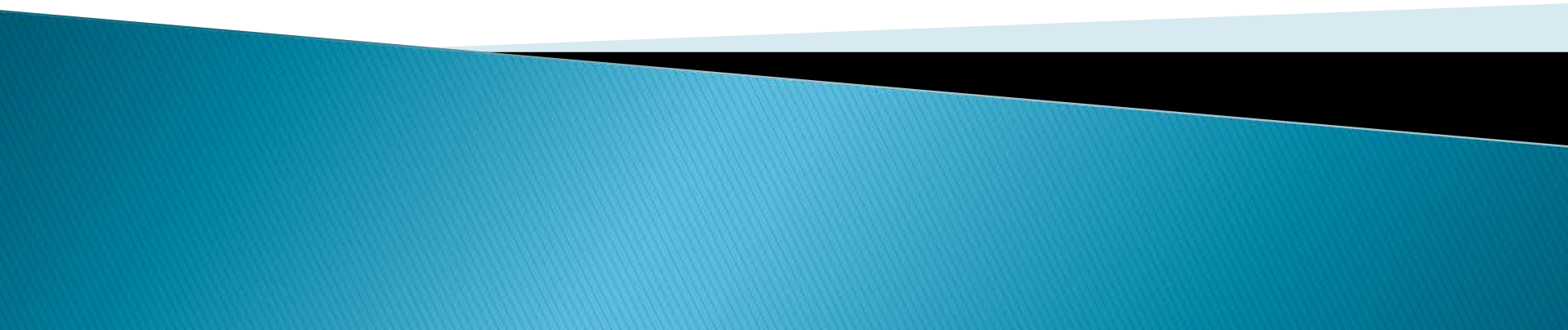


**Consultation  
on NPRM to  
Update 25 CFR Part 170  
Subparts D – F**



# Subpart D—Planning, Design, and Construction of Tribal Transportation Program Facilities

## ▶ *Transportation Planning*

- § 170.400
  - Updates the relationship of transportation planning to the TTP
- § 170.401
  - Now includes FHWA and updates the list of planning activities that BIA and FHWA carry out
- § 170.402
  - Updates Tribal list of planning activities to reflect program changes
- § 170.403
  - Identifies what TTP funding can be used for planning

# Subpart D – (continued)

- § 170.404
  - Defines how a tribe can use their unexpended planning funds after all planning activities are completed
- § 170.405
  - Identifies how the tribes must use their planning funds
- § 170.410 – 411
  - Defines the purpose of a Long Range Transportation Plan and what it should include
- § 170.412
  - Identifies how the Tribe's LRTP is developed and approved. Updated to include FHWA
- § 170.413
  - Identifies the public role in developing the LRTP
  - Includes references to FHWA

# Subpart D – (continued)

- § 170.414
  - Describes how the LRTP is used and updated
- § 170.415
  - Adds Project identification studies as part of the overall planning process.
- § 170.420
  - Defines the tribal priority list. No significant changes

# Subpart D – (continued)

## ▶ *Transportation Improvement Programs*

- § 170.421
  - Updates the definition and use of the TTIP to better align with planning requirements.
- § 170.422
  - Updates the definition and use of the TTPTIP to better align with planning requirements
- § 170.423
  - Updates the process of how projects are placed on a TTPTIP to better align with planning and statutory requirements.
- § 170.424
  - Describes the public involvement process in the TTPTIP development

# Subpart D – (continued)

- § 170.425
  - Provides information on how the TTPTIP annual update is carried out.
- § 170.426
  - Updates how the TTPTIP is approved.
- § 170.427
  - Describes how a tribe can amend its approved TTPTIP.
- § 170.428
  - Describes how a state will receive the TTPTIPs. No Significant change.
- ▶ *Public Hearings*
  - § 170.435 – 441
    - Updated to reflect current actions and requirements. No significant changes

# Subpart D – (continued)

## ▶ *TTP Facility Inventory*

- § 170.442
  - Describes the NTTFI and what is included. Statutory language
- § 170.443
  - Defines a proposed facility and includes the process and requirements to successfully include it into the NTTFI.
- § 170.444
  - Describes how the NTTFI is updated
- § 170.445 – 446
  - Describes a strip map and minimum attachments required

# Subpart D – (continued)

## ▶ *Environmental and Archeological Requirements*

- § 170.450
  - Identifies that the TTP environmental and archeological requirements are located on the BIA and FHWA websites
- § 170.451 – 452
  - Indicates that TTP funds can be used for compliance and other activities.

## ▶ *Design*

- § 170.454
  - Identifies the requirement of design standards and where they can be found. Also describes how the use of a new design standard can be proposed.
- § 170.455
  - Clarifies what other factors influence project designs
- § 170.456 – 457
  - States how tribes can request design exceptions and the appeal process if the request is denied.



# Subpart D – (continued)

- ▶ *Review and Approval of Plans, Specifications, and Estimates*
  - § 170.460 – 461
    - Identifies the composition of a project package and the procedures for a tribe to approve their PS&E.
  - § 170.463
    - Identifies the actions to be taken if the Secretary identifies a design deficiency.
- ▶ *Construction and Construction Monitoring*
  - § 170.470 – 471
    - Identifies the construction standards that must be used and how projects are to be administered.
  - § 170.472
    - Clarifies what construction records must be kept and accessible for review on construction projects.
  - § 170.473
    - Provides information on when a project is considered “complete” and how and by who a project closeout is conducted.

# Subpart D – (continued)

## ▶ *Management Systems*

- GENERAL – *Program Reviews were removed from this section as this work is now included in the National Business Plan*
- § 170.502
  - Identifies the requirements for National Management Systems and also as well as what funds a tribe could use if it desired to have its own management systems.

## ▶ *Bridge Program*

- § 170.510 – 514
  - Identifies the TTP Bridge Program as a source of funding for bridge work, where additional regulations can be found, how funds are made available to tribes, and also updates the bridge inspection requirements that have been set in place by MAP-21.

- ▶ Appendices A and B to Subpart D have been removed. That information can be found on the BIA and FHWA websites.

# Subpart E – Service Delivery for Tribal Transportation Program

## ▶ *Funding Process*

- § 170.600
  - Updated to reflect how Tribes are notified of annual funding amounts as well as the timeframe by which those funds must be made available to the Tribes
- § 170.602
  - Identifies that under the existing statutes, no additional funding is available to tribes for unforeseen construction costs.

## ▶ *Miscellaneous*

- § 170.605
  - Describes when force account methods may be used in the TTP
- § 170.606
  - Identifies the legislation and procurement requirements of the TTP. No significant changes
- § 170.607 – 609
  - Describes use of funds for contract support costs and start up activities

# Subpart E – (continued)

## ▶ *Contracts and Agreements*

- § 170.610
  - Identifies the functions that tribes may assume in their agreements with BIA and FHWA.
- § 170.611
  - Identifies the special provisions that apply to ISDEAA Contracts. No significant changes.
- § 170.612
  - Describes that non contractible activities are funded out of the funds identified in 23 USC 202(a)(6) (IE: PM&O) and can be used only by BIA and FHWA and identifies that these can be found in the Appendix to this Subpart
- § 170.614
  - Updated to reflect that tribes may receive partial funding as that funding becomes available to FHWA and BIA (IE: Continuing Resolutions and Extensions)
- § 170.615 – 618
  - Updates: the availability of advance payments, receiving additional funds if they become available to the TTP on a nationwide basis, contingencies, and savings to align with new statutes.

# Subpart E – (continued)

## ▶ *Contracts and Agreements*

### ◦ § 170.619

- Identifies when tribal preference and Indian preference apply to TTP. No changes other than Program Agreements was added as a reference.

### ◦ § 170.620

- Clarifies that reimbursable and other agreements with state or local governments for a TTP project may include ISDEAA's Indian preference provisions.

### ◦ § 170.621

- No significant changes other than to add FHWA and BIA TTP Agreements as a reference.

# Subpart E – (continued)

## ▶ *Contracts and Agreements*

- § 170.622
  - No significant changes
- § 170.623 – 625
  - No significant changes other than for clarification purposes.
- § 170.626
  - Identifies how a tribe can request a waiver of a regulation.
- Appendix – List of non-contractible activities...no significant changes

# Subpart F – Program Oversight and Accountability

- § 170.700
  - Describes what the TTP Stewardship Plan and National Business Plan is.
- § 170.701
  - Clarifies that a tribal/BIA MOU may be used to identify work that the BIA will carry out at the Tribe's request.
- § 170.702
  - Identifies that the Secretaries review and monitor the performance of all TTP activities.
- § 170.703 – 704
  - Describes what program reviews the Secretaries conduct and how improvements are identified and acted on.