

**WESTERN ARIZONA REGION  
STATE - TRIBAL  
TRANSPORTATION FORUM**

**Proceedings  
FINAL REPORT  
September 2003**



**HIGHWAY TRANSPORTATION  
FUNDING & COORDINATION**

# WESTERN ARIZONA REGION STATE – TRIBAL TRANSPORTATION FORUM PROCEEDINGS REPORT

Colorado River Indian Tribes Reservation  
Parker, Arizona  
September 24–25, 2003



Sponsored by the  
Federal Highway Administration  
and the  
Arizona Department of Transportation



# TABLE OF CONTENTS

## PREFACE

Purpose.....	1
Background.....	1
Forum Process .....	2
Acknowledgements .....	3

## OPENING SESSION

Welcome and Opening Remarks .....	4
Forum Purpose and Overview .....	5
ADOT Tribal Strategic Partnering Team – Tribal Survey Overview .....	5

## TRANSPORTATION PROGRAM OVERVIEWS

Federal Highway Administration Programs .....	6
Arizona Department of Transportation Programs .....	8
Bureau of Indian Affairs Western Regional Office Indian Reservation Roads Program.....	11
Council of Governments and Metropolitan Planning Organization Programs .....	12

## INTERACTIVE PANEL DISCUSSION SESSIONS

FHWA Programs – Answered Questions, Issues and Comments .....	15
ADOT Programs – Answered Questions, Issues and Comments .....	19
BIA Programs – Answered Questions, Issues and Comments .....	27
MPO and COG Programs – Answered Questions, Issues and Comments .....	34

## CLOSING SESSION

Closing Comments .....	39
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## CONCLUSION

Forum Results .....	41
Next Steps .....	48

## Appendices

- A. List of Forum Attendees
- B. COG/MPO Contact List
- C. BIA-WRO Pre-Construction Activities Flowchart
- D. Pre-Forum Survey – Summary Results
- E. Participant Feedback of Forum Effectiveness – Summary of Results

## Glossary

Abbreviations and Acronyms



# Western Arizona Region State–Tribal Transportation Forum

## Proceedings Report

### PREFACE

#### Purpose

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), in conjunction with the ADOT Tribal Strategic Partnering Team (ATSPT), sponsored the Western Arizona Region State–Tribal Transportation Forum to provide tribal and non–tribal government officials with an understanding of current highway funding and transportation coordination processes in Arizona. The major goals of the Forum were to:

- Improve tribal–state–federal relations.
- Improve tribal–state–federal coordination.
- Improve tribal participation in the statewide transportation planning and programming processes.

#### Background

This forum was the third in a series of three regional forums. The first forum convened on October 17, 2002, at the Little America Hotel in Flagstaff, Arizona, with seventy–seven attendees.

The second forum was held March 11–12, 2003, at the Tohono O’odham Nation Desert Diamond Conference Facility on the San Xavier Reservation in Arizona with eighty–seven participants.

This third forum convened on September 24–25, 2003, at the Blue Water Resort Conference Facility on the Colorado River Indian Tribes Reservation in Parker, Arizona.

Sixty-Seven attendees participated in the two-day forum with representatives from the Cocopah Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, Salt River Pima-Maricopa Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, White Mountain Apache Tribe and the Yavapai-Apache Nation. Attendees also included representatives from the Inter Tribal Council of Arizona (ITCA), Indian Health Service-Tucson Area, Bureau of Indian Affairs-Western Regional Office (BIA-WRO), Central Arizona Association of Governments (CAAG), Maricopa Association of Governments (MAG), New Mexico Traffic Safety Bureau, Arizona/Colorado/New Mexico/Utah Tribal Technical Assistance Program (TTAP), Western Arizona Council of Governments (WACOG), Yuma Metropolitan Planning Organization (YMPO), FHWA and ADOT. A list of all attendees is located in the Appendix.

## Forum Process

ADOT staff opened the forum and speakers from the FHWA, ADOT, BIA-WRO, WACOG and YMPO made presentations during the morning session. Each speaker was asked to present their agency transportation programs and to include their perspective of how and why tribes could and/or should participate in the state processes, as well as the potential for developing financial partnerships. This report provides highlights for each of those presentations, which are then followed by a compilation of the questions and answers from interactive panel discussion sessions.

Following each agency presentation the participants were asked to write down any questions or issues on the information that was presented. The questions/issues were recorded on color-coordinated slips of paper that provided reference for the presentation to which they were related (i.e. blue for FHWA, yellow for ADOT, etc.). Ten minutes was provided to complete this process.

The presenters and an assigned facilitator then compiled the questions/issues and categorized them according to a major topic. The presenters were provided time off the agenda to develop responses in slideshow format to each question or issue. The slides were then used as a visual aid during Interactive Panel Discussion Sessions for the participants to obtain better understanding and to generate further discussion. Generally, the Interactive Panel Discussion Session purpose was to address funding processes, prominent concerns/issues, and proposed resolutions.



It should be noted that in addition to the agency presenter, several of the Interactive Panel Discussion Sessions involved participation by more than one agency representative. This was imperative so that key players at the federal, state and regional levels could provide a full range of discussion and information to the participants.

Finally, during the Forum's Closing Session participants at each table were asked to discuss what they had learned and note any final impressions of the forum. A spokesperson from each table was asked to report overall comments to the large group. Comments were recorded by the facilitators and projected onto a large screen so participants could validate comments.

This Forum Proceedings Report provides highlights for each of the agency presentations, which are then followed by a compilation of the questions/issues and their respective answers as discussed during the Interactive Panel Discussion Sessions. The forum closing session comments, results and next steps are also included at the end of this report.

## Acknowledgements

Acknowledgement is given to the following individuals and their respective agencies for the expertise and time they have contributed toward the planning and implementation of this regional forum. A number of these individuals also provided assistance with review of the information presented in this report.

**Bill Alfier**, District Engineer, ADOT-ITD Yuma District  
**Nathan Banks**, District Engineer, FHWA Arizona Division  
**David Barber**, Deputy Director/Transportation Planner, WACOG  
**Debra Brisk**, Deputy Director, ADOT  
**Arnold Burnham**, Manager, ADOT Priority Programming Team  
**Steve Clarke**, Facilitator, Employee Involvement Systems  
**Esther Corbett**, Transportation Project Coordinator, Inter Tribal Council of Arizona  
**Pat Cupell**, Senior Planner, ADOT-TPD Air Quality Team  
**Richard Duarte**, Manager, ADOT Environmental & Enhancement Group  
**Doug Forstie**, Acting Deputy State Engineer, ADOT Operations  
**Ermalinda Gene**, Program Manager, ADOT-TSG Civil Rights Section  
**Roxie Greer**, Administrative Assistant, ADOT-ITD Partnering  
**Judonne Grehem**, CEO, Isconme Consulting  
**Ron Hall**, Director, CSU Tribal Technical Assistance Program  
**Russell Hanson**, Facilitator, TransTech  
**Lupe Harriger**, Transportation Planner, ADOT-TPD Priority Programming Team  
**John Hauskins**, District Engineer, ADOT Phoenix Maintenance

**Cathy Hegel**, Technical Writer, Isconme Consulting  
**Larry Hunt**, Transportation Planner, Yuma Metropolitan Planning Organization  
**Joy Keller Weidman**, Facilitator, Holon Consulting  
**Gregg Kiely**, Program Manager, ADOT-TPD Transit Team  
**Bill Leister**, Director of Transportation, Central Arizona Association of Governments  
**Bob Maxwell**, Area Roads Planner, BIA Western Regional Office  
**Richard Powers**, District Engineer, ADOT-ITD Globe District  
**Bill Sapper**, Transit Team Manager, ADOT-TPD  
**Don Sneed**, Senior Planner/Tribal Coordinator, ADOT-TPD Statewide and Regional Planning Team  
**Edward Stillings**, Mobility Planning Engineer, FHWA Arizona Division  
**Jeff Swan**, District Engineer, ADOT-ITD Holbrook District  
**Steve Tate**, Transportation Planner, Maricopa Association of Governments  
**Louis Tognacci**, Senior Planner, ADOT-TPD Statewide and Regional Planning Team  
**Lisa Wormington**, Administrator, ADOT Civil Rights Office

A special thanks is also extended to the tribal, local, county, regional, state and federal government officials who attended and participated in the forum.

## **OPENING SESSION**

### **Welcome and Opening Remarks**

**Debra Brisk**, ADOT Deputy Director, emphasized the importance of this third regional state-tribal transportation forum and expressed appreciation for everyone's involvement. Ms. Brisk highlighted the importance of the partnership and viewed it as a way of focusing on Arizona's values of environment, culture and economy and as a means to improve the business of Arizona transportation. She stated that as a State we face the challenges of needs versus available funding, cost of growth, quality of life, increasing technology, and respecting state values. While there are many challenges, money being the greatest, developing a strong, productive partnership will allow each member to be more successful and by working together we can meet these challenges.



## Forum Purpose and Overview

**Don Sneed, ADOT-TPD Statewide and Regional Planning, Planner and Tribal Coordinator**, recognized the numerous entities represented at the forum, the importance of relationships and the values everyone shares. The focus of the forum was established as “improving tribal, state and federal relationships by giving and getting feedback on our issues and concerns”. The forum was also an excellent opportunity to provide information regarding funding and coordination of transportation programs. Don also provided an overview of the forum approach, presentations and panel discussion sessions. He reviewed the contents of the packet and presented the agenda for the two days and encouraged everyone to meet and greet each other during breaks and lunch.

## ADOT Tribal Strategic Partnering Team Tribal Survey Overview

**Ermalinda Gene, ADOT Civil Rights Office, Indian Outreach Program Manager**, discussed the tribal transportation survey conducted by the ADOT Tribal Strategic Partnering Team. Ms. Gene highlighted the tribal priority issues identified through the survey and emphasized that it was conducted to provide a basis for the state-tribal transportation regional forums according to the following categories:

- Forum Development and Implementation
- Tribal Specific Issues and Concerns
- Forum Logistics

Consequently, the data gathered helped to guide and focus the forum agenda in order to deliver the best results for all participants. The *ADOT Tribal Strategic Partnering Team Overview and State Tribal Transportation Survey Final Report* was included in the participant packet.

# TRANSPORTATION PROGRAM OVERVIEWS

## Federal Highway Administration Programs

Nathan Banks, Senior Engineering Manager and Edward Stillings, Engineering Development Coordinator for the FHWA Arizona Division, used a tag-team approach to present an overview of the history of the FHWA and the programs through which they provide funding. They emphasized that FHWA does not select or manage any construction projects – it is strictly a funding source to other agencies for their programs. They stated that Mary Peters is the FHWA Director and various offices around the country support the FHWA efforts including the one in Phoenix. It was mentioned that FHWA has lost some staff recently to the Homeland Security effort. The FHWA Resource/Assistance Office also provides technical assistance.

Mr. Banks and Mr. Stillings reviewed the history of the federal legislative acts that established the highway funding programs dating back to 1916 up to the current law of TEA-21. They stated, FHWA's purpose is to provide aid to the states and TEA-21 established the level of funding. FHWA is governed and operates under laws and regulations that cover the highway program. The USDOT Organizational Chart was reviewed to identify entities involved in the flow of funds. Also, the Federal-Aid Highway Program was discussed identifying the program purpose, the "pay as you go" concept, the reimbursement stipulation, and how the transportation highway reauthorization will establish new levels of funding.

The Highway Trust Fund was created in 1956 by the Highway Revenue Act and was discussed relative to its operation and restrictions. Funds for the Highway Trust Fund come from taxes on gas, diesel and other user fees. They stated that funding cannot flow directly from the FHWA to tribal governments it must pass through the States as directed by current legislation.

It was indicated that the primary sources of federal funding are the 18.4 cents/gallon gas tax, the 24.4-cents/gallon-diesel tax, and other user fees. A flowchart was reviewed to show the flow of money from obligation of funds to reimbursement to the states from the US Treasury. Eligible highways that qualify for federal funds and those that do not generally include all functionally classified routes with the exception of rural minor collectors and local roads. Definitions of the various types of roads and National Highway System were discussed.

The speakers presented the major laws and regulations that govern the highway funding programs, i.e. Title 23 US Code, 23 Code of Federal Regulations, National Environmental Policy Act of 1969 (NEPA), Clean Air Act of 1970 (CAA), Occupational Safety and Health Administration (OSHA), Americans with Disabilities Act (ADA), state laws and regulations, and FHWA Directives and Policies.

The Major Programs include:

- National Highway System (NHS)
- Interstate Maintenance (IM)
- Surface Transportation Program (STP)
- Highway Bridge Replacement and Rehabilitation Program (HBRRP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Emergency Relief (ER)

FHWA discretionary programs include Bridge, Corridor Planning and Development and Border Infrastructure, Innovative Bridge Research and Construction, Intelligent Transportation Systems (ITS), Public Lands Highways, Interstate Maintenance, Scenic Byways, Transportation Infrastructure Finance and Innovation Act, and others. FHWA emphasized the competitive nature of applying for discretionary funding and indicated that it would be best to search for other funding alternatives that more directly “fit” a certain project. STP might be a better option for finding funding. FHWA Program Planning – Federal funds are committed five years in advance of receipt. Interfacing between State and local governments was also discussed.

Mr. Banks and Mr. Stillings also distinguished between the STP, which provides the bulk of federal money to the states and the Federal Lands Highway Program (FLHP), which is a subset of federal discretionary funds allocated to federally owned lands. The Indian Reservation Roads (IRR) Program is one of the FLHP categories. The BIA and FHWA Federal Lands Office administer the IRR Program separately. Eligible items include Planning, Research, Engineering, Construction, Road Sealing, Adjacent Vehicle Parking Area, Transit Facilities, Pedestrian/Bicycle Facilities and other miscellaneous items.

TEA-21 authorized funding levels statewide and nationwide were discussed for the various FHWA Programs. In Arizona, the average yearly funding levels under TEA-21 include \$191 million for NHS/IM; \$110 million for STP; \$10 million for HBRRP, \$22 million for CMAQ; and \$5 million for FLHP (discretionary portion only).

Mr. Banks emphasized the value of learning how to tap into some of the STP funding, because it is a much larger pot of money than some of the

discretionary programs. The key here is working through the Metropolitan Planning Organizations (MPOs) and Councils of Government (COGs) to identify and promote projects, again reminding the forum participants that FHWA only *provides* the STP funds – it is the state, MPOs and COGs that *decide* how they are spent.

Both FHWA speakers encouraged the tribes to get involved in statewide and regional planning efforts (i.e. long-range transportation planning and transportation improvement programs). Also to contact the FHWA Arizona Division for information and counsel on what federal funds may be available for tribal land projects and how to go about applying for them. They emphasized that transportation planning must be a continuing, comprehensive and cooperative process and they noted FHWA’s commitment to federal-tribal-state government-to-government relations based upon recent federal policies and orders. FHWA’s commitment is indicated in the following statement:

*“The FHWA is committed to building more effective day-to-day working relationships with Indian tribal governments. We endeavor to address issues and concerns affecting American Indian tribal governments with the utmost respect for tribal sovereignty.”*

In closing, the FHWA Arizona Division officials indicated they are willing to meet with individual tribes to discuss their transportation related issues. FHWA is also conducting efforts to notify tribes of upcoming projects and to become involved in the environmental process. FHWA also works with the Inter Tribal Council of Arizona (ITCA) and ADOT on new initiatives to improve communication with tribes. It was noted that all the information provided in the presentation can be found on the FHWA website (see <http://www.fhwa.dot.gov>) or in the FHWA’s “Guide to Federal-Aid Programs and Projects” (see <http://www.fhwa.dot.gov/pubstats.html>).

## Arizona Department of Transportation Programs

Louis Tognacci, ADOT-TPD, Statewide and Regional Planning, Senior Planner, discussed the Statewide Long-Range Transportation Plan (LRTP) or “MoveAZ Project” as it is also referred. Mr. Tognacci explained that development of the Arizona LRTP is currently underway. He stated that it is an agreed upon strategy for the development of the Arizona transportation system over the next 20 years. The plan will involve all transportation modes; it will be project specific and financially constrained. The development of the LRTP is a collaborative effort and partnership with ADOT, the MPOs, COGs, Arizona Transit Authority, ITCA, federal agencies and other interested stakeholders.

Mr. Tognacci mentioned that the plan would be carried out in three phases. Phase I creates a strategic direction, the mission statement, and goals and objectives; Phase II defines and implements a public/stakeholder involvement program; and Phase III will carry out the technical analysis, conduct a policy/project evaluation, and develop the LRTP.

Coordination meetings held to date include 10 Working Group, 12 Stakeholder, 17 regional forums with the general public, 4 non-metropolitan with local officials (with 4 additional to be held after this forum), 5 continuity team with ADOT engineering staff and 3 input team working with group members and ADOT staff.

Mr. Tognacci displayed a flowchart explaining MoveAZ's expanded coordination effort. He then provided an overview of the MoveAz project schedule and further discussed in detail the recommended sub-program allocation process for distribution of available funding.

MoveAZ interfaces with ADOT's priority programming process primarily at the project identification level. The ADOT corridor profiles and the Governor's Vision 21 Project Report are the main sources of project identification. However, regional transportation plans and other project identification sources will be incorporated. After projects are identified, several key processes will be implemented.

First, is a bundling process of individual project elements into larger projects. This involves examining the long-rang impacts of projects and can be applied to needed improvements identified through a number of sources (i.e., planning studies, community concerns and Board recommendations and so on).

Second, is a quantitative process for analyzing the performance impacts of the bundles. Each bundle that is identified for potential programming will pass through this process.

This analysis will result in a set of bundled projects scored and ranked according to performance measure then to be prioritized in the LRTP. The project analyses method includes factor scoring, source material for weights and the recommended weighting scheme along with proposed performance measures all of which were presented and are included in the handout.

The completed Statewide LRTP is due to be submitted to the Governor by December 31, 2004. Mr. Tognacci stated that the most current reports could be obtained by calling the dedicated phone line at 1-866-478-9657 or accessing the project Internet website at [www.moveaz.org](http://www.moveaz.org).

**Bill Alfier, ADOT Yuma District Engineer**, welcomed forum participants to the Yuma District and outlined some of the activities that the District was involved in that included some of the area tribes, especially the work planned along the international border. He also introduced the next presenter, Jeff Swan of the Holbrook District.

**Jeff Swan, ADOT Holbrook District Engineer**, reviewed many of the acronyms, including Arizona Department of Transportation (ADOT), Statewide Transportation Improvement Program (STIP) the Highway User Revenue Fund (HURF), the Surface Transportation Program (STP), Council of Governments (COGs) and Highway Expansion and Extension Loan Program (HELP). Mr. Swan explained that the state and federal governments have different ways of funding STIP and STP. The ADOT program criteria that guide funding processes include: safety factors, user benefits, continuity of improvements, social factors, land use, aesthetic factors, conservation factors, life expectancy, recreational factors, and availability of state and federal funds.

Mr. Swan indicated that the STIP includes all highway and transit projects in the State, funded under Title 23 of TEA-21 and the Federal Transit Act (see <http://tpd.azdot.gov/pps/pdf/stip/intro.pdf>). STIP stakeholders include Maricopa, Pima, Yuma, Flagstaff and Prescott Metropolitan Planning Organizations (MPOs), Western Arizona, Northern Arizona, Central Arizona, Southeast Arizona Councils of Governments (COGs), Bureau of Indian Affairs (BIA) and Federal Lands Agencies (Forest Service and National Park Service).

HURF includes fees collected by the State, i.e. fuel taxes, motor carrier taxes, vehicle license taxes, vehicle registration fees, etc. HURF funds are restricted to highway purposes and are distributed to the State, cities, towns and counties by State Statute (ARS 28-6538) and are not directly distributed to tribes.

Mr. Swan reviewed a flowchart of the STP Process focusing on the highway construction process. He indicated STP project categories include new construction and reconstruction, system/pavement preservation, and other safety, research, mapping and minor projects. For fiscal year 2004-2008 the total Arizona Five-Year Highway Construction Program is at \$3,943,000,000. He then provided an overview of the priority program on the State system.

HELP objectives are to accelerate completion of highway/road projects, bring new sources to fund transportation infrastructure, economic benefits to the State, promote the equitable allocation of resources, and support State and local transportation improvement plans. Qualified borrowers under HELP include any political subdivision, the State or its agencies, and tribal governments (see [http://www.azdot.gov/Inside\\_ADOT/Help/index.asp](http://www.azdot.gov/Inside_ADOT/Help/index.asp)).

Lastly, Mr. Swan outlined the following points on how the tribes and ADOT can help the process.

Tribes can:

- Get to know the ADOT staff
- Provide accident and traffic data
- Share programming efforts
- Outline information sharing and decision making protocol
- Participate in the programming process
- Submit to the ADOT Districts, project requests along with how the tribe can participate

ADOT can:

- Develop relationships with tribal elected officials and staff
- Develop localized agreements
- Involve ADOT headquarters staff when needed

## **Bureau of Indian Affairs – Western Regional Office Indian Reservation Roads Program**

**Bob Maxwell, Regional Roads Planner of the BIA Western Regional Office (BIA-WRO)**, provided an overview of the BIA Road System which includes the Tribal Road System, County and Township Road Systems, State Highway System as well as other Federal Agency roads. The BIA-WRO demographics were reviewed including overall mileage and road conditions mileage of the Indian Reservation Road (IRR) and BIA road systems.

Information was also provided with reference to IRR Program funding received from the Federal Trust Fund for the categories of transportation, bridge, planning and maintenance. 1982 marked the inception for receipt of those funds. The IRR Relative Need Formula and funding distribution process were also briefly reviewed. The current funding level for the IRR Program is \$275 million, \$13 million is reserved for the bridge rehabilitation and replacement program; up to 2% of the Regional Office's allocation of IRR construction funding is for planning and \$4 million is dedicated to maintenance (which includes equipment).

The basis for IRR transportation funds is:

- 50% Cost to Construct
- 30% Vehicle Miles Traveled (VMT)
- 20% Population



Other sources of transportation funds available to tribes include: Federal Lands Discretionary funds, STP funds, Transportation Enhancement funds, Hazard Elimination funds, Transit funds, Scenic Byways funds, and Emergency Relief for Federally Owned Roads (ERFO) funds.

Mr. Maxwell discussed the transportation planning process and tribal TIP development processes and referenced a Pre-Construction Activities Flowchart (see Appendix). He indicated that the BIA and/or tribal governments develop 20-Year Long Range Transportation Plans. This process involves consultation with the state, county and MPO's as well as a public involvement process. The plans may contain a tribal TIP and are reviewed and updated every five years. He advised that the tribal councils must approve funding for the IRR three-year TIP. The TIP is generated by the BIA Department of Transportation (BIADOT) and sent to the BIA Regional Offices for signature, and then it is forwarded back to BIADOT and FHWA for approval and returned to the Regional Office. The approved TIP is then sent to the State DOT's by FHWA for inclusion in the STIP. Under this process the BIA builds highways on the reservation including curb and gutter and other improvements. The BIA has partnered with ADOT many times to deliver quality projects and they are interested in working with ADOT maintenance personnel.

Mr. Maxwell reviewed the terms consultation, coordination and partnering and how each apply to the work they do, including areas of funding. He re-emphasized that proposed projects for partnering must be authorized and prioritized by the tribal council and be on the IRR-TIP. Photos of partnered projects were presented and briefly discussed to illustrate the effectiveness of what can happen with consultation, coordination and partnering. Various listings of tribal related transportation contacts were also handed out to the attendees.

## **Council of Governments and Metropolitan Planning Organization Programs**

**Dave Barber, Deputy Director and Transportation Planner for the Western Arizona Council of Governments (WACOG)** presented an overview of WACOG and explained that it was in charge of the planning process for Mohave and LaPaz Counties, including highway improvements, transit, enhancements and planning activities. He mentioned that WACOG is overseen by an Executive Board comprised of the mayors and one council member from each of the incorporated communities, one member of the County Board of Supervisors and the county school superintendents. A Transportation Advisory Committee (TAC) oversees WACOG transportation planning responsibilities and is comprised of one voting

member from each active entity within LaPaz and Mohave Counties, this includes tribes. He indicated that the Hualapai Tribe is an active member; however, the Fort Mojave Tribe has not been active and the Kaibab–Paiute Tribe has not participated on the committee. The TAC meets as needed, usually once a quarter and the Executive Board is the final authority for project selections.

TAC Responsibilities include preparation of the Five-Year Transportation Improvement Program, which is approximately \$1.3 million annually. He explained the importance of the STIP planning process, which also provides transit funding, e.g., Hualapai vans to transport medical patients to Kingman, bridge and safety projects plus reclassification requests. WACOG also recommends enhancement projects and Section 5310 Program transit recommendations.

Mr. Barber outlined the TAC meeting process and the use of weighted criteria in the project selection process as well as functional classification. He provided Blue Water Drive and Burns Road as examples of roads functionally classified to receive federal funds. He emphasized that a BIA classification does not mean that a roadway will be functionally classified by FHWA. WACOG is available to assist with functional classification requests to insure that they meet federal requirements. Mr. Barber used the Hualapai Tribe’s Diamond Bar Road project being paved to Grand Canyon West, as an example of the use of discretionary funding.

Mr. Barber expressed WACOG’s availability to assist area tribes and would appreciate their participation. He mentioned that WACOG has sent letters of support for projects to the Secretary of Transportation, the State Transportation Board, and the ADOT District Engineer. He encouraged all to get involved and become a part of the COG process. Mr. Barber closed his presentation by stating that WACOG looks forward to maintaining a strong working relationship with the tribes in Western Arizona.

**Larry Hunt, Transportation Engineer and Planner for the Yuma Metropolitan Planning Organization (YMPO)**, explained that the YMPO was formed in 1983 and is the first bi-state MPO due to the fact that it is comprised of the jurisdictions of Yuma County, Arizona and the Town of Winterhaven, California. He stated that member agencies in YMPO include the City of Yuma, Yuma County, City of Somerton, City of San Luis, Town of Wellton, ADOT and the Cocopah Tribe. He explained that under the 1962 Federal–Aid Highway Act, a population of 50,000 or more is required to qualify as a Metropolitan Planning Organization. Also under the Act urban areas must have a cooperative, comprehensive and continuing planning process to spend federal funds for transportation.

Each of the member agencies is represented on a 10-member YMPO Executive Board. YMPO also has a TAC comprised of 10 representatives from the member agencies, which oversees transportation planning responsibilities. YMPO is responsible for creating the regional transportation plan and addressing issues including transportation improvement, air quality, and development of a unified planning work program and budget. YMPO provides the following services to its member agencies: traffic counts, census coordination, public information program, traffic engineering assistance, traffic safety program, GIS transportation planning, and 911 Agent coordination.

One major YMPO activity currently underway is the Robert A. Vaughn Expressway project, which is a four-lane highway stretching from I-10 to the City of San Luis. This is an example of a joint ADOT and local funded cooperative project at a cost of \$65,000,000. YMPO is also working on its 2003-2026 Regional Transportation Plan and is updating its TIP for 2004-2008. Road improvements in tribal areas can be addressed through functional classification for STP funding and by incorporating tribal 20-year transportation plans into the MPO Regional Transportation Plan.

Mr. Hunt ended his presentation by encouraging the tribes to become involved by becoming a full member of their MPO or COG, attending Executive Board and TAC meetings, receiving agendas and materials, and by participating, keeping informed and becoming a part of the process. He suggested that by doing this Tribes can cultivate their working relationship with the district engineers, county supervisors, public works directors, the COG/MPO directors, FHWA staff and get actively involved in the COG process to get needs programmed into the plan.

*Note: Copies of the forum presentations and other materials included in the participant packet can be obtained by contacting Don Sneed of ADOT-TPD at (602) 712-8140 or [dsneed@azdot.gov](mailto:dsneed@azdot.gov).*

## **INTERACTIVE PANEL DISCUSSION SESSIONS**

During the afternoon of day one and the morning of day two, attendees participated in facilitated Interactive Panel Discussion Sessions to address written questions, comments and recommendations regarding funding processes, prominent concerns/issues and proposed resolutions. The following is a compilation of responses, which have been categorized by major topic. In some cases, there are similar questions addressed by one response. The responses are those developed by the agency presenters and those captured by notes from the forum facilitators. The agency representatives have also provided additional post-forum clarification.

# Interactive Panel Discussion Session: FHWA Programs Answered Questions, Issues and Concerns

## Panel Members:

- Nathan Banks, FHWA Arizona Division
- Edward Stillings, FHWA Arizona Division

## TOPIC: GENERAL

### 1. Define collectors, arterials and local?

*Information can be obtained from FHWA's website at:  
[www.fhwa.dot.gov/planning/fctoc.htm](http://www.fhwa.dot.gov/planning/fctoc.htm).*

### 2. In following state laws and regulations, should it include tribal laws and regulations?

*Tribal laws and regulations are included in intergovernmental agreements. State statute prohibits the State from going to tribal court; they must go to State Superior Court.*

### 3. What are FHWA's specific expectations for states to carry out the tribal consultation requirements of Title 23?

*Most, if not all, of the executive orders issued dealing with tribal coordination and consultation is for Federal agencies; FHWA cannot use these orders to provide expectations for the state. However, extensive work has been done during the past couple of years to improve consultation requirements and this forum is one example. FHWA wants to continue dialog with the tribes to enhance the overall effectiveness.*

## TOPIC: COMMUNICATIONS AND GOVERNMENT-TO-GOVERNMENT RELATIONS

### 1. Will FHWA look favorably on approval of rural minor collectors functional classification requests to or from Indian reservation areas (low-volume traffic/unpaved roads)?

*A number of issues have to be reviewed. The guidelines put a limit on how many miles the state can have in each category both statewide and regionally. FHWA maintains a book with specific guidelines that they use. ADOT is doing reclassification of the system now. Tribes should work through their COGs to provide input. Volume is a key one and projected future volume, school, hospitals, etc. Please see: <http://tpd.azdot.gov/gis/fclass/index.php>.*

### 2. When tribal lands are in two different COG/MPOs, why are fees charged in one and not the other?

*Clarification is needed? Which COG or MPO? NACOG and CAAG are at the center of the question. Membership fees are charged to every entity. (Audience comment- in some COGS but not others.) NACOG does not charge a fee but CAAG does of its members.*

### 3. Under the state-metro planning process, tribes are sovereign and our plans should be individualized and not included with the COGs, can this be changed?

*Rural COGs come from state laws and statutes. They can always be changed, but it requires legislation. Now is the time for federal changes.*

## TOPIC: FUNDING

### 1. How can tribes be involved in the next transportation funding to get direct funds avoiding BIA?

*Decisions are made at the time legislation is written. Congress is working on SAFETEA now and will make their decisions. Making changes means getting your message to the House.*

**2. Does FHWA support proposed changes in SAFETEA?**

*FHWA does support proposed changes, it was written by FHWA along with other Federal agencies such as FTA, NHTSA, etc. Most sections come from the modal agencies. There will be changes as it passes through the process as Congress adds and deletes various parts of the bill.*

**3. When TEA-21 expires, how will the state pay the contractors who are actively in construction?**

*The state will have to front the money and be reimbursed later. We fully expect Congress to take some action to ensure the programs do not shut down on September 30, 2004.*

**4. Under the Highway Trust Fund, how can the IRR funding be increased?**

*Your voice needs to reach the House. Congress will then need to make their decisions.*

**5. Can STP Funding be used on reservation lands and how are they administered?**

*STP funding can be used on reservation lands, how the project is sponsored dictates how the funds will be administered (State of Arizona + Sponsoring Entity). These funds are the most flexible funding source, though they do have to meet the functional classification "test".*

**6. Can federal funds be used for maintenance? If so, what are the restrictions?**

*In general, federal funds cannot be used for day-to-day maintenance activities. However, some maintenance activities of a project nature are eligible; i.e. crack sealing or resurfacing. They must meet the criteria of the funding category.*

**7. How do you make a local road a priority for funding?**

*The planning process is the starting place. It will show up as a priority in that process.*

**8. Do states have the authority to allocate federal aid program funds directly to Indian tribes and bypass BIA?**

*Federal dollars can only be transferred from the state to another federal agency, BIA for example.*

**9. Are there limits for the use of federal discretionary funds?**

*Each discretionary fund has its own terms. Usually there is no time limit once they become available, but that can vary. Funds need to be obligated the year they are allocated. Discretionary funds need to be obligated the year they are announced. This requires a work plan to support obligation of the funds.*

**10. Is a bus staging area eligible for IRR funds? Is it eligible for federal funds in general?**

*This is a gray area and we have to be careful how the project is defined. It could be eligible for STP funds if defined correctly. The project has to meet STP and FTA (capital) program standards. Is it eligible for IRR funds? Roadside parking area? Stopping area for bus? Need to know the size and specific use. It is a gray area and more information is needed. Refer to new IRR documentation perhaps the area on "Transit".*

**11. To qualify for ER funds, does the area have to be declared a disaster area by the state?**

*Using federal funds yes it does, by the Governor and the President.*

**12. Can Indian tribes/BIA access Federal Land Highway Program (FLHP) funds?**

*Yes, IRR funds are a subset of FLHP. There is approximately 5 million dollars per year available through the FLHP Discretionary Program. In recent years Congress has been making the decision on how the funds will be used due to earmarking.*

**13. How are the HES and Section 400 series safety program funds coordinated?**

*Section 400 funds are administered through NHTSA. FHWA has a lot less oversight on those programs than in the past. They are used more for safety belts, DUI, Red Light Running, etc., type of programs. For HES, a lot is done on a case-by-case basis depending on eligibility. A process is being developed now by ADOT to guide how funds will be split up. This is referred to as a Highway Safety Improvement Program (HSIP) and is required by Federal legislation.*

**14. Could ADOT notify tribes with current STIP?**

*The STIP information is available on the ADOT website and is updated regularly. Please see: <http://tpd.azdot.gov/pps/pdf/stip/intro.pdf>.*



**15. Why is the State HURF only distributed to state/cities and not tribes? What does ARS Title state with regard to this issue?**

*HURF is distributed in accordance with state statute, to state, cities, counties and towns. The law states that 100% of the funds must be distributed in this manner. It is a state constitutional issue per the Attorney General interpretation. A change would require working through the Legislature, which will need tribal lobbying to influence them to change the existing laws. Please see ARS Title 28, Chapter 18, Sections 28-6502 and 28-6538 regarding HURF distribution at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>.*

**Interactive Panel Discussion Session:  
ADOT Programs  
Answered Questions, Issues and Concerns**

**Panel Members:**

- Bill Alfier, ADOT Yuma District
- Arnold Burnham, ADOT-TPD Priority Programming Team
- Pat Cupell, ADOT-TPD Air Quality Team
- Richard Duarte, ADOT Environmental and Enhancement Group
- John Hauskins, ADOT Phoenix Maintenance District Engineer
- Rick Powers, ADOT Globe Office
- Bill Sapper, ADOT-TPD Transit Team
- Jeff Swan, ADOT Holbrook District
- Lou Tognacci, ADOT-TPD Long Range Planning Team
- Lisa Wormington, ADOT Civil Rights Office

**TOPIC: GENERAL**

**1. Were any of the ten milestone meetings held on Indian Reservations? If yes, where? If no, why?**

*The answer is yes, the Native American Tribal Focus Group meeting was held in Sells (Tohono O'odham) and Regional Transportation Forums were held on the San Carlos Apache Reservation and here on the CRIT Reservation. In the next round, meetings are planned for Window Rock (Navajo), Sells, Page (adjacent to Navajo) and here (CRIT).*

**2. Can ADOT provide a list to the tribes, which includes names and telephone numbers for the district engineers and local maintenance supervisors, as well as ADOT Board Members?**

*The contact information for the district engineers is contained in the handout packet. Contact the district offices to get the maintenance supervisor information for your area. A list of board members is also contained in the packet and can be found on the ADOT website at <http://www.azdot.gov/Board/index.asp>. The district office information is also available on the ADOT web site, please see: <http://www.azdot.gov/Highways/Districts.asp>.*

**3. How do tribes provide material sources? Specifically comment on environmental clearances and federal constraints.**

*On federal trust land, work is done with BIA for clearances. ADOT has a standard specification regarding endangered species, flood plan, cultural resource survey, etc. Construction contracts require the use of materials from cleared sources. (If a site is cleared for use, you can become a competitive advantage for contractors working in your area.) We need more tribal sources. Commercial sources must also be cleared prior to use; ADOT requires this of all contractors. Could materials be considered a “matching” element? The answer is potentially, if it meets quality requirements.*

**4. Why hasn't ADOT set up a mechanism for consulting, coordinating and funding with tribes or tribal organizations similar to that which it has with COGs?**

*There is a process for tribal transit plans that can access funds directly, either federal or other. COGs look at the entire region so they can take a broader view of total transportation needs in the area. This is the same reason ADOT does not work directly with individual towns, counties, etc.*

**5. What is the role of the Transportation Board (is that MPO/COG)?**

*The board approves the agency's policies and they award projects. They provide council to the total agency. Board members work within their own communities regarding funding. Please see: <http://www.azdot.gov/Board/index.asp>.*

**6. Are traffic counts conducted to consider recreational factors (peak holiday usage, etc.)?**

*The level of service for certain routes has been determined around some peak holiday usage.*

**ADDITIONAL COMMENTS**

*Some additional comments presented during the State Program Panel discussion regarding Environmental Stewardship included:*

- *Environmental Stewardship has recently been funded in Arizona. It has been successful in other states.*
- *ADOT has identified it, as a key priority for safe and efficient transportation and quality of life needs.*
- *Work has been done with each ADOT business group to determine Environmental Stewardship needs and goals.*
- *Debra Brisk is the agency champion to give it the visibility it deserves.*
- *Where do tribes fit in to this process? Are they just another public entity or held in sovereign status? These are questions to be answered as policies are developed.*

**TOPIC: COMMUNICATION AND GOVERNMENT-TO-GOVERNMENT RELATIONS**

**1. What is bundling in the Project Analysis Method?**

*Bundling refers to the process of grouping related individual projects within a segment of a State Highway System corridor together. An example of a project bundle is a series of passing lanes in a highway corridor. Another example is a highway-widening project that includes reconstruction of two bridges and construction of a bus pullout. The projects in a bundle are evaluated as a group, not individually. The strategic advantage is to group related project needs together to improve priority positioning and to better coordinate corridor projects.*

**2. How do you bundle corridors, segments, etc.?**

*Decision guidelines were included in ADOT's presentation and are as follows:*

- *Use \$50M as a rough guide for bundling projects*
- *Group short widening segments together*
- *Bundles include necessary infrastructure replacement (interchanges, bridge replacements, etc.)*

- *Bundles include design items (landscaping, bike lanes, new interchange, etc.)*
- *Combine multiple passing/climbing lanes for a corridor even if several miles apart*
- *Combine projects on different roadways if they intersect in an urban area*

**3. How is bundling going to impact the distribution of money equitably across the state?**

*We have to analyze the whole highway system. Each project bundle will compete with other bundles for funding. Combined related projects (such as multiple passing lanes in a given corridor segment) may compete more effectively as a group. Bundling can enable rural projects to compete more effectively as a group as well as with major metropolitan projects, which could help the rural areas.*

**4. Can you be more specific on bundled projects? How may tribes apply? Are there workshops for these projects? MoveAZ is not very clear.**

*Bundling refers to a portion of the MoveAZ performance planning methodology relating to the grouping of projects on the State Highway System for evaluation purposes. Workshops are now planned. We are, however, working out this process. Needs for projects on the State Highway System should be introduced through the state highway system planning process.*

**5. Do MPOs–COGs decide what projects will be bundled?**

*ADOT requires use of performance planning, so a representative of an MPO or COG will not be doing the bundling.*

*One MPO representative in attendance added that ADOT would have to work with MAG/PAG for TIP funds; sales tax revenue necessitates them having a say. This must be a cooperative process to be successful.*

**6. Bundling will be a major problem if it is not coordinated with the correct sections of ADOT. Under the new asset management requirements, projects with multiple routes have to be broken out into individual projects if costs exceed \$250K.**

*That is true, coordination is essential. The Transportation Planning Division will be working with district engineers and will coordinate with ADOT transportation management system managers (e.g. Safety, Bridge, Pavement). New asset management requirements have caused some changes in accounting for projects, necessitating the breakout into separate projects.*

**7. Who decides how projects will be bundled? What are the criteria for bundling sub-projects into projects?**

*ADOT makes the decision on how projects will be bundled per rules noted previously.*

**8. Project bundling is a very confusing and important process that should not have been just passed over in the presentation.**

*Thank you for the feedback. As we move forward, we need to keep you informed as we develop this process.*

**9. How can projects compete if they don't have each performance measure, but still are important to the public? It is like comparing apples to oranges.**

*Bundling addresses this and helps such projects compete.*

**10. Could transfers of state HURF to BIA be a statutory mechanism for funding tribal road need with state funds?**

*Some joint contribution projects have been done in the past and an IGA transferred funds to BIA. HES (safety) funds could be used on tribal roads, if classified. That would require that a proper request be submitted and accident data included justifying the project.*

**11. How can the BIA road classification system match up with ADOT's so tribal officials know which BIA routes qualify for state funding?**

*Recent BIA regulations have better correlated road classifications more in line with ADOT, but it is not totally there yet.*

**12. What is the process for entering into a fuel compact between state and tribes?**

*The contact person at ADOT regarding fuel compacts is Kathleen Morley, who can be reached at (602) 712-4027.*

**TOPIC: FUNDING**

**1. Can the tribe collect gas tax for their needs on transportation improvements?**

*The answer is yes. The Navajo Nation charges a fuel sales tax.*

**2. Are requests for applications for HELP projects sent to tribes, ITCA and BIA?**

*Applications are available by working through the COGs or ADOT Finance, or they are available from the district engineers. Loans are approved on a project-by-project basis, dependent on availability of funds. Application forms are not sent out automatically.*

**3. Is there any money in the HELP program? Budget cuts!**

*The program is currently being revised. Funds will not be available until the Resource Allocation Advisory Committee (RAAC) distribution is complete. Funds will not be available this year, but should be again next year.*

**4. Budget cuts have impacted rural highway maintenance. Safety is a critical issue. Can any project funding be utilized for safety reasons? Identify which program funds can be used.**

*There are several issues to consider in response to this question.*

- *HES has some funds available*
- *District Minor Program may have some funding available*
- *Emergencies are addressed in the best possible manner*
- *Accident data is required to justify the use of funds (must show cost/benefit ratio)*
- *Top priority is always safety*
- *Cost sharing assists in providing funding*

**5. Transit funding and availability for tribes was not discussed.**

*A supplemental handout packet was distributed at the forum. Federal transit funds can be accessed directly. The 5310 funds are available through COG/MPOs, and there has been good participation from tribes. Tribes run three rural transit systems. There is a new funding process effective the first of the year; packages will be distributed to COG/MPOs first. The amount of funding is increasing; chances are good for funding for a valid application. Transit funding is not provided at the state level in Arizona. The local match of 20-22.5% is needed for most projects.*

**6. Why do we need RAAC?**

*RAAC is the Resource Allocation Advisory Committee. This committee determines how state funding is divided between MAG/PAG and the rest of the state for the highway construction program. It was originally set up to ensure that ADOT was complying with FHWA guidelines in TEA-21. The primary goal is to make sure money is divided fairly. The committee must come to consensus; it is not a voting committee.*

**7. How do the RAAC and the Transportation Board decisions (politics) impact projects, i.e., bundles?**

*Not certain how it may impact bundles. The Board does not have to abide by RAAC recommendations and the RAAC does not determine projects. The RAAC does abide by open meeting laws. One reason to bundle is to get design/build projects approved.*

**TOPIC: TRANSPORTATION PLANNING**

**1. Are tribal transportation plans being utilized in the project analysis process relative to the identification of state highway improvement needs?**

*Tribal plans were collected by ADOT-TPD, forwarded to the MoveAZ consulting group and reviewed at the outset of the MoveAZ effort. On a regular ongoing basis, tribal transportation plans should be shared with the district engineers. They will then coordinate state highway improvement needs into the ADOT programming process. District engineers noted that they have not had much experience in getting tribal plans as input to the process. Programming requires a long lead process, so the tribal needs/plans must be communicated as soon as possible.*

**2. Under pending IRR program rules, tribes will be required to have long-range transportation plans. How does ADOT plan to incorporate these tribal plans into the MoveAZ plans?**

*Tribal plans have been reviewed to identify improvement needs to state highways within tribal land. A good time to improve this coordination process will be during the next update period for the Long Range Transportation Plan. This update will start with the completion of MoveAZ in 2004 and conclude in five years. MoveAZ project recommendations won't appear in the State Transportation Construction Program until about 2010, so we have some time. Don't underestimate the importance of using performance measures as the major criteria for selection; it is incumbent upon rural areas to make sure we have our ducks in a row so we can compete with the metro areas.*



**3. Does ADOT incorporate tribal land use plans into the project selection and planning process?**

*This issue should be part of the discussion for safety projects and corridor profiles studies, etc. We have been getting good advance notice and that is important so that we can coordinate with our highway plans. Developers are the biggest wild card; they often don't coordinate with each other or the tribes or ADOT. It is important that this be a three-way conversation. Normally, in the Yuma District, these issues go through the YMPO.*

**4. Will there be separate and distinct tribal consultation in developing MoveAZ apart from public involvement?**

*The Inter Tribal Council of Arizona participates on the MoveAZ Working Group, as do the COGs, the MPOs and the Arizona Transit Association. (Audience Comment – What about the Navajo Nation? They are not on the Inter Tribal Council.) We are not holding separate consultations with each tribe. Cities and counties are not consulted on an individual basis either. ADOT is limited in its time and resources to complete the MoveAZ project. Two Regional Forums and the Native American Tribal Focus Group were held on tribal lands; others were held in locations near reservations. (Audience Comment–We need a policy for how the State is to consult with Tribes; the MoveAZ was a good opportunity, but not taken advantage of, just using the public involvement approach rather than a focused effort directed toward the tribes.)*

*The Tribal Consultation Rule needs to be put into writing as ADOT policy; work on this will be initiated this fall. The Rural Transportation Conference will be in Yuma on January 15-18 and will include the Transportation Board meeting at the conclusion of the conference. This is a great opportunity for tribes to attend and participate.*

**5. Do district engineers ask each tribe for input to the Five-Year Program?**

*The Yuma District Office contacts the Cocopah Tribe monthly and the CRIT on a periodic basis to get input. In Phoenix, meetings are held with the tribes regularly in the MAG region, especially regarding land use planning. We are continually reinforcing the need to plan ahead. In Globe, the district office utilizes the road committee, health services, BIA and Chairman's' offices. Input from the COGs is also used. Needs are accommodated more quickly and effectively through the use of sub-programs rather than major programs. This is a good strategy for rural areas and smaller project needs. There is approximately \$550 million to maintain and improve roadways, half of which is in sub-programs like bridge, safety, environmental, etc. In rural areas, there is \$90 –\$100 million a year in major reconstruction.*

**6. Planning and funding are important. Why is there not a Native American on the State Transportation Board? Tribes have requested this. State highways run through our reservations, our miles and population are utilized for funding. What will it take to get a native on the board?**

*The Governor appoints the Transportation Board members. That is where you will need to lobby. (Graham County is the next likely candidate for a replacement of Ingo Radicke.)*

## **Interactive Panel Discussion Session: BIA Programs: Answered Questions, Issues and Concerns**

**Panel Member:**

- Bob Maxwell, BIA Western Regional Office

### **TOPIC: GENERAL**

**1. Is there a mechanism for BIA to obtain Motor Vehicle Crash (MVC) data from Tribal/BIA Police Departments?**

*Not to my knowledge. Accident data currently in our possession was obtained from available sources during the development of Long Range Transportation Plans (LRTP's) and from Indian Health Service (IHS) MVC studies, which are more than five years old. The BIA is working on making this activity the duty for a pending Transportation Engineer position.*

**2. Can more current injury data be included in the project selection and programming process?**

*The answer is yes if we are provided the data.*

**3. Do tribes have access to traffic safety data and how can it be obtained?**

*The tribes have access from Tribal/BIA Police, the IHS, the Arizona Department of Health Services, ADOT and the Governor's Office of Highway Safety. Data can be obtained by requesting through the appropriate channels and some data is available on the Internet.*

**4. Why can't the Cibique, Arizona (Fort Apache Reservation) bridge be moved up? Emergency reason? For safety reason/schedule, etc.?**

*This project is moving through the project development process as fast as possible.*

**5. Do tribes participate in various training (LTAP program)?**

*If tribes are not getting the information, let Jeff Swan know so it can be distributed to you. Right now, they have a technical training program that moves around the state. There is a three-day session for supervisors on ice removal. Another one will become available for workers. LTAP training is available for the tribes. More information is available at: <http://www.azltap.org/>. There is also a document in the handout for further information. Don Sneed is another good resource for issues or questions.*

**TOPIC: ROAD MAINTENANCE**

**1. Can road maintenance funds be used for equipment upgrades?**

*These funds can be used, but maintenance funding is minimal and usually not sufficient for equipment upgrades. Our Regional Maintenance Engineer made an attempt a few years ago to set up a pool of maintenance funds to upgrade and replace equipment. It was unsuccessful because it required Tribes/BIA agencies to give up some of their maintenance funds for this purpose and few were willing to do that.*

**2. Can BIA road maintenance training be offered?**

*Some training is already offered through the TTAP's and the LTAP's. The appropriate contact person for training needs is Al Trimels, BIA Western Regional Maintenance Engineer at (602) 379-6782. He can provide specific information regarding training and the scheduling of workshops.*

*Comment: Would like BIA to fix post fire system roads on a timely basis, not close off to the public.*

**3. Rural tribes have expressed concern over not having equipment. Can BIA assist with this? Graders are needed for maintenance of the roads.**

*The contact person for this issue is Al Trimels, BIA Western Regional Maintenance Engineer at (602) 379-6782.*

**4. Does ADOT have a leasing program to help areas with equipment needs?**

*ADOT does not have a program. There may be some potential for surplus equipment acquisitions. Some follow up will be required. Wording changes may be required to allow tribes the ability to use state contracts.*

**5. Does BIA still have heavy equipment classes?**

*The best contact for this issue is Al Trimels, BIA Western Regional Maintenance Engineer at (602) 379-6782.*

**TOPIC: FUNDING**

**1. Why is it that the Western Regional Office notifies tribes at the last minute for available funding?**

*Notice of Funding Availability (NOFA) letters are sent out when obligation authority is received to spend the funds. The NegReg process has delayed the distribution of funds to BIA Department of Transportation and Regional Offices, which in turn has delayed the availability of funds for tribal use.*

**2. If BIA funding is so limited, why is it used on state highways?**

*Funds are used on state highway and county road projects at the request of the tribe. This action requires a tribal resolution and an IGA or MOA.*

**3. Is the administration supporting legislation (SB 281) currently under consideration for increasing IRR funding levels?**

*The administration's bill is the "Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005" (SAFETEA).*

**4. What mechanism is in place to assist tribes with safety planning?**

*Tribal Transportation Planning Funds can be utilized to perform highway safety planning activities. IRR funds can also be used.*

**5. Do you have any plans in place for the use of funds if Congress passes an extension?**

*The answer depends on how much money BIADOT receives. There are 8 - 9 WRO projects that were obligated under Point of Obligation (POO) which need to be contracted out within 90 days after the beginning of the fiscal year. Any construction funds received would go to these projects, before being used for FY2004 projects.*

**6. Can some of the money be used for planning?**

*Dependent upon the amount of money received, yes it can be used for planning. Contact Bob Maxwell at (602) 379-6782 with any questions or if you need help in the preparation of the Scope of Work (SOW) for funding applications.*

**TOPIC: INDIAN RESERVATION ROADS PROGRAM**

**1. How often does your Regional Director, Vernon Palmer, have workshops or updates on funding, planning, projects or do you leave that to your Roads Manager who is often too busy?**

*Annual meetings were held with tribes and agency roads managers prior to the initiation of the NegReg Process. Delay in the receipt of funding, due to the NegReg Process has limited the ability to fund these meetings. We plan to initiate these meetings again when funding allocations become predictable. Until then, we will have to rely on the Agency Roads Managers to keep the tribe(s) abreast of road program activities, and provide as much technical assistance as possible.*

**2. How informed are your tribal leaders in BIA roads? How often do you visit the tribes that you represent to try to have forums with them and the state regarding funding?**

*Knowledge of the IRR program varies from tribe to tribe. Both Mr. Palmer and myself (Bob Maxwell) have traveled to reservations and held work sessions on the IRR program with tribal representatives, usually at their request. With the exception of meetings on specific projects, the only meetings with ADOT, COG, County and MPO officials have been the recent State/Tribal Transportation Forums.*

**3. When and how are transit projects considered by BIA? There are only three tribal transit systems within the state.**

*There are currently no guidelines for the use of IRR Funds for transit projects, which makes identifying what they can and cannot be used for difficult. Transit project requests are currently being funded on a project-by-project basis subject to BIA/ADOT review and approval.*

**4. What technical assistance does WRO Roads provide to tribes regarding transit and mobility?**

*Technical assistance is currently limited to advising tribes about the transit programs offered by the state. We are working on making this activity the duty for a Transportation Engineer position.*

**5. Does the BIA have to have right of way before a road can be placed on the BIA system?**

*No, right of way can be acquired later. The road must, however, meet all other eligibility requirements.*

**6. Do you expect the new IRR program rules will be published by September 30, 2003?**

*The answer is yes; the Secretary of Interior has mandated it.*

**7. It seems logical that a modification of the tribal lands legislation is justified to allow for transportation/utility corridors in accordance with tribal plans. Currently this process requires permission from too many participants including allottees.**

*This deals with the inclusion of utilities within BIA right of way. The problem occurs when utilities cross allotted land. It is an on-going issue.*

**8. There is no formal system for rating one project against another on the IRR-TIP criteria.**

*Tribal TIPs must be incorporated into the IRR-TIP unchanged. The tribe must approve any change proposed by the BIA. BIADOT released the remaining funds in August.*

Additional questions during panel discussion: Have tribes been notified? Is there any action needed now?

*Tribes were notified through a Federal Register Notice. No further action is needed. Funds have been applied to current TIP projects.*

**TOPIC: TRANSPORTATION PLANNING**

**1. Have the Tribal Long Range (20 Year) Transportation Plans been taken into consideration by MoveAZ?**

*Copies of tribal LRTP's were sent to ADOT and the MPOs with the intent that state highway improvement needs identified in these plans would be considered in the State's LRTP.*

**2. When are tribal TIPs due to BIA?**

*There is currently no specific due date for tribal TIPs. The sooner they are submitted, the sooner we can begin using them to program projects in the IRR TIP. When TIPs are developed, the BIA input is needed to coordinate the project elements.*

**3. Can transportation planning funds be used for staff?**

*These funds can be used to perform transportation planning activities. A statement of work and budget is required.*

**4. Does BIA have transportation plans available to ADOT? Expand distribution list to include district engineers.**

*Copies of all LRTP's completed on Indian Reservations in the last five to ten years have been provided to the ADOT Transportation Planning Division and applicable MPOs. Several copies were sent to ADOT for distribution to district engineers. Copies were also provided to Phoenix Area IHS Injury Prevention Contact.*

*A statement of work for LRTP updates currently being performed by tribes' calls for consultation with ADOT, COGs, MPOs and counties. It also calls for the submittal of a copy of the "Draft" Final and Final Reports to these agencies.*

**5. Do you ever have amendments to your TIP? I have never seen or am not aware of any that have been processed.**

*There have not been any amendments to the WRO's IRR-TIP in the past few years, due to the delay in getting our funding allocation, which has delayed generation of the TIP for the current three-year period to the fourth quarter of the year.*

**6. If a tribe has a project approved through all the processes and the state has a similar project approved, who makes the final decision on which project is to be done?**

*Projects on or intersecting a state highway require that the state be the final decision maker.*

**7. Do MPO/COGs have input on BIA planning process?**

*At the present time, the only opportunity for input into this process is in the development and updating of Tribal LRTP's.*

**8. Do the Tribal Council and/or ITCA approve the TIPs? Is there a formal rating criterion?**

*Tribes and ITCA do not approve the IRR-TIP; approval is by BIADOT and Federal Lands Highways. Tribal Councils are the approving authority for tribal TIPs.*



## Interactive Panel Discussion Session: MPO and COG Programs Answered Questions, Issues and Concerns

### Panel Members:

- David Barber–Western Arizona Council of Governments
- Larry Hunt– Yuma Metropolitan Planning Organization
- Bill Leister–Central Arizona Association of Governments
- Steve Tate–Maricopa Association of Governments

### Opening Remarks:

*A concern was expressed, that Arizona's growing population might result in the formation of several new MPOs in the near future (which only require a population of 50,000). Several locations are approaching this size, e.g. Lake Havasu, Kingman, etc. A potentially negative result would be to divide the pie of money into smaller and smaller parts. The Federal Reauthorization bill needs to take this trend into consideration.*

*The Central Arizona Association of Governments (CAAG) was unable to be present at the Day One COG/MPO presentation. However, Bill Leister of CAAG was in attendance for the Day Two Interactive Panel Discussion Session. Mr. Leister introduced himself and provided a brief discussion on CAAG. He stated that CAAG has its own transportation improvement program and input into the state program. Its biggest role is as an advocate for small communities in the region. The strength of CAAG is that it can influence the big decision makers and provide help with grants. No tribes are currently members, but three are considering joining.*

### TOPIC: GENERAL

#### 1. Do the dial-a-ride and fixed route transit systems provide service to Indian reservations (initially directed to the YMPO)?

*The answer is both yes and no. Fixed routes – no and dial-a-ride – yes. Within WACOG, most tribes are not within any transit service areas. The 5310 money is available, so vehicles have been obtained. CAAG has one dial-a-ride and one fixed route service. Valley Metro provides MAG.*

**2. Please define functional classifications again. What is its importance?**

*The Functional Classification determines where the dollars from FHWA will go. Roadways are classified by roadway function; hierarchy goes from freeway to arterials to collectors to local. More information is available on FHWA's and ADOT's websites and ADOT also has a book with descriptions available, please see <http://tpd.azdot.gov/gis/fclass/index.php>.*

**3. When the Functional Classification is changed, does the Tribe give up right of way and does it change who is responsible for maintenance of the road?**

*A change in the functional classification does not cause the tribe to give up right of way and it doesn't affect ownership or maintenance responsibility.*

**4. Can the BIA 5704 form be changed to show functional classification for BIA and state systems for the same route or segment?**

*This question refers to BIA's road inventory form, which is tied to the BIADOT database. It would have to be changed at BIA. New regulations bring it more closely in alignment with ADOT's, but not exactly yet. We have tried in the past to get it the same as FHWA.*

**5. Why do safety projects for WACOG have to be functionally classified roads to be programmed?**

*They don't have to be. Safety projects (HES) funds can be used on any road, but you have to comply with required inputs, especially having valid safety statistics.*

## TOPIC: MEMBERSHIP

### 1. What is the difference between being on the Advisory Committee and the Executive Board? Why are there no tribes on the Executive Board?

*The TAC consists of an engineer or public works person from each entity to advise management. The Executive Board consists of an elected official for each city and county within the region along with the region's school superintendent. Schools are represented because much of the funding administered by WACOG is related to school programs support (e.g. Head Start). Tribes administer their own Head Start programs with their own funds. Tribes once were members of the Executive Board, but since most have their own social programs; tribes often didn't attend Board meetings so the Board didn't have a quorum to make decisions. Some of the tribes were quite a distance away. WACOG asked and the tribes chose to discontinue membership on the Board, but continue to participate in the planning process. Attendance at one meeting per year could not provide enough information to significantly influence the process. The Executive Board has never changed the priorities of the Advisory Committee, so tribes' needs are being addressed. Tribes do have membership on the YMPO Board.*

### 2. How much do tribes pay to join WACOG?

*There is no cost for membership on the advisory committee or the board at WACOG. Cost to join CAAG is dependent on enrollment, \$150 for Ak-Chin. White Mountain Tribe only has one community in the CAAG region so their dues need to be reevaluated based on the relevant population base. MAG is based on population size.*

### 3. Why is the Quechan Tribe not a member of YMPO?

*This tribe is located in California and is a member of the Inter Valley Association of Governments (IVAG) in California. They are invited to our meetings from a point of communication and coordination.*

### 4. How does the Quechan Tribe fit into YMPO's Planning Process? Are they included in the planning process?

*The Quechan Tribe's projects are shown in YMPO's TIP. We worked with them to get the bridge renovation complete. They are also working with Yuma on recreation items.*

**5. How do tribal representatives become members of the Executive Board?**

*WACOG requires a change in the by-laws (See question one for additional detail). YMPO and MAG, tribes are members of the Executive Board and CAAG would be on the board if we had members.*

**6. Why are there different fees for membership in various COG's and MPO's?**

*The fees help support some administrative costs. The YMPO is transit related. All are a little different. It depends on how the by-laws for each group were established and what functions the groups serve.*

**7. Why are there COG's?**

*Executive Order with Arizona created the regional planning offices. This was a result of federal legislation related to developing the interstate system. Most functions (COG's) are also social service oriented along with transportation planning. They were set up to assist in the disbursement of various kinds of public funds. MPO's were set up primarily for transportation planning. They are public non-profit organizations. Rural COG's were originally formed primarily to address regional reviews of both federal and state programs of various kinds.*

**TOPIC: COMMUNICATION AND COORDINATION**

**1. Has WACOG discussed with BIA and FHWA to coordinate the functional classification so IRR roads are eligible for federal funding beyond IRR funds?**

*Yes, Blue Water Drive is an example of why this needs to happen. Getting it classified would not have happened otherwise. It is important to examine the name of the route as it can make a difference in the classification. The same is true for CAAG, MAG and YMPO. It is important to bring your needs before the planning committees for help. The state has a limit on the total number of miles for any given classification type. Minor collector is the easiest class to work with because Arizona is still well under the limit in this category. Contact Jami Garrison of ADOT at (602) 712-8958 for assistance. Also see <http://tpd.azdot.gov/gis/fclass/index.php>.*

**2. Do all transportation planning COG's coordinate and communicate with tribes, districts, counties, etc.?**

*The answer is yes. Also included is MoveAZ information sharing and other transportation planning issues. The key is to attend public meetings to receive information and get your ideas heard.*

**3. What are some methods COG's use to get tribes involved? (Reach out and educate).**

*Knowing that COG's are the means of getting projects funded should motivate tribes to take part in the process. The ADOT Program Planning process works through the COG's and district engineers.*

**TOPIC: DATA**

**1. Does the countywide accident data include the tribal data?**

*It is the sponsoring agency's responsibility to report accident data and get it into the Accident Location and Identification Surveillance System (ALISS). If it is not reported, it is not included. On reservations, ADOT owns the road, but the tribal agencies do enforcement, so the state needs to get the information from the tribal agency. It is important to report the data correctly (milepost, type of accident, etc.). The tribal agency needs to know how to report the necessary information accurately. There is inconsistency in forms used on the various reservations. There is also reluctance to provide personal information. It is important to note that ADOT does not need or want the private information, just the statistics like location and type. With the new performance measures, safety is a criteria, so getting good data is vital to getting priority on a project.*

**2. The YMPO collects MVC data; do other COG's and MPO's?**

*Others do not collect data. They just request it from the ALISS database. The YMPO paid for a system to gather some statistics for their purposes. MAG also has a system for data collection.*

## Closing Session:

### Closing Comments

Persons at each table were asked to discuss what they had learned and note any final impressions of the forum; they were then asked to select a spokesperson from their table to report to the large group of participants. Comments were recorded by facilitators, validated by the spokesperson and are as follows:

- Follow up meetings to be held and devoted to these specific topics:
  - Government to Government
  - Long-Range Transportation Planning
  - Transportation Funding for the Tribes
  - Accident Reporting
  - Maintenance Coordination
- ADOT should request meetings with each tribe in executive sessions to review final forum reports and answer questions.
- Tribes, BIA, ADOT, MPO/COGs and IHS need to continue to partner due to under-funding of all parties.
- BIA needs to ask for MVC data.
- Develop protocol on consultation with each tribe; not template – one size does not fit all.
- Annual meetings with tribes and ADOT, FHWA, COGs and MPOs.
- Workshop on ROW issues, review current agreements and update to help alleviate conflicts later regarding jurisdiction.
- Develop an MOU on arbitration.
- State Board Study session on HURF? Is it an option for tribes? Is it worth the money to lobby for changes? What else is required to be eligible for HURF? What would tribes have to give up?
- State Board Study session on maintenance funding. No one has adequate funding – how can entities (all) lobby for more money for maintenance? In the meantime, what cost-share MOU's can be put in place?

- Each county or COG should meet with the tribes they represent and inform them of their budgets, projects reviewed and selected, at the beginning of each fiscal year. Need more orientation of certain funding projects as well as different fiscal cycles of funding. More workshops to get ADOT to reevaluate sovereignty and cultural sensitivity issues.
- Tribes should get copies of budgets – we need to be included in the planning in the beginning as a sovereign tribe and put in the COG. Certain funding needs to come directly to tribes.
- Define and set a policy on what government-to-government means in each transportation activity. Agreed upon with each Tribe – again, not one size fits all.
- Annual workshop on each transportation activity concentrating on priorities of most all tribes (one per year).
- Develop an orientation for those who work with Tribes. On Arizona Tribes (communications, culture, sensitivity, resources), government structure, taxes, BIA's role in transportation, state responsibilities and FHWA oversight.
- Define sovereignty – determine at what point it should be asserted. Under what programs or activities would a tribe retain sovereignty status? Under what programs or activities would a Tribe waive to a tribal transportation department or manager within the Tribe. When is it to be asserted?
- How can cooperation be measured in each program? Seems like it always is one sided. Develop a tool to measure money, time goals, etc.
- Planning orgs (COGs/MPOs) work with tribes on BIA projects as well. Money that flows through COGs are federal funds.
- Provide all information from forums to all attendees and discuss with those tribes requesting.

## CONCLUSION:

### Forum Results

#### Forum Goals

With completion of the Western Arizona Region State–Tribal Transportation Forum, FHWA and ADOT officials learned a great deal. The information obtained will be used in on–going efforts to:

- Improve tribal participation in the statewide transportation planning and programming processes.
- Improve the lines of communication between tribal, regional, state and federal government agencies.
- Assist tribal, regional, state, and federal government agencies to work together to address inter–jurisdictional transportation needs in Arizona.

The following summation is based upon the forum results:

Major Goals: Improve tribal–state–federal relations and coordination, as well as tribal participation in the statewide transportation planning, programming and funding processes

- Officials from all participating transportation agencies for this region in Arizona were invited, introduced and provided the opportunity to address the forum participants regarding regional concerns.
- Forum attendee lists were provided to the participants, so contact information was available in case further follow up between agency and tribal representatives was needed.

These items are essential resources to help foster increased interagency relations, coordination and increased tribal participation in the statewide transportation planning and programming processes.

#### Forum Outcomes

Consensus of the ADOT Tribal Strategic Partnering Team was that although some of the issues raised during the forum would require additional follow–up, much of the discussion basically helped to address a number of the concerns of tribes in Arizona. Additionally, much insight was obtained through the completed Pre–Forum Surveys and Participant Feedback of Forum Effectiveness Questionnaires. Based upon the forum presentations, discussions, and participant feedback, the following forum outcomes were addressed:



Outcome A: Gained knowledge of state, federal, tribal and regional highway program processes and on processes for coordination with the state

- The forum presentations provided the participants with information on state, federal, tribal and regional transportation processes and programs. The opportunity to ask specific questions was provided during the breakout discussion sessions.

Outcome B: Identification of program funding cycles, understanding of highway program/project flowcharts, requests for funding and leveraging funds

- This report includes detailed reference information presented and further refined researched information regarding the funding cycles, process flowcharts, funding requests, and strategies for leveraging funding.
- This report also provides Internet links, contact and document references for the participants to refer to obtain further information on their topics of interest.

Outcome C: Identification of tribal best practices for planning and financing transportation improvements

- Consultation and Communication Protocol Information Sheets were distributed to participants. Seven (7) sheets were returned: five (5) tribal, one (1) BIA, and one (1) state. The sheets identify steps and levels of consultation and communication required by each tribe/agency to carry out transportation planning and programming processes. The information will be compiled and is planned to be used to develop an Agency Protocol Resource Tool.
- The October 1999 edition of the *Indian Reservation Roads Program Transportation Planning and Procedures Guideline*, developed by the USDOT–FHWA in collaboration with government agencies, Indian tribal governments, and associations, is also being utilized by ADOT to understand how the Indian Reservation Roads program funds and plans transportation projects. The document states: *“It is intended that this document provide flexible guidance for Indian Tribal Governments to address transportation issues specific to the Tribe rather than predetermined criteria that may not be applicable to Tribal needs while yet providing the basis for developing goals and strategies that will ultimately lead to good decision making.”* This document can be reviewed in its entirety on the USDOT–FHWA website at: <http://www.fhwa.dot.gov/flh/reports/indian/intro.htm>.

Outcome D: Improved tribal capacity to identify needs/goals and implement tribal transportation plans

- The issue of capacity building is one of the most challenging for tribes and related federal, state and regional transportation agencies interested in tribal involvement. According to participant respondents, this forum was useful because program overviews, and their resource and contact information were incorporated into the program.
- Additional agency-to-agency follow up is required to address major issues of concern in the funding and coordination processes, and inter-jurisdictional issues. The impact of the sovereignty issue on transportation improvements was a major concern.

Outcome E: Identification of road ownership within the reservation boundaries

- Maps depicting regional boundaries of the State Transportation Board Districts, ADOT Engineering Districts, Councils of Governments, and Metropolitan Planning Organizations and their relation to tribal reservation boundaries and roadways were included in the informational packets.
- The majority of participants were aware that many roads were owned by different agencies. However, several questions reflected the unawareness of how ownership and maintenance were inter-related.

Outcome F: Identification of tribes that are leaders in the field of transportation

- Basically, the tribes with large land bases have required a volume of roads to accommodate mobility in the most isolated areas of Arizona. To establish this network has required a certain amount of interaction with the state and federal agencies and has increased their understanding of road projects.
- Officials from the eleven represented tribes expressed varied levels of transportation capacity within the tribal government. This ranged from the designation of tribal planning staff as the transportation contacts, to the establishment of departments of transportation and transportation committees or boards.

Of the tribes represented, the following is the identification of their transportation oversight and staffing capacity:

Cocopah Tribe – Has an established Planning Department with an administrator and resource planner.

Colorado River Indian Tribes – Has an established Planning Department with a planner/grants writer and engineer.

Fort Mojave Indian Tribe – Has an established Roads Department with a manager.

Gila River Indian Community – Has an established Department of Transportation with a director, transportation planner and other designated transportation related staff.

Hopi Tribe – Has an established Transportation Task Team, an Office of Community Planning and Economic Development with a director and a community planner.

Hualapai Tribe – Has an established Transportation Committee and a Planning Department with one director and an engineer/transportation project coordinator.

Salt River Pima–Maricopa Indian Community – Has an established Department of Transportation with a director and designated transportation related staff, as well as an Engineering and Construction Division with multiple engineers, and a Roads Department with a manager and support personnel.

San Carlos Apache Tribe – Has an established Transportation Committee, a Planning and Economic Development Department with a director, economic development specialist and multiple planners.

Tonto Apache Tribe – Has a Road Maintenance Department with a manager.

White Mountain Apache Tribe – Has an established Transportation Committee, a Transportation Planning Sub–Committee and a Planning & Resources Conservation Department with director and multiple planners.

Yavapai–Apache Nation – Has an established Economic Development Authority with an administrator.

ADOT–TPD will continue to update its tribal transportation contact database and maintain a resource database on tribal transportation related activities.

#### Outcome G: Identification of networking strategies

- The first step in addressing this goal was to identify a process for implementing networking strategies. This included the identification and introduction of contact persons at each level of government. Working with the proper contact, each government entity would then determine its networking approach (written/electronic communication, person–to–person

meetings, medium to large interagency forums, etc.), taking into consideration that interagency communication and follow through is vital.

- Initial networking took place at the forum with some attendees seeking further follow-up from the representative agency staff. Other major contact persons needed to carry out networking are also identified in this report.

Based upon the forum discussions during the agency presentations and interactive panel discussion sessions, some networking strategies identified for consideration by tribal, regional, state and federal agencies included:

- Consider that FHWA does not select or manage any construction projects – it is strictly a funding source to other agencies for their programs.
- Consider that the FHWA Resource/Assistance Office can provide technical assistance.
- FHWA emphasizes interfacing between state and local governments.
- FHWA recommends that the tribes learn the value of how to tap into some of the STP funding, since it is a much larger pot of money than some of the discretionary programs.
- FHWA encourages tribes to get involved in statewide and regional planning efforts (i.e. long-range transportation planning and transportation improvement programs).
- FHWA encourages tribes to contact the FHWA Arizona Division Office for information and counsel on what federal funds may be available for tribal land projects and how to go about applying for them.
- The FHWA Arizona Division is willing to meet with tribes individually to discuss their transportation related issues.
- FHWA will continue to conduct efforts to notify tribes of upcoming projects and to become involved in the environmental process.
- FHWA will continue to work with the Inter Tribal Council of Arizona and ADOT on new initiatives to improve communications with tribes.
- ADOT recommends that the tribes get to know the ADOT staff; consider providing accident and traffic data to the state; consider sharing information on programming efforts; outline information sharing and decision making protocol; participate in the ADOT programming process; and, submit to the ADOT District, project requests along with how the tribe can participate.
- ADOT can develop relationships with tribal elected officials and staff; and, develop localized agreements with the tribes.
- ADOT Districts can involve ADOT headquarters staff to assist when needed.
- BIA and the tribal governments will continue to develop tribal long-range transportation plans through consultation with the state, county, COGs/MPOs and include a public involvement process.
- BIA emphasizes that the tribal councils must approve funding for the IRR three-year TIP in particular proposed projects for partnering.

- BIA can continue to partner with ADOT on joint projects and could look into working with ADOT maintenance personnel.
- WACOG looks forward to maintaining a strong working relationship with the tribes in Western Arizona.
- WACOG is available to assist tribes with functional classification requests to insure that they meet federal requirements.
- WACOG can provide letters of support to the Secretary of Transportation, the State Transportation Board and the ADOT District Engineer for tribal projects that go through its planning process.
- YMPO can provide related services to its member agencies including: traffic counts, census coordination, public information program, traffic engineering assistance, traffic safety program, GIS transportation planning, and 911 Agent coordination.
- YMPO can address road improvements in tribal areas through functional classification for STP funding and by incorporating tribal 20-year transportation plans into the MPO Regional Transportation Plan.
- YMPO encourages tribes to become full members of their MPO or COG, become involved by attending Executive Board and TAC meetings, receiving agendas and materials, and by participating, keeping informed and becoming a part of the process.
- YMPO recommends that tribes can cultivate their working relationship with the ADOT district engineers, county supervisors, public works directors, the COG/MPO directors, FHWA staff and get actively involved in the COG process to get needs programmed into the plan.
- The Annual Arizona Rural Transportation Conference (in January) and State Transportation Board (monthly) meetings are great opportunities for tribes to participate in state processes.
- ADOT District's can use the tribal road/transportation committees, Indian Health Services, BIA and tribal leaders offices to identify transportation needs.
- Tribal accident data can be obtained through the tribal/BIA police, the Indian Health Services, the Arizona Department of Health Services, ADOT and the Governor's Office of Highway Safety.
- LTAP training on various transportation related topics is available to the tribes.
- BIA relies on its Agency Roads Managers to keep the tribe(s) abreast of road program activities and to provide technical assistance.
- BIA plans to hire a transportation engineer to assist with tribal transportation issues.
- The COGs and MPOs emphasize that a key method for tribes to get involved in their processes is to attend meetings to receive information and get their ideas heard, as the COGs, MPOs and district engineers are the means of getting projects funded under ADOT's planning and programming processes.

With regard to the forum sponsors, on-going communication with the forum participants is a key networking strategy and another objective for statewide coordination. Therefore, related follow-up to the recommendations made by participants and the identified “next steps” to the regional forums, will be the basis for a major networking strategy by the ATSPT. Also, the Agency Protocol Resource Tool previously mentioned will play an important role as agencies continue to implement their networking strategies. Finally, it is the hope of the sponsoring agencies that the information provided in this report will be used by the various jurisdictional agencies as a working reference source in their pursuit of implementing networking strategies.

### Participant Survey and Questionnaire Results

- Pre-forum Survey: Thirty-seven (37) of sixty-seven (67) were completed and returned.
- Participant Feedback of Forum Effectiveness Questionnaire: Fourteen (14) of sixty-seven (67) were completed and returned.
- Consultation and Communication Protocol Information Sheets: Seven (7) of sixty-seven (67) were completed and returned.
- The collective responses will guide ADOT in the development of an Agency Protocol Resource Tool. It is anticipated that upon completion of all the state-tribal regional transportation forums, ADOT will initiate a resource for tribes and all transportation agencies within Arizona.
- A results summary of the Pre-Forum Survey and Participant Feedback of Forum Effectiveness Questionnaire are included in the Appendix of this report.

## Next Steps

The Western Arizona Region State–Tribal Transportation Forum was the third of a series of three state–tribal transportation forums planned to cover the various regions of the State. Next, the results from all three forums will be analyzed to identify major priority issues, needs and concerns, both on a regional basis and a statewide basis. Those priorities will then be relayed to FHWA, ADOT and other transportation related agency officials.

Additionally, the ATSPT will begin the process of determining the best means of addressing those priority items through necessary follow–up actions. Those actions could include but are not limited to education/training sessions, process/policy changes, and/or an annual state–tribal transportation summit.

On behalf of the forum sponsoring agencies, we would like to thank those individuals who participated in the forum and in the development of this proceedings report. The input provided is of great value and will be used as we endeavor to address Arizona’s transportation priority challenges. We look forward to an improved and continuing working relationship in order to fulfill our overall statewide mission of operating and maintaining a safe and efficient transportation system for the traveling public.

**APPENDIX A**  
**List of Forum Attendees**





**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**William Alfier**

District Engineer  
ADOT-TPD, Yuma District  
2243 East Gila Ridge Road  
Yuma, AZ 85365  
Phone: (928) 317-2104  
Fax: (928) 317-2107  
Email: [walfier@azdot.gov](mailto:walfier@azdot.gov)

**Margaret Baha-Walker**

White Mountain Tribal Council  
White Mountain Apache Tribe  
P.O. Box 700  
Whiteriver, AZ 85941  
Phone: (928) 338-4346  
Fax: (928) 338-1514  
Email: [margaretb.@wmat.nsn.us](mailto:margaretb.@wmat.nsn.us)

**Dave Barber**

Deputy Director/Transportation Planner  
WACOG-Kingman Office  
208 North 4<sup>th</sup> Street  
Kingman AZ 86401  
Phone: (928) 753-6247  
Fax: (928) 753-7038  
Email: [davidb@wacog.com](mailto:davidb@wacog.com)

**Debra Brisk**

Deputy Director  
ADOT-Director's Office  
206 South 17<sup>th</sup> Avenue, MD 100A  
Phoenix, AZ 85007  
Phone: (602) 712-7550  
Fax: (602) 712-6941  
Email: [dbrisk@azdot.gov](mailto:dbrisk@azdot.gov)

**Kent Andrews**

Assistant Community Manager  
Salt River Pima-Maricopa Indian Community  
10005 E. Osborn Road  
Scottsdale, AZ 85256  
Phone: (480) 850-8001  
Fax: (480) 850-8014  
E-mail: [Kent.Andrews@srpmic-nsn.us](mailto:Kent.Andrews@srpmic-nsn.us)

**Nathan Banks**

Senior Engineering Manager  
FHWA Arizona Division  
One Arizona Center, Suite 410  
400 East Van Buren  
Phoenix, AZ 85004  
Phone: (602) 379-3646  
Fax: (602) 379-3608  
Email: [nathan.banks@fhwa.dot.gov](mailto:nathan.banks@fhwa.dot.gov)

**Dennis Begay**

Supervisory Civil Engineer Technician  
DOI Bureau of Indian Affairs  
P.O. Box 209  
San Carlos, AZ 85550  
Phone: (928) 475-2325  
Fax: (929) 475-2783

**Arnold Burnham**

Manager, Priority Planning Team  
ADOT-Transportation Planning Division  
206 South 17<sup>th</sup> Avenue, MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-8591  
Fax: (602) 712-3046  
Email: [aburnham@azdot.gov](mailto:aburnham@azdot.gov)

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Colbert Burnette**

Trial Transportation Coordinator  
White Mountain Apache Tribe  
P.O. Box 700  
Whiteriver, AZ 85941  
Phone: (928) 338-4346  
Fax: (928) 338-5195  
Email: [cburnett@wmat.nsn.com](mailto:cburnett@wmat.nsn.com)

**Steve Clark**

Facilitator  
Employee Involvement Systems  
P.O. Box 10866  
Scottsdale, AZ 85271  
Phone: (480) 946-5390  
Fax: (480) 946-4545  
Email: [eispro@worldnet.att.net](mailto:eispro@worldnet.att.net)

**Thornton A. Coochoyuma**

Executive Director  
Social Services Program  
Colorado River Indian Tribes  
Route 1, Box 23-B  
Parker, AZ 85344  
Phone: (928) 669-6577

**Pat Cupell**

Senior Planner  
ADOT-Transportation Planning Division  
206 S. 17<sup>th</sup> Ave., MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-6732  
Fax: (602) 712-3046  
Email: [pcupell@azdot.gov](mailto:pcupell@azdot.gov)

**Elaine Cabrera**

Acting Transportation Director  
Salt River Pima-Maricopa Indian Comm.  
SRPMIC Transportation  
10005 East Osborn Road  
Scottsdale, AZ 85256  
Phone: (480) 850-8276  
Fax: (480) 850-8284  
Email: [elaine.cabrera@srpmic.nsn.gov](mailto:elaine.cabrera@srpmic.nsn.gov)

**Jack Conovaloff**

Planner  
Colorado River Indian Tribes  
Planning Department  
Rt. 1, Box 23-B  
Parker, AZ 85344  
Phone: (928) 669-1301  
Fax: (928) 669-1261

**Esther Corbett**

Transportation Project Coordinator  
Inter Tribal Council of Arizona  
2214 N. Central Avenue, Suite 100  
Phoenix, Arizona 85004  
Phone: (602) 258-4822  
Fax: (602) 258-4825  
Email: [esther.corbett@itcaonline.com](mailto:esther.corbett@itcaonline.com)

**Wally Davis, Jr.**

Roads and Utilities Manager  
Tonto Apache Tribe  
Tonto Apache Reservation #30  
Payson, AZ 85541  
Phone: (928) 474-5000  
Fax: (928) 474-9125  
Email: [bnader@tontoapache.com](mailto:bnader@tontoapache.com)

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Jim Dorre**

State Maintenance Engineer  
ADOT-ITD  
Central Maintenance  
206 South 17<sup>th</sup> Ave., MD 176A  
Phoenix, AZ 85007  
Phone: (602) 712-7949  
Fax: (602) 712-6745  
Email: [jdorre@azdot.gov](mailto:jdorre@azdot.gov)

**Charlene Fitzgerald**

Regional Planner  
ADOT-TPD  
Statewide & Regional Planning  
206 South 17<sup>th</sup> Ave., MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-8140  
Fax: (602) 712-3046  
Email: [cfitzgerald@azdot.gov](mailto:cfitzgerald@azdot.gov)

**Doug Forstie**

Acting Deputy State Engineer  
ADOT-ITD  
State Engineers Office  
206 South 17<sup>th</sup> Ave., MD 102A  
Phoenix, AZ 85007  
Phone: (602) 712-8274  
Fax: (602) 712-8315  
Email: [dforstie@azdot.gov](mailto:dforstie@azdot.gov)

**Terilyn Gary**

GIS Technician  
Colorado River Indian Tribes  
Rte. 1, Box 23-B  
Parker, AZ 85344  
Phone: (928) 669-1322  
Fax: (929) 669-1261

**Richard Duarte**

Manager  
ADOT-ITD  
Environmental & Enhancement Group  
205 South 17<sup>th</sup> Ave., MD 619E  
Phoenix, AZ 85007  
Phone: (602) 712-8633  
Fax: (602) 712-3066  
Email: [rduarte@azdot.gov](mailto:rduarte@azdot.gov)

**Erin Forrest**

Project Coordinator  
Hualapai Tribe  
P.O. Box 179  
Peach Springs, AZ 86434  
Phone: (928) 769-2216  
Fax: (928) 769-2343  
Email: [huaengr@yahoo.com](mailto:huaengr@yahoo.com)

**Joe Garcia**

Roads Maintenance Director  
Fort Mojave Indian Tribe  
Tribal Roads Department  
1601 Plantation Road  
Mohave Valley, AZ 86440  
Phone: (928) 346-1637  
Fax: (928) 346-1638  
Email: [fmrd@ftmojave.com](mailto:fmrd@ftmojave.com)

**Ermalinda Gene**

Manager, Indian Outreach Program  
ADOT Civil Rights Office  
206 South 17<sup>th</sup> Ave., MD 154A  
Phoenix, AZ 85007  
Phone: (602) 712-7761  
Fax: (602) 712-8429  
Email: [egene@azdot.gov](mailto:egene@azdot.gov)

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Roxie Greer**

ADOT Partnering Section  
ADOT-ITD  
206 S. 17<sup>th</sup> Avenue, MD 175A  
Phoenix, AZ 85007  
Phone: (602) 712-7120  
Fax: (602) 712-3503  
Email: [rgreer@azdot.gov](mailto:rgreer@azdot.gov)

**Dallis Hammit**

Engineer ADOT- ITD  
Yuma District  
2243 E. Gila Ridge Road  
Yuma, AZ 85365  
Phone: (970) 491-8653  
Fax: (970) 491-3501  
Email: [Ronald.Hall@colostate.edu](mailto:Ronald.Hall@colostate.edu)

**Lupe Harriger**

Senior Transportation Planner  
ADOT Transportation Planning Division  
206 S. 17<sup>th</sup> Avenue, MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-8238  
Fax: (602) 712-3046  
Email: [lharriger@azdot.gov](mailto:lharriger@azdot.gov)

**Gregg Henry**

Vice President  
Cibecue-WMAT  
Outdoor/Wildlife Guide  
P.O. Box 80145  
Cibecue, AZ 85911  
Phone: (928) 242-0029  
Fax: (928) 338-1712  
Email: [wmguid@yaho](mailto:wmguid@yaho)

**Ron Hall**

Director-TTAP-CSU  
Rockwell Hall, Room 321  
Colorado State University  
Ft. Collins, CO 80524  
Phone: (970) 491-8653  
Fax: (970) 491-3501  
Email: [RonaldHall@colostate.edu](mailto:RonaldHall@colostate.edu)

**Russell Hanson**

Facilitator  
TransTech  
5902 W. Fetlock Trail  
Phoenix, AZ 85085  
Phone: (623) 572-9417  
Fax: (623) 572-9417  
Email: [rghanson1@cox.net](mailto:rghanson1@cox.net)

**John Hauskins**

District Engineer  
ADOT-ITD  
Phoenix Maintenance District  
2140 W. Weldon Avenue  
Phoenix, AZ 85009  
Phone: (602) 712-7750  
Fax: (602) 712-6983  
Email: [jhauskins@azdot.gov](mailto:jhauskins@azdot.gov)

**Lorin Henry**

Community President-Cibecue  
White Mountain Apache Tribe  
P.O. Box 80327  
Cibecue, AZ 85911  
Phone: (929) 332-2431  
Fax: (928) 332-2330

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Jeffrey Hinkins**

Supervisor General Engineer  
BIA-WRO  
Colorado River Agency  
Rt. 1, Box 9-C  
Parker, AZ 85344  
Phone: (928) 669-712  
Fax: (928) 669-7187

**Larry Hunt**

Yuma Metropolitan Planning Organization  
502 Orange Avenue  
Yuma, AZ 85364  
Phone: (928) 783-8911  
Fax: (929) 329-1674  
Email: [lhunt@ympo.org](mailto:lhunt@ympo.org)

**Danny Joseph**

First Mesa C.V.  
Injury Prevention Coordinator  
P. O. Box 260  
Poliacca, AZ 86042  
Phone: (928) 737-2670  
Fax: (928) 737-2347  
Email: [fmcvipprog@yahoo](mailto:fmcvipprog@yahoo)

**Joseph Jurasic**

FHWA Area Engineer-Arizona Division  
400 E. Van Buren, Ste. 410  
Phoenix, AZ 85004  
Phone: (602) 379-3645  
Fax: (602) 379-3608  
Email: [joe.jurasic@fhwa.dot.gov](mailto:joe.jurasic@fhwa.dot.gov)

**Gregg Kiely**

ADOT Public Transportation Division  
206 S. 17<sup>th</sup> Ave, MD 340B  
Phoenix, AZ 85007  
Phone: (602) 712-6736  
Fax: (602) 712-7659  
Email: [gkiely@azdot.gov](mailto:gkiely@azdot.gov)

**Rebecca Leach**

Epidemiologist  
ITCA  
2214 North Central, Suite 100  
Phoenix AZ 85004  
Phone: (602) 258-4822  
Email: [rebecca.leach@itcaonline.com](mailto:rebecca.leach@itcaonline.com)

**Bill Leister**

Director of Transportation  
Central Arizona Association of Governments  
271 Main Street  
Superior, AZ 85273  
Phone: (520) 689-5004  
Fax: (520) 689-5020  
Email: [bleister@caagcentral.org](mailto:bleister@caagcentral.org)

**Bob Maxwell**

Regional Roads Planner  
BIA-WRO Roads  
Roads Department  
P.O. Box 10, MS460  
Phoenix, AZ 85001  
Phone: (928) 379-6782  
Fax: (928) 379-3837

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Bob Mickelson**

1821 West Seldon Way  
Phoenix, AZ 85021  
Phone: (602) 944-9471  
Fax: (602) 870-4950  
Email: [rmickelson@cybervault.com](mailto:rmickelson@cybervault.com)

**Elaine Mitchell**

Automation Support  
ADOT-ITD Partnering Section  
206 S. 17<sup>th</sup> Avenue, MD 175A  
Phoenix, AZ 85007  
Phone: (602) 712-7120  
Fax: (602) 712-3503  
Email: [emitchell@azdot.gov](mailto:emitchell@azdot.gov)

**Scott Omer**

ADOT-ITD  
Yuma District  
2243 E. Gila Ridge Road  
Yuma, AZ 85365  
Phone: (928) 317-2115  
Fax: (928) 317-2107  
Email: [somer@azdot.gov](mailto:somer@azdot.gov)

**Paul Pantene**

Engineer, ADOT-ITD  
Yuma District  
2243 E. Gila Ridge Road  
Phone: (928) 317-2115  
Fax: (928) 317-2107  
Email: [ppatane@azdot.gov](mailto:ppatane@azdot.gov)

**Judy Polingyumptewa**

Transit Coordinator  
P.O. Box 123  
Kukotsmori, AZ 86039  
Phone: (928) 734-3245  
Fax: (928) 734-9592  
Email: [jpolingyumptewa@hopi.nsn.us](mailto:jpolingyumptewa@hopi.nsn.us)

**Richard Powers**

District Engineer  
ADOT Globe District  
P.O. Box 2717  
Globe, AZ 85502  
Phone: (928) 425-7638  
Fax: (929) 425-2451  
Email: [rpowers@azdot.gov](mailto:rpowers@azdot.gov)

**Mike Puhuyesva**

Manager  
Salt River Pima-Maricopa Indian Community  
10005 East Osborn Road  
Scottsdale, AZ 85256  
Phone: (480) 850-9719  
Fax: (480) 850-8158

**Michael Quintana**

New Mexico Traffic Safety  
P.O. Box 1147  
Santa Fe, NM 87504  
Phone: (505) 827-0491

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**John Roberts**

Gila River Indian Community  
ROW/DOT  
P.O. Box 97  
Sacaton, AZ 85247  
Phone: (520) 562-6110  
Fax:  
Email: [john.roberts@gric.nsn.us](mailto:john.roberts@gric.nsn.us)

**Bill Sapper**

ADOT Transportation Planning Division  
Transit Team  
206 S. 17<sup>th</sup> Avenue, MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-7465  
Fax: (602) 712-3046  
Email: [bsapper@azdot.gov](mailto:bsapper@azdot.gov)

**Amanda Sharpe**

IP Coordinator  
Colorado River Indian Tribes  
Route 1, Box 20  
Parker, AZ 85344  
Phone: (929) 669-6577  
Email: [nuwuvi@hotmail.com](mailto:nuwuvi@hotmail.com)

**Olivia Sloan**

Research Specialist  
ITCA  
2214 N. Central Avenue  
Phoenix, AZ 85004  
Phone: (602) 258-4822  
Fax: (602) 258-4825  
Email: [Olivia.sloan@itcaonline.com](mailto:Olivia.sloan@itcaonline.com)

**Felipe Sanchez**

Economic Development Specialist  
San Carlos Apache Tribe  
P.O. Box 0  
San Carlos, AZ 85550  
Phone: (928) 475-2331  
Fax: (929) 475-2451  
Email: [econdev@scatcom.net](mailto:econdev@scatcom.net)

**Sandra Shade**

Director, Gila River Indian Community  
Department of Transportation  
P.O. Box 97  
Sacaton, AZ 85247  
Phone: (520) 562-6110  
Fax: (520) 562-6305  
Email: [sandra.shade@gric.nsn.us](mailto:sandra.shade@gric.nsn.us)

**Richard Skaggs**

Service Unit EHO  
IHS Tucson Area  
2214 N. Central Avenue  
Tucson, AZ 85716  
Phone: (520) 295-2474  
Fax: (520) 295-2579  
Email: [richard.skaggs@mail.ihs.gov](mailto:richard.skaggs@mail.ihs.gov)

**Don Sneed**

Planner/Tribal Coordinator  
ADOT-TPD, Statewide & Regional  
206 South 17<sup>th</sup> Ave., MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-8140  
Fax: (602) 712-3046  
Email: [dsneed@azdot.gov](mailto:dsneed@azdot.gov)



**WESTERN ARIZONA REGION STATE-TRIBAL  
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PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Paul Soto**

Planner, Cocopah Tribe  
County 1<sup>st</sup> Ave G  
Somerton, AZ 85350  
Phone: (928) 627-2102  
Email: [psoto@2i2.com](mailto:psoto@2i2.com)

**Charles Stevens**

Tribal Councilman  
San Carlos Apache Tribe  
P.O. Box 0  
San Carlos, AZ 85550  
Phone: (928) 475-2361  
Fax: (928) 475-2567

**Edward Stillings**

Mobility Planning Engineer  
FHWA Arizona Division  
One Arizona Center, STE. 410  
400 East Van Buren  
Phoenix, AZ 85004  
Phone: (602) 379-3646  
Fax: (602) 379-3608  
Email: [ed.stillings@fhwa.dot.gov](mailto:ed.stillings@fhwa.dot.gov)

**Jeff Swan**

District Engineer  
ADOT-ITD  
Holbrook District  
2407 E. Navajo Blvd., MD H700  
Holbrook, AZ 86025  
Phone: (928) 524-6801  
Fax: (929) 524-1921  
Email: [jswan@azdot.gov](mailto:jswan@azdot.gov)

**Steve Tate**

Transportation Planner II  
MAG  
302 N. First Avenue, Suite 330  
Phoenix AZ 85003  
Phone: (602) 452-5010  
Fax: (602) 254-6490  
Email: [state@mag.maricopa.gov](mailto:state@mag.maricopa.gov)

**Lou Tognacci**

Senior Transportation Planner  
ADOT-TPD  
Statewide & Regional Planning  
206 South 17<sup>th</sup> Ave., MD 310B  
Phoenix, AZ 85007  
Phone: (602) 712-8137  
Fax: (602) 712-3046  
Email: [ltognacci@azdot.gov](mailto:ltognacci@azdot.gov)

**Rene Toman**

Administrator, Yavapai-Apache Nation  
Economic Development Authority  
2400 W. Datsi Street  
Camp Verde, AZ 86003  
Phone: (929) 567-1019

**Douglas Torres**

Right of Way Agent  
Gila River Indian Community  
Box 97  
Sacaton, AZ 85247  
Phone: (520) 562-6110  
Fax: (929) 567-1051  
Email: [rtoman@yan-tribe.org](mailto:rtoman@yan-tribe.org)

**WESTERN ARIZONA REGION STATE-TRIBAL  
TRANSPORTATION FORUM  
PARKER, ARIZONA  
SEPTEMBER 24-25, 2003**

**ATTENDEE LIST**

**Joy Keller-Weidman**

Facilitator  
Holon Consulting  
2180 Lexington Court  
McKinleyville, CA 95519  
Phone: (707) 839-4710  
Fax: (707) 829-4711  
Email: [holon@consultant.com](mailto:holon@consultant.com)

**Lisa Wormington**

Administrator  
ADOT-TSG  
Civil Rights Office  
1739 West Jackson St., M 154A  
Phoenix, AZ 85007  
Phone: (602) 712-7761  
Fax: (602) 712-8429  
Email: [lwormington@azdot.gov](mailto:lwormington@azdot.gov)

**APPENDIX B**  
**COG/MPO Contact List**

**STATE OF ARIZONA  
COUNCILS OF GOVERNMENT  
AND METROPOLITAN PLANNING ORGANIZATIONS**

**CENTRAL ARIZONA ASSOCIATION OF GOVERNMENTS (CAAG)**

271 Main Street

Superior, AZ 85273

Maxine Leather, Executive Director

(520) 689-5004

Fax: (520) 689-5020

Bill Leister, Transportation Planner

(520) 689-5004

Fax: (520) 689-5020

E-mail: [bleister@caagcentral.org](mailto:bleister@caagcentral.org)

1-800-782-1445

(602) 253-7941 (Phoenix)

*Transportation Technical Advisory Committee meets when and where called at 10:00 a.m. (usually a 1st Thursday)*

**CENTRAL YAVAPAI METROPOLITAN PLANNING ORGANIZATION (CYMPO)**

7501 East Civic Circle Drive

Prescott Valley, AZ 86314

Jack Shambaugh, Administrator

(928) 772-9207

Fax: (928) 759-5514

E-mail: [jshambaugh@pvas.net](mailto:jshambaugh@pvas.net)

**FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION (FMPO)**

211 W. Aspen Avenue

Flagstaff, AZ 86001

Ron Spinar, Executive Director

(928) 779-7685 x218 Fax: (928) 779-7693

Dave Wessel, Transportation Planner

(928) 779-7685 x230 Fax: (928) 779-7693

E-mail: [dwessel@ci.flagstaff.az.us](mailto:dwessel@ci.flagstaff.az.us)

Website: <http://www.flagstaff.az.gov/traffic/>

*Technical Advisory Committee meets at 1:30 p.m. on 3rd Tuesday.*

**MARICOPA ASSOCIATION OF GOVERNMENTS (MAG)**

302 N. 1st Avenue, Suite 300

Phoenix, AZ 85003

Dennis Smith, Executive Director

(602) 254-6300

Fax: (602) 254-6490

Paul Ward, Manager, System Programming

(602) 452-5011

E-mail: [pward@mag.maricopa.gov](mailto:pward@mag.maricopa.gov)

Website: [www.mag.maricopa.gov](http://www.mag.maricopa.gov)

*Streets Committee meets at 1:30 on 2nd Tuesday*

**NORTHERN ARIZONA COUNCIL OF GOVERNMENTS (NACOG)**

119 E. Aspen Avenue

Flagstaff, AZ 86001-5296

Kenneth Sweet, Executive Director

(928) 774-1895

Fax: (928) 773-1135

Chris Fetzer, Manager, Transportation Planning

(928) 774-1895

Fax: (928) 773-1135

E-mail: [cfetzer@nacog.org](mailto:cfetzer@nacog.org)

Website: [www.nacog.org](http://www.nacog.org)

*Technical Advisory Committee meets at 10:00 a.m. on 1st Wednesday*

**PIMA ASSOCIATION OF GOVERNMENTS (PAG)**

177 N. Church Avenue, Suite 405  
Tucson, AZ 85701-1127

Gary G. Hayes, Executive Director (520) 792-1093 Fax: (520) 620-6981  
Cherie Campbell, Director, Transportation Planning (520) 628-5313 Fax: (520) 628-5315  
E-mail: [ccampbell@pagnet.org](mailto:ccampbell@pagnet.org)  
Don Freeman, Trans. Programming Manager (520) 628-5313 Fax: (520) 628-5315  
E-mail: [dfreeman@pagnet.org](mailto:dfreeman@pagnet.org) Website: [www.pagnet.org](http://www.pagnet.org)

*Transportation Improvement Program Subcommittee meets when called (usually a 3rd Tuesday). Transportation Planning Committee meets at 9:00 a.m. on 1st Wednesday.*

**SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION (SEAGO)**

118 Arizona Street  
Bisbee, AZ 85603

(Vacant), Executive Director (520) 432-5301 Fax: (520) 432-5858  
Rich Gaar, Transportation Planner (520) 432-5301 Fax: (520) 432-5858  
E-mail: [rgaar@seago.org](mailto:rgaar@seago.org) Website: [www.seago.org](http://www.seago.org)

*Technical Advisory Committee meets in Wilcox at 10:00 a.m. when called (usually a 3rd Thursday)*

**WESTERN ARIZONA COUNCIL OF GOVERNMENTS (WACOG)**

224 S. 3<sup>rd</sup> Avenue 208 N. 4th Street  
Yuma, AZ 85364 Kingman, AZ 86401

Brian Barbiars, Executive Director (Yuma) (928) 782-1886 Fax: (928) 329-4248  
Dave Barber, Deputy Director/Transportation (928) 753-6247 Fax: (928) 753-7038  
Planner (Kingman)  
E-mail: [davidb@wacog.com](mailto:davidb@wacog.com) Website: [www.wacog.com](http://www.wacog.com)

*Transportation Advisory Committee meets when and where called at 10:00 a.m. (usually a 4th Wednesday).*

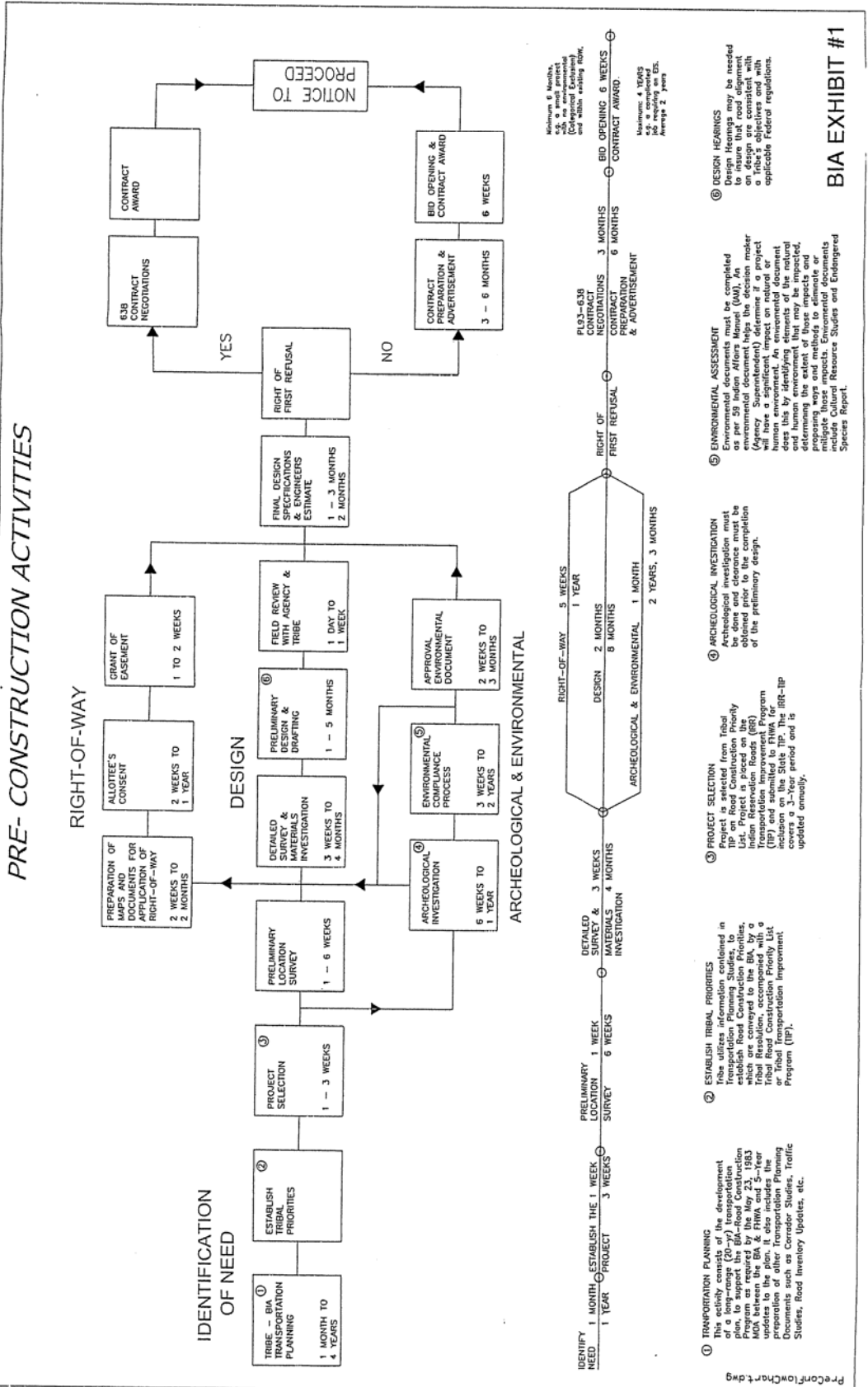
**YUMA METROPOLITAN PLANNING ORGANIZATION (YMPO)**

502 S. Orange Ave.  
Yuma, Arizona 85364

Mack Luckie, Executive Director (928) 783-8911 Fax: (928) 329-1674  
Larry Hunt, Transportation Planner (928) 783-8911 Fax: (928) 329-1674  
1-877-783-8911  
E-mail: [lhunt@ympo.org](mailto:lhunt@ympo.org) Website: [www.ympo.org](http://www.ympo.org)

*Technical Advisory Committee meets at 9:00 a.m. on 2nd Thursday.*

APPENDIX C  
BIA-WRO Pre-Construction  
Activities Flowchart



**APPENDIX D**  
**Pre-Forum Survey - Summary of Results**



**WESTERN ARIZONA REGION STATE-TRIBAL TRANSPORTATION FORUM:  
HIGHWAY TRANSPORTATION FUNDING AND COORDINATION  
Colorado River Indian Tribes-Blue Water Resort  
Parker, Arizona  
Wednesday-Thursday, September 24-25, 2003**

**PRE-FORUM SURVEY – SUMMARY OF RESULTS**

*This survey will assist the FHWA and ADOT in understanding levels of knowledge in the State Transportation Planning and Programming processes. The information will be used to determine the effectiveness of the forum and any necessary follow-up. Please complete the survey and submit it at the forum sign-in. Thank you.*

1. I understand highway-funding processes in Arizona and how they function:

To a great degree..... To an average degree .....Not at all  
 \_\_3\_\_5                    \_\_5\_\_4                    \_\_18\_\_3                    \_\_6\_\_2                    \_\_5\_\_1

2. I understand transportation coordination processes in Arizona and how they function:

To a great degree..... To an average degree .....Not at all  
 \_\_2\_\_5                    \_\_7\_\_4                    \_\_18\_\_3                    \_\_2\_\_2                    \_\_5\_\_1

3. I believe that the coordination between Tribal Government & State government is effective:

Definitely..... Somewhat .....Not at all  
 \_\_2\_\_5                    \_\_7\_\_4                    \_\_13\_\_3                    \_\_10\_\_2                    \_\_5\_\_1

4. I believe that Tribes participate effectively in the statewide transportation planning & programming (funding) processes:

To a great degree..... To an average degree .....Not at all  
 \_\_1\_\_5                    \_\_4\_\_4                    \_\_16\_\_3                    \_\_13\_\_2                    \_\_3\_\_1

5. I believe that Tribes know how to identify needs/goals and implement Tribal transportation plans:

To a great degree..... To an Average degree .....Not at all  
 \_\_3\_\_5                    \_\_7\_\_4                    \_\_17\_\_3                    \_\_9\_\_2                    \_\_1\_\_1

6. I understand best practices that can be used for the planning and financing of transportation improvements.

Definitely..... Somewhat .....Not at all  
 \_\_3\_\_5                    \_\_13\_\_4                    \_\_19\_\_3                    \_\_2\_\_2                    \_\_0\_\_1

7. I understand the communication protocols which assure continued tribal participation in the planning, programming, and funding of transportation programs.

To a great degree..... To an Average degree .....Not at all  
 \_\_1\_\_5                    \_\_8\_\_4                    \_\_18\_\_3                    \_\_10\_\_2                    \_\_0\_\_1

**WESTERN ARIZONA REGION STATE-TRIBAL TRANSPORTATION FORUM:  
HIGHWAY TRANSPORTATION FUNDING AND COORDINATION**

**Colorado River Indian Tribes-Blue Water Resort**

**Parker, Arizona**

**Wednesday-Thursday, September 24-25, 2003**

**COMMENTS**

- Would like more knowledge on ADOT, FHWA, BIA and Tribal Roads, since I am part of a tribal transportation board.
- These types of meetings are very informative.
- We came here to find out more about how good the coordination is between the Tribal Government and the State of Arizona.



**APPENDIX E**  
**Participant Feedback of Forum Effectiveness –**  
**Summary of Results**



**WESTERN ARIZONA REGION STATE-TRIBAL TRANSPORTATION FORUM  
PARTICIPANTS' FEEDBACK**

What is your overall rating of the effectiveness of this forum?

<b>Forum Format Needs Improvement</b> 0.5    1.0    1.5	<b>Somewhat Met My Expectations</b> 2.0        2.5	<b>Met My Expectations</b> 3.0        3.5	<b>Exceeded My Expectations</b> 4.0
--	---	--	--

**Overall forum Effectiveness Rating = 3.4**

- 2.5's - 1
- 3.0's - 2
- 3.5's - 8
- 4.0's - 2
- 44.5/13= 3.42

How do you rate the effectiveness of the Facilitators?

<b>Forum Format Needs Improvement</b> 0.5    1.0    1.5	<b>Somewhat Met My Expectations</b> 2.0        2.5	<b>Met My Expectations</b> 3.0        3.5	<b>Exceeded My Expectations</b> 4.0
--	---	--	--

**Effectiveness of Facilitators Rating = 3.4**

- 2.5's - 1
- 3.0's - 3
- 3.3's - 1
- 3.5's - 7
- 4.0's - 2
- 47.3/14=3.37

How do you rate the State-Tribal partnership team's potential effectiveness?

<b>Forum Format Needs Improvement</b>	<b>Somewhat Met My Expectations</b>	<b>Met My Expectations</b>	<b>Exceeded My Expectations</b>
0.5    1.0    1.5	2.0    2.5	3.0    3.5	4.0

**Partnership potential Rating = 3.0**

1-.5 - 1

2.5's - 2

3.0's - 6

3.5's -4

4.0's - 1

42.5/14=3.03

<b>Most Valuable</b>	<b>Suggested Improvements</b>	<b>Overall Comments</b>
<ul style="list-style-type: none"> <li>◆ Rural transit issue. NACOG System-BIA information (CAAG) especially since our road to "Cibecue" is in the CAAG System.</li> <li>◆ Basic funding process/different districts within the State of Arizona/contact people/what funding we may have/finding out about CAAG and about BIA/ADOT.</li> <li>◆ All the information on funding certain projects and the COGs.</li> <li>◆ Networking and exchange of information.</li> <li>◆ Explanation of various terms, agencies and</li> </ul>	<ul style="list-style-type: none"> <li>◆ My first and it was great; and thank you all.</li> <li>◆ If we had more tribal leaders present.</li> <li>◆ All funding criteria process on paper.</li> <li>◆ Statewide participation, all ADOT districts represented.</li> <li>◆ Too much discussion from some COG/MPO and funding issues that did not impact or involve tribes.</li> <li>◆ Include other modes in panel presentations.</li> <li>◆ I would like to attend a "Tribal Forum" on reservation roads transit services, etc.</li> <li>◆ Allow fewer questions.</li> <li>◆ Printout of all questions before the adjournment of the forum.</li> <li>◆ Get more participation from tribal attendees.</li> </ul>	<ul style="list-style-type: none"> <li>◆ On the road to Cibecue, we have a high rate of livestock and wildlife accidents since our community is 70 percent unemployed; we are looking to future tourism. With this high rate of accidents on unsafe roads to Cibecue, we need to be in the CAAG System with less membership fee. The tribe has always overlooked us in the community of Cibecue. Other communities get their projects done first, (less membership fee for CAAG).</li> <li>◆ We need better communication between State/Tribe concerning transportation needs to explain meaning of the different organizations (for example: CAAG or MAG, etc.).</li> <li>◆ Tribes need communication on minutes of the State Transportation Board meetings or COG meetings, as a government-to-government working relationship with tribes. Funding is scarce and to have a safe highway for motorists we are all accountable regardless of whose highway it is.</li> </ul>

Most Valuable	Suggested Improvements	Overall Comments
<p>organizations.</p> <ul style="list-style-type: none"> <li>◆ COG discussions and Question and Answers.</li> <li>◆ Information on transit funding availability via BIA IRR.</li> <li>◆ Forum sessions were very informative. To hear about BIA and FHWA policies and protocols is very helpful.</li> <li>◆ Enjoyed some of the technical presentations, especially the federal ones.</li> <li>◆ Questions typed out on overhead screen to see actual questions asked.</li> <li>◆ Interaction among participants, providing multiple points of view.</li> <li>◆ ADOT funding; BIA funding.</li> <li>◆ Everything.</li> <li>◆ The question and answer sessions, very good questions were asked.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Have a Tribe speak of any relationship regarding working with ADOT, county or BIA.</li> <li>◆ More frequent, shorter breaks.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Keep this going so partnering and networking can continue.</li> <li>◆ These types of forums allow a better understanding of the reality of how systems work and interact.</li> <li>◆ I would like a copy of the forum questions and responses.</li> <li>◆ Overall, I thought the communication and transfer of information between participants.</li> <li>◆ Need to set up meetings with Tribe/ADOT/MPO's/COG's on a semi-annual basis to promote effective planning going in a positive direction.</li> <li>◆ Well organized.</li> <li>◆ Need to make sure that tribal participants benefit since they are the target audience.</li> <li>◆ These forums are very informative and an excellent opportunity for networking with the tribes and the other people who work in the transportation field. We should continue to have gatherings like this forum and exchange ideas and concerns. It makes us more aware of what is going on with other groups (such as the tribes) and how they function.</li> <li>◆ BIA needs to make a better effort in working with the State in helping the tribes through the transportation funding process. The communication process can be improved.</li> </ul>





GLOSSARY  
Abbreviations and Acronyms



## **Glossary of Abbreviations and Acronyms**

<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ADA</b>	Americans With Disabilities Act
<b>ADOT</b>	Arizona Department of Transportation
<b>ADT</b>	Average Daily Traffic
<b>ALISS</b>	Accident Location and Identification Surveillance System
<b>ARS</b>	Arizona Revised Statutes
<b>ATSPT</b>	ADOT Tribal Strategic Partnering Team
<b>BIA</b>	Bureau of Indian Affairs
<b>BIADOT</b>	Bureau of Indian Affairs, Division of Transportation
<b>BIA-WRO</b>	Bureau of Indian Affairs-Western Regional Office
<b>CAA</b>	Clean Air Act
<b>CAAG</b>	Central Arizona Association of Governments
<b>CEO</b>	Chief Executive Officer
<b>CFR</b>	Code of Federal Regulations
<b>CMAQ</b>	Congestion Mitigation and Air Quality
<b>COG</b>	Council of Governments
<b>CRIT</b>	Colorado River Indian Tribes
<b>CSU</b>	Colorado State University
<b>DE</b>	District Engineer
<b>DOI</b>	Department of Interior
<b>DOT</b>	Department of Transportation

<b>DUI</b>	Driving Under the Influence
<b>EA</b>	Environmental Assessment
<b>EEG</b>	Environmental and Enhancement Group
<b>EHO</b>	Environmental Health Officer
<b>EIS</b>	Environmental Impact Study
<b>EPA</b>	Environmental Protection Agency
<b>ER</b>	Emergency Relief
<b>ERFO</b>	Emergency Relief for Federally Owned Roads (Fund)
<b>FHWA</b>	Federal Highway Administration
<b>FLHP</b>	Federal Lands Highway Program
<b>FTA</b>	Federal Transit Administration
<b>FY</b>	Fiscal Year
<b>GIS</b>	Geographic Information System
<b>GPS</b>	Global Positioning System
<b>HBRRP</b>	Highway Bridge Replacement Rehabilitation Program
<b>HELP</b>	Highway Expansion and Extension Loan Program
<b>HES</b>	Hazard Elimination System
<b>HOV</b>	High Occupancy Vehicle
<b>HSIP</b>	Highway Safety Improvement Program
<b>HTF</b>	Highway Trust Fund
<b>HURF</b>	Highway User Revenue Fund
<b>IGA</b>	Intergovernmental Agreement

<b>IHS</b>	Indian Health Service
<b>IM</b>	Interstate Maintenance
<b>IRR</b>	Indian Reservation Roads
<b>IRRBP</b>	Indian Reservation Roads Bridge Program
<b>ITCA</b>	Inter Tribal Council of Arizona
<b>ITD</b>	Intermodal Transportation Division (ADOT)
<b>ITS</b>	Intelligent Transportation Systems
<b>IVAG</b>	Inter Valley Association of Governments
<b>LRTP</b>	Long-Range Transportation Plan
<b>LTAP</b>	Local Technical Assistance Program
<b>MAG</b>	Maricopa Association of Governments
<b>MOA</b>	Memorandum of Agreement
<b>MOU</b>	Memorandum of Understanding
<b>MoveAZ</b>	Move Arizona (Arizona Long-Range Transportation Plan)
<b>MPO</b>	Metropolitan Planning Organization
<b>MVC</b>	Motor Vehicle Crash
<b>MVD</b>	Motor Vehicle Division
<b>NACOG</b>	Northern Arizona Council of Governments
<b>NEGREG</b>	Negotiated Rulemaking (for Indian Reservation Roads Program)
<b>NEPA</b>	National Environmental Protection Act
<b>NHPA</b>	National Historic Preservation Act
<b>NHS</b>	National Highway System

<b>NHTSA</b>	National Highway Traffic Safety Administration
<b>NOFA</b>	Notice of Funding Availability
<b>OSHA</b>	Occupational Safety and Health Administration
<b>PAG</b>	Pima Association of Governments
<b>P.L. 93-638</b>	Public Law 93-638, Indian Self-Determination and Education Assistance Act, as amended
<b>POO</b>	Point of Obligation
<b>RAAC</b>	Resource Allocation Advisory Committee
<b>RABA</b>	Revenue Aligned Budget Authority
<b>ROW</b>	Right of Way
<b>R/W</b>	Right of Way
<b>SAFETEA</b>	Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005
<b>SOW</b>	Scope of Work
<b>SR</b>	State Route
<b>SRPMIC</b>	Salt River Pima-Maricopa Indian Community
<b>STIP</b>	Statewide Transportation Improvement Program
<b>STP</b>	Surface Transportation Program
<b>TAC</b>	Technical Advisory Committee
<b>TEA-21</b>	Transportation Equity Act for the 21 <sup>st</sup> Century
<b>TERO</b>	Tribal Employment Rights Office
<b>TIP</b>	Transportation Improvement Program
<b>TPA</b>	Tribal Priority Allocation

<b>TPD</b>	Transportation Planning Division (ADOT)
<b>TPO</b>	Transportation Planning Organization
<b>TSG</b>	Transportation Services Group (ADOT)
<b>TTAC</b>	Transportation Technical Advisory Committee
<b>TTAP</b>	Tribal Technical Assistance Program
<b>US</b>	United States
<b>USDOT</b>	United States Department of Transportation
<b>VMT</b>	Vehicle Miles Traveled
<b>WACOG</b>	Western Arizona Council of Governments
<b>WMAT</b>	White Mountain Apache Tribe
<b>WRO</b>	Western Regional Office (BIA)
<b>YMPO</b>	Yuma Metropolitan Planning Organization