Central California Tribal Transportation Safety Summit

2014 Safety Summit Report



November 4-5, 2013

Hyatt Hotel - Sacramento, California

Prepared by Western TTAP



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This report documents the Central California Tribal Transportation Safety Summit held Nov. 2013, in Sacramento, 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 111 Federally recognized Tribes ranging widely in population size and land base.

The California Transportation system is the most complex system of all the United States. California's transportation system includes:

- Three of the five busiest ports in the nation;
- Three of the five busiest rail systems through Amtrak service lines in the nation;
- Largest highway system with 32 million licensed trucks.

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 Central California Tribal Transportation Safety Summit held November 4-5, 2013 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 Western Tribal Technical Assistance Program (TTAP), Federal Highway Administration (FHWA)-Federal Lands Highway, FHWA-California Division, California, Bureau of Indian Affairs (BIA) – Pacific Region, Department of Transportation (Caltrans), and California Tribes.

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.

Secretary Kelly noted the following transportation safety legislation recently passed in California:

- AB 1371 enforces a 3 foot buffer zone when a vehicle passes a bicyclist.
- AB 60 Expands the universe of getting a driver's license in California to all persons driving on the roadways regardless of their citizenship.
- AB 1222 Legislation that preserved CA pension reform law while allowing federal transportation grants to continue to flow to the state and to create a loan program for counties at risk of losing their transit grants.

The Summit began with opening words from Joseph Myers, Western TTAP, Secretary Brian Kelly, California State Transportation Agency, Amy Dutschke Regional Director, Bureau of Indian Affairs (BIA), Cynthia Gomez, Native American Liaison for the Governor's Office, and David Cohen, Division Engineer, FHWA Western Federal Lands Highway. The opening session provided an opportunity for these leaders to speak about the importance of and their commitment to Tribal safety efforts.

California has the largest and most complex transportation system in the country. Effective July 2013, CTSA was created to provide a single agency focused on transportation policy in California. Secretary Brian Kelly, California State Transportation Agency (CTSA), stated that CTSA acknowledges and respects tribal inherent sovereignty. He stated that the CTSA is committed to meaningful consultation with tribes as both pursue mutually beneficial transportation policies. He recognized and appreciated his developing working relationship with Joseph Myers, Western TTAP director and chairman of the Native American Advisory Committee (NAAC) to Caltrans. He noted that a safe, efficient and sustainable transportation system is more important than ever before and it is vital to the economic well-being and to our collective quality of life.

California has a backlog on traffic safety data and is currently working on funding to address the reporting and gathering of safety data. Current efforts are establishing priorities for safety concerns in California. CTSA is committed to strengthening and sustaining its effective government-to-government relationships with California tribal governments by identifying areas of mutual concern and developing a consensus. CTSA will continue its consultation process under MAP-21 which requires updating of SHSP that will focus on road conditions effecting tribes. As a new agency, CTSA is developing its consultation policy. Carol Farris, CTSA Deputy Secretary, is the lead liaison for the consultation policy development. A draft will be shared publicly for review and comment. The objectives for the California transportation system are safety, mobility and sustainability.

Amy Dutschke, Regional Director, Bureau of Indian Affairs, Region IX, stated that most of the roads in Indian Country support a great number of non-Indian road users. The BIA has been in the "safety" business since it joined the FHWA program in 1982. The BIA is converting California Tribes to programmatic agreements in an effort to provide tribes with more local control of their transportation funding. Safety plans are critical to addressing safety concerns for tribal communities. BIA will also be focusing on bridge safety concerns. Tribal transportation professionals do an excellent job because they are developing roads for their own family members. BIA is in a process of partnering with the Western TTAP to assist in planning and conducting road safety audits and to support set asides under MAP-21.

Cynthia Gomez, Tribal Liaison, Office of the Governor of California, told about the loss of her father who was struck by a car and killed on a pedestrian walkway near a roadway through Indian country. Ms. Gomez recognized the work of Ms. Joan Sollenberger who championed the Native American Liaison Branch (NALB) of Caltrans. Governor Brown has issued Executive Order B1011 which orders California agencies to do a better job in communicating, consulting and collaborating with Tribes in California. She acknowledged that CTSA Secretary Kelly and Deputy Secretary Farris are leading the way on developing policy on meaningful consultation.

Adam Larsen, Safety Engineer, FHWA, stated that motor vehicle crashes are one of the leading health problems in the U.S. Native Americans and Alaska Natives are the highest group per capita suffering from fatalities due to motor vehicle crashes. This statistic has brought agencies together to address the problem. They found that they could not be effective until the tribal governments were ready to recognize and address the safety issues. MAP-21 has set aside 2% of Tribal Transportation Program dollars for safety projects and plans. Safety plans are a key component of developing competitive safety projects. FHWA and BIA are encouraging tribes to develop tribal safety plans which can use the best available data even if anecdotal data identifying the challenges to safety and what can be done to save lives in Native communities. FHWA received 240 applications which exceeded the funding available. 70% proposed tribal transportation safety plans. 22% of the proposals were specific to engineering and 8% for enforcement, EMS and education. The awards were made in December 2013 and another announcement will be made in early 2014.

Fawn Thompson, TTAP Program Manager, FHWA, recognized the Western TTAP's work and highlighted the need for partners in the region to work with the Western TTAP in delivering training and technical assistance.

The Safety Summit proceeded with a series of sessions that offered participants with information from state and federal transportation partners, effective safety solutions to consider for implementation within tribal communities and resources to assist in that implementation. A detailed Summit agenda is included in Appendix A.



Tribes may expect CHP to enforce vehicle code provisions on tribal lands, however; P.L. 280 allows state traffic officers to enforce only the criminal provisions of the vehicle code on tribal lands, not civil regulatory provisions.

Themes

Building on the foundation set forth by the keynote speakers, the themes that emerged from Safety Summit presentations were to improve transportation safety in California's Indian Country through (1) collaboration, (2) strategic partnerships and (3) identification of resources to support implementation of safety strategies to reduce the number of collisions resulting in injury or fatalities in California's Indian Country.

Collaboration to Improve Transportation Safety in California's Indian Country

Joseph Myers, Executive Director of the National Indian Justice Center (NIJC) which administers the Western TTAP introduced the topic of Public Law 280 (P.L. 280) as the trigger legislation for the termination of the federal recognition of tribes. He provided background on how P.L. 280 was introduced by Congress and its impact that severed the Federal Trust relationship with tribes in P.L. 280 states. In 1953, Congress identified California among 4 other states and the Territory of Alaska as mandatory P.L. 280 states. This statute replaced federal responsibility and jurisdiction over Indian country in those states with limited state jurisdiction over Indian country. Implementation of P.L. 280 provided no funding to the states. Federal efforts were made to move Indian people away from tribal lands and into cities through the BIA relocation program. Roads in Indian Country were transferred to local counties. The loss of tribal governmental structure and control resulted in increased social impacts such as alcohol and drug dependency, domestic violence and loss of cultural identity.

The first panel session discussed the impact of Public Law 280 on tribal reservation road safety. The panelists included Chief Bob Clark, California Highway Patrol; Joseph Myers, National Indian Justice Center; Steve Wilkie, Bureau of Indian Affairs and Dore Bietz, Tuolumne Band of Me-Wuk Indians.

This panel highlighted the historic and current confusion surrounding the implementation and application of P.L. 280 in California. Chief Bob Clark discussed the role of CHP in vehicle collisions on tribal lands. The California Highway Patrol (CHP) is the traffic law enforcement agency for state and county public

When it comes to tribal lands, every collision will have the same primary collision factor (PCF) of 903 because the crash is handled as if it occurred on private property. This is problematic because it does not allow for the determination of problems on certain roadways through SWITRS. In the internal system (AIS), CHP has included information by roadway but not by PCF. Tribes and CHP need to work collaboratively to establish internal systems to track local crash data.

roadways and freeways. In cities, the city police enforces penal and vehicle code violations. Most California tribal lands are within the county boundaries rather than city boundaries. Tribes expect CHP to enforce vehicle code provisions on tribal lands, however; P.L. 280 only allows law enforcement to enforce the criminal provisions of the vehicle code not civil regulatory provisions. Most of the vehicle code is civil regulatory (infractions are considered civil regulatory and include lack of car registration and lack of driver's license). CHP can apply a vehicle code provision that is a misdemeanor or a felony provision on tribal lands. If the misdemeanor or felony violation of the vehicle code occurs on tribal lands or on a highway running through the reservation, then it may fall under the jurisdiction of CHP but it depends upon whether the person who has violated the law is Indian or non-Indian. Jurisdictional complexities abound in California's Indian Country

If there is a fatality, CHP will take the collision report. If the crash occurs on tribal lands, the tribe will have to invite CHP to address the collision. CHP has commanders that can initiate the dialogue with tribes concerning managing transportation safety issues on tribal lands. Each sovereign tribal government will likely have different needs with respect to CHP. The CHP offices throughout the state may vary in their responses to Indian Country issues. *Crash reporting* is a great concern for all tribes particularly with respect to data driven transportation grant programs and MAP-21 performance measures. The CHP manages Statewide Integrated Traffic Records System (SWITRS) which documents all collisions in California. The data comes from all agencies in the State. It runs through CHP and Caltrans. When it comes to tribal lands, every collision will have the primary collision factor (PCF) 903 because the crash is handled as if it occurred on private property. This is problematic because it does not allow for the determination of problems on certain roadways through SWITRS. In the internal system (AIS), CHP has included information by roadway but not by PCF. California Tribes and CHP need to work collaboratively to establish internal systems to track local crash data.

The CHP may also be able to provide *safety education services* to tribal communities including car seat installation and safety, bicycle safety, elderly driver safety programs. Education can help prevent vehicle collisions and fatalities. *Collaborative relationships with the CHP must begin with an invitation from the tribe to CHP*.

Dore Bietz addressed additional issues concerning P.L. 280, jurisdiction over roads and emergency services on tribal lands

during an event or disaster. Her tribe found that state and county emergency medical services (EMS) were unable to locate tribal members when EMS was dispatched to help. Their homes and addresses were not in the county and state GIS databases. The tribe is located in a forested area with only one way in and one way out of the community. To address this, the tribe developed a GIS map layer that provided locations to EMS. The tribe hosted the incident command post for all of the agencies during the Rim Fire Disaster near Yosemite National Park. The tribe was under an emergency evacuation advisory for eight days. The county approached the tribe to determine who would conduct the evacuation and how it would occur. Although the fire did not reach tribal lands, there were cultural concerns for the tribe during the Rim Fire. Many tribal members may not value the process of EMS planning because it addresses a potential future incident rather than pressing immediate concerns. Presenting emergency planning information to the tribal community on a consistent basis is important. When the time arrives, the resources will be in place. Coordination and cooperation between all of the agencies and the tribe with a high level of respect could not have occurred without the prior efforts towards relationship building. One important note, during any disaster event, CHP will control traffic on roads to the disaster but will work under an incident commander who may be from a different agency. Tribal EMS personnel must be known to and identifiable by the incident commander in order for CHP to allow them ingress and egress from the disaster. Tribal transportation personnel should be included as part of the Tribal EMS team because disasters have a great impact upon the transportation infrastructure.

Steve Wilkie, BIA-Pacific Region, addressed the complexities of the tribal, state and federal relationship building to improve transportation safety. There are 18,000 miles of road in the Indian Reservation Roads (IRR) inventory. More than half of the roads were not designed or engineered for roadway safety but they were paved regardless. There are new requirements for tribal bridge inspection. Twenty-five percent (25%) of the known tribal bridges are structurally deficient or functionally obsolete. Six hundred (600) miles of roads from California tribal lands have been added to the IRR inventory but there are obstacles in determining ownership and right of way.

A brief presentation was made by Mark Dandeneau, California MADD. Mr. Dandeneau is from the Narragansett Tribe and has worked with Indian Child Welfare in California. MADD works throughout California in 11 district offices that includes 27 staff members who provide services to victims of DUI collisions. The services range from support through trial, prevention and education programs concerning underage drinking, and health and wellness services. He extended an invitation to California Tribes to collaborate with MADD to bring their services to tribal communities.

Strategic Partnerships to Improve Transportation Safety in California's Indian Country

The second presentation was made by Joan Sollenberger, Chief, Office of Strategic Development, Caltrans, regarding the California Strategic Highway Safety Plan (SHSP). *Caltrans has been actively seeking tribal participation on the ongoing planning and development of the SHSP.* The SHSP needs to be updated pursuant to MAP-21. Some data concerning tribes is known but more data should be gathered from the tribes to increase accuracy of the SHSP. The first SHSP was developed in 2005. SHSP includes all public roadways (not just highways). SHSP is the plan for California. It is not just a Caltrans plan. The SHSP is a performance based program and is data driven. It puts resources towards the areas with the most need. The current update will focus on (1) updating the SHSP; (2) increasing local and tribal participation; and (3) to improve traffic safety culture.

Under MAP-21, "a highway safety improvement project is any strategy, activity or project on a public road that is consistent with the data-driven SHSP." The Highway Safety Improvement Program (HSIP) as well as other programs are now tied to the SHSP. The SHSP update is an opportunity to evaluate our efforts and identify the best way to move forward. The SHSP update must take place within the next year. It can serve as a strategic plan and will require continuous improvement. This is an opportunity to incorporate necessary strategies to improve transportation safety in tribal communities.

Using SWITRS acknowledging its limitations with respect to collisions on tribal lands noted by Chief Clark of CHP, Caltrans identified 3,755 injury collisions that occurred within 29 tribal areas in California over a period of 10 years (2002-2011). This is most likely an underestimate of the number of injury collisions. *Developing a system for a more accurate estimate of traffic injuries in tribal areas should be a priority task.*

SHSP has to be consistent with other state and national transportation plans. Formal consultation with tribes is required. Due to time constraints, the best approach would be to conduct

Developing a system for a more accurate estimate of traffic injuries in tribal areas should be a priority task. consultation at existing events and meetings. *If the state SHSP does not get its SHSP process and plan in place by August* 1[,] 2015, *the state will be unable to apply for surplus federal funding termed August Distribution.*

PowerPoint Slides presenting Data collected by SafeTrec, U.C. Berkeley, for the SHSP Presentation

If a Tribe has local data to share with SafeTrec, the data may be incorporated into the database that produced these slides. If interested contact David Ragland, SafeTrec, U.C. Berkeley, Ph: 510-642-0655, davidr@berkeley.edu

YEA	R	FATAL	SEVERE	MINOR	TOTAL
200	2	25	38	322	385
200	3	25	35	330	390
200	4	25	44	391	460
200	5	23	33	361	417
200	6	12	46	341	399
200	7	19	41	355	415
200	8	24	25	324	373
200	9	15	29	273	317
2.01	0	6	24	273	393
201	1	16	34	246	296
TOT	AL	190	349	3,216	3,755



TRIBAL LAND	N
Agua Caliente Indian Reservation	1,744
Barona Rancheria	206
Bishop Rancheria	27
Cabazon Indian Reservation	114
Cahuilla Indian Reservation	59
Campo Indian Reservation	99
Chemehuevi Indian Reservation	16
Colorado River Indian Reservation	90
Fort Independence Indian Reservation	4
Fort Yuma Indian Reservation	140
Hoopa Valley Indian Reservation	159
La Jolla Indian Reservation	46
La Posta Indian Reservation	17
Mesa Grande Indian Reservation	1
Morongo Indian Reservation	305

TRIBAL LAND	N
Pala Indian Reservation	194
Rincon Indian Reservation	100
Round Valley Indian Reservation	31
an Pasqual Indian Reservation	3
Santa Rosa Indian Reservation	21
Santa Rosa Rancheria	15
Santa Ynez Indian Reservation	5
Santa Ysabel Indian Reservation	22
Soboba Indian Reservation	6
Susanville Rancheria	9
Torres-Martinez Indian Reservation	159
Viejas Indian Reservation	57
K. L. Rancheria	14
Yurok Indian Reservation	94

Resources to Improve Transportation Safety in California's Indian Country

The presentation entitled Building Safety Measures was made by Michia Casebier, MG Tech Writing, LLC, and David Cohen, FHWA. The presentation addressed funding for Safety Improvements including the Tribal Transportation Program – 2% Safety Set Aside. Eligible projects must address education, enforcement, emergency management services, engineering, and/or transportation safety planning. Projects should have the goal of reducing fatalities and serious injuries from transportation incidents. For more information go to:

http://flh.fhwa.dot.gov/programs/ttp/safety.

The Safe Routes to School (SRTS) program focuses on the goals of (1) to enable and encourage children - including those with disabilities - to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative; thus, encouraging a health and active lifestyle from an early age; and (3) to facilitate project planning, development & implementation that improves safety while reducing traffic, fuel consumption and air pollution near schools. SRTS program funds elementary and middle schools; and program and projects must be within a 2-mile radius of the school. For many tribes in California, the 2-mile radius is a barrier to obtaining SRTS funding. Where a tribe has a school within or near its community, SRTS projects can address health issues including obesity and diabetes. Sustainability of SRTS programs can be challenging. To address sustainability of SRTS programs, the presenters recommend the following alternative funding sources:

- State DOT Environmental Justice (EJ) grant programs;
- Community Based Transportation Planning (CBTP) grants;
- o Planning Assistance for Rural Areas (PARA) grant efforts
- Tribal Transportation Program (Formerly the Indian Reservation Roads- IRR Program);
- Highway Safety Improvement Program (HSIP);
- Robert Wood Johnson Foundation;
- Centers for Disease Control Community Transformation Grants;
- Injury Prevention;
- Tribal Transit Program;
- HUD Indian Community Development Block Grant;
- Johns Hopkins;
- Diabetes Prevention; and

CHP education and prevention programs:

- Child Safety seats,
- Distracted Driving,
- Every 15 minutes (someone in the U.S. loses their life in a DUI),
- Kaitlyn's Law (leaving children unattended in cars),
- Start Smart,
- Motorcycle Safety,
- Passenger Restraint,
- Senior Driving.

• Michelle Obama's \$40,000 Apps for Healthy Kids competition.

For more information go to: <u>http://saferoutesinfo.org</u>.

David Cohen, FHWA - Federal Aid, provided information about FHWA and the history surrounding transportation authorization. In 2008, SAFETEA-LU Technical Corrections Act recognized tribal governments as eligible applicants for SRTS program. The presenters conducted research and found tribal-state MOUs and JPAs related to administration of direct SRTS funds. The MOUs and JPAs included limited waivers of sovereignty. MAP-21 created the Transportation Alternatives Program (TAP) and identified Tribal governments as eligible entities to receive TAP funds (23 USC 213 (c)(4)(B)). Caltrans which delivers the funding to the entities preferred that the tribes partner with a local public agency or the BIA. TAP includes the SRTS program, Recreational Trails and numerous other grant programs. Tribes should communicate their needs, particularly for receiving direct funding instead of requiring a local agency partner, to Caltrans and the California Transportation Commission (CTC). The 2 mile radius requirement for SRTS funding has been a significant obstacle for California tribes obtaining SRTS funding. Caltrans is in charge of the rules for implementing SRTS.

The last presentation of the first day of the Safety Summit was made by Chief Bob Clark, CHP, entitled Building Safety Measures into New Transportation Facilities. Traffic law enforcement has a variety of dimensions but safety is a primary objective. The methods for traffic law enforcement include education and prevention, enforcement, documentation of collisions, identification of problem locations and planning of targeted prevention through education or enforcement. CHP education and prevention programs include the following titles: Child Safety seats, Distracted Driving, Every 15 minutes (someone in the U.S. loses their life in a DUI), Kaitlyn's Law (leaving children unattended in cars), Start Smart, Motorcycle Safety, Passenger Restraint, and Senior Driving. These programs are administered by the local CHP offices and available upon request of the tribe to the local CHP office. CHP also provides a specific education or prevention activity for a specific group or activity that may pose a danger to the public. CHP can also provide planned enforcement at a specific location or for a specific problem activity. Consequences must be in place as part of the effectiveness of the education. Tribal codes can and should have

consequences or graduated consequences for behaviors that violate the tribal and/or state traffic laws or that endanger others.

All non-private property collisions are documented on form CHP 555. Each collision is assigned a primary collision factor (PCF). Once documented, the data is entered into SWITRS (particularly collision locations and PCF tracking). SWITRS documentation is very specific, down to GPS location of the crash. *Not all collisions are required to be documented.* For collisions that occur

Identify Problem Locations



on tribal lands (which are treated as private property), the data is not accurate and the PCF may not apply on tribal land. A collision involving a misdemeanor or felony defined by the state traffic code, the PCF will apply on tribal lands as per P.L. 280. Other collisions that are documented by CHP on tribal lands (or on other private property) will be assigned PCF 903 - "Other improper driving." SWITRS location code is not specific (for Code 903) and it will be lumped in with other private property collisions. Tribes should work with local CHP offices to develop an agreement for traffic enforcement. It may be possible in some local CHP offices to develop an in-house system referencing PCF's from California Vehicle Code or tribal code (Data base and collection method). It will depend upon whether the local CHP has such information in Area Information System (AIS).

Day two began with the telling of the story of the Redwood Highway Indian Marathon which was conducted in an effort to increase use of the Redwood Highway, now known as Highway 101.



On Day Two, Laurel Jensen, CTC, provided an overview of the California Transportation Commission (CTC), an independent body that serves as a board of directors for Caltrans developing guidelines, approving/selecting projects for multi-year programs, allocating funds to projects, developing public findings for eminent domain and providing program oversight. CTC works in partnership with all the regional and state transportation agencies. CTC is currently suffering a funding shortage for current need. Rehabilitation projects funded through SHOPP amount to \$8.28B in annual need with only \$2B annual funding available. The bulk of CTC funds come from the Federal Highway Trust Fund which is projected to go broke in 2014. California would need \$14B per year just to maintain current infrastructure. CTC does not initiate projects. Programming a project in California starts with the local planning agencies then goes through the process depicted. CTC will set priorities for projects.



The newest CTC funding program is the Active Transportation Program (ATP) which consolidates other programs and focuses on increasing biking and walking trips, safety, mobility, reducing greenhouse gases (GHG), enhancing public health, benefitting disadvantaged communities (25% of the fund) and includes a broad spectrum of projects. Funding will be distributed to MPOs with large urbanized areas (UZA), 10% Small urban and rural, 50%



statewide including SRTS and recreational trails. CTC will adopt guidelines by March 20, 2014. Note that 25% of the funding must be allocated to disadvantaged communities. CTC will have to further define "disadvantaged community."

The Draft 2014 Active Transportation Program Guidelines to JLBC (1/29/2014) are available at http://www.catc.ca.gov/.

Alyssa Begley, Chief of the Office of Community Planning, provided information on Caltrans Complete Streets Policy, Deputy Directive 64-R1 "Complete Streets" (revised October 2008) and



states that "[t]he Department provides for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system." To implement Complete Streets, Caltrans has developed a **Complete Streets Technical** Advisory Committee and **Complete Streets Implementation** Action Plan (CSIAP). Some of the tasks included in the CSIAP are the Highway Design Manual Update; System Planning

Guidelines, Complete Intersections Guide and Main Streets: Flexibility in Planning, Design and Operations. The benefits of the Complete Streets program will include increased physical activity, improved public health and safety, provide options and access for non-drivers, decreased vehicle trips, air pollutant and greenhouse gas emissions; and improved livability, revitalized communities, and decreased transportation costs. For more information go to the Caltrans Complete Streets Program website:

http://www.dot.ca.gov/hq/tpp/offices/ocp/complete_streets.ht ml.

A panel presentation on Building Safety Measures into New Transportation Facilities was provided by Jeff Holm, Ken Kochevar, Kevin Herrit and David Cohen. Jeff Holm, Design and Traffics Operation Engineer, FHWA California Division, addressed the Every Day Counts Program. Developed in 2009, Every Day Counts (EDC) is designed to focus on a finite set of initiatives with the goals of shortening project delivery, improve safety, and to improve operational benefits. Teams from the Federal Highway Administration will work with state, local, and industry partners to deploy the EDC initiatives. Caltrans has nearly adopted every EDC initiative. Technical Assistance (not necessarily funding) is associated with each initiative.

EDC Initiatives 1 and 2 include:

- 3D Engineered Models for Construction
- Accelerated Bridge Construction
- Alternative Technical Concepts
- Construction Manager/General Contractor
- Design Build
- First Responder Training
- Geospatial Data Collaboration
- High Friction Surfaces
- Implementing Quality Environmental Documents
- Intelligent Compaction and Construction
- Intersection and Interchange Geometrics
- Locally-Administered Federal Aid Projects
- Programmatic Agreements

The panel highlighted a few of the EDC initiatives. The *Construction Manager/General Contractor (CMGC)* is a process that is broken down into two contract phases. In the 1st phase the contractor works with the designer and the project owner to: identify risks, provide costs projections and refine the project schedule. In the 2nd phase, the contractor and project owner negotiate on the price for the construction contract.

The next initiative highlighted was the *Intersection and Interchange Geometrics*. Over 20 percent of the 33,808 roadway fatalities in 2009 were intersection or intersection-related. Rates have not changed greatly in the last 25 years. To improve this rate, EDC recommends roundabouts, U-Turn intersections, Diverging Diamond and Displaced Left Turn. Another initiative that may be of interest to tribes is the *First Responder Training*. Traffic incidents, including crashes, disabled vehicles and debris on the road create unsafe driving conditions; put motorists and responder lives at risk; and account for approximately 25 percent of all traffic delays.

California Tribes can ask FHWA – California Division Safety Team for assistance in implementing the EDC initiatives.

Ken Kochevar, Safety Team Leader, FHWA – California Division, provided an overview of two specific countermeasures for roadway departures: High Friction Surface Treatments (HFST) and Safety Edge. Nationally, 53% of Fatal Crashes (Tribal Data unknown) are due to roadway departures.

High Friction Surface Treatments (HFST) keeps vehicles on the roadway. The product, an epoxy resin followed by an aggregate of calcite bauxite, may be applied manually or mechanically. Typical roads have a friction factor of 30 to 40. The HFST will double or triple that friction and keep cars on the roadway. HFST is long lasting whereas typical pavement friction wears down quickly. This treatment costs more than typical pavement. It has a quick installation time at less than 8 hours. Data shows a high reduction in crashes after application of HFST. One case study had 55 crashes over a three year period. After application of HFST, the same site had 2 crashes.



The *Safety Edge* allows vehicles to re-enter roadway safely with greater stability. Safety Edge is a 30 degree beveled edge shaped during the pavement process. It is placed where the pavement interfaces the graded material. There is no additional cost associated with the addition of the Safety Edge because you are using material that normally sloughs off

the edge of the paved area. There is 80% compaction in the Safety Edge that helps maintain the life of the pavement. The asphalt paver equipment to install the Safety Edge costs no more than \$3000. There are four types of equipment on the market now.

David Cohen, FHWA – California Federal Aid Division, provided information about federal funding sources through MAP-21 for highway safety on tribal lands. The Tribal Transportation Program (TTP) was established in 23 U.S.C. § 202 to address the transportation needs of Tribal governments throughout the United States. The purpose of the program is to provide safe and adequate transportation and public road access to and within Indian reservations, Indian lands, and Alaska Native Village communities. A prime objective of the TTP is to contribute to the economic development, self-determination, and employment of American Indians and Alaska Natives.

Each year under MAP-21, \$9 million from TTP funds is set aside to address safety issues in Native America. Awarded annually, projects are chosen whose outcomes will address the prevention and reduction of death or serious injuries in transportation related crashes. FHWA recognizes that traffic fatalities and injuries severely impact the quality of life in Indian country. Statistics are consistently higher than the rest of the nation as a whole; FHWA advocates the development of Strategic Transportation Safety Plans as a means for tribes to determine how transportation safety needs will be addressed in tribal communities.

The TTP sets aside 2% (est. \$9M) for Safety projects in Indian Country. There is an initial focus on strategic planning and traffic safety data collection/analysis and sharing for tribal governments. California tribes should have mutually beneficial relationships with Caltrans particularly concerning the California SHSP Update process.

The Transportation Alternatives Program (TAP), including Safe Routes to School, Transportation Alternatives and Recreational Trails, will be known in California as the Active Transportation Program (ATP). In addition, FHWA Federal Aid also administers the Highway Safety Improvement Program (HSIP), Surface Transportation Program (STP), and Congestion Management and Air Quality Program (CMAQ). In 2008, SAFETEA-LU, specifically named tribal governments as eligible entities for funding awards.

The National Highway Traffic Safety Administration (NHTSA) focuses on

behavioral safety (human factors) and it is administered by the California Office of Traffic Safety (OTS). These programs focus on public education and law enforcement. NHTSA/OTS has funded the PedSafe Center in CDPH and PSA/TSE programs in ITS. Unfortunately, NHTSA has not allowed OTS to administer these programs in California tribal communities because there is not enough data to support the need.

Kevin Herrit presented on the Complete Streets Principles and Design Philosophy: "Livable Communities and Complete Projects." The Complete Streets Projects are guided by principles that incorporate all roadway users, all alternatives for transportation, tailored to the needs of the local community. The Highway Design Manual (HDM) allows for case-by-case design decisions that are based upon established engineering standards and professional judgment. At the national level, Planning and Design best practices in urban and main street locations (place types) in recent years have been emphasizing a more balanced idea of highway/street design, giving equal weight to transportation, community, and environmental goals.



The Highway Design Manual (HDM) was updated on May 7, 2013, to implement DD-64 R-1 - Complete Streets and ensure that the design guidance and standards reflect the directive. New guidance was added to the HDM Project Development Overview to ensure that land use place types and the context of the location that the state highway passes through are taken into consideration when designing the highway. For pedestrians, bicycles and transit, the guidance in the manual was updated recognizing the implications of sharing the transportation corridor so that readers are encouraged to consider not only vehicular movement, but also the movement of people, distribution of goods, and provision of essential services. Download the HDM at: http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm.



The next presentation was specifically about the countermeasure of *roundabouts* and whether they are effective in Indian country. The presentations for this panel included roundabout

fundamentals and policies, safety performance, design as well as case studies. The modern roundabout is a type of circular intersection defined primarily by three basic operational principles:

- Circular or oval geometry (or series of curves) that results in a low-speed environment, creating substantial safety advantages.
- Entering traffic yields to vehicles in the circulatory roadway, leading to lowered speeds and excellent operational performance.
- Channelization at the entrance and deflection around a center island are designed to be effective in reducing conflict.
- Designs may include infrastructure for pedestrians and bicyclists.

Roundabouts are still controversial in spite of their proven safety performance record, ability to reduce delay and vehicle emissions and the value in comparison to alternatives. Due to the high number of fatalities at intersections, California has been designated a focus state by FHWA for the EDC initiatives. FHWA can provide the experts to come to Indian Country to implement the EDC initiatives.



Robert Peterson provided information on the performance record of roundabouts in California. Twenty percent (20%) of fatalities occur at intersection collisions. There should be a 90% reduction in fatalities at roundabouts. Of the nine (9) roundabouts in California with significant data, there have been no fatalities and 70% or more collisions are property damage only collisions. There has been a two-fold collision cost decrease at the roundabouts in

comparison to intersection collision costs.

Kathleen Sartorius provided information about the construction and current impacts of roundabouts on or near tribal lands in northern California. Stakeholder data shows that there were positive impacts including more acceptance of the roundabouts as effective tools but some unexpected concerns involving the impacts upon ambulances responding to patients particularly during the administration of CPR while en route to the hospital. Maintaining balance as the ambulance entered the curve was difficult for the EMS responder.

Heidi Sykes provided an overview of various design elements of a roundabout that increase safety for pedestrians and bicyclists, and reduce vehicle speeds. Strategies, such as elongated splitter lanes, provide more lead time to communicate to the driver that there is a change in the road.

Generally, roundabouts handle more traffic with less delay due to the flow of traffic (no stopping). The more lanes within the roundabout, the more likely that delays and collisions will occur.

Key resources for Roundabouts & Other Proven Intersection Strategies may be found at the Caltrans web page on ICE policy directive:

http://dot.ca.gov/hq/traffops/liaisons/ice.html

FHWA web page on roundabouts: <u>http://safety.fhwa.dot.gov/intersection/roundabouts/</u>

The next presentation was about *Road Safety Audits*. Presenters included Adam Larsen, FHWA, Adam Geisler, La Jolla Band of Luiseno, Steve Wilkie, BIA and Kelly Myers, WTTAP, NIJC. A road safety audit (RSA) is a formal independent safety performance review of a specific road project by an independent multidisciplinary team that addresses the safety of all road users. The focus is on substantive safety (doing what works for the site) rather than nominal safety (meeting the standards and regulations). RSA costs range from \$5K to \$30K per audit stage. Design and construction costs will vary. The benefits are lives saved, crashes prevented and/or decrease in severity. The data supports a 10:1 cost/benefit ratio and reductions in crashes up to 60%.

This is distinguishable from a transportation safety plan which is a data-driven plan developed by a multi-disciplinary team to improve safety on the entire road network by prioritizing the activities implemented by a government and communicating these priorities with safety partners. On the FHWA website, you may find the FHWA Developing Safety Plans Guidebook and a recorded webinar located at:

http://flh.fhwa.dot.gov/programs/ttp/safety/

The RSA consists of 8 steps:



The RSA team typically consists of engineers, emergency responders, and occasionally citizens concerned with the wellbeing of the traveling public. The kick off meeting provides an opportunity to review existing information about the site as well as to discuss issues with informants. The site assessment provides the team with a chance to observe the site and travel conditions (during various types of weather, times of year and other conditions). The site assessment also provides a chance for the team to engage the road users. This should result in identification of specific issues that are assessed on the risk assessment scale. The team will conduct the analyses and prepare the report which is presented to the project owner.

Adam Geisler, La Jolla Band of Luiseno Indians, provided information about the La Jolla Healthy Community Project, an active transportation assessment. The Project provided the tribe with resources to assess neighborhood areas for: pedestrian pathways, bicycle pathways, outdoor learning areas and safety on roads for pedestrians. The project findings included inexpensive strategies to address some of the issues. The Tribe's plan included a prioritizing and improving opportunities for physical activity by tribal members, reduction of unsafe vehicle speeds particularly where tribal members had walking paths, addressing stray dogs that had been attacking tribal members walking or bicycling, and improving access to the school bus stops along the highway. The assessment approach included an analysis of the tribal landscape, use of GIS and aerial photos, identification of priorities and stakeholders and the use of focus group input to the project.

The Safety Summit concluded with a presentation by Holly Sisneros, California Department of Public Health PedSafe Program, and Adam Geisler, on the demonstration project on pedestrian safety conducted at La Jolla Band of Luiseno Indians.

The PedSafe project is funded by NHTSA and administered by the CDPH. PedSafe is responsible for overseeing the following bodies and activities:

- the CalPED advisory committee,
- It's up to All of Us Public Education Campaign,
- Workbook Training on Communication for Pedestrian Safety,
- Action Response Kit, SHSP- Challenge Area 8,
- Risk Communication Plan Template Pilot,
- Program Collaboration, and
- Technical Assistance.

The La Jolla Demonstration Project was funded by FHWA. Reduction of pedestrian fatalities and injuries must incorporate enforcement, engineering and education. For more information and access to the materials noted above, go to:

http://www.cdph.ca.gov/programs/SACB/Pages/PedSafe.asp <u>x</u>

The La Jolla Demonstration Project included a walk audit with tribal members, training with tribal members and campaign deliverables. The area to walk was too large and cars were used to drive through and conduct the audit. Priorities identified during the Walk Audit:

- Bus stop safety
- Road shoulder utilization as walkways
- Signage
- Poor visibility
- Curbs narrow
- No crosswalks
- Brush blocks views



Overall, community members were concerned about pedestrian safety and unsafe walking conditions.

The community members returned for training to learn about concepts of risk communication and community norm change as they apply to pedestrian safety. Community members engaged in It's Up to All of Us safety education campaign and developed their own messages to improve pedestrian safety. The community members were to take control of the messaging and make it appropriate for the community members.

Summit Results

The Summit objective was to improve collaboration, communication and access to resources that would result in activities that could improve tribal transportation safety within tribal communities. To achieve this, Summit participants discussed their experiences and offered potential opportunities to collaborate and implement approaches for improving safety. The following strategies were discussed throughout the Summit.

- California Tribes need to communicate and collaborate with Caltrans and the California Transportation Commission concerning the guidelines for distribution of Transportation Alternatives Program funding tribes as eligible entities under MAP-21. For more information, tribes can go to <u>http://www.catsip.berkeley.edu/weigh-new-activetransportation-program</u>
- California Tribes need to engage Caltrans to specifically advocate for a change in application of the SRTS funding eligibility requirement of a 2 mile radius of the applicant and the school.
- California Tribes need to contact their local CHP offices/local command to determine if the internal CHP database (AIS) includes any data relevant to the tribal community. Each local command collects data for different purposes.
- Caltrans should coordinate opportunities to get Tribes engaged in SHSP challenge areas;

- Implement Tribal Transportation Safety Circuit Rider program within WTTAP region;
- Tribes explore applying on their own or partner with local metropolitan planning organizations (MPOs) for safe Routes to School funding.
- Tribes should continue to engage local and statewide law enforcement, particularly CHP, to develop agreements to address emergency response and law enforcement on Tribal roadways;
- Conduct annual strategic planning summit for tribal, state and federal transportation agencies to advance collaboration and safety strategies; and
- Implement the BIA/FHWA/WTTAP tribal transportation safety plan program

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 aimed at improving transportation safety in California's Indian Country. A major step towards this goal is to begin fostering a transportation safety culture among tribal communities.

Historically, many of California's Native American communities have endured both private and public violence. This history has fostered a culture of survival among tribal communities. Public roadways in Indian country play a role in the perpetuation of violent death of tribal community members. Historically, the roads of Indian country were built for the purpose of access to the tribal community, not for transportation safety. Historically, there was little design of roadways in tribal communities. There were no safety facilities such as shoulders, sidewalks or other pedestrian facilities on the roadways. In recent years things have changed for the better. Federal agencies are promoting EDC initiatives and countermeasures to improve safety. With very little in resources, it will require a dedication to improving safety before tribes will view the incorporation of the countermeasures such as safety edges or rumble strips as feasible.

In Indian country we take great pride in culture and tradition. At one time the culture of safety reigned supreme in Native American communities. We must return to safety as a culture and save lives today as part of tribal transportation policy.

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

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

Caltrans: <u>http://www.dot.ca.gov</u>;

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

CPH: <u>http://www.cph.ca.gov;</u>

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: <u>http://www.bia.gov</u>.

MONDAY, NOVEMBER 4, 2013

Appendix A: Agenda

CALIFORNIA TRIBAL TRANSPORTATION SAFETY SUMMIT

Engineering, Enforcement, Education & Emergency Services

November 4-5, 2013 Sacramento, California

AGENDA

9:00 AM – 10:00 AM	 Welcome and Introductions Brian Kelly, Secretary, California State Transportation Agency Amy Dutschke, Director, Region 9 – Bureau of Indian Affairs Cynthia Gomez, Governor's Tribal Advisor, State of California Adam Larsen, TTP Safety Engineer, FHWA
10:00 AM - 10:15 AM	Break
10:15 AM – 12:00 PM	 Impact of Public Law 280 on Reservation Road Safety Bob Clark, Joe Myers, Steve Wilkie, Dore Bietz County Maintenance Failures Traffic Enforcement Issues Road Ownership & Right of Way Issues Emergency Services
12:00 PM – 1:00 PM	Lunch on own
1:00 PM – 1:30 PM	 Strategic Highway Safety Plan – Joan Sollenberger Coordination and consultation with the tribes as the SHSP is updated and new implementation strategies are created
1:30 PM – 3:00 PM	 Building Safety Measures – Michia Casebier, Dave Cohen Funding for Safety Improvements Transportation Alternatives
3:00 PM – 3:15 PM	Break
3:15 PM – 4:30 PM	Building Safety Measures Into New Transportation Facilities Bob Clark - Traffic Enforcement

TUESDAY, NOVEMBER 5, 2013

9:00 AM - 9:15 AM	CTC Process/Funding, Mitchell Weiss
9:15 AM – 9:30 AM	CalTrans Complete Streets Policy, <i>Alyssa Begley</i> - Providing for the needs of and making roadways safe for all users
9:30 AM – 10:30 AM	Building Safety Measures Into New Transportation Facilities Jeff Holm, Kevin Herrit, Dave Cohen - Every Day Counts - Engineering Issues - Funding Sources
10:30 AM - 10:45 AM	Break
10:45 AM – 12:30 PM	Roundabouts – Good or Bad for Indian Country? Kathleen Sartorius, Jerry Champa, Robert Peterson, Jeff Holm, Heidi Sykes-General Overview/ICE Policy-Safety Measures-Safety Experience in CA-Design-Case Study-Q&A
12:30 PM – 1:30 PM	Lunch on Own
1:30 PM – 2:30 PM	 Road Safety Audits – Steve Wilkie, Kelly Myers, Adam Larsen, Adam Geisler General Principles of Road Safety Audits Pedestrian Safety Audits
2:30 PM – 2:45 PM	Break
2:45 PM – 4:00 PM	Education Focus: Tribal Communities, Service Providers, & Governing Bodies - Holly Sisneros, Adam Geisler

Appendix B: Participant Roster

California Tribal Transportation Safety Summit Participant Roster November 4-5, 2013					
First Name	Last Name	<u>Email</u>	Job Title	<u>Company</u>	
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