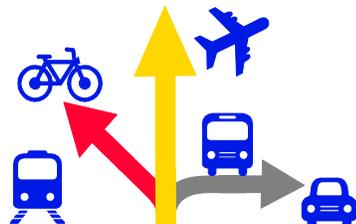


IMPLEMENTATION OF TRIBAL COORDINATION PLAN TECHNICAL MEMORANDUM

APRIL 27, 2015



STATEWIDE TRANSPORTATION PLAN



COLORADO
Department of
Transportation

Purpose

This technical memorandum documents CDOT's extensive outreach efforts to Colorado's two tribal governments - Ute Mountain Ute and Southern Ute - in development of the 2040 Statewide Transportation Plan (SWP), the 2040 Southwest Regional Transportation Plan (RTP), and the Statewide Transportation Improvement Program (STIP). This memo is intended to assist policy makers in future transportation planning efforts, including STIP development.

Federal and State Requirements

Current federal law passed in 2012, MAP-21 (Making Progress in the 21st Century), requires states to consider the concerns of Indian tribal governments in statewide transportation planning [Sec. 1202, 23 United States Code (USC) 135(e)(2)]; develop the statewide transportation plans in consultation with the tribal governments [Sec. 1202, 23 USC 135(f)(2)(C)]; consult with tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic conservation [Sec. 1202, 23 USC 135(f)(2)(D)(i)]; compare statewide transportation plans with tribal inventories of natural and historic resources [[Sec. 1202, 23 USC 135(f)(2)(D)(ii)]; discuss environmental mitigation activities in consultation with tribal wildlife, land management, and regulatory agencies [Sec. 1202, 23 USC 135(f)(4)(B)]; and develop the STIP in consultation with tribal governments [Sec. 1202, 23 USC 135(g)(2)(C)].

At the state level, state regulations regarding statewide transportation planning, 2 CCR 601-22, also address many of the same areas as MAP-21. State regulatory provisions include: transportation planning requires coordination with the Southern Ute and Ute Mountain Ute [2.07]; tribal government appointment of one non-voting member from each tribe to the Statewide Transportation Advisory Committee (STAC) [3.02.1]; inclusion of tribal governments in transportation planning mailing lists [4.02.5.1]; consultation with tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation about development of long-range transportation plans; inclusion of long-term transportation concerns of the two tribes in statewide plan development [4.06.1.2]; development of environmental mitigation activities in consultation with tribal wildlife, land management, and regulatory agencies [4.06.1.4]; comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources; and referencing the Tribal Transportation Improvement Programs (TTIP) in the STIP [2.07].

Background

For background information, please see the CDOT Tribal Coordination Plan of February 10, 2014, which is an appendix to the CDOT Public Involvement Plan. The CDOT Tribal Coordination Plan includes maps of the Indian lands, a description of the major state highways through the tribes, applicable federal and state regulations, a list of tribal coordination activities with CDOT and others, and opportunities for tribal involvement in development of the statewide and regional transportation plans and the STIP. To obtain the plan, please contact Aaron Willis of the CDOT Statewide Planning Section, aaron.willis@state.co.us.

Before developing the tribal coordination plan, CDOT staff reviewed tribal coordination efforts of other states. Those efforts included memorandums of agreement, joint powers, programmatic and project-specific agreements, partnership charters or agreements, public involvement and consultation plans, guidebooks, and environmental manuals. States included in the review were Arizona, Florida, Iowa, Minnesota, New Mexico, North Dakota, Utah, and Wisconsin. CDOT staff

then worked with CDOT Region 5 and the tribal governments on the CDOT Tribal Coordination Plan, which described how CDOT planned to coordinate with the tribal governments on transportation planning. The tribes ensured the accuracy of the tribal maps and other information in the seven-page document.

This memo documents how CDOT implemented the CDOT Tribal Coordination Plan. This memo also outlines other coordination efforts that have taken place between CDOT and the tribal governments in the past few years.

Key Transportation Planning Activities

Statewide Planning Regulations

Near the beginning of the development process for each transportation plan, CDOT revises the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (The Rules; 2 CCR 601-22) to make them consistent with changes in federal and state laws and regulations and Transportation Commission direction. The Rules cover the planning process, the urban and rural Transportation Planning Regions (TPR) such as Southwest TPR, and the STAC. During development of the revised Rules, the Southern Ute suggested adding material about its TTIP that is developed every seven to 10 years. CDOT Division of Transportation Development (DTD) added a section that defined the TTIP as a multi-year financially constrained list of proposed transportation projects developed by the tribe from the tribal priority list or the long-range transportation plan and included without modification in the STIP. Although a state Senate bill, SB 13-079, removed the definition, it left in a provision that the TTIPs shall be included by reference in the STIP. Striking the definition of a TTIP will not prevent CDOT Region 5 from working with both tribes in a variety of areas, including STIP and TTIP development.

Data and Information Sharing for Safety Plans

CDOT began updating its 2006 Strategic Highway Safety Plan, a required plan under MAP-21, in 2014. The safety plan is a multi-agency plan aimed at reducing fatalities and serious injuries on all highways, whether local or part of the statewide system. Work on the plan included meeting with the Southern Ute's Rodney Class-Erickson on February 12, 2014, on ways to share information for both the Southern Ute Tribal Safety Plan and the Strategic Highway Safety Plan. As a result of that meeting, CDOT sent crash data for the Southern Ute portion of the state and a statement of work for the Strategic Highway Safety Plan for use in developing the Tribal Safety Plan request for proposals. In addition, Mr. Class-Erickson attended the regional meeting in Durango for the Strategic Highway Safety Plan. The Southern Ute obtained planning funds for the Tribal Safety Plan from the Bureau of Indian Affairs to carry out its tribal highway safety plan. The Ute Mountain Ute Long Range Transportation Plan that will be developed in fiscal year 2015 (see Tribal Transportation Plans section below) will include elements that will be used to develop the Ute Mountain Ute Tribal Safety Plan.

Statewide Transportation Advisory Committee

The STAC was created under state law to provide a mechanism for local governments to be involved in transportation by advising CDOT on the needs of the transportation system in Colorado. The STAC also is statutorily required to review and comment on all regional transportation plans the TPRs submit. By state regulation (see Federal and State Requirements section above), the tribal governments of the two tribes may each appoint one non-voting

member to the STAC. Among the STAC's duties is to advise CDOT on the needs of the transportation system. These tribal members provide a tribal perspective to STAC discussions on transportation system needs and planning.

Southwest Transportation Planning Region Regional Transportation Plan

TPRs such as Southwest Transportation Planning Region were created under state law to carry out regional transportation planning and to select a representative to serve on the STAC (see section immediately above). Tribal government representatives had opportunities to participate in development of the Southwest RTP, which encompasses the part of the state where the tribal lands for the two tribes are located. Those opportunities are listed below.

Plan for Different Planning Revenue Scenarios

The TPR considered how it would like to see funds used for different revenue scenarios: less than baseline, baseline, and additional. The baseline revenue scenario discussion dealt primarily with potential uses of Regional Priority Program (RPP) funds that will be distributed to the CDOT Regions to assist with TPR transportation priorities. For planning purposes, TPR members also considered the possible infusion of additional revenues. Projects selected for the additional revenue scenario will form the basis for planning how to spend any additional money that comes in above baseline revenues. The Southwest TPR meetings on the additional revenue scenario topic took place on May 31, 2013 and July 15, 2013. The Southwest TPR meetings on baseline revenue (RPP prioritization) and less-than-baseline scenarios were on June 27, 2014 and August 8, 2014. The discussions about the different funding scenarios helped set parameters for planning and informed STIP development.

Review RTP Template

The proposed outline of the RTP was reviewed and adjustments made where indicated. The Southwest TPR meeting on this topic was on September 27, 2013.

Review State Highway Corridor Visions, Goals, and Strategies

The statewide highway corridor visions, goals, and strategies from the 2035 RTP were updated to reflect demographic and economic changes. The Southwest TPR meetings on this topic, among others, were September 27, 2013, and January 24, 2014.

Select Regional Priority Corridors

Regional Priority Corridors are so designated because of their regional importance or because of a needed short-term improvement. The Southwest TPR meetings on this topic were on September 27, 2013; December 6, 2013; and January 24, 2014. All of the selected Regional Priority Corridors in the Southwest TPR (SH 151, US 160, SH 172, US 491, and US 550) traverse one or both of the Southern Ute or Ute Mountain Ute tribal lands.

Participate in Telephone Town Halls

Evening Telephone Town Halls were conducted in all 15 of the rural and urban TPRs. From their homes, callers asked questions of their Transportation Commissioners and other elected and appointed officials, and online polls were conducted during the hour-long radio-format calls. The Telephone Town Halls were an effort to reach out to more members of the public about transportation issues than is possible during traditional open-house meetings. The Southwest TPR Telephone Town Hall took place on April 22, 2014.

Prioritize Regional Priority Program Funding

RPP funds are the most flexible funding source for CDOT Regions to use with input from the TPRs. Southwest TPR discussed and prioritized uses for the RPP funds. Southwest TPR selected two projects for RPP funding within the first 10 years of the plan: complete interchange connection at US 160/US 550 in Durango and begin work on filling a gap on US 550 at CR302. Meetings on this topic were June 27 and August 8, 2014.

Select Implementation Actions

Southwest TPR considered what it could accomplish in the next few years through education, coordination, research, and advocacy. The TPR discussed implementation actions on June 27, 2014, and August 8, 2014. The TPR selected eight implementation actions at its August 8, 2014, meeting and later. Several of those actions mention the tribes specifically:

- Continue building partnerships among the tribes, counties, cities, and towns within the Southwest TPR and those of neighboring TPRs (Gunnison Valley and San Luis Valley in particular) to coordinate on transportation issues of mutual concern, particularly the pursuit of a long-term funding solution for the statewide transportation system.
- Continue the process of building closer connections between the Southwest TPR, Southern Ute Indian Tribe, and Ute Mountain Ute Tribe to improve coordination, maintain a high level of service, and address ongoing financial challenges.
- Work with the tribes, counties, cities, and towns of the Southwest TPR to adopt and implement a "Complete Streets" policy designed to enable safe access for all members of the community. Focus in particular on improving accessibility for members of the disabled community through compliance with the Americans with Disabilities Act (ADA).

Following plan adoption in early winter of 2015, the TPR will work with CDOT to develop activities to move the actions forward. The TPR also will periodically revisit whether to remove or add implementation actions.

Review Final Draft RTP

Drafts of the RTP chapters typically were sent in advance of plan development meetings, with reviewers invited to submit their comments via email. Southwest TPR members, including tribal representatives, had the opportunity to comment on the full draft Southwest RTP between mid-September and mid-October. The entire draft Southwest RTP was set for public review December 5, 2014 through January 4, 2015.

Tribal Transportation Plans

In a spirit of partnering to ensure transportation system compatibility, the Southern Ute tribal government shared its proposed statement of work for the Southern Ute Tribal Transportation Plan with CDOT. The plan will include reservation-wide maps, road section reports with strip maps, route maps, traffic count data sheets, digital Geographic Information Systems/Global Positioning System data, and other support documents. Anticipated completion date for the plan is fall 2015. Also within fiscal year 2015, the Ute Mountain Ute's Planning & Development Office will be updating its Long Range Transportation Plan. The Ute Mountain Ute will share the tribal transportation plan with CDOT after it is completed. Both the Southern Ute Tribal Transportation

Plan and the Ute Mountain Ute Long Range Transportation Plan will be incorporated by reference in the Southwest Regional Transportation Plan after the regional plan is adopted.

Statewide Transportation Plan

Sections of the statewide plan were released as they were developed using a variety of media, such as video and Prezi (an interactive PowerPoint). The release of sections of the statewide plan did not preclude formal review and comment of the entire statewide plan. The RTPs for Southwest and the other nine rural planning regions and the transportation plans for the five metropolitan planning organizations (MPOs) are integrated in the statewide plan. Once the Southern Ute Tribal Transportation Plan and Ute Mountain Ute Long Range Transportation Plan are completed and incorporated by reference in the Southwest RTP, any elements that rise to a statewide level may be added to the executive summary of the statewide plan. Other CDOT plans for bicycle and pedestrian, regional and statewide transit, freight, rail, passenger and rail freight, aviation, operations, safety, and asset management are integrated into the SWP by reference or by inclusion of relevant information.

Corridor Access Plans

The Southern Ute worked with several other entities, including CDOT, on a corridor access plan for the Ignacio area in 2011.

Statewide Transportation Improvement Program

The RTPs and the SWP are typically implemented through the STIP, a short-term plan of projects. STIP development can begin with county meetings (that also may include TPR representatives) to consider current and future transportation needs and fund availability. As part of the Project Priority Programming Process (4P), CDOT Region 5 met publicly with each TPR, including the Southwest TPR, at regular TPR meetings to discuss project prioritization within each TPR. The TPR-by-TPR meetings were followed by a joint meeting with all the TPRs in Region 5 on November 21, 2014, to select and prioritize projects for all of CDOT Region 5 in applicable programs. After the 4P meetings, the list of prioritized projects for the Draft STIP are submitted to the Headquarters STIP Manager, who compiled the lists for submittal to the Transportation Commission.

Although the Colorado Legislature removed the definition of the TTIP from the planning rules, it left in 2.07.1 of the Planning Rules (2 CCR 601-22) this statement:

Regional transportation planning within the Southwest TRP shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute Tribal governments. The long-range transportation plans for the tribal areas shall be incorporated by reference in the Statewide Transportation Plan and the Regional Transportation Plan for this TPR. The TTIPs shall be included by reference in the STIP.

The Southern Ute tribal government works with CDOT Region 5 to make sure the TTIP is included by reference in the STIP, looking for projects where CDOT and tribal resources can be pooled. The TTIP is developed concurrently for county and state roads that cross reservation lands. Tribal members also can submit comments on the Draft STIP once the Office of Financial Management and Budget releases it.

Joint Annual Cooperative Meeting

This annual meeting is to discuss regional transportation issues specific to the tribes in the Four Corners states of Arizona, Colorado, New Mexico, and Utah. Attendees typically include CDOT, the Arizona Department of Transportation, Utah Department of Transportation, New Mexico Department of Transportation, the Colorado Commission of Indian Affairs, the Federal Highway Administration, and representatives of the Southern Ute, Ute Mountain Ute, Navajo, and Apache tribes. These meetings benefit the tribes on regional issues because the tribal boundaries overlap state boundaries. The most recent annual meeting took place on October 17, 2014. The meeting focus was on the value of interagency coordination and cooperation on future projects.

Other Joint Efforts

CDOT coordination with the tribal governments includes other efforts outlined below.

Passing Lane and Pullout Prioritization Study

This Region 5 study, completed in December 2013, recommended several high-priority locations for passing lanes and pullouts to improve traffic flow. One proposed passing lane location on US 160 is in the Ute Mountain Ute tribal lands.

Southern Ute-CDOT Highway Projects

CDOT worked on a number of projects of benefit to the Southern Ute over the past several years, with future projects planned. Examples include:

- SH 172 and CR 307 Intersection Improvements: Hazard Elimination Funding: \$604,350.
- SH 151 and CR 521 Intersection Improvements: Hazard Elimination Funding: \$604,350.
- SH 172 - Oxford Intersection Safety Improvements: Hazard Elimination Funding: \$4,000,000.

Ute Mountain Ute-CDOT Highway Projects

CDOT has accomplished a number of projects of benefit to the Ute Mountain Ute over the past several years, with future projects planned. Examples include:

- US 491/US 160 New Mexico to Towaoc. Budget: \$19.7 Million; Funding Type: RAMP - Surface Treatment; Ad date: April 2014.

This surface treatment project from the New Mexico Stateline to Towaoc along US 491 and US 160 will tie to the current Towaoc-to-Cortez resurfacing project. Skanska USA received the contract in July 2014 for the 14-mile project, which is expected to be completed in August 2015. At the request of the tribe, two items were added to the scope: two radar-activated speed feedback signs to reduce speeds around Towaoc and lighting improvements at US 160's intersection with Mike Walsh Road and US 491.

- Towaoc Passing Lane Project on US 160 north of Towaoc. Under design as a full depth reclamation project with the addition of 12-foot passing lanes in both directions for approximately 6,000 feet. The project also will include:

- Turn lanes for high-traffic side roads, such as for County Road 21, which accesses the Yucca House National Monument
- Installation of three box culverts to improve drainage
- A full-depth reclamation and flattening of slopes to improve the vertical curves and sight distance
- Widening of shoulders to 10 feet to improve the safety of motorists, bicyclists, and pedestrians
- Residential access improvements
- Installation of new signage and guardrail as needed
- Removal of a passing lane in front of Woody's Store on US 160 north of Towaoc, and conversion to a no passing zone. The tribe requested this project for safety and accessibility reasons.
- Development of a maintenance agreement for activities within the tribal boundaries. The tribe and CDOT are meeting to develop the agreement.
- Additional, recent construction projects.
 - 2009 projects include:
 - US 160 Aztec Creek, Phase I, MP 8-13
 - US 160 Passing Lane South of Towaoc, MP 22-23
 - 2011 projects include:
 - US 160 Aztec Creek, Phase II MP 13-18
 - 2013 projects include:
 - US 160 Towaoc to Cortez Resurfacing MP 27-36

Combining Revenues

The Southern Ute and CDOT Region 5 combined revenues on several projects since completion of the Ignacio Corridor Access Plan. One example is the SH 172/151 Signalization Project. This RAMP (Responsible Acceleration of Maintenance and Partnership) project is a partnership among CDOT, the Southern Ute Tribe, La Plata County, and the Town of Ignacio for the signalization and intersection improvements in the Town of Ignacio at the intersection of SH 151 and SH 172. Design proceeded through 2014 with construction planned during 2015. The budget is \$1.8 million, with CDOT contributing \$1.43 million; La Plata County, \$180,000; Southern Ute Tribe, \$180,000; and the Town of Ignacio, \$10,000.

The Southern Ute Tribe and CDOT also partnered to resurface SH 151 as a chip seal. Southern Ute contributed materials for the project. This cooperative effort enabled CDOT Region 5 to improve more miles of pavement than would have been possible otherwise.

Implementation of Sign Maintenance Program

In carrying out a Bureau of Indian Affairs directive to ensure minimum levels of reflectivity on road signs, Southern Ute identified the signs in need of upgrading. This effort should assist CDOT in making signs more visible to travelers on state highways that traverse tribal lands.

Formation of Ute Mountain Ute-CDOT Groups

CDOT and Ute Mountain Ute created two groups in 2012 to improve coordination between the two entities. Both groups meet quarterly, although they met monthly initially to generate momentum. The Transportation Policy Group - comprising the tribal chairman, a Tribal Council member, the tribal general counsel, and the tribal transportation planning specialist - meets with Region 5's Regional Transportation Director Kerrie Neet and other CDOT high-level employees.

Representatives of the Transportation Advisory Group consists of construction engineers from the Weeminuche Construction Authority, the Ute Mountain Ute Planning & Development Program and CDOT Engineering, Planning, and Maintenance. The Transportation Advisory Group is responsible for local issues such as detailed meetings on a RAMP project.

Ute Mountain Ute Transit Project

The Community Transportation Association of America selected the Ute Mountain Ute as one of three tribes nationally to participate in a program to promote economic development through transit improvement. At a program kick-off meeting on February 25, 2015 in Cortez, issues such as existing transit service, transportation gaps, transit needs, and overall program goals were discussed. CDOT Region 5 representatives attended the meeting and offered to provide support to the project.

Conclusion

Over the years, CDOT and the tribal governments have collaborated on resolving transportation issues to the benefit of both CDOT and the two tribes. Areas for additional future coordination could include:

- More extensive use of tribal websites and other media for distribution of information about opportunities for public involvement in the next Southwest RTP.
- Work with tribal leaders to determine the best ways to reach tribal members living on the reservations about transportation planning affecting their areas.
- More CDOT Region 5 and tribal coordination on STIP development, particularly on projects where the tribes and CDOT can pool their financial resources.