

**Supporting Statement for Paperwork Reduction Act Submissions  
25 CFR 170 Indian Reservation Roads  
OMB Control Number 1076-0161**

**Terms of Clearance:** None

**General Instructions**

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When statistical methods are used, Section B “Collection of Information Employing Statistical Methods” must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

**Specific Instructions**

**A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

**This is a request for extension of information collection requirements inherent to 25 CFR part 170, Indian Reservation Roads Program. Part 170 implements 23 U.S.C. 202(d), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and sets policies and procedures governing the Indian Reservation Roads (IRR) Program. This information collection is necessary to implement the requirements of the law for allocating funding provided from the highway trust fund to Indian tribal governments.**

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified. Each form must be addressed separately as far as burden, but the sum of burden will be on submission to OMB.]

**The Department developed part 170 of 25 CFR, including the information collection requirements contained therein, through consultation with federally recognized tribes. Tribal governments are the respondents to the information collections in part 170. The Department of the Interior, Bureau of Indian Affairs (BIA) uses the information provided through information collection requirements to determine how funds**

appropriated by Congress under SAFETEA-LU (Pub. L. 109-59) will be allocated to various tribal governments for implementing the IRR program. BIA also uses the information to assist tribal governments in meeting reporting and application requirements for their participation in the IRR program. Subparts of the rule that contain information collection requirements are summarized below.

- **Subpart C –Indian Reservation Roads Program Funding** contains information collection requirements at 170.210 that allow BIA to determine whether a tribe’s project is eligible for funding as an Indian Reservation Roads High Priority Project and at 170.231 that allows the BIA to assess whether the data on which the Relative Need Distribution Factor (RNDF) is based should be revised.
- **Subpart D –Planning, Design, and Construction of Indian Reservation Roads Program Facilities** provisions explaining the requirements for planning, designing and constructing Indian reservation roads. This includes discussion of transportation planning, the requirements for public hearings, IRR inventory, environmental and archaeology elements of the IRR program, design elements, construction and construction monitoring of rights-of-way, and program reviews and management systems. Bureau employees use an inventory sheet, entitled *Indian Reservation Roads Field Data Collection Sheet*, which lists several items used to identify aspects of road maintenance. A copy is attached. The information collections are located at:
  - 170.411 lists items that a tribe may include in a long-range transportation plan.
  - 170.412 establishes that the tribe must undergo a certain process in development and review of the long-range transportation plan.
  - 170.420 establishes that the tribe must provide the tribal priority list to BIA.
  - 170.421 establishes that the tribe must report to BIA on its tribal transportation improvement program.
  - 170.437 establishes that the tribe or BIA must give notice to the public of an IRR project.
  - 170.439 establishes that the tribe must compile and maintain a record of hearing.
  - 170.443 establishes that the tribe must review certain information in support of a projects inclusion on the IRR inventory.
  - 170.456 establishes that a tribe must provide certain information in support of a request for exception from design standards.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets

GPEA requirements].

**During the past three years, BIA has instituted an automated process for updating the inventory, referred to as the Road Inventory Field Data System (RIFDS). Approximately 70% of tribes are currently using RIFDS. The remaining 30% of tribes update their inventory on hard copy and manually give it to the appropriate local BIA agency as appropriate to meet the requirements. Even where tribes submit data manually, the agency has the ability to encode it electronically. There are no barriers for the use of electronic technology to collect the information and reduce the burden of this collection. As more tribal representatives get the necessary security clearances, BIA expects the use of RIFDS to approach 100%.**

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

**This information is in response to the revision to 25 CFR part 170 and is not duplicated in any other data collection. This information is unique to the Indian Reservation Roads program and no similar information is found in any other collection. In keeping with the Paperwork Reduction Act and other statutory requirements, the information collected is the minimum needed for the intended purpose.**

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

**Tribes and tribal organizations are considered small governmental jurisdictions or small entities under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The BIA consulted with the tribes and through various tribal-member non-governmental organizations to determine what information collection was necessary to ensure the fair and equitable administration of the Indian Reservation Roads program. Through this consultation, the information collection burden has been minimized.**

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

**The information collection burden cannot be reduced any further without the integrity of the Indian Reservation Roads program being compromised. Information is collected, as needed, when federally recognized tribes want to participate in the IRR program. If the collection is not conducted, or is conducted less frequently, the BIA will not be able to properly administer the IRR program and the government's responsibility for the allocation of funds to these tribes will be further compromised.**

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- \* requiring respondents to report information to the agency more often than quarterly;

- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- \* requiring respondents to submit more than an original and two copies of any document;
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

**There are no special circumstances that require exceptions to 5 CFR 1320.5(d)(2) in this regulation. The data are updated once a year, at a minimum, and can be updated on a continuous basis; the information is not confidential; and copies of required information are adequate for use in the collection.**

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

**The Federal Register published a 60 day notice of our proposed renewal of the IRR information collection on January, 12, 2009 (74 FR 1244). We received one comment in response to our notice of proposed submission to OMB for renewal. The comment has been uploaded into ROCIS. See Appendix A, at the end of this document, for a detailed list of public comments and BIA's responses. A summary is provided here:**

**The commenter had a number of suggestions that would be appropriate for consideration upon amending the rule; however, because the scope of this public comment period is limited to the information collections, the BIA was not able to accommodate these requests. Comments specific to the information collection included the following.**

- **The commenter expressed concern that the word "some" in the Brief Description indicated that there were other information collections that BIA did not address. The Brief Description addresses all the information collections associated with Indian Reservation Roads—the word "some" indicates that some of these information collections are required to obtain or maintain a benefit**

- (program participation and funding) and others are voluntary.
- Another comment asked why an applicant must provide documentation that the project meets the definition of an IRR transportation facility and is on the IRR inventory when the information already exists. The BIA requires this information as part of the IRR High Priority Project application because the application is a collection of all information necessary for the Department to make an approval determination based upon criteria established by law.
  - The commenter also stated that they believe that the amount of information could be reduced. The information collection was developed by meetings between tribal members and the BIA. What emerged was a list that met the various needs of the tribe and the requirements of the law which authorizes the funding for IRR. While the list is long, those data elements can also be helpful to tribes who coordinate projects and transportation activities with other public authorities. It is not all required to be provided in order to participate in the program; that is the reason for default values in the CFR tables.
  - The commenter stated that there is a difference in requested items from region to region because of politics and physical roadway characteristics, and questioned the practical utility of some requested information, suggesting a committee evaluate the need further since not all requested information is listed in the CFR. The BIA participated in many meetings of committees and public hearings when the requirements were developed—the result was a list of requirements that covered all situations, but not necessarily all requirements are needed for each situation.
  - The commenter also stated that too much information is required in certain instances. The BIA has determined that, in those instances, the additional data is beneficial in determining more accurate data rather than using default tables and that it is beneficial to the tribe to include this information.
  - The commenter stated that they believe that the time and cost of submitting certain information far exceeds their estimated amount. The time and cost associated with data collection and submission has been consistently decreasing in the three years prior to this request for comment as improved methods of collection are developed. The estimated time and cost of submitting data indicates that the commenters are increasingly successful in assuring that data is provided for purposes identified.
  - Finally, the commenter stated that use of automated techniques does not abrogate the physical collection of data and that a technological solution may be available with funds for equipment and staff to maintain the automated equipment. In response, the BIA notes that no special equipment is necessary for this information collection, and that more advanced techniques are available but this collection process does not require their use. The BIA did not make any changes to the information collection request for approval in response to these comments.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or

reported.

**Monthly contact is made between our agency representatives in the field offices and tribal planners and engineers on the data, collection and the clarity of instruction. This monthly contact will continue to help the agency develop a basis for reviewing data collection policies and procedures. Respondents in the field include:**

**Stan Reich, Vice President  
Consultant to 55 Tribes  
Arctic Slope Consulting Group  
6501 Americas Parkway NE, STE. 400  
Albuquerque, NM 87110  
(505) 247-0294**

**Lillie Curtis, Director of Planning  
Consultant to 75 Tribes  
11200 Lomas Blvd NE  
PAIKI Consultants, Inc.  
Albuquerque, NM 87112  
(505) 332-1125**

**Dale Walters, PE  
Engineer, Agua Caliente Band of Cahuilla Indians  
650 Tahquitz Canyon Way  
Palm Springs, CA 92262  
(760) 345-3400**

**Joe Kompkoff  
Planner  
Native Village of Eyak  
Cordova, AK 99574  
(907) 424-7738**

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

**No gifts or payments are provided for reporting this information.**

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

**There is no assurance of confidentiality provided to respondents concerning this information collection. None is needed because the information collected concerns the infrastructure conditions on the reservations rather than personal information.**

11. Provide additional justification for any questions of a sensitive nature, such as sexual

behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

**There are no questions of a sensitive nature solicited in this information collection.**

12. Provide estimates of the hour burden of the collection of information. The statement should:

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and then aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

CFR Section	No of Respondents	Responses per Respondent	Hourly Burden per Response	Total Annual Hourly Burden	@\$45.53 total Burden Cost
170.210 Provide Application	40	1	40 hours	1,600	\$72,848.
170.231 Provide Request	20	1	10 hours	200	\$9,106.
170.443 Record Review	141	1	20 hour	2,820	\$128,395
170.411 Form Requirement	113	1	40 hours	4,520	\$205,796
170.421 Reporting Requirement	281	1	10 hours	2,810	\$127,939
170.420 Reporting Requirement	281	1	10 hours	2,810	\$127,939
170.412 Form Requirement	113	1	40 hours	4,520	\$205,796
170.437 Posting Requirement	205	1	½ hour	103	\$4,690
170.439 Record keeping Requirement	205	1	1 hour	205	\$9,334
170.456 Provide Information for Exception	10	1	4 hours	40	\$1,821
<b>TOTALS</b>	<b>1,409</b>			<b>19,628 total</b>	<b>\$893,663 total</b>

	responses annually			burden hours annually	cost burden annually
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**For purpose of this part only, we have varied the number of respondents to reflect historical data and possible eligible respondents that could possibly file for benefits under the Indian Reservation Roads program.**

**The cost of reporting and recordkeeping by the public is estimated to be approximately \$45.53/hour. We calculated this cost using table found at [http://www.bls.gov/news.release/archives/ecec\\_12102008.pdf](http://www.bls.gov/news.release/archives/ecec_12102008.pdf) and multiplying the hourly salary for “professional and related” (the category in which civil engineers would likely fall), \$32.52, by 1.4 to include benefits. This method is based on BLS news release USDL: 08-1802 dated December 10, 2008.**

$$\text{\$32.52/hour salary} \times 1.4 \text{ benefits} = \text{\$45.53/hour}$$

**The tribal official or his/her representative would be completing a form, submitting information for BIA review, compiling reports from information gathered from outside sources in obtaining the information needed to fulfill this part’s information collection requirements. Only federally-recognized tribes and their employees would be involved in this activity.**

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.



**The estimated total annual cost burden to respondents or record keepers for capital and start-up costs components (annualized over the expected useful life) for this information collection is \$0. The information collection will not require the purchase of any capital equipment nor create any start-up costs because no equipment is involved in the implementation of these provisions of the Indian Reservation Roads Program. The IRR program is a service that already exists within the BIA and, therefore, no start-up costs would be intended through this collection. Any computers and software used to complete this information collection are part of the respondent's customary and usual business practices and, therefore, are not included in the estimate.**

**The information collection will not create new or additional costs associated with generating, maintaining, disclosing, or providing information that is not already identified in question 12 of this supporting statement.**

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

**The annualized cost to the Federal Government for this information collection is \$205,728.00. This represents the cost of reviewing data and submissions for participation in the IRR Program, including some program designing, and miscellaneous expenses related to that review. This is already a function that the BIA realizes and no new or additional costs (in hiring new personnel, administrative maintenance, or equipment) associated with the administration of any information gathered will be realized by the BIA.**

$$\text{\$42.86/hour salary} \times 1.5 \text{ benefits} = \text{\$64.29/hour}$$

We calculated the cost by using GS-13/9 from the Salary Table 2009 - GS. The hourly salary (\$42.86) is multiplied by 1.5 to calculate the salary & benefits: \$64.29/hour. Each employee works 200 hours/year on the reports. There are 16 employees performing this work. Therefore:

$$\text{\$64.29} \times 200 \text{ hours} = \text{\$12,858 (each employee's cost)} \times 16 \text{ employees} = \text{\$205,728}$$

**This method is based on BLS news release USDL: 08-1802 dated December 10, 2008.**

15. Explain the reasons for any program changes or adjustments.

**Both the number of responses and the number of burden hours has been adjusted for better accuracy since the last approval. The last approval was based on estimates of 5,620 responses and 191,496 burden hours. These estimates were based on all 562 federally recognized tribes responding to the information collections each year. During the past three years, BIA has determined that the number of respondents varies from 10 to 281 tribes, and has therefore estimated the number of respondents per**

**information collection based on past experience, as shown in the response to Question no. 12, above. At a response rate of one response per respondent per information collection, result in a total of 1,409 responses which is a decrease from the last approved estimate of 5,620.**

**During the past three years, BIA has also instituted an automated process for updating the inventory that has greatly reduced the number of burden hours. Prior to the automated system, referred to as the Road Inventory Field Data System (RIFDS), BIA received almost all updated requests in paper format, which took significantly longer. Overall, the BIA has reduced the burden hours from 191,496 to 19,628.**

**Therefore, we are requesting an adjustment decrease of 171,868 hours. There are no non-hour cost burdens.**

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

**There is no intention to publish results of this information collection at this time. Abstracts of the information may later be used in justifications for the Department's budget and ongoing IRR appropriations. A copy of the inventory data will be made available to the affected respondent.**

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

**The Department intends to display the expiration date with the OMB Control Number on any application materials asking for information that may be sent to tribes or tribal organizations. We intend to notify the respondent of the OMB Control Number and the expiration date.**

18. Explain each exception to the certification statement identified in 5 CFR 1320.9 (hourly and cost burden) and 5 CFR 1320.8(b)(3) (the questions we ask commenters to address).

**The Department is not seeking any exceptions.**

**Attachment A**  
**Public Comment and BIA Response**

<b>COMMENT</b> <b>(Note: Numbers refer to the paragraph in the letter)</b>	<b>BIA response to comment</b>
<p>¶ 1 Respondent can't identify specifically what BIA is referring to for comment. Brief Description doesn't have enough information. The CFR is too general. "Some" indicates that list is incomplete and reader must ferret out all the information currently being collected.</p>	<p>The Brief Description identifies each information collection with a brief description (e.g., "application of Indian Reservation Roads High Priority Projects") and CFR citation (e.g., 25 CFR 170.210). The Brief Description lists <i>all</i> information collections, but breaks down the list into several categories (indicated by the word "some"): (1) those information collections that are mandatory for consideration of projects and for program funding from the formula; (2) those information collections that are necessary for public notification and involvement; and (3) those information collections that are voluntary. A portion of the information collections impact funding, while others do not.</p>
<p>¶ 4 Respondent says that 170.210 (d) ["Documentation that the project meets the definition of an IRR transportation facility and is in the IRR inventory" must be included in an Indian Reservation Roads High Priority Projects (IRRHPP) application] asks for information that already exists and should not be required for the application. The documentation needed to meet IRR facility definition is "moot." Section 170.205 [What is an IRR High Priority Project (IRRHPP)?] implies only use for IRR roads that exist and excludes items listed in 170.116 [Activities that are ineligible for IRR funding].</p>	<p>The IRRHPP application is a collection of all information and documentation necessary for the Department to make a determination whether to approve the IRRHPP project based on criteria established by law. One such criterion is whether the project meets the definition of an IRR transportation facility and is in the IRR inventory. While the information necessary to meet this criterion "exists," the applicant must provide it together with the remaining application materials to allow the Department to review and make a determination on the application. Section 170.210 defines all information needed to comply with application requirements; as such, it repeats information referred to elsewhere, such as section 170.205's language regarding IRR roads being eligible for IRRHPP.</p>
<p>¶ 5 Respondent sees 170.210(e) [Documentation of official tribal action requesting the IRRHPP project] and (f) [Documentation from the tribe providing authority for BIA to place the project on an IRRHPP transportation improvement program (TIP) if the project is selected and approved] as redundant and should be a single requirement. The documentation included in the tribe's request for IRRHPP should be enough for evaluation and placement on IRRHPP TIP.</p>	<p>It is necessary to keep subsection (e) and subsection (f) separate, as the first documents the tribe's request for BIA to review the application, and the second documents the tribe's request to move forward with placing a project on an IRRHPP TIP once the application has been approved. BIA encourages the Respondent to re-submit this comment during future updates to these regulatory provisions either at tribal consultation or during the public notice and comment period.</p>

**Attachment A**  
**Public Comment and BIA Response**

<p><b>¶ 6</b> Respondent sees 170.443 [How can a tribe list a proposed transportation facility on the IRR inventory], subsection (c) [Be eligible for IRR Program funding] as unnecessary because if project is on IRR inventory, it is eligible for funding because it is an allowable use of IRR funding under Appendix A to Subpart B. To ask for this information implies the project is not cleared for use of these funds and tribe is seeking an exception.</p>	<p>Section 170.443 addresses what facilities may be included for consideration in the IRR inventory. Subsection (c) reiterates that the facility must be eligible for IRR Program funding. Such eligibility is an essential (though not the only) requirement for inclusion on the IRR inventory.</p>
<p><b>¶ 7</b> Respondent says "may" in 170.411 [What may a long-range transportation plan include?] makes submission of any information voluntary and necessary data is at the discretion of the tribe and its acceptance by the Region. This makes it different for each tribe/region. If one interprets that the condition is "may," one can conclude that the tribal priority list is all that is required (170.402(a) "All tribes must prepare and TIP or tribal priority list.") Section 170.402(b) is entirely voluntary as the word "may" is used. Section 170.401 is a BIA "must" clause that duplicates what is desired in 170.402(b) for the tribal role in planning.</p>	<p>While section 170.402(a) explicitly requires a TIP or tribal priority list, section 170.411 addresses a number of categories that the long-range transportation plan "may" address. Section 170.410 explains the purpose of a tribally developed long range plan and section 170.411 supports the efforts of good planning by providing additional guidance on what a tribe may include to support a good plan that supports the needs of tribe and addresses the possibilities for a given reservation as it changes over time. The tribe and public need to be aware of all the factors, such as infrastructure, that affect any economic development or safety issues (to name only a couple) they are considering. These plans are an excellent source of public information on projects and plans that the Tribe has in implementing its program. It meets the requirements of public input.</p> <p>If the Respondent believes the word "may" is inappropriate, BIA encourages the Respondent to re-submit this comment during future updates to these regulatory provisions either at tribal consultation or during the public notice and comment period.</p> <p>Section 170.40 defines BIA responsibilities and section 170.402(b) addresses the tribe's role.</p>
<p><b>¶ 8</b> Respondent feels that developing information by agreement between tribe and BIA causes variations among regions and more needs to be done to identify, standardize and administer more uniformly.</p>	<p>Tribes who want to develop a long range plan must enter into an agreement. If the Respondent believes that an alternative to tribal agreements is appropriate, BIA encourages the Respondent to re-submit this comment during future updates to these regulatory provisions either at tribal consultation or during the public notice and comment period.</p>

**Attachment A**  
**Public Comment and BIA Response**

<p>¶ 9 Respondent believes that the information collection at 170.421[Tribal Transportation Improvement Program] requires slightly more programming thought and information collection but would seem appropriate if the allocation is large enough to warrant the effort.</p>	<p>Comment noted.</p>
<p>¶ 10 Section 170.437 and 170.439 are sections that provide direction about what information is presented at a public hearing or what is required when no hearing is held. The Respondent believes this information is necessary for the public and the record.</p>	<p>Comment noted.</p>
<p>¶ 11 As to the information required for use in the Relative Need Distribution Formula (RNF), the Respondent believes all CTC, VMT and POP information is necessary and quantifiable.</p>	<p>Comment noted.</p>
<p>¶ 12 is start of sections addressing comments requested.</p>	
<p>¶¶ 13 through 22 address (a) the necessity of this information collection for the proper performance of the functions of this agency.</p>	
<p>Respondent feels that the amount of information could be reduced.</p>	<p>The information collection was developed by meetings between tribal members and the BIA. What emerged was a list that met the various needs of the tribe and the requirements of the law which authorizes the funding for IRR. While the list is long, those data elements can also be helpful to tribes who coordinate projects and transportation activities with other public authorities. It is not all required to be provided in order to participate in the program; that is the reason for default values in the tables.</p>
<p>Respondent thinks that there is a difference in requested items from region to region because of politics and physical roadway characteristics, and questions the practical utility of some requested information, suggesting a committee evaluate the need further since not all requested information is listed in the CFR.</p>	<p>The physical differences from area to area, even within a region will create different requirements for a given type of road. When the requirements were developed, many meetings of committees and public hearings were conducted. The result was a list of requirements that covered all situations, but not necessarily all requirements are needed for each situation.</p>
<p>Concerning 170.412, respondent thinks that variety of information from region to region could be simplified,</p>	<p>If the Respondent believes that standardization is appropriate, BIA encourages the Respondent to re-submit this comment during</p>

**Attachment A**  
**Public Comment and BIA Response**

standardized, and applied uniformly OR listed in CFR.	future updates to these regulatory provisions either at tribal consultation or during the public notice and comment period.
Respondent also feels too much information is requested during the planning phase instead of the design phase where it is used. Respondent feels that having over 60 data elements on Form 5704 is too much and only the ADT, Length of Section and CTC% are needed.	While a limited amount of data is necessary for inclusion of roadway physical features into the official inventory, additional data like that described can be beneficial in determining more accurate data rather than using default tables. It is beneficial to the tribe to include this information.
The respondent thinks the 55 data elements for CTC are too much and less will do the job economically.	See response above.
Respondent lists the 8 tables in Appendix D to Subpart C and the number of data elements each has, for a total of 322 data elements. Respondent believes this amount is excessive for planning.	These tables for computing the cost to construct were developed based on internal IRR data and the negotiated rulemaking process. The theory behind this concept is based on the procedure that the information collected during any inventory update can be used to compare the existing conditions to defined standards, then used to determine the total cost required to bring the road up to the standard. So, not all fields are required to be provided, application-generated fields are provided by the system.
Respondent suggests that each tribe could develop its own CTC using prior costs with an inflation factor. This would be a time and cost saving method of arriving at the CTC for the RNF.	This comment addresses the substance of the regulation, rather than an information collection; BIA encourages the Respondent to re-submit this comment during future updates to these regulatory provisions either at tribal consultation or during the public notice and comment period.
<b>¶¶ 23 &amp; 24</b> address (b) which concerns the accuracy of the agency's estimate of the burden for the information collection, including the validity of the methodology and assumptions used.	
Respondent feels that the time and cost of submitting the information addressed in (a) far exceeds our estimated amount.	The time and cost associated with data collection and submission has been consistently decreasing in the three years prior to this request for comment as improved methods of collection are developed. The estimated time and cost of submitting data indicates that the respondents are increasingly successful in assuring that data is provided for purposes identified.
<b>¶ 25</b> addresses (c) ways to enhance the quality, utility and clarity of the collected information.	
Respondent feels that a list of all the information required of all tribes and regions should be published in the CFR, cutting down on the discussion of differences regarding the quality,	The information collected is published in the CFR sections relevant to the need for the information. The CFR lists are only a guide that can help a tribe perform long range planning and expedite the project selection process and

**Attachment A**  
**Public Comment and BIA Response**

utility and clarity of the information.	updating of inventory information. The identified activities are sufficient to produce a plan that can be shared with other public authorities for coordinating projects and needs with those agencies.
<b>¶¶ 26 through 28</b> concern (d) ways to minimize the burden through use of automated collection techniques or other forms of information technology.	
Respondent suggests that the burden for long-range plans can be reduced by using IRR funds to contract per 170.401 or 170.402.	Long range plans are an eligible activity and tribes receive IRR Program funds (23 USC 204(j)) exclusively for this purpose and it is contractible.
Respondent believes that use of automated techniques does not abrogate the physical collection of data. Perhaps IT could brainstorm a solution, but all of this requires funds for equipment and staff to maintain the automated equipment.	No special equipment is necessary for this information collection, but on-site measurements and administrative coordination are necessary. More advanced techniques are available but this collection process does not require their use.
<b>¶ 29</b> asks that respondent be contacted for any questions concerning this comment.	Comment noted.

Attachment B

INDIAN RESERVATION ROADS FIELD DATA COLLECTION SHEET

(TO BE COMPLETED PER ROUTE AND SECTION)

(1) Region: (2) Agency: (3) Reservation:
Route Name: (4) Route Number:

(5) Section Number:

- (6) Class (circle the appropriate number)
1. Major Arterial 2. Rural Minor arterial 3. Streets located within communities
4. Rural Major Collector 5. Rural Local 6. City Minor Arterial Street
7. City Collector Streets 8. Non-Road projects such as trails and paths

(7) Section Length (miles)

(14) Ownership (circle the appropriate number)

- 1. BIA 2. Tribe 3. State
4. Urban (City or Town) 5. County or Township

(16) Terrain (circle the appropriate number)

- 1. Flat 2. Rolling 3. Mountainous

(17) Roadbed Condition (circle the appropriate number)

- 1. Proposed Road
2. Primitive Trail
3. Bladed unimproved road, poor drainage, poor alignment
4. A designed and constructed roadbed with some drainage and alignment improvements required
5. A roadbed constructed to the adequate standards with good horizontal and vertical alignment and proper drainage
6. A roadbed constructed to adequate standards - curb and gutter on one side
7. A roadbed constructed to adequate standards - curb and gutter on both sides

(18) Wearing Surface Condition (SCI)

(19) Surface Width (Feet)

(20) Surface Type (circle the appropriate number)

- 0. Proposed roads not open to traffic
1. Primitive
2. Earth Road
3. Gravel Surface
4. A bituminous material less than 2" thick
5. Bituminous material 2" thick or more
6. Concrete

(26) Shoulder Width (Feet)

(27) Shoulder Type (circle the appropriate number)

- 1. Earth shoulder
2. Stabilized shoulder gravel, asphalt treatment, etc
3. Pave Shoulder

Bridge Information

Section
Length
Width
Condition
Photo #
Waypoint #
Township/Range
Section

Route Information

Township/Range
Sections
Township/Range
Sections
Photo #
WayPoint Begin #
WayPoint End #



**Attachment B**

4. Curb (urban type)

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