



REAUTHORIZATION

MAP-21 is a two-year Bill

- FY 14 is final year

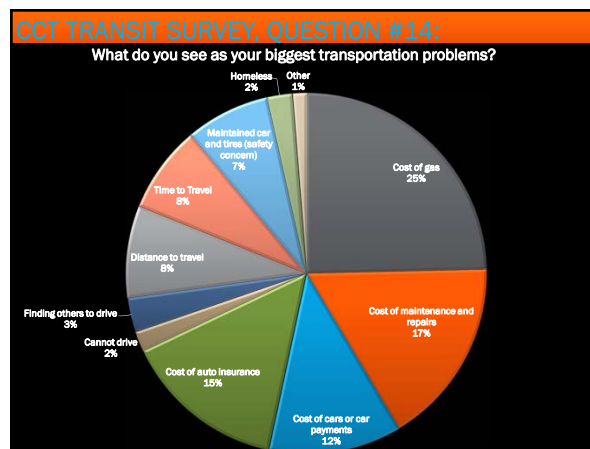
Congressional action is underway

- Remember: SAFETEA-LU expired in 2009 but was extended 9 times until MAP-21 was passed in 2012.

Now is a good time to think about changes you would like to see

Administration Proposal – released in April

COLVILLE CONFEDERATED TRIBES (CCT) COMMUNITY INVOLVEMENT & CITIZEN PARTICIPATION SURVEY FOR THE CCT TRANSIT PROJECT (PHASE II)
EISENHOWER RESEARCH REPORT
ANGELENA CAMPOBASSO, EWU MASTERS STUDENT
2011



NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION 2004


Five thousand nine hundred and sixty-two fatal motor vehicle crashes occurred on roads under the jurisdiction of Indian reservations between 1975 and 2002, an average of 213 fatal crashes per year.

(National Highway Traffic Safety Administration 2004, p. 1).

NHTSA STUDY

On reservations, the number of fatal motor vehicle crashes increased 52.5 percent, (from 181 fatal crashes in 1975 to 276 fatal crashes in 2002), while the number of fatal crashes in the nation declined 2.2 percent (ibid, p. 1).

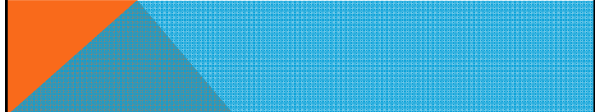
American Indian reservations have become more dangerous, even with road improvements, going against the national trends of continued reduction in loss of life.



WASHINGTON STATE TRIBAL TRANSPORTATION SURVEY

Safety in transportation planning demands extensive inventory management and a significant amount of skilled staff time. Data gaps are huge.

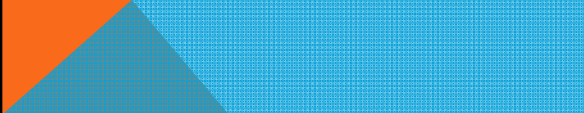
While 23 tribes agree that planning for non-motorized transportation would improve safety, only six have this section included in their transportation plans.



WASHINGTON STATE TRIBAL TRANSPORTATION SURVEY

To plan for safety many elements must be recorded and evaluated, i.e. conditions of the traveling vehicle and operator, the traveling path, weather conditions, etc.


Not having a complete record of the fundamental crash site makes it very unlikely that tribes can evaluate safety or crash incident analysis or even do an acceptable reality check on their systems.



WASHINGTON STATE TRIBAL TRANSPORTATION SURVEY


Top three priority safety projects:

- Traffic control measures and/or roadway improvements (speed control, channelization, signalization, road configuration)
- Pedestrian and bicycle or sidewalk safety measures
- Better Signage



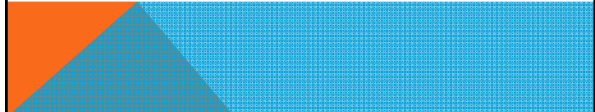
SAFETY ELEMENT TO THE TRIBAL TRANSPORTATION PLAN: VISION FOR THE FUTURE

- Create a safe community with reduced fatalities and injuries
- Create multi-modal transportation to include pedestrian, bicycle and transit systems on reservations
- Create positive attitudes and awareness of safety issues
- Create safe roads
- Create safe sign and road management systems




SAFETY ELEMENT TO THE TRIBAL TRANSPORTATION PLAN: VISION FOR THE FUTURE

- Create effective laws and law enforcement to promote safety
- Create transportation systems which provide effective access and mobility for residents and to meet transportation needs within the community
- Incorporate safety element actions and priority into TIP and transportation programs



WASHINGTON TRAFFIC SAFETY COMMISSION AND TRIBAL TRANSPORTATION SAFETY
Programs & Priorities
 Our programs and priorities are driven by **Target Zero: The Plan** (pdf 5 mb). Find out what we are doing to address Target Zero priorities.
Top Priorities
Impaired Driving, Speeding, Young Drivers, Seat Belts & Occupant Protection, Distracted Driving, Traffic Records
Other priorities, Motorcycles, Pedestrians & Bicycles, School Zones, Trucks, Corridors
Task Forces
Tribes



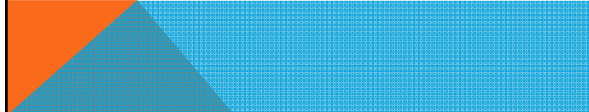
TRIBAL DEVELOPMENT PATTERNS

Auto Oriented. All land uses designed for auto access.

- Transportation Systems often designed for travel through and non-tribal issues
- Limited Concern for tribal needs to serve residential areas and offer transportation options

Leap Frog development with no coordinated planning

- Project design where land available
- Limited Coordination or Comprehensive Planning



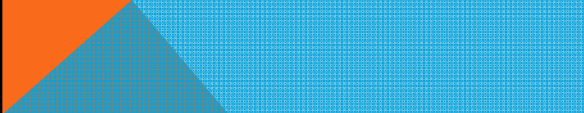
TRIBAL DEVELOPMENT PATTERNS

Preferences for low-density single family, very isolated housing on large lots or acreages (some recognition of tribal member's rights to isolated home sites)

Preference for auto orientation and parking immediately in front of business or service

Complete failure to plan and lack of provision for pedestrian trails

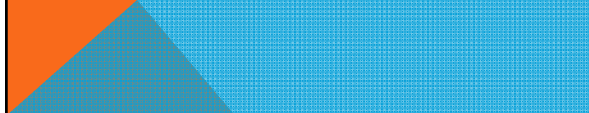
Complete dependence on the auto



Smart Growth Principles Best Linked to Tribal Preferences

Focus Planning on Environmental Assessment and Comprehensive Plan for Coordinated Land Use

6. Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas
5. Foster Distinctive, Attractive Communities with a Strong Sense of Place
7. Strengthen and Direct Development Towards Existing Communities



Smart Growth Principles Best Linked to Tribal Preferences (Cont.)

Use good planning to create new systems for:

8. Wide Variety of Transportation Choices
9. Make Development Decisions Predictable, Fair, and Cost Effective
10. Encourage Community and Stakeholder Collaboration in Development Decisions



Smart Growth Principles Best Linked to Tribal Preferences

Create integrated corridors and centers at appropriate densities for tribal members using in-fill to promote

1. Mixed Land Uses
2. Compact Building Design
3. Wide Range of Housing Opportunities and Choices
4. Walkable Neighborhoods



REFERENCES

- Federal Highway Administration. 2004. Road Safety Fundamentals, July, 2004. Washington, D.C.: Federal Highway Administration. U.S. GPO. (<http://www.fhwa.dot.gov/planning/scp>).
- Indian Health Services. 2003. 2000-2001. *Regional differences in Indian health*. U.S. Department of Health and Human Services, Indian Health Service, U.S. GPO. May, 2003. (http://www.ihs.gov/NonMedicalPrograms/IHS_stats).
- _____. 2002. *Trends in Indian Health, 1998-99*. U.S. Department of Health and Human Services, Indian Health Service: U.S. GPO. (http://www.ihs.gov/NonMedicalPrograms/IHS_stats).
- National Highway Traffic Safety Administration. 2004 a. *Traffic Safety Facts 2002: A compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System*. Washington, D.C.: U.S. Department of Transportation, National Highway Traffic Safety Administration: U.S. GPO. (<http://www-nrd.nhtsa.dot.gov/people/ncaa>).
- _____. 2004 b. *Fatal Motor Vehicle Crashes on Indian Reservations: 1975-2002*. Washington, D.C.: U.S. Department of Transportation, DOT HS 809 727 Technical Report, April, 2004.
- Tessmar, Joe. 2004. NHTSA. Presentation at the 7th Annual National Tribal Transportation Conference. Scottsdale, Az.: October 26, 2004.
- Statement that NHTSA will assist tribes with inventory to participate in the FARS data collection by use of a "Traffic Record Assessment Package." Interested Tribes can contact royce.limes@hqs.dot.gov 202-366-0557.

A Brief History of Tribal Transportation

1

The General Allotment Act of 1887

- The General Allotment Act of 1887 initiated a series of rights of way statutes. As tribal lands were declared surplus and open to homesteading, these “excess” lands were acquired by settlers.
- As settlers began to develop these prime lands, they needed utilities. Exercising its new-found plenary powers, Congress enacted a series of laws in the early 20th Century that delegated authority to the Secretary of the Interior to grant rights of way **without landowner consent**.

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Pipelines, telegraphs and highways

the United States and its agencies under this law.⁸⁴

The act of **March 3, 1901**,⁸⁴ authorized the Secretary to grant permission to the proper State or local authority for the establishment of public highways through any Indian reservation or through restricted Indian lands which had been allotted in severalty to any individual Indian under any law or treaty. The conveyance contemplated in this act is one to a public body and not to a private interest.⁸⁵ The act of **March 2, 1890**,⁸⁶ authorized the Secretary to grant rights-of-way for railway, telegraph, and telephone lines, and townsite stations.⁸⁷ It was required that the Secretary approve the surveys and maps of the line of route of the railroad and that compensation be made to each occupant or allottee for all property taken or damage done to his land, claim, or improvement, by reason of the construction of such railroad.⁸⁸ In the absence of amicable settlement with any such occupant or allottee, the Secretary was empowered to appoint three disinterested referees to determine the compensation.⁸⁹ An aggrieved party was permitted judicial review.⁹⁰ The Secretary was also authorized to grant a right-of-way in the nature of an easement for the construction of telephone and telegraph lines;⁹¹ to acquire lands for reservoirs or material for railroads⁹² and rights-of-way for pipelines.⁹³ Permis-

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Progress in Tribal Transportation Funding

- **ISTEA**
 - IRR Program authorized funding: \$191 million
- **TEA-21**
 - IRR Program authorized funding: \$275 million (with \$13 million for IRR Bridge Program as set aside)
- **SAFETEA-LU**
 - IRR program authorized funding: \$300 - \$450 million (with \$30-40 million obligation limitation deduction)
 - IRR Bridge Program: \$14 million
 - Tribal Transit Grant Program: \$8 - \$15 million
 - DOI Tribal highway safety grants: 2% set aside
- **MAP-21**
 - Tribal Transportation Program: \$450 million (no obligation limitation deduction = over \$30 million increase)
 - Tribal Transit Grant Program: \$30 million
 - DOI Tribal highway safety grants: 2% set aside

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Tribal Transportation Unity Caucus

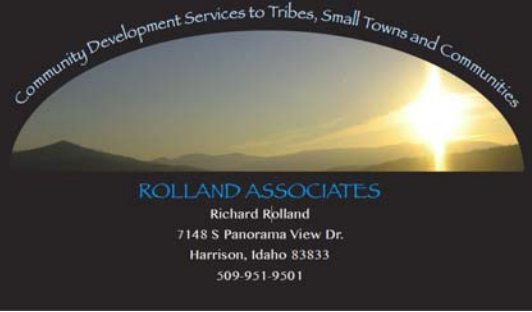
- **Increase Funding for Tribal Transportation Programs to Address Chronic Unmet Needs**
 - (a) Increase Funding for the Tribal Transportation Program (TTP) to \$800 million for FY 2015 with annual step increases of \$50 million to \$1.05 billion in FY 2020
 - (b) Establish Tribal Asset Management Program at \$50 million in FY 2015 with annual \$5 million step increases to \$75 million in FY 2020 for BIA and tribally owned transportation facilities
 - (c) Increase funding for the Tribal Transit Program
 - i. Discretionary funding increase to \$10 million in FY 2015 with annual \$5 million step increases to \$35 million in FY 2020
 - ii. Formula funding increase to \$35 million for FY 2015 with annual \$5 million step increases to \$60 million in FY 2020
 - iii. Ensure established tribal transit programs receive formula funding that is no less than the highest amount of operations funding received since the creation of the Tribal Transit Program in FY 2005
 - (d) Restore Highway Trust Fund allocation for the Tribal High Priority Projects Program
 - i. Increase funding to \$35 million in FY 2015 with annual \$5 million step increases to \$60 million in FY 2020
 - ii. Increase maximum grant amount to \$1.5 million when funding increases above \$35 million
 - (e) Redistribute 10% of unused obligation authority to the TTP to fund competitively awarded grants to more remotely located Tribal Nations
 - (f) Separately fund the TTP Bridge Program at \$75 million in FY 2015 with annual step increases of \$5 million to \$100 million in FY 2020 and authorize the use of funds for the construction and design of new bridges
 - (g) Establish \$75,000 as the minimum annual TTP Program funding allocation for all Tribes
 - (h) Restore the TTP exemption from the Obligation Limitation deduction
 - (i) Reduce BIA and FHWA program management and project-related administrative expenses from 6% to 5% with an annual cap of \$28 million

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Tribal Transportation Unity Caucus con't

- **2. Decrease the high rate of fatalities and injuries on Tribal Transportation Systems**
- (a) Supplement the 2% set aside for highway safety projects within the Tribal Transportation Program authorization with additional Highway Safety Improvement Program funds from the State-administered Highway Safety Improvement Program for the purpose of reducing traffic fatalities and injuries on tribal transportation systems which are two to three times higher than the national average
- (b) Increase set-aside of NHTSA Tribal Safety Program to 3.5% to address safety issues on Tribal transportation systems
- **3. Create a Tribal Self-Governance Program under the U.S. Department of Transportation**
- **4. Ease the transfer of Federal Aid funds for Tribal Transportation Projects**
- **5. Ensure Tribal eligibility for all U.S. Transportation Department discretionary and competitive grants**
- **6. Improve BIA Right-of-Way Management**
- **7. Gives Tribes the Option of Assuming NEPA Approval Authority**
- **8. Funding to Establish a Tribal Infrastructure Bank**
- **9. Increased funding for Tribal Technical Assistance Program (TTAP)**
- **10. Improve the speed and efficiency in getting Emergency Relief for Federally Owned Roads (ERFO) funding to Tribes**
- **11. Create a 3% Tribal funding set aside in Transportation Alternatives (TA) Program**
- **12. Adequately Fund MAP-21 requirement that Federal and Tribally-owned bridges must now be inspected and included on the National Bridge Inventory and require that the cost be borne by the Secretary of Transportation and not charged to the Tribal Transportation Program**

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A Brief History of Tribes and Transportation

Year	Event
ITB	Tribal transportation pre-dates contacts with Europeans. Tribes had extensive transportation routes for travel and exchange of goods.
1887	The General Allotment Act, initiated a series of rights of way statutes allowing the secretary of the Interior to grant rights of way without landowner consent.
1899	Railroad Companies were granted easements – or “rights of way” across Indian Lands for their rail lines.
1901	Authorized the Secretary to grant permission to the proper State or local authority for the establishment of public highways through any Indian reservation or through restricted Indian lands
1904	Congress authorizes the Secretary of Interior to grant a right-of-way in the nature of an easement for the construction . . . of pipelines for the conveyance of oil and gas through any Indian reservation or through any lands which have been allotted.
1928	Creation of the Indian Reservation Roads (IRR) program
1930	Beginning of IRR partnership between Bureau of Indian Affairs (BIA) and FHWA (then under the Department of Agriculture)
1934	Passage of the Indian Reorganization Act
1936	Federal-Aid Highway Act requires FHWA approval of location, type, and design of IRR roads and bridges built with BIA funds
1951	Congress begins annual appropriations for maintenance of BIA-owned roads
1975	Passage of the Indian Self-Determination Education and Assistance Act
1982	Creation of the Federal Lands Highway Program (FLHP) under the Surface Transportation Assistance Act; IRR is incorporated into FLHP
1991	Passage of the Intermodal Surface Transportation Efficiency Act (ISTEA); creates Transportation Enhancements and authorizes creation of the Indian Local Technical Assistance Program (now known as TTAP); also creates set-aside for Indian reservation bridges. Funding increases from \$86 mil to \$191mil for IRR
1993	BIA begins four-year phase-in of new allocation formula for tribes, replacing one used since 1970
1998	Passage of the Transportation Equity Act for the 21st Century (TEA-21); establishes the Indian Reservation Roads Bridge Program, setting aside \$13 million for high-priority IRR bridge repairs
2004	BIA creates current Final Rule for IRR program; includes creation of IRR Program Coordinating Committee with tribal representation
2005	Passage of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); includes creation of Tribal Transit Grants under Section 5311(c) through FTA
2012	MAP-21 – (4thQ FY 2012, FY2013 and FY 2014) Currently reauthorized through May 31, 2015 – Doubled Tribal Transit, Restructured IRR to TTP with new formula and new program set- a- sides
2014	Tribal Transportation Unity Caucus develops Tribal position on Reauthorization

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Sources include:

- Meyers, Rachelle, ROWS and Federal Indian Law, NWTTS Power Point, 2009
- Seaton, Fred Andrew, Federal Indian Law, The Lawbook Exchange, LTD, 2007
- Tribal Transportation Planning Guide for Washington State
<http://www.wsdot.wa.gov/planning/Tribal.htm>
- TRB NCHRP Synthesis 366 <http://www.wsdot.wa.gov/planning/Tribal.htm>

What has MAP-21 done for Indian County?

Kirk Vinish, Planning Director
Lummi Nation Planning Department

APA Washington Annual Planning Conference
October 16-17, 2014

Across the Nation: US-491 Lane Addition



The Navajo Division of Transportation received a \$31 million TIGER grant to add two lanes to US-491 – boosting capacity and improving safety on a critical corridor that connects Navajo Nation to other parts of New Mexico and Colorado. (Mendez, US Dept of Transportation. <http://www.dot.gov/fastlane/president-s-budget-promises-big-benefits-tribal-lands>)

At Home on Lummi:



Lummi Shore Rd.




Haxton Way Pedestrian Pathway Project

This section of Haxton Way had no proper infrastructure in place such as:

- ❖ No sidewalks
- ❖ No shoulders or bike lanes
- ❖ Is bound by deep ditches surrounded by wetlands and streams.
- ❖ The speed limit prior to this project was 50 mph, however the average speed was well above this posted speed limit.
- ❖ There was little or no lighting along most of Haxton Way.

