

**TRIBAL
TRANSPORTATION
PROGRAM
AGREEMENTS
(TTPA)**

**WORKING WITH
YOUR TRIBAL
COORDINATOR**

March 13, 2024



Our Mission

“Through mutual respect and understanding, enhance the quality of life in Tribal communities by supporting the Tribes’ delivery of transportation programs.”





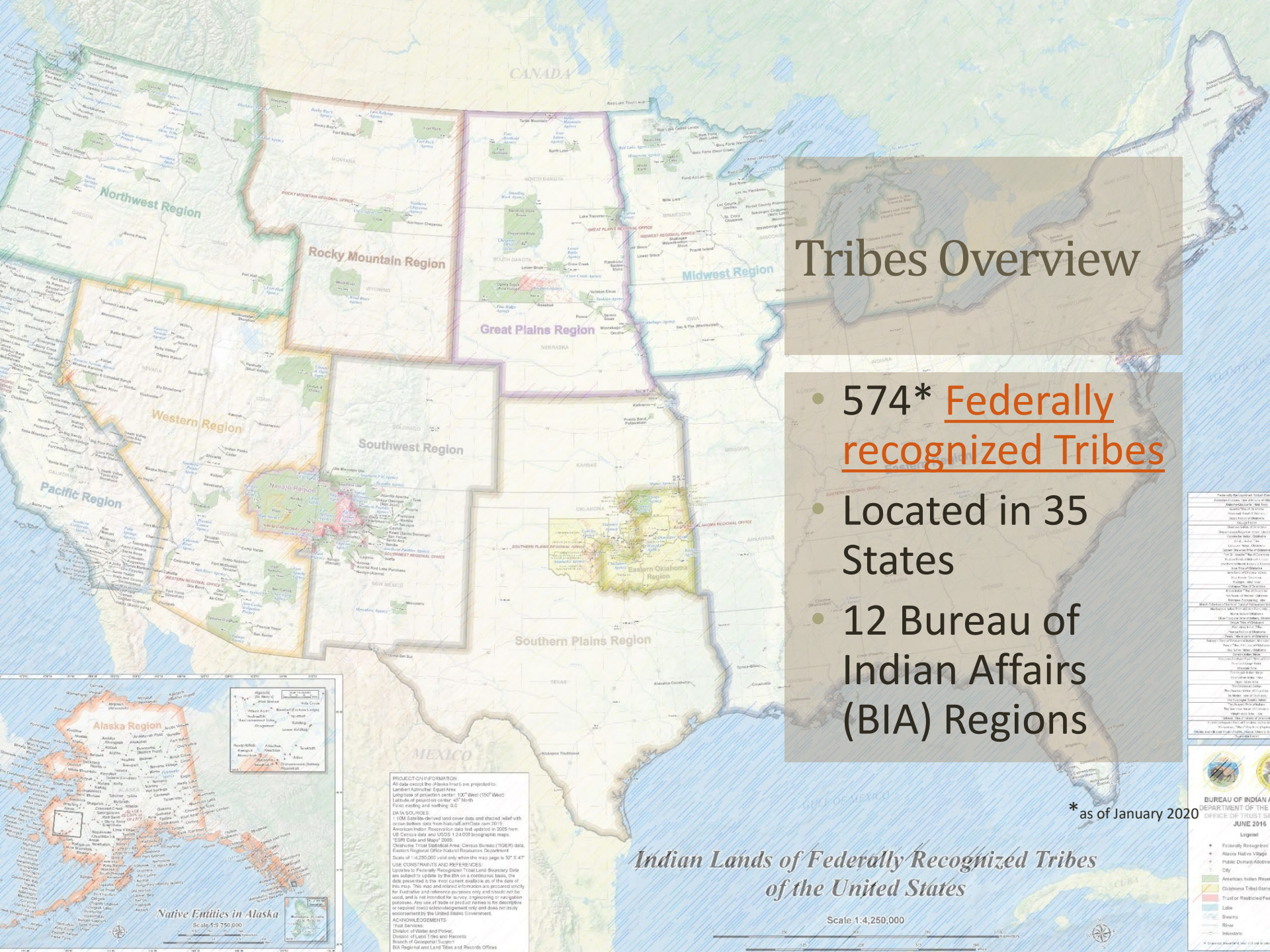
Implementation “in accordance
with the Indian Self-Determination
and Education Assistance Act”

Goals and Guiding
Principles:

Encourage Flexibility and
Innovation;

Government interprets
regulations to the benefit
of the Tribe;

Recognize Tribal
sovereignty, and the
“Government-to-
Government” relationship.



Tribes Overview

- 574* Federally recognized Tribes
- Located in 35 States
- 12 Bureau of Indian Affairs (BIA) Regions

*as of January 2020

Indian Lands of Federally Recognized Tribes of the United States

Scale 1:4,250,000

PROJECTION INFORMATION:
 All data except the Alaska Inset are projected to:
 Lambert Conformal Conic Projection
 Longitude of projection center: 101° West (197° West)
 Latitude of projection center: 47° North
 False easting and northing: 500
 UNIT CONVERSIONS:
 1:0M Satellite-derived land cover data and shaded relief with contour feature data from National Center for Earth and Environmental Information
 American Indian Reservation data last updated in 2005 from US Census data and USGS 1:250,000 topographic maps (SRTM Data and Map) 2003
 CURRENT TRIBAL BOUNDARY DATA: Census Bureau (1990) data
 Eastern Regional Office Tribal Resources Department
 Scale of 1:250,000 used only when the map page is 30" x 40"
USE CONSTRAINTS AND REFERENCES:
 Limits to Federally Recognized Tribal Land Boundary Data are subject to update by the BIA on a continuous basis. The data presented is the most current available as of the date of this map. This map and reference information are prepared solely for illustrative and reference purposes only and should not be used, and is not intended for survey, engineering or navigation purposes. Any use of trade or product names is for descriptive or required level acknowledgment only and does not imply endorsement by the United States Government.
ACKNOWLEDGMENTS:
 Tribal Services
 Division of Water and Power
 Division of Land Title and Records
 Branch of Governmental Relations
 BIA Regional and Land Titles and Records Offices

Native Entities in Alaska
 Scale 1:9,750,000

Feature	Symbol/Color
Federally Recognized Tribe	Black dot
Alaska Native Village	Black dot
Public Domain	Light blue
City	Black dot
Aboriginal Indian Res.	Light green
Children's Trust Land	Light green
Trust or Restricted Fee	Light green
Swamp	Light blue
River	Blue line
Interstate	Red line

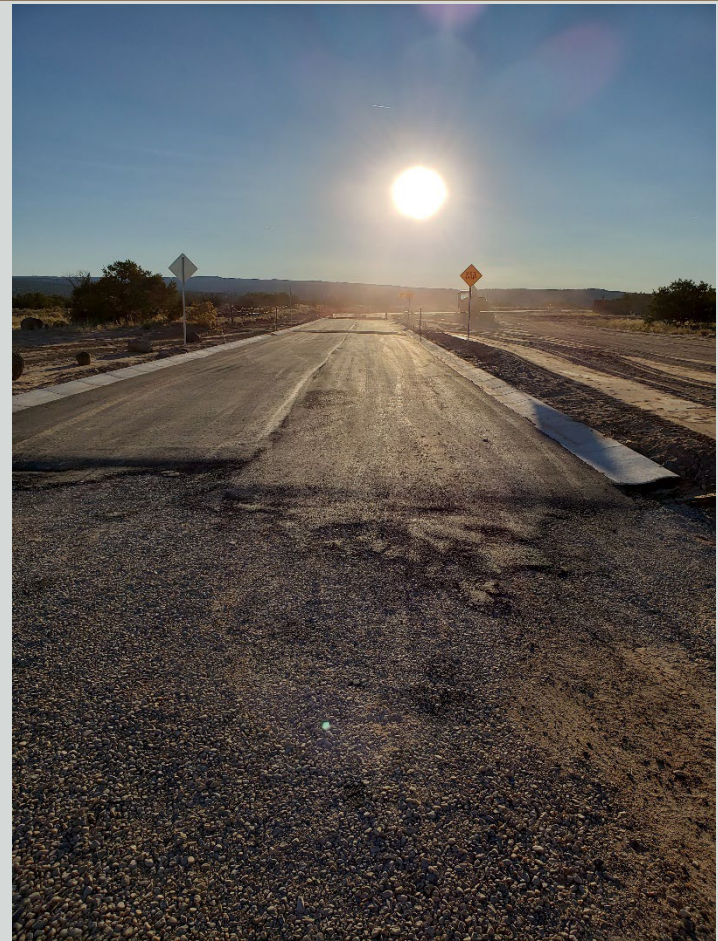
BUREAU OF INDIAN AFFAIRS
 DEPARTMENT OF THE INTERIOR
 OFFICE OF TRIBAL SERVICES
 JUNE 2016

Legend

- Federally Recognized Tribe
- Alaska Native Village
- Public Domain
- City
- Aboriginal Indian Res.
- Children's Trust Land
- Trust or Restricted Fee
- Swamp
- River
- Interstate

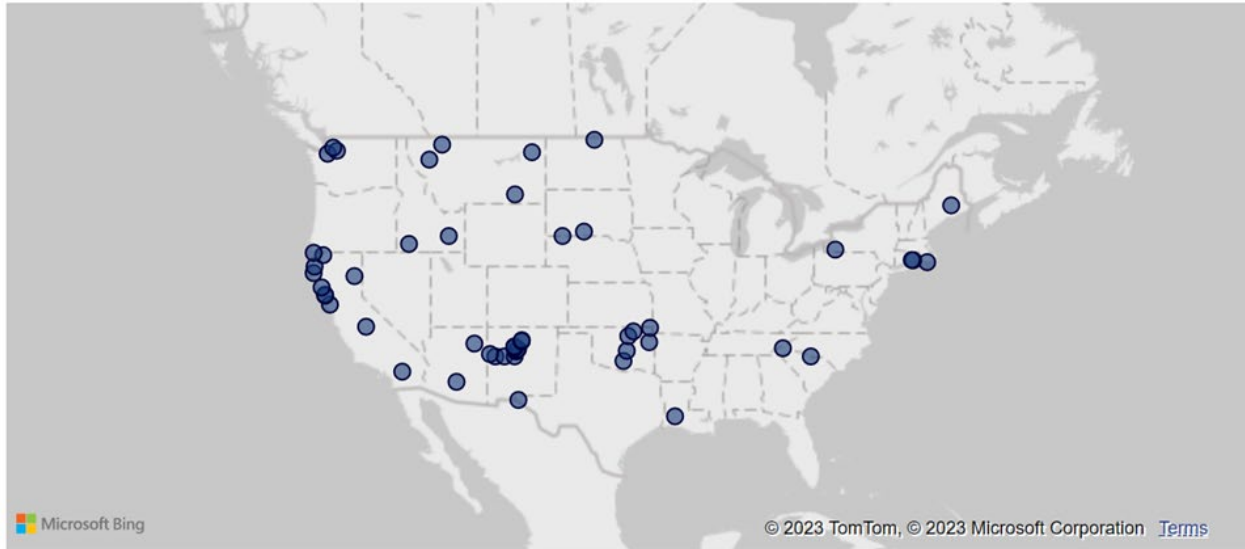
FHWA-Tribal TTP Agreements

- 132 Tribes in Contiguous United States
- 81 Tribes in Alaska

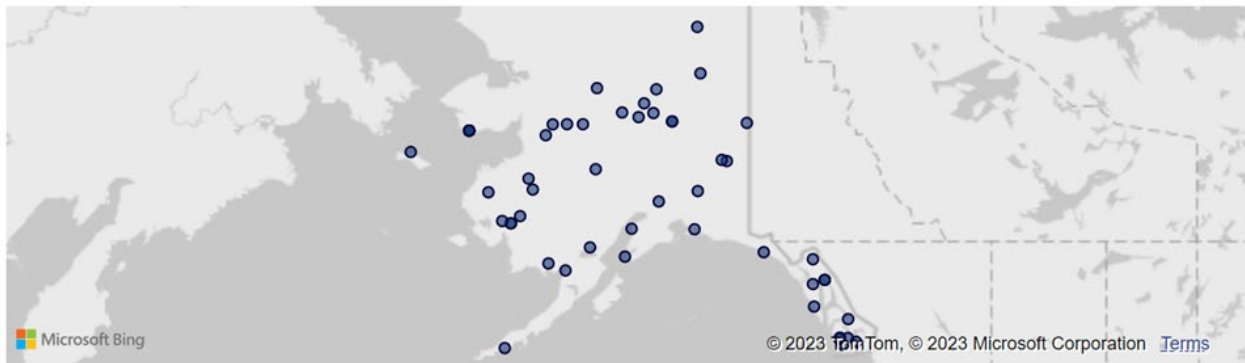


Program Agreement Tribes

Contiguous United States



Alaska



Tribal Transportation Program (TTP)

- Largest Federal Lands Highway (FLH) Program
- In 1982 (STAA): Indian Reservation Roads Program category of the FLH Program; and later renamed to TTP (MAP-21)
- Jointly managed and administered by the Bureau of Indian Affairs (BIA) and FHWA
- Serves all 574 Federally recognized Tribes
- Regulations: 25 CFR Part 170




U.S. Department
of Transportation
**Federal Highway
Administration**





OFFICE OF TRIBAL TRANSPORTATION





ERIN KENLEY
Office Director



DANNY CAPRI *
Grants Management
Team Leader


BRIAN ALLEN, PE
Field Operations Manager


ELIZABETH ROMERO
Program Administration
Manager



**MORGAN
MALLEY MANNING ***
TTAP Program Manager





**CURTIS
JORGENSEN ***
Discretionary Grants
Project Manager

**LOTSE
TOWNSEND, PE ***
Discretionary Grants
Project Manager


**GAURAV
RAI ***
Discretionary Grants
Project Manager





BOBBI RETZLAFF *
Discretionary Grants
Project Manager





**BARBARA
SHAFFER ***
Discretionary Grants
Project Manager



**TENOR
GALAMBUSH**
Discretionary Grants
Project Manager






KYLE KITCHEL
Field Operations
Team Leader



KYLE ROVETTO
Tribal Coordinator


CHRIS RILEY
Tribal Coordinator

**TODD
BROCKMANN**
Tribal Coordinator

MILES BROOKES
Tribal Coordinator





ANTHONY SPANN
NTTR/ROW/ERFO






DAVID CREMER
Environmental
Specialist





JAIME TORRES
Field Operations
Team Leader


**DARCEL
COLLINS**
Tribal Coordinator



**JOLENA
PALAU, PE**
Tribal Coordinator





KEVIN SPOHRER
Tribal Coordinator


**MANUEL
SANCHEZ ***
Tribal Coordinator

**ALLEN
LAUGHRUN**
Tribal Coordinator




ADAM LARSEN
Safety Program
Manager




CHRIS KWILINSKI
Safety Specialist




**RUSSELL
GARCIA, PE ***
Bridge Program
Manager




**TERRY
SCHUMANN**
Environmental
Specialist




DAVID GARCIA
Program
Management
Analyst




MATT BIRD
Finance Manager





DOUG ROBERTS
Financial
Management
Specialist






MISTY KLANN *
Consultative
Planner





DANA REINKE
Transportation
Planning Specialist

**BLANE
KUNIYAMA, PE**
Program
Management
Analyst

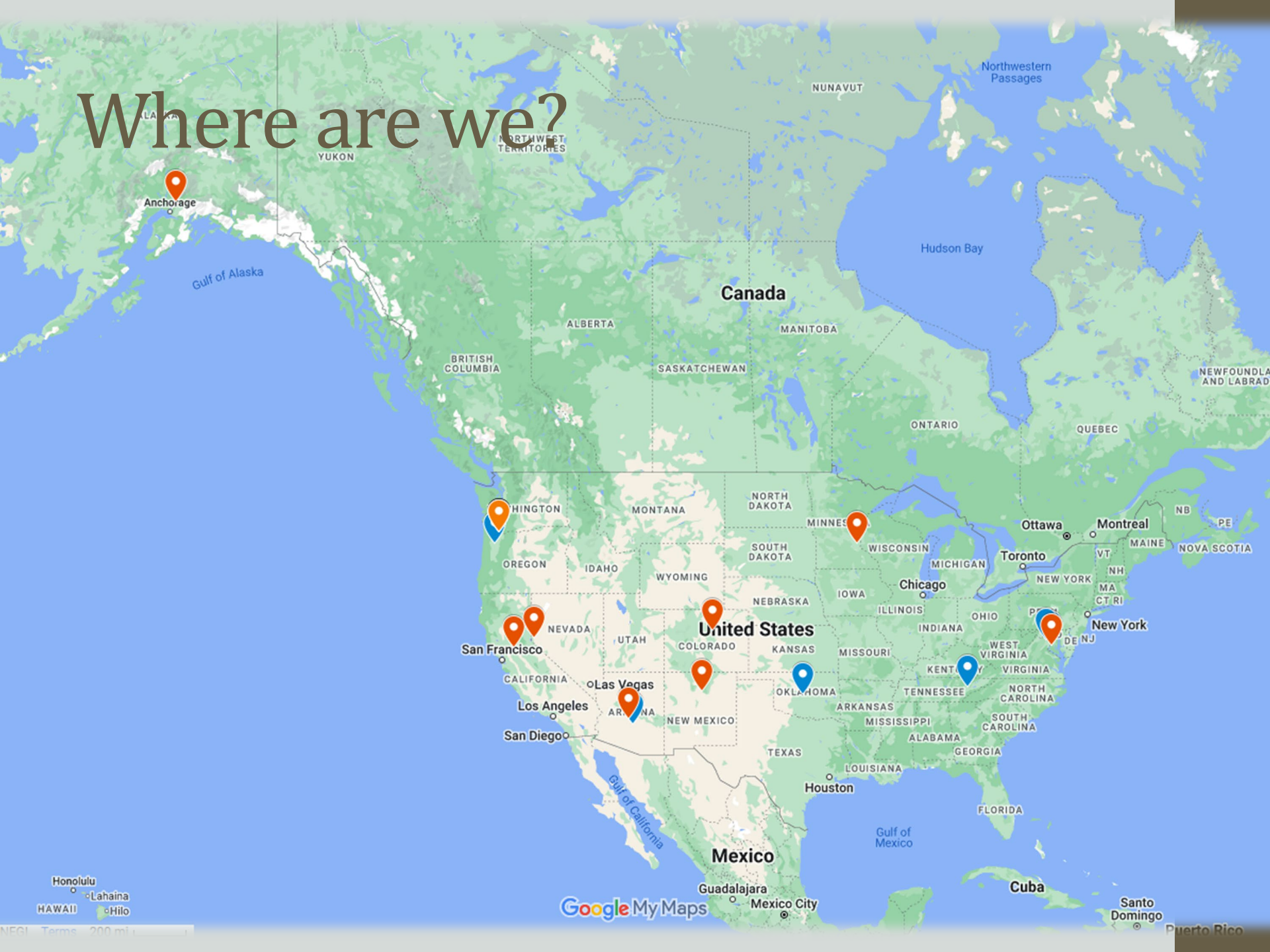



HANS ANKER *
TTAP Support Staff
LTAP Liaison



*Position funded as an FHWA General Operating Expense (GOE)

Where are we?



Anchorage

SEASIDE

San Francisco

Los Angeles

Las Vegas

San Diego

United States

Canada

Mexico

Chicago

Ottawa

Montreal

Toronto

New York

Guadalajara

Mexico City

Cuba

Santo Domingo

Puerto Rico

Honolulu
Lahaina
HAWAII
Hilo

Google My Maps

NEGL Terms 200 mi

PA Effective Date and Term

In effect until amended by both parties or terminated by either party.



Funding

- Tribe receives formula share of TTP
- Once the control panel is complete the Referenced Funding Agreement (RFA) is generated by OTT Financial Manager and sent to Tribal Coordinator (TC)
- TC sends to Transportation point of contact
- Provided by electronic transfer to Tribe within 30 days of receiving the signed RFA.
- May accumulate multiple annual allocations of TTP funds and reallocate funds among eligible projects on an FHWA-approved TTP Transportation Improvement Program (TIP).



TTP Funds Distribution



OSG

BIA
DDT



Tribal Governments

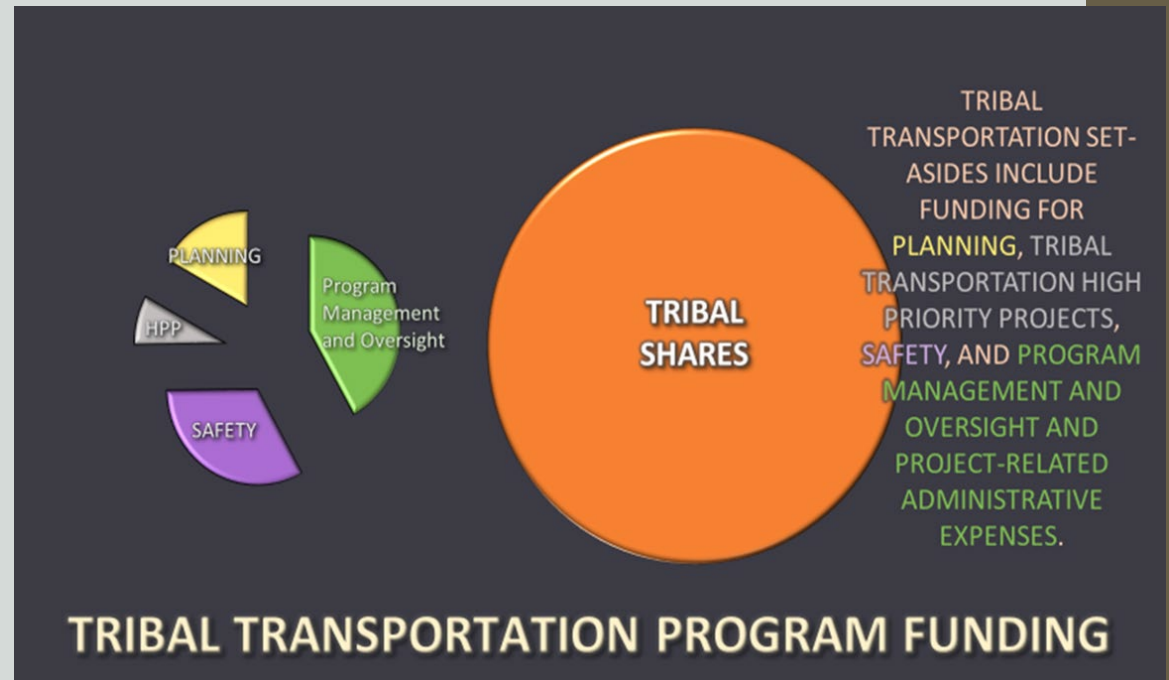


TTP Funds Allocation

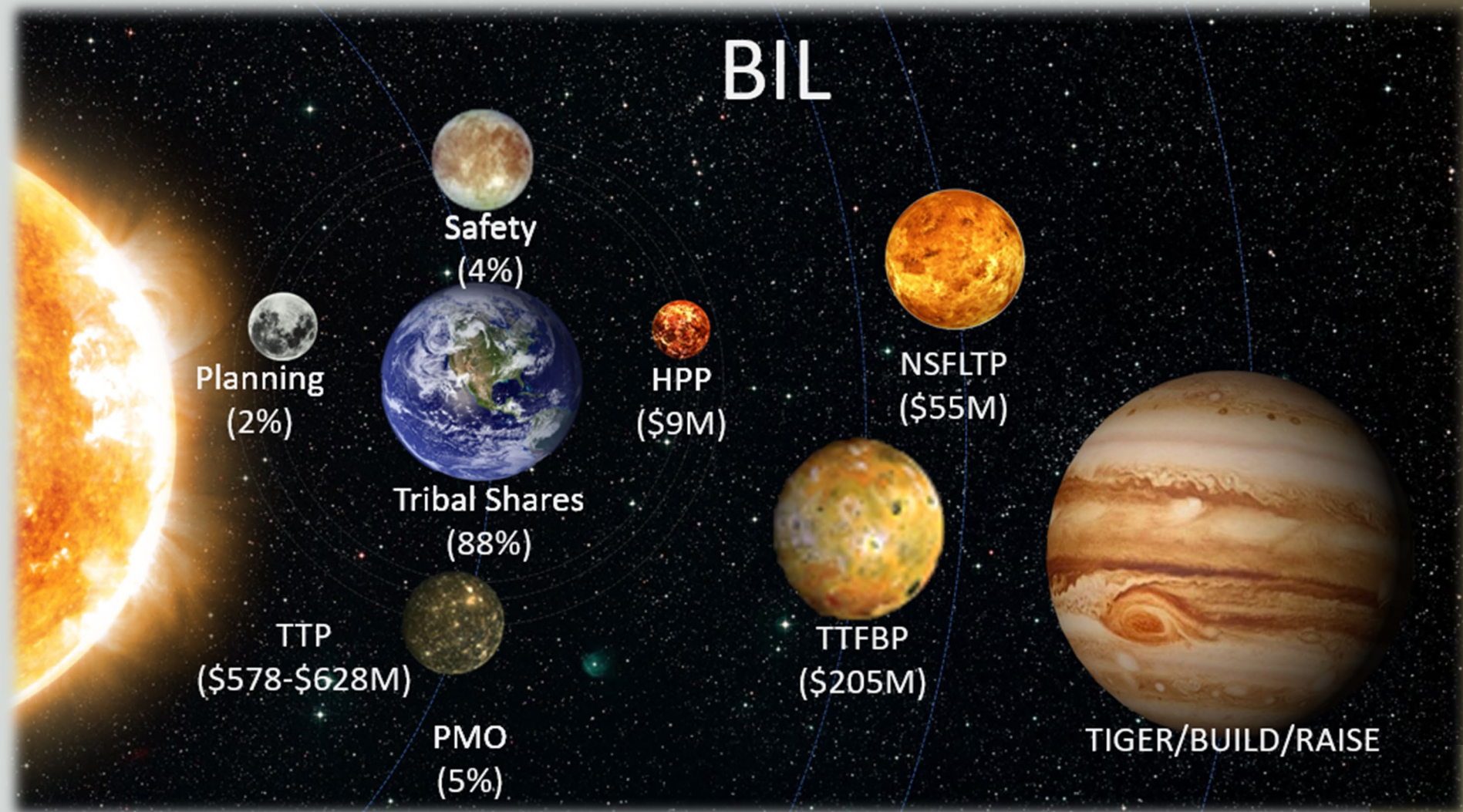
Most funding goes directly to Tribal Governments through a statutory formula.

The other parts are:

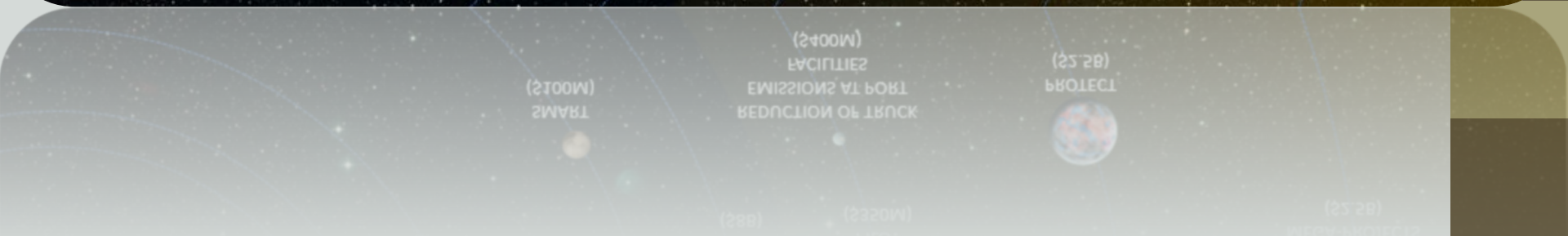
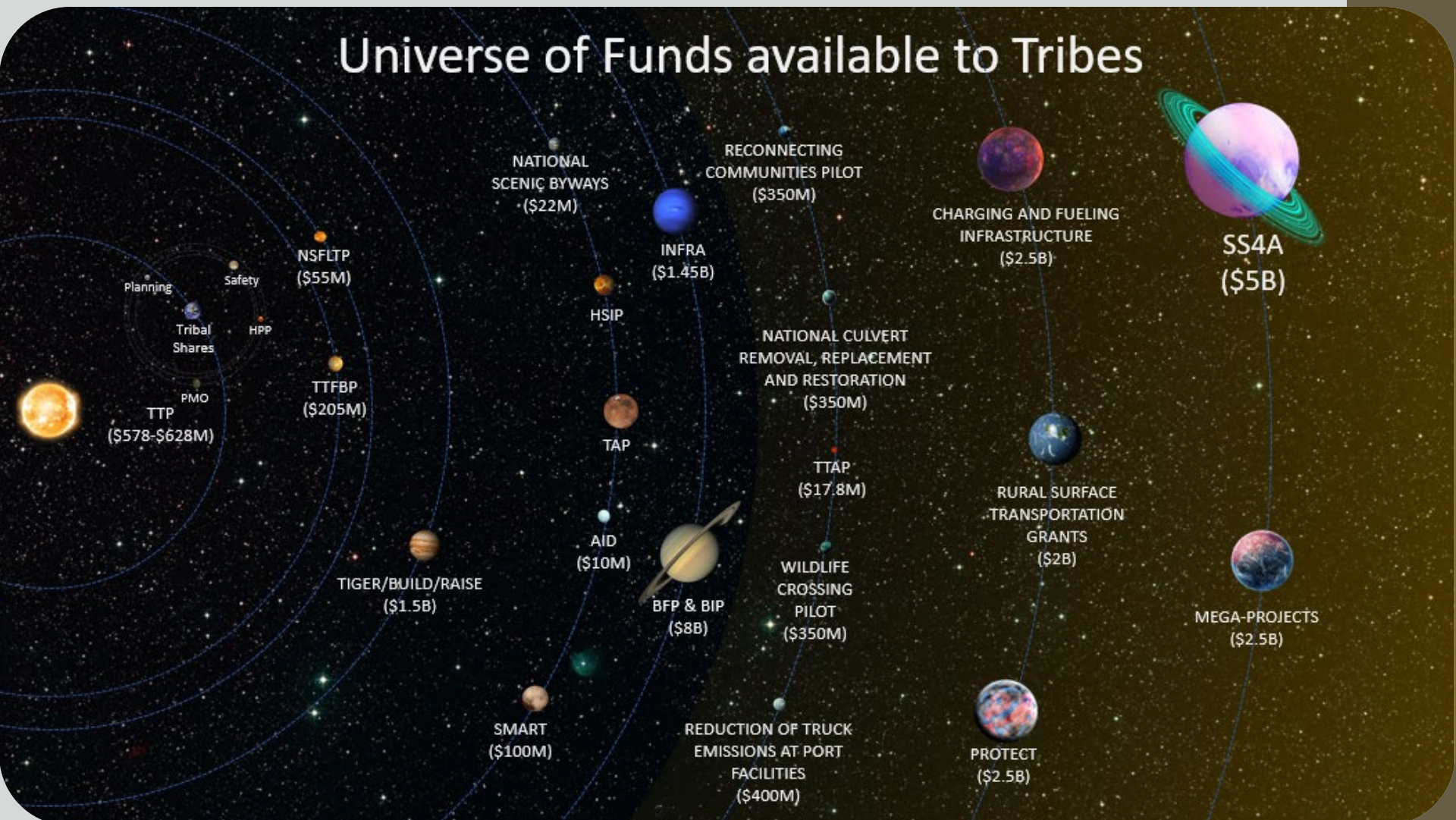
- 2% for Planning
- 4% for Safety Program
- 5% for Program Management and Oversight (PM&O) – FHWA & BIA inherent Federal functions
- Obligation Limitation, not available for use, changes each year
 - 12.2% in FY23



BIL



Universe of Funds available to Tribes



OTT Financial Manager

Mathew Bird



Activities to be Performed

- **Transportation Planning**
- **NEPA**
- **Design**
- **Construction**
- **Program Administration**
- **Road Maintenance**
- **Develop Tribal-State Maintenance Agreements**
- **TTP Safety**
- **TTP Bridge**
- **Other TTP eligible activities as identified in 25 CFR 170 Appendix A to Subpart B**



Transportation Planning

- Long Range Transportation Plan
 - 20-year Plan
 - Updated every 5 years
 - FHWA mid-year review
- 4-Year transportation improvement program (TIP)
 - Required every 4 years
 - Highly recommend update every year
 - Submittal review and approval process
- Recommended OTT Webinars:
 - TTP 101 – Tribal Transportation Planning
 - Just in Time (JIT) Training – Virtual Public Involvement
 - Best Practices for Gaining Community/Stakeholder Buy-in

OTT Program Planning Specialist

Dana Reinke

Planning Specialist



Easements, Maintenance & Utility Agreements, and Environmental Assessments



- **Develop appropriate construction easements, and utility & maintenance agreements, in coordination with local jurisdictions.**
- **Assess environmental impacts through appropriate studies and permit coordination.**

OTT NEPA

Environmental Coordinator

35 Tribes

Regions (7): Great Plains, Western,
Southwest, Southern Plains,
Navajo and E. Oklahoma and Eastern

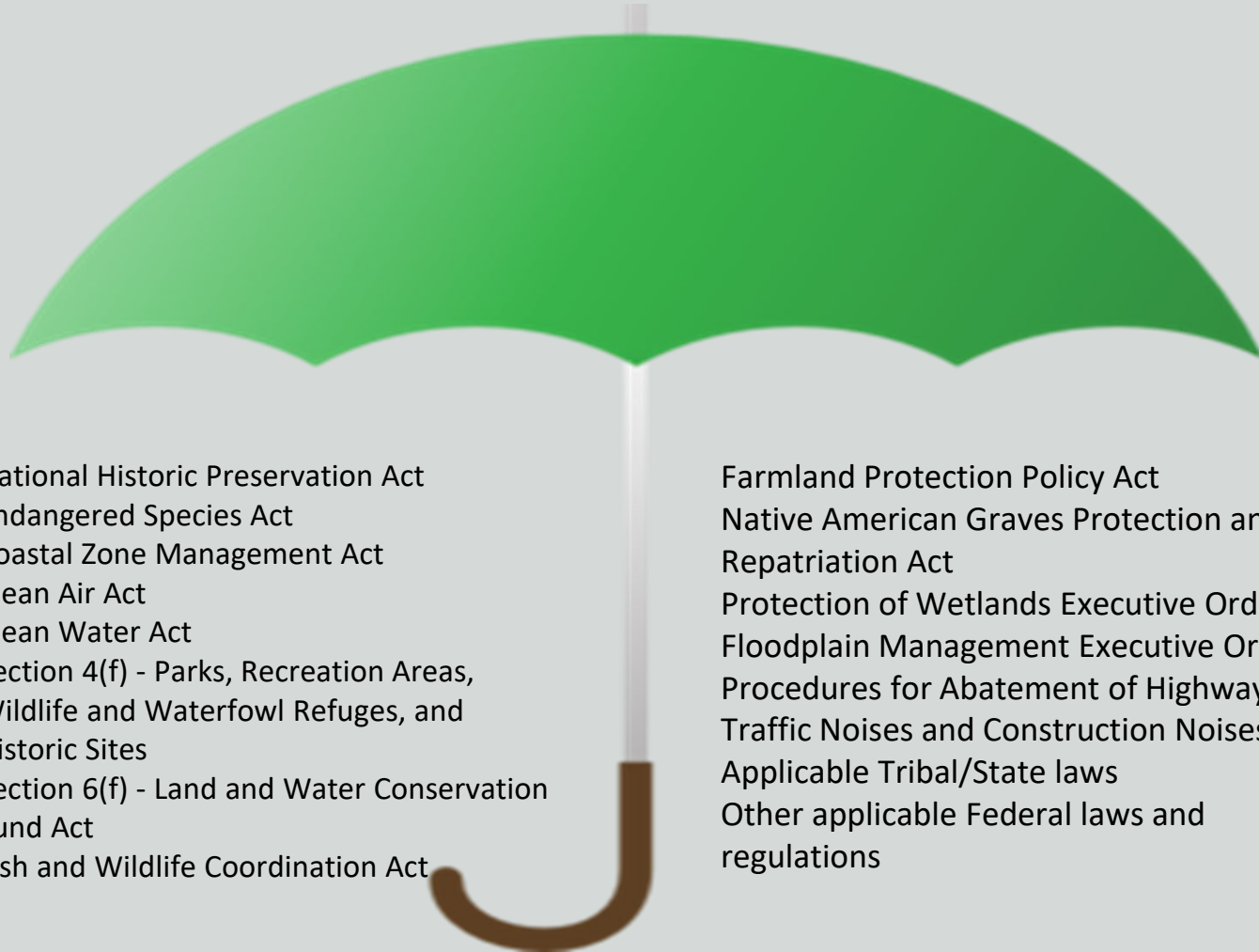
States (12): North and South Carolina,
North and South Dakota, New
Mexico, Arizona, Oklahoma,
Texas, Wyoming, Massachusetts,
Connecticut and New York

NEPA

NEPA and Other Environmental Requirements

- NEPA: National Environmental Policy Act (1969)
- It is the “National Charter” for protection of the environment, and it applies to all federal actions (including funding).
- NEPA provides a comparative process that allows the decision maker (FHWA) to make an informed decision.
- FHWA and TTP Implementing Regulations: 23 CFR 771 and 25 CFR 170.450-453

NEPA continued



National Historic Preservation Act
Endangered Species Act
Coastal Zone Management Act
Clean Air Act
Clean Water Act
Section 4(f) - Parks, Recreation Areas,
Wildlife and Waterfowl Refuges, and
Historic Sites
Section 6(f) - Land and Water Conservation
Fund Act
Fish and Wildlife Coordination Act

Farmland Protection Policy Act
Native American Graves Protection and
Repatriation Act
Protection of Wetlands Executive Order
Floodplain Management Executive Order
Procedures for Abatement of Highway
Traffic Noises and Construction Noises
Applicable Tribal/State laws
Other applicable Federal laws and
regulations

NEPA cont.



Compliance with other Environmental Requirements
(examples, but not all-inclusive)

- Section 106 of National Historic Preservation Act
- Section 7 of Endangered Species Act
- Protection of Wetlands Executive Order 11990
- Section 4(f) of the Department of Transportation Act
- Clean Water Act
- Clean Air Act
- Floodplain Management Executive Order 11988

NEPA continued



Environmental Commitments

- Tribe must follow through on its commitments to avoid, minimize, mitigate environmental impacts.
- Commitments result from coordination with agencies and the public. Also, from conditions listed in permits issued by regulatory agencies.
- Commitments should be listed in the NEPA document.
- Incorporate them into final design as appropriate.

NEPA continued

Environmental Permits

- Under PAs and G2Gs, Tribes are responsible for obtaining and complying with all necessary permits associated with a project.
- Environmental Permits (examples, but not all-inclusive)
 - Corps of Engineers 404 permit
 - Environmental Protection Agency 402 permit (NPDES) and 401 certification
 - Floodplain permit
 - Fish habitat permit

NEPA continued

- **It's All about the Impacts**
- NEPA documentation and Mitigations are about **IMPACTS**, not project type.
 - Even lists of Categorical Exclusions were created based on potential impacts
- An impact can be defined as a change (that the project will produce) on the **natural, cultural, historic, and human environment**.
- Need to be able to evaluate and explain these changes to interested parties (and get their input)

NEPA continued

- Requires that a Federal agency consider the impacts of its activities on the **natural and human environment**.
 - Categorical Exclusion (CE)
 - No significant impacts
 - Environmental Assessment (EA)
 - Unknown if significant impacts exist
 - Finding of No Significant Impact (FONSI)
 - Environmental Impact Statement
 - Environmental Impact Statement (EIS)
 - Known significant impacts

NEPA continued

- If a Tribe has a Program Agreement with FHWA, then FHWA is the approving agency for NEPA, otherwise BIA has NEPA approval.
- Regardless of whether BIA or FHWA is the lead agency for NEPA, if applicable, TTP-funded projects can use FHWA's categorical exclusions (25 CFR 170.453)
- Majority of TTP projects are CE's
- Even if your project is cleared as a CE, it does not mean other environmental laws do not apply.
- Under a Program Agreement with FHWA or G2G with BIA, the Tribe is responsible for studies/analyses to support NEPA and other environmental decisions.

NEPA

David E. Cremer

Environmental Preservation Specialist/Coordinator



Plans, Specifications & Estimate (PS&E) Approval

- Tribal or BIA-owned facility:
 - Approve PS&E project packages and provide copy to the facility owner and FHWA.
 - Assure construction will meet or exceed applicable health and safety standards.
 - Provide State-licensed civil engineer's certification that PS&E meets or exceeds health and safety standards.
- Additionally, if Facility owned or maintained by others:
 - Provide public authority an opportunity to review and comment on the PS&E between 75% to 95% complete.
 - Before soliciting bids for the project, certify in writing to FHWA that public authority had no written comments preventing the project to proceed.

Construction

- Prepare and submit to FHWA, a final construction report and as-built plans.
- Allow FHWA Officials the opportunity to visit project sites to carry out its stewardship and oversight responsibilities.
- FHWA, Tribe, and facility owner conduct final inspection
 - If BIA owned report the project was constructed in accordance with PS&E.

Reporting Requirements

- Tribe shall :
 - Input data into FHWA's electronic data reporting system no later than December 31 of each year.
 - Acknowledge that the submittal of its data is mandated by statute, and non-compliance may be a sole basis for termination of this Agreement.

OTT Bridge

- **Tribal Transportation Facility Bridge Program (TTFBP)**
 - Eliminated 3% Set-aside from TTP
- **Bridge Formula Program (BFP) – 3% Set-aside**
 - \$165M/year (General Fund)
- **Bridge Investment Program (BIP) Set-aside**
 - \$20M/year (General Fund)
- **Bridge Investment Program (BIP) Set-aside**
 - FY22 \$16M (Highway Trust Fund)
 - FY23 \$18M (Highway Trust Fund)
 - FY24 \$20M (Highway Trust Fund)
 - FY25 \$22M (Highway Trust Fund)
 - FY26 \$24M (Highway Trust Fund)
- **Please submit your bridge applications!!**

OTT Bridge

TTFBP funds made available to carry out the program shall be used--

- (A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of **new** or replacement tribal transportation facility bridges;
- (B) to **replace, rehabilitate**, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or
- (C) to implement any countermeasure for tribal transportation facility bridges classified as in **poor condition, having a low load capacity, or needing geometric improvements**, including multiple-pipe culverts.

OTT Bridge cont.

Procedures for submitting an application package from FHWA Agreement Tribe:

Any time during the year a Tribe may prepare and submit to their FHWA Tribal Coordinator (TC) an application package to request funding for bridge preliminary engineering (PE) or bridge construction (CN). The TC will assist the Tribe in preparing the application package. Then, the application package is submitted directly to FHWA/OTT Bridge Program Manager (PM) for review of the application.

Bridge

Russell Garcia

Bridge Program Manager



Safety Planning



\$10k
Safety Plan
Update

Awards Pending



FHWA Office of Tribal Transportation

- Tribal Transportation Safety Management System Steering Committee
- www.TribalSafety.org
- National Safety Plan & Reports to Congress, TribalSafety.org/reports
- Tribal Crash Reporting Toolkit, TribalSafety.org/tribal-crash-reporting-toolkit
- State Safety Contacts, TribalSafety.org/state-contacts
- Mailing List, TribalSafety.org/Mailing-List-Form

Scan for Mailing
List



Scan for eBusiness
Card



OTT Safety

Adam Larsen

Safety Program Manager



Designated Officials

- Tribal President (or other appropriate position)
- FHWA Associate Administrator of Federal Lands Highways
 - Correspondence copied to Tribal Transportation Director (or similar position) and FHWA's Director – Office of Tribal Transportation Program



Technical Assistance

FHWA provides technical assistance upon request by Tribe.

Jolena Palau
Tribal Coordinator

Manuel Enrique Sanchez
Tribal Coordinator



Questions?

Jolena Palau, P.E.
Office of Tribal Transportation
202.981.3174

Manuel Enrique Sanchez, MPA
Office of Tribal Transportation
202.308.6235

- FHWA OTT website: <https://flh.fhwa.dot.gov/programs/ttp/>
- FHWA OTT Safety website: <https://www.tribalsafety.org/>

