

TIBC Transportation Subcommittee

April 12, 2023

1:00 PM - 3:00 PM Eastern

Washington Plaza Hotel, Washington DC

Agenda

- Program Data Profile Discussion – BIA Roads Program
- BIA Update – Chief – Division of Transportation, BIA
- Sec. 14006 of IIJA, Roads Maintenance Study
- Sec 14005 of IIJA, Road Maintenance Program Pilot Project
- Additional Committee Concerns/Discussion

Program Data Profile Discussion – BIA Roads Program

• BIA	• Tribes	• Others
Eligibility: Public Roads/Facilities (Transportation)		
<ul style="list-style-type: none">• Miles: 29,200• Bridges: 1,100• Other Facilities	<ul style="list-style-type: none">• Miles: 20,100• Bridges: 396• Other Facilities	<ul style="list-style-type: none">• Miles: 104,900• Bridges: 9,034• Other Facilities

BIA Update –Division of Transportation

- IJA Funding updates:

- TTP Funding:

- Tribal Transportation Program (FY22 & FY23): \$914.9M
 - Tribal Transportation Planning (FY22 & FY23): \$21.0M
 - Safety (FY22): \$21.0M
 - High Priority Projects Program: \$0 (initial NOFO not out yet)
 - Tribal Transportation Facility Bridges Program: \$74.8M
 - Bridges: (FY22 & FY23):

- Discretionary Grants:

- Rural Surface Transportation Grant Program: \$42.23M
 - Safe Streets and Roads for All (FY22): \$16.7M

BIA Update –Division of Transportation (cont)

- IJA Funding updates:

- Discretionary Grants (cont):

- Natl. Significant Fed Lands Tribal Projects: \$0.0M (initial NOFO not out)

- RAISE (Rebuilding America Infrastructure with Sustainability and Equity (FY22)): \$136.9M

- Community Project Funding/Congressionally Directed: \$ 7.5M

- Section 14005, Road Maintenance

- Section14005 Road Maintenance (FY22 & FY23): \$0 (not appropriated)

BIA Update – Division of Transportation (cont)

- Road Maintenance Funding:

- BIA Road Maintenance Program (FY23): \$39.19M
- NATIVE Act (infrastructure) (FY23): \$1.0M

Sec. 14006 Study of Road Maintenance on Indian Land

- Not later than 2 years from enactment of IIJA, the Secretary, in consultation with the Secretary of Transportation, shall carry out a study to evaluate:
 - The long-term viability and useful life of existing roads on Indian land;
 - Steps necessary to achieve the goal of addressing deferred maintenance backlog of existing roads on Indian land;
 - Programmatic reforms and performance enhancement necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing and future roads located on Indian land; and
 - Recommendations on how to implement efforts to coordinate with States, counties, municipalities, and other units of local government to maintain roads on Indian land.

Sec. 14006 Study of Road Maintenance on Indian Land (cont.)

- Tribal consultation and input. Before the study begins:
 - Consult with Indian tribes that have jurisdiction over roads eligible for funding under the road maint. Program of the BIA; and
 - Solicit and consider the input, comments, and recommendations of the Indian tribes described above.
- Upon completion, the Secretaries shall submit the report to:
 - the Committee on Indian Affairs and Environment and Public Works of the Senate; and
 - the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives
- Status reports are due:
 - Not later than 2 years after the date of enactment of this Act, and
 - Not less frequently than every 2 years thereafter ,
 - The Secretaries shall submit to the Committees on Indian Affairs, Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives

Sec. 14006 Study of Road Maintenance on Indian Land (cont.)

- Tribal Status reports shall include a description of:
 - (1) the progress made toward addressing the deferred maintenance needs of the roads on Indian land, including a list of projects funded during the fiscal period covered by the report;
 - (2) the outstanding needs of the roads that have been provided funding to address the deferred maintenance needs;
 - the remaining needs of any of the projects referred to in (1);
 - how the goals described in evaluation have been met, including—
 - an identification and assessment of any deficiencies or shortfalls in meeting the goals; and
 - a plan to address the deficiencies or shortfalls in meeting the goals; and
 - any other issues or recommendations provided by an Indian tribe under the consultation and input process that the Secretary determines to be appropriate.

Sec 14005 of IIJA, Road Maintenance Program

- “authorized to be appropriated” to BIA to carry out the road maintenance of the Bureau –
 - \$50,000,000 for fiscal year 2022;
 - \$52,000,000 for fiscal year 2023;
 - \$54,000,000 for fiscal year 2024;
 - \$56,000,000 for fiscal year 2025; and
 - \$58,000,000 for fiscal year 2026.
- **Must be appropriated by Congress in the respective year to be available**

Tribal High Priority Projects Program

- Modeled after IRRHPP, which was developed through negotiated rulemaking (25 CFR 170, July 2004).
- Only for Tribes when:
 - Annual TTP funds (not including 2% set-aside) received by the Tribe is less than \$1M, which is considered insufficient to complete the highest priority project; or
 - Any Indian Tribe that has an emergency or disaster occur on a tribal transportation facility
- \$9M annual set-aside from TTP per fiscal year through the life of the authorization.
- \$30M per year is authorized from the General Fund but funds were not appropriated in FY 2022 or FY 2023.
- \$1M limit per project.
- Project scoring matrix identified in 25 CFR 170, July 2004.
- Timeline
 - Accepting applications starting on April 11, 2023;
 - Kickoff webinar for prospective applicants on April 18, 2023;
 - Applications received through June 14, 2023 will be considered for the FY 2022-2023 funding;
 - Anticipate 4-6 weeks to develop the Funding Priority List, with 4 weeks being preferred;
 - Applications received after June 14, 2023 will be considered for FY 2024 funding cycle;
- FHWA and BIA Regional POC's will check applications for completeness before forwarding to the Tribal HPP Program team for eligibility review.

Tribal Transportation Facility Bridge Program (TTFBP) - Notice of Proposed Rulemaking (NPRM)

- The Notice of Proposed Rulemaking (NPRM) for the Tribal Transportation Facility Bridge Program (TTFBP) regulation, 23 CFR Part 661, was published in the Federal Register (FR) on April 3, 2023. The deadline for submitting formal comments is June 2, 2023.
- The proposed rule would update the existing Tribal Transportation Program Bridge Program (TTPBP), formerly known as the Indian Reservation Road (IRR) Bridge Program, by renaming it the TTFBP to comply with the changes made in the Moving Ahead for Progress in the 21st Century Act (MAP-21), carried on through the Fixing America's Surface Transportation (FAST) Act, and the recent changes made by the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA). It would also remove references to terms such as structurally deficient (SD), functionally obsolete (FO), and sufficiency rating (SR). These updates would align the TTFBP terminology for bridge conditions with the terminology used for State DOTs in the Federal-aid highway program.

Tribal Transportation Facility Bridge Program (TTFBP) - Notice of Proposed Rulemaking (NPRM) (cont.)

- A TTFBP NPRM Listening Session webinar was held on April 4, 2023. Also, the FHWA will conduct three Tribal consultations during this public comment period to discuss the TTFBP NPRM, answer questions, and take oral testimony. FHWA will hold the consultation meetings on the following dates and locations:
 - 1. April 20, 2023, 9-11am, DOI/BIA Training Center, Albuquerque, NM.
 - 2. May 17, 2023, 9-11am, Great Northern Jerome Hill Theater, St. Paul, MN.
 - 3. May 18, 2023, 2-4pm, Northwest Region Transportation Symposium, Northern Quest Resort and Casino, Airway Heights, WA.
- Access to the TTFBP NPRM is available on the OTT Bridge Program website at: <https://highways.dot.gov/federal-lands/programs-tribal/bridge>

Additional Committee Concerns/Discussion