

## **Tribal Transportation Planning Organization**

Quarterly Meeting

January 19, 2017

Northern Quest

09:00 a.m. – 3:30 p.m.

### **Introductions**

Matthew Jensen, TTPO President, Lummi Nation, called the meeting to order and everyone introduced themselves. (see sign-in sheets). Keri Cleary, TTPO Secretary, Nooksack Tribe took the roll. Matt noted that due to weather attendance would be a little lighter than usual, but that he was glad to see everyone. He provided an updated agenda and let us know that the hotel was setting up a phone system for folks to call in on.

Michele Knerr, KALTRAN, welcomed everyone on behalf of the Kalispel Tribe and noted that Julia Whitford and others were weathered in at Usk, WA and would not be able to attend.

Mr. Jensen asked for changes or comments on the minutes of the October 25, 2016 meeting. Hearing none, it was moved by Heidi Thomas and 2<sup>nd</sup> by Richard Carpenter to accept the minutes as written. The motion passed.

### **TTPO Business**

Treasurer's Report - Annette Nesse, TTPO Treasurer, Jamestown S'Klallam Tribe, reported a Bank Balance of \$37,112.13, with outstanding sums for the WSDOT Conference and Insurance totaling \$4,650.00 leaving a balance of \$32,462.13. Annette stated that the 2017 dues had been invoiced to Tribes and Consultants, \$2,800.00 has been received to date from 9 tribes and 5 consultants.

2017 TTPO Budget – Matt and Annette presented a draft Tribal Transportation Planning Association (sic) – FY 2017 Budget for review. The budget is based on an anticipated revenue of dues of \$7,000.00. The draft is for reference and use in conjunction with the revision of the TTPO 2017 Work Plan.

### **Tribal Partnership Presentations**

Mr. Richard Warren, WSDOT was introduced and provided a presentation on the Washington Transportation Plan (see presentation and flyers). Mr. Warren who is with the WSDOT Planning Studies Group explained the two Phases of the Washington Transportation Plan. Phase 1 was led by the Washington State Transportation Commission and provided policy guidance and recommendations for all transportation modes. Phase 2 is led by WSDOT, and is meant to assist with implementing the recommendations from Phase 1. Mr. Warren provided a timeline for completion of the final plan in the winter of 2017-18 if the planning regulations developed under MAP-21 are finalized around that time, allowing for performance measures and targets to be aligned with the regulations. Mr. Warren discussed the relationship with asset management and the "Practical Solutions Framework" that will help to reduce the final cost on projects by taking another look at designs and attempting such solutions as a smaller project footprint, narrower lane widths and shoulders, reduction of distribution and travel lanes and modeling for more of an expected traffic volume in the design year. He also noted that Keri Cleary (Shepherd) is a member of the planning advisory group and that it is important for the Tribes to be involved in the outreach processes to share priorities and areas of mutual interest between state, local, and tribal governments. Mr. Warren noted that this effort is also coordinated with other planning

efforts and provided a flyer on the Washington State Freight System Plan 2017 Update as an example. Mr. Warren invited the tribal representatives to help in identifying outreach opportunities to help to identify action items for the Focus Areas: of 1. Maintain and preserve investments; 2. Manage growth and traffic congestion; 3, Enhance multimodal connections and choices; and 4. Change the funding structure. He closed the presentation providing contact information ([warrenr@wsdot.wa.gov](mailto:warrenr@wsdot.wa.gov), 206-464-1283 & <https://wtp2035.com/>) and answering questions.

Matt requested that the presentation and two flyers be provided for posting on the TTPO website. This will help others that could not attend the meeting be informed of the Washington State Transportation Planning process. Matt also informed everyone that the call-in phone was not working properly and that only one person could call in at a time. (Casey Stevens, Stillaguamish was on line) There was a brief break and social period while the hotel IT staff attempted to remedy the phone situation. Although the call-in phone was set up, no one had set up a "conference call". Richard noted that this was a service that could be set up through the state switchboard, or with a private provider such as UBER or GoToMeeting.

The teleconferencing issue was remedied and the new phone number sent out by Keri. Rachel Kane, Snoqualmie Tribe and Al Pinkham, Yakama Tribe soon joined the call. Casey did not call back in.

Next, Ms. Nicole Patrick, Grants Analyst, WSDOT Public Transportation, was introduced to provide information on the WSDOT Consolidated Grant Program (see Consolidated Grant Program Application Evaluation Panel RFAI.pdf, provided after the meeting). Ms. Patrick noted that she had participated in a workshop the previous day with the TTPO Transit Committee and wanted to share the information again today as there were tribal representatives that were not able to make the committee meeting. She provided the group with information on the 2017-2019 Policy and Process changes. A significant change was in the utilization of a graduated match requirement with new applicants having a lower match. Additionally, the evaluation process would be contracted out to focus on evaluators who had more familiarity with all aspects of public transportation and demonstrated subject matter expertise and experience in at least one specific area: a. Coordinated special needs transportation; b. Public transportation operations; c. Transit asset management; d. Transportation funding; or e. Tribal transit. As in the past evaluation panel members cannot have any financial interest in any projects submitted for consideration in the current program cycle. In addition to the contracted review team, tribes were invited to volunteer to participate in the proposal evaluation team, however there was no mechanism to compensate volunteers. WSDOT received 166 project proposals from 75 organizations. After the proposal review panel evaluates each proposal using a forced-pairs methodology, RTPOs and MPOs will weight proposals with A, B, C & D grades that have been allocated by WSDOT. Ms. Patrick invited comments on both the grant application process and the evaluation process and commented on some areas of concern that has been brought up at the TTPO Transit Committee meeting. TTPO members encouraged the inclusion of Tribal representatives on the review panel. It was questioned why RTPOs and MPOs could weight applications but the TTPO could not. It was requested that there be parity as the TTPO was created to interact with WSDOT in a fashion similar to the RTPOs. Other issues with the application process included the need to clarify up front the definition of match in referenced FTA circulars specifically In-kind vs Cash match. The timeline for applications was two short given the required tribal council sign off and commitment to funding in the application process. It was suggested that although a responsible party sign-off was necessary in the application process, a formal

commitment was best left to a time when the proposal was accepted and final program and budget items negotiated between the Tribe and WSDOT. Generally, it was felt that there was a need for more technical assistance and conformity throughout the state. Ms. Patrick thanked the group for their ideas and welcomed additional comments at any time (Ph 360-705-6930, [patricn@wsdot.wa.gov](mailto:patricn@wsdot.wa.gov) ).

Next Matt introduced Rowena Yeahquo, Director, Northwest TTAP ([www.ewu.edu/NWTTAP](http://www.ewu.edu/NWTTAP)) Rowena began with an announcement of two online classes that are being offered. The first is Census & Population Data for Transportation Planners, a self-paced training offered January 17 – March 21, 2017 taught by Dr. Dick Winchell and Tribal Planning Basics offered January 17 – March 2, 2017 taught by Margo Hill, JD. (<https://www.ewu.edu/nwttap/training/online-classes/online-classes>) Rowena also announced the 2017 Northwest Region Tribal Transportation Symposium that will be held in Spokane March 6 – 9, 2017. The symposium will be at the Davenport Hotel and is a joint effort of the NW TTAP and BIA NW Region Transportation office. (<https://www.ewu.edu/nwttap/training/2017-nw-region-symposium>) Reservations with the hotel would be appreciated prior to February 13<sup>th</sup>. The draft agenda and all registration materials will be posted soon. Flyers were provided for each event.

Rowena then went on to describe some of the challenges that the seven TTAPs have been faced with. She shared comments she provided the NW TTAP Advisory Board.

First, there has been reorganization within USDOT and the LTAP/TTAP program is now under the Office of Innovative Program Delivery. The chief Innovation Officer is Mr. Tony Furst (202-366-2242) The new program manager under Mr. Furst is the Director of the Center for Local-Aid Support, Victoria Peters (720-963-3522 [victoria.peters@dot.gov](mailto:victoria.peters@dot.gov) ) The DOT procurement office and Ms. Peters are taking a very hard line on procurement guidelines that many thought had been resolved. Guidelines restrict the TTAPs from utilizing any facility that is a “resort” or “casino”. No meals may be provided, even if payed for by registrations. Only coffee or tea may be offered. This restricts TTAPs from utilizing many tribally owned facilities. The office of Innovative Program Delivery is responsible for pushing out the FHWA’s Every Day Counts and other initiatives to state, local and tribal transportation organizations (<https://www.fhwa.dot.gov/innovation/everydaycounts/>). There have been four years of initiatives and the NW TTAP and others have been involved as much as was possible in FHWA sponsored regional meetings and in providing training on Every Day Counts and other innovations through the annual symposiums, the National Tribal Transportation Conference and regular trainings. However, FHWA evidently does not feel that has been enough.

Ms. Yeahquo described meetings called on short notice by FHWA with TTAPs to inform them that all current contracts (agreements) would be cancelled and that a new NOFA would be announced with a short turn around soliciting new and current TTAP operators. This was, Ms Peters said, to get everyone on the same schedule, however there would also be a revised Scope of Work, and new focus and direction but no specifics have been forthcoming. NW TTAP was just starting year four of what are usually five year agreements. That is they had two years left on the current agreement. Later the TTAPs were informed that they would continue until the NOFA process was concluded and new operators selected. Rowena stated that it was her understanding that any changes such as this should be done with Tribal Consultation. This was done without consultation with the tribes or discussion with the FHWA required NW TTAP Advisory Board. Although EWU is confident that they can put forward a competitive proposal and continue to administer the program that started in 1993, the whole process

has been very disruptive, there are major changes in FHWA staffing and potential impacts on EWU - NW TTAP and other TTAP staff.

Tribal leaders raised concern at the recent National Tribal Transportation Conference (NTTC) but did not receive any satisfactory response. Ms. Peters was not in attendance at that part of the NTTC. Rick Galloway, NW Region Representative to the Tribal Transportation Program Coordinating Committee (TTPCC), noted that this issue was on the committee's agenda for the following week and that Victoria Peters was to be at the meeting. It was suggested that the Coordinating Committee ask directly how the new NOFA was developed, what consultation was sought and how did they reach their conclusions. It was also asked why the BIA Transportation Program was not involved. They are the co-administrator of the Tribal Transportation Program (TTP) with FHWA and half of the TTAP program funds come from the TTP funds designated for BIA program administration funds. Rowena noted that at the recent TRB meeting in D.C. it was asked who tribes contact if they have questions or comments and Victoria Peters said that they should contact her. Other possible contacts are her superior Mr. Furst, the Federal Highway Administration Administrator, Gregory Nadeau (202-366-2240) or Kenneth Martin, Deputy Assistant Secretary for Tribal Government Affairs (e-mail- [tribalconsultatin@dot.gov](mailto:tribalconsultatin@dot.gov)) (note Mr. Nadeau and Mr. Martin may be dismissed and/or replaced by the new administration) Rowena will also provide this information to the ATNI Transportation Committee. It was also suggested that possibly NCAI might get involved as this is a national issue not just a regional issue. Rick also invited comments to his address [rg@q.com](mailto:rg@q.com) regarding this or other matters.

#### **TTPO Business**

On that note we broke for a "working lunch" to get our plates and take up some TTPO business.

Mr. Jensen opened with a statement that we needed to discuss what we want the TTPO to be. As we move forward we want to be clear on our goals. He provided a draft Work Plan: 2017 – 2020 that included "Guiding Principles of the Work Plan" and a second part that defines Work Plan Tasks and Deliverables.

Keri explained that these documents are updates of material that has been provided in the past, it is separated into the two parts for clarity and needs to be updated and formally adopted. The guiding principles will be more ongoing and the tasks and deliverables will be worked on and updated on an annual basis. It was hoped that with the planned Annual Meeting and elections the new officers would take this on. Matt, invited comments on the materials displayed on the screen as Keri presented them. One suggestion was to include a "complete streets" policy. Another was to reconnect with the WSDOT RTPO/MPO coordinating committee and obtain parity in funding with the RTPOs as pursued in the late 90's early 2000's. A WSDOT line item for TTPO support was requested but it was never funded. Support for the TTPO was established with staff support and limited travel support. Funding provided to the TTPO for planning like that provided to the RTPOs would allow for the TTPO to accomplish more of their stated work plan in a timely fashion. It was further stated that this was one of the original concepts, to get funds to support a tribal organization.

Matt gave his perspective that the TTPO had the need to establish itself, straighten out some of the kinks with the initial bylaws and then be more clear on the directions they want to pursue. Rick Galloway emphasized that he felt the TTPO was strong and ready and could take on tasks like what RTPOs do to collect data, provide analysis and do other planning tasks on behalf of the tribes.

Keri added that she felt the draft Work Plan did allow for the TTPO to go in that direction if they so decided to. It was noted that the By-Laws discussions and revisions is part of our history and our evolution and TTPO came out of it stronger and it had been a positive thing. Matt noted that he does get invitations to the MPO/RTPO Coordinating Committee meetings and that TTPO did in fact have a place at the table. Participation has taking a back seat to other matters. Future participation and pursuit of policy and/or dollars are still possible.

Keri displayed the document with the list of major deliverables for review. It was noted that some of the items have been accomplished. The purpose of this discussion is to share it and to request volunteers to work on revisions. It was decided to share the documents again by e-mail and to continue the discussion at the annual meeting that will be postponed until March. It was also noted that with a stronger TTPO we could also provide an example or model to share with other tribes in other states.

Matt then brought up a discussion the TTPO Leadership had and a decision to hold the next TTPO meeting at the NW Tribal Transportation Symposium the evening of March 7<sup>th</sup> Tuesday night with dinner, with an abbreviated meeting and elections. Keri will need volunteers to work on the TTPO tasks that can reasonably be accomplished this year in-line with our Guiding Principles. Annette volunteered as did Matt. Keri will also send out an email and set up a phone conference.

Keri also went through a ranked training list that had been developed about two years ago. Some trainings have been accomplished and will be deleted such a FAST Act Comparison, New rules at BIA, Road Safety Audits and TAM training. Additions suggested included Maintenance & Asset Management (measurement of what is spent and what is needed on road maintenance), Crash Data Analysis, Transit Financial Management and Performance Management. The survey should be sent out again and coordinated with the NW TTAP needs assessment.

Keri next discussed a draft resolution on Crash Data Collection to be sent to Grieg Arnold, Makah to introduce at the Affiliated Tribes of Northwest Indians (ATNI) the next week. It was noted that Kirk Vinish, Lummi and Ricky Gabriel, Colville are the current Transportation Committee co-chairs.

Matt declared the working lunch over and tabled the discussion of TTPO and formation of sub-committees that was on the agenda.

### **Interagency Presentations**

Next, Matt invited Scott Waller, Tribal Liaison with the Washington Traffic Safety Commission (WTSC) to present. Scott brought up the announcement for the WTSC annual grant solicitation that is currently underway. He asked tribes to take a serious look at the opportunities provided. There is a huge range of projects to be funded that focus on enforcement, education, drug courts and others. Go to [www.wtsc.wa.gov](http://www.wtsc.wa.gov) and click on grants. It is a very easy process and can support a variety of projects. The deadline is February 10, 2017.

Scott also brought up the year-old Pedestrian Safety Council. They have just published their annual report and it is available on line. They have done some pretty impressive work and the report also talks about what to do in the future to enhance pedestrian safety. He noted that on rural often tribal roads

pedestrians are at an increased risk. Child Safety Restraint training is another program that WTSC has available. They can help set up training in communities and there are some limited dollars available for purchase of child seats but it is more often expected that applicants will work with community organizations such as hospitals to secure donations for these purchases. Indian Health Service – Injury Prevention Program was mentioned as another resource. Scott then provided information on some initiatives in the WA legislature. One proposal that is moving forward deals with distracted driving. This is one of the governor’s priorities There is a lot of visibility for this issue. Data shows that only about 10% to 15% of drivers are causing a lot of crashes. There is also a measure to clarify WA States Child Safety restraint law that is very confusing for law enforcement, parents, & others.

There was a question about whether the crash reports filled out by police collected information specific to distracted drivers. Scott was pretty sure that it did but promised to check into how that data was collected and reported. Scott was also asked if the grants he referred to required a match and if so was there coordination with the BIA Indian Highway Safety Program and possibility of using that program as a match. Scott said that a match was not required. A match does enhance an application and utilization of other federal funds as match would be looked upon positively.

Next Matt invited Kurt Fredenburg, BIA NW Regional Road Engineer to give an update on his program. First, Kurt provided information on the publication of the new 25CFR170. Roll out meetings are planned and the one nearest us is at SEATAC on Feb. 16<sup>th</sup>. Kurt provided a handout that will also be on the TTPO website (25CFR170 - ITC (1-12-17)\_0119TTPO.pdf). This is the same presentation that will be given at the rollout. The final rule revises 25 CFR part 170 to, comply with legislation governing the Tribal Transportation Program (TTP); Reflect changes in the delivery options for the TTP that are available to Tribal governments; Make technical corrections to clarify program related responsibilities and requirements for Tribal governments, the Bureau of Indian Affairs, and the Federal Highway Administration. The new rule also clarifies the requirements for proposed roads and access roads to be added to, or remain in, the National Tribal Transportation Facility Inventory (NTTFI), which was formerly known as the Indian Reservation Roads Inventory; Includes the reporting requirements of 23 USC 201 (C)(6)(C) for obligations and expenditures; and Revises certain sections of the current rule that were provided for informational purposes by removing certain sections that are no longer required by statute and adding information to direct the reader to BIA or FHWA websites where additional information is available.

Kurt reported that we are currently under a 2<sup>nd</sup> continuing resolution that is effective through April. The money has not yet been made available for distribution by the region but a NOFA will be sent to tribes as soon as it is available. There will be a 10% cut in funding as an obligation limitation or rescission. The next item was the BIA ROW regulations that were issued at 25 CFR 169. There were significant changes particularly as it relates to Trust land. The regulation eliminated some of the documentation required for road ROWs and FHWA did not agree with that and have requested a meeting with BIA. We are waiting for a guidance on that. With the change in administration we may have to wait longer than hoped. The problem is that BIA did not think about transportation when they developed the rule and did not consult with FHWA. Hopefully a rewrite of the regulation will not be required. It was also brought up by an attendee that the issue of ROW for pipelines should also be addressed. Pipeline Safety is also part of USDOT’s responsibility and has a direct impact on Tribes as witnessed in Standing Rock.

Next Kurt noted that the FAST Act mandated the development of a DOT Office of Self Governance. The negotiated rule making committee is meeting and is still on schedule to complete recommendations by the end of 2017.

The FAST Act also required TTP reporting annually. We just completed the first round of reporting and NW Region only had one tribe that did not report on time. Nationally 24% did not report and there is an effort to get that information completed. Kurt asked for questions and hearing none ended his presentation.

### **Tribal Transit**

Matt noted that the presentation by Nicole Patrick had covered the Tribal Transit Committee activities of the previous day however he invited Keri to provide any additional information. Keri mentioned the continued effort to work with WSDOT to develop a Tribal Transit Map that would properly display the public transportation services provided by the tribes as well as be a resource for tribal transit operators. Content of the map or maps, layout and other issues were discussed and guidance given to Stan Suchan, WSDOT, who is working on the project. An updated draft will be shared when it is available. Keri reported that we are still waiting to do the Transit Asset Management training. It will happen when FTA has trained the trainers. That is all.

### **TTPO Quarterly Meeting Recess**

Matt explained that due to the weather-related travel restrictions and limited attendance, it was proposed to recess the quarterly meeting and then to call the Annual meeting to order, so that that meeting could postpone elections until the March 7<sup>th</sup> meeting in conjunction with the Tribal Transportation Symposium.

Heidi Thomas moved and Keri Cleary 2<sup>nd</sup> to recess the quarterly meeting to March 7<sup>th</sup>. Motion passed.

### **Annual Meeting**

Matt called the Annual Meeting of the TTPO to order. Due to limited attendance, he recommended postponing the elections to March.

Heidi Thomas moved and Richard Carpenter 2<sup>nd</sup> to postpone annual elections to March 7<sup>th</sup> meeting in Spokane, WA. Motion passed.

### **MEETING RECESSED TO MARCH 7, 2017**

**All presentations and handouts where a link is not provided in text can be found on the TTPO website at <http://www.ttpo-wa.org/>**