

Appendix E: Tribal Transit Questions/Answers



FREQUENTLY ASKED QUESTIONS

Tribal Transit Provisions of SAFETEA-LU

1. What is the purpose of the Tribal Transit provision?

It provides grants directly to Indian tribes for public transportation services on Indian reservations. In the past, tribes received program funds as sub-recipients of States. SAFETEA-LU now defines tribes as eligible direct recipients under the Section 5311 program.

2. How much funding is available for the new tribal program?

SAFETEA-LU provides a total of \$45 million, starting in FY 2006:

\$8,000,000 for FY 2006
\$10,000,000 for FY 2007
\$12,000,000 for FY 2008
\$15,000,000 for FY 2009

3. Where does the funding come from for the tribal program?

The funding is a takedown from the Section 5311 formula program for Other than Urbanized areas.

4. How will these funds be distributed?

SAFETEA-LU does not specify an allocation method. A formula allocation based solely on Census data such as tribal land area and population does not appear practical. Alternatively, funds could be allocated among tribes that respond to a request for proposals for eligible projects. This is how FTA allocates funds in the Over the Road bus program. FTA will consult with stakeholders, including tribal leaders, to develop the method of allocation.

5. Does this new tribal program make tribes ineligible for Section 5311 funds apportioned to the States?

No. Congressional intent is that tribes continue to be eligible to receive funding from State apportionments as well as from the takedown for tribal transit. The following language is retained in Section 5311 (2)(C)(i): “the Secretary may not approve the program unless the Secretary determines that the program provides a fair distribution of amounts in the State, including Indian reservations.”

6. What is the State’s role in the tribal transit program?

FTA will administer funds under the tribal transit program in direct grants to tribes. States will continue to have a responsibility to include Indian tribes in the allocation of Section 5311 funds apportioned to the State. The States, tribes, and FTA will need to ensure that projects funded are complementary, not duplicative. Tribes may either apply directly to FTA for the funds allocated

from the State apportionment or receive the funds as sub-recipients of the State. States may use Rural Transit Assistance Program (RTAP) funds to provide technical assistance related to tribal transit. The consultation process will address the role of the State in the tribal transit program.

7. When and how can tribes begin to access these funds?

The funds will become available after Congress passes the FY 2006 appropriations act. The application procedure for funds has not yet been determined. FTA will develop an interim process for the allocation of FY 2006 funds to the tribes, after an initial consultation process. Final procedures for the program will be developed over a longer time frame with more extensive public involvement.

8. Is the direct funding for tribes separate from the Alternative Transportation in Parks and Public Lands?

Yes. The funding for tribes is a set-aside under the Non-Urbanized formula program, while the Alternative Transportation and Parks and Public Lands program is a \$22 million per year discretionary program.

9. What is a State to do with a Section 5311 tribal set-aside if there are no tribal sub-recipients?

FTA will not apportion funds to States under the Section 5311 tribal set-aside. FTA will allocate funds directly to the tribes under the set-aside, but the apportionment method is not specified in SAFETEA-LU and has not yet been determined. Solely for the purposes of illustrating how much money might flow to each State under SAFETEA-LU, FTA included a formula allocation of the tribal set-aside based on tribal population in the State-by-State SAFETEA-LU summary tables posted on its website. An alternative method might be to apportion funds only to those tribes that respond to a request for letters of intent. FTA will consult with tribal leaders as they develop the program.