

New Horizons for Tribal Transportation Safety under the IIJA

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New Horizons for Tribal Safety under the IIJA

- ◀ IIJA – Infrastructure Investment and Jobs Act, a.k.a. BIL, Bipartisan Infrastructure Law

- ◀ IIJA establishes new highway programs and continues many from the FAST Act

- ◀ Enacted in November 2021

- ◀ Large Investment in infrastructure



IIJA/BIL

Tribal Transportation Safety Highlights

- ↳ Emphasis on Equity
- ↳ Crash Reporting Requirements
- ↳ Program Changes
- ↳ New & Increased Funding Opportunities
- ↳ Research

Equity

2021 Focus States

- ✓ Equitable consideration of underserved areas in review of grant proposals
- ✓ Equity considered along with other data in programs like the Focused Approach to Safety



2021 (16 total):

Alabama, Arizona, California, **Colorado**, Florida, Louisiana, Mississippi, **Montana**, Nevada, New Mexico, North Carolina, **Oklahoma**, Puerto Rico, South Carolina, Texas, **Wyoming**

2021 Map Notes:

1. **Bold** indicates States added with 2021 Update

- Intersection
- Roadway Departure
- Pedestrian-Bicycle



Infrastructure Investment and Jobs Act

Section 14008

BIA Law Enforcement Crash Reporting

(c) Use of IMARS.--The Director of the Bureau of Indian Affairs shall require all law enforcement offices of the Bureau, for the purpose of reporting motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities--

(1) to use the crash report form of the applicable State; and

(2) to upload the information on that form to the Incident Management Analysis and Reporting System (IMARS) of the Department of the Interior.



Report to Congress: Safety Data Collection, Analysis, and Use in Tribal Areas (Section 14008)

–(b) Best Practices, Standardized Crash Report Form.--

(1) Secretary of Transportation in consultation with (States, Tribes, BIA)... shall develop--

(A) **best practices** for the compiling, analysis, and sharing of motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities; and

(B) **a standardized form** for use by Indian tribes and Alaska Native communities to carry out those best practices.

(2) Purpose.--The purpose of the best practices and standardized form developed under paragraph (1) shall be to **improve the quality and quantity of crash data available** to and used by the Federal Highway Administration, State departments of transportation, Indian tribes, and Alaska Native villages.

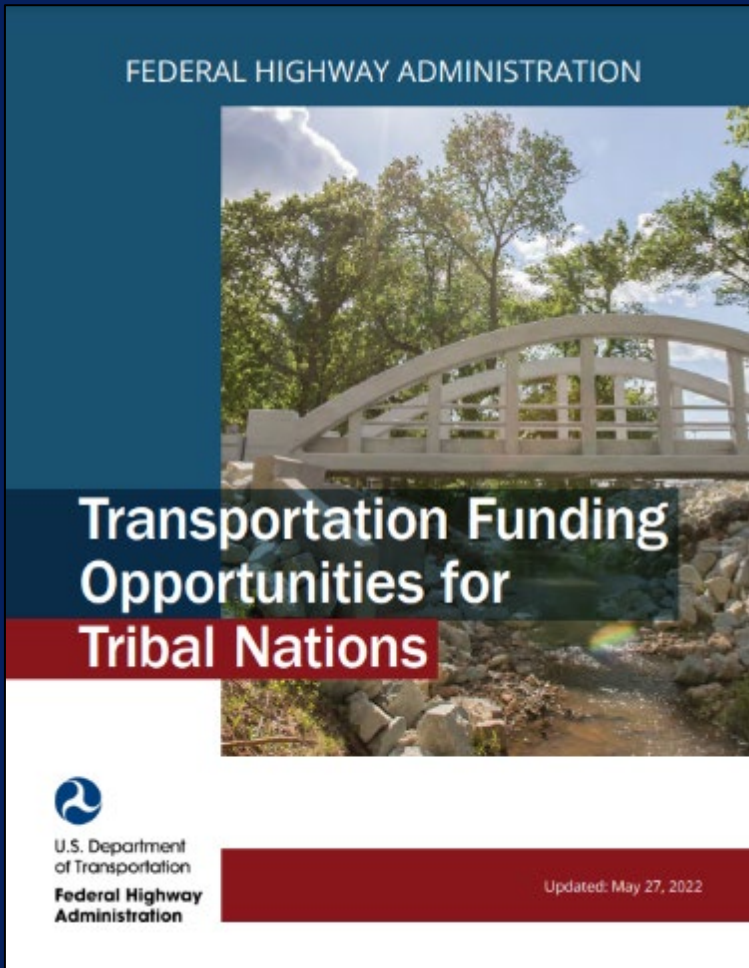
(3) Report

Tribal Crash Reporting Toolkit

<https://www.tribalsafety.org/tribal-crash-reporting-toolkit>



- Crash Facts and Fictions Tool
- Data Analysis Tool
- Crash Reporting Tool
- Officer's Instruction Tool
- Quality Control Tool
- Database Tool
- Tribal Self-Assessment Tool



Transportation Funding Opportunities for Tribal Nations

www.TribalSafety.org/Funding

Rural and Tribal Assistance Pilot Program

- ↳ Rural areas or Urban <150,000 population
- ↳ pre- development-phase activities, including:
 - revenue forecasting and funding/financing options analyses
 - economic assessments and cost-benefit analyses
 - feasibility studies
 - project planning
 - environmental review
 - preliminary engineering and design work
 - And more



↳ <https://www.transportation.gov/buildamerica/RuralandTribalGrants>

Rural Surface Transportation Grants



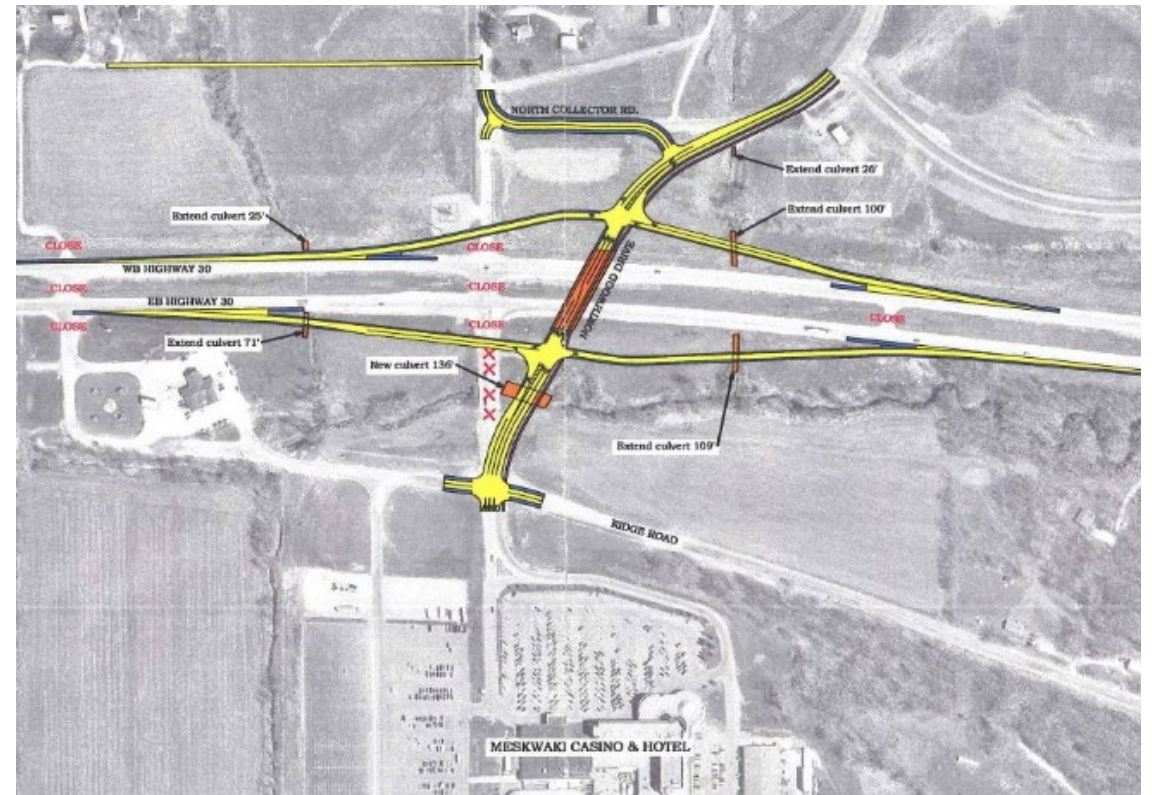
- ~\$400,000,000 per year
- Safety is among the criteria
- Rural roadway lane departures for some states
- 20% required match can be TTP
- Mostly for large projects >\$25-million but at least \$40-million available for smaller rural projects

NOFO is combined for MEGA, INFRA, and RURAL
August 24, 2023 deadline

<https://www.transportation.gov/grants/rural-surface-transportation-grant>

Reconnecting Communities

- ▶ About \$200-million / year
- ▶ Grants to address transportation facilities that create a barrier to community connectivity
- ▶ Next deadline: Sept 28, 2023



Wildlife Crossing Pilot Program

- ↳ <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>
- ↳ \$70-million per year



Safe Streets and Roads for All (SS4A)

Key program that supports the National Roadway Safety Strategy



FHWA

Funding supports planning and implementation initiatives to prevent death and serious injury on roads and streets, commonly referred to as “Vision Zero” or “Toward Zero Deaths” Initiatives.

\$1 billion in annual funding, FY22-26

Eligible applicants are Tribal Governments, Local Agencies, and Metropolitan Planning Organizations

20% non-federal match required



TTP as Match for SS4A

Can a Federally recognized Tribal government use Tribal Transportation Program funds as non-Federal match for SS4A?

Tribal Transportation Program (TTP) funds can be used as a non-Federal match for the Safe Streets and Roads for All grant program in the following conditions:

1. The federally recognized Tribal government has a signed **compact with the USDOT** through the **Tribal Transportation Self Governance Program**. The compact incorporates 25 USC 5325 as part of the applicable Title I provisions in the Indian Self-Determination and Education Assistance Act.
2. The federally recognized Tribal government has a signed **compact with the United States Bureau of Indian Affairs**, and that compact incorporates 25 USC 5325 as part of the applicable Title I provisions in the Indian Self-Determination and Education Assistance Act.

Self-Certification Eligibility Worksheet for safety plans

<https://www.transportation.gov/grants/ss4a/self-certification-worksheet>

This worksheet is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: <https://www.transportation.gov/SS4A>

Instructions: This content is from Table 2 in the NOFO. The purpose of the worksheet is to determine whether or not an applicant's existing plan(s) is substantially similar to an Action Plan.

For each question below, answer "yes" or "no." If "yes," cite the specific page in your existing Action Plan or other plan(s) that corroborate your response, or cite and provide other supporting documentation separately.

An applicant is eligible to apply for an Action Plan Grant that funds supplemental action plan activities, or an Implementation Grant, only if the following two conditions are met:

- Answer "yes" to Questions **3 7 9**
- Answer "yes" to at least four of the six remaining Questions **1 2 4 5 6 8**

If both conditions are *not met*, an applicant is still eligible to apply for an Action Plan Grant that funds creation of a new action plan.

Lead Applicant: UEI:

1 Are both of the following true? YES NO
If yes, provide documentation:

- Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalities and serious injuries?
- Did the commitment include either setting a target date to reach zero, OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date?

2 To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan's development, implementation, and monitoring? YES NO
If yes, provide documentation:

3 Does the Action Plan include all of the following? YES NO
If yes, provide documentation:

- Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;
- Analysis of the location where there are crashes, the severity, as well as contributing factors and crash types;
- Analysis of systemic and specific safety needs is also performed, as needed (e.g., high risk road features, specific safety needs of relevant road users; and,



State-Managed Federal Funding Safety Programs

- ↳ Highway Safety Improvement Program
- ↳ Active Transportation Alternatives
- ↳ Safe Routes to School
- ↳ Highway-Rail Grade Crossing Program



Tribes can benefit from State-Managed Federal Funds

The Secretary shall, for projects on **tribal transportation facilities**, determine that the obligation of funds for the project is **supplementary to and not in lieu of** the obligation of a fair and equitable **share of funds apportioned to the State** under section 104.

← – 23 U.S.C. 202 (f)



Tribal Transportation Program may match other federal funds

Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the tribal transportation program under section 202 ... **may be used to pay the non-Federal share** of the cost of any project that is funded under this title (23) or chapter 53 of title 49 and that provides access to or within Federal or tribal land.

↳ 23 USC 120(k)



Tribes can construct projects on public roads owned by others

Tribal Transportation Program (TTP, including the TTP Safety Fund) can be used on Transportation Facilities included in the National Tribal Transportation Facility Inventory, including public roads within or providing access to Tribal Areas.

See 23 U.S.C. 202 (b)



Funds Transfer Mechanism

Encourages cooperation between States and Tribes by allowing any funds received from a State, county, or local government to be credited to appropriations available for the Tribal Transportation Program (TTP).

23 U.S.C. 202 (a)(9)



Highway Safety Improvement Program

- ↙ State-administered
- ↙ All Public Roads
- ↙ Safety Planning & Data Analysis requirements
- ↙ Program requirements found in 23 USC 148
- ↙ New law added eligibility for non-infrastructure safety projects in 23 USC 148(a)(11)
- ↙ 23 USC 148(a)(4) –
 - Infrastructure Safety Improvements
 - Data Analysis
 - Safety Planning
- ↙ 23 USC 148 (a)(11) ***IIJA added*** –
 - Education
 - Enforcement
 - Emergency Services
 - Research
 - Safe Routes to School



Tribal Transportation Program Safety Fund

◀ 23 USC 202

- TTPSF “eligible projects described in section 148(a)(4)”

◀ 23 USC 148(a)(4) –

- Infrastructure Safety Improvements
- Data Analysis
- Safety Planning

~~◀ 23 USC 148 (a)(11) *IIJA added* –~~

- ~~• Education~~
- ~~• Enforcement~~
- ~~• Emergency Services~~
- ~~• Research~~
- ~~• Safe Routes to School~~

Tribal Transportation Program Safety Fund Increased Funding

◀FAST

◀~\$9 million/year

◀Max award \$1-million

◀IIJA/BIL

◀~\$21-million/year

◀Max award \$1.6M



TTPSF Important Dates

2023 Application Period	Awards Announced July 20, 2023
2024-2026 Application Period	Apply October 1 - Jan 15 each year
2024 Expected Award Announcement	May 2024

Award selection announced about 4 months after deadline.



TTP Safety Fund

Safety Plans

Data
Assessment,
Improvement,
and Analysis

Infrastructure
Improvement

Systemic
Roadway
Departure
Countermeasures

Source:
Cross Timbers Consulti

Systemic Roadway Departure Countermeasures Category

Eligible Improvements

Curve Warning Signs

Delineators

First/Upgraded
Center/Edge Striping

Edge Rumbles

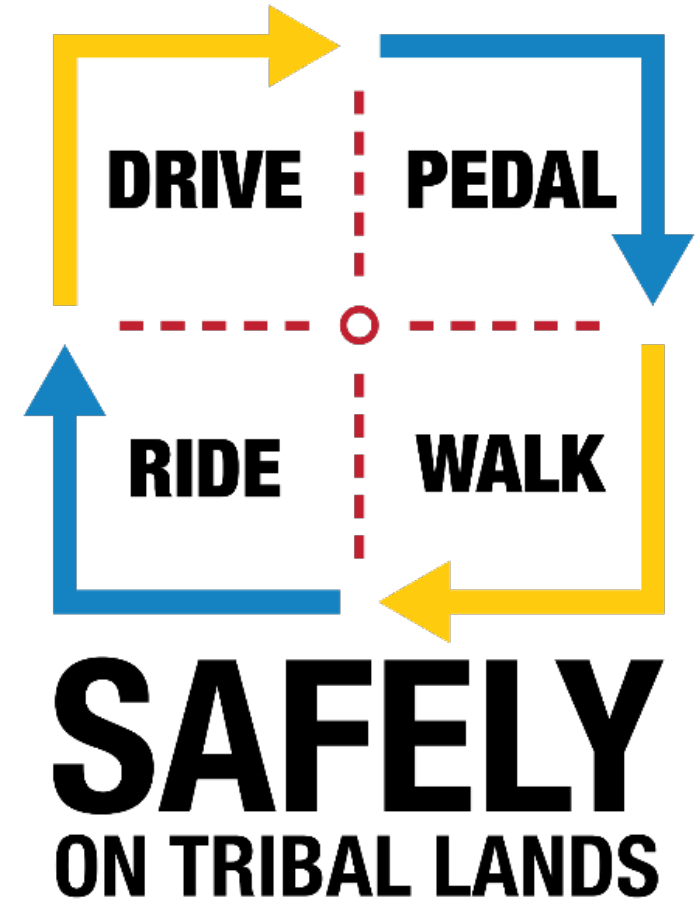
Center Rumbles

Roadside Hazards



Indian Highway Safety Program NHTSA/BIA Grant Funding

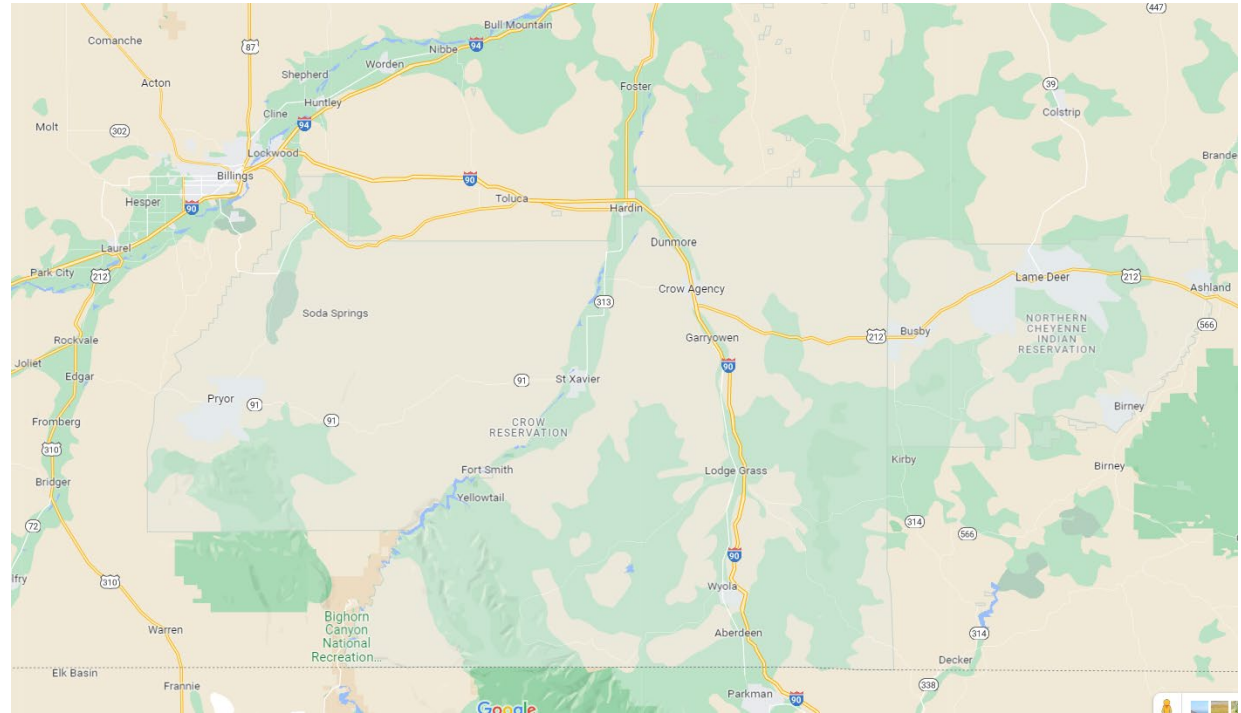
- Annual expenditures of \$6.2 million for 30-45 tribal projects
- Approximately \$17 million available for new projects
- Traffic Safety Enforcement Activity Hours
- *Highway Safety Specialist & Administrative Support*
- Vehicles and Equipment for Traffic Safety Law
- Enforcement Training
- Child Safety Seat Distribution Programs
- Other activities eligible for 23 USC 402
- Lifesavers Conference Attendance



- Currently closed but can amend existing grant agreements.
- Search “IHSP” on Grants.gov

Research & Innovation: Risk-Based Safety Planning Approaches

- ▶ State crash data mostly limited to state system. BIA crash reports are not shared.
- ▶ Very minimal roadway data
- ▶ >1500 miles of collector and higher, two-lane rural roads across both reservations
- ▶ Partnership of FHWA Office of Safety, Tribal Technical Assistance Program Centers, FHWA Office of Tribal Transportation



usRAP Data Elements

Paved shoulder – left
Sidewalk provision – left
Roadside object – left
Roadside distance - left

Area type
Speed
Vehicle flow

Motorcycle facility
Bicycle facility
Bicycle flow
Pedestrian flow

Curvature
Quality of curve

Paved shoulder – right
Sidewalk provision – right
Roadside object – right
Roadside distance - right



Intersection type
Intersection quality
Intersecting volume
Channelization
Property access points

Crossing facility
Crossing quality
Traffic calming
Roadworks

Median
Centreline rumble strips
Sight distance
Delineation
Grade

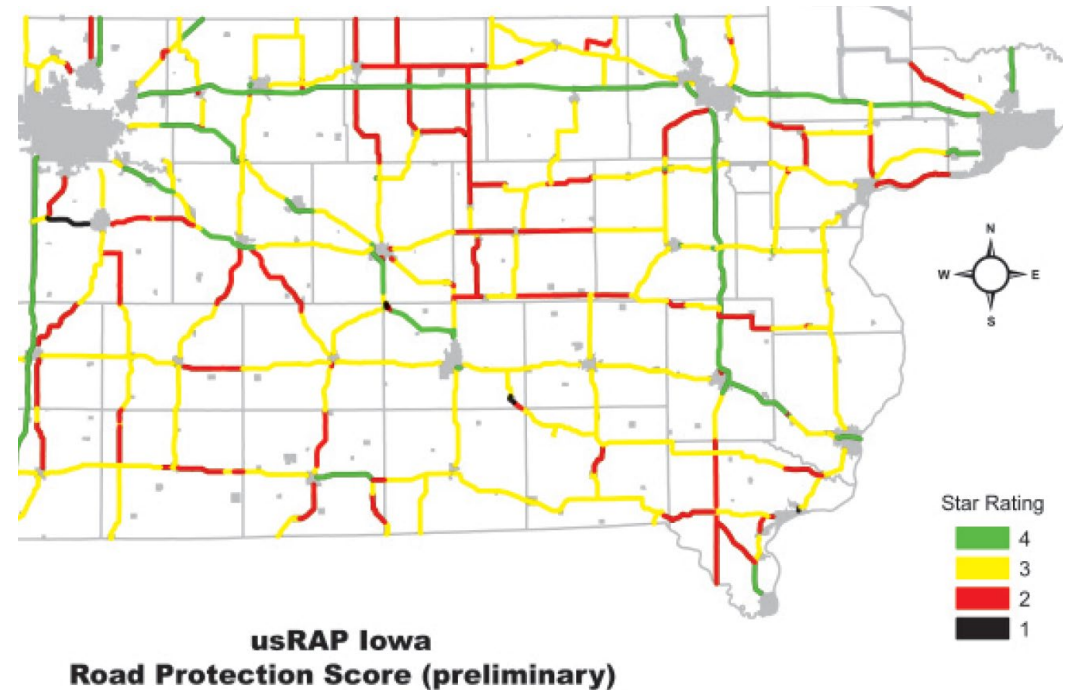
Street lighting
Shoulder rumble strips
Vehicle parking
Service road
Pedestrian fencing

Lane width
Number of lanes
Road condition
Skid resistance

Road Assessment Program

- usRAP, Road Assessment Program assigns safety star rating for each road based on:
- Road template and risk features observed in a video log
 - Traffic volume
 - Crash data, when available

Safer Roads Investment Plan



Research: Pedestrian Safety in Tribal Areas



Photo: Hannahville Indian Community Band of Potawatomi

- ↳ Advisory committee
- ↳ Fatal crash reports
- ↳ Location investigation
- ↳ Stakeholder engagement
- ↳ Report to recommend factors to be used when prioritizing investment in pedestrian safety
- ↳ **Volunteer for advisory committee today!**

FEDERAL HIGHWAY ADMINISTRATION



Transportation Funding Opportunities for Tribal Nations



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

Updated: May 27, 2022

Transportation Safety Funding Opportunities

www.TribalSafety.org/Funding

Tribal Safety.org



COMMUNITY ▾ RESOURCES ▾ NEWS/EVENTS ▾ FATALITY DATA

Transportation Safety for Tribal Governments

Join the Mailing List Funding Training & Events Contacts

Pedestrians **Roadway Departure** **Impaired Driving** **Seat Belts & Child Safety Seats**

Availability of Public Safety Services **Safety Plans** **Safety Data Collection & Analysis** **More...**

Spotlights





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