

# Tribal Transportation Program Coordinating Committee

The Honorable Kevin Washburn  
Assistant Secretary – Indian Affairs  
Bureau of Indian Affairs  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Ms. Joyce Curtis  
Acting Associate Administrator  
Federal Lands Highway  
Federal Highway Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20500

RE: Tribal Transportation Program Coordinating Committee (TTPCC) FY14 Annual  
Report and Recommendations

Dear Assistant Secretary Washburn and  
Associate Administrator Ms. Curtis:

The Tribal Transportation Program Coordinating Committee (TTPCC) thanks you for your response to our letter of May 14, 2014. This letter seeks to advance this critical dialogue regarding tribal transportation policy matters and reflects TTPCC priority concerns over the past year. On behalf of the TTPCC, we would first like to thank you for meeting with us on November 18, 2014, in Washington, DC. Your support and commitment for the TTPCC and our efforts to provide input and recommendations to ASIA, BIA, and FHWA on behalf of Indian Tribes in our nation is invaluable. We believe it is vitally important that the TTPCC be engaged in a manner that allows the Committee to fulfill its responsibilities as set forth in 25 C.F.R. Part 170.

In our discussion with you November 18, we identified the following issues for your consideration and agency action.

1. Provide a Detailed Update on the Current Status and Progress of the 25 CFR Part 170 Notice of Proposed Rule-Making (NPRM).

The 25 CFR Part 170 regulations have not been updated since they were first promulgated in 2004, even though the statutory terms have since been modified in two reauthorizations (SAFETEA-LU and MAP-21). The BIA and FHWA consulted on proposed draft rules and received comments. However, the NPRM has not yet been issued. The time has come to move these regulatory revisions forward and we understand that the NPRM is currently moving through the surnaming process. The TTPCC asks the Department to promulgate the NPRM on the Part 170 rules as soon as possible, and to provide periodic detailed updates as to the progress as it moves through the administrative process. The TTPCC also requests to be included in any discussions of potential consultation dates and locations related to the rollout of the NPRM process.

## 2. Re-Establish the Tribal Safety Management System (SMS) Steering Committee

We were glad to learn in your last letter that you have forwarded our request to FHWA regarding the re-establishment of the Tribal Safety Management System (SMS) Steering Committee. The TTPCC requests that you continue to work with FHWA on this issue. The TTPCC believes that the success of the National Tribal Transportation Safety Summit (NTTSS) held in 2012 was instrumental in the eventual establishment of the Tribal Safety funding set-aside in MAP-21. We encourage you to work with FHWA to carry out an additional NTTSS in the very near future.

3. Establish a Quality Assurance/Quality Control (QA/QC) team to ensure uniformity in the classification and data management within the National Tribal Transportation Facility Inventory (NTTFI) across Indian Country.

For many years, the TTPCC has advocated for the creation of a QA/QC team to monitor and improve the NTTFI. The Committee has in the past provided recommendations concerning such a team, and again requests that the BIA establish a QA/QC team to ensure uniformity in the classification and management of data in the NTTFI across Indian Country.

4. Offer Technical Assistance and Educational Seminars on Stafford Act Implementation in Indian Country.

In 2013, tribal advocacy was successful in securing amendments to the Stafford Act allowing tribal governments to declare emergency situations and apply directly to FEMA for disaster relief funding. However, receiving such funds triggers a number of complicated administrative requirements as well as a 25% funds matching requirement that may be extremely burdensome on tribes. We request that the BIA work with FEMA and the TTPCC to provide technical assistance and educational programs to increase the capability of tribes to take advantage of these funds in the case of an emergency.

We also ask that the BIA and FHWA work cooperatively with the FTA and the TTPCC to harmonize federal policy as it pertains to parity in the treatment of tribes and states in emergency relief funding under the recently published 49 CFR Part 602 Final Rule.

5. Enhance Data Management, Increase Flexibility and Allocate more Funding for Road Maintenance

Since the establishment of TTPCC in 2005, this Committee has continually worked to address the issue of the extensive unmet need for maintenance funding for roads and transportation infrastructure in tribal communities. Accurate and accessible data management that reflects the extent to which tribes are allocating their construction funds in order to meet maintenance needs is essential to addressing this unmet need. Currently, many tribes allocate funds from their TTP

construction program funds and or tribal general funds to cover maintenance costs, which may skew certain calculations. The TTPCC requests that the BIA and FHWA work with the TTPCC develop data management systems that effectively document this data.

6. Streamline the Funding Delivery Process.

The TTPCC fully agrees with your comments during our November 18, 2014 meeting noting that the BIA needs to move TTP funds from the BIA to the tribes in a more efficient and timely manner. We look forward to working with you in achieving the objective of timely distribution of funds, and would appreciate the opportunity to consult on any efforts to fine-tune the BIA's policies and procedures on this issue.

7. Competitive Transportation Grant Funds Must be Accessible to Tribes

Tribes and tribal projects often are not competitive for grant programs due to their small population bases and rural characteristics. We urge for the consideration of set-asides for tribal transportation projects in competitive programs such as TIGER grants.

8. Improve the Consultation and Follow-Up Process.

This Administration has demonstrated its commitment to meaningful consultation with tribes with E.O 13175 regarding the establishment of regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, including transportation issues. Both the BIA and the TTPCC can work together to increase the effectiveness and regularity of such tribal consultations and dialogue. One recurring issue is the difficulty tribes have in making sure their voices and representatives are heard in consultation, due to the difficulty and expense of travel. We request that whenever BIA arranges consultation sessions on transportation, the Bureau does so in several locations and dates within each BIA region. We also encourage the use of teleconferencing and other technologies to supplement the consultation process, especially to provide meaningful updates and context before consultation sessions.

9. Approve Meeting Schedule for 2015

For the Committee to meaningfully and effectively move forward on its work, and for tribes to be able to engage with the Committee, we must be able to plan ahead for travel and other such arrangements. We therefore request approval of the meeting dates and locations for the Committee's work during the remainder of FY 2015 as noted in our September 20, 2014 letter.

The TTPCC is committed to working with our Federal partners to improve the effectiveness of transportation systems in tribal communities and will provide its Legacy Report to you during our meeting in February, 2015. Until then, we look forward to working together with you on these critically important issues.

Sincerely,

Raymond Concho Jr., Chair  
Tribal Transportation Program Coordinating Committee

Enc: TTPCC Tribal Members in Attendance Signature Block Page

cc: Members of the TTPCC

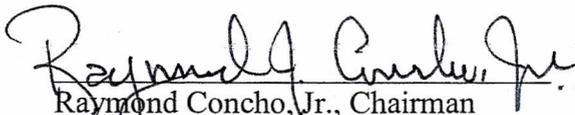
Ms. Sarah Walters, Counselor to the AS-IA

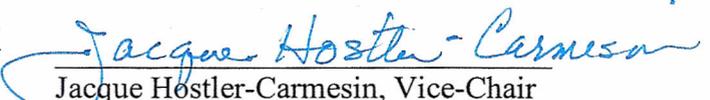
LeRoy Gishi, Division Chief, BIA, Division of Transportation

Robert Sparrow, Director, Tribal Transportation Program

Thank you for affording us the opportunity to make known our recommendations.

Respectfully,

  
Raymond Concho, Jr., Chairman  
(Southwest Region)

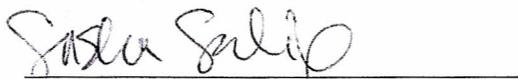
  
Jacque Hostler-Carmesin, Vice-Chair  
(Pacific Region)

  
Wayne Wylie (Eastern Ok. Region)

  
Jody Clark (Eastern Region)

  
Mike Moilanen (Midwest Region)

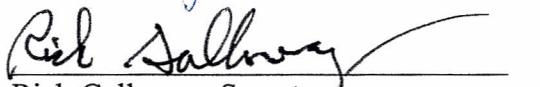
  
Leonard H. Pete (Navajo Region)

  
Sasha Saliego (Western Region)

  
John Smith (Rocky Mountain)

  
Edward K. "Sam" Thomas, Jr.  
(Alaska Region)

  
Paulson Chaco (Navajo Region)

  
Rick Galloway, Secretary  
(Northwest Region) November 19, 2014

11/18-20/2014

WA UC

TRPCCT

~~Meeting To Adopt~~  
~~June~~

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Attendance

Sheet

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