

Appendix B – Glossary

As-built Drawings – Revised set of drawings submitted upon completion of a project that reflects all changes made to the PS&E during construction. As-built drawings are also called as-built plans.

Automated Clearing House (ACH) Form – Form SF 3881, which is used to document the necessary financial information (e.g., bank account number, DUNS number) for FHWA personnel to obligate funding to a Tribe's bank account.

Categorical Exclusion – Actions, based on past experience, that do not involve individual or cumulative significant environmental impacts and are excluded from the requirement to prepare an EA or EIS. (23 CFR § 771.117).

Consortium – A group of Tribes who have formally agreed to pool their TTP funding and resources. See definition in 25 CFR § 170.5. A Tribal Consortium will be handled by FHWA the same way as if dealing with one Tribe. There is usually only one Tribal POC, one TTPA, and one Reference Fund Agreement (RFA) for a Tribal Consortium.

Contractible Service – A function or activity that is not inherently Federal and can be achieved via contract. See 25 CFR § 170.610.

Design Exception – Any deviation from approved design standards (25 CFR §§ 170.456, 170.457, and 170.460).

Data Universal Numbering System (DUNS) – A unique nine-digit identifier used by businesses and the Federal Government to keep track of more than 70 million businesses world-wide.

Environmental Assessment – Actions in which the significance of the environmental impact is not clearly established, and all actions that are not CEs or EISs. Actions in this class require the preparation of an EA to determine the appropriate environmental document required (from 23 CFR § 771.115).

Environmental Impact Statement – Actions that are determined to significantly affect the environment require an EIS (23 CFR § 771.115).

FAST Act – The “Fixing America’s Surface Transportation Act,” Pub. L. 114-94.

Financially Constrained – A plan (metropolitan transportation plan, TTIP, or STIP) that includes financial information demonstrating that projects can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is adequately operated and maintained. (see 25 CFR §§ 170.5 and 170.421(a)(2), and 23 U.S.C. §§ 134 and 135). For the TTIP and the STIP, financial constraint/fiscal constraint applies to each program year. Projects in air quality nonattainment and maintenance areas can be included in the first two years of the TTIP and STIP only if funds are “available” or “committed.” See 23 CFR § 450.104.

Financial Report – The mechanism used by the Tribe to submit summary information on expenditures, program income, and indirect expenditures in order for FHWA to monitor the status of funds awarded to a Tribe.

Finding of No Significant Impact – A concise document prepared at the conclusion of the EA presenting the reasons when it is determined that an action will not have significant environmental impacts and will not require preparation of an EIS (23 CFR § 771.121).

Force Account – Project construction using employees of the Tribe.

FHWA TTP Team – FHWA TTP Teams are located in various locations across the USA. The FHWA TTP Team includes Tribal Coordinators (TCs), environmental specialists and planner(s) assigned to work with Tribes who have an FHWA Tribal Transportation Program Agreement (TTPA).

Imminent jeopardy to public health and safety – An immediate and significant threat of serious harm to human well-being, including conditions that may result in serious injury, or death, caused by Tribal action or inaction or as otherwise noted in the TTPA.

Imminent jeopardy to trust funds, trust land, or interest in such lands – An immediate threat and likelihood of significant devaluation, degradation, damage, or loss of a trust asset, or the intended benefit from the asset caused by the actions or inactions of the Tribe in performing trust functions. This includes disregarding Federal trust standards and/or Federal law while performing trust functions if the disregard creates such an immediate threat.

Long-Range Transportation Plan (LRTP) – The official Tribal, multimodal, transportation document covering a period of no less than 20 years developed through the tribal transportation planning process which identifies the transportation needs and priorities of the Tribe.

National Tribal Transportation Facility Inventory (NTTFI) – A list of transportation facilities eligible for assistance under the TTP. The NTTFI is managed by the BIA.

Non-compliant – When submissions and/or actions as required by statutory/regulatory requirements, or responsibilities as identified in the TTPA, are not met.

Non-emergency remedial actions – Actions carried out when a Tribe is found to be non-compliant or non-responsive to the following required activities or program/project findings:

- Reporting on or providing to FHWA:
 - Annual Single Audit reports, including any single audit findings of material weaknesses or significant deficiencies as they relate to the TTP, or Semi-annual accomplishment and financial reports as required by Article III of the TTPA;
 - Tribal approved project packages, including PS&Es and assurances that the construction will meet or exceed applicable health and safety standards per Article III, Section 1.C of the TTPA, and according to 25 CDR § 170.460;
 - Final construction reports and as-built plans for final inspection in accordance with 25 CFR Part 170;
- Program review findings that require the development and execution of corrective action plans; or
- Other FHWA TTP action requests regarding non-compliance with the TTPA including statutory or regulatory requirements.

Non-responsive – When attempts by e-mail, phone, or other communication by the TC or other TTP Team staff are repeatedly unanswered.

Notice of Intent – Official letter or Tribal resolution from a Tribal government notifying FHWA of its desire to work directly with FHWA and enter into a TTPA with FHWA for the administration of its Tribal Transportation Program.

P1 (Action) Audits – These are action memos that are issued/distributed via email from the OIG to the TTP. They outline single audit findings that require action by the TTP. A response that includes written documentation of corrective action taken and supporting documentation must be sent to the OIG by the Target Action Date (6 months from the date of the OIG Action Memo).

P2 (Informational) Audits – Audits that are issued/distributed via email from the OIG to the TTP. They outline single audit findings that require action by the TTP. No response is required to be sent to the OIG. However, written documentation of corrective action taken and the supporting documentation are required by the TTP and must be kept on file.

Plans, Specifications, and Estimates (PS&E) – A package made up of plans, specifications, and engineers estimates on the location, design features, and the construction requirements in sufficient detail to facilitate the construction of a project.

Project – Any undertaking determined as being eligible under the Title and Program for which funds are being provided.

Project Package – Consists of a number of documents including the Plans, Specifications, and Estimate (PS&E), the approved design exceptions, and all the construction details, provisions, permits, agreements, conditions, and certifications required to administer a construction project.

Progress Report – A description or account submitted by a Tribe of TTP work accomplished during a specified time period, any issues identified, and work to be accomplished. These reports are submitted by a Tribe on the schedule required in the TTPA.

Public Authority – As defined in 23 U.S.C. 101(a)(20), a Federal, State, county, town, or township, Indian tribe, municipal, or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

Reassumption – An instance where FHWA temporarily takes on the Tribe's responsibilities under the TTP to carry out actions required to mitigate an imminent jeopardy.

Record of Decision – Documentation prepared after the final EIS that presents the basis for the decision, summarizing any mitigation measures that will be incorporated into the project. (23 CFR § 771.127).

Referenced Funding Agreement (RFA) – A document between FHWA and a Tribe which sets forth specific conditions for Fiscal Year funding under the Tribal Transportation Program Agreement. It includes the terms that identify the specific programs, functions, services and activities to be performed, the funds to be provided, the time and method of payment, and such other provisions to which the Parties agree.

Regionally Significant Project – A project (other than projects that may be grouped in the STIP/TTIP under 23 CFR § 450) that:

- (1) Is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves); and
- (2) Would normally be included in the modeling of a metropolitan area's transportation network, including, as a minimum, all principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel.

Risk Assessment – FHWA review of a Tribe's TTP and / or other programs to determine and document whether the Tribe is eligible to enter into a TTPA with the Federal Government.

Risk Assessment Matrix – Table with a set of questions used by FHWA to consistently assess whether a Tribe is eligible to enter into a TTPA with the Federal Government.

Risk Score – General rating determined from the Risk Assessment Matrix, and is used to rate level of risk (i.e., low, moderate, high) to the Federal Government associated with entering into a TTPA with a Tribe.

Section 4(f) Evaluation – Documentation prepared to support the granting of the Section 4(f) approval and determination that there is no feasible and prudent alternative to the use of Section 4(f) property and that the proposed action includes all possible planning to minimize harm to the property resulting from that use (23 CFR § 774).

Single Audit – The Single Audit, also known as the OMB A-133 audit, is a rigorous, organization-wide audit or examination of an entity (including Tribes) that expends \$750,000 or more of Federal funds, grants, or awards received for its operations in any one fiscal year. Usually performed annually, the Single Audit is typically performed by an independent certified public accountant and encompasses both financial and compliance components.

State – Any of the 50 States, the District of Columbia, or Puerto Rico.

State Transportation Department – The department, commission, board, or official of any State charged by its laws with the responsibility for highway construction and/or maintenance as defined in 23 U.S.C. 101(a)(28).

STIP – The Statewide Transportation Improvement Program. It is a financially constrained, multi-year list of transportation projects. The STIP is developed under 23 U.S.C. 134 and 135, and 49 U.S.C. 5303-5305. The Secretary of Transportation reviews and approves the STIP for each State.

Technical Assistance – Those activities which provide advice, education, support, knowledge, skills and opportunities to address specific current and future situations in implementing the policies and procedures governing the Tribal Transportation Program. Technical assistance may be through training, outreach, peer and expert review, and expert assistance.

Tribal Employment Rights Ordinance – Ordinances requiring that employers who are engaged in operating a business on reservations give preference to qualified Indians in all aspects of employment, contracting and other business activities.

Tribal Coordinator (TC) – An employee of FHWA who is the Federal point of contact leading the coordination between a Tribal government and FHWA for the Tribal Transportation Program. The TC provides stewardship and oversight of a Tribe’s TTP, and provides technical assistance to the Tribe on elements of administering the TTP, and on items related to improving the tribal transportation system such as planning, design, environmental processes, construction functions, transportation safety, maintenance, and transportation funding opportunities.

Tribal Government – A Tribal Government is the local governing body of a Tribe, band, pueblo, community, village, or group of Native American Indians, or Alaska Natives that carry out sovereign governmental functions.

Tribal POC – An employee and/or member of a Tribe who is designated by the Tribe as the official point of contact with FHWA for all matters related to the Tribal Transportation Program (TTP). The FHWA TC coordinates and interacts on an ongoing basis with the Tribal POC.

Tribal Resolution – A tribal government’s formal expression of opinion, will, or intent.

Tribal Share – A Tribe’s portion of all eligible funds and resources that support applicable PFSAs (or portions thereof) provided through a compact or funding agreement between the Tribe and the Department that are not required by the Secretary for the performance of inherent federal functions.

Tribal Signatory – Official designee recognized by the Federal Government as qualified to enter a Tribe into binding agreements.

Tribal Transportation Allocation Methodology (TTAM) – Methodology for distributing funding under the TTP.

Tribal Transportation Improvement Program (TTIP) – A multiyear financially constrained list of proposed transportation projects developed by a Tribe using the Tribal Priority List from the LRTP, and approved by FHWA.

Tribal Transportation Program Transportation Improvement Program (TTPTIP) – A compilation of the data from all of the FHWA-approved TTIPs.

Tribal Transportation Program (TTP) – Program addressing transportation needs of Tribes by providing funds for planning, design, construction, and maintenance activities. The program is jointly administered by FHWA and BIA in accordance with an interagency agreement.

Tribal Transportation Program Agreement (TTPA) – An agreement between a Tribe and FHWA, that transfers all but the inherently federal program functions, services and activities of the Tribal Transportation Program to the Tribe. It is called a “Program Agreements” (PA).

Tribe – The term "Tribe" refers to the Tribes and Villages listed in the Federal Register as *Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs*.

TTPA Template – The standard format that a Tribe and the TC use as a basis to create the official Tribal Transportation Program Agreement (TTPA) between a Tribe and the U.S. Government.