

Tribal Transportation Planning Organization
Quarterly Meeting
September 12, 2017
Nisqually Red Wind Casino Conference Room
12819 Yelm Hwy SE
Olympia, WA 98512
Visit our website: <http://www.ttpo-wa.org/index.html>

MINUTES

Introductions

Al Pinkham, Jr. President, TTPO, Yakama Nation Representative called the meeting to order and invited everyone to introduce themselves. Al then introduced Joe Cushman, Nisqually Tribal Planning Director. Mr. Cushman, who has served the tribe for over thirty years described his perspective on the changing role and increasing importance of transportation in tribal planning not only for the Nisqually but for all tribes. He welcomed everyone and commended the work of former Transportation Planner Jim Longley and current Transportation Planner Heidi Thomas.

Roll Call – Keri Cleary, TTPO Secretary, Swinomish Tribe (on conference call) and Al confirmed that there were no voting conflicts anticipated and reminded everyone to sign the attendance sheet.

Minutes – Al stated that the minutes of the June 7, 2017 meeting has been sent to everyone and asked for comments or corrections. Hearing none the minutes were approved as written.

Tribal Transportation Project Presentation

President Pinkham introduced Nisqually Tribe Interim Police Chief Tom Lyall. Chief Lyall talked about 3 Es of Road Safety. 1. Engineering, Chief Lyall discussed the impact of a Road Accident Reconstruction class helped him understand the need for quality engineering of Roadways. 2. Education, the Police Department gives talks in schools and work with young drivers. They are currently educating about distracted driving and the new laws in Washington. 3. Enforcement, is required. Chief Lyall discussed the problem on the road in front of the Casino, by the Day Care and challenges related to itinerant speeders. He discussed the re-engineering of the roadways (expanded lanes) and construction of two roundabouts at major intersections one on and the other just at the reservation boundary. He discussed the types of incidents that had been recurrent at the intersections and the reduction in crashes since the reconstruction. This has improved the flow of traffic and made enforcement of speed limits an easier task as well.

A question was asked about how the Tribe got the speed limit lowered. Jim Longley, former Transportation Planner for Nisqually responded that on SR 510 it was a matter of the Tribe's need catching up with WSDOTs understanding of the problem. When the casino was opened about 15 years about the speed limit was dropped from 55 to 40 m.p.h. After the tribe continued to develop businesses along the corridor the speed limit was reduced even more. There had to be enough "friction" to meet the standard for a reduced speed limit. It requires data on congestion, and crashes but the tribe's need and the states need must come into alignment. Another question was whether they have numbers how much the accidents have come down before and after the introduction of the roundabouts. The answer was that the state collects the data for crashes on their highway, so a query would need to be made to the WSDOT data office however from experience it seems that crashes at least fatal crashes have been eliminated.

There was also discussion of the "military crossing" signs and the fact that JBLM is on both sides of the roadway leading onto the Nisqually Reservation. Tribal Law Enforcement coordinates with the JBLM officials on practice missions and JBLM has a website where they can also keep themselves updated.

There was additional discussion about the cost, about \$5million through WSDOT, and people's acceptance of the roundabouts, a new concept, that took some getting used to. There was some push back in the beginning but now that they see the improvement there is much more acceptance. There were community input opportunities as well a formal survey prior to the design and construction. There was a lot of interaction. The crash data, particularly at Reservation Rd. intersection, was staggering, leading to the prioritization of the project by WSDOT.

In response to a question regarding whether or not the Tribe directly had input into the decision making, Mr. Longley responded that it was a process kicked off by the Tribe's regular participation in meetings with other jurisdictions and his discussion directly with the Thurston County Road Engineer and their agreement that

something had to be done about the intersections. The county, the tribe, FHWA, contractors and the people went through a year long process and the Tribe was listened too in the process and it made a difference.

Capacity and Training

Colville Tribes – Disaster Response, Spring 2017 - Angelena Campobasso, Colville Tribe Transportation Planner and TTPO VP. Ms. Campobasso introduced herself and discussed the challenges the Tribe has recently faced first with flooding and fires. Angelena's primary task at the Tribe is to complete the Long-Range Transportation Plan. This presentation is on the 2017 Flood Damage on the Colville Reservation and Emergency Relief for Federally Owned Transportation Facilities. (see power point) She has been closely working with Ron Skunes, NW Region BIA and David Hilgendorf, ERFO Coordinator, Western Federal Lands Highway Division (WFL). Angelena discussed the ERFO Program in detail, the relationship with FEMA's Stafford Act programs and Emergency Response procedures, eligibility and application processes that Tribes must follow. Specific examples of damaged facilities and completed projects on the Colville Reservation were reviewed giving everyone a very clear picture of the devastation and associated restoration. Clarifications were sited regarding Tribes ability to take advantage of new provisions under the Stafford Act allowing tribes to participate at lower thresholds of damage than states. Tribes have the option to work with FEMA or ERFO but FEMA can not duplicate work being accomplished by ERFO. It was also noted, using the OSO slide as an example, the value of having none BIA/Tribal roads on the Tribes transportation facilities inventory allowing tribal and state programs to work together with Tribal Match for state and FLH emergency money. Whether or not there is a presidential declaration of emergency is the point at which things change from being a Tribal/BIA responsibility or state responsibility through FHWA or a FEMA responsibility. The presidential declaration moves the responsibility to FEMA.

Stafford Act Process for Tribes - Alysha Kaplan, WA Military Dept. Emergency Management Division

Ms. Kaplan had no formal presentation, however she augmented Ms. Campobasso's presentation with clarifications regarding the relationships between Federal, State and Tribal jurisdictions, ERFO and Stafford Act amendments that provide Tribes status like states in declaring emergencies and seeking presidential declarations. Ms. Kaplan strongly recommended that any tribe anticipating a declaration coordination with he office and carefully consider the administrative burden of a tribe going alone or through the state. In any case remember to document initial response costs as well as the fix to bring the facility back to the condition prior to the event.

The BIA has been handling damage reviews for Tribes that contract through FLH. This applies to self-governance tribes as well. Commenters emphasized the need for good pictures and a good narrative, so you own your disaster, so you can explain in your disaster request the real need that would not be apparent to the reviewers in D.C. Often there are numerous jurisdictions involved and each can add their need to meet various thresholds and assure the need is met. Again, the example of the OSO slide was explained and that although the tribes involved saw no money directly, they were able to use tribal disaster eligible dollars as a local match to the 87% or so that the state is reimbursed. Make your inventory as accurate and expansive as possible. Pictures with dimensions added help to understand the real scale of the disaster.

The presentation with a reminder that tribes should contact Ron Skunes at BIA for additional information or to make a request for assistance.

BREAK

Interagency Presentations

WSDOT Announcement - Matt Kunic, Tribal and Regional Coordination Office Manager, announced that in the past his office has found dollars in his budget to provide travel support for two tribal representatives from each tribe in the coming biennium, as well as continued support in the way of scholarships for the Tribal/State Conference as well as other opportunities.

NW TTAP Update - Rowena Yeahquo, NW TTAP Director. Rowena presented on closing the seven regional TTAPs by FHWA and the solicitation for a National TTAP center. Ms. Yeahquo referenced a letter that she had sent to all tribes. There has been considerable effort over the last year to change this decision that occurred with no consultation with the tribes. She stated that FHWA felt that the TTAPs were not doing enough training and were not

as good as LTAP that serve the state local governments. Despite the discussions EWU received no notification ending their cooperative agreement with FHWA until just before Labor Day weekend when a letter was received giving 30 days' notice to close the NW TTAP center. Twenty-five years of NW TTAP needs to be boxed up and sent to FHWA as part of the closure and this as the seven TTAPs prepare for the National Tribal Transportation Conference scheduled for the end of September in Tucson. Rowena answered questions regarding the closure and discussions with FHWA, LTAPs and TTAPs over the year. There was no discussion with TTAPs regarding problems with services rendered. FHWA is proposing a two-year pilot project for the National TTAP.

Eastern Washington University wants to make clear that even with the closing of the NW TTAP, EWU's Planning Programs will continue to offer technical assistance to tribes along with research and training. One program through which this will occur is the Small Urban Rural and Tribal Center of Mobility (SURTCOM) grant with Montana State University Western Transportation Institute and University of North Dakota. EWU also has a grant with Washington Traffic Safety Committee for Tribal Traffic Safety and other WSDOT contracts that provide experience for students. The focus will be more on more focused research leading to implementation through workforce development and training. Rowena also provided information on the Community Transportation Association of America Northwest, (CTAA NW) and opportunities the tribes and TTPO might have for collaboration on training and driver certification for public transportation. As Rowena will be stepping down from her position there may be an opportunity for a TTPO member to sit on the CTAA Education Board. Mr. Longley offered that many tribes have been involved with CTAA NW. Keri Shepard offered to look into the issue of membership and representation for the TTPO. A question was asked about the NW Tribal Transportation Symposium and whether it would continue. Rowena was not able to respond as to what would be happening regarding the continuation of the symposium. Richard Rolland noted that we have coordinated the symposium with the NW BIA and that was likely to continue as would the Summer Tribal Planning Institute and other Training. Rowena ended with a heartfelt thank you to everybody for welcoming her when she first came to the Northwest and for their continued support during her tenure. Richard provided a few more details on the EWU Tribal Traffic Safety project and asked members to contact Professor Margo Hill if they had questions regarding the tribal programs in the EWU Planning Department. He also stressed the importance of TTPO members to join in the WTSC Tribal Traffic Safety Board meetings and to encourage law enforcement, EMS and other related disciplines to be represented.

WSDOT WTP Update - Kathy Murray, WSDOT Statewide Planning Office. Kathy discussed development of the WTP the state's LRTP. She had hoped to have a draft to share but it is delayed however it will be ready for public comment within a week. The plan contains a number of Focus Areas and Action Items and these are specifically where WSDOT would like comments and guidance from the tribes. Are the action items worded well, are they being worked on already, would someone like to work with the state on them and so forth. Keri Cleary has been participating on the advisory group.

Ms. Murray also noted that the Ferry System Plan development will be starting and if you would like to know more about that channel your questions through Megan Cotton, WSDOT Tribal Liaison. Megan will normally send out notices of plans open to comment and opportunities for tribes to participate in various planning efforts. WSDOT will also be working on their Active Transportation Plan that is their Bicycle/Pedestrian Plan. Also, the Inter City Bus Plan that tribes will be interested in as it addresses entrance into the city centers. Kathy also put out a request for pictures that can be shared in the WTP as well as other plans.

WSDOT Freight Plan update - Mark Nickerson, Freight Rail Coordinator, WSDOT – provided background on the freight mobility plan that is out for review. The plan fulfills FHWA Freight Mobility Plan requirements. WA is very freight dependent number two after Michigan. Comments are needed by end of the month. This is a 2040 plan as well.

Transportation 2040, Puget Sound Regional Council - Shawn Ardussi, Senior Planner, PSRC – Provided an update on PSRC planning effort similar to the state's plan update required every four years. They have included a Financial Strategies working group, a Maintenance and Preservation working group as this is their main priority, Transit and Bicycle Pedestrian groups also advise the planning effort. Details are contained in the provided power point presentation. There was a detailed discussion of how PSRC and the State prioritize projects and the development of projects that go on the TIP. All projects must be fiscally constrained at time of implementation but not necessarily in the long-range planning effort.

LUNCH

TTPO Transit Capacity (during lunch break)

Transit Asset Management Plan (TAMP) for Tier 1 & Tier II - Hiep Tran, WSDOT Public Transportation & Training for small and rural transit systems. (see power point TAM Plan for TTPO 9-12-2017.pptx) Mr. Tran provided an extensive update on Transit Asset Management and issues related to FTA guidance and WSDOT requirements included in facilities grants. Casey asked if M. Tran was aware of any discussion between the state and FTA regarding Tribal Transit fund drop off and impact on State of Good Repair. Tribes good not maintain fleets so were required to reduce or eliminate them. Mr. Tran stated that he was not the appropriate person to ask but would take the question back to WSDOT Public Transportation. He also used this as an example of how TAM could be used to plan for good times and bad. Clarification was made about the FTA Tribal Transit program funding, the formula funding issues and proposed changes for the next surface transportation legislation to help fix the Tribal Transit funding issue. The Tribal Transportation Unity Caucus is holding discussions of proposed legislation. Mr. Tran closed with a discussion of the technical assistance his office can provide, work for TAM guidance and training with CTAA as was mentioned earlier in the meeting. He also discussed the possibility of doing a statewide TAMP or agencies can group together to plan, or an individual agency can stay on their own. It was noted that for many tribes this question will have to be added back to Tribal Council for guidance. He clarified that he was not recommending group plans but that the state needed to make the offer. Tribes can do the plan themselves has they have been doing. Tribes can be a sponsor for a group. There are a number options. Tribes with funding from multiple sources, state, FTA only need one plan. Once your plan is established it is relatively easy to update and maintain.

October TAM Training planned 10/04/17. Not finalized yet. Training is in conjunction with CTAA Northwest.

TTPO Sub-Committees

Safety, Tribal Lands and Right of Way, Future ROW Training.

Chairman Pinkham explained the purpose of the sub-committees was to assist tribes and TTPO in these subject areas and that he was looking for volunteers to serve on the committees. Al volunteered to work on the Safety and the Right of Way sub-committees. He is looking for volunteers. You can go to the website and send a message that you would like to be on the committee. There does not need to be anything formal. Casey asked whether tribes had approached the TTPO for help on these issues. Al, responded that primarily each tribe has its own issues. Megan Nicodemus suggested that those interested e-mail Al. It was also suggested that a specific request go out to the TTPO list-serve naming the committees and requesting volunteers. Richard noted the recent presentation to the Tribal Transportation Program Coordination Committee on the new Rights of Way on Tribal Lands regulations and their impact on tribal transportation. If you did not get the presentation it can be made available. It was also suggested that the presenter along with FLH and others be brought up and put on a short workshop to start answering specific issues tribes are having.

Al invited volunteers to come to work on the committees and to bring forth other issues of concern to the tribes.

TTPO Business

Treasurer's Report – Annette Nesse, TTPO Treasurer reported no change in balance from last the last meeting. The balance is \$34,060.25. We have invoiced 38 tribes and consultants got responses from 26 a good return. Parametrix made an additional contribution and Bob Jewell, SCJ Alliance sponsored breakfast at the last meeting. Annette thanked the consultants for their continued support. A written Financial report was provided.

Investment of Bank Balance – Al Pinkham introduced the topic of investing some of the bank balance to help cover some extra costs, for AV, conferencing system and so forth. The topic has been on the agenda for some time. Al asked Annette to discuss research she has done on the concept of an Investment Laddering system. Annette made clear that she was not a licensed investment counselor and was just providing information that she had gathered. The topic of Investment Laddering came from one conversation with First Federal Savings and Loan in Port Angeles. They currently have the TTPO accounts and have staff that provide investment guidance. The proposed laddered approach of short, medium and long CDs with low return and an annuity, that some have advised against. Annett suggested that from that conversation we keep the CD option on the table. Another advisor was familiar with Index Funds a mutual fund that follows varies stock indexes, there is risk involved but they are low cost because of the nature of the investment. Or we could become involved in Individual Value Stocks again they are stocks so there is risk but over time they perform well. The fee is basically 1% of investments. These are basically the three types of

investments looked at. Others also mentioned Money Markets accounts that offer a dollar for dollar value and like CDs have a low interest but ready access to fund. Unlike other bank accounts they may not be federally insured. Other things mentioned were online banks that do offer higher interest rates and you can move your money back and forth. Right now we are not earning anything. Annette recommended a tiered approach with a balance for operating funds, a portion in a CD or Money Market and a portion in a higher yield mutual fund. It was asked how this decision would be made. It was suggested that if anyone had further thoughts that they get them to AI and then the Executive Committee can put together a more formal prospectus for approval. Options can be provided to membership in survey form and the Executive Committee can make the final decisions.

A special announcement took place with the introduction of Colleen Jolie, the first full time WSDOT Tribal Liaison.

TTPO Workplan and Annual Workplan Objectives – Mr. Pinkham referred to the workplan that had been mailed out and noted the changes in red. There are modifications to update the document objectives. We approved the workplan itself at the last meeting. It is the objectives (Priority Work Plan Emphasis Areas and Deliverables) we need to focus on. After review of a portion of the 10-page document it was requested that the Executive Committee simply request a deadline for response from the membership, then bring a finished document for approval at the next meeting. A ten-day opportunity for comments or scheduling of a significant time at a meeting for review is desired. An Executive Committee strategic planning meeting was also suggested. Annette suggested pulling out items that the TTPO actually planned to accomplish in 2018. Rowena offered to send the NW TTAP strategic plan for the Executive Committee to review. AI asked if the members would agree to get him comments within a ten-day period. He then will work with the committee to narrow it down and finalize it. Everyone agreed that this was good. So it is written.

Safety

FY 2017 TTP Safety Grants – Adam Larsen, FHWA (presentation presented via telecom with power point shown locally). Adam's first comment was to notify everyone of openings on the national Safety Management advisory board. (see www.tribalsafety.org for reference materials) Looking to make decisions in early October. We also put out a national Tribal Traffic Safety Plan available on the website. And on the website, you can sign up to get information from Adam. He will no longer be maintaining a separate e-mail list.

Moving on to the TTP Safety Grants and the presentation Mr. Larsen reminded everyone of the December 11, 2017 deadline for applications. The dollars will available will include two years of funding, so this will be the last chance until 2019, about \$18 million dollars. The NOFA has been approved and will be posted shortly. Updates this year include FAST Act changes to eligible activities limited to infrastructure improvements, safety plans and data collection. These where legislative changes, not anything FHWA can change. Other changes are emphasis on data improvement. This was an area of deficit apparent in the program report to congress and a TRB publication on Tribal Data Collection practices. They have also redefined what is considered acceptable data. Finalized project budgets are required and if the tribe or BIA does not own the road and you want to make safety improvements you need a letter from the owner that they are aware of the project. Also, the application period has been extended this year to 80 days because tribes will be required to sign into the SAM.gov federal grant registration system. If your tribe is not already signed in it may take up to ten days or so to establish an account.

Adam invited questions from the participants. A question was asked if there were data requirements in the application. Adam went into more details in that projects are ranked as very qualified, qualified or not qualified. For infrastructure projects proposals with tribal specific data would rate very qualified. If state data is used such as the Target Zero data that will qualify a project but not as high. It was also asked if shovel ready projects would be evaluated more highly. Adam stated that was not an evaluation criteria. A data driven project was more important or if you had matching resources from the tribe or another entity that would rank higher.

25 CFR 170 Discussion – Richard Rolland, Rolland Associates, Facilitator

AI introduced the topic of issues or problems with the 25CFR170 regulations for the Tribal Transportation Program. Richard discussed some of the issues (see handouts) that had been presented by Mr. Pinkham and Ms. Nicodemus sent out to the TTPO listserv. The only response had been from Rick Galloway, who represents the NW Tribes on the TTPCC. Rick felt that NW Tribes were misinterpreting the regulations as the TTPCC had proposed regarding the issue of Proposed Roads. Richard invited Mr. Galloway to participate in today's meeting or provide a more through explanation of what was being misinterpreted. There was no further response from Mr. Galloway. Mr. Rolland noted that Adam Larsen was on the conference line and might be able to shed additional light on the matter.

It was hoped that Kurt Fredenburg, NW BIA Supervisory Engineer would be present or on the call but that was not the case. Some of the problem is that different tribes continue to receive different guidance and regulatory interpretation from their federal contacts, or so it would seem. On this subject and others there will need to be a face to face workshop where a common understanding can be reached.

Mr. Rolland explained that it was not his intent to go through the entire list of problems identified on the CFR but to gather additional comments which could build on a future workshop or workshops (cheers from the crowd).

An additional area of concern was the definition of "Access Roads" there are a number of categories. What will be included in the inventory and what will not? The roll out sessions on the new regulations and federal staff interpretation seem to lack consistency and clarity not only in the Northwest but nationally. Additional guidance is requested. The definition needs to be applied to a specific road or roads that are being denied so that we can help in the clarification.

It was noted that there needs to be clarification on issues as to whether or not they are statutory or regulations as that helps determine how you approach change.

Addressing the issue of lack of emphasis on Asset Management the requirements in the inventory process seem to have been removed because road condition is no longer a criterion used in the funding formula. Therefore, some think it is not necessary. The earlier presentation on Emergency Response emphasized the value of documenting asset condition both before and after a disaster. There are many other benefits to asset management such as efficient use of scarce resource to maintain and operate transportation systems.

It was also brought up that the change from the funding formula that only looks at road miles and does not take into consideration road volume does a disservice to NW Tribes. Again, data collection is not emphasized because it has no impact on funding although it is an important part of transportation planning and operations.

The BIA still uses inventory to come up with a reflection of tribal need. That comes from the old Cost to Construct data that comes from the fields that are no longer of concern in the inventory. If there is no incentive to update the inventory it is not a true reflection of need that is used by the BIA in presentations to congress. This led to a discussion of the large number of critical elements in the roadway that could not be counted in the inventory such as lighting, sidewalks, culverts and so forth.

The issue of the potential deletion of proposed roads from the inventory led to a request for information on the on to become RIFDS certified so that proposed roads can be inventoried. The question arose of whether this mattered or not. If a proposed road is not on the TIP it does not matter because it does not generate funds. It can be placed on the inventory when it is ready to go on the TIP. You may be wasting your time on inventory that could be better used elsewhere. If you are not certified in RIFDS it is the BIA responsibility to help you with input of data into your inventory. If you are going to spend TTP money on any aspect the road needs to be on the TIP whether planning, design or construction.

Considerable more discussion is needed on interpretation of the regulation, impact of deletion of proposed roads and possible impact on funding, access roads, asset management and more.

A response is needed from someone higher up.

Richard also reminded members to look at the draft legislation being proposed through the Tribal Transportation Unity Caucus and assure that language addressing their Tribe's specific needs are addressed.

It was noted that the ATNI Transportation Committee would be meeting next week and some of these questions could be addressed there.

Good of the Order

Al thanked the Nisqually Tribe hosting the meeting and then asked for suggestions on the next meeting which will be the annual meeting.

Muckleshoot Tribe (Dez Hayes) volunteered and January 18, 2018 was selected pending confirmation with the Tribe.

The meeting was adjourned at 2:31 p.m.

Approved 01/18/2018 rar