

VI. Allowable Uses of Program Funds

Overview. Program funds are Federal funds that may only be expended on certain allowable activities. The program funds also come with conditions. Allowable activities are broken into two broad categories: (1) Planning and Design activities, and (2) Construction and Improvement activities. For a complete list of allowable uses of TTP funds, see Appendix A to Subpart B of 25 CFR 170. **The most common allowable activities to expend TTP funds on are:**

1. Planning and Design Activities –

- Indirect general and administrative costs which include, but are not limited to, computers, software, office furniture, and other equipment needed to administer the TTP. Costs should be reflected in a budget and must be reasonable and in accordance with OMB Circular A-87.
- Transportation-related planning and programming activities (including but not limited to roadway, trails, transit, and safety planning and programming, and planning for tourism and recreational travel).
- Identification and evaluation of accident prone locations.
- Planning and design of Tribal Transportation Facilities.
- Engineering support studies (i.e. geotechnical, hydraulic, etc.)
- Environmental studies, evaluations, and compliance activities.
- Planning and design of mitigation for impacts to environmental resources (i.e. wildlife and their habitat, wetlands, cultural resources, water quality, air quality, etc.).
- Architectural and landscape engineering services including lighting. Inspection of bridges and structures.
- Public meetings and public involvement activities.
- Tribal employment rights ordinance (TERO) fees.

2. Construction and Improvement activities –

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements of TTP facilities (i.e. roads, trails, bridges, structures, pedestrian and bicycle facilities, transit facilities, ferry facilities, rest areas, parking areas, etc.).
- Road sealing and chip seals
- ADA improvements.
- Seasonal transportation routes, including but not limited to snowmobile trails, ice roads, overland winter roads.
- Mitigation activities required by Tribal, state, or Federal regulatory agencies, and 42 U.S.C. 4321 *et seq.*, The National Environmental Policy Act (NEPA) (see Appendix A to Subpart B of 25 CFR 170 for other environmental related allowable costs).
- Tribal employment rights ordinance (TERO) fees.
- Maintenance of TTP facilities identified in the National Tribal Transportation Facility Inventory (NTTFI) (25 CFR 170.803). Not more than 25% or \$500,000, whichever is greater, of the TTP funds allocated to a Tribe may be expended for the purpose of maintenance. This funding limit does not apply to road sealing (25 CFR 170.802).
- Development and negotiation of Tribal-State road maintenance agreements.
- Purchasing, leasing or rental of construction equipment. This requires submittal of written notification to, and approval by, the FHWA or the BIA, with justification and back-up documentation showing that it is more economical to purchase than to lease.

A. Conditions on TTP Funds. The amount of TTP allocation funds that can be used for particular activities have certain conditions placed on them. They are:

- Planning – Up to 2% of total fiscal year TTP funds as shown on RFA (23 U.S.C. 202(c)); up to 100% of TTP funds (25 CFR 170.403) if identified as a priority on FHWA approved TTPTIP.
- Preliminary Engineering – Up to 100% of Tribe’s total fiscal year TTP allocation minus any amounts from other areas.
- Construction – Up to 100% of Tribe’s total fiscal year TTP allocation minus any amounts from other areas.
- Construction Engineering – Up to 100% of Tribe’s total fiscal year TTP allocation minus any amounts from other areas.
- Transit – Up to 100% of Tribe’s total fiscal year TTP allocation minus any amounts from other areas.
- Maintenance – Up to 25% or \$500,000, whichever is greater, of total fiscal year TTP Tribal allocation (23 U.S.C. (a)(8), and 25 CFR 170 Subpart G).