

§ 170.138

§ 170.138 Can roads be built in roadless and wild areas?

Under 25 CFR part 265 no roads can be built in roadless and wild areas on Indian reservations.

HIGHWAY SAFETY FUNCTIONS

§ 170.141 What Federal funds are available for a tribe's highway safety activities?

Federal funds available for a tribe's highway safety activities include, but are not limited to, the following which may be amended, repealed, or added to:

- (a) The tribes' IRR Program allocations under 23 U.S.C. 204;
- (b) Highway Safety Program funds under 23 U.S.C. 402;
- (c) Occupant protection program funds under 23 U.S.C. 405;
- (d) Alcohol traffic safety program funds under 23 U.S.C. 408;
- (e) Alcohol-impaired driver countermeasures under 23 U.S.C. 410;
- (f) Funding for highway safety activities from the U.S. Department of Health and Human Services (HHS);
- (g) Indian Highway Safety Program 25 CFR 181; and
- (h) Other funding that Congress may authorize and appropriate.

§ 170.142 How can tribes obtain funds to perform highway safety projects?

There are two methods to obtain National Highway Traffic Safety Administration (NHTSA) and other FHWA safety funds for highway safety projects:

- (a) FHWA provides safety funds to BIA under 23 U.S.C. 402. BIA annually solicits proposals from tribes for use of these funds. Proposals are processed under 25 CFR part 181. Tribes may obtain a contract or agreement under ISDEAA for these projects.
- (b) FHWA provides funds to the States under 23 U.S.C. 402, 405, 408, and 410. States annually solicit proposals from tribes and local governments. Tribes may request:
 - (1) To administer these programs under the State's locally administered project program; or
 - (2) That for projects that are otherwise contractible under Public Law 93-638 (25 U.S.C. 450 *et seq.*), that the State return the funds to FHWA and have

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them transferred to BIA for tribal self-determination contracts or self-governance agreements under ISDEAA.

§ 170.143 How can IRR Program funds be used for highway safety?

A tribe, tribal organization, tribal consortium, or BIA may fund projects to improve highway safety. Those projects that are not fully funded by the BIA-administered Indian Highway Safety Program must be incorporated into the FHWA-approved IRR TIP if IRR Program funds are used to complete funding of the project.

§ 170.144 What are eligible highway safety projects?

The following are examples of activities that can be considered as highway safety projects:

- (a) Highway alignment improvement;
- (b) Bridge widening;
- (c) Pedestrian paths/sidewalks and bus shelters;
- (d) Installation and replacement of signs when designated as, or made part of, a highway safety project;
- (e) Construction improvements that enhance and promote safe travel on IRRs, such as guardrail construction and traffic markings;
- (f) Development of a safety management system;
- (g) Education and outreach highway safety programs, such as use of child safety seats, defensive driving, and Mothers Against Drunk Drivers;
- (h) Development of a highway safety plan designed to reduce traffic accidents and deaths, injuries, and property damage;
- (i) Collecting data on traffic-related deaths, injuries and accidents;
- (j) Impaired driver initiatives;
- (k) Child safety seat programs; and
- (l) Purchasing necessary specific traffic enforcement equipment, such as radar equipment, breathalyser, video cameras.

§ 170.145 Are other funds available for a tribe's highway safety efforts?

Yes. Tribes may seek grant and program funding for highway safety activities from appropriate Federal, state, and local agencies and private grant organizations.