

GTAC Transportation Sub-Committee
October 12, 2017
1:00-5:00PM
DRAFT Minutes

Attendees:

Anna Bosin-DOT&PF
Clarence Daniel – AVCP, NR Rep
Dave Kemp-DOT&PF
Sana Effird-DEED
Steve Hatter-DOT&PF
Sandra Garcia-Aline-FHWA
Will Ware-Co-Chair, SCR Rep
Commissioner Marc Luiken-DOT&PF Co-Chair
Brian Winnestaffer- Chickaloon, CR Rep
Darrel Williams-Ninilchik, CR Rep
Mary Patkotak -ICAS, NR Rep
Andrew White-BIA
Alex Cleghorn-LAW
Zack Fields-DOL
Jeff Stark-LAW
Heidi Hansen-DNR
Mike Vigue- DOT&PF
Duane Mayes- HSS
Ryan Anderson-Northern Regional Director (Fairbanks)
Denise Koch-DEC (Juneau)
Kady Dumaguin- Lt. Gov Office (Juneau)
Lance Mearig-DOT&PF (Juneau)
Bill Willard-WCA (Wrangell), SCR Rep
Hank Rettinger- FHWA
Ct. Andy Merrill-DPS
Cl. Hans Brinke-DPS
Heidi Hansen- DNR
Joseph Myers- NAAC (California)
Kelly Myers-NAAC (California)

Handouts: Draft Charter, Agenda, Draft MOU

1:00PM Introductions by Will Ware and Marc Luiken.

1:30PM History of Caltrans Native American Advisory Council

Joseph Myers

Joseph is Executive Direction of the National Indian Justice Center and has served as the Chairperson of Caltrans NAAC since 2002. Three regions in California represented on the Council. These members serve two year elected terms, and most are reelected because of the importance of transportation. The Caltrans director attends all meetings. Director makes the council work as well as collaboration with tribes in California.

Kelly Myers

Staff attorney with National Indian Justice Center, working with Native American Advisory Committee. Solution-based approach to problems. This works because of everyone involved who are committed to work together. All work to keep issues on the table and that nothing falls through. Really fine-tune this to meet your needs. NAAC is available to aid with example of their experiences.

Discussion:

Anna-Typical Agenda Items?

Kelly-Work directly with Native American members and anywhere from 2-3 weeks prior the agenda is sent out. Provide updates for Western Advisory and the agenda often includes a diverse list of topics. Often involved with a number of other agencies. Key is in keeping tribes involved in identifying the issue as well as the solution.

Joe-Native American Liaison sends out an update to tribes on a regular basis. The NAAC is situated within Caltrans Native American Liaison Branch. Charter established in the beginning. Selection identification is laid out in written form. Committee members include tribal leaders, planners, engineers, etc. Quarterly meetings are open to the public. Each meeting includes outside interested parties who are concerned in the results of the committee. Joe has been chair for 10 years. This idea came from the idea of a Native American group that worked within Caltrans that wanted to make it part of the structure. Kept non-political as best as possible.

DC Hatter-Were there ever periods in the last 15 years when momentum reduced? If so, what was the solution. How do we memorialize this work?

Joe-always an issue of things slowing down, but continued momentum with members and those selected to serve. Every two-year election is the key to how this is kept alive. Many people of interest who want to be remain involved. Tribes and Native organizations are involved. Everyone is looking to improve relationships and improve facilities. Never really been plagued with any reduction in momentum. Tribal and county law enforcement are also included. Never seems to be any limitations in policing roadways.

Kelly-have a diverse group. Everything from safety issues, to processes within the department, consultation policy. Great venue to make people aware of the process in change. Sometimes the problem is lack of communication and education. The forum keeps the issues alive. Individual projects are probably the last categorical item reviewed. This has led to some innovative projects in California. They have a UC Berkeley Crash Data collection project that might be useful to Alaska.

Clarence-How does it influence Caltrans?

Joe-NAAC is an advisory committee to Caltrans. A lot of influence over decisions that are made. NAAC doesn't come in and change things necessarily, but are definitely consulted on decisions that are made. Having tribal influence before decisions are made has definitely been a huge improvement in process. Seeing great strides that benefit tribes. Tribes help DOT to evolve. There are a lot of constraints. "Broaden perspectives." Quarterly meetings involve the director of Caltrans meetings sit side by side with tribal chair. Have support of BIA and FHWA at the table. They are not official members, but they sit on the side and give advice as necessary.

2:00PM DOT&PF Perspective

Anna Bosin

Presentation overview (PowerPoint to be uploaded to DOT&PF Liaison website)

Strategic Highway Safety Plan is updated every 5 years and sets the DOT&PF safety vision. Multiple agencies involved- DPS, Education. Need Tribal Input on strategies, emphasis areas for rural Alaska
Looking for input as the plan is currently under review

Most tribes if not all tribes, have a safety planning guide because of TTP federal funds

Recommend this community work toward building this data on crash from our rural communities

Circulate new crash form template to collect data around Alaska and work with Adam Larsen from FHWA.

Clarence-SMS/TPP has collected a lot of data from the FARS data, but that data had very little reported from AVCP region. AVCP has four safety projects they are getting ready to implement. A lot of fatalities taking place on road system not on the list.

Sana-no funding for education on this. FAST Act took out that educational component.

Anna-each tribe has a safety plan, but DOT&PF does not have access to those documents. Sharing these plans would help build the overall statewide plan. Also, Trauma Registry is showing many more ATV and Snow Machine crashes on roadways than crash data indicate. This data could be used to substantiate safety need for TTP and HSIP funding if FHWA and BIA will accept other forms of data.

Darrel-many safety plans are developed by Federal Highway. Crash data is also needed by tribes.

Anna-how are crashes accounted for with VPSO program?

Captain Merrill-reported to DPS. On or off road. Different coding if on a trail vs. roadway. Could be modified if groups want trail crash data outside of public roadway crashes.

Denise Koch-Dust/Air quality is a problem for a lot of rural communities with no paved roads. DEC only has funding for monitoring. 105 Grant funding from EPA for rural dust work.

Anna-how do agencies collaborate/coordinate on these similar activities, etc. (e.g. DEC air quality)

Denise-there have been studies done in the past for controlling dust and the most effective methods.

DEC has a webpage with information on the dust program.

GSA equipment limited in quality and accessibility to rural communities off the road system. Expensive to inspect the equipment then ship to sites.

Clarence- AVCP welding certification program has prototype trailer road grader (could attach spray bar) for dust palliative spreading with compactor in the works. AVCP built the grader in partnership with Yuut Elinaurviat, the regional training center in Bethel. Could be flown to communities for use.

2:35PM BREAK

2:45PM RESUME-Roundtable Discussion

Will Ware-Topics of Importance, Measurable outcomes: Achievable, long range goals. Not impossible but requires navigation. *Hand out template MOU formatted based off of Forest Service MOU

-Forest Service Example: MOU with state to include routes/inventory from SOA. Routes within boundaries within tribes/communities.

-Does not relinquish any rights of State, clearly states Tribes abilities. No MOU in existence, looking at starting collaboration with an MOU. MOU with US Forest Service has been a success with Maintenance work contracts for road work. Contracts that clearly define what the State is responsible for, what the tribe is responsible for.

-Suggestion for Office of the Governor to be the signing agent for MOU.

-Individual projects would still need MOUs/Agreements before funding requested. More discussion needed for blanket MOU topic.

- Policy and Procedure on Consultation with Tribes- Consider a Statewide version for all agencies to follow of consistent and fair engagement. FHWA to share Federal policy on Consultation and Government-to-Government engagement for reference.
- Conversation turned to immediate need for letter of support to tribes regarding BIA's 25 CFR 170.443 required documentation? Sample language from Jim Glaze to Mike Vigue was discussed. Most proposed routes would be on DNR lands, not DOT&PF. DOT&PF to review with DNR posting language on a website (GTAC or individual agency sites)
- Limited Waivers of Sovereign Immunity-always an issue when working with the State. Need to address maintenance and how other states have been able to negotiate waivers to work with DOTs. Oklahoma, California, Minnesota are examples.
- Tribes are interested in taking on maintenance of rural airports. Interested in equipment access. Limitations on equipment due to FAA funding constraints.
- TTP funds can be used as matching for Community Transportation Program grants which can leverage to make larger projects a reality.
- 202(a)(9) transfers remove waiver issue from State since Federal agency (BIA or FHWA) takes over responsibility/liability for projects. Currently 4 in Alaska, 9 nationwide. CTP grants are eligible if on non-DOT&PF routes.
- Other topics the Tribal representatives are interested in tackling with Sub Committee: Government-to-Government consultation, Mail Subsidies, GSA excess access to equipment, STP process inclusion.
- Have good momentum and need to meet sooner rather than later. Set next meeting only at this time.

4:30PM Adjourned

Action Items:

1. Next meeting coordinated with BIA Providers Conference for larger venue and everyone will be in town. Sustains momentum of this meeting. Anna to work with BIA and send Doodle Poll for dates/times
2. Draft 25 CFR 170.443 language to post on website to satisfy BIA requirements for "documentation." Anna/Mike V/ Heidi H/Will Ware to work on this.
3. SHSP involvement outreach- Anna to ask DOT&PF SHSP group to present at BIA Providers Conference. Anna to send SHSP info to Sana at DEED for input.
4. Data Collection- Will FHWA/BIA accept Trauma Registry Data for Tribal Safety Plans crash data? Adam Larsen has information on a new rural crash form? Can Sandra follow up on these?
5. Consultation- Hank to send Anna FHWA links on guidance documents regarding Federal consultation policy and G-to-G. GTAC reps to review DOT&PF current Policy on consultation and comment by next meeting
6. Limited Waivers- GTAC Tribal Reps to get examples from outside to suggest to LAW for consideration.
7. Invite FAA to next meeting. Add airport maintenance to next agenda-Anna
8. TTP overview training for DOT&PF- Anna to contact Brian Allen for after BIA Providers conference
9. Incorporate Alaska Natives data/input for Anchorage and Matsu sections of the bike/ped master plan update for bus/bike/ped access- Zack/Anna/Marcheta
10. Review Draft Charter and comment prior to next meeting to finalize-GTAC Tribal Reps
11. Set agenda for next meeting- Will Ware/Anna. Will specify which agencies should attend based on agenda topics.

