

Tribal Transportation Planning Organization
Quarterly Meeting
Puget Sound Regional Council
9:00 a.m. – 3:00 p.m.
May 17, 2016

Minutes

- 1. Introductions** – Keri Shepherd, TTPO Secretary, Nooksack Tribe, called the meeting to order, performed roll call and clarified Tribal representative voting members. Those present introduced themselves as did Al Pinkham, Yakama Tribe present via telephone. Host Mark Gulbranson, Deputy Director, PSRC welcomed the TTPO and guests noting that he would have to leave soon however a number of PSRC planning staff would remain and participate in the meeting.

Keri asked for consideration of the minutes from the last meeting that were distributed electronically as well as by hard copy today. Andrew Strobel, Puyallup Tribe moved acceptance of the minutes and Julia Whitford, Kalispel Tribe seconded. Motion passed with no opposition. (minor edits provided by Annette Nesse, Jamestown S’Klallam Tribe were incorporated after the meeting, rar)

The agenda was reviewed and Dan Tolliver, Upper Skagit Tribe, was added to speak after Capacity Building, Judy Lorenzo to speak after the Transit Presentation and Rowena Yeahquo right after lunch.

- 2. Planning Partnership Presentation** - (Tribal Transportation/Transit Project)

Keri introduced Sara Maxana, Principal Planner smaxana@psrc.org and Liz Underwood-Bultmann, Associate Planner LUnderwood-Bultmann@psrc.org with PSRC’s Growth Management Team, Regional Centers Framework Update Project. (power point available) Sara noted that the PSRC region has a strong regional centers framework that is at the heart of VISION 2040—guiding both our growth patterns and public investments. We want to be able to support population growth and employment growth. Sarah went on to define centers as a focus for future growth and public investment with centers of various scales. She explained that many members have been asking what are the roles of important central places that are not currently a part of our regional centers framework, such as military facilities, emerging job centers, and rapidly growing local centers. This project to update the centers framework responds to those questions through a comprehensive evaluation of the existing frameworks for regional and countywide centers, and recommendations for a refined tiered centers framework that would recognize multiple center types at the regional level.

This is a large project with many very real possible consequences—including the re-designation of existing centers and changes to the policy framework for regionally managed transportation funds. Over an 18-months timeframe it is hoped that this project will create great engagement and solid data to lead into the next update to VISION 2040. Today’s presentation focuses on a walk through the overall scope and timeline for the project, with emphasis on activities and products, and how you can be engaged throughout. The project has completed the Initiation and Research phases and is currently in the beginning of Framework Development phase that will be completed the Fall of 2016. Approval is anticipated in the winter with Implementation in 2017 – 2020. The current Framework Development phase includes Board Engagement as well as working with a stakeholder working group. The Research Phase included over 25 meetings and work sessions, data analysis of existing trends and conditions, market indicator studies as well as a synthesis of previous PSRC data and planning efforts and research on structure and functions of centers frameworks of eight peer regions. There is a background paper of findings developed during the Research Phase that is available. Casey Stevens, Stillaguamish Tribe asked if there was a website for the centers currently in the plan and we were informed that there was with the centers listed on the PSRC website. (see <http://www.psrc.org/growth/centers/> rar). Andrew Strobel asked about how tribes could engage with PSRC and help identify tribally significant centers. And how tribes could help fill the gaps in PSRC data that does not often accurately represent or may make the wrong assumptions about tribal land-use in various models used to predict growth and jobs as examples. It was suggested by Sara that possible the PSRC data folks would need to do more spot checking and actually calling and talking specifically to Tribes. It was also noted that there are centers in all four counties served by PSRC. It was also mentioned that the plan does not mention specific economic development projects but that other offices in PSRC did work on that in response to a question from Ricky Gabriel, Colville Tribes regarding working with trust land and the potential tax advantages of tribal economic development zones.

3. Tribal Project Advocacy (Tribal Transportation/Transit project)

NONE

4. Training Opportunities (Capacity & Training) Rights of Way 25 CFR 169 Update Presentation. TTPO President Matthew Jensen, Lummi, introduced Sherry John, BIA Northwest Region Office of Realty. Ms. John provided a detailed power point presentation with additional handouts including the “Rights of Way on Indian Land; Final Rule, a BIA Right of Way Checklist, BIA templates for ROW Application, Consent for ROW (new) and template for Consent for ROW (existing) as well as a handout outlining the

Procedural Provisions for the ROW on Indian Land Final Rule. After Ms. John's presentation she responded to numerous often detailed questions about the new regulation, the handouts, time lines regarding ROW issues as well as land into trust applications. It was agreed that as this is a new regulation more time was needed to research and answer many of the questions. Ms. John was asked to provide the power point and handout materials to Rowena Yeahquo, Director NW TTAP to be placed on the TTAP website. This was agreed to and Ms. John promised to make herself available for future meetings. Matthew thanked Sherry for coming up on relatively short notice and bringing such important information to the TTPO.

Keri Shepherd brought up the discussion regarding the creation of a TTPO Right of Way Committee. After some thought it was agreed to try and digest the material we received today and bring this back for discussion again at the next meeting. It was also suggested that this would be an excellent topic for the upcoming NTTC conference in October. **** Action Item:** Request NW BIA Realty Right of Way update at future meeting.

Dan Tolliver, Upper Skagit Tribe asked the TTPO to write a letter to the FHWA requesting they add BIA NW Region Supervisory Road Engineer Kurt Fredenberg to the Federal Lands Access Program (FLAP) Advisory committee. Dan explained that this program appears to be very underutilized by NW Tribes and in fact have ever been a recipient according to the FHWA website. This May be due to the makeup of the Technical Advisory group for the program that currently includes WSDOT, CRAB, and FHWA but no tribes. Parks, BLM, Forest Service are other federal agencies participating but not the BIA. Dan reported that George Fekaris is the program contact in Western Federal Lands office in Vancouver, WA and that he and Kurt where open to this recommendation. Julia Whitford, Kalispel Tribe moved to have Dan draft a letter for TTPO to make the request. Casey Stevens, Stillaguamish Tribe seconded. Under discussion Kurt agreed that we need to have information on this program and if there were no tribal members interested in being on the FLAP advisory committee he would be agreeable and in any case would work to understand the program and bring the information back to the TTPO. Chris Robideau, Red Plains Professionals, mentioned that his firm had a successful FLAP application in Alaska and that he had a staff person knowledgeable about the program and available to help. Casey asked when they meet and where they meet. Don was not sure but noted that the funds are distributed by formula to each state and then there is a call for projects and Tribes could apply or support a project. There is a three-person committee that makes the selection of projects. In the case of Washington State Pete Field from W-FLH, Kyle McKien from WSDOT and Randy Harp with CRAB representing the counties, all sit on the committee

and they work with the Technical Advisory Group that includes the other agencies mentioned in the process. The question was called and there was unanimous consent for the motion. **** Action Item:** Dan Tolliver to draft letter for TTPO signature to FHWA requesting Kurt Fredenberg to be seated on the FLAP technical advisory group.

FAST Act/TTP Update Kurt Fredenberg, BIA Northwest Region provided a Tribal Transportation Program (TTP) update for the TTPO and some highlights of the FAST Act, first explaining that FAST stands for Fixing Americans Surface Transportation Act a five-year bill that increases TTP funding to \$505 million in 2020. There are no changes to the formula but there were changes in some set-asides. (see power point for highlights). Also, the High Priority Projects program that was unfunded in MAP-21 was completely removed in the FAST Act. The FAST Act provided for a new Department of Transportation "Self-Governance Program". There were also provisions for two data collection activities including a Tribal Data Collection program, and a Tribal Government transportation safety report to congress that FHWA-FLH will prepare and is due in December 2017. There are other new programs in the FAST Act that tribes will be eligible to participate in. On the NW TTP program Mr. Fredenberg covered FY 16 funding, FY 15 Safety Fund awards, equipment acquisition, intergovernmental funds transfer agreements, FHWA Program reviews and BIA Process reviews, on line reporting requirements that are new in the FAST Act, and the new FEMA Tribal Mitigation Review guide.

On the Safety report that was mentioned, FLH is currently collecting data via a survey available online and through other methods. A question was asked regarding the collection methodology and whether tribes were required to respond and if partial responses would be accepted. It was also asked about the collection of data on fractionated lands. Kurt noted that the survey was put together by a wide array of people from various disciplines. Megan Cotton, WSDOT Tribal Liaison, encouraged tribes to participate noting that WSDOT and others also were filling out the survey and that it was more about how data was collected rather than crash data itself. If tribes have any questions regarding the survey they should feel free to contact Adam Larson at FHWA-FLH (<https://flh.fhwa.dot.gov/programs/ttp/documents/contact-information.pdf>) or on the website at: <https://flh.fhwa.dot.gov/programs/ttp/safety/safety-reports.htm>.

It was added that the questionnaire is designed so that it would have to be filled out by various people in any agency, planners, police, EMS etc. Either give everyone a link, or get everyone together to fill out one survey.

Kurt then discussed a bit about the Notice of Proposed Rulemaking that details the process for developing the negotiated rulemaking committee, how it will work, and

when new rules will be developed. The notice also includes a call for nominations of tribal representatives to sit on the negotiated rule making committee.

Next Kurt discussed the equipment acquisition process developed for the NW Region to provide uniformity among the tribes. Basically equipment purchases need to be on an approved TIP, a completed lease vs. purchase justification form that must be approved and follow tribal procurement procedures that meet or exceed federal procurement policies. A simple three step process. It was asked what do we mean by equipment? Kurt responded that the OMB super circular defines equipment as being a purchase of over \$5,000, however his concern is construction equipment, transit vehicles. If you anticipated any purchase like this, you would be expected to follow this procedure. He went on to say that if a compute or piece of safety equipment was over \$5,000 he would not expect you to put it on the form. Also questioned was the comparison form. It was further described as a form of benefit vs cost analysis and Kurt stated that any purchase of maintenance equipment would have to fall within the cost limitations for maintenance in the regulations. Kurt also highlighted sections of 25CFR170 that provide guidance on allowable purchases and also outline circumstances where purchases are not allowed.

Kurt then went on to describe the new Intergovernmental Funding Transfer Agreement. This is a model agreement developed to be utilized nationally. NW Region has just been working with Tulalip tribes on a transfer from Puget Sound Regional Council (MPO). Copies of the model agreement are available. Now this is a much simpler process and this is what you will use if you are receiving dollars from WSDOT to put into your TTP Agreement or Contract.

Next was a document that was provided for the review of the Tribal Transportation Program. It is meant to review how tribes are operating and how BIA is overseeing the program. Copies are available for your review and you probably should since NW Region is adopting this process review. They attempt to do a review at least every three years. The document covers seven key areas: Project Management, Financial Management, Procurement, Planning, Design, Construction, Construction Monitoring, and Facility and Road Maintenance. We try to treat the review as a Technical Assistance effort. We want you to have a successful program.

Next Mr. Fredenberg presented on the new On Line Reporting Program and tribal data collection that is required under the new FAST Act. The on line reporting system is being developed by FHWA and will include a requirement to report a description of each project, current status, obligations and expenditures as well as jobs created and retained as a result of the project. This report data base is completely separate from and will not have any of the issues that we have had with RIFDS access. FHWA Agreement tribes are already using this system. BIA tribes are not. BIA does hope to have the

system available for reporting this year and we should expect a rollout and training sometime in October.

A question was asked about the mention on a previous slide of the Safety Management committee and what it is that they are doing. Kurt noted that Cinco Cronemyer is on the committee as a BIA representative. He will ask Cinco to put pull together a report on the activities of the Safety Management Committee that can be presented at a future meeting or provided to TTPO. **** Action Item:** Schedule report on Safety Management Committee status and activities from NW Region.

Another thing that was presented at the TTPCC meeting in Seneca was the FEMA Tribal Mitigation Review Guide dated 04/19/16 draft that is out for review. FEMA is trying to get states and tribes interested in long range mitigation plans. Kurt was not aware of any meetings planned to discuss this.

There was one more presentation from Kurt on Maintenance issues that was presented at the TTPCC. The presentation provides some back ground information on the maintenance program and the relationship with the TBAC tribal programs budgeting process within Interior. There is a GAO study being conducted related to tribal road maintenance issues and school attendance. It was noted that tribal routes are not included in the data. Kurt agreed that this was an issue. Only 11 tribes in the NW Region get Tribal maintenance program funds.

Washington State Department of Enterprise Services- Judy Lorenzo, with Larry Bird. Ms. Lorenzo described the services offered to all agencies. She was very interested in continuing her relationship with Tribes and TTPO in her new position with Enterprise Services. She suggested a possible project to include appropriate tribal historic pictures, current pictures, marketing information on the state's wall calendar. Ms. Lorenzo thought this might be a very positive partnership opportunity to help foster awareness of tribes within all state agencies. Ms. Lorenzo responded to a number of questions regarding this idea, and other services offered by Enterprise Services. Mr. Bird provided information on the potential for tribes to use DES printing and mailing services and in the bidding process It was noted that Lummi uses DES for software purchases. Judy noted that they have a timeline to get the calendars designed and printed and this partnership was what she was interested in. Just one step to improve Tribal/State relations. DES has many services that you may not be aware of and could utilize if it was outside of your in house abilities. Bring us your proposed jobs and DES can help to get the best price/cost for your project. Judy was thanked for reaching out to the TTPO and including them. Judy also explained that her office was essentially an in-house non-profit. They don't get a budget but an allotment based on projected business. It was also asked if a calendar could be produced just for this purpose of promoting tribes. Judy

stated that this annual calendar is on a schedule, she would look into the possibility of another project. She noted that her proposal would be an inexpensive way to get the tribes out there. Anyone interested needs to just contact Judy directly. (information available at <http://www.des.wa.gov> or call (360) 586-0457)

Matthew noted that MJ Haught had a few announcements to make and that would be scheduled right after a short Lunch break.

Washington Traffic Safety Commission Update – MJ Haught, Program Manager. MJ reported on the Target Zero update process and thanked TTPO representatives Keri Shepherd, Dez Hayes and Megan Cotton for an outstanding job working on the Tribal Chapter. They all deserve our thanks. MJ state that the Tribal Traffic Safety Advisory Board (TTSAB) was working on specific projects this year that included a booth at the 2016 Canoe Journey. They are doing a brief on Tribal Jurisdiction prompted by complaints from tribal police about non-tribal police not understanding tribal jurisdiction. This has involved over a dozen individuals with varying opinions and ideas most of whom are attorneys. So this project is taking a little longer than expected. Another project nearing completion is a video project “Recording our past, Protecting Our Future” about collision data in Indian Country. It will be finalized the end of the week. Adam Larsen with FLH will be sending it out nationwide and Margo Hill, EWU - Planning Program is trying to get it on the NCAI mid-year meeting agenda in Spokane. Megan Cotton is trying to get it on the ATNI agenda in September. MJ state that she was very pleased with the way this video is getting out.

Another item regards SECTOR the program that allows agencies to collect information, provide electronic tickets and electronic crash reports. SECTOR staff are working with some tribes, police, and IT folks on how to overcome some of the hurdles related to sharing data. Currently all tribes can bypass DOL on citations. Also tribal codes can be uploaded. Tribal police cannot develop reports unless tribal codes are in the system. This allows them, if there is cross jurisdiction, to issue a ticket to a tribal member and send them to tribal court, or issue a ticket to a non-Indian and send them to district court with a simple drop down menu. Currently WTSC is working with tribal representatives on a draft data sharing agreement and MJ has also submitted a request for a program change that would allow Tribal collision reports to bypass DOL. That would mean tribal reports would only got to DOT, and to WTSC for reporting to the national FARS. These reports do not contain personal identification information. MJ noted that barcode scanners and printers are available to tribal police during free training that can be made available on site. It does not cover laptops. DOJ grants can purchase laptops. Data Collection and Training is important as TTPO members know. It

was noted that police are not necessarily collaborative in nature and that WE TTPO planners need to reach out to police and help them understand the importance of data gathering and to keep us moving forward. Finally, MJ noted a FHWA webinar on states working with tribes on strategic highway safety plans.

5. Tribal Transit

Tribal Transit Committee Report – Julia Whitford & Keri Shepherd. Keri reported that the committee met the day before and worked on some details with WSDOT regarding Mapping and how to be more a part of Transit Planning and reporting. Don Chartock, WSDOT provided a brief background on the history of trying to integrate Tribal Transit information in to the state data collections and reporting system. They have abandoned the idea of an interactive GIS map and have gone to a simpler graphic map do to GIS causing problems with participation. Secondly they will be getting data from the national data base, already submitted by tribes, rather than going tribe to tribe to gather this information. Don noted that complexity could be added to the reports in the future if that is what we all decide is wanted. He will continue to work with TTPO. Keri noted that when the committee was formed there were many issues, most of which have been resolved. It is possible that this committee is no longer needed or maybe we just needed to meet as needed. Keri asked for others to step up to lead any further initiatives.

A question was asked about any new FAST Act related requirements or other changes for the Tribal Transit program including but not limited to the new FHWA/FTA joint planning regulation. Don noted that most policy changes occurred under MAP-21 and that FTA was still working on those regulations. There are going to be changes, but we don't know what they are until FTA completes their rulemaking. We all need to keep our eyes and ears open and WSDOT will share anything that comes up.

Also discussed was the lack of a national Tribal Transit Organization. It is on the RTAP website but has had limited exposure. Tribes are encouraged to learn more about RTAP and become involved in their programs.

Matt brought up another discussion that occurred at the Transit Committee meeting and that was the idea of having a one-day transit training session prior to the TTPO meetings as all transit managers have required training. We wanted to present this to the TTPO and asking TTPO to support the lunch and meeting. Possibly doing outreach to the middle management and doing some practical training that helps keep them compliant as well as education on the importance of data collections, reporting and the relationship to funding as examples. Matt noted that the Transit Committee has been meeting prior to the TTPO meetings to be able to present at the TTPO meeting. If this training took place from time to time, then the committee would not need to be on the TTPO agenda. Matt asked for a motion to support the training with the cost only being lunch, tied to same place as TTPO meeting with a free meeting room. Ricky Gabriel moved to support holding the Training, Keri Shepherd seconded. Discussion included the value of tribes learning from each other. Also there was discussion of where and from whom tribes are currently getting training. A number of resources were mentioned. Also the importance of

getting staff to the training is very important. This may require calendaring the training ahead of time and moving the training around the state. The Question was called for and the motion passed unanimously. **** Action Item**, Transit Committee will look into putting training together for a day preceding the next meeting.

6. Safety – No presentation

7. Interagency Coordination –

NW Tribal Transportation Assistance Program (NW TTAP) - Rowena Yeahquo. Rowena reported on last quarter activities of the NW TTAP that included her participation in the Transportation Research Board Conference and associated committee meetings and workshops noting the emphasis on safety and data collections as well as maintenance issues such as discussed earlier. She also reported that Ron Hall is the new chair of the Native American Transportation Committee replacing Kelly Meyers who is with the National Indian Justice Center – Western TTAP. She also mentioned the Grant Writing workshop in Spokane and an RSA workshop at Lummi that will also produce a report for the tribe. 30 people participated. There were also two Defensive Driving courses talk and participants included many Transit drivers. The instructor was the OK TTAP Director and Rowena is seeking to take a Train the Trainer course in this area. She also discussed the WTSC grant to develop a Safety Culture in Reservation Communities. EWU's Margo Hill has been coordinating the project, including it in ATNI meetings and at the ATNI Drug Summit. The project has received approval to continue in FY 17. Rowena handed out a flyer advertising the summer Tribal Transportation Planning Institute and noted that the NW TTAP advisory Board had developed a new strategic Plan updating the 2004 version. The final draft is completed and will be presented at the next board meeting at ATNI Monday night.

2016 Tribal/State Transportation Conference – Megan Cotton, WSDOT. Megan reminded everyone that the call for program proposals was out and the deadline was extended. The planning committee meets monthly. Please get your ideas in. Megan asked the TTPO for a sponsorship to help keep registration down. Annette Nesse stated that support in the past had been about \$2,000 and suggested that we maintain our support. Others discussed increasing to different levels. Matt suggested that we hold off on setting a level until the discussion of the work plan and budget in the business session. He suggested that we have a motion to support now and then another motion to set a level of support later. Keri Moved to support the conference at a level not less than the last time to be determined at the business meeting. Casey seconded. The Question was called and the motion passed unanimously. ****Action Item** Support 2016 Tribal/State Conference.

8. TTPO Business –

Treasurer's Report – Annette Nesse, TTPO Treasurer provided an update since the last meeting in March. The TTPO Financial Report dated 1/1/2016 through 5/18/2016 (sic) was provided to the group. Annette noted invoices paid and that dues notices were

sent out with numerous tribes and others responding including 13 tribes and four consultants with a special contribution from Chris Robideau, Red Plains Professionals. At the last meeting we discussed what we should do with the balance. Should we leave it in a savings account or look at investing a portion of it. She did not get any clear direction from the last meeting and volunteered to investigate some alternatives that might be appropriate for the TTPO.

Updated TTPO Bylaws and Work Plan. Matt updated the group on the process to update the bylaws. He worked with Keri, Julia and Megan to streamline and clarify the bylaws. It is a big change to what we had, but now is much more appropriate to what we actually do. Copies were distributed. Casey suggested the inclusion of a statement that these bylaws would supersede any and all previous bylaws as of the date of adoption.

It was requested to hold off on the vote to approve the bylaws as some members not present had not seen a copy. It was agreed that Keri would make changes and send out the new bylaws with a drop dead date for comments followed up by an up or down vote by e-mail. **** Action Item:** correct and send bylaws to all members for review and comment followed by an electronic vote.

New Work Plan. It was agreed to hold off on this until after the bylaws were adopted.

Support for Tribal/State Conference – Annette confirmed that the 2014 level of support was \$1,500.00. Casey moved to contribute \$3,000, seconded by Keri. The question was called and all were in favor. **** Action Item:** provide \$3,000 to the Tribal/State conference for support from the TTPO.

9. Announcements/Good of the Order

New map available from BNSF railroads on tribal lands. They are correcting an error and then the map will be available.

Matt mentioned the upcoming National TERO conference at Lummi the first week of August.

Next meeting.

After discussion of various times and places and the survey of training to be incorporated in the new work plan, Matt moved the date of October 25, 2016 at Stillaguamish. Seconded by Annette. The question was called and the motion was approved unanimously. Casey will look at the availability of their new Administration

Building at Stillaguamish north of Everett. **** Action Item:** Follow up with Stillaguamish for October 25th meeting.

Meeting Adjourned at 3:00 pm.

ACTION ITEMS

March

1. TTPO to look at intertribal coordination of emergency response
2. Look at investing a portion of funds in interest bearing account.
3. Invite BIA (FHWA) to discuss TTP required financial systems.

May

1. Request NW BIA Realty Right of Way update at future meeting.
2. Dan Tolliver to draft letter for TTPO signature to FHWA requesting Kurt Fredenberg to be seated on the FLAP technical advisory group.
3. Schedule report on Safety Management Committee status and activities from NW Region.
4. Transit Committee will look into putting training together for a day preceding the next meeting.
5. Support 2016 Tribal/State Conference.
6. Correct and send bylaws to all members for review and comment followed by an electronic vote.
7. provide \$3,000 to the Tribal/State conference for support from the TTPO.
8. Follow up with Stillaguamish for October 25th meeting.