



IRR Program Update

Tribal Consultations



Topics

- FY12
 - Extensions and IRR Program Funding
- MAP-21
 - Programs and Funding



What happened?

- MAP-21 was passed by both chambers of Congress and signed by the President on July 6, 2012.
- Public Law 112-141
- FY 2013 and FY2014
 - Effective Date to Program – October 1, 2012
 - Current Programs continue for the rest of FY 12



FY 12 (remaining 3 months)

- Division G of MAP-21 - Surface Transportation Extension Act of 2012, Part II
 - Section 111001
 - Keeps SAFETEA-LU operating through end of FY 12
 - IRR Program will operate at authorized level of \$450 million
- Remaining three months of funding will be made available in late July/early August
 - FY 12 tribal shares will be calculated and run for the final distribution
 - Q10 transition year approach will be used
- Remaining approved projects of IRRHPP and IRRBP will be funded



MAP-21 Overview

- MAP-21: “Moving Ahead for Progress in the 21st Century Act”
- Passed by the Senate on March 14, 2012
- Agreed to by Conference Committee on June 27, 2012
- Approved by House and Senate
- Signed into law by President on July 6, 2012
- 2 year (2013 and 2014)



MAP-21 Overview

- Section 1119: Federal Lands and Tribal Transportation Programs
- Section 1123: Tribal High Priority Projects Program
- Main Components
 - IRR becomes “Tribal Transportation Program”
 - Consolidation of programs
 - New Tribal Safety Program
 - New formula for fund distribution
 - Four Year Transition
 - New approach to High Priority Projects Program



Tribal Transportation Program

- Authorized level - \$450,000,000
- Set-Asides
 - Planning – 2% (\$9 million)
 - Implement planning procedures that are consistent with the planning processes required under Sections 134 and 135.
 - Bridge Program – 2% (\$9 million)
 - Tribal Safety Program – 2% (\$9 million)
 - PM&O – 6% (\$27 million)



Definitions

- Sec. 1103
 - (31) Tribal Transportation Facility
 - Means a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).



National Tribal Transportation Facility Inventory (Sec. 202(b)(1)(B))

- A comprehensive national inventory of tribal transportation facilities that are eligible for assistance under the tribal transportation program. Includes facilities that:
 - were included in the Bureau of Indian Affairs system inventory prior to October 1, 2004;
 - Are owned by an Indian tribal government;
 - Are owned by the Bureau of Indian Affairs;
 - were constructed or reconstructed with funds from the Highway Account of the Transportation Trust Fund under the Indian reservation roads program since 1983;



National Tribal Transportation Facility Inventory

- are public roads or bridges within the exterior boundary of Indian reservations, Alaska Native villages, and other recognized Indian communities (including communities in former Indian reservations in the State of Oklahoma) in which the majority of residents are American Indians or Alaska Natives; or
- are public roads within or providing access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian or Alaska Native villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians; or
- are primary access routes proposed by tribal governments, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal terminals, such as airports, harbors, or boat landings.



Maintenance

- Amount allowed is the greater of 25% of funds received; or \$500,000



IRR High Priority Program (IRRHPP)

- The IRRHPP included in 25CFR170 does not continue.
- However, there is a new Tribal High Priority Projects Program (Section 1123):
 - \$30 million from General Fund
 - Similar language as IRRHPP
 - Call for project applications no sooner than 60 days after funding is made available.
 - Max - \$1,000,000/project
 - For Tribes that receive insufficient funding to carry out their highest priority project

TTP - Funding Formula

- *After applying five* set-asides*
 - *2% each for Planning, Bridge, and Safety*
 - *6% for PM&O*
 - *Tribal Supplemental Allocation*
- *27% in the ratio that the total eligible mileage in each tribe bears to the total eligible mileage of all American Indians and Alaska Natives.*
 - *Eligible mileage shall be computed based on the following facilities in the FY12 inventory:*
 - *Roads included in the Bureau of Indian Affairs system inventory prior to October 1, 2004*
 - *Roads owned by Indian tribal governments*
 - *Roads owned by the BIA.*



TTP Funding Formula

- *39% in the ratio that the total population in each tribe bears to the total population of all American Indians and Alaska Natives.*
 - *Population is computed using the most recent data available under the Native American Housing Assistance and Self-Determination Act of 1996*

TTP Funding Formula

- 34%
 - *Initially divided equally among each of the 12 BIA Regions*
 - *Distributed to each Tribe within a region based on the Tribe's percentage of the regional total of RNDF and PAF that it received from 2005 to 2011.*



TTP - Tribal Supplemental Funding

- *Amount made available for the TTP:*
 - *Less than or equal to \$275 million*
 - *30% of such amount*
 - *More than \$275 million*
 - *\$82.5 million plus 12.5% of amount in excess of \$275 million*
 - **For FY12 and FY13, this equals \$104,375,000**
- *Distribution (regional)*
 - *Initial – To each of the 12 BIA Regions based on proportion of regional total to national total using the new statutory formula*
 - *Then - Distributed to tribes within a region that receive less in current FY (new formula) as compared to FY11 in order to attempt to keep the Tribes at their FY11 level.*
 - *Distribution to those tribes will be in proportion to their share of the combined amount within the region*



TTP - Tribal Supplemental Funding

- *Ceiling*
 - *For tribes that are eligible under the supplemental program, the total funds received from the Formula and Supplemental funding cannot exceed the amount that the tribe received in FY11.*
- *Remaining Funds*
 - *If tribal supplemental funding remains available in a region after all of the region's tribes are made "whole to their FY11 funding levels", then the excess funds will be distributed amongst all of the tribes within that region in proportion to the combined regional tribal shares received.*



Transition

- 4 year transition with increments of 20%/year
- FY 13
 - 80% in the ratio that the amount allocated to each tribe for FY11 bears to the total amount allocated to all tribes for that fiscal year
 - 20% tribal shares based on new formula
- FY14
 - 60% old and 40% new
- FY15
 - 40% old and 60% new
- FY16 and thereafter
 - 20% old and 80% new



Tribal Safety Program

- Funds to be provided based on identification and analysis of highway safety issues and opportunities on tribal land, as determined by the Secretary
- Project Selection
 - Indian tribal governments, in cooperation with Secretary of the Interior, and as appropriate with a State, local government, or MPO shall select projects from the TIP, subject to the approval of the Secretaries.
- IRRPCC will be working to develop recommendations on how the program should operate.



National Bridge and Tunnel Inventory

- Tribal bridges will need to be inspected, classified, and inventoried.
 - Bridges will be classified according to serviceability, safety, and essentiality for public use; and
 - Based on the classification, each bridge will be given a risk-based priority for systematic preventive maintenance, replacement or rehabilitation.
- Funding is TBD



QUESTIONS?