

§ 170.400

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construction because they generally will not require maintenance of traffic during construction. If maintenance of traffic is required as will generally be the case for roadbed condition codes 3 and 4, the minimum percentage of incidental costs for these roadbed condition codes will be 75 percent. It is

assumed that improvement roadbed condition codes 5, 6 and 7 will primarily be paving projects with little or no earthwork involved and the minimum percentage of the total incidental construction cost for these projects will be 30 percent.

TABLE 7—PERCENT OF INCIDENTAL CONSTRUCTION COST REQUIRED

Code	Roadbed condition	New alignment (percent)	Maintenance of traffic required (percent)
0	Proposed road	65	N/A
1	Primitive trail	65	N/A
2	Bladed unimproved earth road, poor drainage, poor alignment	65	N/A
3	Minimum built-up roadbed (shallow cuts and fills) with inadequate drainage and alignment that generally follows existing ground.	N/A	75
4	A designed and constructed roadbed with some drainage and alignment improvements required.	N/A	75
5	A roadbed constructed to the adequate standards with good horizontal and vertical alignment and proper drainage. Requiring surfacing.	N/A	30
6	A roadbed constructed to adequate standards with curb and gutter on one side. Requiring surfacing.	N/A	30
7	A roadbed constructed to adequate standards with curb and gutter on both sides. Requiring surfacing.	N/A	30

Table 7 only accounts for those incidental construction costs normally found on a typical project. The construction items found in Table 8 may or may not be on any particular project and the cost of these items is 25 percent. Add the percentage required (from 0 to 25 percent) based on the Regional recommendation with verification. If there are no additional items required, use the default of zero.

TABLE 8—PERCENT OF ADDITIONAL INCIDENTAL CONSTRUCTION COST

Additional incidental construction item	Percent of total incidental construction cost
Fencing	1
Landscaping	9
Structural concrete	9
Traffic signals	3
Utilities	3

Subpart D—Planning, Design, and Construction of Indian Reservation Roads Program Facilities

TRANSPORTATION PLANNING

§ 170.400 What is the purpose of transportation planning?

The purpose of transportation planning is to fulfill goals by developing strategies to meet transportation needs. These strategies address current

and future land use, economic development, traffic demand, public safety, health, and social needs.

§ 170.401 What is BIA’s role in transportation planning?

Except as provided in §170.402, the functions and activities that BIA must perform for the IRR Program are:

- (a) Preparing the regional IRRTIP;
- (b) Updating the IRR Inventory from data updates;
- (c) Preparing IRR Inventory data updates as needed;
- (d) Coordinating with States and their political subdivisions, and appropriate planning authorities on regionally significant IRR projects;
- (e) Providing technical assistance to tribal governments;
- (f) Developing IRR Program budgets including transportation planning cost estimates;
- (g) Facilitating public involvement;
- (h) Participating in transportation planning and other transportation-related meetings;
- (i) Performing traffic studies;
- (j) Performing preliminary project planning;
- (k) Conducting special transportation studies;
- (l) Developing short and long-range transportation plans;
- (m) Mapping;

(n) Developing and maintaining management systems;

(o) Performing transportation planning for operational and maintenance facilities; and

(p) Researching rights-of-way documents for project planning.

§ 170.402 What is the tribal role in transportation planning?

(a) All tribes must prepare a tribal TIP (TTIP) or tribal priority list.

(b) Tribes with a self-determination contract or self-governance agreement may assume any of the following planning functions:

(1) Coordinating with States and their political subdivisions, and appropriate planning authorities on regionally significant IRR projects;

(2) Preparing IRR Inventory data updates;

(3) Facilitating public involvement;

(4) Performing traffic studies;

(5) Developing short- and long-range transportation plans;

(6) Mapping;

(7) Developing and maintaining tribal management systems;

(8) Participating in transportation planning and other transportation related meetings;

(9) Performing transportation planning for operational and maintenance facilities;

(10) Developing IRR Program budgets including transportation planning cost estimates;

(11) Conducting special transportation studies, as appropriate;

(12) Researching rights-of-way documents for project planning; and

(13) Performing preliminary project planning.

§ 170.403 What IRR Program funds can be used for transportation planning?

Funds as defined in 23 U.S.C. 204(j) are specifically reserved for a tribal government's transportation planning. Tribes may also identify transportation planning as a priority in their tribal priority list or TTIP and request the use of up to 100 percent of their IRR Program construction funds for transportation planning.

§ 170.404 What happens when a tribe uses its IRR Program construction funds for transportation planning?

In order for IRR Program construction funds to be concentrated on the projects within the inventory, a tribe may use up to \$35,000 or 5 percent of its IRR Program construction funds, whichever is greater, for transportation planning. If a tribe exceeds this threshold, BIA will subtract the amount over the threshold from the tribe's CTC for the following year.

§ 170.405 Can tribal transportation planning funds be used for road construction and other projects?

Yes, any tribe can request to have its planning funds as defined in 23 U.S.C. 204(j) transferred into construction funds for use on any eligible and approved IRR project. (Also see § 170.407.)

§ 170.406 How must tribes use planning funds?

(a) IRR Program funds as defined in 23 U.S.C. 204(j) are only available upon request of a tribal government and approved by the BIA Regional Office. These funds support development and implementation of tribal transportation planning and associated strategies for identifying transportation needs, including:

(1) Attending transportation planning meetings;

(2) Pursuing other sources of funds; and

(3) Developing the tribal priority list or any of the transportation functions/activities as defined in the FHWA IRR Program Transportation Planning Procedures and Guidelines (TPPG) or listed in § 170.402.

(b) A tribe may ask the BIA regional office to enter into a self-determination contract or self-governance agreement for transportation planning activities and functions under ISDEAA or it may request a travel authorization to attend transportation planning functions and related activities using these funds. (See appendix A of subpart B for use of IRR Program Funds.)

§ 170.407 What happens to unobligated planning funds?

Once all tribal governments' requests for tribal transportation planning