NCHRP

SYNTHESIS 366

NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

Tribal Transportation Programs

A Synthesis of Highway Practice

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CONSULTANTS
STUART MECK
REBECCA RETZLAFF
and
JIM SCHWAB
American Planning Association
Chicago, Illinois

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NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

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In addition, we wish to thank every tribal contact listed in Appendix A. As there are more than 30, we shall incorporate them by reference here; however, in many, if not most, cases, each one devoted long hours gathering information for us, responding to our often tedious questions, and clarifying numerous points as we attempted to refine each profile. These individuals were truly the work horses of the project in helping us develop a study that was thorough and accurate. We cannot thank them enough.

We also interviewed the director of each TTAP around the nation for their overall observations, specific regional insights, and comments on the tribal profiles that helped us refine our questions. Two of these directors, Richard Rolland and Ronald Hall, also served on the review panel. In addition, we must thank Evan Hong, Director of the TTAP that serves California and Nevada tribes; James Self, Director of the TTAP at Oklahoma State University that serves tribes in Oklahoma, Texas, and Kansas; Dennis Trusty, Director of the Northern Plains TTAP, based at the United Tribes Technical College, Bismarck, North Dakota; Bernard D. Alkire, Director of the TTAP at Michigan Technical University; and Cheryl Cloud, Manager for that TTAP, whose organization serves tribes in the vast area east of the Mississippi River. All took the time to participate in lengthy interviews and to review our work in their respective geographic areas.

Finally, two individuals affiliated with APA assisted in significant ways to advance the report: Lora Lucero, APA staff attorney and editor of *Planning & Environmental Law*, reviewed and revised chapter two and added some valuable material to the early drafts; Olivia Starr served as an intern in the later stages of the project and was indispensable at soliciting additional information and identifying gaps in what we were presenting.

FOREWORD

By Staff
Transportation
Research Board

Highway administrators, engineers, and researchers often face problems for which information already exists, either in documented form or as undocumented experience and practice. This information may be fragmented, scattered, and unevaluated. As a consequence, full knowledge of what has been learned about a problem may not be brought to bear on its solution. Costly research findings may go unused, valuable experience may be overlooked, and due consideration may not be given to recommended practices for solving or alleviating the problem.

There is information on nearly every subject of concern to highway administrators and engineers. Much of it derives from research or from the work of practitioners faced with problems in their day-to-day work. To provide a systematic means for assembling and evaluating such useful information and to make it available to the entire highway community, the American Association of State Highway and Transportation Officials—through the mechanism of the National Cooperative Highway Research Program—authorized the Transportation Research Board to undertake a continuing study. This study, NCHRP Project 20-5, "Synthesis of Information Related to Highway Problems," searches out and synthesizes useful knowledge from all available sources and prepares concise, documented reports on specific topics. Reports from this endeavor constitute an NCHRP report series, *Synthesis of Highway Practice.*

This synthesis series reports on current knowledge and practice, in a compact format, without the detailed directions usually found in handbooks or design manuals. Each report in the series provides a compendium of the best knowledge available on those measures found to be the most successful in resolving specific problems.

PREFACE

This synthesis provides information that will prove useful to tribal governments, and state, local, and federal agencies, in determining the state of tribal transportation programs, and the steps needed to assist tribes in developing the capacity to effectively perform and manage transportation-related functions. The study identifies innovations and model practices among tribal transportation programs. It summarizes the history and legal and administrative evolution of tribal transportation programs within the larger context of issues of tribal sovereignty and relationships with federal, state, and local governments, and local and regional planning agencies. The report serves as a milestone signifying the inclusion of tribal governments as an essential component of the transportation community and assesses future tribal capacity and resource needs.

Overall, 30 tribes of all sizes from across the nation were chosen for surveying and study; at least one from every state with a large number of tribes. The study also examined the extant literature in the field. In addition, extensive interviews were undertaken with directors of Transportation Technical Assistance Program centers, with Tim Penney of FHWA, and with several officials of the Bureau of Indian Affairs.

Stuart Meck, Rebecca Retzlaff, and Jim Schwab, American Planning Association, Chicago, Illinois, collected and synthesized the information and wrote the report. The members of the topic panel are acknowledged on the preceding page. This synthesis is an immediately useful document that records the practices that were acceptable within the limitations of the knowledge available at the time of its preparation. As progress in research and practice continues, new knowledge will be added to that now at hand.

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TRIBAL TRANSPORTATION PROGRAMS

SUMMARY

Indian tribal transportation is undergoing significant change; however, relatively little significant research has examined where such programs currently are and where they are headed. This report attempted to establish a baseline for future research by examining numerous essential details of 30 programs from across the nation, from New England to Alaska, from Texas to North Dakota. The programs surveyed were large, small, and in between. The study also examined the extant literature of the field and summarizes the history and legal and administrative evolution of tribal transportation programs within the larger context of issues of tribal sovereignty and relationships with the federal government, states, and local and regional planning. In addition, the study includes extensive interviews with directors of the Transportation Technical Assistance Program (TTAP) centers, with Tim Penney of FHWA, and several Bureau of Indian Affairs (BIA) officials.

The primary vehicle for federal aid to tribal transportation remains the Indian Reservation Roads (IRR) program. Today, the program consists of more than 25,700 miles of BIA and tribally owned public roads and 800 bridges, plus 25,600 miles of state, county, and local government public roads. Authorizations for the IRR program and the BIA maintenance funds cover only a small fraction of the ongoing needs of tribes, although those authorizations are steadily increasing, and a new Tribal Transportation Allocation Methodology (TTAM) is in place to determine direct allocations to individual tribes. The profiles generated from this study, however, reveal that numerous tribes are seeking, experimenting with, or implementing additional sources of revenue to fund their transportation needs, including creative grant writing, flexible financing to borrow against future IRR allocations, tribal tax and casino revenues, and profit-making tribal enterprises that identify and fill market niches in the larger regional economy.

Much of what was learned through the synthesis survey was highly contextual. Tribal transportation managers and their staffs, along with their tribal governments, often make very specific initiatives and programs work in unique circumstances. For instance, the development of tribal transit programs often depends on the proximity of the reservation to neighboring jurisdictions that either already operate transit systems, can cooperate with the tribe in serving common needs, or can benefit from expansion of the tribal system, at the same time that tribes lacking such proximity find ways to develop an appropriate level of transit service in relative isolation.

As a result of these adaptations to circumstance, tribes have incorporated a full range of responses to opportunities for self-determination and the use of outside assistance such as contractors. However, there is a marked tendency among the tribes surveyed to have taken full control of the preparation of long-range transportation plans, with two-thirds of the tribes surveyed having done this work in-house, and almost none relying on the BIA for a function that is in effect the central element of decision making for their own transportation futures. Likewise, two-thirds of these tribes reported that they had taken charge of developing and maintaining their own inventory of transportation facilities, the central element of the BIA formula for determining tribal shares through TTAM. Moreover, there is clearly a growing determination among tribes to assume greater responsibilities for program operation through

self-governance compacts and U.S. Public Law (P.L.) 93-638 (the Indian Self-Determination and Education Assistance Act of 1975) contracts with the BIA. It is possible that in the near future these tribes will also exercise the emerging option of contracting with FHWA instead.

The survey also found that the plans developed most commonly established linkages with four other types of plans, with other possibilities being relatively uncommon. These were community and economic development, land-use planning, historic preservation, and public utilities. There were few surprises in this arena, or in the use of citizen participation techniques, where tribes largely relied on public hearings and public meetings as their primary mechanisms for involvement.

Tribal use of the TTAP centers was found to be almost pervasive, with only a small minority failing to report the use of TTAP resources, suggesting that this is likely to remain a highly successful means of distribution of technical assistance. In tribal coordination with outside agencies, aside from universal involvement with BIA, the most frequent area of coordination reported was with state transportation departments. Given new mandates for consultation with tribes, this is both not surprising and likely to increase. However, many tribes also reported extensive involvement with other federal agencies besides the U.S.DOT. The study included other department of transportation entities such as FHWA, FTA, and FAA in that category.

The study identifies innovations and model practices among tribal transportation programs. In seeking to classify these for ease of discussion, the study identified 10 areas of innovation among the findings in the profiles:

- Relationship building with outside entities,
- Financing and fundraising skills,
- Highway design and environmental management,
- Transit,
- Transportation enhancements,
- Marketing technical skills,
- Solving problems related to special hazards,
- Use of planning tools,
- Cultural preservation techniques, and
- Solving social problems through transportation programs.

Finally, the study identified four areas of potential future research based on the information gathered from all sources:

- Operation and development of tribal transit services,
- Staffing of tribal transportation programs,
- Creative financing, and
- Building relationships to further tribal transportation goals.

CHAPTER ONE

INTRODUCTION

PURPOSE OF REPORT

The status of Native American tribal transportation programs has not been the subject of much major research; hence, the literature on the topic is relatively scarce. Most of that literature consists of case studies of individual tribal situations, reviews of the legal framework and its evolution, or proceedings of conferences exploring one or more dimensions of the subject. In the last decade, the creation of the Tribal Technical Assistance Program (TTAP) by the U.S. Congress has spawned an increase of some of this literature by devoting resources to tribal technical assistance and training in the transportation arena.

Comparative studies across numerous tribal jurisdictions and their transportation programs are very few indeed. Moreover, changes in both law and practice have arisen as tribes have sought greater levels of self-determination; a trend often accompanied by an increase in fiscal resources as a result of economic development. U.S. Public Law (P.L.) 93-638, the Indian Self-Determination and Education Assistance Act, passed in 1975, afforded tribes new options for taking control of their own transportation futures through self-determination contracts and compacts with the Bureau of Indian Affairs (BIA), and many have accepted the challenge. However, it took the funding increases of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1992 and of the Transportation Equity Act for the 21st Century (TEA-21) six years later, coupled with the provision of technical assistance, to make such options meaningful for many tribes. These changes have created new opportunities for tribal self-determination in federal and state transportation programs. It is important that research both monitor and interpret those changes so that the tribes can benefit.

At the same time, a study of any significant number of tribal programs soon reveals what many familiar with Indian Country already know: Every case is different. Tribes operate in a variety of circumstances, ranging from small populations on large land areas to highly concentrated populations on small land bases, with or without reservations, near large metropolitan areas, and as remote from such metropolitan areas as one can be within the United States. They are rural and urban; prosperous and poor; large, medium, and small; and scattered across the majority of the 50 states from east to west, north to south. With all those variations in circumstances come inevitable variations in tribal transportation needs, issues, programs, and resources. Transportation needs are influenced by both demographics and geography. The former influences the need for services; the latter influences both the nature of the services needed and the types of neighboring or overlapping jurisdictions with whom tribal leaders and planners must interact to provide them. Because researchers must, in the end, be willing to explain each case on its own terms, a large portion of this study is devoted to individual profiles of the tribes that participated in our survey. The variables influencing program development that one could examine may well outnumber the tribes being surveyed.

Still, some common factors do emerge even under these circumstances, and one object of the study is to uncover those factors and highlight them to clarify whatever overriding issues may exist. Statistical validity is generally not possible; however, a judicious mixture of qualitative and quantitative analysis, based on an understanding of both the federal and state legal structures affecting tribal transportation and other factors, can yield some insights into both the state of the art and the trends affecting the various programs. The aim of this study was to use such judgment to reach whatever meaningful conclusions seem possible. In turn, it is hoped that the findings could be useful for federal and state policy and program development with regard to tribal transportation in a way that facilitates improvements and greater efficiencies in intergovernmental interactions. We have structured the report with an eye to those objectives.

Ultimately, the purpose of the report, regardless of the complexities and anomalies within its findings, is to provide information that may prove useful to tribal governments, and state, local, and federal agencies in determining the state of tribal transportation programs, and the steps needed to assist tribes in developing the capacity to effectively perform transportation-related functions. Furthermore, with the impressive evolution of the transportation community within the United States since the early 1900s, this synthesis serves as an important milestone signifying the inclusion of tribal governments as an essential component of that national dialogue and assessing future tribal capacity and resource needs. A century later, this effort seems long overdue.

ORGANIZATION OF REPORT

We have organized this report into four chapters, followed by appendixes that include the individual tribal profiles and afford the reader supporting information about how the study was conducted and what resources were consulted. The goal is to provide readers with the most straightforward presentation possible of the underlying structure not only of tribal transportation programs, but of the tribal governance structure that sustains them, followed by the data collected by the American Planning Association (APA) research team.

Chapter one provides an introduction to the purpose and organization of the report, as well as the approach used in gathering and analyzing data.

Chapter two offers an overview of tribal governing structures; the concept and legal framework for tribal sovereignty, a subject often misunderstood by those not experienced in Indian affairs; and how tribes relate to the federal government. The chapter moves from this broad framework to the narrower questions pertaining to the management of tribal transportation programs and how tribes interact on this particular topic with the federal, state, and local governments. The chapter concludes with a review of other issues meriting consideration and a summary of the previous studies in this arena.

Chapter three examines common themes and models that emerged from across the range of case studies being reviewed and compared. Given the complexity of the survey used to produce the profiles in Appendix A, these larger themes and models touch on a number of aspects of tribal transportation programs, ranging from issues of funding to self-determination contracts for the operation of transportation programs, and from planning to maintenance and issues of staffing and technical capacity. The chapter concludes by taking note of the more innovative practices revealed through interviews and by describing what are potentially fruitful avenues for future research and training in this area.

A list of references cited and a glossary to help readers understand some of the essential terminology used in tribal transportation programs are also included,

Appendix A provides profiles of individual tribal transportation programs based on the interviews and supplemental material provided by tribes that were contacted and chose to participate in the survey. Here it is explained how the selections were made with the aim of including tribes of various population sizes and locations, as well as those with different funding levels for transportation programs, to construct a good cross section for research purposes.

The remaining appendices provide a timeline of the evolution of tribal transportation programs and policies (Appendix B), a list of the tribal contacts for the profiles found in Appendix A (Appendix C), and the questionnaire used to develop the profiles (Appendix D).

STUDY APPROACH

The first step was to gather and review whatever literature could be identified that had a bearing on the topic of tribal transportation. In a broader sense, literature was identified that would provide essential background on the evolution of tribal governance mechanisms that might influence practical choices in the management of transportation programs. The broad issue of tribal sovereignty clearly has a bearing on choices made with regard to governance concerning the highly practical subject of transportation. At the same time, tribes must achieve a certain level of technical capacity to manage their own transportation programs. The nature and amount of technical capacity required will vary with the tribe's transportation needs, which, as noted earlier, will depend on demographics and geography.

With those considerations in mind, the literature was surveyed first, primarily to gain an understanding of the current state of affairs and recent developments in the management of tribal transportation programs. Because a wide variety of individual variables influence the direction tribes take in making choices concerning the operation of their programs, the funding levels available to them, the needs that confront them, and numerous other factors, it became clear that a straightforward statistical evaluation of the programs simply was not possible.

In such circumstances, it is far more valuable to use a case study approach. Case studies allow, and should be conducted so as to facilitate, the integration of data and knowledge from multiple sources (Scholz and Tietje 2001). At the same time, it was necessary to include enough case studies to represent the broad cross section of current Native American tribal government experience with operating transportation programs. It was decided, in consultation with the review panel, to concentrate on 30 tribes that currently compose approximately 80% of Indian Reservation Roads (IRR) road mileage or budget, or both. In addition, the list of prospects was developed to represent diversity in geographic location, population size, and in the level of funding received for transportation. Sources of information included data from the BIA on funding under the IRR program and U.S. Census data on individual tribes. In addition, the TRB panel specified a list of 22 tribes for specific consideration in the initial round of contacts with tribal officials.

The IRR program is authorized under the Federal Lands Highway Program, but dates its creation to 1928. It has evolved through numerous legal and programmatic changes since then, involving a partnership between the BIA and FHWA. Today, the IRR system includes approximately 25,700 miles of BIA and tribally owned roads and

25,600 miles of state, county, and local government public roads. In FY 2006, the program budget was approximately $330 million, subject to congressional allocations. BIA appropriated $26 million separately to maintenance, leading to shortfalls that produced frequent complaints from tribal transportation officials about inadequate funding.

Geographic location raised issues not only of achieving a spread from east to west, and north to south, including Alaska, but of recognizing that some states have a much greater concentration of tribes than others. In addition, the size range of tribes within some states is very different from others. For example, Alaska has 229 BIA-recognized tribes (native villages for the most part), most of them relatively small (fewer than 1,000 individuals), and 12 regional native nonprofit corporations (technically tribal organizations under the law) that may take on governmental programs such as transportation under the authority of tribal resolutions. Furthermore, there are 12 for-profit corporations and 228 village corporations, incorporated under state law, which own and administer lands and dollars provided to them under the Alaska Native Land Claims Settlement Act. These lands are for the most part outside native village town sites. The state of Washington has 28 federally recognized tribes, mostly of average size; and Arizona, New Mexico, and Utah contain portions of the Navajo Nation, the largest reservation in the United States in both land area and population. Meanwhile, Oklahoma includes many tribes, among whom are the Cherokee, which like the Navajo number more than 200,000.

APA's data collection plan called for including at least one tribe from every state with a large number of tribes. Because a number of states, particularly in the East, have relatively few Native American populations, choosing 30 tribes overall to survey still left room to guarantee that states that met this criterion no matter how it was defined, such as Alaska, Arizona, Oklahoma, and Washington State, could all be included for at least one tribe apiece, and perhaps two, to achieve this goal. Other states with smaller indigenous populations could then become candidates for the one tribe to be included based on the other criteria for selection.

Geographic size also significantly influences transportation needs. For example, even with a widely scattered population, the Navajo reservation, which incorporates in excess of 27,000 square miles, larger than the state of West Virginia, has vast needs for connecting its population over long distances and maintains aviation facilities as well. Tribes in Alaska often have hundreds, if not thousands, of square miles, dotted with small, remote villages. Much larger, densely populated groups in Oklahoma may also have large land areas, but large populations to serve as well. For instance, Cherokee lands incorporate some 7,000 square miles. Several reservations in South Dakota are just as large as neighboring counties. On the other hand, some tribes have fewer than 1,000 people on a few hundred to a few thousand acres, served by relatively small internal road systems. The geographically smallest reservations get relatively little federal money for transportation and may rely heavily on the outside world for access roads or mass transit services. In between are a variety of reservations with varying needs based on size and proximity to other jurisdictions with transportation services that sometimes overlap or at least interact with those of the tribe. Complicating the picture is that there are multiple categories of tribal land. Tribal trust lands are those placed in trust status with the approval of the BIA. Trust status basically means that the land is held in trust by the United States for the benefit of the tribe or individual. Conversely, tribes can acquire land through fee simple purchase or any other mechanism available to other owners of real property; however, those other lands may not be removed from the tax rolls or regulation of states and local governments unless they are placed in trust. In addition, there are lands that have been alienated to non-tribal landowners, who may even reside there. These often are still within reservation boundaries, a problem known as "checkerboarding," which presents special challenges with regard to transportation planning. How could any tribe meaningfully sort out tribal and non-tribal users of transportation facilities on a reservation whose land ownership is divided in such a fashion? In cases in Alaska and Oklahoma, moreover, owing to historic differences, tribes may not even have a reservation, yet be responsible for the transportation needs of their community within and with connections to and through other jurisdictions.

Population size was a significant consideration because it affects both the scope of the transportation programs needed by tribal members as well as, to a lesser extent, the scope of the resources that may be available. This is not as straightforward a number, in many cases, as it would be for saying that a hypothetical city in Kansas had 45,200 residents in the last U.S. census. The resident population of a reservation often does not reflect the total membership of the tribe, much of which may live off reservation and perhaps even be widely scattered across the United States. However, a transportation program would be poorly calibrated in size or purpose if geared to a large nonresident membership; the relevant issue is the population within the geographic area served by the program. At the same time, some reservations may house large numbers of individuals who are not tribal members; some may belong to other tribes and others may be non-Indians with inholdings within the reservation. These people, however, can be expected to use the roads and perhaps even the transit facilities. What then is the most relevant transportation number? The answer will often depend on the particular circumstances. Nonetheless, some division of size was needed to determine the overall balance of the tribes chosen. As the complexity of this issue became clear, the study tried to consider, to the extent possible, the size of the most likely user population with a classification system that related to the range of possibilities, to test the distribution of the resulting profiles from participating tribes. It was decided early in the study to define "small" as 2,000 or fewer;

"medium" as 2,001 to 50,000; and "large" as those with more than 50,000 individuals. Of the 30 profiled tribes, 12 fell into the small category, 16 into the medium category, and only 2, the Navajo and Cherokee Nations, qualified as large. However, it must be noted that these latter two are clearly in a class of their own. Both have memberships exceeding 200,000. None of the "medium" tribes profiled has a resident population of even 20,000. The gap between large and medium, in other words, is huge.

Finally, federal funding is an indicator of financial capacity for both transportation planning and program operations and management. Therefore, about 30 tribes that receive approximately 80% of federal transportation funds available to tribes were identified. Below a certain minimum of funding, it is difficult or impossible to execute meaningful transportation projects, no matter how great the need. On the other hand, although some large tribes may have needs that greatly exceed their resources, the resources available to them at least afford the ability to fashion some sort of program of planning, construction, and maintenance. Moreover, at a certain scale, tribes appear to begin to generate means of mustering their own internal resources in addition to those provided by federal or state agencies. A balance that would account for these practical realities is established.

The questionnaire used is a fairly complex instrument. Following the logic of a case study format, although it used some yes/no questions and some numerical data, it allowed for considerable latitude in most areas for interviewees to elaborate on their answers and provide additional data. The additional data often enriched the context for understanding the tribe's program and facilitated the preparation of a more meaningful profile. Overall, information was requested in the following areas (the full questionnaire is contained in Appendix D):

- Land area and population served;
- Tribal governance structure;
- Components of the tribal transportation program and whether the tribe operated its own program;
- Funding amounts and sources for both operating and capital expenditures;
- Coordination with federal and state agencies and surrounding regional agencies, as well as any other transportation providers;
- Training and continuing education of tribal transportation staff;
- Status of tribal transportation planning, the primary components of the plan, and its linkages with other planning activities conducted by the tribe, such as land-use planning or historical, cultural, and archaeological resources;
- Description of maintenance activities and how they are conducted;
- Transportation safety programs, including signalization, channelization, road reconfiguration, signage, child car seats, and seat belt enforcement;
- Any provisions concerning public transit service;
- Identification of any innovative or best practices, including identification of other tribes with positive reputations in transportation;
- Challenges facing the tribe in planning and delivery of transportation services, and how those were overcome; and
- Changes desired in federal tribal transportation programs.

Once the initial selection of tribes was made, a letter was sent from the TRB executive director to leaders of the chosen tribes, with the questionnaire attached, introducing the project indicating that APA wanted to reach the most appropriate contact person(s) for an interview. In most cases, this individual was interviewed by telephone by one or more APA researchers. Some, however, chose to complete the interview in writing and mail, fax, or e-mail the completed form to the APA Research Department. In either case, APA project team members used the answers to prepare the profiles that appear in chapter three. These were designed to follow a uniform format to allow readers the ability to compare comparable information.

The interviewees were given the option of reviewing those profiles, and some did so in consultation with other tribal officials and forwarded comments that were then taken into account in fashioning a final version of each case study. Also, tribes were asked to provide copies of their plans or other documents that would help shed additional light on their programs, and APA has received such material from a number of tribes. In some cases, this material was available on a tribal or other website, and the tribe provided the URL so that APA could access the material.

Following the development of the profiles, APA conducted a content analysis of the complete selection to identify recurring themes, acquire an understanding in some depth of the variations in programs and how they occur, and make valid inferences about the state of tribal transportation programs from the data and the context in which they occur.

CHAPTER TWO

POLITICAL AND INSTITUTIONAL STRUCTURE OF TRIBES

TRIBAL ORGANIZATION AND AUTHORITY

The institutional structures of tribes vary considerably. Tribes are sovereign entities with the inherent authority to determine their own form of government, but remain subject to the plenary authority of the U.S. Congress. Many tribes organize themselves around tribal constitutions modeled on the Indian Reorganization Act (IRA) of 1934, or structures that date back to treaties, executive orders, or congressional actions. Some have developed a combination of several systems. This chapter focuses on the administrative operations of tribes, and less on legislative and judicial functions, because the vast majority of transportation functions are administrative in nature.

Tribes may not have all three branches of government (executive, legislative, and judicial), particularly because many small tribes do not have separate judicial institutions. However, the administrative (executive) and legislative branches are essential for tribes to function as independent sovereigns. The involvement of the tribal judicial institutions with transportation is typically limited to traffic violations within the reservation. Where that involvement affects safety programs, it is discussed in the individual tribal profiles in Appendix A. Legislative councils create and authorize administrative departments and establish tribal laws. Their structures are discussed briefly in the opening paragraph of each tribal profile.

Tribes base their governing structures on one of four sources of authority:

- Written constitutions approved by the U.S. Department of the Interior according to the IRA of 1934, the Oklahoma Welfare Act of 1936, or the Alaska Native Act of 1936.
- Governing documents approved by the U.S. Department of the Interior, outside of any specific federal statute.
- Traditional, unwritten forms of government based on custom.
- Interim tribal governments recently restored to federal status (Meredith 1993).

Most tribal governments are led by a tribal council consisting of elected members and, in some cases, traditional band or clan chiefs. Especially in smaller tribes, the tribal council performs most governmental functions, including executive, legislative, and judicial functions. The tribal executive is often elected from the tribal council membership and, in some cases, by the tribal membership (O'Brien 2002).

Tribal institutional structures vary depending on the size of the tribe. Larger tribes, such as the Navajo Nation, have very organized and elaborate institutional structures providing a range of social, economic, land-use, and transportation functions [including a department of transportation (DOT)]. In smaller tribes, scarce resources often make it necessary for one tribal employee to perform several functions, transportation being only one.

One report listed the following main functions of tribal governments:

- Executive actions—similar to the actions of a state governor or the U.S. president.
- Legislative actions—similar to the actions of a state legislature or the U.S. Congress.
- General government administration—can include personnel management, budgeting, capital improvement programming, taxing, or intergovernmental affairs.
- Public safety—police protection, tribal courts, fire protection, and emergency medical service.
- Health care—medical services and environmental health.
- Public works, engineering, and infrastructure—transportation, water, sewers, and facilities management.
- Planning and community development—comprehensive planning, zoning, and environmental protection.
- Education—K-12 schools, vocational schools, and college.
- Social services—day care, recreation, elderly care, and child welfare (*Transportation Guide for Native Americans* 2002).

In addition to these functions, protection (or development) of the tribe's natural and cultural resources is also a very important responsibility of tribal government. For example, some tribal governments include their own environmental protection agency or agency devoted to archaeological and cultural preservation issues.

TRIBAL SOVEREIGNTY

The issue of tribal sovereignty is critically important to fully understand and appreciate the complex relationships that exist between the tribes and the federal and state governments. Unfortunately, there is considerable misunderstanding, and the legal theories underlying tribal sovereignty have shifted significantly over time, exacerbating the confusion.

The Continental Congress declared its jurisdiction over Indian tribes on July 12, 1775 [2 J. Continental Cong. 175 (1775)]. Between 1778 and 1868, when the final treaty was signed with the Nez Perce, 367 Indian treaties were ratified, with the first treaty providing a guarantee to the Delaware Indians of "all their territorial rights in the fullest and most ample manner" [The Delaware Treaty of Fort Pitt (September 17, 1778), 7 Stat. 13–15].

The federal government's relationship with the Indian tribes is further addressed briefly in the U.S. Constitution. Article I, § 8, cl. 3 gives Congress power "to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes." The president is authorized to make treaties with Indian tribes, with Senate consent, by Article II, § 2, cl. 2. Article VI, § 2 recognizes that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

The treaties, trust relationship, and plenary power doctrines together establish the concept of tribal sovereignty—that tribes have the right to internal sovereignty, whereas the federal government has a trust responsibility for the tribes. Indian policy is based on these three doctrines, with each period taking prominence at different times, resulting in rules for tribal sovereignty that shift from time to time (Ashley and Hubbard 2004).

The tribes retain inherent sovereignty over their lands and activities except to the extent that they have been withdrawn by treaty or federal statute. However, a number of congressional enactments over the past 200 years have eroded tribal authority (Pevar 2004). The most obvious example is the General Allotment Act of 1887, also known as the Dawes Act, which provided for allotment of some tribal lands to individual landowners, including nonindigenous settlers; and laws in the 1950s that provided for termination of tribal status for certain tribes, including the Menominee in Wisconsin. That termination was later reversed after proving to be a social and economic disaster (Peroff 1982).

Despite the debate that continues today concerning the scope and breadth of tribal sovereign powers, the essential elements of tribal sovereignty can be defined. Pevar (2004) identifies nine:

- Forming a government,
- Defining tribal membership,
- Regulating tribal land,
- Regulating individual property,
- Taxation,
- Maintaining law and order,
- Excluding nonmembers from tribal territory,
- Regulating domestic relations among members, and
- Regulating commerce and trade.

At the time of the ratification of the U.S. Constitution, tribes were treated as international sovereigns and Indian affairs were handled through treaties. This initial framework provides the basis for the government-to-government relationship that exists today. As the United States expanded west, the "treaty-making relationship" grew increasingly less clear and was gradually replaced by the "trust relationship." The plenary power doctrine and trust relationship were developed in three U.S. Supreme Court cases, collectively known as the Marshall "Indian trilogy." In *Johnson v. McIntosh,* 21 U.S. 543 (1823), the Court held that the Indians had only a right of possession, with legal title and the power to transfer ownership resting in the federal government. In *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), the Court clarified that Indian tribes are neither states nor foreign nations, but "domestic dependent nations . . . in a state of pupilage" (30 U.S. at 17). Finally, in *Worcester v. Georgia*, 31 U.S. 515 (1832), the Court concluded that states have no power in Indian territory, and that the Indian nations are distinct political communities, having territorial boundaries within which their authority is exclusive, subject to federal plenary power.

Chief Justice John Marshall effectively subordinated tribal sovereignty to federal authority, creating the tribes' dependence on a more powerful nation for protection. The federal government assumed the relationship to the tribes as a guardian to its wards. However, the U.S. Supreme Court continued to uphold the constitutional principle that the federal government had sole authority to regulate commerce and treaty making with the tribes, to the exclusion of the exercise of any such power by the states. The important principles that originated with Marshall's Indian trilogy are:

1. Indian tribes, because of their original political/territorial status, retain incidents of preexisting sovereignty.
2. The sovereignty may be diminished or dissolved by the United States, but not by the states.
3. The federal government, because of this limited sovereignty and the tribe's dependence, has a trust responsibility relative to Indians and their lands [*American Indian Law Deskbook* (1993)].

Over the years, the U.S. Supreme Court has further explained and clarified the government's trust responsibility. In 1942, the Court stated that:

> In carrying out its treaty obligations with Indian tribes, the Government is something more than a mere contracting party. Under a humane and self-imposed policy which has found expression in many acts of Congress and numerous decisions of this Court,

> it has charged itself with moral obligations of the highest responsibility and trust. Its conduct, as disclosed in the acts of those who represent it in dealings with the Indians, should therefore be judged by the most exacting fiduciary standards [*Seminole Nation v. United States*, 316 U.S. 286, 296–297 (1942)].

Various scholars have noted that, although the plenary power is cited as a basis for congressional intervention in and authority over tribal governance, it is a problematic notion that embodies several different definitions that are hardly synonymous (Wilkins 1997, pp. 25–27). Plenary power can mean "exclusive"—Congress is the only body with such authority. It can mean "preemptive"—displacing other authority such as state law, which may not conflict with federal enactments. Congress can, for example, preempt state efforts to infringe on tribal sovereignty. Plenary power can also mean "unlimited" or "absolute." It is this final definition that opens the door for Congress to enact virtually any law it wishes with respect to tribal governments that, at the time the Constitution was adopted, were presumed to be foreign nations capable of negotiating treaties with the United States, and whose authority predated the nation's birth.

Another major shift in tribal–federal government relations arrived with the decisions of the U.S. Supreme Court in *U.S. v. Kagama*, 118 U.S. 375 (1886) and *Lone Wolf v. Hitchcock*, 187 U.S. 533 (1903). In this period, the idea of "protection" took on a new meaning. The court established that Congress's power over tribes went beyond regulating commerce, as specified in the U.S. Constitution. The federal government's role was defined as complete power over the tribes (Wilkins 2002). According to Yazzie, the plenary power doctrine even gives Congress authority to override Indian Nation treaties (Yazzie 2002, p. 162).

One clear result of this expansion of federal power was Congress's ability, during the New Deal, to impose prescribed forms of government on many tribes under the IRA (Wheeler–Howard Act, June 18, 1934), which authorized the BIA to proclaim new Indian reservations and to approve tribal constitutions. The Wheeler–Howard Act was intended in part to restore what had become the eroded capacity for self-governance of many tribes that had been reduced to severe economic dependence on the federal government.

In two 2005 opinions, the U.S. Supreme Court ruled against the tribes when presented with questions concerning sovereignty. The Prairie Band Potawatomi Nation challenged the imposition of the Kansas motor fuel excise tax on non-Indian distributors for fuel supplied to a gas station operated by the tribe on reservation property. The tribe has its own fuel tax applied to sales on the reservation, which it uses to fund reservation infrastructure. Writing for the majority, Justice Thomas concluded that the tax was valid and "posed no affront to the tribe's sovereignty" [*Wagnon v. Prairie Band Potawatomi Nation*, 126 S.Ct. 676 (2005)]. In another case, the Oneida Indian Nation of New York challenged the city of Sherrill's taxation of property that the Indian nation purchased. The parcels had originally been part of the historic Oneida Reservation, but were sold to a non-Indian in 1807. The Indian nation repurchased the parcels in 1997 and 1998 and claimed that the parcels were tax-exempt, because its ancient sovereignty had been revived. Justice Ginsburg, writing for the majority, held that the Indian nation could not unilaterally revive its ancient sovereignty through an open-market purchase of land that was formerly within the reservation [*City of Sherrill, New York v. Oneida Indian Nation of New York,* 544 U.S. 197 (2005)].

As sovereigns, tribes receive their authority to operate their governments from their tribal members, not from the U.S. Constitution. Although U.S. policy and philosophy toward Indians has changed over time, current federal policies recognize tribes on a government-to-government basis (O'Brien 2002; Wilkins 2002; Ashley and Hubbard 2004). This government-to-government relationship signifies that the federal government no longer views tribes as wards, but as domestic dependent nations that have their own governmental powers. Tribes have the authority to structure their own governments, administer a justice system, regulate governmental affairs, and levy taxes, as well as operate and manage transportation systems (O'Brien 2002).

Particularly with respect to transportation, tribal sovereignty and the government-to-government relationship between tribes and the federal government has, in the past, been mismanaged or completely overlooked. Tribes do not operate within the same structure of transportation planning decision making as local governments, metropolitan planning organizations (MPOs), and state governments. Guidance and uniform policies in this area have only been developed in recent years, and then primarily by state DOTs. For example, Iowa has developed a tribal consultation process that involves both the Iowa DOT and other agencies (*Transportation Guide for Native Americans* 2002). Other states, as noted here, have established various official liaisons between state transportation departments and tribal governments and their transportation programs.

Issues of sovereignty affect all parts of tribal transportation programs. For example, as Swan, formerly of the Arizona DOT (ADOT), writes,

> The effect of the sovereignty conflict is evident in how the ADOT and the tribes address issues that concern their respective judicial systems. There is a continuing challenge in determining jurisdiction and then having the other party recognize jurisdiction. Whenever sovereignty may be an issue, the ADOT and the tribe in question have looked for ways to avoid conflict (Swan 2002, p. 20).

Conflicts over sovereignty issues often arise in areas where states and tribes must coordinate, such as for right-of-way (ROW) improvements for state roads located on tribal lands. As Swan writes,

> The sovereignty issue has a direct impact on the issue of highway ROWs and ADOT's ability to maintain or construct improvements . . . Without an adequate ROW and the ability to act independently on items within the right-of-way, ADOT faces an assumption of liabilities for the traveling public. The tribes feel that any grant of ROW threatens their sovereignty and land base (Swan 2002, p. 21).

As noted previously with regard to the Kansas gas tax, coordination on taxation issues can often be contentious, in part because states see gains in tribal taxing power as losses to their own revenue base.

TRIBES AND FEDERAL GOVERNMENT

The relationship between the tribes and the federal government has changed over the years. Most recently, federal and tribal relationships have wavered between policies of self-determination and paternalism.

Allotment Policies

In 1887, Congress passed the General Allotment Act (also known as the Dawes Act) with two purposes: first, to assimilate tribes into mainstream American society, and second (although unspoken), to fulfill the need for tribal land by American settlers. Through the General Allotment Act, communal tribal land was broken up into smaller pieces and given to individual Indians who had to agree to adopt European farming practices on the land. All surplus land that was not granted to Indians was granted to non-Indians. The General Allotment Act had disastrous consequences for tribes, which are still felt today in all areas of tribal governance—including transportation. The Act resulted in the checkerboard pattern of land ownership that is common with many tribes today (Ashley and Hubbard 2004).

Indian Reorganization Act

Congress passed the IRA in 1934 to reverse the federal government's allotment policies. The IRA prohibited further allotments and established procedures for internal tribal business, including the adoption of tribal constitutions. The IRA also authorized the Secretary of the Interior to designate new Indian reservations, although in practice tribes still had to petition Congress for recognition of "new" Indian groups (Chaudhuri 1985). Under the IRA, however, Indians still did not have final decision-making power over the use of tribal funds or tribal land. If the BIA disagreed on the decision of a tribal council, the agency could overturn it (Lacy 1985).

Public Law 83-280

Enacted in 1953, P.L. 83-280 transferred civil and criminal jurisdiction over Indians living on reservations to five states (California, Minnesota, Nebraska, Oregon, and Wisconsin and, later, Alaska), and allowed for the transfer of jurisdiction in the other states as well.

Indian Self-Determination and Education Assistance Act

In 1975, Congress passed the Indian Self-Determination and Education Assistance Act (ISDEAA) (P.L. 93-638). This Act signifies the beginning of contemporary Native American and tribal policy in the United States and was a significant philosophical shift in U.S.–Native American policy. However, some have suggested that affirmations of self-determination will remain symbolic gestures until tribal governments actually replace BIA administration (Chaudhuri 1985; Castle 1992; Esber 1992). The ISDEAA allows tribes to have "meaningful participation" in many federal programs that affect reservations, including transportation programs (Esber 1992). Under the Act, the federal government funds tribal programs, but the tribes now operate the programs.

TRIBES, STATES, AND LOCAL GOVERNMENTS

The tribes, states, and local governments often have different perspectives on issues such as environmental regulation, fishing and hunting, gaming, and taxation, as well as religious and cultural practices, which may affect transportation planning and add to the complexity of these intergovernmental relationships. Some states recognize tribal sovereignty, whereas others are reluctant to do so. Many states have sought to move their political and economic power into tribal jurisdictions even though these actions violate the doctrine of tribal sovereignty.

There are many issues, however, that require the states, local governments, and tribes to work together. States have roads that run through tribal lands and communities, and often find it necessary to coordinate on transportation issues. States have initiated a number of strategies to better coordinate transportation planning and construction with the tribes. A report prepared for the Wisconsin DOT (CTC and Associates 2004) identified four common methods within state DOTs for such coordination:

- Tribal liaisons, either as designated individuals or offices (Arizona, California, Minnesota, Montana, and Washington State were noted).
- Tribal summits, held as communication or coordination meetings (Idaho, Iowa, Minnesota, New Mexico, Pennsylvania, Washington State, and Wisconsin were noted).
- Transportation resource guides, either printed or online, to help Indians and agencies understand a tribes' role in transportation issues (California, Minnesota, and Washington State were noted).
- Advisory committees, which meet regularly to address tribal transportation issues (Arizona and California were noted).

Furthermore, federal law requires that states consult with tribes in developing their state transportation improvement plans (STIPs) and with regard to issues arising out of Section 106 of the National Historic Preservation Act of 1966 (P.L. 102-575, 16 U.S.C. 470 et seq.).

Case Study

In New Mexico, the city of Albuquerque's 1.6-mile expansion of the Paseo del Norte highway through the Las Imagenes Archaeological District, immediately adjacent to the Petroglyph National Monument, has been a long-standing point of contention between the state and city on one side and the Indian Pueblos, who believe the area has great spiritual significance, on the other, "The petroglyphs found in the area date back thousands of years and are viewed by the various Pueblo groups as a place to convey messages between ancestor spirits and the living" [see http://www.sacredland.org/endangered_sites_pages/petroglyph.html (May 28, 2006)].

With the city sprawling to the west, planning for alternative transportation routes and modes of transportation should have occurred years ago to protect the petroglyphs. However, incremental subdivision approvals and housing developments approved by the city foreclosed many alternative routes. Scant attention was paid to the concerns of the Pueblos. The city avoided using federal funds for the project to circumvent any environmental review pursuant to the National Environmental Policy Act (NEPA) [42 U.S.C. 4321 et seq.], and New Mexico does not have a mini-NEPA.

The National Trust for Historic Preservation, along with the SAGE Council as de facto representative of the tribal concerns (http://www.sagecouncil.org/), and several individuals, maintained that the city failed to adequately consider "feasible and prudent" transportation alternatives and to minimize harm to the historic district as required by the New Mexico Prehistoric and Historic Sites Preservation Act (NMSA § 18-8-7). They also argued that the city failed to consult with the Pueblos about the location and alignment of the new road. The plaintiffs opted not to bring a Religious Land Use and Institutionalized Persons Act (RLUIPA) claim, because it would have required too much exposure and discussion of the Native American belief system and spiritual practices, which are considered sacred and very private [Religious Land Use and Institutionalized Persons Act of 2000, § 2(a)(2), 42 U.S.C.A. § 2000cc(a)(2)]. Although the District Court ruled against the plaintiffs, an appeal was filed (*National Trust for Historic Preservation v. Chavez*, New Mexico Court of Appeals, No. 26,408, March 2006).

By summer of 2006, injunctive relief was denied and the construction of Paseo del Norte had begun, including blasting through the escarpment above the national monument and the relocation of a number of the petroglyphs. The SAGE Council eventually withdrew from the litigation, expressing concerns about the potential impact on the issue of tribal sovereignty. This conflict is a prime example of the need for early and meaningful consultation between the tribes and state and local governments. It also demonstrates that transportation planning and land-use decisions on non-tribal lands can have a serious and profound impact on the tribes.

There are a number of ways to address meaningful consultation and coordination between the states, local governments, and tribal governments. Several states, including Arizona, California, Minnesota, Montana, and Washington, have tribal liaison positions located within their DOTs. Some state DOTs place these liaison positions in their planning or environmental divisions, whereas others are located in the governmental services division.

Tribal transportation summits between the tribes and state DOTs are another method of coordination. This strategy is common in state DOTs that do not have tribal liaison persons or offices, although some states use both strategies. The purpose of these transportation summits is to focus and coordinate on transportation issues common to the states and tribes, and to decide on next steps. Summits have been held in Alaska, Idaho, Iowa, Minnesota, Montana, New Mexico, Pennsylvania, and Washington State.

The third method of coordination consists of printed or online transportation resource guides prepared by state DOTs for the tribes. These guides are usually intended to help tribal transportation officials and agencies that work with them better understand the roles of the tribes and the states in transportation programs. California, Minnesota, and Washington State have published such guidebooks (see, e.g., The Minnesota Tribes and Transportation e-Handbook) http://www.dot.state.mn.us/mntribes/handbook.

Advisory committees are the fourth method of coordination. Although this is not very common, it has been used by several states, including Arizona, California, and Oklahoma. California's Native American Advisory Committee was established in 1997, and is composed of representatives from tribes and Native American organizations. The committee advises the California DOT (Caltrans) director on issues of interest to tribes, and includes three subcommittees—environmental, highway landscaping, and legislative.

The ADOT Tribal Strategic Partnering Team was created in 1999 to develop a forum for state, tribal, federal, and local agencies to discuss tribal transportation issues (see http://www.aztribaltransportation.com/atspt/). The group meets quarterly (CTC and Associates, LLC 2004). Although some states have begun to create a foundation for tribal–state relationships in transportation programs, coordination continues to be problematic. Some state DOTs have little experience working with tribes, and many states have chosen to treat tribes as local government or special districts—not as sovereign governments (Rolland and Winchell 2002).

TRIBAL TRANSPORTATION PROGRAMS

Federal-Aid Highway Program

Until very recently, tribal governments were not direct recipients of federal-aid funds from FHWA. Those funds were apportioned to the states, with the states having responsibility to consult with tribal governments and the Secretary of the Interior in the transportation planning process, including the preparation of the STIP. It is not uncommon for states to use federal-aid highway funds for state- and county-owned roads running near, through, or entirely on tribal lands. States constructing roads totally within tribal lands are not constrained by federal-aid matching requirements; 100% federal funding is permitted [23 U.S.C. 120(f)].

Indian Reservation Roads Program

The IRR program, established by Congress in 1928 by the passage of P.L. 520, 45 Stat. 750 (May 26, 1928), marked the beginning of the federal government's role with road projects on tribal lands. P.L. 520 is now codified at 25 U.S.C. 318a. It authorized funds for surveys, improvements, construction, and maintenance of roads in the IRR system that were not eligible for funding from federal-aid highway funding. The Federal-Aid Highway Act of 1944 (P.L. 521) required the Public Roads Administration to approve the location, type, and design of all IRR roads and bridges.

Before 1979, the BIA and FHWA shared responsibility for planning, designing, building, and improving Indian reservation roads without much input or coordination with the tribes. In 1979, the BIA and FHWA entered into a joint agreement that explicitly recognized the role of individual tribes in defining overall transportation needs. This agreement stated that the Indian road system was to consist of: "[t]hose Indian reservation roads and bridges that are important to overall public transportation needs of the reservations as recommended by the tribal governing body."

Until 1982, Congress appropriated funding for IRR in the Department of Interior appropriation acts, administered by the BIA. Because the funding varied from year to year with no multi-year funding assurances, it was difficult to develop the type of long-range transportation planning upon which the states relied through the highway reauthorization bills. With the passage of the Surface Transportation Assistance Act in 1982 (P.L. 97-424) the IRR was incorporated into the Federal Lands Highway Program, 23 U.S.C. 204, under FHWA, which also has jurisdiction over roads on national parks and other federal lands. Under this system, IRR funds came from the highway trust fund instead of Department of Interior appropriations. However, this shift resulted in little change to the structure of transportation decision making. The BIA implemented the IRR program through a 1983 memorandum of understanding with FHWA that required the BIA to work with each tribe to develop an annual priority program of construction projects and submit the program to FHWA for review, concurrence, and allocation of funds.

The passage of ISTEA [P.L. 102-240, 105 Stat. 1914 (December 18, 1991)] brought significant changes to the structure of tribal transportation planning, first by defining "public authority" to include "Indian tribe," and second by adding new statewide planning requirements that mandated the development of statewide plans, which "shall, at a minimum, consider . . . [t]he concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State" [P.L. 102-240 (December 18, 1991), Sec. 1025(a), amending 23 U.S.C. 135, Codified at 23 U.S.C. 135(d)(2)]. ISTEA saw a large jump in IRR funding, from $80 million per year for fiscal years 1987–1991 to $159 million for fiscal year 1992 and $191 million per year for fiscal years 1993–1997. ISTEA also assigned oversight of the IRR program to FHWA and required the consideration of tribal concerns in transportation planning. Furthermore, ISTEA authorized Indian preference in construction projects on reservations and allowed states to give Indian employment preference in construction projects near reservations (23 U.S.C. § 140).

As of October 2000, the IRR system consisted of approximately 25,700 miles of BIA and tribally owned public roads and 25,600 miles of state, county, and local government public roads. Each fiscal year, FHWA determines the amount of funds available for IRR construction projects and allocates that amount to the BIA. Following passage of TEA-21, P.L. 105-178, 112 Stat. 107 (June 9, 1998), a new funding formula was established that reflects the relative needs of the Indian tribes, and reservations or tribal communities, for transportation assistance; the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction and geographic isolation; and the difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources. The new distribution formula, known as the Tribal Transportation Allocation Methodology, is essentially a tribal shares program with each federally recognized tribe receiving a portion of the future allocated IRR funds.

TEA-21 brought more changes to the IRR program. According to Rolland and Winchell, these changes included:

> (1) tribal government consultation in state, regional, and metropolitan planning; (2) development of Federal Lands Highway Program management systems for tribal pavement, congestion, bridge, and safety management programs on par with those required for state programs; (3) development of a new allocation formula using the federal Negotiated Rulemaking process; (4) addition of language to clarify the contract for the IRR program under the Indian Self-Determination and Education Assistance Act; and (5) a new National Bridge Program separate from the Highway Bridge Replacement and Rehabilitation program for the states (Rolland and Winchell 2002).

According to Rolland and Winchell, the involvement of tribes in the ISTEA and TEA-21 process led to the inclusion of tribes in state transportation planning, design, construction, and delivery. With the increased funding available to tribes through ISTEA and TEA-21 came increased participation and acceptance of transportation planning and programs; "tribes have become aware of transportation policies and programs as a means to improve economic and social well-being in tribal communities" (Rolland and Winchell 2002, p. 144).

The IRR program allocates funding from the BIA for transportation planning through IRR transportation planning funds and IRR program funds. IRR program funds are allocated to BIA area offices for construction and improvement of transportation facilities, including bridges, roads, and public transportation systems. These funds are to be used on facilities within or leading to Indian lands. However, a tribe may choose to use a portion of, or its entire share of, these funds for transportation planning activities (*Indian Reservation Roads* . . . 1999).

IRR transportation planning funds are available to tribes for transportation planning on Indian lands; "up to two percent of funds made available for IRR for each fiscal year shall be allocated to those Indian Tribal Governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act" [Title 23, U.S.C. § 204(j)].

IRR transportation planning funds are allocated to BIA area offices by the BIA based on relative need, with the approval of the tribe's IRR Transportation Improvement Plan. Funds are distributed through self-governance compacts (P.L. 93-638 contracts), Indian self-determination contracts, and travel authorizations for direct service tribes. Each of these mechanisms for allocations has a different procedure for obtaining IRR funds.

Listed here are examples of the major transportation planning activities that can be done under the IRR program:

- IRR road inventory
- IRR bridge inventory
- Measurement of traffic
- Analysis of transportation need based on current and proposed land use
- Trip generation studies
- Calculation of capacity
- Development and use of management systems
- Financial planning
- Investment analysis
- Development or updating of tribal long-range transportation plans
- Transportation facility operational and maintenance planning
- Priority analysis
- Development or updating of transportation improvement plan
- Special transportation studies (such as bicycle paths, corridor studies, etc.)
- Coordination with states, MPOs, or regional planning organizations
- Public involvement
- Mapping
- Transit planning
- BIA functional classification of roads (*Indian Reservation Roads* . . . 1999).

Tribal Transit Grant Program

In 2005, Congress amended section 3013 of the Safe, Accountable, Flexible and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), P.L. 109-59, 119 Stat. 1144 (2005) to improve transit services for people traveling within Indian reservations and tribal communities. Following publication of the proposed grant and eligibility provisions for this program in March 2006, 71 Fed. Reg. 14618, a number of concerns were forwarded to the U.S.DOT that the proposed requirements would threaten the success of the transit grant program (Sonosky, Chambers, Sachse, Enderson, & Perry, LLC 2006). Among those concerns were the following:

- FTA has interpreted SAFETEA-LU to prohibit the use of tribal transit funds for transit planning purposes. Most tribal communities lack existing public transit programs or have only small, minimally developed transit programs. If planning is not eligible for funding, few tribes will be able to access tribal transit funds and the public transit needs of these communities will remain unmet.
- FTA proposes to limit grant eligibility to tribes that have completed a transit planning process or have already established public transit services. Some estimate that only 30–40 tribes (of 562 tribes nationwide) would qualify.
- FTA proposes to delay awarding tribal transit grants until tribes ensure that the approved project is included in the STIP. Bureaucratic obstacles and sovereignty concerns have long prevented tribes from accessing Sec. 5311 transit funds in an efficient manner. The Tribal Transit Program was designed to award grants directly to tribal governments to avoid these problems.
- Tribal governments currently use model funding agreements based on ISDEAA to build roads, operate federal hospitals, and perform law enforcement and other governmental services. Tribes are required to comply with the Single Agency Audit Act and OMB Circular A-87, not the Common Rule. Rather than use these ISDEAA funding agreements for the Tribal Transit Grant Program, FTA proposes to require that tribes comply with the Common Rule and other standard federal procurement requirements. Requiring compliance with the

potentially inconsistent FTA grant funding requirements will be more costly and administratively burdensome.

- FTA proposes to include the following evaluation criteria for tribal transit grant proposals—demonstration of need, benefits of the project, *adequacy of the project planning*, financial commitment, and coordination. FTA should require planning commensurate with the proposed size of the project and grant, and should recognize that the development of a sound transit grant proposal involves planning, including compiling information that will support the tribe's statement of need, explaining how the proposed program will meet that need, and gaining approval from the tribe's governing body. Furthermore, tribes with more available funds may be unfairly advantaged in seeking transit grants if the financial commitment criterion is weighed equally with "demonstrated need" and "benefits of the project."

Tribal Technical Assistance Program

The ISDEAA (1975) gave tribes authority to assume some functions previously held by the federal government, including transportation planning. However, most tribes lacked the capacity to exercise these functions because they did not have the resources, experience, or opportunities to develop transportation planning and management departments. Because of the limited capacity of tribes to develop transportation programs, the BIA handled such programs on their behalf (Bravo n.d.).

In response to suggestions from tribal leaders during Congressional committee ISTEA hearings, the bill also provided for the establishment of at least two TTAP centers for tribal governments. The TTAP programs grew out of FHWA's Local Technical Assistance Program technology transfer centers, which provide services to local governments through technical assistance centers. Seven TTAP centers were established, one each in Alaska, California, Colorado, Michigan, North Dakota, Oklahoma, and Washington State. The TTAP regional centers serve more than 550 tribes and provide training programs, information clearinghouses, new and existing technology updates, personalized technical assistance, and newsletters (Federal Highway Administration 2005).

Bravo (n.d.) says that,

> based on the progress so far, it's reasonable to expect that an adequately funded TTAP would have several important results:
>
> - Steady increase of the tribe's ability to effectively take on more of the functions formerly administered by the BIA.
> - Broadening and strengthening of the program personnel's role as facilitators of mutually beneficial relationships between tribal transportation officials and the highway and transportation community at-large.
> - Further development and refinement of transportation products specific to tribes. This would increase the program's efficiency and effectiveness.

Other Federal Funding Programs

Other federal sources of funding for tribal transportation programs include FHWA State Planning and Research and Metropolitan Planning Funds, FTA State Planning and Research and Metropolitan Planning Funds, and Public Lands Highway Discretionary Funds.

Tribal Employment Rights Ordinances Laws

Tribal Employment Rights Ordinance (TERO) are Indian preference programs established by the tribes to provide Indian or tribal preference in hiring, including hiring for transportation projects. TERO laws are exercised in accordance with a tribe's sovereign right to establish requirements for employers wishing to conduct business on reservations lands (*Transportation Guide for Native Americans* 2002).

CHAPTER THREE

THEMES AND MODELS

The ultimate intent of this study, or any like it, is to uncover common themes that serve to highlight at least the predominant patterns in a particular field of action. In this case, the goal was to determine two things in particular:

- The apparent current state of the art with tribal transportation programs and
- The dominant concerns and challenges among people managing those programs.

In addition, we sought to identify the best and most innovative practices as a way of directing attention to at least the potential for emerging positive trends. From this we expected to be able to suggest the most likely directions for future research and training in tribal transportation programs. Doing all this requires both careful attention to the design and results of the survey questionnaire used to elicit the information and a familiarity with other literature that may explicate or illuminate these or related trends in the field.

With those considerations in mind, this chapter begins by drawing largely qualitative inferences from the case studies across a variety of the topics covered by the questionnaire and supplemented by any additional information provided by the participating tribes. This initial section constitutes the bulk of the chapter and is followed by a discussion of innovations, which are also largely drawn from the survey. It is worth noting that the final question in the survey asked interviewees to suggest other tribes whose innovative practices might merit being included in the survey. Although most suggestions involved tribes already in the initial list, a few were not and offered new targets for the survey review. The final section addresses questions about and directions for future research.

COMMON THEMES FROM CASE STUDIES

Administration and Staffing of Transportation Programs

Most tribes reported a combination of parties involved in the administration of transportation programs. Increasing diversity of transportation program elements, undoubtedly stemming from both better funding and growing sophistication in program administration among tribal governments, has produced opportunities for tribes that may not be ready to assume total operational responsibility to at least select self-determination for those they are ready to take over. As the survey progressed, we found that our original questionnaire left many nuances unrecorded, and so we sought direct answers about precisely who was responsible for each individual program element, and the palette of responses widened accordingly. The answer was not always as simple as saying the program was run by the tribe, or by the BIA, or the two together. The profiles detail the very individual ways in which tribes used their privileges under P.L. 93-638 to pick and choose the elements for which they felt most capable of assuming responsibility.

In Figure 1 and in the profiles we also account for situations where a consultant was given responsibility for some aspect of the program, although this was almost always a matter of the tribe contracting out work for which it retained ultimate responsibility and oversight. Tracking this, however, is a way of assessing those capacities the tribe has been able to develop in-house and those it believes are better handled by outside consultants under terms established by tribal officials. Some combination overall of tribal, BIA, and consultant involvement was the case with precisely half of our 30 profiled tribes. The other half was divided in terms of sole tribal responsibility for the entire program (six), combined tribal and BIA responsibility with no consultants involved (five), and four that maintained tribal responsibility with consultant involvement, but without the BIA in charge of any program elements.

Tribal size, at least in our sample of profiles, seems to have little bearing on the decision of a tribe to take over the management of its own program. The most populous tribe—The Cherokee Nation—administers its own transportation program, but so also do some of the least populous tribes, such as the Mashantucket Pequot and Boise Forte Band of Chippewa. Our questionnaire did not yield great insights into how these decisions arose; therefore, this may be an interesting issue to pursue in further research.

It is also critical to remember that, at least in situations where IRR and BIA maintenance funds still provide most of the tribal transportation funding, the tribal share of such funds will primarily be determined by the road mileage and other facilities in the IRR inventory. That may favor tribes with larger land areas, but only depending on the density of development; vast areas with no roads will not lead to greater tribal shares. The BIA Final Rule (*Federal Register*

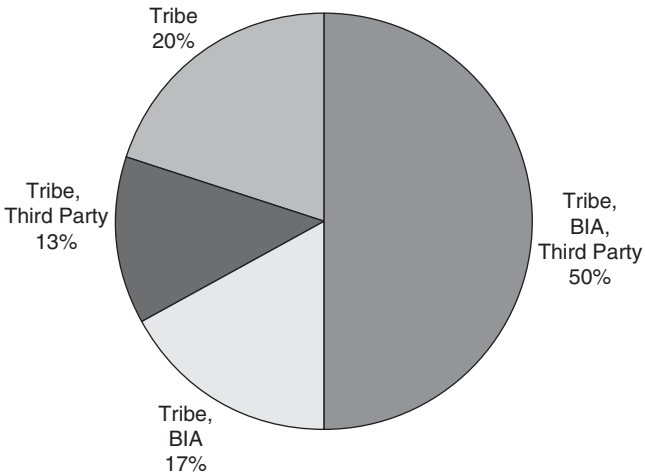

FIGURE 1 Transportation program responsibility (n = 30).

2004, p. 43116) lays out the complexities of the Annual Tribal Transportation Allocation Methodology, but only involves a Population Adjustment Factor for the amount over $275 million if the congressional authorization for IRR exceeds that amount.

A comparison of the two relative giants amid the sample may shed light on some factors other than size that affect these decisions. The Cherokee Nation has the largest population at more than 280,000; it has a full-time equivalent (FTE) transportation staff of 26 and operates its own program. The Navajo Nation, with more than 180,000 reservation residents, does not manage its own program but has 56 FTE staff. Some logical explanations accompany the comparison; however, they shed more light on the overall complexity of tribal circumstances than on any single variable. The Navajo Nation, unlike the Cherokee Nation, has a reservation; most eastern tribes in Oklahoma do not have reservations but own land under other arrangements unique to the settlement history of Oklahoma (Bays 2002). Moreover, the Navajo land base is huge compared with any other tribe south of Alaska, encompassing more than 27,000 square miles, an area larger than West Virginia. Distances between communities are significant, and the Navajo face serious challenges just in upgrading their road system to meet the needs of a large, extended population. In addition, they operate an aviation system that includes one airport with hangars, a small terminal, and four airstrips. Their staff includes pilots.

The Cherokee Nation possesses a land area slightly more than one-fourth the size of the Navajo reservation; however, that land is considerably more urbanized and closer to other population centers within Oklahoma with which they interact. The Navajo reservation is removed from the truly major urban centers of Arizona and New Mexico, although it is near the smaller cities of Gallup and Farmington. The point of this comparison is that even this examination of the relative needs of the two largest tribes in the survey sample shows that staffing levels are influenced by program status, the extent of the land area, population, and proximity to non-tribal urban areas, among other factors, to say nothing of the demands of operating special facilities such as airports or bus systems. (The Navajo Nation also has its own transit system.)

None of the tribes gave sole responsibility for transportation programs to a consultant or contractor, although most contracted with an outside firm for one or several functions. One of the most common purposes of such contracting was the development of a long-range transportation plan. As can be seen in Figure 2, one-third of the tribes profiled used consultants to one degree or another for this purpose, either contracting out the entire task or by having the contractor collaborate with a tribal planning or transportation department.

We attempted to determine whether staff size or staff per capita relative to the population served had any determining effect on the decision to hire a consultant to prepare the transportation plan or even assist staff with its preparation. There is no apparent connection. Table 1 presents tribes in descending order of transportation staff per 100 persons to determine whether such help tended to be associated with lower staff levels; however, the result is one that scatters such tribes all the way up and down the scale. In many cases, larger staff size, either relatively or in absolute numbers, results more from creating maintenance and transit positions than from adding planners, although one might have expected greater planning capacity and larger staff to have some correlation.

Rearranging the very same table in order of numerical staff size does not make any relationship between staff size and use of outside plan preparation assistance any more apparent. It is simply likely that the motives for turning to outside consultants lie elsewhere, as they often do with

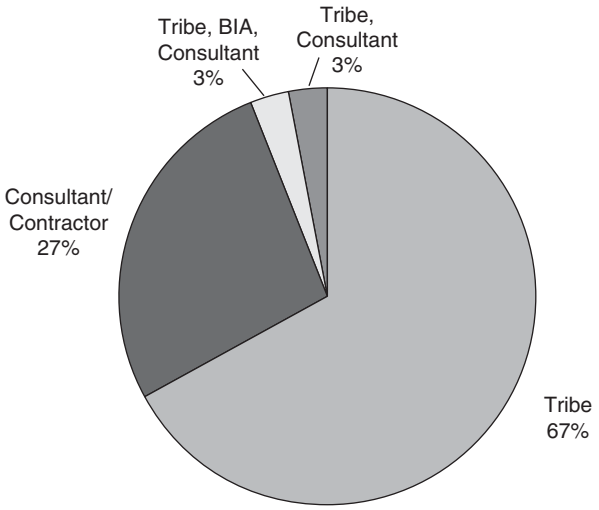

FIGURE 2 Preparation and maintenance of long-range transportation plan (n = 30).

TABLE 1
TRIBAL POPULATION AND TRANSPORTATION STAFF

Tribe	Tribal Population	Transportation Staff (FTE)	Staff Per Every 100 Persons
Mashantucket Pequot	794	31.3	3.94207
Prairie Band Potawatomi Nation	1,258	31	2.46423
Bad River	1,935	19	0.98191
Bois Forte Band of Chippewa	657	6	0.91324
Eastern Band of Cherokee Indians	8,166	51	0.62454
Red Lake Band of Chippewa	5,400	25	0.46296
Hoopa Valley Tribe	1,983	8.75	0.44125
Sac and Fox	1,462	5.5	0.37620
Makah Tribe	1,356	3.25	0.23968
Confederated Salish and Kootenai Tribes	4,200	10	0.23810
Native Village of Eyak	379	0.9	0.23747
Alabama–Coushatta Tribe	1,119	2.6	0.23235
Confederated Tribes of the Warm Springs Reservation	4,319	9	0.20838
Southern Ute	1,117	2	0.17905
Shoshone–Bannock Tribes	5,759	10	0.17364
Craig Community Association	640	1	0.15625
Pyramid Lake Paiute Tribe	1,388	1	0.07205
Tohono O'Odham	10,734	7.25	0.06754
Saint Regis Mohawk Tribe	11,880	8	0.06734
Kawerak Inc.	9,197	6	0.06524
Ho-Chunk Nation of Wisconsin	6,500	4	0.06154
Eastern Shoshone and Northern Arapahoe	7,711	4	0.05187
Standing Rock Sioux	13,848	6	0.04333
Winnebago Tribe of Nebraska*	7,409	3	0.04049
Navajo Nation	180,462	64	0.03546
Fort Belknap	6,427	2	0.03112
Seminole Nation of Oklahoma	14,964	4	0.02673
Pueblo of Zuni	10,132	2	0.01974
Coeur d'Alene	6,511	0.9	0.01382
Cherokee Nation	281,069	24	0.00854

Notes: Tribes using an outside consultant to prepare long-range transportation plans are highlighted in bold; those using some outside assistance in addition to staff are italicized.
*BIA prepared the plan.
FTE = full-time equivalent.

non-Indian jurisdictions—having largely to do with the nature of in-house planning expertise, issues that need to be addressed, time involved, and budget. In addition, it matters when a plan was prepared. Tribal capacity to handle such a task can change significantly in just a few years, and the current plans of the profiled tribes stretch back over the past decade.

If one looks only at the number of professional planners each tribe employs (whether or not that individual spends his or her full time on transportation) the only clear result is that every tribe with more than one professional planner prepared its own plan in-house (see Figure 3). The only two tribes falling into this category were the Mashantucket Pequot, with three, and the Navajo, with two. Among the 15 tribes employing one planner, 5 prepared their own plan with no outside help; the 4 tribes using a combination of in-house staff and a contractor fall into this category, as do 6 that hired a consultant to prepare the plan. Among the 13 with no planners on staff, 5 prepared their own plan. In short, it is difficult to distinguish the results for any tribes

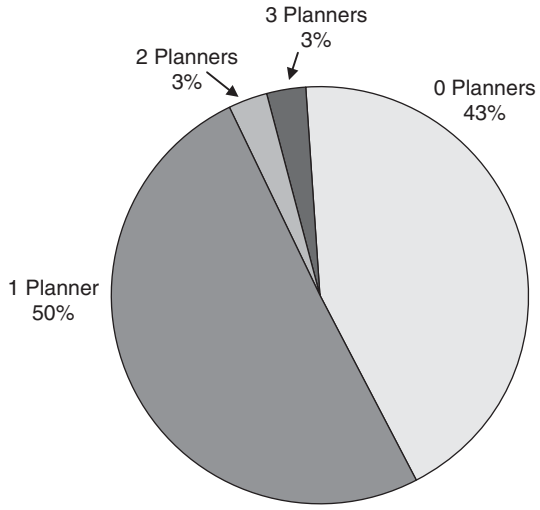

FIGURE 3 Number of planners on staff (n = 30).

with fewer than two professional planners. Those with two or more are a very small group.

Most tribes had transportation staffs of fewer than 10. Only seven had significantly more than 10 FTE staff, whereas the Confederated Salish and Kootenai, on the Flathead Reservation in Montana, and the Shoshone–Bannock Tribes, on the Fort Hall Reservation in Idaho, each reported exactly 10. Both of these tribes have substantial land areas exceeding 500,000 acres. Both have a staff-to-population ratio that is more or less in the middle of the overall range, which lies between 0.01% (Cherokee Nation) and 3.94% (Mashantucket Pequot, in Connecticut); however, the center seems to lie roughly between 0.05% and 0.5%. The two largest tribes, Navajo and Cherokee, actually lie toward the low end of this scale. The Cherokee Nation, however, relies on the city of Tahlequah for transit, a factor that reduces its own staff needs, an interesting contrast to the circumstances of the Eastern Cherokee in North Carolina, who maintain a transit staff the size of the entire transportation staff of the Cherokee in Oklahoma. Such programmatic necessities account for huge differences in staffing needs.

The outliers clearly are the Prairie Band Potawatomi Nation, whose FTE staff of 31 devoted to transportation constitutes nearly 2.5% of the resident tribal population of 1,258, and the Mashantucket Pequot Tribal Nation, whose 31.3 FTE transportation staff members constitute almost 4% of the 794 resident tribal members. No other tribes exceed 1%, although the Bad River Band of Chippewa in northern Wisconsin falls just below that mark.

A close examination of the Potawatomi case reveals why the peculiarities of any one tribal situation may say more than mere numbers about the rationale for staffing. The vagaries of trying to compare populations may come into play to some degree because more than half of the total tribal membership of approximately 5,000 lives within 50 miles of the reservation. It can be fairly assumed that they make greater use of the tribal transportation facilities than a tribal membership scattered at far greater distances, because most would be within an hour's drive of tribal facilities. It is fair to say that this very situation poses a challenge to our assumptions in using resident population as a point of comparison; however, some universal criterion had to be used that reflected the real user population, knowing that there is no perfect assumption.

Funding, however, is another critical factor. In the interview, the Prairie Band Potawatomi Nation noted that 20 years earlier they had been a poor tribe with nothing but dirt roads on a small reservation of 77,740 acres. Today, 90% of the money supporting transportation operating expenses comes from a tribal gas tax and tribal general fund supplements. The tribe has a gaming commission; its reservation is near Topeka and a little more than an hour's drive west of the Kansas City metropolitan area. Apparently some aggressive economic development has underwritten an equally aggressive program of replacing dirt roads and wood plank bridges with a modern, safe infrastructure—something that does not happen without a body of personnel devoted to the task. Moreover, the tribe reports a much larger population off reservation for an enrolled tribal membership of 5,000. In short, circumstances account for a great deal. One cannot merely look at the numbers to understand how tribes compare in staffing their transportation programs.

One can and should, however, look at the miles of road contained in the IRR inventory, because it is the determinant of tribal shares under the IRR program. At the same time, what must be kept in mind with the overall staff, population, and funding comparisons between tribes is that, for many tribes, IRR is not the sole source of revenue, nor is road construction the full extent of its transportation program. This will become clearer as the discussion in this chapter progresses. Nonetheless, IRR is still a central feature of almost all tribal transportation programs, and its funding levels are a major factor in tribal budgeting for transportation needs.

An examination of the Mashantucket Pequot situation offers many similar dynamics yielding high staff numbers in relation to population: the operation of a successful casino in close proximity to large metropolitan populations in a populous area and the internal ability to raise revenue to underwrite the program.

A similar cautionary note must be issued regarding the composition of tribal transportation staffs. Clearly, the Navajo derive some personnel needs simply as a result of operating public transit and aviation. These needs would be less apparent for small tribes with very limited land areas, for whom a ride service for elders might suffice as a transit service. Less obvious is how tribes determine their needs for certain types of professionals, such as planners and engineers. However, it is worth considering that because these are professional positions, the cost of attracting and retaining such people can have a significant impact on a small or even modest tribal budget. With that in mind, Figure 4 illustrates how the tribes are divided in terms of the number of professional engineers they reported having on staff.

Although most tribes do appear to be in somewhat of a common range in their staffing practices, the fundamental problem with attempting to derive too much meaning from comparing them is that most tribes have small FTE staffs, and even small personnel changes can ratchet the percentages up and down dramatically. Adding a planner or an engineer to a five-person staff immediately shifts the staff-to-population ratios significantly. The real questions relate to the desire or ability to contract for professional planning and engineering services, as opposed to retaining in-house staff; why those decisions are made; and what needs are being met either way. For the most part, the survey was not

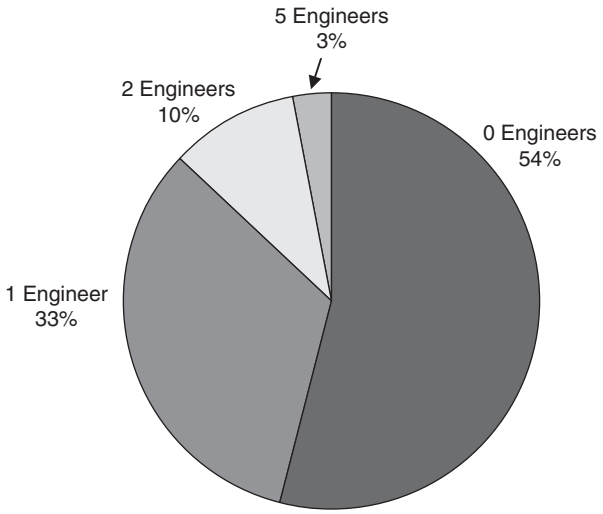

FIGURE 4 Number of engineers on staff (n = 30).

designed or able to access such data. Many staffing decisions, as in any jurisdiction, are related to the availability of funds. On the other hand, guidelines for determining effective and appropriate staffing levels for transportation programs, considering the various issues involved may be a worthwhile management training endeavor for TTAPs. Whether tribes are actually requesting such assistance from TTAPs, or any other source, we do not know. A discussion of tribal participation in TTAP assistance is described here.

Long-Range Transportation Planning and Program Elements

The central elements of tribes' transportation programs were largely consistent. Virtually every tribe profiled either has a long-range plan or is in the process of developing one. The main differences, as noted earlier, concerned responsibility for the preparation of the plan—either in-house staff, a consultant, the BIA, or some combination of the three. Figure 2 illustrates the breakdown on this point without differentiating between plans already completed and adopted and those currently in progress. The chart simply shows who is doing (or has done) the work in either case. If a tribe with a plan in place is updating it or developing a new plan, we used the work assignment for the new plan as the defining component in Figure 2.

Five tribes reported work underway on their first long-range plan, although two constitute exceptions. Kawerak, Inc., which is a consortium of 19 tribes in northwestern Alaska, is preparing separate plans for each of them, and noted that 9 had been completed. Tohono O'Odham actually had a previous plan that was prepared in 1994, but never accepted; therefore, the one currently being prepared would become the first plan put into effect if it is adopted. In addition, as the following list shows, eight other tribes are currently updating existing plans.

- Completed/adopted plans
  - Bois Forte Chippewa
  - Cherokee
  - Coeur d'Alene
  - Confederated Tribes of the Warm Springs Reservation
  - Craig Community Association
  - Eastern Cherokee
  - Native Village of Eyak
  - Fort Belknap
  - Ho-Chunk
  - Hoopa Valley
  - Navajo
  - Pyramid Lake Paiute
  - Red Lake Chippewa
  - Sac and Fox
  - Saint Regis Mohawk
  - Standing Rock Sioux
- Updating existing plan
  - Bad River Chippewa
  - Salish–Kootenai
  - Eastern Shoshone and Northern Arapaho
  - Makah
  - Mashantucket Pequot
  - Prairie Band Potawatomi
  - Shoshone–Bannock
- First plan in progress
  - Alabama–Coushatta
  - Kawerak, Inc.
  - Seminole Nation of Oklahoma
  - Tohono O'Odham
  - Winnebago

Of the remaining tribes, the Ho-Chunk Nation has adopted a 5-year plan, but is adding a 20-year plan. Routine annual updates to an existing long-range plan were treated as being part of completed plans.

Certain other elements of transportation programs were largely consistent throughout the survey. All but five tribes reported a capital budget or capital improvement plan (Figure 5), and all but one tribe indicated that they design and construct new roads (Figure 6). One tribe reported that it does not oversee contractors on construction projects (Figure 7), without reporting that the BIA did either, and three tribes reported not maintaining existing roads (Figure 8). All tribes indicated that they prepare and maintain a transportation facilities inventory (Figure 9), a legal prerequisite for establishing tribal shares under the IRR program. The charts also show how responsibility was assigned for performing these functions. Contractors are typically working under some sort of tribal supervision.

Other elements of transportation programs were less widespread. Only half of the participating tribes reported that they operate a transportation safety program (see Figure 10). However, there is a difference between having a comprehensive, or even consciously adopted, safety program and

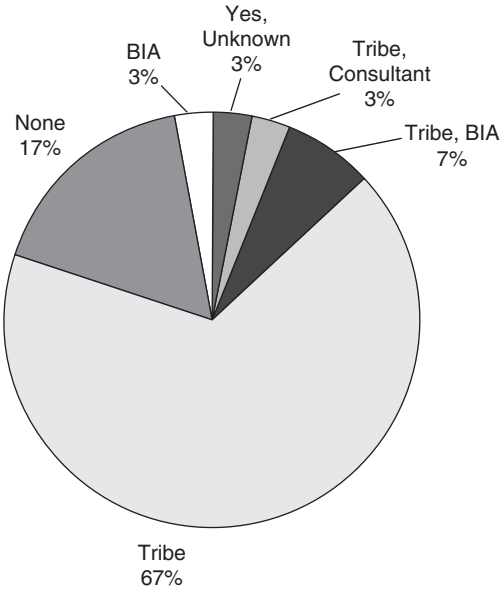

FIGURE 5 Preparation and maintenance of capital budget/capital improvements program ($n = 30$).

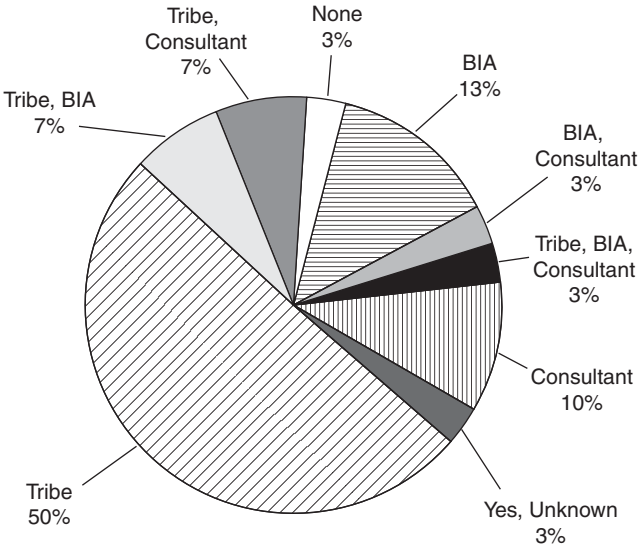

FIGURE 6 Design and construction of new roads ($n = 30$).

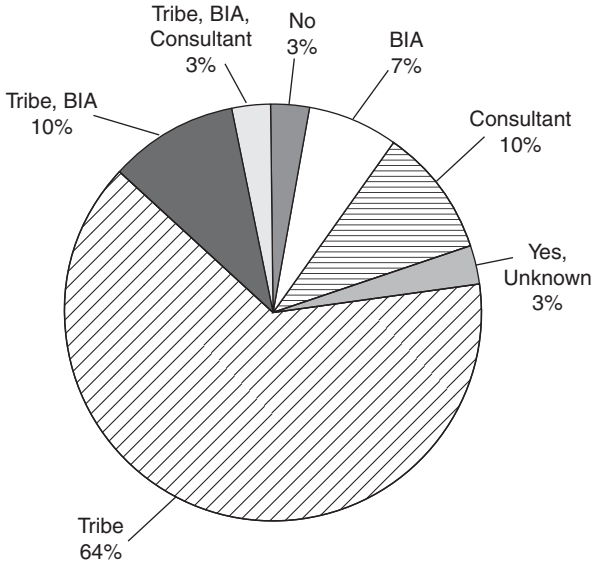

FIGURE 7 Oversees contractors in construction projects ($n = 30$).

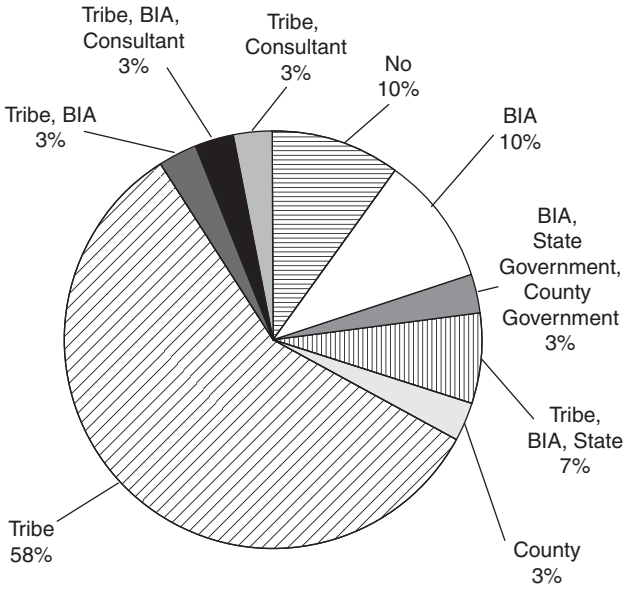

FIGURE 8 Maintenance of existing roads ($n = 30$).

having various, sometimes uncoordinated, safety measures in place. One must read the safety sections of the profiles individually to determine not only what safety measures are in effect for individual tribes, but the bureaucratic division of labor they may involve. For instance, safe routes to school may be a function of tribal police or the school district providing crossing guards, rather than being directly connected to transportation or planning. Thus, some tribes not reporting a safety element of their transportation program may have specific safety measures or programs in place, often operated by other tribal entities or agencies, the BIA, or even municipal, county, or state agencies, as dictated by tradition, need, or simple practical considerations.

Two-thirds of the tribes in the survey reported that they operate some sort of public transportation system. The size and purpose of these systems vary widely; however, their prevalence suggests that this may be a promising area for both future research and technical assistance to tribal governments, particularly considering that 17 of the 20 tribal governments with public transportation reported operating it themselves, and one of the other three reported working in conjunction with the state government. Although some of the services are fairly basic, involving van rides for seniors to medical clinics and similar services, a few are quite elaborate, such as that of the Eastern Band of Cherokee Indians, which operates an entire fleet of buses, and the Navajo Nation, with seven fixed routes across hundreds of miles,

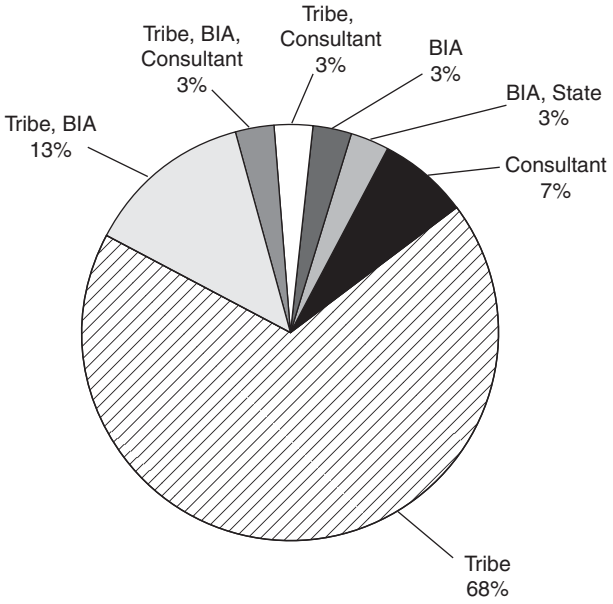

FIGURE 9 Maintenance of inventory of transportation facilities ($n = 30$).

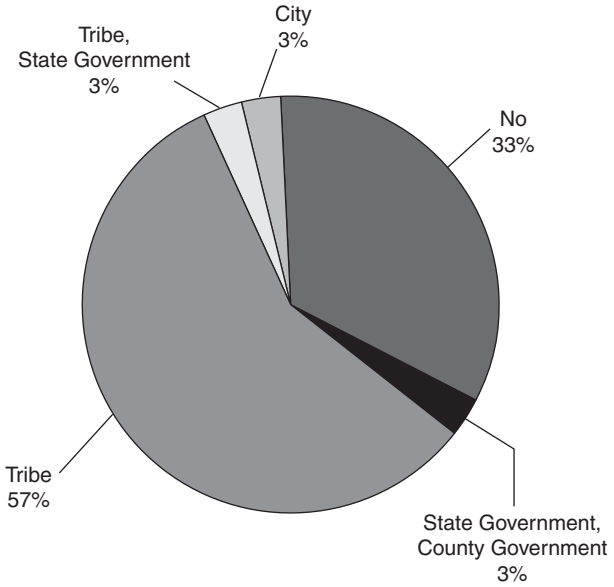

FIGURE 11 Operation of public transportation system ($n = 30$).

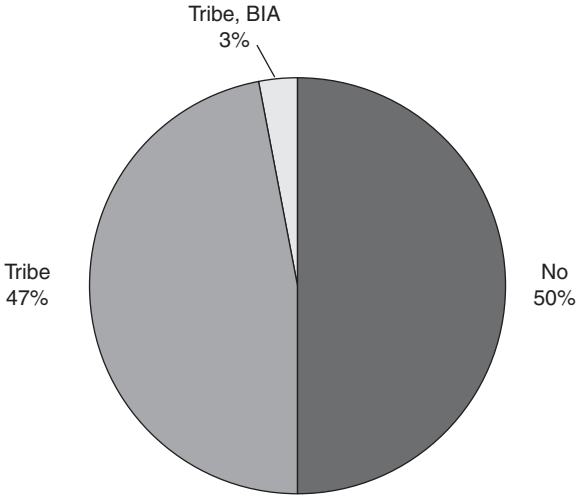

FIGURE 10 Operation of transportation safety program ($n = 30$).

FIGURE 12 Construction and maintenance of sidewalks ($n = 30$).

somewhat like Greyhound intercity service. Importantly, some of these services meet the needs of more than just tribal members, connecting area residents with jobs or shuttling visitors between casinos and hotels, in some cases becoming noticeably entrepreneurial in identifying new market niches (see Figure 11).

Most tribes reported that their programs include construction and maintenance of sidewalks, with half undertaking this work themselves and four others either working with the BIA or leaving the responsibility to the BIA alone (Figure 12). Just under half, however, reported that they operate bicycle trails or bike lanes, with only 30% taking exclusive responsibility for the task and five others working with one or more other parties (Figure 13). Only five tribes operate an air, freight, rail, port, or multi-modal facility (Figure 14). Most notable in this category is the Navajo aviation program and airstrip, although the Fort Belknap Indian Community also has its own airstrip. The Native Village of Eyak, along Prince William Sound, is working with the state of Alaska on a deep water port. The most singular entry in this category is probably the operation of a heliport by the Mashantucket Pequot Tribal Nation by its public works department and Foxwoods Casino (see Figure 14).

The survey sought to determine the types of linkages tribes established in their long-range transportation planning with other planning and policy concerns. Certain common linkages were anticipated in the questionnaire and were quite predictable. These included community and economic development, historic preservation, land-use planning, and to only

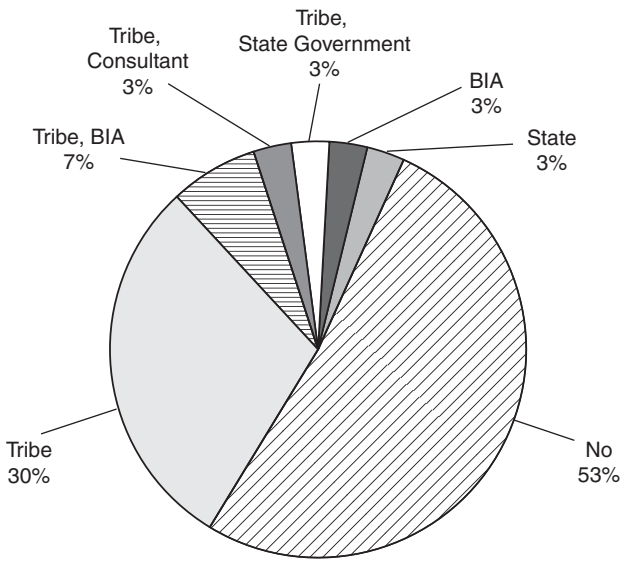

FIGURE 13 Maintenance and construction of bike lanes ($n = 30$).

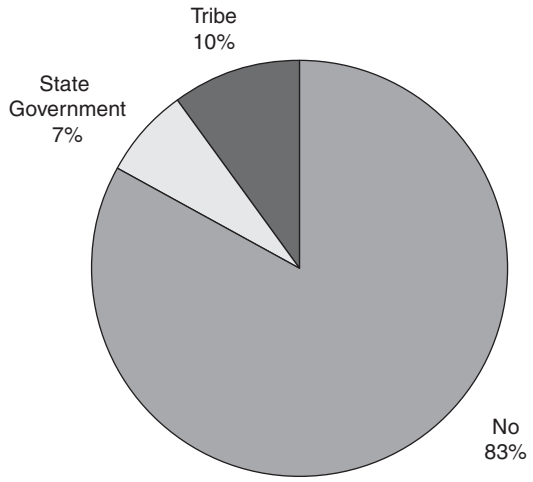

FIGURE 14 Operation of air, freight, rail, port, or multi-modal facility ($n = 30$).

a slightly lesser extent, public utilities. In standard professional planning practice, it is difficult to conceive of a good long-range transportation plan without most of these linkages coming into play. Figure 15 illustrates the distribution of such linkages among the plans profiled in Appendix A. Clearly, most tribes followed this standard, and other types of linkages proved largely to be connected with special concerns unique to the tribe and its situation. Subsistence agriculture was a concern meriting linkage with transportation planning for the Alaskan tribes in Kawerak, Inc., some of whom raise herds of reindeer, whereas reforestation was a focus of linkage to road development issues for the Red Lake Band of Chippewa in Minnesota. The Navajo Nation, with a vast and scenic southwestern landscape, was alone in reporting a linkage with tourism and recreation. Although that could be classified as a form of economic development, and is also often itself linked with historic preservation, it is also fair to say that it involves some unique issues apart from those forms of development.

Citizen Participation

One of the most straightforward questions in the survey concerned the types of citizen participation in which tribes engaged in the process of developing their transportation plans. The results appear in Figures 16 and 17.

What is clear is that no single method of fostering participation was used universally; however, public hearings and public meetings clearly predominate as techniques of choice, with the latter somewhat more popular, perhaps because they are less formal and thus afford more interaction with tribal members. Those findings may not be all that different from those used in many non-tribal communities across the United States, where input into a plan may often be easier to solicit in a less formal environment than a public hearing, although requirements in this regard are sometimes dictated by state planning or transportation law. Charrettes, which involve public participation in reviewing or revising proposed designs, do not appear to have attracted widespread attention.

There is no apparent pattern in the use of surveys, which may well be simply a function of choices made by particular tribal transportation directors or elected officials, or even of the familiarity of staff members or contractors with survey methods. In any event, 12 tribes used a survey and 18 did not. The survey did not ask *why* tribes had made their choices; it merely reports the choices they made.

In terms of citizen participation, websites are clearly under used. Only five tribes had made deliberate use of the Internet for citizen participation. The Native Village of Eyak reported that a contractor had made information available on its website. Of the others, the Cherokee Nation; Kawerak, Inc., an Alaskan tribal organization; Red Lake Chippewa; Sac and Fox; and the Ho-Chunk Nation all appear relatively sophisticated in this regard and have websites of notable quality. The Navajo Nation, which has a website with substantial information available, did not report website use as a citizen participation technique in plan development. Certainly, there are currently many more tribal websites than are reported to have been used for citizen participation in the transportation planning process.

The most curious aspect of citizen participation is that only four tribes, the Navajo Nation, Sac and Fox, Craig Community Association, and the Shoshone–Bannock Tribes, indicated that they had used tribal or local news media. The Navajo Nation has long had its own extensive internal media system, including newspapers and radio stations, and would be well-equipped to marshal citizen participation through those tools. Many other tribes, however, also have newspapers, and yet did not report using them for this purpose.

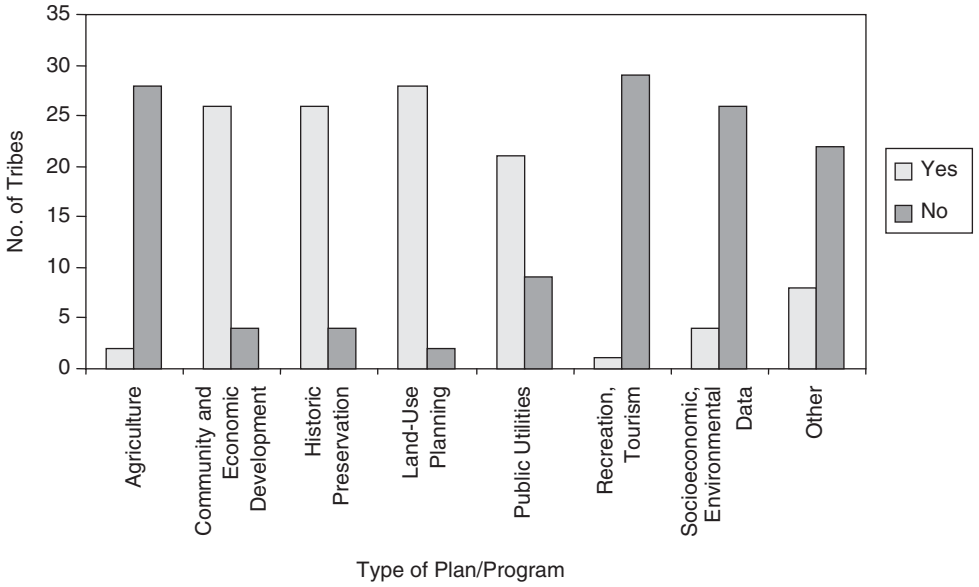

FIGURE 15 Linkages between transportation plan and other plan ($n = 30$).

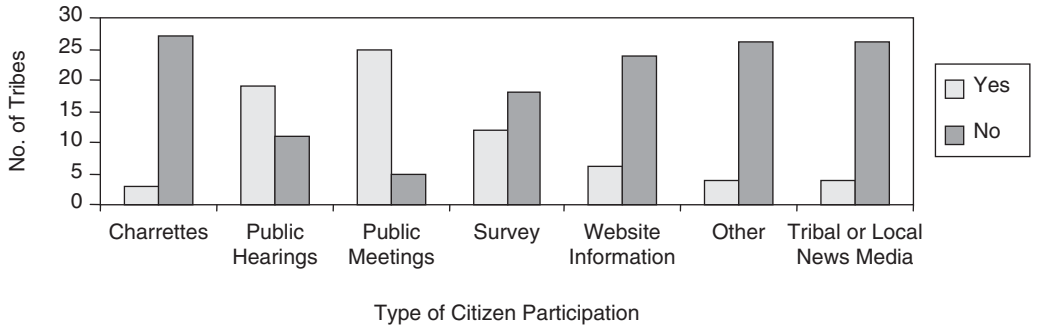

FIGURE 16 Type of citizen participation used in transportation planning.

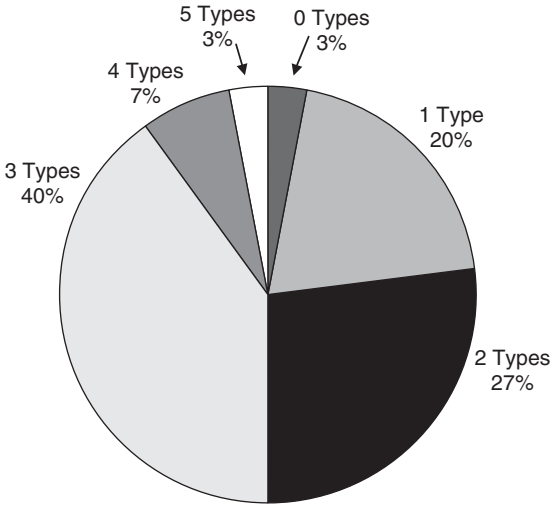

FIGURE 17 Number of citizen participation methods used in planning process ($n = 30$).

This is an issue worth exploring, perhaps in collaboration with a group like the Native American Journalists Association, which would know more about such practices and what constitutes typical coverage of tribal planning issues. It may simply be that relationships between tribal transportation personnel and tribal news media are not well developed; however, our survey was not equipped to ask or even anticipate a question of that nature.

Citizen participation is not an aspect of tribal transportation programs that appears to have generated much innovation. Beyond the tools included in the survey, few others appeared in the responses. The Bois Forte Band of Chippewa noted that they provided "postings of traffic counts," which would serve to inform people of the demands being placed on various roads in the system. They also conducted personal interviews in addition to a mail survey. The Mashantucket Pequot reported that key tribal decision makers reviewed the plan before adoption, and the Pueblo of Zuni periodically circulated drafts for review by other governmental bodies and schools. However, those would largely appear to be matters of coordination, which are covered in a later section on coordination with outside agencies.

Need for Technical Assistance

It is readily apparent from the interviews that the TTAP generally draws high praise. The TTAPs constitute a useful and highly respected resource for tribal transportation staff. Moreover, the tribes with the greatest experience in transportation appear to have made the most use of their regional TTAPs. The nature of the collaboration that has unfolded between tribes and TTAPs appears shaped largely by geographic accessibility, with Alaskan tribes, for example, more likely to engage in some form of distance learning and others closer to the centers able to send staff to attend workshops and conferences in person. The overall frequency and common use of TTAP assistance is apparent from Figure 18.

Size does not appear to dictate much with regard to training through TTAP or any other source. The tiny Native Village of Eyak, one of the smallest tribes to participate in the survey, indicated that one of its two staff people, neither of whom works on transportation full time, had gone to Spokane for a five-day conference offered by the TTAP at Eastern Washington University. Conversely, some of the largest tribes reported only modest levels of training provided directly to their staff, or provided fairly limited information regarding whatever program existed for in-house staff. The middle group of tribes reported widely varying experiences with training.

Another mid-sized tribal group, Kawerak, Inc., which serves a consortium of 20 tribal communities in northwestern Alaska, offered some of the most effusive praise for the TTAP, lauding the program at Eastern Washington University for an "open door policy with technical questions" and for providing, as a result of the distances involved, teleconferencing, as well as an annual symposium in Anchorage that made technical help more accessible. One small tribe with a seemingly outsized transportation program, the Prairie Band Potawatomi Nation, reported being ranked the number one participant in the Oklahoma-based TTAP among tribes in Kansas and Oklahoma. In this particular case it would appear that a go-getter attitude toward accessing training and technical assistance may also influence what a tribe is able to do.

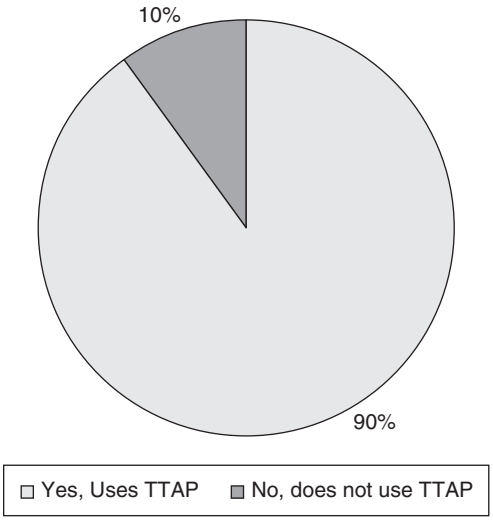

FIGURE 18 Tribal use of TTAP assistance.

TTAP staff dealing with very small tribes—the predominant pattern in California, with 109 tribes, many of which occupy "rancherias," although many small tribes exist elsewhere—often face significant challenges with regard to access to trainable personnel because, in some cases, there is no dedicated staff for transportation programs. Tribal employees in such cases often perform multiple functions, only one of which may involve transportation. Keeping people well-informed about the latest transportation program requirements, opportunities, or developments may involve considerable diligence in maintaining current databases of tribal contacts.

Tribes certainly are not limited to the use of TTAPs in accessing assistance. Some clearly are able to find help elsewhere. For example, the Prairie Band Potawatomi Nation taps into training available from the Kansas DOT. The Ho-Chunk Nation in Wisconsin, although using TTAP training at Michigan Technical University, also reports using the BIA and the Transportation Information Center of the state of Wisconsin. Curiously, one asset cited in connection with the Michigan Technical University TTAP center was that it posted on its website documents produced by the BIA that the BIA has not been able to post on its own website. BIA use of both its website and e-mail has been suspended for the last few years as a result of the Cobell lawsuit, the on-going, multi-billion dollar, landmark class-action lawsuit to enforce the trust duties owed by the United States to 500,000 individual Indian trust beneficiaries. It would be interesting to know the impact on the productivity of transportation programs of the lack of both website and e-mail access to the BIA over this extended period of time. The Ho-Chunk experience also suggests that there is significant room for positive interaction between tribes and states, which often provide various forms of technical assistance to local governments (Rolland and Winchell 2002). As noted in chapter two, a handful of states have established some sort of tribal liaison within their transportation departments to facilitate such communication. Even without it, however, the Ho-Chunk Nation enjoys access to a state service that is generally available. The Minnesota DOT is another state agency that has made training available to tribes, and the two Minnesota tribes profiled in this study have taken advantage of it. What deserves further exploration is the potential for far wider cooperation among the TTAP, tribes, state transportation agencies, BIA, and FHWA in meeting both the training and informational needs of tribal governments.

If there is a lesson in all this, it is probably that the TTAPs are serving a clearly demonstrated need and that there is a long-standing demand for technical services. The levels at

which various tribes will access those services will vary, probably with a number of variables not readily apparent from the survey conducted for this project, including the disposition of supervisors and tribal officials to value and make use of the services. It is not clear from the survey answers, however, exactly what types of assistance and training tribes need. This is an area that warrants further study. Often, the answers were not sufficiently specific. It is most likely an arena where TTAP staff will have to customize a number of their services over time to respond to, and even help articulate, the needs of individual tribes. Those needs appear very different, and there do not appear to be many highly reliable indicators of what those needs are likely to be.

One final point is that TTAPs have the ability to overcome old barriers to communication and the dissemination of information in dramatic new ways. One way is to work directly with tribal colleges. TTAP websites, in addition to enabling distance learning, also can provide instant electronic access to information to tribal staff. The majority of urban Americans may take this for granted; however, its transformative impact on rural populations that have long been physically isolated from large libraries and government offices should not be underestimated. The ability to download government and other research documents, as well as to receive such information by e-mail, has been a major step forward during the last decade. The leveling power of such access, with or without the availability of such tools from the BIA, has yet to make its full mark in Indian Country, but is a principal target of opportunity.

Safety

Figure 19 provides a quick overview of the overall distribution of safety programs among the tribes surveyed. Although this chart provides some information on how many tribes have instituted particular types of safety measures, it is important also to stress that the questionnaire did not ask about safety programs in a yes/no format, but was seeking descriptive information with regard to each of the areas listed. The chart is unable to contain the complexities that are expressed in the responses. Those are best contained in the tribal profiles in Appendix A.

Certain safety concerns proved to be more pervasive than others within tribal transportation programs. It is apparent that speed control, programs to address alcoholism and substance abuse, distribution of car seats, and signage for safety are high on most tribal safety agendas. None of these elements, however, was present in all programs. The Native Village of Eyak, in Alaska, reported no active safety programs whatsoever; its land area, however, is the smallest of any reported. All other tribes operated at least some elements of a safety program. As with so many other facets of tribal transportation, many decisions about safety program elements relate to specific circumstances. For instance, the Sac and Fox tribe in Iowa noted that Tama County, the surrounding jurisdiction, has enforced speed laws, but that in the near future this responsibility will shift to the tribal police force. Both of these tribes are very small, and the Sac and Fox do not have a reservation; however, over many years they have reacquired 6,951 acres of land in eastern Iowa for a population of 761. As with so many other transportation concerns in the survey, much depends on size, both in terms of population and land area, to even justify the more elaborate programs operated by larger tribes.

In addition to the Native Village of Eyak, only five other tribes lack a signage safety program, although Tohono O'Odham indicated that the BIA manages theirs. Although in some cases speed control produced slightly more ambiguous answers, all but four tribes reported programs in this area. The Confederated Salish/Kootenai Tribes indicated that their area is so rural that speed is not an issue on 95% of their

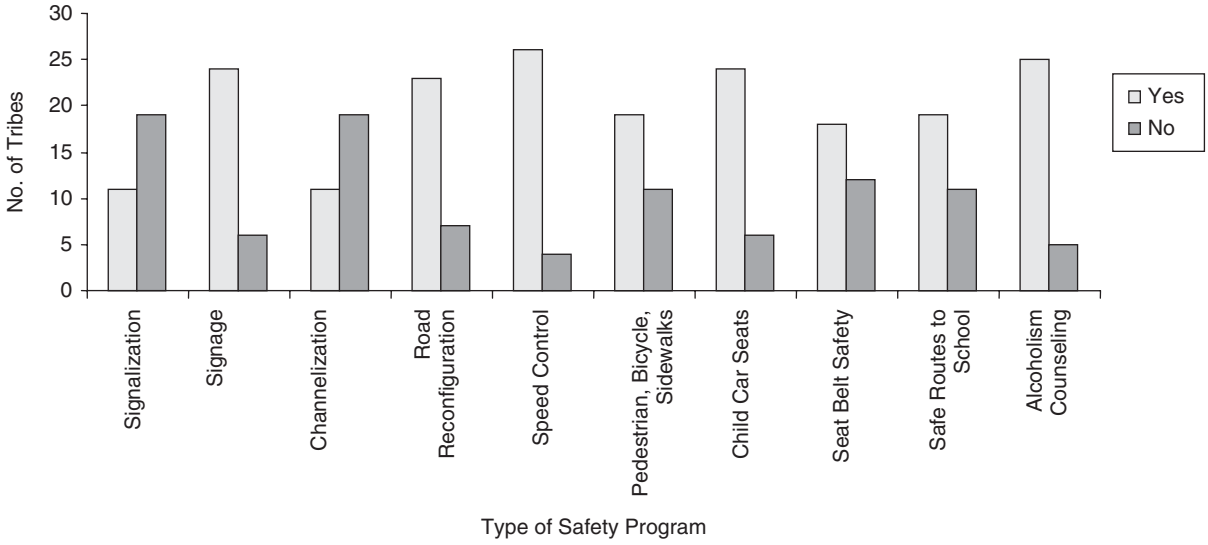

FIGURE 19 Tribal transportation safety programs (n = 30).

roads. Two other tribes, Tohono O'Odham and the Winnebago Tribe of Nebraska, reported that the BIA handles speed control.

Two of the more problematic areas indicated that tribes in rural areas often have no need of some safety programs that largely reflect more urbanized traffic needs. Only 11 tribes, for example, reported that they had signalization programs. In rural areas, traffic lights can be largely superfluous, and stop signs, already part of any signage program, are sufficient. Channelization, reported by an equal number of tribes (seven of whom reported both elements), is needed only when enough traffic congestion exists to merit installing left-turn lanes to ease traffic flow. Again, in rural areas, this appears to be unnecessary and most likely a waste of resources.

Conversely, road reconfiguration, which involves realigning hazardous stretches of road to eliminate design flaws, can be a very real need even in the most rural stretches of Indian Country. It is thus not surprising that this issue received considerably more attention, with 23 tribes reporting active programs in this area, two of which, Kawerak, Inc., and the Confederated Tribes of the Warm Springs Reservation, indicated that this program was under development.

Pedestrian and bicycle safety receives slightly less attention, perhaps again because in rural areas it is relatively easy to avoid major problems; however, 19 tribes still reported some type of program. The prevalence of such programs perhaps reflects a growing awareness, highlighted in a recent FHWA study, that "American Indians have the highest rates of pedestrian injury and death per capita of any racial or ethnic group in the United States" (LaValley et al. 2004).

Kawerak, Inc., a consortium of 19 native Alaskan villages, reported that the program in its region is operated by another regional services organization, the Norton Sound Health Corporation, which provides children with bicycle helmets. Partnerships with outside agencies are a common way, inside and outside Indian Country, to leverage resources, and other tribes reported teaming with agencies like the NHTSA on issues such as seat belts. The entire issue of building partnerships is perhaps one that merits further research attention as well as being the focus of new training. The Bois Forte Band of Chippewa, in particular, take pride in their initiatives to build collaborative relationships.

Although the Norton Sound Health Corporation and Kawerak are separate regional organizations both serving a collection of largely rural native villages in northwest Alaska, the practice of a health-related service handling other safety issues, most notably pertaining to child car seats and seat belts, appears to be quite common. Only six tribes failed to claim any kind of child car seat program, and the most common response was that they were provided by Indian Health Services, a tribal health clinic, health or safety department, or some similar entity. In the case of Tohono O'Odham, distribution of child car seats is handled by the federally funded Women, Infants, and Children program. Three tribes—the Prairie Band Potawatomi Nation, Hoopa Valley, and the Winnebago Tribe of Nebraska—noted that it was a function of the tribal police department, and two others—Zuni and the Confederated Tribes of the Warm Springs Reservation—reported police involvement in combination with safety officials in the case of the Zuni, and health officials for Warm Springs. With a few exceptions, many of the same answers pertained to seat belt safety, although only 18 tribes claimed such a program, as compared with 24 for child car seats. Among the 18, Kawerak, Inc., indicated that this was a function of the Alaska Highway Patrol.

Nineteen tribes provide in some form safe routes to schools, with more rural tribes indicating that this takes the form of school bus pick-ups. Kawerak, Inc., which delegates some responsibilities to the individual member tribes, reported that this was a responsibility left to the individual towns. Ho-Chunk indicated that, although it had no program for children of school age, it did provide safety by posting warning notices at day care centers.

Finally, one of the most persistent and troublesome issues facing tribes is that of alcohol and drug abuse. Therefore, it is not surprising that only five tribes surveyed lack any program in this area. The nature of the intervention takes different forms, however, with police enforcement common, but counseling a frequent remedy provided by health or human services agencies. Several tribes indicated the use of tribal courts to address recurrent alcohol abuse problems, including those related to the operation of vehicles; for example, the Southern Ute Tribe has a "wellness court," which it cites as an innovative method for treating alcoholism. The Southern Ute may well be leaders in addressing this problem: They also use DUI (driving under the influence) checkpoints and have adopted the 0.08 blood alcohol limit through an intergovernmental agreement with the state of Colorado. The wellness court requires high levels of intense supervision as a means of achieving its successes. Another innovator is the Saint Regis Mohawk Tribe, which reports that its program for drug and alcohol rehabilitation attracts outside users from other parts of New York State.

Only one additional safety issue arose beyond those queried in the survey, and it pertained to all-terrain vehicles, an issue in the northern country where snowmobiles are a common winter mode of transportation. Both Kawerak, Inc., and the Ho-Chunk Nation cited programs dealing with safety for such vehicles.

One overarching point that emerged from the pastiche of safety measures and their sponsors is that there may be a need to consider a means of coordinating all highway safety functions so that they achieve synergies from working together

rather than in isolation. We did not find any prior research that examined this precise question.

Maintenance

Road maintenance is a subject that elicits complaints of inadequate funding, often for good reasons. It is handled apart from IRR program funding. BIA Roads Maintenance Program Funds are added to each tribe's existing Tribal Priority Allocations. However, many tribes, if they have the means to do so, supplement this BIA funding from other sources, including tribal gas taxes and casino revenues, among other possibilities, to meet outstanding needs. Northern tribes facing volatile winter climates and snow emergencies sometimes mentioned that a sizeable portion, if not most, of their annual maintenance budget often is consumed by snow removal and winter road repairs in a normal to bad season. The Red Lake Band of Chippewa Indians noted that as much as 90% of their maintenance budget can be used for snow removal in the course of a bad Minnesota winter. The St. Regis Mohawk Nation also reported struggling to stretch $120,000 yearly across 70 miles of roads in the BIA system in a region notorious for heavy winter snowfall. As noted earlier, the Hoopa Valley Tribe often confronts its own special problem with rock slides along steep slopes.

No chart was designed to summarize maintenance data, because it was not apparent that the types of data collected here lent themselves well to such treatment. It can be said that most tribes handle all or most of their own maintenance functions, sometimes by contracting for maintenance services, but more often by employing staff to perform this function. In many cases, tribes work out very pragmatic divisions of labor, and often state or county transportation agencies have legal responsibilities to maintain state or county roads or bridges. The BIA still retains some maintenance responsibility on a significant minority of reservations. There is no single way of handling maintenance assignments or of dividing the responsibilities.

Tribal funding to supplement BIA maintenance allocations came in a few cases from a gas tax or some type of road fund maintained by the tribe. Coeur d'Alene and the Standing Rock Sioux both use gas taxes for this purpose, and the Navajo Nation uses its Road Fund for both road building and maintenance. How, or whether, the *Prairie Band Potawatomi Nation v. Wagnon* case (whether an American Indian tribe may enjoin a state from imposing a tax on the receipt of motor fuel by off-reservation distributors who sell motor fuel to the tribe and pass some or all of the tax on to the tribe in the price charged to the tribe) will affect such revenues in the future is a question some tribal budget officers are now addressing.

Finally, tribes with transit vehicles such as buses and vans face additional maintenance needs. Some, such as the Saint Regis Mohawk Nation, have their own bus garage to handle vehicle repairs.

Coordination with Outside Agencies

Tribal coordination with other governments is the subject of entire books and legal treatises and certainly the topic least amenable to any sort of quantification or easy presentation through tables and charts. In every case, it depends on history, geography, and the current disposition of officials on both sides. The tribal relationship with federal agencies is necessarily different from its relationship with any other governments simply because the drafters of the U.S. Constitution specifically cited Indian nations as sovereign nations with whom the new federal government had the sole duty and responsibility of negotiating treaties. The nature of those negotiations, and the legal status of tribes vis-à-vis the federal government, has evolved over more than two centuries, with more than a few sharp turns and even U-turns along the way, to the current status of domestic dependent nations. The preeminence of the federal responsibility, however, has not prevented many efforts by states to exercise various kinds of authority; sometimes upheld in the courts and sometimes not. That larger context merely sets the stage for intergovernmental relations on transportation, which poses a special interjurisdictional problem, because mobility is the entire point, and roads often cut through tribal lands.

The BIA remains the primary agency with which tribes interact on a regular basis. Indeed, the BIA operates transportation programs for the many tribes that have not yet entered into compacts with the agency to assume management of their own programs under P.L. 93-638. Even tribes with compacts by definition must operate within the terms of their agreements with BIA, which provide a funding stream in return for self-determination that meets the stated objectives of the program. One way or another, virtually every tribe works with the BIA on the IRR program, although some are actively considering working under FHWA under the terms of the recent highway legislation that allows tribes to take this route to self-determination. This coordination includes work on issues such as right-of-way for tribal trust lands and other Indian-restricted properties, BIA review of environmental assessments, and simple coordination with the agency to participate in meetings on projects and final inspections. Overall, there were few surprises in the answers provided to this particular question.

Figure 20 summarizes the data from the coordination section of the questionnaire in terms of how many tribes actively coordinate with each agency or type of agency described. All tribes coordinate with the BIA, and all but three coordinate in some way with state DOTs. What the chart cannot show is how that coordination occurs and how the each tribe views its relationship with each outside agency. The profiles better convey these complexities.

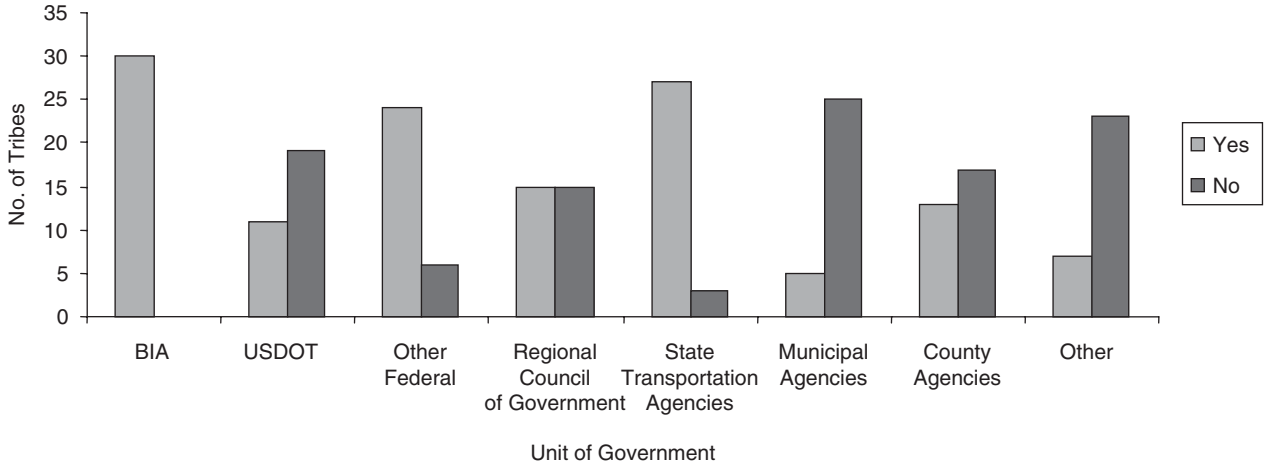

FIGURE 20 Coordination between tribes and other units of government (n = 30).

Coordination with other federal agencies varies and is probably evolving rapidly along with federal transportation legislation, which itself has yielded substantial changes under ISTEA and TEA-21, and is due for new rounds of legislated innovations in coming years, including possible changes in federal funding streams designated for Indian reservations.

The survey specifically asked about coordination with U.S.DOT, the most obvious target of federal coordination outside the BIA and the agency responsible for administering federal transportation programs. One weakness of the survey instrument, however, is that it did not distinguish between U.S.DOT and its subsidiary agencies such as FHWA and FTA, which are operationally quite separate from the top DOT offices. In retrospect, it appears that asking separately about these agencies might have been prudent because many tribes treated them as separate entities from U.S.DOT. To be consistent with TRB practice as well, these two agencies are treated as "other federal agencies" in aggregating survey responses in Figure 20. As a result, there is less reported interaction with U.S.DOT than if we had included them under the DOT umbrella.

In many cases, answers concerning coordination with DOTs were either vague or negative. Several tribes responded that they simply had no dealings with DOTs, in one case because no federal highways traversed the reservation. However, even the Navajo Nation indicated very little coordination with DOTs, although the tribe does interact with FTA over airport issues. In some cases, such as the Red Lake Band of Chippewa and the Ho-Chunk Nation, information, including rules and regulations, was channeled from the DOT to the tribe through another agency. In the former case, it is the Minnesota DOT, and in the latter the BIA, effectively creating a second-hand relationship with the DOT. State mediation of tribal relations with DOTs occurs in several instances, including the Bad River Band of Chippewa (through the Wisconsin DOT) and Confederated Tribes of Salish–Kootenai (through the Montana DOT).

Once the question shifts to coordination with specific DOT agencies, such as FHWA, however, it is clear that some highly productive relationships exist. Thirteen tribes specifically cited relationships with FHWA, for a variety of reasons; however, one notably relates to a new possibility for self-determination compacting created under SAFETEA-LU; namely, that of permitting tribes to compact with FHWA instead of the BIA. FHWA has been working to establish the bureaucratic mechanisms for enabling this option and plans to make it available in the first half of 2007. Not all tribes find this a desirable alternative, with several explaining that they still saw the BIA as better equipped to handle this function. The Red Lake Band of Chippewa however made clear in its response that it wants "to be the first" to use this option. Perhaps, given the differences in tribal needs and goals, the real value for most tribes lies in having a choice between the two agencies.

Tribes have been learning to avail themselves of specific services and funding sources available through FHWA. Kawerak, Inc., has used FHWA assistance with the NEPA process and has also been the beneficiary of Emergency Relief for Federally Owned Roads following coastal flooding along the Bering Strait. Two other tribes, Hoopa Valley and the Prairie Band Potawatomi Nation, also reported using Emergency Relief for Federally Owned Roads funds. The Prairie Band Potawatomi Nation reported making use of transportation enhancement funds, a program initiated under ISTEA, using the money for a pedestrian and bicycle path. As noted previously in the discussion on staffing, this tribe has undertaken an aggressive long-term program of modernizing its transportation infrastructure. Given both the new compacting option through FHWA and growing tribal awareness of access to these more specialized funds, future studies in this area could pursue questions of tribal coordination with FHWA in a more detailed fashion than was done in this study.

The same could also be said of coordination with two other U.S.DOT agencies: FTA and FAA. The Navajo Nation was the only tribe to mention coordination with FAA, as a result of its airport and hangar, and they may be a unique case. As noted earlier, however, many tribes are now either operating or seeking to establish public transportation programs or collaborate with neighboring jurisdictions in this area. For example, the Seminole Nation of Oklahoma is developing a transit program with FTA and U.S. Department of Agriculture assistance under a program administered by the Community Transit Association. Although the Seminole Nation was one of only three tribes that specifically mentioned coordination with FTA, it appears likely that others could (or already do) benefit from various federal and state funding sources for transit, as well as from training that may be available in this area. The new provisions for transit funding to tribes under SAFETEA-LU were discussed in chapter two. Given a comment from the Eastern Band of Cherokee that TTAP has had little to offer in the area of transit, it may be worth examining the potential for coordination on training between TTAP and FTA or state transit agencies, although it is also clear that this tribe's transit program already has a working relationship with the North Carolina DOT.

Outside of DOTs, coordination by tribes with other federal agencies most often appears to involve agencies involved either with environmental regulation or with management of federal lands. Such coordination most often results from specific needs or projects; however, it is clear that the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and Bureau of Land Management (BLM) have the most frequent interactions with tribes. Ho-Chunk Nation files stormwater management plans with the U.S. Environmental Protection Agency, although the plans are developed through the tribe's Indian Health Service office and not through the transportation program. The tribe also apparently gets some permits from the U.S. Army Corps of Engineers for work affecting navigable waters.

Coordination with BLM would occur largely as a result of its status as a neighboring landowner, a common situation in many western states. However, BLM was cited by a handful of tribes for its assistance with geographic information systems, global positioning systems, and other mapping services. The Native Village of Eyak also noted coordination with the U.S. Department of Agriculture Forest Service, which owns a significant amount of Alaskan timberland, and two tribes mentioned working with the U.S. Fish and Wildlife Service. The most extensive set of responses concerning coordination with other federal agencies came from the Red Lake Band of Chippewa Indians; Minnesota tribes appear generally to be adept at establishing such relationships. Red Lake reported being "one of the first tribes to work with BLM on the new GCDP," and is training its staff in some fairly technical skills in this area, in addition to maintaining coordination with the U.S. Department of Agriculture and U.S. Department of Housing and Urban Development.

Both the Mashantucket Pequot Tribal Nation and the Prairie Band Potawatomi Nation cited some coordination with the Federal Emergency Management Agency (FEMA), the former in connection with emergency snow removal. Although the Hoopa Valley Tribe did not mention FEMA as a target of coordination, it could have, because it is the only tribe to report that it had successfully sought FEMA approval of its own Local Hazard Mitigation Plan under the Disaster Mitigation Act of 2000. In this case, necessity has been the mother of invention: Hoopa Valley occupies severely landslide-prone territory in northern California and often needs help dealing with the affects on its roads from severe winter storms.

The one other noteworthy area of coordination that emerged from the survey responses involved federal housing and health agencies—the U.S. Department of Housing and Urban Development in two cases involving roads connected with new housing developments, the U.S. Department of Health and Human Services in facilitating access to housing built for nurses and doctors on the Zuni reservation, and in several instances, the Indian Health Services.

Relations with state transportation agencies can be very idiosyncratic in Indian Country, but are evolving fast, with a number of states now having established tribal liaison offices or personnel (Rolland and Winchell 2002). Much of the interaction appears to depend on the extent to which tribes have state highways bordering or traversing their lands, need assistance or funding from state programs, or have some other form of regular contact with state transportation officials. Relationships in this area are changing and growing in part as a result of summits and conferences between state and tribal officials (e.g., see Swan 2002). The Cherokee Nation cited a fairly elaborate system of intertribal coordination both within Oklahoma and on an interstate basis with joint meetings of Oklahoma and Kansas tribal officials. Tribes in Minnesota such as the Bois Forte Band of Chippewa reported excellent relationships with the Minnesota DOT. Even Iowa, which has just one tribe resident in the state (Sac and Fox), has established a tribal consultation process to ensure adequate communication (*Iowa Tribal* . . . 2002).

The simple willingness of state and tribal transportation officials to meet as professional peers appears to help establish relationships in which professionals on both sides are working on sensible solutions to mutual problems. In this regard, both the Fort Belknap Indian Community and the Confederated Salish–Kootenai Tribes meet on a regular basis with the Montana DOT, and the Southern Ute work cooperatively with Colorado officials. At the very least, there is no substitute for dialogue in clarifying problems and highlighting

opportunities for cooperation. A positive learning curve appears feasible on both sides, and some real creativity in this area is becoming evident.

One sometimes contentious issue in state–tribal relations, however, concerns fuel taxes, a vital source of revenue for tribes. The December 2005 ruling of the U.S. Supreme Court in *Wagnon v. Prairie Band Potawatomi Nation*, in which the Court held that the state of Kansas could tax off-reservation sales of fuel to distributors delivering gasoline to the tribe for sale on the reservation, is sure to discourage some tribes that thought that fuel tax agreements with states would help drive revenue generation for tribes. Such agreements exist in several states, notably North Dakota, Oklahoma, and South Dakota, and it remains to be seen how they will be treated in the wake of *Wagnon*; however, the ruling clearly does not improve the tribes' negotiating position vis-à-vis the states.

Coordination with regional agencies often appears to be a matter of location. More remote tribes have relatively little interaction with regional planning agencies. Kawerak, Inc., basically is the regional organization in northwest Alaska, whose landscape is dominated by native villages and lands. However, regional planning organizations do exist in many rural areas, and tribes such as the Bad River Band of Chippewa Indians in Wisconsin, and the Bois Forte Band of Chippewa Indians, who work routinely with the Arrowhead Regional Development Commission in Minnesota, are helping pave the way toward the development of meaningful relationships with regional entities. The Mashantucket Pequot noted that they are nonvoting members of the Southeastern Connecticut Council of Governments. The Navajo work with two regional bodies, one in Arizona and one in New Mexico, and the Tohono O'Odham, located entirely in Arizona, indicated that their transportation planner serves on the transportation committee of the Pima County Association of Governments and that the tribal chairman serves on its board. In some cases, particularly where it is possible for a tribe to engage directly with an MPO, the regional planning body designated as a clearinghouse under federal transportation law, there may even be opportunities for tribes to access funds available through the MPO to local governments within its jurisdiction. There may be new opportunities for TTAP assistance to tribes by providing training on the development of such relationships and in identifying the opportunities they may represent.

INNOVATIVE AND MODEL PRACTICES

The survey asked tribes to identify any innovative practices or programs they wished to share that might benefit other tribes. One that was mentioned a few times was that of tribes compacting with the BIA to take over the operation of their own programs. However slow movement may be in this area for some tribes, there is little doubt that self-determination is a powerful aspiration for those tribes that can envision assuming this responsibility, and those that have done so appear to take pride in it and believe strongly that their actions are a model for other tribes that have not yet compacted for management of their programs. The Cherokee Nation cited the ability to use federal program money in interest-bearing accounts while projects are being developed as a way of enhancing revenue that otherwise would have remained in federal hands. Also, as noted earlier, the Red Lake Band of Chippewa Indians made clear its intent to be the first to compact with FHWA under recent federal rules allowing this as an alternative to working with the BIA.

Beyond compacting under P.L. 93-638, this study identified at least ten distinct areas of innovation, which are discussed individually here. These categories are necessarily informal because innovation by its very nature often defies existing boundaries and frequently blends or blurs them, but the categories nonetheless afford some convenient ways of attempting to understand the various paths to creativity in Indian Country.

Relationship Building

One tribe, the Bois Forte Band of Chippewa, cited its own excellence in building relationships as its prime innovation. It cited a list of very practical projects made possible through working relationships with county and state transportation and public works officials. In a world where cooperation is sometimes everything, innovations in the not-always-so-simple ability to work with others might be worth closer examination. They may not be unique in Minnesota, however, as the profile of the Red Lake Band suggests that they too are highly adept in this area.

Some of these innovations may appear workable for medium-to-large tribes, yet inaccessible to many small tribes. However, there are ways in which the smallest tribes can join forces to increase the levels of accomplishment. Tribes in California are moving steadily in the direction of pooling resources to achieve transportation goals that might otherwise have seemed beyond reach. In southern California, the Reservation Transportation Authority serves a consortium of small tribes and provides a model not entirely different from one that the Hoopa Valley tribe is now exploring in northern California. Hoopa Valley reports that it is "in the process of forming an intertribal transportation commission that will represent tribes in our county to our Regional Transportation Agency and other public agencies."

Financing and Fundraising Skills

The ability to identify new sources of funding for urgent needs can become highly innovative. The Fort Belknap Indian Community's capital assistance grant from the

Montana DOT required that the recipient organization be a registered 501 (c) (3) nonprofit organization. Undeterred, the tribe argued that the Internal Revenue Service Code treats tribal organizations in the same way and won its point, gaining funding for three Chevrolet minibuses with wheelchair lifts to serve its senior citizens.

One of the most significant innovations with regard to creative financing has to do with the flexible financing agreement worked out between the Standing Rock Sioux Tribe and the BIA. This agreement, forged with the help of several prominent public officials in North Dakota and South Dakota, allows the tribe to use its tribal shares allocation from the IRR program as payments on a long-term private commercial loan to marshal $26.5 million (approximately 20 years of current IRR shares) to undertake an immediate three-year program of infrastructure improvements. The real significance of the arrangement is not just that it solves many long-term problems with inadequate and unsafe roads, but that by doing so it should enable much more rapid investment and economic growth on the reservation that will positively alter the lifestyles and outlooks of a whole generation of tribal members. The tribal video about this achievement makes clear that it was brought about primarily because of persistence by tribal leaders.

Highway Design and Environmental Considerations

For many tribes, just getting a seat at the table when the state is planning the route and design for a new highway is a major achievement. Not only did the Confederated Salish–Kootenai Tribes succeed in this regard for the planning of Highway 93 in Idaho, but they exerted a major influence in redesigning the portion of the highway passing through the reservation to include pedestrian lanes, surface texture changes to signal to drivers that they were entering a special area that required additional safety precautions, and numerous wildlife crossings that respected the environmental context of the highway right-of-way. The Confederated Tribes of the Warm Springs Reservation succeeded in establishing environ-mental assessments for large areas for 20-year buildouts, allowing the tribes to complete a single assessment instead of conducting multiple assessments at different phases of new projects, saving time on design and approval.

Transit

Tribes are increasingly incorporating various provisions for public transportation into their programs; however, the innovations needed depend greatly on geographic context; for example, whether the tribe borders on neighboring jurisdictions with their own mass transit, how rural or urban the setting, and the means for financing the development of transit. The new tribal transit arrangements under SAFETEA-LU will most likely add to the pace of innovation as tribes gain access to new resources; however, as noted in chapter two, tribes are also raising questions with FTA about program design at the outset.

Some considerable work, however, has already preceded this new program. The most impressive program found was that of the Eastern Band of Cherokee Indians, who have been identifying market niches in which to expand their program on an entrepreneurial basis, including a new shuttle service into Smoky Mountain National Park, supported by a U.S. Environmental Protection Agency Congestion Management and Air Quality grant. The Coeur d'Alene Tribe is working out cooperative links with a neighboring city's transit program, and the Navajo Nation and Tohono O'Odham are both pursuing their own transit innovations in Arizona and New Mexico, respectively, the latter tribe with regard to subsidized purchase of wheelchair-accessible vans. Transit is likely to become one of the most intriguing areas for future research in the field of tribal transportation.

Enhancements

The term "enhancements" first emerged with regard to transportation planning in the 1992 ISTEA legislation. It refers to the development of largely alternative modes of transportation outside the Highway Trust Fund and can include items such as bicycle trails and facilities, pedestrian overpasses, historic preservation, and environmental improvements. In this regard, the most innovative tribes are finding that there are federal funds available for such uses apart from those traditionally set aside for Indian tribal governments.

The Coeur d'Alene Tribe worked with the Union Pacific Railroad to convert abandoned track into a rail–trail that is now opening up tourism opportunities, thus affording some economic development as well. The Makah Tribe, occupying a small peninsula in the northwestern corner of Washington State, was able to develop a scenic byway. In some cases, there may be a desire to balance potential increased visitation from tourism with a desire to maintain privacy for tribal members living on the reservation. Enhancements can be conceived not as a means of drawing visitors, but as a better means of serving the internal transportation needs of the tribe itself, or some carefully conceived objective that blends elements of both types of goals.

Marketable Technical Skills

Some tribal enterprises associated with the operation of transportation programs have become remarkably proficient at attracting business from outside the reservation and, in the process, generating needed revenue to finance transportation improvements within the reservation. Two efforts stand out: the Eastern Shoshone and Northern Arapaho on the Wind River Reservation in Wyoming and the Hoopa

Valley Tribe. The former have created a quality assurance laboratory that contracts for testing work from the state and numerous counties in Wyoming. Hoopa Valley has been the crucible for establishing Ready-Mix and aggregate crushing businesses that have placed the entire program on a profitable footing and, in the process, created a significant economic development model for other tribal transportation programs.

Problem Solving for Special Hazards

Hoopa Valley claimed a special niche here as well, with respect to its ability to bring together the efforts of nearly 40 tribal departments to cooperate in creating and subsequently winning FEMA approval for a local hazard mitigation plan. Such plans are required of local governments under the Disaster Mitigation Act of 2000 for them to be eligible for both pre- and post-disaster mitigation grants from FEMA and, as noted earlier, Hoopa Valley faces a special winter landslide problem across its rugged terrain. However, the Disaster Mitigation Act permits multijurisdictional plans, and it has been common for communities to band together through regional or county agencies to create such plans so that not every jurisdiction must develop its own. Hoopa Valley, however, decided to master the technical requirements of hazard mitigation planning and develop a plan to meet its own unique needs. With particular consideration of how various natural hazards can affect transportation facilities, there may well be a model here for training other tribes to prepare for a safer future.

Use of Planning Tools

Concerning the use of planning tools, two examples are particularly noteworthy. One is the Mashantucket Pequot Tribal Nation's use of Infrastructure 2000 planning software to better integrate the management of its transportation programs. The other, equally intriguing, is the work of the Red Lake Band in combining geographic information system technology with an E-911 address inventory to overcome a traditional problem of providing location information for residences where property is owned by the tribe and not individual homeowners and therefore have lacked a street numbering system.

Cultural Preservation Techniques

In the Navajo Nation profile, we deliberately included a section not originally provided for in our safety section on archaeology and ethnography. Essentially, we added an additional, lengthy interview with the people who manage a program that greatly influences the Navajo right-of-way decisions for tribal roads. The program involves the use of a cultural specialist fluent in Navajo to interview tribal members in the path of any proposed project to learn as much as possible about traditional tribal uses of the area in question, including burials, sacred uses, and gathering places for medicinal herbs, so as to minimize any resulting disruption. The process is worth studying further as an example of well-considered cultural sensitivity.

Social Factors

Transportation planning involves a number of social issues in any jurisdiction, including safety, access to jobs, and, as Jane Jacobs famously noted in the early 1960s, the quality and vibrancy of life along the street. One of the safety issues involving personal responsibility that cities and the states across the nation have struggled to address since the invention of the automobile has been that of intoxicated drivers. Indian tribes have faced many vexing situations in this regard, and some have produced solutions that offer models for others. As noted earlier, the Saint Regis Mohawk Tribe created a drug and alcohol rehabilitation program that is now attracting non-Indians from across New York State. The Southern Ute Tribe has developed a wellness court to augment its adoption of a 0.08 alcohol content standard and the use of a speed trailer at special events.

Unemployment is a huge challenge on many reservations, but the use of TERO, such as the one described in the Winnebago profile, offers at least some opportunity to put tribal members to work in developing or repairing needed infrastructure. Although the questionnaire for this study did not explore TERO in any depth, a future study to examine the effectiveness of various approaches in TEROs might be of considerable value. The best guide we found on this subject was a 10-year-old manual from a two-day course developed by FHWA and the National Highway Institute (*Partnering for Indian Employment* . . . 1997).

CHAPTER FOUR

CONCLUSIONS AND SUGGESTIONS FOR FUTURE RESEARCH

Tribal transportation programs are not a well-studied subject. This synthesis report is itself the first major TRB study in its field. As a result, one primary purpose for the report is to establish a baseline for further studies, many of which are likely to focus on narrower aspects of the overall topic. It provides the first in-depth set of profiles of individual tribal transportation programs, allowing for some comparisons among users of the problems, circumstances, and solutions that they illustrate.

One general observation that must be made at the outset is that, in seeking to understand what works and what does not, context is everything. Each tribe has its own culture, history, geographic considerations, population density and size, and extent of road mileage and other transportation facilities for which it is responsible, among other factors that may enter into its decisions and affect its capabilities. Oversimplification of trends and issues must be avoided with regard to tribal transportation. There are, however, a few general observations that can be offered.

- Certain elements of tribal transportation programs, under the influence of federal requirements for funding or because they simply make sense, are becoming nearly universal, at least among the tribes surveyed. These include the preparation of a long-range transportation plan, a capital budget or capital improvements program, the design and construction of new roads, and the development of an inventory of transportation facilities.
- The appreciation and use of the resources of Tribal Transportation Assistance Programs (TTAPs) is widespread, although gaps still exist. Although it remains a challenge for TTAPs to extend assistance effectively to the smallest and most remote tribes, the programs are attempting to fill those gaps.
- Tribes differ in their thinking about the desirability of compacting for transportation self-governance directly with FHWA, as is now possible, versus continuing to compact with the Bureau of Indian Affairs (BIA). This is a situation that is likely to evolve as tribes begin to compare the merits of one approach with the other. For now, it is a new option with which no one has any measurable experience.

In addition to those general observations, the following trends are apparent with regard to tribal operation of transportation programs.

- Tribes generally fear some diminution of their sovereignty, and its effects on their programs, as a result of trends in federal judicial opinions such as *Wagnon v. Prairie Band Potawatomi Nation*, 126 S.Ct. 676 (2005) and *City of Sherrill, New York v. Oneida Indian Nation of New York,* 544 U.S. 197 (2005). These decisions involve contention over the extent of state authority relative to tribal sovereignty.
- On the other hand, state transportation agencies and tribal transportation programs are finding new ways to cooperate, and several states have established liaisons to work with tribes. Tribes want to cooperate with such agencies within an atmosphere of respect for tribal sovereignty.
- The broad pattern of increased tribal self-determination begun in the 1970s with the Indian Self-Determination and Education Assistance Act (P.L. 93-638) is rapidly taking hold with regard to transportation. The number of tribes seeking such compacts is increasing. However, this study found little direct correlation, if any, between tribal size and the willingness to seek self-determination. Other factors seem to influence these decisions.
- Federal transportation legislation since the Intermodal Surface Transportation Efficiency Act (ISTEA) has steadily added new opportunities for tribes to seek increased autonomy as well as improved funding, including new FTA programs created under SAFETEA-LU in 2005.
- The formulas for Indian Reservation Roads funding have been anything but static, and tribal governments have had to adapt to the changes in funding rules and eligibility and the BIA's new methodology for determining tribal shares.

The following needs appear to be the most widespread:

- Funding for road maintenance appears to be almost universally inadequate; a problem solved in selected cases only by tribes that were in a position to develop a substantial source of independent funding to supplement the funds available from the BIA.
- At least one FHWA study shows a serious problem with pedestrian safety on Indian reservations, and the profiles suggest numerous situations where dangers could be presumed to exist in this regard.
- There is likely to be a growing need for technical assistance with tribes for public transportation of

various types, especially as tribes attempt to use recently instituted SAFETEA-LU programs to upgrade their facilities.

Despite the challenges faced by tribal transportation programs, many tribes have been innovative in addressing them. Chapter three outlined these innovations and model practices as falling into the following categories:

- Innovative relationships with outside entities, such as state transportation agencies and regional councils of government.
- Creative fundraising and financing, such as the flexible financing agreement achieved by the Standing Rock Sioux (North and South Dakota).
- Context-sensitive design of new roads and highways.
- Entrepreneurial and other approaches to expansion of tribal mass transit.
- Creative use of enhancements, a category of federal transportation funding first created under ISTEA.
- Marketing of technical skills through tribal enterprises that often sell skills and products to non-tribal entities in the state or surrounding region.
- Development in one case (Hoopa Valley, northern California) of a completely independent hazard mitigation plan to address natural hazards within the reservation, some of which severely affected tribal roads.
- Use of computer technology for planning purposes.
- Cultural preservation techniques, such as the Navajo archaeological and ethnographic program.
- New approaches to social problems, such as driving under the influence of drugs or alcohol. These include wellness courts and innovative counseling programs.

Four primary areas of concern for future research became apparent in the course of this study. These are public transportation development, staffing issues for tribal transportation programs, creative financing of such programs, and the building of various kinds of relationships that would facilitate effective connections for tribes.

Public Transportation—Although most tribes surveyed for this project reported having some form of public transportation, many did not, and many that did have programs were limited to dial-a-ride van service for the elderly or disabled rather than full-service mass transit. Tribes build these programs to serve their own unique needs; however, it is probable that many would expand their offerings if the resources were available. The range of resources that tribes have learned to access in building their own transit services is increasing, and some tribes, such as the Eastern Cherokee, have become leaders in their own state or region. Probing what works, where and how those resources can be accessed, and how best to tailor services to the needs of existing or potential clientele are all questions that could benefit from further research. This study, at best, merely scratched the surface of this topic.

Moreover, it is important to follow this issue because changes are underway. FTA announced funding availability in August 2006 for the new Public Transportation on Indian Reservations Program, established under Section 3012 of SAFETEA-LU, amending 49 U.S.C. 5311(c), to authorize direct grants under FTA's Nonurbanized Area Formula Program. The amount of funding as yet is not large, although it will be increasing from $8 million in FY 2006 to $15 million in FY 2009; however, it does represent a growth in opportunity that would be worth monitoring.

The opportunities for creatively funding transit, however, extend well beyond the FTA program. The 2004 BIA Final Rule on the Indian Reservation Roads (IRR) Program identifies several sources for tribal transit grants and assistance, each of which has multiple categories of funding for which tribes may be eligible:

- U.S. Department of Agriculture (various rural development loans and grants).
- U.S. Department of Housing and Urban Development (Community Development Block Grants and housing funds).
- U.S. Department of Labor (employment training and welfare-to-work grants).
- U.S.DOT.
- U.S. Department of Health and Human Services (Head Start, medically related services, etc.).

Staffing—Exactly how best to staff a tribal transportation program can be in many cases something of a mystery. At what point does a tribe need a professional planner on its staff, or a professional engineer? What should their qualifications be? How is it possible to encourage tribal members to fill such roles, and how can tribes nurture the professional development of their own people? There appears to be relatively little guidance with regard to effective management in this area, and one TTAP representative succinctly stated that there was a need to develop some sort of template for guiding tribal leaders in making such judgments. For instance, given a certain land area with a given number of roads, and a particular population (including non-Indians served who are living within reservation boundaries), what is an appropriate staffing level to support the program, and what types of positions should comprise that staff?

It is clear that any such template must leave sufficient room for contingencies and unique situations. For starters, differences can arise once a tribe decides to assume responsibility for its own program through a self-determination compact or P.L. 93-638 contract. Administrative functions previously handled by the BIA become the tribe's responsibility, with the necessary staffing required to undertake those jobs. According to the final BIA rule for 25 CFR Part 170, dealing with the IRR Program, financial assistance

available for building a tribal transportation department can include:

- Use of IRR funds;
- Use of BIA road maintenance funds;
- Use of tribal general funds;
- Tribal Priority Allocation;
- Tribal permits and license fees;
- Federal, state, private, and local transportation grants;
- Tribal employment rights ordinance fees; and
- Capacity-building grants from the Administration for Native Americans and other organizations.

As always, various sources of money may have limitations in terms of the precise uses for which they may be employed. Training workshops in this area could be helpful. In many cases, assumption of the responsibilities that accompany self-determination is merely the beginning of a long odyssey toward full administrative independence. Following changing rules and evolving opportunities is in itself a serious challenge for some understaffed programs.

Tribes overseeing a public transit system must be able to factor in those needs as well; however, there are other special considerations, such as historical and cultural preservation, that may require additional staff. Producing the proposed template then is no simple issue and it may be worthwhile for some funding entity to underwrite efforts to properly research the assumptions that would underlie such a device and provide a product that is usable by tribal administrators.

Creative Financing—As noted earlier in the discussion of innovations, financing of tribal transportation programs is a critical consideration for many tribes seeking to move forward. There may never be enough money in the IRR program, and certainly there will not be enough for many years to come, even with the current increases, to meet the huge backlog of infrastructure needs on reservations. Other sources need to be explored, and many tribes are demonstrating substantial creativity, such as the Standing Rock Sioux with their flexible financing agreement, Fort Belknap (Montana) with its capital assistance grant, others with tribal fuel taxes, and some with uses of casino revenues. What may be most useful in the near future is a thorough study of these and many other options tribes have explored, how well they have worked, and what other possibilities remain inadequately considered. One key area of exploration is the degree to which the building of relationships with state departments of transportation, metropolitan planning organizations, regional planning organizations, and various other transportation providers or planners may uncover real sources of revenue or in-kind transfers of services that will improve the lives of tribal members.

Relationships—That last point leads to the final area of exploration that this study will recommend—a comprehensive look at the myriad ways in which the building of effective and meaningful relationships between tribal leaders and transportation officials, both with those of other tribes for cooperative efforts and with non-tribal officials at all levels of government and in the private sector. This study could include examinations of:

- The functioning of state tribal liaison offices.
- Networking among small tribes to reach common goals.
- How effective relationships with non-tribal officials have been constructed and maintained under varying circumstances and with various kinds of organizations
- How tribal transportation officials determine who to talk to among the different offices and agencies with which they must deal.

In short, while this may seem a very sociological, as opposed to transportation-related, type of research endeavor, it often proves critical to achieving the synergistic cooperation that benefits all parties. Tribes simply are not in a good position to try to function alone, and few even entertain such an objective. However, building effective relationships involves a particular set of skills, and there are specific issues at play in tribal governance that may require special attention. Research in this area should specifically be designed to include interviews with all of the following:

- BIA officials;
- State department of transportation officials, including but not limited to tribal liaisons;
- FHWA administrators;
- Tribal leaders, whether involved in general governance or transportation specifically, who have led the way in building such relationships with other entities;
- TTAP directors; and
- Regional transportation planners in areas that include Indian tribal lands.

Skills with regard to building cooperative relationships can be researched and taught, and this already happens both within tribes and through TTAPs. Using the TTAP network to help further this research could be widely beneficial.

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GLOSSARY

Alaska native corporation—Under the Alaskan Native Claims Settlement Act of 1971, a corporation owned by Alaskan natives for development purposes. The act created 12 regional entities with monetary compensation under the Alaska Native Claims Settlement Act. Native people own the corporation through privately held shares of stock.

Bureau of Indian Affairs (*BIA*) *Road Maintenance Program*—Fund managed and distributed by BIA, separate from Indian Reservation Roads (IRR), for the maintenance of IRR transportation facilities.

Channelization—Creation of a separate turning lane on a highway or road for vehicles turning either left or right to reduce the likelihood of traffic conflicts or crashes.

Emergency Relief for Federally Owned Roads—Program provides assistance to roads defined as federal roads, providing access to and within federal and Indian lands. Funds come from the Highway Trust Fund and cover 100% of repairs, but may not duplicate funds from other sources. The intent is to restore such roads to predisaster conditions.

Enhancement funds—Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), this program was established to provide 10% of Surface Transportation Program funds for any of the following activities:

- Provision of facilities for pedestrians or bicycle.
- Provision of safety and educational activities for pedestrians and bicyclists.
- Acquisition of scenic easements and scenic or historic sites.
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- Landscaping and other scenic beautification.
- Historic preservation.
- Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
- Control and removal of outdoor advertising.
- Archaeological planning and research.
- Environmental mitigation to address water pollution the result of highway runoff or to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
- Establishment of transportation museums.

Funding for transportation enhancements was continued under the Transportation Equity Act for the 21st Century (TEA-21), passed in 1998, and SAFETEA-LU, passed in 2004.

Federal Lands Highway Program—Federally funded program that provides funding and services in cooperation with federal land management agencies, such as the Bureau of Land Management and U.S. Department of Agriculture Forest Service, and including BIA. This program specifically includes the IRR program managed jointly by FHWA and BIA.

Indian Country—Basically, all lands, including reservations, created by or recognized by federal action as lands belonging to Indian tribal nations.

Indian Reservation Roads (*IRR*)—According to 25 CFR Part 170, "roads and bridges 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 Alaskan Native villages, groups or communities in which Indians and Alaskan Natives reside. . . ."

Indian Reservation Roads (*IRR*) *Inventory*—Comprehensive database of all facilities eligible for IRR funding by tribe, reservation, BIA agency, and region, congressional district, state, and county. Tribes contribute to the inventory through their own data gathering as part of establishing their eligibility for tribal shares under the IRR program; elements of the inventory are factored into the Relative Need Distribution Factor.

Linkage—In planning terminology, a connection between one plan element and another, or between one plan and another, often used as a means of ensuring implementation by cross-referencing sections of the same plan or different plans. For example, a linkage between a long-range transportation plan and an economic development plan would involve some reference in at least one plan to the provisions of the other, preferably in an effort also to maintain consistency.

Long-range transportation plan—Plan that identifies transportation goals, issues, and needs, and defines the direction for planning, programming, and project development over a 20-year period.

Metropolitan planning organization (*MPO*)—Under federal transportation planning law, an MPO is a mandated regional organization that is responsible for comprehensive transportation planning and programming in urbanized areas. The MPO is responsible for producing the Transportation Plan, the Transportation Improvement Program (TIP), and the Unified Planning Work Program.

Recognized tribe—Indian tribe whose legal existence is recognized by the federal government, with all the sovereign powers established under federal law for such entities. Recognition is a prerequisite for entitlement to federal benefits and funds distributed to Indian tribal governments. In some states, there are also state-recognized tribes that may or may not have federal tribal recognition.

Reconfiguration—Realignment of streets or highways to eliminate hazardous curves, turns, or intersections.

Relative Need Distribution Factor—Element of the IRR Tribal Transportation Allocation Methodology (TTAM) that helps to justify allocations based on the tribe's inventory of IRR facilities.

Reservation—Reserved lands set aside under federal law for occupancy and sovereign control by one or more Indian tribes, either through treaty agreement, act of Congress, or presidential executive order.

Rural planning organization—Under federal transportation law, the rural equivalent of an MPO, but established in rural regions that lack an urbanized area.

Self-determination—In a general sense, the ability of a people to determine its own future. Since the early 1970s, under P.L. 93-638 tribes have had the right to take control by compact with BIA or other relevant federal agencies (e.g., FHWA), according to federal standards, of particular programs such as education, health care, or transportation.

Transportation Improvement Plan (*TIP*)—Program for transportation projects, developed by an MPO, in conjunction with a state, for a three- to seven-year period. More generically the term includes state TIPs and tribal TIPs developed for the same purposes at their respective levels of governance.

Tribal employment rights ordinance—Ordinance passed by an Indian tribal governing body that establishes preferential hiring privileges for tribal members on jobs performed by outside contractors, such as road building or bridge repair.

Tribal liaison—Whether for transportation or other purposes, an individual or office within a state or federal agency or state government designated to coordinate activities with tribal governments and their representatives. Several states have tribal liaisons within their transportation departments.

Tribal membership—Enrollment as a citizen of an Indian tribal nation under the laws and constitution of the tribal government. Tribes have exclusive jurisdiction to determine the qualifications for tribal membership.

Tribal shares—Allocation of federal IRR money available to any specific tribe based on the formula in force at the time of the allocation.

Tribal sovereignty—Supreme legal power of an Indian nation to manage its own affairs within the context of its status as a domestic dependent nation within the United States. The boundaries of what constitute sovereignty have changed over time; however, the fundamental attribute is that, with regard to those areas of activity in which the Indian nation is assumed to be sovereign, it has the ultimate decision-making power, which must be respected by the state and federal governments.

Tribal Transit Grant Program—Program managed by FTA under 49 U.S.C. 5311(c) to provide grants to tribal governments for transit development and operation under the Nonurbanized Area Formula Program. This program was expanded with new funding opportunities under SAFETEA-LU.

Tribal Transportation Allocation Methodology (*TTAM*)—Method used by BIA to allocate IRR program funds among the tribes. It includes a Relative Need Distribution Factor, which controls the bulk of the funds available, High Priority Projects, and, in certain cases, a Population Adjustment Factor, all spelled out in BIA rules.

Tribal Transportation Assistance Program (*TTAP*)—Network of regional centers funded under IRR to provide technical assistance to tribal transportation programs.

Tribal trust lands—Lands belonging to Indian tribes held in trust by the federal government for the purposes of removing such lands from taxing or other jurisdiction of the surrounding state or any of its subsidiary jurisdictions, such as cities or counties.

Trust relationship—By law, the special historic relationship of the federal government to Indian tribes, with the assumption that the federal government will seek to protect the tribes and act in their best interests.

APPENDIX A

Tribal Profiles

This appendix is a compilation of 30 profiles of Indian tribal transportation programs based on interviews with tribal contacts, using the questionnaire reproduced in Appendix D. The questionnaire itself was developed by the American Planning Association (APA) project team in consultation with TRB Synthesis Studies Manager Jon Williams and the project review panel in the early stages of the project. The review panel also worked with APA to develop a representative list of tribes that currently receive most of the Bureau of Indian Affairs (BIA) Indian Reservation Roads (IRR) program funds, in part because they include most of the largest tribes nationwide. The leaders of these tribes received letters from TRB inviting them to participate in the study by designating the individual within tribal government most capable of answering the questions posed. Once APA succeeded in establishing contact with a willing tribe, with a designated contact to answer the questionnaire, it then arranged for telephone interviews, either to work through the questionnaire from scratch or to review answers supplied in writing. Through an iterative process, in most cases, of clarifying answers, reviewing drafts of the resulting profiles, and subsequent revisions as needed, the profiles that appear here became the resulting product. Each tribe was given the opportunity to review the results and submit proposed revisions, the vast majority of which were then incorporated into the final versions.

Alabama–Coushatta Tribe
Bad River Band of Lake Superior Tribe of Chippewa Indians
Bois Forte Band of Chippewa
Cherokee Nation
Coeur D'Alene Tribe
Confederated Salish and Kootenai Tribes
Confederated Tribes of the Warm Springs Reservation
Craig Community Association
Eastern Band of Cherokee Indians
Eastern Shoshone and Northern Arapahoe
Native Village of Eyak
Fort Belknap Indian Community
Ho-Chunk Nation
Hoopa Valley Tribe
Kawerak, Inc.
Makah Tribe
Mashantucket Pequot Tribal Nation
Navajo Nation
Prairie Band Potawatomi Nation
Pyramid Lake Paiute Tribe
Red Lake Band of Chippewa Indians
Sac and Fox of the Mississippi in Iowa
Saint Regis Mohawk Tribe
Seminole Nation of Oklahoma
The Shoshone–Bannock Tribes
Southern Ute Indian Tribe
Standing Rock Sioux Tribe
Tohono O'Odham
Winnebago Tribe of Nebraska
Pueblo of Zuni

Texas

Alabama–Coushatta Tribe
519 State Park Road 53
Livingston, TX 77351

Date: November 25, 2005
Revised: May 26, 2006

Contact Information:
Donnis B. Battise, Tribal Transportation Planner
Telephone: 936-563-1100
E-mail: tcdbattise@actribe.org

Basic Tribal Data and Structure

The Alabama–Coushatta tribe has 1,119 members, of which 503 live within the boundaries of the reservation as of 2000. The tribe's total land area is 9,569.588 acres, of which 5,133.716 are trust property, and 4,455.872 are pending trust property.

The tribal council governs the Alabama–Coushatta Indian Reservation. A seven-member panel is elected for staggered, three-year terms. Once the newly elected council candidates are seated, the council elects its own officers to serve one-year terms. The council serves as the policymaker and governing body of the tribe. Council members are sworn in by the chiefs to uphold and abide by the tribe's constitution and by-laws. The tribe has a principal chief and a second chief, and they are the supporting body to the tribal council. The two chiefs are elected by tribal members to serve the remainder of their lives as chiefs of the tribe.

Transportation Responsibilities

The Alabama–Coushatta tribe has a P.L. 93-638 contract with BIA for the operation of its transportation program, which includes the following components:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a public transportation system
- Maintenance of an inventory of transportation facilities, which includes:
  - Road and rights-of-way
  - Pavement management system
  - Bridges
  - Signs.

At the time this study was being completed, the tribe did not yet have a long-range transportation plan. However, the tribe had hired PAIKI, a Native American engineering and architecture firm based in Albuquerque, to complete such a plan. It was expected that work on the plan would begin in the spring or summer of 2006 and be finished within six months to a year. The firm had already begun work on a survey of the existing situation and analysis of road inventory data.

For design and construction of new roads, the tribe hires engineers. The tribe also hires a road inspector to oversee specific construction projects. Mr. Battise is conducting the inventory. The tribe currently has 22 miles of tribal roads, but possibly up to 60 miles more pending in land the tribe is acquiring through purchases.

The public transportation system involves the operation of a disabled-access van. It provides service on call to senior citizens and is equipped with wheelchairs.

Staff

The tribe has 2.6 full-time equivalent (FTE) staff working on transportation programs. This includes Mr. Battise, who spends an average of three days per week on transportation as the planner, and a six-member maintenance staff that spends an estimated one-third of its time on road maintenance but serves other tribal maintenance needs as well.

According to Donnis Battise, "My qualification is training in the operation of heavy equipment, and site preparation and construction of Woods Road, which is used by a timber company using heavy equipment and trucks." Mr. Battise attends continuing education offered and provided by the regional Tribal Technical Assistance Program (TTAP). The tribal transportation planner reports to the tribal administrator. The staff does not include any professional planners or engineers, the latter being hired on contract as needed for specific jobs.

Training and continuing education are provided through the TTAP program. However, the tribe is somewhat geographically isolated, 900 miles away from the TTAP in Oklahoma, and "it is difficult as a part-time employee to attend training, we don't

have that much travel money." Mr. Battise reports that he found PAIKI, the firm that is developing the long-range transportation plan, at a conference in Tulsa, Oklahoma.

Planning

The tribe is currently working on its first transportation plan. The tribe has contracted with PAIKI, for preparation of the long-range transportation plan. After the plan is complete, the tribe's transportation planner will complete updates of the plan (with resolution from the tribal council). The tribal council has not yet adopted the plan.

Because the plan is pending, Mr. Battise did not list any significant proposals for the plan or indicate how much of the plan has been implemented to date. It is expected to use a 20-year time frame.

Although no plan is yet in place, citizen participation has been part of the planning process in the form of public meetings and housing meetings, with regard to preparation for specific upcoming projects.

The pending plan contains linkages to the following other activities:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. BIA provides technical assistance regarding the P.L. 93-638 contract.

U.S.DOT. No coordination exists.

Other federal agencies. None.

Regional councils of government. None.

State transportation agencies. Texas DOT has a thruway, US Highway 190, which runs through the reservation. The state maintains this road, as well as State Park Road 56, two miles east, which also goes through the reservation.

County transportation agencies. The county maintains a ¼-mile county road through the reservation. The county voluntarily grades the road as needed.

Funding/Major Projects

Operating expenses for 2003 for transportation purposes were approximately $11,877.97 for salaries. All revenue came from BIA. Mr. Battise indicated that the tribe has a P.L. 93-638 maintenance contract with BIA that provides $5,000 per year, with the tribe adding $1,000 from its own general revenue.

Capital expenditures for 2003 for transportation purposes were approximately $67,829.00.

The main projects included:

- Completion of Colabe Road—5,300 ft of flexbase material.
- Completion of Bear Lake Loop Road—18,850 ft of flexbase material.
- Completion of Chief Kina Road—5,500 ft of flexbase.

Unmet Needs

The greatest unmet needs are seen as:

- Locating damaged culverts that are covered with silt and debris and replacing them.
- Lack of funds to purchase a road grader to keep roads maintained.
- Weatherproofing of roads.

Maintenance

Maintenance of transportation facilities is undertaken by monitoring the roads and documenting what issues need to be addressed. The tribe provides work orders. The tribe controls litter by holding a trash pickup day. Grass is mowed by the tribe's maintenance department. As noted above, the state is responsible for its road through the reservation.

There is only one bridge within the boundaries of the reservation, which the state maintains. The tribe's maintenance department handles right-of-way maintenance, including mowing around the edges of the road.

Signs are inventoried and replaced when faded or destroyed.

Safety Programs

Signalization. Within the boundaries of the reservation, there are two caution light warnings near dangerous intersections. One is at the entrance to the reservation, where there is a small hill. The intersection is almost at the top of the hill, with traffic going both up and down.

Signage. Speed limit signs are posted on the state road, but not on tribal roads.

Channelization. None.

Road reconfiguration. None.

Speed control. Tribal security enforces speed control.

Pedestrians and bicycles. None.

Child car seats. None.

Seat belt safety. None.

Safe routes to schools. Tribal security personnel monitor school bus routes and stops. The school is off the reservation, but a security car follows the bus.

Alcoholism counseling or intervention related to the operation of motor vehicles. None.

Innovations/TTAP Assistance

According to Mr. Battise, "the tribe has built a 25-acre lake from a stream and installed a road on top of the dam that other tribes may find beneficial."

The tribe has utilized the TTAP program through seminars on changing laws and policy and how to implement them properly. The tribe usually chooses training for the maintenance department "according to what kind of equipment we have," such as a backhoe.

The tribe reports, "Lack of equipment or no equipment at all has been a challenge, but help from other agencies, such as the county provides, helps us to overcome the challenges."

Desired Changes

"We need our own transportation facilities. We have a planning office and a maintenance office. We need to put that together to become a transportation facility."

Wisconsin

Wisconsin

Bad River Band of Lake Superior Tribe of Chippewa Indians
P.O. Box 39
Odanah, WI 54861

Date: October 20, 2005
Updated: June 8, 2006

Contact Information:
Angela Houle, Transit Manager
Telephone: 715-685-9461
E-mail: brtransit@badriver.com

Robert Blanchard, Tribal Roads Manager
Telephone: 715-682-7153
E-mail: brroads@mail.badriver.com

Basic Tribal Data and Structure

The Bad River Band of Lake Superior Tribe of Chippewa Indians has a 2000 census population of 1,935. The tribe's total land area is roughly one-quarter of a million acres.

The tribal governance structure consists of the seven-member Bad River Tribal Council. The council is composed of a chairperson, vice-chairperson, treasurer, secretary, two senior council members, and one council member.

Transportation Responsibilities

The Bad River Band of Lake Superior Tribe of Chippewa Indians operates its own transportation program and contracts with BIA for some transportation functions.

The tribe operates the following components of their transportation program:

- Preparation and maintenance of a long-range transportation plan
- Maintenance of existing roads
- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Pavement management system
  - Bridges
  - Signs
  - Transit fleet (passengers, miles traveled)
- Operation of a public transportation system that includes a bus system, van service, park-and-ride, dial-a-ride, paratransit (transit for handicapped people).

The tribe, jointly with BIA, prepares and maintains a capital improvement program in the form of a yearly control schedule that puts a dollar amount on the projects that the tribe puts in the transportation improvement program (TIP).

The following components are operated by third party contractors:

- Design and construction of new roads
- Overseeing contractors in construction projects

Staff

The tribe reports between 18 and 20 full-time staff persons working on transportation programs. The tribe does not employ any professional planners or engineers. In the roads department, there are two full-time employees who work on road maintenance, a transportation coordinator who works on the IRR inventory and the long-range transportation plan, and a road manager—all of whom received on-the-job training. The transit staff was trained on the job and also attended available conferences and seminars.

Transportation staff reports to the tribal operations manager, who then reports to the executive director. In-house staff uses TTAP training and information and BIA regional inventory trainings as resources for continuing education.

Planning

The current transportation plan was prepared and adopted by the tribal council in 2000. The tribe is currently updating the long-range transportation plan, which will be for 2006–2026, and anticipates that the process will be completed in six to nine months. The Bad River Tribal Transportation Planning Committee, transportation staff, and the Bad River community prepared the plan.

According to Ms. Houle and Mr. Blanchard, four significant proposals contained in the plan are:

- A tribal transportation facility
- Pine Flat Road—culvert replacement
- Three Facilities Center Road—roads to three new facilities: elderly housing, cultural center, and preschool; construction to begin in 2006
- Kakagon Street—new asphalt, sub-base work, and drainage

Mr. Blanchard estimated that 20% of the plan has been implemented. Citizen participation was part of the planning process in the form of public hearings and public meetings.

The plan contains linkages with the following other activities:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Integrated Resource Management Plan

Coordination with Outside Agencies

BIA. The tribe works very closely with BIA to develop a control schedule for projects, and BIA engineers do all design work except for bridges. BIA provides training two or three times a year for all Wisconsin tribes to complete inventory.

U.S.DOT. No direct coordination, all interaction is mediated by the state.

Other federal agencies. The reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) included a takedown from the Section 5311 program that sets aside dollars for Indian reservations. As a result of this set-aside, FTA will be directly administering the funding to tribes. FTA has begun the consultation process with tribes to get their input on how they would like to see the funding distributed and the process for distribution. The tribe also contracts with the U.S. Army Corps of Engineers.

Regional councils of government. The tribe coordinates with the Northwest Regional Planning Commission and local, county, and township highway departments. The Tribal Roads Department would like to contact the commission to work on the 20-year long-range transportation plan, but so far the Tribal Transportation Committee has been reluctant to work with the Northwest Regional Planning Commission.

State transportation agencies. The tribe keeps in close contact with state DOT representative Glen Landice, typically not through the tribal liaison Gwen Carr. Through Landice, the tribe finds out about opportunities such as a federal grant for pedestrian safety. The tribe receives section 5311 funding for public transportation from the Wisconsin DOT (WisDOT). In August 2005, all of the 11 federally recognized tribes in Wisconsin signed a partnership agreement with WisDOT. As a direct result of the agreement, a task force was created with representatives from WisDOT, the Wisconsin office of FHWA, and a designated tribal representative from each of the 11 tribes.

Other transportation providers. In 2005, the tribe received a long-term technical assistance grant from the Community Transportation Association of America to perform a feasibility study on a transportation maintenance facility. The study will focus on transportation needs and economic development, and will include a financial plan.

Funding/Major Projects

Operating expenses for road and bridge maintenance only was approximately $133,000. Total operating expenses for public and work-related transit services were approximately $340,000. The transportation planning budget was approximately $38,000 in 2005. The cost for specialized transportation services, such as home meal delivery, the elderly, and disabled, are unknown at this time. Additionally, the tribe incurred other transportation-related costs this year, such as medical transports, tribal school, Head Start program, and casino shuttle.

Revenue for transportation projects comes from BIA, state, and tribal funds.

The transit program currently receives Section 5311 funding from WisDOT and Wisconsin Employment Transportation Assistance Program (WETAP), which is a partnership with WisDOT and Department of Workforce Development. WisDOT monitors compliance and Department of Workforce Development administers the funding. The tribe asserted its eligibility for state funds under Wisconsin Statute 85.20 and requested these dollars, but was denied in 2005. Currently, the 5311 and WETAP funds provide approximately 60% of total operating costs for public transportation.

Tribal sources provide 40% of the funding for public transit from cash and in-kind funds. The tribe also funds other transportation-related costs, but the amounts are unknown owing to lack of response from the providers.

Another source of funds was a Community Transportation Association of America Technical Assistance Grant (12–18 months).

Capital expenditures in FY 2005 were more than $100,000 for the transit program, whereas the roads department reported no capital expenditures, though it received a $362,000 grant from WisDOT SAFETEA-LU funds to build a trail that will get pedestrians off US Highway 2, which leads from a residential area to the casino.

Major projects that were completed in the last fiscal year include street and bridge rehabilitation projects.

Unmet Needs

Funding, and in particular maintenance funding, is a constant challenge for the tribal transportation program. Another barrier to progress is poor coordination between the tribes and various transportation agencies at all levels of government. More specifically, Robert Blanchard indicated that the tribe needed bicycle safety education and to improve street lighting, because at dusk it is difficult to see people in the streets.

Maintenance

The tribe maintains roads with grading, gravel replacement, and culverts, and contracts out for bridge maintenance. The tribe also maintains rights-of-way and signage, which was completely replaced ten years ago with an Indian Highway Safety Program grant from BIA. Snow clearance is another major operation of the transportation department.

Safety Programs

Signalization. None.

Signage. Yes.

Channelization. None.

Road reconfiguration. The tribe has done two or three road turn-offs and plans to do more.

Speed control. County sheriff and tribal policy enforce speed limit.

Pedestrian/bicycle/sidewalk safety. None, but needed.

Child car seats. The Health Department distributes child car seats.

Seat belt safety. None.

Alcoholism counseling or intervention related to the operation of motor vehicles. A program exists within the tribe outside the auspices of the Transportation Department.

Innovation/TTAP Assistance

According to Ms. Houle, "in seeking ways to fund various projects, the tribe has had to assert its unique relationship with state agencies on a continuing basis and define its eligibility for various funding sources. The tribe's persistence in pursing its eligibility has been an ongoing battle, and has reaped some benefits. It is my belief that no tribe should have to go through such extreme measures to fund programs that are vital to the social and economic welfare of each tribe's community." She adds that these measures "may have been a deterrent in seeking these funds."

The tribe has utilized the TTAP program. According to Ms. Houle, "they have provided training in Bad River for the roads department, and have made other training available. The transit [program] has not utilized TTAP and I am not aware of any other programs that have."

Desired Changes

Desired changes to transportation programs are:

- More direct funding from federal agencies, versus the tribes dealing with state agencies.
- Coordination and collaboration between tribal programs and agencies to help make transportation-related services more cost-efficient and effective.

The head of the tribal roads department suggested that if tribes could coordinate among themselves and speak to policymakers in Washington, D.C. collectively it would be easier to achieve these goals.

Minnesota

Minnesota

Bois Forte Band of Chippewa
P.O. Box 16
Nett Lake, MN 55772

Date: July 27, 2005

Contact Information:
David Danz, Planning Director
Carl Dagen, Public Works Director
Telephone: 218-757-3261
E-mail: ddanz@rangenet.com

Basic Tribal Data and Structure

The Bois Forte Band of Chippewa has a 2000 census population of 657. The tribe is divided into two main parcels—the Nett Lake Reservation is 103,000 acres and the Lake Vermilion Reservation is 2,000 acres.

The Bois Forte Band of Chippewa is one of six member bands of the Minnesota Chippewa Tribe. These six bands are organized under a single constitution, but each band operates independent of the others. The governing body is the tribal council, consisting of five positions—a chairperson, secretary–treasurer, and three district representatives. All tribal council positions are elected to office for four-year, staggered terms.

Transportation Responsibilities

The Bois Forte Band of Chippewa operates its own transportation program. The program includes the following components:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a transportation safety program
- Operation of a public transportation system
- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Bridges
  - Culverts.

Additionally, the tribe has plans to add the following elements to its transportation program:

- Construction and maintenance of sidewalks
- Construction and maintenance of bikeways and bike lanes

Staff

The tribe reports that between five and seven FTE staff persons are currently working on transportation projects. The band employs one professional planner with a master's degree and considerable experience, and one technical assistant with a bachelor's degree and skills in geographic information system (GIS) mapping software. The Public Works Director holds a civil engineering degree and is currently working on P.E. certification. All of the transportation staff reports to the executive director.

Training and continuing education are periodically provided to staff to continually improve on their capabilities in transportation best management practices. Training includes mapping and computer-aided design software for professional planning staff. Focused training for transportation maintenance and construction staff is provided on a variety of road maintenance issues including snow removal, safety, signage, and transportation and maintenance best management practices.

Planning

The current transportation plan was prepared and updated in March 2002. The time frame for the plan is 20 years. The plan was prepared by Bois Forte Planning Department staff in cooperation with the contracted assistance of the Arrowhead Regional Development Commission. The plan was adopted by tribal resolution in February 2003. Approximately 15% of the plan has been implemented.

Citizen participation was included in the planning process, and took the form of:

- Public hearings
- Public meetings
- Mail survey
- Personal interviews
- Postings of traffic counts

Three significant proposals contained in the plan are:

- O'Leary Bridge—replacement of a 55-ft bridge (steel construction) spanning the Nett Lake River.
- Farm Point Road—construction of a 0.10-mile new housing development access road.
- State Trunk Highway 65 Little Fork River Bridge Replacement—construction of a new concrete bridge over the Little Fork River in cooperation with the MnDOT. The project cost was $1.5 million.

The plan contained linkage with the following other activities:

- Land-use planning: Planning department staff has developed the land-use plans and is also part of the transportation program team.
- Public Utilities, including water and sewer: Administratively, public utilities staff is assigned to the Public Works Division, and as such they are under the same director as that of roads maintenance and construction.
- Historic preservation, cultural resources, and archaeology: Planning and public works staff coordinate new projects, planned or under construction, with the band's cultural resources staff.
- Community and economic development: These are issues that parallel transportation planning and construction.

Coordination with Outside Agencies

BIA. The band compacts with BIA for nearly all compactable functions, including road maintenance and construction.

U.S.DOT. The band maintains communication with federal officials "as needed."

Other federal agencies. Band officials work with nearly all agencies of the federal government.

Regional councils of government. The band has appointed a planning staff person to provide representation on transportation committees established by the Arrowhead Regional Development Commission.

State transportation agencies. The Bois Forte Band has an exceptional relationship with the Minnesota DOT (MnDOT) and its district office in northeastern Minnesota. A number of projects have been completed because of the level of cooperation and communication between them. Examples include the $2.1 million project that paved State Trunk Highway 65 through the Nett Lake reservation and the $1.5 million project that replaced the bridge over the Little Fork River on Highway 65 some 12 miles west of the reservation.

Other transportation providers. Band officials have developed a cooperative relationship with the county commissioners and public works staff. Examples include the cost sharing to construct a salt/sand storage facility, winter snowplowing, and summer mowing along roadside ditches.

Funding/Major Projects

Operating expenses were approximately $600,000, including administrative, maintenance, and contracted services. Eighty percent of the operating expenses came from BIA, 8% from other federal sources, and 12% from tribal sources.

Capital expenditures were $430,000 for new construction and existing road maintenance. The primary source of transportation revenue was through BIA compact with financial support from the tribal council.

Major projects that were completed in the last fiscal year were:

- Farm Point Road—an access road for new housing construction.
- Site development and underground water and sewer installation for a new public works building.
- Completion of the construction of the bridge over the Little Fork River on State Trunk Highway 65.

Unmet Needs

The three greatest unmet needs are seen as:

- Reconstruction of County–State Aid Highway 793 entering the Nett Lake Reservation.
- New road system to a 53-acre parcel recently purchased for residential housing development.
- Reconstruction of County Road 104 providing access to the Lake Vermilion Reservation.

Maintenance

The tribe maintains roads, including those providing access to the reservation. BIA inspects bridges in the IRR system, and the state inspects and maintains bridges on state roads. The Band Leasing Department staff shares administrative right-of-way responsibilities with BIA. The Band Public Works Division provides side mowing and brush clearing for the right-of-way.

Sidewalks, pedestrian, and bicycle facilities are currently at the planning stage. Tribal staff provides updates for signs and the seasonal posting of weight limits on roads in the IRR system. Further, the Band operates a shuttle service for Nett Lake community members employed at its resort and casino enterprise.

Safety Programs

Signalization. None indicated.

Signage. The tribe responds to community concerns on signage for speed, children playing, etc.

Channelization. None indicated.

Road reconfiguration. New construction design considers safety issues associated with the movement of traffic.

Speed control. Public works staff and tribal police cooperate on monitoring traffic speed in residential areas. Emergency medical technicians with the Bois Forte Ambulance Service also will stop traffic and provide reminders to slow down and wear seat belts.

Pedestrian/bicycle/sidewalk safety. In cooperation with the local electric cooperative, Lake Country Power, the band is currently clearing a right-of-way that will extend three-phase power to a new community facility at the Lake Vermilion Reservation. The project will also allow the construction of a pedestrian walk/bicycle pathway in a heavy traffic area.

Child car seats. The band health division has received several Indian Health Service (IHS) grants to provide free child car seats to the community.

Seat belt safety. None indicated.

Safe routes to schools. Planning staff considers school location when planning road improvements.

Alcoholism counseling or intervention related to operation of vehicles. The band's human services division has an active chemical dependency prevention/intervention program that provides driving under the influence (DUI) classes and education of the public on the issue of drinking and driving.

Innovations/TTAP Assistance

The Bois Forte Band excels in building relationships with other entities. Over time this approach has resulted in the construction and maintenance of transportation infrastructure that would take much longer to achieve. Band officials cooperate and communicate regularly with county and state transportation and public works representatives and elected officials. The band is represented on the state transportation planning process through attendance at the Arrowhead Transportation Partnership and Regional Transportation Advisory Committee.

Establishing real working relationships has resulted in paving State Trunk Highway 65 through the Nett Lake Reservation, securing BIA bridge funding to replace a state-owned bridge 12 miles west of the reservation boundary, sharing the cost to construct and supply a sand/salt shelter on the reservation with the county, and snowplowing and mowing rights-of-way on county-owned roads serving the reservation.

The tribe has used TTAP on several occasions to provide training to staff.

Desired Changes

The remoteness of the reservation and shortage of transportation funding have been the band's principal challenges. Through communication with county, state, and federal officials and the sound use of combined resources, the band stretches its ability to improve and maintain its transportation infrastructure.

Mr. Danz and Mr. Dagen indicated that one desired change is continually respecting the authority of one another and regular communication so that all parties are aware of issues that may be addressed more effectively through combining resources.

Oklahoma

Oklahoma

Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

Date: June 22, 2005

Contact Information:
Michael Lynn, Director, Cherokee Nation Roads Program
Telephone: 918-456-0671, ext. 2396
E-mail: mlynn@cherokee.org

Basic Tribal Data and Structure

The Cherokee Nation is essentially the size of a medium-sized city. It is one of the nation's largest tribal organizations, with 281,069 people in the 2000 census. Its' land area is also substantial, at roughly 4,480,000 acres, or 7,000 square miles, larger than some of the smaller states. The Cherokee Nation uses a governance structure with three branches—executive, legislative, and judicial. The transportation program is within the executive branch. The judicial branch includes the tribal courts, whereas the legislative branch consists of a 15-member tribal council, all of whose members are elected simultaneously every four years from individual districts.

Transportation Responsibilities

The Cherokee Nation operates its own transportation program, which includes the following components, all managed by the tribe:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Maintenance of inventory of transportation facilities
- Working with the city of Tahlequah to provide transit for all citizens of both jurisdictions. (The city maintains a dispatch office and parks its vehicles at the Cherokee Nation facility, but the city operates the system.)
- Construction and maintenance of sidewalks
- Construction and maintenance of bikeways and bike lanes. (The Cherokee Nation is just beginning its involvement in this area, putting 4- to 6-ft shoulders on the sides of roads for pedestrian walkways or bicycles.)

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Bridges.

Staff

The Cherokee Nation has a total of 24 FTE staff working on transportation programs. This staff includes one professional planner and two engineers; one fully licensed engineer and one trainee. In addition, the tribe's transportation department includes a right-of-way division with four people, a design division with six people, a survey staff of three, a construction inspection crew of five, and six people who constitute the administrative staff. The design division does all transportation design for the tribe, and its personnel hold certificates as Certified Engineering Technicians.

The transportation staff reports to the Senior Director of Community Infrastructure, Harley Buzzard, who in turn reports to the Group Leader of the Community Services division of the Cherokee Nation, Marvin Jones.

Training for staff centers on maintaining certification of design staff, which must be kept up to date, because "the field is constantly changing; we have to send staff out for education and development."

Planning

The current transportation plan was completed in March 2005, and covers a time frame of 20 years. In the same month the tribe adopted the plan, which was prepared in-house by the transportation planner, Robert Endicott. However, at the time of the interview, the level of implementation was minimal because the plan was so new.

According to Mr. Lynn, three significant proposals contained in the plan involve:

- Economic development
- Land planning and land use
- Cultural renewal

Citizen participation was part of the planning process and took the following forms:

- Public hearings
- Public meetings
- Website information

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. The tribe works in conjunction with the Eastern Oklahoma regional office in Muskogee. The tribe submits its transportation improvement plan to BIA for approval, which ultimately comes from the Albuquerque Central Office. BIA also reviews and approves environmental reviews and environmental assessments and handles right-of-way issues for trusts and restricted properties. The tribe invites BIA to all meetings on projects and final inspections.

U.S.DOT. The tribe mainly works through the U.S.DOT's FHWA, which approves all bridge applications. The tribe invites FHWA to all meetings and final inspections.

Other federal agencies. There is little coordination with any other federal agencies on transportation issues.

Regional councils of government. The tribe works very closely with cities and counties, especially on issues involving utilities, rights-of-way, and cooperative projects. If a project lies within city boundaries, the tribe also works with county commissioners and the relevant cities. Tribal funds for materials are provided to counties, which provide manpower and equipment for construction. City and county officials are also invited to meetings and final inspections.

State transportation agencies. The Cherokee Nation works closely with the Oklahoma DOT, particularly in coordinating planning activities. Mr. Lynn notes, "They have a plan, and we do too." Coordination on planning includes work on overlapping areas for roads and bridges. The tribe, he says, is "currently trying to work out a similar arrangement on bridge cooperative projects right now." A Tribal Advisory Board meets regularly to work out any issues between tribes and the state of Oklahoma, such as those involving restricted Indian tribal lands. The tribe is also a member of the board of the Oklahoma Tribal Transportation Council, which covers the states of Oklahoma, Texas, and Kansas. The members of this council are "almost the same" as with the Tribal Advisory Board. The latter group hosts a "road summit" once a year to bring state, federal, and tribal staff together to discuss common challenges.

Other transportation providers. None.

Funding/Major Projects

Operating expenses last year were $1,364,500, of which 89% came from BIA. The balance included $72,323 in tribal gas taxes and $46,249 in tribal vehicle taxes.

Capital expenditures in FY 2004 included $4,033,868 in IRR funds from BIA, $885,960 from gas taxes, and $698,304 in vehicle taxes, for a total of $5,618,132.

The main projects completed include:

- Summerfield Hollow—an IRR project extending 6.2 miles and costing $4.5 million, with 11-ft lanes and 2-ft shoulders, designed for 40 mph traffic.
- Nicut Phase II (funded by IRR)—4.1 miles, $3.1 million, 11-ft lanes, with earth shoulders, 45 mph design.
- The tribal council appropriates $1.5–2 million yearly for tribally funded projects in cooperation with counties to rehab or pave existing county roads.

Unmet Needs

The greatest unmet needs are seen as:

- *Funding*—There is "never enough to go around."
- *Bridges*—Oklahoma has the highest number of deficient bridges in the nation, says Lynn, with most "built for Model A and Model T cars between the 1920s and 1950s." These often have load limits posted, and school buses cannot cross.

Maintenance

The tribe receives minimal federal maintenance money for roads and bridges, a little more than $1,000 per year. Tribal funds are used to maintain county roads, supplemented by IRR if needed. They often work with the counties, but funding is still through the tribe. For rights-of-way maintenance the tribe is dependent on the county, having no dollars for the purpose. Such jobs as repairing slopes also depend on the county.

Maintenance of sidewalks and pedestrian facilities is "not an issue" because there is "very little to maintain." Bicycle lanes and bikeways are "not a factor." Signs are posted when a job is constructed, but then handed over to the county for maintenance. As noted earlier, public transit is handled by the city of Tahlequah in cooperation with the Cherokee Nation.

Safety Programs

Signalization. No program exists.

Signage. Any signage is installed "in accord with the *Manual on Uniform Traffic Control Devices*."

Channelization. Work in this area was described as "none or minimal."

Road reconfiguration. All roads, according to Mr. Lynn, are redesigned to meet federal or state standards, either AASHTO or Oklahoma DOT.

Speed control also meets AASHTO and Oklahoma DOT standards.

Pedestrians and bicycles. These safety efforts are also designed to meet AASHTO and Oklahoma DOT standards.

Child car seats. "The Cherokee Nation operates a child car seat safety program." The tribe gives out car seats to individuals and does car seat safety checks. An injury prevention specialist is employed within the Division of Community Services.

Seat belt safety. The same is true of seat belt safety as of child car seats.

Safe routes to schools. Rating criteria for road projects are applied beforehand. This actually creates a higher rating for improvements.

Alcoholism counseling or intervention related to the operation of motor vehicles. No program exists.

Innovations/TTAP Assistance

The Cherokee Nation has taken control of its entire program on transportation from BIA under a self-governance compact. "We have taken over everything we can," says Lynn, except for some areas considered inherent federal functions, such as environmental assessments or restricted and trust land acquisitions. This transfer of authority "allowed us to receive our funds all at once at the beginning of the fiscal year. It rarely happens right away, but we can invest the program funds in interest-bearing accounts. The interest is used to further develop construction projects."

The Cherokee Nation uses the services of the Oklahoma State University TTAP center. "We quite often work closely with them," Lynn reports. The TTAP, in turn, stay active with the Office of Technology Transfer and Commercialization (OTTC) board. The Cherokee Nation used the TTAP for several instances of training, "which is very beneficial to staff." Staff members who attend training are expected to brief everyone else by e-mail or similar correspondence.

Desired Changes

The tribe has faced some significant challenges in recent years. One is that "BIA this year changed the inventory update process. It's more cumbersome than it used to be. We actually had about six in-house staff that worked three to four months on the project." The tribe added more road miles to its inventory than any year in the past because, in the past, there was a 2% limit on how much inventory could be added annually.

The second challenge has involved funding issues. The staff, says Lynn, "worked diligently for several years on the compact. Funding is always an issue. Drawing interest on the money has helped."

The one desire expressed for change was that "tribes should receive recognition within areas where they reside. Sometimes tribes are given a bad name or reputation, but they bring a significant economic impact to their areas. They provide health care, roads and infrastructure, and education. I would work to give tribes more recognition for the revenues and infrastructure they generate."

Idaho

Idaho

Coeur D'Alene Tribe
850 A Street
P.O. Box 408
Plummer, ID 83851

Date: May 26, 2006

Contact Information:
Lux Devereaux, Transportation Planner
Telephone: 208-686-5702
E-mail: ldevereaux@cdatribe-nsn.gov

Basic Tribal Data and Structure

The Coeur D'Alene Tribe has a land area totaling 362,000 acres. The total population living on the reservation is 6,511, of which 1,961 are tribal members, although Mr. Devereaux indicates that many of the others are members of other Native American tribes. There are numerous private landowners on the reservation. Approximately 85% of the land is held in fee simple.

The tribe's governance structure consists of a tribal council of seven members, with the chairman, vice-chairman, and secretary chosen by the council. The chairman holds the only full-time paid position. The members serve three-year, staggered terms. In addition, there is an executive committee that includes the administrative director and finance director.

Transportation Responsibilities

The Coeur D'Alene Tribe operates its own transportation program under a P.L. 93-638 contract with BIA. The program consists of the following elements, all managed by the tribe:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a public transportation system
- Construction and maintenance of sidewalks
- Construction and maintenance of bikeways or bike lanes
- Maintenance of an inventory of transportation facilities, including:
  - Road and rights-of-way
  - Pavement management system
  - Bridges
  - Signs.

Staff

Mr. Devereaux spends approximately 40% of his time on transportation, and one other staff member spends approximately 10%. In addition, the tribe has a grant writer who spends approximately 40% of his time on transportation, for a total FTE commitment of 0.9 person. Training is available to the staff in the form of workshops, seminars, and college classes.

Planning

The current transportation plan was updated in 2004 by Mr. Devereaux. The time frame for the plan was three years. The tribal council adopted the plan in 2003.

Significant proposals contained in the plan are:

- Repairing Anne Antelope Road
- Repairing Kings Valley Road
- Repairing Old Agency Road
- Repairing Level Valley Road
- Repairing the housing access road off Osprey Access Road

Public comment was part of the planning process in the form of:

- Public hearings
- Public meetings
- Survey

The plan contained linkages with the following other activities:

- Land-use planning
- Public utilities, including sewer and water
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. The tribe works directly with BIA branch office in Portland, Oregon.

U.S.DOT. The tribe "does not really work with DOT a whole lot." Largely, it is a matter of staying up to date on DOT information, and "once in a while" working through the Local Technical Assistance Program (LTAP). The tribe does, however, work "really closely" with FTA, beginning with a pilot project that has matured into a full-service transit link with the nearby cities of Coeur d'Alene and Post Falls, Idaho.

State agencies. Some of the roads on the tribe's inventory are county and state roads. On state roads, the tribe works through two different highway districts of the Idaho DOT: the Plummer Highway District and the Kootenai County Highway District. The tribe worked with the state on a big project involving U.S. Highway 95 realignment.

Regional councils of government. The tribe is working with the new Kootenai Metropolitan Planning Organization (MPO), and one tribal council member, Francis SiJohn, sits on the MPO board as a tribal representative. The Kootenai MPO was until recently a rural planning organization until the area was designated a Standard Metropolitan Statistical Area after the 2000 census. Mr. Devereaux says this freed up previously rural dollars to allow the MPO to coordinate with the tribe on its transit program through a joint agreement with Kootenai County. This is now a full-service transit program with four buses providing regular scheduled service between the reservation and the cities of Coeur d'Alene and Post Falls. The buses are coordinated through the Coeur d'Alene casino resort and hotel, which also has its own transit system that runs through Coeur d'Alene and Spokane, Washington. The new transit system is jointly managed by the casino and tribe and with the Kootenai MPO.

Funding/Major Projects

Operating expenses for 2004 were $45,000, of which between $5,000 and $7,000 came from the tribe's 2% allocation from BIA, with another $35,000 derived from capacity-building funds, the result of an initiative by the Affiliated Tribes of Northwest Indians transportation committee of the association of Northwest Indians to help tribes establish planning offices. These funds also come from BIA.

Capital expenditures for 2004 were $80,000 for pavement evaluation and erosion control, arising from a combined package of chip seal projects prepared for the Coeur d'Alene and Spokane reservations by a BIA official at the Spokane reservation.

Major projects that were completed in the last fiscal year were:

- Pavement evaluation
- Long-range transportation planning
- Enrolled inventory

Unmet Needs

The three greatest unmet needs for transportation are:

- A new bridge on Highway 5 on the IRR system, currently slated for action on the state's TIP for 2007.
- Work on Osprey Access Road.
- Highway 95 through Plummer, a state project.

Mr. Devereaux notes that the tribe misses many opportunities to engage state transportation officials on tribal needs, such as Highway 95, but also including issues of signage at the reservation boundaries, because "there is only one of us," and state officials "show up with plans already written. We have really limited participation early in the process. We have missed several opportunities because of a lack of personnel."

Maintenance

Mr. Devereaux notes that the tribe has a P.L. 93-638 program. The tribe designated a certain percentage of its 3% gasoline tax, approved by a resolution of the tribal council in 2005, toward transportation planning and road maintenance. "The state said we should get that money," he adds. The tribe is responsible for 47 miles of road contained in BIA inventory, most of which are secondary or farm-to-market roads.

The tribe also maintains its public transit system throughout the community, as well as sidewalks and bicycle lanes in Plummer.

Safety Programs

Mr. Devereaux says the tribe "needs a safety audit carried out." BIA provided this through a transportation safety program, and the tribe requested it through a resolution passed in early 2005, but the technical assistance has yet to happen. "BIA didn't follow through," he says, noting that "the new highway has dollars for safety." With regard to specific elements of a safety program:

Signalization. None.

Signage. The tribe handles signage on BIA roads. Mr. Devereaux notes that "reflectors are the big thing" because they have a tendency to be knocked down occasionally by farm vehicles.

Channelization. None.

Road reconfiguration. The tribe does not do this. The state handles it where necessary.

Speed control is handled by the tribal police, state, county sheriff, and city.

Child car seats are provided by the tribe's community health department.

Seat belt safety is handled largely as a public education function of the community health department.

Pedestrians and bicycles. None.

Safe routes to schools. The city handles this a little; the tribe does not.

Alcoholism counseling or intervention related to the operation of vehicles. This is provided by the tribe's family healing department.

Innovations/TTAP Assistance

The transit system that the tribe operates in cooperation with Kootenai MPO, "linking the city with the reservation," is the leading innovation that Mr. Devereaux wants to point out on behalf of the Coeur d'Alene Tribe.

However, another innovation worthy of note is the tribe's initiative in negotiating with the Union Pacific Railroad over converting its abandoned rail line into a rails-to-trails path for

bicycles and pedestrians. The total line was 72 miles, of which 15 miles run through the reservation. The tribe acquired that trail mileage and cleaned up the pollution along the rail line. The railroad paved the trail up to Plummer and provided funds to build kiosks, and built a trailhead up to the tribe's celebration grounds in Plummer. Improvements include a couple of miles of sidewalk pavement up the trail to Highway 95, plus a pedestrian/bike tunnel under Highway 95. The trail has now been named the Trail of the Coeur d'Alene and is creating tourism opportunities that are part of the tribe's economic development plan. Plans include building a new market in that area. They even took an old trail trestle bridge and refurbished it and put a bike trail on it on both sides of the lake, "so we're connected."

The tribe works "very closely" with the TTAP, which provides technical information and keeps the tribe "updated on regulations and comments with DOT and FHWA." The tribe has sent its staff to TTAP training, most recently on road inventory and transportation planning.

Desired Changes

The tribe would most like to see more active participation in state projects on the reservation.

Montana

Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Date: June 14, 2005
Revised: June 6, 2006

Contact Information:
Lewis Yellow Robe, Transportation Planner
Telephone: 206-675-2700, ext. 6207
E-mail: lewisy@cskt.org

Basic Tribal Data and Structure

The Confederated Salish and Kootenai Tribes have a 2000 census population of 4,200. The tribes' total reservation land area includes 1.6 million acres, of which 70% consists of tribal lands held outright. The tribes are organized under the 1935 Indian Reservation Act. The constitution provides for a 10-member tribal council, directly elected by the membership every two years for staggered terms, with half the council elected each time for four years.

Transportation Responsibilities

The Confederated Salish and Kootenai Tribes operate their own program, which they took over from BIA in 1994–1995. The program includes the following components conducted by the tribe itself:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Maintenance of inventory of transportation facilities
- Operation of a transportation safety program
- Construction or maintenance of sidewalks
- Construction or maintenance of bikeways and bike lanes

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Pavement management system
- Bridges
- Signs.

It should be noted that rights-of-way in the inventory are "very elusive here," and hence actually a yes/no answer. "The rights-of-way are granted by order of the governing body and not always properly recorded." However, all governments "are getting better at this."

Staff

The tribes report a total of 10 FTE staff. Of these, one is a professional planner, and five are engineers. The remaining staff is maintenance and field technicians. This latter group gathers samples to test roads and their foundations in road constructions, test them in laboratories, and report the results to the construction engineer. All have training in their field.

The transportation staff report directly to Mike Brown, the manager of the road program. Mr. Brown reports to Bill Foust, Water Manager, who in turn reports to Clayton Matt, the head of Natural Resources. Clayton Matt reports to the tribal council.

Training and continuing education are available for in-house transportation staff, but no formal program exists. Instead, the staff is expected to find the appropriate continuing education units related to their positions.

Planning

The current transportation plan was prepared and approved by the tribal council in April 1997, and covers from 1997 to 2017. This plan is currently being updated. However, Mr. Yellow Robe says he is unwilling to present the update to the tribal council until the current federal transportation bill has been passed by Congress. The plan was prepared by the first tribal transportation planner, with the help of the planning staff and a committee before approval by the tribal council. Approximately 85% of the plan has been implemented to date.

According to Mr. Yellow Robe, three significant features of the plan are:

- Road planning, design, and construction
- Bridge planning, design, and construction
- Mapping of all tribal roads, totaling 1,300 miles, using GIS and global positioning systems (GPS)

Citizen participation was part of the planning process and took the following forms:

- Public hearings
- Public meetings
- Survey

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including sewer and water
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. BIA's northwestern regional office receives the tribes' transportation improvement plan and approves the construction control schedule, then approves the transportation planning, design, and construction programs and projects.

U.S.DOT. The tribe coordinates with U.S.DOT through FHWA's Montana Division. This is the agency that approves road design plans for compliance with AASHTO standards.

Other federal agencies. Coordination occurs infrequently.

Regional councils of government. These do not exist in Montana.

State transportation agencies. The tribes have an agreement with Montana DOT (MDT) under which the tribes have direct consultation and oversight on state planning and road designs on all state and federal highways within the boundaries of the reservation. The tribes negotiate with the state on these issues. There is no tribal liaison for this purpose, but a de facto committee exists that conducts the negotiations with the tribal council, transportation and land-use planners, water quality and wildlife staff, and right-of-way agents.

Other transportation providers. Four counties have some contacts with the reservation for transportation purposes. These are Lake, Missoula, Flathead, and Sanders Counties; however, there is occasional contact also with the cities of Missoula and Kalispell.

Funding/Major Projects

Operating and capital expenses for 2004 together were $1 million, of which "95 to 99%" came from BIA under the IRR program. State air quality funds were used to purchase a street sweeper. The tribe does not own any maintenance or construction equipment and handles only design and planning.

The main projects consisted of a combination of both new construction and reconstruction of three one-mile road projects.

Unmet Needs

The greatest unmet needs are seen as:

- Underfunded road maintenance priorities and budgets.
- The need to simplify federal rules and regulations to plan, design, and build roads. "The regulations are horrendous" and "make the job harder." In addition, the road inventory process is described as "difficult" because BIA rules change "about every five minutes."

Maintenance

Maintenance of roads, including those providing access to the reservation, is handled through contracts. For bridges, the tribes award bid construction to contractors, but the bridges are maintained by tribal contractors. Also contracted for maintenance are rights-of-way, sidewalks and pedestrian facilities, and bikeways and bike lanes. Signs, however, are handled in-house.

Safety Programs

Signalization. The reservation has no signalization.

Signage. The tribes erect their own signage.

Channelization of traffic is handled by installing turn bays or wider shoulders, which they plan, design, and build, handling building by contract.

Road reconfiguration. The tribes plan and design road reconfigurations in-house, but contract out the construction.

Speed control is less of an issue because 95% of the tribal roads are considered "low volume," with speed limits of 25 to 35 mph.

Pedestrians and bicycles. The tribes are planning and designing a five-mile bike path, but this is complicated by problems with securing right-of-way.

Child car seats are handled by the tribal health department.

Seat belt safety is handled by the tribal health department and law and order.

Safe routes to schools. No program exists.

Alcoholism counseling or intervention related to the operation of motor vehicles is handled by the tribal health department and law and order.

Innovations/TTAP Assistance

The tribes are now involved in the construction phase of an improvement project on US Highway 93, under a Memorandum of Agreement signed in December 2000 by the MDOT, FHWA, and the Confederated Tribes, for a 55.8-mile segment running through the Flathead Reservation from Evaro to Polson. The tribe was asked to help design the road to incorporate safety, efficiency, and environmental and cultural aspects, all of which it treats as equally important. The Memorandum of Agreement was made possible because FHWA, acting in a trust capacity on behalf of the tribes, refused to issue Highway Trust Fund money for the project until all three parties had come to an agreement, as a result of which the state and tribe were able to negotiate a solution. Three segments of this road are now under construction, and all will be completed in the next three years.

The safety element involves changing the originally intended lane configurations. The state plan developed in 1981, which the tribe had rejected, envisioned expanding to four lanes throughout the reservation. Instead, the tribe agreed to a scheme varying road width between two to four lanes, with pedestrian sidewalks extended to rural areas to increase non-automobile use of the road for bikers and walkers, including designated

crosswalks with concrete strips and changes in surface texture to alert drivers.

"We wanted the roads to handle more than motorized traffic. There's a substantial amount of landscaping that goes into that, including trees and native foliage." Landscaping and pedestrian facilities serve as traffic-calming devices, as do bulbouts and the designated crosswalks.

The environmental elements include 42 wildlife crossings; hydrological restoration of rivers, streams, and wetlands; and landscaping with native foliage. Mr. Yellow Robe says the agreement included "Do not disturb" areas for sensitive sites along the road, some of which are just a few square feet in size, but these will "end up saving money because there will be less environmental mitigation after construction."

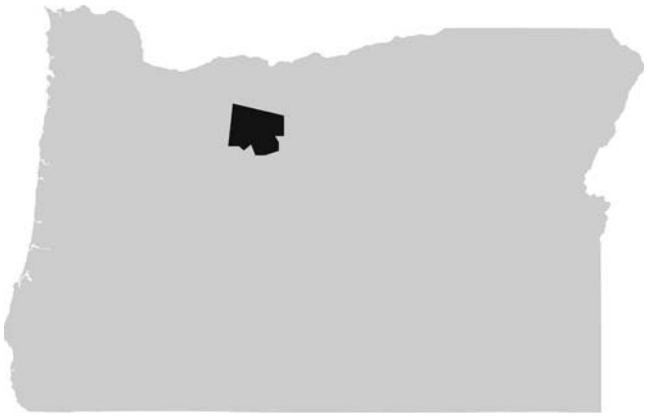
The cultural element consists of installing place names and community entrance signs in local native languages, both in town and rural areas, with the local language more prominent and English below in smaller print.

The Northwest TTAP in Cheney, Washington, has assisted the tribes with their GPS project. Tribal staff occasionally attends training sessions.

Desired Changes

The one change Mr. Yellow Robe indicated he would most like to see in the operation of tribal transportation programs is an increase in the funding levels for all programs, including planning, design, construction, and maintenance.

Oregon



Oregon

Confederated Tribes of the Warm Springs Reservation
1233 Veterans Street
P.O. Box 1299
Warm Springs, OR 97761

Date: June 28, 2005
Updated: June 5, 2006

Contact Information:
Kip Burdick, Tribal Engineer and Transportation Planner
Telephone: 541-553-3221
E-mail: kburdick@wstribes.org

Basic Tribal Data and Structure

Confederated Tribes of the Warm Springs Reservation consists of three tribes—the Warm Springs, Wasco, and Paiute tribes. The tribes have a combined 2000 census population of 4,319. Their total land area includes 665,000 acres of tribally owned land. The tribe is governed by an 11-member tribal council, with a secretary–treasurer appointed by the council. Eight of the tribal council members are elected by district, and the chiefs of the three tribes are automatically on the council. The tribal council has combined legislative, judicial, and executive responsibilities.

Transportation Responsibilities

Confederated Tribes of the Warm Springs Reservation operate their own transportation program, which is assisted by one BIA engineer who is located at the reservation. The program includes the following components operated by the tribe:

- Preparation and maintenance of a long-term transportation plan
- Preparation and maintenance of a capital budget, which is contained in the tribes' TIP and submitted to the IRR program each year
- Operation of buses for seniors and children going to school and day care

The following components are operated by the tribe with BIA:

- Design and construction of new roads
- Overseeing contractors in construction projects
- Construction and maintenance of sidewalks
- Construction and maintenance of bikeways or bike lanes

Geovisions, the technical arm of Warm Springs Ventures, is a tribally owned entity that includes a Project Engineering Venture, which designs roads and subdivisions, a GIS Venture, which mainly provides mapping services, and a Cultural Resources Venture, which analyses cultural and archeological resources. In terms of overseeing contractors in construction projects, the tribe oversees the projects designed in-house, and likewise BIA oversees its own projects.

In addition, the BIA engineer operates the following components of the program, although often either contracts or cooperates with tribally owned ventures:

- Maintenance of existing roads
- Maintenance of a pavement management system and inventory
- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Bridges
  - Signs.

Staff

There are at least nine FTE staff working on transportation programs. The head tribal planner is a professional engineer and reports directly to the joint ventures board, which includes the tribe's secretary, treasurer, and chief financial officer. There are four or five people who work on maintenance, three people working in the Project Engineer Venture, a varying number of people who do construction, and the tribe has just hired a transit director to further develop their transit program.

Training and continuing education are provided for in-house staff by the TTAP.

Planning

The current transportation plan was prepared in December 2000 and covers a 20-year time frame (2000–2020). Project management consultants Pinnell Busch, Inc., based in Portland, Oregon, prepared the plan. The tribal council adopted the plan in

2002, and the tribe updated it in 2006. According to Mr. Burdick, approximately 10% of the plan has been implemented.

Citizen participation was part of the planning process and took the form of:

- Public hearings
- Public meetings
- Survey

According to Mr. Burdick, the four significant proposals contained in the plan are:

- Sunnyside Subdivision—new roads in a new housing development; construction is in progress.
- Seekseequa Subdivision—new roads in a new housing development; construction is in progress.
- County Line Road—paving an existing gravel road.
- Simnasho Subdivision—new roads for housing; construction next year.

The transportation plan contains linkages with several other planning activities by the tribe, including:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology

Additionally, the tribe's transportation advisory group coordinates with the tribal forestry, realty, planning, and business and economic development departments on transportation planning issues.

Coordination with Outside Agencies

BIA. A BIA engineer sits on the transportation advisory committee. Also, the tribe is responsible for submitting an annual TIP to BIA.

U.S.DOT. Mr. Burdick and the tribal staff receive information from U.S.DOT through presentations and some training. However, Mr. Burdick indicates that there is very little coordination with U.S.DOT.

Regional councils of government. The tribe is a member of the Central Oregon Advisory Committee on transportation, which consists of two counties, six cities, and the tribe.

State transportation agencies. Mr. Burdick indicates that there is some coordination between the tribe and Oregon DOT through the transportation advisory group. An Oregon DOT representative comes to monthly meetings of the tribal transportation focus group that are held on the reservation. Oregon DOT recently performed a traffic volume and community impact study for the state highway that runs through the reservation.

Funding/Major Projects

Operating expenses for 2004 were $2 million, all of which came from BIA. In past years, additional operating expenses have been provided from the Oregon DOT though planning grants, a tribal casino, and a tribally owned mill. Capital expenditures for transportation purposes in 2004 were $2.5 million, all of which came from BIA.

Three major transportation projects were completed in the last year:

- Bear Drive—a transportation system for a new subdivision.
- Upper Dry Creek—paving an existing gravel road.
- Culpus Bridge—a new bridge constructed across the Warm Springs River.

Unmet Needs

Mr. Burdick expressed extreme dissatisfaction with the length of time that BIA takes to review plans, award contracts, and run all aspects of its transportation programs. In addition, communication with BIA is impeded because they do not use e-mail.

Maintenance

BIA engineer located at the reservation handles maintenance of roads, including roads that provide access to the reservation, bridges, and signs. When the maintenance project is too large for BIA (e.g., chip and seal road resurfacing), the bureau contracts with the tribal construction company. Even larger projects are contracted out to third parties. Mowing and grading of the right-of-way are handled by BIA engineer, whereas the tribe maintains the right-of-way in the developed areas of the community.

Tribal staff maintains off-street paths, whereas BIA engineer maintains on-street bikeways.

Safety Programs

Signalization. The tribe has one traffic signal, which is for a pedestrian crosswalk.

Signage. The tribe has a signage program distributed among several entities, such as the Range and Agricultural Committee Department of Natural Resources that puts up signs to protect wildlife, Project Engineering that puts up speed limit signs, stop signs, etc.

Channelization. The tribe incorporates channelization into the planning and design process.

Road reconfiguration. The tribe does not currently have a road reconfiguration program, but there are several proposed road reconfiguration projects on the TIP list.

Speed control. The tribal police handle speed control on the reservation, and BIA engineer and Project Engineers handle speed control as it pertains to road design.

Pedestrian/bicycle/sidewalk safety. The tribe does not have a pedestrian safety program.

Child car seats. Tribal police and the IHS departments have child car seat programs.

Seat belt safety. Tribal police and the IHS departments implement seat belt safety programs.

Safe routes to schools. The above-mentioned signalized crosswalk was installed to allow some students to walk to school. The tribe also buses students to the nearby large city schools.

Alcoholism counseling or intervention related to the operation of motor vehicles. Tribal police handle vehicle and alcoholism issues.

Innovations/TTAP Assistance

The tribe has worked hard at retrofitting existing streets with sidewalks and including sidewalks in the design of new streets.

The tribe has completed environmental assessments for large areas, up to a 20-year build-out area. Mr. Burdick indicated that this is an innovative practice because it allows the tribe to complete a single environmental assessment instead of completing multiple assessments at each phase of projects. This has saved time with regard to design and approval of transportation projects.

Tribal staff members have attended TTAP seminars held by the Northwest Regional Indian Association.

Desired Changes

Mr. Burdick indicated that the one change he would most like to see is a more responsive BIA. He indicated that the tribes would rather perform their own planning, design, and review processes, and seek approval from FHWA instead of BIA.

Alaska

Craig Community Association
P.O. Box 828
Craig, AK 99921

Date: September 23, 2005
Revised: January 6, 2006

Contact Information:
Sam Thomas, Transportation Planner
Telephone: 907-826-3998
E-mail: crabbay13@hotmail.com

Basic Tribal Data and Structure

The Craig Community Association had a 2000 census population of 640. The tribe does not have any land. The tribal governance structure consists of a president, vice-president, secretary, and treasurer. However, this structure, as Mr. Thomas notes, is distinct from Alaska's Native Village Corporations, and the two entities are not always working harmoniously because of varying agendas, with the corporations more oriented to resource development. The tribe, on the other hand, does have an Environmental Department that works on protection of local watersheds, restoration projects, enhancement projects, solid waste management, and other ecological enhancement-type projects. The tribe is one of four tribes inhabiting Prince of Wales Island, a large island on the southeastern coast of Alaska, 70% of which is owned by the U.S. Department of Agriculture (USDA) Forest Service.

Transportation Responsibilities

The Craig Community Association operates its own transportation program, contracts with BIA, and contracts with Rodney P. Kinney Associates, Inc., in Eagle River, Alaska, for part of its transportation program.

The transportation program includes the following components:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of an inventory of transportation facilities, including:
  - Road and rights-of-way
  - Bridges
  - Crash data.

The issue of crash data bears some additional scrutiny, given the tribe's situation with regard to land and roads. Mr. Thomas says it is hard to get crash data from the state because, unless the crash occurs on a numbered state highway, the data are simply dumped into a single database that does not differentiate locations; one must know the date and time of the crash to retrieve the data. "We are trying to get the state and city to develop a better database," Mr. Thomas says. Local crash data are more easily obtained from local emergency medical services because "they are the primary responders to any crashes. We are working collaboratively with them on an appropriate way to network" that type of data.

The tribe is in an interesting position with regard to its BIA roads inventory. Because IRR funds are now allocated and prioritized based on roads inventories, it is critical for the tribe to get its fair share by properly documenting the full extent of the roads for which it has responsibility or that are important to the tribe, whether it be for cultural, historical, food-gathering, or other reasons. Roads outside the tribe's jurisdictional boundary are especially important to the tribe because there are no reservation lands, unlike tribes in the continental United States. Because the USDA Forest Service owns most land on Prince of Wales Island, the most important negotiations in developing that inventory occurred in cooperation with that agency. There are, says Mr. Thomas, 2,800 miles of roads on the third-largest island in North America, of which the Forest Service owns 1,900 miles. The tribe and the Forest Service worked out a clear division of road miles on Prince of Wales with the four tribes based on migration patterns, cultural importance, historical importance, and traditional food-gathering locations along with similar considerations. The result was a memorandum of understanding (MOU) with the agency on which roads the tribe would be allowed to place in the inventory. Where the Forest Service would identify within that MOU that it does not have adequate funding to maintain roads, the tribe is eligible for 100% funding; otherwise, it is allowed only to draw down 20% of its base allocation. The tribe is now adding some 400 extra miles to a base that consisted in 2000 of 4.2 miles and now totals 46.5 miles. The tribe must still work out similar understandings with the Alaskan native corporations concerning 1,000 miles of other roads in the region.

The transportation program does *not* include the following components:

- Maintenance of existing roads
- Sign inventory

- Pavement management system inventory
- Transportation safety program
- Operation of a public transportation system
- Construction or maintenance of sidewalks
- Construction of maintenance of bikeways or bike lanes
- Operation of air, freight, rail, port, or multi-modal facilities

It is worth noting that, given the context described earlier, there are new elements of local transportation coming into play for the tribe, whether individually or in cooperation with other jurisdictions on the island, including the city of Craig, with which, Mr. Thomas says, the tribe has an excellent working relationship. They are developing, he says, an island-wide community transportation program. Prince of Wales Island developed its own ferry system apart from the state of Alaska's Alaska Marine Highway System. This system is called the Inter-Island Ferry Authority with service from Hollis to Ketchikan, and another ferry servicing the northern portion of the island and going to Wrangell and Petersburg and back to Coffman Cove. The tribe is planning to get buses for its island-wide community transportation system. The tribe must find a $50,000 match for the funds provided out of an "earmark" out of the Job, Access, and Reverse Commute Program. These are a dollar-for-dollar match program. The tribe has identified USDA economic and community development funds as a potential funding source for its maintenance and dispatch facility. Finally, there is a plan to provide pedestrian access to points of interest throughout the island that will "probably access six communities," with "lots of opportunities for ecology tours" and similar recreational activities.

Staff

The tribe reports one full-time staff person working on transportation programs. That person is a professional planner. There are no engineers on staff. Professional qualifications of other staff persons working on transportation programs are "common knowledge of tribal needs and the ability to seek alternative funding to possibly achieve the goals and objectives spelled out in our plan."

The transportation staff reports directly to the tribal council as a whole.

The tribe does have a training program for staff working on transportation projects. According to Mr. Thomas, "we plan it out through our program dollars either through BIA 2 percent planning funds or our tribal shares dollars, along with scholarships from some of the sponsors of the agencies putting on the training."

Planning

The current transportation plan was prepared or updated in 2005 by Sam Thomas. According to Mr. Thomas, the time frame for the plan is "on-going. Depends on when all the deficiencies are complete within the plan." The plan was adopted by the governing body of the tribe in 2005.

Three significant proposals contained in the plans are:

- Island-wide community transportation system for Prince of Wales Island
- Alternative ways on and off Prince of Wales Island
- Dust control over paving streets within Craig

Mr. Thomas indicates that none of the plans have been implemented to date.

Citizen participation was included in the planning process in the form of an advertisement in the local newspaper indicating that the draft plan was available for public comment for 30 days.

The plan contained linkage with the following other activities:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Need

Coordination with Outside Agencies

BIA. Daily coordination.

U.S.DOT. None.

Other federal agencies. According to Mr. Thomas, "we're trying to get the federal agencies educated in their responsibilities and duties to consult or coordinate with tribes in their decision-making process within transportation-related issues. It's a challenge, but we are making slow progress."

Regional councils of governments. None.

State transportation agencies. According to Mr. Thomas, "we want to be involved in the process of the development of the State Transportation Improvement Plan but, since they don't acknowledge tribal sovereignty, we are not at the table." One issue that is particularly contentious involves the 12.2-mile Point St. Nicholas Road project, a joint project of the Alaska Department of Transportation and Public Facilities (AKDOT & PF) and BIA. Mr. Thomas says that the final rule that came into effect on August 14, 2004, requires BIA to allocate tribal shares of IRR funds based on inventory. Under Section 1939 of the IRR program, the tribe was exempted from the final rule, which would have made the tribe pre-allocate its tribal shares that came into effect October 14, 2004. "We didn't feel we should have to do that," he says. Instead, the tribe turned to the Alaska congressional delegation, winning the support of U.S. Rep. Don Young, who helped exempt this and several other projects from the final rule. The tribe then got $3 million in additional funding for its 5.3 miles of the project, out of the state's high-priority program, but the state then moved to take the $3 million out of its State TIP), effectively negating the allocation. Mr. Thomas says FHWA is now "looking into the legality" of the state offsetting dollars in that manner. Meanwhile, the tribe's design and environmental documentation will go out for public review in February, followed by review periods for comments and changes to the final environmental document before it goes to FHWA for final approval. The tribe has been working on this project since 1993.

Other transportation providers. None.

Funding/Major Projects

Mr. Thomas did not list *operating expenses* for transportation. He did list BIA as the only source of revenue. Mr. Thomas cites the pending programs and funds cited above as reasons for being unable to provide greater certainty about current funding.

Mr. Thomas did not list *capital expenditures* for transportation projects.

Mr. Thomas did not list any major projects that were completed in the last year.

Unmet Needs

The three greatest unmet needs are seen as:

- Communication with federal and state agencies in identifying our needs
- Funding, inventory, and design
- Deficient bridges

Maintenance

Maintenance of roads, including roads providing access to the reservation, is in the planning stages. Bridges are currently under a maintenance structure plan. Public transit maintenance is in the planning stage. Mr. Thomas did not list maintenance programs for right-of-way, sidewalks and pedestrian facilities, bikeways and bike lanes, and signs.

Safety Programs

The main safety initiative, according to Mr. Thomas, is that the tribe is trying to install lighting for intersections and crosswalks to improve pedestrian safety in areas where they might otherwise be poorly marked.

Innovations/Unmet Needs

Mr. Thomas did not list any innovative practices that are employed by his tribe's transportation program.

The tribe has utilized TTAP assistance. Mr. Thomas did not indicate the type of assistance that TTAP provided.

Desired Changes

Mr. Thomas did not list any desired changes to tribal transportation programs.

North Carolina

Eastern Band of Cherokee Indians
P.O. Box 2400
Cherokee, NC 28719

Date: July 25, 2005
Revised: May 26, 2006

Contact Information:
Barak Myers, Transportation Planner
Telephone: 828-497-1867
E-mail: baramyer@nc-cherokee.com

Kathy Littlejohn, Transit Manager
Telephone: 828-497-7974
E-mail: kathlitt@nc-cherokee.com

(Survey was initially completed by Ned Long, but supplemented later through a telephone interview with Barak Myers, his successor, and then with Kathy Littlejohn concerning transit programs.)

Basic Tribal Data and Structure

The Eastern Band of Cherokee Indians had a 2000 census population of 8,166. The tribe's total land area is approximately 56,700 acres. The governance structure of the tribe consists of three branches—legislative, judicial, and executive. The principal chief and vice-chief, both serving four-year terms, lead the executive branch, whereas the legislative branch has a 12-member council serving two-year terms. This branch is also responsible for managing tribal property and resolving land disputes.

Transportation Responsibilities

The Eastern Band of Cherokee Indians operates its own transportation program under a P.L. 93-638 contract. It includes the following elements, all managed by the tribe:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a public transportation system
- Construction or maintenance of sidewalks
- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Pavement management system
  - Bridges
  - Signs.

The transit program is a significant element in the tribe's overall transportation operations. "We provide safe and reliable transportation for all residents and visitors to the Qualla Boundary and Snowbird communities," says Ms. Littlejohn. The system operates transit throughout the boundary (the Eastern Cherokee land area), running fixed, scheduled routes seven days a week during the tourist season, May through December, from 5:30 a.m. until 6:15 p.m., with a less extensive schedule during the off-season. However, the tribe also runs deviated routes in which, if someone calls in for a ride, drivers on regular routes "can swing by and pick them up as well." Within the town, the routes operate on a set schedule with three covered bus stops and benches at other places throughout the town. The buses stop at all major chain hotels, except for a couple that are within walking distance of the casino. One fixed route started last year "mainly because the casino had offered free rooms to their guests and paid for blocks of rooms at the hotels." The hotels were providing their own shuttles, but the arrangement, which was very expensive and required personnel the hotels could not always spare, did not work out. Consequently, the hotels contacted the tribal transit program, which contracted to provide them with shuttle service. To provide service to the public as well, the transit program purchased wooden tokens, which they bag and sell to the hotels at 100 for $90, which the hotels can then either resell or give to their customers, who "pay us $1 or a token." A new element of the ridership is that the buses pick up foreign workers now at the hotels, who need to "get across town quickly to work."

In addition to the existing service, the tribe has a new Congestion Management and Air Quality federal grant to provide fixed, scheduled shuttle service to the Great Smoky Mountains National Park, approximately 35 miles away. The entrance to the park is at the boundary of the Cherokee lands. This service serves several purposes: Many visitors to the park do not want to drive into the mountains, but the tribe suffers from the same problems of traffic congestion and air pollution as the park because businesses struggle to "find a flat spot to locate, with no parking available" along curvy, mountainous roads. The transit service also contracts with area county social services departments to transport Medicaid and dialysis patients for medical appointments. There is no schedule for these appointments; "we just work in drivers as we can."

It should also be noted that outside the direct tribal operations, an institution that began in the 1930s and is now known as the Boys Club (originally the Cherokee Boys Farm Club),

which has its own staff and board of directors apart from tribal government, operates its own charter bus service, largely for such purposes as transportation to sporting events and activities. Cherokee Central Schools, which has its own P.L. 93-638 contract with BIA, subcontract with the Boys Club for school bus service.

Staff

The tribe's transportation staff is contained within the Operations Division of the tribal government. Within that division, Central Engineering contains the transit operations, for which Kathy Littlejohn serves as the transit manager. The division also contains the tribe's DOT, tribal roads, environmental resources, fire department, emergency medical services, and Central Dispatch. The tribe reports 25 full-time staff persons working on road transportation programs, including one professional planner and no engineers. The Cherokee DOT staff reports to Denning Rochester, the DOT manager. Although the Cherokee DOT has no engineers, the tribe does have an engineering division. Ms. Littlejohn reports that the transit program has 22 permanent full-time and four temporary workers, for an FTE total of 26. Altogether, then, the tribe has a combined FTE of 51 devoted to its various transportation programs. Ultimately, all of these employees are under the supervision of Eddy Husky, the chief of the Operations Division.

Mr. Barak indicated that the TTAP provides training on heavy equipment operation, GIS, and computer-aided dispatch. In addition, "BIA may offer some types of assistance here and there." Tribal members make up most of Cherokee DOT staff. If they find classes on their own that they feel are pertinent, they can apply through the tribe's education and training department to receive funds to take classes, such as carpentry, welding, etc.

On the transit side, Ms. Littlejohn reports that, using a grant in which she included such training, her staff began three years ago to conduct training as part of a regional transit rodeo, under a program run statewide by the North Carolina DOT (NCDOT), "more to put transit in people's minds than anything." The tribe invites seven other county systems to close down for the day and come to Cherokee to participate in the rodeo, with trophies for the rodeo winners, who go on to compete in the state rodeo. Skills tested include driving, wheelchair securement, and vehicle inspection.

Planning

The current transportation plan was prepared or updated in 1994 by Kimley–Horn and Associates. The time frame for the plan is 20 years. The tribe's governing body adopted the plan in 1994 or 1995.

Three significant proposals contained in the plan are:

- Renovating downtown streetscape
- Reconstruction and widening of US-19
- Reconstruction and widening of US-441

Approximately 40% of the plan has been implemented.

Citizen participation was part of the planning process in the form of public hearings, public meetings, and a survey.

The plan contains linkage with the following other activities:

- Land-use planning
- Historic preservation
- Community and economic development

The transit program has its own separate transportation development plan, which is updated once every five years for the state DOT. The new one will be completed in the summer of 2006, covering the 2006–2011 time period. Ms. Littlejohn says that, under SAFETEA-LU, the transit program "may have to show up in the transportation plan," something that has not happened previously.

Coordination with Outside Agencies

BIA. The tribe operates under a P.L. 93-638 contract with BIA. "We come up with a priority list of projects, and then BIA contracts with Cherokee DOT to do those projects."

U.S.DOT. According to Mr. Myers, "None that I know of."

Other federal agencies. None.

Regional councils of government. None.

State transportation agencies. The tribe works closely with NCDOT. Numerous NCDOT roads lead into and out of the reservation, and NCDOT is a major funder of the transit program.

Other transportation providers. The tribe works with United South and Eastern Tribes, Inc., a group consisting of tribes east of the Mississippi River. They serve on different committees, such as transportation planning. The state is considering the consolidation of its rural transit programs, so that several counties in western North Carolina may combine their transit agencies. The tribe is currently participating in a study examining this idea, but also feels that its sovereignty allows it to opt out of such an arrangement if it decides not to join.

Funding/Major Projects

Ms. Littlejohn indicated that the transit program for FY 2006 has an administrative grant for $121,509 and a capital grant for $64,382, both from the NCDOT. These are actually maximum amounts of eligible reimbursements under which the tribe is reimbursed 85 cents for every dollar spent. In addition, the transit program collected $192,000 in fares, which include negotiated payments from county social services agencies for transporting Medicaid and dialysis patients, as well as payments from the tribal senior citizen program for daily pickups of seniors for shopping trips and the like.

Mr. Myers listed as major projects completed within the last year:

- Wrights Creek Road design and overlay.
- Tow String Bridge project, which involved tearing down and rebuilding a major bridge.
- Getting right-of-way from the state on US Highway 19 in connection with the opening of the casino.

Unmet Needs

The three greatest unmet needs, as seen by Cherokee DOT, are seen as:

- Maintenance funding
- Construction funding
- Equipment funding

In addition, for the transit program, replacement of vehicles is "critical" because their replacement by the state is "slow."

Maintenance

Maintenance of state roads on the reservation is provided by NCDOT. The tribe and BIA maintain and fund tribal roads. Cherokee DOT employees perform maintenance.

BIA and the tribe maintain bridges. Cherokee DOT acquires the right-of-way and installs and maintains signs on BIA and tribal roads. NCDOT installs and maintains signs on state roads.

The tribal public transportation program is funded using tribal funds.

Safety Programs

Signalization. The tribe is installing new pedestrian walk/don't walk signs.

Signage. The tribe is installing speed limit signs and providing more clear indications of traffic patterns such as intersections.

Road reconfiguration. The tribe is working with NCDOT on road reconfigurations. It is not directly involved with construction but with plans for reconfiguring roads through the reservation for better traffic flow on existing roadways.

Pedestrian/bicycle/sidewalk safety. Sidewalk construction is increasing to assist pedestrians. The tribe is installing more guard rails, and trying to get a full-fledged transit system up and running to move across town, using scheduled buses at stops in town.

Child car seats. The tribe has a child car seat program, provided by Cherokee Choices and Healthy Cherokee, the public health program. They have some situations with families in dire need who welcome the chance to get a child seat.

Seat belt safety. The tribe has a seat belt usage program. The program tries to post percentage changes in seat belt usage over time. Throughout North Carolina, most counties have a program like this.

Safe routes to schools. "Right now," notes Mr. Myers, "we are in the process of relocating our school system. Feasibility studies will be done in the near future to determine safer routes to schools that buses can take or for parents taking children. Police officers direct traffic, with one at each exit and entry of elementary schools. There are main traffic signals where buses go to elementary schools and then to high school and junior high with another officer to let them in and out, morning and afternoon.

Alcoholism counseling or intervention related to operation of vehicles. Healthy Cherokee puts on a program, and there is also a rehabilitation center located on the reservation. In addition, several churches in the community offer Alcoholics Anonymous meetings and prevention meetings.

Innovation/TTAP Assistance

Mr. Myers suggested that other tribes may wish to use P.L. 93-638 contracts to take over their own programs. However, it would appear that the transit program is consistently innovative in finding new ways to finance and implement service for a mixed population of tourists, tribal members, and guest workers. The new Congestion Management and Air Quality grant for shuttle service into the Great Smoky Mountains National Park would certainly constitute an example of such innovation, particularly in view of its combined economic development and environmental implications.

The tribe has utilized the TTAP program through workshops and training classes and through information on how to better run the transportation program. However, Ms. Littlejohn says TTAP has had little to offer for transit programs specifically.

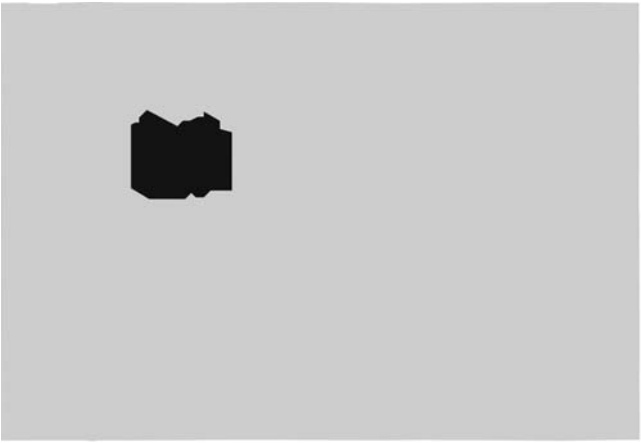
Challenges to transportation programs are seen as a lack of BIA funding for construction and maintenance. The tribe has been able to put in its own money to provide service to members.

Desired Changes

Ms. Littlejohn says it is possible that a comprehensive plan that includes transit could avert some future problems by accounting for transit access when a new housing development is built and roads are needed. Toward this end, she says, her "boss started having weekly meetings with DOT, water and sewer, and other programs, once a week to talk about projects."

She also states that she would like to see the creation of a National Association for Tribal Transit because other transportation personnel do not talk about transit.

Wyoming



Wyoming

Eastern Shoshone and Northern Arapahoe
P.O. Box 217
Fort Washakie, WY 82514

Date: June 7, 2005
Revised: July 27, 2006

Contact Information:
John P. Smith, Transportation Planner
Telephone: 307-335-7669
E-mail: Johnsmith@wyoming.com

Basic Tribal Data and Structure

The Eastern Shoshone and Northern Arapahoe have a 2000 census population of 7,711. The tribes' total land area is 2.2 million acres. According to Mr. Smith, the governance structure for the tribe is an unorganized joint business council. This 12-member body includes the six members of each tribe's business council, all of whom are elected to two-year terms.

Transportation Responsibilities

The Eastern Shoshone and Northern Arapahoe operate their own transportation program and contract with BIA for some transportation functions. The transportation program includes the following activities:

- Preparation and maintenance of a long-range transportation plan (by tribe)
- Preparation and maintenance a capital budget or capital improvement program (by tribe)
- Design and construction of new roads (BIA currently handling, but tribe is seeking a P.L. 93-638 contract; they are working on the scope of work under new rules)
- Overseeing contractors in construction projects (by tribe)
- Maintenance of existing roads (BIA handles, except for state or county maintenance of their own roads)
- Construction or maintenance of sidewalks. These are done under transportation enhancement programs, under which the tribe applies to the state for bike paths and walkways. A couple of communities are currently connected with bike paths and sidewalks built by the tribe
- Operation of a transportation safety program
- Operation of a public transportation program, in conjunction with Fremont County and the Wind River Transit Authority (WRTA)

On the last point, the tribe's senior center has its own service, as do the dialysis center and community center. WRTA is actually a free-standing transit organization, operated with state and county funds, chartered by the state as a regional authority. In addition, there is a bus line for the junior college, and a service for the Head Start program.

Additionally, the transportation program includes an inventory of transportation facilities, done by an outside consultant, consisting of the following:

- Road and rights-of-way
- Bridges
- Signs.

Staff

As of April 2006, four FTE staff persons work on transportation programs, including one professional planner and three lab technicians. The tribe's lone engineer moved to the Environmental Quality Commission, but the tribe is planning to fill the vacant position. The transportation staff reports to the joint business council of the Eastern Shoshone and Northern Arapahoe tribes. The staff is developing a transportation division, which will be managing transit. The tribe already had a plan in progress in conjunction with the county that had a tribal aspect to the Regional Transit Authority, running a route inside the WRTA.

Continuing education for transportation staff is provided through 402 funds from the state of Wyoming. The tribe secured a training grant from FHWA for six additional technicians, whose training began in April 2006.

Planning

The previous transportation plan was completed in 1994, with a five-year time frame, and another plan is in the process of completion. The plan was prepared by consultant Jack Noblitt and Associates in Cheyenne, Wyoming, and was adopted by the tribal Joint Business Council in 1994. The new plan, prepared by PAIKI, was adopted by the joint business council on March 28, 2006.

Three significant proposals contained in the new plan, none of it implemented yet, include:

- Vessel Road—new construction
- Boulder Flat East—new construction
- Housing streets—renovations at eight housing sites,

replacing asphalt, curb and gutter, sidewalks, and relocating utilities

Citizen participation in plan development took place in the form of:

- Public hearings
- Public meetings

The transportation plan contains linkage to the following planning activities:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

With regard to land-use planning, Mr. Smith says the new plan is a spin-off of the old land-use plan, "which has not been adopted by the council," but was completed a year earlier, and part of which was used in documentation for the new plan. The land-use provisions address health care, social services, gravel and cinderblock, and industrial park areas on the construction priority list. With regard to economic development, the tribe has laid fiber optic lines.

Coordination with Outside Agencies

BIA. The tribe is part of a regional transportation planners association, and "[we] develop our communication with BIA (Rocky Mountain Region, covering Montana and Wyoming) that way, by means of meetings and communications by letter and telephone." The Western States Transportation Officials include Montana, Wyoming, Nebraska, Arizona, New Mexico, Washington, Oregon, and California, and has an Indian portion of its agenda.

U.S.DOT. Mr. Smith indicated that the tribe coordinates with U.S.DOT through FHWA. He noted that FHWA had a "rollout meeting" in April in Lead, South Dakota, for the Great Plains and Rocky Mountain regions to "explain services in the new highway bill." The tribe also coordinates with FTA because of its transit services.

Regional councils of government. There is a county–tribe transportation committee in Fremont County.

State transportation agencies. Mr. Smith indicates that the tribe coordinates with the state of Wyoming, attending "all the state meetings" of the Wyoming DOT, and individual meetings as required by specific projects. Dan Kline is the state planner who serves as a tribal liaison.

Other transportation providers. As noted earlier, the tribe works with the WRTA, which provides regional transit service.

Funding/Major Projects

Operating expenses for 2004 were $3.9 million, which came from BIA, state, and tribal sources.

Mr. Smith did not indicate the tribes' *capital expenditures* for transportation projects in 2004.

Mr. Smith indicated no major project that was completed in the last year.

Unmet Needs

Mr. Smith indicated that the greatest unmet needs in regards to the tribes' transportation programs are:

- 17-mile road reconstruction
- Plunkett Road reconstruction
- Little Shield Road new construction

The latter two were "in progress," and need to be finished, but there is "not enough money."

Maintenance

BIA provides maintenance of roads, including those that provide access to the reservation. BIA also provides maintenance for bridges, sidewalks, pedestrian facilities, bikeways and bike lanes, and signs. Fremont County and the tribes maintain public transportation facilities.

Safety Programs

The tribe operates a safety program, which includes the following components:

- *Signalization.* BIA handles this.
- *Signage.* Also done by BIA.
- *Channelization.* This is managed by either BIA or the state, depending on whose roads are involved.
- *Road reconfiguration.* This is handled by both the tribe and BIA.
- *Speed control.* This is enforced by BIA federal police.
- *Pedestrian/bicycle/sidewalk safety.* The IHS has an injury prevention specialist on its staff, and conducts bicycle training seminars.
- *Child car seats.* IHS has an Indian highway safety program to provide car seats.
- *Seat belt safety.* Same as with child car seats.
- *Safe routes to schools.* School buses take children to school.
- *Alcoholism counseling or intervention related to the operation of vehicles.* Tribal courts address this problem with referrals to a counseling program.

Innovations/TTAP Assistance

Mr. Smith indicates that one innovative practice that the tribe has initiated is a laboratory facility for quality assurance. This laboratory takes on state and county projects from all over the state, contracting for other jobs.

The tribe has utilized TTAP assistance for transportation planning and safety programs, including flagging.

Mr. Smith indicated that his tribal transportation program has had problems with finding a skilled workforce.

Desired Changes

One change that Mr. Smith indicates he would like to see is direct funding for transportation projects to the tribe. He would like to be able to go directly to FHWA.

Alaska

Native Village of Eyak
P.O. Box 1388
Cordova, AK 99574

Date: June 30, 2005
Revised: May 12, 2006

Contact Information:
Joe Kompkoff, Road Planner/Community Development Specialist
Telephone: 907-424-7738
E-mail: joek@nveyak.org

Bruce Cain, Executive Director of Village
Telephone: 907-424-7738
E-mail: bruce@nveyak.org

Basic Tribal Data and Structure

The Native Village of Eyak had a 2000 census population of 379 persons. According to Mr. Kompkoff, its total land area consisted of 0.25 acre. The village has a tribal council of five members, with a president elected separately, specifically for that post. Council members are elected at-large for two years.

Transportation Responsibilities

The Native Village of Eyak is now in the process of taking over transportation responsibilities from the city and the state of Alaska by getting involved with the IRR program of the BIA. The program includes the following components:

- Preparation of a long-range transportation plan by tribal planners
- Maintenance of a public transit system in the form of rides to take the village elders to the airport, doctor appointments, and grocery stores, among other common destinations

The tribe also maintains an inventory of transportation facilities with the following components:

- Road and rights-of-way
- Bridges
- Deep water port
- Vessel launching and staging areas.

Staff

Two people devote part of their time to the subject—himself and Bruce Cain, the executive director, who "helps as needed." Mr. Kompkoff reports that presently "90 percent of my time" is spent on transportation while doing the current road inventory. The staff does not include any professional planners or engineers, and the tribe engages consultants when their expertise is required. Mr. Kompkoff came to his job as a former commercial fisherman getting "on-the-job training" as a transportation planner.

Training consists of "going to Anchorage, Fairbanks, or Spokane, Washington, for information seminars on tribal transportation," coaching from the executive director, and the Northwest and Alaska TTAP through the University of Washington.

Planning

The current transportation plan was completed in May 2005, when it was also adopted by the council. The plan covers the next 20 years and was prepared in-house by tribal staff. None of the plan has yet been implemented.

According to Mr. Kompkoff, the plan's two most significant features are:

- Shepherd Point Project. This is a deep water port now undergoing an environmental impact statement.
- Whiteshed Extension. This 5.1-mile stretch of road will reach approximately 500 lots belonging to members.

Citizen participation in the planning process took the following forms:

- Public hearings
- Public meetings
- Website information

In addition, Mr. Kompkoff says a survey is "waiting to be done," and that the website information was posted by the company that conducted the EIS for the Shepherd Point Project.

The transportation plan contains linkages with the following other planning activities:

- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Long-range community strategic planning
- Housing development
- Health care
- Education
- Access to natural resources

Coordination with Outside Agencies

BIA. "We need to funnel everything through BIA for funding or anything," says Mr. Kompkoff. "It is part of the planning, and they must approve it. They point us in the direction we need to go." BIA also provides training, such as for using GIS.

U.S.DOT. The comments regarding coordination with BIA also apply to the U.S.DOT.

Other federal agencies. The first phase of the Whiteshed extension will be started in 2006 with a grant from the Department of Housing and Urban Development (HUD). The tribe is forming a relationship with the U.S. Forest Service Forest Road Program and the Bureau of Land Management (BLM) Federal Road Program.

Regional councils of government. No coordination applies.

State transportation agencies. State transportation agencies are part of the planning process, and the tribe needs "okays from them for any projects." The Alaskan DOT added the Shepherd Point project to their State TIP, although the tribe is encountering difficulty in getting their next priority project, the Whiteshed Extension, on the State TIP.

Other transportation providers. The tribe is developing a close relationship with the city of Cordova Public Works Department and is also coordinating the IRR inventory with requests from the Denali Commission Program, a federal and state partnership designed to provide critical utilities, infrastructure, and economic support to distressed rural communities in Alaska.

Funding/Major Projects

Operating expenses for 2004 were $35,000, all of which was provided from BIA. Most of this funding was spent on preparing the inventory and the long-range plan, which included activities such as GIS training and attending TTAP seminars.

Owing to the newness of the tribe's transportation planning process and a lack of funding, there were no capital expenditures and no major projects have been completed to date.

Unmet Needs

Funding for construction and maintenance were the two most significant unmet needs. Mr. Cain also reported difficulty working with BIA upper-level management, because they are slow to return phone calls, micro-manage projects, and do not give tribes adequate decision-making power to realize their plans.

Maintenance

The tribe as yet does not undertake any maintenance related to transportation of any kind, but within the next few years it hopes to develop the capacity to act as a contractor to provide maintenance for other tribes in the region.

Safety Programs

Currently, the tribe does not manage any safety-related programs of its own.

Innovations/TTAP Assistance

The main innovation the tribe reports is developing a long-range transportation plan with very little outside support from consultants or agencies. Local hired and directed staff and volunteers from the tribal council have done the bulk of the work.

The Native Village of Eyak uses the services of the TTAP at Eastern Washington University (EWU) in Spokane. Mr. Kompkoff recently attended a five-day class at EWU under TTAP sponsorship. Mr. Cain noted that many tribes do not have the resources to process a lot of the information TTAP provides, so much of their assistance is underutilized.

Desired Changes

Two primary concerns—lack of money and frequent rules changes by BIA—frustrate the tribe's transportation program. "They keep changing the rules as we go," Mr. Kompkoff reports. "There is no consistency on what's needed, document-wise. You submit something and it's not complete. The final rule keeps changing." One solution proposed by Mr. Cain was for the state to hire a tribal liaison who could help coordinate state and tribal transportation projects. IRR money could be matched with federal funding. The problem here is not with policymakers at the Alaska DOT, but rather with lower-level planners at the state DOT who avoid working with the tribes. One example Mr. Cain provided was how Whiteshed Road was originally on the state transportation plan, but when the tribe put the road on its priority list the state canceled the project.

Montana

Fort Belknap Indian Community
R.R. #1 Box 66
Harlem, MT 59526

Date: July 20, 2005
Revised: August 10, 2006

Contact Information:
C. John Healy Sr., Transportation Director
Phone: 406-353-8469
E-mail: Cjohnhealysr@fortbelknapnations-nsn.gov

Basic Tribal Data and Structure

According to the American Indian Population and Labor Force Report 2003, the Assiniboine & Gros Ventre Tribes had 6,427 people. The U.S. Census data for 2000 showed the following total and minority population figures for the Fort Belknap Reservation area:

Area	Total Population	Minority Population
Fort Belknap	2,959	2,790 (94.3%)
Blaine County	7,009	3,180 (45.4%)
Phillips County	4,601	350 (7.6%)

The land area for the reservation is 652,593 acres, or approximately 970 square miles. In addition, the tribe has obtained 28,731 acres outside the reservation boundaries through its land acquisition program. The 1985 BIA *Annual Report of Indian Lands* indicated that 188,017 acres were being held in tribal trust. The report identifies 400,738 acres as being individually owned by Indians.

The Fort Belknap Indian Reservation was created by an Act of Congress on May 1, 1888 (Stat., L., XXV, 113). The site for the Fort Belknap Agency as the government headquarters was informally established in 1889. The Fort Belknap Agency is located four miles southeast of Harlem, Montana.

The male Indian voters accepted the Indian Reorganization Act (IRA) on October 27, 1934. This allowed tribal members of Fort Belknap to establish a constitution and corporate charter. The constitution was adopted on October 19, 1935, and a corporate charter on August 25, 1937, in accordance with Section 16 of the IRA.

The Fort Belknap Indian Community Council (FBICC) is recognized as the official government body of the Fort Belknap Indian Community (FBIC). A 10-member council, consisting of two Gros Ventre district representatives and two Assiniboine district representatives, two Assiniboine at-large representatives, and two Gros Ventre at-large representatives, is elected to serve two-year terms. A Gros Ventre and Assiniboine President/Vice-President team is elected at-large with the team serving a four-year term. The tribal secretary/treasurer is appointed when the new council members take office. The current FBICC and its administration were seated in November 2003 with 10 new council members.

Transportation Responsibilities

The FBIC contracts with BIA for its transportation program. The program includes the following components:

- Preparation and maintenance of a long-range transportation plan (by tribe)
- Design and construction of new roads (by BIA)
- Maintenance of existing roads (by tribe)
- Maintenance of an inventory of transportation facilities (by tribe)
- Operation of a public transportation system (by tribe)
- Construction or maintenance of sidewalks (by tribe)
- Construction or maintenance of bikeways and bike lanes (by tribe)
- Operation of an airstrip (by tribe)

With regard to the last component, the tribe is the manager of the Fort Belknap Public Use Airstrip. This is how it is listed under the state's inventory system, and listed in their handbook issued to all pilots. There are approximately nine of these noncertified public use airstrips throughout Montana, and the Montana Aeronautics Division is responsible for implementing the FAA 5010 Inspection. This inspection is done every five or six years.

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Bridges
- Signs.

The community does not have a pavement management system currently; however, FHWA within the last couple of years published notice of its intent to adopt such a system as a result of language in TEA-21. BIA has not adopted a uniform system for all tribes to use, but when they do the tribe will include this as part of its own inventory process.

Staff

The tribe has two FTE staff positions devoted to its transportation program. One of these is the transportation director; there is no engineer on staff. The other position requires a bachelor's degree in civil technology or a related field. This two-person staff reports to the tribal planning director. The roads maintenance crew consists of the supervisor and four operators. The transit program consists of the program manager and three drivers.

The tribe does not have a formal program for training and continuing education of its transportation staff, but they do attend regional training sponsored by TTAP centers, training sponsored by the regional BIA office, and "basically benefit from years of experience of working with counties and state and federal agencies."

Planning

The current transportation plan was prepared by the Transportation Director in 2005 and adopted by the tribe's governing body the same year. It is updated annually. The general purpose of the plan is to identify and evaluate the past, present, and future transportation needs of the reservation. The TIP planning process follows the concept that a transportation system and land-use and economic activities are interdependent. The number and kind of people who live on Fort Belknap and how they use the land determine the number and variety of trips that occur. The location and quality of the transportation facilities influence the development of land and the location of major activities by connecting people with these activities.

The major initiatives contained in the plan, all of which have been implemented, include:

- Collection of existing data
- Community involvement
- Transportation meetings, consultations, and analysis
- Plan development, data collection, analysis, and establishment of priorities

Citizen participation was part of the planning process and took the following forms:

- Public hearings
- Survey

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

The tribe also specified the following information as data included in the transportation plan:

- Transportation data:
  - Highway and street improvements
  - Mileage data on IRR system
  - Construction plans on IRR system
  - Airstrip improvements
  - Maintenance program schedule and activities
  - Data gathered during the annual BIA road inventory
  - TEA-21 Negotiated Rulemaking Committee
  - P.L. 93-638 information
- Socioeconomic and environmental data:
  - Existing and proposed land-use patterns
  - Proposed economic development plans
  - Demographic data from Census 2000
  - Natural resources data

Coordination with Outside Agencies

BIA. Coordination with BIA is accomplished through the transportation plan and committee meetings. Several years ago the Transportation Director set up an Infrastructure Development Committee that consists of representatives from BIA, utilities, the tribal planning office, Idaho Community Development Block Grant Program, Housing, and Solid Waste. Meetings are held on a quarterly basis.

U.S.DOT. "Through the contacts I have made in the past 10 years and my involvement on the ITA Executive Committee we keep involved and updated on issues of importance," Mr. Healy reports.

Other federal agencies. The answer for U.S.DOT would apply to other federal agencies such as HUD.

Regional councils of government. Regionally, the transportation planners in the Rocky Mountain Region work with a transportation subcommittee under the Montana/Wyoming Tribal Leaders Council based out of Billings. The council is composed of either tribal chairmen or their representatives from each reservation in the region and addresses issues for tribes on a regional level. This has proven to be helpful in demonstrating consensus on a regional level when submitting comments on CFR notices or federal highway legislation. The Great Plains Region (North Dakota and South Dakota) has a similar organization and meets with the Montana/Wyoming Tribal Leaders Council on issues of importance.

State transportation agencies. The tribe and the MDT have an overall MOU in place that covers all state highway construction projects that come through the reservation. Project specific agreements are signed that address the specifics of each project, and pre-bid meetings are held with potential bidders. These MOUs are for a period of six years, and the tribe is currently renegotiating its MOU. One issue still on the table concerns construction projects "on or near" the reservation, and the applicability of the tribe's tribal employment opportunity tribal employee rights office (TERO) laws to these projects. No single definition of "on or near" has ever been accepted, a situation that has prevailed ever since the passage of ISTEA in 1991. FHWA has a couple of different definitions, as seen in Title 23 USC. However, the states do not necessarily recognize these definitions.

A tribal liaison has been appointed under the Director of MDT. The liaison is to coordinate with all tribal governments in the state with regard to transportation issues. In addition, the tribe and the MDT meet on a quarterly basis to discuss transportation issues.

Other transportation providers. The Transportation Director is a member of a local Transportation Advisory Committee

(TAC). Several years ago the TAC was sent up by an organization off reservation that was applying for a capital assistance grant under the MDT. Under these guidelines, there must be a TAC for the service area and the capital assistance grants must be reviewed and approved by the TAC. Representatives on the committee consist of:

- Public transportation providers
- Development disabilities organizations
- Senior citizens centers
- Hospitals, nursing home, retirement facilities
- Mental health centers
- Other interested citizens

Funding/Major Projects

Operating expenses totaled $62,000 in FY 2004, all of which came from BIA.

Capital expenditures totaled $2.9 million.

The main projects completed in the last fiscal year included:

- BIA Route #8 (rebuilt in slopes, fixed shoulders)
- BIA Route #112 (reconstruct road, install box culvert, gravel, double-shot chip seal)
- Bikeway/pedestrian path from the junction of BIA Route #1 and BIA Route #3 to the high school with a pedestrian bridge (started)
- Old Hays Subdivision (complete concrete sidewalks and drive pads)
- Whitecow Canyon Road (constructed streets, curb and gutter, storm drains)
- Chip seal projects (BIA Routes #8, #11, #129, #3, #1, and #2).

Unmet Needs

The greatest unmet needs are seen as:

- Road maintenance funding
- Construction funding
- Private roads maintenance
- Safety funding: There needs to be more coordination/collaboration with the MDT on the use of Section 402 funds that MDT receives and the use of those funds on the reservation.
- MOU: this is a blanket MOU that is intended to address all state highway projects that bisect Indian reservations throughout the state. Fort Belknap is currently in renegotiations with MDT, and there remain three items of contention:
  - the "on or near" the reservation issue
  - the increase in TERO fee issue
  - employment preference issues
- Facilities building for transit.

Maintenance

"In October 2002, the Fort Belknap Indian Community Council assumed control of the BIA Roads Maintenance Program through a P.L. 93-638 contract.

"Looking back several years, *Federal Register* Notice (Vol. 61, No. 245) published on February 3, 1997, contained a new Road Maintenance Funding Distribution Methodology. This was directed by Congress in the FY 1995 Appropriations Act, P.L. 103-302. BIA Roads Maintenance Program Funds will be made a part of each tribe's recurring base funding under their Tribal Priority Allocations.

"These allocations of Roads Maintenance Funds are supposed to be in addition to the Tribe's present Tribal Priority Allocations, and are not supposed to affect the present allocations."

Roads. The tribe provides maintenance to all roads currently on BIA Roads Inventory within the boundaries of the reservation. US Highway 2 and Montana State Highway 66 provide access to the reservation; they are on the MDT system and are maintained through the Havre Section Office. The Fort Belknap Indian Reservation is within the MDT Great Falls District.

Other facilities. The BIA Road Department handles bridges on the reservation. Tribal Roads Maintenance manages rights-of-way. Both BIA and the tribe handle maintenance of sidewalks, whereas Tribal Maintenance handles pedestrian paths and bikeways and bike lanes, as well as signs.

Safety Programs

The tribe has been a previous recipient of the Indian Highway Safety Grant under the BIA Highway Safety Program. A Traffic Safety Committee was formed to address the many highway safety initiatives addressed in the grant application, including some of the items listed here, which have been addressed through the Transportation Planning Department. Although the grant period has ended, the safety initiatives continue through the Transportation Planning Office and BIA. The committee consisted of key players interested in highway safety. The concept was to focus on saving lives and preventing suffering by the reduction of accidents. Through expanded partnerships and sharing resources the tribe was able to reduce the number of serious injuries/deaths on the Fort Belknap Indian Reservation. Participants included:

- Chief Administrative Officer, FBICC
- Chief of Police
- Law and Order Committee
- Criminal Investigations
- Security Supervisor
- Fort Belknap Judicial Courts, FBIC
- Service Unit Director, Fort Belknap Health Center
- Administrative Officer, Fort Belknap Health Center
- Maintenance, Fort Belknap Health Center
- Superintendent, Fort Belknap BIA
- Supervisor, Fort Belknap Roads Maintenance, FBIC
- Injury Prevention, Fort Belknap Tribal Health, FBIC
- Director, Fort Belknap Head Start, FBIC
- President, Fort Belknap College
- Superintendent, Harlem Public Schools
- Superintendent, Hays/Lodge Pole Public Schools
- Superintendent, Dodson Public Schools
- Blaine County Commissioner
- Transportation Director, Harlem Public Schools
- Director, New Horizons Unlimited

- Sheriff, Blaine County Sheriff's Office
- Fort Belknap College/Volunteer Fire Department, FBIC
- Fire Chief, Fort Belknap Vol. Fire Department, FBIC
- Little Rockies Retirement Home

With regard to specific safety programs:

Roadway safety audits: This is being addressed through the Transportation Planning Department and will consist of a safety audit in reference to signage inventory, pedestrians/bicycle facilities, signalization, channelization, reconfigurations, speed control, and safe bus routes to school.

In addition, the tribe is considering entering into an agreement with the MDT and FHWA regarding accident reporting software through Cisco. This accident reporting software has various modules and would have the capability of networking several different departments. One criterion to this, however, is that the tribe must be willing to be on-line with the state. This alone has been a matter of contention for several years.

Innovations/TTAP Assistance

The FBIC was awarded a Capital Assistance Grant for Section 5310 funding for three 10-passenger Chevy small buses with wheelchair lifts. MDT provided this award under the Capitol Assistance Grant, Section 5310 funding, Transportation for the Elderly and Handicapped.

Two things are unique about this grant application. To submit the application, an organization had to be a registered 501 (c) (3) nonprofit organization. FBIC found that the Senior Citizens Center was not officially registered as such; Mr. Healy made the argument with the state that under Section 7871 of the IRS Code, tribal governments were to be treated on the same level as such organizations. After an exchange of letters between the state's attorneys and the tribe's attorneys, the state informed the tribes that they could submit under Sec. 7871. That approval process took almost a year. This was ground breaking in itself because FBIC is the only tribe in the nation to do so with a transit grant. Secondly, the tribe used a portion of its annual allocation of IRR funding for construction towards the match. This is an eligible use of these funds, and the current and previous tribal councils felt that the whole community would benefit from these vehicles.

The tribe has utilized the Northern Plains Tribal Technical Assistance, in the past for Commercial Drivers License, and flagger training.

For more information on the Indian LTAP centers refer to Final Rule 25 CFR Part 170.161-176.

Desired Changes

- *Consultation and collaboration with tribal governments.* As spelled out under the new Highway Bill, H.R. 3, P.L. 109-59, SAFETEA-LU, Sec. 3006 Statewide Transportation Planning (e)(2), this needs to be furthered emphasized with state transportation departments and county officials.
- *IRR Inventory*. Under 25 CFR Part 170 Appendix C to Subpart C (6), what is the source of the construction cost used to generate the cost-to-construct? The elements used to generate the cost-to-construct number should be the same across the board; otherwise, one region may have an advantage over another.
- *The authority for the Secretary of Transportation to enter into agreements under P.L. 93-638.* This would be directly with tribal governments that want to improve their capacity to deliver transportation services to their constituents and are ready to enter into direct government-to-government agreements with the U.S.DOT to accomplish those goals.
- *Mechanisms allowing for greater flexibility in transportation financing.* Specifically, legislation authorizing the advance payment of reservation road construction funds and the right to pledge those funds for bonds or other financing vehicles that would allow tribes to leverage these funds in creative ways. This approach would allow tribes to meet more quickly the needs of their tribes, their members, and the public that uses roads within the IRR system. Allowing for the leveraging of federal funds would facilitate more efficient and effective use of federal transportation dollars, resulting in increased savings over time. Further, if a tribe were to use the method, they should not be penalized.

Wisconsin

Wisconsin

Ho-Chunk Nation
28902 Highway 21
Tomah, WI 54660

Date: July 27, 2005
Revised: January 9, 2006

Contact Information:
Thaddeus Walczak, BIA Roads Project Coordinator
Telephone: 608-374-3953
E-mail: twalczak@ho-chunk.com

Basic Tribal Data and Structure

The Ho-Chunk Nation counts approximately 6,500 registered members. The tribe does not have a reservation, so there is no census count for specific tracts that will match that number. The Ho-Chunk Nation's 8,400 acres, a number that fluctuates as the result of land sales and purchases over time, consists of a mixture of tribal trust and fee simple lands the tribe has acquired.

The Ho-Chunk Nation's governance structure provides for an elected president, vice-president, and 11-member legislature, all of whom serve concurrent four-year terms. The legislators represent five districts, with one to three representing each district, based on population and geography.

Transportation Responsibilities

The Ho-Chunk Nation contracts with BIA for much of its transportation program, which includes the following components:

- Preparation and maintenance of a long-range transportation plan. (The tribe takes direction from BIA, and occasionally contracts with engineering firms that put plans together.)
- Preparation and maintenance of a capital budget or capital improvement program. (This is done by the tribe.)
- Design and construction of new roads. (Ho-Chunk Nation, BIA, and the engineering firm are all involved in this activity. The firm does the design, and the tribe provides input.)
- Overseeing contractors in construction projects. (BIA and the tribe work together on this. This is part of Mr. Walczak's duties.)
- Maintenance of existing roads (done by tribe).
- Maintenance of an inventory of transportation facilities (jointly done by BIA and Ho-Chunk Nation).
- Operation of a transportation safety program. (This is a "fledgling program. We're just getting up and running with safety issues on the roads.")
- Construction and maintenance of sidewalks (funded by BIA, but administered by the tribe).
- Construction or maintenance of bikeways and bike lanes (see below under Safety Programs).

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Pavement management system
- Signs
- Culverts.

The Ho-Chunk Nation does not maintain an inventory of bridges, but regarding the culverts, Mr. Walczak notes, "BIA will consider a series of culverts to be a bridge, but it has to be a minimum of 20 ft from end to end and the distance between the culverts can be no more than half the diameter of one culvert. In other words, if the span is made up of five-foot culverts, the spacing between the culverts can be no more than two and a half feet and the total distance has to be twenty feet."

Staff

The Ho-Chunk Nation has four FTE staff people devoted to transportation programs, none of whom is a professional planner, although one, working as a surveyor, is a professional engineer. Besides the engineer, the staff consists of a project coordinator, the director of the Heavy Equipment and BIA Roads Department, a contracting and project coordinator, and one new field staff member, recently hired.

Garrett Blackdeer, the Heavy Equipment Operations Manager, is the person to whom this staff reports. He is, in turn, responsible to Tracy Thundercloud, the Director of Housing and Public Works, who is appointed by the President and confirmed by the Legislature and reports to them.

Training and continuing education for the transportation staff consist largely of workshops provided through the state of Wisconsin's Transportation Information Center or BIA.

Planning

The tribe's current transportation plan is very recent, having been completed in June 2005, and adopted by the legislature on June 7. This is a five-year plan, but Mr. Walczak reports that the tribe is also currently working on a 20-year plan. The five-year plan was prepared by a Wisconsin-based engineering firm, Vierbicher and Associates. Mr. Walczak says approximately 10% of the plan has already been implemented.

According to Mr. Walczak, three significant features of the plan are:

- Development of future roadways
- Identification of alternative sources of funding for transportation needs
- Proposal to link all-terrain vehicle (ATV) trails to tribal facilities

Citizen participation in the planning process occurred through the provision of website information concerning the plan.

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including sewer and water
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. "We have usually two or three meetings with BIA," says Mr. Walczak, "regional meetings in Wisconsin or Minneapolis. We use the Ashland [Wisconsin] office for survey, planning, and design of our projects, plus consultation and funding."

U.S.DOT. Any U.S.DOT rules and regulations are funneled to the tribe through BIA. However, the tribe does work on projects with FHWA, and the U.S.DOT does "present information" at tribal meetings with BIA.

Other federal agencies. The Ho-Chunk Nation files stormwater management plans with U.S. EPA, which include a stormwater discharge permit application, a construction plan, and a stormwater management plan. This function is handled through the IHS office. Also, any work affecting navigable waters involves a permit application with the U.S. Army Corps of Engineers.

Regional councils of government. The tribe is active in 18 different counties and must deal with between 30 and 40 townships on construction projects. This includes the need to win township approval for truck traffic to facilitate the tribe's large projects.

State transportation agencies. The Ho-Chunk Nation works with the Wisconsin DOT through its LaCrosse and Madison district offices. Functions include obtaining traffic information for the tribe's inventory, such as traffic counts and physical road data. Any tribal involvement with street lighting, culverts, or right-of-way issues require state DOT permits; water and wetland permits must come from Wisconsin Department of Natural Resources.

Other transportation providers. None.

Funding/Major Projects

Operating expenses and *capital expenditures* combined totaled more than $1 million last year, but the tribe is unwilling to share budgetary data in greater detail. Approximately 80% of that money came from BIA. The remainder came from tribal revenues, mostly from casino operations.

The main projects completed include:

- A 0.9-mile road in community in Sauk County that includes a bicycle lane. The project involved a safety issue in which the goal was to redirect traffic from the residential area of the community to an intersection with a traffic light, improving access to the community, which includes a clinic and wellness center.
- A ¼-mile road project on Highway 21 in Monroe County for which the tribe widened the intersection, consolidating two driveways into a single entrance into a convenience store and ancillary casino. The change created temporary bypass lanes for people to access the facility, with permanent bypass lanes, a median, and lighting to be completed by the spring of 2006.
- Reconstruction of 2.2 miles of road in a community in Jackson County, realigning the intersection for better visibility. "The road was failing," says Mr. Walczak.

Unmet Needs

Mr. Walczak identified only one great unmet need: "Funding. There is not enough to go around. Maintenance takes a big hit and we have to stretch the dollar. Funding levels from BIA haven't changed in seven years."

Maintenance

The Ho-Chunk Nation has a "638" contract (under a provision of P.L. 93-638) with BIA that spells out what the tribe is required to do with regard to maintenance in exchange for BIA funding. These duties include routine road patrols, identification of problems, and maintaining a schedule for recurring routine duties such as mowing, patching, shoulder maintenance, and trash pickup, plus the grading of gravel roads. The tribe also handles erosion control.

The transportation program handles spring sweeping of sidewalks and pedestrian facilities and schedules repairs; during the winter, the roads department plows the main public thoroughfares whereas the housing department plows sidewalks and driveways.

Bicycle lanes are relatively new for the Ho-Chunk Nation, but eventually the need will arise for striping the lanes on a rotation of three to five years. The tribe repairs and replaces signs as needed and evaluates the need for replacement. They are also in the process of checking to see if appropriate markings fit the physical characteristics of roads. The tribe has no public transit facilities to maintain.

Safety Programs

Signalization. None.

Signage. As noted in the previous section, the tribe has taken responsibility for sign maintenance. "We are adding signs as

problem areas come up," says Mr. Walczak. "We put in night arrows on one corner to reduce a problem, and it worked."

Channelization. There is no program here because the roads are "fairly rural" with no real congestion problems.

Road reconfiguration. The tribe will do intersection realignment in order to "improve line of sight and make the road more user-friendly."

Speed control. The tribe is installing curves on some rural stretches as a means of slowing traffic.

Pedestrians and bicycles. According to Mr. Walczak, "All road construction in new residential areas is including sidewalks."

Child car seats. The tribal health clinic (through the IHS) lends seats.

Seat belt safety. No program exists in this area.

Safe routes to schools. Signs are posted at day care centers. Crosswalks have been painted. Generally, school children are picked up by buses because it's a rural area.

Alcoholism counseling or intervention related to the operation of motor vehicles. The health clinic and the nation's Department of Social Services handle these issues.

Other safety issues. Concern has arisen about indiscriminate use of ATVs. A proposed ATV ordinance has been drafted and presented to the Ho-Chunk Nation Legislature for consideration. The ordinance is for designating ATV trails away from other populous locations. No action has been taken on this proposal; however, the transportation agency is planning routes for such vehicles.

Innovations/TTAP Assistance

No innovations were identified in the interview, although the ATV proposal certainly sounds like a potential innovation.

The TTAP based at Michigan Technical University in the Upper Peninsula provides access to BIA documents on its website and provides technical training through workshops. The Ho-Chunk Nation has made use of both of these resources.

Desired Changes

Funding dominated the discussion of desired changes. "We have to stretch dollars and make things do double duty," says Mr. Walczak. "We make cooperative deals—work with townships to combine funding and work. We share roads with townships and provide financial assistance." He adds, "If the feds are going to mandate rules, they need to provide funding to meet those mandates. Provide the means to accomplish them. Simplify the programs; some are unnecessarily complex."

California

Hoopa Valley Tribe
P.O. Box 1348
Hoopa, CA 95546

Date: August 31, 2005
Revised: June 7, 2006

Contact Information:
Jacque Hostler, Roads Director
Telephone: 530-625-4017
E-mail: huparoads@gmail.com, hvtroads@gmail.com

Basic Tribal Data and Structure

In the 2000 U.S. Census, the population living on the Hoopa Valley reservation was 2,633, of which 1,983 were tribal members, with the rest being non-native residents. The tribe's land consists of a 12-mile by 12-mile square area in northern California, approximately 300 miles north of San Francisco.

The tribe's constitution delineates the authority of the Tribal Council, the tribal membership, and provides for the creation of specific tribal agencies. The Tribal Council is composed of a separately elected chairman and seven other council members, elected from districts for two-year terms, who serve as representatives to the tribe's legislative body. The tribal chairman, although a member of the tribal council, oversees the tribe's bureaucracy.

Transportation Responsibilities

The tribe operates its own transportation program. The program includes the following elements:

- Preparation and maintenance of a long-range transportation plan
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Maintenance of inventory of transportation facilities
- Construction or maintenance of sidewalks

The inventory of transportation facilities includes the following:

- Road and rights-of-way
- Signs.

For construction, there is a public bid process, and the tribe has fostered a regular relationship with the surrounding building community.

Staff

There is a total of 8.75 in-house FTE staff working on transportation programs. They are split between the Roads Department, which has a roads director, an accountant, and two administrative assistants, and the Maintenance Department, which has seven regular employees and up to five more seasonal employees. The roads director previously set up and managed the tribe's Ready Mix plant and aggregate operations. The accountant previously worked in the tribe's enterprise accounting office. Before that, she worked as the tribe's casino manager and as a private practice medical biller. The administrative assistant/records manager attended college and received her degree before working for the tribe. The administrative assistant/new construction manager previously managed the tribe's newspaper. Before that, he served on the tribal council and worked in the tribe's legal department. The tribe has no professional planners or engineers in its program, and uses a contract engineer who spends approximately one-third of his time with the tribe doing preliminary engineering and construction management. There is no formal training program for transportation program staff.

Planning

The tribe's current transportation plan was prepared by a consultant in 2001 and adopted by the tribal council the same year. It covers the period from 2002 to 2007, a five-year time frame. Approximately 30% of the plan has been implemented to date.

Three significant elements contained in the plan were:

- Street naming and numbering
- Develop welcome center
- Develop bicycle and pedestrian trails

Citizen participation was part of the planning process and took the following forms:

- Charrettes
- Public hearings

- Public meetings
- Survey

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. BIA's regional roads engineer is the primary contact and works closely with the tribe on each specific project. As a general rule, "agencies inside the Department of the Interior work with tribal interests, provide technical assistance, and cooperate where possible."

U.S.DOT. Coordination occurs "only for specific items, like one-time emergency funding, disaster relief, etc."

Other federal agencies. The tribe has recently begun to access additional funds and programs under SAFETEA-LU through FHWA, and for parklands and Emergency Relief for Federally Owned Roads.

Regional councils of government. Humboldt Council of Governments (HCOG) acts as the regional transportation agency. Seventeen years ago the state legislature passed a law that allowed the tribe a seat on the HCOG board, although this never happened owing to "unresolved legal issues." Currently, HCOG is consulting with each of the eight regional tribes individually to evaluate their needs, although the tribes have expressed interest in more active participation. Together they have formed an intertribal transportation body, which is officially recognized, although the HCOG has not accorded it a seat. Hoopa has recently stepped out and insisted on its own seat according to state legislation.

State transportation agencies. The tribe reports limited cooperation with the California DOT (Caltrans) "on matters of local interest and cooperation." State highways bisect the reservation and in the past there has been a good relationship with Caltrans, though last year the Caltrans council suggested to the director that they should stop paying TERO taxes on any reservation. Each tribe had their own policy for levying the TERO tax that reinforced hiring qualified tribal members, but now Caltrans has suspended all TERO payments. Recently there has been more dialogue, but the issue is yet to be resolved.

Funding/Major Projects

Operating expenses in 2004 were approximately $2.5 million, all of which came from BIA.

Capital expenditures in FY 2004 were approximately $1.6 million, most of which consisted of FHWA funds channeled through BIA. Caltrans granted the tribe $60,000 for a downtown redesign project.

The main projects included:

- Matilton Cutoff realignment: moved road away from nearby cliff face.
- Paving Moon Lane, a dirt road paved with federally approved reduced ROW.
- Reconstruction of Loop Road, in which a major non-highway road was reconstructed and sidewalks were added.

In FY 2005, the overall budget of the Hoopa Road Department was $4.8 million, including funds for maintenance, construction, the aggregate enterprise, the Ready Mix operation, and Roads Department administration. Deducting $703,703 for the aggregate operation, and a $105,000 aggregate budget used for transportation, $450,000 of BIA construction funding leaves an actual operating expense budget of $3,751,297. The tribe faces high operating costs in large part because of a very rugged topography within the reservation that poses significant safety problems from landslides, severe winter storms, and other sources of traffic obstructions.

Capital expenditures totaled $482,250, of which $450,000 was BIA money cited above, the remainder constituting a percentage of the aggregate budget used for transportation-related capital additions.

Currently, there is a $250,000 downtown corridor management planning grant that the tribe expects HCOG to award in June or July 2006.

Unmet Needs

The greatest unmet needs are seen as:

- Ability to do large projects, such as bridges or major road rerouting.
- Maintenance dollars that are used to preserve and extend the life of newly constructed roads. In FY 2005, SAFETEA-LU took effect, and the amount of IRR funds dropped to approximately $450,000 per year. The tribe explained that this was because the method for calculating this amount works against tribes that have a smaller number of miles in their IRR inventory. To get their tribal allocation increased the tribe has put a tremendous amount of work into updating their inventory. Maintenance funding, which was $113,000 in FY 2005, covers only 11% of the need.
- Lack of training programs to help with, for example, road construction infrastructure (such as development of an aggregate plant, concrete batch plant, hot asphalt plant, etc.) and hazard mitigation.

Maintenance

For roads that include those providing access to the reservation, the tribe employs year-round crews to clear culverts and ditches, cut back foliage, remove rocks and slide material, and clear school bus routes. The same crews also handle rights-of-way maintenance. Bridge maintenance is handled by Caltrans "when the need arises." Sidewalks and pedestrian facilities are "too new to evaluate." Traffic control signs are replaced "only as necessary," but "there are no residential or other markers."

Safety Programs

Signalization. None.

Signage. Speed limit, stop, and yellow advisory signs are used.

Channelization. None.

Road reconfiguration. There are a number of reconfigurations on the list of priority projects. One major realignment project is with a road that comes underneath the state highway and runs up against the river. The road must merge with the highway, but drivers cannot see traffic adequately.

Speed control. This consists of signage plus enforcement by tribal police, state officers, and the sheriff under a joint powers agreement.

Pedestrians and bicycles. The tribe uses some crosswalks with pedestrian crossing signs. Parts of the downtown redesign project are more closings and road narrowing to improve pedestrian safety.

Child car seats. The tribe's annual "Buckle Up Baby" campaign makes a limited number of legal car seats available to community members for no charge. Tribal police, state officers, and the sheriff provide enforcement.

Seat belt safety. In addition to signage, the joint powers agreement enforces "click it or ticket."

Safe routes to schools. School buses pick up students, and a year and a half ago the three schools, all located on adjacent blocks, installed sidewalks on the main road.

Alcoholism counseling or intervention related to the operation of motor vehicles. Tribal court and medical center refers individuals to Alcoholics Anonymous and substance abuse counselors, who are readily available.

Innovations/TTAP Assistance

The tribe operates the five departments involved with transportation issues as private enterprises with the goal that each will stand alone in terms of expenses and profitability. They predicted that this would take five years, although the transportation department was in the black after three full fiscal years and expects that after the fourth fiscal year all departments will be financially solvent. According to the tribe, this is "one of the very few first models for tribes to develop a profitable enterprise." The five departments are aggregate, Ready Mix, new construction, roads enterprises, and road maintenance. Profits from the aggregate crushing plant, which harvests rocks from tribal riverbanks and produces gravel that is sold to Caltrans and county contractors, are "recycled" for the benefit of the tribe, according to an economic development model.

The tribe has also been successful in requesting IRR High Priority Project funds to address the problem of a mountain road that has been experiencing slide activity for the last five years. Because the tribe was unable to apply its construction funds to this problem, it got the emergency project approved by BIA, which allowed for the road's immediate stabilization.

This past winter, a severe winter storm washed out more than 40 BIA, county, and tribal roads on the reservation. BIA road repairs were partially covered by Emergency Relief for Federally Owned Roads, the county filed claims for Federal Emergency Management Agency (FEMA), and the tribe attempted to access FEMA to fund repairs to tribal roads. Instead of going through the county, the tribe had to develop a hazard mitigation plan (under the Disaster Mitigation Act of 2000), which required the combined effort of more than 40 tribal departments. The process began in February 2006, and it was due for completion in May 2006.

TTAP presented and hosted a long-range transportation planning workshop in Hoopa. These conferences "have proven to be very informative and are highly recommended."

Desired Changes

Roads director Hostler reports, "Changes in funding levels for maintenance dollars are urgently needed. By prioritizing maintenance funds, existing infrastructure is preserved." Currently the tribe is spending more money on maintenance than BIA is paying them for that purpose.

Ms. Hostler also said, "It's important for tribes to establish their own roads departments and find funds to do this. Money is out there, and they can set up their own departments to recycle the money the way Hoopa has done."

Alaska

Kawerak, Inc.
P.O. Box 948
Nome, AK 99762

Date: July 21, 2005
Revised: June 5, 2006

Contact Information:
Melanie McNally, Administrative Assistant for Transportation Programs
Denise Michels, Vice-President for Community Services Division
Telephone: 907-443-4395
E-mail: transaa@kawerak.org

Basic Tribal Data and Structure

The 2000 U.S. Census population is 9,197. Its land area totals 22,000 square miles, located in northwestern Alaska. As an Alaskan tribal organization, the Kawerak regional nonprofit operates under the special laws relating to Alaskan natives and is different from typical structures for reservation tribes in the lower 48 states. Its structure is that of a nonprofit organization authorized by 19 of 20 federally recognized tribes in the region. The regional nonprofit board consists of 20 members, either the president or designee of each tribe under the IRA. The board elects its own officers, including chairman and other regular officers. The administrative staff serves under the president and vice-president. The following statement comes from the Kawerak website:

The Bering Straits Native Association (BSNA) was formed in 1967 as an association of the Native Villages in the Bering Straits Region. The association was created to advocate for the passage of a Native Land Claims bill. During this time, BSNA received their first grant from the Office of Economic Opportunity within the Johnson Administration. After the passage of the Alaska Native Claims Settlement Act in 1971, BSNA organized Kawerak as the regional nonprofit corporation (incorporated under state law in 1973) to provide services throughout the Bering Straits Region.

Today, Kawerak contracts with the state and federal governments to provide services to residents of the Bering Strait Region, 75 percent of whom are of Eskimo, Aleut, or American Indian descent. Kawerak's organizational goal is to assist Alaska Native people and their governing bodies to take control of their future. With programs ranging from education to housing, and natural resource management to economic development, Kawerak seeks to improve the region's social, economic, educational, cultural, and political conditions. Kawerak is governed by a board of directors comprised of the president (or designee) of the IRA or traditional Councils, two elder representatives, and a representative from the regional health care provider. Kawerak reorganized in 1995, and we now have five divisions.

Transportation Responsibilities

Kawerak's transportation programs include the following:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of an inventory of transportation facilities

One item of special note for Kawerak is that funding for maintenance of existing IRR roads is passed through Kawerak directly to the individual tribes.

The inventory of transportation facilities consists of a road and right-of-way inventory and a bridge inventory.

Staff

Kawerak has six full-time staff people devoted to transportation programs. Of these, none are professional planners, but one is a professional engineer. The remainder includes an in-house general counsel who is the self-governance director to work on issues involving the tribe's rights and responsibilities under the contract with BIA, a division vice-president (Denise Michels) who oversees the transportation division, and the chief financial officer and her staff. The transportation staff reports to Denise Michels, who is responsible to the executive vice-president.

Training for the transportation staff is largely through the Northwest/Alaska TTAP at Eastern Washington University in Spokane. The staff participates both in conference calls and direct training provided through BIA. Training covers a wide variety of topics, ranging from planning to construction to design.

Planning

Kawerak does not have a single transportation plan but prepares separate plans for each of the 19 participating tribes. Those

plans are currently under development, but Ms. Michels and Ms. McNally indicated that they expect that 9 of the 19 plans will be completed by the end of 2005. The time frame for each plan is 20 years, but tribes are encouraged not to limit themselves to that perspective and to consider looking forward from 50 to 100 years.

Because the plans are essentially a service for each tribe by the nonprofit, it will be up to the tribes to ratify their own individual plans. The plans are prepared by Kawerak's staff in consultation with a transportation committee in each tribal village, including local citizen participation. Both because there are multiple plans and they are not yet completed, it is not possible at this time to summarize the main proposals they contain.

Citizen participation took the following forms:

- Public meetings
- Survey
- Website information

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Subsistence use areas

The interviewees note, with regard to the linkage with land-use planning, that, "In some villages, they are waiting for deeds to transfer land from native corporations to the cities under 14 (c) (3) of the Alaska Native Claims Settlement Act (ANCSA)."

Coordination with Outside Agencies

BIA. As noted above, coordination with BIA has included the recent shift from BIA responsibility for transportation programs to the creation of a compact to transfer those responsibilities to Kawerak, with the previous contract from 1999 being phased out at this point. However, BIA retains some responsibilities for those issues involving an inherent federal function.

U.S.DOT. Kawerak works with FHWA on the National Environmental Policy Act (NEPA) process, with which it, BIA, and the state of Alaska must comply. Kawerak also received Emergency Relief for Federally Owned Roads money for a project involving roads repaired because of coastal flooding.

Other federal agencies. Kawerak also coordinates with "any federal agency dealing in transportation facilities." Kawerak provides a federal issue packet to the Alaska Congressional delegation regarding current transportation legislation. Kawerak also coordinates with the Department of Interior's BLM because its trails go through BLM land. Kawerak also coordinates activities as needed with the U.S. EPA and U.S. Army Corps of Engineers.

Regional councils of government. Kawerak is the regional nonprofit for services. Norton Sound Health Corporation is the regional nonprofit for health-related services.

State transportation agencies. Alaska DOT and Kawerak are working on a joint project or a Memorandum of Agreement. Staff also coordinates with the state historic preservation office, as well as with the Alaska Department of Environmental Conservation on wetlands.

Other transportation providers. Kawerak networks with state construction project contractors.

Funding/Major Projects

Operating expenses. All of Kawerak's IRR operating expenses came from BIA, as did all funds for capital expenditures.

Capital expenditures. The main projects were the construction of a 450-ft-long seawall in Shishmaref to protect a BIA road and a dust control evaluation project.

Unmet Needs

The greatest unmet needs are seen as:

- Money for new construction projects.
- Maintenance funds.

Maintenance

As noted above, maintenance funds for roads, bridges, and rights-of-way are passed through the nonprofit directly to the individual villages through an MOA with each village.

Safety Programs

Signalization. No program exists.

Signage. No program for signage.

Channelization. No program exists.

Road reconfiguration. A program is currently being developed for next summer.

Speed control. No program exists.

Pedestrians and bicycles. Norton Sound Health Corp. provides bicycle helmets to children.

Child car seats. Norton Sound Health Corp. provides these also.

Seat belt safety. This is handled by the Alaska Highway Patrol.

Safe routes to schools are the responsibility of the individual cities within the consortium.

Alcoholism counseling or intervention related to the operation of motor vehicles. Norton Sound Health Corp. conducts AA meetings.

In addition to the above, Kawerak has videotapes and provides presentations on ATV and snowmobile safety to village meetings, and one village received a grant for helmets and walkie-talkies.

Innovations/TTAP Assistance

Innovations. Kawerak provided the following statement:

"Kawerak entered into a contract with BIA to assume the Indian Road Reservation Program in 1999 and compacted the program in 2002. The program goals include developing and constructing transportation projects in the Bering Straits region. The program also advocates and provides technical assistance on behalf of our communities with all entities that have roles and

responsibilities in the development and maintenance of transportation infrastructure.

"Kawerak's board has authorized by resolution to pool all funds each tribe receives. Before Kawerak's board compacted the program, each individual tribe would barely receive enough funds to plan for a road project. Pooling resources gives Kawerak greater ability to plan for and complete construction projects.

"Kawerak's board sets the transportation priorities; this process allows them to plan projects to fit their needs instead of an outside agency planning their transportation infrastructure projects. Through this planning process they control and create their future.

"Kawerak has the option to use local force account construction on the projects by hiring the tribal members at the local level to work and receive training. By doing this, they are providing jobs that would otherwise go to an outside contractor, which would normally hire its' own employees. This provides economic benefits to tribal members and keeps the money within the community.

"One unique aspect of Kawerak's transportation program is that the Alaska Department of Transportation requires a 10% match for new roads. In rural Alaska, the cities can't afford such a match, and therefore no new roads have been built or rehabilitated in the last 20 years except for Governor Murkowski's Road to Resource Project for Rock Creek, located in Nome. Kawerak is able to provide the 10% match to DOT. This will benefit the region so new roads can be designed and constructed based on our TIP and the state's TIP."

TTAP: Ms. Michels and Ms. McNally praise the assistance their staff gets from the Northwest/Alaska TTAP, including workshops, seminars, and technical assistance: "They have an open door policy with technical questions." Because of the distance involved, the TTAP resorts frequently to teleconferencing, telephone, or e-mail from Richard Roland. For the last three or four years, the TTAP has held an annual symposium in Anchorage.

Desired Changes

One specific concern articulated in this interview is that the "cost of construction is high here and we barely receive any funds. Compacting overcame challenges."

Washington

Washington

Makah Tribe
P.O. Box 115
Neah Bay, WA 98357

Date: September 6, 2005
Revised: May 30, 2006

Contact Information:
Greg W. Arnold, Land Use and Transportation Planner
Telephone: 360-645-3284
E-mail: mtccped@centurytel.net

Basic Tribal Data and Structure

The Makah Tribe has a 2000 census population of 1,356. The total acreage of the tribe is 30,142 acres, all in tribal trust, but the tribe recently purchased 3,600 acres of forest land that is not yet in trust.

The governance structure consists of a tribal council with five members, all serving three-year terms and elected at large in staggered elections, in which two are elected one year, two the next, and one in the following year. The council elects its chairman.

Transportation Responsibilities

The Makah tribe operates its own transportation program through a P.L. 93-638 contract with BIA. The program includes the following components, all handled by the tribe:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvements program
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a public transportation system
- Construction or maintenance of sidewalks
- Maintenance of an inventory of transportation facilities, including:
  - Road and rights-of-way
  - Pavement management system
  - Bridges (BIA contracted out inspection to the state)
  - Signs.

In addition, although BIA designs new roads, the tribe handles construction. At one time, the tribe also operated a transportation safety program, but it no longer has money for this purpose.

The public transportation system involves two buses operating six days a week, six times a day through the reservation, bringing people to a pick-up point at the senior center where Clallam County buses take people to destinations elsewhere in the county.

Although the tribe is not yet constructing or maintaining bikeways or bicycle lanes, it plans for eight miles of bike lanes in its next project, and was interviewing for a project manager at the time this study was being completed.

Staff

The tribe reports 3.25 FTE staff working on transportation planning and transit programs. These include one maintenance person and two bus drivers; Mr. Arnold spends approximately one-fourth of his time on transportation matters. The staff does not include any professional engineers or professional planners. The Makah public transit staff reports to the operations manager, road maintenance reports to the business manager, and the transportation planner reports to the planning manager. In terms of background, the main bus driver has a Commercial Drivers License, and the maintenance person has 30 years of experience in operating heavy equipment. Mr. Arnold has worked in tribal administration since 1976, including 11 years as museum director.

Training has taken several forms. Staff members have attended a BIA workshop on construction management and road maintenance. The Tribal Transportation Planning Organization, a tribally run, state-supported organization, has quarterly meetings and an annual conference that staff members have attended. In addition, the Washington State DOT has a training center that provides many different classes. Mr. Arnold has attended a construction management class there, and the worker has attended a class on asphalt.

Planning

The current transportation plan was prepared in February 2004 by the Makah Tribe. The time frame for the plan was 10 years. The tribal council adopted the plan on February 17, 2004. The plan never officially went to BIA. The tribe is planning an update in the summer of 2006. At least half of the plan has been implemented.

Three significant elements contained in the plan were:

- Scenic byway
- Repair and reconstruction of Bay View Avenue
- Construction of the Cape Flattery scenic byway, which has been funded through an earmark in congressional legislation

Citizen participation in the planning process took the following forms:

- Public hearings
- Public meetings
- A 19-question community survey

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer (there is a wastewater master plan)
- Historic preservation, cultural resources, and archaeology
- Fifteen other active plans developed by the tribe, including a hazard mitigation plan under the federal Disaster Mitigation Act of 2000, a forest management plan, and a port plan

Coordination with Outside Agencies

BIA. In a process new to the Makah Tribe, BIA now assigns a staff member from its regional office to serve as their transportation coordinator (dealing with everything but transit), and this individual serves as the key contact, with all transportation business routed through him.

U.S.DOT. U.S.DOT has an annual meeting in which they attend the regional transportation planning organization and Olympic regional transportation.

Other federal agencies. FHWA did source rock testing through a contract to determine the purposes for which they could use some rock. Makah will be moving its program in this area from Washington State DOT to FHWA, and has submitted a letter to this effect, but the FHWA process is not set up to receive the tribes. The tribe has its own rock crusher. Also, as part of a cultural enhancement grant under SAFETEA-LU, the tribe wants to erect two carved statues on either side of the road near its museum.

Regional councils of government. The tribe works with the regional transportation planning organization, which covers four counties.

State transportation agencies. Mr. Arnold indicates that the Washington State DOT has a new maintenance representative who has been in contact with the tribe but had not yet visited because of a bad winter. The tribe also consults with the state environmental department on road construction. The state is also helping to fund a corridor management plan for the national designated scenic highway in and out of the reservation along SR-112, known as the Straits of Juan de Fuca Scenic Byway.

Other transportation providers. Clallam County Transit operates buses that connect with tribal transit at the senior citizen center.

Funding/Major Projects

Operating expenses in the last fiscal year were $35,000.

Capital expenditures were derived from a combination of $1.3 million in casino revenues, none of which goes directly to transportation but into general revenues of which the tribe obligates a percentage for transit, and tribal gas taxes, handled the same way.

There were no major projects completed in the last fiscal year because all the work was in design for projects to be implemented this year, consisting of two bridges and 13 miles of roads.

Unmet Needs

The greatest unmet needs are seen as:

- General road maintenance
- Knowing and having funding available when money is promised (from BIA)
- Getting a full-time transportation planner

Maintenance

Road maintenance. The tribe has to complete a road maintenance report. It has a garage, a grader, and a truck. The tribe has 23 miles on its IRR inventory. The state DOT handles maintenance on State Routes 13 and 112. The tribe notes that the previous maintenance representative from the DOT paid visits at least quarterly and won a "well-deserved" state DOT award for collaboration with tribes. The road poses special problems because it has "steep, slippery slopes" and "tidal action that is enormous." The road poses a special threat because of its potential loss in an emergency. Alternative emergency routes for evacuation involve land to the south and east of the tribal lands that consists of timber land belonging to a private timber company, which has gated off the road at its boundary. The state signed an agreement for emergency access with the timber company. Once SR-112 is gone, the state takes responsibility for moving cars across the private property.

Bridges. Only minor maintenance has been involved. The U.S. Fish and Wildlife Service repaired one bridge, and BIA contracted with the state for bridge inspection.

Rights-of-way. This mostly consists of ditching and grading, and culvert maintenance.

Sidewalks and pedestrian facilities. The tribe has sidewalks but does not do street sweeping.

Signs. The tribe recently replaced its signs.

Public transportation. The main bus driver is a mechanic and does most of the maintenance work on the buses, but more serious jobs are sent to a repair shop in Port Angeles.

Safety Programs

Signalization. None.

Signage. All signs have been replaced within the last five years.

Channelization. Nothing has been done until now in this area, but because visitors find the situation confusing, the issue is being addressed in the new corridor plan.

Road reconfiguration. This is not considered an issue.

Speed control. The tribal police address this issue, and respond to telephone calls on this problem.

Pedestrian/bicycle/sidewalk safety. Bicycle safety courses are given in schools, but there are not many sidewalks. A bicycle path is coming.

Child car seats. Under a state program, child car seats are offered to tribal members.

Seat belt safety. There is no program on this, and "it is difficult to enforce."

Safe routes to schools. "There is an officer on the road when called. At the beginning of school, signs were temporarily set up that showed drivers how fast they were driving. There is always a crossing guard."

Alcoholism counseling or intervention related to operation of vehicles. When a member has a DWI, that person is sent to tribal counselors, two of whom are available.

Innovations/TTAP Assistance

The tribe cites two specific innovations, one of which is the scenic byway; the other is the sharing of resources for the paving of Shishi Road. In the latter case, the U.S. Fish and Wildlife Service had the bridge to the hatchery rebuilt. Money was left over for paving, and the tribe was going to contribute. BIA had discretionary money as well. "Shishi Road had been a gravel road, but we got it done with the combination of funds."

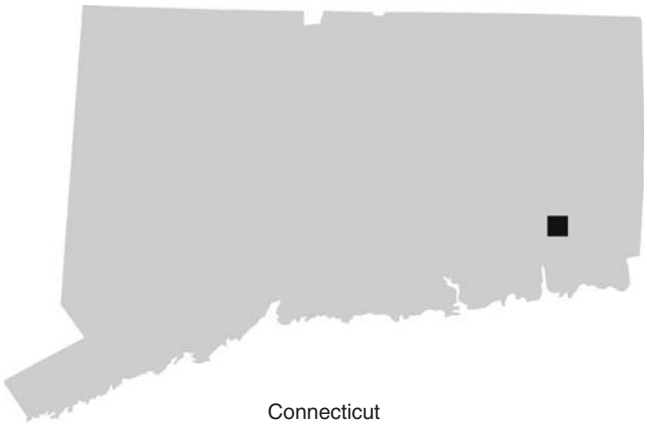
The Makah Tribe uses the resources of the Northwest/Alaska TTAP, which attends Makah meetings, "provides a wealth of information, and good documentation for resources on the website, and training."

Desired Changes

Mr. Arnold offered the following as desired changes in federal, state, or local programs affecting the tribe:

- "The Albuquerque office [of BIA] is upsetting the northwestern tribes by finding any excuse to reject their inventories." The tribe would like to find that office more amenable to its needs with regard to the IRR inventories.
- Mr. Arnold would like "more time and resources to do planning," because he has never had the opportunity to gain a real understanding of the process.
- He would also like to make the process less "paper heavy," by simplifying and paring down the rules. One good step he cites in this direction was taken by the Portland, Oregon, BIA office last year in compiling a "stepping-stone, ABC guide" for transportation planning.

Connecticut



Mashantucket Pequot Tribal Nation
2 Matt's Path, P.O. Box 3060
Mashantucket, CT 06338

Date: July 14, 2005
Revised: May 30, 2006

Contact Information:
Cedric Woods, Deputy Chief Operating Officer
Telephone: 860-396-2187
E-mail: jwoods@mptn-nsn.gov

Basic Tribal Data and Structure

The Mashantucket Pequot Tribal Nation has a population of 794, roughly 250 of whom live on the reservation along with an additional 100 other non-tribal members. In addition, an average of 40,000 visitors per day visit the casino located on the reservation. The tribe has a total of 7,300 acres, 1,834 acres held in trust and 4,500 acres of the total within one mile of the trust area, the balance scattered within approximately ten miles of the reservation.

The tribal governance structure is a seven-member tribal council that is elected at large. The council members serve staggered three-year terms. The tribal council includes a chairman, vice chairman, treasurer, and secretary.

Transportation Responsibilities

The Mashantucket Pequot Tribal Nation operates its own transportation program and is wholly responsible for the following components:

- Preparation and maintenance of a long-range transportation plan by the Public Works Department, Planning and Community Development Department, and Tribal Manager Office.
- Preparation and maintenance of a capital budget or capital improvement program by the Public Works Department.
- Design and construction of new roads by the Planning and Community Development Department and the Public Works Department.
- Overseeing contractors in construction projects by the Planning and Community Development Department.
- Maintenance of existing roads by the Public Works Department.
- Operation of a public transportation system for elderly tribal members and school children (not the general public) by the Transportation Subdivision of the Public Works Department.
- Construction and maintenance of sidewalks by the Public Works Department, and design of sidewalks by the Planning and Community Development Department.
- Operation of bus bays for patrons to the casino and a heliport by the Public Works Department and the Foxwoods Transportation Department of the Foxwoods Casino, which operates 100 buses per day.

Additionally, the tribe's Public Works Department maintains an inventory of transportation facilities that includes the following:

- Road and rights-of-way
- Pavement management systems
- Bridges
- Signs
- Drainage
- Traffic systems.

Staff

The tribe reports a total of 31.3 FTE staff working on all aspects of transportation. Two FTE staff members work on transportation projects in the Planning and Community Development Department, both of whom are professional planners and engineers. There are actually three planners on staff, but Mr. Woods notes that they spend some of their time on duties other than transportation. Also, the Public Works Department has seven bus drivers, a dispatcher, and an administrator for the tribal bus systems, and the rest of the staff spends approximately half of their time working on transportation-related construction and maintenance.

The transportation staff reports to the executive director of the public works department, who reports to the tribal nation chief operating officer, who reports to the tribal council.

Training and continuing education for transportation staff is provided by TTAP workshops and other frequent work site safety training, professional workshops, and certification programs.

Planning

The current transportation plan was prepared in 2005, and the tribe is currently working on updating the plan for 2006. The time frame for the 2004 plan was 3 to 20 years. Tribal staff

from the Tribal Manager's Office, the Chief Operating Officer, the Public Works Department, and Planning and Community Development Department prepared the plan. The tribal council adopted the plan in 2004.

According to Mr. Woods, three significant proposals in the plan are:

- Prioritized road repair list
- Sidewalk safety plan
- Significant proposed residential expansion, including roads

Citizen participation was included in the planning process through the tribe's regularly scheduled tribal membership meetings. Key tribal decision makers also reviewed the plan before adoption.

The transportation plan includes linkages with the following activities:

- Land-use planning
- Public utilities
- Historic preservation
- Community and economic development

Coordination with Outside Agencies

BIA. Coordinates through the IRR program—submits transportation facilities inventory and received funding based on approved inventory.

U.S.DOT. Coordination with U.S.DOT is much less formal than that of BIA. There are one or two issues arise per year that require U.S.DOT coordination.

Other federal agencies. The tribe coordinates with the FEMA on snow removal funding during snow emergencies, which occur quite frequently.

Regional councils of government. The tribe is a non-voting member of the Southeastern Connecticut Council of Governments and participates in meetings and discussions.

Local transportation agencies. No coordination.

Funding/Major Projects

Operating expenses for transportation programs in 2004 were approximately $869,950. Of this, $17,709 came from BIA, and the rest ($852,241) came from tribal sources. The tribe had no capital expenditures for transportation projects in 2004.

Main projects that were completed in 2004 were:

- Roads for tribal spiritual center and parking lots
- Storm drainage inventory, road construction inventory
- Residential expansion

Unmet Needs

Mr. Woods indicated that the only unmet need for transportation projects is the need for BIA to accept its IRR update. The tribe has been waiting for approval for two years.

Maintenance

The tribe handles maintenance of roads, including roads that provide access to the reservation. The tribe's road maintenance program includes crack sealing, striping, infrastructure repair, and snow removal. The tribe also handles bridge and right-of-way maintenance.

The tribe handles repair of sidewalk and pedestrian facilities. The tribe repairs curbs and sidewalks and removes trash from sidewalks and pedestrian facilities.

The tribe maintains signs by replacing or repairing damaged signs. The tribe also maintains public transportation facilities.

Safety Programs

Signalization. The tribe does not have signalization.

Signage. The tribe inventories all signs and replaces damaged signs.

Channelization. The tribe does not have channelization.

Road reconfiguration. The tribe does have a road reconfiguration program, and it recently installed a traffic circle in a residential area as a safety measure.

Speed control. The tribe completes traffic counts and uses traffic classification ratings.

Pedestrian/bicycle/sidewalk safety. None.

Child car seats. The tribe installs child car seats in tribally owned vehicles.

Seat belt safety. None.

Safe routes to schools. The tribal transportation division provides bus service for children.

Alcoholism counseling or intervention related to operation of vehicles. The tribe operates a tribal court system and can mandate counseling. The tribe also operates an employee alcoholism counseling program for tribal employees.

Innovations/TTAP Assistance

The tribe has adopted the Infrastructure 2000 software program, which assists tribal staff with asset management and keeps track of transportation and infrastructure activity. The Department of Public Works has four divisions that utilize the Infrastructure 2000 software. The Operations Division tracks labor, equipment, materials, and subcontracted work tasks on all division activities. These activities include those work tasks within its budgeted scope, such as mowing, litter removal, snowplowing, landscape services, and infrastructure maintenance. In addition, the capital project/improvements assigned to the Operations Division are also tracked by labor hours, equipment hours, materials used, and subcontractors used. These project reports are forwarded to the contracting departments for use in financial reporting and project tracking purposes. The Tribal Transportation Division and Division of Interior utilize the Work Manager system to track budgeted scope activities (labor, equipment use, material use, and subcontracted items) as well as reporting on specific projects as requested.

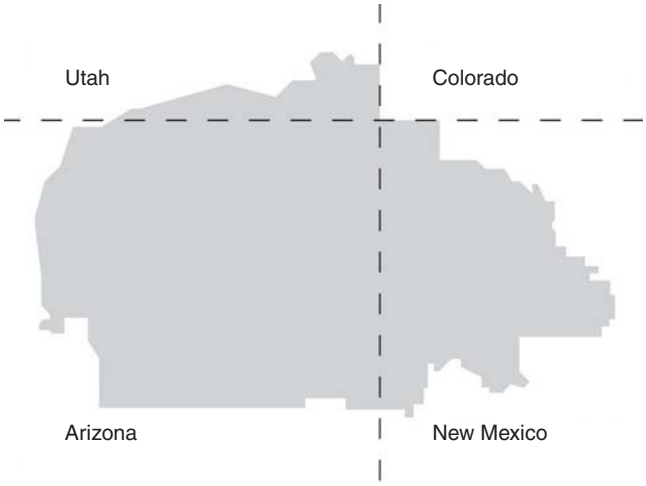
The tribe has not utilized TTAP assistance.

One challenge that the tribe has encountered with transportation activities is a rapid growth rate in a very short time span. The tribe has responded to increased traffic volumes and gravel roads that require paving in the span of only a few years. This continues to be a challenge.

Desired Changes

One change that Mr. Woods recommends for transportation programs is that Infrastructure 2000 software be available to all tribes.

Arizona



Navajo Nation
Department of Transportation
P.O. Box 4620
Window Rock, AZ 86515

Date: July 25, 2005
Revision: May 2, 2006

Contact Information:
Salisa Norstog, Principal Planner
Telephone: 928-871-7985
E-mail: snorstog@navajotransportation.org

Additional interviews:
Roger Walkenhorst
rwalkenhorst@navajo.org

Julius Tulley
jctulley@navajo.org

Basic Tribal Data and Structure

The Navajo Reservation is the nation's largest, containing a land area of 17,553,559 acres, or 27,427 square miles spread across 11 counties in Arizona, New Mexico, and Utah. The 2000 census reported that 180,462 people lived on the Navajo Reservation, but nationwide the Navajo people totaled 256,712. The Navajo Nation is a treaty tribe with its own governance structure consisting of the executive, legislative, and judicial branches. The executive branch is headed by the president of the Navajo Nation and the vice-president. The legislative branch consists of the speaker of the council and the Navajo Nation Council, composed of 88 elected council delegates representing 110 chapters, the smallest administrative units. The judicial branch includes the chief justice and the Navajo Nation courts.

The Navajo IRR consists of 9,894 miles of roads (2002 Navajo Region Road Inventory). Of these, 6,193 miles are BIA roads, 1,679 miles are state highways, and 1,713 miles are county routes. Only 25% of the Navajo IRR is paved. Including roads used by the public but not yet in the inventory, Navajo Nation roads total approximately 15,000–20,000 miles.

Transportation Responsibilities

State DOTs, counties, and BIA Navajo Region Division of Transportation are the primary highway programs to fund and oversee construction and maintenance of Navajo IRR.

To meet its transportation needs, the Navajo Nation has its own transportation programs as follows:

1. Navajo DOT
   Division of Community Development

   1.1 Project Development
   Funded by the Navajo Nation General Fund and FAA grants, Navajo DOT provides the following functions:

   - Fund design and construction of airport improvements.
   - Archaeology and environmental assessment services.

   1.2 Road Fund Program
   With the Navajo Nation Road Fund (derived from the Nation's fuel excise tax revenue through intergovernmental agreements with states), Navajo DOT provides the following services:

   - Preparation and maintenance of a capital budget or capital improvement program for Road Fund projects.
   - Fund construction for Road Fund projects.

   1.3 Road Maintenance
   With the Navajo Nation Road Fund, Navajo DOT provides the following services:

   - Road and airport maintenance.

   1.4 Transportation Planning Program (TPP)
   TPP is 100% funded by a P.L. 93-638 contract with BIA Navajo Region Division of Transportation (NRDOT) and functions under the contract scope of work include the following components:

   - Preparation and update of a long-range transportation plan.

- Maintain and update inventory of transportation facilities including:
  - Road and rights-of-way
  - Bridge location and photograph
  - Navajo DOT does not currently have a sign inventory but plans to do so in the future.
  - BIA has responsibility for the pavement management system and full bridge inventory.
- Collect traffic data
- Collect accident data
- Develop GIS
- Develop and update annual Tribal TIP

2. Historical Preservation Department (HPD) Roads Planning Program
   HPD, Division of Natural Resources
   The HPD program is a P.L. 93-638 contract with NRDOT to perform archeological assessment for all BIA road construction projects.

3. Right-of Way Clearance Program
   Land Department, Division of Natural Resources
   The Right-of Way Program is a P.L. 93-638 contract with NRDOT to obtain land-use consents for BIA road construction projects.

4. Highway Safety Program
   Division of Public Safety
   The Highway Safety Program is funded partly with highway safety grants from the U.S. Department of the Interior to provide education, training, and compile traffic accident data. It offers defensive driving classes for tribal employees, promotes safety belt use, distributes child car seats and bicycle helmets, etc. Aside from the general fund, it has received highway safety grants from BIA until last year.

5. Navajo Transit Program (NTS)
   Division of General Services
   NTS operates a transit program with seven fixed routes connecting Navajo and Hopi communities to border towns. Primary sources of funds are general fund, state transit grants, and the IRR fund.

6. Navajo Air Transportation Services
   Under the Navajo Nation Division of General Services, the Air Transportation Services provides air transportation primarily for Navajo Nation tribal government officials.

7. Navajo Engineering and Construction Authority (NECA)
   NECA is a Navajo Nation enterprise that has the first right to contract road constructions with BIA.

Staff

Excluding NECA, the Navajo Nation has a FTE in-house staff of approximately 64 people working on transportation, broken down as follows:

- 30 under Navajo DOT [16 for project development, road fund, and road maintenance and 14 for Transportation Planning Program (TPP)]
- 6 under HPD Roads Planning Program
- 2 under Right-of Way Clearance Program
- 5 under the Navajo Nation Highway Safety Program
- 14 under the Navajo Transit System
- 7 under Navajo Nation Air Transportation Services

Of these, two people are professional planners, and two more are engineers. Other professional qualifications represented within the staff (with program in parentheses) include:

Navajo DOT:

- Planners
- Geographical information system analysts (TPP)
- Information technology technician (TPP)
- Engineering technicians (TPP)
- Archaeologists
- Environmental specialists
- Survey technicians
- Heavy equipment operators

HPD Roads Planning Program:

- Archaeologists

Navajo Nation Air Transportation Services:

- Pilots

These various staff positions report to their respective department managers. The Navajo DOT provides in-house training (staff to staff) on ArcView, GISMap, and GPS applications, but there is no official certification program.

Planning

The Navajo Nation's Long-Range Transportation Plan (LRTP) was completed on October 25, 2004. Its Tribal TIP was completed on July 15, 2005. The Navajo Transit System Long-Range Plan was prepared in 2003. The time frame for each plan is 20 years. The LRTP was completed by the TPP staff, with Salisa Norstog serving as the principal author, and was adopted by the Navajo Nation Council in November 2004. The significant proposals contained in the plan were:

- Navajo–BIA road improvement needs and recommendations
- Growth Center Street plans
- Navajo Nation Airport needs/plans
- Bridge improvement needs
- Navajo–BIA road maintenance needs
- State highway needs
- County road needs

According to Ms. Norstog, approximately one-third of the plan has been implemented, if implementation is interpreted as including the use of IRR, state, and county funds.

Citizen participation was part of the planning process and took the following forms:

- Public meetings
- Notice for public comments posted in local newspapers

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Historic preservation, cultural resources, and archaeology
- Chapter land use plans and economic development
- Recreation and tourism

Coordination with Outside Agencies

BIA. The Navajo Nation has P.L. 93-638 contracts with the bureau and coordinates with them on project activities including project review, planning, and public hearings. The Nation is in the process of establishing an intergovernmental agreement with the bureau.

U.S.DOT. The Navajo Nation does not have direct contact with U.S.DOT through funding. However, currently we have been working to establish a partnership involving the Arizona DOT, FHWA, BIA, and the Navajo Nation. On a project basis, we have worked with FHWA on the US-491 project. FHWA attend Navajo DOT annual meetings and we attend TTAP conferences participated by FHWA.

FAA. The Navajo Nation regularly applies and coordinates with FAA on grants for airport planning and improvements.

Other federal agencies: The Navajo Nation attends the TTAP conference and training.

Regional councils of government. The Navajo Nation regularly participates at Northern Arizona Council of Governments and the Northwestern New Mexico Regional Planning Organization. Navajo DOT planners attend regional planning office meetings and are on the technical committees. The Navajo Transit Program applies for transit grants through regional planning office.

State transportation agencies. The Navajo Nation works with state DOTs from Arizona, New Mexico, and Utah on project/funding applications. We coordinate on project public hearings, planning, and state DOT and Navajo transportation conferences. We have MOUs with them to resolve planning, right-of-way, and other legal issues regarding road projects. The Navajo Transit Program applies for transit grants and coordinates with them on transit projects.

Other transportation providers: Counties. The Navajo Nation works with county highway programs on road construction planning, funding, and maintenance. Currently the Navajo Nation has MOUs with Navajo, McKinley, and San Juan counties.

Funding/Major Projects

Operating expenses for FY 2005 totaled $820,530 from Navajo DOT General Fund and $997,319 in TPP/IRR planning funds.

Revenue sources for both operating and capital expenditures are outlined as follows:

Federal. The TPP is funded 100% from IRR funds. The Highway Safety Program gets 25% of its money from Highway Safety Grant and 75% from the Navajo Nation General Fund. Other federal sources for Navajo DOT involve airport improvement projects, with 90% coming from FAA and 10% from the Navajo Nation General Fund.

State. Transit projects get 55% of their money from state funds, 40% from Navajo Nation General Fund, and 5% from IRR. Finally, New Mexico DOT provides to Navajo DOT with road project right-of-way studies, on a project and yearly basis.

Tribal. Navajo DOT operation and project development services are supported completely by the Navajo Nation General Fund, as is Navajo Nation Air Services. Tribal gas taxes support 100% of the Navajo Nation Road Fund and Road Maintenance Programs for improvement and maintenance of transportation projects not funded by other funding sources, matching funds, and emergency projects. There are no casino revenues.

Capital expenditures for FY 2005 include the followings:

- NRDOT IRR Program: $45 million
- Navajo DOT—General Fund and FAA grants: $1.3 million
- Navajo DOT—Road Fund and Maintenance: $9 million
- Navajo DOT—Transportation Planning: $0.99 million
- HPD Roads Planning Program: $0.25 million
- Right-of-Way Clearance Program: $0.1 million
- Navajo Highway Safety: $0.1 million
- Navajo Transit: $1 million
- Navajo Air Transportation: $4.6 million (approximate)
- Navajo Engineering and Construction Authority: $22 million (approximate)

The main projects completed in the last fiscal year have included completion of the Long-Range Transportation Plan (available online at www.navajodot.org), completion of the FY 2005–2025 Navajo Tribal Transportation Improvement Plan, US Highway 491 archaeological study, archeological assessments/surveys, and environmental studies for county roads.

Unmet Needs

The greatest unmet needs are seen as:

- The need to increase IRR road improvement funding, which is seen as the "greatest unmet" need. "The IRR Fund itself only meets approximately one-fourth of road improvement needs on BIA road system. Although currently we receive and are going to implement the Navajo Nation Road Fund derived from tribal fuel excise tax, it will mainly go to maintenance projects and ROW studies."
- "Current road maintenance funds for BIA roads only meet approximately one-fourth of road maintenance needs (Navajo Region DOT estimate). Maintenance fund for Navajo–BIA roads is from the U.S. Department of the Interior with an annual funding of $6 million to maintain 1,548 miles of paved road and 4,645 miles of dirt roads. This translates into approximately $968 per mile, whereas states and counties have road maintenance funding at twice to quadruple the amount for similar road types."
- "To implement transportation projects, Navajo DOT needs more professional staff such as engineers, technicians, and other technical staff."
- The Navajo Nation needs more training in all areas related to transportation including P.L. 93-638 contracting and management, transportation and rural planning, management systems, road inventory, GIS, road construction, road maintenance, NEPA requirement, environmental assessments, and transit operation and management.

Maintenance

The Navajo Nation uses its Road Fund to address road improvements and maintenance that cannot be addressed by federal, state, and county road and maintenance program funding. The Road Fund is also earmarked primarily for road maintenance and transportation projects that are not on the federal, state, and county road systems (approximately 5,000–10,000 miles). It can fund a variety of types of maintenance projects through a system in which those projects are identified and submitted by local chapters, including maintenance of roads, bridges, sidewalks and pedestrian facilities, bikeways and bicycle lanes, and signs. Navajo DOT will begin to implement the road maintenance program utilizing the Navajo Nation Road Fund.

Navajo DOT maintains five airports with general funds and, beginning in 2005, with the Navajo Nation Road Fund. Of those five airports, only one has a small terminal and hangars; others are only paved airstrips.

Safety Programs

Signalization. Most signals are constructed by BIA–Navajo Region DOT (IRR program) or state DOTs. Navajo DOT will begin to provide maintenance and electrical cost using Navajo Nation Road Fund.

Signage. Navajo DOT has begun to acquire outside grants to install warning signs for safety purposes.

Channelization. BIA and the state DOTs have been doing this for their roads, but there is no tribal program in this area.

Road reconfiguration. Same as for channelization.

Speed control. Navajo DOT has installed some speed bumps on some local residential, school, and administration streets when requested.

Pedestrians and bicycles. Highway Safety Program provides child bicycle helmets.

Child car seats. The Navajo Nation Safety Department handles this.

Seat belt safety. The Navajo Nation Safety Department handles this.

Safe routes to schools. None.

Alcoholism counseling or intervention related to the operation of motor vehicles. Both the Navajo Behavioral Health Services and the Navajo Nation Public Safety for DWI Enforcement are involved in this issue.

Innovations/TTAP Assistance

The Navajo Transit System routes have served both Navajo and Hopi tribal members and Gallup City residents. Navajo DOT has occasionally utilized intergovernmental agreements to implement cross-jurisdiction projects.

Underfunding and inadequate staff are considered the major obstacles. The Navajo Nation fought states to have the fuel excise tax revenue come to the tribe. This became the Navajo Nation Road Fund, which is earmarked solely for transportation projects. Navajo DOT received this funding in 2005.

The tribe has used TTAP services, which provide "useful and up-to-date information through emails and conferences."

Archaeology and Ethnography

Because of the Navajo Nation's commitment of several staff people to work on issues connected with archaeology and ethnography, it is worth a special discussion here. Specifically, APA interviewed Roger Walkenhorst and Julius Tulley to gain additional insights into the role these questions play in Navajo transportation planning. Both are in the Navajo DOT's Archaeological Section, Walkenhorst as the Principal Archaeologist, and Tulley as the Navajo Cultural Specialist. Julius Tulley's job is to interview people along proposed rights-of-way to learn "different gathering points of medicinal herbs and burials and traditional properties. If it is a mountain or mesa, most have names, more than likely, a Navajo place name. They will do offerings on that mountain. There might be a spring there where they have collected medicinal herbs for medicine bundles." Cemeteries and burial sites are particularly sensitive areas that must be properly identified.

A critical factor in Tulley's success is his ability to converse in fluent Navajo, because frequently elders and others are not comfortable conveying in English the information that needs to be obtained. However language is not the only factor. "I go in there and tell them who I am. We discuss clans. I try to make them feel comfortable, and the first 10–15 minutes may be just that. These are sensitive issues. There is history involved, and they get emotional." Tulley also checks with the local chapter of the Navajo Nation before going out to the area, so that the chapter can inform people beforehand at its meetings of his arrival and purpose.

Ultimately, the field work is compiled in a confidential appendix to the report that goes to the Tribal Historic Preservation Office, which can decide how to deal with identified problems, often through mitigation or removal of the area from the project.

Desired Changes

The Navajo Nation would like to consolidate all Navajo Nation transportation programs under one roof so that coordination and execution of projects among programs can be more efficient.

The Navajo Nation also wants to contract the BIA road maintenance program and eventually the IRR program to receive direct funding to increase funding for construction and maintenance.

The Navajo Nation wishes to receive more TTAP training programs and courses specifically for the Navajo Nation's transportation program needs (see unmet needs).

Kansas

Kansas

Prairie Band Potawatomi Nation
16281 Q Road
Mayetta, KS 66509

Date: July 21, 2005
Revised: May 24, 2006

Contact Information:
Tim Ramirez, Director, Roads and Bridges Department/BIA
638 Road Maintenance
14880 K Road
Mayetta, KS 66509
Telephone: 785-966-2375
Fax: 785-966-2693
E-mail: pbprb@pbpnation.org

Basic Tribal Data and Structure

The Prairie Band Potawatomi Nation has a 2000 population of 740 Indians, 518 non-Indians, and a total enrolled tribal membership of 5,000, with more than 50% of the tribal members living within 50 miles of the reservation. The total acreage of the reservation is 77,740 acres, including 14,140 acres of tribal U.S. trust and fee land, and 20,540 acres of U.S. BIA trust allotment land.

The tribe has 136 family housing units (two are apartment buildings with eight units in each building and six are duplexes) and 51 senior housing units. The housing units are located in five clusters within five miles from the center of the reservation. The majority of the senior housing units are located near the new senior center. There are also 17 scattered site HUD housing units and 21 recent purchase homes throughout the reservation. An additional 76 home sites and 15 Housing Improvement Program (HIP) houses on Family USA Allotment Indian homes throughout the interior reservation boundaries.

The tribal governmental structure is a seven-member tribal council with four officers—chairman, vice chairman, treasurer, and secretary. The executive director is in charge of program directors of 34 different programs. The tribe also has a separate gaming commission.

The government center serves the council as well as executive director, finance, human resources, education, information technology, grant writer, enrollment, economic development, construction management, and legal department.

Transportation Responsibilities

The Prairie Band Potawatomi Nation operates its own transportation program consisting of the following components:

- Prepares and maintains a long-range transportation plan.
- Prepares and maintains capital budget or capital improvement program.
- Designs and constructs new roads—the tribe has designed and constructed 15 miles of asphalt since 1998.
- Built 22 HS-20 80,000 lb load rating bridges with tribal funds, spans from 25–60 ft, minimum 28 ft 6 in. wide.
- Oversees contractors in construction projects—the tribe has a construction manager, road and bridge director, and road and bridge technical support staff persons.
- Maintains existing roads—119 miles, four seasons per year (all total, 135.2 miles; 22.45 asphalt, 79.75 gravel, and 33 dirt of allotment and tribal tract access roads).
- Maintains Prairie Peoples Park, pow wow and camp grounds, 2.6 miles of park roads, two relocated bridges from BIA bridge projects, one 1912 U.S. Steel bridge and one pre-1912 bridge Carnegie, 420 acres of buffalo area (120 head). A tribal creek bridge connects two pastures with a buffalo underpass.
- Operates a transportation safety program—the tribe has a work zone signage safety program.
- Operates a public transportation system—the tribe contracts with the Kansas DOT for a tribal supplement.
- Constructs or maintains sidewalks—only around tribal buildings.
- Constructs or maintains bikeways or bike lanes—the tribe received a Kansas DOT enhancement grant for 8,600 ft long, 10 ft wide asphalt bikeway with a goal of 10k linking the five housing clusters.
- Maintains an inventory of transportation facilities that includes the following elements:
  - Road and bridge headquarter offices, repair bays, welding and tire repair, sand and salt done (30% mix), parking for heavy equipment and attachments and trucks, belly's end dump, lowboy, dumps, and trailers
  - Road and right-of-way inventory (for design projects in the last 20 years)
  - Bridge inventory (for 31 BIA bridges and 23 tribal bridges)
  - Sign inventory for work zones, detours, and traffic signs
  - Pavement management system.

The tribe does not operate an air, freight, rail, port, or multimodal facility.

Staff

The tribe reports 31 full-time staff persons working on transportation programs, including one professional planner (the road and bridge director), and one professional engineer. The tribe also has use of the Horton Agency BIA road engineer.

The make up of operation staff is office administration; finance department liaison; surveyor; utility line locator (design plans keeper); territory grader operators; heavy equipment operators–dozers, scraper, excavators, backhoes, shee foots, loaders; truck drivers–dump, end dump, belly, lowboy; mechanics; tire repair; welders; and fence crew/buffalo (signs and work zone safety).

Transportation staff reports to the tribe's road and bridge director.

Training and continuing education is provided for in-house staff working on transportation programs through Indian LTAP located at Oklahoma State University in Stillwater, Oklahoma, and the Kansas DOT Conference training.

Planning

The current transportation plan was prepared in 1986 by the consultant engineering firm Martell and Associates. The tribe is currently in the process of preparing a new plan (the Southern Plains BIA Anadarko are currently putting the preparation of a new plan up for bid). The plan was adopted by the tribal council in 1986.

The tribe reports that a significant proposal contained in the plan was the need for better, modern, and safer infrastructure.

The tribe reports that 100% of the plan has been implemented; according to Mr. Ramirez, "19 years ago we were a poor tribe with dirt roads and single lane bridges, wood plank and stone bridges built by WWI veterans and WPA days. County commissioners at the time told their road supervisors to quit helping those Indians."

Citizen participation was included in the planning process in the form of public meetings and public hearings, although Mr. Ramirez indicates that funding was low at the time.

The plan contained linkage to the following activities:

- Land-use planning (traffic counts)
- Housing
- Public utilities, including water and sewer (water, electric, phone, fiber optics, drainage areas)
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Roads that lead to U.S. trust or tribal land
- Agricultural crop land and pasture

Coordination with Outside Agencies

BIA. The tribe coordinates with BIA through P.L. 93-638 maintenance contracts and P.L. 93-638 bridge contracts. The tribe also receives BIA IRR funding. The local BIA Horton Kansas Agency has a road engineer on staff.

U.S.DOT. The tribe worked with U.S.DOT for enhancement funds for a pedestrian and bicycle path.

Other federal agencies. The tribe coordinates with the U.S. EPA, U.S. Army Corps of Engineers, FEMA, and FHWA's Emergency Relief for Federally Owned Roads Program.

State transportation agencies. The tribe coordinates with Kansas DOT.

County transportation agencies. Jackson County Road and Bridge Department maintains 33% of reservation roads (60 of 180 total reservation roads).

Funding/Major Projects

Operating expenses for 2004 were $1.8 million, of which 10% came from BIA, and 90% came from a tribal gas tax and tribal general fund supplements. All of the tribal gas tax is used for road maintenance purposes, which amount to approximately $300,000 per year.

Capital expenditures for 2004 were $1.4 million, of which 52% came from BIA and 48% came from tribal funds.

Major projects that were completed in the last year include:

- Overlay of 150 Road Highway 75 to Casino
- Three tribal bridges
- Two BIA bridges completed, both on FAS routes
- Process of obtaining right-of-way for six-mile project (Witchaway Road)
- Completed Phase II of a six-mile BIA IRR project—the reservation's first asphalt road was Phase I in 1996 8.2 miles 100% BIA funded.

Unmet Needs

The greatest unmet needs are seen as:

- Overlay of main road 158 west Phase I built in 1996 by BIA
- 20-year long-range transportation plan
- Funding of BIA IRR TIP

Maintenance

Maintenance of roads, including roads providing access to the reservation, is provided by grading, general and heavy maintenance, snow plowing, placement of gravel, repair and replacement of drainage structures, signage, mowing, tree removal, and cleaning. School bus routes are a priority for maintenance. There are four school districts serving the reservation.

BIA bridges are inspected every two years by BIA, and the tribe inspects tribal bridges. Maintenance of rights-of-way is provided by mowing and tree removal. Signs are maintained by replacing as needed, and road numbers and letters are installed at all intersections. The tribe also operates transit—one small bus for handicapped persons, one van, head start buses, boys and girls club transportation, and senior site meal delivery.

Safety

Signalization. The tribe does not have a signalization program.

Signage. The tribe posts speed limit, school stop ahead, stop, and weight limit signs.

Channelization. Minor collectors lead to asphalt roads, major roads, and Federal-Aid Secondary routes.

Road reconfiguration. Most roads on the reservation are on square miles north and south, owing to the allotment act. Most roads were laid out in 1904.

Speed control. The tribe has posted tribal police enforced speed limits and reduced speed in some zones. Generally, speed limits are 55 and 45 mph on paved roads, and 45 mph on gravel roads.

Pedestrian/bicycle/sidewalk safety. The tribe is currently working on a program for pedestrian/bicycle/sidewalk safety.

Child car seats. The Tribal Police Department handles child car seats programs.

Seat belt safety. The Tribal Police Department handles seat belt programs.

Safe routes to schools. The tribe uses school buses.

Alcoholism counseling or intervention related to operation of vehicles. The Tribal Police Department, Employee Assistance Program, and Alcohol and Drug Departments handle alcoholism issues.

Innovation/TTAP Assistance

The tribe has funded and built 22 miles of tribal bridges to replace one-lane wood plank bridges and underdesigned bridges for drainage areas.

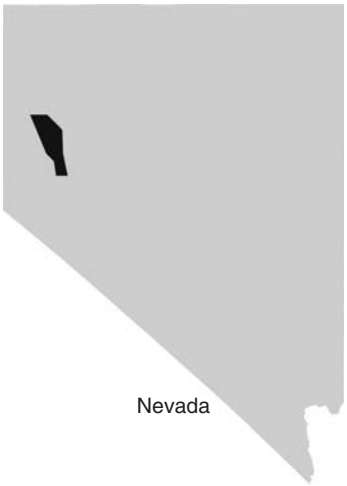
The tribe is the number one participating tribe in the Oklahoma and Kansas area Indian TTAP at Oklahoma State in Stillwater, Oklahoma.

Desired Changes

Mr. Ramirez indicates that the lack of funding has been a challenge for tribal transportation programs. Further, the passage of the Indian Gaming Law, Class III, has been a challenge because the tribe operates a middle–heavyweight casino with 296 hotel rooms. "When gaming revenue first came the bad shape of the road system and bridges got much needed funds, with additional economic development, growth of population, programs, and services. A new Boys and Girls Club, new senior center, six miles of triple phase power, sewage treatment plant, housing, police, fire department, and health clinic." With all of these services competing for revenue, "road construction is told to seek alternative funding like IRR or BIA like old times."

One desired change is that state transportation grant funding should be included in P.L. 93-638 processes.

Nevada



Pyramid Lake Paiute Tribe
P.O. Box 256
Nixon, NV 89424

Date: July 17, 2005
Revised: June 1, 2006

Contact Information:
Della John, Administrator
Telephone: 775-574-1000
E-mail: djohn@plpt.nsn.us

Tim Wadsworth, Tribal Planner
E-mail: twadsworth@plpt.nsn.us

Basic Tribal Data and Structure

The Pyramid Lake Paiute Tribe has a total census population of 1,388. Although total tribal membership is 2,263, the number of members on the reservation is 1,054; the remainder being non-members including non-Indians, based on a 2005 survey for BIA. The tribe's total reservation land area is 475,000 acres. The tribe operates under the IRA, Constitution, and bylaws approved on January 26, 1936, by the U.S. Department of the Interior. The tribal council has 10 members, two of whom are the chairman and vice-chairman. Everyone serves a two-year term, with six elected one year (including the officers), and four the other, on a staggered basis.

Transportation Responsibilities

The Pyramid Lake Paiute Tribe operates its own transportation program under a P.L. 93-638 contract with BIA. It includes the following components that are operated by the tribe with a consultant: Preparation and maintenance of a long-range transportation plan. (The tribe hires a consultant through the 2004 BIA 2% transportation planning fund. Previously, BIA funded a consultant though the 2% transportation planning fund.)

Additionally, BIA is responsible for the following components of the transportation program:

- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Construction of new roads and bridges

BIA and the tribe work together on the following components of the transportation program:

- Overseeing contractors in construction projects
- Maintenance of roads

The state of Nevada operates the following programs:

- Operation of air, freight, rail, port, or multimodal facilities
- Bikeways and bike paths

The tribe and the state of Nevada operate the following programs:

- Maintenance of existing roads (Nevada DOT maintains state rights-of-way)

BIA and the state of Nevada operate the following programs:

- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Bridges
- Inspection of transportation facilities (bridges, roads, signage)

The tribe operates the following programs itself:

- Transportation safety program
- Public transportation system
- Construction and maintenance of sidewalks

The tribe operates a public transportation system for its senior citizens, taking them to Reno for shopping and delivering food to those who cannot make it to senior centers. The health clinic transports patients to and from Reno. The tribe owns vans and one big bus.

Additionally, the tribe has a National Scenic Byways designation from the federal government. FHWA pays for the advertisement of the byway, printing maps and showing people where the byway is.

Staff

The tribe reports one maintenance staff person working on transportation programs. The staff does not include a professional planner or a professional engineer. Beyond that, the tribal planner was initially involved when the plan was prepared, but otherwise is involved only periodically as needed. He had worked for the housing department development before becoming the tribal planner.

Training has been available to the maintenance worker, who has benefited from heavy equipment training facilitated through the tribe's P.L. 93-638 contract. The training has occurred in Arizona and in Carson City, Nevada, usually arranged through consultants.

Planning

The current transportation plan was prepared in 2004 by a consultant, Ayala and Associates. It was adopted by the tribal council in 2004. The tribe does not report any significant proposals contained in the plan, and it reports that none of the plan has been implemented to date because it is waiting for funding to accrue.

Citizen participation was not included in the planning process.

The plan contains linkages with the following other activities:

- Land-use planning
- Community and economic development

Coordination with Outside Agencies

BIA. BIA is doing surveying and planning for new roads.

U.S.DOT. No coordination reported.

Other federal agencies. The tribe's environmental department oversees any environmental issues and reports to EPA and BIA.

Regional councils of government. No coordination reported.

State transportation agencies. No coordination is needed because sealing and striping of the roads are completed as needed.

Funding/Major Projects

Operating expenses for 2004 were $58,000, which came from BIA and the state of Nevada. Percentages from each were not specified.

The tribe did not report *capital expenditures* for 2004.

The tribe reported that there were no major projects completed in 2004.

Unmet Needs

The greatest unmet needs are seen as:

- Safety and maintenance—pavement striping, ability to sand and salt paved roadways
- Fixing a shortage of signs

Maintenance

Maintenance of roads, including roads providing access to the reservation, is handled by one tribal staff person, who performs daily maintenance such as grading, weed control, pothole repair, and equipment transport and maintenance. Sealing of the tribal roads is completed by the tribe with assistance from BIA. The tribe handles rights-of-way up to 50 ft from the center line throughout the reservation, maintaining shoulders and doing weed control. Bridges, which are on the state highways, are handled by the state.

Sidewalks involve a very limited maintenance commitment. Sidewalks are located at two apartment complexes; maintenance is the responsibility of the housing authority.

Maintenance of signs consists of replacing damaged signs and erecting residential signs. The tribe did not report any maintenance activities for bridges, rights-of-way, sidewalks and pedestrian facilities, bikeways or bike lanes, or public transportation.

A recently completed bicycle path runs along the Truckee River, with portions on or near State Routes 447 and 446, for a total of 35 miles, which are managed by the state highway department.

Maintenance of public transportation vehicles is handled by either the health clinic or senior citizen program, depending on which operates the vehicle.

Safety Programs

Signalization. None.

Signage. The tribe has speed signs and street name signs.

Channelization. None.

Road reconfiguration. BIA converted some roads to 90 degree turns.

Speed control. The tribe uses speed limit signs in residential areas.

Pedestrian/bicycle/sidewalk safety. None.

Child car seats. None.

Safe routes to schools. None.

Alcoholism counseling or intervention related to operation of vehicles. The tribal police handle DUIs and publishes a monthly article in the tribal newspaper on the subject.

Innovations/TTAP Assistance

The tribe did not report any innovative programs.

The tribe utilizes TTAP information and notices of training.

Desired Changes

The tribe simply indicated the desirability of more funding.

Minnesota

Minnesota

Red Lake Band of Chippewa Indians
P.O. Box 550, Highway 1 East
Red Lake, MN 56671

Date: June 22, 2005
Revised: August 24, 2006

Contact Information:
Jim Walker, Director, Tribal Roads
Telephone: 218-679-2416
E-mail: jwalker@paulbunyan.net

Basic Tribal Data and Structure

The Red Lake Indian Reservation has a 2000 census population of approximately 5,400, out of a total tribal enrollment of approximately 10,000. It is estimated that 2% of the reservation residents are non-Indians. The tribe's total land area is 837,736 acres. The tribal government structure is an 11-member tribal council that includes an elected chairman, plus a secretary and treasurer. Four districts each elect two representatives for staggered four-year terms, with two members being elected each time. Seven hereditary chiefs also serve an advisory role. The chairman is the chief elected officer and can vote to break a tie. The chairman appoints a tribal administrator to oversee daily tribal operations.

Transportation Responsibilities

The Red Lake Band of Chippewa Indians operates the IRR program under a P.L. 93-638 self-governance compact, the first in the nation to do so, in 1999. The tribe operates a bus transit program with grant funds through the Minnesota DOT (MnDOT) supplemented by the IRR program. The Tribal Transportation Program includes the following elements:

- Program planning and administration
- Capital budget and annual funding agreements
- Survey, design, and construction of new roads
- Construction contract administration
- Road maintenance
- Operation of a transportation safety program
- Operation of a public transportation transit program (dial-a-ride)
- Construction and maintenance of a 5-mile bike path in cooperation with MnDOT

Additionally, the transportation program includes an inventory of transportation facilities that consists of the following:

- Road and rights-of-way
- Pavement management system
- Bridges
- Signs
- E-911 addresses
- BLM-sponsored Geographic Coordinate Data Base (GCDB) cadastral survey update
- Constructs or maintains bikeways.

Staff

The tribe reports 25 FTE staff people working on transportation projects. Of these, 12 are in engineering, 7 in transit, and 6 in maintenance. This includes one professional planner, who at the time of this study was on paid leave at Cornell University with plans to return. Others on the staff included a professional engineer, licensed archeologist, surveyors, and GIS/Geographic Coordinate Data Base staff. The tribal engineering/transportation staff reports to Jim Walker, the director.

Training is provided for staff through college and technical school scholarships and financial aid, and trade training programs such as the MnDOT Rural Transportation Assistance Program. The two GIS programmers at the time of the study were enrolled full time at a technical school, studying for associate of arts degrees, and moving on to study business at Bemidji State University. The three surveyors on the staff have attended standard training programs in their field. The maintenance staff takes advantage of training through MnDOT and TTAP. Technicians are certified through MnDOT for project inspection and concrete aggregate. The lead transit driver has received certified driver training instruction from MnDOT.

Planning

The tribe has adopted a Land Use and Transportation Plan for the reservation that was completed in 1999 after forming a partnership with the Headwater Regional Development Corporation. The tribal council must pass all amendments to this plan. The long-range transportation plan covers 20 years from 2005

to 2025. The last amendments were approved in 2004, but the tribe will be amending it again in 2006.

This plan includes a TIP through 2005. It also includes housing needs projections for each tribal community and the corresponding infrastructure to support these needs through 2010. There were no time constraints on the proposed road construction.

The plan's most direct impact is that the tribe has a housing agency that is funded every year through HUD for one or two housing developments. This is always coordinated with the transportation master plan, at a minimum situated to be served by the long-range plan. In the Red Lake and Redby areas, portions of arterials are incorporated into local road design for access, which is ultimately utilized when buildout is complete. The transportation plan drives funding by other agencies. A major component is the construction of a primary arterial road with secondary connector roads near the town centers of Red Lake and Redby to accommodate expected population growth. This transportation system is designed to control and enhance development of the infrastructure necessary for projected growth driven by existing unfilled housing needs. In addition, under the wastewater improvement plan, access is situated by the plan and maintenance designed on the right-of-way for the long-term arterial plan for future upgrades.

The first stage of this plan was realized by the 2005 completion of the Thunder Lake Road arterial, associated collector and development roads, and subsequent housing construction in the area. The Red Lake Tribal Public Participation program that defined this project is the model driving future projects in the Land Use and Transportation Plan.

Citizen participation in the plan took the following forms:

- Public meetings
- Website information

The tribe has used charrettes, but these are generally limited to key departmental directors and not broad-based public charrettes. The tribe has its own website, which is regularly used to publish notices and host discussion forums such as newsletters.

The plan has numerous linkages with other planning functions, including:

- Land-use planning
- Public utilities, including sewer and water
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Forestry

As noted earlier, the arterial design in the transportation plan defined the boundaries for the land-use plan.

The engineering staff includes a full-time archaeologist, who handles environmental assessments and environmental impact statements, common review process, categorical exclusions, and clearinghouse activities. This person is intimately involved with design, transportation, and urban and housing development. It is a high-profile role within the tribe, directly tied to compliance with NEPA and the Historic Preservation Act.

The tribe has also approved a major reforestation project. Transportation will not interfere with long-term reforestation, which involves approximately 5,000 acres of reforestation per year for 10 years, or ultimately 50,000 acres. The tribe operates its own forestry positions in the Department of Natural Resources, and manages forest cutting contracts, and development, land clearing, and reforestation. Forestry is a major concept in master plan development for the tribe and is intimately involved in any transportation design because of ongoing activities, which include brush clearing and harvesting, which takes a toll on road use.

Coordination with Outside Agencies

BIA. The tribe has an Annual Funding Agreement with the Secretary of the Interior through the Office of Self-Governance for the operation of the IRR program formerly operated by BIA.

FHWA. The Red Lake Tribe is in the process of developing administrative process and guidelines under SAFETEA-LU for direct government-to-government roads program funding agreements with FHWA and also receives direct project specific funding from BIA, USDA Rural Development, HUD, Economic Development Administration, and the BLM. The tribe says it intends to be the first to contract directly with FHWA under SAFETEA-LU which allows this as an alternative to a P.L. 93-638 compact with the Secretary of the Interior.

BLM. Red Lake is one of the first tribes to work with BLM on the new Geographic Coordinate Data Base. The tribe is taking cadastral surveys and going back to research all of the original land surveys previously done; inputting the data township by township into the database to find errors and correct them. They then run the data through least-squares analysis to correct the overall township-to-township connections. They make direct ties to find points in a field in laying out a survey foundation. Red Lake is one of the four tribes in the country selected to determine whether they can train tribal members to input data so that subsequent surveys can be added to the database, part of a long-term model for "tying information to a more accurate foundation." The tribe is currently training people, with plans to take over maintenance of the program for the long term. They will probably create a survey grade for all surrounding counties in Minnesota. One result will be to identify trespass issues and right-of-way issues with utilities and other land-use problems.

USDA. USDA primarily funds enterprise programs for the tribe. This has an indirect relationship to transportation because of load-bearing design considerations for transportation routing for all required industrial zoning and industrial areawide development. USDA is also involved in providing financial support for infrastructure activities, such as new community wastewater facilities being sited in accordance with the land-use plan.

HUD. HUD is usually involved with smaller housing developments of 10, 20, or 30 acres, which are sited and controlled through the Land Use and Transportation Plan.

Regional councils of government. The tribe is a member of the Area Transportation Partnership under the Northwest Regional Plan. Since the passage of ISTEA at the federal level, the Red Lake Band has had a seat at the Partnership. The tribe has a voice in the development of transportation projects at the city, county, and state levels, including U.S. and state highways.

State transportation agencies. The tribe has three fairly immediate environmental mitigation issues, and is coordinating

with design people at the MnDOT to implement some required measures. Some mitigation mandates from the U.S. Army Corps of Engineers concern fish passages. The tribe has support from MnDOT for modifications to an existing green culvert system designed and owned by the agency. They are also implementing design modifications into stream flow and water inlet areas and redesigning highway curves. In Redby, they are in preliminary stages of trying to include design requirements to incorporate mitigation with regard to a failing earthen dam structure that is "not necessarily the responsibility of MnDOT," but will include a bridge and some DOT assistance. Overall, the pattern is one of growing cooperation, in which "we are trying to work out where we can do things more easily together. Right now state statutes and the idea of sovereignty get in the way when we just want to work together. We're trying to head more toward peer-to-peer relationships to get something done in transportation."

Other transportation providers. The Red Lake Tribe coordinates its local transit program with state and local transit programs.

Funding/Major Projects

Annual operating expenses are approximately $500,000 of a total annual IRR allocation of $2 to $2.5 million, with 25% going to operating and administrative expenses and 75% to capital costs. Funding source breakdown has recently been approximately 78% from BIA's IRR program, 9% from Economic Development Administration, 9% from BIA Facilities Management, and 4% from BLM.

The tribe has a tax agreement with the state of Minnesota, under which 80% of the state gas tax collected on the reservation is returned to the tribe, approximately $1 million per year. The tribe uses these funds to maintain routes not on the IRR system. Although the tribe has three small casinos, they do not produce revenue for transportation.

Major projects completed in 2005 included the following:

- Thunder Lake Road paving
- Ponemah Point Road reclaim and paving; reconstruction
- River Road reclaim, paving, and overlay; major repair

Unmet Needs

The greatest unmet needs for the tribe's transportation programs are adequate funding for the tribes IRR construction and maintenance programs: The tribe has 550 miles on the Red Lake reservation and another 100 miles in restored properties. "It takes manpower to identify the roads and get them into the inventory."

Road Construction

The Tribe's Relative Needs share of IRR funding has been reduced as a result of a change in BIA inventory system. This reduction in funding is affecting the ability of the tribe to construct its highest-priority projects. The tribe hopes that the recent inventory update will restore the funding to its previous level, which is still adequate to meet all the tribe's construction needs.

Maintenance

The biggest problem with keeping the existing transportation systems in good repair is with roads on BIA system. The tribe notes that, under federal funding allocations, "states get $5,000 per mile, but Indian tribes get $800 per mile. Under ISTEA, 15% of the IRR allocation was allowed for road sealing. Ironically, the Department of the Interior reduced the road maintenance allocation by 15%." The need to spend a higher percentage of money on upgrading roads is the result of a huge portion spent on deferred maintenance. "We end up rebuilding rather than upgrading." In a heavy snow season, 90% of funds are spent on snow removal, leaving a big unmet need for funding for road construction.

The tribe handles maintenance of roads, including those providing access to the reservation. There is a comprehensive TIP that provides a schedule of road system maintenance, rights-of-way, bridges, bike paths, and transit system improvements. Snow and ice produce a yearly struggle for road maintenance, given the northerly climate. Although the tribe handles this itself, it does receive a little help from the MnDOT.

Safety Programs

The Red Lake Tribal Public Safety Plan incorporates input acquired from consultation with MnDOT.

Signalization. None.

Signage. The maintenance department handles signage to conform to standards.

Channelization. The tribe has installed some turning lanes.

Road reconfiguration. Highway 1 was reconfigured in 1989 by taking out a curve in the road and replacing it with a T intersection.

Speed control. The tribe got a grant from the NHTSA for radar.

Pedestrian/bicycle/sidewalk safety. In 2003, the tribe completed a five-mile bicycle path project (that will accommodate pedestrians) through a cooperative project with MnDOT on State Highway 1 between the communities of Redby and Red Lake.

Child car seats. NHTSA provides free child seats.

Seat belt safety. Nothing reported.

Safe routes to schools. The tribe is in the process of using BIA money to redo water lines, sewers, and streets adjacent to the high school. The redesign will involve rerouting for on-site drop-off and pickup areas, with utility and street changes and highway inlet and regress notifications. They are also moving some existing buildings and getting a new outlet for the high school to separate incoming and outgoing traffic.

Alcoholism counseling or intervention related to operation of vehicles. The tribe's chemical health department also implements a program for drug and alcohol counseling or intervention related to vehicle operation.

Innovations, Cooperative Projects, and Assistance

The Red Lake Band reports several innovations that could easily be of some utility to other tribes. Many of these involve the development of creative working relationships with outside entities to solve transportation problems. For instance, the tribe has worked with the U.S. Army Corps of Engineers, which operates a dam at an outlet of Lower Red Lake, and the tribe maintains the approaches to this structure. In these and some other

situations on the reservation, highway design and construction has also involved collaboration with MnDOT.

The tribe also overcame some legal obstacles that had prevented the state from contracting with the tribe because of its sovereign status, by persuading the legislature to authorize state agencies to contract directly with the Indian tribes in Minnesota. The tribe can now do more cooperative work with the state.

The absence of physical addressing has produced another area of innovation. Residents lack physical addresses because the property is owned by the tribe rather than individual landowners. However, with federal funding for law enforcement, the tribe has been able to move forward with an innovative E-911 address inventory using GIS technologies to provide location information for all residences. As a result, when fire and rescue services get a 911 telephone call, the software flashes the location on a map of the area. The telephone company has had locations for main distribution nodes but no addressing information beyond that level; therefore, that call shows up as an area node, not a specific street address, thus providing no specific idea which house or telephone line originated the call. The tribe is working with the telephone company to go out and physically identify the end points for the copper lines and electrical meters, then assigns addresses and locates residential areas on surveys.

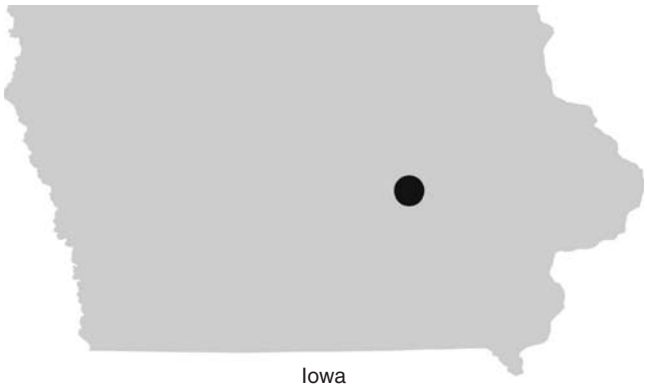
The tribe has also developed a unique partnership with a U.S. military program called Walking Shield. Under this program, the military will come into a reservation to build whatever is needed as part of a training program for the National Guard, whose personnel must undergo such a two-week training course every year. The tribe must provide materials, but the Guard provides the labor and equipment. Projects have included rebuilding an existing road through 11 miles of swamp, including such improvements as removing beavers from culverts.

The tribe has utilized the services of the TTAP at Red Lake and nearby reservations, including trail development along a highway, fitting in with one of the tribe's long-term goals and providing a "very good planning exercise." There has also been some exchange of information and equipment for snow and ice control.

Desired Changes

The provision for direct funding agreements between the tribes and FHWA as provided in SAFETEA-LU is a major improvement in the administrative process. In the future it would be beneficial to replace the current BIA roads inventory program for fund allocation with one that is predictable, consistent, and uniformly applied.

Iowa



Sac and Fox of the Mississippi in Iowa
349 Meskwaki Road
Tama, IA 52339-9629

Date: May 12, 2006

Contact Information:
Sandra Monck
Telephone: 641-484-4678
E-mail: smonck@meskwaki.org

Curtis Seymour
Telephone: 641-484-4600
E-mail: ccseymour@meskwaki.org

Basic Tribal Data and Structure

Although the 2000 census put the Sac and Fox population at 761, a 2005 housing survey recorded 1,462 tribal members living on the Meskwaki Settlement. The total land area owned by the Settlement is 6,967 acres in Tama County and approximately 700 conservation acres in Palo Alto County, Iowa. Small areas within the Settlement are not in Tribal Trust; however, the process is ongoing to add these land areas into the Trust. The governance structure consists of an elected tribal council with a tribal chairman, assistant chairman, secretary, treasurer, and three other members, all serving four-year staggered terms. An executive director oversees tribal operations. A tribal court system was established in 2005 and is comprised of a civil court and criminal court. The civil court is fully operational. The criminal court is currently being developed, having completed its criminal code. The tribal police department is not operational at this time. Currently, a police chief and two officers have been hired, with the remaining three officers in training. The department anticipates being operational in late July or early August 2006.

Transportation Responsibilities

The Sac and Fox tribe operates a transportation program with the assistance of BIA and outside consultants. The program includes the following components:

- Preparation of a long-range transportation plan (by CGA Consultants)
- Preparation of a transportation capital improvement program (by CGA Consultants, currently being updated by the tribal planner)
- Design and construction of new roads (contracted through requests for proposals)
- Overseeing contractors in construction projects (by the Director of Public Works)
- Maintenance of existing roads (by the tribe)
- Operation of vans, scheduled and on-demand (by the tribe)

Additionally, the tribe and BIA jointly maintain an inventory of transportation facilities, with the following components:

- Road and rights-of-way
- Bridges.

The tribe indicated that a pavement management program and more signs are necessary. It is considering removing a number of roads from BIA inventory to keep non-Indian interference to a minimum within residential areas.

Staff

The tribe reports that between five and six full-time staff work on transportation programs. The tribal planning director, hired in October 2005, graduated from a transportation planning accredited university and has 14 years of transportation and urban planning experience in other regions of the country. Professional engineers either come from BIA or are contracted by the tribe as consultants. Other staff members mainly engage in road maintenance and public works projects and do not have professional qualifications. All staff affiliated with transportation projects either report to the tribal executive director or the public works director.

Continuing education for staff is provided by BIA-sponsored workshops and seminars.

Planning

The current transportation plan was prepared by CGA Consultants in May 2005. The plan has a 20-year time frame and was adopted by the Tribal Council in 2005.

Significant proposals of the transportation plan include:

- US Highway 30 casino interchange
- Access road to the health clinic

- Bridge replacements
- Paving Meskwaki Road, which bisects the settlement and is a gravel road

Approximately 40% of the Tribal Transportation Improvement Plan contained within the 2005 long-range plan has been implemented.

Citizen participation was part of the planning process and took the following forms:

- Public meetings, held at the Tribal Center after working hours, to gather community input and later compiled and integrated before plan was submitted to the Tribal Council.
- Website information
- The tribal newsletter

There was informal linkage between transportation planning with the following other planning activities by the tribes:

- Land-use planning
- Historic preservation and archaeology

The tribe indicated that these linkages were moving toward a more formalized process by centralizing data onto GIS-generated maps and reports.

Coordination with Outside Agencies

BIA. BIA provides funding and technical support for planning, engineering, inventory maintenance, operations, and construction.

U.S.DOT. No coordination needed.

Iowa DOT. The tribe has a working relationship with the Iowa DOT and is working towards securing state funding for the U.S. Highway 30 interchange at the casino entrance.

Regional councils of government. The tribal settlement is located in Iowa DOT Region VI. The tribe has coordinated with the Tama County engineers for the U.S. Highway 30 casino entrance interchange and other bridge projects.

Funding/Major Projects

A. FY 2005 tribal funds were expended for the following:

1. Equipment purchase	$205,851.09
2. Road maintenance (includes expenses for rock, signage, safety devices, erosion control, snow/ice, salt, and lime)	$43,535.82
3. Dust control	$25,076.67

B. FY 2005 BIA funds were expended for the following:

1. Road maintenance	$44,732.00

Unmet Needs

The greatest unmet need is funding for the following purposes:

- Paving projects and signs for small residential roads
- Engineering
- Traffic counts

Maintenance

The tribe handles maintenance of roads, bridges, rights-of-way, and signs. The tribe has not yet maintained sidewalks, bikeways, or bike lanes; however, these are features of upcoming construction projects and will be added to the maintenance program.

Safety Programs

The tribe does have a transportation safety program, which includes the following elements:

- *Road reconfiguration.* US Highway 30 interchange at the casino entrance will improve capacity and safety issues for settlement residents and visitors.
- *Speed control*. Speed limit signs are located near the casino at 10 mph and on 305th Street at 30 mph. Enforcement has traditionally been by Tama County, but this will shift to the tribe's police force.
- *Safe routes to schools*. Many younger families reside north of US Highway 30 and send their children to the Meskwaki Settlement School located south of US Highway 30. No walking or bicycle trails or underpasses exist for children living north of US Highway 30 to walk or bicycle with safety to school. The addition of bike baths and an underpass as part of the US Highway 30 interchange project will solve this safety problem.
- *Alcoholism counseling or intervention related to operation of vehicles.* The tribe operates an alcoholism counseling program—Meskwaki Alcohol and Drug Abuse Center.

The tribe does not have the following safety programs:

- Signalization—not an issue with the Sac and Fox Tribe
- Signage
- Channelization

Innovation/TTAP Assistance

The planning process for the US Highway 30 interchange, a $5.8 million project at the entrance to the tribe's casino, has involved a number of safety innovations and initiated coordination with the Tama County Engineer and Iowa DOT for RISE (Revitalize Iowa's Sound Economy) funding. The majority of Iowa's RISE funding opportunities focus on economic development initiatives for cities and towns. RISE dollars available for the more rural areas are scarce and highly competitive. The tribe has used TTAP training and information services in the past and will continue to use these services.

Desired Changes

Sandra Monck, Meskwaki Planning Director, indicated that the tribe will aggressively seek grant opportunities from sources outside BIA. She also stated "that as a federally recognized tribe, other forms of government must recognize the tribe as 'equals.' Perceptions exist that federally recognized tribes are less adept. The tribal leadership of the Sac and Fox Tribe of the Mississippi in Iowa is perceptive but cautious. They feel strongly about their sovereignty and self-determination and strive to balance their culture with progress to survive as the Meskwaki Nation. Others must learn to recognize and appreciate the fact that the tribe is a serious economic contributor within the region."

New York

Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Date: August 30, 2005
Revised: July 26, 2006

Contact Information:
Travis J. Solomon, Construction Infrastructure Manager and Tribal Planner
Telephone: 518-358-9213
E-mail: tsolomon@srmt-nsn.gov

Basic Tribal Data and Structure

As of July 27, 2006, the Saint Regis Mohawk tribe had a population of 11,880. The size of the reservation is 14,760 acres.

The governance structure of the tribe consists of three chiefs and three sub-chiefs, with a staggered election every three years.

Transportation Responsibilities

The Saint Regis Mohawk Tribe operates its own transportation program under a P.L. 93-638 contract with BIA. The program includes the following components, all of which are managed directly by the tribe:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Operation of a transportation safety program (three buses on both a scheduled and request basis to serve the elderly, plus ten servicing casino customers)
- Operation of a public transportation system
- Maintenance of an inventory of transportation facilities, including the following:
  - Road and rights-of-way
  - Pavement management systems
  - Bridges
  - Signs.

Staff

The tribe reports eight FTE staff working on transportation programs, which includes one professional planner and no engineers. Mr. Solomon indicated that the tribe is currently in the process of hiring a professional engineer. The other staff includes one individual who serves as both an engineering technician and foreman for the construction crews, the maintenance and construction workers who comprise the crew, one construction inspector, and an administrative assistant.

All of the transportation staff reports to Mr. Solomon, who reports to the director of the Planning and Infrastructure Department. Training and continuing education are provided for in-house staff working on transportation projects.

Planning

The current transportation plan was completed in 2000, with a time frame of 20 years. The Saint Regis Mohawk Tribe Planning and Infrastructure Department, in conjunction with a consulting engineer specializing in planning, prepared the plan, which is actually part of a larger plan that also addresses economic development. The governing body of the tribe adopted the plan in 2002.

Three significant proposals contained in the plan are:

- New road work
- Water plant upgrade and infrastructure
- Sewer plant upgrade and infrastructure

Mr. Solomon indicated that approximately 20% of the plan has been implemented to date. He says that the road work includes a goal of annually reconstructing three miles of paved road, following a sequence laid out in the plan.

Citizen participation was included in the planning process, in the form of public hearings, public meetings, and a survey.

Coordination with Outside Agencies

BIA. Regular coordination occurs between the tribe and BIA, largely centered on budgeting and administration of the P.L. 93-638 contract.

U.S.DOT. None.

State DOT. The tribe receives some Indian set-aside money from the state highway department, including $1.25 million last year. The state and tribe coordinate maintenance and other work on state arterial roads that run through the reservation.

Regional councils of government. Very little if any coordination exists in this area.

Funding/Major Projects

Operating expenses for 2003 were approximately $250,000 for transportation purposes. Twenty percent of the funding came from BIA, 30% from other federal sources, and 50% from tribal sources.

Capital expenditures for 2003 were approximately $400,000. Twenty percent of the funding came from BIA, 30% from other federal sources, and 50% from tribal sources.

Three major projects that were completed in the last fiscal year were:

- Water plant upgrade
- Phase IV of water plant project, which involved the water tower
- Reconstruction of Christine Road and Mary Road

Mr. Solomon indicated that the water plant upgrade involves seven phases, the last of which is now in progress, after which another seven-phase project, focused on sewage treatment, will follow.

Unmet Needs

The three greatest unmet needs are seen as:

- Funding. Mr. Solomon noted that, with $700,000 per year in BIA funding, and a goal of resurfacing three miles of road per year at a cost of $1.2 million per mile, the tribe receives less than 20% of the money it needs.
- Material sources. The reservation is uniquely situated on the Canadian border, with part of the Mohawk Nation in Canada. Because of "buy American" requirements in transportation funds, it costs the tribe approximately 40% more for resources for construction work than large cities pay, mostly because of the need to transport them to a distant location, but the tribe could get them more cheaply in Canada if allowed to import them. Mr. Solomon noted that the IHS is able to save 20% to 30% in this way, but the transportation program is not.
- Government assistance. They simply need more.

Maintenance

Maintenance of transportation facilities is undertaken by a spring survey to schedule maintenance activities.

Roads. The tribe handles road maintenance, but Mr. Solomon notes that, with 70 miles in the BIA road system, the $120,000 provided for maintenance is used mostly for winter road clearance, such as plowing.

Bridges. There are none.

Rights-of-way. The tribe maintains these, handling such tasks as drainage, culvert maintenance, and mowing.

Signage. The tribe checks signs at least annually, replacing as necessary according to AASHTO standards.

Public transit. The tribe has a maintenance garage that handles routine tasks for its bus fleet, such as oil changes. Large jobs, such as engine work, however, are contracted out.

Safety Programs

Mr. Solomon indicated that the tribe implements the following safety programs:

- *Signalization.* Traffic signals are all on state highways and thus are the responsibility of the state of New York.
- *Signage.* The tribe regularly checks speed signs and road signs and replaces as necessary according to AASHTO standards.
- *Channelization.* This is done in consultation with a professional engineer, according to AASHTO standards.
- *Road reconfiguration.* This is handled in the same way as channelization.
- *Speed control.* Tribal police handle enforcement under tribal traffic codes.
- *Child car seats.* The tribal Safety Department has a program to provide free car seats for children, and the police monitor for enforcement.
- *Seat belt safety.* Compliance is also monitored by tribal police.
- *Safe routes to schools.* The school system takes care of safety for school children en route and manages school bus routes, monitored by the state board of education.
- *Alcoholism counseling or intervention related to operation of vehicles.* The tribe has its own programs for drug and alcohol rehabilitation, which attract outside users from elsewhere in the state.

Innovations/TTAP Assistance

Mr. Solomon indicates that the Saint Regis Mohawk Tribe looks for inexpensive ways to improve infrastructure.

Mr. Solomon says that the tribe has utilized the TTAP training programs for road maintenance, snow removal techniques, and other conferences.

Desired Changes

According to Mr. Solomon, one desired change that he would like is to "get some new people in BIA that will fight for our eastern region. All funding gets allotted to the western tribes."

Oklahoma

Oklahoma

Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

Date: August 15, 2006

Contact Information:
Chris Cutler, P.E., Director of Transportation
Telephone: 405-257-7294
E-mail: ccutler@seminolenation.com

Matt Morris, AICP, Transportation Planner
Telephone: 405-257-7296
E-mail: mmorris@seminolenation.com

Basic Tribal Data and Structure

The Seminole Nation of Oklahoma had 12,750 people according to the 2000 census; however, as of January 2006 the tribe had 14,964 people. The tribal land area does not involve a reservation because of the unique history of tribal land allocations in Oklahoma. However, tribal lands include approximately 50% of Seminole County, which covers 633 square miles, so that the total tribal land area is 202,650 acres.

The tribal governance structure consists of a principal chief, who is the chief executive, and a 28 member council, with two representatives for each of 14 bands represented on the council. The chief is elected for four years from the entire tribe, whereas the council members are all elected for four-year terms from their respective bands at the same time the principal chief and assistant/vice chief are elected.

Transportation Responsibilities

The tribe operates all the listed elements of its own program under a P.L. 93-638 contract with BIA. The program includes the following elements:

- Preparation and maintenance of a long-term transportation plan
- Preparation and maintenance of a capital budget or capital improvement program (Tribal TIP)
- Design and construction of new roads
- Overseeing contractors in construction projects

With regard to the last point, the tribe is in a transition phase in which a BIA inspector works concurrently with a tribal inspector who is undergoing training. Within a few months, it is expected that the tribal inspector, their construction representative, will be able to operate alone, and the role of BIA inspector will be phased out.

The tribe is also planning to create a new public transportation system with proposed grants from FTA, through a program managed by the Community Transit Association with the American Public Works Association; however, that is assumed to be a year or two in the future.

The tribe also maintains an inventory of transportation facilities that includes:

- Road and rights-of-way
- Bridges.

Staff

The Seminole Nation employs four FTE staff for transportation programs. Of these, one, the director, is a professional engineer certified in both Oklahoma and California, one is a professional planner certified by the American Institute of Certified Planners, one is a program analyst, and one is a construction representative. This staff all report to the director of transportation, who reports to the principal chief.

The construction representative has certificates as a "Registered Highway Construction Materials Technician" in Asphalt, Concrete, Aggregates, Materials Sampling & Testing; Materials Sampler; HAZMAT Certification; Nuclear Gauge Safety Training Class; and "Trenching & Shoring Competent Person." In addition, he has attended and completed classes for "Interpreting Bridge and Road Plans," "Aggregates Training," and "Asphalt and Materials."

The tribe has a training and continuing education program for in-house staff that includes the following:

- Continuing education units and professional development hours,
- Courses and conferences offered by the TTAP at Oklahoma State University,
- Training in inspection-related topics, and
- Short course in computer skills.

Planning

Until now, the Seminole Nation has not had a long-range transportation plan. However, the Arctic Slope Consulting

Group of Albuquerque, New Mexico, is currently preparing a Long-Range Transportation Planning Study for the tribe, which will result in a long-range transportation plan and an IRR inventory update. The tribe anticipates completion of the plan, with a 20-year horizon, by February 2007, with submission to BIA by March 15, 2007, following its adoption. Three significant elements contained in the plan, approximately 20% of which has already been implemented, are:

- Project prioritization
- Road design and construction
- Creation of a transit system
- Development of a GIS database
- Road inventory update

Citizen participation, expected to take place in the fall of 2006, will take the following forms after published notice of the tribal TIP:

- Public hearings
- Public meetings
- Newspaper advertisements

In addition, the transportation plan considers the following other activities:

- Land-use planning
- Historic preservation, cultural resources, and archaeology
- Community and economic development, and
- The county road system

Coordination with Outside Agencies

BIA. The tribe works with and under BIA's Transportation Division of the Eastern Oklahoma Region. It works with their engineers, construction inspectors, plan check engineer, and contracting officer.

U.S.DOT. None.

Other federal agencies. The tribe is currently working through the community Transit Association and American Public Works Association with FTA and USDA on a grant from FTA offering both long-term and short-term technical assistance to develop a transit program. The tribe will seek to study transit per our submittal. The Nation was selected by the Community Transportation Association to be part of its application to receive and administer short-term technical assistance transit funds from USDA. The Nation will later be seeking FTA funds under the 5311 program, because it is located in a rural area. These may enhance some tribal transportation funds for the same purpose; to obtain operating and rolling stock capital in the form of small buses and minivans, the latter for feeder routes as part of a fixed-route system. The tribe's intent is to base the system on tribal priorities and perspectives, including delivering people to the IHS clinic for treatment and to doctor appointments in the area, as well as to provide access to jobs. The tribe has also applied to FTA for an environmental justice grant to help ensure that the system adequately serves disadvantaged populations.

Regional councils of government. None.

State transportation agencies. The Oklahoma DOT is regarded as quite helpful, having provided a sizeable stock of manuals at no cost to assist the tribe's efforts in developing its program. These include manuals for conducting traffic counts, meeting AASHTO standards, and others. Oklahoma DOT has a Tribal Transportation Advisory Committee, which meets every few months, and to which most tribes send one or two representatives; in the case of the Seminole Nation, this is usually the transportation director and planner. The state also has a tribal transportation coordinator who comes to the meetings.

Other transportation providers. The tribe coordinates closely with the Seminole County Board of Commissioners, which acts as the de facto roads commission for the county. The county handles all road maintenance, but the tribe reimburses the county's costs for the right-of-way agent where those involve Seminole Nation roads.

Funding/Major Projects

Operating expenses for the program during the most recent fiscal year were approximately $200,000 out of an allocation of approximately $1.4 million, all of which came from BIA. The operating expenses cover IRR system planning and construction management services.

Capital expenditures were approximately $1.2 million, all of which came from BIA.

The project completed during the last fiscal year was construction of the Mekusukey Bridge.

Unmet Needs

The greatest unmet needs are seen as:

- Money (greater appropriations and allocations) to build roads
- Tribal transit (see earlier descriptions)
- Planning
- Management

The problem described with regard to planning is largely a remedying of internal shortcomings, with more roads being placed on the TIP than was realistic owing to "a lack of planning foresight." With SAFETEA-LU now in effect, the need to understand the rules, and do better planning is even greater.

Maintenance

Under the Oklahoma Statutes, cities and counties operate and maintain the roads and bridges, so the role for the tribe is largely one of coordination and cooperation. However, as noted earlier, on new rights-of-way, the Seminole Nation agrees to pay the county to acquire right-of-way per federal standards, and standards of the Seminole Nation and Oklahoma DOT. Cities and counties in Oklahoma also have the responsibility for operating and maintaining sidewalks and pedestrian facilities, bikeways and bike lanes, and signs.

With regard to public transit, although the tribe has none in place yet, we are to be awarded a short-term technical assistance program through the Community Transportation Association and USDA for starting up a transit system. The system will be owned and operated by the Seminole Nation, serving the entire population of Seminole County and its cities.

Safety Programs

Signalization. Not applicable.

Signage. Not applicable.

Channelization. Not applicable.

Road reconfiguration. The tribe does these "as needed when designing and building a road" and for "improved alignment."

Speed control. Not applicable.

Pedestrians and bicycles. Not applicable.

Child car seats. Not applicable.

Seat belt safety. Not applicable.

Safe routes to schools. Not applicable.

Alcoholism counseling or intervention related to the operation of motor vehicles. The Tribal Alcohol Substance Program has been taken over and is operated now by the IHS, largely because it has more resources to commit to the program.

Innovations/TTAP Assistance

The tribe does not report any innovative practices at this time (although the prospective transit grant hints at the possibility in the future).

"TTAP has given us early warning about changes in policy and regulations. TTAP has offered short courses and seminars about various technical considerations (GIS, Shoring & Trenching, etc.).

"TTAP has e-mailed and phoned us as necessary, as well as using mail for flyers and registration forms for the excellent short courses, and one- to three-day seminars they offer. Also, they were available when we wanted a break-out session at the Inter-Tribal Conference. Jim Self (the TTAP manager) attended, made an excellent presentation, along with others whom we had invited, and Dr. Self was a cooperative team player. TTAP staff is resourceful, helping us find information (and people) that we need for grant applications and TTIP work, etc. They are very helpful, courteous, and cooperative, a tremendous asset."

Desired Changes

The tribe reports that it is overcoming a "disorganized program" by "hiring professional staff." In terms of changes desired, the tribe would appreciate "anything that would expedite processing of paperwork and approvals at all levels."

Idaho

Idaho

The Shoshone–Bannock Tribes
P.O. Box 306
Ft. Hall, ID 83203

Date: September 28, 2005
Revised: June 8, 2006

Contact Information:
Sherwin Racehorse, Transportation Planner (*no longer there*)
Telephone: 208-478-3931
E-mail: sracehorse@shoshonebannocktribes.com

Basic Tribal Data and Structure

The tribe's Planning Department *Draft 2005 Comprehensive Plan—Demographic & Statistical Profile* element states that, "There is no U.S. Census for the Fort Hall Indian Reservation per se. What the census does is compile data by small areas called blocks and larger areas called block groups. The next level of data is by census tract, tracts being made up of block groups. Data for cities, counties, school districts, states, and Native American homelands (Indian Reservations) is based on census tract and block group data. Census data files are available for block groups and tracts, and are combined to provide statistics for many other jurisdictions, areas, and types of place. The Fort Hall Indian Reservation contains seven block groups within its borders. It contains parts of four census tracts, but census tract-level data have been refined to separate out areas on-reservation." It further identifies the year 2000 U.S. Census total reservation population as 5,759 (includes all races).

According to the tribe's Geographic Information System/Remote Sensing Department, the land area totals 516,123.29 acres. (Base map was acquired from the BIA Geographic Data Service Center, Lakewood, Colorado.)

The Shoshone–Bannock Tribes operate under an IRA-approved Constitution & By-Laws, and current laws, ordinances, and codes that represent Tribal self-governance and jurisdiction. On March 31, 1936, the U.S. Government put before the Tribes' membership a draft IRA boiler-plate constitution, which was ratified by majority vote to the tribal membership present in accordance with the IRA of 1934.

The constitution delegated primary and exclusive judiciary, executive, and legislative powers to the Fort Hall Business Council (FHBC). The FHBC has the authority to transfer its' authority into subordinate boards, committees, or commissions; create/amend various ordinances or codes; and reserves the right to check or amend. Today there are seven members of the FHBC elected annually serving staggered two-year terms of office. There are more than 70 tribal programs and/or departments operating under the Tribes' executive director and the chairman of the FHBC. The Tribes has its own court system and police department. The last organizational schematic, identifying divisions and departments, was approved by a 1995 FHBC resolution.

Transportation Responsibilities

In 1997, the Tribes entered into a P.L. 93-638 (638 contract) project contract to complete a transportation plan and improvement program for the IRR program. The completed *Shoshone–Bannock Tribes 2001 Comprehensive Transportation Plan* (Plan) identified eight major policy priorities and provided an IRRTIP. In 2002, the Tribes entered into an IRR program contract pursuant to P.L. 93-638 regulations and formally established a Tribal Transportation Department. The Tribes annually negotiate contract amendments and an Annual Funding Agreement with the BIA. The Tribal DOT administers, plans, and operates various transportation-related projects as identified on the IRRTIP and Plan. The Tribes subcontract various road and bridge projects that include planning, design, and actual construction. The TERO applies in employment, training, and contracting.

This transportation program includes the following elements:

- Preparation and maintenance of a long-range transportation plan
- Preparation and maintenance of a capital budget or capital improvement program
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Maintenance of inventory of transportation facilities
- Operation of a transportation safety program
- Construction or maintenance of sidewalks
- Construction or maintenance of bikeways and bike lanes

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Bridges
- Signs

The inventory also includes field review and inputting data into a BIA 5704 form that constitutes a complex number of fields and sections related to condition, width, shoulder, functional classification, and other pertinent road data. Graphical strip maps and photos accompany the data that are subsequently submitted to BIA to be inputted into a national inventory database. According to the tribe, "BIA requires other unnecessary addenda including a completed Transportation Plan, which is a requirement for adding or updating existing routes. Regrettably, inventory is directly tied to a distribution formula identified in the new IRR rules and regulations."

Staff

The Shoshone–Bannock Tribes have 10 FTE staff people working on transportation programs. Among these are one professional planner and one professional engineer. The rest are management, administrative, technical, and operational staff qualified subject to tribal personnel departmental criteria and position descriptions.

The staff reports to the director of transportation or, in his absence, a designated appointee, according to an established chain of command criteria.

Staff members are afforded various training opportunities as identified by the Tribes Personnel Department, the Idaho T2 Center, and the Northwest TTAP in Cheney, Washington.

Planning

The current transportation plan was approved in 2001 by resolution of FHBC. In 2005, the Tribal DOT was preparing an update to the 2001 plan and actively participating in tribal planning efforts to complete a comprehensive plan. Dr. Dick Winchell of Eastern Washington University and the Tribal Transportation Planner, Sherwin Racehorse, prepared the Tribes' 2001 Comprehensive Transportation Plan with on-going involvement and feedback from the Tribes' Transportation Committee. Approximately 10% of the plan has been implemented.

Three significant elements contained in the plan were:

- Creation of a Tribal Transportation Department through 638 contracting of the IRR program and creation of a Tribal Transportation Code and Commission to guide the Tribal DOT
- Addressing roads maintenance deficiencies
- Implementing a reservation-wide mass transit program

Citizen participation was part of the planning process and took the following forms:

- Charrettes
- Public hearings
- Public meetings
- Survey
- Tribal Transportation Committee serving as steering work group

In addition, the transportation plan contains linkages with the following other planning activities by the Tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development
- Comprehensive assessment of intermodal needs

Coordination with Outside Agencies

BIA. "The Tribes are responsible for conducting the local IRR activities of BIA on and off the reservation. At times the Tribes work directly with BIA–Ft. Hall Agency Superintendent; BIA Northwest regional office in Portland, Oregon; and/or BIA Division of Transportation in Washington, D.C., regarding IRR program matters."

U.S.DOT. The Tribes report "not much face-to-face involvement with U.S.DOT, although at times we hear from Tim Penney of FHWA at a regional conference or meeting. Tribes are waiting for creation of an Indian desk in the U.S.DOT with some real administrative clout that would create a catalyst for change in the IRR program. There is a complete lack of government-to-government consultation with the FHBC and the U.S.DOT regarding transportation."

Other federal agencies. The FHWA–Idaho Division has little involvement with the Tribes, which also report "a complete lack of government-to-government consultation with the FHBC regarding transportation." There is "some involvement between the BLM and tribal Fish & Wildlife department," although Tribal DOT requests for BLM transportation-related planning documents go unanswered. Coordination of federal agencies with TIP and plan development by the Tribes is "non-existent and ineffective."

Regional councils of government. The Tribes had a non-voting seat on the board of the Bannock Planning Organization, the regional MPO, which included the mayor of Pocatello, county commissioners, and political membership. The tribal representative left the board because he had no say in policymaking, and the position remains vacant. Bill Brower, the director of the transportation department, has been participating on the technical review committee. The transportation planner has not had any contact with the Southeast Idaho Councils of Government.

State transportation agencies. "Tribal written comments to the state of Idaho Transportation Improvement Program (the STIP) are not being responded to by [Idaho] DOT or its Transportation Board. The Local Highway Technical Assistance Council (LHTAC), a state legislative body with transportation financing authority, does not share in federal or state financing with Indian tribal governments. The LHTAC disqualifies Indian tribal governments regarding Surface Transportation Program funding applications." The tribes believe that the state is not living up to legal planning requirements, and describe receiving money from the state as a "continuous battle," primarily because of controversy over collecting a fuel tax through tribal enterprises. There are also conflicting police jurisdictions in terms of who enforces laws on tribal roads.

County transportation agencies. With MPO funding, counties have implemented dust abatement projects that entailed paving BIA roads; therefore, effectively, the counties are taking over tribal roads. They justified their actions by telling the tribal transportation planner that the area of the MPO was determined by documented air shed, which meant that the reservation

should be included as a policymaker in the Bannock Planning Organization; however, the board then denied this claim and refused to invest in the reservation itself.

Other transportation providers. Pocatello Regional Airport is located on the reservation, but the tribes do not operate this facility.

Funding/Major Projects

Operating expenses for FY 2005 were $2.34 million as negotiated in the Annual Funding Agreement. Of this total, 18% came from BIA (Interior Road Maintenance). The TEA-21 Highway Trust Fund provided 71.5%, whereas tribal revenues supplied the balance.

There were no *capital expenditures* in either FY 2004 or FY 2005.

No projects were completed in the last year because all were in various stages of development.

The tribes attempted to access a percentage of the state-collected fuel tax for road maintenance, estimated as costing $560 per road mile. Approximately 90% of the current maintenance budget is devoted to labor costs. The state refused to give the tribes a portion of their fuel tax, so the tribes decided to add a fuel tax in their own tax code that would be implemented by tribal enterprises. The state challenged the tax code in court; however, the U.S. 9th Circuit Court ruled in favor of the tribes. Currently the state is using the decision against the Potawatomi tribe's fuel tax to overturn the previous ruling.

Unmet Needs

The greatest unmet needs are seen as:

- Adequate levels of funding for a backlog of transportation projects.
- "Bureaucratic and unnecessary barriers to input road inventory data into BIA national database."
- "Clearly inadequate Department of Interior funding for road maintenance needs. Tribes obtain six to eight times less funding per road mile than state and local subdivisions of state. Zero funding is provided for investment of the needed heavy equipment such as chippers, spreaders, road grading, and snow removal. States such as Idaho fight tribal sovereign rights to fuels taxes and do not contribute to Tribes although Tribes have paid state-collected fuels taxes."

Maintenance

Roads maintenance is staffed with four FTE heavy-equipment operators, one temporary heavy-equipment operator, one temporary equipment maintenance person, and one staff support specialist. The transportation director manages and supervises the roads maintenance program. The Tribes have 638-contracted road maintenance activities, although there is inadequate funding. Interior funding averages $325,000 per year. The Tribes in 2005 contributed general funding to supplement maintenance needs such as snow removal wherein these funds could be utilized elsewhere. Tribes have inherited outdated and dilapidated heavy equipment and do not have the financial resources to adequately maintain more than 400 miles of IRR. School bus routes and roadways for medical patients (e.g., diabetics, pregnancies) receive priority.

Tribal roads maintenance personnel maintain bridges with BIA interior road maintenance funding. "The Tribes may receive periodic spurts of BIA funding if and when it becomes available. Bridges fall into unacceptable conditions and rate high on sufficiency ratings and needs for replacement and rehabilitation. There is inadequate federal funding for bridge maintenance."

The Tribes comment that rights-of-way are "a national problem that is a detriment to the enrolled membership of the Tribes on and off the Fort Hall Indian Reservation." Under previous BIA administration, rights-of-way were not acquired, "causing a huge financial detriment reservation-wide, providing additional problems during project development." Current construction costs (IRR) for right-of-way acquisition are approximately $75,000 per road-mile. Trespass issues are currently going through a tort claim process because IRR funding cannot be used to resolve these issues.

The Tribes have an estimated 1.5 miles of acceptable pedestrian facilities that have been constructed as part of past IRR reconstruction and paving projects within the Fort Hall community. The 2001 plan identifies a vital need to provide for alternative design and separate vehicular traffic from pedestrian use. The tribal DOT and the Tribes facilities department share in the maintenance and upkeep.

The Tribes have no established bikeways on the reservation, although current design alternatives are being considered for the Fort Hall community in a currently designed road project proposing to merge bike and pedestrian ways and separate them from vehicular traffic.

Tribal DOT provides daily and weekly assessment of the roadways, provides recordkeeping, and replaces signage on a continual basis. The general public also contacts tribal DOT when a sign needs to be replaced or to request the posting of signs. If a signage problem exists on a county or state route, the tribal DOT contacts the responsible entity and the needed signs are replaced as soon as possible. The Tribes have allocated additional funding in the 2005 budgetary process for the maintenance side of the tribal DOT and some signage is being installed on various roadways. More funding is required to adequately provide for a reservation-wide assessment and installation program for signage and striping projects.

Safety Programs

Signalization. The Tribes are planning signalization within road project design within the Fort Hall community.

Signage. The program includes "sporadic signage purchasing and installation subject to funding. Tribal DOT interacts with the general public, counties, and tribal and local law enforcement authorities to include road patrol by roads maintenance and a transportation safety/training specialist to identify problem areas and do sign posting and/or replacement.

Channelization. Tribal DOT establishes traffic control zones to divert traffic during emergencies. However, most major transportation projects are rural.

Road reconfiguration. The top-priority TIP project has required survey realignment and acquisition of road right-of-way.

Speed control. Tribal DOT interacts with the general public, counties, and tribal and local law enforcement authorities to include road patrol by roads maintenance and a transportation safety specialist to identify problem areas, set up traffic counters to monitor speed, and provide safety alternatives.

Pedestrians and bicycles. Implementation of pedestrian and bicycle paths within roadway design affecting the Ft. Hall Community is currently in the planning phase.

Child car seats. The Tribes have an established program within their health department for providing child car seats and awareness campaigns.

Seat belt safety. Tribal Health and Tribal Jr./Sr. High School provides some awareness training for clients and children.

Safe routes to schools. Tribal Health and Tribal Jr./Sr. High School provides some awareness training for clients and children. Tribal DOT provides snow removal of school bus routes, interacts with county and state highway officials in keeping school bus routes clear during winter months, and assists in general snow removal duties. Safety-related awareness notices are posted in local newspapers.

Alcoholism counseling or intervention related to the operation of motor vehicles. Tribal Health and Tribal Jr./Sr. High School provides some awareness training for clients and children. The Tribal DOT's safety/training specialist interacts with high school officials in safety awareness programs that include alcoholism and operation of vehicles.

Other. Tribal DOT has a full-time staff person assigned to issues of training and safety during field maintenance activities and actual construction of projects. The Tribes' 2002 plan has a relevant section on highway safety that includes a police reporting requirement, although training and funding are needed to establish and maintain such a program. Past asphalted overlay projects have created abrupt edges requiring additional expense and improvement to build roadway shoulders.

There is a long-term standing transportation committee involved with Indian health, mainly to provide snow removal for residents on the medical priority list, such as pregnant women and diabetics. The Snow Removal Committee led to the creation of a new Public Safety Committee that handles transportation concerns in light of homeland security issues. Earlier there was a Tribal health representative on the Transportation Committee, but this position was phased out to transition to a new commission. Currently there is an Interim Transportation Commission, and an attorney is drafting a code to establish a permanent commission.

Innovations/TTAP Assistance

Transportation planner Sherwin Racehorse offers the following advice: "First, consider all modes of transportation as you conduct a transportation planning process, make sure that the 'Plan' is a tribal plan—not a plan that suits a federal employee of BIA. Be proactive, and find out about the federal finances and its process to obtain funding. Learn the 638 contracting/compacting processes and build a team of administration, engineering, and legal people to negotiate a contract/compact and your tribal share(s) of the funding. Have your attorney draft a contract and propose it to BIA—don't settle for BIA standard contract, as it is probably outdated and unsuited to serve the tribe's best interests. Propose a scope of work that is favorable and can be accomplished. Conduct your road inventory and require all data to be updated, specifically average daily traffic counts. Make sure your inventory submissions are inputted into the national IRR inventory database and be prepared to seek litigation or other administrative remedies. Read and interpret the IRR regulations and seek answers to questions. Create a steering committee to guide and respond to the plan and TIP. Initiate a draft TIP and schedule meetings and public hearings seeking public comment. Document the planning process. Implement your TIP and policy visions."

With regard to the TTAP, "Since 1996 the Tribes have utilized the Northwest TTAP (NWTTAP) as it provided the Tribes with a draft scope of work that was eventually modified and served as the basis for the Tribes' first tribal planning process. The employees who worked and are currently working for the NWTTAP are organized to respond to any tribal client in a timely manner providing a range of training sessions in a broad spectrum of topics. The NWTTAP has assisted the Tribes in providing a specialized core course work in planning. It serves the Affiliated Tribes of Northwest Indians—Transportation Committee to which the Tribes belong and in which they participate. Other TTAPs are accessible by web link to offer specific training opportunities in other transportation subjects that the NWTTAP may not offer."

Desired Changes

Mr. Racehorse reports, "The bureaucratic and paternalistic approach of BIA was one of the greatest hurdles that the Tribes partially overcame. At times it seemed that BIA was working against the Tribes, although the federal contracting regulations required BIA to assist and not deter. BIA approach to consultation is still lacking as there appear to be personnel problems in BIA Division of Transportation that are adding more problems that the Tribes have to deal with. Additionally, the timely obligation of federal funding into tribal coffers has been a continuous problem as the Tribes received contract funding in the fourth quarter of each fiscal year, whereas the funding should be provided in the first quarter so that projects could be advanced in a timely manner. At times, Tribes had to lay off tribal planners because of a lack of annual and timely funding. 23 USC Sec. 134 & 135 requires consultation with Indian tribal governments in statewide transportation planning, but that is lacking in the state of Idaho. We are disqualified for application of highway categories and do not have a voting seat where decisions are made on transportation investment. We believe that the laws were created so that tribes could leverage their IRR dollars with state dollars to build public infrastructure on the IRR system—that is currently not working effectively."

The change most desired by the Tribes, Mr. Racehorse notes, would be to "require BIA to timely document the existing infrastructure in Indian country and reservations without putting up the issue of funding distribution. That may be the most important issue in 2005 from the tribal viewpoint as BIA inventory documentation process is too cumbersome, overly technical, contrary to the recent IRR Rule and serves as a detriment to Indian tribal governments." He would also like the state legislature to become more educated about the urgent need for road maintenance on the reservation, but also understand that roads are an issue of sovereignty.

Colorado

Colorado

Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137

Date: July 14, 2005

Contact Information:
Rodney Class-Erickson, Tribal Planner
Telephone: 970-563-0138, ext. 2270
Fax: 970-563-0396
E-mail: rerickso@southern-ute.nsn.us

Basic Tribal Data and Structure

The Southern Ute Indian tribe has a 2000 census population of 1,117. The tribe's total reservation land area is 309,000 acres. The tribe uses a system in which parts of the tribal land are allotted to members of the tribe.

The governance structure of the tribe is a six-member chairman council with an elected chairman. All of the council members are elected at large.

Transportation Responsibilities

The Southern Ute Indian Tribe operates its own transportation program and contracts some transportation functions to a consultant. BIA also provides some transportation services to the tribe.

The tribe conducts the following activities:

- Operates a transportation safety program
- Operates a public transportation system. The tribe operates a shuttle service.
- Constructs and maintains sidewalks (with assistance of a consultant)

The tribe contracts with a consultant for the following activities:

- Prepares and maintains a long-range transportation plan
- Operates air, freight, rail, port, or multi-modal facilities

BIA conducts the following activities:

- Oversees contractors in construction projects
- Maintains existing roads. Some maintenance is also done by the state of Colorado.

The tribe and BIA conduct the following activities:

- Design and construct new roads. The tribe does this as part of P.L. 93-638 programs.
- Prepare and maintain a capital budget or capital improvement program.
- Maintain an inventory of transportation facilities, including the following
  - Road and rights-of-way
  - Pavement management system
  - Bridges.

Staff

The tribe reports two FTE staff working on transportation projects, one of whom is a professional planner and one a construction project manager. The staff does not include a professional engineer. The transportation staff reports to the executive officer of the planning department.

BIA through its LTAP program provides training and continuing education for transportation staff.

Planning

The tribe's long-range transportation plan was last updated in December 1999 by consultant DMJM in Colorado Springs. The time frame is five to seven years, consistent with IRR requirements. The chairman and council adopted the plan in December 1999. The consultant URS Corp. is currently working with the tribe to update the plan.

According to Mr. Class-Erickson, three significant proposals contained in the plan are:

- County Road 314 reconstruction and regrade
- Access road to interior streets of new housing development
- County Road 316 paved for one mile

Six of the 15 major projects proposed in the 1999 transportation plan have been completed to date. BIA is currently designing one additional project. Therefore, the plan has a 40% implementation rate.

Citizen participation was included in the planning process in the form of public hearings.

The transportation plan contains linkages with the following other planning activities by the tribe:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. The tribe is constantly encouraging BIA to move forward efficiently with design, construction, and maintenance. Approvals of design plans for P.L. 93-638 contracts can take up to one year.

U.S.DOT. The tribe meets regularly with FHWA.

Regional councils of government. The tribe meets regularly with Colorado Region 9 Economic Development District staff.

State transportation agencies. The tribe meets regularly with Colorado DOT staff, including a monthly meeting with the state's Transportation Advisory Committee.

Local transportation agencies. The tribe has monthly meetings with local transportation departments.

Funding/Major Projects

Mr. Class-Erickson indicated that he cannot estimate operating expenses for 2004, but notes that all operating expenses were paid for though tribal sources. Capital expenditures for 2004 were $1.6 million, all of which came from BIA IRR program.

Two major projects that were completed in 2004 were:

- County Road 314 realignment for safety purposes
- County Road 316 reconstruction

Unmet Needs

The three greatest unmet needs for transportation projects are:

- La Boca Road reconstruction
- A new local connector to the West Ignacio area
- Southern Ute 140 reconstruction (a bridge across the Pane River)

Maintenance

Maintenance of roads, including roads providing access to the reservation, is handled by BIA. BIA maintains bridges on tribal roads. Sign maintenance is also the responsibility of BIA, although Mr. Class-Erickson notes that BIA is not meeting its trust responsibility for this.

Colorado DOT and La Plata County maintain bridges that are not on tribal roads. The land division of the Tribal Natural Resources Department handles right-of-way maintenance. The tribe also maintains sidewalks and pedestrian facilities, although Mr. Class-Erickson indicates that lack of staff resources and funding makes it impossible to meet even basic needs.

Public transportation is maintained by the Southern Ute Community Action Program.

Safety Programs

Signalization. None.

Signage. None.

Channelization. None.

Road reconfiguration. None.

Speed control. The tribe has a speed trailer to show how fast vehicles are traveling. This is used at special events. The state and county are responsible for speed control.

Pedestrian/bicycle/sidewalk safety. The tribe holds "bicycle rodeo" and "safety city" safety events.

Child car seats. Handled by the tribes' community resource program.

Seat belt safety. The tribe holds annual media events. It also has check points and warnings and keeps statistics on seat belt use.

Safe routes to schools. None.

Alcoholism counseling or intervention related to operation of vehicles. The tribe has DWI checkpoints each year at nighttime. The tribe has adopted the state 0.08 law though an intergovernmental agreement with the state of Colorado. Also, the tribe has a "wellness court" program for people with alcohol problems.

Innovations/TTAP Assistance

The tribe's wellness court has been an effective method for treating alcoholism. The speed trailer and the adoption of a 0.08 blood alcohol limit (with intergovernmental agreement) have improved transportation safety.

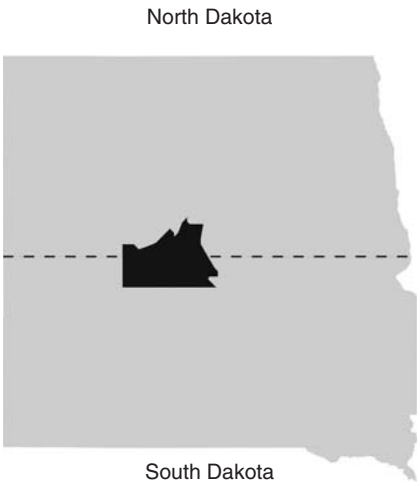
The tribe is not currently involved with TTAP, although Mr. Class-Erickson indicates that he has attended a few TTAP workshops.

Desired Changes

Inadequate funding has been a challenge for the Southern Ute Indian tribe's transportation program.

One recommended change would concern the 638 BIA roads program. Mr. Class-Erickson indicated that he would like the tribe to handle this instead of BIA. He says that the biggest problem is that it is not adequately funded to administer the program adequately.

North/South Dakota



Standing Rock Sioux Tribe
P.O. Box "D"
Fort Yates, ND 58538

Date: May 5, 2006

Contact Information:
Pete Red Tomahawk, Transportation Programs Director
Telephone: 701-854-7400
E-mail: srsttp@westriv.com

Basic Tribal Data and Structure

According to the 2003 BIA Labor Force report, the population of the Standing Rock Sioux Tribe is 13,848. The tribe has a land area of 2.3 million acres. Approximately 5,000 non-Indians live within the reservation boundaries, most of whom are ranchers and farmers.

The tribal government consists of a tribal chairman, vice-chairman, secretary, and 17 elected council members.

Transportation Responsibilities

The tribe operates its own transportation program and has P.L. 93-638 projects and contracts with the Great Plains Region BIA Branch of Roads. The program includes the following elements:

- Preparation and maintenance of a long-range transportation plan and road inventory by the tribe
- Design and construction of new roads with tribal roads priority by the tribe
- Overseeing contractors in approved construction projects by the tribe
- Maintenance of existing 128 miles of tribal roads by the tribe, 232 miles of BIA roads by BIA, and South Dakota and North Dakota roads by the respective state
- Maintenance of inventory of transportation facilities by the tribe and BIA
- Operation of a transportation safety program by the tribe and BIA
- Operation of a transit service by the tribe
- Design and construction of sidewalks by the tribe and their maintenance by BIA
- Construction of multi-use pedestrian and bicycle paths by tribe and their maintenance by BIA

With regard to design and construction of new roads, the tribe "hired through advertisement an engineering consultant firm." The firm provides tribal design with approval by the tribe, looks at construction of new roads, and puts out requests for bids, with the tribe monitoring the work. The engineering consultant is responsible for seeing that work follows all plans, specifications, and estimates. With respect to oversight of contractors, the Standing Rock Sioux Tribe "also works with attorneys in looking at contracts to make sure everything is being covered."

The tribe's TIP states that improvements it makes with federal funds must be in the IRR inventory to be eligible. The tribe annually receives an inventory from BIA of branch roads, with strip mapping, a description telling the story of each road, and when it was paved and graded.

The tribe's public transportation system includes a bus system, van services, and handicapped access for children and adults, all operated by Standing Rock Tribal College. The transit service has been "very successful for 15–20 years."

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Bridges
- Signs
- Management systems (pavement, bridges, safety, and congestion).

With regard to the road inventories, the tribe notes, "SAFETEA-LU mandates that we have the inventory in place. When you have BIA owning the whole three blocks going down street in Fort Yates, the whole area is now more commonly known as federal reserve land. For example, trees went into the right-of-way, and we had to take them out." Some residents opposed taking the trees down, but the "majority of the trees were diseased—huge cottonwood trees." There was a tree mitigation plan for replacement.

On the second point, bridges within the reservation were placed on BIA bridge inventory.

With respect to signs, BIA "provides and maintains the sign inventory. FHWA road safety audit found BIA dropped the ball in providing signs that should have been in place. This is part of the justification for the comparison with state roads."

Staff

The Standing Rock Sioux Tribe has one full-time staff person devoted to transportation planning and five full-time maintenance workers. This individual reports to the tribal council and the Tribal Economics Committee, which oversees the roads program. The planner attends BIA IRR, TTAP, state DOT, and FHWA training.

Planning

The current transportation plan was prepared by the tribe's transportation planner in 2000, with a ten-year time frame. In April 2006, the tribal council approved amendments to the 5-year TIP. Most of the plan has been implemented. The significant element contained in the plan was innovative (or flexible) financing of a $26.5 million program of improvements.

Citizen participation was part of the planning process and took the following forms:

- Public hearings
- Public meetings at both casinos

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities (instead of placing water and sewer lines directly underneath the roads, necessitating the tribe to tear up the roads when the lines need to be serviced, those lines will be placed in alleys)
- Tribal Historical Preservation Program
- Community and economic development
- Housing authority (by utilizing vacant lots and existing BIA rights-of-way for new houses and coordinating necessary infrastructure, including roads)
- Schools
- Township/county (two counties, Corson in South Dakota and Sioux in North Dakota, are contained entirely within reservation boundaries but are subsidiary jurisdictions of the states)

Coordination with Outside Agencies

BIA. "BIA schedules a consultation with tribes in looking at projects on reservations." There is BIA headquarters on the reservation that allows for easy access to records of landownership, so tribal members can make use of their allotted lands and keep track of lease incomes from farm and range land.

U.S.DOT. "Again, SAFETEA-LU mandates consultation by states and BIA through tribe."

Other federal agencies. "State DOTs and their STIP coordinates with BIA TIP for the tribe." FHWA provides training, consultations, and additional sources of funding, such as the Coordinated Federal Lands Highway Technology Implementation Program grant that was given to the tribe in 2004 for investment in GIS and GPS technologies to enhance road inventory and planning.

Regional councils of government. As noted in the section on linkages, the tribe of necessity coordinates with the two counties contained within the reservation.

State transportation agencies. Through the state DOTs the tribe can access money from the NHTSA for car seats, training, etc.

Other transportation providers. None.

Funding/Major Projects

Operating expenses totaled $1.3 million for 2004, mostly consisting of IRR funds from BIA.

Capital expenditures were $26.5 million as a result of the tribe's flexible financing plan. The motor fuels tax "generates about $500,000 per year in North Dakota and more in South Dakota." The funds are used to hire tribal personnel and do maintenance and construction of new tribal roads. Without the funds, the tribe would not have been able to purchase their heavy equipment, which includes motor graders, front-end loaders, Caterpillars, trucks, Belly (semis), to carry heavier loads. The tribe has its own rock crusher and screener for gravel.

The main project was the Bullhead East and Communities Streets Project, costing $26.5 million.

Unmet Needs

The greatest unmet needs are seen as:

- Need more highway funding for construction and maintenance of roads
- Better coordination with other tribal agencies, such as the Housing Authority
- Maintenance funds for the 232 miles of roads in the inventory
- Lack of safety funds (need for state "to step up safety funding. We have to waive sovereign immunity to get dollars from state.")
- Need for more planning money

Maintenance

Three sources of funding Tribal Gaming and Motor Fuel Tax funds.

Tribal Motor Fuel Roads Maintenance is supported with the use of North Dakota and South Dakota motor fuel tax agreement funds. BIA funds "decrease every year." BIA contracts out bridge inspection under the tribe's P.L. 93-638 contract. BIA's Branch of Roads handles right-of-way maintenance. Sidewalks and pedestrian facilities are maintained under the BIA's Rights-of-Way program. BIA also handles maintenance for bikeways and bike lanes as well as signs. The tribal college handles maintenance for the tribe's public transit system.

Safety Programs

The tribe coordinates safety programs with FHWA, state DOTs in North and South Dakota, and BIA.

Signalization. There is school crosswalk signalization in high-traffic areas.

Signage. This is part of the recent inventory.

Channelization. Not applicable.

Road reconfiguration. There have been lane additions and markings to facilitate smoother traffic flow.

Speed control. Signage has been added, and law enforcement activity increased, in areas where there is a high probability of vehicle and pedestrian interaction.

Pedestrians and bicycles. The tribe has done construction in past and recent years to remove pedestrian traffic from vehicle use areas.

Child car seats. Tribal staff is certified in the use and training of these devices for distribution to families. NHTSA certification is sponsored by the North Dakota–South Dakota Safety Program.

Seat belt safety. There is advertising and sponsorship of support material to increase awareness of seat belt use.

Safe routes to schools. "Busing and walking paths are in place in adequate numbers to meet the demand of students getting routed to schools in a safe and appropriate manner."

Alcoholism counseling or intervention related to the operation of motor vehicles. The state DOT and FHWA recognize tribal certification addressing countermeasures. "BIA safety funds should be directed to the regional level instead of Albuquerque, New Mexico, level. They don't know the problem and solutions."

Innovations/TTAP Assistance

The tribe's *single* landmark innovation lies in its flexible financing agreement, through which it overcame a problem that is pandemic in Indian Country; namely, the inadequacy of IRR funding to match the backlog of maintenance and construction needs facing 56,000 miles of road. The current estimated funding need is approximately $10 billion, equal to an entire generation of current funding for all tribes in the United States. The Standing Rock Sioux Tribe estimated a current need for $26.5 million to upgrade its roads, divided across five districts in North Dakota and three in South Dakota. Its current IRR allocation was $1.3 million, meaning that it would have taken 20 years to meet those needs under existing funding arrangements.

The tribe worked with its North Dakota and South Dakota Congressional delegation, including U.S. Senator Byron Dorgan and U.S. Rep Earl Pomeroy, to win approval for a new arrangement in which it could leverage the IRR allocations as yearly payments toward a $26.5 million long-term, private commercial loan from Wells Fargo Bank, using terms in TEA-21. The agreement was completed in 2004. With the loan in hand, the construction work on public roads within the reservation is expected to be completed within three years. The advantages lay in eliminating major threats to public safety with potholes on dirt and gravel roads and overcoming roadblocks to economic development as a result of poor infrastructure. As well, the tribe tackled needs for improved street lighting.

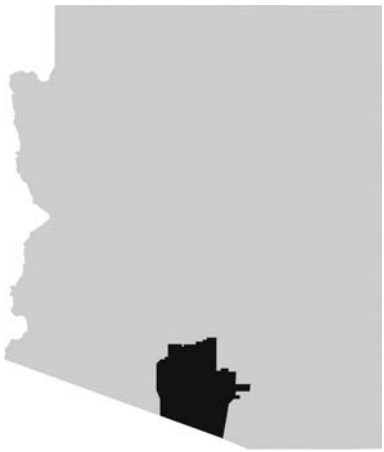
The tribe makes use of the BIA and FHWA jointly funded program of six national Tribal Technical Assistance Programs and one is located at the United Tribes Technical College, Bismarck, North Dakota, called the Northern Plains Transportation Technical Program, which it says is "doing an excellent job." Activities in this area include organizing and providing training, certifications, and information transportation sharing within the geographic area of Montana, Wyoming, North Dakota, South Dakota, and Nebraska totaling 26 federally recognized tribes.

Desired Changes

The goal is to have safe and improved construction and keeping roads maintenance lasting longer with improved technology for roads and bridges with the Tribal, BIA, North Dakota, South Dakota counties, and North and South Dakota DOTs and federal transportation agencies systems working together.

The need is for more funding; the tribes are all appreciative of the new highway authorization SAFETEA-LU, but the construction and maintenance needs are so great with roads and bridges, and the cost is so expensive for a mile of improvements in rural areas because of high materials cost and the current high cost of fuel.

Arizona



Arizona

Tohono O'Odham
P.O. Box 837
Sells, AZ 85634

Date: June 15, 2005
Updated: June 5, 2006

Contact Information:
Fred Stevens, Project Specialist
Telephone: 520-383-4550
E-mail: fredwhatgis@yahoo.com

Basic Tribal Data and Structure

The Tohono O'Odham tribe has a 2000 census population of 10,734. Its total land area consists of 2,845,443.1 acres. Its governance structure has three branches: executive, legislative, and judicial. The executive is the chairperson, who is elected for a two-year term. The legislative council has 22 representatives, with two elected from each of 11 districts for concurrent two-year terms. The judicial branch consists of the courts, police department, and law enforcement.

Transportation Responsibilities

The tribal government contracts for most transportation functions through BIA. Through BIA, the tribe is responsible for the following programs:

- Preparation and maintenance of a long-range transportation plan by PAIKI. There is currently no long-range transportation plan for the Nation. Funding is key for establishing the plan.
- Preparation and maintenance of a capital budget or capital improvement program. This is under BIA operations.
- Operation of a transportation safety program
- Maintenance of inventory of transportation facilities by a consultant, including the following inventories:
  - Road and rights-of-way
  - Bridges
  - Signs

The following components are operated by BIA:

- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Construction or maintenance of sidewalks
- Construction or maintenance of bikeways and bike lanes

IHS and a private transportation company provide transit services. This is only for employees who come in from outside the Nation, which does not have a transit system for people of the Nation who are in need of a ride to the clinic for appointments.

Staff

The tribe employs 7.25 FTE staff for transportation programs. None are planners, but there is one BIA engineer.

Seven of these employees are employed under the BIA Roads Program under the Papago Agency. The roads program maintains all work on BIA roads. BIA employees report directly to Nina Siqueros, superintendent of BIA Papago Agency in Sells, Arizona. She reports directly to BIA Western Regional Office in Phoenix.

Mr. Stevens is employed with the tribe as a planner, spending 90% of his time on transportation. His supervisor is Marilyn Celestine, acting director of the planning department. She reports directly to the chairperson of the Nation.

Training for the staff is arranged through both TTAP and BIA, using the TTAP associated with the University of Utah. Training is also provided through the Pima Association of Governments (PAG).

Planning

The tribe's last transportation plan was prepared in 1994, but was never accepted. There was dissatisfaction with the plan because Presnell Consulting (PAIKI), an engineering firm located in Albuquerque, had prepared the plan without a full understanding of the local needs. For instance, citizen participation took place in the form of one public meeting, which did not include the interests from each of the 11 separate districts. The tribe recently chose PAIKI to complete a new plan once there is sufficient funding available.

According to Mr. Stevens, three high-priority projects are:

- Installing culverts to prevent the frequent flooding of BIA Federal Route 31, which also requires repaving owing to deterioration from flooding.
- Repaving of BIA Federal Route 42, which runs along the northern border of the reservation. The road has deteriorated

to such an extent that school buses bringing students to school off the reservation have reported extensive damage as a result of the road's condition.
- Maintenance for Gu Vo Community Loop, an existing road off BIA Federal Route 1 that needs paving and some attention to drainage.

Citizen participation will be part of the planning process in the following forms:

- Public meetings in each of the 11 districts of the reservation
- Survey

In addition, the transportation plan will contain linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. BIA staff is responsible for many aspects of the transportation program.

U.S.DOT. There is little direct coordination with U.S.DOT.

Other federal agencies. IHS uses vehicles from a car rental agency to operate a share-a-ride program, and the BLM provides mapping services.

Regional councils of government. The reservation is in three different counties, and the tribe is a member of PAG. Mr. Stevens sits on a transportation implementation plan committee, whereas the chairwoman sits on the PAG board of which the tribe is a voting member. The tribe is involved in setting the county's priorities in the transportation improvement plan and planning for enhancement projects.

State transportation agencies. The state provides some alternative funding opportunities for programs such as the joint initiative between transportation and youth art. Arizona DOT is also responsible for maintenance for Highway 86 and Highway 386, the road to Kitt's Peak Observatory.

Other transportation providers. A private company provides buses between the reservation and surrounding areas. Students ride school buses from the Stanfield public school system.

Funding/Major Projects

Operating expenses for 2004 entailed $465,000 for maintenance. All of this money came from BIA.

Capital expenditures for FY 2004 totaled $2,050,000, which includes $2 million from BIA and a $50,000 grant from the state of Arizona for a joint initiative of youth art and transportation enhancement. Young artists worked on projects such as signs and overpass murals. The tribe has another $175,000 state grant pending to extend this program.

The main projects in FY 2004 consisted of construction of a loop road extending approximately 6.3 miles, and the construction of a paved 2.1-mile road off State Highway 86 to a community within the reservation.

Unmet Needs

The greatest unmet needs are seen as:

- Funding for road maintenance
- Personnel to perform the maintenance

Maintenance

BIA, local, and county officials handle maintenance of all roads, bridges, signs, rights-of-way, and sidewalks on the reservation.

Safety Programs

Signalization. There is one traffic signal in Tucson, taken care of by the city.

Signage. Signage is handled by BIA.

Channelization. Pima County is considering adding left- and right-turn lanes at the traffic signal, where there have been many accidents.

Road reconfiguration. Pima County is including some road reconfigurations in its transportation improvement plan.

Speed control. BIA sets and posts speed limits.

Pedestrians. There is an ongoing project being managed by both BIA and the NHTSA. They are trying to bring in more safety through signage or construction of bridges and overpasses. The tribe is trying to secure funding; the project is in the planning phase. Arizona DOT is slowly working toward installing shoulders on Highway 86. The ongoing project is being conducted by NHTSA, BIA, and the tribe.

Child car seats. Managed by the tribe, the program provides free child car seats funded through the federal Women, Infants, and Children program.

Seat belt safety. The tribe's judicial office oversees enforcement of seat belt safety laws.

Safe routes to schools. The tribe is awaiting funding to repair the main road used by school buses.

Alcoholism counseling or intervention related to the operation of motor vehicles. Tribal health department operates an alcoholism program for the tribe.

Innovations/TTAP Assistance

The tribe is a beneficiary of the county disability van program, which subsidizes buying disability vans up to 80 or 90%. Two districts so far have received vans in 2004 and 2005. PAG is training the drivers on how to handle disabled people and the districts are responsible for the drivers and the operation.

The tribe has utilized the TTAP mainly for constructing and grading drainage and roads. They have conducted a workshop to show heavy equipment operators how to construct dirt roads and do grading and draining, but also have received training on dust control, which is largely handled through a mixture of water and salt, paved down.

Desired Changes

Mr. Stevens believes that members of the tribal government need more knowledge of transportation issues to be effective planners, and correspondingly BIA needs to make more of an effort to educate tribal leaders and keep them informed about the process.

Nebraska

Nebraska

Winnebago Tribe of Nebraska
P.O. Box 687
100 Bluff Street
Winnebago, NE 68071

Date: June 13, 2005
Revised: June 7, 2006

Contact Information:
Ron Nohr, Transportation Planner
Telephone: 402-878-3207
E-mail: nohr@gpcom.net

Basic Tribal Data and Structure

The Winnebago reservation in Nebraska totals 8,100 acres. The 2000 U.S. Census indicates a tribal enrollment of 7,409, although only a small portion of the members live on the reservation. The tribe is governed by a nine-member tribal council, elected at large, for staggered three-year terms.

Transportation Responsibilities

The Winnebago Tribe of Nebraska operates its own transportation program with technical assistance from BIA. The program includes the following components:

- Preparation and maintenance of a long-range transportation plan
- Design and construction of new roads
- Overseeing contractors in construction projects
- Maintenance of existing roads
- Maintenance of inventory of transportation facilities
- Construction or maintenance of sidewalks
- Construction or maintenance of bikeways and bike lanes

The inventory of transportation facilities consists of the following:

- Road and rights-of-way
- Bridges
- Signs

Staff

The Winnebago Tribe has three FTE staff members devoted to transportation programs. None of these are professional planners, but there is one full-time licensed civil engineer. There are five staff members who work on maintenance and construction, though they spend up to 60% of their time on nontransportation-related projects. The transportation staff reports to the roads department director, Charles Sharpback. The tribe's training and continuing education program for in-house staff involves sending people through Occupational Safety and Health Administration training, training in the use of GIS, and the use of heavy equipment.

Planning

The tribe is scheduled to complete its first long-range transportation plan in June 2006, which has been coordinated by BIA staff. It covers a 20-year time frame, and BIA has already completed plans for the first project on the priority list.

Three significant projects contained in the plan are:

- Resurfacing, widening, and installing culverts on St. Augustine's Road and bridge, which lead to administrative buildings, businesses, and schools, and is projected to cost $350,000.
- Widening and adding deceleration lanes to Nebraska State Highway 77 near the high-traffic gas station that the tribe recently built north of the town.
- Grading and drainage for Honey Creek Road, a rural road that leads to a few houses.

Citizen participation was part of the planning process and took the form of public discussions at tribal council meetings.

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Public utilities, including water and sewer
- Historic preservation, cultural resources, and archaeology
- Community and economic development

Coordination with Outside Agencies

BIA. BIA staff provides technical assistance with transportation inventory, planning, and design.

U.S.DOT. The tribe does not deal directly with U.S.DOT.

Other federal agencies. The Roads Department is involved with IHS and U.S. Army Corps of Engineers projects, even though these often do not pertain to transportation, because they own and can operate heavy machinery involved in construction and maintenance.

Regional councils of government. The relevant group would be the Siouxland Interstate Metropolitan Planning Commission, but the tribe has "never done anything with them."

State transportation agencies. The tribe works with the Nebraska State Department of Roads (NDOR) because of two state highways, 75 and 77. The tribe has coordination meetings with NDOR as needed every couple of months, and they attend regular annual meetings to evaluate state transportation plans. The tribal staff talks to Chris Winters, District 3 engineer in Norfolk, Nebraska. The tribe is also always invited to participate in meetings, held at least annually, to review the department's one-year and six-year state transportation plans.

Other transportation providers. Thurston County also maintains roads within the reservation.

Funding/Major Projects

Operating expenses totaled $96,000 for the last fiscal year, $4,000 for planning and $92,000 for maintenance, all of which came from BIA.

Capital expenditures totaled $220,000 for a culvert project in FY 2004, all of it from IRR funds. The culvert project was the only major project that year.

The tribe received a $112,000 enhancement grant from FHWA three years ago to build a parking lot overlooking a buffalo grazing area as a cultural viewing area. Construction should begin this year.

Unmet Needs

In general, the greatest unmet need is seen as an increase in maintenance and construction funds to complete projects on the priority list. The tribes receive $197,000 per year in IRR funds for construction purposes, which is not enough to meet its needs.

One pressing unmet need involves State Highway 77, which runs north and south through the reservation, carrying "a lot of truck traffic." The tribe needs to slow local traffic because there is a school on the highway. Plans have recently been submitted to BIA to construct a roundabout to slow down the trucks.

Maintenance

The tribe handles all road maintenance itself, as well as maintaining the one bridge within its land area. NDOR does maintenance for the two state highways running through the reservation. The tribe is responsible for maintenance of signage and also does mowing, tree trimming, snow clearing, and brush removal for rights-of-way. Sidewalks are the responsibility of the Village of Winnebago and Tribal Facilities Department.

Safety Programs

Signalization. None.

Signage. The tribe posts traffic signs.

Channelization. Channelization on state highways is typically handled by the state, although NDOR indicated that because the tribe built the gas station on Highway 77, the tribe is completely responsible for adding a deceleration lane.

Road reconfiguration. None.

Speed control. BIA police enforce speed limits posted on BIA routes.

Pedestrians and bicycles. None.

Child car seats. The police department may handle this.

Seat belt safety. The police department may handle this.

Safe routes to schools. Winnebago Public Schools administration handles this.

Alcoholism counseling or intervention related to the operation of motor vehicles is a police department function.

Innovations/TTAP Assistance

Mr. Nohr cites as the tribe's main innovation in transportation that it is "active in constructing projects with our own people." They are combating unemployment on the reservation by putting people to work in the most diversified way possible. Those trained to use heavy equipment do not just work on transportation-related jobs, because P.L. 93-638 allows the tribe first right of refusal for IHS and U.S. Army Corps of Engineers projects, which they often accept because they can use the same equipment. The tribe incorporated a new TERO ordinance in the last year. For now it is mainly a taxing mechanism, but in the future it will provide training.

The staff has attended several of the TTAP meetings provided by the state of North Dakota. One of the Occupational Safety and Health Administration training classes noted above was provided by the TTAP.

Desired Changes

The one desired change cited in the interview is an increase in funding to allow for the timely implementation of transportation plans.

New Mexico

Pueblo of Zuni
1203-B State Highway 53
P.O. Box 339
Zuni, NM 87327

Date: July 28, 2005
Revised: June 8, 2006

Contact Information:
Royce R. Gchachu, Program Manager
Telephone: 505-782-7116
E-mail: rghach@ashiwi.org

Basic Tribal Data and Structure

The 2000 U.S. Census population for Pueblo of Zuni tribal members living on the reservation is 10,132. The tribe has a reservation that straddles the New Mexico–Arizona border, with 704.4 square miles in New Mexico, and 19.5 square miles in Arizona. The tribal council consists of a governor, lieutenant governor, and six council members who are all elected simultaneously for four-year terms by popular vote. Members of the council come from the tribe at large.

Transportation Responsibilities

The tribe contracts its transportation program with BIA, with some elements contracted through third parties. The program includes the following elements:

- Preparation of a long-range transportation plan (contracted through a third party, in the process of being updated by tribe)
- Design and construction of new roads (designs are either through a third party or contracted to BIA, with 85% of the construction performed in-house by the tribe)
- Overseeing contractors in construction projects
- Maintenance of inventory of transportation facilities (with outside consultants PAIKI)
- Construction or maintenance of sidewalks

The inventory of transportation facilities includes roads and rights-of-way.

Staff

Two FTE permanent staff works on transportation projects, a program manager and a secretary. During construction the tribe employs anywhere from 5 to 30 temporary workers. The tribe has no professional planners or engineers on its staff. The program manager has two years of college education and worked with BIA from 1976 to 2001 on road construction, management, and oversight. Since July 2001, he has worked full-time with the tribal organization. The program manager reports directly to the governor. Training is obtained at monthly TTAP meetings, and the program manager is the primary serving member of the IRR Coordinating Committee established by the Federal Register Notice for the Southwest Region.

Planning

The transportation plan for the Pueblo of Zuni was prepared in 1999 and adopted by the tribe in 2000. The plan identified short-, medium-, and long-range goals, five, ten, and 20 years, respectively, and was prepared by an outside consultant. The tribe is currently updating the plan, and the program manager expects that it will take up to six months for the plan to be adopted because of the extensive coordination required with federal, state, and local interest groups. Approximately 50% of the plan has been implemented thus far. Three significant elements contained in the plan were:

- Transportation priority needs
- Safety
- Long-term goals

Citizen participation was part of the planning process and took the following forms:

- Public hearings
- Public meetings
- Periodic reviews of draft transportation document that involved the state, local, and federal governments, and schools.

In addition, the transportation plan contains linkages with the following other planning activities by the tribes:

- Land-use planning
- Historic preservation, cultural resources, and archaeology

- Community and economic development
- Transportation goals

Coordination with Outside Agencies

BIA. The tribe and BIA conduct periodic meetings to discuss funding, transportation project listings, and updating of the IRR inventory. Every two years BIA contracts out to do bridge inspections on the reservation, and BIA also provides some maintenance and signage in connection to bridges.

U.S.DOT. There is little involvement with the U.S.DOT, because funds are funneled through BIA. The new SAFETEA-LU law creates the possibility for tribes to go directly to U.S.DOT for contracting, but the program manager was not confident that BIA could be totally left out of this process.

Other federal agencies. The tribe is filing a stormwater prevention plan with the EPA, which is connected to construction activities. The tribe is coordinating with the Department of Health and Human Services on a contract to construct roads for houses being built for doctors and nurses doing their residencies on the reservation. There is similar coordination with IHS.

Regional councils of government. The program manager is involved with the Northwest Council of Governments Regional Planning Office, which includes tribal, city, and county governments that collectively identify priority projects to send to New Mexico DOT (NMDOT) for inclusion in state project listings.

State transportation agencies. There is a standing Memorandum of Understanding between the Zuni Tribe and NMDOT that they should meet quarterly on average. During these meetings the tribe learns about upcoming NMDOT projects near or on the reservation.

Other transportation providers. There is a transit system operated on a for-profit basis by a third party provider. It is a 5311 enterprise program affiliated with the Zuni tribal organization, receiving federal funds and collecting fares to run their vehicles.

Funding/Major Projects

Operating expenses for the last fiscal year were approximately $1.8 million, most of which came from BIA. NMDOT occasionally provides the tribes with specific grants, and the tribe utilizes those funds as they are available.

Capital expenditures were not specified because there is no budget exclusively for transportation.

The main projects included:

- Major arterial road that links the Zuni community and the Blackrock community. Estimated total cost was $4.19 million.
- Nontransportation facility built under an Indian Self-Determination contract at the cost of $1.474 million.
- Nontransportation housing quarters.

Unmet Needs

The tribe listed slow and inconsistent allocations from BIA and insufficient training for new legal requirements as the two greatest unmet needs.

Maintenance

Maintenance remains the responsibility of BIA.

Safety Programs

Signalization. The tribe has a small contract with NMDOT to install school warning lights. This is an ongoing project to be completed in September 2006. The tribal government has also been considering another intersection for a traffic signal.

Signage. The tribe does periodic checks and replacement of signs using funds from one of three sources: tribal construction, NMDOT (along state routes only), or BIA.

Channelization. None.

Road reconfiguration. The tribe will hire a contractor to design a left-turn deceleration lane owing to high traffic volume at the intersection of a state and BIA road.

Speed control. Enforced by tribal police.

Pedestrians and bicycles. Programs are administered by the Zuni Tribe's safety department and law enforcement.

Child car seats. Programs are administered by the Zuni Tribe's safety department and law enforcement.

Seat belt safety. Programs are administered by the Zuni Tribe's safety department and law enforcement.

Safe routes to schools. NMDOT identifies safe routes to schools and sends out information about related funding.

Alcoholism counseling or intervention related to the operation of motor vehicles. Nothing reported.

Innovations/TTAP Assistance

The tribe reports no innovations. The program manager expressed interest in attending the annual National Tribal Transportation Conference, which is a TTAP function to be held at the Marongo Indian Casino this year.

Desired Changes

The tribal government would greatly benefit from speeding up the process of releasing their transportation allocations. The tribe did not receive their FY 2006 allocation from BIA until March 2006, already half way through the fiscal year. Currently there is no consistency in the timing of the release of federal government allocations.

The tribe would also like more training in how to meet changing legal requirements.

APPENDIX B

Timeline of Events in Tribal Transportation

Year	Event
1928	Creation of the Indian Reservation Roads (IRR) program
1930	Beginning of IRR partnership between Bureau of Indian Affairs (BIA) and FHWA (then under the Department of Agriculture)
1934	Passage of the Indian Reorganization Act
1936	Federal-Aid Highway Act requires FHWA approval of location, type, and design of IRR roads and bridges built with BIA funds
1951	Congress begins annual appropriations for maintenance of BIA-owned roads
1975	Passage of the Indian Self-Determination Education and Assistance Act
1982	Creation of the Federal Lands Highway Program (FLHP) under the Surface Transportation Assistance Act; IRR is incorporated into FLHP
1991	Passage of the Intermodal Surface Transportation Efficiency Act (ISTEA); creates Transportation Enhancements and authorizes creation of the Indian Local Technical Assistance Program (now known as TTAP); also creates set-aside for Indian reservation bridges
1993	BIA begins four-year phase-in of new allocation formula for tribes, replacing one used since 1970
1998	Passage of the Transportation Equity Act for the 21st Century (TEA-21); establishes the Indian Reservation Roads Bridge Program, setting aside $13 million for high-priority IRR bridge repairs
2004	BIA creates current Final Rule for IRR program; includes creation of IRR Coordinating Committee with tribal representation
2004	Passage of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); includes creation of Tribal Transit Grants under Section 5311(c) through FTA

APPENDIX C

Tribal Contacts for Questionnaires

Alabama–Coushatta Tribe
519 State Park Road 53
Livingston, TX 77351
Donnis B. Battise, Tribal Transportation Planner
Telephone: 936-563-1100
E-mail: tcdbattise@actribe.org

Bad River Band of Lake Superior Tribe of Chippewa Indians
P.O. Box 39
Odanah, WI 54861
Angela Houle, Transit Manager
Telephone: 715-685-9461
E-mail: brtransit@badriver.com
Robert Blanchard, Tribal Roads Manager
Telephone: 715-682-7153
E-mail: brroads@mail.badriver.com

Bois Forte Band of Chippewa
P.O. Box 16
Nett Lake, MN 55772
David Danz, Planning Director
Carl Dagen, Public Works Director
Telephone: 218-757-3261
E-mail: ddanz@rangenet.com

Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465
Michael Lynn, Director, Cherokee Nation Roads Program
Telephone: 918-456-0671, ext. 2396
E-mail: mlynn@cherokee.org

Coeur D'Alene Tribe
850 A Street
P.O. Box 408
Plummer, ID 83851
Lux Devereaux, Transportation Planner
Telephone: 208-686-5702
E-mail: ldevereaux@cdatribe-nsn.gov

Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855
Lewis Yellow Robe, Transportation Planner
Telephone: 206-675-2700, ext. 6207
E-mail: lewisy@cskt.org

Confederated Tribes of the Warm Springs Reservation
1233 Veterans Street
P.O. Box 1299
Warm Springs, OR 97761
Kip Burdick, Tribal Engineer and Transportation Planner
Telephone: 541-553-3221
E-mail: kburdick@wstribes.org

Craig Community Association
P.O. Box 828
Craig, AK 99921
Sam Thomas, Transportation Planner
Telephone: 907-826-3998
E-mail: crabbay13@hotmail.com

Eastern Band of Cherokee Indians
P.O. Box 2400
Cherokee, NC 28719
Barak Myers, Transportation Planner
Telephone: 828-497-1867
E-mail: baramyer@nc-cherokee.com
Kathy Littlejohn, Transit Manager
Telephone: 828-497-7974
E-mail: kathlitt@nc-cherokee.com

Eastern Shoshone and Northern Arapahoe
P.O. Box 217
Fort Washakie, WY 82514
John P. Smith, Transportation Planner
Telephone: 307-335-7669
E-mail: Johnsmith@wyoming.com

Native Village of Eyak
P.O. Box 1388
Cordova, AK 99574
Joe Kompkoff, Road Planner/Community Development Specialist
Telephone: 907-424-7738
E-mail: joek@nveyak.org
Bruce Cain, Executive Director of Village
Telephone: 907-424-7738
E-mail: bruce@nveyak.org

Fort Belknap Indian Community
R.R. #1 Box 66
Harlem, MT 59526
C. John Healy Sr., Transportation Director
Telephone: 406-353-8469
E-mail: Cjohnhealysr@fortbelknapnations-nsn.gov

Ho-Chunk Nation
28902 Highway 21
Tomah, WI 54660
Thaddeus Walczak, BIA Roads Project Coordinator
Telephone: 608-374-3953
E-mail: twalczak@ho-chunk.com

Hoopa Valley Tribe
P.O. Box 1348
Hoopa, CA 95546
Jacque Hostler, Roads Director
Telephone: 530-625-4017
E-mail: hvtroads@gmail.com

Kawerak, Inc.
P.O. Box 948
Nome, AK 99762
Melanie McNally, Administrative Assistant for Transportation Programs
Denise Michels, Vice-President for Community Services Division
Telephone: 907-443-4395
E-mail: transaa@kawerak.org

Makah Tribe
P.O. Box 115
Neah Bay, WA 98357
Greg W. Arnold, Land Use and Transportation Planner
Telephone: 360-645-3284
E-mail: mtccped@centurytel.net

Mashantucket Pequot Tribal Nation
103 Pequot Trail
Mashantucket, CT 06339
Cedric Woods, Deputy Chief Operating Officer
Telephone: 860-396-2187
E-mail: jwoods@mptn.nsn.gov

Navajo Nation
Department of Transportation
P.O. Box 4620
Window Rock, AZ 86515
Salisa Norstog, Principal Planner
Telephone: 928-871-7985
E-mail: snorstog@navajotransportation.org

Prairie Band Potawatomi Nation
16281 Q Road
Mayetta, KS 66509
Tim Ramirez, Director, Roads and Bridges Department/BIA 638 Road Maintenance
14880 K Road
Mayetta, KS 66509
Telephone: 785-966-2375
Fax: 785-966-2693
E-mail: pbprb@pbpnation.org

Pyramid Lake Paiute Tribe
P.O. Box 256
Nixon, NV 89424
Della John, Administrator
Telephone: 775-574-1000
E-mail: djohn@plpt.nsn.us
Tim Wadsworth, Tribal Planner
E-mail: twadsworth@plpt.nsn.us

Red Lake Band of Chippewa Indians
P.O. Box 550, Highway 1 East
Red Lake, MN 56671
Mike Ness, Transportation Director
Telephone: 218-679-3361, ext. 1424
E-mail: rltrans@paulbunyan.net
Jim Walker, Director, Tribal Roads
Telephone: 218-679-2416
E-mail: jwalker@paulbunyan.net

Sac and Fox of the Mississippi in Iowa
349 Meskwaki Road
Tama, IA 52339-9629
Sandra Monck
Telephone: 641-484-4678
E-mail: smonck@meskwaki.org
Curtis Seymour
Telephone: 641-484-4600
E-mail: ccseymour@meskwaki.org

Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655
Travis J. Solomon, Construction Infrastructure Manager and Tribal Planner
Telephone: 518-358-9213
E-mail: tsolomon@srmt-nsn.gov

Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884
Chris Cutler, P.E., Director of Transportation
Telephone: 405-257-7294
E-mail: ccutler@seminolenation.com
Matt Morris, AICP, Transportation Planner
Telephone: 405-257-7296
E-mail: mmorris@seminolenation.com

The Shoshone–Bannock Tribes
P.O. Box 306
Ft. Hall, ID 83203
Sherwin Racehorse, Transportation Planner
Telephone: 208-478-3931
E-mail: sracehorse@shoshonebannocktribes.com

Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137
Rodney Class-Erickson, Tribal Planner
Telephone: 970-563-0138, ext. 2270
E-mail: rerickso@southern-ute.nsn.us

Standing Rock Sioux Tribe
P.O. Box "D," Fort Yates, ND 58538
Pete Red Tomahawk, Transportation Programs Director
Telephone: 701-854-7400
E-mail: srsttp@westriv.com

Tohono O'Odham
P.O. Box 837
Sells, AZ 85634
Fred Stevens, Project Specialist
Telephone: 520-383-4550
E-mail: fredwhatgis@yahoo.com

Winnebago Tribe of Nebraska
P.O. Box 687
100 Bluff Street
Winnebago, NE 68071
Ron Nohr, Transportation Planner
Telephone: 402-878-3207
E-mail: nohr@gpcom.net

Pueblo of Zuni
1203-B State Highway 53
P.O. Box 339
Zuni, NM 87327
Royce R. Gchachu, Program Manager
Telephone: 505-782-7116
E-mail: rghach@ashiwi.org

APPENDIX D

Survey Questionnaire

Tribal Transportation Project

Good day, I am [*give name*] with the Research Department of the American Planning Association in Chicago. APA is working on a research project to better understand tribal transportation needs. We are surveying tribes across the country to assess the status of tribal transportation programs. The results of our survey will be published by the Transportation Research Board in Washington, D.C., which is supporting the survey. This research will help federal agencies evaluate priorities for further transportation funding, and provide tribes with a good comparative overview of tribal transportation activity.

I. Basic Information

1. I need some basic information about you and your tribe:

   Tribe name: _____
   Tribe address: _____
   Interviewee name: _____
   Interviewee title: _____
   Telephone no.: _____
   E-mail: _____
   Date: _____
   Census population as of 2000: _____

II. Organization

2. What is the total acreage of your tribe? _____ acres.

3. Describe the governance structure of your tribe:

4. Does your tribe operate its own transportation program or does it contract with the Bureau of Indian Affairs or a third party?

   _____ Operates own program
   _____ Contracts with Bureau of Indian Affairs
   _____ Contracts with third party

   If you contract with a third party, who is that and where is the third party located?

   Name: _____ Location: _____

5. What transportation programs does your tribe conduct, either directly, through the BIA, or through a third party?

   _____ Prepares and maintains a long-range transportation plan
   _____ Prepares and maintains a capital budget or capital improvement program
   _____ Designs and constructs new roads
   _____ Oversees contractors in construction projects
   _____ Maintains existing roads
   _____ Maintains inventory of transportation facilities

   If yes, does the inventory include:

   _____ Road and right-of-way inventories
   _____ Pavement management system

_____ Bridge inventories
_____ Sign inventories
_____ Other:

_____ Operates a transportation safety program
_____ Operates a public transportation system that includes a bus system, van service, park and ride, dial-a-ride, paratransit (transit for handicapped people)
_____ Constructs or maintains sidewalks
_____ Constructs or maintains bikeways and bike lanes
_____ Operates air, freight, rail, port, or multi-modal facilities

6. How many full-time equivalent (FTE) in-house staff are working on transportation programs?

_____ FTE staff

7. Does your staff include any professional planners?

_____ No
_____ Yes
_____ If yes, how many?

8. Does your staff include any engineers?

_____ No
_____ Yes
_____ If yes, how many?

9. What are the professional qualifications of the in-house staff that is working on transportation programs that are not described above?

10. To whom does the transportation staff report to [title]?

11. Is there a training and continuing education program for in-house staff that is working on transportation programs?

_____ No
_____ Yes

If there is a training and continuing education program for in-house staff that is working on transportation programs, please describe it.

III. Planning

(*Only ask the following questions if the tribe is involved in long-range transportation planning*)

12. When was the last time the transportation plan was prepared or updated?

13. What is the time frame for the transportation plan?

14. Who prepared the plan?

15. Was the plan adopted by the governing body of the tribe?

_____ No
_____ Yes
If yes, in what year? _____

16. List three significant proposals contained in the transportation plan?

17. Approximately what percentage of the plan has been implemented?

18. Was there an opportunity for citizen participation in the planning process?

_____ No
_____ Yes

If yes, what type of citizen participation was completed?

_____ Charrettes
_____ Public hearings
_____ Public meetings
_____ Survey
_____ Website information
_____ Other, please describe: _____

19. Is there linkage with your transportation plan and the following?

_____ Land-use planning
_____ Public utilities, including water and sewer
_____ Historic preservation, cultural resources, and archaeology
_____ Community and economic development
_____ Other, please describe: _____

20. Describe how your tribe coordinates with the following agencies, with regard to transportation:

a. Bureau of Indian Affairs _____
_____
b. U.S. Department of Transportation _____
_____
c. Other federal agencies _____
_____
d. Regional councils of government _____
_____
e. State transportation agencies _____
_____
f. Other transportation providers _____
_____

IV. Funding for Transportation Projects

21. What were your operating expenses last year for transportation?

22. What were the sources of revenue, in percentages, for transportation? (Note: need to list sources—find tribal budget.)

_____ Bureau of Indian Affairs
_____ Other federal sources
_____ State
_____ Tribal
  _____ Casino revenues
  _____ Tribal gas taxes
  _____ Other
_____ Other

23. What were the total capital expenditures for transportation purposes for the last fiscal year?

Indicate the fiscal year _____

What were the sources of revenue, in percentages, for transportation purposes in the last fiscal year?

24. Describe three major projects that were completed in the last fiscal year?

    1.
    2.
    3.

25. Describe the three greatest unmet needs for transportation projects?

    1.
    2.
    3.

V. Maintenance

26. Describe how your tribe undertakes maintenance of transportation facilities.

    a. Roads, including roads providing access to reservations
    b. Bridges
    c. Right-of-way
    d. Sidewalks and pedestrian facilities
    e. Bikeways and bike lanes
    f. Signs
    g. Public transit

VI. Safety

27. What programs oriented to vehicular or pedestrian safety has your tribe implemented? Please describe:

    a. Signalization
    b. Signage
    c. Channelization
    d. Road reconfiguration
    e. Speed control
    f. Pedestrian/bicycle/sidewalk safety
    g. Child car seats
    h. Seat belt safety
    i. Safe routes to schools
    j. Alcoholism counseling or intervention related to operation of vehicles.
    k. Other

VII. Innovation

28. What innovative transportation practices has your tribe instituted that other tribes may find beneficial?

29. Has your tribe utilized the Tribal Transportation Assistance Program (TTAP) in your region? If yes, please briefly describe how TTAP has assisted you.

30. Describe any challenges to transportation programs and how your tribe overcame those challenges?

31. If you could make one change in the operation of tribal transportation programs, either at the tribal, state, or federal levels, what would it be?

32. Could you recommend any other tribes that you think might have interesting or innovative transportation programs that we should talk to?

Wrap-up

Could you send us any copies of long-range transportation plans, capital budgets, capital improvement programs, or information about your tribe's transportation programs? This will help us develop a complete profile of your tribe. Please send this material to [name of interviewer], c/o American Planning Association, 122 South Michigan Avenue, Suite 1600, Chicago, IL 60603.

Would you like to review a summary of this interview for accuracy? If so, can we send this to you by e-mail? Please provide me with your e-mail address [if this hasn't been done already].

Thank you for your time. Your responses have been most helpful in creating a picture of how tribal transportation programs are operating.

Abbreviations used without definitions in TRB publications:

AAAE	American Association of Airport Executives
AASHO	American Association of State Highway Officials
AASHTO	American Association of State Highway and Transportation Officials
ACI–NA	Airports Council International–North America
ACRP	Airport Cooperative Research Program
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
ASCE	American Society of Civil Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
ATA	Air Transport Association
ATA	American Trucking Associations
CTAA	Community Transportation Association of America
CTBSSP	Commercial Truck and Bus Safety Synthesis Program
DHS	Department of Homeland Security
DOE	Department of Energy
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
IEEE	Institute of Electrical and Electronics Engineers
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITE	Institute of Transportation Engineers
NASA	National Aeronautics and Space Administration
NASAO	National Association of State Aviation Officials
NCFRP	National Cooperative Freight Research Program
NCHRP	National Cooperative Highway Research Program
NHTSA	National Highway Traffic Safety Administration
NTSB	National Transportation Safety Board
SAE	Society of Automotive Engineers
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005)
TCRP	Transit Cooperative Research Program
TEA-21	Transportation Equity Act for the 21st Century (1998)
TRB	Transportation Research Board
TSA	Transportation Security Administration
U.S.DOT	United States Department of Transportation