

**MINUTES**  
**Advocacy Council for Tribal Transportation**  
**Mille Lacs Band of Ojibwe – Government Center**  
**July 10, 2009**  
**9:00 a.m. – 2:15 p.m.**

Marc Mogan, Co-Chair, ACTT, called the meeting to order. Introductions were conducted.

**Members Present:**

Jason Hollinday, Co-Chair, Fond du Lac  
Marc Mogan, Co-Chair, Prairie Island  
Evelyn Howard, Leech Lake  
Dave Emblom, Cass County Engineer  
Millie Baird, USFS, Chippewa Nat'l Forest  
Brian Larson, Mn/DOT, Duluth (for Mike Robinson)

Mike Moilanen, Mille Lacs  
Linda Aitken, Mn/DOT  
Dave Trooien, Mn/DOT  
Mary Conner, Bois Forte  
Tom Fronk, BIA (Alt)  
Dave Danz, Grand Portage

**Members Absent:**

Burny Tibbetts, White Earth  
Donald May, Red Lake  
Annamarie Hill, MN Indian Affairs  
Mike Robinson, Mn/DOT  
Cheryl Cloud Westlund, TTAP, Michigan Tech  
Shakopee Mdewakanton (vacant)  
Todd Kennedy, BIA

Patty Northrup, Lower Sioux  
Sam Strong, Red Lake  
Cheryl Martin, FHWA-MN Division  
Travis Leenerts, Upper Sioux  
Donald May, Red Lake  
Jim Walker, Red Lake  
MN Cities representative

**Guests Present:**

Thomas Martin, Mn/DOT  
Deb Ledvina, Mn/DOT, Ombudsman

Brad Estochen, Mn/DOT  
Matt Scheonrock, Mille Lacs

**Review and Approve Agenda:**

Agenda was reviewed.

Motion to accept by Dave Enblom; seconded by Jason Hollinday. Motion carried.

**Review and approval of ACTT Minutes (April 17, 2009)**

Motion: Mile Moilanen; Second: Marc Mogan.

*Discussion:*

- Spelling of Marc Mogan (last name) noted.
- Evelyn's name is listed twice on the attendee list.
- ACTT January 30<sup>th</sup> minutes.
  - Noted correct spelling of Mike Moilanen's name.
- White Earth plan was not as far along as printed in the April 17 ACTT minutes, although it has made progress to date.

Motion carried.

**Old Business:**

**Issue: MOU: Roadside Vegetation Management between Mn/DOT and Fond du Lac**

*(handout)*

*Presenters: Linda Aitken*

The first Roadside Vegetation Management of Understanding between Mn/DOT and Fond du Lac Band of Lake Superior Chippewa was signed by Karen Diver, Fond du Lac Chairwoman and Tom Sorel, Mn/DOT Commissioner on [REDACTED]

Since the official signing of the MOU, a meeting was held between Leech Lake and District 2. Tina Markeson will prepare a draft MOU. Additional meetings will be scheduled to work out the differences. Other entities may be included, i.e., US Forestry, etc. An agreement has been prepared with Mille Lacs on Roadside Vegetation Management. Deb Ledvina, Ombudsman, is working with Mille Lacs on getting an MOU in place.

*(handout)* Linda reviewed the Roadside Vegetation Management excerpt from September 16, 2006, ACTT minutes.

The ACTT feels that the accomplishments have been met due to the forward movement of pursuing the Roadside Vegetation Management MOUs with the remaining tribes. Most of the MOUs are expected to be similar. Other governmental entities are expected to be included in some of the MOUs.

Mike Moilanen motioned to remove the Roadside Vegetation Management from future ACTT agendas and have Linda bring information on new MOUs to future meetings as necessary. Tom Fronk, seconded.

Motion carried.

**Issue: Coordination – Mn/DOT to Tribes**

*Presenters: Subcommittee*

*(handout: June 29 ACTT subcommittee minutes and Advocacy Council for Tribal Transportation Issue Paper: Mn/DOT and Tribal Communications)*

Issue: Not all departments within a tribal government are informed of highway construction or maintenance projects that are in the Mn/DOT district STIP.

At the June 29 ACTT Subcommittee meeting, Dave Trooien shared a process to holding annual meetings with the tribes and invite tribal representatives, county and Mn/DOT. Currently, District 1, Duluth, meets annually with the TERO offices. The new process will be an expansion of this meeting to better share project information with tribes.

***Discussion:***

- Schedule meetings (4-hour) in the fall before project lettings.
- Will be an opportunity to also share upcoming maintenance projects.
- Share Mn/DOT's 4-year construction plan.
- Counties share their 4-5 year construction plan.
- Tribes to share their construction plans.
- ACTT members develop an attendance list for their respective tribal representatives.
- Tribal communication can also be achieved through e-mail distribution lists.

**ACTION:**

- Add the US Forest Service representatives and Casino operators to the attendee list.
- This issue will be discussed at the Operations Division meeting next week.
- D1 will work on a structure and share with other Mn/DOT districts.

Marc Mogan motioned and Mike Moilanen seconded to:

- Designate Leech Lake as a pilot program for the Mn/DOT Tribal Communication project
- ACTT members to develop a tribal e-mail list for the annual fall meetings and share with appropriate Mn/DOT offices.
- Dave Trooien and Linda Aitken will take information from the ACTT Subcommittee meeting to the Operations Division meeting next week.

Motion carried.

Linda will also take this information to the MN Indian Affairs Council meeting on July 28.

## **Information/Discussion**

### **Issue: Functional Classification**

*Presenters: Thomas Martin, Mn/DOT, Transportation Data Analysis Office (Teresa Chapman unable to attend)*

Mr. Martin explained the functional classification issues between FHWA, BIA and Mn/DOT.

- Need to develop common ground.
- Need to identify roads within reservation boundaries, road authority, public roads, etc.
- Mn/DOT is willing to work with the tribal authorities regarding location of reservation roads and details regarding IRR, i.e., surface type, road width, AADT, etc.

Tom Fronk commented the BIA road classifications have changed from the TDA information presented at today's meeting.

**ACTION:**

- Tom Fronk will provide Thomas with the updated information.
- Tom Fronk will send a PowerPoint to Thomas of a functional classification study.

White Earth has provided Mn/DOT with very usable information. Any tribe that is willing to share their road authority information would be welcome. How will this benefit the tribal communities? Mn/DOT is attempting to provide the functional class and obtain the most current tribal road information. The information will be included in the statewide Highway Safety Plan and another benefit is to compete for projects within the ATP process, etc.

**ACTION:**

Tom Fronk will supply information for the minutes to request Mn/DOT to add the road authority information.

**Issue: Mn/DOT's Ombudsman**

*Presenter: Deb Ledvina (handouts)*

Deb Ledvina shared information about her position as Ombudsman with Mn/DOT. She serves as an independent neutral official with the authority to investigate citizen complaints and to provide avenues of redress.

She reports directly to Commissioner Sorel. The Commissioner created the position mainly to rebuild the public's trust and to make Mn/DOT's decisions more accessible for people who want to be involved. She deals with numerous issues involving private citizens.

She has dealt with over 100 cases; however, some cases have been minor in nature. Over half of the issues are more involved and concern the public, other agencies, cities, and a county. The majority of issues deal with damage to homes during/after construction, drainage issues, property damage issues, noise issues, and business impacts relating to construction. Smaller issues signs in right of way, signals, signage, and people wanting to buy homes. She has a staff of two and they strive to make personal contacts on all issues.

Deb's office is also involved in difficult historical communication relationship issues between a city and Mn/DOT. A mediator is involved. Another trust issue involves ADA requirements with Mn/DOT's use of consultants. Her office is conducting individual interviews to help sort out the issues.

Deb is an advocate for bringing the public's view of issues forward in a softer approach and relationship building on the front end of projects/issues.

**Issue: How Speed Limits are Set**

*Presenter: Brad Estothen*

Brad gave a presentation on the science of how Mn/DOT set speeds limits.

Safety program: under safety umbrella

- Engineering
- Education
- Enforcement
- EMS after a crash occurs

There are the two types of speed restrictions:

- Statutory limits that apply to most
  - Urban district 30
  - 2-way 2-lane 55
  - Expressway/urban interstate 65
- Limits Authorized by Commissioner of Transportation
  - Establishment of zones
  - Zoning within local areas

He explained the engineering and traffic investigation factors considered when setting speed limits and shared information how speed studies are conducted.

Question: Does Mn/DOT set speed limits on gravel roads?

Answer: Mn/DOT does not establish speed limits on gravel roads due to the changing surface/condition of the roadways.

Options for gravel roads without a posted speed limits are to install hazardous curve signs or limited sight distance signs with placards of a suggested speed attached to the sign.

Speed limits are set to:

- Increase safety
- Inform motorist of reasonable speed

Explained the 85 percentile travel speed is used not only for speed but for signs, pavement markings, railroad crossings, etc.

Question: Why MN doesn't have speed limit changes from one lane to another similar to CA, Illinois and Europe?

Answer: Brian will research if Minnesota has ever considered this change.

Mn/DOT conducts periodic experimental speed limit zones. To request a speed study, counties/cities should send requests to the respective Mn/DOT district office.

If tribal communities would like to request a speed study, the requests are made to Mn/DOT by tribal representatives or BIA roadway representatives.

Linda inquired how to go about requesting a speed study on a state highway that is within a reservation. Brad suggested requesting a traffic investigation and a speed study be conducted on the highway and Brad would present the information at a meeting with the Leech Lake Tribe in Bemidji.

**ACTION:** Brad will send Linda a copy of the presentation for distribution to the ACTT.

### **Issue: 2009 Tribes and Transportation Conference Update**

*Presenter: Linda Aitken and Jason Hollinday*

Linda shared information from the 2009 T & T Planning committee. The conference is scheduled for October 1 and 2 at Black Bear Casino Hotel. Most speakers are confirmed; breakout sessions will be included.

#### ***Breakout Sessions Discussion:***

- Jason Hollinday inquired if there should be a breakout session regarding wild rice and water quality in order for transportation attendees to understand the water quality issue in conjunction with wild rice.

#### **ACTION:**

- Tom Fronk will contact the Fish and Wildlife office.
- Evelyn Howard will make contact for possible speakers from Leech Lake.

- Cultural sensitive species of concern, i.e., medical, religious, eating, and craft species. What the plants are and why they are important in order to understand the cultural significance.

**ACTION:** Marc Mogan will also provide a contact name

- Storm water treatment and erosion control topics at the conference.
  - Marc Mogan knows consultant who could speak on the subject of rain gardens, etc.
  - Mike Moilanen prefers to have someone speak who has actually built rain gardens.
  - The state Hydraulic Engineer may be a contact source.

**ACTION:** Brian Larson will contact Brett Troyer in Mn/DOT's Central Office.

**Issue: NEPA Training**

*Presenters: Cheryl Martin and Cheryl Cloud (not in attendance)*

NEPA training will be held at Black Bear on September 29 and 30. There will be approximately 30 attendees. Mike Robinson is coordinating the Mn/DOT attendees.

Linda shared Cheryl Martin's information on training funding. FHWA denied to fund the training. Cheryl Cloud Westlund is looking into another way of securing the approximate \$11,000.

Marc Mogan shared ideas:

- Tribes could use the 2% planning budget for funding (\$1,000) each or the tribes could contribute additional dollars to meet the \$11,000.
- Ask tribal government to sponsor the training.

**ACTION:**

- Linda will send an e-mail to Cheryl Cloud Westlund on the status of the funding. Linda will share information with ACTT.
- Send any funding ideas to Linda.

**Round Robin – All**

*Dave Enblom:*

- TERO issues arising in the Leech Lake Band and the counties. He is interested to hear how the other tribes are implementing TERO. He feels it would be beneficial to have a consistent statewide TERO guideline/policy.
- The TERO issue could be a part of the Mn/DOT tribal meetings this fall.

**ACTION:**

- Tribal TERO ordinances will be requested by           .
- The ordinances could be placed on Mn/DOT's Web site.

*Tom Fronk:*

- Provided an ARRA update.
- BIA director

*Millie Baird:*

- The US Forestry is currently advertising 5 vacancies in Cass Lake and Duluth. When staffing is complete, their staff will be eleven. If anyone knows of people who would be interested in applying. Information is available on the Web site.

*Dave Trooien:*

- Announced his upcoming Mn/DOT retirement on August 14 after 44 years of service.
- Has stated he has enjoyed working with the tribal governments.
- Marc Mogan complimented Dave on all the efforts Dave has put into the tribes.

*Linda:*

ACTT has a new city representative: Jim Freiborg, S.E.H.

*Mike Moilanen:*

- Securing additional tribal representatives.
- Linda will bring up at the Indian Affairs Council meeting on July 28.

**Next Meeting – Date and Location**

The next meeting may be abbreviated meeting at the Tribes and Transportation Conference on October 1 and 2 at Black Bear.

**Adjourn**

Jason Holliday, motioned to adjourn the meeting; Marc Mogan, seconded. Meeting adjourned at 2:15 p.m.

*Recorder: Diane Beck CPS/CAP, Mn/DOT, District 8-Willmar*