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Tribal Transportation Program Coordinating Committee

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Mr. Tony Furst
Chief Innovation Officer
Federal Highway Administration
Office of Innovative Program Delivery
1200 New Jersey Ave., SE
Washington, D.C. 20590
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Re: Reorganization of the Tribal Transportation Assistance Program (TTAP)

Dear Mr. Furst:

Thank you for your May 30, 2017 response to our April 6, 2017 letter regarding the reorganization of the TTAP centers. The Tribal Transportation Program Coordinating Committee (TTPCC) responds today to clarify the TTPCC's role in this matter, to share some feedback we have received regarding the plan, and to reiterate our position that meaningful tribal consultation regarding this plan occur as soon as possible.

To begin, we would like to invite you and your staff working on this matter to update the Committee and engage in discussion on the reorganization plan during the September 12-13 meeting of the TTPCC, located at the Holiday Inn at Washington-Dulles, 45425 Holiday Drive, Dulles, VA 20166.

In your letter you indicated that while no formal tribal consultation had occurred regarding the TTAP reorganization, the proposed centralized model is an outcome of Federal Highway Administration's (FHWA) review of the program, and that FHWA had opportunity to "vet and exchange" the concept with the TTPCC. To be clear, while FHWA presented its review and options to the TTPCC, the Committee has not vetted, approved, or endorsed this option (or any option). Per regulation, the TTPCC provides input and recommendations to BIA and FHWA in developing TTP

The Tribal Transportation Coordinating Committee is the regulatory committee established by federal regulations (25 CFR 170.155), to provide input and recommendations to the Bureau of Indian Affairs and Federal Highway Administration concerning the Tribal Transportation Program as detailed in Title 23 U.S.C. 202.

regulations, policies and procedures. The Committee may play a supplemental role to meaningful tribal consultation, but should not be used in lieu of such consultation. We believe that our letter was clear regarding the role of the TTPCC and, as you mention, we provided the FHWA with several goals the agency may wish to consider while engaging tribes on the matter of the organization. These are not the TTPCC's goals, per se, but items the Committee believes would be helpful to guide tribal consultation.

Over the course of our August 2017 meeting, the TTPCC reviewed your letter to the Committee and the letter to Tribal Leaders, along with letters, emails, and comments to TTPCC members regarding the reorganization. Comments received by the TTPCC note several items of concern, which we list here:

- The TTPCC indicated that we believe tribal consultation over the TTAP organization is required, but such consultation has not occurred and there is no indication that it will occur.
- The TTPCC has not agreed to act as the Advisory Committee for the reorganization, as stated in the letter to Tribal leaders, nor is the TTPCC able to serve in that role.
- The FHWA has not engaged the National Local Technical Assistance Program Association or other transportation professionals regarding the reorganization.
- The pilot program should be a "trial balloon" aimed to improve TTAP centers in need of improvement, but instead is a wholesale restructuring of the TTAP program.
- Tribes and tribal programs—particularly smaller tribes—are concerned they will not have the same level of access to training they have enjoyed in the past.
- The criteria used to evaluate the TTAP program did not account for TTAP activities, but applied the same rubric used for LTAPs that do not map well onto the tribal program context.

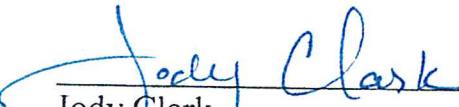
We believe it would be helpful to hear FHWA's responses to these concerns.

The TTPCC is emphatic that the FHWA must engage in government-to-government consultation with tribes on this matter, in recognition not only of the cooperative nature of the tribal transportation program, but of the federal trust and treaty responsibilities to tribes. You indicate in your letter that the FHWA will have a series of informational webinars to describe the pilot program and show proposed

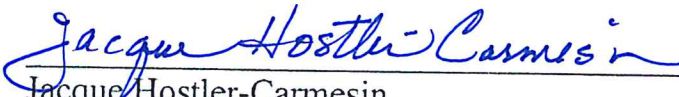
changes from the current TTAP program, and that you will allow tribes to submit written comments. The Committee reiterates webinars and opportunity for written comment is not meaningful consultation, which requires that the government and tribes work together on options before decisions are made.

The Committee recognizes that FHWA is interested in improvement of the TTAP program, and we share the goal of improving services to Tribes. The TTPCC wishes to remain engaged regarding the proposed reorganization of the TTAP program. The Committee is also ready to assist FHWA in moving forward with tribal consultation on this matter so the FHWA may receive feedback directly from tribes and tribal entities that utilize these important programs every day,

Sincerely,



Jody Clark
Chairperson
Representative Eastern Region



Jacque Hostler-Carmesin
Vice-Chairperson
Representative Pacific Region