

TTP Update

November 4, 2015

Wisconsin Tribal Transportation Conference

Oneida, Wisconsin

Topics

- ▶ TTP Funding
- ▶ Reauthorization
- ▶ 25 CFR 170

TTP Funding

▶ MAP-21 Extension

- Keeps Highway Trust Fund solvent and extended the provisions of MAP-21 through October 29, 2015.
 - 29 days into FY16
- Last week Congress extended again until November 20th.

TTP Funding

- ▶ Initial FY16 (29 day) Tribal Shares will be posted on BIA and FHWA websites soon (Early November 2015)
 - Initial FY16 the tribal shares will be determined using MAP-21 levels (\$450 million) or new authorization levels and based on 4th and final year of transition to TTP statutory formula.
 - Basis: 20% IRR FY11 tribal shares, remainder or 80% TTP funding formula
 - **72 day CR passed through December 11, 2015;**
 - **An extension of the current highway act was approved by Congress and signed by the President on Oct. 29, 2015. This extension is through November 20, 2015.**

Reauthorization Proposals

▶ The Administration's Proposal

GROW AMERICA 2.0

“Generating Renewal, Oppportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America”

- 6 year Bill
 - TTP
 - Program size starts at \$507 M with \pm \$10 M increases/year
 - Represents an increase of 12.7% from current \$450 M
 - No change to statutory funding formula
 - Some change in takedowns
 - Brings HPP back into the primary program
- This proposal was presented to Congress.
- But Congress has the final responsibility to develop a new Highway Bill.

GROW AMERICA 2.0 – TTP

▶ Proposed Authorized Amounts

- FY16 – \$507 million
- FY17 – \$517 million
- FY18 – \$527 million
- FY19 – \$538 million
- FY20 – \$548.8 million
- FY21 – \$559.7 million
- 6 yr total – nearly \$3.2 B (nearly \$500 M increase over current)

▶ Takedowns

- *6% PM&O* – no change
 - *2% Safety* – no change
 - *4% Bridge* – to address bridge inspection costs and rehabilitate deficient bridges in Indian Country
 - *3% Planning* – to improve overall data collection and develop a more performance based, data supported program of projects
 - *7% HPP* – brings the MAP-21 Sec. 1123 Tribal High Priority Projects Program (old HPP) back under main TTP.
- ## ▶ Initial program \$\$ increase offsets increase in takedowns
- Overall tribal shares and planning funds increase by \$5 million

GROW AMERICA 2.0 – TTP

▶ Other Parts

- Nationally Significant Federal Lands and Tribal Projects Program
 - \$150 million/year, \$25 – \$50 million projects;
 - For construction, reconstruction and rehabilitation activities (project design is not eligible);
 - Must be a single continuous project, and
 - Completion of activities required under NEPA must be demonstrated

DRIVE Act

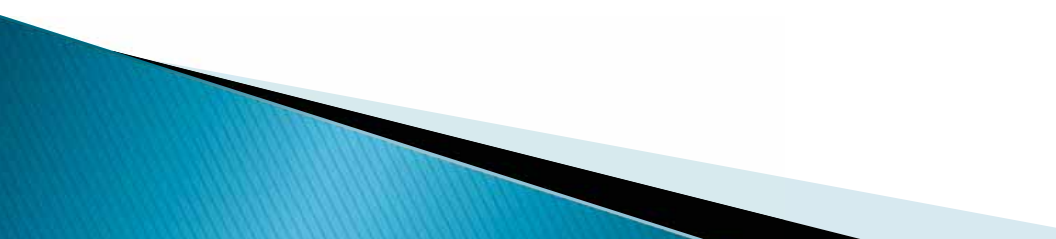
- ▶ *Developing a Reliable and Innovative Vision for the Economy Act*
- ▶ Passed by Senate
- ▶ 6 year Bill, 3 years of funding identified
- ▶ TTP
 - \$465 million/year with \$10 million/year increases (4%), topping out at \$515 million in FY21.
 - \$2.94 B over 6 years (nearly \$240 million increase)
 - No change in funding formula
 - No change in Safety or Planning set asides
 - Increase in Bridge set aside from 2% to 3%.
 - Decrease in PM&O from 6% to 5%.

DRIVE Act

▶ Includes:

- The proposed *Nationally Significant Federal Lands and Tribal Projects Program*
- A “Data Collection” requirement for Tribes receiving TTP funding.
 - A report due each December 31 to Secretaries of DOT and DOI that contains all TTP projects and activities by name and includes:
 - The obligations and expenditures on each;
 - Project status; and
 - The number of jobs created and the number of jobs retained.
 - Other grant opportunities for funding performance based and capacity building initiatives.

SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

- ▶ Sec. 1113. Federal lands and tribal transportation program.
 - ▶ Sec. 1114. Tribal transportation program.
 - ▶ Sec. 1116. Tribal transportation self-governance program.
 - ▶ Sec. 1120. Tribal High Priority Projects program.
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SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

▶ Funding:

- 2016: \$465 M
- 2017: \$475 M
- 2018: \$485 M
- 2019: \$490 M
- 2020: \$495 M
- 2021: \$500 M

▶ Data Collection allowances by States (Sec. 148)

- States must consult with Tribes before ceasing to collection data associated with NTTFI

SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

- ▶ 201(c)(6) amended to include “Tribal Data Collection”
 - not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program shall based on obligations and expenditures the following data:
 - The names of projects and activities carried out
 - A description of the projects and activities identified
 - The current status of the projects and activities
 - An estimate of the number of jobs created and the number of jobs retained by the projects and activities

SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

- ▶ Section 202(a)(6) amended:
 - by striking “6 percent” and inserting “5 percent”.
 - Reduces the amount of program management and oversight and project related administrative expenses to BIA and FHWA–FLH
 - No changes in other take-downs
 - Safety
 - Bridge
 - Planning
 - Formula Supplemental

SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

- ▶ **SEC. 207. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.**
 - Establishes a tribal self-governance program under U.S. Department of Transportation
 - Similar to that of USDOJ and USDHHS
 - Some revisions and adjustments to reflect the transportation program at USDOT
 - Regulations to be developed by Secretary of Transportation

SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015 (STRR)

▶ **SEC. 1120. TRIBAL HIGH PRIORITY PROJECTS PROGRAM**

- Amended to change years of applicability by inserting in Section 1123(h)(1) of MAP-21:
- “fiscal years 2016 through 2021.”

25 CFR 170

- ▶ NPRM published in *Federal Register* on December 19, 2014.
 - 6 consultation sessions were held
 - (Sacramento, Phoenix, Minneapolis, Oklahoma City, Anchorage, and Seattle)
 - Comment period ended March 20, 2015
- ▶ Approximately 700 comments were received.
- ▶ BIA and FHWA are working to address the comments and make the agreed upon changes to the NPRM.
- ▶ Target date for publication is end of calendar year.
 - When published, approved back-up documentation will be published as well.
- ▶ If new Highway Bill is enacted before final publication, BIA and FHWA will review the Bill, notify the PCC, and update the regulation so as to address any statutory change.

Questions?

