

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Grant Availability to Federally-Recognized Indian Tribes for Projects Implementing Traffic Safety on Indian Reservations**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs intends to make funds available to federally-recognized Indian tribes on an annual basis for the purpose of implementing traffic safety projects which are designed to reduce the number of traffic accidents and their resulting fatalities, injuries, and property damage within Indian reservations. Due to the limited funding available for this program, all projects will be reviewed and selected on a competitive basis. This notice is intended to inform Indian tribes on the availability of funds and the process in which the projects are selected.

DATES: Requests for funds must be received by June 1 of each program year. Information packets will be distributed on February 24, 1995.

ADDRESSES: Each tribe must submit its request to the Bureau of Indian Affairs, Division of Safety Management, Attention: Indian Highway Safety Program Coordinator. Information packets will be distributed on February 24, 1995, to all tribal leaders at the addresses shown on the latest Tribal Leaders List which is compiled by the Bureau of Indian Affairs, Tribal Government Services, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tribes should direct questions concerning the grant program to Norma D. Long, the Bureau's Indian Highway Safety Program Coordinator or to Charles L. Jaynes, Program Administrator, Bureau of Indian Affairs, P.O. Box 2006, Albuquerque, New Mexico 87103; telephone: (505) 766-2181.

SUPPLEMENTARY INFORMATION:*Background*

The Federal-Aid Highway Act of 1973 (Pub. L. 93-87) provides for U.S. Department of Transportation funding to assist Indian tribes in implementing highway safety projects. These projects are designed to reduce the number of traffic crashes and their resulting fatalities, injuries, and property damage within Indian reservations. All federally-recognized Indian tribes on Indian reservations are eligible to

receive this assistance. All tribes which avail themselves of this assistance are reimbursed for cost incurred under the terms of 23 USC Sec. 402 and subsequent amendments.

Responsibilities

For purposes of application of the Act, Indian reservations are collectively considered a "State" and the Secretary, U.S. Department of the Interior (DOI), is considered the "Governor of a State." The Secretary, DOI, delegated the authority to administer the programs throughout all the Indian reservations in the United States to the Assistant Secretary—Indian Affairs. The Assistant Secretary—Indian Affairs further delegated the responsibility for primary administration of the Indian Highway Safety Program to the Central Office Division of Safety Management (DSM), located in Albuquerque, New Mexico. The Chief, DSM, as Program Administrator of the Indian Highway Safety Program, has two full-time staff members to assist in program matters and provide technical assistance to the Indian tribes. It is at this level that contacts with the Department of Transportation are made with respect to program approval, funding of projects and technical assistance. The Department of Transportation, through the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA), is responsible for assuring that the Indian Highway Safety Program is carried out in accordance with 23 U.S.C. 402 and other applicable Federal regulations.

The National Highway Traffic Safety Administration is responsible for the apportionment of funds to the Secretary of the Interior, review and approval of the Indian Highway Safety Plan involving NHTSA highway safety program areas and technical guidance and assistance to BIA.

The Federal Highway Administration is responsible for review and approval of the Indian Highway Safety Plan involving FHWA highway safety program areas and technical guidance and assistance to BIA.

Program Areas

The Surface Transportation and Uniform Relocation Assistance Act of 1987, 23 U.S.C. 402(j), required the Department of Transportation to conduct a rulemaking process to determine those programs most effective in reducing traffic crashes, injuries and fatalities. Those program areas were determined to be national priority program areas, and include NHTSA Program areas: (1) Alcohol; (2) Police

Traffic Services; (3) Occupant Protection; (4) Traffic Records, and; (5) Emergency Medical Services. FHWA Program Area: Traffic Engineering Services. NHTSA and FHWA Program Areas: Pedestrian and Bicycle Safety.

Funding Criteria

The Bureau of Indian Affairs will reimburse for eligible costs associated with the following:

(1) Alcohol—Salary (DUI enforcement officer); enforcement/education; NHTSA approved Training; Approved breath-testing equipment (must be included on most recent Conforming Product List); community/school alcohol traffic safety education; DWI offender education; prosecution; adjudication; and vehicle expenses.

(2) Police Traffic Services—Salary (traffic enforcement/education); traffic law enforcement/radar training; speed enforcement equipment (must be listed on Consumer Products List); community/school education; and vehicle expenses.

(3) Occupant Protection—(1) Child Passenger Safety—child car seat loaner program; car seat transportation/storage, and; public information/education. (B) Community Seat Belt Program—Salary; education/promotional materials; office expenses, and; NHTSA-approved Occupant Protection Usage and Enforcement (OPUE) Training.

(4) Traffic Records—Salary; computerized equipment.

(5) Emergency Medical Services—Training; public information education.

(6) Traffic Engineering Services—Traffic signs (warning, regulatory, work zone); hardware and sign posts.

Project Guidelines

Information packets will be forwarded to the tribes in the month of February of each program year. Upon receipt of the information packet, each tribe should prepare a proposed project based upon the following guidelines:

A. *Program Planning.* Program planning shall be based upon the highway safety problems identified and countermeasures selected by the tribe for the purpose of reducing traffic crash factors.

B. *Problem Identification.* Highway traffic safety problems shall be identified from the best data available. These data may be found in tribal enforcement records on traffic crashes. Other sources of data include ambulance records, court and police arrest records. The problem identification process may be aided by using professional opinions of personnel in law enforcement, Indian Health Service, driver education, road

engineers, etc. These data should accompany the funding request. Impact problems should be indicated during the identification process. An impact problem is a highway safety problem that contributes to car crashes, fatalities and/or injuries, and one which may be corrected by the application of countermeasures. Impact problems can be identified from analysis of statewide and/or tribal traffic records. The analyses should consider, as a minimum: pedestrian, motorcycle, pedalcycle, passenger car, school bus, and truck accidents; records on problem drivers, roadside and roadway hazards, alcohol involvement, youth involvement, defective vehicle involvement, suspended or revoked driver involvement, speed involvement and child safety seat usage. Data should accompany the funding request.

C. Countermeasures Selection. When tribal highway traffic safety problems are identified, appropriate countermeasures shall be developed by the tribe to solve or reduce the problems. The development of these countermeasures should take into account the overall cost of the countermeasures versus its possible effects on the problem.

D. Objectives/Performance Indicators. After countermeasure selection, the objective(s) of the project must be expressed in clearly defined, time-framed and measurable terms.

E. Budget Format. The activities to be funded shall be outlined according to the following object groups: personnel services, travel and transportation, rent/communications, printing & reproduction, other services, equipment, and training. Each object group shall be quantified, i.e., personnel activities should show number to be employed, hours to be employed, hourly rate of pay, etc. Each object group shall have sufficient detail to show what is to be procured, unit cost, quarter in which the procurement is to be made and the total cost, including any tribal contribution to the project. Due to limited funding, this office will limit indirect costs to a maximum of 15%.

F. Evaluation Plan. Evaluation is the process of determining whether a highway safety activity should be undertaken, if it is being properly conducted and if it has accomplished its objectives. A plan explaining how the evaluation will be accomplished and identifying the criteria to be used in measuring performance shall be included in the funding request.

G. Technical Assistance. The Indian Highway Safety Program staff will be available to tribes for technical

assistance in the development of tribal projects.

H. Section 402 Project Length. Section 402 funds shall not be used to fund the same project at one location or jurisdiction for more than three years.

I. Certification Regarding Drug-Free Workplace Requirement. Indian tribes receiving highway safety grants through the Indian Highway Safety Program must certify that they will maintain a drug-free workplace. The certification must be signed by an individual authorized to sign for the tribe or reservation. The certification must be received by the Department of Transportation prior to the release of grant funds for that tribe or reservation. The certification must be submitted with the tribal highway safety project proposal.

Submission Deadline

Each tribe must submit its funding request to the BIA Indian Highway Safety Program, Albuquerque, NM. The request must be received by the Indian Highway Safety Program by *June 1* of each program year. Requests for extension of this deadline *will not be granted*. Modifications of the funding request received after the close of the funding period will not be considered in the review and selection processes.

Selection Criteria

Each project funding request will be reviewed and evaluated by the Indian Highway Safety Program staff and ranked by assigning points to four areas of consideration. Those areas of consideration and their respective point values are listed below:

Magnitude of Problem—50 Points

1. Does a highway safety problem exist?
2. Is the problem significant?
3. Does the project contribute to the solution of the problem identified?
4. Number of traffic crashes last three years? Alcohol related?
5. Number of reported fatalities last three years? Alcohol related? Speed related?
6. Safety Belt/Child Safety Seat Usage data.
7. Law Enforcement data—violations/tickets issued.
8. Conviction data.
9. Tribal Safety Belt/Child Safety Seat Ordinance implemented.

Countermeasures Selection—40 Points

1. Are the countermeasures selected the most effective?
2. Are they cost effective?
3. Have objectives been stated in realistic performance terms and are they attainable?

4. Are the objectives time-framed and are the time-frames realistic and attainable?

Tribal Leadership and Community Support—10 Points

1. Are tribal resources used in this project? Tribal Resolution?
2. Does the project have community support? Support Letters?
3. Does the tribe have an ordinance or law which supports the project?

Past Performance + or - 10 Points.

1. Reporting (Financial & Programmatic).
2. Accomplishments.

Notification of Selection

The tribes selected to participate will be notified by letter. Each tribe selected must have a *Certification Regarding Drug-Free Workplace Requirements*, and a duly authorized *Tribal resolution* included in their proposal. The certification and resolution must be on file prior to the release of grant funds for the tribe or reservation.

Notification of Non-Selection

The Program Administrator will notify each tribe of non-selection. The tribe will be provided the reason for non-selection.

Uniform Administrative Requirements for Grant-in-Aid

Uniform grant administration procedures have been established on a national basis for all grant-in-aid programs by DOT/NHTSA under 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Uniform procedures for State Highway Safety Programs have been codified by NHTSA and FHWA in 23 CFR Parts 1200, 1204, and 1205. Cost principles applicable to grants and contracts with state and local governments have been established by OMB Circular A-87 and NHTSA Order 462-13A. It is the responsibility of the Indian Highway Safety Program to establish operating procedures consistent with the applicable provisions of the aforementioned rules and regulations, and guidelines established under the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240, 105 Stat. 1914).

Standards for Financial Management System

Tribal financial management systems must provide for:

1. Accurate, current, and complete disclosure of financial results of the highway safety project.

2. Adequate recordkeeping.
 3. Control over and accountability for all funds and assets.
 4. Comparison of actual with budgeted amounts.
 5. Documentation of accounting records.
 6. Appropriate auditing. Highway safety projects will be included in the tribal A-128 Single Audit requirement.
- Tribes will provide a quarterly financial and a program status report to the Bureau's Indian Highway Safety Program Coordinator, P.O. Box 2006, Albuquerque, NM 87103. These reports

will be submitted no later than seven (7) days beyond the reporting month.

Project Monitoring

During the program year, it is the responsibility of the BIA Indian Highway Safety Program to maintain a degree of project oversight, provide technical assistance as needed to assist the project in fulfilling its objectives, and assure that grant provisions are complied with.

Project Evaluation

A performance evaluation will be conducted for each highway safety

project by the Bureau of Indian Affairs. The evaluation will measure the actual accomplishments of the planned activity. On-site project evaluation/monitoring will be made at the discretion of the Indian Highway Safety Program Administrator.

Dated: December 30, 1994.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-1585 Filed 1-20-95; 8:45 am]

BILLING CODE 4310-02-P