

actions, that are programmed for construction in the next 3 to 5 years.

**Indian Reservation Roads**

*transportation plan* means a document setting out a Tribe's long-range transportation priorities and needs. The IRR transportation plan, which can be developed by either the Tribe or the BIA on behalf of that Tribe, is developed through the IRR transportation planning process pursuant to 23 U.S.C. 204.

**Indian Tribal Government (ITG)**

means a duly formed governing body of an Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or Community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

*Life-cycle cost analysis* means an evaluation of costs incurred over the life of a project allowing a comparative analysis between or among various alternatives. Life-cycle cost analysis promotes consideration of total cost, to include maintenance and operation expenditures. Comprehensive life-cycle costs analysis includes all economic variables essential to the evaluation: Safety costs associated with maintenance and rehabilitation projects, agency capital cost, and life-cycle maintenance costs.

*Operations* means those activities associated with managing, controlling, and regulating highway traffic.

*Secretary* means the Secretary of Transportation.

*Serviceability* means the degree to which a bridge provides satisfactory service from the point of view of its users.

*State* means any one of the fifty States, the District of Columbia, or Puerto Rico.

*Transportation facilities* means roads, streets, bridges, parking areas, transit vehicles, and other related transportation infrastructure.

## **Subpart B—Bureau of Indian Affairs Management Systems**

### **§ 973.200 Purpose.**

The purpose of this subpart is to implement 23 U.S.C. 204 which requires the Secretary and the Secretary of each appropriate Federal land management agency to develop, to the extent appropriate, safety, bridge, pavement, and congestion management systems for roads funded under the FLHP.

### **§ 973.202 Applicability.**

The provisions in this subpart are applicable to the Bureau of Indian Affairs (BIA) and the Indian Tribal Governments (ITGs) that are responsible

for satisfying these requirements for management systems pursuant to 23 U.S.C. 204.

### **§ 973.204 Management systems requirements.**

(a) The BIA, in consultation with the Tribes, shall develop, establish and implement nationwide pavement, bridge, and safety management systems for Federally and Tribally owned IRR. The BIA may tailor the nationwide management systems to meet the agency's goals, policies, and needs.

(b) The BIA and the FHWA, in consultation with the Tribes, shall develop an implementation plan for each of the nationwide management systems. These plans will include, but are not limited to, the following: Overall goals and policies concerning the nationwide management systems, each agency's responsibilities for developing and implementing the nationwide management systems, implementation schedule, data sources, and cost estimate.

(c) Tribes may develop, establish, and implement Tribal management systems under a self-determination contract or self-governance annual funding agreement. The Tribe may tailor the management systems to meet its goals, policies, and needs.

(d) The BIA, in consultation with Tribes, shall develop criteria for cases in which Tribal management systems are not appropriate.

(e) The BIA, in consultation with Tribes, or the Tribes under a self-determination contract, shall incorporate data provided by States and local governments into the nationwide or Tribal management systems, as appropriate, for State and locally owned IRRs.

(f) The BIA, in consultation with the Tribes, shall develop and implement procedures for the development, establishment, implementation and operation of nationwide management systems. If a Tribe develops Tribal management systems, the Tribe shall develop and implement procedures for the development, establishment, implementation and operation of Tribal management systems. The procedures shall include:

(1) A description of each management system;

(2) A process to operate and maintain the management systems and their associated databases;

(3) A process for data collection, processing, analysis and updating for each management system;

(4) A process for ensuring the results of the management systems are considered in the development of IRR

transportation plans and transportation improvement programs and in making project selection decisions under 23 U.S.C. 204; and

(5) A process for the analysis and coordination of all management systems outputs to systematically operate, maintain, and upgrade existing transportation assets cost-effectively;

(g) All management systems shall use databases with a common or coordinated reference system that can be used to geolocate all database information.

(h) Existing data sources may be used by the BIA and Tribes to the maximum extent possible to meet the management system requirements.

(i) A nationwide congestion management system is not required. The BIA and the FHWA shall develop criteria for determining when congestion management systems are required for BIA or Tribal transportation facilities providing access to and within the Indian reservations. Either the Tribes or the BIA, in consultation with the Tribes, shall develop, establish and implement congestion management systems for the transportation facilities that meet the criteria.

(j) The BIA shall develop an appropriate means to evaluate the effectiveness of the management systems in enhancing transportation investment decisions and improving the overall efficiency of the affected transportation systems and facilities. This evaluation is to be conducted periodically, preferably as part of the BIA planning process.

(k) The management systems shall be operated so investment decisions based on management system outputs can be accomplished at the BIA region and Tribal level and can be utilized throughout the transportation planning process.

### **§ 973.206 Funds for establishment, development, and implementation of the systems.**

The IRR program management funds may be used to accomplish nationwide management system activities. For Tribal management system activities, the IRR two percent Tribal transportation planning or construction funds may be used. (Refer to 23 U.S.C. 204(b) and 204(j)). These funds are to be administered in accordance with the procedures and requirements applicable to the funds.

### **§ 973.208 Indian lands Pavement Management System (PMS).**

In addition to the requirements provided in § 973.204, the PMS must meet the following requirements: