

TRANSPORTATION DECISIONMAKING

Information Tools For Tribal Governments

# **Developing the Tribal Transportation Improvement Program**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

## TABLE OF CONTENTS

|                                                                                                                                                                         |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| INTRODUCTION                                                                                                                                                            | 2  |
| QUESTIONS AND ANSWERS                                                                                                                                                   | 4  |
| • What is the TTIP?                                                                                                                                                     | 4  |
| • What is the Tribal Priority List?                                                                                                                                     | 4  |
| • What is Preproject Planning?                                                                                                                                          | 4  |
| • What is IRR TIP?                                                                                                                                                      | 5  |
| • What is the Tribal Control Schedule?                                                                                                                                  | 5  |
| • What is a TIP?                                                                                                                                                        | 5  |
| • What is an STIP?                                                                                                                                                      | 5  |
| • What is the IRR Rule?                                                                                                                                                 | 6  |
| • Where Can I Find the FHWA/FTA Law<br>Related to Metropolitan and Statewide<br>Transportation Planning?                                                                | 6  |
| • What is an MPO?                                                                                                                                                       | 6  |
| DEVELOPING THE TTIP                                                                                                                                                     |    |
| • Stakeholder identification and<br>Public Involvement                                                                                                                  | 7  |
| • Programming the TTIP                                                                                                                                                  | 8  |
| • TTIP Funding Sources                                                                                                                                                  | 9  |
| • Project Cost Estimation                                                                                                                                               | 9  |
| • Where Do I Obtain Information to<br>Make Planning Level Cost Estimates?                                                                                               | 10 |
| TTIP FUNDING RELATIONSHIPS                                                                                                                                              |    |
| • TTIP–IRR TIP                                                                                                                                                          | 11 |
| • IRR TIP–STIP                                                                                                                                                          | 12 |
| • TTIP–STIP                                                                                                                                                             | 12 |
| • TTIP–Metropolitan TIP                                                                                                                                                 | 12 |
| • Metropolitan TIP–STIP                                                                                                                                                 | 13 |
| APPENDICES                                                                                                                                                              |    |
| Appendix A: Tribal Transportation<br>Improvement Program (TTIP) and Indian<br>Reservation Roads Transportation<br>Improvement Program (IRR TIP)<br>Regulatory Reference | 14 |
| Appendix B: Statewide Transportation<br>Improvement Program (STIP) Statutory<br>Reference                                                                               | 17 |
| Appendix C: Metropolitan<br>Transportation Improvement Program<br>(TIP) Statutory Reference                                                                             | 20 |
| RESOURCES                                                                                                                                                               | 22 |

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# **Developing the Tribal Transportation Improvement Program**

**Prepared by:**

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**In Coordination with:**

Bureau of Indian Affairs

FHWA Federal Lands Highway

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U.S. Department  
of Transportation

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No single government or agency has responsibility for the construction, operation, or maintenance of the entire multimodal transportation system, therefore coordination is crucial to the performance of the system. This coordination begins with long-range planning and continues as projects emerge as part of the Transportation Improvement Program (TIP).

The purpose of this is to provide Tribal decisionmakers and planners with an overview of the fundamental process for developing a Tribal Transportation Improvement Program (TTIP) in coordination with Federal, State, and local governments. Similar to the TTIP, there are three other types of TIPs that are relevant and directly applicable to Tribal transportation:

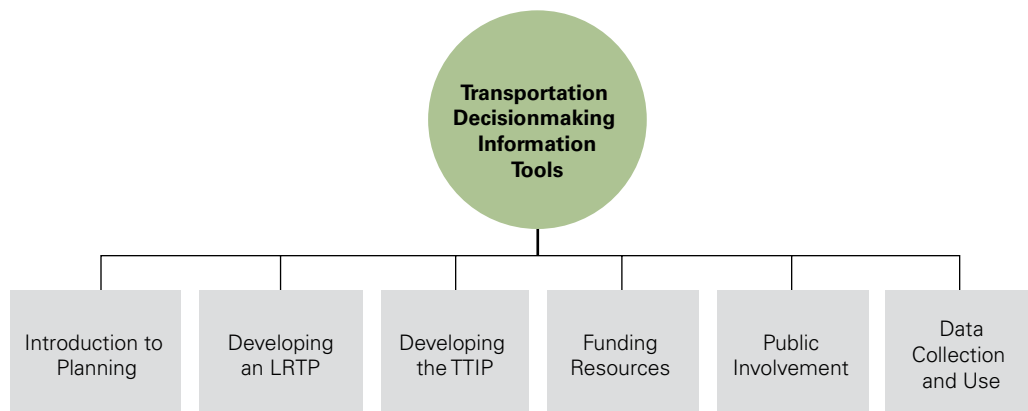
- Indian Reservation Roads Transportation Improvement Program (IRRTIP).
- Metropolitan Transportation Improvement Program (herein referred to as “metropolitan TIP”).
- Statewide Transportation Improvement Program (STIP).

A key message in this module is the importance of continuous, cooperative, and comprehensive (the “3Cs”) planning efforts between the Tribe and other Federal, State, and local planning partners. Benefits of the 3Cs process include innovative funding opportunities, streamlined program delivery, and a high-quality, safe, efficient, and environmentally friendly transportation system to serve the needs of the traveling public in Indian Country.

The *Transportation Decisionmaking: Information Tools for Tribal Governments* series contains modules that cover different aspects of transportation planning. All modules identify linkage points between Indian Reservation Roads (IRR) transportation planning and the Statewide and metropolitan planning process. The intent of this series is to provide an overview of fundamental and conceptual techniques as well as notable practices. The first set of Modules in development include:

- *Introduction to Planning.*
- *Developing a Long-Range Transportation Plan (LRTP; available at <http://www.fhwa.dot.gov/hep/tribaltrans/lrtpmod.htm>).*
- *Developing the Tribal Transportation Improvement Program.*
- *Funding Resources.*
- *Public Involvement.*
- *Data Collection and Use.*

The *Developing the Tribal Transportation Improvement Program* module provides definitions and legal references for each of the TIP documents (TTIP, IRRTP, metropolitan TIP, and STIP), presents an overview of how the TTIP is developed, and identifies stakeholders and their related processes.



### What is the TTIP?

The TTIP is the list of Tribal transportation projects to be funded in the near term. The TTIP is defined in the Code of Federal Regulations (CFR) in Title 25, Section 170.5 (also known as the IRR Rule), as “a multi-year financially constrained list of proposed transportation projects developed by a Tribe from the Tribal priority list or the long-range transportation plan.” According to 25 CFR 170.421, the TTIP must:

- A. Be consistent with the Tribal long-range transportation plan.
- B. Contain all IRR program funded projects scheduled for construction in the next 3–5 years.
- C. Identify the implementation year of each project scheduled to begin within the next 3–5 years.
- D. Include other Federal, State, county, and municipal transportation projects initiated by or developed in cooperation with the Tribal government.
- E. Undergo reviews and updates as necessary by the Tribal government.
- F. Be changed only by the Tribal government.
- G. Be forwarded to the Bureau of Indian Affairs (BIA) by resolution or by Tribally authorized government action for inclusion in the IRRTIP.

### What is the Tribal Priority List?

In comparison to the TTIP, the Tribal priority list includes all of the transportation projects the Tribe has identified including those without a funding source. According to 25 CFR 170.420, “the Tribal Priority List’ is a list of all transportation projects that the Tribe wants funded. The list (a) May or may not identify projects in order of priority, (b) Is not financially constrained, and (c) Is provided to BIA by official Tribal action, unless the Tribal government submits a Tribal Transportation Improvement Program.”

### What is Preproject Planning?

According to 25 CFR 170.415, preproject planning is “part of overall transportation planning and includes the activities conducted before final project approval on the IRR Transportation Improvement Program (IRRTIP).” These activities include the following:

- A. Preliminary project cost estimates.
- B. Certification of public involvement.
- C. Consultation and coordination with States and Metropolitan Planning Organizations (MPOs) for a regionally significant project (particularly in a nonattainment or maintenance area).
- D. Preliminary needs assessments.
- E. Preliminary environmental and archeological reviews.

The BIA regional office must work cooperatively with Tribal, State, regional, and metropolitan organizations in regard to leveraging funds from non-IRR program sources and

identifying other funding sources to expedite the planning, design, and construction of projects on the IRRTIP.

### **What is the IRRTIP?**

The IRRTIP is a multi-year list of transportation improvement projects programmed for construction by a BIA regional office with IRR program funds for the next 3–5 years. The IRRTIP contains eligible projects selected by Tribal governments from TTIPs or other Tribal actions (such as a tribal priority list). An approved IRRTIP is prepared for each State within the regional BIA office.

According to 25 CFR 170.422, the IRRTIP:

- A. Is financially constrained.
- B. Must include eligible projects from TTIPs.
- C. Is selected by Tribal governments from TTIPs or other Tribal actions.
- D. Is organized by year, State, and Tribe.
- E. May include non-IRR projects for inclusion in the STIP (Transportation Planning Capacity Building Program Glossary: <http://www.planning.dot.gov/glossary.asp> and 25 CFR 170).

### **What is the Tribal Control Schedule?**

The Tribal control schedule is the implementing document for the TTIP. The Tribal government may elect to develop the Tribal control schedule under the Self-Governance contract or the Indian Self-Determination contract. The Tribal control schedule is an accounting and project management tool that is developed from the TTIP. It contains detailed project and task information for all projects identified in the TTIP. Project information is included in the BIA region

control schedule without changing the total dollar amounts. The BIA control schedule is the BIA national compilation of all the regional control schedules (Federal Lands Highways [FLH] and Transportation Planning Capacity Building program glossary: (<http://www.planning.dot.gov/glossary.asp>)).

### **What is a TIP?**

The TIP is a financially constrained 4-year program that outlines the immediate implementation priorities for transportation projects and strategies from a metropolitan area's long-range transportation plan. Federal statute (23 U.S.C. 134 and 49 U.S.C. 5303) requires that the TIP:

- Covers a minimum 4-year period of investment.
- Is updated at least every 4 years.
- Is financially constrained in that it is realistic in terms of available funding and is not a “wish list” of projects.
- Conforms with the State Implementation Plan for air quality if the region is designated a nonattainment or maintenance area.
- Contains a priority list of projects and strategies for 4 years, a financial plan, and descriptions (type of work, termini, length, etc.) of each project in the TIP.
- Is incorporated into the STIP.

### **What is an STIP?**

The Statewide Transportation Improvement Program (STIP) is a financially constrained list of transportation projects consistent with State LRTPs and planning processes as well as metropolitan plans. The STIP is developed under 23 U.S.C. 135 and 49 U.S.C. 5304. The Secretary of Transportation (U.S. Department of Transportation [DOT]) reviews and approves the STIP for each State. In addition, the STIP includes:

- All capital and noncapital projects (i.e., transit operations include other examples, not just transit) or phases of project development that are targeted to use Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funds.
- All regionally significant transportation projects requiring Federal approval or permits even if no FHWA or FTA funds are used in their construction. A regionally significant project is generally defined as a project on a facility that serves regional transportation needs.
- Listings by group projects that are not considered to be of appropriate scale for individual identification in a given program year. These projects may be grouped by function, work type, or geographic area.
- All metropolitan TIPs.
- The portion of the IRR TIP that is applicable to that State.

### **What is the IRR Rule?**

The IRR Rule is the regulatory (or regulation) reference to the Federal Title 25—Indians, Chapter I—BIA, Department of Interior, Subchapter H—Land and Water, Part 170 IRR program (<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=876ef2dd1fe73e921c9b0277c2363f34&rgn=div5&view=text&node=25:1.0.1.8.76&idno=25>).

### **Where Can I Find the FHWA/FTA Law Related to Metropolitan and Statewide Transportation Planning?**

The FHWA statutory references for metropolitan and Statewide transportation planning are located in 23 U.S.C. 134 and 23 U.S.C. 135, respectively. The corresponding FTA references are found in 49 U.S.C. 5303–5304.

### **What is an MPO?**

An MPO is defined in Federal Transportation Statute (23 U.S.C. 134b and 49 U.S.C. 5303c) as the designated local decisionmaking body that is responsible for carrying out the metropolitan transportation planning process. An MPO must be designated for each urban area with a population of more than 50,000 people (i.e., for each urbanized area defined in the most recent decennial census).



The projects identified as transportation needs and priorities through the comprehensive LRTP can now take the steps toward implementation through TTIP development. Begin by revisiting the long-range plan and identify projects to move forward into the TTIP.

Tribal governments, like other forms of government, often face difficult decisions as they prioritize transportation needs. Economic development, housing, and safe routes to schools all carry great importance when deciding transportation priorities. So how does one allocate precious limited transportation funds to such a wide area of need? Through use of a proper transportation planning process developed and documented in the LRTP. From the LRTP a short-range program or plan is developed that outlines what transportation projects need to be implemented in 3–5 years to achieve the transportation vision of the Tribal community. The development of the short-range program is an opportunity to involve Tribal members through a public input process to establish and reaffirm consensus on what projects should be advanced in the near future to meet the community's vision. This short-range program is then used to develop the TTIP. Essentially, the TTIP identifies the Tribe's top transportation priorities (those that can be funded) from the LRTP. The TTIP provides specific direction as to what will be done to achieve the community's goals and vision.

If one is new to Tribal transportation planning, he or she may wonder what a TTIP looks like and whether a consultant must be hired to prepare the TTIP. The TTIP is a document that shows the proposed projects of a Tribe over the 3–5 years. A Tribe should work with its BIA regional office to determine the best and most economical way to develop its priority list or TTIP. Procuring the assistance of a consultant is one way to develop the TTIP, but it is neither required nor necessary.

There is no required format for the TTIP; therefore, it can be customized to meet the needs of the Tribal community. The TTIP must be fiscally constrained, meaning that the costs of the projects cannot exceed the amount of funds available within each year. Tribes should work with the transportation planners at the BIA regional offices as well as other local governments to determine what information should be included and how it should be presented.

The following sections provide an overview of the general steps to develop a TTIP including (1) stakeholder identification, (2) programming the TTIP, (3) TTIP funding sources, and (4) cost estimation.

### **Stakeholder Identification and Public Involvement**

It is important to build on the work initiated through the LRTP by involving the public in the development of the TTIP. An important first step in developing the TTIP is to involve the public and other important stakeholders

“Begin by revisiting the long-range plan and identify projects to move forward into the TTIP.”

or planning partners in your area. In addition to the internal discussions with the Tribal council and the Tribal membership, it is important to assess who else to involve or who may be interested in the transportation issues of the community. The likely scenario is that there are many stakeholders interested in the transportation system. Everyone depends on the transportation system for one reason or another. Understanding the community's transportation needs and the potential stakeholders may also lead to new partnering opportunities. For example, Tribal transportation funds may be combined with another partner (internal departments, agencies, local governments, and State) in the joint pursuit of a transportation project (either capital or operational investment). Maybe a local casino is willing to share its vans to transport the elderly to medical appointments on the reservation. This may be considered a local match that could leverage FTA rural (5311) transit funds. Perhaps a school needs sidewalks to help children reach the school safely; there may be opportunities to share funding to accomplish this task as well.

It also is wise to understand the concerns of the community before valuable resources are committed to a project that may meet opposition from the public or from another interested party.

Typical stakeholders might include:

- Tribal membership.
  - Tribal departments (e.g., health, education, housing, law enforcement, and emergency response).
  - Tribal council.
  - Neighboring Tribes.
  - Transit providers.
  - Special interest groups (e.g., education and environmental).
  - Federal agencies (Indian health services and environmental or resource agencies).
  - State agencies.
  - Local governments, including MPOs.
  - General public.
  - Freight and transport operators.
- In addition, for projects that are deemed regionally significant (25 CFR 170.108), it is especially critical to coordinate with other agencies who may be impacted or involved.

### Programming the TTIP

Tribes are most familiar with Federal Lands Highways (FLH) IRR program, which is in close coordination with the BIA. In addition, there are many other sources of funding that Tribes can access; therefore, all transportation funding sources also should be reflected in the Tribe's TTIP. The next section provides a brief look at the different types of Federal transportation funding sources available to Tribes. This section focuses on the steps for developing the TTIP.

Generally speaking, the TTIP development process includes the following elements:

- Stakeholder identification and public involvement (ongoing).
- Assessment of available funding.
- Project definition (purpose and need).
- Project cost estimation.
- Preliminary environmental assessment.
- Project prioritization.
- Project selection.

All projects funded through the IRR program are included in the IRR TIP. According to 25 CFR 170.402a, “All tribes must prepare a tribal TIP (TTIP), or Tribal priority list.” Further, before projects can be included in the IRR TIP, Tribes must initiate the pre-project planning process. According to 25 CFR 170.415, preproject planning activities include:

- Preliminary project cost estimates.
- Certification of public involvement.
- Consultation and coordination with State(s) and MPO(s) for regionally significant projects.
- Preliminary needs assessments.
- Preliminary environmental and archeological reviews.

You can use these steps to assist you in developing the TTIP.

## TTIP Funding Sources

Tribes are eligible for a number of transportation funding sources including funds through FHWA, FLH, FTA, and possible State funding as well. All of these sources should be included in the Tribe's TTIP. Eligible uses include highway construction, reconstruction, safety improvement, bridge construction and replacement, transit capital, and operational improvement projects.

To best respond to the myriad of processes and timeframes associated with each of these funding sources, Tribes should work closely with other government agencies (State, Tribal, MPOs, cities, and counties) in the development of the LRTP and short-range (TTIP) activities. This will enable the Tribe to coordinate existing and future project funding applications and identify both new sources of funding for future projects and opportunities to leverage funding.

Think of program funding as an ongoing, continuous cycle. Whereas funding sources and requirements may change unexpectedly, however, the process is continuous. Good planning, including the TTIP and LRTP, will enable the Tribe to have the documentation and public support needed to act quickly when new or unplanned sources of funds become available.

Project selection processes and corresponding program requirements vary between the funding sources and underscore the importance of coordination with other governments. The following steps include examples of various transportation funding requirements:

- Projects from the TTIP must be included in the IRRTP to be eligible for the IRR program.
- FHWA Title 23 Federal Aid and FTA Title 49 funded projects must be selected by the State or MPO in consultation with the affected local officials and other Tribal governments and be included in the federally approved TIP and STIP.
- Transportation projects in rural areas undertaken on the National Highway System with Title 23 Federal Aid funds and under the bridge and interstate

“...work closely with other governments [to] ...coordinate, ...identify, ...leverage funding.”

maintenance programs will be selected by the State in consultation with the affected local officials.

- Tribal transit funds can be pursued through the U.S. DOT, Agriculture, Housing and Urban Development, and Department of Labor. Transit projects undertaken through Title 49 Section 5310 and 5311 will be selected by the State in consultation with local officials.
- Projects funded from Federal Transit Act funds will be selected by the State in cooperation with the appropriate affected local officials and transit operators.
- IRR high priority.

## Project Cost Estimation

Cost estimates are necessary to compare the transportation needs with available revenues. Costs should be estimated for the following areas:

- Maintenance of the existing and proposed transportation system.
- Project development, design, and construction of new, expanded, or replacement facilities (e.g., roads, terminals, bridges).
- Acquisition of new transit vehicles and related capital costs (e.g., maintenance facilities).
- Operation of transportation services such as transit or ridesharing.
- Project administration and planning of the transportation system.

On the highway side, there are well-established unit costs that can be applied to develop estimates for improvements. Project development costs to consider include planning, environmental analysis and review, engineering, design, construction, right-of-way (property, relocation, and settlement costs), and construction and maintenance costs. To develop the estimates, use

rough unit prices (e.g., \$3,000/lf of new roadway, \$800/lf of new shared bike and pedestrian path, and \$200/sq. ft. for new bridge). These unit prices can come from a variety of sources such as the BIA, county, State, FLH, FHWA, or FTA.

Unit costs should also be developed and factored for inflation to reflect the year the funds will be expended. Other transportation modes have less well-established methods for estimating costs; however, most State DOTs now are working to develop consistent assumptions and a rigorous approach to develop cost estimates for other transportation modes.

It is important to estimate transportation systems' operations and maintenance costs as well, since these costs will consume a significant portion of the existing and future revenue resources. Estimates usually are based on existing historic data; meaning that what has historically been spent on operating and maintaining the existing system will likely continue into the future. Operating and maintenance data should be available from the finance officer of the agency responsible for operating or maintaining the mode or facility, including State, transit agency, and city or county. To estimate the operation and maintenance costs for new facilities and services, the formula generally is based on a combination of rough estimates using similar historical data from existing modes, and any specific cost estimates that are available. Detailed cost estimates based on preliminary engineering, right-of-way appraisals, or

operating plans only need to be done for the most immediate recommended improvements. Most of the recommended improvements in an LRTP will need an "order-of-magnitude" cost estimate. These estimates are based on factors such as typical "per mile" construction costs for different types of roadways or the operating costs for similar transit services in other counties.

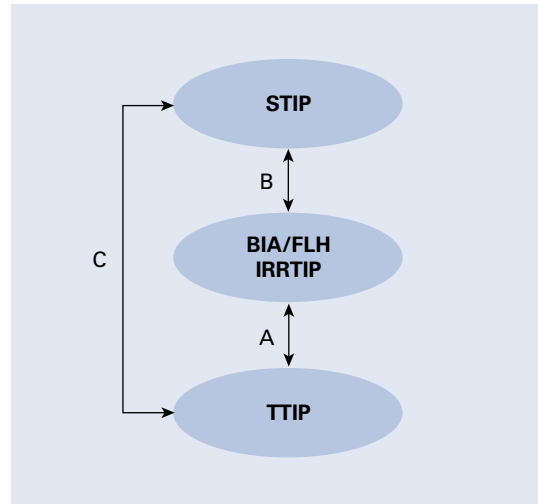
### **Where Do I Obtain Information to Make Planning Level Cost Estimates?**

The BIA regional office can provide information on cost estimation. Tribes can use cost estimates from bid tabs from previous projects or request BIA bid tabs. Listed below are general categories for a typical road project. This list provides only a portion of the cost categories related to projects and is not meant to be an exhaustive list.

1. Surveying and staking.
2. Clear and grubbing.
3. Quality control and assurance.
4. Testing.
5. Rights-of-way.
6. Aggregate.
7. Asphalt.
8. Traffic control.
9. Contingencies.
10. Monitoring.

The development of transportation planning partnerships provides an early and ongoing opportunity to evaluate funding strategies and develop a comprehensive project scope, which ultimately will lead to better projects. Planning partners may include other departments within the Tribal government or other Federal agencies such as the BIA, FHWA, FTA, and resource agencies such as the U.S. Forest Service, U.S. Fish and Wildlife Service, or U.S. Army Corp of Engineers. In addition, it is important to work closely with the State and neighboring jurisdictions: cities or towns, counties, and Tribes. As mentioned in the previous section, these entities are likely to have common interests in regard to needed improvements of the transportation infrastructure and services. By discussing mutual priorities, agencies may agree to jointly fund a project, which would maximize the impact of valuable Tribal funding resources.

Project level coordination is an ongoing cycle as part of the planning process and requires continuous communication. Figure 1, “Transportation Improvement Program Relationships,” illustrates the consultation relationships and the information flow between each of the respective planning partners and their TIP documents. Following figure 1 are details on each of the relationships as indicated through the corresponding alphabetic references.



**Figure 1. Transportation Improvement Program Relationships.**

### A. TTIP–IRR TIP Relationship

Following the description in the last section of this module, the Tribe develops a list of detailed tasks and information on each project for inclusion in the TTIP or Tribal priority list. The BIA is responsible for developing an IRR TIP after consulting with the Tribe in regard to their TTIP and priorities. The BIA then includes selected project information in its region-wide control schedule without making any changes, unless the funding required for a project exceeds the amount available to the Tribe. If the Tribe does not generate enough annual funding under the IRR program funding formula to complete a project, the Tribe may pursue the following alternative options:

- Enter a consortium of Tribes and delegate authority to develop the TTIP and the Tribal control schedule.
  - Enter into an agreement with other Tribes to permit the completion of the project.
  - Apply for IRR high-priority project funding.
  - Seek flexible financing alternatives.
- (Source: 25 CFR 170.423)

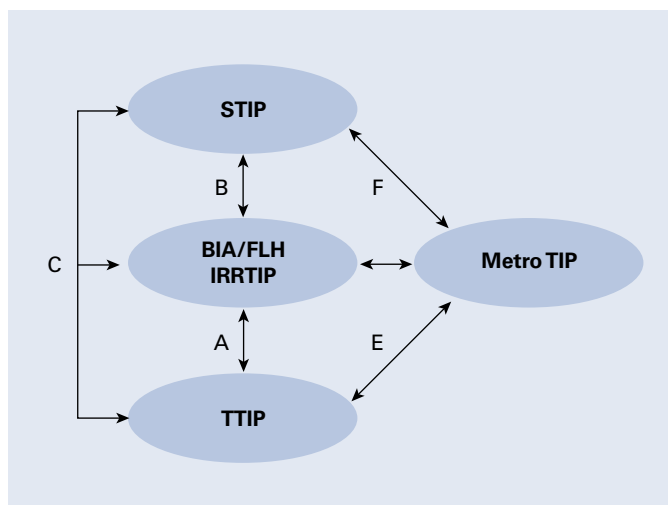
## B. IRRTIP–STIP Relationship

Once the IRRTIP is approved, the corresponding State’s list of projects from the national document is sent to the individual State DOTs (via the FHWA Federal Aid division office). “The annual update of the IRRTIP for each State in a BIA regional office’s service area should be coordinated with the State transportation agencies. This will ensure that approved IRRTIP updates and amendments are included with the STIP.” (Source: 25 CFR 170.428)

## C. TTIP–STIP Relationship

Through the ongoing 3Cs planning process, Tribes should communicate with the State, local neighboring communities, regional transportation planning organizations (RTPOs), and other agencies in the development of their respective TIPs. Federal law requires that “all regionally significant IRR program projects be developed in coordination with the State. In addition, Federal law defines distinct forms of cooperation or consultation to be undertaken by the States in the development of the STIPs within Indian Tribal areas.” In practice, there are various approaches for this coordination and consultation between Tribes and States. Communication of your mutual priorities may lead to an agreement to jointly fund a project, which may even include allowing valuable Tribal funding resources to address additional transportation needs that benefit the Tribe but that are not limited to the boundaries of tribal land.

Figure 2, “TIP Relationships—Including Metropolitan,” illustrates the consultant relationships and the information flow between each of the respective



**Figure 2. TIP Relationships—Including Metropolitan.**

planning partners previously shown in figure 1 with the addition of the MPOs and the metropolitan TIP. Relationships summarized in figure 1 are repeated in figure 2, in addition to the role that the MPO plays in working with the Tribe by incorporating the TTIP into the metropolitan TIP.

## E. TTIP—Metropolitan TIP Relationship

Federal law requires that if a metropolitan planning area includes Federal public lands and/or Indian Tribal lands, the affected Federal agencies and Indian Tribal governments shall be involved appropriately in the development of metropolitan transportation plans and programs. Federal law requires that “all regionally significant IRR program projects be developed in coordination with the MPO.” Discussion on environmental mitigation activities of the LRTP should be developed in consultation with Tribes. In areas in which Tribal governments are within or near a metropolitan planning area, Tribes can coordinate their transportation program of projects with the MPO through regional meetings or through one-on-one meetings. This is an opportunity to maximize and leverage local funding sources, coordinate project scope, and ultimately lead to better projects.

## **F. Metropolitan TIP–STIP Relationship**

The metropolitan planning area portion of the STIP (the metropolitan TIP) must be developed by the MPO in cooperation with the State. Metropolitan TIPs must be included in the STIP—directly or by reference—once approved by the MPO and the Governor or his designated representative, and as appropriate, after air quality conformity findings are made in nonattainment or maintenance areas when appropriate. Projects included in the MPO TIP cannot access their funding until the TIP is approved into the STIP. The link between the metropolitan TIP and STIP is an important reason for the State and designated transit operators and Tribes to work proactively with MPOs to develop the metropolitan area transportation plan and resulting TIP.



## APPENDIX A

### Tribal Transportation Improvement Program (TTIP) and Indian Reservation Roads Transportation Improvement Program (IRRTIP) Regulatory Reference

According to 25 CFR 170.421 through 170.428:

#### Sec. 170.421: What is the Tribal Transportation Improvement Program (TTIP)?

*The TTIP:*

- (a) Must be consistent with the Tribal long-range transportation plan;
- (b) Must contain all IRR Program funded projects programmed for construction in the next 3 to 5 years.
- (c) Must identify the implementation year of each project scheduled to begin within the next 3 to 5 years.
- (d) May include other Federal, State, county, and municipal, transportation projects initiated by or developed in cooperation with the Tribal government.
- (e) Will be reviewed and updated as necessary by the Tribal government.
- (f) Can be changed only by the Tribal government.
- (g) Must be forwarded to BIA by resolution or by Tribally authorized government action for inclusion into the IRRTIP.

#### Sec. 170.422: What is the IRR Transportation Improvement Program (IRRTIP)?

*The IRRTIP:*

- (a) Is financially constrained.
- (b) Must include eligible projects from Tribal TTIPs.
- (c) Is selected by Tribal governments from TTIPs or other Tribal actions.
- (d) Is organized by year, State, and Tribe.
- (e) May include non-IRR projects for inclusion into the State Transportation Improvement Program (STIP).

#### Sec. 170.423: How are projects placed on the IRRTIP?

- (a) BIA selects projects from the TTIP or Tribal priority list for inclusion on the IRRTIP as follows:
  - (1) The Tribal government develops a list of detailed tasks and information for each project from the Tribal priority list or TTIP.
  - (2) BIA includes this project information in its region-wide control schedule without change, unless the funding required exceeds the amount available to the Tribe.
  - (3) BIA must include projects that are scheduled in the next 3 to 5 years.
  - (4) BIA develops the IRRTIP after consulting with the Tribes and taking their priorities into account.
- (b) A Tribe that does not generate enough annual funding under the IRR Program funding formula to complete a project may either:
  - (1) Submit its Tribal priority list to the appropriate BIA Region, which will develop the region-wide control schedule after consulting with the Tribe and taking its priorities into account.
  - (2) Enter a consortium of Tribes and delegate authority to the consortium to develop the TTIP and Tribal control schedule.
  - (3) Enter into agreement with other Tribes to permit completion of the project; or
  - (4) Apply for IRRHPP funding under subpart C.
- (c) In order to get a project on the IRRTIP, Tribes may seek flexible financing alternatives as described in subpart C.



#### Sec. 170.424: How does the public participate in developing the IRRTIP?

Public involvement is required in the development of the IRRTIP.

- (a) BIA or the Tribe must publish a notice in local and Tribal newspapers when the draft Tribal or IRRTIP is complete. In the absence of local public newspapers, the Tribe or BIA may post notices under local acceptable practices. The notice must indicate where a copy can be obtained, contact person for questions, where comments may be submitted, and the deadline for submitting comments.
- (b) BIA or the Tribe may hold public meetings at which the public may comment orally or in writing.
- (c) BIA, the Tribe, the State transportation agency or MPO may conduct public involvement activities.

#### Sec. 170.425: How does BIA update the IRRTIP?

The IRRTIP annual update allows incorporation of transportation projects planned for the next 3 to 5 years. Each BIA regional office updates the IRRTIP for each State in its service area to reflect changes in the TTIPs or Tribal project listings.

- (a) During the first quarter of the fiscal year each BIA Regional Office notifies Tribes of the update and provides projected IRR Program funding amounts and a copy of the previous year's regional IRRTIP.
- (b) The Tribe reviews any new transportation planning information, priority lists, and TTIP and forwards an updated TTIP or project listing to BIA Regional Office on or before July 15.
- (c) The BIA regional office reviews all submitted information with the Tribes. BIA adds agreed-upon updates, including previously approved amendments (see Sec. 170.427), and to the IRRTIP so

that the Secretaries can approve the new updated IRRTIP before the start of the next fiscal year.

#### Sec. 170.426: What is the approval process for the IRRTIP?

*The approval process for the IRRTIP is:*

- (a) The BIA Regional Office forwards the IRRTIP to the Secretaries for review and approval.
- (b) Federal Lands Highway Office will provide copies of the approved IRRTIP to the FHWA division office for transmittal to the State transportation agency for inclusion in the State Transportation Improvement Program (STIP). The approved IRRTIP will be returned to BIA.
- (c) BIA sends copies of the approved IRRTIP to BIA Regional Offices and Tribal governments.
- (d) Within 10 working days of receiving the approved IRRTIP and IRR Program funds, BIA enters the projects into the Federal finance system.

#### Sec. 170.427: How may an IRRTIP be amended?

- (a) A Tribe may amend the IRRTIP by changing its TTIP on or before July 15 and submitting the changed TTIP to BIA for inclusion in the IRRTIP. BIA's regional office will review all submitted information with the Tribe and provide a written response (approving, denying, or requesting additional information) within 45 days. If the proposed IRRTIP amendment contains a project not listed on the current approved IRRTIP, BIA must submit the proposed amendment to FHWA for final approval.
- (b) BIA may amend the IRRTIP:
  - (1) To add or delete projects or reflect significant changes in scope at any time if requested by the Tribe.

- (2) To reduce funding or reschedule a project after consulting with the affected Tribe and obtaining its consent, if practical.
- (c) The Secretary may not reduce funding for or reschedule a project that is the subject of a negotiated agreement, except under the terms of the agreement.
- (d) BIA amends the IRR TIP using the same public involvement process used to develop the original IRR TIP.

#### **Sec. 170.428: How is the State Transportation Improvement Program related to the IRR TIP?**

The annual update of the IRR TIP for each State in a BIA regional office's service area should be coordinated with the State transportation agencies. This will ensure that approved IRR TIP updates and amendments are included with the STIP.

## APPENDIX B

### Statewide Transportation Improvement Program (STIP) Statutory Reference<sup>1</sup>

According to 23 U.S.C. 135/49 U.S.C. 5304(g):

(g) Statewide Transportation Improvement Program:

(1) *Development*: Each State shall develop a STIP for all areas of the State. Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

(2) Consultation with governments.

(A) *Metropolitan areas*: With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) *Nonmetropolitan areas*: With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

(C) *Indian Tribal areas*: With respect to each area of the State under the jurisdiction of an Indian Tribal government, the program shall be developed in consultation with the Tribal government and the Secretary of the Interior.

(3) *Participation by interested parties*: In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian

walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

(4) Included projects.

(A) *In general*: A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

(B) *Listing of projects*: An annual listing of projects for which funds have been obligated in the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review. The listing shall be consistent with the funding categories identified in each metropolitan transportation improvement program.

(C) Projects under chapter 2.

(i) *Regionally significant projects*: Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) *Other projects*: Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in one line item or identified individually in the transportation improvement program.

(D) *Consistency with statewide transportation plan*: Each project shall be:

(i) Consistent with the statewide transportation plan developed under this section for the State.

1. As revised by SAFETEA-LU.

- (ii) Identical to the project or phase of the project as described in an approved metropolitan transportation plan.
  - (iii) In conformance with the applicable State air quality implementation plan developed under the Clean Air Act, if the project is carried out in an area designated as nonattainment for ozone, particulate matter, or carbon monoxide under such Act.
- (E) *Requirement of anticipated full funding:* The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
- (F) *Financial plan:* The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.
- (G) Selection of projects from illustrative list.
- (i) *No required selection:* Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).
  - (ii) *Required action by the secretary:* Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved transportation improvement program.
- (H) *Priorities:* The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title and chapter 53 of title 49.
- (5) *Project selection for areas of less than 50,000 population:* Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under this title or under sections 5310, 5311, 5316, and 5317 of title 49), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under this title or under sections 5310, 5311, 5316, and 5317 of title 49 shall be selected, from the approved STIP, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.
- (6) *Transportation improvement program approval:* Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

- (7) *Planning finding*: A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 134.
- (8) *Modifications to project priority*: Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

## APPENDIX C

### Metropolitan Transportation Improvement Program (TIP) Statutory Reference<sup>1</sup>

According to 23 U.S.C. 134/49 U.S.C. 5303(j) Metropolitan Transportation Improvement Program:

(j) Metropolitan TIP.

(1) Development.

(A) *In general*: In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

(B) *Opportunity for comment*: In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) *Funding estimates*: For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) *Updating and approval*: The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

(2) Contents.

(A) *Priority list*: The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) *Financial plan*: The TIP shall include a financial plan that—

(i) Demonstrates how the TIP can be implemented;

(ii) Indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) Identifies innovative financing techniques to finance projects, programs, and strategies.

(iv) May include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) *Descriptions*: Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(3) Included projects.

(A) *Projects under this title and chapter 53 of title 49*: A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) Projects under chapter 2.

(i) *Regionally significant projects*: Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) *Other projects*: Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in one line item or identified individually in the transportation improvement program.

1. As revised by SAFETEA-LU.

- (C) *Consistency with long-range transportation plan*: Each project shall be consistent with the long-range transportation plan developed under subsection for the area.
  - (D) *Requirement of anticipated full funding*: The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
- (4) *Notice and comment*: Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).
- (5) Selection of projects.
- (A) In general: Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP.
    - (i) By:
      - (I) In the case of projects under this title, the State.
      - (II) In the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding.
    - (ii) In cooperation with the metropolitan planning organization.
  - (B) Modifications to project priority: Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.
- (6) Selection of projects from illustrative list.
- (A) *No required selection*: Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).
  - (B) Required action by the secretary. Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.
- (7) Publication.
- (A) *Publication of tips*: A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.
  - (B) *Publication of annual listings of projects*: An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization public review. The listing shall be consistent with the categories identified in the TIP.

## RESOURCES

|                                                                                         |                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Glossary                                                                       | <a href="http://www.planning.dot.gov/glossary.asp">www.planning.dot.gov/glossary.asp</a>                                                                                   |
| IRR Program                                                                             | 25 CFR 170                                                                                                                                                                 |
| IRR Program: Transportation Planning Procedures and Guidelines                          | <a href="http://www.fhwa.dot.gov/flh/reports/indian/intro.htm">www.fhwa.dot.gov/flh/reports/indian/intro.htm</a>                                                           |
| Statewide and Metropolitan Planning Process Regulation: 23 USC 134 & 135; 23 CFR 49 450 | <a href="http://www.fhwa.dot.gov/legsregs/legislat.html">www.fhwa.dot.gov/legsregs/legislat.html</a>                                                                       |
| Statewide and Metropolitan Planning Process Regulation: 23 CFR 450; 49 CFR 613          | <a href="http://www.fhwa.dot.gov/legsregs/legislat.html">www.fhwa.dot.gov/legsregs/legislat.html</a>                                                                       |
| A Briefing Notebook for Transportation Decision-Makers Officials and Staff              | <a href="http://www.planning.dot.gov/documents/BriefingBook/BBook.htm#2BB">www.planning.dot.gov/documents/BriefingBook/BBook.htm#2BB</a>                                   |
| Guide to Federal-Aid Programs and Projects                                              | <a href="http://www.fhwa.dot.gov/federalaid/projects.cfm">www.fhwa.dot.gov/federalaid/projects.cfm</a>                                                                     |
| Planning for Transportation in Rural Areas<br>html                                      | <a href="http://www.fhwa.dot.gov/planning/rural/planningfortrans/index.html">www.fhwa.dot.gov/planning/rural/planningfortrans/index.html</a>                               |
| FHWA Native American Coordination                                                       | <a href="http://www.fhwa.dot.gov/hep/tribaltrans/index.htm">www.fhwa.dot.gov/hep/tribaltrans/index.htm</a>                                                                 |
| FHWA/FTA Transportation Planning Capacity Building                                      | <a href="http://www.planning.dot.gov">www.planning.dot.gov</a>                                                                                                             |
| Indian Health Service                                                                   | <a href="http://www.ihs.gov">www.ihs.gov</a>                                                                                                                               |
| FHWA Office of Planning, Environment, and Realty                                        | <a href="http://www.fhwa.dot.gov/hep/index.htm">www.fhwa.dot.gov/hep/index.htm</a>                                                                                         |
| FTA Office of Planning and Environment                                                  | <a href="http://www.fta.dot.gov/planning_environment.html">www.fta.dot.gov/planning_environment.html</a>                                                                   |
| Federal Railroad Administration                                                         | <a href="http://safetydata.fra.dot.gov/OfficeofSafety/">http://safetydata.fra.dot.gov/OfficeofSafety/</a>                                                                  |
| Bureau of Transportation Statistics                                                     | <a href="http://www.bts.gov">www.bts.gov</a>                                                                                                                               |
| ITS Electronic Document Library                                                         | <a href="http://www.its.dot.gov">www.its.dot.gov</a>                                                                                                                       |
| Federal Aviation Administration                                                         | <a href="http://www.faa.gov">www.faa.gov</a>                                                                                                                               |
| ITS Joint Program Office                                                                | <a href="http://www.its.dot.gov">www.its.dot.gov</a>                                                                                                                       |
| ITS America                                                                             | <a href="http://www.itsa.org">www.itsa.org</a>                                                                                                                             |
| The Safe Communities Services                                                           | <a href="http://www.nhtsa.gov/portal/site/nhtsa/menuitem.404f848a3e46fc67ba8e5f8dcba046a0/">www.nhtsa.gov/portal/site/nhtsa/menuitem.404f848a3e46fc67ba8e5f8dcba046a0/</a> |
| U.S. Department of Commerce                                                             | <a href="http://www.doc.gov">www.doc.gov</a>                                                                                                                               |
| Job Access and Reverse Commute                                                          | <a href="http://www.fta.dot.gov/funding/grants/grants_financing_3550.html">www.fta.dot.gov/funding/grants/grants_financing_3550.html</a>                                   |
| Transportation Toolbox for Rural Areas and Small Communities                            | <a href="http://ntl.bts.gov/ruraltransport/toolbox/">http://ntl.bts.gov/ruraltransport/toolbox/</a>                                                                        |
| National Atlas of the U. S.                                                             | <a href="http://www.nationalatlas.gov/">www.nationalatlas.gov/</a>                                                                                                         |
| U.S. Census Bureau                                                                      | <a href="http://www.census.gov">www.census.gov</a>                                                                                                                         |
| U.S. Geological Survey                                                                  | <a href="http://www.usgs.gov/">www.usgs.gov/</a>                                                                                                                           |



### **National Association Websites**

|                                                                             |                                                                      |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------|
| American Association of State Highway and Transportation Officials (AASHTO) | <a href="http://www.transportation.org/">www.transportation.org/</a> |
| American Planning Association (APA)                                         | <a href="http://www.planning.org">www.planning.org</a>               |
| American Public Transit Association (APTA)                                  | <a href="http://www.apta.org">www.apta.org</a>                       |
| American Public Works Association (APWA)                                    | <a href="http://www.apwa.net">www.apwa.net</a>                       |
| American Short Line and Regional Railroad Association (ASLRA)               | <a href="http://www.aslra.org">www.aslra.org</a>                     |
| Amtrak                                                                      | <a href="http://www.amtrak.com">www.amtrak.com</a>                   |
| Association of American Railroads (AAR)                                     | <a href="http://www.aar.org">www.aar.org</a>                         |
| Association of Metropolitan Planning Organizations (AMPO)                   | <a href="http://www.ampo.org">www.ampo.org</a>                       |
| Community Transportation Association of America (CTAA)                      | <a href="http://www.ctaa.org">www.ctaa.org</a>                       |
| National Association of Towns & Townships                                   | <a href="http://www.natat.org">www.natat.org</a>                     |
| National Association of County Engineers (NACE)                             | <a href="http://www.nace.org">www.nace.org</a>                       |
| National League of Cities (NLC)                                             | <a href="http://www.nlc.org">www.nlc.org</a>                         |
| National Association of Regional Councils (NARC)                            | <a href="http://www.narc.org">www.narc.org</a>                       |
| Appalachian Regional Commission (ARC)                                       | <a href="http://www.arc.gov">www.arc.gov</a>                         |



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