§ 170.138 Can roads be built in roadless and wild areas?

Under 25 CFR part 265 no roads can be built in roadless and wild areas on Indian reservations.

HIGHWAY SAFETY FUNCTIONS

§ 170.141 What Federal funds are available for a tribe's highway safety activities?

Federal funds available for a tribe’s highway safety activities include, but are not limited to, the following which may be amended, repealed, or added to:

(a) The tribes’ IRR Program allocations under 23 U.S.C. 204;
(b) Highway Safety Program funds under 23 U.S.C. 402;
(c) Occupant protection program funds under 23 U.S.C. 405;
(d) Alcohol traffic safety program funds under 23 U.S.C. 408;
(e) Alcohol-impaired driver countermeasures under 23 U.S.C. 410;
(f) Safety programs from the U.S. Department of Health and Human Services (HHS);
(g) Indian Highway Safety Program 25 CFR 181; and
(h) Other funding that Congress may authorize and appropriate.

§ 170.142 How can tribes obtain funds to perform highway safety projects?

There are two methods to obtain National Highway Traffic Safety Administration (NHTSA) and other FHWA safety funds for highway safety projects:

(a) FHWA provides safety funds to BIA under 23 U.S.C. 402. BIA annually solicits proposals from tribes for use of these funds. Proposals are processed under 25 CFR part 181. Tribes may obtain a contract or agreement under ISDEAA for these projects.
(b) FHWA provides funds to the States under 23 U.S.C. 402, 405, 408, and 410. States annually solicit proposals from tribes and local governments. Tribes may request:
   (1) To administer these programs under the State’s locally administered project program; or
   (2) That for projects that are otherwise contractible under Public Law 93–638 (25 U.S.C. 450 et seq.), that the State return the funds to FHWA and have them transferred to BIA for tribal self-determination contracts or self-governance agreements under ISDEAA.

§ 170.143 How can IRR Program funds be used for highway safety?

A tribe, tribal organization, tribal consortium, or BIA may fund projects to improve highway safety. Those projects that are not fully funded by the BIA-administered Indian Highway Safety Program must be incorporated into the FHWA-approved IRTIP if IRR Program funds are used to complete funding of the project.

§ 170.144 What are eligible highway safety projects?

The following are examples of activities that can be considered as highway safety projects:

(a) Highway alignment improvement;
(b) Bridge widening;
(c) Pedestrian paths/sidewalks and bus shelters;
(d) Installation and replacement of signs when designated as, or made part of, a highway safety project;
(e) Construction improvements that enhance and promote safe travel on IRRs, such as guardrail construction and traffic markings;
(f) Development of a safety management system;
(g) Education and outreach highway safety programs, such as use of child safety seats, defensive driving, and Mothers Against Drunk Drivers;
(h) Development of a highway safety plan designed to reduce traffic accidents and deaths, injuries, and property damage;
(i) Collecting data on traffic-related deaths, injuries and accidents;
(j) Impaired driver initiatives;
(k) Child safety seat programs; and
(l) Purchasing necessary specific traffic enforcement equipment, such as radar equipment, breathalyser, video cameras.

§ 170.145 Are other funds available for a tribe’s highway safety efforts?

Yes. Tribes may seek grant and program funding for highway safety activities from appropriate Federal, state, and local agencies and private grant organizations.
§ 170.148 What is a tribal transit program?
A tribal transit program is the planning, administration, acquisition, and operation and maintenance of a system associated with the public movement of people served within a community or network of communities on or near Indian reservations, lands, villages, communities, and pueblos.

§ 170.149 How do tribes identify transit needs?
Tribes identify transit needs during the tribal transportation planning process (see subpart D). Transit projects using IRR Program funds must be included in the FHWA-approved IRRTIP.

§ 170.150 What Federal funds are available for a tribe’s transit program?
Title 23 U.S.C. authorizes the use of IRR Program funds for transit facilities as defined in this part. Additionally, there are many sources of Federal funds that may help support tribal transit programs. These include the Federal programs listed in this section. Note that each program has its own terms and conditions of assistance. For further information on these programs and their use for transit, contact the FTA Regional Transit Assistance Program (RTAP) National Transit Resource Center at http://www.ctaa.org/ntrc.
(a) U.S. Department of Agriculture (USDA): community facilities loans; rural development loans; business and industrial loans; rural enterprise grants; commerce, public works and economic development grants; and economic adjustment assistance.
(b) U.S. Department of Housing and Urban Development (HUD): community development block grants, supportive housing, tribal housing loan guarantees, resident opportunity and support services.
(c) U.S. Department of Labor: Native American employment and training, welfare-to-work grants.
(d) DOT: Welfare-to-Work, Indian Reservation Roads Program, transportation and community and systems preservation. Federal transit capital improvement grants, public transportation for non-urbanized areas, capital assistance for elderly and disabilities transportation, education, and Even Start.
(e) HHS: programs for Native American elders, community service block grants, job opportunities for low-income individuals, Head Start (capital or operating), administration for Native Americans programs, Medicaid, HIV Care Grants, Healthy Start, and the Indian Health Service.

§ 170.151 May a tribe or BIA use IRR Program funds as matching funds?
(a) A tribe may use 23 U.S.C. 204 IRR Program funds provided under a self-determination contract or self-governance agreement to meet matching or cost participation requirements for any Federal or non-Federal transit grant or program.
(b) BIA may use 23 U.S.C. 204 IRR Program funds to pay local matching funds for transit facilities and transit activities funded under 23 U.S.C. 104.

§ 170.152 What transit facilities and activities are eligible for IRR Program funding?
Transit facilities and activities eligible for IRR Program funding include, but are not limited to:
(a) Acquiring, constructing, supervising or inspecting new, used or refurbished equipment, buildings, facilities, buses, vans, water craft, and other vehicles for use in mass transportation;
(b) Transit-related intelligent transportation systems;
(c) Rehabilitating, remanufacturing, and overhauling a transit vehicle;
(d) Preventive maintenance;
(e) Leasing transit vehicles, equipment, buildings, and facilities for use in mass transportation;
(f) Third-party contracts for otherwise eligible transit facilities and activities;
(g) Mass transportation improvements that enhance economic and community development, such as bus shelters in shopping centers, parking lots, pedestrian improvements, and support facilities that incorporate other community services;
(h) Passenger shelters, bus stop signs, and similar passenger amenities;