

TRIBAL TRANSPORTATION PROGRAM COORDINATING COMMITTEE

MAY 14, 2014

The Honorable Kevin Washburn
Assistant Secretary-Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Joyce Curtis
Associate Administrator
Federal Highway Administration
1200 New Jersey Ave., S. E.
Washington, D.C. 20590

RE: Introduction of the Tribal Transportation Program Coordinating Committee

Dear Assistant Secretary Washburn and Associate Administrator Curtis:

Thank you for honoring the commitment your predecessors made to the Indian Reservation Roads (IRR), now the Tribal Transportation Program (TTP) Coordinating Committee to meet with the Committee on a bi-annual basis. The Committee's last meeting with the Assistant Secretary and Associate Administrator was in September 2011. We are the leadership representatives of the Coordinating Committee. We are honored to represent our Tribes and Regions and to help you and the Department improve the delivery of transportation services to Indian country.

The Coordinating Committee was established by regulation in 2005. Its mission is to provide input and recommendations to ASIA, BIA and FHWA in developing TTP Program policies and procedures and to supplement, but never replace government-to-government consultation between the agencies and Indian tribes. The bi-annual meetings are a means to highlight the transportation challenges and accomplishments Indian tribes face and to share with you major issues of concern to the Coordinating Committee.

This Administration is committed to meaningful consultation with Indian tribes. President Obama made that clear in his 2009 Executive Order and it is reflected in both agencies' consultation policies. The broad mandate for consultation was to rectify a historical failure by the Federal Government to provide meaningful and timely consultation. As President Obama noted:

"History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship."

Our Tribes and regions face unique challenges as they struggle to provide public safety programs, improve the delivery of health care services, educate our youth, and promote economic development. Transportation infrastructure is a key component of these efforts. Tribes struggle with a lack of sufficient funding to maintain our fragile transportation and transit systems.

In order for the Coordinating Committee to accomplish its goals, we request your support for the following:

1. Pre-approval of FY 2014 – FY 2015 TTPCC meeting schedules

For Indian tribes to meaningfully engage with the Coordinating Committee, including its two Federal representatives, and for the Committee to work on program matters within our jurisdiction, meetings must be scheduled and publicly announced well in advance. We seek agency approval for the BIADOT Director, in consultation with the Tribal leadership of the Committee, to set meeting locations and secure prompt agency approval for the meetings. We attach the Committee's work plan for FY 2014-FY 2015.

2. Release to Committee of Agency rewrite of 25 CFR Part 170

The Part 170 regulations have not been revised since publication in July 2004. Despite the passage of SAFETEA-LU in 2005 and MAP-21 in 2012, the Interior Department did not published a proposed rule change in the Federal Register for public comment. The Committee is on record as having requested a redline and side-by-side version of the proposed Part 170 regulation from the Department that was to be provided to the Committee by April 15, 2014, to jump-start our work on the draft rule. The Committee also seeks agency release to the Committee of the public comments submitted to the agencies from 2013 when an informal draft was circulated by the Department for public comment.

3. TTPCC National Strategy Development (National Business Plan)

The Department of Transportation Office of Inspector General (OIG) issued an audit report in October 2013 concerning FHWA's oversight of the Tribal Transportation Program. The OIG made seven recommendations that FHWA fully agreed with, including the requirement to update the Part 170 regulations and coordinate with BIA to update the Memorandum of Agreement and Stewardship Plan to reflect FHWA's role to directly assist tribes, and define coordination between FHWA and BIA Regional offices

[and Indian tribes]. The agencies, without consultation with Indian tribes or the Coordinating Committee, have been discussing the replacement of the outdated Stewardship Plan with the National Business Plan (NBP). See Administrator Mendez's Memorandum to the OIG of October 8, 2013. Consistent with 25 C.F.R. 170.156(a)(1), the Committee strongly urges FHWA to consult with and actively engage with the Coordinating Committee as agreed at the March 2014 meeting in Albuquerque. Among the stated purposes of the NBP is to define the roles and responsibilities of the BIA and FHWA in their joint administration of the TTP. To maximize the utility of the NBP, input from Indian tribes is essential.

4. Indian Country Highway Safety Concerns

Motor vehicle crashes are the leading cause of unintentional injury for American Indians/Alaska Natives (AI/AN) ages 1 to 44. Adult motor vehicle-related death rates for Native Americans are more than twice the national average. Among infants less than one year of age, Native Americans have consistently higher total injury death rates than other racial/ethnic populations and the highest rate of motor vehicle traffic deaths. Among Native youth under age 19, motor vehicle crashes are the leading cause of injury-related death, followed by suicide, homicide, drowning and fires.

<http://www.cdc.gov/motorvehiclesafety/native/factsheet.html>

Despite these horrific statistics, Tribal highway safety programs are not on par with State and Federal highway safety programs. Highway safety statistics and data collection efforts and transmission to Tribal, State, NHTSA and other relevant agencies are woefully inadequate and contribute to the unacceptably high rates of serious injuries and death of Native Americans. The agencies have not sustained their engagement with the Coordinating Committee, and Indian tribes in general, in a broad national education effort to improve highway safety in Indian country. The Committee urges the agencies in the strongest terms possible to re-engage with the Committee regarding highway safety and reconvene the Indian Tribal Safety Management Steering Committee.

5. In-depth Agency Follow Up of Coordinating Committee Recommendations

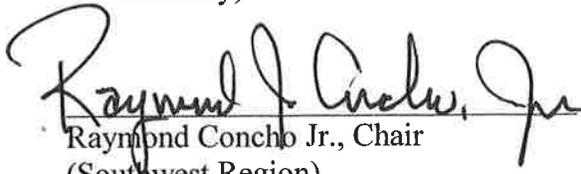
In our preparation for today's meeting, we have reviewed prior correspondence between the Coordinating Committee and the agencies dating back as far as 2007. This review has revealed that the Committee's recommendations are reviewed but not fully understood nor acted upon by agency decision makers. Too often, the Committee's recommendations carry over from year-to-year and from one administration to the next. An example is the absence of a Title I ISDEAA model program template and the recurring delay in BIA's

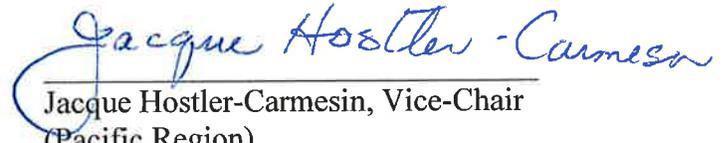
timely distribution of TTP funds to BIA Regions and tribes as mandated by law. In order for the Committee to successfully carry out our mission, agency decision makers must better understand the needs and challenges of Indian tribes in carrying out transportation planning and construction, highway safety, and related activities. The Committee urges the Assistant Secretary and Associate Administrator to act timely on Committee recommendations to improve department policies governing the Tribal Transportation Program.

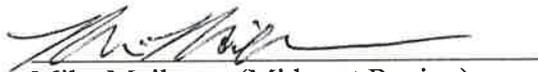
We are confident that working together we can improve the agencies' delivery of transportation programs to Indian tribes and make our communities safer and healthier for our members.

Enclosures

Sincerely,

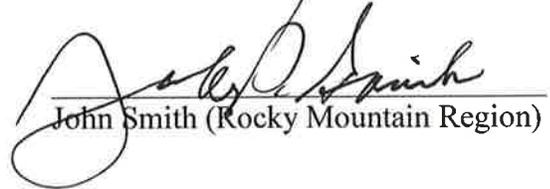

Raymond Concho Jr., Chair
(Southwest Region)


Jacque Hostler-Carmesin, Vice-Chair
(Pacific Region)


Mike Moilanen (Midwest Region)


Edward K Thomas Jr., (Alaska Region)


Rick Galloway, Secretary (NW Region)


John Smith (Rocky Mountain Region)

TTPCC FY14-15 Work Plan

Proposed Meetings Schedule by approved motion 3/27/14

Future TTPCC meeting Dates and Location

- 1) Meeting Date: 6/23/14 – 6/27/14
Meeting Location: Ho- Chunk Nation - Wisconsin

- 2) Meeting Date: 9/18/14 – 9/22/14
Meeting Location: Anchorage Alaska (in conjunction with NTTC)

- 3) Meeting Date: 11/17/14 – 11/21/14
Meeting Location: Washington DC

- 4) Meeting Date: 2/16/15 – 2/20/15
Meeting Location: Phoenix, AZ

Attachment: TTPCC May 14,2014 letter to ASIA and FHWA