received
- § 170.130
  - Describes how a Tribe could obtain non–TTP funding for Safety projects and activities.

# Subpart B – (continued)

## ▶ *Transit Facilities*

- § 170.131
  - No significant changes
- § 170.132
  - Updates the source of funds available for a tribe's transit program to include DOT's *Public Transportation on Indian Reservations Program; Tribal Transit Program* 49 U.S.C. Section 5311(j) available through FTA
- § 170.133
  - Identifies that TTP funds can be used to satisfy the local match requirement of the various federal transit funds.
- § 170.134
  - Adds transit operational costs as an eligible use of TTP funds and updates Title 49 program references.

# Subpart B – (continued)

## ▶ *TTP Coordinating Committee*

- GENERAL – Updates IRR Program Coordinating Committee with new title of TTP Coordinating Committee
- § 170.135
  - Changes membership to 24 regional representatives which is how the Committee has worked in the past
  - Eliminates reference to “Alternate representative”
  - Clarifies that tribal representative must be tribal officials or employees.
  - Updates election terms
- § 170.136
  - Identifies that Committee members are responsible for disseminating TTPCC information and activities to the tribes within their region.
- § 170.137
  - Identifies process by which the Committee will submit a schedule of proposed meetings to the Secretary for approval.

# Subpart B – (continued)

## ▶ *Tribal Technical Assistance Centers*

### ◦ § 170.138

- Provides description of TTAP Centers and where additional information can be found. All other references have been removed.

## ▶ *Appendix A to Subpart B*

- List corrected to show correct statutory reference.
- Eliminated some duplicate entries
- Added purchasing, leasing, or renting of equipment as eligible. States that equipment purchases must be accompanied by a cost analysis.

# Subpart C—Tribal Transportation Program Funding

- ▶ GENERAL – Under MAP-21, Congress replaced the funding formula established through Negotiated Rulemaking (and contained in this Subpart of 25 CFR 170) with a new statutory funding formula. As a result, all references, calculation formulas, tables, and costs that were associated with the old funding formula including Population Adjustment factor, RNDP, Cost Tables, and others) have been removed in the NPRM and replaced with the statutory language and formula.
  - § 170.200
    - “Describes how the TTP funding amount is determined.
    - Old TTAM Chart is removed
  - § 170.201
    - Contains the funding distribution formula.
  - § 170.202
    - Describes how the tribal supplemental program funds are determined and distributed.
  - § 170.203
    - Clarifies how the TTP Planning funds are distributed.
- ▶ GENERAL – All references to the IRR High Priority Projects has been removed

# Subpart C – (continued)

- § 170.204
  - Identifies that TTP funds can only be expended on activities and projects identified in the Appendix to Subpart B and contained on an FHWA approved TIP.
- § 170.205
  - Outlines the timeframe by which funds must be made available to the Tribes
- ▶ *TTP Inventory and Long Range Transportation Plan*
  - § 170.225
    - Describes the correlation between the NTTFI and LRTP.
    - Reference to THPPP is in error and will be removed.

# Subpart C – (continued)

## ▶ *Formula Data Appeals*

### ◦ § 170.226

- Identifies what data can be appealed by a Tribe

## ▶ *Flexible Financing*

### ◦ § 170.227 – 230

- Provides information on the use of flexible financing, leveraging funds to pay the loan back, and ability of a tribe to apply for a loan from a state infrastructure bank.

# QUESTIONS