Tribal Transportation Facilities

Impact on FHWA Emergency Relief (ER) Funding for State Highways

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Tribal Transportation Planning Organization, Quarterly Meeting
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Overview

• What is a Federally Eligible Emergency Relief (ER) Event?
• MAP-21 FHWA ER Eligibility Changes
• MAP-21 FHWA ER Reimbursement Policy Changes
• Impact of TTF 100% FHWA ER Funding Eligibility
• What is the TTF Impact on Oso Mudslide ER Funding?
• Confirm the Tribal Transportation Facility Identification Process
• Verifying to FHWA a WA State Highway Section is a BIA Official TTF
What is a Federally Eligible Emergency Relief (ER) Event?

- **Natural Disaster Damage**
  - Flooding
  - Slide
  - Earthquake

- **Manmade Damage**
  - Bridge Strike (I-5 Skagit River Bridge Collapse)
  - Bridge Overpass Strike
  - Bridge/Tunnel Fire

- **Cost over $700,000**
  - Single cost
  - Accumulated state-wide cost (state & local transportation facilities) and more than $5,000 per site
  - Governor’s Proclamation Required
MAP-21 FHWA ER Eligibility Changes

ER eligibilities are continued, with some changes:

• Addition of actual and necessary costs of maintenance and operation of transit service as eligible activity to provide a temporary substitute for highway traffic service.

• Debris removal is eligible only if the event is not declared a major disaster by the President or where the event is declared a major disaster by the President but the debris removal is not eligible for assistance under the Stafford Act.

• ER funds may participate in costs to repair or reconstruct a comparable facility, which is defined as a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

• Construction phase defined – No funds may be used for repair or reconstruction of a bridge if the construction phase of a replacement structure is included in a State's approved transportation improvement program at the time of the event.

• Tribal transportation facilities, Federal lands transportation facilities, and other Federally-owned roads open to public travel are eligible for ER funding.
MAP-21 FHWA ER Reimbursement Policy Changes

**Federal share**: In accordance with 23 USC 120, including sliding scale adjustment for States with high percentages of Federally-owned public lands:

- Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100% Federal share; time period may be extended for delay in the ability to access damaged areas.

- For eligible permanent repairs to restore damaged facilities, up to 90% Federal share is allowed if total eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the State's apportionments under 23 USC 104 for the fiscal year in which the event occurred.

- **The Federal share for repair work on Federal land, Federal land access, and Tribal Transportation Facilities (TTF) is 100%**
Impact of TTF 100% FHWA ER Funding Eligibility

Normal FHWA ER Funding Reimbursement for State Highways:

• **Emergency Response/Temporary Repair**
  – 100% reimbursement for ER eligible costs within 180 days
  – 86.5% reimbursement after 180 days for eligible costs

• **Permanent Repair**
  – 86.5% reimbursement for eligible costs

• **TTF on section of State Highway**
  – Emergency Response/Temporary Repair 100% reimbursement for ER eligible costs and no time limit
  – Permanent Repair 100% reimbursement for ER eligible costs
What is the TTF Impact on Oso Mudslide ER Funding?

• Emergency Response/Detour Road Access Estimate
  – $5.9M
  – 100% ER eligible
  – No TTF impact as work was completed within 180 days

• SR 530 Permanent Repair Estimate
  – $25.3M
  – 100% ER eligible due to affected TTF section on SR 530
  – TTF impact may save the State $3.4M!

• A million thanks to Stillaguamish Tribe!!!!
Tribal Transportation Facility Identification Process?

**Bureau of Indian Affairs (BIA) Definition:** The Tribal Transportation Facilities (TTF) are public roads which provide access to and within Indian reservations, Indian trust land, restricted Indian land, and Alaska native villages.

- Access is whatever a Tribe determines and BIA validates as an Official TTF
- Tribes identifies sections of State highway as TTF and submits to HQ WSDOT Planning for certification
  - HQ WSDOT Planning for certifies the sections are on federally funded highways and WSDOT is responsible to maintain
  - Tribes then submits to BIA with Strip Map for inclusion in the Indian Reservation Road (IRR) System database, which is maintained by the Department of Interior
  - BIA validates the Tribal request and designates the section of the State highway as an Official TTF
Oso Mudslide

Official TTF Section 140 on SR 530
## Indian Reservation Roads Program
### Official Indian Reservation Road inventory

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*Page 253 of 333, IRR Program Inventory.*
Verifying to FHWA WA Highway Section is a BIA Official TTF

In order to take advantage of the 100% ER eligibility, WSDOT has to provide FHWA the Tribal Strip Map and corresponding entry from the IRR Program Inventory

- Western BIA is obtaining hard copies from the Department of Interior of all the Strip Maps for Official TTF WA state highway sections
  - In the interim during an ER eligible event, WSDOT Region needs to contact the nearest Tribe(s) to determine if the section of State highway involved is an Official TTF
  - If determined, Tribe will need to provide Strip Map and IRR reference to WSDOT Region

- Long term solution is to create a WSDOT GIS map layer for Official TTF located on State highway sections
  - Update GIS map layer periodically as new BIA Official TTF sections are added
  - May want to include TTF sections submitted for BIA approval
IRR Inventory – WSDOT Eastern Region

- Add SR Mileposts
- Label Official TTF vs. Pending
Tribal Transportation Facilities

Questions?