

US DOT/FTA Tribal Transit Symposium

LISTENING SESSION AND UPCOMING CONSULTATION

Why is FTA hosting a Listening Session during the Tribal Transit Symposium?

The Federal Transit Administration (FTA) is committed to ensuring that programs, policies, and procedures are responsive to the needs and concerns of Indian Tribes. USDOT [Order 5301.1](#) (Order) explains that FTA will engage in formal Government to Government consultation with federally recognized Tribes before taking any action that may significantly or uniquely affect them. Potential policy changes under the Tribal Transit Competitive Program that FTA is considering may significantly affect Tribes.

The formal consultation process will include the publication of a Notice in the Federal Register and invitation for Comments with subsequent response to the comments, as well as in-person and virtual group discussion of consultation topics.

A session at the Tribal Transit Symposium will be used to gather initial feedback from participants to inform specific consultation content.

How is the Listening Session Structured? FTA will conduct a listening session during the Tribal Transit Symposium in Oklahoma City on May 24-25. FTA has prepared questions for the Listening Session. Questions will be provided to participants on Day 1, and there will be an opportunity for further discussion and feedback on Day 2 of the Symposium. This will give the participants an opportunity to caucus and discuss the questions prior to providing feedback.

What are the types of topics that will be covered in the Listening Session? The Bipartisan Infrastructure Law authorizes \$45.8 million in competitive funding over five years for the Tribal Transit Program (TTP). In FY23, \$8.9 million is made available under the TTP and eligible projects include planning, capital, and operating assistance. FTA is considering some policy changes related to administration of the competitive program. FTA is also interested in improving the technical assistance provided to Tribal recipients, and seeks feedback on how best to do that.

The questions center on topics regarding the Tribal Transit Competitive Program and technical assistance that FTA provides to Tribes. FTA is interested in both direct responses to the questions as well as ideas on changing, expanding, or adding additional topics to be included in Tribal consultations.

The topics for consultation will include, but are not limited to the following:

- Increasing/removing \$25,000 cap for planning funds under the TTP competitive program;
- Removing match requirements under the TTP competitive program;
- Formula threshold for operating assistance eligibility under the competitive program;
- Improvements to FTA's Tribal technical assistance efforts

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Questions for Listening Session Discussion

Tribal Transit Competitive Program:

1. *Should TTP competitive program funds continue to support capital, operating and planning projects? These types of projects are currently eligible under the program.*
2. *Should operating assistance under the competitive program be limited based on the amount of TTP formula allocation received? In the past, FTA has limited operating assistance to applicants who receive less than \$20,000 under the TTP formula program.*
3. *Should TTP competitive program funds continue to support start-up, expansion, and replacement capital projects? These projects are currently eligible under the program. Should FTA prioritize start-up projects in order to advance Tribal transit providers into the formula program?*
4. *Should FTA establish a minimum and maximum grant amount under the TTP competitive program? Currently, there is no minimum or maximum set for allocations under this program. However, planning grants are capped at \$25,000.*
5. *Should FTA continue to cap planning grants at \$25,000 under the competitive program? Should FTA increase the allocation amount for planning grants?*
6. *Should FTA require a 90/10 Federal/local match for Tribes for both capital and operating assistance projects under the TTP competitive program? If so, should FTA continue to include an option for Tribes to submit a local match waiver request? Currently, there is no match required for both the competitive and formula program. However, in the past, a match of 10 percent was required on competitive program projects, unless the Tribe applied for a hardship waiver.*
7. *Should FTA retain the condition that indirect costs not exceed 10 percent of each Tribal Transit competitive grant allocation?*
8. *Should FTA continue to provide Tribes 90 days to submit applications under the TTP competitive program Notice of Funding Opportunity? In the past, FTA has had either a 60-day or a 90-day deadline for application submission under the TTP competitive program.*

Tribal Transit Technical Assistance:

1. *How can FTA improve its technical assistance efforts for Tribal recipients? Currently, FTA offers technical assistance to Tribes through its Tribal Transit Technical Assistance Assessments and the National Rural Transit Assistance Program (NRTAP). FTA regional offices also provide direct Technical Assistance to Tribal recipients in their region.*

Suggestion of other topics from Tribes for discussion during consultation?

Feedback? Please send all questions, comments, and feedback to TribalTransit@dot.gov.