

TRIBAL CONSULTATION ANNUAL REPORT

July 1, 2017 – June 30, 2018

Agency Overview

The Arizona Department of Transportation (ADOT) is a multimodal transportation agency that is responsible for planning, designing, building, operating and maintaining the state highway system, of which approximately 1,200 miles traverse tribal lands. ADOT also provides assistance to 14 tribal airports and seven tribal public transit systems. The Department is committed to providing an efficient transportation system as well as protecting the safety and welfare of the traveling public. Additionally, ADOT is committed to work with and assist Native Nations/Tribes with the implementation of their transportation goals.

Tribal Government Consultation Policy and Tribal Liaisons

ADOT’s Tribal Consultation Policy MGT-16.01 is scheduled for review on September 14, 2018. The following goals refer to excerpts from this policy. The corresponding objectives and activities were conducted with oversight from various ADOT Sections. The Multimodal Planning Division (MPD) currently employs two full time Tribal Liaisons.

Goal	Objective	Activity
<p>Policy 1: Develop relationships with the Native Nations/Tribes in Arizona, and consider all transportation concerns.</p> <p>Policy 4: Maintain appropriate working relationships with Native Nation/Tribal Government elected officials and staff.</p> <p>Policy 11: Reciprocity in timely communication with Native Nations/Tribal Governments about decisions that may affect either government.</p>	<p>Utilize the State Transportation Board (STB) meetings as a means to hear concerns.</p> <p>Develop relationships between MPO/COGs and Native Nation/Tribal Governments to increase opportunities for access to funding for local projects.</p> <p>Introduce ADOT Tribal Liaisons as a point of contact and referral source for concerns as well as advisement on Tribal protocol.</p>	<p>Tribal Liaisons outreach has been emphasized and ADOT has experienced a 20% increase of public comments recorded at STB meetings from Tribes in the last half of FY18.</p> <p>Tribal topics are scheduled in association with the annual 2018 Rural Transportation Summit conference as a means to establish appropriate relationships for future success, including access to funding.</p> <p>Liaisons proactively networked at various conferences, meetings, and training locations. Tribal Liaisons responded to all inquiries within 48 hours.</p>
<p>Policy 2: ADOT will neither solicit nor assert any claim to Federal resources that would otherwise be provided directly to Native Nations/Tribes, unless an impacted Native Nation/Tribe gives consent.</p> <p>Policy 6: Enter into Intergovernmental Agreements (IGA), when considered mutually appropriate.</p>	<p>Coordinate requests for Intergovernmental Fund Transfer Agreement (IFTA) under 23 United State Code (USC)202(a)(9) authorized by the Fixing America’s Surface Transportation (FAST) Act, P.L. 114-94 (December 4, 2015)</p> <p>Identify barriers in agreements and tailor contract language for mutual needs such as ADOT’s Data Access Agreement and Traffic Records and</p>	<p>A Final Agreement reached for the first IFTA in AZ. Salt River Pima Maricopa Indian Community (SRPMIC) will receive direct funding of \$3.6 Million for a construction project with no oversight from ADOT.</p> <p>Removed the State’s standard contract language that required a Limited Waiver of Sovereign Immunity of Native Nations/Tribes</p>

<p>Policy 7: ADOT, acknowledging funding and jurisdictional limitations, will work with Native Nations/Tribal Governments to identify available resources to jointly or individually fund projects to benefit the State and Native Nations/Tribal communities</p>	<p>Criminal Software (TraCs) Agreement. These two agreements are critical in collecting crash data used to justify the urgency of projects. However, the agreements have contained problematic language related to Sovereign Immunity, and ADOT needed to work out language acceptable to Native Nations/Tribes.</p> <p>Encourage and consult with partner stakeholders to agree on funding joint projects.</p>	<p>for funding and services on some contracts.</p> <p>Road Safety Assessment at the intersection of State Route 87 and Bureau of Indian Affairs (BIA) Route 15 resulted in a commitment from all partners, ADOT, the Navajo Tribe, BIA and Navajo County to provide resources to mitigate issues at this intersection.</p>
<p>Policy 3: Maintain and operate State owned transportation infrastructure within Native Nation/Tribal lands.</p>	<p>Ensure Native Nation/Tribes and District Engineers communicate on transportation needs in each respective District.</p>	<p>FY2018 maintenance funding expenditure was \$11,449,250 including employment to Tribal members working on-reservation land maintenance camps.</p>
<p>Policy 5: Consult during the transportation planning processes and implementation of the Statewide Transportation Improvement Program (STIP) in accordance with Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) policies and this policy.</p>	<p>Consult with each Native Nation/Tribe in the planning process that may affect Native Nation/Tribal lands</p> <p>Coordinate with Department Planners and Native Nation/Tribal Governments on the State Transportation Improvement Program (STIP)</p>	<p>Tribal Liaisons assisted Project Managers on consultation requirements for two major studies: the I-11 Corridor and Sonoran Corridor Study.</p> <p>FY2018 STIP project expenditures were \$51,493,001.02 of the \$104,689,189.51 obligated funds on state routes through tribal lands.</p>
<p>Policy 8: Conduct technical training to support planning, development, construction, maintenance, and operation of transportation facilities under Native Nation/Tribal jurisdiction.</p> <p>Policy 12: Share appropriate technical information and data with Native Nations/Tribal Governments. ADOT values reciprocity and encourages all Native Nations/Tribal Governments to share appropriate technical data with the State.</p> <p>Policy 13: Assist with transportation programs by providing technical assistance and reference tools,</p>	<p>Consult with Native Nations/Tribes on training needs. In FY18, ADOT received requests for Commercial Driver's License classes, Functional Classification and Transportation Planning.</p> <p>Coordinate training through various ADOT sections for successful Native Nation/Tribal Government transportation programs.</p> <p>Provide Training workshops and presentation on the planning process to Native Nations/Tribes.</p>	<p>ADOT's Business Engagement and Compliance Office (BECO) provided a number of classes, including CDL to increase the number of craftspeople on ADOT Highway construction projects. As a result, over 300 Tribal members were employed by contractors.</p> <p>ADOT conducted a training session in Albuquerque, NM on GIS and Functional Classification to ensure eligibility for funding per FHWA.</p> <p>ADOT conducted workshops on TraCs which collects crash data used to support and prioritize needs.</p>

sharing data, conducting joint projects, and by cooperatively resolving transportation issues.		The on-line training module Planning Pathways was presented at 2 Arizona based conferences and 3 conferences with national audiences
Policy 9: Engage in partnering efforts to encourage and improve understanding and communication with the Native Nations/Tribal Governments.	Maintain the San Carlos Apache Tribe (SCAT)/White Mountain Apache Tribe (WMAT) Partnership and re-active the Navajo formal Partnership. Provide support for partnering meetings to be successful.	Navajo Partnership was re-activated with three meetings. SCAT/WMAT had two meetings. Four construction partnering workshops were conducted.
Policy 10: Encourage mutual understanding of unique cultural and organizational practices among ADOT and the Native Nations/Tribal Governments.	To ensure access to information regarding Native Nations/Tribal Governments in various forms whether in contact with Tribal Liaisons or Website. Assist the Environmental Planning Group (EPG) on the 106 consultation of cultural resources, including the NEPA assignment through correspondences, meetings and public outreach.	11 individuals completed ADOT's Online classes on Cultural Awareness. EPG conducted 12 Field visits, and coordinated with the Gila River Indian Community on providing a number of classes on the South Mountain freeway.

Challenges:

As Tribal Liaisons we would make a greater impact within the Agency if our planning activities could be extended to support more Divisions within ADOT. ADOT covers a vast number of services, including the Motor Vehicle Division (MVD).

ADOT has technical challenges for teleconference/videoconference capabilities on Tribal Nations as well as the number of meetings and proximity to next meeting location across the state.

Highlights:

ADOT has opted to remove standard contract language which has been a barrier in the past when executing agreements with Native Nations/Tribal Governments. This is a great step in moving forward with IGAs leading to obtaining data and developing infrastructure.

Future Efforts/recommendations:

Increase access to funding applications and information to Tribes by sending hard copies. At the state level ADOT provides written documents, USBs for workshops and training material.

Require mandatory training for ADOT staff prior to working with Native Nations/Tribal Governments.

For questions, please contact:

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