California Tribal

Transportation Safety Summit

Summit Report



May 22-23, 2011

Harrah's Rincon

Valley Center, California

Prepared by Cambridge Systematics, Inc.



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16. Abstract

This report documents the California Tribal Transportation Safety Summit held May 23-24, 2011, in Valley Center, California. The Summit brought together a range of interested parties to discuss transportation safety issues and to begin developing coordinated strategies toward the ultimate goal of reducing crash-related injuries and deaths within Native American communities. Specifically, the objectives of the Summit were:

- 1. Review California's tribal road safety issues and challenges;
- 2. Improve crash data collection, analysis, and sharing;
- 3. Share experiences and begin developing new tribal safety initiatives;
- 4. Identify a list of action items to improve tribal transportation safety; and
- 5. Develop a process for continuing the dialogue and for addressing identified safety concerns among the Federal, State and Tribal transportation communities.

The following report includes background information, themes discussed by Summit speakers and participants, Summit results, and next steps for moving forward.

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Background

California is one of the most populous states when it comes to the size of the population and the number of Tribes, with 109 Federally recognized Tribes ranging widely in population size and land base. Every year, more than 30,000 motorists die and almost 3,000,000 are injured on our Nation's roadways. For ages 4 to 34, motor vehicle-related injuries are the leading cause of death in the United States, and Native Americans are at particularly high risk.¹ Among the Native American population, motor vehicle-related injuries are the leading cause of death up to age 44.² Considering all roadways, Native Americans are between two and three times more likely to be killed in motor vehicle crashes than other citizens. The full impact of severe crashes on Native Americans is not known as researchers and traffic safety experts agree Tribal roadway crash data is under reported.

The California Tribal Transportation Safety Summit held May 22-23, 2011 was an important step toward reducing traffic fatalities and injuries among members of Native Nations. This document describes the Summit, focusing on the insights gained, lessons learned, and ideas for moving forward.

The Summit was carried out through the collaborative efforts of representatives from the Rincon Band of Luiseño Indians, California/Nevada Tribal Technical Assistance Program (TTAP), Federal Highway Administration (FHWA)-Federal Lands Highway, FHWA-California Division, California Department of Transportation (Caltrans), and California Department of Public Health (CDPH).

■ Purpose of the Summit

The California Tribal Transportation Safety Summit brought together a range of interested parties to discuss transportation safety issues and to begin developing coordinated strategies toward the ultimate goal of reducing crash-related injuries and deaths within Native American communities. The Summit pursued that goal by identifying key tribal safety challenges and the resources (human, technical, material, and financial) available

¹Subramanian R., Motor Vehicle Traffic Crashes as a Leading Cause of Death in the United States, 2005, DOT HS 810 936. April 2008. U.S. DOT, National Center for Statistics and Analysis.

²Hilton J., Race and Ethnicity in Fatal Motor Vehicle Traffic Crashes 1999-2004, DOT HS 809 956. May 2006. U.S. DOT, NHTSA.

to address them, and by stimulating multidisciplinary collaboration among safety stakeholders.

Specifically, the objectives of the Summit were to:

- 1. Review California's Tribal road safety issues and challenges;
- 2. Improve crash data collection, analysis, and sharing;
- 3. Share experiences and begin developing new Tribal safety initiatives;
- 4. Identify a list of action items to improve Tribal transportation safety; and
- 5. Develop a process for continuing the dialogue and for addressing identified safety concerns among the Federal, State and Tribal transportation communities.

The Summit began with opening words from Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians, Bill Figge, Caltrans, Deputy District Director of Planning, Dale Risling, Deputy Regional Director, Bureau of Indian Affairs (BIA), and Clara Conner, Division Engineer, FHWA Western Federal Lands Highway. The opening session provided an opportunity for these leaders to speak about the importance and their commitment to Tribal safety efforts.

A series of sessions offered participants examples of effective safety solutions to learn from and consider for implementation within their own communities. Topics included road safety audits, the California Strategic Highway Safety Plan (SHSP), pedestrian and bicycle safety, and emergency response and law enforcement in rural areas. A detailed Summit agenda is included in Appendix A.

The Summit is a step in the longer process. Follow-up within and among California's Tribes in collaboration with local, state, and Federal partners, as well as other safety stakeholders, is needed for further progress.

Themes

In his opening statements, Bo Mazzetti, Chairman of the Rincon Band of Luiseño Indians, asserted transportation is something we do not think about until it does not work, stressing "we have not done a very good job of transportation planning." Suggesting the need to be forward looking, he pointed to data driven planning and cooperation with partners as essential to improving tribal transportation safety. Building on those ideas, several key recurring themes emerged from Summit presentations and discussions: *collaboration, action,* and *planning for the future*.

Collaboration

Bill Figge, Caltrans Deputy District Director of Planning, has seen the relationship with Tribes grow over the years and pointed to the Summit as an opportunity to bring everyone together to have a much needed discussion on safety. He declared safety is the number one concern for Caltrans and hopes this event will not be a one time meeting, but will introduce an ongoing dialogue on the important subject.

Joseph Meyers, Executive Director of the National Indian Justice Center (NIJC) and California/Nevada TTAP supported the call for collaboration and focused on Tribes needing to come together and collaborate and cooperate as one measure to help get the most out of the investment resources.

The first panel session discussed the cooperative effort involved to conduct a Road Safety Audit (RSA) and implement solutions for the Smith River Rancheria. The RSA itself is a collaborative approach, engaging a multidisciplinary and representative group of stakeholders to look at a specific location to determine the safety issues and appropriate countermeasures. In this case, the RSA examined an intersection with significant congestion and visibility issues, particularly because a lot of children are in the area. FHWA served as "honest broker" to bring everyone to the table and provided technical assistance. With FHWA support, Smith River Rancheria and Caltrans collaborated to conduct the RSA and implement solutions. Project resulting from the RSA to improve safety at the problem intersection include advisory speed limits, signage, and striping. Smith River is now



negotiating with local law enforcement to meet other RSA recommendations.

On a broader scale, another Summit session explored opportunities for Tribal involvement in the California SHSP (http://www.dot.ca.gov/SHSP). Mandated in 2005 by the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the SHSP is a statewide, comprehensive, data driven safety plan to reduce fatalities and serious injuries on all public roadways. Developing and implementing the plan has been a collaborative effort among a over 300 stakeholders and 80 agencies. However, to date, Tribal involvement has been limited. FHWA and Caltrans are interested in garnering more participation by Tribes in SHSP challenge areas. Tribes are also encouraged to work through Caltrans to address SHSP Executive and Steering Committees. Engaging in the collaborative SHSP offers opportunities to help build relationships and potentially leverage or open up certain resources through the state agencies.

Another collaborative example is the statewide *PedSafe* program, in which CDPH is working with local health centers with funding through the National Highway Traffic Safety Administration (NHTSA) and the California Office of Transportation Safety (OTS). This program represents the first time CDPH has worked on pedestrian safety issues. The model is based on research and knowledge on educating the public and tailoring messages to local issues and characteristics. The program is currently working on developing a workbook for developing Tribal related education, media, and communication materials focused on changing norms and behavior (attitudes).

CDPH also houses the Safe Routes to School Technical Assistance Resource Center, which works with Caltrans to engage parents, schools, community leaders, law enforcement, local, State, Federal and Tribal governments, advocacy groups, neighbors, and students in an effort to improve safer walking and bicycling conditions for getting to school through engineering, education, encouragement, and enforcement, along with evaluation of all projects.

The final Summit session discussion focused on emergency response and law enforcement in rural communities. A number of Tribal governments have their own emergency services. For others, partners involved in emergency response do not live on the reservations and but need access. Agreements between Tribal



and local governments provide such access and ensure appropriate services can be provided when needed.

California Highway Patrol (CHP) is primarily responsible for county traffic enforcement, while penal code violations are primarily the responsibility of the sheriffs. These agencies do not have jurisdiction on Tribal roads, which are viewed as private roadways. Tribal governments and police departments can collaborate with state and local law enforcement for training on enforcement practices. In another example, the Riverside Sheriff's Department invested in a Tribal liaison providing training on the history, culture, and sovereignty of the Tribal nations within the county. The liaisons are also available to the Tribal governments. However, they can only enforce Tribal law if they are sworn as a Tribal officers. The liaisons have helped build relationships with the Tribes and have a contractual agreement with Morongo Tribe assigning six deputies to the reservation.

Public Law 280 has proven complicated for law enforcement agencies, resulting in non-Tribal officers unable to enforce on Tribal roadways and reluctant to take crash reports unless a fatality or serious injury occurs. Most judges agree they cannot issue tickets on Tribal lands or issue citations to Tribal members, or conduct checkpoints and other enforcement activities. However, they can be involved in education so Tribes are encouraged to engage CHP in educating their communities on safety driving. With experience in other communities they can bring to bear and can collaborate with individual Tribal government on how to work effectively together to address transportation safety issues.

Action

Clara Conner noted in her opening comments that across the United States traffic fatalities are down, but Native American fatalities are disproportionately higher and not moving down. She stressed, "We <u>can</u> do something about it and that's why we're here." All the examples discussed during the Summit started with recognizing the safety problems and taking action to reduce the lives lost and injuries resulting from motor vehicle crashes.

To address the serious safety hazard posed by an unsafe intersection, the Smith River Rancheria did not allow a history of conflict to get in the way of working together with Caltrans and the result was an effective, collaborative effort producing positive safety results for the community. This group broke through the barriers and got things done. The willingness and interest of

SHSP Challenge Areas of Particular Interest for Tribes

- CA #2: Reduce the Occurrence of Leaving the Roadway and Head-on Collisions
- CA #7: Improve Intersection and Interchange Safety for Roadway Users
- CA #8: Make Walking and Street Crossing Safer
- CA #9: Improve Safety for Older Roadway Users
- CA#10: Reduce Speeding and Aggressive Driving
- CA#16: Improve Safety Data Collection, Access and Analysis

Smith River Rancheria to "push" is how FHWA and Caltrans got involved. Once everyone was together and recognized a common goal to improve safety, the they worked together as a close knit team to produce results.

Again at the broader level, the statewide SHSP is an action plan, not meant to be left on the shelf, but to be implemented. Through the active engagement of all the stakeholders, the plan is realized through a series of actions under each of the 17 challenge areas. Progress from taking action has been promising, with fatalities dropping from 4,304 (1.31 fat./MVMT) in 2005 to 3,075 (0.95 fat/MVMT) in 2009. Getting involved in SHSP efforts offers opportunities for Tribes to access resources and partners, and to learn about and implement safety solutions in their own communities.

CDPH's *PedSafe* program is action oriented, seeking to change norms and behavior (attitudes) by presenting tools in a manner in which participants walk out the door "ready to go". This "risk communication" is process of explaining the problem and seizing the opportunity to educate. It not only communicates the possibility of an adverse event, such as a pedestrian injury or death, but also helps participants understand what can be done to mitigate the risks.

Emergency response and law enforcement on Tribal roadways is complicated due to restrictions such as those posed by Public Law 280. While these issues may appear to complex to overcome, examples show that actions can be taken to develop the collaborative relationships necessary to implement effective programs and ensure safer roadways. CHP and a number of local Sheriff's departments seek to cooperate with Tribal governments to help with emergency and law enforcement solutions. Recognizing the importance of safety, the Riverside Sheriff's Department took the initiative to develop the Tribal liaison unit and funded it through the Sheriff's budget to secure the program.

■ Planning for the Future

The final common throughout the Summit was planning for the future. The Smith River Rancheria RSA resulted in a prioritized plan of solutions providing a basis for continued collaboration throughout implementation. The efforts has proven successful, but only addresses one location. Additional planning for future RSAs will help secure resources and partnerships to examine, when appropriate, other element in their inventory.

As previously discussed, the California SHSP is a data driven, strategic plan for statewide efforts to improve transportation safety. The comprehensive plan was developed through a structured process to develop strategies and detailed action items that provide the many stakeholders a roadmap for implementation. Tribes may get involved with the statewide SHSP efforts, or they may review the plan to identify available data and use it as a tool to develop their own plans.

The importance of planning for the future was driven home during the discussion on emergency response and law enforcement. Emergencies are by nature occurrences with little to know warning. Systems and agreements must be in place for responders to have the necessary access to reach the emergency location and perform their duties. Otherwise, critical response may be delayed or not available at all. Similarly, law enforcement agreements allow for plans and practice to be in place when necessary, rather than being reactionary. The key is to start early discussions and what is needed and expected, which allows time to work through details and develop appropriate arrangements.

At the same time, effective planning depends on adequate information. Programs to develop and implement plans are evidence driven. Crash data is critical for accurate problem identification, countermeasures selection, and evaluation. However, such data is severely lacking on Tribal roadways, which needs to be resolved to increase the potential to access available safety resources. In the absence of complete data, other evidence based options are available, such as the RSA conducted by Smith River Rancheria.

The road inventory issue is another very important as it drives BIA funding distribution. The inventory has a large backlog and needs to get up to date. BIA has a regional team, a strategy, and a team to push the issue and get the plans in place. Currently, they have 5100 miles on the system and want to complete the backlog of at least 6500 miles. Their hope is to make a difference in terms of their getting "their share" of the Federal funds, which will provide resources to put plans into action.

Summit Results

A primary Summit objective was to generate ideas for developing and continuing coordinated approaches to help reduce fatalities and serious injuries on Tribal roadways. To achieve this, Summit participants discussed their experiences and offered potential opportunities to collaborate and implement approaches for improving safety. The following strategies were suggested during facilitated discussions throughout the Summit.

- Tribes and Caltrans coordinate to get Tribes engaged in SHSP challenge areas;
- Explore possibilities for a project to provide funding for an overall Tribal RSA program in California (i.e., Caltrans, IRR, LTAP);
- Tribes explore applying on their own or partner with local metropolitan planning organizations (MPOs) for safe Routes to School funding.
- Tribes engage local and statewide law enforcement to develop agreements to address emergency response and law enforcement on Tribal roadways;
- Complete the Tribal roadway inventory; and
- Conduct similar Summit style meetings in the future to advance collaboration and safety strategies; and
- Work with individual Tribes to develop transportation safety plans.

Moving Forward

Stakeholders in California are committed to take the next steps in the pursuit of safer tribal transportation. As emphasized at the beginning of the Summit and throughout, an important component of any future direction should be to continue to foster collaboration around evidence-driven decisions and action.

Tribes, along with Federal, state, and local partners, are encouraged to begin implementing applicable recommendations immediately. Participants will inform the Tribal elders, leaders, and other safety stakeholders in their communities about the Summit results and recommendations.

Efforts such as the California's SHSP are ongoing and offer significant opportunity to elevate Tribal safety issues. Other opportunities at the state and local level, such as Tribal gatherings, provide ideal forums for continuing to raise awareness of the safety issues facing Native American communities and the resources and strategies available for reducing fatalities and serious injuries on Tribal roadways.

More information about resources available from state, regional, and Federal partners involved in the Summit can be found at:

California/Nevada TTAP: www.nijc.org/ttap.html;

Caltrans: http://www.dot.ca.gov;

CDHP: http://www.cdph.ca.gov;

CPH: http://www.cph.ca.gov;

FHWA Office of Federal Lands Highway: http://flh.fhwa.dot.gov/programs/irr/safety;

FHWA Office of Safety: http://safety.fhwa.dot.gov; and

BIA: http://www.bia.gov.

Appendix A: Agenda

MONDAY, MAY 23, 2011

12:00 PM - 1:00 PM

Registration

1:00 PM - 1:15 PM

Opening Prayer

Welcome and Introductions

Joseph Myers, Executive Director, National Indian Justice Center

1:15 PM - 1:45 PM

Opening Session

Bo Mazzetti, Chairman, Rincon Band of Luiseño

Bill Figge, Deputy District Director for Planning, California Department of Transportation

Dale Risling, Deputy Regional Director, Bureau of Indian Affairs

Clara Conner, Division Engineer, FHWA Western Federal Lands Highway

1:45 PM - 2:00 PM

iClicker Activity to break ice, identify participant make up, introduce the tool

2:00 PM - 3:15 PM

SESSION ONE: Addressing Road Safety Issues at Smith River

Representatives of Smith River Tribal Transportation Program and Caltrans District 1 will provide a discussion of the Road Safety Audit process and how it benefits the Smith River Tribal Community. The panel will share resources available to the Tribes to conduct road safety audits.

PANEL:

- Panel Moderator/Facilitator: Joseph Myers, NIJC
- Russ Crabtree, Smith River Rancheria
- David Cohen, Safety Specialist, FHWA-California Division
- James Brophy, IRR Tribal Coordinator, FHWA-Western Federal Lands Highway
- Adam Larsen, IRR Tribal Coordinator, FHWA-Western Federal Lands Highway

3:15 PM - 3:30 PM

BREAK

3:30 PM - 3:45 PM

iClicker Activity to highlight safety issues/concerns

3:45 PM - 5:00 PM

SESSION TWO: California Strategic Highway Safety Plan (SHSP): Communication and Collaboration to Improve Safety

Representatives from the California Department of Transportation, California Highway Patrol, Office of Traffic Safety, and Federal Highway Administration will provide a discussion of the California Strategic Highway Safety Plan and opportunities to elevate Tribal priorities in the statewide plan. This Session will include available **assistance** and resources.

PANEL:

- Panel Moderator/Facilitator: Raquelle Myers, NIJC
- David Cohen, Safety Specialist, FHWA-California Division
- James Brophy, IRR Tribal Coordinator, FHWA-Western Federal Lands Highway
- Bob Clark, Assistant Chief Border Division, California Highway Patrol

TUESDAY, MAY 24, 2011

8:00 AM – 8:15 AM Reflecting on Day One

Speaker, Title, Agency

8:15 AM – 8:30 AM i-Clicker Activity

8:30 AM – 9:45 AM SESSION THREE: Addressing Road Safety Issues (Part Two)– Focus on Pedestrians, Bicycles

This discussion will focus on the intersection of programs promoting healthy communities and the newly modified Safe Routes to School Program. The SRSP program has the potential to install pedestrian safety features in tribal communities.

PANEL:

- Panel Moderator/Facilitator: Joseph Myers, NIJC
- Lonora Graves, Senior Transportation Planner-Native America Liaison Branch, Caltrans
- Dawn Foster, Safe Routes to School Statewide Program Coordinator, Caltrans
- Justine Herman, Project Coordinator, Safe Routes to School Technical Assistance Resource Center, California Active Communities, California Department of Public Health
- Holly Sisneros, Public Health PedSafe Program Manager, California Department of Public Health

9:45 AM – 10:00 AM BREAK

10:00 AM – 10:15 AM **i-Clicker Activity**

10:15 AM – 11:30 AM SESSION FOUR: Emergency Response in Rural Areas, Law Enforcement Challenges and Partnerships

This discussion will focus on the development of partnership agreements between tribal law enforcement and California Highway Patrol for the purposes of emergency response and traffic law enforcement in rural communities.

PANEL:

- Panel Moderator/Facilitator: Joseph Myers, NIJC
- Bob Clark, Assistant Chief Border Division, California Highway Patrol
- Alex Tortes Nexus Community Solutions, Tribal Liaison for Riverside Sheriff's Office

11:30 AM – 12:00 AM Continuing the Dialogue & Next Steps

Raquelle Myers, Staff Attorney, National Indian Justice Center/California – Nevada TTAP

Appendix B: Participant Roster

Name	Affiliation	E-mail	Telephone
Craig Alred	FHWA US DOT	craig.allred@dot.gov	729-963-3236
Sheilla Alvarez	Barona Band of Mission Indians	ltrombino@barona-nsn.gov	619-443-6612
Joel Bravo	Smith River Rancheria	jbravo@tolowa.com	707-487-9255
James Brophy	FHWA IRR Program	jim.brophy@dot.gov	360-619-7953
Shu Brown, Jr.	Sycuan Band of the Kumeyaay Nation	sbrownjr@sycuan-nsn.gov	619-445-6002 x 1123
Teresa Brownyard	County of San Diego	teresa.brownyard@sdcounty.ca.gov	619-685-2287
Bob Clark	California Highway Patrol	BClark@chp.ca.gov	858-650-3700
Trent Clark	Caltrans	trent.clark@dot.ca.gov	619-688-3140
David Cohen	FHWA	david.cohen@dot.gov	916-498-5868
Margaret Colglazier	National Indian Justice Center	tcoord@nijc.org	707-579-5507
Clara Conner	FHWA Western Federal Lands Highway	Clara.conner@fhwa.dot.gov	360-619-3801
Russ Crabtree	Smith River Rancheria	rcrabtree@tolowa.com	707-218-7727
Richard Crompton	County of San Diego	teresa.brownyard@sdcounty.ca.gov	619-685-2287
Bill Figge	Caltrans	Bill_Figge@dot.ca.gov	619-688-6681
Dawn Foster	Caltrans	dawn.foster@dot.ca.gov	916-653-6920
Robert Frazier	BIA-DOT	robert.frazier@bia.gov	505-563-3319
Bob Goralka	County of San Diego	teresa.brownyard@sdcounty.ca.gov	619-685-2287
Lonora Graves	Caltrans, Native American Liaison Branch	LGraves@dot.ca.gov	916-653-6315
Justine Hearn	CDPH	justine.hearn@cdph.ca.gov	916-552-9822
Susan Herbel	Cambridge Systematics, Inc.	sherbel@camsys.com	202-494-5539
Kimberly Johnston-Dodds	Caltrans	kimberly_johnston-dodds@dot.ca.gov	916-651-6527
Bernardo Kleiner	Cambridge Systematics, Inc.	bkleiner@camsys.com	301-347-9123
Adam Larsen	FHWA	adam.larsen@dot.gov	360- 619-7953
Barry Litchfield	National Indian Justice Center	barry@nijc.org	707-579-5507
Stephanie Lucero	National Indian Justice Center	stephanie@nijc.org	916-505-0177
Cody Martinez	Sycuan Band of the Kumeyaay Nation	cmartinex@sycuan-nsn.gov	619-445-6002 x 1128
Bo Mazzetti	Rincon Band of Luiseño Indians	bomazzetti@aol.com	760-801-4550
Claudine Montes	SCTCA	claudinemontes@gmail.com	760-742-8606 x116
Joseph Myers	National Indian Justice Center	josephmyers@nijc.org	707-579-5507
Raquelle Myers	National Indian Justice Center	nijc@aol.com	707-579-5507
Virgil Perez	lipay Nation of Santa Ysabel	viapch@gmail.com	760-765-0845 x 103
Albert "Boxie" Phoenix	Barona Band of Mission Indians	Itrombino@barona-nsn.gov	619-443-6612
Dale Risling	Bureau of Indian Affairs	-	
Edwin Romero	Barona Band of Mission Indians	Itrombino@barona-nsn.gov	619-443-6612
Leslie Sanders	Trinidad Rancheria	cherae.roads@gmail.com	707-677-0211 x 273

Name	Affiliation	E-mail	Telephone
Tuukut Sass	Rincon General Services	tpeevler@rincontribe.org	760-297-2330
Gustaf Silva	Caltrans	gustaf_silva@dot.ca.gov	619-208-1104
Holly Sisneros	CDPH, PedSafe Program	holly.sisneros@cdph.ca.gov	916-322-2262
Anthony Snow	Caltrans, NALB	tony_snow@dot.ca.gov	916-651-6527
Anthony Spann	Bureau of Indian Affairs	anthony.spann@bia.gov	505-563-3319
Terry Supahan	Smith River Rancheria	tsupahan@gmail.com	707-845-5292
David Toler	San Pasqual Tribe of Mission Indians	davidt@sanpasqualtribe.org	760-749-3200
Alex Tortes	Nexus Community Solutions	atortes@riversidesheriff.org	