

TIBC Road Maint. Subcommittee Meeting BIL RM Study

Aug, 15 2022



What is road maintenance (RM)?

- How does RM differ from Construction; or more specifically “what is the difference between BIA Road Maint. Program and the TTP Construction program funded thru FHWA?”
- Definitions – in general, “road maintenance is the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.” 23 USC 101(a)(13) & 25 CFR 170.5
- See illustration

What is the difference?

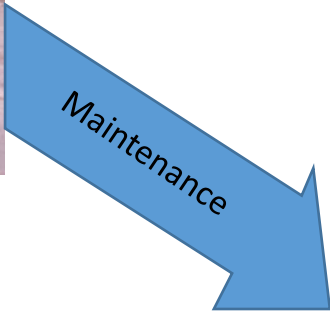
Construction vs. Road Maintenance (cont).

- Road and bridge maintenance by definition is the preservation of the structure/roadway in the as-built condition. It is not a reconstruction or improvement activity.
- Construction is a rebuilding and/or improvement activity. Construction activities for Tribal Transportation facilities administered by the BIA and the Federal Highway Administration is funded with funds provided from the federal allocated dollars from USDOT (23 USC 202).

Example Only



Construction funds allow reconstruction and improvement of roads, whereas maintenance is restricted to maintaining as-is.



Const./Improve

23 USC 202, TTP\$

TPA DOI RM \$

PAVED ROADS

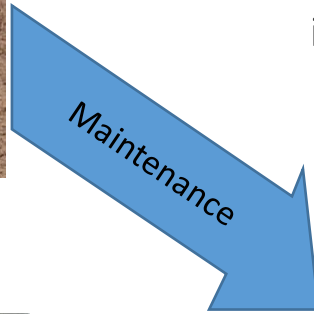


Example Only

EARTH ROADS



Construction funds allow the reconstruction and improvement of roads, whereas maintenance is restricted in maintaining as-is. This is most apparent when the existing roads is an unimproved earth road



23 USC 202, TTP\$



TPA DOI RM \$



Sec. 14006, IIJA, P.L. 117-58

- USDOJ and USDOT will conduct a study to evaluate specific criteria on the Road Maintenance Program;
 - (1) consult with any Indian tribes that have jurisdiction over roads eligible for funding under the road maintenance program of the Bureau of Indian Affairs; and
 - (2) solicit and consider the input, comments, and recommendations of the Indian tribes described in paragraph (1).
- Report due on November 15, 2023
- Report submission to EPW and SCIA Committees of the Senate and T&I Committee of the House

Evaluation Statement: the Secretary, in consultation with the Secretary of Transportation, shall carry out a study to evaluate—

- (1) the long-term viability and useful life of existing roads on Indian land;
- (2) any steps necessary to achieve the goal of addressing the deferred maintenance backlog of existing roads on Indian land;
- (3) programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads located on Indian land; and
- (4) recommendations on how to implement efforts to coordinate with States, counties, municipalities, and other units of local government to maintain roads on Indian land.

Sec. 14006, IIA, P.L. 117-58 (cont)

- USDOJ and USDOT will then report to Senate and House committees at least every 2 years a report that includes a description of—
- (1) the progress made toward addressing the deferred maintenance needs of the roads on Indian land, including a list of projects funded during the fiscal period covered by the report;
- (2) the outstanding needs of the roads that have been provided funding to address the deferred maintenance needs;
- (3) the remaining needs of any of the projects referred to in paragraph (1);
- (4) how the goals described in subsection (b) have been met, including—
 - (A) an identification and assessment of any deficiencies or shortfalls in meeting the goals; and
 - (B) a plan to address the deficiencies or shortfalls in meeting the goals; and
- (5) any other issues or recommendations provided by an Indian tribe under the consultation and input process under subsection (c) that the Secretary determines to be appropriate.

Road Maint. Study Background

- Definition: ROAD.—The term “road” means a road managed in whole or in part by the Bureau of Indian Affairs.
- Work description. What work types are supported or allowed?
 - Activities
- Construction requires a change or improvement
 - Reconstruction, resurfacing, repair(?), rehabilitation, improve
- RM & Environmental (NEPA)?
- RM & historic/cultural preservation?

Funding

Road Maint.

- Budget Authority
- 23 USC 318a
- BIA “Green Book”
- P.L. 93-638, Sec. 108

- Annual Approps, \$36.3 M (FY2022)
- Historic percentages of the Regions (Region allocation methodologies)

Const.

- Contract Authority
- Title 23 USC 202(a)(8)
- 25 CFR 170 Subpart G
- P.L. 93-638 Part 900 Subpart J and Part 1000 Subpart K

- 5-year authorization (generally) \$578 M-\$637 M
- 23 USC 202(b)(3), Tribal shares

Data “NEED”

- Data needs
 - Maintenance data for roads, bridges, equipment needs, and ferry facilities
 - Miles of roads maintained
 - Surface Type, Functional Classification
 - Cost for each activity (routine, emergency, repair, snow/ice)
 - Pavement management
 - Bridge management
 - Bridge Maintenance activities

Discussion

- Develop background information on road maintenance function
- Information roll out
- Preliminary input
 - Cost of maintenance
 - Data needs
 - Funding (TPA)
 - Program needs
 - Others