

# Advocacy Council for Tribal Transportation

## Meeting Minutes

Mn/DOT Duluth District , Friday, January 18th, 2008  
9 AM – 1 PM

A meeting of the Advocacy Council for Tribal Transportation (ACTT) was held on January 18, 2008 at 9:00 AM at the Mn/DOT Duluth District Office, Duluth, MN.

Marc Mogan, Co-Chair, ACTT (Prairie Island Indian Community), called the meeting to order and welcomed the ACTT members and guests to the meeting. Introductions were made around the table.

### Members Present:

Marc Mogan, Co-Chair, Prairie Island  
Mike Moilanen, Mille Lacs Band  
Linda Aitken, Mn/DOT  
Marty Connor, Bois Forte  
Sam Strong, Red Lake

Dave Danz, Grand Portage  
Karen Bogan (Alt), Lower Sioux Community  
Burny Tibbetts, White Earth  
Mike Robinson, Mn/DOT  
Brian Freeberg, City of Bemidji

### Members Absent:

Jim Walker, Red Lake  
Travis Leenerts, Upper Sioux Community  
Lester Morris, Shakopee Mdewakanton Sioux  
Community  
Donald May, Red Lake  
Annamarie Hill, MN Indian Affairs Council  
Cheryl Cloud, Mich TTAP  
Bill Vogel, Grand Portage (Alt.)  
Jolynn Shopteese, MIAC (Alt.)

Tom Sorel, FHWA – MN Division  
Cheryl Martin, FHWA – MN Division  
Tom Fronk, BIA (Alt.)  
David Enblom, Cass County  
Jeff Tillman, SEH (City Alt.)  
Dave Trooien, Mn/DOT  
Leech Lake (Vacant position)  
Jason Holliday, Fond du Lac

### Guests Present:

Mike Weiss, Mn/DOT Office of Traffic,  
Safety & Operations  
Bruno Zagar, Environmental Specialist, Fond  
du Lac  
Richard Gitar, Water Regulations Specialist,  
Fond du Lac

John Bray, Mn/DOT District 1  
Mike Tardy, Mn/DOT District 1  
Duane Hill, Mn/DOT District 1  
Frank Polich, USFS Engineering

### **Review & approve agenda**

Mike Robinson: According to the minutes of the Sept 21, 2007, the ACTT requested a report on the Mn/DOT Bridge inspections and funding. Mike requested an addition to the agenda to include a report from Duane Hill, Assistant District Engineer, Operations. Duane is serving as coordinator of the statewide bridge inspections. Approved.

## **Review & approval of the September 21, 2007 meeting minutes**

Motion – Mike Moilanen, second – Burny Tibbetts. Carried

### **Old Business:**

#### **Tribal Road Signs**

Mike Weiss, representing the ACTT Sub-Committee for Tribal Road Signs and Mn/DOT's Office of Traffic, Safety and Operations, presented the final product, the "Reservation Road Sign Brochure". Mike recognized the ACTT Sub-Committee for their work on the Tribal Road Sign Issue and said that, in addition to the paper copy of the document, the OTSO has put the brochure on their website in two locations. It will also be linked to the Tribes & Transportation website.

Co-Chair Mogan called for a letter of recognition recognizing the work of the Sub-Committee which resulted in a final product and success for one of the first two issues for the ACTT. Motion - Marc Mogan, Second – Mike Moilanen. Carried (*ACTION*)

Sub-Committee Members and supporting staff:

Sue Groth, Mn/DOT

Teresa Peterson, Upper Sioux

Marc Mogan, Prairie Island

Burny Tibbetts, White Earth

Mike Weiss, Mn/DOT

Marj Ebinsteiner, Mn/DOT

Marv Solo, Mn/DOT

Linda Aitken, Mn/DOT

Rick Sunstrom, Mn/DOT

Jon Henslin, Mn/DOT

Jon Large, Mahnommen County Engineer

#### **Roadside Vegetation Management**

Mike Moilanen provided an update on behalf of Mille Lac's Roadside Vegetation Management Plan. The plan has not been completed to this date. Scott Hanson will be meeting with District 3 staff soon regarding the communications plan and management process.

Mike Robinson reported that Mn/DOT is currently updating Agency policies for "Best Practices for Roadside Management". Comments from the tribes are being solicited. Mike will send information to Linda Aitken for dissemination to tribes. (*ACTION*)

Other initiatives of this issue are education – request an update from Cheryl Cloud.  
(*ACTION*)

#### **Toward Zero Death**

Linda Aitken reviewed the TZD Issue Paper submitted by Dave Trooien at the June & September meetings and, with Mike Robinson, talked about the initiatives of Districts regarding regional TZD programs with local partners. Two handouts from the TZD website about "What is Toward Zero Deaths?" and "The Four Es" were discussed.

Discussion about TZD narrowed to the issue of collecting and sharing traffic data: purpose & value of collecting traffic data, concerns about confidentiality of tribal traffic data, assistance with collecting data more efficiently. Funds for safety is available from FHWA – how can tribes be proactive in competing for this funding.

**(ACTION)** The Council agreed to continue this discussion and requested information be provided at the next ACTT meeting. Mike Robinson suggested presentations on the following:

1. Data Collection & Accident data collection – Office of Public Safety
2. Traffic counts, crash data and traffic counts – Office of Traffic, Safety, & Operations
3. Safety & TZD - examples/experiences of how TZD might work
4. Functional classification – (update from previous meetings)
5. White Earth's GIS system

No TZD Sub-Committee will be established at this time.

*\* Information: The Toward Zero Death Conference is scheduled for October 7 & 8, 2008 at Rochester, MN*

### **New business:**

#### **Bridge Inspections (added to agenda),**

Duane R. Hill, P.E.  
Assistant District Engineer, Operations

In the wake of the collapse of the I-35 Bridge, the Governor Directed Mn/DOT to inspect all Trunk Highway bridges. Between August 5 and December 21, 2007, 3875 Trunk Highway Bridges were inspected. In addition all fracture critical bridges on the local systems were inspected. Mn/DOT also tracked progress of the county and city inspection programs for completion of inspection of structurally deficient bridges. There is a lot of good information regarding bridge inspections on the Mn/DOT web site at: <http://www.dot.state.mn.us/>

The next steps in this process include follow up on the Governor's direction to perform an independent review of Mn/DOT's bridge inspection program and completing a process improvement project.

The main purpose of the statewide inspection effort was to restore public confidence in Minnesota's system of bridges. Other benefits of the completing the inspections include: updating the bridge management database with bridge condition information, updating repair and maintenance work plans and updating needs for rehabilitation and replacement funding.

*\* Duane Hill is serving as coordinator of the statewide bridge inspections mandated by Gov. Tim Pawlenty after the collapse of the Interstate-35W bridge in Minneapolis.*

### **Indian Employment**

Linda Aitken presented Mn/DOT's Policy on Indian Employment and the Memorandum of Understanding signed between Mn/DOT and several of the MN tribes. Linda brought the Council

up to date on Indian employment initiatives that Mn/DOT and the tribes have worked on together with the goal of increasing Indian employment on Mn/DOT's highway construction projects.

Mike Tardy presented the revised Special Provisions for Indian Employment that are included in on highway construction contracts as agreed upon between the Mn/DOT District and Tribal TERO Officer. The revision is the contractor's new requirements to report to Mn/DOT information on all Indians hired to work under the contract. Data collected will help determine the success (or not) of the Indian employment initiatives on highway construction projects.

Discussion by the Council regarding Indian employment: How does Mn/DOT's Civil Rights Office determine if OJT will be included on the project? How is the percentage of DBE requirements determined? Request by the Council for this answer to be provided by the Civil Rights Office. **(ACTION)**

### **Tribal - State NEPA Training – Issue Paper**

Bruno Zagar and Richard Gitar, Fond du Lac Environmental Program, presented an issue that is common to all tribes within the State: Tribal-State collaboration on transportation issues is hampered because neither tribal personnel nor state Dot staff has achieved the mutual awareness of the issues as described in the Issue Paper.

Recommendation by Mr Zagar & Gitar that ACTT consider the International Institute for Indigenous Resource Management to conduct the Workshop on Communicating, Consulting, and Cooperating with Indian Tribes on State Transportation Projects: The Role of the National Environmental Policy Act.

The Council requested that Cheryl Martin and Cheryl Cloud (ACTT members) contact Bruno & Richard regarding NEPA training. **(Action)** Sam Strong requested that if training were held that the social concerns of NEPA were addressed.

Additional discussions extended to ensuring information regarding transportation undertakings and upcoming projects were sent to the appropriate staff at the tribe. It was recommended that each tribe provide the Mn/DOT District with a list of contacts for the following areas: environmental, THPO, planning, TERO, engineering, & maintenance (others?). Staffing functions may be different from tribe to tribe, so it is important that each District be provided with a list of contacts from the tribe.

### **Overview of Funds – Federal and State**

Mike Robinson provided an overview of federal and state funding for highway transportation. He indicated there will be a \$4B shortfall in the federal highway trust fund in 2009 unless there is Congressional action to either reduce current spending or raise additional revenue to the fund. Correcting this problem is a high priority in Congress at this time. Mike also provided examples of typical earmark projects that were approved in the 2008 federal appropriation bill to show how some projects gain funding. He gave an overview of the content of the state transportation funding bill that was vetoed by the governor during last year's session, and he provided an update on the current state Chamber of Commerce's position on transportation funding which includes among other things, a 7.5 cent per gallon gas tax increase. Finally, Mike provided a description of the

governor's current transportation bonding proposal which includes \$416M with over half of it going for local bridge improvements. The bottom line is that current federal and state funding for transportation is not able to meet the needs of the system both in urban and rural areas.

### **Recognition of past Co-Chairs:**

Marc Mogan, Co-Chair, recognized and thanked Mike Moilanen and Burny Tibbetts for serving as the first Co-Chairs for ACTT.

### **Next Meeting**

The next ACTT meeting is scheduled for April 18, 2008 at the St. Cloud Mn/DOT Office.

### **Meeting adjourned at 1 PM**

### **Handouts:**

- 1. September 21, 2007 meeting minutes**
- 2. Reservation Road Sign brochure**
- 3. Best Practices for Roadside Vegetation Managements – excerpt**
- 4. Issue Paper: Toward Zero Death (previous submitted at June 07 meeting)**
- 5. Mn/DOT Policy for Indian employment**
- 6. MOU for Indian employment (White Earth)**
- 7. Mn/DOT Special Provisions for Indian employment – revised**
- 8. Mn/DOT Indian Employment Tracking Form**
- 9. Issue Paper: Tribal-State Transportation & NEPA Training**
- 10. 2008 Federal Transportation Appropriation Bill Earmark Projects**
- 11. The Transportation Alliance – Alliance Legislative Update May 22, 2007**
- 12. The Transportation Alliance – Alliance Legislative Update Jan 14, 2008**
- 13. MN Chamber of Commerce – Transportation: Long-Term Funding & Program Efficiency**

Minutes were provided by Linda Aitken, Mn/DOT, input from Mike Robinson and Duane Hill, Mn/DOT District 1.