

**Native American Advisory Committee  
Quarterly Meeting Minutes  
Woodland, California  
March 12, 2014**

**Welcome and Introductions:** Chairman Joseph Myers opened the meeting at 9:05 AM with a prayer. He welcomed the Native American Advisory Committee (NAAC) members and participants.

**Roll:** Lonora Graves, Native American Liaison Branch (NALB) took roll call.

**Adopt Agenda:** The Agenda was adopted for the March 2014 meeting.

**Approved Minutes:** Bo Mazzetti moved to approve the October 2013 meeting minutes and they were approved.

**NAAC Members in Attendance:** Joseph Myers, National Indian Justice Center; Bo Mazzetti, Rincon Band of Luiseño Indians; Lorenda Sanchez, California Manpower Consortium, Inc.; Adam Geisler, La Jolla Band of Luiseno Indians; Isaac Kinney, Yurok Tribe; Joel Bravo; Smith River Rancheria; Larry Forst; Jackson Rancheria; Vernon Vera, Tule River Indian Reservation; Anthony Duncan, Robinson Rancheria; Margaret Parks, Agua Caliente Band of Cahuilla Indians; Virgil Perez, I'Pay Nation of Santa Ysabel; Paul Irwin, North Fork Rancheria of Mono; Luther Salgado Sr., Cahuilla Band of Indians; Jacque Hostler-Carmensin, Trinidad Rancheria; Paul Irwin, North Fork Rancheria; Dore Beitz (Alternate), Tuolumne Band of Me-Wuk

**Caltrans Director's Representatives in Attendance:** Malcolm Doughetry, Director; Kome Ajise, Deputy Director; Katie Benouar, Chief, Division of Transportation Planning; Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch;

**Others in Attendance:** Cynthia Gomez, Tribal Advisory to the Governor; Heather Hostler, Assistant to the Tribal Advisor, California State Transportation Agency; Bob Clark, CHP Tribal Liaison, Kelly Myers, NIJC; Russ Crabtree, Smith River Rancheria; Sarah Allred, High Speed Rail Authority, Vince Mammano, FHWA Jermaine Hannon; FHWA Jack Lord, FHWA, Shawn Oliver, FHWA, Bruce DeTerra, Caltrans Freight and Good Movement; Joan Sollenberger; Caltrans Traffic Operations; Gary Slater, Caltrans District 8; Carla Sutliff, Caltrans Chief Engineer; Katrina Pierce, Caltrans Division of Environmental Analysis; Kim Johnston-Dodds, Caltrans Native American Liaison Branch; Bennie Lee, Caltrans Native American Liaison Branch; Nora Hogan, Caltrans District 3; Marta Frausto, Caltrans District 6; Gustaf Silva, Caltrans District 11, Kendee Vance Caltrans District 2; Lorna Foster, Caltrans District 8; Maria Rodriguez, District 10; Blesilda Gebreyesus, Caltrans District 4; Kathleen Sartorius, Caltrans District 1; Tina Biorn, Caltrans Office of Cultural Studies; Lauren Prehoda, Caltrans Legislative Affairs; Teresa McWilliam, Caltrans Local Assistance; Kelly Hobbs, Caltrans DEA; Anmarie Medin, Cultural Studies Office; Mandy Marine, Caltrans District 6;

Steve Rhoades, Pit River Tribe; Anthony Duncan, Robinson Rancheria; Steve Wilkie, Bureau of Indian Affairs; Kelly Lier, Caltrans DOTP

**Agenda Items:**

- 1. Caltrans Update:** Malcolm thanked everyone for attending the meeting and talked about how beneficial it is for the Department to interact with Tribes. He reported that work continues on the California Transportation Plan (CTP) 2040 and mentioned that four Listening Sessions have taken place throughout California. Malcolm stated the Tribes' input is valued and will be incorporated into the CTP 2040; comments from these sessions are being tracked in a matrix so that CT employees working on various plans can see the collective feedback and incorporate it into their work. MAP-21 is due to expire at the end of the Federal Fiscal Year (September 30, 2014), and a round of rule making is currently underway. The turnaround time for MAP-21 input is rather fast, but we want to shape MAP-21 to the benefit of California and are seeking tribal input as Caltrans comment letters are developed.

Malcolm also mentioned that Caltrans has been under a great deal of review lately. A number of reports on Caltrans' progress and strategic planning efforts were discussed including Caltrans Program Review, which was a systematic evaluation of Caltrans' organization and processes; The Mile Maker, which is a Caltrans performance report that was informed by the Program Review; and the State Smart Transportation Initiative (SSTI) which is a report, compiled by an independent agency, that provides an assessment of Caltrans and recommendations for improvement. In response to SSTI, Malcolm met with Caltrans Leadership and Department Deputies to discuss the report in detail, and to draft a new descriptive mission statement for Caltrans which will focus on providing a safe, sustainable, integrated, and efficient transportation system that enhances California's economy and livability. All of the documents that were discussed are available on Caltrans website: [www.dot.ca.gov](http://www.dot.ca.gov).

Joe Myers stated that at a meeting he attended with Secretary Brian Kelly same the same philosophy Malcolm described, with a focus on a sustainable transportation system that supports the needs of all users, was shared.

- 2. Greetings from Federal Highway Administration (FHWA) Leadership:** Vince Mammano introduced FHWA Staff that were attending the meeting: Jermaine Hannon, Director of Program Development; Jack Lord, Team Leader of Planning and Air Quality; and Shawn Oliver, Team Leader Environment and Reality.

He reported that FHWA is going to make a committed effort to attend more NAAC Meetings. Because of the outreach of Caltrans, FHWA has gotten more involved in some project level activity. Vince expressed enthusiasm for the level of representation at the NAAC meeting, stating that nowhere else in the county has he seen so many stakeholders meet so regularly. He appreciated seeing that California is trying to get it right and acknowledged the effort that Caltrans is putting forth and the work that is being done on the CalSTA Consultation Policy.

Next Vince touched on MAP-21 and on the performance management and outcome based programming components of this transportation bill. Right now FHWA is engaged in a National Proposed Rule Making (NPRM) process for MAP-21: a formal process of making the regulations. While FHWA could not go into detail about the rules due to job restrictions, Vince encouraged everyone to review the Highway Safety Improvement Program (HSIP) Performance Measure Rule, which has been released, and to comment on the docket. The closing date for comments on the HSIP NPRM is June 9, 2014; FHWA recommends commenting early and often.

Finally Vince discussed the President's proposed budget, which had five different areas: Freight, Critical and Immediate Investments, State of Good Repair, Disadvantage Businesses, and Community Outreach. Additional information can be found on the FHWA website. Vince mentioned that there are two sides of Federal Highway Administration: the Federal's Land Division and Federal Highway Administration; FHWA funding is channeled through Caltrans. He also discussed the Highway Trust Fund, which will be at zero at the end of September. If that happens, FHWA will be able to authorize projects, but won't be able to pay the bills, due to funding deficiency.

NAAC Member Joe Myers raised an interest in FHWA's putting together an Annual Tribal Transportation Conference for California Tribes, and suggested that the event should contain plenary sessions and workshops that encourage information sharing and education. FHWA expressed support for the idea, but said they would have to figure out how to make it happen. Funding would be an obstacle.

Adam Geisler asked what process that Tribes with ongoing issues with MPO/RTPA should follow, and Vince suggested that tribes having issues should contact FHWA for formal government to government Consultation or for assistance in addressing these challenges. Vince stated that FHWA is there to facilitate better government to government partnership.

- 3. Tribal Advisor to the Governor:** Joe introduced Cynthia Gomez and gave a brief accounting of her work experience. She was acknowledged for the effort that she put into getting Tribes' voices heard and into creating the NAAC. Cynthia stated that State Officials, FHWA, and BIA all need to be present as partners to resolve tribal issues as a collective community: a lot of progress has been made in the last ten years and a lot of effort has been put into to the NAAC to keep the committee together. Cynthia expressed her excitement to see so many tribal leaders sitting around the table and acknowledged that there is no payment or compensation for their continued dedication, but they are there to help improve the transportation issues within tribal communities. She thanked the tribal leaders and the NAAC for being so diligent in coming to the table.
- 4. California State Transportation Agency (CalSTA):** Carol Farris introduced Tribal Liaisons from each Department under CalSTA and shared that these liaisons are designated to work with her and with the Tribes throughout the State to address issues. Each Tribal Liaison has made a commitment to attend the first NAAC Quarterly Meeting each year. The liaisons include: Terri Price, Department of Motor Vehicles (DMV); Lonora Graves, Department of Transportation (Caltrans); Bob Clark, California Highway Patrol; and Sarah Allred, California

High Speed Rail (HSR). Carol mentioned that HSR has developed a webpage for Tribal Affairs)

Carol shared that CalSTA's amended draft Tribal Consultation Policy (February 2014) has not been posted for review on the CalSTA website, but she provided hard copies to NAAC Members so they could see the changes that have been made since the November 2013 draft. CalSTA had discussions with Isaac Kinney and some of the Yurok Tribe regarding the CalSTA draft Consultation Policy and many of the comments were included into the February 2014 draft Tribal Consultation Policy.

One addition to the policy was that CalSTA Secretary Brian Kelly intends to meet with the Tribes no less than once a year along with the Directors from each State Department. Also, as the CalSTA Secretary travels around the State to Caltrans District Offices, CalSTA will inform the Tribes so that he can incorporate meetings with the Tribes into his itineraries. CalSTA Directors and Commissioners have signed off on the latest draft consultation policy. CalSTA plans on posting the updated policy by end of March, but noted they will continue to make changes as needed and suggested that the policy be considered fluid and subject to change. Input regarding the policy will continue to be accepted.

Adam Giesler made a comment on data collection problems that exist in Indian Country and the way that issue impacts a tribe's ability to advocate for funding and to address existing infrastructure needs. He is hoping that tribes' needing access to the CLETS database is put on the radar and that CalSTA helps figure out how to accomplish that. He would like to see, in the next year, work being done with CHP on how tribes might gain access to the data, or on how they might actively input data. Adam suggested there has to be a way to figure out some solutions to the input/access issues and suggested additional weekly or monthly meetings to determine options regarding data input and access.

Cynthia responded to Adam's question saying that for years CHP has been meeting with the Attorney General regarding how to resolve the issue of Tribal data consistency. The Department of Justice (DOJ) is the true owner of the CLETS database, and DOJ has the say regarding who data can be shared with. CHP is an end user of CLETS and anytime CHP requests information from the CLETS system a justification has to be made on why the information is being requested. DOJ audits the CHP to determine who the data was released to and the CHP keeps detailed records on the reasons the information was released. For CHP to grant Tribes data information from CLETS they would have to go to DOJ to be granted permission. CHP and the Attorney General's Office continue to work on this issue.

- 4. NAAC Background:** The NAAC was established in 1995 out of a desire to improve relationships between Caltrans and the Tribes. Tina Biorn and other employees were involved with helping form NAAC. In 1999 there was a shift in how the committee was organized, and the decision was made that advice should come from Tribal Leadership and be presented to Caltrans in an effort to bring Tribal needs to management's attention. Caltrans and tribal representatives developed a charter and it has been in place since 1999. The charter determines how NAAC should function and has been well vetted and well received. In 1999, Caltrans' Director supported the NAAC and sent a message to the Department about the importance of

working with Tribes via the creation of Caltrans Director's Policy 19. Caltrans was unique in doing this and led the way nationwide as a model on how interaction at the State level should take place with the Tribes.

Joe Myers discussed the NAAC attendance policy with the members of the committee, and he encouraged everyone to show up for all the meetings. Though members are not being paid to sit on the committee, compensation comes in the exchange of statewide information about Caltrans and Tribes throughout California. Bo Mazzetti mentioned the NAAC attendance policy that says if two meeting are missed you are removed from the committee.

- 5. Western Tribal Transportation Assistance Program (TTAP):** Kelly Myers gave an update on Western TTAP which is intended to provide technical assistance and training to Tribes in California and Nevada on transportation issues. The Western TTAP is funded by FHWA and BIA in partnership; there are seven centers across the nation. If Tribes need technical assistance or have training needs, contact Kelly Myers (her e-mail address is [nijc@aol.com](mailto:nijc@aol.com)).

Western TTAP has been recognized for the level of work they perform at state and national levels, including work with the Transportation Research Board (TRB). A TRB Conference was held in January 2014; close to 14,000 people attended. Kelly co-chairs the ABE 80 Committee, or Native American Transportation Issues Committee, which is currently working on an issue of TRB's Quarterly Newsletter that will focus on tribal transportation. Articles for this issue have been submitted and are currently being reviewed. An article on the history of the NAAC will be included as the NAAC continues to be discussed as a model for the rest of the nation.

TTAP has been planning for a Safety Circuit Rider Program funded by Center for Disease Control and administered by FHWA. A curriculum is being developed with a focus on major safety issues that Tribes are facing right now. TTAP is starting to develop a two year multi training set of classroom programs to teach skill sets so that students can be certified and apply this knowledge to their communities.

Kelly also reported that the Safety Summit Proceeding Report is complete. The report was sent to FHWA for review and approval has to be granted before the report can be posted on their website ([www.nijc.org](http://www.nijc.org)). The next National Transportation Conference is being planned for September 2014 in Anchorage, Alaska. A planning meeting will take place in April, where the Regional TTAP Directors will to meet with FHWA. Western TTAP can offer some assistance, like registration assistance, for those who might need it. Contact Kelly for more information.

Western TTAP brought copies of their recently completed Road Safety Audit (RSA) DVD for distribution. "Road Safety Audits in California Indian Country" is a train the trainer video that highlights and profiles the workshop provided by FHWA. There is an online companion course and an evaluation sheet that can be used to provide feedback available on the TTAP website.

TTAP is also working with CalEPA to develop a course on Working with Tribal Governments Effectively, which will focus on environmental quality enforcement and will cover Public Law 280 and Jurisdictional issues. It is due to go live in August. TTAP is also working on developing a Health Impact Assessment Program. This project is outside the scope of

transportation, but it involves more environmental, cultural and resource issues. The Health Impact Assessment process is similar to the conducting of a Road Safety Audit, and the outcome of the health assessment is a local report that includes anecdotal data, which has been used by foundations, organizations, and agencies at the national level to fund projects. Kelly is going to coordinate with people in Alaska to produce an informational webcast on the health assessment process.

Finally, information was shared on a Public Law 280 (PL 280) training that Western TTAP is developing and delivering on May 2, 2014 (tentative). The program will provide specific jurisdictional information surrounding PL 280 and regulatory laws. Agencies are requesting high level PL 280 training, kind of like Sovereignty 101 training, to cover both statutory and case law that shapes Tribal Sovereignty so state partners can understand the reason that partnering with Tribes is important.

6. **Caltrans Legislative Update:** No new legislative information was reported, but a disclosure was given stating that the legislative updates given to the NAAC are informational in nature and Caltrans take no position regarding opposing or supporting the bills.
7. **Bureau of Indian Affairs (BIA):** There has been an ongoing effort with the BIA and the Western TTAP. There was a three year MOA signed between TTAP and BIA which is one of the final stages in getting a Statement of Work in place between FHWA, TTAP and BIA. The main objective of the Agreement is to enhance communication, coordination, collaboration efforts. Accident data is an important factor in being able to conduct meaningful Road Safety Audits. BIA receives limited funding for Tribal transportation.
8. **Active Transportation Program (ATP):** On September 26, 2013, SB99 and SB101 were passed to encourage increased use of active transportation modes. Funding for the program is set at \$129.5 million. There are three distinct programs within the ATP: Transportation enhancements, Recreational Trails Program, and Federal Safe Routes to Schools Program. The ATP also includes programs like the State Safe Routes to School Program and the Bicycle Transportation Account. ATP Program guidelines for ATP are still being developed by the California Transportation Commission (CTC), and CTC is still meeting with groups who potentially have access to funding. Once the guidelines are adopted, the ATP will be a two-year program. Kome and Carol are going to talk to the CTC about having another working group specifically for the Tribes.
9. **Tribal Transportation Program Coordinating Committee (TTPCC) Report Update:** Jacque Hostler-Carmensin shared a list of Tribal Transportation Consensus Proposals that were developed during a Tribal Transportation Reauthorization Unity Summit that took place in Denver February 25-27, 2014. At this summit, a number of tribal leaders and technical staff met to discuss tribal transportation needs with the hope of developing legislative proposals for possible inclusion in the upcoming transportation authorization bill.

The tribal representatives who were in attendance at this Denver meeting, including Sandi Tripp (Karuk Tribe), signed a Tribal Transportation Reauthorization Unity Statement with the hope that broad tribal support of these priorities would give them added weight when they are

raised during discussions about future highway bills. The tribes at this meeting agreed to support these tribal priorities and to otherwise advocate for increased federal investment in tribal transportation infrastructure to enhance transportation safety, access, and system effectiveness. Jacque shared a summary of the unity principles with the NAAC, and expressed excitement about the fact that such nationwide consensus is beginning to be built.

Malcolm stated Caltrans is in the process of determining what the department's principles are going to be regarding future authorization bills, and Caltrans' congressional delegation will work on this along with CalSTA. Malcolm suggested that it might be possible to compare the issues in the unity statement with Caltrans' concerns to see where overlap exists and where mutual comments can be considered. He shared that when MAP-21 was being developed, a consensus letter that included issues that Caltrans, MPOs, RTPAs, and other stakeholders in the conversation could agree upon was written; items that could not be agreed upon were set aside. Everyone's name was placed on the bottom of this letter and it was signed and submitted to the federal government with a message of this is what California wants. The letter included cities, counties; MPO, and RTPA's which strengthened the value of the commenting letter. A consensus letter from the tribes could have a bigger influence on MAP-21 rule making and on reauthorization.

Bo Mazzetti suggested that a Caltrans position paper could bring more money to California. Malcolm said he is not sure that Caltrans would be in 100% agreement with all the tribal positions, but there is a lack of continuity between federal, state, and tribal transportation issues and perhaps there should be cross conversation between agencies so the process can be more fluid. Kome added that it is in the best interest of everyone in the state to have common understandings and suggested that outreach might be valuable. He said that Caltrans is willing to help in any efforts to find areas of consensus. With consensus, Senator Barbara Boxer might be more compelled to support the issues that are important to California Tribes.

Next, Jacque presented a PowerPoint presentation that was given by Robert Sparrow as an update to the Tribal Transportation Program Coordinating Committee. The presentation was delivered at the March 11 NCAI meeting in Washington, D.C. It provided an overview of the current status of MAP-21 and some of the recommended changes for fiscal year 2015. Jacque mentioned the impact that the MAP-21 formula will have on funding levels. There was talk about grandfathered routes, and Jacque suggested that each tribe should review their own road inventory and determine if grandfathered roads are correctly reflected. Tribal shares are posted on the FWHA and BIA websites.

Jacque also mentioned that the Fiscal Year 2014 Notice of Funding Availability for Tribal Transportation Safety Funds should be issued in March, and she reported that Tiger VI funding was announced with a due date of April 28. Malcolm suggested that the tribes might want to work with Caltrans to obtain letters of support for TIGER VI applications they submit, and suggested that the more multi-modal a proposal is, and the more co-applicants the tribes have, the better the chance of receiving funding.

Jacque recommended California tribes review the information she brought to the meeting and provide their input. Joe Myers asked if Jacque gets commentary from California Tribes

regarding the presented issues; Jacque responded she does not receive much feedback and encourages everyone to speak up and help represent the voice of California tribes. According to Jacque, one of the biggest issues impacting tribes' ability engage in the process is limited capacity, staffing and resources. Joe Myers recommended a questionnaire be developed and posted on the NIJC/Western TTAP website, and Kelly Myers recommended webinars or conference calls be conducted to share information.

Concern was expressed about how MAP-21 is impacting transportation funding for CA tribes and about how possibly lost funding would be replaced. Cynthia asked Steve Wilkie whether an analysis had been performed. Steve said as the new formula is phased in, one can see the overall funding for CA as a whole drifting downward. He said it would be worse without the supplemental funding. Cynthia asked whether he could provide numbers, and Steve said that was possible. Another point was made that tribes are having a hard time getting projects from their TIPs into the STIP; they tend to be listed low on the priority list when RTPAs or MPOs create their lists, if they're even reflected at all. A suggestion was made that a meeting between BIA, FHWA, and Caltrans be scheduled to discuss how to address this issue.

Before moving to the next agenda item, the NAAC returned to the Tribal Transportation Unity Statement. Lots of discussion took place by the NAAC related to the importance of these unity principles and to the idea that the broader the support for the principles, the more weight they might carry in future authorization discussions. A motion was made to recommend that Director Dougherty concur with the Tribal Transportation Reauthorization Proposals to the extent that Caltrans and the Tribes can be unanimous, and that these proposals/principles also be put forward by Caltrans in the statewide dialogue on MAP-21 reauthorization where appropriate. The NAAC approved the motion. Lonora will work with Joe and Bo to craft a resolution that will be presented to the Director for his consideration.

**10. Federal Highway Administration Update:** Jack Lord presented an overview of FHWA's roles and responsibilities: FHWA Division is staffed with 2,500 employees nationwide, with Headquarters in Washington, D.C., which sets policies and develops regulations from a national perspective. FHWA has five resource centers that provide training and technical services. The FHWA Resource Center covers a wide range of disciplines services like, operations, construction, safety, planning, and air quality. Federal Lands Highway Offices provide financial and technical assistance resources for public roads, federal and tribal lands.

There are 52 Federal Aid Division Offices, and they are primarily responsible for working with State DOT's to deliver the Federal Aid Program. FHWA California Division is the largest division in the country: there are 50 people in the Sacramento Office and 13 in the Los Angeles Office to cover Environmental, Planning, Construction, ITS, and Project Development. The Sacramento office has four different units: Program Development, Project Delivery, Contract and Construction, and Technical Services. Federal Aid Program for California is about \$3.5 Billion a year which represents about 15%-20% of total funding available.

Jack also talked about NEPA consultation, which he said should be at the beginning stages of a project, and about the need to have input from tribes in the planning and programming and

stages. The more feedback FHWA receives from the Tribes the better quality the project will be.

Bo Mazzetti asked FHWA about their responsibility to ensure Tribes are involved in the MPO/RTPA's Planning phases. Jack confirmed that FHWA has oversight responsibilities to ensure that Tribes are included, and there are requirements for MPOs who receive Federal Planning and Programming Funds. There is a process requirement that MPOs must engage the Tribes in their area. Tribal TIPs should also be included in the overall TIP for States; the TIP is fiscally restrained

Isaac Kinney made a comment regarding how Yurok deals directly with the Office of Federal Lands Highway to receive direct funding. In 2013 there was an inconsistency; Yurok was considered an ineligible applicant due to not owning both the land and the roads, which was the fine print of the policy. FHWA recommends commenting early and often regarding MAP-21 NPRMs in areas where issues exist, stating the more comments made the greater influence Tribes can have impacting the NPRM's.

- 11. California High Speed Rail Authority (HSRA):** HSRA worked with the Native American Heritage Commission to revise the HSR Project Map to identify Native American Territories as a map overlay. Also, a HSRA Tribal Relations webpage went live and is being updated as needed: [http://www.hsr.ca.gov/Programs/Tribal\\_Relations/index.html](http://www.hsr.ca.gov/Programs/Tribal_Relations/index.html). Sarah Allred can be contacted with any questions, concerns, or input regarding the webpage. HSRA will be presenting to the NAHC on April 17, 2014.

Sarah also reported that HSRA has a contractor for the first phase of the HSR project. Avenue 17 in Madera (Northern portion of Madera) through Downtown Fresno is being identified as Construction Package 1 (CP1) which is the initial segment that is going to be constructed. The contractor is currently conducting Geo Technical Testing; Tribal Monitors are on site. HSR is expecting full blown construction to begin this summer. The environmental document for the Fresno to Bakersfield section should be finalized within the next few months. Tribes in Southern California should be receiving information regarding outreach related to the Bakersfield to Palmdale and Palmdale to Los Angeles project segments.

- 12. Caltrans Legislative Affairs:** Caltrans reiterated to the NAAC and Tribes the importance of working together and commenting on National Proposed Rule Makings (NPRMs). There are eight different NPRMs for which Lauren Prehoda will be taking the project management role, and each NPRM has been assigned to the one or two Divisions in Caltrans that are most impacted by the NPRM. Caltrans NPRM team leads have been working on outreach plans to ensure stakeholders and Tribal Governments are involved and commenting. Caltrans is encouraging stakeholders to also comment from their own perspectives, independent of Caltrans, to ensure California's diverse voices are being heard.

Joe Myers asked if there is any information in the proposed rules that would be controversial to the Tribes. Lauren answered it is hard to answer that question since most of the NPRMs have not been released. Jack Lord (FHWA) also responded to Joe Myers' question, stating Tribes should pay close attention the Planning NPRM as this will directly address how the State and

MPOs are to consult with Tribes. The Planning and Programming NPRM is critical to the Tribes.

- 13. Tribal Road Safety Audits:** NIJC partnered with experts from FHWA to create an educational video on Road Safety Audits (RSAs) for California tribal communities. The “Road Safety Audits in California Indian Country Train the Trainers” video provides tribal communities with guidelines and processes for conducting RSAs and is designed to help representatives at the tribal level to take ownership of this process. Safety is an issue in Indian Country, and as a result RSAs are important. Tribes have the best understanding of what improvements are needed to make Tribal roads safer. Western TTAP has provided curriculum and a video on RSAs so Tribal Governments and committees can sit down and look at improvements needed to reduce accidents.

Excerpts from this RSA video were shared with the NAAC, and Kelly Myers reported that the video, an online curriculum, and some evaluation questions can be found online for anyone who is interested. Road Safety Audits Train the Trainer DVDs were sent to about 60 California Tribes, and anyone else who would like a DVD copy of this resource can contact NIJC. The Video, online curriculum, and survey can be found on the following website: [http://www.nijc.org/ttap\\_RSAs.html](http://www.nijc.org/ttap_RSAs.html)

A question was raised about how RSAs are funded, and the NAAC was told that sometimes State DOTs can pay for audits, and other times TTAP can invite FHWA to conduct RSA training. Smith River recently conducted a RSA funded by FHWA in which a grant was received to pay for the RSA.

Isaac Kinney expressed appreciation for the inclusion of improvements on HWY 169 in the video, and he gave kudos to Caltrans for stepping up and for funding road improvements on that route. In 1999 Yurok Tribal Council was able to indentify about five projects that Caltrans stepped up to help deliver. There are eight spots along HWY 169 in cost of about \$4.5 million, and working with the Caltrans District helped bring about the road improvements.

- 14. Caltrans Strategic Highway Safety Plan (SHSP):** Joan Sollenberger introduced Ursula Stuter, who will be working with Joan on the required changes to the SHSP. Joan reported that Caltrans Division of Traffic Operations is starting to work on the SHSP update as required by the Federal Government. The SHSP is a five year strategic plan focused on reducing fatalities and serious injuries in California on all public roads. The SHSP is a multi-agency effort that is under the leadership of Secretary Brain Kelly at CalSTA. Joan Sollenberger is the Department representative and is on the steering committee of the SHSP, and Caltrans will contract with an external consultant to assist with the statewide update to the plan which will be in place for five years before the next update. The SHSP update is due August 2015 as required by U.S. DOT. It will be important to identify implementation steps to prioritize what work still needs to be done.

Joan is seeking ideas on the best way to coordinate with various Tribal Governments as the SHSP is updated; and those working on the update are willing to conduct formal consultation if it is requested. Since there are multiple transportation plans currently being developed, to be

efficient and respectful of everyone's time, Joan suggested that a statewide forum or summit where all the transportation plans currently being updated could be presented might be useful.

Joan mentioned that the HSIP Performance Measure NPRM and encouraged everyone to look at it because, among other things, the proposed rule defines new requirements for reporting hospital data related to fatalities and serious injuries. It also sets performance measures that may impact the SHSP or safety funding distribution.

Tribes are eligible for funding available through the Highway Safety Improvement Program (HSIP). Fund distribution is formula based and is to be driven by the SHSP, by data, and by performance based decision making processes. Resources are likely to be focused primarily on areas of deficiencies and RSAs are good tools for assessing deficiencies and reporting data. Tribal roads have the biggest gap in data collection due to jurisdictional problems, and a two year plan is in the process of being developed with the purpose of analyzing the data that needs to be collected. Joan and Ursula will have more specific information next time the NAAC meets, but in the meantime if there are other forums and venues in which they can present SHSP information, they would like to know.

Joe Myers stated in Indian Country accident data is lacking and the data available seems to be misleading. Sometimes data doesn't take into consideration accidents on the Reservation or Rancheria involving Tribal Members. The data being collected in or around Indian Country needs to be consistently reported so the data can be reliable source.

Jacque stated Northern California has huge safety transportation issues and invited Joan to meet with the Northern California Tribal Transportation Commission.

- 15. Active Transportation Plan (ATP):** Teresa McWilliam reported that CTC has developed guidelines for the ATP. There will be a meeting on March 20 to address minor changes, then the guidelines will be finalized. A call for projects will come out on March 20 and will end May 21, 2014. The ATP is funded at \$129.5 million and includes a combination of state and federal funds. MAP-21 created the Transportation Alternative Program (TAP), which includes transportation enhancements, the Recreational Trails Program, and the Federal Safe Routes to Schools Program. Governor Brown took TAP one step further by adding the State Safe Routes to School Program and Bicycle Transportation Funding (BTA) to create the ATP. The ATP goals are to increase walking and bike trips across California, to improve safety and mobility for non-motorized vehicles, and to help achieve a reduction in green house gasses.

The first call for projects is March 21, 2014 – May 21, 2014, and \$360 million is currently available. Legislatively, a full program needs to be in place by April 2015. For that to happen a second call for projects is proposed in November, but Teresa is unsure of how that will work with current funding challenges. When clarification is made, the second call for projects will be announced which will also be \$360 million.

Kelly Myers asked Michelle (Caltrans Local Assistance) whether she'd heard anything about the Tribes wanting to change the guidelines for safe routes to school criteria that requires a

project to be within a two mile radius of a school to receive funding. Michelle mentioned there's a set aside for Disadvantaged Communities and funding availability.

Currently a Master Agreement is entered into with Caltrans to receive this funding. Bo suggested that the Master Agreements historically entered into by the Tribes are not ideal. Caltrans Local Assistant met with Caltrans Legal regarding contracting, and Legal stated there were three options: go through BIA, partner with a city, county, or other state agency (other than Caltrans), or include a limited waiver of sovereignty.

**16. Section 106 Programmatic Agreement (PA):** In the interest of time this agenda was postponed to the May 2014 NAAC meeting, and it will be placed early on the agenda. Joe asked that at that time, Anmarie touch on the programmatic agreement as it relates to Tribes that are not a party to the PA as well as consultation with the Tribes. Anmarie noted that the Programmatic Agreement does not apply to Tribal Lands. TTAP/NIJC volunteered to assist with coordination of the Section 106 Roll Out

**17. California Freight Mobility Planning:** Bruce DeTerra reported that under MAP-21 guidance State DOTs are required to prepare Freight Plans, and Caltrans is in the process of completing the California Freight Mobility Plan (CFMP). Caltrans formed a freight advisory committee, which has 60 members, and Adam Giesler and Isaac Kinney are tribal representatives to this Committee. The Freight Plan development process is well underway and has been informed by input from the committee. State Legislation AB 14 requires that the State Freight Plan be completed by December 2014. TTAP volunteered to help circulate the draft freight plan.

Bruce also reported that the proposed National Freight Network is out for public comment on the Federal Register, and Caltrans made comments with coordination from the Freight Advisory Committee. A comment letter was submitted, but there has been no response regarding the comment letter. The draft California Freight Mobility Plan and information on the California Freight Advisory Committee can be found on the following website:  
<http://dot.ca.gov/hq/tpp/offices/ogm/cfac1.html>

Bruce expressed an interest in including corridors of importance to tribes in the layered freight map that will be part of the CFMP. He also noted that routes in Tribal areas have limited capacity for freight due to the size of the trucks which causes some trucks to have to transfer loads and results in increased cargo prices due to having to pay for the transfer of cargo. Adam requested that data on truck volume be collected so that funds can be leveraged for connectors on and off Reservation, and suggested that DNALs might be able to help in gathering information on freight routes important to the tribes.

The meeting was adjourned at 3:30 pm.