IRR BRIEFING
Things to be Covered

- IRR Program History
- Program Funding
- Other Programs
- FY 11 Update
- FY 12 Budget Proposal
- IRR Road Maintenance
- Question 10
- FHWA Agreements
- IRRPCC Update
- Safety
IRR Briefing

IRR Program History
IRR Program History

- Established in 1983 under Federal Lands Highway Program
  - Continued in subsequent highway authorizations
  - Regional Priority System
- TEA-21 (1998)
  - Funded at $275 million/year
  - Established IRR Bridge Program (IRRBP)
  - Directed negotiated rulemaking to develop new funding formula and updated regulation
IRR Program History

- SAFETEA-LU (2005)
  - Funded at $310 to $450 million/yr
  - Continued IRRBP at 14 million/yr
  - Allowed Tribes to approve their own Plans, Specifications, and Estimates (PS&E)
  - Required all projects and activities to be on an approved IRR TIP.
  - Provided option for Tribes to enter into Program Funding Agreements with FHWA
    - Tribes assume all responsibilities except those deemed as inherently Federal
IRR Program History

- Negotiated Rulemaking
  - Team of Tribal and Federal representatives
  - Developed new funding formula
  - Removed inventory growth restriction
  - Redefined “IRR Route”
    - Any public road providing access
    - Proposed roads
  - Changed program to tribal share system
- Results:
  - Inventory growth from 65,000 to 142,000 miles
    - Primarily in non-BIA, non-tribal roads
IRR Briefing

Program Funding
IRR Funding

- Funded through the Highway Trust Fund
- Made available through Highway Authorizations
  - Title 23 not Title 25
- Operates through authority and limitation
  - Authority – through highway authorizations (SAFETEA-LU)
    - Multi-year
  - Limitation – through a department appropriations bills
    - Annual
- Both are needed before funds are made available
- History of multiple Extensions and CRs
- Waiting on new Highway Bill
IRR Funding

- See chart on next page
- IRRTIP must be developed and in place
  - 4 year TIP required by planning regulations
- Eligible uses are identified in 25CFR170
- 23 USC 202 - 204
Funding Process

- Funds received at FHWA
  - BIADOT determines tribal shares
    - Funds kept at FHWA
    - Funds sent to BIADOT
      - Funds distributed to Regions
        - Funds made available to Tribes
      - Funds distributed to OSG
Other FHWA Programs of Interest

- IRR Bridge ($14 million)
  - Rehab or replace deficient bridges
  - No new bridges
  - Funding provided based on sufficiency rating
- National Scenic Byway Program ($43.5 million)
  - Funding provided for projects on or development of Tribal Scenic Byway
  - Tribes can be direct applicants and recipients
- Transportation, Community, and System Preservation (TCSP) ($61 million)
  - Provides grants to plan and implement strategies which improve the efficiency of the transportation system, reduce environmental impacts, reduce the need for future investments, and ensure efficient access to jobs and services.
IRR Briefing

FY11 Program Update
Items to be Covered

- FY2011 IRR Funding
- Other Programs
  - FHWA Discretionary Call for Projects
  - TIGER III
- ARRA Update
FY 2011 IRR Funding

- Funding
  - Full year funding approved on April 15
  - Funds received at FLH last week
  - Funding levels remain at $450 million
  - Carryover funds restated
  - Slight decrease from FY10 in overall program
  - Tribal shares based on Q10 transition year percentages
Other Programs and Funding

- Omnibus “Discretionary Programs” Call
  - All FHWA discretionary programs together
  - Projects were due at Division Offices by June 3rd
  - Go to http://www.fhwa.dot.gov/discretionary/

- Programs of Interest
  - PLH-D (through State)
  - Scenic Byways (direct)
  - Transportation, Community, and System Preservation (TCSP) (direct)

- $528 million in TIGER III funds
  - Details still coming on call for projects and eligibility
ARRA Update

• Results:
  • Obligations – 99.97%
  • Number of projects – 518
  • Jobs to date – over 5100

• Reporting
  • Monthly RADs
  • Quarterly Recipient to www.federalreporting.gov
    • July 1 next opening

• Shifting of funds
  • Funds can only be used on the projects and activities identified on the approved ARRA TIP that was in effect on September 30, 2010.
IRR Briefing

FY12 Budget Proposal
Items to be Covered

- FY2012 Tribal Transportation Program
- Proposed Safety Program
- Other Title 23 Programs of Interest
- What are the next steps?
FY2012 Budget Proposal
Tribal Transportation Program

• Name Change to Tribal Transportation Program
• Increased funding amounts
• Includes set-asides for:
  • Bridge Program (5%)
  • Planning (3%)
  • Tribal Safety Program (2%)
• Continues 6% takedown for BIA/FHWA administration
• Incorporates a 50% minimum funding threshold on BIA, Tribal, and “grandfathered” roads.
• Consolidates Title 23 language into one section
Budget Proposal

• Requested Amount
  • $600 million with incremental increases to $747 million

• Name Change
  • Indian Reservation Roads Program to Tribal Transportation Program
    • More effectively describes the overall program activities

• Bridge Program
  • Increase up to $30 million/year from current $14 million
  • Regulations would remain the same
Budget Proposal

- **Planning Increase**
  - Increases 2% Planning takedown to 3%.
  - Assist with development of LRTPs, TIPs, obtaining or correcting inventory data

- **Tribal Safety Program**
  - Safety is a high priority.
  - Establishes a tribal program of up to 2% of program funds ($12 million first year)
    - Carry out planning and low-cost/high return projects

- **Administrative Takedown**
  - Continues takedown at 6% for BIA and FHWA
Budget Proposal

- **50% Provision**
  - Refines funding formula by requiring at least 50% of funding be generated by BIA, Tribal, and “grandfathered” roads as defined in SAFETEA-LU.
  - “Grandfathered” roads are those roads that generated 100% funding prior to Final Rule. Not all of the non-BIA, non-tribal roads that were in the inventory at that time were grandfathered.
  - This provides a “safety net” to this subgroup of roads.

- **Rewrite of Title 23**
  - Tribal transportation Program will be totally contained within Section 202 of Title 23.
IRR Bridge Program

- Used to address deficient bridges on IRR System (24%)
- Established in TEA-21 ($13 million/yr)
  - Used for CN and CE only
- Continued in SAFETEA-LU ($14 million/yr)
  - Added Design as eligible activity
- Regulations developed with tribal input (23 CFR 661)
- Accomplishments:
  - More than $150 million authorized
  - More than 235 projects funded
Tribal Safety Program

• Will be seeking tribal input for this program

• Initial thoughts:
  • Eligibility:
    • Planning Activities and Infrastructure projects on IRR inventory facilities
      (Planning, Design, Engineering, Construction)
    • Planning Activities
      • Tribal Safety Plans, Road Safety Audits
    • Infrastructure Projects
      • Low Cost High Return Projects (safety edge, striping, rumble strips)
      • Must be justified by Tribal Safety Plan, Road Safety Audit or Crash Data
  • Selection Process
    • Call for projects
    • Multi Agency/tribal selection panel
    • Criteria and maximum project size - TBD
Tribal Safety Program

- Examples for Criteria
  - Focus on low-cost/high-impact safety improvements
  - Crash data/Tribal safety plans/Road safety audits
  - Cost-Benefit (financial and intangible/qualitative)
  - Leveraging of other funds and/or partnerships
  - Amount of request
  - Project readiness (PS&E, NEPA, etc. in hand)
  - Past funding investment

- Will develop submittal package for both planning and projects

- Reporting requirements will be required

- Much to discuss in the coming months
- Will work with IRRPCC and others
Other Fed Lands Programs of Interest

• Federal Lands Access Program
  • Supports transportation facilities owned by States/Counties/Tribes that provide access to/through Federal lands
  • Formula-based by State (FY12 - $177M)(Not allocated to State)
  • Overseen by Fed Lands

• NO PLH-D
Other Title 23 Programs of Interest

• **Safety Program (HSIP)**
  - FY12 - $2.6 B
  - *Tribal Opportunity*
    - States must use a minimum of 10% of HSIP funds on rural road safety improvements

• **Tribal Transit Program**
  - Tribes direct recipient
  - FY12 - $15.3M (slight increase)
  - No major policy changes
What happens next?

- No Administration Reauthorization Proposal
- House and Senate committees are requesting technical assistance from DOT and DOI and will introduce and vote on their own versions of the new highway authorization.
  - Introductions of bills expected to start early-mid June
  - Other committees (SCIA) working on providing input as well.
- The two bills then go into “Conference”
  - Representatives of both Senate and House will come together and form a committee to develop one bill.
- The agreed upon conference bill then goes back to House and Senate for approval/vote.
- If passed, it goes to President for approval and signature.
IRR Briefing

FHWA Program Funding Agreements
FHWA Program Agreements

- Option for Tribes established in SAFETEA-LU
- Authorized Secretary to enter into funding agreements
- Used for Chapter 2 funding of Title 23 and other non-federal funds

- Two parts to the Agreement
  - Program Agreement
    - Identifies roles and responsibilities of parties and general requirements
  - Referenced Funding Agreement
    - Identifies funds being made available and activities and projects to be carried out (TIP)
FHWA/Tribal Agreements

- Amount a tribe receives equals:
  - Funding that the Tribe would otherwise receive in accordance with the formula [25 CFR Part 170; Subpart C]; plus
  - An amount as determined by the DOT Secretary as the amount that BIA would withhold for project administration.

- Eligibility
  - Financial stability and management capability during the preceding three years.
    - No uncorrected significant and/or material audit exceptions is conclusive evidence.

- Tribe assumes all powers, functions and duties (that are not inherently Federal or cannot be transferred) that the Secretary of the Interior would have performed.
IRR Briefing

IRRPCC
IRRPPCC History and Composition

- Established in 25CFR170
  - To provide recommendations to the Secretaries on various IRR issues including policies and acts as a primary resource for the government to get information to the Tribes.
- 24 Tribal members
  - 2 per region (3 year cycle)
  - Primary and Alternate
- 2 non voting Federal members
  - BIA and FHWA
- Currently working on limits of Proposed Roads and the definition/limits defining Access roads
IRR Briefing

Question 10 (Q10) Update
Question 10

- Included in 25CFR170 Appendix B to Subpart C
- History
  - Inability to carry out as written
  - Given to IRRPCC for recommendations
- New policy/interpretation of how much each road’s costs and VMT contribute during the formula calculations
- Aligns Functional Classifications of IRR system roads to FHWA Functional Classification.
- Shifts participation percentages from ownership to FC in calculating tribal shares in the funding formula.
- 10 consultation sessions carried out
  - Comments have been reviewed comments/responses to be posted
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Question 10

- BIA and FHWA leadership is meeting
- Transition year formula run and percentages completed
- Inventory Review contract:
  - Bids due June 17 (behind schedule)
- Will:
  - Align FCs
  - Review Class 3, 4, 5s
  - Review critical data elements
- Intention is to complete by FY12
IRR Briefing

DOI Road Maintenance Program
Road Maintenance Program

- DOI Appropriations
- $25 - $26 million/year
- Funding for BIA roads only
- Distributed Regionally
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