

Tribal Transportation Planning Organization  
Great Wolf Lodge, Grand Mound, WA  
November 12, 2014  
**Minutes**

**1. Introductions**

Michael Cardwell (Quinault Nation) opened the meeting and welcomed the group. Six tribes had more than 1 voting member present, Kalispell Tribe voting member was Julia Seyler, Yakima Nation voting member was Al Pinkham, Nisqually Tribe voting member was Jim Longley, Makah Tribe voting member was (Michelle Thompson), Lower Elwha voting member was Carol Brown, and Lummi Nation voting member was Matt Jensen. Minutes were tabled until the end of November. Any changes need to be sent to Keri Shepherd by then. Once corrections are made, the minutes will be formally adopted, full group agreed.

**2. Recognition Presentation**

Amy Scarton (WSDOT) presented on Coal Trains and the Freight Plan. There has been an increase nationwide in coal and oil byproduct transportation. Over a 5 year span of time (2007-2012), there has been a 10,000 carload increase in WA State alone. WA is the 5<sup>th</sup> largest oil refinery state. The governor has concerns and requested federal level review of coal and oil transportation because states cannot legally regulate it (commodity shipping between states is regulated at the federal level). WSDOT's role is to make it safe for rail at crossings, for pedestrians, track, etc... The WA Utility and Trade Commission handles how things are transported (types of containers, etc...), and WA DOE regulates the environmental issues. Jason Lewis (WA Utility and Trade Commission) stated they partner with the federal government and have 4 FRA inspectors in the state for federal and state compliance. These inspectors make sure tracks are good, signals work, operations are handled properly, and hazardous material transportation is in compliance. The state cannot mandate what is brought in via rail, they can only regulate safety and how things are brought in. The UTC is the lead agency on oil by rail study that is currently underway. Preliminary findings were published on October 1, 2014. Final findings will be out in March. This was a directive from the governor to come up with legislative ideas and funding options. They were asked to look at existing resources to figure out how to increase safety and where they should spend funding (not just on rail but in other infrastructure areas) to best work for the state. They have held several public meetings and 1000s of people attended. He asked if there were any additional questions on the regulations. Tom Washington (WSDOT) asked if there are any requirements for trains to be regulated based on length. Jason stated not really, but crossing regulations (length, time closed, etc...). Edward Koltonowski (Gibson Traffic Consultants) is the fact that we cannot ship more without additional track being looked at. Jason stated no, the study was just to look at oil and they looked at full build out on the west coast just for oil, not any other materials but we need to. Edward Koltonowski asked if the state has to permit or is it jurisdictional. Jason stated that legal council needs to be asked that question. Casey Stevens asked about if the EA was completed yet. Jason stated he was not part of that and doesn't know. That would be a WDOE question. Jim Longley (Nisqually Tribe) asked about the timeline for the replacement of 111 cars with 117 cars. Jason stated that the railroad has 2 years to replace the tanker cars. The tanker car WSDOT approved is the best on the market for highly volatile product. Andrew Strobel (Puyallup Tribe) asked since the state doesn't have regulatory authority for product, how does one know what is being transported. Jason stated that first responders have a more detailed list of when and what and that the

general public can access some information via the “Right to Know ACT”. WA State requires that they are notified if it is more than one car carrying potentially dangerous materials. Jim Longley asked if there is any effort being made to make transportation safer. Jason stated yes but the main issue is that people do not want oil shipped at all in this state. Michael Cardwell stated that Tribes were asked if the coal was covered if they would be ok with more being shipped through the state and the tribes came back with no. What are the regulations on this? Jason stated the federal government would need to change these regulations. Amy Scarton stated that the federal court ruled that spraying was ok for prevention of coal dust spreading. Andrew Strobel asked what is being done to regulate the old steel bridges that rail uses. Jason stated that there is still no federal regulation for inspection but it may be coming. Andrew Strobel stated that he is curious because he cannot find the ranking for rail bridges anywhere, only the age of the structure. Jason stated they are inspected but there is only one inspector for the west coast. Ruth Jim (Yakima Tribal Council) spoke about the plight of Yakima Nation to protect the Colombia River Gorge from coal and oil trains, the need to protect the Tribes treaty rights, and how mitigation is not the answer as it is not recognized by the tribe. Currently Yakama Nation is fighting BNSF because they want to close two crossing which would allow the 19 oil trains that pass through the reservation weekly to travel at higher speeds. Megan Cotton and Jim Longley asked if tribes can regulate trains on reservation lands. Nobody was sure, Ruth stated that treaty rights vary from tribe to tribe and some don’t even have treaties. The federal government needs to regulate this and correct the issue.

### **3. Tribal Project Advocacy**

Michael Cardwell presented on the status of the TTP Coordinating Committee and showed a power point.

### **4. Tribal Transit**

Julia Seyler (Kalispel Tribe) stated that the transit subgroup will be meeting after the TTPO.

### **5. Training Opportunities**

NWTTAP and BIA will host training in March from the 17-19<sup>th</sup> in Portland OR.

### **6. Safety**

### **7. Interagency Coordination**

Paul Parker (WTSC) presented on the WTP 2035. The steering committee recommendations will be in by the end of the week. The advisory group has finished comments. Keri Shepherd (Nooksack Tribe) asked the group if the tribal section should change focus from the IRR to safety issues, transit and coal. Ruth Jim (Yakama Nation) asked if there is a way to get funding to improve roadways that are closed to the general public that tribal members use for community and cultural events from the BIA. Lon Wyrick ( TRPC) stated that the old WTP was not helpful, the new plan is more user friendly and it needs to stay more general in order to be effective. That would not be a good topic outline in the plan. Transit needs to be more boldly identified as needed. Paul Parker stated that serious accident and injury death rates on roads , transit needs, coal and oil not being the future for the state’s economy, will be topics reflected in this plan. John LaVerdure (NWRO BIA) presented on the current 2015 tribal TTP shares available and distributed a handout and presented a power point. Michael Cardwel thanked John for the information.

### **8. TTPO Business**

Treasurers Report was presented by Michael Cardwell. Prior Balance as of August 31, 2014 = \$39,891.87

Deposits = \$0

Withdrawals (payments):

Common Ground for Transit White Paper - \$3000

Tribal/State Conference Sponsorship - \$1500

Balance as of September 30, 2014 = \$35,391.87

Jim Longley asked how can we get the TTPO financially self sufficient. Jim asked if the TTPO needed to change from a 501c4 to a 501c3. He requested that we please get the issue of how to fund the TTPO back on the table Michael Cardwell requested donations for the scholarship raffle (5\$ per ticket). Casey Stevens asked if the group could pay for a minute taker. Keri Shepherd offered a copy of the new OMB Super Circular changes power point to the group. Jim Longley requested a status update regarding the TTPO website. Chris Robindeau is volunteering services to design and maintain the site and is working with a subcommittee of officers for this. Keri Shepherd stated we are waiting on approval for logo and picture use from the Tribes.

#### **9. Announcements/Good of the Order**

Colleen Jollie (Womer and Associates) stated that she is not ok with the TTPO not being supported and that WSDOT along with the tribes needs to keep supporting the organization. The TTPO needs to help Yakima get federal support in their fight with the railroad. The TTPO needs to hire an ED not just someone to do the minutes. Michael Cardwell has stated that Quinault Nation and ATNI have supported Yakima in their anti-coal battle.

Save the date for the next TTAP and BIA Training in Portland OR (March 16-19). Next TTPO meeting will be at Puyallup Tribe, Swinomish Tribe, or PSRC.

New Director for the NWTTAP was introduced, her name is Rowena Yeahquo.

*Adjourned*

#### **ACTION ITEMS**

**Website implementation (TBD)**

**Due/Fee Structure (TBD)**

**Collect minute changes by End of November (Keri Shepherd)**