Reauthorization and the IRR Program

Alaska Tribal Transportation Workgroup
Fairbanks, AK
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Topics

• Reauthorization
• IRR Program Changes
• Other Programs and Opportunities
IRR Program Funding

• **FINAL BILL**
  - FY04 - $275,000,000
  - FY05 - $300,000,000
  - FY06 - $330,000,000
  - FY07 - $370,000,000
  - FY08 - $410,000,000
  - FY09 - $450,000,000
  - TOTAL - $2,135,000,000

• **SAFETEA ($2.0 Billion)**
• **Senate ($2.175 Billion)**
• **House ($2.315 Billion)**
SAFETEA-LU & the IRR Program
BIA Administrative Expenses

- FY06 - $20,000,000
- FY07 - $22,000,000
- FY08 - $24,500,000
- FY09 - $27,000,000

- Funds are to be used by the Secretary of the Interior for PM&O and project-related administrative expenses.
Contracts and Agreements with Tribes

• Tribes may enter into agreements with FHWA for a highway, road, bridge, parkway or transit facility or project on or providing access to a reservation in accordance with ISDEAA for use in carrying out contracts and agreements for planning, design, engineering, construction.
Contracts and Agreements with Tribes

- Paid without regard to organizational level
- Consortia are eligible to participate
- Secretary is authorized to enter into a funding agreement
- Amount a tribe receives equals:
  - funding that the tribe would otherwise receive in accordance with the formula, plus
  - an amount as determined by the Secretary as the amount that BIA would withhold for project administration.
Contracts and Agreements with Tribes

• Eligibility
  – Financial stability and management capability during the preceding three fiscal years
  • No uncorrected significant and material audit exceptions in their annual audit. **This is conclusive evidence.**

• Assumption of Powers, Functions and Duties
  – Tribe assumes all powers, functions and duties (that are not inherently Federal or cannot be transferred) that the Secretary of Interior would have performed.
Tribal governments may approve road and bridge construction PS&Es and commence construction if it:

- Provides assurance in the contract or agreement that the construction will meet or exceed applicable health and safety standards;
- Obtains the advance review of the PS&E from a state-licensed civil engineer that has certified that the PS&E meets or exceeds the applicable health and safety standards; and
- Provides a copy of certification to the Asst Secretary for Indian Affairs or Deputy Asst Secretary for Tribal Gov’t Affairs (DOT)
IRR Inventory

• National Tribal Transportation Facility Inventory
  - The Secretary, in cooperation with the Secretary of the Interior, shall complete a comprehensive national inventory of transportation facilities that are eligible for assistance under the IRR Program.

• Completed with 2 years
As a minimum, include all transportation facilities eligible for assistance under the IRR Program that a tribe has requested, including those:

- included in BIA system inventory in 1992 or later;
- constructed or reconstructed with Highway Trust Funds (other than mass transit) since 1983;
- owned by an Indian tribal government;
IRR Inventory

• (Cont)
  - that are community streets or bridges within the exterior boundary of an Indian reservation, Alaska Native village, or other recognized Indian community (including former reservations on OK)
  - That are primary access routes (between villages, or roads to landfills, drinking water sources, natural resources, or inter-model termini)
  - Report within 90 days of completion
Road Maintenance

- Tribes may now use up to 25% of its share of IRR Program funds for maintenance (excluding road sealing.)
  - BIA retains primary responsibility
  - Funds supplement the DOI BIA road maintenance funds
- Tribal–State Maintenance Agreements
  - Annual Report to Congress
Exclusion of Final Rule

- Section 1939
  - IRR Program Final Rule will not apply to the following Alaska villages or projects:
    - Craig – Point St. Nicholas Road
    - Cordova – Eyak, Shepard Point Rd
    - Hydaburg – Community Street improvements
    - Healy Lake – Cummings Road
  - Secretary shall pay from amounts made available under 202(d) in FY06 for the Federal share of these projects.
IRR Bridge Program

- An additional $14 million/year provided.
  - Total = $70 million additional to program

- Planning, design, engineering, pre-construction, construction, and inspection are now eligible.

- Bridge must be structurally deficient or functionally obsolete to be eligible.
IRR Bridge Program

• Approval of PS&E *
  - Tribes may approve the bridge PS&E in accordance with “this title”.

• Funds availability
  - Planning/design – upon request from tribe
  - CN/CE – After approval of PS&E*
Stewardship and Oversight

• Section 1904
  - Secretary shall establish an oversight program to monitor the effective and efficient use of the funds authorized to carry out Title 23.
Other Provisions

• Establishes a DOT Deputy Assistant Secretary for Tribal Government Affairs
  – To plan, coordinate, and implement the DOT policy and programs serving Indian tribes and coordinate tribal transportation programs within the department
Other Programs

• Denali Access System Program
  – A program established by the Secretary of Transportation to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified under this section.
  – Program Advisory Committee
    • 9 members appointed by Governor
  – $15,000,000 authorized FY06-FY09, plus up to 15 percent of the STP amounts made available to the State of Alaska may be transferred to the Denali access system program.
Other Programs

- **Public Transportation on Indian Reservations**
  - Transit funds provided for program
    - $8 million in FY06
    - $10 million in FY07
    - $12 million in FY08
    - $15 million in FY09
    (Total = $45 million)

Overseen by FTA
Other Programs

• **PLH-D**
  – $479 million FY05 – FY09
  – Historically earmarked

• **ERFO**
  – $100 Million/year plus whatever is necessary

• **High Priority Program**
  – Over 5100 projects
  – Available at 20% per year for 5 years
  – Requires local match
Other Programs

• **Safety**
  – 11 different programs
    • BIA shall establish a simplified process for applications for grants for Indian tribes under this chapter

• **Scenic Byway Program**
  – Can be nominated by tribe
    • Tribe must be responsible to maintain safety and quality of roads that are nominated
Other Programs

• **TCSP** (Transportation, Community, and System Preservation)
  – $25 million FY 05, $61 million FY 06-09)
FHWA/FLH Priorities

• Develop team and processes to effectively and efficiently deliver the IRR Program;
• Update existing regulations;
• Kick-off national inventory update;
• Develop series of IRR/tribal specific roll-outs.

This will require cooperation and partnering with tribes, BIA, and other Federal Agencies.
Roll-out Meetings

• Series of IRR/tribal specific roll-outs
  – Starting this Fall
  – Numerous locations
  – Emphasis on new legislation, changes to IRR program, planning, other available programs, etc.

• 8 Additional FLH roll-outs
  – 2 day meetings with emphasis on planning
  – 4 in FY06 and 4 in FY07
Additional Information

- TTAP Centers
  - [http://www.ewu.edu/TTAP/](http://www.ewu.edu/TTAP/)

- Federal Register

- FHWA website
Questions?

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