
ROAD CONSTRUCTION
Table of Contents

1. General
 - .1 Objectives
 - .2 General Policies
 - .3 Definitions
2. Program Authority
 - .1 Basic Authority
 - .2 Procedural Authorities
 - .3 Budget and Financial Authorities
 - A. Contract Authorization
 - B. Liquidation Authority
 - C. Obligational Limitations
 - D. Annual Program Authorization Approval
3. Organization and Responsibilities
 - .1 General
 - .2 Central Office
 - A. Washington Office
 - B. Albuquerque Staff
 - .3 Area Office
 - .4 Agency
 - .5 Method of Handling Small Workloads
4. Road Systems
 - .1 Establishment of the BIA Road System
 - .2 Functional Classification
 - .3 Changes to the BIA Road System
5. Long-Range Planning
 - .1 Transportation Objectives
 - .2 BIA Road Inventory and Needs Study
 - .3 Application of Long-Range Planning
6. Development of Program
 - .1 General
 - .2 Estimate of Future Funding Levels
 - .3 Presentation of Alternatives
 - .4 Requests for Road Improvement Projects at the Reservation Level
 - .5 Review at the Agency Level
 - .6 Review at the Area Office Level
 - .7 Central Office approval
 - .8 Roads Apportionment Formula
 - .9 Road Planning Studies by Tribal Officials
 - .10 Streets Serving Housing Projects
 - .11 Service Drives and Parking Lots
 - .12 Private Roads

ROAD CONSTRUCTION
Table of Contents

7. Annual Work Program
 - .1 Agency Preparation
 - .2 Area Office Review and Approval
 - .3 Central Office Review and Approval
 - .4 DOT Certification of BIA Funds as Supplementary on Federal-Aid Route Projects

8. Survey, Design and Plans
 - .1 Responsibility for Survey, Design and Plans
 - .2 Roads Eligible for Survey and Design
 - .3 Methods of Performing Survey and Design
 - .4 Design and Planning Criteria
 - .5 Detailed Surveys
 - .6 General Design
 - .7 Specifications
 - .8 Submission of Plans for Approval
 - .9 Right-of-Entry
 - .10 Right-of-Way
 - .11 Minimum Sampling Guide

9. Public Hearings
 - .1 Objectives
 - .2 Criteria for Conducting Public Hearings
 - .3 Procedures for Conducting Public Hearings

10. Construction
 - .1 Responsibility for Construction
 - .2 Eligibility of Projects for Construction
 - .3 Method of Construction
 - A. Indian-owned Companies
 - B. Force Account
 - C. Open Market Contracts
 - .4 Management of Road Projects
 - A. Force Account Projects
 - B. Contract Projects
 - C. Work Performance and Materials Standards
 - .5 Orderly Work Procedures
 - .6 Signing for Construction Projects

11. Equipment Management System

12. Reports
 - .1 General
 - .2 Road Construction Control Schedule
 - .3 Project Justification Checklist
 - .4 Progress Report
 - .5 Completion Notice and Project Capitalization

ROAD CONSTRUCTION
Table of Contents

13. Memorandum of Agreement between the BIA and the Federal Highway Administration

SUPPLEMENTS TO 57 BIAM

- No. 1 Road Construction Handbook
- No. 2 Road Construction Quality
- No. 3 Equipment Management System (To be Issued)
- No. 4 Inventory and Mapping (To be Issued)
- No. 5 Approved Road Construction Forms (To be Issued)

ROAD CONSTRUCTION
General

1. General

1.1 Objectives: The objectives of the Bureau's Road Construction Program are to provide an adequate network of roads serving Indian lands to support the social and economic development of Indian communities. Tribal priorities shall be established for each reservation and shall be used as a working guideline to formulate the Road Construction Programs of each reservation.

1.2 General Policies: The Bureau's general policies regarding the Road Construction Program are:

A. To comply with applicable statutes and regulations pertaining to constructing Indian reservation roads and bridges.

B. To recognize tribally designated reservation road committee members as the officials responsible for reviewing the reservation road construction needs and recommending priorities to the tribal council.

C. At multi-tribal Agencies, to encourage the use of Agency Road Committees in reviewing the road needs of reservations within the jurisdiction of each Agency Office and in making recommendations to the Bureau of Indian Affairs on the annual schedule of road construction for that Agency.

D. To encourage the maximum practical interaction between the tribal officials and individual reservation citizens in identifying and establishing the priorities of the reservation road needs.

E. To insure that the selection process of future projects by tribes is conducted by being fully aware of all pertinent facts, project alternatives, and the likely consequences of each project alternative.

F. To insure, by open hearing procedures on scheduled projects, that all projects constructed meet the overall reservation development plan and the needs of the local reservation citizens.

G. To design and construct roads to current accepted engineering standards for appropriate traffic volume. This includes employing efficient work methods.

H. To perform the design, construction, and construction supervision of road projects in such a way as (1) to provide technical and managerial training experience to local Indian citizens, (2) to promote employment of Indian citizens, and (3) to promote the development of Indian road construction contractors.

I. To enlist the participation of local governments or outside agencies in the funding or joint funding of tribally selected road construction

ROAD CONSTRUCTION
General

projects; especially at those locations where road projects serve non-Indian land, as well as Indian land.

1.3 Definitions:

A. Indian Reservation Roads and Bridges. The term "Indian reservation road and bridges" means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians. This term includes all or part of the following systems.

(1) Bureau of Indian Affairs (BIA) Federal-Aid Highway System. The term "BIA Federal-Aid Highway System" means those existing public highways and proposed routes which qualify as Federal-aid routes pursuant to the provisions of section 103 of 23 U.S.C. and for which the Bureau of Indian Affairs has or plans to obtain legal right-of-way.

(2) Bureau of Indian Affairs (BIA) Reservation Development Road System. The term "BIA Reservation Development Road System" means those existing public highways and proposed routes for which the Bureau of Indian Affairs has, or plans to obtain, a legal right-of-way and which serve the development need of Indian reservations and Alaskan Native villages which have been approved by the Area Director.

(3) Tribal Road System. The term "Tribal Road System" means those public roads whose right-of-way is under the jurisdiction of a tribe.

(4) Private Roads. The term "Private Roads" means those roads and driveways which are privately-owned.

(5) County Road System. The term "County Road System" means those public roads whose right-of-way is under the jurisdiction of a county.

(6) State Highway System. The term "State Highway System" means those public highways whose right-of-way is under the jurisdiction of a State.

B. Villages, Groups and Communities. The phrase "Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside" used in Paragraph A means villages, groups and communities or portions of villages, groups, and communities in which the majority of the residents are Indians or Alaskan Natives.

ROAD CONSTRUCTION
General

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~~C.I.~~ Reservation Road Committee means tribal members designated by the chairman or the general council to represent the tribe in reviewing and considering the road needs and formulating the annual priority listing of road improvement needs for the tribe.

~~D.S.~~ Agency Road Committee. For multi-tribal Agencies, a committee whose members are approved by the individual tribal councils of those tribes administered by such Agencies for the purpose of working with the Bureau in determining the Agency's annual priority listing of road improvement needs.

~~E.X.~~ Road Construction means supervising, inspecting, actual building and all expenses incidental to the construction of a highway, road, trail, pedestrian routes, boardwalks or community streets, including adjacent vehicular parking areas, elimination of roadway hazards, and the acquisition of rights-of-way. The acquisition of rights-of-way includes the acquisition and replacement of existing housing as determined by 23 U.S.C., Chapter 5.

~~F.X.~~ Engineer's Estimate means the detailed, itemized estimate of proposed road construction work and unit costs prepared by the road engineer. This estimate shall be based on the prevailing contract unit prices, if project is to be constructed by contract, and actual cost estimates, if it is to be constructed by force account method. (Cost comparisons of force account vs. contract shall be conducted in accordance with the requirements of OMB Circular A-76, prior to programming on the Control Schedule.) The engineer's estimate shall include sufficient funds for construction engineering.

ROAD CONSTRUCTION
Program Authority

2. PROGRAM AUTHORITY

2.1 Basic Authority. 25 U.S.C. 318a which is the basic authority establishing the Bureau's Road Construction Program reads as follows:

"Appropriations are authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision and engineering, and the employment of Indian labor in survey, improvement, construction and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior." (May 26, 1928, 45 Stat. 750, Chapter 756).

2.2 Procedural Authorities. The procedural authorities for the operation of the Road Construction Program are contained in 23 U.S.C., Section 208, and are as follows:

A. "Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

B. The Secretary (of Transportation) shall approve the location type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary (of Transportation).

C. Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

D. Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

E. Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds received from a State, county or local subdivision shall be credited to appropriations available for Indian reservations roads and bridges." (P. L. 87-282, September 22, 1961, 75 Stat. 584).

When arrangements are made for county, State governments or the Federal Highway Administration to construct a tribally selected project, the Bureau's road construction funds for this project may be transferred through the Federal Highway Administration. (See 23 U.S.C., Section 308[a]).

ROAD CONSTRUCTION
Program Authority

2.3 Budget and Financial Authorities. The budget and financial authorities for the Road Construction Program are as follows:

A. Contract Authorization. The authority for entering into contracts is provided in Title 23 U.S.C., Section 203. The term "authorization" means Congressional action which establishes maximum funding levels for specific time periods. Applicable portions of this section read as follows:

"Funds authorized for.....Indian reservation roads.....shall be available for contract upon apportionment, or on October 1 of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated" (P.L. 85-767, August 27, 1958, 72 Stat. 906). [emphasis added]

The amounts authorized to be available for contract for each fiscal year are provided in the Federal-Aid Highway Acts. A typical example of the wording used to provide the amounts of contract authority is excerpted from Section 104 of the Federal-Aid Highway Act of 1978:

"For the purpose of carrying out the provisions of Title 23, United States Code, the following sums are hereby authorized to be appropriated:.....For Indian reservation roads and bridges \$83,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

B. Liquidation Authority. The authority for the liquidation amounts is provided in the annual Interior Appropriations Act. The appropriated amount is the amount necessary to liquidate the obligations that will come due during the specified fiscal year. An example of the wording used to provide the liquidation authority is excerpted from Title I of the Interior Appropriations Act of 1978:

"The following sums are appropriated out of any money in the Treasury not otherwise appropriated for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, namely:.....for construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, and 25 U.S.C. 13, 318a, \$66,479,000 to remain available until expended."

ROAD CONSTRUCTION
Program Authority

C. Obligational Limitations. Occasionally the authority for the liquidation amounts is not a large enough amount to liquidate all of the amounts authorized to be available for contract in the Highway Act. On such occasions obligational limitations are established which is less than the maximum amount authorized in the Federal-Aid Highway Act, limiting the amount of new obligations during the specified fiscal year.

D. Annual Program of Authorization Approval. No funds shall be expended on a project prior to being approved on the annual program by the Commissioner of Indian Affairs. Administrative expenditures may be continued as necessary to carry on the normal program until the annual program is approved.

ROAD CONSTRUCTION
Organization and Responsibilities

3. ORGANIZATION AND RESPONSIBILITIES

3.1 General. The Bureau of Indian Affairs and the Federal Highway Administration have been designated to jointly administer the B.I.A. Indian Roads and Bridges Construction Program. The Bureau of Indian Affairs is responsible for administering, implementing and managing the program. The Federal Highway Administration is responsible for general supervision, and approving the location, type, and design of all road projects. Details of how this program will be administered are set forth in a Memorandum of Agreement between the Federal Highway Administration and the Bureau of Indian Affairs (see Section 13). The general policy on organization is to locate personnel as close to operations as is practical, taking into consideration the type of work to be performed and the workload.

3.2 Central Office. Central Office staff responsibilities for the B.I.A. Indian Road Construction Program are assigned to the Division of Transportation, which reports to the Office of Tribal Resources Development.

A. Washington Office. The Chief, Division of Transportation, and his staff at the Washington Office, is responsible for the following functions:

(1) Advise the Commissioner of Indian Affairs on policy matters relating to reservation roads and bridges. This includes the preparation and maintenance of manuals and handbooks on road and bridge construction.

(2) Assist in the preparation of budget estimates and budget justifications; advise the field offices on the execution of road programs; and represent and communicate with respect to the Bureau's road and bridge program to offices within the Bureau, the Department, to other Agencies and outside inquirers.

(3) Advocate road improvement needs of the Indian people both on general legislative matters and for special project needs.

B. Division of Transportation—Albuquerque Staff. The Division of Transportation—Albuquerque Staff is primarily the technical supportive staff to the Washington Office. Under the supervision of the Chief, Branch of Engineering, the Division of Transportation Staff at Albuquerque, New Mexico, is responsible for the following functions:

(1) To provide Area Offices with automated road and bridge design services from road survey data and design criteria.

(2) To maintain a computerized B.I.A. Road Inventory and Needs Report, including collecting the data, editing, processing and the preparation of summary reports.

ROAD CONSTRUCTION
Organization and Responsibilities

- (3) To provide the services of a Bridge Engineer and to maintain a bridge inventory and inspection program of the BIA Road System.
- (4) To audit the construction quality of road and bridge projects and assist Areas in correction of deficiencies.
- (5) By use of an informational system, advise on the execution of road programs, the adherence to established policies, engineering standards, and construction practices.
- (6) Coordinate a Bureau-wide equipment management program to provide technical assistance to Areas and summarize reporting for Bureau use.

3.3 Area Office. The Area Road Engineers in the Area Offices serve in a staff capacity to the Area Director in the administration of the Bureau's road construction and maintenance programs in their respective Areas. Responsibilities of the Area Road Engineer are as follows:

- A. Implement the policies of this manual; advise Agency personnel on general planning, the preparation of plans, specifications and estimates, and in the management and inspection of all construction projects.
- B. Monitor the road construction program for compliance to the regulations of this manual by periodic inspections and agency reports.
- C. Prepare bid proposals, contract documents, advise and make recommendations to the Contracting Officer on matters for all projects being constructed by contract.
- D. Advise on the general management of personnel and equipment.
- E. Review Agency reports and consolidate Agency information into Area summary reports as required by the Central Office.
- F. Develop and maintain an Area-wide equipment management system.
- G. Review and approve plans and specifications for all road construction projects in the Area.
- H. Perform liaison work with tribal officials, other Bureau offices, county, state and Federal offices, and private organizations.

At locations where Indian lands are under the direct supervision of the Area Director, or at Agencies where the line authority for the road construction program has not been delegated to the Superintendent, the Area Road Engineers are assigned line duties for administering the Road Construction Program and in such capacity they perform the functions of the Agency Road Engineer.

ROAD CONSTRUCTION
Organization and Responsibilities

3.4 Agency. The functions of the Agency are as follows:

At the discretion of the Area Director the direct responsibility for performing the planning, surveys, design, preparation of plans, specifications and estimates may be delegated to the Agency Superintendent. If this responsibility is not delegated to the Agency level, the Agency Road Engineer shall participate in and shall assist the Area Road Engineer in performing these functions.

Prior to delegating this authority, the Area Director shall evaluate the Agency's staff capabilities of performing this work in accordance with Bureau policy and procedures. Delegation shall be made by memorandum. Failure to maintain adequate staff or perform in accordance with Bureau policy and procedures may be reason to withdraw the delegation of authority.

A. Maintain a long-range road planning program; conduct or assist with the annual update of the BIA Road Inventory and Needs Study for roads under his jurisdiction.

B. Act as technical adviser to tribes by presenting construction alternatives and other technical information for use in establishing annual priorities for proposed road improvement projects.

C. Assist tribes in preparing written project justifications. Prepare the annual program of authorization for the expenditure of Agency allocations, the road construction control schedules and other required reports.

D. Conduct training and work experience programs for local Indian citizens in the development of road and bridge building skills, equipment operations skills, and other related technical skills.

E. Provide supervision and inspection of force account road and bridge projects. This includes insuring that orderly work procedures are followed in order to maintain a safe working environment.

F. Perform the duties of the "Contracting Officer's Representative" on work performed by contract.

G. Act as local liaison to other Bureau Branch offices, tribal councils, Federal Highway Administration, local governments and other agencies.

H. Prepare requisitions and specifications for road supplies and materials for use in force account operations.

I. Maintain financial reports and submit monthly progress reports to the Area Office.

J. Maintain an equipment management reporting system and submits reports as required by the Area Office.

ROAD CONSTRUCTION
Organization and Responsibilities

3.5 Method of handling small workloads. When the workload at an Agency does not justify a full-time Road Engineer, several courses of action are recommended as follows:

- A. Furnish administration and engineering services from the Area Office.
- B. Arrange to have a Road Engineer supervise road activities from a neighboring Agency.
- C. Utilize engineering personnel who are experienced and qualified in more than one line and assign them to manage more than one agency activity.

ROAD CONSTRUCTION
Road System

4. Road System

4.1 Establishment of the Bureau of Indian Affairs Road System. By joint Memorandum of Agreement between the Federal Highway Administration and the Bureau of Indian Affairs, the BIA Road Systems were established. The BIA Road Systems consist of those existing public highways and proposed routes for which the Bureau of Indian Affairs has or plans to obtain legal right-of-way and for which the Bureau of Indian Affairs has the primary responsibility to maintain and improve and which have been jointly designated as such by the Bureau of Indian Affairs and the Federal Highway Administration.

4.2 Functional Classification. As a part of road system management, all roads included on, and submitted for addition to, the BIA Road System shall be classified according to the following functional classifications:

<u>Road Class</u>	<u>Functional Definition</u>
2 - Arterial Roads	Major or minor arterial roads providing an integrated network for serving traffic between larger population centers, towns, and communities or between major State highways. These roads provide for relatively high travel speeds for through-traffic movement. These roads generally provide for the major transportation needs of the Indian population and are spaced at intervals consistent with population density.
3 - Streets	Streets which are located within communities serving residential and other urban type settings.
4 - Local Roads	Section line and/or stub type roads which collect traffic for arterial type roads, make connections within the grid of the Indian reservation road system. May serve areas around villages, into farming areas, to schools, tourist attractions or various enterprises. Also includes roads and vehicular trails for administration of forest, grazing, mining, oil, recreation, or other utilitarian purposes.
5 - Trails	This classification encompasses all paths, trails, walkways, or other designated types of routes for public use by foot traffic, bicycles, trail bikes or other uses to provide for the general access of non-vehicular traffic.

ROAD CONSTRUCTION
Road System

4.3 Changes to the BIA Road Systems. A change to the BIA Systems is an addition of a proposed route, the deletion of all or part of a route, or change in the termini, length, or intermediate location between approved termini. Changes to the BIA Road System shall be initiated by the tribal governing body or the Bureau. When the proposed change has been agreed upon by the Agency Superintendent and the tribal governing body, their joint recommendation shall be submitted, with the necessary supporting data, to the Area Director for approval. The Area Director shall send a copy of the approved documents to the Division Engineer of the Federal Highway Administration for review.

ROAD CONSTRUCTION
Long-Range Planning

5. Long-Range Planning

5.1 Transportation Objectives. The Bureau's objectives for the Road Construction Program are general guidelines only. Specifically, the objective is to construct to current design standards all arterial highways, all community streets and at least one-half of the local roads on the BIA Road Systems. The reservation's objectives for transportation and the Road Development Program for each reservation shall be established jointly by the Superintendent and the local tribal governing body. Copies of these objectives shall be kept at the Agency and Area Offices and used as a working guideline in formulating the Road Construction Program of each reservation. The general economy of the region in which the reservation is located and the overall reservation objectives shall be a factor in determining the transportation objective.

5.2 BIA Road Inventory and Needs Study. An Inventory and Road Needs Study of the BIA Systems has been prepared in cooperation with the Federal Highway Administration. This report shows statistical data and need for each individual route, as well as the total backlog of road needs of each reservation. The report shall be updated and maintained in accordance with instruction of the Inventory and Mapping section of this Manual.

5.3 Application of Long-Range Planning. The BIA Road Inventory and Needs Report, together with the narrative statement of the reservation's objectives for transportation, will provide the information needed for long-range planning, and will be a major factor in presenting the overall needs for roads on Indian reservations. The reservation road objectives shall be a major consideration in the assignment of annual Agency and Area level project priorities.

ROADS CONSTRUCTION
Development of Program

6. Development of Program

6.1 General. The Bureau of Indian Affairs is responsible for keeping tribes informed of alternatives in road planning and to formulate road construction programs which have the full participation and approval of tribal officials. The assigning of priorities to road projects to be constructed shall primarily be the responsibility of tribal officials. Accordingly, tribes are encouraged to establish reservation road committees for appraising, ranking and reporting the reservation road needs.

The funding for the Bureau's road construction program is determined by the annual appropriations.

6.2 Estimate of Future Funding Levels. The Bureau shall keep the tribal council and/or the Agency Road Committee informed concerning the roads budget and planning process.

6.3 Presentation of Alternatives. The presentation of alternatives may be held annually in conjunction with the Agency's scheduled budget meetings or held separately in advance of such meetings. At this presentation the Superintendent shall recommend road projects for future construction. For each project alternative, supportive data shall be furnished on the estimated construction costs, the type of road materials to be used, the planning or lead time required before construction and the likely results or effects.

Consideration shall be given to possibly reconstructing certain roads requiring extensive upkeep so as not to lose the investment of previous construction and also so as not to overburden the road maintenance program. In locating new communities, schools, hospitals, housing and other public works improvements, the cost of new roads as compared to the possible savings resulting from building near an existing road should be given due consideration.

Tribal officials must have sufficient knowledge of facts and alternatives in order to make responsible decisions on the selection of high priority road needs. Many of these facts and alternatives are technical in nature and the transfer of this information from road engineers to tribal officials is critical to the project scheduling process. The presentation of alternatives shall be conducted in accordance with guidelines shown in the Roads Construction Handbook, 57 BIAM Supplement 1.

6.4 Requests for Road Improvement Projects at the Reservation Level. From technical data available in the latest B.I.A. Road Inventory and Needs Report, from discussions of road planning alternatives, and from estimates of future years' funding amounts, the Bureau shall prepare and submit to the tribe for their review and approval a Control Schedule, Form 5-5705, showing their proposed road construction projects for the current year, budget year, budget year +1.

ROAD CONSTRUCTION
Development of Program

Each project on this listing shall be assigned a tribal or reservation priority number and new projects shall be supported by an individual project justification, Form 5-5714, signed by the appropriate tribal official. These forms shall be submitted to the Agency level for review.

6.5 Review at the Agency Level. At multi-tribal Agencies the Agency Road Committee shall review the project justifications as submitted by tribes and shall assign an Agency priority number to the proposed projects justified by tribes. At single reservation Agencies the tribal or reservation priority numbers shall be used as the Agency priority numbers. Guidelines for the assignment of priority numbers to proposed projects are contained in the Road Construction Handbook.

Negotiation and adjustments of projects may be necessary for the total amounts of the selected projects to equal the level of funding established for the Agency road construction program.

After the total estimated amounts of the selected projects have been adjusted to equal the approved amount of funding for the Agency road construction program, the Superintendent shall prepare the Control Schedule, Report 57-05 on Form 5-5705.

The Control Schedule showing the Agency's proposed road construction program, together with the project justifications for new projects, shall be submitted to the Area Office.

6.6 Review at the Area Office Level. The Area Director shall then review the Control Schedules for accuracy and completeness. From the Control Schedules the Area Office will prepare Highest Priority Listing of Road Projects for the Budget Year. After approval by the Area Director, the Highest Priority Listing and the Control Schedules shall be sent to the Central Office prior to February 15.

6.7. Central Office Approval. After review of the Control Schedules by the Division of Transportation staff, the Highest Priority Listing shall be submitted for the review and approval of the Commissioner.

The Commissioner's approved Highest Priority Listing of Road Construction Projects becomes the construction schedule which can be revised only by the approval of the Commissioner. Any requested revision of the Highest Priority Listing shall be accompanied by a revised Control Schedule approved by those officials whose priorities are being revised (the tribe, Agency, or Area Office).

The Commissioner's approval of the Highest Priority Listing shall be based on the evaluation of the responsibility exhibited by tribes and the capability of the Areas or Agencies to manage the Commissioner's responsibility for providing a sufficient road system in relation to the other needs of the Indian communities.

ROADS CONSTRUCTION
Development of Program

6.8 Roads Apportionment Formula. The following distribution formula will be used to allocate road construction funds from the Central Office to the Areas and from the Area Office to the Agencies. Requests for deviation from this formula distribution must be submitted by the Area Director with supporting justifications for approval of the Commissioner.

A. One-third of the amount shall be allocated in the ratio which the miles of roads of each Agency or Area Office jurisdiction bear to the miles of roads of all Agency or Area Offices as determined by the latest approved BIA Road System Inventory. This applies to roads for which right-of-way has been or will be acquired by the Bureau.

B. One-third of the amount shall be allocated in the ratio which the area of Indian trust land of each Agency or Area Office jurisdiction bears to the area of Indian trust land of all Agency or Area Offices as reported by the Bureau of Indian Affairs.

C. One-third of the amount shall be allocated in the ratio which the rural Indian population of each Agency or Area Office jurisdiction bears to the rural Indian population of all Agency or Area Offices.

The relative small size of many reservations may require that road improvement projects be rotated in order to achieve economy of scale for each project. If this is the case, the five-year average (or longer, if justified) of road construction allocations to each reservation should reflect the formula distribution.

6.9 Road Planning Studies by Tribal Officials. Reimbursement for approved travel expenses of tribal officials for performing road planning is an authorized charge to the road construction account for road planning (2 BIAM 2.12 H [Component 3491]). The specific approval of such travel shall be consistent with the overall plan to perform the necessary road planning activities (planning, surveys and design) as described in Sections 6.1 and 6.2.

6.10 Streets Serving Housing Projects. All clustered site public housing projects which are being planned by the local housing authority of the Department of Housing and Urban Development should include within the cost of the development program, funds sufficient for the construction of paved streets and driveways within the project site. However, the construction of the access roads to the project site will continue to be the responsibility of the Bureau of Indian Affairs. It is mandatory that all Bureau Divisions and Branches work in harmony to coordinate the planning of the housing projects with the local Indian housing authorities.

ROAD CONSTRUCTION
Development of Program

6.11 Service Drives and Parking Lots. All industrial and community developments being planned by the tribe should include within the cost of the development sufficient program funds for the construction of the necessary service drives and parking lots. The construction of access roads to these developments will continue to be the responsibility of the Bureau of Indian Affairs.

6.12 Private Roads. Roads serving private homes, private sectarian schools, or any other similar non-public roads, are not eligible for construction under this program.

ROAD CONSTRUCTION
Annual Work Program

7. Annual Work Program

7.1 Agency Preparation. It is the responsibility of the Agency Road Engineer to prepare the annual Control Schedule, Report 57-05, Form 5-5705, which reports prior years actual outputs, current year program of authorization, priority of projects, and estimates for the planning period of budget year, and budget year +1. At locations where there is no Agency Road Engineer, the Area Road Engineer shall perform these duties under the general supervision of the Superintendent or the Area Director. The program of authorization shall consist of detailed plans and estimates of all work planned for the current year. The Agency shall submit the proposed Control Schedule to the tribal road committee in a timely manner to allow them adequate time to review and suggest changes when necessary. The final program shall be a cooperative effort by the Agency and tribal road committee.

If a Schedule acceptable to both parties cannot be agreed upon, then both proposals shall be submitted to the Area Director for final resolution.

If the Road Committee approves the Schedule, they will present it to the Tribal Council for approval. The Agency Superintendent shall also approve the Schedule and forward it to the Area Director.

7.2 Area Office Review and Approval. The Area Office shall review each Control Schedule for correctness, completeness, uniformity and appropriate regulations, instructions, and guidelines. Area Offices shall also prepare a Control Schedule for Agencies whose road construction programs are administered by the Area Office and Area Office staff support.

Both the Area Road Engineer and the Area Director shall approve the Program of Authorization of all road construction funds programmed within each Area.

7.3 Central Office Review and Approval. The Chief, Division of Engineering, shall review all Control Schedules for completeness and budgetary control and present them with a summary report to the Commissioner of Indian Affairs for his approval. The Commissioner's approval shall constitute the authorization of the current year's annual program. Copies of the completed and approved Program of Authorization shall be submitted to the Branch of Financial Management, Branch of Budget, immediately after final approval by the Commissioner.

7.4 Any road construction projects scheduled on Federal-aid routes shall be submitted to the Secretary of Transportation for his certification that Bureau of Indian Affairs funds are supplementary to and not in lieu of the obligations, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under 104 of Title 23, U.S.C. 104.

ROADS CONSTRUCTION
Survey, Design and Plans

8. Survey, Design and Plans

8.1 Responsibility for Survey, Design and Plans. The Bureau of Indian Affairs is responsible for the planning, location, survey, design, and preparation of plans and specifications and estimates of the Bureau's Road Construction Program.

The Federal Highway Administration is responsible for reviewing and approving the location, type and design of all road improvement projects (see Section 13). Within the Bureau of Indian Affairs, the Area Office is responsible for the survey, design and plans. At the discretion of the Area Director, a portion or all of these functions may be performed at the Agency level.

8.2 Roads Eligible for Survey and Design. It is the policy of the Bureau of Indian Affairs to authorize planning, surveys and design on any public road meeting the criteria of "Indian reservation roads and bridges," and being programed on the Agency Control Schedule.

8.3 Methods of Performing Survey and Design. Survey and design work shall be performed in accordance with the general professional practice in the highway field. The Bureau's Road Location and Design Handbook provides guidelines in surveys and design which may be used. Copies of this Handbook may be obtained by contacting the Division of Transportation Staff in Albuquerque, New Mexico.

8.4 Design and Planning Criteria. The Superintendent is responsible for convening a meeting to reach decisions regarding:

- A. The general design standards;
- B. The number of open hearings required (see Section 9);
- C. Whether an environmental impact statement is required; and

D. Method of construction for projects approved on the Control Schedules. Appropriate tribal officials shall be invited to attend this meeting.

8.5 Detailed Surveys. Only such detailed surveying should be performed that is necessary for the building of a road or bridge in the proper location, type and design. Care should be taken not to over-survey when collecting sufficient information needed for safe, economical designs. The use of abbreviated plans is permitted and should be utilized wherever appropriate. All right-of-way surveys shall be in accordance with 25 C.F.R. Part 161.

8.6 General Design. The decision process in arriving at the basic design criteria of proposed road projects shall be based on a comparison of "total costs" of alternate designs. "Total costs" means the estimated initial cost of construction, plus the estimated annual recurring maintenance cost for that particular design.

ROAD CONSTRUCTION
Survey, Design and Plans

A. Design Standards. The design standards for Class 2, 3 and Class 4 road projects shall be as outlined by the geometric design guides for local roads and streets, published by the American Association of State Highway and

Transportation Officials, for the appropriate average daily traffic and functional classification. The State Highway Departments usually have extensive design information available which is consistent with the American Association of State Highway and Transportation Officials' standards with some modifications for adaptation to local conditions of soil and climate. Generally, state highway design standards have been approved by the Federal Highway Administration and are acceptable for use on Bureau road projects.

8.7 Specifications. The current Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects shall be used with the necessary supplementals or special provisions.

The standard specifications of the State Highway Department of the state in which the project is located may be used, if desired, with suitable adaptations to meet the requirements of the standard Federal construction contract. Project specifications should be suitably drafted for the guidance of the construction foreman, and should include only those construction standards and field operation procedures representing indispensable objectives.

8.8 Submission of Plans for Approval. After the survey and design of an individual project has been completed, the plans, specifications, and estimate will be completed and submitted to the Federal Highway Administration for review and approval. The review shall normally include a plan-in-hand field inspection of the proposed project with the Federal Highway Administration.

8.9 Right-of-Entry. The Federal Highway Administration's approval to proceed with construction on a project is contingent upon their receipt of a statement that the Bureau of Indian Affairs has a right-of-entry or right-of-way upon any lands required for the project. This statement shall be furnished by the Area or Agency Office.

8.10 Right-of-Way. The procedure for obtaining permission to survey and for granting any necessary right-of-way are governed by 25 CFR, Part 161.

8.11 Minimum Sampling Guide. The current minimum sampling guide contained in Chapter 6 of the FHWA Construction Manual shall be used on all BIA road and bridge construction projects. (See Supplement 2, Illustration 4, for copy of Guide Schedule for Sampling and Testing.)

Minimum Sampling Schedules may be developed for specific projects. These schedules must reflect sampling and testing frequencies not less than that specified in the FHWA Minimum Sampling Guide.

ROAD CONSTRUCTION
Public Hearings

9. Public Hearings

9.1 Objectives. The Bureau's objectives for conducting public hearings on proposed road projects are as follows:

A. Inform interested persons of the road proposals which affect them and allow such persons to express their views at those stages of a project's development when the flexibility to respond to these views still exists.

B. Insure that road locations and designs are consistent with the reservations' objectives and with applicable Federal regulations.

9.2 Criteria for Conducting Public Hearings. A public hearing to consider the road location and/or the preliminary design should be held for each proposed road construction project that:

A. Is a new route being constructed,

B. Would significantly change the layout or function of connecting or related roads or streets.

C. Would have an adverse effect upon adjacent real property, or

D. Is expected to be of a controversial nature.

9.3 Procedures for Conducting Public Hearings. Public hearings shall be conducted in accordance with the guidelines furnished in the Road Construction Handbook, 57 BIAM Supplement 1.

ROAD CONSTRUCTION
Construction

10. Construction

10.1 Responsibility for Construction. The Bureau of Indian Affairs is responsible for the construction and improvement of the Indian Road System. The Federal Highway Administration is responsible for the general supervision of the construction of these road projects. (See Memorandum of Agreement, Section 13)

10.2 Eligibility for Projects for Construction. Proposed road and bridge projects are eligible for construction if they meet the criteria for Indian Reservation Roads and Bridges and are on an approved Control Schedule.

10.3 Method of Construction. The method of construction in each Area Office should depend on the skills and management expertise available in the local Indian community. At a meeting required by Section 8.4, the method of construction shall be discussed and recommendations formulated for consideration by the administrative staff.

A. Indian-owned Companies. Each Area Office shall keep on file an updated listing of qualified Indian contractors. Advertisements for contractors shall be distributed as widely as possible to encourage Indian contractors to participate.

B. Force Account. Where there are sufficient Indian people skilled in the arts of road construction, but not yet trained in the principles of management and contracting, the Bureau may proceed with plans to construct road projects by the force account method at that location. The Bureau of Indian Affairs will make every effort to improve the management capability of its Indian employees and to encourage development of Indian contractors. Choice of this method can be affected by personnel ceilings, fuel, supplies, and availability of equipment, and requirements of OMB Circular A-76.

C. Open Market Contract. Where the acquisition of specialized equipment cannot be justified, or there are not sufficient Indian people skilled in labor and equipment operation, then, at that location, the Bureau may proceed with plans to construct road projects by open market contracts.

10.4 Management of Road Projects. The Memorandum of Agreement between the Federal Highway Administration and the Bureau of Indian Affairs requires that both Agencies agree on an estimated cost of the proposed work, based upon estimated units and the prevailing unit prices. This detailed project estimate then becomes a standard to manage and supervise the proposed work and, therefore, should be kept current and realistic.

ROAD CONSTRUCTION
Construction

A. Force Account Projects. For each ongoing project, a record shall be prepared monthly showing the engineer's estimate, the number of units of road work accomplished to date, the accumulated funds expended and the heavy equipment use for each of these work units. This progress estimate shall be the prime tool for managing and supervising force account road projects.

B. Contract Projects. The tools for managing and controlling negotiated Indian contracts and open market contracts shall be the contract document, the engineer's estimate and the progress payment.

C. Work Performance and Materials Standards. Project plans and specifications set forth standards and methods by which the required work shall be performed and the standards for materials used. It is easy for work performance and materials inspection to become over-emphasized or under-emphasized. Both extremes are detrimental. Therefore, this phase of construction shall be under continuous review by the Area Road Engineer to insure that (1) the proper materials and construction methods are used and (2) the proper amount of emphasis is placed on the enforcement of these standards.

10.5 Orderly Work Procedures. All road construction work shall be performed in such a manner as to prevent injury to employees, protect Government property from damage, and provide a safe environment for Federal, tribal and contract employees.

A. Road Engineer's Responsibility. The Road Engineer managing road construction activities shall be responsible for the implementation of these policies:

(1) Fully comply with the Standards of 25 BIAM, with Part 1926 of the Occupational Safety and Health Act Standards, and with the current Executive Order.

(2) Require periodic meetings of Federal employees engaged in direct road construction to discuss the effect that orderly work procedures have upon the efficiency and productivity of road construction work, the personal accident and injury rate, the frequency of property damage and the frequency of lost work time.

(3) Furnish instructional or idea materials, such as films, brochures, periodic publications, posters, and so forth, to constantly remind the employees of the value of orderly work procedures.

(4) Make available appropriate safety equipment and other protective devices for the personal protection of construction employees.

(5) Conduct regular inspections of construction work areas together with the Project Foreman and review for compliance with these requirements.

ROAD CONSTRUCTION
Construction

10.6 Signing for Construction Projects. The standards for the placement of signs on construction projects as set forth in the Manual on Uniform Traffic Control Devices shall be strictly adhered to on all road projects constructed by the Bureau.

ROAD CONSTRUCTION
Equipment Management System

11. Equipment Management System

11.1 Purpose. The equipment management system was developed with the following objectives. (See Supplement 3 for procedures and reporting forms.)

A. To provide an accurate inventory of all major construction equipment under the jurisdiction of the Bureau's Road Construction Program.

B. To reconcile the BIA Road Construction accountable property with actual equipment needs and dispose of all unusable or unnecessary equipment by sale, salvage, surplus, etc.

C. To identify the present condition of all major equipment to determine its present worth and establish a planned replacement schedule.

D. To establish Area-wide pools of construction equipment that can be utilized more effectively and efficiently at all agencies.

E. To provide a system whereby equipment performance and repairs can be monitored and evaluated. This will provide the documentation necessary to eliminate equipment which does not perform well and is expensive to maintain and operate.

F. To provide an equipment history file for each piece of equipment and a programmed schedule for repair and maintenance.

G. To identify equipment needs Bureau-wide and program equipment use to best serve the needs of the Bureau.

H. To provide a reporting system that will identify total annual equipment needs for the Bureau's Road Construction Program.

I. To reduce equipment costs while increasing availability of equipment to each agency and provide a better maintained fleet of equipment.

ROAD CONSTRUCTION
Reports

12. REPORTS

12.1 General. Each Area Director is responsible for furnishing the reports called for in this section. The detailed instructions for preparing such reports are outlined in the Road Construction Handbook, 57 BIAM, Supplement 1.

12.2 Road Construction Control Schedule, Report 57-05, Form 5-5705. Since many road projects are major public works undertakings and often require several years to complete, the portions of work schedules for each year of the project life shall be shown on this form. Since the control schedule reports work of future years, the current year, and the prior year, it is a planning document as well as a current year program document. This document is to be used for programming the current year's amount of authorization and is due in the Central Office as called for annually.

12.3 Project Justification Checklist, Report 57-16, Form 5-5714. The Project Justification Checklist shall be initiated jointly by the Road Engineer and the tribes to justify those road projects requested. This report shall be signed by the appropriate Tribal and Bureau officials and submitted for each new start project with the Control Schedule to the Area Office. A copy shall be kept on file in the Area Office with a copy of Report 57-05.

12.4 Progress Report, Report 57-18, Form 5-5719. A monthly progress report shall be submitted to the Central Office showing units of work completed for the current year's program and the amount expended to date by project. This report is due in the Central Office by the 15th of each month. Project costs in excess of 125% of the engineer's estimate must be justified by memorandum to the Central Office.

12.5 Completion Notice and Project Capitalization. Upon the completion of each road project, a Completion Notice (Form 5-4234) shall be sent to the Administrative Services Center to notify the Branch of Finance to begin collecting the final costs and to prepare the Project Completion Notice showing the total expenditures on that project. The Project Completion Notice shall be sent to the Area Office for confirmation of the amounts expended. After confirmation, the Area Office shall send copies of the Completion Notice to the Area Finance Office, the Administrative Services Center, appropriate tribal officials and the Division Engineer of the Federal Highway Administration. The Area Office shall then initiate action to capitalize the project. The Areas will assure that the roads inventory is updated to reflect the completed project.

 ROAD CONSTRUCTION
 Memorandum of Agreement

13. MEMORANDUM OF AGREEMENT

13.1 Introduction. The Memorandum of Agreement describes the statutory relationship between the Bureau of Indian Affairs and the Federal Highway Administration as required by 23 U.S.C., Section 208 (b) and 25 U.S.C., Section 318a. This memorandum establishes the procedures for obtaining approval of road construction projects.

 MEMORANDUM OF AGREEMENT BETWEEN THE BUREAU OF INDIAN AFFAIRS
 AND THE FEDERAL HIGHWAY ADMINISTRATION
1. PURPOSE

This Memorandum of Agreement identifies and sets forth the joint and individual responsibilities and procedures of the Bureau of Indian Affairs (BIA) and the Federal Highway Administration (FHWA) in the implementation of legislation concerned with the construction and improvement of Indian Reservation Roads and Bridges.

2. LEGISLATIVE AUTHORITIES

The legislation upon which this Memorandum of Agreement is based is as follows: 23 U.S.C. 208 and 25 U.S.C. 318a.

3. DEFINITIONS

The following are definitions of terms in this memorandum:

<u>Administrator</u>	The Federal Highway Administrator, Department of Transportation
<u>Commissioner</u>	The Commissioner of Indian Affairs
<u>Regional Administrator</u>	The Regional Federal Highway Administrator for the FHWA region in which the project is located.
<u>Division Administrator</u>	The Division Administrator of the FHWA for the State in which the project is located.
<u>Area Director</u>	The Area Director of the BIA for the administrative area in which the project is located.
<u>Area Road Engineer</u>	The Area Road Engineer of the BIA for the administrative area in which the project is located.

ROAD CONSTRUCTION
Memorandum of Agreement

Tribal Governing Body

The governing body of the reservation or communities where the Indian Reservation Roads and Bridges are located.

Agency Superintendent

The Agency Superintendent or other designated representative of the BIA in charge of the local office which has immediate administrative jurisdiction over the affairs of the tribe.

Indian Reservation Roads and Bridges

The roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation, Indian trust land, or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which

Indian and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

Tribal Roads

Those roads where right-of-way is under the jurisdiction of the tribe.

Bureau of Indian Affairs (BIA)

The term BIA shall mean any official or office within the BIA authorized by the Commissioner to act on behalf of the BIA.

Federal Highway Administration (FHWA)

The term FHWA shall mean any official or office with the FHWA authorized by the Administrator to act on behalf of the FHWA.

Contracting Officer

The Contracting Officer of the BIA for the administrative area in which the project is located.

4. INDIAN ROAD SYSTEM

a. All Indian Reservation Roads and Bridges are eligible for funding as authorized under Federal-Aid Highway Acts and in accordance with 23 U.S.C. 208. It is recognized that due to present inadequate resources, all such roads cannot be improved to acceptable standards. There is, therefore, established an "Indian Road System" which consists of those Indian Reservation Roads and Bridges which are important to overall public transportation needs of the

ROAD CONSTRUCTION
Memorandum of Agreement

reservation as recommended by the Tribal Governing Body. These are public roads for which the BIA has primary responsibility for maintenance and improvement.

b. The publication entitled "Bureau of Indian Affairs, Indian Road System Road Inventory and Needs Study" describes the present Indian Road System. It describes all roads currently on the system, describes their location and physical characteristics and evaluates their condition. The Road Inventory and Needs Study serves as the basic planning document at the local reservation level and a resource document for the Area Director and the Commissioner.

c. Interim changes to the Indian Road System will be made when recommended by the Tribal Governing Body and Agency Superintendent and approved by the Area Director. Proposed changes shall be submitted to the Division Administrator for review and comment before final approval by the Area Director. For new routes, the Division Administrator will indicate if the proposed route is on the Federal-aid system. Right-of-way must be acquired by the BIA before the proposed route is added to the BIA road system.

After approval, the Area Director will distribute revised route sheets and corrected maps incorporating the changes to BIA Central Office and the Division Administrator.

5. INDIAN ROAD SYSTEM ATLAS

a. The BIA will furnish each Division Administrator with an Indian Road System Atlas which will be reviewed for updating biennially.

b. The maps contained in the Atlas shall distinguish by suitable legend, the Indian Road System and other connecting roads.

c. Changes to the Indian Road System Atlas shall be made by the Area Director's submission of a corrected map page to the BIA Central Office and the Division Administrator.

6. ROADWAY LOCATION, TYPE, AND DESIGN

a. Route reconnaissance studies shall be prepared and alternate route locations shown on appropriate maps for roads proposed on new location. The Area Director shall forward the completed studies and maps to the Division Administrator and notify him in advance of plans to conduct a route reconnaissance field review. If the Division Administrator is unable to attend or considers a joint field review unnecessary, he shall so advise the Area Director in writing. The Division Administrator's approval of the roadway type and location shall be transmitted to the Area Director based upon either the field review notes or an office review if a joint field review is not held.

ROAD CONSTRUCTION
Memorandum of Agreement

b. The BIA is responsible for surveys, design, and preparation of plans, specifications, and estimates.

c. The BIA is also responsible for the necessary coordination with other agencies and governments such as for compliance with the Office of Management and Budget Circular No. A-95; the National Environmental Policy Act; the policy and procedures for obtaining local public participation in the road planning-decision process; right-of-way acquisition or as an alternative right of entry, right to construct and/or right to maintain; and other environmental requirements.

d. Except as modified in paragraph 6(e) below, plan assemblies shall include a title sheet, typical cross sections, summary of quantities, plan and profile sheets, structural design and any standard or special drawings required to properly detail the proposed construction.

e. When appropriate for surfacing projects, post construction projects, and minor work, the project plans may be abbreviated in character consisting of only the title sheet, typical cross sections, summary of quantities, and any standard or special drawings. No profile or cross section sheets need to be included except where required to indicate significant changes in grade or section. A drainage structure schedule and sufficient information concerning curvature and grades should be included on the title sheet as necessary for field construction.

f. The plan title sheet shall show the title, key map, project map with sufficient identifying information so that the project may be easily located, an index of the sheets in the plans, design designation including design speed, maximum grades and curvature, minimum nonpassing sight distance, current and design year traffic volumes, the design load for structures, and project length. All plan sheets shall be identified by project number, page number, and date of final revision. These page numbers and dates shall also be shown in the index of sheets.

g. Projects shall be designed in accordance with standards, specifications, policies, and guides prescribed in the Federal-Aid Highway Program Manual and BIA Road Location and Design Handbook, as applicable. Careful consideration should be given to location, alignment, and design so the initial investment will not be lost in the event it becomes necessary to improve the road to higher standards.

h. The current Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects shall generally be used with the necessary special provisions to adapt them to work under the BIA supervision. On work to be performed by contract, the standard specifications of the State highway

ROAD CONSTRUCTION
Memorandum of Agreement

department of the State in which the project is located may be used, with suitable modification, to meet the requirements of Federal construction contracts. Careful attention shall be given to meeting all Federal regulations when incorporating non-Federal specifications.

7. BETTERMENT CONSTRUCTION

In special cases when immediate improvement of an existing road is essential and funds cannot be made available for construction to appropriate standards, the Division Administrator may approve construction of the "betterment" type. In such cases, the plans need be only sufficient to accomplish the desired betterment work.

Betterment projects may consist of improving roadbed width, alignment, grades, drainage, subgrade, or existing surfacing on intermittent sections; or the construction or replacement of culverts or low cost bridges on temporary locations. It should be understood that this type construction is approved as a temporary expedient only and construction to adequate standards will be undertaken as soon as sufficient funds can be made available for the purpose.

8. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)

a. A prerequisite for any project to be approved for construction is that such project meets the requirements for inclusion under the definition of Indian Reservation Roads and Bridges. All proposed projects on the Indian Road System will meet this criteria. For projects which are not on the Indian Road System, the Area Director will include a statement that the project is eligible for inclusion under the definition of Indian Reservation Roads and Bridges.

b. After the survey and design of an individual project has been substantially completed, the Area Director will submit a set of plans to the Division Administrator for review. If the Division Administrator considers an inspection necessary, the Division Administrator together with the Area Director or their representatives will conduct a plan-in-hand inspection of the proposed project. The Division Administrator's comments, together with a report of the plan-in-hand inspection if made, will then be submitted to the Area Director.

c. Copies of the PS&E, containing agreed upon revisions, as appropriate, will be submitted to the Division Administrator for final approval. In the letter transmitting the PS&E for approval, the Area Director shall include information on the method by which the project is to be constructed; a statement that the BIA has obtained necessary rights-of-way, utility agreements, archaeological clearance, and flood hazard clearance; a statement that environmental requirements have been met; a statement to identify responsibility for future maintenance of the proposed project; and submissions to satisfy requirements of other applicable laws and regulations.

ROAD CONSTRUCTION
Memorandum of Agreement

d. The Division Administrator will approve the PS&E by signing the plans and by a letter of reply authorizing the project to be advanced to the construction stage.

9. ADVERTISEMENTS, NEGOTIATIONS AND AWARD OF CONTRACT

a. If construction is to be by a formally advertised contract, the Division Administrator will be provided a copy of the advertisement for bids for approved projects so he may have a representative present at the opening of the bids, if he desires.

After consideration of bids received by the Area Road Engineer and the Area Director, a copy of the abstract of bids and a statement of the Area Director's proposed action with respect to such bids will be submitted to the Division Administrator for his information.

b. If construction is to be by a negotiated contract, a statement will be furnished identifying companies contacted, considered, or negotiated with for the construction of the approved project. If negotiations result in a proposed contract, a copy of the proposed contract, together with a statement of the Area Director's proposed action, will be submitted to the Division Administrator for his information.

10. CONSTRUCTION

a. The construction of the project and construction inspections will be the responsibility of the BIA and shall be subject to the review and inspection of the Division Administrator. The Area Director will send a copy of the "Notice to Proceed" and the proposed construction start date to the Division Administrator. Upon receipt of this information, the Division Administrator will arrange for inspections to be made of the construction from time to time as he deems necessary to fulfill the FHWA's responsibility for general supervision of the construction and to insure that the project is constructed in substantial conformance with the approved PS&E. Copies of all FHWA inspection reports are to be forwarded to the Area Road Engineer and to the Contracting Officer, where work is performed on contract.

b. The Area Director shall submit, for prior approval of the Division Administrator, all proposed changes which substantially alter the location, type, and design of the project as originally approved.

c. The Area Director will notify the Division Administrator in writing of the completion of each project. This notification will be submitted promptly after project completion and will include a request for concurrence in acceptance of the project. The final construction inspection shall be made concurrently by the Division Administrator's representative and the Contracting Officer's Representative.

ROAD CONSTRUCTION
Memorandum of Agreement

d. The Contracting Officer shall submit to the Division Administrator a summary of final contract quantities and costs for each project. An explanation should be included for major changes in costs and for substantial revisions to the approved PS&E which have not been previously approved by the Division Administrator. The Division Administrator shall issue a final acceptance report after review and acceptance of the final quantities and after other contract provisions have been met.

11. REIMBURSABLE WORK

The BIA occasionally will need services of the FHWA for activities not covered under this memorandum. Such services are to be furnished in accordance with the Memorandum of Understanding relating to the survey, construction and improvement of Indian Reservation Roads and Bridges by FHWA negotiated under the authority of 23 U.S.C. 308.

12. EFFECT ON PREVIOUS INSTRUCTIONS

This memorandum supersedes the Memorandum of Agreement between the BIA and the FHWA dated February 28, 1974.

Jose A. Zuni
ACTING DEPUTY COMMISSIONER
OF INDIAN AFFAIRS

L. P. Lamm
for FEDERAL HIGHWAY ADMINISTRATOR

Date: July 11, 1979

Date: June 15, 1979