



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

Memorandum

Subject: **ACTION:** Extension of SAFETEA-LU Section 1806, Additional Authorization To States with Indian Reservations FY 2011 Allocation – Arizona, New Mexico and Utah

Date: June 17, 2011

Reply to
Attn. of: HIPA-10

From: David Nicol
Director, Office of Program Administration

To: See Addressees

Section 411 of the Surface Transportation Extension Act (STEA) of 2010 (Title IV of Public Law 111-147), as amended by Section 101 the Surface Transportation Extension Act (STEA) of 2011 (Title I of Public Law 112-5), extended the Surface Transportation Programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59). Under the provisions of Section 1806 of SAFETEA-LU additional funding was provided for States that have within their boundaries all or part of an Indian reservation having a land area of 10,000,000 acres or more. The only Indian reservation meeting this criterion is the Navajo Indian Reservation in Arizona, New Mexico, and Utah. Additionally under the provision of Section 1214(d)(1) of TEA-21 as amended by SAFETEA-LU and extended by STEA of 2011, these funds are to be equally divided among the three States.

Each County within any of these three States, that has a public road meeting the following criteria, is eligible to apply to the State for these funds to be used to maintain these public roads. The public road must be:

1. One that is within, adjacent to, or provides access to the Indian reservation described above;
2. Used by a school bus to transport children to or from school or head start program carried out under the Head Start Act; and
3. Maintained by the County in which the road is located.

The State shall provide the funding directly to each county based on the amount requested. If more funding is requested from the counties than is available to the State, the State shall determine an equitable distribution of funds among the eligible counties that apply. These funds are to supplement, not replace, any funding provided by the Bureau of Indian Affairs for road



maintenance on Indian reservations or any funding provided by the State to the county for road maintenance.

These funds are provided to the States and their sub-grantees on a reimbursable basis and are to be administered according to Title 23 provisions. The Federal share for these funds is to be determined in accordance with 23 U.S.C. §120. If the funds are used for a project on a Federal-aid highway that lies within the Indian reservation 23 U.S.C. §120(f) may be applied.

In accordance with STEA of 2010 as amended by STEA of 2011 the sum equal to the amount authorized for fiscal year 2009 is authorized for fiscal year 2011. Therefore \$1,800,000 is available from the Highway Trust Fund for fiscal year 2011. In applying the provisions of Section 1102(f) of SAFETEA-LU as extended under the STEA of 2011 and Public Law 112-10, concerning redistribution of certain allocated funds, only the amount for which obligation authority is provided will be made available. For FY 2011, only \$1,666,800 of the \$1,800,000 is available after the FY 2011 obligation limitation of 92.6 percent is applied. The remaining funds will not be available for this activity, but instead are distributed to the States.

We are, therefore, allocating \$555,600.00 of program code LJ9E funds, (DELPHI Accounting string 15X0R57050-050), each to Arizona, New Mexico and Utah, with an equal amount of obligation authority. In accordance with Section 1214(d)(4) of TEA-21 as amended by SAFETEA-LU and extended under STEA of 2011, any of these funds that are not obligated within one year, will be withdrawn and apportioned among all the States in accordance with 23 U.S.C. §104(b).

This allocation of funds and accompanying obligation authority are available only for purposes set forth in this memorandum. Any funds that will not be obligated by the end of FY 2011 will be withdrawn, with an equal amount of obligation authority, for the August redistribution of obligation authority. Any funds we withdraw will be reallocated the following fiscal year with an equal amount of obligation authority. If they are not subsequently obligated by June 30, 2012, they will be withdrawn in accordance with Section 1214(d)(4), as discussed above.

By copy of this memorandum, the Office of Financial Management is requested to process this allocation.

If you have any question, please contact Joseph Taylor, of my office, on 410-779-7146.

Addressees:

Karla Petty
Division Administrator
4000 N. Central Avenue
Suite 1500
Phoenix, AZ 85012-1906

Don Martinez
Division Administrator
4001 Office Court Drive
Suite #801
Santa Fe, NM 87507

James C. Christian
Division Administrator
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847