

XV. Other Federal Transportation Grants and Programs

A. Overview. In addition to the programs available under the Tribal Transportation Program, there are other transportation programs from FHWA and the U.S. Department of Transportation (DOT) that Tribes can apply to for funding. This chapter highlights some of these programs.

B. Federal Lands Access Program (FLAP). This program improves access to Federal Lands on infrastructure. Proposed projects must be located on a public highway, road, bridge, or trail system that is located on, or adjacent to, or provides access to Federal lands and is owned or maintained by States, counties, boroughs, local governments, or Tribes. Activities and projects eligible for funding include:

- Construction and reconstruction of public highways, roads, bridges, trails;
- Transportation planning, research, engineering (design), preventive maintenance, rehabilitation, restoration, construction, and reconstruction of an eligible facility located on, adjacent to, or provides access to, Federal land;
- Adjacent vehicular parking areas;
- Acquisition of necessary scenic easements and scenic or historic sites;
- Provisions for pedestrians and bicycles;
- Environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities;
- Other appropriate public transportation facilities, as determined by the Secretary;
- Operation and maintenance of transit facilities; and
- Any eligible transportation project that is on, adjacent to, or provides access to, Federal land.

1. Statutory/Regulatory Requirements.

- 23 U.S. Code § 204 - Federal lands access program
- Program Match Requirements (23 USC § 120)
 - Non-Federal funds
 - Tribal Transportation Program (TTP) Funds
 - In kind services (labor), right-of-way, construction materials, or labor/equipment time valued at fair market value.
 - Toll Credits (23 USC § 120(i))
- FLAP funds cannot be used as non-Federal match for other programs.

2. Guidelines/Procedures.

a. Funding: FLAP funds are apportioned to States by formula based on:

- Recreational visitation (30%)
- Federal land area (5%)
- Federal public road mileage (55%)
- Federal public bridges (10%)

b. How to Apply: Tribes should contact their TC when considering applying for funding from this program. When a Tribe is developing their application for FLAP funding for a project, they should work closely with the appropriate Federal Land Management Agency (FLMA) that the proposed project provides access to.

- c. Project Selection:** A Project Selection Team will evaluate and prioritize the applications for FLAP projects according to following areas: Safety, Preservation, Recreation, Economic, Mobility, and environmental. In addition, preference shall be given to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the FLMA.

The Project Selection Team will include representatives from the Federal Highway Administration, Alaska Department of Transportation, Alaska Municipal League, U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and the U.S Army Corp of Engineers.

- d. References/Resources.**

- FLAP Fact Sheet at <http://www.fhwa.dot.gov/fastact/factsheets/fedlandsaccessfs.cfm>

C. TIGER Discretionary Grants. The “Transportation Investment Generating Economic Recovery” (TIGER) Discretionary Grant program is administered by the U.S. Department of Transportation (DOT). Tribes are eligible to apply to this Grant program. TIGER Grants may fund preliminary engineering, construction, and construction engineering of transportation projects. TIGER Grants are awarded for road, transit, port and rail projects that contribute to certain national objectives. Since 2009, Congress has dedicated more than \$4.1 billion for six TIGER Grant rounds to fund projects that have a significant impact on the Nation, a region or a metropolitan area.

Tribes are eligible to submit applications for a TIGER Grant, to compete with others also applying for a TIGER Grant. The U.S. DOT then competitively selects and funds TIGER Grants based on those applications. The TIGER Grant program may or may not be available for applications every year. Whether or not a new “round” of TIGER Grants will be made available in any year depends on enactment and funding of the TIGER program that year by the Government.

In each new round of TIGER Grants, DOT receives many applications from Tribes and others. Applicants must describe in their application detailed information about the project, including the benefits their project would provide for five long-term outcomes: safety, economic competitiveness, state of good repair, livability and environmental sustainability.

1. Statutory/Regulatory Requirements.

- Title XII of the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”)
- The Consolidated Appropriations Act, 2014 (Pub. L. 113-76, January 17, 2014)

2. Guidelines/Procedures. Funding from other sources, such as the TTP, Federal-Aid programs, State, and local sources, should be combined with TIGER Grant funding to fund a project. A TIGER Grant alone will not fund a project. The Tiger Grant funding is reimbursable; that is, the Tribe will need to have other funds available to spend on the project before the TIGER Grant program reimburses the Tribe for those moneys spent.

3. References and Resources.

- <http://www.dot.gov/tiger>
- <http://www.dot.gov/tiger/resources>

D. Federal Transit Administration (FTA) Programs. The FTA provides funding to Tribes for public transit systems. Examples of eligible activities include: capital projects; operating costs of equipment and facilities for use in public transportation; and the acquisition of public transportation services, including service agreements with private providers of public transportation services.

1. Tribal Transit Program funding. Tribes may receive funding from the Tribal Transit Program in the following ways:

a. Discretionary Program. Tribes may apply for these funds in response to a Notice of Federal Funding (NOFA) issued by the Government. Grants are available annually on a competitive basis. A 10 percent local match is required under the Discretionary Program, unless a tribe can demonstrate financial hardship. A Tribe may use its TTP tribal shares towards the required local match. However, there is no local match required for planning grants awarded under this program.

Tribes interested in applying should respond to the requirements and information in the Notice of Federal Funding (NOFA) that is issued by the Government. The TC is available to provide guidance and assistance in the application process.

The following is the list of eligible projects:

- Planning projects— there is a \$25,000 cap.
- Capital projects—this includes start-up, replacement or expansion services.
- Operating assistance— this includes start-up and new systems. It also includes systems that can prove they operate public transportation and either did not receive any formula funding or only Tier 3 funding in FY2013. General operating assistance is no longer eligible (except in limited circumstances in FY 2013).

b. Formula Allocation Program. Under the FAST Act, the Tribal Transit Program (TTP) distributes annual funding by a formula to eligible Tribes to provide public transportation on tribal lands. There is no local match required under the formula program. Formula factors include vehicle revenue miles and the number of low-income individuals residing on tribal lands.

2. Rural Transit Formula (“5311”) Program. This program provides federal funds for rural transit systems, including tribal transit systems in rural areas.

- Program is administered by each State;
- However, the option is available for Tribe to have FTA manage the Grant after it is awarded to a Tribe by the State;
- Who manages the Grant (the State or FTA) will be designated on the State TIP (the “STIP”).

3. Statutory/Regulatory Requirements.

- 49 USC § 5311, formula grants for rural areas at:
<http://www.law.cornell.edu/uscode/text/49/5311>
- Public Law 114-94, *Fixing America’s Surface Transportation Act* (FAST Act) § 3007

4. References and Resources.

- Federal Transit Administration, Tribal Transit Program at: http://www.fta.dot.gov/grants/15926_3553.html
- List of FTA Regional Tribal Liaisons at http://www.fta.dot.gov/12305_15845.html
- Federal Transit Administration (FTA) list of Regional Offices and the States they serve at: http://www.fta.dot.gov/12317_1119.html
- How to apply for an FTA Discretionary Grant at <http://www.fta.dot.gov/grants/13070.html>
- Notices of FTA Funding Availability (NOFA) on the FTA website at <http://www.fta.dot.gov/grants/13077.html>
- Formula Grants for Rural Areas: Program Guidance and Application Instructions at [http://www.fta.dot.gov/documents/FTA_Circular_9040_1Gwith_index_-_Final_Revised_-_vm_10-15-14\(1\).pdf](http://www.fta.dot.gov/documents/FTA_Circular_9040_1Gwith_index_-_Final_Revised_-_vm_10-15-14(1).pdf)
- How to Apply for a Reporting ID in the National Transit Database at: <http://www.ntdprogram.gov/ntdprogram/ntdid.htm>
- NTD Helpdesk Information at <http://www.ntdprogram.gov/ntdprogram/feedback.jsp>
- “*Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook*” (TCRP Report 154) at: <http://www.trb.org/main/blurbs/166797.aspx>
- *FHWA Tribal Transportation Best Practices Guidebook* at: http://www.tribalplanning.fhwa.dot.gov/bestPractices_guidebk.aspx
- Rural Transit Assistance Program at: <http://webbuilder.nationalrtap.org/Home.aspx>

E. FASTLANE Program, also known as the **Nationally Significant Freight and Highways Program (NSFHP)**.

1. **Overview.** The **FASTLANE** program is authorized by the FAST Act at \$4.5 billion total for Fiscal Years (FY) 2016 through 2020, including \$800 million for FY 2016. \$76 million in FY 2016 was reserved for small projects.

FASTLANE projects are nationally and regionally significant highway, rail, port, and intermodal freight projects, classified as “Small” or “Large”:

- **Small projects.** Minimum project size is \$8.33 million. The FASTLANE grant is \$5 million minimum.
- **Large projects.** Minimum project size is \$100 million. The FASTLANE grant is \$25 million minimum. In some States, the minimum project size may be smaller than \$100 million. The Notice of Funding Opportunity (NOFO) will provide a list of those States and their minimum project size.

A grant under the **FASTLANE** program provides up to 60% maximum of the total eligible project costs. An additional 20% of eligible project costs may be funded with other Federal assistance. The remaining 20% of eligible project costs may be funded with TTP Tribal shares and non-Federal funding.

2. Statutory/Regulatory Requirements.

- FAST Act §1105
- 23 U.S.C. §117

3. Guidelines/ Procedures.

- See the FASTLANE Fact Sheet at <http://www.fhwa.dot.gov/fastact/factsheets/fastlanegrantsfs.cfm>
- A Notice of Funding (NOFO) will be published annually in the Federal Register.
- A Tribe applies directly for a FASTLANE grant to <http://www.Grants.gov> in response to the NOFO.
- **Eligible Projects:**
 - A highway freight project on the National Highway Freight Network;
 - A highway or bridge project on the National Highway System, including:
 - A project to add capacity to the Interstate system to improve mobility; or
 - A project in a national scenic area;
 - A freight intermodal or freight rail project;
 - A project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility;
 - A project that will make a significant improvement to freight movements on the National Highway Freight Network and that the Federal share of the project funds only elements of the project that provide public benefits, and that the total assistance for these projects does not exceed \$500 million over the period 2016-2020; or
 - A railway-highway grade crossing or grade separation project.
- **Eligible Project Costs.** Funding received under a FASTLANE grant may be used for these costs associated with the approved project:
 - Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and
 - Construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.
- **The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.**
 - At the request of an eligible FASTLANE grantee, the USDOT may offer credit assistance to the grantee, to be provided under the TIFIA program. The credit assistance may pay the subsidy and administrative costs associated with the FASTLANE grant.

F. Federal-aid Programs. This section highlights a few of the Federal-aid programs found in the Guide to Federal-aid Programs and Projects <http://www.fhwa.dot.gov/federalaid/projects.cfm>

The statutes governing the Federal-aid Highway Program are found in Title 23, United States Code (23 U.S.C.).

1. Emergency Relief for Federally Owned (ERFO). Serious damage by a natural disaster over a wide area, or by a catastrophic failure, can possibly be reimbursed by the Emergency Relief for Federally Owned (ERFO) program. This program is applicable to federally owned roads, and also to roads that are on the National Tribal Transportation Facility Inventory (NTTFI), even if they are not federally owned. Reimbursement for expenses will require documentation of time sheets and equipment hours, positive findings that procedures have been followed in a timely manner, documentation of damaged site inspection, and the Program of Projects (POP) approval by FHWA.

The Federal share for the repair of Tribal Transportation Facilities, Federal Lands Transportation Facilities, and Public Roads on Federal Lands is 100 percent under the ERFO Program. ERFO funds are not to duplicate assistance under another Federal program or compensation from insurance, cost share, or any other source.

- a. Statutory/Regulatory Requirements.** 23 USC §§ 120 and 125.
 - b. Role of Tribal Governments.** See the Applicant responsibilities in chapter 5 of the ERFO Disaster Assistance Manual at <http://flh.fhwa.dot.gov/resources/>
 - c. References/Resources.**
 - FLH ERFO website at <http://flh.fhwa.dot.gov/programs/erfo/>
 - ERFO Disaster Assistance Manual at <http://flh.fhwa.dot.gov/resources/>
 - For questions on the administration of the nationwide ERFO Program, contact Mr. Sergio Mayorga, ERFO Program Manager at (202) 366-9491.
- 2. Additional Federal-aid Programs.** Information on additional Federal-aid programs is located at <http://www.fhwa.dot.gov/fastact/factsheets/>

These programs include:

- **Congestion Mitigation and Air Quality Improvement Program**
- **Highway Safety Improvement Program**
- **Metropolitan Planning**
- **National Highway Freight Program**
- **National Highway Performance Program**
- **Railway-Highway Crossings Program**
- **Surface Transportation Block Grant Program**
- **Transportation Alternatives**