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

CCT TRANSIT SURVEY, QUESTION #14:

What do you see as your biggest transportation problems?

- Cost of gas 25%
- Cost of maintenance and repairs 17%
- Cost of cars or car payments 12%
- Cost of auto insurance 15%
- Cannot drive 2%
- Finding others to drive 3%
- Distance to travel 8%
- Time to travel 8%
- Maintained car and tires (safety concern) 7%
- Homeless 2%
- Other 1%

TRIBAL SAFETY ISSUES ON AMERICAN INDIAN RESERVATIONS, WASHINGTON STATE

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.

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

1. Mixed Land Uses

2. Compact Building Design

3. Wide Range of Housing Opportunities and Choices

4. Walkable Neighborhoods
REFERENCES


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.

Pipelines, telegraphs and highways

The set of March 3, 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 which had been allotted 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. The set of March 3, 1901, authorized the Secretary to grant rights-of-way for railway, telegraph, and telephone lines, and transmission stations. 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 lessee for all property taken or damaged done to his land, claim, or improvement, by reason of the construction of such railroad. In the absence of amicable settlement with any such occupant or lessee, the Secretary was empowered to appoint three disinterested referees to determine the compensation. An approved party was permitted judicial review. 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 "to acquire lands for reservoirs or material for railroads and rights-of-way for pipelines." Permissions included the right to construct an access road to the railroad, and the right to use said road for the transportation of materials and supplies, and for the construction and operation of such railroad. All such uses were subject to the payment of a reasonable rental. All such uses were subject to the payment of a reasonable rental. Rights of way were not granted for the use of high pressure gas, nor were rights of way granted for the use of water or oil. In the case of Indian lands, the Secretary was authorized to grant a right-of-way through the allotted lands of any Indian, but the right was subject to the payment of a reasonable rental. Rights of way were granted in the case of restricted lands, but the lessee was required to use all lands located upon the lands described in the deed, and the rent was to be paid to the United States. The deed was to contain a provision for the condemnation of all lands upon which the railroad was built. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way. In the case of the use of railroads for the transmission of water or oil, the Secretary was authorized to grant a right-of-way. The right was subject to the payment of a reasonable rental. The use was limited to the purpose of the right-of-way.

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
  - 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 $10 million to $1.05 billion in FY 2020
      - b) Establish Tribal Asset Management Program at $245 million in FY 2015 with annual $15 million step increases to $275 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 in FY 2015 with annual $5 million step increases to $60 million in FY 2020
        - iii. Ensure established tribal transit programs receive formula funding at least the highest amount of operations funding received since the creation of the Tribal Transit Program in FY 2005
        - iv. Increase funding to $14 million in FY 2015 with annual $5 million step increases to $60 million in FY 2020
        - v. Increase minimum grant amount to $11.4 million when funding increases above $18.5 million
      - 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) Establish $75,000 as the minimum annual TTP Program funding allocation for all Tribes
      - g) Restore the TTP exemption from the Obligation Limitation deduction
      - h) Reduce BIA and FHWA program management and project-related administrative expenses from 6% to 5% with an annual cap of $28 million
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 (TTP) with additional highway safety improvements 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 1.5% 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 grant programs.
7. Give 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 ensure that the cost be borne by the Secretary of Transportation and not charged to the Tribal Transportation Program.
A Brief History of Tribes and Transportation

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>ITB</td>
<td>Tribal transportation pre-dates contacts with Europeans. Tribes had extensive transportation routes for travel and exchange of goods.</td>
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<tr>
<td>1887</td>
<td>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.</td>
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<tr>
<td>1899</td>
<td>Railroad Companies were granted easements – or “rights of way” across Indian Lands for their rail lines.</td>
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<tr>
<td>1901</td>
<td>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.</td>
</tr>
<tr>
<td>1904</td>
<td>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.</td>
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<tr>
<td>1928</td>
<td><strong>Creation of the Indian Reservation Roads (IRR) program</strong></td>
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<td>1930</td>
<td>Beginning of IRR partnership between Bureau of Indian Affairs (BIA) and FHWA (then under the Department of Agriculture)</td>
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<td>1934</td>
<td>Passage of the Indian Reorganization Act</td>
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<td>1936</td>
<td>Federal-Aid Highway Act requires FHWA approval of location, type, and design of IRR roads and bridges built with BIA funds</td>
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<tr>
<td>1951</td>
<td>Congress begins annual appropriations for maintenance of BIA-owned roads</td>
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<td>1975</td>
<td>Passage of the Indian Self-Determination Education and Assistance Act</td>
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<td>1982</td>
<td>Creation of the Federal Lands Highway Program (FLHP) under the Surface Transportation Assistance Act; IRR is incorporated into FLHP</td>
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<td>1991</td>
<td><strong>Passage of the Intermodal Surface Transportation Efficiency Act (ISTEA);</strong> 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</td>
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<td>1993</td>
<td>BIA begins four-year phase-in of new allocation formula for tribes, replacing one used since 1970</td>
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<td>1998</td>
<td>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</td>
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<td>2004</td>
<td>BIA creates current Final Rule for IRR program; includes creation of IRR Program Coordinating Committee with tribal representation</td>
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<tr>
<td>2005</td>
<td><strong>Passage of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);</strong> includes creation of Tribal Transit Grants under Section 5311(c) through FTA</td>
</tr>
<tr>
<td>2014</td>
<td>Tribal Transportation Unity Caucus develops Tribal position on Reauthorization</td>
</tr>
</tbody>
</table>

Developed by Richard A. Rolland, Rolland Associates, rrolland@rollandassociates.com 509-951-9501

Sources include:
* Meyers, Rachelle, ROWS and Federal Indian Law, NWTTS Power Point, 2009
* Seaton, Fred Andrew, Federal Indian Law, The Lawbook Exchange, LTD, 2007
* TRB NCHRP Synthesis 366 http://www.wsdot.wa.gov/planning/Tribal.htm
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/presidents-budget-promises-big-benefits-tribal-lands)

This section of Haxton Way had no proper infrastructure in place such as:
- No sidewalks
- No shoulders or bike lanes
- Is bordered 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 the posted speed limit.
- There was little or no lighting along most of Haxton Way.