

Tribal Transportation Planning Organization

Stillaguamish Tribe Angel of the Winds Event Center

October 2, 2018 9:00 a.m. - 03:00 p.m.

Visit our website: <http://www.ttpo-wa.org/index.html>

MINUTES

Introductions Angelena Campobasso, President, TTPO, Colville Tribe called the meeting to order. Angelena reminded members that her term as President would end at the next meeting and Vice-President Dezerea Hayes, Muckleshoot, would become President. She invited everyone to think about nominees for Vice President. The position will be voted on at the next meeting.

The Honorable Shawn Yanity, Tribal Chairman, Stillaguamish Tribe provided a welcome and described a number of community development efforts and transportation efforts including joint projects with the county and state. The tribal gas tax supports projects that serve the larger community along with the tribe. A welcome Song was provided by the Stillaguamish Canoe Family.

Roll Call Angelena invited participants to introduce themselves and reminded everyone to sign the attendance sheets. Keri Cleary, TTPO Secretary clarified that each tribe had one vote although there maybe additional representatives present.

Minutes: President Campobasso, asked for approval of the May 22, 2018, minutes. The minutes were approved as submitted.

Tribal Transportation/Transit Project

“236th Street Road Improvements & Wetland Mitigation Project” Ms. Campobasso invited Casey Stevens, Planning Director, Stillaguamish Tribe, to the podium to present on the Tribe’s current Transit Program and the “236th Street Road Improvements & Wetland Mitigation Project”. Casey, in the absence of Transit Manager Coey Gilliland, gave a brief update on the tribe’s statistics that included for last fiscal year in excess of 228,000 trips and 224,000 plus miles with a small staff of six inclusive of administrators, drivers and others. Casey emphasized that they fill a small but important niche in the public transportation system. It works in large part due to ongoing coordination with the regional transit organization SNOTAC that helps to put all the public transportation pieces together.

Next Casey moved into an extensive presentation on the “236th Street Road Improvements & Wetland Mitigation Project” with help from consultant representatives SCJ Alliance. Casey started with a quick review of the last twenty years of the Tribes history with a focus on the past land uses compared to those present today. At present the tribe has acquired the

necessary ROW along the 235 St. corridor. Improvements will provide a safe and appealing new entry to the Stillaguamish Reservation. Next Jake Lewing, SCJ Alliance, Project Engineer, reviewed the mission of the project which is primarily a safety improvement project. Mr. Lewing, highlighted a number of the safety issues and various constraints such as the BP Olympic Pipeline, PUD Overhead Lines and numerous private wells, as well as stream crossings and wetlands. He then walked through various project design alternatives being considered. Next Jason Anderson, Stillaguamish Tribe Natural Resources, described wetland impacts and Advance Mitigation work that the Tribe has been doing for this project at the Fish Creek site. He emphasized the differences between Advance Mitigation and a Mitigation Bank noting that the Stillaguamish Tribe has worked on a number of wetland mitigation projects over the last few years. There was considerable discussion regarding the selection of the Fish Creek site, already owned by the Tribe, water retention and drainage issues with neighboring properties and advantages not only for this project but for others as well. As Fish Creek has an active Coho population the project enhances salmon recovery as well as creating mitigation space owned by the Tribe. Other departments can also utilize credits for this site. Additional mitigation included reducing wetland impacts with roadway section design, arch culverts sized for large mammal crossing, cantilever walkways and other measures to lesson impacts on the wetlands. Other factors in design are planned to meet all county standards for an arterial with the expectation of some commercial traffic and there will be separated pedestrian paths. Snohomish County is not contributing any dollars to this project, but have been cooperative in working with the Tribe to implement the improvements that will benefit the Tribe and surrounding community members. A question was asked whether the Tribe had considered taking ownership of the road from the county as the Tribe owns much of the right of way. There was a discussion of ownership vs. just adding the road to the BIA Road Inventory that would allow the Tribe to expend dollars for maintenance on the road. Cost/benefits were discussed. The Tribe is not looking at the option of acquiring ownership of the road according to Mr. Stevens.

Interagency Reports

TTPCC/ATNI/TTP Self-Governance After a short break, Angelena introduced Mary Beth Frank-Clark, Nez Perce Tribe Transportation Manager. Mary Beth represents the NW Region on the Tribal Transportation Program Coordinating Committee (TTPCC) is Co-Chair of the Affiliated Tribes of Northwest Indians (ATNI) Transportation & Infrastructure Committee, and a NW Representative on the Department of Transportation Tribal Transportation Program Self Governance Negotiated Rulemaking Committee. Mary Beth began with a brief report on the September 17th ATNI committee meeting hosted by the Coeur d' Alene Tribe. It was lightly attended due to a conflict with the National Transportation in Indian Country Conference (NTICC) in Duluth. Co-Chair Kirk Vinish and past TTPCC Northwest Representative Michael Cardwell, Quinault, were present. Two resolutions were submitted to the general assembly and passed. The first was in support of new NW TTPCC representatives Mary Beth Frank-Clark and Kim Stube, Cowlitz. The second resolution was in support of removing the current "historical"

formula for distribution of BIA Road Maintenance Program funds and replacing it with the formula used to distribute the Tribal Transportation Program formula dollars. Copies of the resolution were provided in a packet of materials for participants. Mary Beth also brought up a concern with the Intertribal Transportation Association (ITA) and an MOA with the National Congress of American Indians (NCAI) that stated in part that NCAI would recognize ITA as a voice for Indian Country and Tribal Transportation matters. Because there are few Tribes that are currently members of ITA and because ATNI has issues brought before NCAI rejected due to the aforementioned MOA, ATNI had passed a resolution a few years ago making it clear that ITA did not represent ATNI Tribes on transportation matters. Mary Beth explained that this was an ongoing concern as the statute that authorizes the surface transportation programs such as the Tribal Transportation Program and the Tribal Transit Program (currently the FAST Act) will expire next year and proposed legislation is up for discussion. ATNI Tribes need to have a voice in this new statute. Who is going to represent NW Tribes? ATNI or ITA? This is just something to be aware of. Mary Beth encouraged participation in the upcoming ATNI meeting and involvement with discussions of the new proposed legislation and invited members to also bring other issues forward to be put on the agenda. The ITA Annual Meeting is being planned for Dec. 6, 2018, in Los Vegas, NV. ATNI will meet next in Portland, OR, January 28 -31, 2019.

Mary Beth then went on to describe the TTPCC, established in regulation and consisting of two representatives from each region plus two federal representatives from the FHWA Tribal Transportation Program and Bureau of Indian Affairs Transportation Division. Mary Beth described the last meeting in Sterling, Virginia that was the annual meeting when they develop an Annual Report to the Secretaries on their activities and plans for the future year. She went on to describe the committee membership and changes that have occurred creating openings for both NW seats. Mary Beth has reapplied as has Kim Stube, as a new representative. However, the nomination process is still open and all are encouraged to consider this opportunity. Future meetings have been scheduled and are in the handout provided. This schedule will have to be approved by the BIA. Mary Beth mentioned NOFAs for the Highways of National Significance Program and TTP-Safety Fund would be out soon. Other issues reported on at the Sterling, VA meeting include an additional \$4 million in the Maintenance Program, plans for a BIADOT Road Maintenance Conference, Federal Agency increase in work with Native Tourism through an MOU with the Interior and the American Indian Alaska Native Tourism Association (AIANTA) and the notice that Doug Moore is the new Tribal Transit Program Manager. Changes to the Road Inventory Field Data System (RIFDS) and integration with GIS is still under way. Limited training is taking place as a test. Hopefully, we will have new material for the NW Tribal Transportation Symposium in February. Mary Beth closed with a discussion of concerns the TTPCC has had with the National Tribal Technical Assistance Program demonstration project. TTPCC has registered strong concerns and has polled tribes for their input. Discussions with FHWA is ongoing. Mary Beth drew attention to a short survey that was utilized at the National Tribal Transportation in Indian Country Conference (NTTICC) to assess Tribe's experience with the National TTAP. Mary Beth has emailed a similar survey to NW Tribes

prior to NTTCC and invited anyone to fill out the survey and submit it to her in person or electronically. All surveys will be collected and sent to Jody Clark, TTPCC Chair for use by the committee in continued discussions with FHWA's Victoria Peters and others to negotiate changes that will improve the program and service to Tribes.

Next Mary Beth discussed the TTP Self-Governance Committee required by the FAST Act. The rulemaking was to be published this fall, however with the new administration, things got off track and there was a disagreement between federal and tribal representatives. The tribes fought for an extension to December 2019 that was successful. Mary Beth thanked everyone who wrote their congressman to support the legislation extending the deadline. Currently, there seems to be agreement to follow standard negotiation guidelines, utilize the federal mediation service and follow other rules of order. Hopefully there will be a draft regulation for tribal review by April of 2019.

Mary Beth closed with an invitation to everyone to communicate with her and to please distribute these email reports through your organizations.

Every Day Counts Presentation Angelena introduced Victoria Peters, FHWA Center for Local-Aid Support, who would give a two hour training on an Everyday Counts initiative, *Construction Manager/General Contractor (CM/GC)* approach to project delivery. The presentation was in two parts, first a presentation of what this project delivery method is with examples from around the country and secondly a response to specific questions or issues that participants would like to dig into more deeply. Ms. Peters reminded everyone that this was developed as a full two day course, so this would be a condensed version. * A one hour lunch break was scheduled between Part 1 and Part 2.

Ms. Peters described traditional contracting commonly thought of as design, bid, build, compared other delivery methods and described the CM/GC method where the Owner, Designer & Construction Manager work collaboratively to develop the project scope, optimize the design, improve quality, and manage costs to deliver projects hopefully earlier and under budget. It was noted that some states have legislative authority to use CM/GC others do not. Local Agencies have to work with their state and follow their rules. Tribes on the other hand, can develop their own procurement rules that would allow for something other than low bid and could incorporate this CM/GC delivery method. Ms. Peters went into considerable detail to explain how the process works to include all the parts, detailed project examples of Tribal and other projects and included a discussion of benefits and costs associated with the CM/GC delivery method. Questions included how to address TERO. Each Tribe where TERO was an issue handled it a little bit differently. Examples can be made available to tribes that are interested. Handling of projects with multiple funding sources was also discussed. Requests for Proposals vs Request for Qualifications was discussed and the need to carefully develop scoring process for "best fit" or "best qualified" and how the cost factor is also addressed. Ms. Peters emphasized the need for the project owner (the Tribe) to develop a team and to keep the

team, including subcontractors working together throughout the project. Leadership is key for the process to work successfully. Ms. Peters reviewed a template for a CM/GC RFP. The template, as well as the presentation slides are available for those interested.

Lunch was provided by the Stillaguamish Tribe during a break between Part I and Part II of Ms. Peters presentation.

Safety

Center of Safety Equity in Transportation Tribal Safety Project Angelena called for Chris Gottsacker, University Of Washington to provide a presentation on the Center of Safety Equity in Transportation Tribal Safety Project. Mr. Gottsacker was not in attendance.

Tribal Transit Subcommittee

HCA & Contract Template Angelena invited Jessie Dean, WA State Health Care Authority (HCA), to present on work with the Tribal Transit Subcommittee to address issues related to the Health Care Authority's program for Non-Emergency Medical Transportation. Mr. Dean introduced his colleague Stephen Riehl and then shared copies of a draft contract template redlined with comments that had been received from Tribes and others. The draft was displayed on the overhead screen for review. There are still some questions, so the HCA is considering this an initial response to tribal concerns and hopes to get more input through the review and in the coming weeks. This would be an agreement between the state, all medical transportation brokers utilized by the state and the tribes, meant to provide standardization and a better fit to meet Tribe's unique circumstances. Jessie was asked to provide a brief overview of this issue for those not familiar with it. He explained that Medicaid, also known as Apple Health in Washington, would pay for non-emergency medical transportation for enrollees. The program is operated utilizing six brokers throughout the state working currently with 16 tribes. So today, each of those tribes have a contract with a broker. Those contracts may vary quite a bit. So the purpose of the proposed contract is to standardize the agreements among brokers and tribes and to make it easier for tribes to participate in the program. The program allows the tribal transportation service provider(s) to get reimbursed for the transport of eligible riders. It was clarified that the planners present in the meeting are not in a position to make any commitments on behalf of their Tribe. Jesse emphasized that this was just a template and a draft one at that. Each contract will be negotiated individually with the Tribe when the time is appropriate. We still expect a number of additional drafts before this template is even finalized. One discussion revolved around the possible inclusion of not only IHS eligible tribal members, but also other Native Americans AND possibly other family members as long as they met other Medicaid requirements. There were numerous comments on a variety of topics that were noted by Jessie and Stephen to take back and make adjustments to the template draft. It was felt that this was a good start, but there was much that needed strengthening to

include education and training of the brokers with whom the tribes had to ultimately negotiate the contracts.

Interagency Reports (cont.)

Washington Traffic Safety Commission (WTSC) - Target Zero Scott Waller Program Manager, WTSC with Katherine Boyd, Halcyon NW, consultant to WTSC. Scott began the discussion with a report of recent fatal crash data that showed 12 fewer fatalities from the same time last year providing hope that fatality rates are again trending down. We have now had two consecutive years of declining fatality numbers.

Scott reported that the WTSC's Tribal Traffic Safety Advisory Board (TTSAB) had the opportunity to address the WA Centennial Accord meeting with a presentation from Dezeræ Hayes, Muckleshoot Tribe and Chair of the TTSAB Board. Dezeræ was able to talk to tribal leaders about Tribal Traffic Safety in the state. Scott commended Ms. Hayes on her presentation. Participants were impressed with the information that was shared. Scott went on to say that he expected to see more of this kind of interaction (with leadership) by both the tribes and the state in the coming years.

Scott went on to introduce Katherine Boyd who is working with WTSC on the update to Target Zero, the state's Strategic Highway Safety Plan. Zero means zero fatalities and serious injuries by 2030. Target Zero has a chapter on Tribes. Katherine introduced herself as responsible for the writing and editing of this year's update and her commitment to the goal of Target Zero. Katherine noted the upcoming Target Zero Partners meeting scheduled for Dec. 13, 2018, and invited any tribes who had not already signed up to do so as soon as possible as space is limited. It is a full day meeting, with data review, topical workshops and a luncheon program. The focus of the day will be on solutions and bringing them to the table for possible inclusion in the Plan. WTSC is trying to get draft chapters done in January with comments to follow and passage sometime in July. The 2016 chapter of Tribes and Target Zero was handed out. The chapter has been out for review, seeking input as to what could be added to or changed in the chapter for the 2019 update. Dezeræ Hayes, Muckleshoot, Hollyanna Littlebull, Yakama Nation, Keri Cleary, Swinomish, and Megan Cotton, WSDOT are the leads for the Tribal Chapter. Dezeræ presented her plan to again distribute the draft to all Tribes, Tribal Chairs and others to solicit more input and pleaded for everyone to please respond, "as we can have a positive impact and reduce or eliminate fatal and serious crashes on tribal lands".

NW Region BIA Transportation Division Next Dezeræ invited Kurt Fredenburg, Supervisory Engineer from the NW Region to give an update. Kurt reported that there is a new Regional Director, Bryan Mercier, Grand Ronde Tribe. There have been a number of people leaving the division including John LaVerdure retiring, Lee Wermey moved to IHS, Ramzees Gallegos, temporary position expired, and Franco Yazzie, is on detail to Eastern region for 120 days. Current staff are 6 and looking to hire 5 positions to assist engineers as Tribal Points of Contact

(POCs). The NW Region is phasing out FHWA contracted program reviews. The region completed 9 program Reviews for FY18. PORT reporting is being implemented and the region just received the necessary “key chains” and will forward out to the tribes. The TTP program is currently funded through a continuing resolution ending Dec. 7, 2018. The FY 18 Obligation Report showed 35 tribes with G2G and 638 contracts with the following dollars obligated:

- Construction funds: \$25,089,700
- Planning funds: \$570,220
- Safety funds: \$1,735,359
- Bridge funds: \$850,000
- ERFO funds: \$530,000
- PM&O funds: \$1,167,517

Kurt ended with the announcement of the NW Tribal Transportation Symposium scheduled tentatively for Feb. 5 at Northern Quest. (note: confirmed dates are Feb. 11 – 14, 2019 at Northern Quest) to include two days of workshops Tuesday and Wednesday followed by a day and a half RIFDS Training Thursday and Friday. Kurt invited everyone to submit their interest regarding training subjects or other items they would like to see, including volunteers to give presentation or other sites as they still looking at options.

Infrastructure Assistance Coordinating Council (IACC) Janea Delk, WA State Dept. of Commerce was not available. Keri Cleary provided a handout from the Infrastructure Assistance Coordinating Council 2018 Conference October 23-25, 2018 later in the meeting.

National Tribal Transportation Conference Report, Oklahoma City, OK Richard Palmer, Director, CCTDOT, was introduced to provide a report on his experience at the first NTTAP conference. Mr. Palmer explained that he had not gone to the NTICC in Duluth, expecting that if any issues came up at that meeting they would be addressed in Oklahoma. The meeting was not what he expected. They had Tim Hess, Erin Kelly and Leroy Gishi there. What they had to say for about two hours should have been the whole meeting. After that it was just sitting in sessions and listening in sessions and that was quite boring. He heard a lot of things about the conference in Duluth and that it was a great conference. There was one clear day and four days of rain with incredible humidity. Not a very good meeting. One thing we talked about with Tim Hess, FLH/FHWA was money coming out in 2019 and 2020. There will be increases of about \$10 million. It won't add much to each individual tribes allocation. A comment was made that with the recisions, the authorizations may go up, but the dollars don't. Richard added that Tim Hess said that they are going to push for more discretionary money with less for formula distribution and more for competitive grants. His opinion was that small tribes will be at a disadvantage and would not be able to compete. He felt that if this happened that there should be a waiting period for those funded to allow time for others to participate. Mr. Palmer closed by thanking Mary Beth for her excellent report on many of the issues discussed at the Duluth conference

and at other meetings. She had answers to questions he had hoped to get at the Oklahoma City meeting.

TTPO Business, Meeting Wrap-up

Treasurer's Report Annette Nesse, TTPO Treasurer provided a financial report as of September 30, 2018. TTPO has billed for \$7,600 in dues and received \$5,000. Additional receipts included contributions of \$650.00 in donations through meal sponsorships from Parametrix and SCJ Alliance. Total expenses paid equal \$7,367.13 leaving a balance in the Checking account of \$21,503.12. The balance in the CD issued 4/02/2018 is \$10,100.22 showing interested earned of \$100.22 up from \$15.00 last quarter.

TTPO Budget Annette reported that TTPO has a healthy balance, however, in reviewing the budget and expenses, there is a concern that we are out spending our revenues. Annette discussed this with the board members to brain storm ideas and is suggesting a number of potential solutions.

1. Increase dues from \$200 per year to \$300 per year; and
2. Charge a registration fee for TTPO training for non-TTPO members.

These two items would require a vote of the membership in order to move forward in 2019.

Other suggestions were to encourage additional contributions from Tribes and Consultants in addition to dues, and to ask the hosting Tribe to sponsor the meals and refreshments for each meeting. Meals and refreshments are where around 50% of the expenses come from. We want to feed people, but could use help such as Stillaguamish Tribe provided for this meeting. With that, Annette asked for concurrence from the President to request a motion to increase the dues amount from \$200.00 to \$300.00 and charge a yet to be determined fee for TTPO training to non-members.

Angelena asked for a motion to increase the dues. It was moved by Casey Stevens Stillaguamish and seconded by Debbie Bray, Tulalip.

The motion passed unanimously.

Next Annette asked about the training fee. It was asked what training, how many non-members are in the trainings and about how much do you anticipate raising? With the dues increase is this necessary? There was a short discussion of the Transit Training at Muckleshoot and other planned training to be held quarterly. Annette said that she did not have details but a plan could be developed for future discussion. Another question was in regards to how many training seats a membership secured. Was it one, or could a member Tribe send a number of trainees? Again, that was a question that had not been discussed. Annette agreed that there were a number of good questions and comments and that it seemed that they should be

investigated and a plan put together for a future meeting. Everyone was in agreement. Annette thanked everyone for their questions and their time.

Announcements Angelena Campobasso called for announcements. Keri Cleary provided the information on the Infrastructure Assistance Coordinating Committee Conference in Wenatchee noted earlier.

Next Meeting It was suggested that the next TTPO be in conjunction with the Transportation Symposium at Northern Quest in February. All agreed that this is a good idea. Keri will coordinate with BIA and the hotel as necessary.

Good of the Order Casey Stevens brought up the issue of Climate Change and the seeming conflict between what Tribe's natural resource departments are doing to develop sustainable communities in comparison to the transportation departments pushing to sell gas. There seems to be a conflict. We have not talked about this issue in some time. Casey noted the work the NW Fish Commission was doing and provided information and a handout. Others mentioned the Pacific NW Tribal Climate Change Network out of Portland State University, as well as the ATNI Climate Change Program. Casey stated that he was not asking for any particular action at this time, but felt that we needed to address the issues of climate change and transportation.

Richard Rolland, Rolland and Associates, provided information on the January Transportation Research Board Annual Conference and also provided some examples of research and articles from TRB's Transportation News on alternative contracting models and the topic of the training earlier in the day. TRB has information on transportation and climate change, as well and just about any transportation related issue you can imagine. He encouraged anyone who could to engage with TRB through the Annual Conference, multiple committees, training and research (TRB.org)

Richard also gave a brief report on the NTICC in Duluth. Presentations are available at www.NTICC.org. Information on the September 2019, meeting in Big Sky, Montana will also be appearing on the website.

Richard also noted that he attended the National Tribal Traffic Safety Management Committee meeting in Duluth co-chaired by Adam Larsen (www.tribalsafety.org) and met a new representative from NHTSA who discussed the new NHTSA GO Teams for tribes. Assistance is available and information will be included in this meeting information packet. He also noted that the Wisconsin Tribal Traffic Safety group gets over \$200,000 in base funding from the state, as well as additional grants. When TTPO was first envisioned, we asked for a budget line item. It may be time to go back and ask for additional direct funding for the TTPO so that we don't have to continue to look just at raising dues for the tribes.

Dan Tolliver brought up the challenge of storm water quality improvement costs. The state has some funding for this, to work with transportation projects, but the tribes are often not eligible.

This is another issue that we should put on our agenda so that we can bring to the State's attention the inconsistency of their actions. These are programs administered by Ecology. He will make more information available as these are all "waters of the state" and tribal projects should be eligible.

Angelena asked for return of any filled out TTAP satisfaction surveys that Mary Beth had left as she wanted to make sure and get them to her.

Meeting Adjourned.

Approved February 12, 2019, rar.