



# U.S. Department of Transportation Tribal Consultation Plan

## Progress Report

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### Goals and Actions

The United States Department of Transportation (USDOT) will continue to support the fundamental principles of self-government, self-determination, and tribal sovereignty specified in Executive Order 13175. The USDOT will implement this plan to establish meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and to strengthen the government-to-government relationship between the United States and American Indians, Alaska Natives, and Indian tribal governments. Specifically, the USDOT will:

Foster meaningful government-to-government relations by:

- ◆ Ensuring participation by Department officials at national tribal conferences, tribal/state meetings, summits, and conferences discussing tribal issues.
- ◆ Establishing direct contact with Indian tribal governments, including visiting tribal governments at reservations, Native Villages, and communities.
- ◆ Seeking tribal government representation in meetings, conferences, summits, advisory committees, and review boards concerning issues with tribal implications.

USDOT has begun to meet this goal by:

1. Secretary LaHood keynoting the National Congress of American Indians 2010 Executive Council Winter Session in Washington, D.C.
2. Inviting federally-recognized tribes to attend Secretary LaHood's six Surface Transportation Outreach Tour stops and inviting tribal members to speak on panels during those sessions.
3. Sending several top USDOT officials to speak and participate in the National Congress of American Indians Mid-Year Conference in South Dakota.
4. Federal Highway Administration (FHWA) representatives visiting several tribes in Oklahoma and Native Villages in Alaska to see transportation projects firsthand and meet with the respective tribal leadership to discuss transportation issues affecting their communities.
5. FHWA and Federal Transit Administration (FTA) representatives meeting with the Indian Reservation Roads Program Coordinating Committee and other tribal leaders in South Dakota to discuss a variety of issues of interest to tribal governments.

Improve existing tribal programs by:

- ◆ Seeking tribal input when the USDOT develops or revises regulations with tribal implications and providing adequate time to allow for comment.

- ◆ Notifying tribes of grant opportunities through multiple means, including direct letters and emails whenever appropriate, as well as announcements on the USDOT website and in the Federal Register.
- ◆ Providing timely technical assistance on changes to legislation, regulations, programs, and grants.

USDOT has begun to meet this goal by:

1. Developing an interpretation for administering an inventory classification issue for the Indian Reservation Roads program (known as “Question 10”) at the request of the Indian Reservation Roads Program Coordinating Committee, several tribes and tribal associations.
2. Together with the Bureau of Indian Affairs (BIA), USDOT will conduct ten consultation sessions in different locations across the country throughout the summer and fall of 2010 on the Question 10 proposal to solicit tribal input.
3. FHWA staff continuing to work with tribes and BIA on the administration of American Recovery and Reinvestment Act of 2009 (ARRA) funds for the Indian Reservation Roads Program to assure 100% obligation by the end of the fiscal year.
4. FHWA staff continuing to support the development of tribal transportation project and program management capability through the seven FHWA Tribal Technical Assistance Program (TTAP) Centers.
5. Notifying tribes of the Notice of Funding Availability for round two of USDOT’s Transportation Investment Generating Economic Recovery (TIGER) grants through email lists and the USDOT website.
6. FTA notifying tribes of the Notice of Funding Availability for the Fiscal Year 2010 Tribal Transit Program through email lists, and the website along with a direct mailing from FTA’s National Rural Transit Assistance Program.
7. The National Highway Traffic Safety Administration (NHTSA) providing technical assistance and instruction for a BIA grants training for tribal project directors and finance officers. The 2-day training was held for all funded tribes during the first week of June 2010 in Albuquerque, NM to assist the tribes in improving their traffic safety-related projects and programs.
8. NHTSA providing a briefing on the Section 402 grant requirements for BIA district law enforcement directors.
9. FHWA, through the On-the-Job/Supportive Services (OJT/SS), awarding \$200,000 in ARRA funds to Wisconsin for its College of the Menominee National program that serves several tribal nations in areas such as outreach, preparation, placement, retention of women, minorities, and other Federal-aid highway construction laborer and apprenticeship positions using the workforce initiative model.
10. NHTSA’s Office of Traffic Injury Control continuing to work collaboratively with the Indian Health Service through interagency agreements to increase proper use of child safety restraints in vehicles.
11. Providing early notice of USDOT regulatory projects that may have tribal implications under E.O. 13175 on USDOT’s Regulatory Information website (<http://regs.dot.gov/effects/rptEffects.cfm>)

Ensure meaningful tribal input into future tribal transportation programs by:

- ◆ Developing policy and programs using input, guidance, and recommendations from tribal leaders.
- ◆ Seeking and responding to comments from tribal governments.
- ◆ Soliciting tribal comments in the development of the USDOT's surface transportation reauthorization proposal.
- ◆ Conducting meetings throughout the country after the passage of the next surface transportation authorization legislation to discuss impacts on and opportunities for the tribes and their transportation systems.
- ◆ Consulting with tribal governments on making transportation services available to improve mobility, employment opportunities, and access to community services for people who have disabilities, are elderly, or low-income.

USDOT has begun to meet this goal by:

1. Inviting federally-recognized tribes to Secretary LaHood's Surface Transportation Outreach Tour stops, and inviting tribal members to speak on panels during those sessions to solicit tribal input into the future of USDOT's surface transportation programs.
2. Collaborating with the Indian Health Service to create a child passenger safety infrastructure on reservations that would include the development of a network of certified instructors who will be able to train technicians to work on reservations.
3. Awarding a total of more than \$420,000 in ARRA funds that targeted Native Americans for training and apprenticeship programs at USDOT.
4. Working collaboratively with Southwestern Indian Polytechnic Institute (SIPI) to make engineering curriculum more competitive and to attract high school students into the electronics technician program.
5. Carrying out consultation sessions on the Question 10 issue.
6. FTA inviting tribal leaders to attend a FTA workshop in Las Vegas, Nevada where FTA program managers and senior-level staff provided technical assistance, outreach and consultation on FTA grant programs

Ensure the USDOT's uniform and effective delivery of tribal programs throughout the country by:

- ◆ Reviewing existing tribal policies in USDOT's Modal Administrations to ensure consistency with this action plan and each other.
- ◆ Assessing the resource needs of the tribal transportation programs at the USDOT.
- ◆ Developing training modules for USDOT employees on tribal transit and highway programs.
- ◆ Developing a training program for USDOT employees regarding tribes, the sovereignty of tribal governments, and the unique government-to-government relationship between tribes and the Federal government.
- ◆ Reaffirming USDOT's commitment to working with the Bureau of Indian Affairs on the administration of tribal highway safety grants.
- ◆ Continuing to support the Tribal Technical Assistance Program (TTAP).
- ◆ Addressing tribal transportation issues in USDOT Strategic Plans.

- ◆ Enhancing support for tribal Liaisons in the Federal Transit Administration, the Federal Highway Administration, and the Federal Aviation Administration and other staff throughout the Department working with tribal governments.
- ◆ Coordinating efforts among USDOT's Modal Administrations by establishing a Department-wide working group tasked with making specific recommendations to the Secretary of Transportation.

USDOT has begun to meet this goal by:

1. NHTSA officials meeting with BIA leadership to reaffirm support for the administration of the tribal highway safety grant program.
2. NHTSA conducting briefings for NHTSA regional staff to expand coordination with BIA district law enforcement directors, and committing to on-going conference calls with the regional offices on a quarterly basis. NHTSA will be facilitating meetings between tribal district law enforcement directors and the NHTSA regional offices, with the goal of enhancing tribal participation in mobilizations and other traffic safety initiatives.
3. Developing a training session on Indian law for USDOT employees.
4. FHWA conducting a workshop to review Indian issues, including those related to business and workforce development, education, and Indian employment.
5. Scheduling meetings between FHWA and BIA leadership to discuss the administration of the tribal highway safety program.
6. Assessing the resource needs for FHWA to carry out their roles and responsibilities on the Indian Reservation Roads Program due to the continuing increase of tribes opting to work directly with FHWA for that program.
7. Serving on the advisory panels for the Tribal Technical Assistance Program (TTAP) Centers and attending their semi-annual national planning meetings for the TTAPs.
8. Establishing an advisory group, led by the Deputy Assistant Secretary of Intergovernmental Affairs, to assist USDOT in developing tribal consultation plans and progress reports, and to advise the Office of the Secretary on tribal issues. This advisory group will also determine whether updates to the USDOT Tribal Consultation Plan are necessary.

Assist in implementing tribal infrastructure projects by:

- ◆ Building capacity of tribes on USDOT Programs and processes, including the Indian Reservation Roads Program and the Tribal Transit Program.
- ◆ Initiating a review of the grant process for the Tribal Transit Program in consultation with the tribes.
- ◆ Working with tribal governments to develop case studies and best practices in transportation planning and highway safety.
- ◆ Developing a highway Safety Management System (SMS) for tribal governments and forming a Steering Committee that includes tribal representatives to advise on the SMS.
- ◆ Identifying and communicating to tribal leaders emerging issues that could impact tribal transportation programs.

- ◆ Publishing guidance on the USDOT's programs with potential benefits to tribal governments.

USDOT has begun to meet this goal by:

1. Forming a highway safety steering committee, which includes tribal representatives and staff members from the BIA, the Indian Health Service, and NHTSA. The committee has developed an SMS Implementation Plan for review by FHWA, NHTSA, and the BIA.
2. Encouraging tribes that have built their internal capacity to manage a transportation program, or successfully carried out a project to develop case studies that they can present at regional or national events. The intent is to have these tribes take a leadership role in educating others on how they developed and/or carried out their program and/or projects.
3. Facilitating FHWA discussions on current and future transportation issues with tribal leaders during on-site visits and regional meetings.
4. FHWA continuing to host Tribal Safety Summits. A national summit was held last November; a state-based summit was held for Oklahoma and another is scheduled for South Dakota in September. These summits bring together the "4E's" of safety and result in strategies to advance safety and renewed partnerships.

Assist tribal members in developing transportation capacities by:

- ◆ Increasing internships for American Indians and Alaska Natives at the USDOT through outreach to tribal colleges and universities.
- ◆ Creating a webpage for tribes on the USDOT website.
- ◆ Increasing the representation of American Indians and Alaska Natives in the USDOT workforce, within merit principles and consistent with the application of appropriate veterans' preference criteria.

USDOT has begun to meet this goal by:

1. Continuously updating a FHWA website dedicated to tribal transportation issues at [www.fhwa.dot.gov/tribal](http://www.fhwa.dot.gov/tribal).
2. Working to increase support to tribal colleges and universities over the next three years by more than 18 percent (\$4,594,050) compared to Fiscal Years 2006-08. The Department will focus on expanding opportunities for tribal colleges and universities in three categories – partnerships, human resources, and grants and contracts.
3. Working to increase the current total of 745 American Indians and Alaska Natives in the USDOT workforce.
4. Notifying tribal colleges and universities of grant and internship opportunities through emails and the USDOT website.
5. Scheduling a conference call with tribal colleges and universities and FTA to explore ways to attract more American Indian interns.
6. Funding the FHWA National Indian Ironworkers Training Program, a training program that facilitates job placement through the Ironworkers union.

7. Contacting the American Indian Higher Education Consortium for its assistance in attracting American Indian students for internships at FTA.
8. Maintaining the ongoing partnership with Southwestern Indian Polytechnic Institute to attract American Indians and Alaska Natives high school students into their electronics technician program.

Assist efforts to coordinate national tribal infrastructure policy and programs within the Federal government by:

- ◆ Working with the U.S. Department of Agriculture, the Indian Health Service, and the BIA to coordinate Federal tribal infrastructure programs and incorporating livability principles as adopted by the Department's Sustainability Partnership with the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency.

USDOT has begun to meet this goal by:

1. Setting up conference calls to begin the discussion on this proposed collaboration.