

TRIBAL TRANSPORTATION PROGRAM (TTP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract Authority	\$505 M	\$578 M	\$590 M	\$602 M	\$613M	\$628 M

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Note: Amounts shown above do not include TTP Bridge Program Funds (see TTP Bridge Program Table below for details).

Program Purpose

The BIL continues the Tribal Transportation Program (TTP). The purpose of the TTP is to provide safe and adequate transportation and public road access to and within Indian reservations, Indian lands, and Alaska Native Village communities.

Statutory Citations

- §§ 11118, 11128, 14004, 14008; 23 U.S.C. 201-202; MAP-21 §1123

Funding Features

Types of Budget Authority or Authorization of Appropriations

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation. While subject to the obligation limitation, the TTP retains the contract authority that is in excess of the obligation limitation.
- [Only for TTP Bridge Program] Advance appropriations from the General Fund, not subject to any limitation on obligations. (see TTP Bridge Program Table below for details)

Set-asides

- Prior to distributing TTP funding to Tribes per fiscal year, the Secretary deducts the following amounts:
 - **Program administration:** Up to 5% for program administration, including funding for Tribal Technical Assistance Centers. Either the Secretary or the Secretary of the Interior may use these funds for program management and oversight and project-related administrative expenses. [23 U.S.C. 202(a)(6) and (7)]
 - **Tribal planning:** Up to 2% for transportation planning. [23 U.S.C. 202(c)]
 - **Tribal safety projects: [NEW] The BIL increased the TTP Safety set-aside to up to 4% (up to 2% under FAST Act),** to be allocated to applicant Tribal governments for highway safety improvement projects as described in 23 U.S.C. 148(a)(4). [§14008(d); 23 U.S.C. 202(e)(1)]
 - **Tribal High-Priority Projects (THPP) Program:** For each of fiscal years 2022 through 2026, of the amounts made available to carry out the TTP, the Secretary shall use \$9,000,000 to carry out the THPP Program. In addition, the BIL authorized for such program, **subject to**

appropriation, \$30,000,000 for each of fiscal years 2022 through 2026. [§ 11128; MAP-21 §1123(h)]

- **Tribal supplemental funding:** An amount of funding equal to \$82.5 million, plus 12.5% of the amount by which total TTP funding in a fiscal year exceeds \$275 million. The BIL continues to distribute Tribal supplemental funding to Bureau of Indian Affairs regions based on the cumulative tribal shares in each region and then further distributes to Tribes within the region. [23 U.S.C. 202(b)(3)(C)]

TTP Bridge Program

- **[NEW] Eliminates requirement to reserve TTP funding (up to 3% of TTP under FAST Act) for TTP Bridge Program.** [§ 14004]
- Funded with set-asides from the Bridge Formula Program and Bridge Investment Program. See *Chart below*.
- **[NEW] Set-aside funds shall be administered as part of the TTP** [23 U.S.C.124(q)(2); Division J, title VIII, Highway Infrastructure Program (HIP) heading, paragraph (1), third and fourth provisos, and paragraph (4), first proviso]

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$15 M*	\$16 M**	\$18 M**	\$20 M**	\$22 M**	\$24 M**
Advance appropriation (General Fund)	--	\$185 M***	\$185 M***	\$185 M***	\$185 M***	\$185 M***
Total for Tribal Bridges	\$15 M	\$201 M	\$203 M	\$205 M	\$207 M	\$209 M

* Set-aside of not more than 3% of TTP funding

** Set-aside of the Bridge Investment Program (BIP) [§11118; 23 U.S.C.124(q)(1)]

*** Set-aside of \$20M of advance appropriations under BIP and 3% (\$165M) of advance appropriations under Bridge Formula Program [Division J, title VIII, HIP heading, paragraph (4), first proviso and paragraph (1), third proviso].

Formula

- The BIL continues to allocate TTP funding (net of the set-asides described above) among the Tribes through a statutory formula based on tribal population, road mileage and average tribal shares under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Indian Reservation Road program. The BIL continues this formula without modification. [23 U.S.C. 202(b)]

Federal Share

- 100% [23 U.S.C. 201(b)(7)]
- The BIL also continues the authority to use TTP and Federal Lands Transportation Program funds to pay the non-Federal share for any project funded under title 23, U.S.C., or chapter 53 of 49, U.S.C., that provides access to or within Federal or tribal land. [23 U.S.C. 120(k)]

Eligible Activities

[NEW] Planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges are added to the list of eligibilities. [§ 14004; 23 U.S.C. 202(d)]

Program Features

Except as specified above, the BIL makes no changes to the TTP.

Additional Information and Assistance

- For more information about the Tribal Transportation Program, visit: <https://highways.dot.gov/federal-lands/programs-tribal>.
- To contact the Federal Lands Highway Division for your State, visit: <https://highways.dot.gov/federal-lands/about/contacts>.
- For general assistance related to BIL, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.