

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

- WHEREAS, by Resolution No. 02-91-60 dated February 21, 1991 the Tribal Council of the White Mountain Apache Tribe established road construction priorities for the improvement of roads within communities serving tribal members; and
- WHEREAS, the majority of such roads are presently not part of the Bureau of Indian Affairs road system; and
- WHEREAS, Federal Highways Funds may only be used to improve roads that are on the Bureau of Indian Affairs road system; and
- WHEREAS, the Tribal Council recognizes the need to add all eligible community roads to the Bureau of Indian Affairs road system.

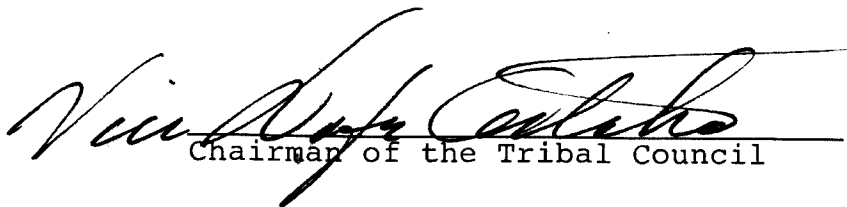
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Bureau of Indian Affairs to place all community roads eligible for Highway Trust Fund (HTF) funding as outlined in the attached Federal Highway Administration and BIA eligibility guidelines into the BIA Road System.

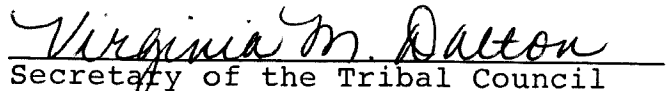
The foregoing resolution was on September 04, 1991, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

RECEIVED

SEP 13 1991

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council



US Department  
of Transportation  
Federal Highway  
Administration

JUL 28 1983

400 Seventh St. S.W.  
Washington, D.C. 20590

REFER TO: HDF-11

Palmer	
Johnson	
Whitaker	
Beene	
Jarris	
File	

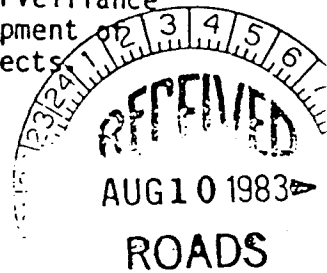
Mr. Robert Fleak  
Chief, Division of Transportation  
Bureau of Indian Affairs  
1951 Constitution Avenue, NW.  
Washington, D.C. 20245

Dear Mr. Fleak:

During the various meetings we have had on the Indian Reservation Roads (IRR) Program being funded from the Highway Trust Fund (HTF), there have been discussions on the general eligibility criteria for the use of these funds. We have, therefore, developed the following list which will provide guidance in determining eligible and ineligible items for HTF/IRR funding under the Federal Lands Highways Program.

The following items are eligible for HTF funding:

- Highway planning and research including road and bridge inventories and inspections; development of road and bridge standards including design, construction, and maintenance standards; identification and surveillance of accident locations; traffic engineering studies; and development of reservation transportation plans and priority programs of projects.
- Selected preliminary engineering studies.
- Engineering design for roads and bridges.
- Necessary landscape engineering and architectural services.
- Required environmental studies and archeological investigation confined to the general roadway construction limits.
- Construction engineering for contract administration, inspection, and testing.
- Engineered pavement overlays that add to the structural value and design life or for identified safety skid resistance.
- Double bituminous surface and chip seals that are part of predefined stage construction or form the final surface on low volume roads.
- Engineered restoration, rehabilitation, or reconstruction of pavement structures.
- Engineered restoration, rehabilitation, or reconstruction of bridges and bridge decks.



cc: V. Palmer

- Special pedestrian facilities built in lieu of streets or roads, where standard street or road construction is not feasible.
- Handling traffic and pedestrians through construction zones.
- Replacement of nonstandard regulatory and guide signs.
- Upgrading of substandard traffic barriers and bridge rails to current standards.
- Engineered spot safety improvements resulting from safety studies.
- Sidewalks adjacent to roadways to separate pedestrians and bicyclists from vehicular traffic for operational safety purposes, or special bicycle trails on separate right-of-way if required for transportation and not recreational purposes.
- Parking areas which are part of the BIA road system, and which enhance the traffic services on a road construction project.
- Public approach roads and interchange ramps which are under the jurisdiction and responsibility of the BIA.
- Installation of warranted roadway lighting.
- Adjustment of utilities directly related to roadway work.
- Conduits crossing under the roadway to accommodate utilities which are part of future development plans.
- Landscaping and seeding of cut and embankment slopes.
- Construction erosion control and environmental mitigation measures.
- Experimental features where there is a planned monitoring and evaluation schedule.
- Force account and day labor work, including materials and equipment rental, being performed in accordance with approved plans and specifications, and it has been determined cost effective.

The following are considered ineligible items for HTF funding:

- General reservation planning not involving transportation.
- Archeological investigations and work outside roadway construction limits.
- Cyclic maintenance work including chip and slurry seals; pavement patching; shoulder and ditch grading; cleaning culverts; snow removal; roadside mowing; normal sign repair and replacement; painting roadway structures; maintaining, cleaning, and repairing bridge joints, drainages, and other bridge appurtenances; and pavement markings.

- Trails and sidewalks not adjacent to the Indian reservation road, except special bicycle and pedestrian facilities noted above as eligible.
- Landscaping and irrigation systems outside of the roadway prism.
- Facilities serving commercial establishments, such as shopping centers, parking lots, or service station ramps.
- Private driveways, except for the entrance which may be built on the road right-of-way.
- Work performed prior to approval of the priority program of projects.
- Utilities, buildings, and sanitation facilities.
- Work on roadways that are not under the jurisdiction of the BIA, except that BIA may supplement construction on Federal-aid routes which serve Indian lands, in conformance with 23 U.S.C. 204(c).
- Walls and erosion protection that are not part of or support the roadway prism.
- Boat launching facilities and ramps.
- Purchase of equipment for force account work.

There may be a few situations where it is difficult to determine eligibility and the merits will be considered on a case-by-case basis. Any question of eligibility should be referred to this office for further consideration.

Sincerely yours,



Thomas O. Edick  
Direct Federal Program Administrator  
Office of Direct Federal Programs



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

Palmer	
Johnson	<input checked="" type="checkbox"/>
Whitaker	
Beene	
Harris	<input checked="" type="checkbox"/>
Weaver	
Humetewa	
File	

IN REPLY REFER TO:  
Division of Transportation  
Code 260

JUN 26 1984

Memorandum

To: All Area Directors  
Attention: All Area Road Engineers

From: Director, Office of Trust Responsibilities

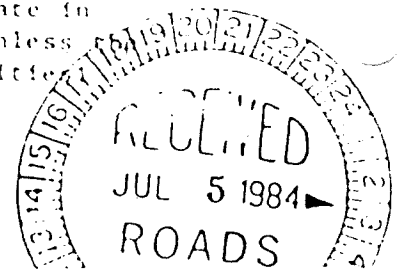
Subject: Bureau of Indian Affairs (BIA) Road System Guidelines

Listed below are two sets of Road System Guidelines. The first set is intended to assist Area Directors and engineers in deciding which roads should be on the BIA system, and in inventory update. The second set is for needs estimation. They are not rules, as special circumstances may apply; but deviations from the guidelines should be accompanied by an explanation of the special circumstances.

It is expected that these guidelines will enable us to achieve a more uniform nationwide road system and needs study. As we will begin to use the Needs Study for funds distribution in FY 1985, it is essential that the review and changes be made by August 1. If you have difficulty meeting this date, please request assistance from the Central Office.

### Guidelines for BIA Road System and Inventory:

1. A road which is only for service to a single residence or land use is a private driveway, not a public road, and should not be on the BIA system, (25 CFR 170.4a).
2. A road serving only two or three closely grouped residences or land uses should be considered a common private driveway, (25 CFR 170.4a).
3. A road primarily used for a single purpose (as forest management) is a private or administrative road, and should not be on the BIA public road system (though it may be on a BIA forest road system, or Bureau of Land Management (BLM) administrative road system unless it is essential to BIA programs and cannot be put on an administrative road system, (23 CFR 460.2(c).)
4. The proportion of miles of arterials (class 2 plus class 3) under state/county supervision should be at least equal to the proportion to fee land on that particular reservation. BIA may not participate in state or county road construction projects on a reservation, unless local governments meet their own road construction responsibilities.



5. Where state/county road systems are substantially under Guideline #4, efforts to correct the imbalance and/or secure state/county funding for BIA road construction projects should be documented, with copies to the Area Office and Central Office Division of Transportation. This also applies to cases where the state/county establishes a road system, but fails to meet construction needs on that system.

6. Attention should be given to use of Class 5 Trails to separate pedestrian (especially school) traffic from vehicular traffic, (23 CFR 652).

7. A road should not be on the BIA system unless it is needed for public travel on a permanent basis.

8. A road should not be put on the BIA system unless BIA owns the right of way. Roads presently on system without right of way may remain on system only if BIA intends to obtain right of way when funds are available, (25 CFR 170.5).

Guidelines for Needs Study Estimation:

1. BIA roads under 50 Average Daily Traffic (ADT) should not be considered for surfacing unless a part of a through school bus route. BIA roads under 100 ADT should not be considered for asphalt surfacing. BIA roads under 250 ADT should not be considered for high type asphalt surfacing or portland cement concrete surfacing, and roads under 400 ADT should not be so considered unless truck traffic is over 10 percent.

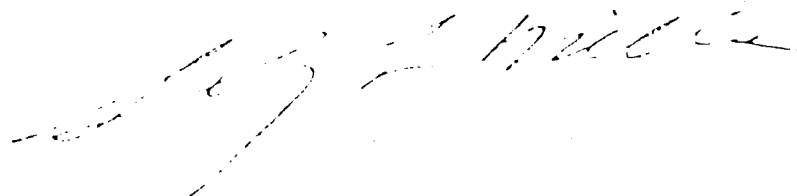
2. Maintenance use of dust palliatives which assist in crust formation should be considered first before varying from Guideline #1 for roads under 100 ADT.

3. Final surfacing of a road as shown in the inventory and needs study will be updated as necessary when ADT counts and projections change.

4. Designation of terrain must be that of the road itself; a road may be in flat terrain even though in a mountainous region. If a section of road is mountainous, it should be separated in its own section rather than designation of the whole route as mountainous.

5. To include state/county road needs in our needs study, we must, for each reservation, determine those needs and multiply by the percent of trust land on the reservation.

6. 4R needs shall be determined by including 1/4 of the cost of overlay of all reservation miles of high type pavements, and 1/2 of the cost of chip sealing all miles of light bituminous pavements on the reservation.

A handwritten signature in black ink, appearing to read "M. J. Miller", is written across the bottom of the page.