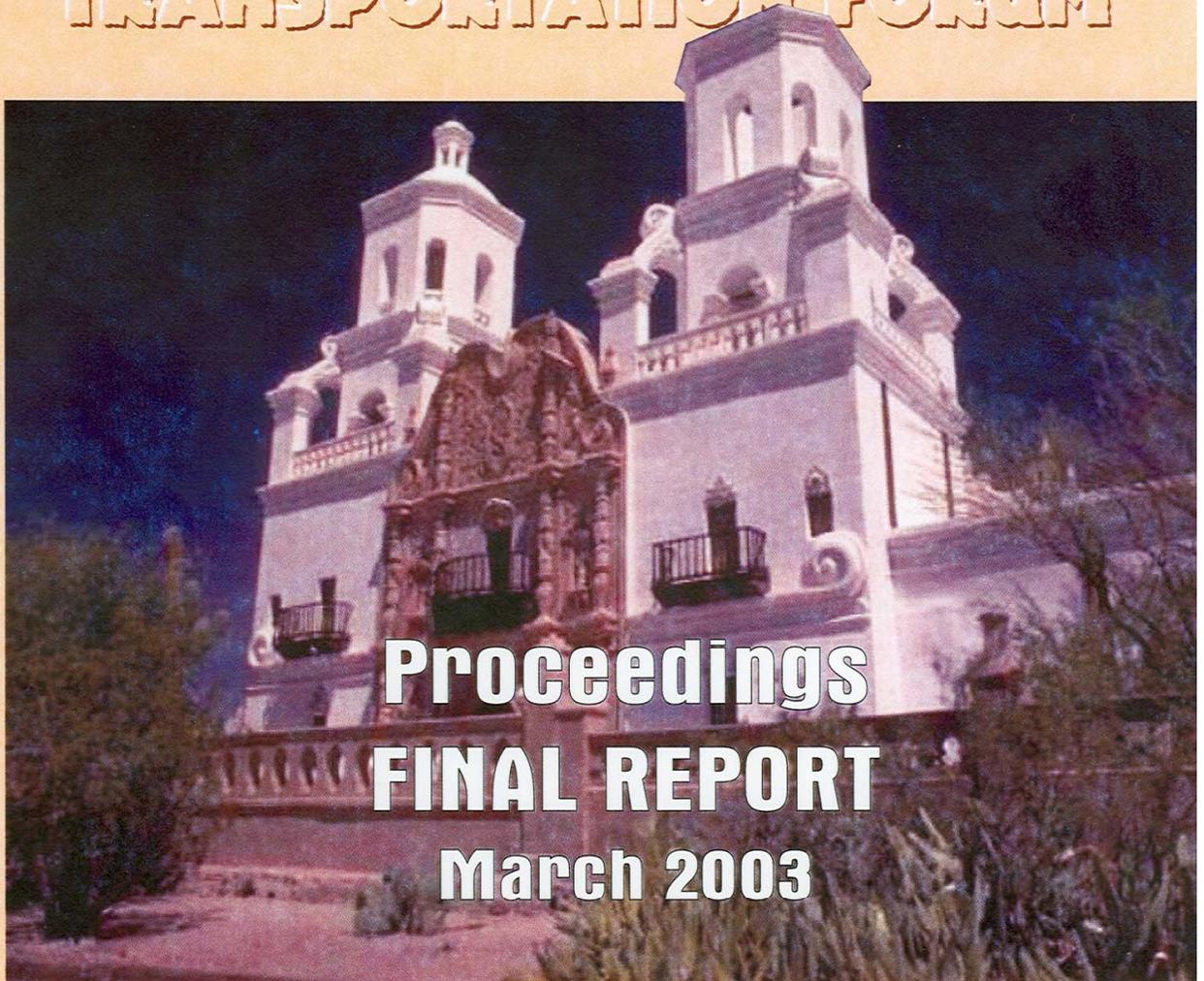


**SOUTHERN ARIZONA REGION
STATE - TRIBAL
TRANSPORTATION FORUM**



**Proceedings
FINAL REPORT
March 2003**

**HIGHWAY TRANSPORTATION
FUNDING & COORDINATION**

SOUTHERN ARIZONA REGION STATE – TRIBAL TRANSPORTATION FORUM PROCEEDINGS REPORT

Tohono O’odham Nation
San Xavier Reservation, Arizona
March 11–12, 2003



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



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Southern 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 Southern 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 second in a series of three regional forums. The first forum convened on October 17, 2002, at the Little America Hotel in Flagstaff, Arizona. Seventy–seven participants attended that one–day forum.

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

Eighty–seven persons attended the Forum with representatives from the Ak–Chin Indian Community, Cocopah Tribe, Colorado River Indian Tribe, Gila River Indian Community, Hopi Tribe, Pascua Yaqui Tribe, San Carlos Apache Tribe, Tohono O’odham Nation, and the White Mountain Apache Tribe. Attendees also included representatives from the Bureau of Indian Affairs–Western Regional

Office (BIA–WRO), Central Arizona Association of Governments (CAAG), City of Casa Grande, Gila County, Inter Tribal Council of Arizona (ITCA), Maricopa Association of Governments (MAG), Pima Association of Governments (PAG), Pima County, Pinal County, Town of Sahuarita, Tucson Area Indian Health Services, Yuma Metropolitan Planning Organization (YMPO), California/Nevada TTAP, 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, PAG and CAAG 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.

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.

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
Dennis Alvarez, District Engineer, ADOT-ITD Tucson District
Nathan Banks, Senior Engineering Manager, FHWA Arizona Division
Cherie Campbell, Transportation Planning Director, Pima Association of Governments
Ron Casper, District Engineer, ADOT-ITD Safford District
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
Don Freeman, Transportation Programming Manager, Pima Association of Governments
Ermalinda Gene, Program Manager, ADOT-TSG Civil Rights Section
Roxie Greer, Administrative Assistant, ADOT-ITD Partnering Section
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
Cathy Hegel, Technical Writer, Isconme Consulting
Larry Hunt, Transportation Planner, Yuma Metropolitan Planning Organization
Joe Jurasic, Area Engineer, FHWA Arizona Division
Joy Keller Weidman, Facilitator, Holon Consulting
Greg 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
Victor Mendez, Director, ADOT
Ginger Murdough, Executive Administrator, ADOT-ITD Partnering Section
Vernon Palmer, Regional Roads Engineer, BIA Western Regional Office
John Pein, ADOT-TPD Statewide and Regional Planning Team Manager
Richard Powers, District Engineer, ADOT-ITD Globe District
Bill Sapper, ADOT-TPD Transit Team Manager
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

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

Victor Mendez, ADOT Director, emphasized the importance of the second regional state-tribal transportation forum and expressed appreciation for everyone's involvement. Mr. Mendez 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. He 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

Ginger Murdough, ADOT Executive Partnering Administrator, 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". Ginger reviewed 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 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, District Engineer and Edward Stillings, Mobility Planning Engineer 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. He stated that Mary Peters is the FHWA Director and various offices around the country support the FHWA efforts including one in Phoenix. It was mentioned that FHWA has lost some staff recently to the Homeland Security effort. Also, the FHWA Resource/Assistance Office provides technical assistance.

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. He 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 highway reauthorization that establish 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. 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 Areas, 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). 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 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

John Pein, ADOT Statewide and Regional Planning Manager, discussed the Statewide Long-Range Transportation Plan (LRTP) or "MoveAZ Project" as it is also referred. Mr. Pein 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. Pein mentioned that the plan would be carried out in three phases. Phase I will create a strategic direction, the mission statement, and goals and objectives; Phase II will define and implement a public/stakeholder involvement program; and, Phase III will carry out the technical analysis, conduct a policy/project evaluation, and develop the LRTP.

It was pointed out that Phase II involved initial and intermediate partnering events. Mr. Pein mentioned that the intermediate partnering phase was underway. He said a first round of nine-stakeholder focus group sessions were conducted and the second round was upcoming. These sessions focused on Native American communities, health and human services providers, pipelines and utilities, bike and pedestrian interests, aviation, commercial vehicle operators, railroads and distribution firms, environmental concerns, US National Parks and Forest Service, economic development interests and, transit providers and users. The Native American Communities Focus Group was scheduled for April 16, 2003.

In addition, under Phase II a first round of eight regional public forums were held throughout the State during the latter part of October and during November 2002. The objectives of the forums were to introduce the MoveAZ planning process, present and discuss goals and objectives, validate existing work on MoveAZ strategic direction, and to assess the relative priorities of goals and factors. The second round was to take place during October and November 2003 to present the draft strategic direction to the general public and receive feedback on the overall direction of the MoveAZ plan.

It was stated that Phase III activities were to be conducted concurrent with Phase II and after completion of the regional forums the draft final plan would be developed. Mr. Pein then emphasized the MoveAZ mission statement, goals and reviewed an analysis of the ten key lessons learned from the initial partnering events. The completed Statewide LRTP is due to be submitted to the Governor by December 31, 2004. He stated that the most current reports would be available in early April 2003 and can be obtained by calling the dedicated phone line at 1-866-478-9657 or accessing the project Internet website at www.moveaz.org.

Dennis Alvarez, ADOT Tucson District Engineer, welcomed participants and introduced the Southern Arizona Region ADOT District Engineers, Ron Casper of

the Safford District, Rick Powers of the Globe District, and himself. He also introduced the next presenter, Jeff Swan of the Holbrook District.

Jeff Swan, ADOT Holbrook District Engineer, covered the State Transportation Improvement Program (STIP) the Highway User Revenue Fund (HURF), the Surface Transportation Program (STP), and Highway Expansion and Extension Loan Program (HELP). Mr. Swan reviewed common acronyms and 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>). STIP stakeholders include ADOT, the COGs and MPOs, BIA and federal lands agencies.

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 2003-2007 the total Arizona Five-Year Highway Construction Program is at \$4,027,000,000. 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 Indian tribes (see www.azdot.gov/about/help/index.htm).

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, 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 condition mileage of the IRR and BIA road systems.

Information was also provided with reference to Indian Reservation Road (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; 2% road maintenance funds and \$4 million are dedicated to planning (which includes equipment). Federal Lands Discretionary funds are also being utilized.

The basis for IRR transportation funds is:

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

Mr. Maxwell discussed the transportation planning and tribal TIP development processes. He advised that the tribal councils must approve funding for the IRR three-year Transportation Improvement Program (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 applies to the work they do, including areas of funding. He 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 each was 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.

Metropolitan Planning Organization and Council of Governments Programs

Cherie Campbell, Transportation Planning Director for the Pima Association of Governments (PAG) presented an overview of PAG, which is a coalition of local governments governed by a Regional Council comprised of elected officials from Pima County, Tucson, South Tucson, Oro Valley, Marana, Sahuarita, Tohono O’odham Nation, Pascua Yaqui Tribe, and the Arizona State Transportation Board. She indicated that PAG has recently added the Tohono O’odham Nation and Pascua Yaqui Tribe into the Association. PAG was established in 1971 and designated by the Governor in 1973. Implementation responsibility for PAG remains with the member jurisdictions. A copy of the PAG Bylaws is included in the Appendix of this report.

The PAG Regional Transportation Planning Program consists of the environmental planning, transportation planning and regional planning program areas. The process utilizes a series of councils, committees and public involvement to gather information and make recommendations. The key focus of the association is to ensure government requirements are being met regarding planning and funding activities of the projects and programs. She expressed that communication and coordination is an area of constant improvement between PAG and its constituents.

PAG serves as an information clearinghouse. Maps, photos, plans, etc. are available for community use at www.pagnet.org. PAG secures and coordinates \$30 million annually of state and federal funds. Data collection and analysis are key functions of PAG that feed the planning and prioritization processes. A major output of the process is the Regional Transportation Plan (RTP), which includes \$8 billion dollars over the next 20 years. This RTP identifies specific

projects to be funded. Several future trends that impact the region include a 50% population growth and an 87% increase in vehicle hour's travel.

Ms. Campbell mentioned that the 2030 RTP Update was underway and that it would build on the foundation of previous efforts and knowledge of growth, resources and decisions already in place. Further information on this presentation can be obtained by checking the PAG website or by contacting Ms. Campbell or Melanie Seacat at (520) 792-1093.

Bill Leister, Director of Transportation, Central Arizona Association of Governments (CAAG), discussed CAAG's regional composition and Regional Transportation Planning Program. The CAAG region is comprised of fourteen cities and towns, two tribal governments, and Pinal and Gila Counties. However, the two tribal governments are currently not members of the Association.

CAAG's Transportation Improvement Program involves planning, programming and financial partnerships. Mr. Leister explained CAAG's transportation planning structure, which includes a Transportation Technical Advisory Committee (TTAC), comprised of technical staff members from the 16 member entities. The CAAG structure also includes a Management Committee comprised of the city or county managers from the 16 member entities. The structure is then overseen by a Regional Council, which includes council members or mayors, and the county supervisors of the member entities.

CAAG through its member entities identify prioritized projects for the State Highway System needs. Projects are prioritized by the TTAC and then forwarded to the Management Committee and Regional Council. Approved recommendations are forwarded to the ADOT District Engineer. Under CAAG's project prioritizing and programming process ADOT provides approximately \$1.9 million annually for improvement projects. ADOT also provides funding for bridge and safety projects and grant monies are available for enhancements and transit projects.

Mr. Liester mentioned that CAAG could provide technical assistance for the Transportation Enhancement Program, and the Section 5310 and 5311 Transit Programs. He ended his presentation by encouraging the tribal officials to get actively involved in the Council of Government processes and to get transportation needs programmed into the plan.

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

INTERACTIVE PANEL DISCUSSION SESSIONS

During the afternoon of day one and the morning of day two, attendees participated in facilitated Interactive Discussion Sessions to discuss Funding Processes, Prominent Concerns/Issues and Proposed Resolutions as well as to address written questions, comments, and recommendations. The following is a compilation of responses to the forum participant questions, 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 provided additional post-forum clarification.

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

Panel Members:

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

TOPIC: GENERAL

1. Who is the FHWA Tribal Coordinator? Who is the Native American coordinator in Washington, D.C.?

Tim Penny is currently the FHWA Tribal Coordinator. He can be reached at (202) 366-2698.

2. Is there a cost for using the Resource Centers?

There is no cost to use the Resource Centers. Either Ed Stillings or Nathan Banks can provide assistance, if needed.

3. What will be the effect of the South Mountain I-10 Widening Studies?

An outcome of the studies could be additional lanes to I-10. If the concern here is air quality based, it may lead to non-attainment status. Air quality mitigation projects may be eligible for CMAQ funding via the MAG TIP Committee.

4. What is the status of the last tribal forum?

It has been a challenge to synthesize all of the material. The team is considering combining the information of all three forums and is trying to determine the most effective way to disseminate the information.

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

1. Communication, cooperation, coordination in developing and implementing tribal transportation programs: Could you provide specific steps to improve FHWA, ADOT and BIA tribal transportation?

This forum is the first step in establishing the links between the various agencies (State, MPO's and COGs) involved in transportation issues. It is suggested that the tribes continue to work with the ADOT Districts to coordinate activities and include the other agencies as required. Also, from the FHWA perspective, participation on the working committees of the COG's and MPO's would be the key area to focus on.

2. How do we begin to establish and develop the 3-C's among the state/tribes?

It is an on-going process of dialogue. Tribes need to join COG's and be active participants.

3. Not real clear how the communication and funding is supposed to operate between FHWA-State-MPO/COG-Tribal Authority and vice versa?

This forum is the start. Continue coordination efforts with the ADOT District to start building the larger relationships. Another key here is the COG/MPO. Decisions on project funding are made at the COG/MPO level through cooperative process. FHWA does not get involved in project selection other than to determine eligibility. We encourage tribes to become actively involved with MPO/COG committees. Funding commitments and TIP selection take place within these committees.

4. What about tribal sovereignty as it relates to funds and communications?

Congress determines the rules regarding tribal sovereignty. Executive Orders govern them.

5. Could you provide detailed information on the requirements for government-to-government relations provided in the four policies as shown on the slide?

Each of the following documents is published in the Federal Register. Links to the three presidential orders are as follows:

http://www.fhwa.dot.gov/hep/tribaltrans/apr24_94.htm

<http://www.fhwa.dot.gov/hep/tribaltrans/eo13175.htm>

<http://www.usdoj.gov/otj/sacred.htm>

FHWA's web page which is dedicated to tribal coordination and outreach is, <http://www.fhwa.dot.gov/hep/tribaltrans/index.htm>

The DOT Order can be found at,

<http://environment.fhwa.dot.gov/guidebook/vol2/5301.1.pdf>

6. Other federally funded entities that lie within our jurisdictions (ADOT) example BLM or US Forest Service also do not participate in our local COG (SEAGO) except to make annual presentations for enhancement grants. What is the proper planning mechanism for tribes to interact with other government entities?

Much of this type of interaction would occur at the project level for a specific project or during the environmental documentation phase.

7. How can the tribal governments get more involved in the FLHP program to receive additional funding?

Tribal governments are encouraged to contact the Central Federal Lands Office in Denver, Colorado to establish this dialog. The Phoenix FHWA office does not work with the FLHP program.

8. Concern on funding that goes to state before tribal when government-to-government relationship is encouraged by FHWA.

The current process follows the laws as written. The state has developed expertise in this process.

TOPIC: FUNDING

1. Do federal funding sources fluctuate with gas prices?

No. There are currently no plans to tie federal funding sources to the price of gas. There are current discussions in Congress for refunding the highway - programs.

2. Does the Highway Trust Fund get more money as the price of gas increases? If not why? It should be a percentage.

No, highway trust revenues are based upon a set percentage tax. The fluctuation in the price of gas is based upon distributor costs and supply and demand. Trust fund revenues are derived from the number of gallons sold, not how much it cost.

3. Do governmental agencies get breaks on fuel taxes?

Everyone pays the taxes (however, it is uncertain whether schools receive tax breaks).

4. How safe are the Highway Trust Funds?

Highway Trust Funds are protected and are not be utilized for any other purpose.

5. Provide more information on the funding map and clarification.

Further clarification on the funding map can be viewed at the following websites:

[http://www.fhwa.dot.gov/tea21/factsheets/factsht\\$.htm](http://www.fhwa.dot.gov/tea21/factsheets/factsht$.htm)

<http://www.fhwa.dot.gov/tea21/fy2003/cmptbl03r.pdf>

6. What are STP funds and what processes are used? How are they apportioned?

The Surface Transportation Program (STP) is one of the major federal highway funding programs. The STP provides the bulk of federal money to the states and the Federal Lands Highway Program. Funds flow through the state but are divided by the COGs and MPOs (TIP process). The TIP is a five-year cycle and tribes need to be involved. STP funds can be used on roads classified higher than "rural minor collector". FHWA records "rural locals" by county. Up to 15% of rural STP funds can be used on rural minor collectors.

7. How do funds flow through the State?

It is a very complex process and there are very complex fiscal accounting procedures in place. Bringing in other parties would present many issues (security, etc.).

8. Does the State utilize all of its annual funding?

The state does utilize all of its annual funding. Congress is discussing a bill for the next six years.

9. More clarification on getting state funding rather than applying every five years?

The ADOT programming process, which includes the programming of projects, is an ongoing process that is not limited to five-year cycles, but is updated at least annually.

10. Has an effort been made to correlate federal funding categories and state funding categories?

Yes, an effort has been made. The COGs and MPOs currently do this to insure that all funds are allocated every year. Every project is categorized into an appropriate funding source.

11. What is the relationship between ADOT, BIA, the Tohono O'odham Nation (TON) and/or other Tribes? Can funds be intertwined between entities? Can there be projects funded by all three?

Yes, you can combine funds. That is to say there is a possibility of shared costs on projects. Funds probably cannot be generally "intertwined" between entities. Any shared costs may have to be focused on individual projects.

12. TON needs to work with three COGs; this is very cumbersome.

This does sound like a difficult situation. If a large portion of the TON falls within one of the three COG's, you might want to focus on working closely with that COG.

13. Can laws be changed to let funding flow directly to the tribes?

Laws can always be changed - Congress handles that process.

14. Why aren't tribes allowed to receive federal funding directly?

That is the way the law is currently written. It would require Congressional action to change it.

15. Can the tribes use STP funds? If so, on which type of roads (i.e. state highways, local, driveways)?

Yes, STP funds are eligible to be spent on functionally classified roads above rural minor collector. ADOT can assist you if you need to determine whether a road is functionally classified or not. In addition, up to 15% of rural STP funds may be spent on rural minor collectors.

16. STP funding: What are the categories currently available for tribal participation?

As described above, STP funds would be eligible to be expended on functionally classified roads.

17. How would tribes administer STP funds if they are able to compete for and acquire them?

STP funds would flow through ADOT. ADOT Local Governments section would work with the tribes to oversee the process.

18. I wasn't aware tribes could easily tap into FHWA monies. What is the process through the local MPOs and COGs? Do they request projects in the TIP?

Yes, tribes would need to become a participating member and submit eligible projects through the TIP.

19. Why is FHWA/STP money not subject to PL 93-638?

PL 93-638 is contained within Title 25 of Federal Legislations. The Federal Highway Administration operates under Title 23, which is where the process for the Highway Trust Fund is contained. Title 23 determines how fees are collected, how they are apportioned and to whom.

20. How to get more funding to FLHP for tribes?

This would need to be done through legislation. Funding levels are established via Transportation Acts. The current legislation ends September 30, 2003.

21. How can tribes be eligible for STP or enhancement project funds?

Tribes are eligible for enhancement project funds and should submit projects for consideration through the MPO's and COG's.

22. How can tribal lands get more money for our roads? What is the STP distribution formula?

First approach would be to try to compete for eligible funding through the MPO/COG process. Second approach would be through legislative change to increase tribal funding. The STP distribution formula is too complicated to try and describe. Each state receives an apportionment of STP funds based upon on a number of factors (i.e. population, road mileage, etc.). These funds are further apportioned geographically within Arizona by ADOT.

23. Why is funding of projects based upon recommendations of PAG/COGs? Since these organizations do not encompass tribes as a whole and base membership on fees according to populous.

Each state sets up a process for allocating funds. Arizona uses the COG/MPO structure. Tribes must use these groups like all other public entities in the state, i.e., cities, counties, etc.

Federal Law defines the role of MPO's and the planning process, including development of TIP's is defined within this law. These organizations make project selection and distribution of funding possible.

24. How do monies go to road conditions on the Reservation? How do you pick out which tribes get monies for reconstruction of their roads?

FHWA doesn't get involved in project selection. This is a role of MPO's, COG's, State DOT's, and tribal governments.

25. Since FHWA is bringing tribes into a more proactive role for funding and its process will there be continual upgrade of this?

With the increased emphasis on FHWA and tribal relationships, we believe that this can be expected.

26. Explain the Enhancement Program. Federal programs – enhancement funding. How can tribes get more information and notices on the application process?

The Enhancement Program is administered by the ADOT Environmental and Enhancement Group (ADOT-EEG) and an FHWA representative is also involved. Some tribal projects have been selected for the Enhancement Program in the past. ADOT limits the cap on projects to \$500,000 to COGs and MPOs per project. Enhancement projects do not have to be in the program to be selected. One-half of the enhancement funds are shared annually with other entities. Cheryl Banta of ADOT-EEG is the coordinator and can be reached at (602) 712-6258. Additional program information can be obtained at the following website <http://www.azdot.gov/Highways/eeg/index.asp>.

27. Who oversees Federal Transit Authority Funds?

The Federal Transit Authority in San Francisco, California administers the funds. Funds come to ADOT through the Transportation Planning Division for the Section 5310 Elderly and Disabled Persons Program and 5311 Rural and Small Urban Areas Program.

28. How are Federal Transit Funds acquired? Can tribes compete for those funds?

Tribes can compete for the funding. Under the 5310 Program, funds are available for vehicles to social services agencies including tribal. This program amounts to about 40 vehicles per year with funding at approximately \$3 million per year. Applications are made to the MPOs and COGs.

29. What is the availability of 5311 General Transit Funding for buses/vans (e.g. local transit, dial-a-ride, etc.)?

There is approximately \$2.5 million per year with a 50% match. Tribes can possibly apply directly to Congress for “Pork Barrel” type legislation for large capital investments like a fleet of buses.

30. How are transit facilities funded?

Funding comes from 5309 discretionary funds. Transit facility projects need to be programmed well in advance by using the guidelines of the legislation.

31. What is happening in reference to congestion mitigation and air quality?

Approximately \$34 million in Congestion Mitigation and Air Quality funding (CMAQ) per year is earmarked to MAG specifically targeted for these issues, (e.g. street sweepers, High Occupancy Vehicle (HOV), bike trails, etc.). CMAQ is currently only used in Maricopa County. The next round will look at a statewide program. These funds cannot be used to increase capacity. There are currently ten non-attainment areas in the state and funds are allocated to address air quality issues. Emissions benefits need to be calculated for each project using these funds. It must be proved that emissions will be reduced to reach attainment.

32. CMAQ is a program that is provided for a specific purpose and is a project selection process; does this make the program a stand alone much like the Enhancement Program?

The CMAQ program is fairly flexible and is not a stand-alone program. CMAQ funds can be expended on any project within defined non-attainment areas that would improve air quality. The proposed projects compete against one another on the basis of improving air quality.

33. Why is there a difference between IRR and the State when they are all roads needing work?

Each type of funding requires a set of eligibility requirements. When all taken together, the needs should bubble to the top by need and then tap into whatever funding source is available.

34. What IRR funds are programmed with highway funds?

Not sure what is being asked here. BIA might be able to help in this regard.

35. Money for funding roads on the reservation: Who does the work?

Both the BIA and tribes perform the work.

36. Is ITS eligible for funding under IRR?

Yes, Intelligent Transportation System (ITS) projects are eligible for funding under IRR.

37. There is a concern that IRR funds are insufficient.

We agree that IRR funds are insufficient, but Congress has the responsibility to increase the funding.

38. The IRR funding level is at too low of a percentage and there is limited success with STP.

Congress determines the IRR funding level. STP can be used on functionally classified roads above rural minor collector. Also, 15% of rural STP funds may be spent on rural minor collectors.

39. What percent of federal funding is retained for overhead?

The percentage dedicated to overhead is 0.75%. \$14 million for BIA (6% of IRR).

40. Compare FHWA and BIA funding allocations in Arizona for the period 1997-2002. Does the BIA or the tribe have financial authority to prioritize funding?

There are several subprograms involved in this allocation, which makes it rather complex. Grand totals of FHWA funding received by Arizona is as follows:

<i>FY 2003 \$468 M</i>	<i>(Included in these funds are IM funds, NHS funds,</i>
<i>FY 2002 \$545M</i>	<i>CMAQ funds, Bridge, Metro, Planning, Recreational</i>
<i>FY 2001 \$514M</i>	<i>Trails and SPR.)</i>
<i>FY 2000 \$470M</i>	
<i>FY 1999 \$429M</i>	
<i>FY 1998 \$350M</i>	

By comparison, IRR funding nationally was as follows:

<i>2003</i>	<i>\$225M</i>
<i>2002</i>	<i>\$275M</i>
<i>2001</i>	<i>\$275M</i>
<i>2000</i>	<i>\$275M</i>
<i>1999</i>	<i>\$275M</i>
<i>1998</i>	<i>\$275M</i>

A reasonable estimate of Arizona's share of these funds would be \$5-6M annually.

41. Are other funds available for tribes?

Alternate funding sources are available by working with the COGs as they are the planning and coordinating entities.

42. Funding sources: There seem to be a greater need for understanding the availability of funds from the various programs.

Participating through the local MPO/COG is a good way to learn about some of the funds available. FHWA discretionary funds have been essentially fully earmarked in recent years and make this source of funds difficult to receive.

43. Is there a book that cross-references and explains funds? Is there a series of forums connected to a handbook to “walk” a group through the process to accessing funding? Why not?

Not yet, but an outcome of these forums may likely be a handbook of information.

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

Panel Members:

- Jeff Swan, ADOT Holbrook District
- Dennis Alvarez, ADOT Tucson District
- Richard Powers, ADOT Globe District
- Ron Casper, ADOT Safford District
- Bill Alfier, ADOT Yuma District
- John Pein, ADOT-TPD Statewide & Regional Planning Team
- Bill Sapper, ADOT TPD Transit Team
- Lupe Harriger, ADOT TPD Priority Programming Team

TOPIC: COMMUNICATION & GOVERNMENT-TO-GOVERNMENT RELATIONS

1. How can ADOT work with tribes to establish realistic schedules to complete projects?

Partnering between the tribes and ADOT is encouraged for all transportation related projects/issues and has been very successful when the tribes and ADOT have worked together; e.g., the tribe doing archaeological, R/W and environmental work and ADOT doing the construction. It is also possible to leverage ADOT funds with BIA funds to get projects completed. An ongoing dialog between ADOT and the tribes is the key to keeping projects visible and on track. Also, knowing the requirements to properly clear a project helps set a realistic schedule.

Participate in the programming and the design of the project. Participation will help the project team understand tribal issues and processes so that realistic schedules can be developed and followed. Stay in contact with the tribes respective Districts where projects are planned so that priorities and schedules can be developed concurrently.

In the Yuma District, tribes are encouraged to get involved with YMPO. ADOT has a good relationship with them and active tribes are getting projected funded. Keep the lines of communication open with the District Engineer, Maintenance Engineer, Senior Resident Engineer and the District Development Engineer. "We are all approachable and will listen to your needs."

2. How can we all work together when tribal boundaries cross into multiple COGs/MPOs?

It is important to keep the communication open at the grass roots level, (DE, RE, District Maintenance, Development Engineer). We work with all of the planning organizations and can help coordinate between them. Remember that communication is a two-way street and we need to be accountable to each other and be open to questions from both sides. It is recognized that communication between ADOT and BIA has room for improvement – we can definitely do more in that area. Globe District noted that they have joint ADOT/Tribe/BIA meeting to develop innovative solutions to problems. At the TPD level, we use the COG's to both share and acquire information.

3. What protocol should be followed for each tribe?

Key contacts need to be established within each community (tribal and other), so proper protocols can be established. It is realized there is a special relationship between tribes and the federal government but there is also a need for cooperation between the state and the tribes. The Arizona Commission of Indian Affairs has a list of all Native American tribal contacts. Ron Lee is the Executive Director and point of contact he can be reached at (602) 542-3123 or Ron.Lee@indianaffairs.state.az.us.

4. Why weren't tribes involved in the MoveAZ process?

The initial planning group did not include tribal representation. This was an oversight on our part and has since been corrected. We now have tribal meetings planned.

5. What do we do when tribal boundaries overlap districts?

The recommendation is that it would be beneficial to work with both districts, dependent upon where the need resides.

6. How can communications be improved between ADOT, other state agencies and the tribes? A way to direct/funnel information to appropriate offices is needed.

The most effective process that has been found to date is to coordinate transportation related activities with the tribe's respective district. District personnel have both the knowledge and the ability to direct specific requests to where they can best be handled. Tribal contacts have been, in the past, based on personal contacts rather than through specific offices. It may help if there are specific offices that are points of contact for ADOT District personnel. Contacts for various state agencies can be found on the state website at <http://www.azdot.gov/webapp/portal/>. The ADOT Intermodal Transportation Division organization chart is available on the ADOT web page at <http://www.azdot.gov/Highways/ITDOrgChart.asp> and the ADOT Phone Book is located at http://www.azdot.gov/index_docs/Contact_ADOT.asp.

7. There is a need for getting more information on funding communicated to the tribes (email, forums, membership on decision-making committees, etc.)

Working with the respective district would initially help in obtaining additional information, it would also help tribal members and representatives become more knowledgeable about the process and prepare them for greater roles in the future. Being actively involved in the COG's would also be beneficial. Getting elected officials involved will help make them more visible as well.

8. How can ADOT engage BIA Roads Division?

ADOT consults with the BIA Roads Division on projects that are within reservation boundaries.

9. How can ADOT Maintenance and TERO's work together, particularly on a maintenance contract?

ADOT maintenance contracts should include Tribal Employment Rights Office (TERO) contacts if work is exclusively on Indian Reservation land. In some cases, the maintenance contract may be over a larger area and not exclusively on Indian land. In those cases, the TERO contacts may be included in the contract documents but the method of addressing the TERO requirements will change due to the location of the work.

10. Need to know how each department is to work all together.

Work with the respective Districts since they are in a position to coordinate with different departments and outside agencies.

11. How can the tribes help to improve the communication between agencies in trying to clear projects in a timely manner – bid date (e.g. R/W clearance, tribal council meetings, etc.)?

Work with the Districts and the respective project manager when coordinating clearances and tribal meetings. In most cases the District personnel will have knowledge of what is being proposed and what is programmed for projects within various Indian reservations.

12. Need to develop some type of local communication chart to identify contact points at ADOT Districts, Maintenance organizations and Tribal Districts & Chapter Houses.

There are organizational charts available on the ADOT Web page at www.azdot.gov and http://www.azdot.gov/index_docs/Contact_ADOT.asp. If the chart is not available on the Internet, contact the District office nearest the tribe for more information.

13. On Tohono O’odham Nation there is no central office where information can be sent so how do we share information with all the different agencies?

Work with the local District office to establish the contacts with the different offices that have information needs. Information need not be forwarded to a central office.

14. Tribal/ADOT interface still needs improvement from BOTH sides.

This forum and follow-up information provided to the attendees is a start of an interface improvement.

15. Issues should be resolved and brought up at the level closest to the work. Know the District Engineers and staff. Let them help be a conduit to the correct person.

Essentially, use the District Engineer and their staff to be the tribe’s coordinator in establishing relationships and getting needed information.

TOPIC: TRANSPORTATION PLANNING

1. Explain more about the MoveAZ goal on Stewardship.

The Arizona State Transportation Board envisions a multimodal state transportation system that is safe, efficient and dependable. Each mode will perform its specific role with all modes working together to provide the maximum mobility and connectivity for people, services and goods with a high priority for the pursuit of advanced technology. Improvements to the mobility of passengers and goods will incorporate concerns for the environment and will be accomplished through coordination with government entities, consultation with stakeholders and the general public as well as consideration of community values.

To facilitate future development in the state, through the implementation of performance expectations, the Board has established a framework of goals, factors and objectives for planning and programming transportation programs and projects.

The MoveAz Long-Range Goal on stewardship states: "A balanced cost effective approach that combines preservation with necessary expansions and coordinates with regional, tribal and local transportation and land use planning." Performance factors for this goal include preservation and mobility. The performance objectives for each are as follows:

Performance

- Preserve and maintain existing transportation infrastructure.*
- Develop and implement an access management program to preserve the functionality of the state highway system.*
- Coordinate planned transportation system expansions with future funding capabilities.*
- Increase efficient coordination of state transportation planning and programming processes with local, tribal and regional land use planning processes.*

Mobility

- Increase and/or protect capacity of the existing transportation system through increased use of traffic operation and management strategies, including Intelligent Transportation System (ITS) methods.*

Additional information on the MoveAz Long Range Transportation Plan can be viewed at www.moveaz.org.

2. What is the role of ADOT Engineering in the LRTP process?

Engineering is a very active player in the process. They are part of the Continuity Team, which helps coordinate projects and ensure their success. The Districts are also actively involved in the development of the Long Range Transportation Plan through requesting corridor studies and profiles that become part of the plan. The ITD Development Group provides input in terms of technical support.

3. Regarding MoveAz - Tribal Involvement.

It is in the interest of tribes to have input/comments during public forums. That gives us a sense of partnership with the State.

4. Where will the April 16th LRP Tribal Stakeholder Focus Group meeting be held?

The meeting currently is planned to be held at the Tribal Office of the Pascua Yaqui Tribe.

5. Where are the MoveAZ meeting sites for the tribes?

Aside from the MoveAz Tribal Focus Group Meeting to be held April 16th on the Pascua Yaqui Reservation, tribal representatives can attend the Freight and Economic Development Focus Group meeting on April 21st and the Transit Focus Group Meeting on April 22nd, both of which will be held in Tucson, Arizona.

There will also be Regional Solutions Forums held statewide as follows:

- *May 7th – Phoenix*
- *May 8th – Tucson*
- *May 9th – Yuma*
- *May 14th – Globe*
- *May 15th – Show Low*
- *May 15th – Kingman*
- *May 16th – Sierra Vista*
- *May 28th – Flagstaff*
- *May 29th – Prescott*

6. How will the State Transportation Plan be coordinated with MPO transportation plans?

The MPO transportation plans are required to be coordinated with the State Transportation Program and Plan since the State Transportation Board must approve both sets of plans. ADOT will consult with the MPO officials to address this issue.

7. How are tribal transportation plans coordinated with Statewide Planning?

ADOT receives copies of tribal long-range plans from the BIA Regional Offices once they are finalized. For some projects, tribes also submit their LRPs directly to ADOT for review and comment. ADOT can also obtain tribal LRPs by contacting the tribes individually. Also, ADOT district engineers encourage tribes to contact them of LRTP updates and efforts. The coordination process for statewide planning is a group effort. Anyone wishing to be involved can contact John Pein of the ADOT Statewide and Regional Planning Office at (602) 712-8239. The greater the involvement, the greater the benefit.

8. How are tribes integrated into the COGs? What is the cost and what if there are multiple COGs for one tribe?

COG membership is open to all tribes and in many cases integration into COG functions and efforts is best addressed through participation. Each COG has its own policy in terms of costs. The issue of tribes being involved in multiple COGs has never been addressed and the recommendation would be working with the COG involved to see how membership and planning efforts can be coordinated.

9. What is the value of freeways if they create gridlock?

The value of freeways is they are a part of the larger transportation system. The freeway infrastructure is necessary to convey not only personal vehicles but also transit vehicles and commercial trucking so that goods and services can be delivered.

10. The San Carlos Reservation lies mostly within the ADOT Globe District, with a portion inside the Safford District. Should planning focus between San Carlos and Globe to minimize confusion, or may planning efforts also include the Safford District?

Planning efforts should include both Districts and the San Carlos Reservation. Many of the issues may be within the Globe District but many times the issues will impact both Districts and San Carlos.

TOPIC: FUNDING

1. Why are tribes excluded from HURF funding?

Refer to Title 28 Arizona Revised Statutes, Chapter 18 Distribution of Highway User Revenues on the Arizona Legislative Information Services website at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp> which outlines how HURF is distributed to the state, counties and municipalities. The formula distributes the funds to the state, counties, and municipalities with no monies available to the tribes.

2. Why can't HURF be shared with the Tribes and can we get HURF in the future?

The simple answer is because of State law. There is no provision in the statute for directing money to tribes. Is there a way to share? Yes, through cooperative projects where the tribe contributes some of the funds and the State provides some, e.g. the Window Rock Airport Bridge. Also, routine maintenance is done with State funds. In the Holbrook District for example, \$5 - 6 M per year is spent in maintenance of state highways on reservation land.

3. Can we get HURF in the future?

The only way to change the HURF distribution rule is through the legislature. Another way for tribes to access HURF is to reach an agreement with a county or municipality to use HURF monies on a cooperative project.

4. Why are HURF funds not shared with the tribes?

HURF funds are distributed by formula, outlined in Title 28 Arizona Revised Statutes, Chapter 18, to the state, counties, and municipalities. The formula does not include tribes.

5. If Indian Nations collect or pay fuel taxes, then why are HURF funds not given to them?

Indian Nations do not collect fuel taxes since the tax is at the distributor, or rack. Indian Nations, as governmental agencies, do not pay fuel taxes and may get reimbursement through the Department. Contact Kathy Morley at ADOT for additional detail. She can be reached at (602) 712-4027 or kmorley@azdot.gov.

6. How can tribes get HURF funding for tribal work?

Tribes could possibly access HURF funding through intergovernmental agreements with county governments. Obtaining direct funding from the State of Arizona is not possible since the State statutes are written in such a manner that the counties and municipalities receive HURF funds directly from the State and the formula does not include tribes.

7. How can tribes participate in the use of HURF funds?

Tribes would have to reach some type of agreement with either counties or municipalities to use HURF funds.

8. How are the state taxes processed to the tribes from the HURF revenue?

Tax revenue that goes into the HURF are primarily State fuel taxes and monies realized from vehicular registration and title fees. The fuel taxes are collected at the “rack” (wholesaler), which means that retailers are charged the tax and pass that charge on to the consumer. Essentially when the consumer buys fuel they pay the tax regardless of where the fuel is sold which means fuel sold to Indians on Indian land is subject to the State fuel tax.

9. Is the HURF fund distribution process open to restructuring or exemption via tribal waivers?

To the best of our knowledge, the formula outlined in the State statutes can only be revised by the State legislature. The distribution of HURF monies collected from Indians on Indian lands can be addressed through entering into a compact with ADOT outlining the reimbursement of those eligible fuel taxes.

10. How is the \$0.18 tax distributed to the tribes?

The tax is collected at the “rack” on a per gallon basis. For those tribes that have fuel compacts, the basis of return is the gallons of fuel sold at reservation pumps, e.g., the Navajo have a compact. If the tribe has no compact, the tax collected stays with the State. The revenues do come back to tribal lands through the maintenance and construction work on State highways that pass through the tribal lands.

11. How is the \$0.18 state fuel tax reimbursed to the tribes?

There is no reimbursement unless there is a compact between the state and the tribe.

12. How can we put our own tax on fuel, or waive the tax we “pay” but are not having returned?

Some tribes in other states have created their own gas tax. An Oklahoma court case outlines the requirements for this process. To our knowledge, there is no way to waive the taxes on fuel being distributed to the reservations. As noted above, the Navajo have entered into a compact with the State to retrieve the tax for gasoline sold on the reservation. Contact Kathy Morley at ADOT for additional detail. She can be reached at (602) 712-4027 or at kmorley@azdot.gov.

13. Could you provide additional information about fuel and other taxes that the tribe can use on our own or how to waive it?

Additional information can be obtained by contacting either the Navajo Nation Tax authorities or Kathy Morley at ADOT she can be reached at (602) 712-4027 or kmorley@azdot.gov.

14. How can fuel tax be implemented on the Tohono O'odham Nation (TON)?

Implementation of a tribal fuel tax would most likely be up to the individual tribe. To negotiate a compact to return some of the fuel tax monies collected from tribal members on fuel sold with nation land, please contact Kathy Morley at ADOT for additional detail. She can be reached at (602) 712-4027.

15. Can the reservation use state, gas and diesel tax?

State fuel tax revenues are used on state highways within reservation boundaries in terms of maintenance and construction expenditures. Any other programs are subject to the law and rules that apply to the use of State monies within reservation boundaries.

16. Why is a fuel compact required?

The State of Arizona, in accordance with guidelines established by a Supreme Court decision, has set the fuel tax at the "rack", which means the tax is passed onto the retailers as a cost of fuel. To reimburse tribes for their share of the tax, a compact must be entered into with the State. It provides a framework for how the State and tribes can work together and how a State tax can be collected.

17. Why is it necessary for tribes to have a fuel compact with the state?

The State of Arizona, in accordance with guidelines established by the Supreme Court, has set the fuel tax at the "rack", which means the tax is passed onto the retailers as cost of the fuel. To reimburse tribes for their share of the tax, a compact must be entered into with the State.

18. What are the rules and guidelines for HELP funds?

Applications are solicited on a semi-annual basis and submitted through ADOT. Indian Tribes are eligible for Highway Expansion and Extension Loan Program (HELP) funds and details can be found on ADOT's website at http://www.azdot.gov/Inside_ADOT/Help/index.asp.

19. Where can the tribe get information on funding?

In the Tucson District, the District Engineer Dennis Alvarez, is the primary contact for getting projects into the Five-Year Program. Coordination can also be done through PAG to learn more about getting projects funded, dependent upon need. Similarly, the District Engineers for Safford and Globe Districts are good points of contact along with the contacts for the other MPOs and COGs.

It should be noted that information is a two-way street. The tribes also need to provide information such as traffic counts, safety data, etc., to help justify funding and prioritization for projects, e.g. this helped get funding for street lighting and walkway in the community of Bylas on the San Carlos Apache Reservation.

20. How effective has it been for tribes to work with COG's? Membership dues are a concern for the tribes and it is difficult when a reservation straddles multiple COGS'.

Tribes that are active participants in the process are successful in getting projects funded, as we cited in several examples. For the tribes to become effective they need to participate. If participation is difficult, the Districts will help where possible. Tribal members can attend COG/MPO meetings without being voting members, which provides an excellent opportunity to get information and learn about the process.

21. Can tribes enter into stewardship agreements with the state or FHWA?

The possibility exists though there has been no such agreement to date. This is the same process as with federal funding. Tribes must follow State statutes and work through the MPO or COG. Or the tribe can partner with the State and jointly fund projects as previously mentioned.

22. Will the Long Range Plan (LRP) funding be available?

The answer is both yes and no. Funding will be available for some of the plan. As noted during the forum the plan is to recognize fiscal constraints i.e. the plan is required to be fiscally constrained; so planned projects will be funded. However, not everyone's needs and desires will make it into the plan for that reason. We are not planning based on unlimited funding.

23. Could you provide additional information on the 2003 STIP?

The 2003 STIP has been approved and is now in the process of being published. The STIP website is updated and even includes STIP amendments; it can be accessed via the web at <http://tpd.azdot.gov/pps/default.asp>. Additional information can also be received by contacting Debbie Mayfield at (602) 712-7622 or Lupe Harriger at (602) 712-8238, both at ADOT.

24. STIP stakeholders – where are the Tribes?

Tribal transportation projects are represented primarily by BIA Roads program that is submitted to the Federal Highway Administration (FHWA) and then included in the State program. Input to the State program is accomplished through input to the programming and design of State highway projects.

25. Why isn't the BIA TIP combined with the State TIP?

These are two totally separate processes and there is not a plan to combine them. However, the plans are coordinated. ADOT receives BIA's TIP and adds it to the Statewide Transportation Improvement Program (STIP). Perhaps the tribes could help facilitate this process in the future.

26. How do I find out more on Transportation Enhancement Funding?

Talk to the District personnel to see what funding is available and how it can be used. The best way to get results is to keep it at the local level. Also see: http://www.azdot.gov/Highways/EEG/enhancement_scenic_roads/enhancement/index.asp.

27. What is the status of TEA-21?

There is a State Summit on Reauthorization to be held on April 24th. The location is yet to be determined.

28. How are Transportation Planning Projects funded?

Under its Small Area Transportation Program, ADOT has funding for transportation planning projects at an 80-20-match rate. ADOT will provide 80%, with a 20% contribution from the tribe. We would also like to see transit service planning projects, as funding is available annually to sustain the program.

29. Could you explain the TERO Program Coordination requirements?

An issue was raised regarding ADOT Maintenance contracts not being included in TERO requirements. We do a good job of including TERO stipulations in construction contracts, but often overlook in maintenance contracts. This is partially due to the fact that each tribe has its own rules, such as the dollar amount of the contract. Several tribal representatives noted that the tribes would like to have an opportunity to participate in these contracts (e.g. Sacaton rest area maintenance).

30. What type of budget funds the engineering portion of ADOT (percentage)?

ADOT is primarily funded through the State Highway User Revenue Fund. A portion of the Department's budget is appropriated by the State legislature and the remaining portion is used to match federal aid funds for the construction program. There are other programs such as the half-cent sales tax in Maricopa County that funds specific activities performed by the department.

31. What mass transit funds may be available from ADOT?

ADOT distributes "federal" transit funds directly to tribes that have qualifying transit programs. Please see the following website for more information: <http://www.azdot.gov/PTD/index.asp>. ADOT itself does not distribute "State" transit funds.

32. There is a need for smaller busses and additional bus stops.

There are programs available to qualified tribes for the purchase of smaller buses though there is a financial match required for these programs. The local transit system would determine the number of stops. Please contact the Sam Chavez of the Public Transportation Division of ADOT at (602) 712-8956 or see the following website for additional information: <http://www.azdot.gov/PTD/index.asp>.

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

Panel Members:

- Vernon Palmer, BIA Western Regional Office
- Bob Maxwell, BIA Western Regional Office

TOPIC: INDIAN RESERVATION ROADS PROGRAM

1. Where does BIA funding come from?

Funding has come from the Highway Trust Fund since 1982. Congress has made refinements and they have been made aware of tribal needs. The funding formula utilized is "relative need" which includes the cost to construct a section of road from existing to 20-year life. "Cost to construct" includes signs, striping, right-of-way, fencing, etc. and is factored in with "vehicle miles traveled" and "population" to assist in the funding process.

2. Why are so many people involved in the funding process?

Many entities must interface in order to successfully obtain and manage funding.

3. Please provide some detail on the Indian "Restoration" Program.

There is \$13 million available annually for bridges, etc. that need repair. Non-BIA system IRR bridges and their costs can be shared with ADOT or other entities. They build roads, new roads, reconstruction, rehabilitation, road sealing (up to 15%), and bridges. Mass transit infrastructure is being discussed, but funding has not increased which makes it difficult at this time.

4. What about IRR Planning funds?

The tribe must approve funds for this specific purpose.

5. What about BIA contracts?

Buy Indian - self-certifying, 51% Indian owned. All construction work is contracted out (93-638 contract). Open market, a lot of work is subcontracted. Negotiations have not been completed yet on compact, but hope to in the next year. 30 - 40% of work done is done via 638 contracts. BIA often uses ADOT specs on projects. National Institute for Certification in Engineering Technologies (NICET) certification is required for all inspectors. Quality is normally very good. \$12 - \$14M stays in Arizona. The BIA provides Indian preference.

6. What amount of money is allocated for the 41 tribes in the BIA Western Region?

\$20 to \$24M annually is allocated for 41 tribes. Presently the BIA is doing an inventory update of all BIA roads. Funding is based on cost to construct (50%), vehicle miles traveled (30%) and population (20%). Project selection is based on transportation plans, political considerations or over-riding safety concerns. There is a 10-year priority cycle.

When BIA partners with other entities, (e.g. State/county) it takes BIA funds away from other priorities. Project development takes approximately two years including survey, design, archaeological and environmental elements and public involvement.

7. What are other IRR funds?

Bridge rehabilitation, discretionary and Emergency Relief for Federally Owned Roads (ERFO) funds are additional resources and must be channeled through the State process.

8. What about rule changes?

Proposed rules and rule changes are being researched. Engineering design will remain the same. Funds will also remain the same. Rules will be published stating all situations that can be funded.

9. Define IRR System.

The IRR System includes all roads leading to or on a reservation. Most all are eligible for funding. However, they must have right of way or construction easements prior to construction.

10. What are the requirements of the new management system?

The BIA is required to have a management system(s) for safety, bridges, etc. Bridges are inspected on a 2-year cycle.

11. Could the BIA contribute to a joint partnering with ADOT (e.g. to provide the survey, archeological and environmental studies) if ADOT did the construction?

Yes, with tribal support.

12. If the tribe has construction money, can they request BIA support?

Yes, but all projects must go through TIP and be placed on the tribal priority list.

13. Can 2% funds be used to match the ADOT Small Area Transportation Studies?

Yes they can be used to match.

14. What does 638 contracting mean?

Early in the 1970's, Congress passed a bill that all tribes have the right to contract any and all tribal programs (93-638).

15. Has the BIA been involved in appropriation of Hazard Elimination and Safety (HES) funding to tribal costs?

The BIA has not attempted to get these funds. We are now aware of how to access them.

TOPIC: ROAD MAINTENANCE

1. Who is responsible for maintenance and construction of roads on tribal lands?

The BIA is responsible. The BIA receives \$40 - \$50M annually for maintenance. The BIA or the 638 contract, either maintains the roads. The State is responsible for State highways that traverse tribal land, which include numbered Interstates, U.S. Routes and State Routes.

2. Please provide some detail additional information on road maintenance?

The Department of Interior provides an appropriation of \$40 – \$45M annually for maintenance. This amount has been the same for the past 6 to 7 years, which has hurt the roads program. The Western Region (4,779 miles) receives approximately \$4M annually for all costs including labor, materials, supplies, equipment maintenance and replacement, which is not near enough to meet the total needs, given the expanse of territory from high mountains to low deserts.

3. Has the BIA ever calculated maintenance costs per mile of BIA roads?

An aggregate of the entire region has not been calculated due to the vast number of unique situations.

TOPIC: GENERAL

1. Is crash data utilized when prioritizing projects?

Crash data is used, but the tribe uses its resources to evaluate safety concerns and issues. Specific crash data may not be used, but everything is considered.

2. Would it benefit BIA roads to ask for more information on road safety data?

Sovereignty and privacy of data present issues in this matter. BIA has not been able to get the information in the past. Most recent crash data is two years old. New data is available, 1996 to present, for the Tohono O'odham Nation.

3. Does the BIA get involved in IGA's with other entities?

Normally, the BIA does not get involved in IGA's with other entities; it is usually handled at the agency/tribal level. BIA stays out of operations. BIA has been involved with some IGA's with the State for intersection improvements, traffic signal construction and bridge replacement.

4. Why isn't Vernon Palmer more available to tribes? Why is NDOT better than ADOT?

There are different people to deal with at NDOT. ADOT uses a give and take process, which works quite well. NDOT/BIA meet as equal partners to discuss issues.

5. How many regional offices does BIA have?

There are 12 regional offices nationally. \$24M is dedicated to the Western Region Office (WRO) and is distributed to each tribe.

6. How many employees are on the BIA-WRO staff?

There are approximately 34 staff members at BIA-WRO. There are ten design staff, two engineers and two technicians. Construction staff includes six staff members, planning has one and the remaining employees are in Archeology, Environmental, IT, Maintenance and Administration.

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

Panel Members:

- Don Freeman, Pima Association of Governments
- Bill Leister, Central Arizona Association of Governments
- Steve Tate, Maricopa Association of Governments
- Larry Hunt, Yuma Metropolitan Planning Organization

TOPIC: MEMBERSHIP

1. How can tribes become members?

Both tribes in PAG jurisdiction requested membership last year. An application is submitted, which is reviewed and approved by the membership. The membership fee is paid and voting membership is granted. Tribal representatives have full voting rights. The number of seats available is one per governmental agency. The term of service is based upon the term of the elected official serving on the board. To be a member of the board, you must have an elected official of the tribe. Membership fee is based upon the population size of the governmental unit.

PAG receives \$16M per year from the federal government and \$16M from the state, a total of \$32M in transportation funds. Various committees and subcommittees serve to resolve issues related to the plan.

Process of membership in CAAG is basically the same.

PAG has provided a copy of Bylaws, which outline membership requirements. The Bylaws are included in the Appendix.

2. Can each district of a tribe be a member of a COG or MPO?

The Tohono O'odham Nation has 11 districts; each one cannot hold a seat at the present. Only one voting membership per government agency is currently allowed. This issue needs more thought. One argument is that each district is like a county, having its own local government jurisdiction. This may help resolve the situation where tribal boundaries overlap multiple COGs. The other argument is similar to having a city with multiple districts; each district cannot have its own member, only the city as a whole.

TOPIC: GENERAL

1. What does a COG/MPO do?

Each has its own set of by-laws, but the basic responsibility is transportation planning. They prepare a Regional Long Range Transportation Plan and a Five-Year Capital Improvement Plan. They distribute the allocations of federal funds to regionally important projects. They perform various planning studies at the request of their membership. They may also undertake land use coordination, water and air quality issues, etc.

2. Explain the alphabet soup of COG/MPO/MAG/PAG/CAAG/YMPO?

COG stands for Council of Governments. It is a non-profit organization that does the transportation planning for its member agencies within its jurisdictional boundaries. The Central Arizona Association of Governments (CAAG) is an example of a COG and serves Pima and Pinal Counties. An MPO is a Metropolitan Planning Organization and provides the functions of a COG for an urban metropolitan area. It serves as a conduit of federal dollars and is required to prepare a Long Range Plan and a Transportation Improvement Plan. The Governor makes the MPO designation. The Pima Association of Government (PAG) has MPO authority and also performs other functions as well.

The Maricopa Association of Governments is also an MPO, with 30 members in the Phoenix Metropolitan area. There is a two-tier voting system. For non-disputed issues, it is one member-one vote. For certain controversial issues or disputes, the voting may be weighted by population size of the government agency. In addition to federal and state funds, MAG also oversees the cent sales tax money directed toward freeway construction. MAG prepares air quality plans

and models and other traffic models. It administers \$40M of CMAQ (for air quality) funds and \$40M of STP funds. Gila and Salt River Tribes are members of MAG. Our agendas are posted on our website. We have a public involvement process, but don't specifically target entities that are not members. Projects are typically planned five years out. There is some question about the lack of synchronicity between the federal TIP the tribes submit into and the MAG TIP.

The Yuma Metropolitan Planning Organization (YMPO) encompasses all of Yuma County, plus a small sliver of California along the Colorado River. It includes the Cocopah Tribe, which is a member organization. Membership fees are based upon population size. There are currently seven seats on the Board, one vote per member, unless a controversy exists; then votes are weighted by population. YMPO has four ex-officio members, the Marine Corps Air Station, The Airport, Imperial County, California and the BIA. These are non-voting advisors. Term length is based upon the member's status in their respective agency.

3. Can functional classification be changed?

You can add new roads to the functionally classified system. In the past, in order to do so, you had to give up roads elsewhere. With the new legislation, this may not be quite an issue, in that population growth will be factored in, making it possible to add roads without giving anything up. However, in some rural areas, this may not be the case because the population has not significantly grown. If you want to reclassify a road, you will need to work with your COG. Substantial and specific data is required for justification on the application.

TOPIC: DATA

1. What data is available with respect to the tribes?

Census and population demographic data is used to model and plan for future needs (forecasts up to 25–30 years). We also have aerial photos and other survey information like traffic studies that include the reservations. We may also have feasibility studies, bridge studies, environmental studies and other similar information. MAG has also been doing some economic modeling for the LRP. Rural COG's do not have as much modeling capability as the MPO's, but can normally provide traffic counts and accident information. Traffic counting equipment can also be provided upon request.

2. Why does PAG not have information on Tohono O’odham Nation, when it is a large part of Pima County?

PAG is currently funding an I-19 corridor study, along with ADOT. There is also an I-10 study to the east. These studies are set up to determine future needs, including ultimate build-outs.

TOPIC: FUNDING

1. How are the activities of a COG/MPO funded?

They are primarily funded from membership fees and transportation planning funding from the federal government. Other sources include some ISTEAs funds flexed over for planning purposes; environmental grants Arizona Department of Environmental Quality (ADEQ) funding and a variety of smaller sources.

2. Is funding in the TIP available to the tribes?

Funding is available in the TIP and tribes are encouraged to submit project applications as equal partners of the COG or MPO.

3. How can the COG/MPO help tribes prepare applications?

We can help the smaller entities put together budgets and applications, especially those that don’t have internal technical people designated for this purpose. (Note, this assistance was offered by all COG’s present.)

4. What requirements are associated with funding program, e.g. Enhancement Funds or 5310? How can the tribe apply?

There is an annual application process for each program. If you are a member, you will be notified of the program. The State (ADOT) reviews the applications and assists in determining who receives the funding. Enhancement grants can be applied to roads both on and off the State road system. ADOT can help you with the application process. Funding designated in the TIP is predominately based upon road classification, so applications need to be carefully reviewed to make sure they qualify for federal funds.

5. How can projects be funded if they cross COG boundaries?

Each project must have an “owner” so one entity or the other would have to sponsor it. Projects on the State system would have an ADOT leader and would establish the systems and processes to get the job accomplished.

TOPIC: COMMUNICATION AND COORDINATION

1. How can communication and coordination be maintained if the tribe has insufficient staff to attend all the meetings?

This problem is recognized within all of the COG's. The more work that is done and funded, the more meetings that are required to plan and coordinate. If you can't have staff attend the meeting, work with the COG to determine a way to get the information you need (e-mail, teleconference, sending a designated substitute {except for voting issues}, etc.). We will try to accommodate your needs.

2. How are COG/MPO activities communicated?

E-mail notifications are sent advising of meetings, information is also posted on our web sites and through mailing to our memberships. Minutes of the meetings are sent to members not in attendance. In most cases, teleconference capability can be set up for members not able to attend in person.

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. Following are the comments made by participants during the closing session:

- There is a clear need for more involvement and access to additional funding for tribal projects.
- We appreciate the various government agencies for working together to set up this forum and for our ability to meet the representatives of each.
- This was a good opportunity for tribes to get together with state and federal agencies to share information. We are concerned that we will be able to keep up the communication and follow up on the idea presented.
- We have a better understanding of how we interact with each other. We made friends and wish to continue the dialog. We raised many issues and the forum gave us direction of where to focus our efforts.

- Synergy – the whole is greater than the sum of the individual parts. We better understand each other’s needs and resources, and how we can apply them together.
- We didn’t know what to expect. It was a real eye-opener for us and we learned a lot.
- The forum helped answer a lot of our questions regarding COGs/MPOs, etc. It was a positive step for all to be educated. Great Idea!
- Good start on a dialog that is long overdue. This shows we all have a common goal. Thanks!
- We all should be teachers and educate the outside world to what we have learned. The tribes just want their fair share. The air quality information was helpful.
- For your information, the unemployment rate on reservations ranges from 25% to 76%. Transportation systems don’t just offer TERO jobs on projects; better roads lead to a better economy overall, especially for rural tribes. As our road systems improve, so does our overall welfare. Thank you for the forum.
- Good information was provided over the last day and a half. Thanks to ADOT.
- Everyone is here with a common vision to serve our customers.
- Thanks to everyone who put this event together. We should perpetuate this annually. The forum helped us develop a common understanding.
- We need to cross-train each other so we can understand more and help each other to be successful. The forum opened our eyes to new sources of funding.
- Helped with our understanding of Southern Arizona tribes and provided an opportunity to get to know each other. We liked the interaction, learned a lot and developed new ideas. Let’s perpetuate this momentum.

CONCLUSION:

Forum Results

Forum Goals

With completion of the Southern Arizona Region State–Tribal Transportation Forum, staff of the FHWA and ADOT 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 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 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 Interactive Panel 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 as 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. Thirty (30) sheets were returned: seventeen (17) tribal, two (2) BIA, one (1) Indian Health Service (IHS), two (2) MPO, two (2) town, and six (6) 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 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 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 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.

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 eight tribes represented at the forum 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 capacity:

Ak-Chin Indian Community – Has an established Planning and Development Office, a community planner, a roads manager and a road maintenance department.

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

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

Gila River Indian Community – Has an established Department of Transportation with a director, planner, engineers and right-of-way agents. Tribal school districts also have a transportation director.

Pascua Yaqui Tribe – Has a Community and Economic Development Office with a director, community development coordinator and planner.

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

Tohono O’odham Nation – Has an established Planning Committee, a Planning Department with a director, a transportation planner and other multiple planners. Tribal districts also have a designated planning staff.

White Mountain Apache Tribe – Has an established Transportation Committee, a Transportation Planning Sub-Committee, and one transportation coordinator.

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, some potential networking strategies identified for consideration by tribal, regional, state and federal agencies included:

- Partnerships are viewed 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.

- Improving tribal, state and federal relationships requires giving and getting feedback on our issues and concerns.
- Consider that FHWA does not select or manage any construction projects; they are strictly a funding source to other agencies for their programs.
- Work through the MPOs and COGs to identify and promote projects.
- FHWA only *provides* the STP funds – it is the state, MPOs and COGs that *decide* how they are spent.
- Get involved in the statewide and regional transportation planning process, i.e., the Arizona long-range transportation planning and transportation improvement programs.
- FHWA Arizona Division is willing to meet with individual tribes to discuss their transportation related issues.
- FHWA works with ITCA and ADOT on new initiatives to improve communication with tribes.
- Be aware of upcoming projects and get involved in the environmental process.
- Get to know the ADOT staff.
- Provide accident and traffic data.
- Share programming efforts.
- Outline information sharing and decision-making protocol.
- Key contacts need to be established within each community (tribal and other) so proper protocols can be established.
- Participate in the various agency-programming processes.
- Submit to the ADOT districts, project requests along with how the tribe can participate.
- Develop relationships with tribal elected officials and staff.
- Develop localized agreements.
- Involve ADOT headquarters staff when needed.
- Under IRR consider that proposed shared cost projects must be authorized and prioritized by the tribal council and be on the IRR-TIP.
- Tribal officials are encouraged to get actively involved in the COG processes and to get transportation needs programmed into the plan.
- It is suggested that tribes continue to work with ADOT districts to coordinate activities and include the other agencies as required.
- Participation on the working committees of the COGs and MPOs would be a key area of focus.

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 comments 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 agencies as a working reference source in their pursuit of implementing networking strategies.

Participant Survey and Questionnaire Results

- Pre-Forum Survey: Sixty-two (62) of eighty-seven (87) were completed and returned.
- Participant Feedback of Forum Effectiveness Questionnaire: Forty-two (42) of eighty-seven (87) were completed and returned.
- Consultation and Communication Protocol Information Sheets: Thirty (30) of eighty-seven (87) 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 develop resources for use by tribes and all transportation agencies within Arizona.
- A summary of the results of the Pre-Forum Survey and Participant Feedback of Forum Effectiveness Questionnaire are included in the Appendix of this report.

Next Steps

The Southern Arizona Region State-Tribal Transportation Forum was the second of a series of three state-tribal transportation forums planned to cover the various regions of the State. Once the regional forums are completed, all forum results 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. These 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

**SOUTHERN ARIZONA REGION STATE-TRIBAL
TRANSPORTATION FORUM
SAN XAVIER RESERVATION, ARIZONA
MARCH 11-12, 2002**

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**SOUTHERN ARIZONA REGION STATE-TRIBAL
TRANSPORTATION FORUM
SAN XAVIER RESERVATION, ARIZONA
MARCH 11-12, 2003**

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**SOUTHERN ARIZONA REGION STATE-TRIBAL
TRANSPORTATION FORUM
SAN XAVIER RESERVATION, ARIZONA
MARCH 11-12, 2003**

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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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March 11-12, 2003**

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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
TRANSPORTATION FORUM
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**SOUTHERN ARIZONA REGION STATE-TRIBAL
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MARCH 11-12, 2003**

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APPENDIX B
COG/MPO Contact List

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COUNCILS OF GOVERNMENT
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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)

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

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

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APPENDIX C
Bylaws of Pima Association of Governments

BYLAWS
OF
PIMA ASSOCIATION OF GOVERNMENTS

ARTICLE I
STATEMENT OF PRINCIPLES AND POLICIES

Section 1:

The underlying concept of the Pima Association of Governments is that cities, towns, counties and tribal governments which are closest to the people, should exercise the basic initiative and leadership and that they should have the primary responsibility for addressing those local problems and needs which require action on an area wide or regional basis.

Section 2:

The area of concern for the Pima Association of Governments is defined as the entire area of Pima County.

Section 3:

Constructive and workable policies and programs for meeting area wide problems of local government will be most effectively and expeditiously developed by regular meetings of governmental unit members in an area wide voluntary and cooperative association dedicated to the solution of these problems.

Section 4:

The Pima Association of Governments is based on the principle of equality of membership. Nothing contained in these Bylaws shall authorize the Pima Association of Governments to intervene in matters that are essentially within the jurisdiction of any one (1) member without its consent.

Section 5:

The Pima Association of Governments is not, nor is it intended to be, a substitute for local government. It is, however, an organization through which individual governmental units can work on regional problems and coordinate efforts.

ARTICLE II

DEFINITIONS

Section 1:

Association. Association, as used in these Bylaws, means the Pima Association of Governments, a nonprofit corporation of the State of Arizona created pursuant to Title 10, Arizona Revised Statutes.

Section 2:

Regional Council. Regional Council, as used in these Bylaws, means the membership of this corporation. The number and qualification of members is set forth in Article III of these Bylaws. The Regional Council is also constituted as the Board of Directors of this corporation.

Section 3:

Standing and Special Committees. Standing Committee, as used in these Bylaws, means any permanent committee(s) formed by the Regional Council to conduct studies and projects on a continuing basis. Special Committee, as used in these Bylaws, is any committee(s) formed by the Regional Council on a temporary basis for the completion of special studies and projects.

Section 4:

Tribal Government. Tribal government as used in these Bylaws, means any sovereign tribe or nation federally recognized pursuant to 25 U.S.C. 479a, whose sovereign lands are located within Pima County, Arizona.

ARTICLE III

MEMBERSHIP

Section 1:

A person shall not be eligible to represent a city, town, county or tribal government as a member of this corporation on the Regional Council unless he or she is a duly elected official of a city, town, county or tribal government located in Pima County or is the Governor appointed District II member of the Arizona Transportation Board. The District II representative on the Regional Council shall vote on transportation matters, policy decisions including the budget and work program and the election of

officers only. The city, town, county or tribal government may designate a non-elected official to represent their interest. However, the non-elected official's vote on any Pima Association of Government's policy matter shall be subject to the approval of the elected officials of the city, town, county or tribal government which he or she represents.

Section 2:

The membership of the Pima Association of Governments can be increased by a majority vote of the members.

ARTICLE IV

MEETINGS OF MEMBERS

Section 1:

The annual meeting of the members of the Pima Association of Governments Regional Council shall be held at the regular monthly meeting of the Regional Council in January beginning in the year 1971, and at every regular January meeting of the Regional Council in every year thereafter, in Tucson, Pima County, Arizona, at a place to be designated in the notice of the meeting.

Section 2:

Regular meetings of the members may be held in Pima County, Arizona, with the time, date and location of said meetings to be determined by the Regional Council.

Section 3:

Special meetings of the Regional Council may be held in Pima County, Arizona, whenever called in writing by the Chair or Vice Chair. In the absence of the Chair, any two (2) members of the corporation may call said meetings. The place of holding special meetings shall be designated in the notice.

Section 4:

The calls and notices of all meetings of the members shall conform to the provisions of Article V of these Bylaws.

Section 5:

The Chair, or in his/her absence, the Vice Chair shall preside at such meetings. Should both the Chair and Vice Chair be absent and a quorum still exist, the remaining members shall elect an Acting Chair to preside over the meeting until the return of the Chair or Vice Chair.

Section 6:

Each member of the corporation is entitled to one vote on all matters coming before any meeting of its membership, and each member of the corporation, including the Chair, Vice Chair and Treasurer of the Regional Council may be represented in vote by proxy. All proxies shall be in writing and shall be filed with the Secretary. If instructed by the Regional Council, the Secretary shall enter a record of such proxies in the minutes of the meetings.

Section 7:

A simple majority in number of the members, either in person or by proxy, shall constitute a quorum for all purposes. However, no meeting shall be convened unless one member is present at the designated time and place for such meeting. In the absence of a quorum, the Chair of the meeting may adjourn the meeting from time to time without notice, other than by announcement at the meeting, until members sufficient to constitute a quorum shall attend, either in person, or by proxy. At any adjourned meeting at which a quorum shall be present any business may be transacted which might have been transacted at the meeting as originally notified.

Section 8:

All informalities and/or irregularities in calls, notices of meeting and in the manner of voting, form of proxy credentials, method of ascertaining those present shall be deemed waived if no objection is made at the meeting.

Section 9:

The Regional Council may adopt rules governing its procedures.

ARTICLE VNOTIFICATION REQUIREMENTS FOR MEETINGS
OF REGIONAL COUNCILSection 1:

Whenever all of the members shall meet in person or by proxy, such meeting shall be valid for all purposes without call or notice and at such meeting any corporate action may be taken. Whenever all of the Regional Council members meet, such meeting shall be valid for all purposes without call or notices. No call or notice of any meeting of the members shall be necessary if waiver of call and notice are signed by all of the members. Respective of the intention of this section, no meeting shall be convened unless one member is present at the designated time and place.

Section 2:

At least five (5) days before the day of the meeting of the members, the Secretary, when requested by the Chair, or in his/her absence by the Vice Chair, or a majority of the Regional Council, shall cause a written notice setting forth the time, place and general purpose of the meeting to be delivered personally or by mail with postage prepaid to each member of record at the member's last post office address as it appears on the books of the corporation.

Section 3:

Any meeting of the Regional Council sitting as a Board of Directors may be called by the Chair or in his/her absence the Vice Chair, or by a majority of the Regional Council, and notice of such meetings shall be given by the Secretary at least twenty-four (24) hours before the time fixed for the meeting and such notice shall specify time, place and general purpose of the meeting and shall be delivered personally or mailed, postage prepaid, to each member's last post office address as it appears on the books of the corporation, or shall be communicated to the member by telephone.

ARTICLE VIMEETINGS OF COMMITTEES --- NOTIFICATION REQUIREMENTSSection 1:

Standing and Special Committees shall meet on the call of their Chair with notification to the Committee members and to the Secretary two (2) days prior to meeting of said Standing or Special Committees.

ARTICLE VIIREGIONAL COUNCIL SITTING AS A BOARD OF DIRECTORSSection 1:

The business and affairs of the corporation shall be conducted by the Regional Council sitting as a Board of Directors at properly called meetings.

Section 2:

In case the office of Chair, Vice Chair or Treasurer becomes vacant, the remaining Regional Council members, by affirmative vote of the majority thereof, shall elect a successor to hold office for the unexpired term of the officer whose position shall

be vacant. The successor shall be chosen amongst the duly elected representatives selected by the member agency to serve on this corporation.

Section 3:

Each director is entitled to one vote on all matters coming before any meeting of Regional Council, and each director may be represented in vote by proxy. All proxies shall be in writing and shall be filed with the Secretary. If instructed by the Regional Council, the Secretary shall enter a record of such proxies in the minutes of the meeting.

Section 4:

The powers and functions of the Regional Council subject to the limitations hereinafter stated, shall include, but not be limited to, the following:

- a. The formulation of policy decisions and determination of policy matters for the corporation.
- b. The approval and adoption of a budget and work program for each fiscal year.
- c. The initiation and/or request for studies to be undertaken either by inter-agency agreement, contract, or otherwise as they may deem appropriate.
- d. The right of any director at any meeting of the Regional Council to propose a subject for study by the Pima Association of Governments.
- e. The right of any director at any meeting of the Regional Council to request review of any action taken by the Standing or Special Committees during the interval between meetings of the Regional Council.
- f. The appointment of such standing and special committees deemed necessary to achieve the purposes of the Association.

Section 5:

No person shall have the authority to make or execute binding contracts on behalf of the Pima Association of Governments except upon approval of the Regional Council.

ARTICLE VIII

OFFICERS

Section 1:

At the annual meeting, the members shall elect the following officers of the corporation: Chair, Vice Chair, and Treasurer.

Section 2:

The Chair shall be the chief executive of the corporation and shall exercise general supervision over its affairs. He/she shall sign on behalf of the corporation all documents requiring the signature of the corporation and shall do and perform all other acts and things which the Regional Council may require of him/her. He/she shall serve without compensation.

Section 3:

In the absence of the Chair, or his/her inability to act or serve, the Vice Chair shall have the powers of the Chair. He/she shall perform such further duties as the Regional Council may delegate to him/her and shall receive no compensation for his/her services.

Section 4:

The Treasurer shall have the custody and control of the funds of the corporation, subject to the acts of the Regional Council and shall report the state of the finances of the corporation at each annual meeting of the members and at any special meeting of the members when requested by the Chair so to do. The Treasurer shall perform such other services as the Regional Council may require of him/her and shall serve without compensation.

Section 5:

The Secretary shall keep the minutes of the corporation and such books as they Bylaws or resolutions of the Regional Council may require him/her to keep. He/she shall attest the signature of the authorized officer on all documents requiring the signature of the corporation, shall be the custodian of the seal of the corporation and shall affix the seal to all papers and instruments requiring it, he/she shall perform such other services as the Regional Council may allow. The Executive Director of the Pima Association of Governments shall serve as Secretary and shall not be a member of this corporation.

ARTICLE IX

STANDING AND SPECIAL COMMITTEES

Section 1:

Standing and Special Committees that report directly to the Regional Council shall be created by the Regional Council from time to time, as the Regional Council may deem appropriate.

Section 2:

The Regional Council shall authorize and define the powers and duties of all committees established by the Regional Council.

Section 3:

- The Regional Council shall designate a Chair and Vice Chair of the Standing and Special Committees established by the Regional Council. Vacancies occurring in these positions shall be filled by the Regional Council.

Section 4:

Membership on Standing and Special Committees established by the Regional Council shall be determined by the Regional Council. There shall be no minimum nor maximum number of members on any Standing or Special Committee. Nothing in these Bylaws shall be construed to limit membership on these aforesaid committees exclusively to officials serving political subdivisions of the State. The Regional Council, in its discretion, may appoint any individual it deems qualified to serve on a Standing or Special Committee.

ARTICLE X

FINANCES

Section 1:

Fiscal Year. The fiscal year of the Pima Association of Governments shall commence on July 1, of each year.

Section 2:

The Pima Association of Governments shall have the power to receive from any public or private source including, but not limited to the federal, state, and local governments, voluntary associations, nonprofit corporations, firms, partnerships, or

persons or any combination thereof, bequests, donations, devices, grants, and gifts of all kinds of property, including all forms of ownership interest therein, and to do all acts necessary to carry out the purposes of such bequests, gifts, grant, devices and donations, with power to manage, sell, convey, contract, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift, grant, donation, device of trust, or absolutely in case such bequest, grant, gift, donation or device of trust be unconditional.

Section 3:

Annual Audit. The Secretary shall cause an annual audit of the financial affairs of the Association to be made by a public accountant or a certified public accountant selected by the Regional Council at the end of each fiscal year. The audit report shall be made available to all members.

ARTICLE XI

WITHDRAWAL

Section 1:

Any member may, at any time, withdraw from the Pima Association of Governments, provided that written notification thereof is forwarded to the Secretary and the said withdrawal shall be effective upon receipt by the Secretary.

ARTICLE XII

FEDERAL AND STATE DESIGNATIONS

Section 1:

The Pima Association of Governments as governed by the Regional Council shall serve as the designated Metropolitan Planning Organization for Pima County and the Tucson metropolitan area pursuant to U.S.C. Title 23 Section 134 and/or other applicable Federal legislation.

Section 2:

The membership of the Pima Association of Governments Regional Council fulfilling the requirements of ARS 48-5303 shall serve as the Board of Directors of the Regional Transportation Authority established pursuant to ARS 48-5302 and 5303 and/or other applicable State legislation.

ARTICLE XIII

The seal of the corporation shall be impressed as follows: "PIMA ASSOCIATION OF GOVERNMENTS, ARIZONA, CORPORATE SEAL, 1970."

ARTICLE XIV

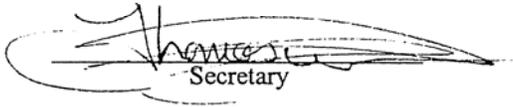
AMENDMENTS

These Bylaws may be amended at any meeting of the Regional Council by a majority vote of all members provided written notice of proposed amendment has been given not less than fifteen (15) days prior to the meeting at which it is to be voted upon.

PASSED AND ADOPTED at a meeting of the Regional Council of PIMA ASSOCIATION OF GOVERNMENTS held this 26th day of June 2002.


Chair

Attest:

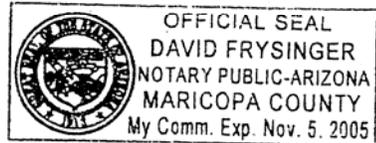

Secretary

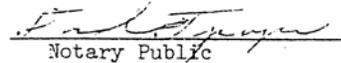
Subscribed and sworn to me this 30th day of July, 2002.

My commission expires:

State of Arizona

County of Maricopa




Notary Public

APPENDIX D

BIA-WRO Pre-Construction Activities Flowchart

APPENDIX E
Pre-Forum Survey – Summary of Results

**SOUTHERN ARIZONA REGIONAL STATE-TRIBAL TRANSPORTATION FORUM:
HIGHWAY TRANSPORTATION FUNDING AND COORDINATION**

Tohono O’odham Nation-Desert Diamond Conference Facility

San Xavier Reservation, Arizona

Tuesday-Wednesday, March 11-12, 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 degreeNot at all
 8 5 8 4 25 3 9 2 12 1

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

To a great degree..... To an average degreeNot at all
 5 5 17 4 16 3 15 2 9 1

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

Definitely..... SomewhatNot at all
 3 5 5 4 27 3 21 2 5 1 1 I Don’t Know

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

To a great degree..... To an average degreeNot at all
 1 5 3 4 19 3 34 2 3 1 2 I Don’t Know

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

To a great degree..... To an Average degreeNot at all
 3 5 9 4 25 3 20 2 4 1 1 I Don’t Know

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

Definitely..... SomewhatNot at all
 7 5 15 4 22 3 11 2 6 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 degreeNot at all
 4 5 10 4 27 3 13 2 8 1

***SOUTHERN ARIZONA REGIONAL STATE-TRIBAL TRANSPORTATION FORUM:
HIGHWAY TRANSPORTATION FUNDING AND COORDINATION
Tohono O'odham Nation-Desert Diamond Conference Facility
San Xavier Reservation, Arizona
Tuesday-Wednesday, March 11-12, 2003***

COMMENTS

- I've just started working the transportation field for the WMAT, so this my first orientation to the State/Tribal/County process
- To some degree (regarding question #7) I don't think there is no communication unless if it benefits ADOT. Highway 170 on San Carlos Apache Indian reservation road is the last on maintenance.
- Handbook of Transportation: A cookbook of recipes and ingredients.
- I would like to believe that ADOT would like to advise tribes on ALL the benefits that the State of Arizona can provide.
- I am very new to all of this, but I see a lot of information
- Presentations are clear and understanding.

APPENDIX F

Participant Feedback of Forum Effectiveness – Summary of Results

**SOUTHERN ARIZONA STATE-TRIBAL TRANSPORTATION FORUM
PARTICIPANTS' FEEDBACK**

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

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

Overall forum Effectiveness Rating = 3.3

- 2.0 - 1
- 2.5's - 2
- 3.0's - 14
- 3.5's - 16
- 4.0's - 7
- 133/40= 3.325

How do you rate the effectiveness of the Facilitators?

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

Effectiveness of Facilitators Rating = 3.3

- 1,5 - 1
- 2.0's - 0
- 2.5's - 5
- 3.0's - 12
- 3.5's - 17
- 4.0's - 7
- 127.5/42=3.273

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

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

Partnership potential Rating = 3.0

1-.5 - 2
 2.0's - 5
 2.5's - 8
 3.0's -9
 3.5's -14
4.0's - 3
 121/41=2.95

Most Valuable	Suggested Improvements	Overall Comments
<ul style="list-style-type: none"> ◆ Information from ADOT of other resources available ◆ The opportunity to meet all the different departments and individual who work for them ◆ Air quality funding; viewing other projects that were funded by ADOT and BIA agreements; CMAQ/FHWA. Liked the information but it was too fast to get everything down. Funding applications would be nice to have and help fill out. ◆ The ability to see that 	<ul style="list-style-type: none"> ◆ More breaks ◆ Better explanation of how the different departments work together and which state/county agencies are responsible for what ◆ Introductions, first of all the handouts should have been put into a binder or notebook; another suggestion is work with a tribe in setting up such forum/working with a tribe could help to facilitate better or planning a workshop ◆ Could not understand Nate Banks ◆ Panel comprised of tribal reps to field questions from entities who may be unaware of protocol, issues and projects, BIA, etc. 	<ul style="list-style-type: none"> ◆ More examples of completed projects within tribal lands that were not 10+ years in the planning process; easier way of process with BIA partnerships and local government ◆ I hope there will b another forum in the future ◆ Provide door prizes. Provide information on contact personnel in ADOT. Give example of an IGA with a tribe. Provide more funding sources. Show model, i.e., the one BIA Roads Engineer gave as an example of Nevada DOT working well with tribes. Show photos, show more projects on reservation not just statistics ◆ Continue and snowball this effort ◆ This meeting is a start, but where do we go from here? We need more meetings to keep the lines of communication and coordination open. Would like to see district engineers of ADOT become

Most Valuable	Suggested Improvements	Overall Comments
<p>planning involves state and tribes and BIA</p> <ul style="list-style-type: none"> ◆ Interaction with tribes, state and federal entities for information sharing ◆ Networking ◆ Overall Indian Nations concerns ◆ An information forum regarding funding availability ◆ Exchanging information and meeting key agency players ◆ Meeting key people ◆ The availability of information and contacts of the various governments/groups who are involved in transportation ◆ I am very new to this, all the information I received and heard at this forum are very helpful to me and I will take it back to my people and put it out at our district office for others to read ◆ All the different agencies and funding areas ◆ Learning about the tribe 	<ul style="list-style-type: none"> ◆ Overall – very good ◆ If actual application forms could have been show ◆ First day was long and hard, lots of information to absorb ◆ I believe that this was a good forum. The only thing I would change is increased participation of tribal government officials ◆ To have ADOT representatives give out their cards and have them go out in communities to introduce themselves and give out their information ◆ Nothing ◆ From all the discussions it seems like the Indian tribes still do not understand the state’s processes and what they can apply for as far as funding is concerned from FHWA and/or transit I (FTA) ◆ Too much information for one and one-half day forum, should be longer in future ◆ Clarify the funding mechanisms. Do not assume that ADOT solely needs that information ◆ More time spent on specific subjects ◆ None ◆ Could be just one day, tighten up the discussion segment; it was 	<p>more interactive with tribes. Would like a contact list of resource personnel</p> <ul style="list-style-type: none"> ◆ Much better understanding of how tribes and BIA interact ◆ May consider annual forum and creation of subcommittees ◆ I believe ADOT, with full tribal participation can get a lot of work done ◆ I enjoyed the forum, excellent information ◆ More individual training for the tribes from both ADOT and FHWA. I think they would benefit from the FHWA financial class. They also need to learn to contact individuals that can be of assistance to them when they have questions. There also needs to be better communication between BIA and the tribes ◆ Anti-French joke by CAG person, Bill Leister, was in very poor taste. COG discussion was mostly administrative and not relevant to probably 90% of the audience ◆ The forum was very helpful overall, especially transportation issues on the different reservations ◆ Having all of the various entities present in the same room is a good start in opening dialog among them all ◆ Ultimately I feel everyone wants to improve transportation and the safety of transportation. Folks need to be less “turf” conscious and work toward a common goal ◆ We need to continue these; good dialog, great way to share ideas and plans. ◆ There needs to be discussion about what is

Most Valuable	Suggested Improvements	Overall Comments
<p>processes for funding and projects. Also I found the information about COG/MPO membership very interesting</p> <ul style="list-style-type: none"> ◆ Learning about the different COG's; finding out about funding from the COG's ◆ Public transit ◆ Networking: Hearing/seeing the level of interaction, or lack of interaction, between the various agencies involved. It seems to be a good starting point for communication between agencies that previously may not have communicated well. ◆ Networking. Learning more about BIA-Road Planning and Programming ◆ Questions and answer portion ◆ Getting information on all organizations that can fund different projects ◆ Presentations (visuals, facility, communication, 	<p>often the presenter repeating what had been stated during earlier presentation, facilitators did not have much of a role to play</p> <ul style="list-style-type: none"> ◆ More tribal participation in presentations, leadership role in planning next forum ◆ Just keep the momentum and dialogue going ◆ The involvement of tribes in MPO's and COG's ◆ Detailed breakdown of funding for western region office. More answers from COG's for definition of government (local entity) for more tribal representation in COG's ◆ A panel with one representative from each group: BIA, ADOT, COG's and Tribes together; include tribes as presenters/panel ◆ A briefing on how the tribes work, i.e.; organizational structure, process used for project determination, contacts etc. ◆ Break up in "groups" with 20 minutes (5-10 too limited). Felt rushed and needed more time to share ideas on key issues. I like the way ADOT did their program in Mesa – Fall 2002, i.e., breakout rooms obtained a lot of ideas and information 	<p>acceptable authoritative representation, e.g. is a Tribal Council resolution or elected official necessary for certain participative actions; what kinds of data collection systems exist and is it possible to exchange such information, if not, what is needed to authorize such an exchange?</p> <ul style="list-style-type: none"> ◆ Develop a set of road projects examples; include the complete set of funding sources applied! ◆ The State/Tribal partnership team's potential: there is very little contact with tribes. Not a two-way communication flow. Tribe appears to have to always go to somebody as opposed to somebody visiting key members at the tribe ◆ Great job!! ◆ Discuss ITS opportunities available to tribes and educate them what ITS is and benefits- in the next tribal transportation forum in Parker, AZ ◆ Not content with language in HURF funds not available to tribes ◆ This interaction (BIA, Tribes, COG's, State, FHWA) has been needed for a long time; let's keep it up ◆ Continue this method of communication between tribes and governments. It is a good practice ◆ It was informational, as well as educational, to see how the tribal communities processes work and their interrelationships with other governmental agencies ◆ ADOT and BIA need to work closer with police agencies on the tribal lands. The traffic units have the information, or they normally can obtain it, that can help with their transportation studies

Most Valuable	Suggested Improvements	Overall Comments
<p>etc.) Meeting statewide, tribal representatives and becoming aware of information/knowledge inequities statewide</p> <ul style="list-style-type: none"> ◆ Overall almost every piece of information regarding the process will be very helpful. The neat thing about this was the inter-mix of agencies involved that play a crucial role in the areas of transportation ◆ Understanding of tribal issues and the shortfall of budgets ◆ MPO/COG data ◆ Discussion on COG's operation and what they do ◆ The question session that each presenter had to answer ◆ Inter-agency interaction which I have pursued for years ◆ Having all/many COG's to report similarities and differences in relationships and procedures for tribal and BIA participation ◆ Learning about some of 	<ul style="list-style-type: none"> ◆ Good forum ◆ BIA sounded very arrogant ◆ Either more time for presentations or less information covered at one time ◆ Not sure, but would have liked to hear discussion of maybe a particular project scenario. My interest was BIA's process and ADOT's right of way process and how we need to have a smoother process in order to meet our bid advertisement dates, which many times is delayed due to not obtaining R/W easements from BIA on time ◆ Having the organizational charts of each of the organizations ◆ Schedules of activities or resource processing (e.g. grants) that organizations offer ◆ Specific listings of legal statutes, acts, regulations, etc. and those organizations operate by. There was continued reference to various statutes but it was not in the forum packet ◆ Larger screen for PowerPoint (sitting rear I was unable to read the words on the screen) 	<ul style="list-style-type: none"> ◆ Your slides "in some cases" use too small of font ◆ Good idea for this forum, could lead to annual conference on tribal issues and stat/tribe coordination on common goals and vision

Most Valuable	Suggested Improvements	Overall Comments
<p>the “roadblocks” faced by other entities</p> <ul style="list-style-type: none"> ◆ Relevant information, different entities talking together, raising of several important issues for future consideration ◆ A better understanding of funding and planning processes at the federal, state and tribal levels ◆ Talking to local area tribal members ◆ The structure that funding travels through and the importance of communications ◆ Meeting new people and the information ◆ Interacting amongst attendees ◆ Exposure to more funding ◆ Being able to interact with different agencies, have some understanding of their support available to the tribes. Although this is a good start to sell government partnerships more effort and working together will be needed to fulfill fellowship, trusting 		

Most Valuable	Suggested Improvements	Overall Comments
<p>and sharing of more success examples of this forum</p> <ul style="list-style-type: none"> ◆ I learned how the process moves forward and also the programs available in tribes. Also the different programs through the feds, state and county ◆ IRR report (BIA) ◆ Understanding how the IRR Program works ◆ Understanding BIA's processes and their funding issues ◆ Getting to know who's who in person ◆ Orientation and realization that there are many organizations in the state that are involved ◆ "Openness" of understanding by non-tribal organizations about tribal sovereignty ◆ Being an outsider to transportation issues, all the information was important to me 		

GLOSSARY
Abbreviations and Acronyms

Glossary of Abbreviations and Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
ADT	Average Daily Traffic
A.R.S.	Arizona Revised Statutes
ATSPT	ADOT Tribal Strategic Partnering Team
BIA	Bureau of Indian Affairs
BIADOT	Bureau of Indian Affairs, Division of Transportation
CAA	Clean Air Act
CAAG	Central Arizona Association of Governments
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
COG	Council of Governments
DE	District Engineer
DOI	Department of Interior
DOT	Department of Transportation
EA	Environmental Assessment
EIS	Environmental Impact Study
EPA	Environmental Protection Agency
EEG	Environmental and Enhancement Group

ERFO	Emergency Relief for Federally Owned Roads Fund
FHWA	Federal Highway Administration
FLHP	Federal Lands Highway Program
FTA	Federal Transit Administration
FY	Fiscal Year
GPS	Global Positioning System
HBRRP	Highway Bridge Replacement Rehabilitation Program
HELP	Highway Expansion Loan Program
HES	Hazard Elimination System
HOV	High Occupancy Vehicle
HTF	Highway Trust Fund
HURF	Highway User Revenue Fund
IGA	Intergovernmental Agreement
IHS	Indian Health Service
IRR	Indian Reservation Roads
IRRBP	Indian Reservation Roads Bridge Program
ITCA	Inter Tribal Council of Arizona
ITS	Intelligent Transportation System
L RTP	Long Range Transportation Plan
LTAP	Local Technical Assistance Program
MAG	Maricopa Association of Governments
MOA	Memorandum of Agreement

MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MVD	Motor Vehicle Division
NDOT	Navajo Department of Transportation
NFWD	Navajo Fish and Wildlife Department
NHS	National Highway System
NICET	National Institute for Certification in Engineering Technologies
NRO	Navajo Regional Office
NROBOR	Navajo Regional Office Branch of Roads
NEG REG	Negotiated Rulemaking (for the Indian Reservation Roads Program)
NEPA	National Environmental Protection Act
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NHURF	Navajo Highway User Revenue Fund
OSHA	Occupational Safety and Health Administration
PAG	Pima Association of Governments
P.L. 93-638	Public Law 93-638, Indian Self-Determination and Education Assistance Act, as amended
RABA	Revenue Aligned Budget Authority
ROW	Right of Way
R/W	Right of Way
SEAGO	Southeastern Arizona Association of Governments Organization

SR	State Route
STIP	Statewide Transportation Improvement Program
STP	Surface Transportation Program
TCDC	Transportation and Community Development Committee (Navajo Nation)
TEA-21	Transportation Equity Act for the 21 st Century
TERO	Tribal Employment Rights Office
TIP	Transportation Improvement Program
TON	Tohono O'odham Nation
TPA	Tribal Priority Allocation
TPD	Transportation Planning Division
TPO	Transportation Planning Organization
TTAC	Transportation Technical Advisory Committee
TTAP	Tribal Technical Assistance Program
VMT	Vehicle Miles Traveled
WACOG	Western Arizona Council of Governments
WRO	Western Regional Office
YMPO	Yuma Metropolitan Planning Organization
U.S.C.	United States Code
USDOT	United States Department of Transportation