

U.S. Department of Transportation

Office of Tribal Government Affairs

Tribal Transportation Self-Governance Program Guide



250

2026

Executive Summary

The Tribal Transportation Self-Governance Program (TTSGP) is a statutory program, established by Congress and implemented by the U.S. Department of Transportation (DOT), that grants federally recognized Tribes greater autonomy and control over Federal transportation funding.

Authorized under the Fixing America's Surface Transportation Act (FAST) and codified in 23 U.S.C. § 207, the TTSGP moves away from traditional “grant-based” oversight models. Instead, it allows Tribes to manage transportation programs through a government-to-government partnership, similar to how many Tribes already manage healthcare with Indian Health Service (IHS) and other services with the Bureau of Indian Affairs (BIA) under self-governance compacts.

Core Purpose and Philosophy

The TTSGP is built on the principle of Tribal Sovereignty. Its goal is to streamline the delivery of transportation projects by transferring decision-making authority from Federal agencies (like the Federal Highway Administration and Federal Transit Administration) directly to Tribal governments.

- **Shift in Power:** Moves Federal oversight away from day-to-day project management to a higher-level monitoring role.
- **Efficiency:** Aims to reduce administrative “red tape” and allow funds to be used more effectively based on local priorities.

How It Works: The Two-Part Agreement

Participation in the TTSGP requires negotiating two specific legal documents with DOT:

Document	Purpose
The Compact	A formal agreement that sets the general terms of the government-to-government relationship between the Tribe and DOT. It establishes the rules of engagement and remains in effect until amended or terminated.
The Funding Agreement	A specific, time-bound agreement (usually annual or multi-year) that identifies the specific funds to be transferred to the Tribe and the precise transportation programs, services, functions, and activities (PSFAs) the Tribe will perform.

Key Benefits for Tribes

The TTSGP offers distinct advantages over standard “Direct Service” or “638 Contract” models or FHWA Program Agreements:

- **Funding Flexibility:** Tribes can often redesign or consolidate different transportation programs and reallocate funds to meet specific community needs.
- **Reduced Administrative Burden:** Tribes operate under a streamlined set of administrative requirements rather than juggling multiple funding source specific rules. Update only one funding agreement with DOT, rather than execute multiple grants with each of its sub-agencies.
- **Streamlined and Earlier Cash Flow:** Funding can be transferred in lump sums or set schedules, improving cash flow for projects. Receive funding quickly after it is announced as available, rather than months or years later after executing a grant agreement.
- **Local Control:** The Tribe has more control over how to plan, design, construct, and maintain its transportation infrastructure.

Eligibility Requirements

To participate in the TTSGP, a Tribe must meet specific criteria regarding its administrative and financial health:

1. **Legal Status:** Must be a federally recognized Tribe.
2. **Formal Request:** Must submit a Tribal Council resolution (or equivalent) requesting participation.
3. **Financial Stability:** Must demonstrate financial stability and financial management capability. This generally means having three consecutive fiscal years with no uncorrected “significant and material” audit exceptions (often verified through Single Audits).
4. **Management Capability:** Must demonstrate the capability to manage transportation programs, *e.g.*, prior experience managing BIA, Federal Highway Administration (FHWA), or Federal Transit Administration (FTA) projects.

Governing Regulations

The TTSGP statute is located at 23 U.S.C. § 207 and the detailed rules for the program are found in 49 CFR part 29. These regulations were developed through a negotiated rulemaking process involving Tribal representatives and the Federal government, ensuring they reflect Tribal perspectives.

TTSGP Eligibility Requirement Checklist

The eligibility criteria are strictly defined in 49 CFR § 29.100. DOT looks for “conclusive or sufficient evidence” of financial stability over the last three years.

- The Core “Financial Stability” Review
 - The “Three-Year” Rule: Does the Tribe have three consecutive fiscal years of financial audits?

- Clean Audit Record: Do these audits show NO uncorrected significant and material audit exceptions?
 - *Note: If your Tribe had a finding, but it was “corrected” (resolved) before the next audit, it may not disqualify you. The key is “uncorrected.”*
- Single Audit Compliance: Has the Tribe complied with the Single Audit Act (2 CFR part 200) for these years?
 - *If “Yes”* This is considered Conclusive Evidence.
 - *If “No” (Tribe is not subject to Single Audit):* You must provide an independent audit consistent with government auditing standards (2 CFR 200.514).

➤ Management Capability

- Transportation Experience: Can the Tribe demonstrate experience managing transportation programs?
 - *Evidence:* Previous “638” contracts (BIA), TTP Agreements (FHWA or FTA, BIA), or other Federal transportation grants.
- Financial Management Systems: Does the Tribe’s financial system meet Federal standards (as defined in 49 CFR § 29.505–511)?
 - *Key checks:* Effective internal controls, accurate financial reporting, and procurement procedures that avoid conflicts of interest.

➤ The Formal Request

- Tribal Resolution: Has the Tribal Council (or governing body) passed a formal written resolution requesting participation in the TTSGP?

Here is the draft template for the Tribal Council Resolution and a detailed breakdown of the differences between the Compact and the Funding Agreement.

Tribal Council Resolution Template

Note: This is a general template. Tribes are not required to use this template; we provide it as a resource. Your Tribe’s legal counsel should review this to ensure it complies with your Tribe’s specific Constitution, By-Laws, and internal legislative procedures.

RESOLUTION NO. [INSERT NUMBER]

A RESOLUTION REQUESTING PARTICIPATION IN THE TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM (TTSGP) PURSUANT TO 23 U.S.C. § 207

WHEREAS, the [Name of Tribe] is a federally recognized Indian Tribe exercising sovereign authority over its members and territory; and

WHEREAS, the [Name of Governing Body] is the duly elected governing body of the [Name of Tribe] authorized to act on behalf of the Tribe; and

WHEREAS, the United States Congress, through the Fixing America’s Surface Transportation (FAST) Act, established the Tribal Transportation Self-Governance Program (TTSGP) codified at 23 U.S.C. § 207 and regulated under 49 CFR part 29; and

WHEREAS, the TTSGP is designed to afford Tribes greater flexibility, autonomy, and efficiency in the planning and execution of transportation programs; and

WHEREAS, the [Name of Tribe] has demonstrated financial stability and financial management capability as required by 49 CFR § 29.100, evidenced by three consecutive fiscal years of clean audits with no uncorrected significant and material audit exceptions;

NOW THEREFORE BE IT RESOLVED, that the [Name of Governing Body] hereby formally requests the United States Department of Transportation DOT to admit the [Name of Tribe] into the Tribal Transportation Self-Governance Program; and

BE IT FURTHER RESOLVED, that the [Name of Governing Body] authorizes [Name/Title of Authorized Representative, *e.g.*, Tribal Chairperson or Transportation Director] to negotiate and execute a Compact and Funding Agreement with DOT for the assumption of transportation programs, services, functions, and activities (PSFAs); and

BE IT FINALLY RESOLVED, that this resolution shall remain in effect until rescinded or amended by the [Name of Governing Body].

CERTIFICATION I, the undersigned, as [Secretary/Official] of the [Name of Governing Body], hereby certify that the above resolution was duly adopted at a meeting held on [Date], with a quorum present, by a vote of [#] For, [#] Against, and [#] Abstaining.

Compact vs. Funding Agreement: An Overview

Under the TTSGP (and Self-Governance generally), you do not sign a “grant.” You sign two separate legal instruments. Think of the Compact as the foundation of the relationship, and the Funding Agreement as the “Budget” or “Contract.”

Feature	The Compact	The Funding Agreement
Analogy	The Constitution (The foundation)	The Budget/Work Plan (The house built on the foundation)
Primary Purpose	Establishes the formal government-to-government relationship between the Tribe and DOT. It sets the “rules of engagement.”	Identifies the specific dollars to be transferred and the specific programs (PSFAs) the Tribe will run for that period.

Feature	The Compact	The Funding Agreement
Duration	Indefinite. It remains in effect until the Tribe or DOT terminates it. It does not need to be renegotiated every year.	Time-Bound. It is usually negotiated for a specific period (<i>e.g.</i> , 1 year, 3 years, or 5 years) and must be renewed.
Content	• Legal authorities • Record-keeping obligations • Dispute resolution procedures • Amendment processes	• Amount of funds to be paid • Schedule of payments (<i>e.g.</i>, lump sum) • Specific projects or services included • Identification of any retained Federal functions
Flexibility	Generally standard boilerplate language derived from the statute (23 U.S.C. § 207).	Customizable based on the Tribe's current priorities and the funds available that year.
Renegotiation	Only happens if one party requests an amendment to the terms.	Happens periodically as the agreement expires or if funding levels change significantly.

Key Takeaway: You only negotiate the Compact once. However, you will renegotiate or update the Funding Agreement regularly to reflect new funding amounts and changing project priorities.

Here is the specific list of financial documents you need to gather to prove eligibility, followed by a menu of common “PSFAs” to consider including in your Funding Agreement.

The Financial “Stability & Capability” Document Checklist

You are not just handing over audits; you are building a case for “Financial Stability” and “Management Capability” under 49 CFR § 29.100.

A. The Core Financial Evidence (The “Three-Year” Package)

You need to provide one of the following two options, covering the three most recent fiscal years:

- Option 1 (Most Common): Single Audits
 - Copies of Single Audits for the last three fiscal years (as required by the Single Audit Act/2 CFR part 200).
 - Corrective Action Plans (CAPs): If any of those audits had findings (even minor ones), include the CAPs that show how you fixed them.
 - Management Letters: Copies of any separate management letters issued by the auditor.

- Option 2 (If not subject to Single Audit): Independent Audits
 - Independent Financial Audits for the last three fiscal years that align with *Government Auditing Standards* (2 CFR 200.514).

B. Evidence of “Management Capability”

DOT needs to see that you have the systems in place to handle Federal transportation funds specifically.

- Transportation History: A list or summary of transportation projects (BIA, FHWA, FTA, or State) your Tribe has managed in the last three years.
- Org Chart: A current organizational chart of your Tribal Transportation/Public Works Department.
- Financial Policy Manual: A copy of your financial management policies (specifically sections on procurement, property management, and conflicts of interest).
- Debarment Certification: A simple statement or certificate confirming that no key Tribal officials or contractors are currently debarred or suspended from doing business with the Federal government.

Menu of Common “PSFAs” (“Programs, Services, Functions, and Activities”)

When drafting your Funding Agreement, you need to list exactly which functions you are taking over. You don't just say “Transportation.” You should list specific functions.

Here is a list of common PSFAs. Working with BIA or FHWA on some program aspects may still be required. You can choose those that fit your capacity.

1. Planning & Administration

- Transportation Planning: Developing the Long-Range Transportation Plan (LRTP) and the Tribal Transportation Improvement Program (TTIP).
- Data Collection: Traffic or ridership counting, safety data analysis, and road inventory updates.
- Grant Writing & Management: Applying for competitive grants (like BUILD, INFRA, Tribal Transit Competitive, or Safe Streets).
- Program Administration: Administering salaries for the Transportation Director and administrative staff.

2. Pre-Construction (Project Development)

- Engineering & Design: Preparing Plans, Specifications, and Estimates (PS&E).

- Environmental Compliance: Supporting reviews required by the National Environmental Policy Act or conducting archeological surveys and wildlife impact studies.
- Right-of-Way (ROW): Surveying, mapping, and acquiring easements or land for projects, some of which may still include BIA participation.

3. Construction

- Road Construction: Grading, paving, and surfacing new or existing roads.
- Bridge & Culvert Replacement: Repairing or replacing bridges and drainage structures.
- Safety Improvements: Installing guardrails, signage, lighting, and pedestrian crossings.
- Construction Management: Project oversight, inspection, and quality assurance and quality control (QA/QC).

4. Maintenance (Operations)

- Routine Maintenance: Repairing potholes, crack sealing, and vegetation control (mowing/brush clearing).
- Winter Maintenance: Plowing snow, salting, and ice removal.
- Emergency Maintenance: Engaging in storm cleanup, washout repairs, and debris removal.
- Equipment Maintenance: Repairing and servicing heavy equipment (graders, dump trucks).

5. Transit (If Applicable)

- Transit Operations: Managing driver salaries and fuel and dispatching for Tribal bus/shuttle systems.
- Fleet Management: Purchasing and maintaining transit vehicles.
- Facility Maintenance: Cleaning and repairing bus shelters and transit hubs.
- Facility Construction: Building bus maintenance, operations, or administration facilities. Building or installing bus shelters.

A common misconception is that the Tribal Transportation Self-Governance Program (TTSGP) only covers your annual “Tribal Shares.” In reality, the Funding Agreement is designed to be a “single vehicle” that can carry almost any DOT funding your Tribe receives.

Here are the specific funds available to be added to your Funding Agreement (FA), categorized by how they enter into the agreement.

The “Automatic” Funds (Formula)

These are the core funds that the Tribe is entitled to by statute. Once you sign your Funding Agreement, these are transferred to you automatically each year (or periodically) without you having to apply for them again.

- Tribal Transportation Program (TTP) Tribal Shares:
 - The standard formula funds for road construction, maintenance, and planning (23 U.S.C. § 202).
- Tribal Transit Formula Funds:
 - Public Transportation on Indian Reservations (Tribal Transit Program) funds allocated by formula (49 U.S.C. § 5311(c)(1)).
- TTP Planning Funds:
 - The two percent set-aside for transportation planning (if not already included in your share calculation).

Flexibility Rule: These funds are flexible. You can redesign or consolidate them. For example, if you decide halfway through the year to move money from “Road Maintenance” to “Transit Operations,” you can do that internally without asking DOT for permission (as long as it’s in your Transportation Improvement Program).

“Competitive” Funds (Competitive Grants)

You do not get these automatically; you must still write a grant proposal and be selected for an award through a competitive process. However, once awarded, you can request an amendment to your Funding Agreement to include these funds. This streamlines the cash flow and reporting process. Some of DOT’s grant programs include, but are not limited to:

- TTP Safety Fund (TTPSF): Grants for safety planning, data assessment, and infrastructure safety projects.
- TTP Bridge Program: Discretionary fund for the rehabilitation or replacement of bridges.
- Tribal Transit Competitive Program: Grants for capital, operating, planning, and administrative expenses for public transit projects for rural Tribal communities.
- Buses and Bus Facilities Competitive Program: Grants to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities
- TTP High Priority Projects Program: Discretionary fund to support tribes receiving lower TTP funding shares and for emergency repairs.
- Better Utilizing Infrastructure to Leverage Development (BUILD) Grants: Local and regional multi-modal infrastructure grants.
- Infrastructure for Rebuilding America (INFRA) Grants: Larger scale multi-modal infrastructure projects, often with a focus on highway and freight infrastructure.
- Safe Streets and Roads for All (SS4A): Grants for safety action plans and implementation.
- Culvert Aquatic Organism Program: National Culvert Removal, Replacement, and Restoration Grants (fish passage).

Flexibility Rule: These funds are restricted. You cannot redesign them. If you won a grant to build “Bridge A,” you must use the funds for “Bridge A.” You cannot move them to “Road B.”

In addition to the FHWA and FTA programs discussed above, the following competitive funds are eligible for inclusion in TTSGP. You should always check with OST-T to determine if new DOT funds that you are awarded can be included in your funding agreement. In all cases, statutory safety and technical standards generally cannot be waived. Eligible programs include, but are not limited to, the following:

- FAA (Federal Aviation Administration)
 - Programs: Airport Improvement Program (AIP), Infrastructure Investment and Jobs Act Airport Grants.
 - Inclusion: Eligible. Funds move through the compact, but FAA “Grant Assurances” (strict operational and maintenance rules) generally remain in effect.
 - Restriction: Funds must be used strictly for the awarded airport project (*e.g.*, runway repair).
- MARAD (Maritime Administration)
 - Programs: Port Infrastructure Development Program (PIDP), Marine Highway Program.
 - Inclusion: Eligible. Useful for coastal or riverine Tribes managing docks, ferries, or freight infrastructure.
 - Restriction: Scope is limited to the specific port improvement project awarded.
- FRA (Federal Railroad Administration)
 - Programs: Railroad Crossing Elimination (RCE), Consolidated Rail Infrastructure and Safety Improvements (CRISI).
 - Inclusion: Eligible. Allows Tribes to manage rail safety grants through their self-governance office.
 - Restriction: FRA safety regulations are statutory and strict. You generally cannot waive safety standards (signaling, track quality) or redesign the project scope.

State Transfers (23 U.S.C. § 207(d)(2)(A)(ii) and 49 U.S.C. § 5311)

This is a powerful but underused mechanism. This authority is similar to the authority under the Federal Highway Administration (FHWA) Tribal Transportation Program authority at 23 U.S.C. 202(a)(9). If a State Department of Transportation (State DOT) agrees to fund a project on your reservation using their Federal dollars, they can transfer those funds back to FHWA or FTA, which then adds them to your Funding Agreement. Examples of State DOT funds include, but are not limited to:

- Surface Transportation Block Grant (STBG) Funds: Provides flexible funding to address State and local transportation needs, see 23 U.S.C. 133.
- Highway Safety Improvement Program (HSIP) Funds: State safety dollars.
- Transportation Alternatives (TA) Funds (a set-aside of STBG Funds): For trails, sidewalks, and community projects.
- Formula Grants for Rural Areas: Grants for capital, operating, planning, and administrative expenses for public transit projects for rural areas.

What is NOT Included? (Clarification)

It is important to distinguish between DOT and DOI (BIA) funds.

- BIA Road Maintenance Funds: These come from the Department of the Interior (DOI). While they are for transportation, they typically go through your DOI Self-Governance Compact (Title IV), not this DOT Compact.
 - *Note:* You can (and many Tribes do) use your DOT TTP funds to *supplement* road maintenance, but the specific “BIA Road Maintenance” line item is a separate pot of money from a separate agency. Using TTP funds for maintenance activities needs to follow the requirements in 23 USC 202(a)(8).

Summary Table for Your Finance Director

Funding Source	Type	Can be Redesigned/Moved?	Mechanism to Add
TTP Tribal Shares	Formula	Yes	Automatic (Annual FA)
Tribal Transit	Formula	Yes	Automatic (Annual FA)
TTP Safety / Bridge	Competitive	No (Project Specific)	Amendment (After Award)
Tribal Transit BUILD / INFRA / SS4A	Competitive	No (Project Specific)	Amendment (After Award)
State DOT Funds	Transfer	No (Project Specific)	Amendment (After Transfer)

Template: Funding Agreement Amendment Letter

- Purpose: Use this letter when you have already signed your annual Funding Agreement but have subsequently been awarded a new grant (*e.g.*, TTP Safety Fund, Bridge Program, or a competitive grant like BUILD). This letter formally requests that DOT add those new funds to your existing agreement so you can access the cash.
- Who signs this? Usually, the Tribal Official authorized in your original Tribal Resolution (*e.g.*, Chairman, Governor, or Transportation Director).

[Tribal Letterhead]

[Date]

The Honorable (Name of Assistant Secretary) Assistant Secretary for Tribal Government Affairs U.S. Department of Transportation 1200 New Jersey Avenue, S.E. Washington, D.C. 20590

Subject: Request for Amendment to Fiscal Year [Year] Funding Agreement – Addition of [Name of Grant] Funds

Reference: Funding Agreement No. [Insert FA Number] between the [Name of Tribe] and the U.S. Department of Transportation

Dear Assistant Secretary,

The **[Name of Tribe]** (the “Tribe”) respectfully requests an amendment to our Fiscal Year **[Year]** Funding Agreement (FA) to incorporate newly awarded funding into the Tribal Transportation Self-Governance Program (TTSGP).

Funding Source Identification We request the addition of the following funds:

- **Program Name:** [e.g., Tribal Transportation Program Safety Fund (TTPSF)]
- **Grant Award Year:** [e.g., FY 2024]
- **Project Name:** [e.g., Route 6 Intersection Safety Improvement Project]
- **Amount:** \$[Insert Dollar Amount]
- **Project ID/Award Number:** [Insert ID provided in your award letter]

Scope of Work (PSFAs) The Tribe agrees to perform the Programs, Services, Functions, and Activities (PSFAs) associated with this project as detailed in our approved grant application. Specifically, the scope includes:

- *[Insert 1-2 sentences summarizing the project, e.g., “Design, engineering, and construction of a roundabout at the intersection of Route 6 and BIA Road 12.”]*

Terms and Conditions The Tribe understands that these funds are competitive and differ from our recurring Tribal Shares. Therefore, the Tribe agrees that:

- These funds are **restricted** to the specific project identified above and cannot be reallocated to other activities without prior written approval.
- The Tribe will adhere to the specific reporting requirements and timelines outlined in the Notice of Funding Opportunity (NOFO) for this grant program.

Request for Transfer Upon execution of this amendment, please transfer the full amount of **\$[Insert Amount]** to the Tribe’s designated account as per the payment instructions currently on file.

We appreciate your continued partnership in supporting our transportation self-governance goals. If you have any questions regarding this request, please contact **[Name of Contact Person]** at **[Phone Number]** or **[Email Address]**.

Sincerely,

[Signature]

[Printed Name] [Title, *e.g.*, Tribal Chairman/Governor] [Name of Tribe]

CC: [Name], TTSGP Program Manager, U.S. DOT [Name]; Office of Tribal Transportation, FHWA (if applicable); Office of Program Management, FTA (if applicable)

Key Tips for Sending This Letter

- Attach the Award Letter: Always attach a copy of the official “Notice of Award” or email you received notifying you of the grant. This helps the OST-T verify the numbers quickly.
- Verify the “Period of Performance:” Make sure the project fits within the dates of your current Funding Agreement or acknowledge that the agreement needs to be extended to cover the construction period.
- One Letter per Award: It is often cleaner to send separate letters for separate grants (*e.g.*, one for a Bridge grant, one for a Safety grant) to avoid accounting confusion, unless you add them all at the start of the fiscal year.

Flow of Funds Diagram & Description

For your finance team, the most critical difference to understand is that the Tribal Transportation Self-Governance Program (TTSGP) generally moves away from “Reimbursement” (spend first, get paid later) to “Advance Payment” (get paid, then spend).

Here is a general explanation of how the financing flows.

- ❖ Agreement
 - Action: The Tribe and DOT sign the Annual Funding Agreement.
 - Significance: This single document legally obligates DOT to pay you. You do *not* need to submit individual invoices for every pothole filled or hour worked to get the cash.
- ❖ Apportionment & Allocation
 - Action: The Office of Tribal Government Affairs (OST-T) verifies your Funding Agreement and directs the operating administrations (FHWA or FTA) to “release” the funds.
 - Mechanism: The operating administration (FHWA or FTA) moves the budget authority from the Federal accounts to your specific Tribal account within the Federal payment system.
- ❖ The Transfer (The "Draw Down")
 - System: The Tribe’s preferred electronic financial management system
 - Action: Your Finance Director logs into preferred system

- *Scenario A (Lump Sum)*: If your agreement says “Annual Lump Sum,” you see the full amount available (e.g., \$500,000). You “Request Payment” for the full amount.
 - *Scenario B (Periodic)*: If your agreement says “Quarterly,” you see 25 percent of the funds available every three months.
- **Speed**: Once requested, the funds usually hit your bank account within one to three business days.

Step 4: Receipt & Investment

- **Action**: The funds land in the Tribe’s commercial bank account.
 - **Key Advantage**: Unlike standard grants, you can earn interest on these funds while they sit in your account waiting to be spent. That interest *must* be spent on transportation purposes, but it is effectively “free money” to the Tribe.
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High-Level Overview

Feature	Standard Grant / “638” Contract	Self-Governance (TTSGP)
Trigger for Payment	Submission of detailed invoices/receipts (Reimbursement).	Execution of the Funding Agreement (Advance).
Cash Flow	Reimbursement: You spend Tribal cash first, then wait 30-90 days for repayment.	Advance: You receive Federal cash first, then pay vendors.
Interest Income	Restricted: You generally cannot keep interest earned on Federal advances.	Allowed: You can invest the advance and keep the interest for transportation projects.
Unspent Funds	Use it or Lose it: Often expires or is hard to carry over.	No-Year Money: Funds remain available until spent (indefinite carryover).

Transitioning to Self-Governance from BIA 638 Contract

Transitioning from a Title I DOI BIA “638 Contract” to a DOT “Self-Governance Compact” is a significant upgrade in authority. The most important concept to grasp is that you are not “quitting” the program; you are “replacing” the legal instrument.

The BIA will manage its agency’s close-out process and the requirements that the Tribe must complete prior to the transition.

The Tribe with direct assistance from DOT will work with the BIA to move the program into the TTSGP.

Including Non-Highway & Modal Funds in the TTSGP

➤ Legal Authority

Under 23 U.S.C. § 207 and 49 CFR part 29, Tribes may expand their self-governance compacts beyond standard road funds and transit funds. This allows for the consolidation of various DOT funding streams into a single agreement, streamlining administration and cash flow.

➤ The Core Distinction: Formula vs. Competitive

While you can *include* other DOT funds, your ability to change how they are used depends on the funding type:

- Formula Funds (*e.g.*, TTP, Tribal Transit): High flexibility. You have statutory authority to redesign projects, consolidate funds, and shift priorities.
- Competitive Funds (*e.g.*, FAA, FRA, MARAD): Low flexibility. These funds can be transferred via the compact for administrative ease, but you cannot redesign the scope. You are legally bound to use the funds exactly as described in your winning grant proposal.

➤ MMIW & Human Trafficking Prevention

Funds for MMIW (Missing and Murdered Indigenous Women) and trafficking prevention can only be included if they originate from DOT.

- Eligible (DOT Sources):
 - TTP Safety Fund: Can be used for “hard” infrastructure prevention, such as high-intensity lighting at bus stops, emergency call boxes, and surveillance cameras on transit routes.
- Ineligible (Non-DOT Sources):
 - Grants from the Department of Justice (Office on Violence Against Women) or BIA (Office of Justice Services) cannot be transferred into a DOT self-governance compact.

➤ Strategic Benefits of Inclusion

Even without redesign authority, including these funds in your compact offers three key advantages:

1. Single Funding Stream: Reduces the number of Federal drawdowns your finance department must manage.
 2. Indirect Costs: Easier application of your negotiated indirect cost rate to project administration.
 3. Audit Simplicity: cleaner tracking for your annual Single Audit.
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Letter of Intent to Include Non-Highway

Below is a template for a Letter of Intent. You can copy this onto your Tribal letterhead, fill in the bracketed information, and send it to initiate the process. This is a general template, and Tribes are not required to use this template; we provide it as a resource.

Instructions for Sending

1. Physical Mail: Send the original signed copy to the address below.
2. Email: Scan the signed letter and email it immediately to TribalAffairs@dot.gov and Milo.Booth@dot.gov. This establishes the official “receipt date” which starts the clock on their response time (usually 45-90 days).

[INSERT TRIBAL LETTERHEAD]

[Date]

The Honorable [Name of Assistant Secretary] Assistant Secretary for Tribal Government Affairs
U.S. Department of Transportation 1200 New Jersey Avenue, S.E. Washington, D.C. 20590

Re: Intent to Negotiate Inclusion of [Grant Name] Funds into Tribal Transportation Self-Governance Program (TTSGP) Funding Agreement

Dear Assistant Secretary [Name of Assistant Secretary]:

On behalf of the [Name of Tribe], I am writing to request formally the inclusion of recently awarded Department of Transportation competitive grant funds into our Tribal Transportation Self-Governance Program (TTSGP) Funding Agreement, pursuant to 23 U.S.C. § 207(d)(2)(A)(i) and 49 CFR § 29.400.

The [Name of Tribe] was successfully awarded funding under the [Name of Agency, *e.g.*, Federal Railroad Administration] for the [Name of Grant Program, *e.g.*, Railroad Crossing Elimination Program]. We request that these funds be transferred through our existing Program Funding Agreement to streamline financial administration and reduce administrative burden.

Grant Details:

- **Federal Agency:** [*e.g.*, Federal Railroad Administration (FRA)]
- **Grant Program Name:** [*e.g.*, FY2025 Railroad Crossing Elimination Program]
- **Project Title:** [Title exactly as it appears on award letter]
- **Award Amount:** \$[Amount]
- **Grant/Award Number:** [Insert Number if known]

We acknowledge that while these funds will be transferred via the Self-Governance vehicle, they retain their character as competitive grants. The **[Name of Tribe]** understands that these funds are not subject to the redesign or reallocation authority typically afforded to formula funds, and we commit to utilizing these funds strictly for the scope of work identified in our approved grant application and award notification.

Please consider this letter our formal offer to amend our current Program Funding Agreement to include these funds. We look forward to your response within the regulatory timeframe.

Our designated point of contact for this negotiation is **[Name of Contact Person]**, who can be reached at **[Phone Number]** or **[Email Address]**.

Sincerely,

[Signature of Tribal Leader]

[Printed Name of Tribal Leader] [Title, *e.g.*, Chairman/Governor/President] [Name of Tribe]

Cc: [Name], Self-Governance Coordinator [Name], Tribal General Counsel

❖ **Department of Transportation: Contact Information**

For the TTSGP, the primary point of contact is the Office of Tribal Government Affairs within the Office of the Secretary (OST) of DOT. This office oversees the self-governance relationships.

Primary Contact for TTSGP Inquiries:

- Office Name: Office of Tribal Government Affairs (OST-T)
- Director: Milo Booth
- Email: milo.booth@dot.gov or TribalAffairs@dot.gov
- Phone: 202-366-9494 (General Line)

For Technical TTP Questions (FHWA): If you have technical questions regarding your current Tribal Transportation Program (TTP) that might transition into self-governance:

- Office Name: Federal Highway Administration (FHWA) - Office of Tribal Transportation
- Website: <https://highways.dot.gov/federal-lands/tribal/contact-info>

For Technical TTP Questions (FTA): If you have technical questions regarding your TTP that might transition into self-governance:

- Office Name: Federal Transit Administration – Office of Program Management
- Director of Transit Programs: John Bodnar
- Email: john.bodnar@dot.gov
- Phone: 202-366-2053 (General Line)