New program assists American Indians

Welcome to the first edition of Pathways, the quarterly newsletter from the Tribal Technical Assistance Program (TTAP). One of four national technology transfer centers for American Indian Tribal Governments, TTAP will serve tribes in the eastern half of the United States.

The Technology Transfer Program for American Indian Tribal Governments was legislated through the Intermodal Surface Transportation Efficiency Act (ISTEA, pronounced “ice tea”) of 1991 to provide tribes with transportation related technical assistance. The purpose of the Act is outlined in its statement of policy: “To develop a national intermodal transportation system that is economically efficient, environmentally sound, provides the foundation for the nation to compete in the global economy, and will move people and goods in an efficient manner.”

The ISTEA requires that tribal leaders be involved, and that their concerns be considered, as part of the statewide planning process involving transportation activities on or near Indian reservations. The Act requires that the Federal Highway Administration (FHWA), state, and local highway agencies meet specific requirements.

The Tribal Technical Assistance Program’s purpose is to serve as a resource for transportation related items involving roads and bridges, economic development, recreation, travel, and tourism. Training and technical assistance will be provided as well as a quarterly newsletter, publications, workshops, and a loan library of video tapes.

The program’s goal is to serve individual tribal needs. If you have a transportation information need or interest, let us know and we will design a program with you. To contact the TTAP office, write or call:

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ISTEA recognizes tribal planning

The Intermodal Surface Transportation Efficiency Act created a new era for funding transportation and new requirements for obtaining this funding. An emphasis of the Act is placed on the transportation planning process. This includes consideration of land use in the planning process, greater funding flexibility, a Statewide Long Range Plan (SLRP), increased focus on transit, and a Statewide Transportation Improvement Plan (STIP). Local involvement, including American Indian tribes, is required as part of the funding process.

The information here will focus on defining the effect of ISTEA on American Indian tribes.

Increased Funding

Under ISTEA funding for Indian Reservation Roads (IRR) through the Federal Lands Highway Program (FLHP) has increased from $159 million in fiscal year '92 to $191 million for fiscal years '93-'97.

Increased Planning Requirements

Up to 2% of funds made available for the IRR shall be allocated to Indian tribal governments to develop a Transportation Improvement Plan (TIP).

The tribal TIP must be coordinated with state and local governments and be included in the Statewide Transportation Improvement Plan (STIP).

Greater Flexibility

The Surface Transportation Program (STP) of ISTEA may be used for: Any road (including IRR) functionally classified as major collector or above, highway bridges on any system, and transit capital.

Special Programs

Safety and Enhancement programs each get 10% of STP funds. These projects are funded through the Local Task Force.

Special Provisions

States may implement a preference for employment of Indians on projects near Indian reservations.

Indian tribal governments are authorized to develop, conduct, and administer highway construction training, including skill improvement programs.

A minimum of 10% of the IRR funds must be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

Bridge Replacement and Rehabilitation programs are funded in each state with a minimum of 1% set aside for IRR. If the bridge is approved, the 1% can be used to pay for 80% of preliminary engineering, right of way acquisition, and construction. The IRR funds may be used for the required 20% state match requirements.

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Road project development requires coordination

Developing a road project under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires substantial intergovernmental coordination. A significant amount of time may pass before the funding is received.

The best thing a tribal government can do is prepare to react to the planning process and program solicitations early in their development. The tribe should complete a transportation study and include a well-defined set of needed projects and priorities. Each project should have as much preliminary work as possible completed, including cost estimates and permits.

By anticipating the kind of enhancement project that will be of value to the tribe and having the preliminary work complete, the tribe will move its transportation priorities through the funding process more quickly.

The procedure required to get a road or bridge project funded has changed since the passage of ISTEA. Although the procedures for Indian Reservation Roads (IRR) projects are generally valid for any tribe in any state, there are variations from state to state for the non-IRR programs.

IRR Project Development

The development of an IRR project requires time and an understanding of the planning and funding process. Essentially, it involves the following steps.

1. Identify an eligible project from the Tribal Transportation Planning Study or through the tribal planning process. A priority list of desired projects must be supported by tribal resolution. Some states establish this priority list by acclamation and others use the IRR formula to set the amount of funds and priorities to be assigned to each tribal project.

2. Meet with other tribes in the state and with the Bureau of Indian Affairs (BIA) Agency Road Representative to establish the Transportation Improvement Plan (TIP).

3. The BIA Agency Road Engineer will forward the state TIP to the BIA Area Office-Branch of Roads. They review the TIP and forward it to the Federal Highway Administration (FHWA) Federal Lands Highway Office (FLHO).

4. The FLHO will approve the IRR TIP and forward it to the FHWA Division Office for transmittal to the appropriate state Department of Transportation (DOT). The state DOT will include the IRR TIP in the Statewide Transportation Improvement Plan (STIP).

The process outlined above is the same as before except at the level above the BIA Area Office, step 4. This new step, associated with including the BIA TIP in the STIP, was developed to satisfy section 135 of Title 23 U.S. Code that requires all projects (including IRR projects) within the boundaries of the state that are funded under Title 23 to be included in the STIP.

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