

Developing, Enhancing, and Sustaining Tribal Transit Services: Final Research Report

DETAILS

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This document contains the contractor’s final report on TCRP Project H-38. Three additional products generated by Project H-38 are available on the TRB website at <http://www.trb.org/main/blurbs/166797.aspx>: (1) *TCRP Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook*, which provides an overview of the tribal transit planning process and detailed guidance about the various steps for planning and implementing a tribal transit system; (2) a 16-page full-color brochure, published in 2011 as *Native Americans on the Move: Challenges and Successes*, with an accompanying PowerPoint presentation; and (3) a PowerPoint presentation describing the entire project.

Executive Summary

RESEARCH OBJECTIVES

The objectives of this project are to develop:

- An information package that describes and illustrates the variety of tribal transit practices in the United States;
- A Guidebook that provides practical materials and clear processes for tribes to develop plans for and access funds for tribal transit; and
- A Research Report with strategies and materials for leveraging resources through alternative organizational models and alternative funding mechanisms in order to create and sustain effective mobility for the people.

Research Report Contents

This Research Report has the following contents:

Chapter 1: Literature Review presents a review of current research and research underway on tribal transit that documents key challenges and lessons learned so as to not duplicate those efforts. This literature review is a mix of documented research, case studies, and papers authored by those with experience in tribal planning.

Chapter 2: Findings summarizes the information gathered from various tribes throughout this study. This includes findings from the first phase where a short-form questionnaire was sent to 95 tribes, with a 71 percent response rate. It also includes findings from the second phase where a long-form questionnaire was sent to 54 tribes, with an 89 percent response rate. It includes information gathered from 15 site visits. The findings gathered were summarized under different categories such as tribal characteristics, purpose of services delivered, different types of service delivery provided, organizational structures for service delivery, cultural issues, environmental issues, if safety was a primary reason for starting a transit system, barriers to implementing transit service, and keys to sustainability. The focus of this data collection was to examine a broad cross section of representative tribes throughout the country.

Chapter 3: Funding Tribal Transit Programs lists a variety of federal funding programs; identifies whether the eligible activity under that grant allows for operating, capital, or for other purposes; and the service population or market segment that funding source is meant to serve. This chapter describes innovative approaches to local funding through funds allocated by tribal governments; funds received by partnering with local, regional, county, or state stakeholders; and how funds drawn from one grant source can be used to match funds from another grant source.

Chapter 4: Mastering the Art of Transit summarizes the best practices observed from collecting data about current tribal transit programs, conducting in-depth interviews, and site visits which help sustain public transit systems operated by tribes. Some of the factors discussed are:

- Having a plan for decisions to be made regarding what services to provide.
- Funding and purchases to be made.
- Obtaining funding from a variety of funding sources.
- Engaging tribal leadership is a crucial element of a sustainable tribal transit program.
- While there was no single organization structure that worked better than others, it is important to work with other organizations within the tribal government or outside the tribal government.
- A plan would allow the tribe to select the most appropriate type of service.
- The many cultural implications reflecting the high value tribes place on providing transit for elders, youth, and veterans as well as on education.

Chapter 5: Policy Issues describes a number of policy issues which have been identified related to tribal transit programs. The primary issues relate to the level of funding for tribal transit, the criteria for award of tribal transit grants, and continuity of funding in the tribal transit program.

Chapter 6: Research Needs presents additional topics of research that relate to tribal transit. Some of these research topics include:

- Development of training materials to accompany the guidebook.
- Training in tribal transit financial management.
- Rural regionalism—an emerging concept in tribal transit where local tribal operators are evolving into regional service providers.
- Implications of the evolution in transit funding.
- Guidebook for states working with tribes to address the issue of tribal sovereignty from the perspective of state governments and administration of FTA grant programs for which tribes are eligible.
- A project to test the effectiveness of different approaches to providing technical assistance to tribal transit programs.

INFORMATION PACKAGE

A separate Information Package consisting of an Information Booklet and PowerPoint presentation with accompanying narrative were submitted separately. The Information Booklet was distributed to the Tribal Technical Assistance Centers. Additional copies were sent to tribes which participated in the data collection for this research effort.

The PowerPoint presentation and narrative are available from the Transit Cooperative Research Program.

Purpose

The information package is provided to describe and illustrate the different types of tribal transit programs throughout the country. The information is provided in summary form with some examples of the variety of transit services and the needs which are being met.

Contents

The Information Booklet describes the types of tribal transit programs and the development of those programs from less than 20 systems prior to 2000 to well over 100 systems today. A map shows the tribal transit programs in service at the time data were collected as well as tribes which were in various stages of planning new transit service. Challenges faced by tribal transit programs are described and examples are given of how tribes were successful in overcoming these various challenges. The reasons for providing transit service are described and the benefits of tribal transit programs are summarized. The Information

Booklet also contains information about major funding sources and technical assistance programs available to tribes.

The PowerPoint presentation is a summary of the material contained in the Information Booklet. The focus is to describe the variety of tribal transit programs, challenges faced by tribes, and examples of how tribes have overcome the challenges and have successful transit programs.

Target Audience

The Information Package is targeted toward elected officials at the local, regional, state, and national levels. The information may be used to educate elected officials about the needs for transit service and how tribes have been effective in using available resources to meet the transportation needs of tribal members and enhance the quality of life in tribal communities.

Development of the Information Package

The Information Package was prepared based on the responses to the Phase 1 questionnaire. A short-form survey questionnaire was sent to 95 tribes and 67 completed responses were received, for a response rate of 71 percent. The survey effort and responses are described in more detail in Chapter 2. The information from the responses was then summarized in the Information Booklet.

GUIDEBOOK

The *Guidebook for Developing, Enhancing, and Sustaining Tribal Transit Services* has been prepared as a separate document. The Guidebook provides information to help tribes through the process of setting up a transit service or improving an existing service.

Purpose

There are 565 federally recognized tribes throughout the United States. In 1999, the Community Transportation Association of America reported there were 18 tribes operating public transit service. Since then, the number of tribes with a public transit service has grown to over 100 and continues to increase as additional tribes plan and implement a new service. While these tribes have been able to start a transit program, many had to overcome challenges and others have not been successful in implementing a transit service. The purpose of the Guidebook is to provide guidance, information, and resources for tribal planners to develop or enhance a transit program which can be

sustainable and will meet the needs of tribal members, non-tribal residents, and visitors.

Contents

The Guidebook is organized to provide an overview of the tribal transit planning process with more detailed information about the various steps for planning and implementing a transit system. The steps that are described may be used for planning a new transit system, enhancing an existing service, or taking action to sustain services.

Following an executive summary, the Guidebook has the following contents:

Chapter 1: Planning Considerations describes some of the specific issues and challenges faced by tribes when implementing a transit service. While many challenges are similar to those faced by other transit systems, there are a number of issues which are specific to tribal programs. Some of the planning considerations discussed in this chapter include tribal sovereignty, role of governing bodies, tribal governing body and staff turnover, effective tribal government support, relationship with state and local governments, funding, difficulty in finding qualified employees, and adequate facilities.

Chapter 2: Overview of the Planning Process describes in general terms the elements of the process to be followed. Many details are then provided in later chapters. The general steps of the planning process briefly explained in this chapter are:

- Understand the existing resources for transportation.
- Transportation needs assessment.
- Develop strategic goals and objectives.
- Transit service planning and implementation.
- Monitor and evaluate the transit program.

Chapter 3: Inventory of Transportation Resources describes the approach for determining what resources may already be available. Although there may not be a public transit service, there are typically transportation programs operating within the tribe such as medical transportation, transportation for elders, or transportation to education opportunities. An understanding of the existing programs and resources is essential for determining what needs are not being met and what resources may be available to develop a transit service. The

chapter discusses the different types of transportation programs that may be available in a community, gives information on the type of data to be collected from each transportation service, and discusses the need to document the existing funding sources of providers in the area.

Chapter 4: Transportation Needs Assessment provides information on how to determine the transportation needs for various population segments. When the needs are identified and compared with existing services, it is possible to establish the level of unmet needs. References are provided for several technical planning resources that may be used by tribal planners.

Chapter 5: Developing a Transit Vision, Goals, and Objectives presents the importance of developing a vision for the transit service and having specific objectives that should be achieved. Without an understanding of the desired outcome, it will be impossible to plan a successful service. This chapter gives example mission statements, goals, and objectives that have been developed by other tribal transit agencies. The chapter emphasizes the need for quantifiable service indicators to measure the accomplishment of objectives identified. It also suggests various quantifiable measures that can be used and how useful they are in the operations and expansion of a tribal transit program.

Chapter 6: Environmental Issues describes some of the environmental issues that must be considered when planning a transit service. While certain activities do not require an environmental review, others will require some type of analysis before action can be taken. Some of the environmental programs discussed in this chapter include Congestion Mitigation and Air Quality Improvement (CMAQ), National Ambient Air Quality Standards (NAAQS), Environmental Mitigation, and National Environmental Policy Act requirements for facilities such as Categorical Exclusion, Environmental Assessment, Environmental Impact Statement, and Title VI requirements for providing transit service.

Chapter 7: Transit Service Planning outlines the specific steps to be used in planning the transit operations. Different types of transit service are described and guidelines are presented for analysis and selection of the most appropriate service type. This chapter also discusses a variety of challenges that tribes face in providing tribal transit programs, which may affect the type of service that should be operated. The chapter also gives information on selecting the appro-

priate service type, ways to coordinate transportation programs, planning for adequate facilities, hazards and security, maintenance and safety, and specific insurance and licensing requirements.

Chapter 8: Funding Tribal Transit Programs has important information about various funding programs which are available for tribal transit programs. While funding to begin a service may be a challenge, often the greater challenge is securing funding in future years to sustain the program. A number of tribes have initiated a transit service and then have been forced to reduce or eliminate the service because of insufficient funding. This chapter lists the various federal grant programs and a sample of state programs that support tribal transit planning, operations, and services. It also discusses innovative approaches to local funding with examples of funding innovations undertaken by tribal government. Information is provided about FTA and state program compliance and reporting requirements.

Chapter 9: Elements of Transit Program Implementation describes the specific steps required from initially developing a plan to starting the service. Information is provided on operations, organization and administration, monitoring and reporting, maintenance and safety, marketing, financial plan and budget, alternative fuels, vehicle disposal, legal issues, insurance, and the steps and responsibilities in the implementation process.

Chapter 10: Tribal Transit Program Case Studies summarizes key information found from the site visits conducted as part of the research. Examples of innovative approaches are given for the systems that have been successful in establishing and sustaining a tribal transit program.

Target Audience

The Guidebook was developed for use by tribal transit managers, tribal planners, and other planners who may be working with tribes to develop or enhance a tribal transit program.

Development of the Guidebook

The Guidebook was based on responses to both the Phase 1 questionnaire and the Phase 2 questionnaire. The Phase 2 long-form questionnaire was distributed to 54 tribes who had previously answered the short-form questionnaire. These 54 tribes were chosen based on an assessment of their willingness to participate in Phase 2 and their responses to the Phase 1 short-form survey. In Phase 2, the tribes were asked more detailed information about the challenges and successes

of their transit program. Of the 54 tribes contacted, 48 responses were received, for a response rate of 89 percent.

After detailed information was collected through the longer questionnaire, some tribes were visited to gain an in-depth understanding of their transit programs or the barriers that have kept them from developing a successful transit program. The information from these case studies is presented in the Guidebook.

KEYS TO SUSTAINABILITY

The information from tribes with successful transit programs pointed to several common themes as keys to their success. In most cases, the key to implementing a successful program incorporated all of these. As tribes consider developing or enhancing a transit program, these keys should be kept in mind. While the process described in this Guidebook will help in establishing a sustainable transit program, the path to sustainability will be found in these keys.

Planning

“In preparing for battle I have always found that plans are useless, but planning is indispensable.”

Dwight Eisenhower

All successful tribal transit programs were implemented following some type of plan. However, the common theme that emerged is that the process of preparing a plan was as important, or more important, than the plan itself. Developing the plan required those involved to assess the needs for transit service and determine the best approaches to meet those needs. Existing resources were identified and additional resource requirements could be determined. As the plan was implemented, conditions inevitably were different, but having gone through the process allowed the key leadership to adjust to changing conditions. The planning process provides detailed information and the tools to make decisions as the implementation steps are undertaken.

“Plans may not work, but planning does!”

Mike Moritz, Sequoia

Many of the tribes have received either funding or technical assistance for preparation of their plans. The Community Transportation Association of America (CTAA) Tribal Technical Assistance Program and planning grants through the Federal Transit Administration (FTA) Tribal Transit Program were cited as very valuable in planning for a new transit service. These resources are described in Appendix B. Other tribes have received planning grants from their state department of transportation. Many tribes obtained assistance for preparing their plans, relying on expertise from professional transit planners. While not essential, assistance from experienced transit planners may provide insight and expertise not available locally.

Local Leadership

Strong local leadership has been proven to be essential for implementing and sustaining a transit program. Invariably, challenges and barriers will arise that may make implementation difficult. Having someone who is committed to success is vital. Every successful program attributed their success at least in part to having strong leadership within the tribe. As challenges and barriers arise, strong leadership will find ways to overcome the challenge. The leadership may be someone on tribal council, a tribal employee, or a tribal member. In some cases, the tribal elders have provided the leadership to ensure implementation of the service.

“Never give in. Be willing to change tactics, but never give up your core purpose.”

Jim Collins, How the Mighty Fall

Support from Tribal Government

Support from elected tribal officials is important to the sustainability and long-term success of a transit program. This support will facilitate approval of grant applications, development of agreements, cooperation from various tribal government departments, and tribal funding. When support is lacking, transit programs may lose support from one year to another and have significant challenges in sustaining the program.

Support from Tribal Elders

Among many tribes, the tribal elders have significant influence on the decisions made by the elected officials. Strong support among tribal elders has been found to increase the level of support from the elected officials and is able to make the difference between having a transit program that is a priority or ending up with a transit program that lacks support and may not be sustained.

Cooperation and Coordination

Many of the successful transit programs have worked in cooperation with other transportation programs. In some cases these have been other transportation programs within the tribe, such as medical transportation or a tribal college. Other tribes have worked with non-tribal transit programs to coordinate schedules, allow transfers between systems, or establish a consolidated transit service. The Standing Rock Sioux transit system is operated by Sitting Bull College. The Confederated Tribes of the Grand Ronde Community of Oregon primarily provide transportation by contracting on a government-to-government basis with the Salem Area Mass Transit District and Yamhill County Transit Area. The Couer d’Alene Tribe in Idaho operates public transit

for the urban area of Couer d'Alene. Fort Belknap joined a regional partnership to provide transit service in north-central Montana.

Cooperation and coordination of services have allowed tribes to pool existing resources and leverage those financial resources to obtain additional funding. Coordinated efforts result in greater efficiency in delivering service and often allows for a greater service area.

Participation in State and National Organizations

Participation in state and national organizations—such as a state transit association, the Community Transportation Association of America, or the Intertribal Transportation Association—gives transit staff access to many resources. Tribes that have established successful transit programs have often been involved in these outside organizations. Attendance at conferences and training programs helps tribal transit personnel develop the skills and expertise necessary to operate a good system. These organizations provide access to technical assistance as well. The Community Transportation Association of America (CTAA) and the National Rural Transit Assistance Program (RTAP) have training programs and technical assistance that have benefited many tribes with successful transit programs.

Interaction with other transit providers is another benefit of participating in these organizations. The peer-to-peer connections that are established serve as a resource for tribal transit programs to increase expertise and obtain informal assistance.

Trained Key Staff

It is important to have key staff trained with the skills necessary to operate a transit program. Much of the training can be obtained through participation in state and national organizations.

A key area where training is essential is in financial management. Tribes have failed to receive funding in subsequent years because the required reporting and draws on grants were not completed. While the money was being spent, the grants were not being used and the Federal Transit Administration did not approve additional funding because the records showed that the funds had not been used. Budgeting and financial reporting are essential to sustaining a transit program. If costs are not tracked and not known, the necessary revenue may not be available. A thorough understanding of financial management is critical to the long-term sustainability of a tribal transit program.

Multiple Funding Sources

Sustainability of a tribal transit program is linked directly to funding. The most successful tribal transit programs have obtained funding from a variety of sources. If one source of funding is reduced, the program does not suffer as much as if it relied only on that one source. Multiple sources of funding may also provide the opportunity to use some sources as local match for other sources of funding. The broader the range of funding sources, the more sustainable the transit program will be. A broad range of funding sources available to tribes is presented in Chapter 9 of the Guidebook.

To ensure sustainability of funding and to advocate for tribal transit, it is important to inform and educate policy makers and elected officials about the importance and benefits of transit services. This is not only important at the local level, but at the state and federal levels as well. Funding for local transit service often comes from state and federal sources. Tribal officials should be active in ensuring that their representatives are well informed about the needs and benefits of transit.

KEY FINDINGS

Key findings are related to challenges and keys to success. Information from tribes which had not been able to implement a transit service and from tribes which had been successful was used to determine the major challenges faced by tribes and how those challenges have been overcome. These key findings are developed in more detail in subsequent chapters.

CHALLENGES

Of the 48 tribes that were interviewed in Phase 2, 16 did not have a transit program. Many of these had taken steps to implement a transit service, but had not yet been successful. Follow-up interviews and site visits provided additional insight into the reasons these tribes had not been able to start a transit service.

Lack of Planning

The tribes which had not been successful in implementing a transit service lacked a plan to follow. Some were in the stages of seeking funding to start planning efforts. The importance of having a plan was identified as one of the keys to success.

Lack of Leadership Support

Lack of support from tribal leaders was found to be a significant barrier to implementing or sustaining a tribal transit program. Without leadership support, funding and personnel were not available to develop or maintain a viable transit program.

Funding

Lack of sufficient funding was often cited as a major barrier to providing transit service. Lack of funding was attributed to a variety of factors such as lack of support from tribal leaders, inability to obtain grants through state programs, and uncertainty in funding levels through the Federal Transit Administration Section 5311c Tribal Transit Program.

CHAPTER 1

Literature Review

A review of the current and in-progress research on tribal transit practices, coordination, planning, and issues is presented to document the challenges facing tribal transit planning across the country. This review attempts to define those key challenges and lessons learned through the planning process as a means of duplicating those efforts that have worked well and avoiding those that have not. The current literature is a mix of documented research, case studies, and papers authored by those with experience in tribal planning.

WORKS REVIEWED

There are few resources currently available that document research related specifically to tribal transit. Of those currently available, most of the research fails to document solutions to many of the key identified problems, but does provide information on the needs of the tribes.

Research Reports and Documents

The literature review for this effort included the research reports described in this section.

Native American Transit: Current Practices, Needs, and Barriers (2006)

This report anecdotally identifies the challenges and needs faced by current tribes in providing transit services. “Currently, only 18 of the 562 federally recognized tribes have public transportation systems that receive Section 18 from public monies.” However, this information is originally from the Community Transportation Association of America and appears to be dated. This research points out several of the key barriers to providing transit services, but again is not aimed at identifying solutions to meet the needs or overcome these barriers. This study provides some applicability to the current project in the form of identifying historical issues, barriers to providing services, and several case studies detailing model transit systems.

Tribal Transportation: Barriers and Solutions (2002)

Despite the many barriers to providing transportation in tribal areas, the University of Montana Rural Institute study focuses on successful

transportation systems such as the Choctaw Transit Authority, the Navajo Nation, the Chickasaw Nation, and the Blackfeet Tribal Council “who have planned their efforts in advance, coordinated with other agencies, and made use of existing resources.” The study also makes suggestions for implementing tribal transportation programs and how to encourage community participation—including the general public, student leaders on college campuses, and tribal elders and council—right from the initial transportation planning process.

American Indian Transportation: Issues and Successful Models (2006)

The various operating models and needs are documented in a report by the Rural Transit Assistance Program of FTA and Community Transportation Association of America. Additionally, transportation issues ranging from geographical distance barriers to funding and the complexities of local, state, federal, and tribal governments working in cooperation are presented in “American Indian Transportation: Issues and Successful Models.” Information includes several operating models from the Blackfeet Tribe in northwest Montana to the Pueblo of Laguna Shaa’srk’a Transit program in rural New Mexico.

National Indian Tribal Transit Report (1996)

The 1996 National Indian Tribal Transit Report was one of the first national survey initiatives to demonstrate the level of unmet transit need for tribal reservations. The report represents a significant piece of research on current usage of services and projected needs. This research surveyed all native tribes across the United States in regard to needs and services provided. As was made apparent by this report, the “state of tribal transit is not good.” This information provides applicability in terms of providing a background on transit services; however, the information is becoming out-of-date for use in the current research effort.

Tribal Transit Demographic Need Indicators (2007)

The Small Urban and Rural Transit Center (SURTC) completed a research project on Tribal Transit Demographic Need Indicators. This study was designed to help identify non-metropolitan, small urban, and rural Indian tribes and reservations that have the most significant transit needs. Findings from this study indicate, taken as a whole, reservations tend to mirror the nation in terms of the size of various mobility-dependent subgroups. Certain reservations do, however, greatly exceed national averages. For example, 16.3 percent of all US

residents are age 60 or over. There are, however, 31 reservations where 20 percent or more residents are seniors. Regarding low-income populations, 12 percent of all US residents are considered low income; the average for all Indian reservations is 17.3 percent. Eighteen of the reservations identified in this study have low-income populations of 40 percent or higher.”

This is consistent with our experience where we have found very high rates of poverty among tribal members living on reservations. Many of the tribal transit systems interviewed for the current research had started their services to address needs related to low income and lack of access to employment opportunities.

Assessing the Impacts of Rising Fuel Prices on Rural Native Americans (2008)

The Small Urban and Rural Transit Center (SURTC) completed a research project on “Assessing the Impacts of Rising Fuel Prices on Rural Native Americans.” This study focused on counties that had populations of at least 25 percent Native American and compares data with national averages. These study findings indicate, “Many rural Native American counties were among the hardest hit by rising fuel prices. These impacts result because of the travel distances which are consistent with rural life, relatively low household income levels, and the lack of transportation alternatives. As a result, these households spend up to 29.6% of their income on fuel, compared to metro area averages as low as 2.6% in some parts of the country.” The study also points out that in addition to a high percentage of household income spent on fuel, there are also fewer transportation options for rural residents who may have no option but to depend on private vehicles.

Tribal Transportation Programs (2007)

The National Cooperative Highway Research Program (NCHRP) Synthesis 366 documents the political and institutional structure of tribes. This is an important source of research which serves to document how transportation programs function for tribes. This includes information on elements such as the number and ratio of transportation staff dedicated to a transportation system. These models can help to determine appropriate organizational structures and staffing requirements for future services.

Guidebook for Successful Communication, Cooperation, and Coordination Strategies Between Transportation Agencies and Tribal Communities (2011)

The objective of National Cooperative Highway Research Program (NCHRP) Report 690 was to develop a Guidebook to enhance communication, cooperation, and coordination with tribal governments. The project has been completed and the final report has now been published. This research identifies best practices for successful government-government interactions and has also developed a set of tools that are expected to assist in collaboration between transportation agencies and tribal communities.

On Native Ground: Collaborative Transportation Planning on Indian Reservations (1995)

A final model of transportation planning that is applicable to this research is that presented in Transportation Research Record 1499 titled "On Native Ground: Collaborative Transportation Planning on Indian Reservations." This research details a pilot transportation plan for the Cherokee Indian Reservation in North Carolina. This research documents the planning process, from determining goals and objectives to providing technical analysis and building consensus. One of the findings in their 1995 paper is that tribal transportation planners lack the skills, funding, time, and resources to conduct comprehensive transportation planning.

Other Documents

A variety of articles and websites were reviewed to obtain information regarding tribal transit planning. These shorter articles and reports are summarized in this section.

A Tribal Consortium Enhances Tribal/State Coordination Efforts (web link accessed 2011)

One key case study that exemplifies cooperation among tribal governments, local governments, and state governments is the Tribal Transportation Working Group established by Caltrans and the San Diego Association of Governments (SANDAG). Efforts began through a consortium of tribes and the ability to coordinate and expand transit services. The development of the Reservation Transportation Authority (RTA) and the coordination with Caltrans and SANDAG included a survey of all the tribes in the county on transportation needs and issues.

An interview with the SANDAG Tribal Liaison provided additional information about the cooperative efforts. The Tribal Transportation Working Group reviews all transportation needs, plans, and projects which are related to tribes. Tribes have representation on all of the SANDAG policy boards and committees. The RTA prioritizes projects for the Indian Reservation Roads program. The RTA recently completed a transit needs assessment and has prioritized improvements for bus stops for the two regional transit systems.

A key to the success of the cooperative effort was leadership within the Association of Governments and within the tribes. Both groups had leaders committed to establishing a cooperative working relationship and taking steps to ensure success.

Turtle Mountain and Rolette County Transit Development Plan (2007)

The Turtle Mountain and Rolette County Transit Development Plan presents existing demographic characteristics, transportation-disadvantaged population characteristics, trip generators, population and economic projections, estimating the unmet transportation needs, recommendations, and implementation steps for both the Turtle Mountain Reservation and the Rolette County area. The study points out “there are significant unmet personal mobility needs on the Turtle Mountain Reservation and other areas in Rolette County.” The county has three public transit operators that provide services, but coordinating and expanding these services is essential in meeting the needs of the residents. The study recommends “expanded service hours, new service routes, marketing efforts, and new administrative personnel that will facilitate coordination and management of the new expanded transit system.” The study divides these recommendations into phases, where many components of Phase I were already being implemented during the course of the study and Phases I and II are dependent on increased funding.

North Central New Mexico: Development of a Regional Transit District (web link accessed 2011)

This project provides an excellent example of the strong partnerships that exist between tribes and local governments. The North Central Regional Transit District (NCRTD) is a regional planning organization with representation of all five local tribes. The NCRTD, through a certification process and Intent to Join resolutions, was able to overcome many of the previous barriers in the planning process. Equal representation, regular meetings, unbiased facilitators, and commit-

ments enabled all groups to collaborate constructively on projects, including highway and park-and-ride projects.

Washington Tribal Transportation Planning Organization (2006)

In 2003 in Washington State, the Tribal Transportation Planning Organization (TTPO) was established which helped with the coordination and cooperation efforts made between the tribes and the WSDOT. With the development of the TTPO there was improved coordination between tribes and the WSDOT, the Indian road inventory was completed, there was tribal participation in the Washington Statewide Transportation Plan (WTP), and tribal transportation needs were identified and tracked through a database.

Arizona: Building Technical Capacity for Improved Tribal Consultation and Communication (web link accessed 2011)

This project provides an example where improved communication between the Arizona Department of Transportation (ADOT) and the Inter Tribal Council of Arizona (ITCA)—an association of 19 member tribes—have led to strong working relationships and development of trust that encourages input from both State DOT staff and ITCA member tribes. Some of the key outcomes of these coordination efforts are dedicated staff positions with ADOT to focus on tribal transportation issues, development of an ITCA transportation working group, ADOT Tribal Strategic Partnering Team and Tribal Liaisons, and tribal input for the statewide long-range transportation planning effort “MoveAZ.” In addition, tribes have learned about opportunities for funding from the state and technical assistance programs. Example: The San Carlos Apache Tribe pursued participation in ADOT’s Small Area Transportation Studies program (currently called the Planning Assistance for Rural Areas [PARA] program) used to develop a transportation plan for their community. Recognizing the need for long-range transportation planning and local and tribal funding constraints, ADOT reduced the local matching funds requirement from 50 percent to 20 percent. The current PARA program is 100 percent funded by ADOT. While the Tribe is the first to take advantage of ADOT’s technical expertise, many other tribes within Arizona are now looking at this alternative.

South Dakota: State/Tribal Planning Coordination Meetings (web link accessed 2011)

The South Dakota Department of Transportation holds annual meetings with tribes to exchange information about needs and upcoming planned projects. Transportation needs on reservations are addressed through the Indian Reservation Roads Transportation Improvement Program (IRR TIP) planning process. At the same time, the State conducts a similar planning process to develop the State Transportation Improvement Program (STIP). “Funding and design, construction, and planning for projects within each agency have traditionally been done separately.”

While this article addresses projects related to roads, the current research effort showed that there is less cooperation with tribes for transit programs. The Oglala Sioux Tribe reports that they do not pursue funding through the State of South Dakota because of poor working relationships and issues related to sovereignty.

California’s Indian Casino Bus Runs (2002)

The study on California’s Indian Casino Bus Runs are examples of two successful transit programs—Yolo County: Cache Creek Casino Bus Service and the Tulare County: Eagle Mountain Casino Bus Service—where tribal councils with gambling casinos on Indian reservations have sponsored reverse commute long-distance bus service as a 24/7 operation to their businesses. The study points out that some of the factors needed to have a cost-effective bus service in low-density areas are “proactive employer participation, employment hubs that form concentrated destinations, coordinated work shifts, and long-distance commuting.” The Cache Creek Casino bus service serves the Cache Creek Indian Casino, which is the county’s second largest employer located in a single building where many passengers are transported from their doorstep to a single work place, which creates route efficiencies. The casino operates on three eight-hour shifts which closely coincide with work shifts, making the service cost-effective. The service is partly privately financed by the Rumsey Band of Wintun Indians and has an employer who aggressively markets the bus service. Moreover, the shuttle operates on a 23-mile long highway with a high crash rate. The Eagle Mountain Casino employee shuttle—similar to the Cache Creek Casino bus service—has a dangerous long-distance commute to the casino. The tribal councils are likely to continue to operate this service to benefit from

the productive and reliable work force as a result of the reverse commute bus service.

Making the Employment Connections for the Stillaguamish (2006)

The Stillaguamish Tribe is a small Native American Tribe in northern Washington, located 45 miles from Seattle. The tribe consists of approximately 300 members which are dispersed throughout a large area. “The transportation plan coincided with the development of a new casino, emphasizing the need for reliable transportation for workers.” Several types of service will be implemented to encourage economic development and bring more employers to the area. Some of the service types planned are a fixed-route loop service that will connect at least five tribal facilities, a dial-a-ride service for elderly passengers, and a youth service for after school and health programs. Also, a shuttle service is planned that will help carry employees and customers to the tribe’s casino and other work sites.

Bangor Area, Maine: Technical Assistance and Coordination Between the Tribe and MPO (web link accessed 2011)

Attendance at meetings and regular communication have led the area to form a growing partnership between the Penobscot Indian Nation, the Bangor Area Comprehensive Transportation System (BACTS), and the Federal Highway Administration (FHWA). These efforts have helped the MPO staff understand the complexities and needs of the Penobscot Nation. Additionally, the MPO understands more about how the tribe receives its transportation dollars and how to fund projects. This type of coordination again will be examined to determine the education aspects the MPO gained through the process.

Crossing Great Divides: A Guide to Elder Mobility Resources and Solutions in Indian Country (2011)

This document was created with the collaboration of the National Center on Senior Transportation (NCST) and the National Rural Transit Assistance Program (National RTAP), and gives information on funding sources, grant opportunities, and innovative approaches through discussions with Title VI Aging Services and Tribal Transit Programs. This document was prepared with the intention of helping Title VI Aging Services, Tribal Transit Programs, tribal governments, State Department of Transportation, health programs, and human services in continuing to help native elders meet their mobility needs. The document starts with discussing some of the typical transportation providers serving elders on the reservation—namely Title VI

Aging Services, Tribal Transportation, Indian Health Service and Community Health Representative (CHR), and Veterans Services. The document includes various funding resources available and examples of tribes that are bringing together different funding sources, looking at alternatives to competitive grants, helping elders reach destinations on and off reservations, creating partnerships, sharing information and resources, and offering older driver safety on reservations to better serve elders.

Community Transportation Magazine: Nations in Transit (2009)

This 2009 edition of *Community Transportation* magazine was dedicated solely to tribal transit services. The magazine includes best practices, innovations, and ways that tribes have overcome obstacles to create effective transit systems in Indian Country. Some of the tribes that have tribal transit programs featured in this magazine include the Eastern Band of Cherokee Indians, Choctaw Nation, the Menominee Tribe, Confederated Salish-Kootenai Tribe, the Chickasaw Nation, Orutsararmuit Native Council, Southern Ute Tribe, Oglala Sioux Tribe, and Quinault Indian Nation.

PREVIOUS PLANNING PROJECTS

LSC Transportation Consultants and our research team members have been involved in numerous tribal transit projects. An assessment of tribal transit needs and available services has been a part of all transit planning projects for tribal entities. These projects have identified many of the same barriers to services, employment, and quality of life that have been documented in most all other research to date:

- Geographic isolation
- Low level of education
- Lower incomes
- Difficulties in accessing funding
- Trust issues with non-tribal members

Information from previous planning efforts and the experience of the research team have contributed to the research effort. The following tribal transit plans and reports were reviewed and considered in this effort.

- Bethel Transit Implementation Assistance
- Blackfeet Transit Development Plan

- Cherokee Transit Operations Plan
- Chickaloon Native Village – Valdez Transit Feasibility Study
- Chickasaw Transit Operations Plan
- Chickasaw Nation Transit Coordination Plan
- Crow Nation Technical Assistance Project
- Flathead Nation Technical Assistance Project
- Fort Peck Transit Development Plan
- Fort Belknap Technical Assistance Project
- Leech Lake Transit Technical Assistance
- Mescalero Apache Technical Assistance
- Northern Cheyenne Tribal Technical Assistance
- Opportunity Link Regional Transit Plan
- Ponca Tribe Transit Plan
- Quinault Indian Nation Technical Assistance Project
- Rocky Boy’s Transit Feasibility Study
- Seminole Nation Transit Plan
- Squaxin Island Tribe Technical Assistance

APPLICATION TO CURRENT RESEARCH

In summarizing the available research and information, there are some common themes which are applicable to this research. These include:

- Anecdotal needs of tribes and the key barriers to providing transit services are well documented, but limited information is available on the solutions to meet the needs or overcome these barriers. The surveys, interviews, and site visits conducted as part of this research provided insight into how successful tribal transit programs have overcome those barriers.
- Successful transit systems need to focus on planning, coordination with other agencies, making use of existing resources, and encouraging community input right from the initial planning stages.
- The body of literature identifies transportation issues that tribes are faced with such as geographical isolation, low level of education, lower incomes, difficulties in accessing funds,

trust issues with non-tribal members, funding and the complexities of local, state, federal, and tribal governments working in cooperation.

- Reservations tend to mirror the nation in terms of the size of various mobility-dependent subgroups. However, certain reservations greatly exceed national averages for seniors and low-income populations.
- Many rural Native American counties were among the hardest hit by rising fuel prices because of the travel distances, which are consistent with rural life, and relatively low household income levels. As a result, households spend a high percentage of household income on fuel and there are fewer transportation options for rural residents who must depend on private vehicles.
- It is important to gather information on the number and ratio of transportation staff dedicated to a transportation system. These models can help to determine appropriate organizational structures and staffing requirements for future services.
- Some of the key factors needed for a cost-effective bus service in low-density areas are proactive employer participation, employment hubs that form destinations, coordinated work shifts, and long-distance commuting.
- Since there is reluctance on the part of tribal entities to work with non-tribal entities, there is a need to show benefits to both tribal and non-tribal members of the community in coordinating existing transit services.
- The need for close cooperation and partnerships with the local tribes and other government offices. One great example is the funding for tribal liaisons at the state government level. The research results confirmed this, showing that coordination and partnerships were keys to successful tribal transit programs.
- The need to educate local tribes and MPOs, COGs, municipalities, and state government on the availability of funding and the requirements to receive such funding.
- Identifying the needs of the tribe continues to be a challenge, as some tribes are reluctant to make their needs known or to share information about their tribes and local conditions. In the future it may be more difficult for researchers to obtain data from tribes as some tribes are now setting up Independent Research Review Boards.

- Collaboration and cooperation are increasing as tribes and local governments realize the importance of building partnerships.
- Some states have taken an initiative to identify local tribal needs and to obtain up-to-date operating information.
- Demographics have been collected detailing the needs of local tribes.

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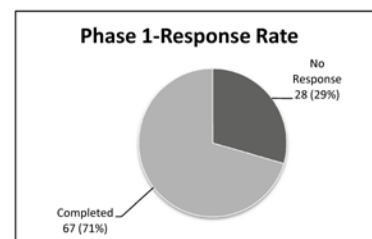
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CHAPTER 2

Findings

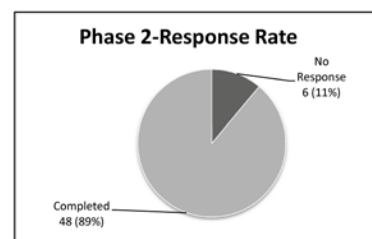
INTRODUCTION

This chapter summarizes the findings gathered from various tribes throughout this study. In the first phase of this study, a short-form survey questionnaire was sent to 95 tribes of the 565 federally recognized tribes and 67 completed responses were received, for a response rate of 71 percent. Only two tribes explicitly stated that they would not participate in the study. Table 2-1 lists the tribes which participated in the Phase 1 data collection.



METHODOLOGY

The questionnaire was distributed to a variety of tribes that provide a wide range of transit services in diverse geographical locations. As the number of tribes in the western portion of the country is greater than those in the east, the majority of respondent tribes are located west of the Mississippi River. Size of tribes (both number of people and amount of land), connection with adjacent communities and counties, and the rural nature of reservation location all vary widely between tribes and have an impact on the types of transit service provided. From the responses, most tribes that operate transit provide a combination of demand-response, deviated fixed-route, and fixed-route service. However, the single most common service type is demand-response service.



The goal of the first round of data collection was to determine generally the range and scope of transit services provided by tribes across the country. Additionally, the first round of data collection allowed the tribes to become familiar with the study itself and the personnel collecting the information. From the data collection effort, the level of participation a tribe was willing to contribute in Phase 2 was surmised.

The first step in the data collection process was to determine the correct person with whom to speak regarding transit service at each tribe. Some contacts were already established due to previous work with members of the research team. Most, however, needed to be determined through phone calls and e-mails to the tribes and Federal Transit Administration (FTA) regional tribal liaisons. For some tribes, it took nearly two months to find the appropriate contact.

Tribe	State
Asa'carsarmiut Tribal Council	AK
Bishop Paiute Tribe	CA
Blackfeet Tribe	MT
Burns Paiute Tribe	OR
Catawba Indian Nation	SC
Cherokee Nation	OK
Chickaloon Native Village	AK
Chickasaw Nation	OK
Choctaw Nation of Oklahoma	OK
Coeur d' Alene Tribe	ID
Confederated Salish and Kootenai Tribes	MT
Confederated Tribes and Bands of the Yakama Nation	WA
Confederated Tribes of the Colville Reservation	WA
Confederated Tribes of the Grand Ronde Community of Oregon	OR
Coquille Tribe of Oregon	OR
Cowlitz Indian Tribe	WA
Craig Community Association	AK
Crow Tribe	MT
Eastern Band of Cherokee	NC
Fallon Paiute-Shoshone Tribe	NV
Fort Belknap Indian Community	MT
Fort Peck Assiniboine & Sioux Tribes	MT
Grand Portage Band of Chippewa Indians	MN
Gulkana Village	AK
Houlton Band of Maliseet Indians	ME
Hualapai Tribe	AZ
Iowa Tribe of Oklahoma	OK
Kalispel Tribe of Indians	WA
Kaw Nation	OK
Kiowa Tribe of Oklahoma	OK
Lac du Flambeau Band of Lake Superior Chippewa Indians	WI
Leech Lake Band of Ojibwe	MN
Lummi Tribe of the Lummi Reservation	WA
Makah Tribal Council	WA
Menominee Indian Tribe of Wisconsin	WI
Mescalero Apache Tribe	NM
Narragansett Indian Tribe	RI
Navajo Nation	AZ
Northern Cheyenne	MT
Oglala Sioux Tribe	SD
Oneida Tribe of Indians of Wisconsin	WI
Osage Tribe	OK
Poarch Band of Creek Indians	AL
Pokagon Band of Potawatomi Indians	MI
Ponca Tribe of Nebraska	NE
Pueblo de Cochiti	NM
Pueblo of Santa Ana	NM
Quinalt Indian Nation	WA
Red Lake Band of Chippewa Indians	MN
Santee Sioux Nation	NE
Seminole	OK
Seneca Nation of Indians	NY
Sitka Tribe of Alaska	AK
Snoqualmie Indian Tribe	WA
Southern Ute Indian Tribe	CO
Spirit Lake Sioux Tribe	ND
Squaxin Island Tribe	WA
St. Regis Mohawk Tribe	NY
Standing Rock Sioux Tribe	ND
Stillaguamish Tribe of Indians	WA
Suquamish Tribe	WA
Susanville Indian Rancheria	CA
The Klamath Tribes	OR
The Shoalwater Bay Indian Tribe	WA
Turtle Mountain Band of Chippewa Indians	ND
Wampanoag Tribe of Gay Head (Aquinnah)	MA
Winnebago	NE

Source: Tribal Transit Program Survey, 2009.

Once the appropriate contact was determined, phone conversations with descriptions of the project and a request for participation ensued. Many tribes described their programs or attempts to start a program over the phone and also completed the survey questionnaire.

Questionnaires and cover letters were distributed via e-mail unless requested in hard copy format. As noted in the cover letter, surveys could be completed electronically via a Microsoft Excel file attached to an e-mail or online on the study data collection website. Surveys could also be completed by hand and mailed or faxed.

Tribes were given two weeks in which to respond to the survey. Then there were follow-up phone calls and e-mails periodically through the end of the data collection period.

As noted, in the end, 71 percent of the tribes that were contacted responded to the survey. The high response rate underlines the interest the tribes maintain in transit service, both currently and in the future. This rate also reflects the extensive personal contact and follow-up by the research team.

The Phase 2 long-form questionnaire was then distributed to 54 tribes who had previously answered the short-form questionnaire. These 54 tribes were chosen based on an assessment of their willingness to participate in Phase 2 and their responses to the Phase 1 short-form survey. In Phase 2, the tribes were asked more detailed information about the challenges and successes of their transit program. Of the 54 tribes contacted, 48 responses were received, for a response rate of 89 percent. Table 2-2 lists the tribes that responded in Phase 2. In this phase, tribes were asked to respond using the electronic questionnaire. However, many tribes were contacted by telephone and the data collection was completed through a telephone interview.

After detailed information was collected through the longer questionnaire, some tribes were visited to gain an in-depth understanding of their transit programs or the barriers that have kept them from developing a successful transit program. The tribes that were interviewed in depth are shown in Table 2-3.

Tribe	State
Asa'carsarmiut Tribe	AK
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	MT
Blackfeet Tribe of the Blackfeet Indian Reservation	MT
Cherokee Nation	OK
Chickaloon Native Village	AK
Chickasaw Nation	OK
Choctaw Nation	OK
Confederated Salish & Kootenai Tribes of the Flathead Reservation	MT
Confederated Tribes of the Grand Ronde Community	OR
Craig Community Association	AK
Crow Tribe	MT
Eastern Band of Cherokee Indians	NC
Grand Portage Band of Chippewa Indians	MN
Gulkana Village	AK
Hannahville Indian Community	MI
Houlton Band of Maliseet Indians	ME
Hualapai Indian Tribe of the Hualapai Indian Reservation	AZ
Iowa Nation of Okalahoma	OK
Kaw Nation	OK
Klamath Indian Tribe	OR
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation	WI
Lummi Tribe of the Lummi Reservation	WA
Menominee Indian Tribe	WI
Mescalero Apache	NM
Minnesota Chippewa Tribe: Leech Lake Band	MN
Narragansett Indian Tribe	RI
Navajo Nation	AZ/NM/UT
Nez Perce Tribe	ID
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation	MT
Oglala Sioux Tribe of the Pine Ridge Reservation	SD
Oneida Tribe of Indians	WI
Osage Tribe	OK
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony	CA
Poarch Band of Creek Indians	AL
Pokagon Band of Potawatomi Indians	MI/IN
Pueblo of Cochiti	NM
Quinalt Tribe of the Quinalt Reservation	WA
Red Lake Band of Chippewa Indians	MN
Seminole Nation	OK
Seneca Nation	NY
Sitka Tribe	AK
Snoqualmie Tribe	WA
Southern Ute Indian Tribe of the Southern Ute Reservation	CO
Spirit Lake Tribe	ND
Squaxin Island Tribe of the Squaxin Island Reservation	WA
St. Regis Band of Mohawk Indians	NY
Standing Rock Sioux Tribe	ND/SD
Stillaguamish Tribe	WA
Susanville Indian Rancheria	CA
Turtle Mountain Band of Chippewa Indians	ND
Wampanoag Tribe of Gay Head (Aquinnah)	MA
Winnebago Tribe	NE
Yakama Nation	WA

Source: Tribal Transit Program Survey, 2010.

Tribe	State
Eastern Band of Cherokee Indians	NC
Coeur d'Alene Tribe	ID
The Confederated Tribes of Grand Ronde	OR
Lac du Flambeau Indian Tribe	WI
Menominee Indian Tribe	WI
Navajo Nation	AZ/NM/UT
Oglala Sioux Tribe	SD
Confederated Salish and Kootenai Tribes	MT
Seneca Indian Tribe	NY
Sitka Tribe of Alaska	AK
Southern Ute Indian Tribe	CO
Standing Rock Sioux Tribe	ND/SD
Stillaguamish Tribe of Indians	WA
Turtle Mountain Band of Chippewa Indians	ND
Yakama Indian Nation	WA

Source: Tribal Transit Program Survey, 2010.

TRIBAL CHARACTERISTICS

Characteristics of the tribes that provided data are summarized in this section. The data collection was not meant to be a comprehensive inventory of tribal transit programs, but rather to determine the diversity of tribal transit systems and the characteristics of those transit systems. The focus was to examine a broad cross section of representative tribes throughout the country.

Geographic Characteristics

Figure 2-1 shows the distribution by state of the tribes which responded to the Phase 1 questionnaire. Tribes participating in the Phase 2 survey are shown in Figure 2-2. Participating tribes are distributed throughout the country, although the majority are in the midwestern and western states reflecting the higher number of tribes located in these states. The participating tribes represent small reservations, large reservations, and tribes not located on reservation lands.

Figure 2-1
Locations of Tribes Participating in Phase 1 Survey

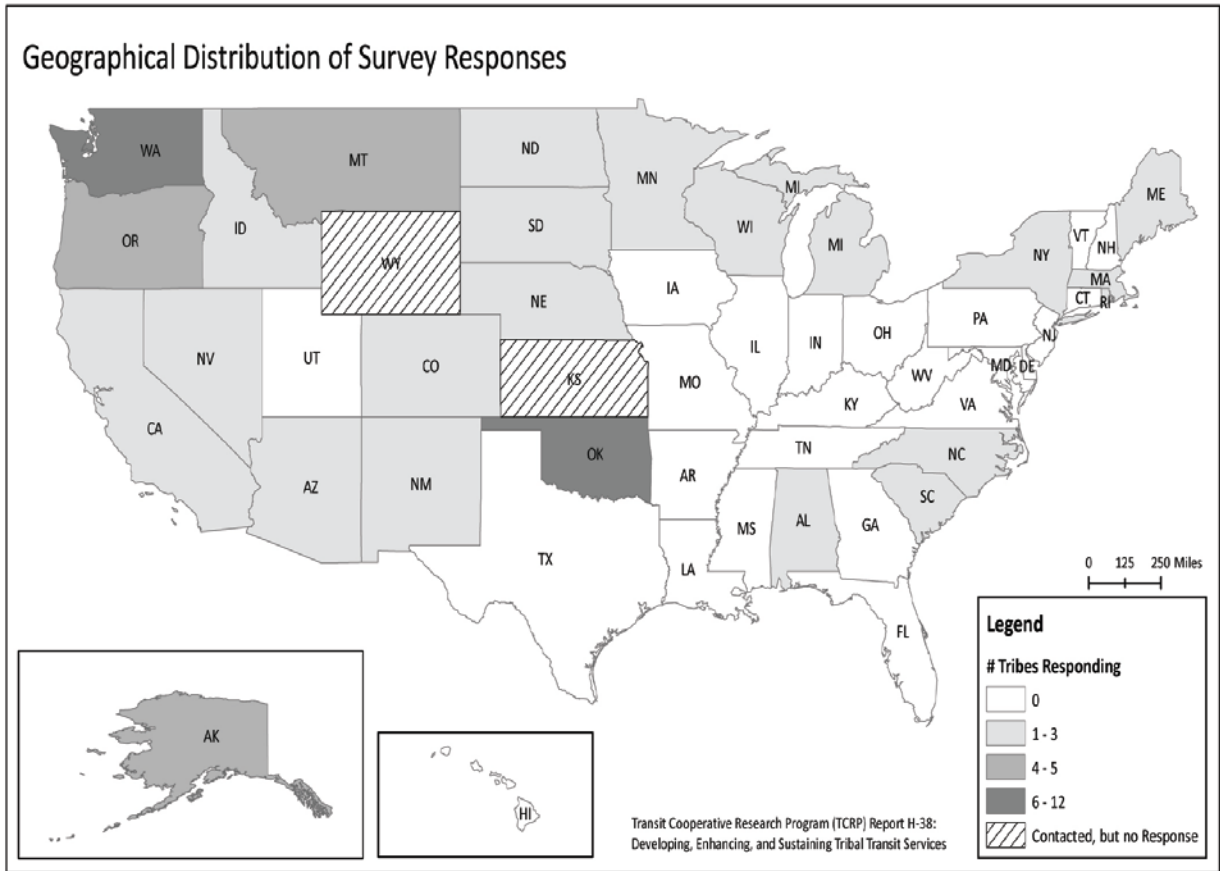
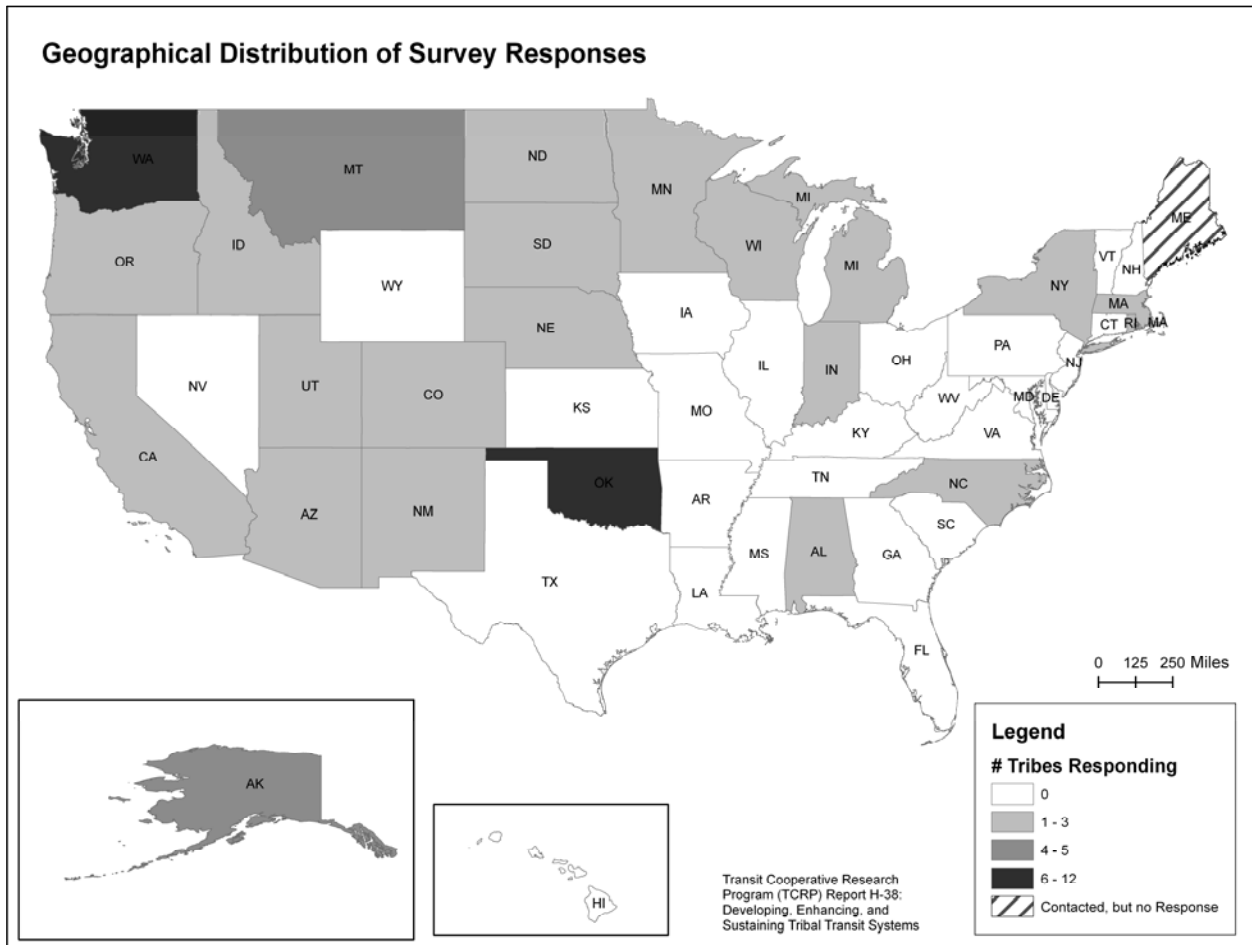


Figure 2-2
Locations of Tribes Participating in Phase 2 Survey



The Navajo Nation is the largest reservation in the United States, covering approximately 25,000 square miles in northeast Arizona, northwest New Mexico, and southeast Utah. Several tribes have large service areas including Choctaw Nation, Chickasaw Nation, and Cherokee Nation in Oklahoma although these tribes are not located on reservations. In addition to large land areas, tribal lands tend to have fewer residents and lower population densities. The Navajo Nation has one of the most populated reservations with 175,000 people living within the reservation boundaries, but has a population density of only seven persons per square mile. While not all reservations exhibit these characteristics, many have low population densities. Low population densities create challenges for operating transit service and tend to make transit routes less efficient.

Many of the tribes must cover long distances to serve tribal members. The Navajo Nation operates long-distance services, including a four-hour route from Tuba City to Window Rock. Even if low population density is not an issue, many reservations are physically isolated from urban or regional centers where basic services are located.

The Choctaw Nation serves 11,000 square miles over a 10½-county area (Choctaw, Bryan, McCurtain, Pushmataha, Pittsburg, Atoka, Laflore, Hughes, Coal, Latimer, and Haskell) in southeast Oklahoma. Johnny James, the Director of Choctaw Transit, elaborates on the large geographic area they serve, “Most of these areas are rural and many of our clients live on dirt roads.” In addition to the huge service area, they operate many long-distance trips to Oklahoma City and Tulsa, Oklahoma; Dallas, Texas; and Fort Smith, Arkansas. Since the local hospital does not provide dialysis, chemotherapy, or radiation services, Choctaw Transit provides long-distance trips for those services outside the Choctaw Nation boundaries.

Some tribes have geographic constraints or physical barriers such as mountainous terrain or lakes, requiring longer travel distances for access to basic services such as medical, employment, and grocery shopping. The Seneca Nation has geographical challenges because there are two separate territories that need to be served, located approximately 35 miles apart. Red Lake Transit service is operated around a large lake. The straight-line distance is 11 miles, but due to the lake, the driving distance is 35 miles.

Demographic

Many tribes have high poverty and unemployment rates. The Pine Ridge Indian Reservation is one of the most impoverished reservations, with unemployment as high as 85 percent and, according to the US Census, has approximately 61 percent of residents living below the federal poverty level. Standing Rock Transportation, of the Standing Rock Sioux Tribe, provides transit service to the poorest counties in North Dakota and South Dakota. Carson County in North Dakota is the second poorest county in the country. There are high poverty rates and little access to services or employment opportunities.

Looking at the recent 2007-2009 American Community Survey 3-Year Estimate, the poverty rate for American Indian and Alaska Natives is 26 percent, nearly twice the national average of 14 percent. The nationwide unemployment rate for American Indian and Alaska Natives is about 14 percent, well above the national rate of approximately nine

percent. Prior to the recession in 2007-2008, the unemployment rate for American Indian and Alaska Natives has historically been around eight percent, well above the national average. These high rates demonstrate the need for transportation on tribal lands.

Political

This is not a characteristic unique to tribes, but is seen very often in rural areas around the nation. Many times, political leaders are not aware of the transportation needs in the community and do not have the expertise to go about providing such a service. Transportation needs often come to light as tribal departments that already provide transportation services for a certain market segment or trip purpose become aware of grants that may fill gaps in service and later realize that the need for transportation in the community is much greater than can be provided by the current service. This was seen in the Confederated Salish and Kootenai Tribes (CSKT) when the need for transit was initiated by the CSKT Department of Human Resource Development (DHRD). The DHRD began transportation in 1999 by accessing Temporary Assistance for Needy Families (TANF) funds to purchase two vans. It was then they realized that the need for transportation was much larger than what they were serving for TANF clients. According to DHRD statistics, in 2006, a total of 14,000 passenger-trips were provided. In 2009, the ridership had more than doubled to approximately 30,000 passenger-trips.

Some tribes experience a high turnover of tribal councils and senior level staff. In some cases, the entire tribal council is up for election every two years. Transit staff have experienced a complete change in policy for transit services, either increasing the level of support or losing support for the transit program. This may result in a lack of continuity, diffuses momentum built for providing transit services, and the departing staff take with them valuable knowledge and experience. This is extremely difficult for a transit program that is just starting up or is being modified to better meet the needs of the community. In addition to the routine staff responsibilities, the new staff are faced with understanding the background and learning what strategies have worked and those that have not worked in the past. The Crow Tribe in Montana experienced difficulty in starting a transit program because of changes in tribal council and key staff.

Some tribes face resistance to starting a public transit program from another department within the tribe. This may occur when an existing transportation program is asked to coordinate services or share resources. The existing transportation program may have vehicles

that are used for transportation of their clients and are often reluctant to share resources for fear that their clients will not get the services they need when they need them.

Legal

Understanding tribal transit program operations requires familiarity with the nature and scope of tribal sovereignty. Tribal sovereignty is the inherent power of a tribe to create its own laws and to apply those laws to the people, property and activities within the tribe's jurisdiction.

The U.S. Constitution does not define specific parameters for the relationship between tribes and the federal government. Supreme Court decisions have interpreted Art. 1, Sec. 8, Cl. 3 of the U.S. Constitution (aka, the Indian Commerce Clause) delegated plenary power over Indian affairs to the Congress to the exclusion of states. The Indian Commerce Clause states: "The Congress shall have Power...to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

The resulting legal framework allows for the Congress to adopt laws that impact tribes individually and collectively. States may not subject tribes to state law unless Congress adopts a specific law allowing a state such authority. Today, tribes possess sovereignty subject to the limitations of Congress and decisions of the Supreme Court of the United States. Those limitations make up the body of Federal Indian Law and Policy. Federal Indian Law and Policy is not comprehensive and often leaves tribes, states and the federal government in positions of complying with existing law and policy while trying to negotiate agreements to manage the voids in that law and policy.

Federal Indian Law and Policy has been subject to radical shifts resulting from changes in political and social perspectives on the role of tribes in the United States. Those perspectives ranged to and from annihilation to tribal self determination. In 1969, Congressional policy shifted away from unilateral federal control and administration of tribal governance to a policy supporting tribal self governance. The new policies governing federal activities impacting tribal lands began to require tribal consent and recognized the continuing vitality of tribal sovereignty.

The U.S. Supreme Court experienced shifts in its decisions in cases challenging jurisdiction over people and activities on tribal lands. While Congressional shifts turned towards tribal self-governance,

Supreme Court case precedent shifted towards expansion of state authorities and limitation of tribal authorities over non-Indian activities on tribal lands.

A case that underscores the complex legal environment that tribes face in administering public transit agencies is *Strate v. A-1 Contractors*, 520 U.S. 438 (1997)). The Supreme Court found that the Three Affiliated Tribes of the Fort Berthold Reservation lacked civil adjudicatory jurisdiction over a personal injury dispute between two non-Indian parties to an automobile crash that occurred on a state right-of-way running through the reservation. Prior to *Strate*, the primarily used definition of Indian Country included right-of-ways running through tribal lands which were generally subject to tribal jurisdiction.

The Court in *Strate* ruled that, absent congressional legislation, Indian tribes are presumed to lack civil jurisdiction over the conduct of non-Indians on non-Indian owned land within a reservation, subject to two exceptions: (1) non-members who enter consensual relationships with the tribe or its members; (2) non-members whose activity directly affects the tribe's political integrity, economic security, health, or welfare. This decision has resulted in questions and concern over just who is subject to tribal jurisdiction within the boundaries of an Indian reservation.

With this jurisdictional backdrop, the Executive Branch has adopted federal policy that encourages its agencies to consult with tribal governments in an effort to communicate about projects and policies that may impact tribal communities. This effort is viewed as action that supports tribal self governance. Through the Federal Transit Administration tribes can compete for grants for planning and administration of transit programs that serves tribal lands and surrounding non-tribal jurisdictions. A sustainable tribal transit program entails inviting non-tribal members to pay fares and use their services. The payment of the fare results in a contractual relationship between the tribe and the non-tribal transit patron. Tribes must also enter into various contractual relationships with non-Indian entities to purchase buses and vans, fuel, insurance, construction, other products, and services required to operate the transit program. These contractual relationships would be subject to tribal jurisdiction should a dispute arise pursuant to the reasoning in *Strate*.

In addition to tribal civil jurisdiction, a non-Indian tribal transit patron may also be subject to federal criminal jurisdiction. Title 18,

Section 1160 of the United States Code (18 USC 1160) provides tribes with a federal claim against non-Indians who damage tribal property, including property of a tribal transit authority. Simply stated, patrons would be overwhelmed by the number of jurisdictions that they have submitted themselves in purchasing a ticket to ride a tribal transit bus within the boundaries of reservation.

While tribes are government agencies capable of operating public transit authorities, the legal climate under which they do so is vastly different from other non-tribal entities. Tribes, like their state and local government counterparts, seek to assert sovereign immunity from suit and manage their financial risk very closely. (See Transit Cooperative Research Program Legal Research Digest 24; *Transit Bus Stops: Ownership, Liability, and Access* (2008) for a detailed discussion of transit agency assertion and waiver of sovereign immunity.) These differences must be recognized and incorporated into the business operation plan for each tribal transit agency.

Another layer of jurisdictional concern for tribal transit agencies is the contract or grant award and the legal authority governing its provisions. A state may as a condition of awarding public transit funds to a tribe require a specific waiver of tribal sovereign immunity and require consent to suit in state courts. Several tribes have been unwilling to execute such waivers and decline federal transit funds passed through state agencies that are subject to such requirements. Alternative dispute resolution can be incorporated in the contract or grant award and may be structured in a manner respectful of each sovereign's forums.

Tribal governments have been cautious in safeguarding their sovereign immunity from suit; however, administering a transit program creates the risk of liabilities to the public, transit agency employees, to the contractual relationships with funding agencies and to vendors. As tribes continue to engage the public, there is a greater need for fundamental fairness to their patrons. Tribes can provide limited waivers of sovereign immunity designed to protect and assert tribal sovereignty while addressing the need for responsibility for any harm resulting from that activity.

Though tribes are reluctant to submit themselves to the jurisdiction of a foreign court (state or federal), these same entities are reluctant to submit their agencies to tribal court jurisdiction for the resolution of disputes. Congress has passed several laws that require tribes to obtain transit funding by application to state agencies without

addressing the need for effective dispute resolution between those separate sovereigns. In the absence of clear Congressional directives in this area, tribes, states, and local agencies must negotiate terms for transit funding agreements.

Economic

Many tribes initiate transit services because of the need for transportation to support tribal members' daily activities—grocery shopping, employment, and other important needs such as doctors' appointments—that thereby enhance the economic well-being of the community.

On the Pine Ridge Reservation, very few people actually own a vehicle in this impoverished area. The Oglala Transit system was therefore planned to boost the economy and give people a way to get to work and around the community. Emma Featherman-Sam, the Transit Coordinator of Oglala Sioux Transit, says that, "Personal vehicles are a luxury for many residents living on the Pine Ridge Reservation. Some people buy a cheap used car, but when the car breaks down and there is no money for repairs, they are again without a car."

The Cherokee Nation transit program is a service that is provided to tribal members and the general public through contractual agreements with existing public transit systems such as KATS Transit and Pelivan Transit. The partnership between the two transit systems and the Cherokee Nation began a few years ago as a response to skyrocketing gas prices and economic factors that made it hard for some tribal employees to afford their daily work commutes. The strategy of the Tribe was to assist people with transportation in order to increase and maintain jobs. Michael Lynn and Rob Endicott of the Cherokee Nation emphasize the need for transportation in economic development. "Most of our clients are in the rural area and they have to drive 30-40 miles to work and when you add the cost for fuel to the wear and tear on the vehicle, it all adds up." They also add that a rural worker is likely to pay twice as much for transportation as an urban worker.

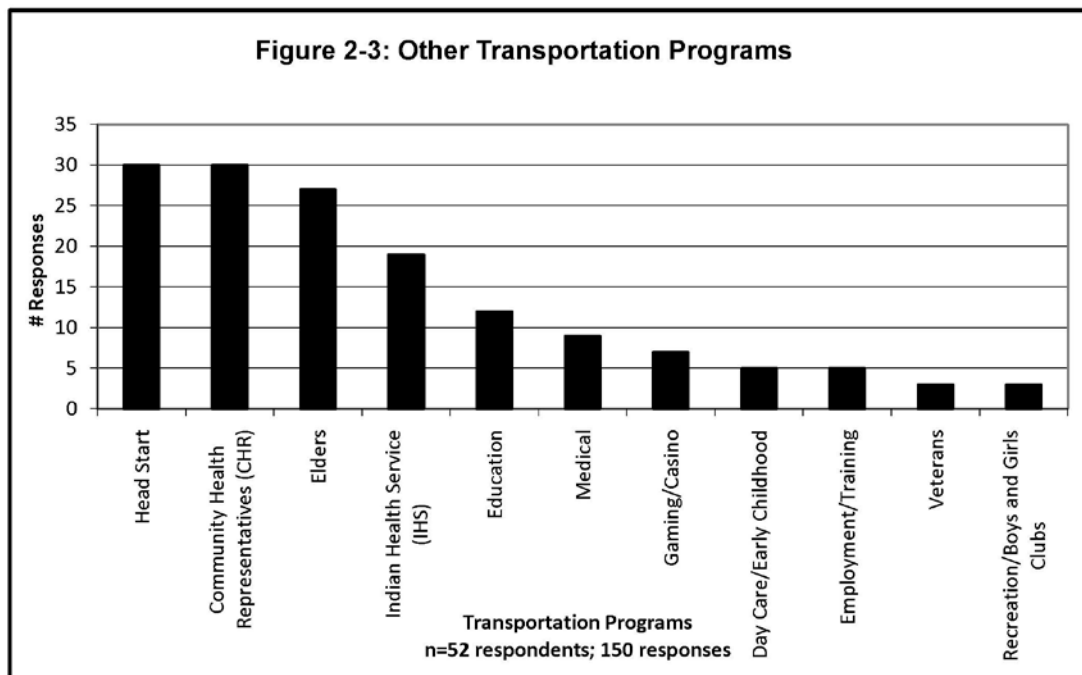
PURPOSE OF SERVICES DELIVERED

There are many types of transportation programs that are developed to serve a particular purpose, need, or market segment. Some of the main transportation programs that are likely to be found in tribal areas are described in this section.

Human Services Transportation: Social Services

These transportation programs are designed to get people to various social services. Transportation for social service programs can be categorized into programs for seniors, for welfare recipients, and for medical purposes. These are described below. These programs may or may not be served by public transit. Transportation is often vital in ensuring that people have access to these programs. Coordinated efforts with these programs may allow tribes to leverage existing funds and to set up a more efficient service.

Most tribes have human service transportation programs available for certain segments of the population that meet the requirements of the specific programs. Thirty of the tribes which responded have Head Start program transportation. Thirty tribes have Community Health Representatives transportation (CHR), and 27 tribes have services for the elders in the community. Figure 2-3 shows other transportation programs offered by tribes.



A number of tribes have coordinated human services transportation programs with their public transit service. While this has occurred with some programs in a number of tribes, there remain many tribes with

transportation programs that operate independently with no progress toward coordination or consolidation of the various programs.

Blackfeet Transit provides a demand-response service that incorporates many of the human services programs. The transit service provides transportation to various social services—including Head Start, Community Health Representative, senior centers, Eagle Shields, Indian Health Services, centers for mental health, Blackfeet Community College, Blackfeet Care Center, Glacier County Office of Public Assistance, Browning Public School, Blackfeet Academy, and Blackfeet Manpower-Vocational Rehab-Work Investment Act-Tribal TANF—and is also open to the general public.

Cherokee Transit—provided by the Eastern Band of Cherokee—started their transit service in 1997 to provide human service transportation for dialysis, Medicaid patients, and other types of human service trips using a demand-response transportation service. In 2000, the transit department was asked to expand to include general public service. Service was provided five days per week. Since 2000, the Tribe has been operating human service transportation—such as services for seniors, dialysis patients, human service agency clients, and for vocational opportunities in Cherokee—as well as general public transit. The service is now operated 20 hours per day, seven days per week, 361 days per year. The transit service operates a variety of services including a fixed-route shuttle service within the Cherokee town limits, a regional route through the Great Smoky Mountains National Park, a deviated fixed route serving the communities within the Qualla Indian Boundary, demand-response service, subscription service, and medical trips with services to areas within and outside the Qualla Boundary.

Senior Transportation

The eligibility requirement varies by tribe. Some tribes have eligibility requirements set at 55 years and older, some include people with disabilities, and others keep them consistent with the federal guidelines of 60 years and older. Senior transportation is provided to older adults and is often affiliated with a senior center or other senior programs. This transportation is focused on providing transportation to congregate meal sites, medical appointments, grocery shopping, human services offices, social events, and others.

Within the Native American culture, there is a high regard for elders. Many tribes provide transportation service dedicated to serving the elders. Almost all of the tribes which participated in Phase 2 have

some type of transportation service for elders. In some cases this transportation is integrated with the public transit service such as the Eastern Band of Cherokee, but in many tribes the elder transportation program remains a separate function.

Standing Rock Transportation provides transportation for seniors. The senior center has Title IIIB funding for state social services. The center was transporting three to five elders and was paying the driver for eight hours. Recognizing the high cost of providing this service, they chose to have Standing Rock Transportation, the public transportation program operated by Sitting Bull College, provide transportation for the seniors.

The Fort Belknap Indian Community started the Fort Belknap Transit Service (FBTS) based on their senior transportation program that served the three senior centers in the three communities of Fort Belknap Agency, Hays, and Lodge Pole. The transit service was expanded to provide public transit and has since been working as part of North Central Montana Transit, which provides service to nearby communities, the Rocky Boy's Reservation, and Great Falls.

Transportation for Welfare Recipients

This type of transportation is designed to help recipients of public assistance and low-income families transition from assistance to the workforce. Recipients of assistance generally have a low rate of car ownership which further emphasizes the need for such transportation. Several tribal transit programs that serve such a need make use of the Federal Transit Administration (FTA) Section 5316 - Job Access and Reverse Commute (JARC) program. Some of the tribal transit programs that are able to serve this need and access these funds are Blackfeet Transit, Chickasaw Road to Work program, DHRD Transit (through the Department of Human Resources Development) of the Confederated Salish and Kootenai Tribes, Oglala Sioux Transit, and the Standing Rock Transportation of the Standing Rock Sioux Tribe of North and South Dakota.

In some cases, while tribes do not directly apply for these funds, they are able to access JARC funds through their transit partners and collaborations. For example, the Cherokee Nation Transit Program does not access JARC funds because their transit partners—Ki Bois Area Transit (KATS) and Pelivan Transit—that serve different areas both access JARC funds through the state. In Oklahoma, 18 public transit operators that get low-income employees to work have collaboratively created “Road to Work Oklahoma.” The Ki Bois Com-

munity Action Foundation, Inc., based in Stigler, is the administrator of the Job Access Reverse Commute Grant in Oklahoma.

Some tribes have job training and employment departments to access funds available through the TANF block grant program and Native Employment Works (NEW) administered by the US Department of Health and Human Services and Administration for Children and Families (ACF) and Welfare-to-Work funds (WtW) funds from the US Department of Labor and the Employment and Training Administration (ETA).

While the JARC program is being used by some tribes, there were only six of the 48 tribes responding that make use of this program. There appear to be even fewer that use TANF funds in a coordinated program with the public transit service. These funding programs which provide access to employment are an untapped resource for many tribal transit programs.

Transportation for Medical Purposes

Many programs provide transportation for non-emergency medical needs. These transportation programs are generally provided by nursing homes, treatment centers, Community Health Representative (CHR) programs, and hospitals. The Chickasaw Nation in Oklahoma provides medical transportation to any Native Americans residing in its 13-county service area. The program also does pick up and delivery of prescriptions.

The Choctaw Nation of Oklahoma provides general public transit services with priority given to non-emergency medical trips. It started when the Choctaw Nation developed an Outreach Services effort. Through this effort, the Nation realized that while health care services were important, access of participants to health care was more important as there were few or no transportation options. The Tribe then applied for and was awarded a FTA Tribal Transit grant in 2007. The Tribe contacted CTAA for a technical assistance program. The Tribe—along with CTAA and its consultants—were able to understand the needs within the community and the type of service to be provided. The transit program then integrated the existing CHR medical transportation service by providing service to the Indian Health Hospital and the other tribal clinics. The program—which started in October 2007 as a one-vehicle operation—currently has 17 vehicles that serve 88,000 members within the Choctaw Nation boundaries.

The Southern Ute Indian - Tribal Health Services provides transportation to dialysis and other medical appointments. The Chickaloon Village Health and Social Services Transportation Program in Alaska provides transportation for medical, dental, and mental health appointments in the Mat-Su Valley and to the Anchorage area. The Alaska Native Medical Center in Anchorage, Southcentral Foundation's primary care center, and the Valley Native Primary Care Center in Wasilla are some of the agency's major medical destinations.

Oneida Public Transit started as a demand-response service for elder nutrition and for medical trips. A small percentage of the trips were recreation center trips for youth. Since then, the service has expanded into a general public transit service. Yakama Nation has a CHR program which provides transportation for medical-related trips only. Clients must have no other forms of transportation and must have limited income to be eligible to use this transportation service for medical purposes. A two-week advance notice is preferred for such service. The Confederated Tribes of Grand Ronde also have a CHR program that provides transportation for medical trips. The program provides approximately 600 annual medical trips.

As seen from these examples, many tribes have a separate department within the tribe that provides medical transportation while others started providing medical transportation and transitioned into a public transit program that serves hospitals, medical facilities, and other medical destinations.

Education

This transportation service is provided by colleges or universities for education purposes. Some of the reasons that colleges may decide to provide transportation are to decrease the number of single-occupancy vehicles on campus or to support the transit-dependent student population. Tribal colleges have found that lack of transportation is often associated with failure to complete an education program. The Salish and Kootenai College—located on the Flathead Indian Reservation in Pablo, Montana—supports transportation for its students to access the campus using the tribal transit system. Prior to contracting with the tribal transit program, the college operated a separate transportation program. The Standing Rock Sioux Tribe has public transit service operated by Sitting Bull College. Originally operated to provide access to education, the service was expanded to a full transit system. This arrangement has allowed the transit system to pool funds from a variety of sources.

There are some tribes that start a public transit service and incorporate the needs of tribal college students in addition to the other needs of the community. Oglala Sioux Transit—on the Pine Ridge Reservation—started providing transit service in 2009. While open to the general public, one of the aims of this transit service is to serve Oglala Sioux College. Transit service is provided to the college and for students taking night classes.

Private Sector Enterprises and Gaming

There may be private transportation providers serving areas near a tribe. Examples include taxis, airport shuttles, tour operators, charter bus companies, casino buses, and intercity bus services. Private operators may be geared to a certain market segment, such as tourists, or to a specific destination, such as service to and from the tribal casino.

Tribes with gaming operations often have transportation service associated with the casino, whether for patrons or employees. In most cases, the gaming transportation services are operated separately from the transit service. Gaming revenues are sometimes used to support the tribal transit program, but this is the exception rather than the rule.

The Lake of the Torches Resort Casino—a casino of the Lac du Flambeau Band of Lake Superior Chippewa Indians—has a shuttle bus that travels long distances to pick up patrons. This shuttle bus makes stops at various locations in the nearby communities on different days of the week. On Tuesday, the shuttle bus serves the communities of Prentice, Phillips, Fifield, and Park Falls. On Thursday, the shuttle bus serves Hurley-Ironwood and Mercer, and on Friday, the shuttle bus serves Rhinelander, McNaughton, and Lake Tomahawk. The shuttle bus also serves tribal campgrounds which are about one-half mile from the casino. A patron to the casino can also book a motor coach day trip to the casino through other private transportation providers from Wisconsin, Minnesota, and Michigan that are listed on their website.

Leech Lake Gaming Division, of the Leech Lake Band of Ojibwe Indians in north-central Minnesota, provides transportation service to and from the casino and various tribal businesses and locations such as Northern Lights Casino, Palace Casino Hotel, and White Oak Casino. This transportation is solely financed through tribal gaming revenues. Leech Lake Gaming Transportation provides mainly fixed-route service, but will deviate off route to pick up a passenger if a request is received. This transit service is for guests going to and from

casinos, residents of Leech Lake, employees, and college students. This transportation service is free and has no eligibility requirements for riding the service.

Cherokee Transit in North Carolina serves the casino with their scheduled routes but does not receive revenues from the gaming enterprise to support the service.

The Southern Ute Tribe uses gaming revenues to fund the tribe's portion of the operating cost.

Mass Transit: Public Transit

Since the need for transportation is so great, many tribes have started their own transportation service. Nearly all of the transit services that have been started by tribes are open to the general public. A vast majority of tribes that provide these public transportation services access the FTA Tribal Transit Section 5311 (c) program. These funds are meant to complement other sources of FTA, state, and local funding, including FTA Section 5311 funds. The key element of this service is that anyone may ride. Many tribes have integrated specialized transportation services with a public transit program to reduce duplication of services.

In the short-form questionnaire that was part of Phase 1 of this study, out of the 67 tribes that responded, 44 tribes (66 percent) had some type of transit service. Thirty-one tribes provided some transit service, eight tribes contracted their transit services, and five tribes had a combination of providing and funding transit service.

Out of tribes that had a transit service, all tribal transit services were open to the general public, except for one tribe that reported that the service was open to tribal members only. While in the list of eligibility some tribes gave priority to Native American, non-emergency medical services, or seniors and people with disabilities, the transit services were open to the general public.

Access to Employment

Access to employment for tribal members is a consistent theme among tribal transit programs. While for some tribes this is secondary to the human service program transportation needs, other tribes have established access to employment as a priority.

The Cherokee Nation Transit Program's main focus is getting people to and from work, followed by other generalized transportation

purposes. Most of their passengers are in rural areas and have to drive 30-40 miles to work. The transit program implemented a work route in 2008 and a second in the first part of 2009. These routes provide rural access from Pryor Creek to the main casino in Catoosa and from Stilwell to the tribal complex in Tahlequah. The Catoosa route runs six days per week to accommodate three shifts. The Stilwell route runs five days per week for the 8:00 a.m. to 5:00 p.m. workers at the tribal complex. Since then, two additional work routes were added in the latter part of 2009 to provide transportation from Salina and Sallisaw to the tribal complex in Tahlequah. Both routes run five days per week to accommodate the 8:00 a.m. to 5:00 p.m. workers at various tribal work sites in Tahlequah.

The Department of Human Resources Development (DHRD) Transit, provided by the Confederated Salish and Kootenai Tribes, has set up their transportation service to serve commuters, followed by other needs. They currently have four routes. The first route serves Dixon, Charlo, and Ronan. The second route serves Arlee and Polson. The third route serves Elmo and Ronan. The fourth route serves Polson and St. Ignatius. These routes provide service in the morning (6:00 to 8:30 a.m.) and in the evening (3:30 to 5:30 p.m.), and are mainly serving commuters. From 8:30 a.m. to 3:30 p.m., the DHRD Transit provides demand-response service for other non-work trips. The tribe has also worked with the Missoula-Ravalli Transportation Management Agency to establish vanpool service for commuters to Missoula.

The Chickaloon Village Health & Social Services Transportation Program—provided by the Chickaloon Native Village of Alaska—provides transportation for medical appointments in the Mat-Su Valley and to the Anchorage area. However, one of the unmet needs identified by the tribe was providing transportation to work or for obtaining employment. The new general public transit program was planned in part to help meet those needs.

Standing Rock Transportation—provided by Sitting Bull College—is open to the general public to serve all transportation needs. The transportation program operates a variety of services including intercity, dial-a-ride, interstate, and veteran services to/from hospitals. However, Standing Rock Transportation reports that their highest ridership and most popular routes are the “reverse commute” from the urban areas to tribal/rural areas for employment. Approximately 70 percent of the trips are for employment. Many people come to the Bureau of Indian Affairs (BIA), Indian Health Services (IHS), college, and other locations for employment.

There are many tribal transit programs which serve employees to access employment, but that is not the only purpose of the transit service. Cherokee Transit provides transportation services that meet the needs of employees, but also serve residents and tourists. Similarly, Leech Lake Gaming Transportation provides transportation for employees, residents, patrons going to and from the casino, and college students.

TYPES OF SERVICE DELIVERY SCHEMES

Tribes were asked to indicate the types of transit service they provide. Most tribes provide a combination of demand-response, deviated fixed-route, and fixed-route services. However, the service type with the largest number of responses is demand-response alone. Table 2-4 summarizes the results for the tribes that responded.

Fixed-Route	10.6 %
Demand-Response	18.2 %
Deviated Fixed-Route	3.0 %
Combination of Services	36.4 %
Not Applicable or No Service	31.8%

While many tribes operate a combination of services, most of these included demand-response service as a portion of their program. Demand-response service is the best option for many tribal settings with low population densities and low levels of demand.

Demand-Response Service

Demand-response transit service—frequently termed dial-a-ride—is characterized as door-to-door transit service scheduled by a dispatcher. With demand-response service, advance reservations are typically required, although some immediate requests may be filled if time permits. The general public transit service operated by Blackfeet Transit in Montana, Tribal Transit operated by the Choctaw Nation of Oklahoma, DHRD Transit operated by the Confederated Salish and Kootenai Tribes in Montana, Cowlitz Tribal Transit Service in Washington, Oneida Public Transit in Wisconsin, and Snoqualmie Valley Transportation (SVT) in Washington are some of the examples of successful demand-response services.

Fixed-Route Service

This type of service operates on designated routes and follows set schedules. Specific bus stops are typically identified for the locations where passengers will be picked up and dropped off. Routes are usually laid out in either a radial or grid pattern.

The advantages of fixed-route service are that it can be provided at a relatively low cost on a per-passenger-trip basis, schedule reliability is high since buses do not deviate from their routes, service does not require advance reservations, and service is easy to understand.

Many of the fixed-route services operated by tribes are along corridors with higher levels of demand than other areas of their service. The Navajo Nation operates an extensive fixed-route system that connects many of their Chapters or communities. As an urban system, Citylink—operated by the Coeur d’Alene Tribe—is a fixed-route system. Other tribes, such as the Sitka Tribe of Alaska and Fort Peck Transportation operate small fixed-route services along key routes.

The Americans with Disabilities Act (ADA) requires that communities with fixed-route transit service also provide complementary paratransit service that operates, at a minimum, in a three-quarter-mile radius of each fixed route. This is a factor for tribes which select fixed-route service. A number have chosen to operate demand-response service or route-deviation service to avoid this requirement.

Route-Deviation and Point-Deviation Service

With route-deviation, transit vehicles follow a specific route but can leave the route to serve demand-response origins and destinations. Vehicles are required to return to the designated route within one block of the point of deviation to ensure that all intersections along the route are served. The passengers on the bus may have a longer travel time than for fixed-route service and service reliability is lower. However, the ADA-mandated complementary paratransit service is not necessary since the bus can deviate from the route to pick up disabled passengers.

Under checkpoint service, transit vehicles make periodic scheduled stops at major activity centers. Specific routes are not established between checkpoints, which allow the vehicles to provide demand-response service and alleviates the need for ADA-mandated complementary paratransit service. Riders are picked up, typically at a reduced fare, at the checkpoints and are taken either to another checkpoint or to a demand-response-specific destination. Service

between the checkpoints does not require advance reservations. However, service from any other location on a demand-response basis requires an advance reservation so that the vehicles can be scheduled for pick-up and drop-off. Checkpoint service offers an advantage over route-deviation because there is no specified route for the vehicles to use. Checkpoint service requires only that the vehicle arrive at the next checkpoint within the designated time window.

Twenty of the tribes that responded operate a point- or route-deviation type of service. This approach is well-suited to many tribal settings where a regular schedule is desired, but levels of demand do not support fixed-route service. Tribes that operate route-deviation service include the Cherokee Nation, Fort Peck Transportation Service, and the Squaxin Island Tribe.

Commuter Services

A number of tribes have established routes and schedules to serve people commuting to jobs. However, these services to accommodate commuters are typically integrated as part of the service and are not identified as commuter service comparable to what might be found in larger urban systems. For example, Fort Peck Transportation Service has routes that start early on the eastern and western ends of the reservation and travel to Poplar to serve commuters. As mentioned earlier, a number of tribes with gaming operations provide transportation service for employees of casinos. A number of systems operating near urban areas effectively operate a reverse commute system for people traveling to tribal offices and gaming facilities.

Special Needs and ADA Paratransit Transportation

The Americans with Disabilities Act of 1990 (ADA) paratransit service requires that transportation agencies that operate fixed-route service provide complementary paratransit service for people with disabilities who cannot use the fixed-route service. This paratransit service must be provided within three-quarters of a mile of a fixed route. The hours and days of the paratransit service should be the same as the fixed route, and transportation agencies cannot charge more than twice the regular fare on this paratransit service.

Paratransit service is typically much more costly to operate than fixed-route service because of the service's characteristics. Fixed routes are established to meet the highest demand travel patterns, while paratransit service must serve many origins and destinations in a dispersed pattern.

The tribes that have fixed-route service also provide complementary paratransit service. In some cases this is done with partnerships in the community such as in Sitka where the Sitka Tribe operates the fixed-route public transit and Southeast Senior Services operates the paratransit service. In other cases the tribe operates both services.

The requirement to provide complementary paratransit service has been a factor in tribes choosing to operate a route- or point-deviation service rather than fixed-route service.

According to the Federal Transit Administration, Indian tribes must comply with most FTA requirements (such as drug and alcohol testing) and most civil rights regulations. The only two exceptions for tribes are Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity) and Title I of the Americans with Disabilities Act of 1990 (discrimination against individuals with disabilities). According to the RTC: Rural, (January 1999), Congress has specifically excluded tribes and reservations from the requirements of the Americans with Disabilities Act (ADA). While many tribes do not have to follow ADA, most tribes follow the intent of ADA. According to the RTC: Rural study, there are some tribes—such as the Oglala Lakota Sioux Indians—that have chosen to adopt ADA as a whole. Some tribes, such as the Confederated Salish and Kootenai Tribes, have passed a resolution that adopts the spirit of ADA and has a committee to develop and implement disability policies. There were some tribes that have changed their policies in accordance with ADA. In cases where a tribe provides public transit for an entity that uses Federal Transit Administration funds—such as the Coeur d’Alene tribe that operates Citylink—this exclusion from ADA would not apply. The Coeur d’Alene tribe complies with ADA requirements and all of their vehicles are ADA-compliant.

ORGANIZATIONAL STRUCTURES

There are many types of organizational structures providing transit service to tribes across the country. Many different types of arrangements are made between tribal departments and between tribes and external partners to make transit service work. This section includes an overview of factors leading to transit service organizational structures as well as descriptions of and examples of different organizational structures. Organizational structures are categorized and generalized for comparison and summary purposes, but examples are also used to illustrate the range of organizational options available to tribes for providing transit service.

Laws and Motivating Factors

There are many reasons for tribes establishing different organizational structures for their transit programs. By law, tribes hold the ability to determine their own governmental structure. As the legislative bodies of sovereign nations, elected tribal officials are responsible for creating and sustaining a wide scope of government services. Once elected, a tribal official must make decisions regarding law and order, environmental protection, economic development, education, health care, and all the other elements of modern life for their citizens. They act to create and modify tribal laws supportive of the agency's operations and approve plans, budgets, grant applications, and inter-governmental agreements. Federal laws and regulations affecting many of these areas require tribal council resolutions of support as part of the proposal package.

Regulations and policies are established to specify how laws are enforced and handled in practice. Such regulations can be challenging to implement and uphold over time, particularly when multiple departments and agencies are involved in operating transit service. Often the regulations and policies of government departments create issues that impede the ability of tribes to work with those agencies. For example, many state funding agreements require tribes to waive sovereignty rights which may be unacceptable to the tribe. State agreements may require that all legal issues be resolved in state courts or that tribes comply with other specific state requirements. FTA grant requirements have included clauses which were unacceptable to some tribes. Although the requirements may not have been established by law, they have been implemented as part of the agency's administration of specific laws. Some states and agencies have been willing to waive those requirements while others are not willing. The end result is that in some states tribes have good working

relationships with their state department of transportation while in other states tribes avoid funding through programs administered by the state.

In order to work around the state requirement that disputes be resolved in state courts as part of the grant agreement, the Southern Ute Tribe set up a private nonprofit corporation—Southern Ute Community Action Programs, Inc. (SUCAP)—to be the recipient of grant funds from the state. The nonprofit was chartered to be the transit authority for the Tribe, but the Tribe was not a part of the grant agreements so the issue of sovereignty in legal matters could be avoided.

For the Sitka Tribe of Alaska, most of the funding is procured by the local nonprofit Center for Community (CFC). The Tribe operates the fixed-route service under contract to CFC, and a senior services agency operates the paratransit service (also under contract to CFC). CFC receives FTA 5311 funds. With use of these funds, FTA requires that a contract operation go through a procurement process every three to five years for the operation of fixed routes. CFC reported that the regulation ignores existing partnerships and requires them to go through the procurement process again, which weakens the relationship between CFC and the Tribe, and interrupts successful existing coordination.

Incentives

Cooperation between tribal departments and between tribes and other entities is encouraged because it makes a tribe more competitive for limited federal, state, local, and tribal funds. The potential to tap into additional sources of federal, state, and other funding provides an incentive for tribes to offer a sustainable transit service to their members. The majority of tribes that operate transit services use multiple sources of funding. This has allowed tribes to survive reductions in funding from individual sources without completely eliminating the transit program.

Organizational Structure for Service Delivery

Organizational structure involves the cooperation of the tribe with one or more additional government entities for the purpose of transit service delivery and are not relationships developed for funding. Many tribes receive transit funding through a state or regional government, most commonly the state. Many tribes also rely on a regional body such as a Metropolitan Planning Organization (MPO) or regional planning agency for transit planning resources and, in

some cases, funding. On a local scale, many tribes are associated with local social service or senior centers to provide transit service. The level of cooperation varies from very little to very high and the types of agreements and arrangements also range from informal to formal. Examples are provided for each type of multi-government organization structure.

Regional/MPO

Some tribes are able to provide transit service by partnering with a regional planning body or entity such as a Metropolitan Planning Organization (MPO). For example, the Coeur d'Alene Tribe in Idaho is the operator of the transit system for the city—Citylink—which is funded by the Tribe and Kootenai County, and planned and implemented by the Kootenai Metropolitan Planning Organization (KMPO) along with the Tribe and the County.

The impetus for this multi-government structure started with the need for transportation to serve the Coeur d'Alene Reservation. The tribe had high poverty and unemployment rates. A large percentage of their people did not drive and had no access to a car. To meet those needs, the Tribe started a transit service in 2004. This service was operated using one bus. In 2005, Kootenai County passed the 50,000 population mark and approached the Tribe to contract services with the KMPO to supplement transit services already provided by the Tribe. Tribal funds were then used as local match for the FTA Section 5307 grant through Kootenai County. Kootenai County is the recipient of this FTA Section 5307 grant and hired Panhandle Action Council (PAC) to administer funds to Citylink and Kootenai Area Transportation System (KATS). The KMPO has been active and works to coordinate services with Citylink and KATS to eliminate redundant services.

The San Diego Association of Governments (SANDAG) has established a Tribal Transportation Working Group which has representation from tribes within the greater San Diego area. All transportation issues related to tribes are reviewed and commented upon by the Working Group. Tribes also have representation on the policy boards and committees of SANDAG. The Working Group initially focused on roadway improvements and the Indian Reservation Roads program, but has become involved with transit. Recently a tribal transit needs analysis was completed for the region and funding was obtained through the tribal transit program for bus stop improvements. The transit service is provided by the two regional transit

agencies, but tribes have become involved in prioritizing improvements for routes serving tribal lands.

Regional/State

Many tribes receive transit funding through their state or states. However, few operate service with state partnership. One example of a state partnership is the Standing Rock Sioux Tribe, which was asked by the State of South Dakota to operate transit service in an adjacent non-tribal community where there was great need for public transit (Mobridge). The City is unable to provide the transit, so the state asked Standing Rock Transit and the State Social Service Department to work together to provide service in a low-income community without school busing.

Regional/Local

Some tribes operate transit service through partnership with the local community. For example, the Sitka Tribe of Alaska operates fixed-route transit service in Sitka under contract to the local Center for Community (CFC). The CFC is the umbrella agency that receives federal transit funds and contracts out the fixed-route and paratransit service. Another agency—Southeast Senior Services (SESS)—is contracted by the CFC to provide the paratransit service in the community. The unique thing about Southeast Senior Services is that they have been providing transit service since 1997, even before a public transportation program was started in Sitka. (The public tribal transit program in Sitka began in 2002). SESS provided transportation to seniors and people with disabilities. However, with this collaboration, public transit is provided and SESS receives additional funds (through the Tribe) that can be used to serve seniors.

The Sitka Tribe of Alaska also receives tribal transit funding and with this funding the Tribe was able to expand the existing public fixed-route transit service (starting November 2007). It is an intertwined collaborative effort by the Tribe and the community that created the opportunity for transit service in Sitka and produced the potential to access unique funding sources.

North Central Montana Transit is organized as a partnership of city governments, county governments, tribal governments, social service agencies, and educational organizations. North Central Montana Transit operates in a low-density area with two or fewer persons per square mile. The two counties they serve—Hill and Blaine—have high poverty rates compared to statewide poverty rates and include the

Fort Belknap and Rocky Boy's Indian Reservations with unemployment rates as high as 70 percent. North Central Montana Transit is operated by Opportunity Link, Inc., a regional nonprofit agency that attempts to implement strategies and encourage public-private partnerships to reduce poverty in the region. This agency has identified transportation as an important factor that will help reduce poverty. For most people in this community, driving long distances is the only way to get to work, attend education programs, get to medical appointments, access grocery stores, and get to basic services and amenities. North Central Montana Transit was able to access operational funds through the Montana Department of Transportation, the Federal Transit Administration, and capital funds from the American Recovery and Reinvestment Act to purchase vehicles. Local funds to match these state and federal funds were provided by Hill and Blaine Counties, the Fort Belknap Indian Community at Fort Belknap Reservation, the Chippewa Cree Tribe at Rocky Boy's Reservation, and Montana State University-Northern. This system offers fixed routes and intercity routes that operate Monday through Friday from Fort Belknap (tribal headquarters of the Fort Belknap Indian Tribe) to Havre and Havre to Box Elder (tribal headquarters of the Rocky Boy's Tribe/Chippewa Cree Tribe). There is also a twice-a-week connection from Fort Belknap to Great Falls, which is approximately 190 miles away. These services also connect with the Fort Belknap Transit and the Rocky Boy's Transit service that provide services within their reservation boundaries. Opportunity Link, Inc. is also taking the lead to plan and coordinate transportation at different jurisdictional levels that include the Hi-Line communities in northern Montana.

Tribal Government

Most tribes operate transit service as part of the tribal government (76 percent of surveyed tribes with transit service). In most cases, several departments within the tribe operate some sort of transportation service. Some tribes have consolidated transportation services under the transit department, but most tribes have multiple departments that provide transportation for different purposes. The different types of transportation services offered are generally program- or funding-source-specific, including transportation services for the Head Start program, senior transportation, or medical transportation for Indian Health Services (IHS) or Community Health Representatives (CHR).

Intra-Tribal Consolidated

Some tribes have consolidated transportation services under the transit department. In this case, the transit department provides all transportation services regardless of program or eligibility requirements. Generally, a formal agreement has been signed stating that the transit department will operate transportation services for another department.

In the Oneida Tribe of Indians in Wisconsin, Oneida Public Transit has taken over providing transportation services for several programs. For example, the health center's two drivers and vans were absorbed by the transit department through a signed agreement and the transit department bills the health center for the service it provides on behalf of its clients. Oneida Public Transit is striving to consolidate more programs' transportation services to avoid service duplication, increase efficiency, and reduce cost. When consolidating services, Oneida Public Transit tries to absorb the program's drivers, vehicles, and service rights.

The Menominee Department of Transit Services (MDOTS), of the Menominee Indian Tribe of Wisconsin, has established the Menominee Transportation Advisory Committee (MTAC) which consists of all stakeholders and agencies that have transportation services. As a result of MTAC coordination efforts, just about all transportation services within Menominee County are currently being coordinated through MDOTS. Additionally, MDOTS has established a one-call dispatch center for all stakeholders/partners which allows the entire community to call one number for all transportation services.

In the case of the Confederated Salish and Kootenai Tribes (DHRD Transit) of Montana, IHS used to provide passenger transportation, but now DHRD Transit provides services for their passengers. DHRD Transit has coordination plans with providers—including Lake County Council on Aging, the hospitals (St. Luke's Hospital and St. Joe's Hospital), retirement homes (Evergreen Retirement Home, St. Luke's Retirement Home), Closer to Home, Mill Point, and the Retreat (Polson)—which allow DHRD Transit to operate transit for these entities who reimburse DHRD Transit for trips provided. DHRD Transit also has memoranda of understanding with the Tribal Health Department and Salish Kootenai College, which again allows DHRD Transit to provide trips for these agencies with reimbursement for trips provided.

Intra-Tribal Redundant

The most common organizational typology discovered as part of this study is the intra-tribal redundant scenario where transportation services are operated by multiple departments or programs with little or no coordination. Of the 48 tribes surveyed, 36 percent said that there was no coordination between tribal departments providing some sort of transit service. Many other tribes said that coordination was informal and infrequent. A distinct minority of tribes have a consolidated structure as described in the previous section.

Tribes keep the various transit services separate for a range of reasons including a history of operating separate programs, differing types and needs of clients, lack of familiarity and awareness between departments, and different funding sources. Some tribes are wary of consolidating transit services as they fear that would make them ineligible for specific types of funding they currently use to operate their separate services. The Poarch Band of Creek Indians, for example, receives funding to operate service through their SAIL Senior Center and do not wish to jeopardize that funding relationship by seeking general transit funding.

The Narragansett Indian Tribe of Rhode Island said that the different programs offering transportation service communicate but do not necessarily coordinate. The Nez Perce Tribe of Idaho reported that each program operates their transportation services separately. The Confederated Tribes of the Grand Ronde Community of Oregon contract their transit service with two local providers and there is little or no coordination between these contracted providers and the other tribal programs that provide limited transportation services. The biggest reason for this is the different hours and types of service needed for providing services to different clientele. For example, the transit program cannot coordinate with Head Start because of the different hours of service necessary for the Head Start program and their clientele being children.

Inter-Tribal Shared

Many tribes have informal or formal agreements between departments that result in sharing of resources on a range of levels—64 percent of surveyed tribes share this characteristic. Sharing of resources generally includes sharing vehicles, equipment, maintenance, staff, planning, or expertise, on a semi-regular or regular basis. If the transit program provides service for other departments, that is a consolidated intra-tribal organization as discussed earlier.

For example, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (Fort Peck Transportation) share vehicles with a local transit provider, Valley Transit. Also, Fort Peck Transportation provides rides to St. Lutheran Home and the Poplar Swing Bed residents and is reimbursed by these agencies to provide those trips. Fort Peck Transportation also coordinates with the IHS and CHR programs by providing transportation locally. While these agencies have vehicles, they do not have wheelchair-accessible vehicles, so Fort Peck Transportation provides trips where an accessible vehicle is needed.

The Chickasaw Nation of Oklahoma Transportation Department coordinates both the Road to Work program and medical transportation. The transportation department has a single 800 number, so when a client calls, they could be scheduled for trips on the Road to Work program or the medical transportation service. Regardless of the type of trip, all passengers are scheduled on the same daily schedule. They also coordinate with CHR to provide trips that they are unable to fulfill because of a lack of staff or for which they do not have enough vehicles. They have limited coordination with the Elders program.

The Hualapai Indian Tribe of Arizona coordinates with the CHR program on a regular basis. They also work with other passenger transportation programs. For example, the transit department will loan a vehicle to the Head Start program if a vehicle needs to be taken out of service. Also, the transit department drivers will go out and help other programs if they are needed and available.

The Northern Cheyenne Tribe of Montana coordinates with other tribal departments informally and formally. For example, on a few occasions when a transit department vehicle has broken down, they have borrowed a vehicle from the Head Start program to keep their regular routes operating on a normal schedule.

Contracted Service

Some tribes choose to contract transit service through a separate transit operator. The contracted operators are either private companies or other governmental entities. The tribes pay for the service and specify how the service will be operated including routes and times of operation, but another entity actually operates the day-to-day service. The tribes apply for traditional transit funds to pay for the contracted service. Generally, the tribes do not own the buses or equipment but may apply for capital funding jointly with the transit operator.

For example, the Confederated Tribes of the Grand Ronde Community of Oregon contract their transit services through two local government transit operators—Salem Area Mass Transit District (SAMTD) and Yamhill County Transit Area (YCTA). The Tribe is billed a flat rate by each of the contracted operators. The Tribe pays for the service with state and federal transportation funds. One person on the tribal staff dedicates 20 percent of a full-time position to the responsibilities required to contract and pay for the transit service. The Tribe decided to contract service as opposed to operating the service themselves due to lack of experience and knowledge of bus service and the existence of two experienced transit operators in the vicinity.

The Cherokee Nation Transit Program in Oklahoma contracts transit service through agreements with two existing public transit systems—KATS Transit and Pelivan Transit. The Cherokee Nation works with the providers to set the schedule. The Tribe does not own any vehicles, but at the time of the survey was in the process of acquiring three transit vehicles that would be leased out to the contracted transit service providers. With the decision to contract service, the Cherokee Nation decided to work within the existing community transit infrastructure to strengthen it as opposed to creating new transit infrastructure to compete with the existing transportation providers in the area.

Non-Tribal

Some tribal transit programs are operated for tribal members by non-tribal entities. These entities include private for-profit and not-for-profit agencies and other local governments.

Private Sector (For Profit and Private Not for Profit)

Some tribal transit programs are operated by private sector entities. For example, the Southern Ute Indian Tribe receives transit service provided by the Southern Ute Community Action Programs, Inc. (SUCAP), a nonprofit organization. It was established by the Southern Ute Indian Tribe in October 1966. SUCAP is not part of the tribe or tribal government but is a delegate agency that provides programs for the tribe. SUCAP is the operator of the transit service, Road Runner Transit, which connects Ignacio and Bayfield with Durango. SUCAP also has five other programs that it operates under this nonprofit organization structure.

Yakama Nation Tribal Transit in Washington is provided through a contract with People for People, a nonprofit organization providing a variety of transportation services for people throughout central and south-central Washington. The Tribe chose to contract with People for People because they had the required insurance to cover the liability associated with the transit service, they were knowledgeable of the service area, and they were agreeable to entering into a service contract with the Tribe.

Other Local Governments

Some tribes are served by other local governments for transit service. This includes a public transit program that is not directly operated or funded by the tribe. This type of service is provided by a non-tribal entity and geared toward meeting the needs of the general public. This is a resource that the tribe may choose to use to benefit from transit services offered and to provide the needed transit service to tribal members.

In the case of the Osage Tribe in Oklahoma, the local transit service is provided by Cimarron Transit. Cimarron Transit serves the entire county and parts of the surrounding counties. While the Tribe has an excellent relationship with Cimarron Transit, they do not have a financial agreement and Cimarron Transit does not provide any tribe-specific or tribe-funded services. However, they do provide fixed-route and demand-response service for the general public, which includes tribal members both on the reservation and in the surrounding communities.

At the time of the survey, the Osage Tribe was applying for federal transit funds to supplement the Cimarron Transit service to better meet the needs of tribal members. The Tribe does not want to operate its own transit service, but would like to contract with Cimarron Transit to provide more tribe-specific service. If the funding was obtained and the Osage Tribe contracted with the local provider, the organization structure would be modified.

CULTURAL ISSUES

Weaving through the organizational structures described in the previous section are cultural issues that play a large role in decision making on a tribal level. While many tribes have strong and positive relationships with other governmental bodies, some tribes are hesitant to partner with other governments because of past difficulties encountered when attempting to work with outside groups. The issue

of tribal sovereignty is frequently cited as the reason that partnerships have not been formed.

In many cases, tribal transit programs coordinate with other adjacent tribes both in terms of providing trips and in terms of sharing expertise and support. For example, the Choctaw Nation of Oklahoma connects with the transit services of nearby Chickasaw Nation.

The high esteem in which elders are held is not always understood by funding agencies. Many tribes seek to have a vehicle dedicated to serve tribal elders, but many funding programs desire to have vehicles shared among programs and not dedicated to any specific group. Tribes have received comments during compliance reviews or have not been funded for vehicles because of a perceived redundancy in the number of vehicles available to the tribe.

Another cultural issue faced by tribes is requesting volunteers in providing tribal transit services. Many tribal transit agencies find it morally incorrect to ask tribal members who are so poor to volunteer when they really need the money to meet basic needs.

Shared Rides

Many tribes share rides between tribal departments and with other local transit service providers. To continue with the example of the Choctaw Nation of Oklahoma, their transit service shares rides with four local providers—Little Dixie Community Action Agency, KATS (Ki Bois Area Transit System), JAMM Transit, and Southern Oklahoma Rural Transit System (SORTS) in addition to the Chickasaw Nation. Since these other transportation providers are larger agencies, they generally help the Choctaw Nation provide trips if it is unable.

The Eastern Band of Cherokee Indians in North Carolina has tokens that other departments and programs can purchase and give to their clients. For example, the IHS hospital has difficulty purchasing transportation due to their contractual requirements, but they can use petty cash or some other small fund to purchase tokens to keep at the nurses' stations or at the emergency room desk for patients who do not have money for transit fare back to their homes.

However, some tribes are hesitant to share rides because they are not confident that their clients would be served in an adequate manner. Additionally, there are other demographic and cultural issues that limit the sharing of rides between tribal programs within a single tribe.

For example, the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota cannot transport children for the Head Start program because of the type of funding received from the FTA. Also, they cannot transport veterans because the VA centers are located off the reservation and the transit service cannot operate beyond the reservation boundaries. The inability to transport Head Start children is not unique to the Oglala Sioux or tribal transit services. The lack of coordination between Head Start and public transit services is usually attributable to Head Start regulations.

Cooperation with Other Local Governments

Many tribes cooperate with other local tribes or governments to share limited resources or to make connections that benefit their tribal members. For example, the Navajo Transit program coordinates schedules with other non-tribal transit services in the area including Mountain Line in Flagstaff, Arizona; Red Apple in Farmington, New Mexico; Gallup Express in Gallup, New Mexico; and the Page Senior Transportation Program in Page, Arizona. Navajo Transit is paying for four bus shelters to share with the city line (Gallup Express) which both services will use and the City will pay to maintain.

Also, Gulkana Village of Alaska coordinates with Mat-Su Transit (out of Wasilla), Connecting Ties (out of Valdez), Copper River Native Association (CRNA), and at the time of the survey, was trying to coordinate a service from Valdez to Anchorage. They have also worked with Chickaloon Native Village in the past.

Some tribes are fearful of cooperating with local governments because they do not believe that the tribal members would receive the services when they need them the most. Some tribes are also reluctant to cooperate with other local governments because of previous attempts at cooperation that have ended badly. There are other geographic barriers (both natural and cultural) that isolate tribes from other communities—both tribal and non-tribal—which limit cooperation even if there is interest in cooperation. Many tribes are located on rural reservations with large distances to travel, rough terrain, and complicated natural features to navigate (such as large or multiple lakes or river systems), which limit their ability to cooperate with other local governments. Additionally, some tribes do not cooperate with other local governments because those governments are located in metropolitan areas. Both the Cherokee Nation in Oklahoma (near Tulsa) and the Seneca Nation in New York (near Buffalo) stated that they could not coordinate with the metropolitan transit provider because they are not allowed to use FTA tribal transit funds in urban

areas (they can only be used in rural counties). Examples from both of these tribes are detailed next.

The Seneca Nation of New York reported that they do not currently operate transit service due in part to their reluctance to accept state transit funding for fear that their sovereignty may be impacted. They feel that the state would not be flexible enough to fit with the Tribe's operating environment. However, the Tribe has attempted to have a realistic discussion with the state transit department regarding how a potential relationship would work, but they feel they have been largely ignored. The Tribe is willing to work with and has an excellent relationship with the federal government and with local transit providers and planning agencies, but not with the state. The Tribe is working with approximately a dozen towns and tribes south of Buffalo, New York to try to coordinate a connection with the Niagara Frontier Transportation Authority, the local transit service provider in Buffalo.

The Cherokee Nation in Oklahoma reported that they do not coordinate with neighboring tribal or non-tribal transportation providers because of their geographic location. There are few opportunities and natural barriers to potential opportunities. For example, there is a metropolitan area separating the Cherokee Nation from the Osage Nation to the west and a large river separating the Cherokee Nation from the Choctaw Nation to the south. There is considerable communication between the Cherokee Nation and other transportation providers—both tribal and non-tribal—but not in terms of service provision.

ENVIRONMENTAL ISSUES

Tribal transit programs are generally designed and offered to meet the most basic of needs. For the most part, the transit service provides mobility to people who have no other options. The services bring people to medical or social service appointments, school, work, or shopping so that they are able to live day-to-day, particularly in rural, lower-income areas. Tribal transit programs are generally less concerned with environmental considerations as a goal or purpose of the transit service. While tribes are interested in reducing environmental impacts as a general rule, it is not in response to these interests that transit service is planned or implemented.

The team looked specifically at the use of transit as a mitigation strategy and found only one example of a tribe actively using Congestion Mitigation and Air Quality Improvement (CMAQ) federal

funds to operate transit service. The Eastern Band of Cherokee Indians in North Carolina receives CMAQ funds to operate one transit route through Great Smoky Mountains National Park. Few tribes that operate a transit service are within non-attainment areas and have focused more on meeting basic mobility needs.

With regard to green technology, Navajo Transit has partnered with the Ford Motor Company in Detroit to build the first fully electric bus for mass transit. Ford will build the chassis, and another company will provide the batteries. Ford is giving \$1.6 million to the project, and Navajo Transit has received a two-year grant for test operations. This project is the result of a green technology proposal, and Navajo Transit has been chosen to test the buses. They will start with a “boost bus” (a smaller bus with a one-hour charge) running from Window Rock to Gallup, with a charge station in Gallup. They are receiving \$6.6 million from the FTA Green Technologies Fund.

Some tribes expressed interest in using alternative fuels. The Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin, for example, does not currently operate transit service but maintains that use of alternative-fuel vehicles and bike racks on vehicles would be prerequisites for service implementation. There is a sustainability initiative for the whole tribe, including green construction of a tribe building, and transit service provision would fit well into the overall scheme.

SAFETY

As part of the research effort, tribes were asked if safety was a primary reason for starting a transit system. Of the tribes that responded, approximately one-half indicated that safety had been a consideration. Only five indicated that traffic and automobile safety were an issue. While not a primary reason for starting the transit service, pedestrian safety was a consideration with the desire to remove pedestrians from the roadways. Many of the areas lack adequate pedestrian facilities, and pedestrians must often walk on the roadway. While a consideration in developing the transit service, most systems were started to meet basic mobility needs rather than address safety issues. No data were available from the tribes to determine any changes in the number of pedestrian injuries or fatalities after introduction of transit service.

BARRIERS TO IMPLEMENTING TRANSIT SERVICE

Of the 48 tribes that were interviewed in Phase 2, 16 did not have a transit program. Many of these had taken steps to implement a transit

service but had not yet been successful. Follow-up interviews and site visits provided additional insight into the reasons these tribes had not been able to start a transit service.

Lack of Planning

Four tribes had not implemented a service yet because they did not have a plan in place. Two of these were in the process of conducting a transit feasibility study and were in the early stages of the process. One tribe had received a \$25,000 planning grant through the FTA tribal transit program but decided not to use the funds because of the reporting requirements. The tribe decided that the cost to prepare the reports did not justify using a \$25,000 grant and chose to pursue other sources of funding to support a larger planning study. One tribe had completed a feasibility study but did not know what steps should be taken after the feasibility study to implement a transit service.

Lack of Leadership Support

Four tribes indicated that transit service had not started because of a lack of support from tribal leadership. This lack of support took several forms. In two cases, a change in tribal leadership or administration resulted in loss of support to start the transit service. In others, there was lack of support to either pursue funding through grants or to provide local funding for operation of the transit service. One tribe experienced personality conflicts among tribal leadership which halted the process of starting the transit service.

Funding

Four tribes indicated a lack of funding as the barrier that had kept them from implementing transit service. In some cases this was failure to obtain a grant through the FTA tribal transit program. In other cases it was lack of funding from the tribe to match other grant programs. Tribes may have the option to match money received from non-FTA sources (such as funds available from FHWA, DHHS, DOL, and HUD funds) already received by the tribe to match FTA funds. It is important for tribal transit programs to explore multiple sources of funding, so that reduction or elimination from one grant funding source does not adversely affect the services provided by the program.

A common theme among tribes that have sought funding through the FTA Section 5311c tribal transit program is the lack of feedback on grant applications. Tribes have not received funding through the grant program and have sought feedback but have been unable to

learn the reasons for not being funded. Several tribes received funding in subsequent years but not the first year and were unable to determine the reasons for not being funded the first year but funded the following year. Other tribes have lost funding through the programs and again were unable to learn the reasons for the loss in funding.

Tribes also indicate there is a lack of criteria for funding through the FTA tribal transit program. Specific criteria had not been published by FTA and tribes have been uncertain as to what criteria they should meet in order to be funded.

Many of the tribes interviewed expressed concern about the lack of consistency in funding through the tribal transit program. Several tribes have had to curtail service because funding was decreased in subsequent years even though the same amount had been requested. As more tribes have sought funding and implemented transit service, the limited funds available have had to support more tribes. While this was not cited as a specific barrier to starting a new transit service, it was acknowledged as a growing concern for tribes. Tribes have started questioning the sustainability of their programs if funding levels will fluctuate or decrease significantly in subsequent years.

KEYS TO SUSTAINABILITY

The information from tribes with successful transit programs pointed to several common themes as keys to their success. In most cases, the key to implementing a successful program incorporated all of these. As tribes consider developing or enhancing a transit program, these keys should be kept in mind. While the process described in this Guidebook will help in establishing a sustainable transit program, the path to sustainability will be found in these keys.

Planning

All successful tribal transit programs were implemented following some type of plan. However, the common theme that emerged is that the process of preparing a plan was as important, or more important, than the plan itself. Developing the plan required those involved to assess the needs for transit service and determine the best approaches to meet those needs. Existing resources were identified and additional resource requirements could be determined. As the plan was implemented, conditions inevitably were different, but having gone through the process allowed the key leadership to adjust to changing conditions. The planning process provides detailed information and

“In preparing for battle I have always found that plans are useless, but planning is indispensable.”

Dwight Eisenhower

the tools to make decisions as the implementation steps are undertaken.

“Plans may not work, but planning does!”

Mike Moritz, Sequoia

Many of the tribes have received either funding or technical assistance for preparation of their plans. The Community Transportation Association of America (CTAA) Tribal Technical Assistance Program and planning grants through the Federal Transit Administration (FTA) Tribal Transit Program were cited as very valuable in planning for a new transit service. These resources are described in Appendix B. Other tribes have received planning grants from their state department of transportation. Many tribes obtained assistance for preparing their plans, relying on expertise from professional transit planners. While not essential, assistance from experienced transit planners may provide insight and expertise not available locally.

Local Leadership

Strong local leadership has been proven to be essential for implementing and sustaining a transit program. Invariably, challenges and barriers will arise that may make implementation difficult. Having someone who is committed to success is vital. Every successful program attributed their success at least in part to having strong leadership within the tribe. As challenges and barriers arise, strong leadership will find ways to overcome the challenge. The leadership may be someone on tribal council, a tribal employee, or a tribal member. In some cases, the tribal elders have provided the leadership to ensure implementation of the service.

Support from Tribal Government

Support from elected tribal officials is important to the sustainability and long-term success of a transit program. This support will facilitate approval of grant applications, development of agreements, cooperation from various tribal government departments, and tribal funding. When support is lacking, transit programs may lose support from one year to another and have significant challenges in sustaining the program.

Support from Tribal Elders

Among many tribes, the tribal elders have significant influence on the decisions made by the elected officials. Strong support among tribal elders has been found to increase the level of support from the elected

officials and is able to make the difference between having a transit program that is a priority or ending up with a transit program that lacks support and may not be sustained.

Cooperation and Coordination

Many of the successful transit programs have worked in cooperation with other transportation programs. In some cases these have been other transportation programs within the tribe, such as medical transportation or a tribal college. Other tribes have worked with non-tribal transit programs to coordinate schedules, allow transfers between systems, or establish a consolidated transit service. The Standing Rock Sioux transit system is operated by Sitting Bull College. The Confederated Tribes of the Grand Ronde Community of Oregon primarily provide transportation by contracting on a government-to-government basis with the Salem Area Mass Transit District and Yamhill County Transit Area. The Coeur d'Alene Tribe in Idaho operates public transit for the urban area of Coeur d'Alene. Fort Belknap joined a regional partnership to provide transit service in north-central Montana.

Cooperation and coordination of services have allowed tribes to pool existing resources and leverage those financial resources to obtain additional funding. Coordinated efforts result in greater efficiency in delivering service and often allows for a greater service area.

Participation in State and National Organizations

Participation in state and national organizations—such as a state transit association, the Community Transportation Association of America, or the Intertribal Transportation Association—gives transit staff access to many resources. Tribes that have established successful transit programs have often been involved in these outside organizations. Attendance at conferences and training programs helps tribal transit personnel develop the skills and expertise necessary to operate a good system. These organizations provide access to technical assistance as well. The Community Transportation Association of America (CTAA) and the National Rural Transit Assistance Program (RTAP) have training programs and technical assistance that have benefited many tribes with successful transit programs.

Interaction with other transit providers is another benefit of participating in these organizations. The peer-to-peer connections that are established serve as a resource for tribal transit programs to increase expertise and obtain informal assistance.

Trained Key Staff

It is important to have key staff trained with the skills necessary to operate a transit program. Much of the training can be obtained through participation in state and national organizations.

A key area where training is essential is in financial management. Tribes have failed to receive funding in subsequent years because the required reporting and draws on grants were not completed. While the money was being spent, the grants were not being used and the Federal Transit Administration did not approve additional funding because the records showed that the funds had not been used. Budgeting and financial reporting are essential to sustaining a transit program. If costs are not tracked and not known, the necessary revenue may not be available. A thorough understanding of financial management is critical to the long-term sustainability of a tribal transit program.

Multiple Funding Sources

Sustainability of a tribal transit program is linked directly to funding. The most successful tribal transit programs have obtained funding from a variety of sources. If one source of funding is reduced, the program does not suffer as much as if it relied only on that one source. Multiple sources of funding may also provide the opportunity to use some sources as local match for other sources of funding. The broader the range of funding sources, the more sustainable the transit program will be. A broad range of funding sources available to tribes is presented in Chapter 9 of the Guidebook.

To ensure sustainability of funding and to advocate for tribal transit, it is important to inform and educate policy makers and elected officials about the importance and benefits of transit services. This is not only important at the local level, but at the state and federal levels as well. Funding for local transit service often comes from state and federal sources. Tribal officials should be active in ensuring that their representatives are well informed about the needs and benefits of transit.

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Funding Tribal Transit Programs

INTRODUCTION

This chapter describes the various federal and state grant programs that support tribal transit planning, operations, and services. It begins with the 33 federal programs summarized in Table 3-1. Nearly half, or 42 percent, of these programs are sponsored by the US Department of Transportation which supports transit in both rural and urban environments; for the general population and for the special requirements of people with disabilities or people who are elderly, low income, or unemployed. While tribal transit programs and services are eligible activities for all of the grant programs, the Tribal Transit Program—Section 5311(c)—is designated specifically for tribal governments. The remaining 18 federal programs are sponsored by the departments of Agriculture, Commerce, Education, Housing and Urban Development, Health and Human Services, and Labor. They encompass the array of special needs transportation services in health, social services, vocational rehabilitation, economic development, and education. Most (55 percent) are sponsored by the US Department of Health and Human Services.

This chapter concludes with descriptions of the administrative processes and complexities associated with grants issued by the Federal Transit Administration, the Federal Highway Administration, the Bureau of Indian Affairs, and the states.

As illustrated in Table 3-1, there are a variety of federal funding sources. However, there are specific local match requirements that vary within a grant for capital projects, operating projects, and project administration. The federal share is usually higher for capital projects that are geared toward providing access for bicycles to transit facilities, installing equipment for transporting bicycles on transit vehicles, for vehicle-related equipment to comply with the Americans with Disabilities Act (ADA), or vehicle-related equipment for complying with the Clean Air Act.

While there is a range of federal and state grants, many tribes have difficulty obtaining sufficient local match to apply for these funds. Also, many tribes have high indirect cost rates which are an issue in approval of some grant agreements.

Table 3-1: Federal Funding for Tribal Transit Programs

Page #	1	US Department of Transportation Federal Transit Administration (FTA)	Grant	Funding Type		Eligible Activity			Service Population
				Allocation	Apportionment	Operating	Capital	Other	
195	a	Major Capital Investment Program (5309)	M		X				General
196	b	Job Access and Reverse Commute Formula Program (5318)	C		X			X	Low Income
197	c	New Freedom Program (5317)	F		X				Disabled
198	d	Over the Road Bus Program	C		X				Operators
198	e	Public Transportation – Tribal Transit Program (5311(5))	C		X				Tribal
199	f	Rural and Small Urban Areas Program (5317)	F		X				Rural
199	g	Transportation For Elderly and Persons with Disabilities Program (5310)	F		X				Elderly, Disabled
200	h	Raul S. Sarbanes Transit in Parks Program (5321)	C	X					General
201	i	Livable Communities Initiative	C						General
Federal Highway Administration (FHWA)									
201	a	Congestion Mitigation / Air Quality Improvement Program (CMIAQ)	F		X				General
203	b	Indian Reservation Roads Program (IRR)	F	X					Tribal
204	c	Park Roads and Parkways Program	C	X					General
204	d	Public Lands Highway Program (PLH)	C	X					General
205	e	Surface Transportation Program (STP)	F		X				General
206	f	Transportation Enhancement Program	F		X				General
2 Other Federal Programs									
a US Department of Agriculture									
206	a.1	Rural Passenger Transportation Technical Assistance Program	C						Rural
207	a.2	Community Development Transportation Lending Services, Inc. (CDTLS)	C	(Loans)			X		Rural, Urban
208	a.3	Tribal Passenger Transportation Technical Assistance Program	C						Rural
b US Department of Commerce									
209	b.1	Economic Development Administration (EDA) Grants	C				X		Rural, Urban
c US Department of Education									
210	c.1	Vocational Rehabilitation Services for American Indians with Disabilities	C				X		Tribal
d US Department of Housing and Urban Development									
210	d.1	Indian Housing Block Grants	F						Tribal
e US Department of Health and Human Services									
211	e.1	Community Services Block Grant Program	F						Low Income
212	e.2	Head Start Program		(State determination)			X		Pre-School
212	e.3	Medical Program		(State determination)			X		Low Income, Disabled
213	e.4	Programs for American Indian, Alaska Native and Native Hawaiian Elders	F				X		Tribal Elders
213	e.5	Rural Health Outreach Grant Program	C				X		Rural
214	e.6	Social and Economic Development Strategies (SEDS) Program	C				X		Tribal
214	e.7	Special Programs for the Aging Title II, Part B: Grants for Supportive Services and Senior Centers	F				X		Elderly, Rural
215	e.8	Special Programs for the Aging Title III, Part C: Grants for Nutrition Services	F				X		Elderly
215	e.9	Tribal Self-Governance – Indian Health Services Program	F	X			X		Tribal
216	e.10	Tribal Temporary Assistance for Needy Families Program	F				X		Tribal
f US Department of Labor									
216	f.1	The Senior Community Service Employment Program	F	X			X		Senior
217	f.2	Workforce Investment Act Programs – Indian Employment	C				X		Tribal

Grant = A federal financial assistance award making payment in cash or in kind for a specified purpose. F = Formula-based (usually to states); C = Competitive/discretionary; M = Mixed. Allocation = An administrative distribution of funds for programs that do not have a statutory distribution formula. Apportionment = The distribution of funds as prescribed by a statutory formula.

STATE FUNDING SOURCES

Many states support tribal transit programs and services by providing state funding. The goals, specific requirements, and eligibility vary by state, but they illustrate the support for tribal transit planning at the state level. Some examples of state funding sources include Arizona, California, Oklahoma, Oregon, and Washington.

The State of California provides funds through the Transportation Development Act which is derived from general sales tax and sales tax on diesel fuel collected statewide. This source of funding was developed to encourage regional coordinated public transportation.

The State of Washington has a consolidated grant program that consolidates its state and federal grant awards under one administrative process. The program consolidates FTA Sections 5310, 5311, 5316, and 5317 grants; State Rural Mobility competitive grants; and State Paratransit and Special Needs competitive grants.

INNOVATIVE APPROACHES TO LOCAL FUNDING

A successful transit operation requires a constant and reliable stream of funds to cover its operating and capital costs and contingencies. Many government grants require a local match, which may be as much as 50 percent of the initial award. If the grant is processed through the state, depending on local criteria, the match requirement may be higher or the award may be less than if processed directly through a federal agency. Determinations on the timing, duration, and size of the award are at the discretion of the granting agency. Many grant programs operate on a reimbursement basis, requiring the local transit agency to cover all costs until the reimbursement is received. These critical factors, controlled by others, necessitate the casting of a wide net over a diverse stream of funding resources to counterbalance the uncertainties of the government granting process. Successful tribes have found innovative ways to obtain funding to use as the local match to obtain government grants. One innovative way that tribes can get local match is by coordination of transportation programs. This helps leverage funds from human service agencies and other transportation providers to use local and non-FTA federal funds to match FTA funds.

The FTA regional office or state that oversees the grant determines acceptable in-kind match. Local match could include the value of salary/labor, materials, equipment, and office/meeting space related

to the delivery of transit services. Local match contributions may also be in the form of cash received through donations or in-kind services.

Unlike a county or state, a tribe may not be able to implement a property tax, but a tribe could charge a lodging fee to hotels or lodging facilities that they own. This lodging fee could be used to fund transit services, especially in cases when transit serves these facilities.

Several of these innovative approaches are described in this section.

Funding innovations undertaken by tribal governments may be characterized as:

- *Internal Sources* – These are funds allocated by the tribal government through its general fund or its business enterprises to support the transit operation. The funds may serve as local match to a government grant or, in some cases, may attract funds from other sources.
- *Partnership Sources* – These are funds contributed by local, regional, county, or state stakeholders with an interest in ensuring the tribal transit operation succeeds.
- *Grant Matching Sources* – These are funds drawn from one grant source to match or supplement, where permissible, funds from another grant source.

A description of each practice is provided here.

Internal Sources

Internal fund sources are those derived directly from the tribal government to support its transit operation. They typically represent funds appropriated from its general fund and/or from one or several of the for-profit business enterprises owned and controlled by the tribe.

- In 2007, the Confederated Salish and Kootenai Tribes (CSKT) in Montana opened Quick Silver—a full-service gas station, luncheonette, and laundry facility. The revenues from the tribal business are used to match government grants that support the CSKT transit service. The CSKT is also planning a maintenance facility where the maintenance on all tribal-owned vehicles (200 vehicles) will be done. The staff of the maintenance facility will do oil changes on all these vehicles. Money generated from this facility will be used as local match to obtain grants.

- In Washington State, tribal government funds from the Squaxin Island Tribe are used as 50 percent match to government operating grants in support of its transit operation.
- The Winnebago Tribe in Nebraska bills its casino enterprise \$2.00 monthly for each trip taken by a casino employee on its tribal transit system. The monthly casino payments cover some of the cost to operate the system.
- The Seminole Nation in Oklahoma receives Section 5310 operating grants and matches these grants with over \$79,000 from tribal general funds.
- The Leech Lake Gaming Division (local casino) of the Leech Lake Band of Ojibwe Tribe provides transportation that is solely financed through tribal gaming revenues. The Leech Lake Gaming Transportation provides transit service for the residents of Leech Lake, employees, and guests going to and from their casinos.
- Standing Rock Transportation (SRT) is operated by the local tribally chartered college—Sitting Bull College—since 1989. Sitting Bull College and Standing Rock Tribe both provide local matching funds for operating SRT. SRT has also begun providing automobile service and tire sales to increase revenue. This is a unique combination of a for-profit and a not-for-profit business model.

Partnership Sources

Funding partnerships are defined as agencies and organizations outside of the tribal transit organization that support or partially subsidize the tribal transit operation. Their financial contributions are in proportion to their use of the service, and the terms are usually memorialized in a service agreement contract. These entities typically have a stake in the enterprise; wanting it to supplement their own transportation programs or provide essential rides and mobility for their program clientele.

- *Menominee Regional Public Transit (MRTP)* is operated by the Menominee Indian Tribe in Wisconsin. Financial support for the service represents a synergistic partnership of agencies located on and off the reservation. The funding partnerships have enabled MRTP to diversify its ridership base and extend its operation off the reservation. According to the Menominee Director of Transit Services, Shawn Klemens, “establishing our partnerships was a win-win, as contract dollars that were negotiated for the partnerships were essentially used to apply for additional grants to support the service designed. We also created a transportation

advisory committee which all stakeholders, not just partners, are invited to the table to discuss transportation issues.”

MRTP uses Bureau of Indian Affairs (BIA) Indian Reservation Roads (IRR) allocations as match to government transit grants. It also has transit service coordination agreements, on reservation, with the Title VI Elder Program and the College of the Menominee Nation. MRTP also provides school children transportation under contract with the Menominee School. Another important partnership is with the Menominee Health Clinic where non-emergency transportation, once performed by the clinic, is provided by MRTP. These trips have increased from 1,897 to 17,478 over time and now extend off-reservation to other health care facilities. MRPT has a service coordination agreement with Menominee County Human Services and is poised in 2011 to provide similar service to Langlade County to the north. The Langlade County payment—using state funds—will serve as local match to a Section 5311 grant. MRPT anticipates future service coordination agreements with Shawano County to the south and the Stockbridge-Munsee Band of Mohican Indians Tribe to the west.

An example of the combination of funds used to support the tribal transit operation is shown in Table 3-2: Example of MRPT Section 5311 Partnership Fund Sources.

Partnership Source	Amount	Description
Menominee Indian Tribe of Wisconsin	\$407,072	Tribal government funds.
Menominee Clinic Funds	\$138,996	Local clinic service coordination agreement funds.
Menominee County	\$79,176	County service coordination agreement using state WS 85.21 funds allocated by the state and matched with county funds at 20 percent.
State of Wisconsin / Menominee Aging Agency	\$22,500	State WS 85.215 funds do not require match and are designated only for Indian tribes in Wisconsin. They represent gaming revenue tribes pay to the State. The Statewide Tribal Council lobbied the legislature to set aside these funds just for tribal elderly transportation. Each tribe receives \$22,500. MRPT negotiated a MOU with the Menominee Aging agency for this amount. The funds are used to match Section 5311 grants.
Bureau of Indian Affairs	\$100,000	BIA funds used to match capital grants.

- *Road Runner Transit* is operated by the Southern Ute Indian Tribe in Colorado. According to Peter Tregillus, Program Director of Community Action Programs, partnerships that assist in covering costs are expected by tribal government. Tregillus states, “The tribe funding is steady, but since it is a public transit [service,] the Tribe expects us not to be totally reliant on them, but to get financial support from other local stakeholders.”

Through outreach to stakeholders and through advertising, support for the Road Runner service from La Plata County, for example, increased from \$4,300 in 2002 to \$42,189 in 2008. Funds from the nearby Town of Bayfield increased from \$24,000 to \$37,623 over the same period. With these partnership agreements, Road Runner passenger-trips doubled from 10,123 in 2006 to 20,452 in 2008, as did its revenue service-hours from 2,104 to 4,523 respectively. An example of the combination of funds used to support the tribal transit operation is shown in Table 3-3: Example of Road Runner Partnership Fund Sources.

Partnership Source	2006	2007	2008
FTA Section 5311	76,000	131,880	153,228
Southern Ute Tribe	52,916	61,800	63,509
Town of Ignacio	1,600	1,800	3,000
Town of Bayfield	30,207	36,623	37,623
La Plata County	24,800	24,800	42,189
Advertising	3,311	2,400	2,400
Forest Lakes Metro District	0	0	1,500
FTA New Freedom	0	0	30,800
Total	190,840	261,310	336,257

Road Runner farebox revenue increased from \$17,000 in 2006 to \$24,500 in 2008.

- The Confederated Salish and Kootenai Tribes (CSKT) provide general public transit services on the reservation. This tribal transit has been successful in receiving local funding from a variety of sources. The Salish and Kootenai College—which has their own bus service for students to access classes and programs—have since partnered with CSKT to provide most of

their transportation. CSKT was able to reach an agreement with the College to provide their transportation and be reimbursed for the trips provided. The Tribal Health Clinic also reimburses CSKT for trips. CSKT has an informal agreement with the Lake County Council on Aging to refer and help with rides.

- In the case of the Standing Rock Sioux Tribe in North Dakota, stakeholder organizations purchase tickets to give to their patrons and clientele for free transit trips on the tribe's SR Transportation system. Twelve organizations regularly purchase the tickets. Some are faith-based; others are health care and social service agencies. The ticket program provides additional operating funds and fosters a sense of ownership and connection to the transit service. In October 2009, the South Dakota Department of Transportation (SD DOT) paired Standing Rock (SR) Transportation with a local non-tribal community (Mulbridge) to provide one deviated fixed route for now. The community is also interested in contracting with SR Transportation to provide rides to school for children, which is a completely new type of service for SR Transportation.
- Cherokee Transit (CT) of the Eastern Band of Cherokee works with various local agencies and receives revenues through agency contracts such as the Vocational Opportunities of Cherokee, Inc. (VOC), the Senior Citizens Program, and occasionally from Tribal Childcare and Tsali Care Center. CT has instituted a token program where other departments/programs can purchase tokens good for one ride and give them out to their clients in need. One example is the IHS hospital that has had a hard time purchasing transportation due to contractual requirements, but IHS is able to purchase 100 tokens for \$90 which can be kept at the nurses' station and the emergency department for patients who do not have the money for a bus fare home. There are some innovative programs that are implemented by CT that allow clients to buy tickets/passes and access the services they need such as the Parent Pass Program and the Garnishment for Passes. Under the Parent Pass Program, children between the ages of 12 and 16 years can travel anywhere within the Qualla Boundary. Parents have to sign a release form and provide a list of destinations the transit department is allowed to transport their youth. The drivers can take them to those destinations. Some of these kids use the service to get to

school, work, and for recreation purposes. The Garnishment for Passes is a program for enrolled members of the tribe that can use their casino profit (garnishment check) to buy passes. People who are court-ordered to enroll in Alcoholics Anonymous or treatment centers, who have court dates, or are looking for work usually use this program. In the last six months, the tribe has made \$7,000 on this program alone.

- Fort Peck Tribe has cooperative agreements with Fort Peck housing, the work program, community services, elder care program, and Roosevelt County Council on Aging as well as agreements with the Valley Transit program in Valley County. The tribal transit program also coordinates with St. Lutheran Home and the Poplar Swing Bed (formerly a nursing home) by providing trips for their residents and is reimbursed by these agencies for providing those trips. They also coordinate with the IHS and CHR vehicles by providing transportation locally. While these agencies have vehicles, they do not have wheelchair-accessible vehicles which are used by the tribal transit program to provide transportation for them. According to FPTTS management, tribal matching dollars also come from the tribe's general fund.
- Resource extraction is also an innovative local funding source. If a tribe has a natural resource extraction, a portion of the revenues received from this can be used as local match to provide transportation for employees that work in this area. The transportation could also be expanded to provide transportation for general public transit services in that area. The future revenue from this resource extraction could support not only social and community services for the tribe, but also public transportation services.
- In tourism-based areas where the land is owned by the tribe, a lodging tax can be implemented. This can be used as an important element of the local transit funding formula. A lodging tax can be considered a specialized sales tax placed only upon lodging bills. Taxation of this type has been used successfully in Park City, Utah; Sun Valley, Idaho; Telluride, Colorado; and Durango, Colorado. A lodging tax is imposed only on overnight visitors. Day visitors and residents do not contribute to this transit funding source. Funds raised from the lodging fee could be used toward general public transit services provided in the area.

Grant Matching Sources

Tribes also use government grants that they and their partners are awarded as leverage for additional grants.

- Concerned by the delay in receiving a Section 5311 (c) award for its rideshare program, the Stillaguamish Tribe in Washington used a portion of its Bureau of Indian Affairs (BIA) Indian Reservation Roads (IRR) allocation to cover the gap in funding. Through the execution of a BIA planning contract, the tribe received \$410,000 to purchase nine rideshare vehicles. The tribe then applied for and received an additional \$220,000 through the BIA-IRR American Recovery and Reinvestment Act (ARRA) stimulus program, which enabled the purchase of three additional vehicles. The eventual receipt of the 5311(c) funds will supplement the BIA grants.
- Another noteworthy example of grant matching is The Ride—a rural bus service in Sitka, Alaska operated by the Sitka Tribe of Alaska (STA). The service is not administered by the tribe, but by an umbrella agency—Center for Community (CFC). Due to its status as a nonprofit, CFC receives Section 5311 grants which cover two-thirds of the cost to operate Sitka Transit. The remaining one-third is covered with BIA-IRR and Section 5311(c) grants received by STA, as a federally recognized tribe. Sitka Transit paratransit services are operated by the community senior center—Southeast Senior Services (SESS)—which is subsidized in part with Title III - Older American Act funds. As the administering agency, CFC coordinates the funds and contracts the bus service to STA and the paratransit service to SESS. This unique collaboration of a nonprofit agency, the tribe, and the senior center has increased access to traditional and non-traditional grant sources.
- Citylink is a free public bus service operated by the Coeur d’Alene Tribe in Idaho. It began modestly with one route on the reservation. Today the system serves the reservation and most of northern Idaho. Citylink ridership grew from 18,700 to 555,565 in five years. Its rapid expansion is the direct result of a funding partnership termed the “Coalition of the Willing,” involving several agencies. Shortly after receiving its first federal transit grant, the tribe collaborated with Kootenai County which also wanted to institute a public bus service. With the common objective of increasing rural and urban mobility throughout Northern Idaho, a coalition was formed representing the Coeur d’Alene Tribe, Kootenai County, the Kootenai Metropolitan Planning Organization, the Panhandle Area

Council, and the Idaho Department of Transportation. The partnership pools and leverages the Section 5307, 5310, and 5311 grants that each agency receives—achieving a higher use of the grants than if they were retained separately by each agency.

The “Coalition of the Willing” partnership continues to this day, but the Coeur d’Alene Tribe is now seeking a higher level of participation from the local towns, cities, and agencies that benefit but do not pay for the service. According to Tribal Chairman Chief Allan, “I believe there are other ways to fund our public transportation needs, some of which may involve adding or increasing the contributions of city and county governments, North Idaho College, the local chambers of commerce, and Kootenai Medical Center.”

An example of the combination of funds currently supporting the tribal bus service is shown in Table 3-4: Example of Citylink Partnership Fund Sources. As noted, a greater diversity of agency and community funds will be required in the future.

Funding	Amount	Partnership Source
FTA Section 5311	\$235,301	Idaho Department of Transportation
FTA Section 5311	\$108,635	Tribal match
FTA Section 5307	\$96,699	Kootenai County (transfer of its Section 5307 to Section 5311)
Tribal Match	\$8,407	Tribal match to Section 5307 (\$96,699) which was transferred to Section 5311
FTA Section 5307	\$555,036	Section 5307 Kootenai County funds
FTA Section 5307	\$399,380	Tribal match
FTA Section 5309	\$558,113	FTA grant for bus maintenance garage
Tribal Match	\$111,623	Tribal match to Section 5309 funds
FTA Section 5311(c)	\$225,000	FTA Tribal Transit Grant
Total	\$2,298,194	

Source: Grant Management Office of the Coeur d’Alene.

Tribal Transit a Community Resource

Tribal transit is certainly an important community resource. Tribal transit financing has evolved over time due to the successful practices described herein and also due to the growing recognition that tribal transit services have become and are becoming essential and necessary

community resources. This is illustrated by Citylink which began with local tribal funds; grew with federal, state, and county partnerships; and now—due to its success as a regional carrier—is acknowledged as a transportation lifeline and subsidized by a growing number of local and regional beneficiaries. Leveraging their services as essential community resources has also heightened the marketing and funding sophistication of the Menominee Regional Public Transit and Road Runner Transit systems.

FUNDING DIFFICULTIES AND CHALLENGES

Access to Funds

The previous section of this chapter has described the wide variety of funding sources available to tribes. In practice, the majority of these programs are rarely used and most tribes make use of only a few funding sources for their transit program. Tribes may receive funds through several of these programs, but the funding is often limited to transportation services specifically for that program and not used as part of an integrated approach to funding and operating transit service.

The review of funding programs available to tribes compared with the funding sources being used by tribal transit programs indicates that there are many opportunities for tribes to access additional sources of funding for transit. There are many reasons these funds are not used to fund transit. Many of those are related to issues of coordination of services, even within tribal governments.

Sustainability

Sustainability of transit service is a critical issue and often directly related to funding sources and levels. Tribes have had to curtail service because of a reduction in funding. For example, Road Runner Transit in Colorado started a new service from Ignacio to Aztec, New Mexico using the FTA tribal transit program. When funding was lost, the service was discontinued and then resumed when additional funding was obtained.

Continuity

Passengers rely on service that is dependable. When a transit service is started, discontinued, and then resumed, passengers may seek other options because the service is not perceived as dependable or sustainable.

Continuity of service is related to three key factors: outside funding, local funding, and local policies. As funding levels change through grants such as the FTA tribal transit program, levels of service may fluctuate because of the changes. Local funding levels and local policies are directly related. A number of tribes stated that there was frequent turnover in tribal government and administration. As these changes take place, transit may be given a higher or lower priority. For transit programs that receive funding through the tribal government, this can have a significant effect on the level of service to be provided. During interviews, a number of tribes stated this had been an issue. They had lost funding when a new council was elected and transit was no longer the same priority.

Transit programs that have been more successful in maintaining stable levels of funding were found to have two common characteristics. First, they worked with multiple sources of funding so that a loss in any one funding source did not overly impact the program. Transit programs which rely on only one or two sources of funding experience much more dramatic impacts when funding from any source is decreased. Second, the more successful transit programs work closely with tribal councils and administration. There is often a local leader who is directly involved in promoting the transit program and informing elected officials about the importance of the transit service. To sustain funding for part of their service, Cherokee Transit provided names of riders who would be impacted to the tribal council members.

Staffing

Staffing was found to be an issue related to funding and sustainability of the transit service. Staffing issues relate to qualifications and sufficient staffing levels.

Finding an experienced transit manager has been a challenge for most tribal transit programs. In most cases, someone with no background has been hired to operate transit. Programs who have found someone with expertise in grants, financial management, and personnel management have done well. Others have struggled because of lack of expertise. The need for training in transit management was expressed by a number of tribes. Lack of technical assistance for planning, management, and reporting has been a shortcoming based on feedback from tribes and FTA regional staff.

Staffing levels are sometimes an issue. When programs are initiated, the duties may be assigned to someone as part of their job and not their

only responsibility. Programs that have successfully implemented transit service in spite of various barriers, such as Oglala Sioux, have attributed that success to having a person who is dedicated to the transit program and not distracted by other responsibilities. Interviews with representatives of FTA confirm this. FTA staff recognize that if the transit program is only a portion of the manager's responsibilities, the program will likely struggle and FTA will need to provide additional support.

While it is not possible to establish a specific staffing level for each transit program, the responses to this research effort indicate that at least one person is needed who is dedicated and focused on the needs of the transit program.

Administrative Processes and Complexity

A request for grant funding commits the tribal organization to a series of legal, regulatory, and administrative requirements. For FTA grants, these requirements are described in four phases: *Pre-Application*, *Application*, *Grant Reporting*, and *Grant Close Out*. There are specific compliance requirements of the *Tribal Transit Program [5311(c)]*.

Compliance and reporting have been an issue for a number of tribes. While some tribes have found no problem in working with the FTA reporting system, others have found this to be an obstacle. Tribal governments typically have the transit program and grant reporting functions separated in different departments. While the transit program may have expended the funds, the financial reporting is not completed and the funds are not drawn down from the FTA grant. This has hurt some tribes for subsequent funding requests as the FTA records indicate the previous grant funds have not been expended and reviewers have not funded the subsequent requests.

At least one tribe decided to forgo a planning grant because of the low level of funding (\$25,000) compared to the effort required for reporting to FTA.

Other funding programs such as the Indian Reservation Roads program and the Congestion Mitigation and Air Quality program have similar specific reporting requirements.

CHAPTER 4

Mastering the Art of Transit

INTRODUCTION

The results of collecting data about current tribal transit programs and conducting in-depth interviews and site visits lead to several conclusions about what makes tribal transit programs successful. While almost every tribal transit program has faced obstacles to implementing or sustaining the service, successful programs have a number of factors in common.

This chapter describes those practices that have been observed which help sustain public transit systems operated by tribes. The best practices range from funding to operations. These have been incorporated in the Guidebook as recommendations for tribes to follow when planning or operating a transit service.

PLANNING

A common theme among tribal transit systems that have been successful in starting or sustaining a transit program is that they worked from a plan. The plan may have been prepared by tribal staff, a regional planning agency, or a consultant. Having a plan provided direction for decisions to be made regarding what service to provide, funding, and purchases.

Having a plan in place allowed tribal staff to pursue funding when new sources became available. The Seminole Tribe was able to obtain funding through the American Recovery and Reinvestment Act (ARRA) to purchase vehicles. The plan identified the next steps for enhancing the service and the ARRA funds were used to implement that next step. While not every tribe has been able to follow the steps outlined in the plan exactly, having a plan provided the information necessary to adjust the implementation steps as conditions changed.

Tribes have been able to develop plans primarily through support from three sources. These are the Community Transportation Association of America (CTAA) Tribal Technical Assistance projects, planning grants from the states, and planning grants through the FTA Tribal Transit program. In general, the FTA grants of \$25,000 have not been sufficient to complete a comprehensive transit plan. Several tribes which received those grants combined the funds with other

grants to have sufficient funds for completion of a transit service plan. At least one tribe chose not to use the FTA planning grant because of the small amount and the level of effort to comply with the reporting requirements.

Recommendations for the planning process have been provided in detail in the Guidebook. The general steps of the planning process include:

- **Inventory of Existing Services:** Understanding the existing resources for transportation available in an area and the level of coordination between transportation providers.
- **Transportation Needs Assessment:** This includes demographic analysis, peer comparisons, and community involvement.
- **Developing Strategic Goals and Objectives:** This should be established to make decisions on priorities and what can be accomplished by the transit program.
- **Transit Service Planning:** This describes the various types of transit service and how they operate.
- **Implementation:** This includes doing an operation plan, capital and operating cost projections, administrative/management plan, financial plan, monitoring/evaluation plan, and service goals and monitoring.

FUNDING

Funding is a key to sustaining tribal transit service. The level of transit service is directly related to and dependent on the level of funding. If funding is not stable, the transit service cannot be sustained at a consistent level.

Funding through the FTA Section 5311c Tribal Transit Program was raised as an issue by a number of tribes. While the funding program has been very successful in helping many tribes implement a transit service, as the program has grown tribes are developing concerns about sustaining the level of funding. Tribes that initially received planning grants then sought funding for capital and operations to start the service. More tribes are competing for funds through this program, resulting in lower levels of funding for many tribes that have been funded in earlier years. More tribes will be applying for these funds in the future and, without higher levels of appropriations, funding for individual tribal transit programs will likely decrease.

Many of the successful tribal transit programs have sought and obtained funding from a variety of sources. These include not only the traditional sources of funding for transit, but a number of tribes have found innovative ways to obtain local funding. A number of these innovative approaches are described in Chapter 4. Multiple sources of funding have helped tribes sustain service when funding from one or more sources was decreased. In some cases, tribes were able to make up the loss by obtaining additional funds through other sources.

Chapter 3 describes many different funding programs that support tribal transit. However, this research found that many of these programs are not used by tribes to fund their transit program. Most of the tribes which responded to the questionnaires rely on only a few funding sources. Within the same tribe, some sources of funding for transportation may be used to support separate programs. There is significant opportunity for tribes to work within tribal government to tap some of these additional resources and to develop savings by coordinating and consolidating the transportation services. Other transportation programs often fail to recognize the costs of transportation because the transportation is provided by employees as secondary responsibilities and there is not an accurate cost allocation to transportation. Many resources have been developed to support coordination of transportation services that could be used by tribes to determine the full costs of transportation and the potential savings related to better coordination of tribal transportation programs and potential consolidation. The case studies in the Guidebook describe some examples of consolidated tribal transit programs which work well.

While, there may appear to be many opportunities for tribes to obtain additional funding, there are many reasons why tribes are unable to pursue all these funds. Tribes need to consider the reporting requirements needed for each grant program, and need to think about the amount of funding awarded compared to the administrative work of reporting. Other issues include not having enough staff to pursue additional grants; the need for local match; these funding sources are designed for a certain market segment and may not be relevant to the tribe/department; and meeting the eligibility requirements of the grant. These are some of the reasons why tribes choose to go after a few funding sources.

While the reporting requirements for the various grant programs have been challenging for some tribes, this is not insurmountable.

Many tribes have been able to set up the reporting systems and provide timely and accurate reports. The subject of reporting is an area which may require more training and support as the requirements are very different from what many tribes have done in the past. Technical assistance, dispatching software, and reporting software may be needed depending on the size of the transit agency.

LEGAL

In mastering the art of transit, tribes have worked with the resources that come from federal and state transit funding, health care, and social service programs. We have also encountered numerous transit activities that result from internal tribal resources to support elders, youth, and general tribal social and economic development. The allocation of tribal resources to address transportation needs of the community is a significant exercise of tribal sovereignty. However, the exercise of sovereignty for successful tribal transit programs goes far beyond the allocation of financial resources.

Tribal leadership at numerous levels must identify the need for a transit-based solution to a community or tribal need. Engagement of tribal leadership, whether within the tribal legislative or administrative context, is an essential element of sustainable tribal transit programs. Repeated throughout the research is evidence of a local transit champion who finds the resources to initiate a transit activity, and supports that effort through collaboration and coordination within the tribal governmental structure. Examples of transit activities occurring entirely from a private sector action are rare. The primary example is for tribal casinos to provide public access to transportation services that are otherwise reserved for casino employees. The vast majority of tribal public transit services are generated from a government driven effort to meet a cultural, social, or economic need within the tribe.

Another important aspect of tribal sovereignty at work in public transit is the negotiation of formal intergovernmental agreements. Tribes must enter into agreements with one or more funding agencies which invariably expose the tribe to potential liability for appropriate use of the funds and applicable reporting requirements. Some tribes found the administrative burdens and other compromises to sovereignty to outweigh the benefit of the funds available and refused to enter the agreements, or returned the funds after assessing the funding agency's requirements.

A similar circumstance arises when tribes enter into intergovernmental agreements with cities, regional councils of government, and

other non-tribal transit agencies for the operation of transit services that cover all or part of the tribal service area. Under such agreements, tribes can operate public transit services beyond the tribe's geographic boundaries to provide seamless mobility to a broad area. This coordination and collaboration in operations was used frequently throughout the research and represents a significant exercise of sovereignty. Several tribes applied for funds that were provided to the non-tribal transit agency in exchange for fixed-route service to tribal lands. These tribes chose to avoid the administrative burden of purchasing equipment, managing employees, and operating a service that a nearby agency is able to deliver. Other tribes serve as the transit provider for the non-tribal agencies. Their tribal transit vehicles and employees provide services well beyond tribal boundaries.

The decision to waive sovereign immunity from suit in another government's court system should a dispute arise is a common condition for receipt of funding. Tribes frequently require entities seeking a contractual relationship to consent to tribal court jurisdiction to resolve disputes. Federal and state agencies are consistently reluctant to consent to tribal justice systems. The selection of a method (mediation, arbitration, or litigation) and forum for dispute resolution has significant implications for a tribe's sovereign status. Careful document drafting and negotiation of contract terms can allow for conflict resolution with minimal impact on tribal sovereignty.

By its nature, operation of a public transit service creates the possibility of personal injury to employees and passengers resulting from collisions or other incidences. While there were no reported passenger injuries resulting from improper operation or maintenance of a tribal transit vehicle, tribes may seek to limit their liability to judgments rendered in tribal court, regardless of the political status (tribal member or non-member) of the injured party. Sovereignty properly exercised allows for the fair compensation of injured parties under tribal law while preserving the sovereign status of the tribe. Tribes manage this risk through the purchase of liability insurance and limits of liability.

ORGANIZATIONAL STRUCTURES

During the research we found that tribes have organized their transit programs in a wide variety of ways. Organizational structures included transit as part of the transportation department, under health and human services programs, as part of a college, as private nonprofit corporations, and operated by a local transit agency through a contract with the tribe.

There was no single organizational structure that was better than others. Successful tribal transit programs were found under all organizational structures. While there were some advantages and disadvantages associated with the various organizations, the type of structure had no relationship to the success of the transit program. There were, however, common characteristics of the organizational structures that were found in most successful tribal transit programs:

- A single person dedicated to oversight of and responsibility for the transit program.
- Support from Tribal Council, both politically and financially.
- Support from tribal elders.
- Informal relationships and connections with other tribal departments and with Council members.
- Financial management capabilities in transit and the finance department.
- Key staff received training related to job responsibilities.
- Participation by the transit manager in state and national organizations.

Coordination

Successful tribal transit organizations were found to often work with other organizations, either within the tribal government or outside the tribal government. In some cases these have been other transportation programs within the tribe, such as medical transportation or a tribal college. Other tribes have worked with non-tribal transit programs to coordinate schedules, allow transfers between systems, or establish a consolidated transit service. The Standing Rock Sioux transit system is operated by Sitting Bull College. Cherokee Transit operates a consolidated transit program which provides transportation for residents, visitors to the area, elders, and people traveling for medical appointments. The Confederated Tribes of the Grand Ronde Community of Oregon primarily provide transportation by contracting on a government-to-government basis with the Salem Area Mass Transit District and Yamhill County Transit Area. The Coeur d'Alene Tribe in Idaho operates public transit for the urban area of Coeur d'Alene. Fort Belknap joined a regional partnership to provide transit service in north-central Montana.

Cooperation and coordination of services have allowed tribes to pool existing resources and leverage those financial resources to obtain

additional funding. Coordinated efforts result in greater efficiency in delivering service and often allows for a greater service area. Conversely, tribes that struggled with starting and operating a transit system had low levels of coordination with other transportation programs.

While there has been much emphasis on coordination of transportation services through efforts such as “United We Ride,” many of the tribal transportation programs continue to operate as separate entities with little or no coordination. The more successful transit programs have worked to coordinate services, but the research showed that many continue to operate without coordination even within the structure of the tribal government.

OPERATIONAL

Tribes were found to operate a variety of transit services as described in Chapter 3. In some cases, tribes had started service with a service type that was not appropriate for the needs of their community. As an example, fixed-route service may be easier to operate than a demand-response service but is often not appropriate for tribal settings. Tribes which had made the effort to develop a plan were far more likely to develop a service type which fit their community than tribes that tried to start service without a plan. The plans typically included a needs assessment, feasibility analysis, and evaluation of different service options. This allowed the tribe to select the most appropriate type of service. Many of the tribal transit systems which responded to the questionnaires operate a mix of services, reflecting the analysis to determine which type of service is most appropriate for different population segments and different areas of their communities. This further emphasizes the importance of planning for tribal transit programs. Technical assistance from the National Rural Transit Assistance Program (RTAP), Community Transportation Association of America (CTAA), and other available resources have been doing well to help tribes develop a plan to meet the needs of their community. These should be further encouraged to get the word out to other tribes that need help.

CULTURE INTEGRATION

For many tribes, mastering the art of transit has several cultural implications. Across the study our research indicates the type of transit service provided is a reflection of tribal values and culture. Providing mobility to elders for medical care, shopping, and to attend community events is a common theme among tribal transit programs. Similarly, the

mobility needs of youth are also frequently addressed. Culture can be seen in the route selection and hours of operation of tribal programs. Many are tailored to reflect the high value tribes place on education by connecting passengers to the tribal college or surrounding institutions of higher education. Mobility for veterans is another high priority service issue for several tribes reflecting the high value and respect accorded those who provide military service. Culture can also be seen in the high level of professional conduct of the drivers, mechanics, and administrators. Even though many of the tribal transit agencies operated with less than optimal resources and facilities, there is a distinct cultural pride that is delivered through the appearance of the vehicles and quality of service provided.

CHAPTER 5

Policy Issues

INTRODUCTION

A number of policy issues and questions have been identified as part of the research effort. These issues were recognized through the data collection and particularly from the interviews with participating tribes.

LEVEL OF FUNDING FOR TRIBAL TRANSIT

The number of tribal transit programs has grown dramatically over the past 10 years. Growing from less than 20 tribal transit systems throughout the country to well over 100 has increased the need for funding. While the number of tribal transit programs has increased, there are many more tribes that remain without access to transit services with significant transportation needs among their people. While not all of the 565 federally recognized tribes may need to operate a transit system, there are many which have unmet transportation needs. The American Indian and Alaska Native population is approximately 4.7 million people. The US Census shows that the poverty rate among the native population is about 23 percent compared with 14 percent for the nation (2007-2009 American Community Survey). Unemployment among the native population has been about double that of the nation (2007-2009 American Community Survey).

The data collected as part of this research showed that 43 responding tribes have a total annual operating cost of \$18.5 million to operate transit systems. The tribes that provided financial data are less than half of the tribes which operate transit and only eight percent of all tribes. Each year as new tribal transit programs are begun, there is a need for additional funding. SAFETEA-LU established the Public Transportation on Indian Reservations Program and authorized funding at \$8 million in Fiscal Year 2006 with increases to \$15 million in Fiscal Year 2009. Funding for the program has been based on continuing resolutions for more recent years. Each year applications for funding have exceeded the available levels. More tribes are recognizing the transportation needs of their people and the ability to meet those needs with local transit service.

Although an assessment of the level of funding needed for tribal transit programs was beyond the scope of this research effort, the research findings indicate a growing need that exceeds the current

levels of funds available. The need for funding will have to be addressed at the national, state, and local tribal levels. Chapter 4 describes some of the challenges faced by tribes to fund transit programs.

Tribes are recognized by the federal government as sovereign nations. As such, funding for tribal transit is a national policy issue. At the same time, tribes have social and economic interaction with the states in which they are located. This interaction leads to questions of policy in funding at the state level. Finally, tribal governments have a responsibility to their people which leads to policy decisions at the local tribal level.

Two significant areas of funding policy will need to be addressed. The first is the level of funding for tribal transit and the sources of that funding. The research findings indicate that current levels of funding are inadequate to meet the transportation needs of the native population. Additional sources of funding will be needed to meet those needs. The second area which will need to be addressed is continuity of funding. The current FTA tribal transit program does not necessarily provide for continuity in the level of funding from one year to the next. Tribes may initiate or expand service based on funding obtained through the tribal transit program, but not be able to sustain the service because funding is not received in a subsequent year. This has been the experience of several tribes. An option would be to give priority to sustaining existing transit services before new services are funded so that tribes can expect continuity of funding from one year to another and sustain the service which is provided.

GRANT AWARD CRITERIA

Interviews held with tribes, both by telephone and in person, indicated concerns regarding feedback and understanding of the criteria used to award grants under the FTA tribal transit program. Some tribes reported that they have failed to receive funding through the program, but have not been able to receive feedback on their grant applications and the reasons for not being funded. In at least one case, a tribe submitted an application with minimal changes in a subsequent year and received funding.

Understanding the criteria for evaluation of the applications would help tribes determine whether they should seek funding, how to support the request for funding, and ways to improve the quality of the grant application. Tribes have reported that the uncertainty in funding has affected their ability to sustain service. Understanding

the criteria would also support sustainability of tribal transit programs as tribes become aware of and know the standards by which their systems will be evaluated for future funding.

TRAINING AND TECHNICAL ASSISTANCE

The growth in tribal transit programs is new. The new funding program has helped many tribes plan and start transit service. The rapid growth that has occurred has left many tribes with a lack of expertise in transit planning, transit management, financial management, and grant management. While there are many training programs available, most are not targeted toward tribes. Many of the training programs oriented toward rural transit would be helpful, but tribes are not always aware of these programs and the opportunities. Some tribes have failed to properly report grant activity or to draw grant funds because of the lack of expertise. Overall, tribal transit programs could be strengthened by providing additional training opportunities, but more importantly, by helping tribes become aware of the need for training and the opportunities that are available. In some cases, it might be helpful if grant awards included funding for attendance at specific training programs. Completion of specific training programs might be considered as a requirement for receipt of grant funds. The increased training and level of expertise among tribes would improve grant management and grant reporting. Oversight of tribal transit programs should be easier with increased expertise among the grant recipients.

INDIAN RESERVATION ROADS (IRR) FUNDING FORMULA

The Indian Reservation Roads program provides funding for transportation infrastructure for federally recognized tribal governments. Transit facilities and services are eligible activities under the IRR program. In addition, the IRR funds may be used as local matching funds for federal aid highway or transit projects.

The funding formula for the IRR program was developed under negotiated rule making with tribal governments. The formula is based on an inventory of public roads that serve the reservation, regardless of jurisdiction. Roads may be under the jurisdiction of the Bureau of Indian Affairs, states, local governments, or tribes. Transit service and facilities are not considered in the funding formula. Although the funds may be used to support transit, the level of transit service and facilities are not considered in the formula. As transit becomes more important for individual tribes, consideration of the transit services as

part of the funding formula may become more critical. Provision for inclusion of an inventory of transit services and facilities could be considered to reflect the importance of transit in meeting the transportation needs of tribal members.

COORDINATION OF TRANSPORTATION SERVICES

The research findings showed that coordination of transportation services is a strong indicator of long-term sustainability of a tribal transit program. Those transit programs that coordinated internally within the tribe or externally with other transportation services are stronger financially and have a greater probability of long-term success. At the same time, the information from the tribes indicated the coordination with other transportation programs is a challenge that must be overcome.

Coordination of transportation services has been emphasized at the federal and state levels in recent years. However, the research findings indicate that the same level of emphasis has not taken place within tribal governments or within the federal programs which fund transportation services for tribes and tribal members. Many of the tribes interviewed continue to have multiple transportation programs with duplication of services and functions. At the tribal level, there is no indication that transportation programs funded by departments other than the Department of Transportation emphasize the need to coordinate services or encourage coordination at the local tribal level.

Because coordination with other transportation programs was found to be a significant factor in the success of tribal transit systems, it would help support tribal transit if coordination of services was emphasized by all agencies which fund transportation services for tribes. Existing specialized transportation programs would be encouraged to coordinate with new transit programs as they are planned and developed, helping to ensure better cost-effectiveness, less duplication of services, and long-term sustainability.

CONSOLIDATION OF FEDERAL FUNDS

The 477 Program through the Department of Interior is a program that allows tribes that receive funds from more than one federal program to consolidate the different reporting structures into a single reporting structure. This program allows tribes to combine funds into a single program and then create a single plan to implement service toward employment education and training programs. The research findings showed that tribes are faced with administrative burdens of

having different reporting requirements for different funding sources, so it would be helpful to encourage programs such as these to streamline the federally funded program reporting requirements.

TRIBAL EMPLOYMENT RIGHTS

Unemployment rates on Native American reservations and in tribal communities remain high in spite of large scale state and federal planning and construction projects on and near tribal lands. In an effort to improve employment opportunities, tribes have adopted tribal laws applicable to contractors working on tribal lands that may include requirements for the contractor to pay fees or hire from qualified tribal workers. These laws are known as Tribal Employment Rights Ordinances (TERO). According to the National Indian Justice Center, *Tribal Employment Rights Ordinance (TERO) is defined as a legislative act adopted by the governing body of a federally recognized tribe. While each tribe has the sovereign right to adopt any language that it chooses, a TERO generally governs the contracting provisions between a tribe and any contractor and may include provisions concerning: Announcement and advertising of jobs; Tribal preference (preference to a person from a certain tribe) in hiring goals; Indian preference (preference to a person who is Indian) in hiring goals; Permits to do business on tribal lands; TERO tax; Training and/or skill requirements; Discrimination; Fees; Personnel policies; Inspections; Dismissal/layoffs; and Non-compliance.*

A construction project on tribal lands that is funded by a state or federal department of transportation will trigger a battle of the laws of multiple jurisdictions. The project activities, if on tribal lands will be subject to tribal laws including the TERO if adopted by the tribe. In addition, the contractor for the project is subject to state or federal laws governing the contract. The state may have put the project out for competitive bid and the winning contractor may not know of the applicable TERO laws, particularly fees, taxes, hiring requirements which may affect the budget for the project. If the existence of a TERO is not known to the contractor, the project will be put on hold while the jurisdictions battle over applicable law. The best approach is to improve communications among the DOTs, the tribes and contractors specifically over the location of projects, scope of activities, application of tribal laws and to engage in Memorandum of Agreements that explain and govern the roles involved in concurrent jurisdiction.

One provision that is consistently disputed in TEROs is the tribal preference in hiring (preferring one tribe over another). For the state and federal DOT, tribal preference in hiring resembles discrimination

in hiring which is prohibited by Title VI of the Civil Rights Act of 1964. Tribes that use strictly tribal funds in transportation projects on tribal lands are governed solely by their own laws and may employ a tribal preference in hiring practice; however, if state or federal funds are used in that project, those funds may not be used for activities that would be discriminatory under state or federal law. In the case when the tribe uses *tribal funds* for the position, Title VI exempts tribes from discrimination in employment based on national origin. Also, the *Indian Self-Determination Act* has an exemption as long as the salary and benefits for a position are solely funded by Self-Determination Act funds (see 25 U.S.C 450e (b-c)). However, if the funds used for the position are non-Self-Determination Act funds/contracts, the Self-Determination Act requires Indian preference (preference for a person who is a member of any federally recognized tribe) and not tribal preference (preference for a person who is a member of a specific federally recognized tribe).

The number of TEROs adopted by tribes has grown in recent years. Some tribal and state DOTs have a great deal of experience working together on projects on tribal lands. Positive working experience has led to inclusion of TERO provisions for projects near tribal lands and development of tribal transportation workforces hired for off-reservation projects. Some tribes and states are developing MOUs to govern the relationship both on long-term and short-term bases. Communication channels between state and tribal DOTs is essential to resolving the various issues of conducting projects on tribal lands.

CHAPTER 6

Research Needs

INTRODUCTION

Through the course of this study we have identified additional topics of research related to tribal transit. These topic areas will help tribes in the future as they work to enhance and sustain transit programs and give a more in-depth understanding of some specific issues.

RESEARCH PROJECTS

Assessment of Technical Assistance Approaches

The Tribal Transit Program - FTA Section 5311 (c) program was created under SAFETEA-LU to set aside a portion of rural public transit funding specifically for tribal transit programs. Federally recognized tribes would continue to be eligible for funds through state programs as well as through the tribal transit program. The number of tribes accessing this fund to start or enhance their public transit program has been increasing. The number of known tribal transit programs has grown from less than 20 prior to the program to well over 100 today. The need for funding has exceeded the amount of funding available. While not intended to be the only source of funding for tribal transit programs, many tribes have used only the Section 5311 (c) program or possibly one or two other sources of funding. The TCRP H-38 project clearly showed that successful, sustainable tribal transit programs obtained funds from multiple sources.

The H-38 research effort found that in addition to using multiple sources of funding, tribes that had received technical assistance to develop a transit plan were more likely to have a sustainable program. There is an identified need to determine the appropriate type and level of technical assistance which should be made available to tribes for identifying potential revenue sources and seeking funding from multiple sources to develop or enhance their transit program.

Products of H-38 include an information booklet and a guidebook to provide guidance, information, and resources for tribal planners to develop or enhance a transit program. The materials and processes described in the guidebook will help tribal planners to develop,

enhance, and sustain their transit program, but many tribes lack the expertise to identify appropriate funding sources and obtain the necessary funding for a sustainable transit program. Research is needed to develop and evaluate technical assistance approaches to determine how best to assist tribes to have a transit program which is sustainable over a long period of time.

The objective of the suggested research is to identify appropriate technical assistance approaches and evaluate the benefits of the technical assistance. Tribes will be given assistance to identify funding sources and to seek funding from those sources. Existing funding will be leveraged to obtain additional funding for enhancement of the individual tribal transit programs. The success of the technical assistance will be determined based on enhancement of the tribal transit programs.

The researcher will identify three to five tribes which have a transit system, but are relying on only one or two sources of funding. A peer system analysis will be completed to identify tribes which are peers to the selected tribes, but have developed sustainable transit programs using multiple sources of funding and have been able to leverage funding from a variety of sources.

An initial workshop will be conducted with the selected tribes and the peers. The workshop will help the tribes to understand the benefits of using multiple sources of funding and will include a presentation of the variety of funding programs which are available for tribes. Each tribe will develop an action plan to seek additional funding and will identify the service which will be enhanced through use of the additional funds.

Technical assistance will then be provided to the tribes as they identify specific funding sources they will seek and as they develop requests for the funding. Assistance may come from the research team or from the peer tribes, depending on the specific needs of each tribe. The technical assistance may include preparation of grant applications, requests for funding, and development of funding agreements.

The results of the technical assistance will be evaluated based on the success of each tribe in obtaining funding from new sources and the enhancements to the transit services. Measures to be evaluated may include increases in budgets, increased service availability, and changes in ridership.

The deliverables of this research project would include the following:

1. Selection of appropriate peer tribal transit systems and completion of a peer-to-peer workshop.
2. Technical assistance provided by peer tribes and members of the research team.
3. A research report documenting the overall process, the technical assistance that was provided, and the results of the technical assistance.

Develop Training Materials

While this is not technically research, H-38 indicated a need for training materials to accompany the Guidebook. The Guidebook provides information and guidance for tribes and planners to use to develop a service plan and financial plan. However, we see a need for training materials to help tribal transit planners and managers learn the material presented in the Guidebook so they may apply it to their specific situations. As part of H-38, “train the trainer” sessions were held. However, there is a need for more detailed training on each component of the Guidebook.

There are many resources for transit already available to tribes. Our research indicates that the more successful tribes make use of these resources, but many other tribes are either not aware of the resources or fail to use them to their advantage. During the testing phase of the Guidebook, participants recognized the value of the Guidebook and saw a need for training to help tribes. Feedback from both the Tribal Technical Assistance Program (TTAP) staff and tribes indicated a need for training materials and the need for funding to develop training materials. Training materials will help the TTAP centers reach out to tribes and build capacity among those working in tribal transit programs. This outreach will be particularly important for those tribes which are not proactive in using resources which may be available.

This effort should also include an assessment of training needs among tribal transit programs. One specific area of training that is needed is in financial management. The Federal Transit Administration (FTA) is in the process of developing a training program related to grant compliance, and identification and development of training materials should not duplicate, but should supplement the training being developed by the FTA.

Tribal Transit Financial Management

Financial management and grant compliance were found to be areas in which many tribes are weak. Tribes have not been funded for subsequent grants because Federal Transit Administration funds were not drawn from the grant. Other tribes have been successful in managing FTA and other grants. What are the best practices in the financial management of tribal transit systems? The study will examine the organizational and administrative environments in which the finance function is performed. It will review the qualifications and training of personnel responsible for overseeing system finances and accounting. The study will identify software applications used by tribes that aid in the tracking of system revenues, expenses, and grants; methods for fare collection, cost accounting, audits, and quality control; processes for preparing system financial statements and annual financial plans; and methods used to effectively communicate the financial health and timely needs of the transit operation to tribal leadership, system stakeholders, and the community-at-large.

Rural Regionalism: An Emerging Concept in Tribal Transit

The Coeur d'Alene Tribe Citylink transit service represents a regional partnership comprised of federal, state, county, city, and tribal governments. The no-fare free bus system serves the reservation and all of northern Idaho. With its expansion outside of the reservation, Citylink operations and maintenance costs have increased. Tribal leadership is seeking more funding partners, especially from the growing number of agencies and municipalities that benefit from Citylink but do not pay for it. The Coeur d'Alene service is an example of an emerging rural regionalism where local tribal operators are evolving into regional service providers. Other tribes participating in or considering rural transit organizations include the Southern Ute Tribe and the Fort Belknap Community.

- At what point should the system be classified a regional service?
- What performance indicators should trigger the need for a new or modified organizational, operational, and funding strategy?
- How should the transition be timed, financed, administered, and structured? What management models and tools will optimize entry into the larger service market?
- What are the legal, tax, insurance, and ownership implications and issues?

- How can expansion be achieved without compromising the core mission of serving the tribal community?

Case studies on tribal transit systems that have transitioned successfully from local reservation bus services to regional transit delivery systems will be conducted. Best practices and lessons learned will be highlighted.

Evolution of Transit Funding

There are many uncertainties around federal funding of transit services while Congress works on reauthorization of the surface transportation programs. Many of the funding programs currently available to tribes could change as a result of reauthorization. Following passage of the transportation bill, information on funding sources described in the Guidebook should be updated to reflect any changes which take place. Without an update, many of the funding source descriptions will be out-of-date and no longer useful to tribes. Information similar to that provided in the Guidebook should be provided for the funding programs which are established through reauthorization of the surface transportation bill.

Guidebook for States Working With Tribes

Many of the issues related to sovereignty of tribes are tied to agreements with state governments. While the current research effort looked at the question of tribal sovereignty, the focus was from the perspective of the tribe and ways in which tribes may maintain sovereignty while working with state and local governments. Various approaches were found such as creating a private nonprofit corporation to receive funds from the state. Tribes may also become direct recipients through FTA for funds received through programs administered by the states. This approach allows for a government-to-government agreement with FTA rather than with the state and may avoid some of issues related to waiving sovereignty. The relationships between states and tribes vary significantly from state to state. With such wide variation, there is no consistency. The National Cooperative Highway Research Program (NCHRP) Project 08-65 has the objective “to develop a Guidebook that provides practical strategies for communication, cooperation, and coordination between transportation agencies and tribal communities in order to facilitate successful transportation projects.” Neither the NCHRP project nor the current research address the issue of tribal sovereignty from the perspective of state governments and administration of FTA grant programs for which tribes are eligible. This additional research would look specifically at states and how they

work with tribes. States which have good working relationships with tribes and have avoided issues related to sovereignty in their grant process will be researched to determine how they have structured the grant agreements. The FTA Regional offices would be involved in the analysis of working relationships. Case studies of successful working relationships will be identified. All other states working with tribes will be evaluated to determine if the sovereignty concerns relate to state regulations, state laws, or constitutional issues. From this information, a guidebook will be developed to guide states in setting up grant agreements that protect the interests of the states while maintaining the sovereignty of the tribes. Ten workshops, one in each FTA Region, would be conducted over a two-year period.

RESEARCH TOPICS

A number of additional research topic areas have been identified through this research project and discussions of the Project Panel. These are topic areas and should be considered for development of research problem statements.

- Selection and implementation of dispatching and reporting software for tribal transit systems.
- Transportation needs of Native American Veterans.
- Use of ferry boats, cable cars, and other forms of transit service.
- Pedestrian and bicycle improvements needed to support tribal transit service and the safety implications of those improvements.
- The effect of having different eligibility criteria for seniors and elders in different programs.
- Impact of aging of Baby Boomers on tribal transportation services.
- Feasibility of bus stops and shelters in rural areas.
- Maintenance needs assessments.
- Guidance for Handicapped.
- Use of seat belts and child restraints.

- Effects of driving under the influence of alcohol and binge drinking among Native Americans.
- Enforcement of traffic safety by Tribal Courts.
- Staffing requirements and essential skills for transit leadership.
- Feasibility of establishing a tribal transportation research program.
- Use of Geographic Information Systems with the Indian Reservation Roads Program Road Inventory Field Data System (RIFDS).
- Training strategies for tribal transit.
- Considerations for use of alternate fuels.
- Legal studies including negotiations and waivers, Tribal Employment Rights (TERO), and right-of-way issues including documentation, ownership, and jurisdiction.
- Alternate ways for tribes to generate revenue such as tourism, contract maintenance, and advertising.
- Analysis of household costs of transportation for Native American households.
- Cost-benefit analyses for mobility.
- Fare policies and technologies for fare collection.
- Performance measures for tribal transit.
- Use of safety counter measures by tribes.
- Analysis of roadway fatalities on reservation roadways including teen drivers, alcohol-related fatalities, vehicle conditions, and crash response times.
- Status of driver's licenses in Indian Country related to the authority and jurisdiction to issue licenses.

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Appendix A: Glossary

The glossary presents abbreviations and acronyms used in the guidebook. Some of the definitions have been obtained from the sources mentioned below with acknowledgment to these individuals, organizations, and boards/committees. The sources include the Federal Transit Administration website; APTA Glossary of Transit Terminology (July 1994); and TCRP Report 100 Transit Capacity and Quality of Service Manual—2nd Edition Glossary.

ADA	Americans with Disabilities Act of 1990. This is a federal civil rights law passed by the US Congress in 1990 with changes effective on January 1, 2009. This law ensures that individuals with disabilities have equal opportunity to participate in society, live independently, and be economically self-sufficient. The law defines the responsibilities and requirements that transportation providers need to meet to make transportation accessible to individuals with disabilities.
ADA Paratransit	The ADA requires transportation providers to provide a comparable transportation service within three-quarters of a mile of a fixed-route service to accommodate individuals with disabilities who are unable to use the fixed route.
AIAN	American Indian and Alaska Native
AoA	Administration on Aging
Apportionment	This refers to distribution of funds available. It is based on statutory formulas set in the law. The Federal Register contains information of a list of annual apportionments and allocations for the various Federal Transit Administration programs.
BIA	Bureau of Indian Affairs
Carpool	An arrangement where two or more people share the use and cost of privately owned automobiles between prearranged fixed points on a regular basis.

CE	Categorical Exclusion. This is an action/project that does not have a significant effect on the human environment. Hence, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required.
CEDS	Comprehensive Economic Development Strategy
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Improvement. These are federal funds available for transit or highway projects that contribute to air quality improvements and provide congestion relief.
Commuter	A person who travels regularly between home and work (or school).
CTAA	Community Transportation Association of America
Demand-Response	In this type of service, vehicles operate based on service requests received. This is sometimes referred as “dial-a-ride.”
Deviated Fixed Route	In this type of service, vehicles operate along an established path, arrive and depart at set times during the day, but can deviate from the established path for pick-ups and drop-offs according to service requests.
DOT	Department of Transportation. The U.S. DOT oversees federal highway, air, railroad, and maritime and other transportation. Each state has its own department of transportation.
DUI	Driving under the influence.
EA	Environmental Assessment. This is a public document created to determine the significance of impacts of a transportation project. This document helps to determine if an environmental impact statement (EIS) or a finding of no significant impact (FONSI) is needed.
EDA	Economic Development Administration

Appendix A: Glossary

EIS	Environmental Impact Statement. This is a comprehensive study required by the National Environmental Policy Act (NEPA) which describes possible positive or negative environmental impacts resulting from a proposed federally funded project.
FHWA	Federal Highway Administration
Fixed Route	In this type of service, vehicles travel along designated routes. Service is provided at stops at set times during the day.
FLH	Federal Lands Highway
FONSI	Finding of No Significant Impact. This is issued during the Environment Assessment (EA) process when an action or project is found not to have significant impact on the human environment.
FTA	Federal Transit Administration. This is a department of the US Department of Transportation that administers federal programs related to public transportation.
Guaranteed Ride Home (GRH)	This is a program that ensures that you will have a ride if you need to work unexpected hours, have a family issue, or unexpected emergencies arise.
Intercity Bus Service	Bus service between cities usually provided on a fixed route and a fixed schedule.
IRR	Indian Reservation Roads
JARC	Job Access and Reverse Commute
MPO	Metropolitan Planning Organization
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act. This is a federal law that requires federal agencies to consider environmental impacts of their proposed actions in their decision-making processes and have reasonable alternatives to those actions. To meet NEPA requirements, federal agencies are required to prepare an Environmental Impact

	Statement (EIS) for actions/projects that significantly affect the quality of the human environment.
NPS	National Park Service
OSERS	Office of Special Education and Rehabilitative Services
Point-Deviation or Checkpoint Service	This type of service operates at fixed stops, but deviates between stops without having a designated route.
Ridership	The number of riders making one-way trips on a public transportation service in a given time period.
ROD	Record of Decision
Route Deviation	See Deviated Fixed Route
RTAP	Rural Transit Assistance Program
SF	Summary File. This is a census summary file. There are four summary files. Each summary file provides statistics at different levels of detail.
SIP	State Implementation Plan
STAA	Surface Transportation Assistance Act
STIP	Statewide Transportation Improvement Program
STP	Surface Transportation Program
SWOT	Strengths, Weaknesses, Opportunities, and Threats. This is a strategic planning method. It involves identifying the internal factors such as Strengths (S) and Weaknesses (W) and external factors such as Opportunities (O) and Threats (T).
TCRP	Transit Cooperative Research Program
TCSP	Transportation Community and System Preservation Program
TTIP	Tribal Transportation Improvement Program
US DOT	United States Department of Transportation

Appendix A: Glossary

USDA	United States Department of Agriculture
Vanpool	An arrangement where a group of people share the use and cost of a van between prearranged fixed points on a regular basis.

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Appendix B: Resources

UNITED STATES DEPARTMENT OF TRANSPORTATION (US DOT)

This is a department of the federal government that is responsible for administration of federal transportation programs that includes public transportation, highways, railroads, air transportation, and shipping. Each state has its own department of transportation. The Department's mission, as stated on its website, is "to serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future."

<http://www.dot.gov/>

For more information on how the Department of Transportation can help tribes in starting or enhancing a transit program, please contact the Transit Division of the Department of Transportation.

TRIBAL TECHNICAL ASSISTANCE PROGRAM (TTAP) CENTERS

The Tribal Technical Assistance Program (TTAP) is a training and technology transfer resource for Native American tribes in the United States. The TTAP's main aim is to give technical assistance and training activities at the tribal level, help implement administrative procedures and new transportation technology, provide training and assistance in transportation planning and economic development, and develop educational programs to encourage and motivate interest in transportation careers among Native American students." This resource is funded by the Federal Highway Administration (FHWA) and the Bureau of Indian Affairs (BIA).

There are a total of seven Tribal Technical Assistance Program (TTAP) Centers whose locations and service areas are as follows:

Alaska TTAP
University of Alaska, Fairbanks
Interior – Aleutian Campus
P.O. Box 756720
Fairbanks, AK 99775-6720
(907) 474-1580
<http://www.uaf.edu/akttap>
Service area: Alaska

California/Nevada TTAP
National Indian Justice Center
5250 Aero Drive
Santa Rosa, CA 95403
(707) 579-5507 or (800) 966-0662
<http://www.nijc.org/ttap.html>
Service area: California, Nevada

Colorado TTAP
Colorado State University
Rockwell Hall, Room 321
Fort Collins, CO 80523-1276
(800) 262-7623
<http://ttap.colostate.edu/>
Service area: Arizona, Colorado, New Mexico, Utah

Michigan TTAP
Michigan Technological University
301-E Dillman Hall
1400 Townsend Drive
Houghton, MI 49931-1295
(888) 230-0688
<http://www.ttap.mtu.edu/>
Service area: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin

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Northern Plains TTAP
United Tribes Technical College
3315 University Drive
Bismarck, ND 58504
(701) 255-3285 ext. 1262
<http://www.uttc.edu/forum/ttap/ttap.asp>
Service area: Montana (eastern), Nebraska (northern), North Dakota,
South Dakota, Wyoming

Northwest TTAP
Eastern Washington University
Department of Urban Planning
Public & Health Administration
216 Isle Hall
Cheney, WA 99004
(800) 583-3187
<http://www.ewu.edu/TTAP/>
Service area: Idaho, Montana (western), Oregon, Washington

Oklahoma TTAP
Oklahoma State University
5202 North Richmond Hills Road
Stillwater, OK 74078-0001
(405) 744-6049
(405) 744-7268
<http://ttap.okstate.edu/>
Service area: Kansas, Nebraska (southern), Oklahoma, Texas

STATE TRANSIT ASSOCIATIONS

Some states have a state transit association that represents the transit systems in the state. The main goal of these associations is to promote legislation beneficial to public transit, advocate for capital and operating funds, and promote awareness and support for public transit in the state which they represent. These associations usually have twice-yearly transit conferences that provide presentations on topics of interest, updates on federal and state funding, training sessions, and displays of equipment and information. These associations also publish newsletters focusing on current events in public transportation.

Alaska Mobility Coalition: <http://www.alaskamobility.org/>

Arizona Transit Association (AzTA): <http://www.azta.org/>

California Association for Coordinated Transportation (CalACT):
<http://www.calact.org/>

California Transit Association: <http://www.caltransit.org/>

Colorado Association of Transit Agencies (CASTA):
<http://www.coloradotransit.com/>

Community Transportation Association of Idaho (CTAI):
<http://ctai.org/>

Connecticut Association for Community Transportation (CACT):
<http://www.cact.info/>

Dakota Transit Association (DTA) – This association serves both North and South Dakota: <http://www.dakotatransit.org/>

Florida Public Transportation Association (FPTA):
<http://www.floridatransit.org/>

Indiana Transportation Association (ITA):
<http://www.indianatransportationassociation.com/>

Iowa Public Transit Association (IPTA):
<http://www.iapublictransit.com/>

Kansas Public Transit Association (KPTA): <http://kstransit.org/>

Louisiana Public Transit Association (LPTA): No website

Maine Transit Association (MTA): No website

Michigan Public Transit Association (MPTA):
<http://www.mptaonline.org/>

Minnesota Public Transit Association (MPTA): <http://www.mpta-transit.org/>

Mississippi Public Transit Association (MPTA):
<http://www.mspublictransit.org/>

Montana Transit Association (MTA): <http://www.mttransit.org/>

Nebraska Association of Transportation Providers (NATP):
<http://www.neatp.org/>

New Mexico Passenger Transportation Association (NMPTA):
<http://www.nmpta.com/>

Appendix B: Resources

New York Public Transit Association (NYPTA):

<http://www.nytransit.org/>

North Carolina Public Transportation Association (NCPTA):

<http://www.nctransit.org/>

Oklahoma Transit Association (OTA): <http://www.oktransit.org/>

Oregon Transit Association (OTA):

<http://www.oregontransit.com/>

South West Transit Association (SWTA): <http://www.swta.org/>

Texas Transit Association (TTA): <http://www.texasatransit.org/>

Transportation Association of South Carolina (TASC):

<http://www.go-tasc.org/>

Utah Urban and Rural Specialized Transportation Association

(URSTA): <http://www.ursta.org/>

Washington State Transit Association (WSTA):

<http://www.watransit.com/>

Wisconsin Urban & Rural Transit Association (WURTA):

<http://wisconsintransit.com/wurta/>

Wyoming Public Transit Association (WYTRANS):

<http://www.wytrans.org/>

COMMUNITY TRANSPORTATION ASSOCIATION OF AMERICA (CTAA) TRIBAL PASSENGER TRANSPORTATION TECHNICAL ASSISTANCE PROGRAM

The program is designed to help “Native American tribes enhance economic growth and development by improving transportation services. Technical assistance is limited to planning and may support transit service improvements and expansion, system start-up, facility development, development of marketing plans and materials, transportation coordination, training and other public transit problem solving activities.” The CTAA website also has a “Short Term Technical Assistance Application for Tribal Passenger Transportation Technical Assistance Program” for which tribes can apply. Many tribes have made use of this free resource.

<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=49>

NATIONAL RURAL TRANSIT ASSISTANCE PROGRAM

The National Rural Transit Assistance Program (RTAP) is a program of the Federal Transit Administration (FTA) dedicated to creating rural and tribal transit solutions through technical assistance, partner collaboration, peer-to-peer assistance, technology tools, FREE training materials, and other transit-industry products. Tribes are encouraged to access all of the free National RTAP best practices, reports, training videos, workbooks, surveys, and direct one-on-one technical assistance through the resource center, www.nationalrtap.org or toll-free, (888) 589-6821.

TRANSIT COOPERATIVE RESEARCH PROGRAM (TCRP) REPORTS

The Transit Cooperative Research Program is a program of the Transportation Research Board (TRB) of the National Academies. TCRP carries out research that is useful for public transportation systems. TCRP is funded through the Federal Transit Administration. It is governed by an independent board—the TCRP Oversight and Project Selection (TOPS) Committee. The TOPS Committee sets priorities to decide what research studies will be undertaken. A number of TCRP publications have been referenced in this Guidebook. All publications may be found online at:

<http://www.tcrponline.org/>

UNIVERSITY TRANSPORTATION CENTERS

The federal government funds research centers at various universities throughout the country. Two centers focus on transportation issues in rural areas.

Small Urban and Rural Transit Center (SURTC)
University of North Dakota
Fargo, North Dakota
www.surtc.org

Western Transportation Institute (WTI)
Montana State University
Bozeman, Montana
www.wti.montana.edu

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Appendix D: Phase 1 Questionnaire

Tribal Transit Program Survey TCRP Project H-38

Please fill in the green highlighted cells

Agency Information

Tribe or Village:
 Contact Person:
 Title/Department:
 Address:
 City:
 State:
 Zipcode:
 Phone:
 Name of Transit Program (if any):

1. Do you provide transit service? Transit service is defined as service that is generally open to anyone who wants to use the service and is not restricted to specific programs or clients (please specify whether your tribal transit program provides transportation, contracts out transportation services or pays for transportation such as giving cash to clients for gas, referral, etc.) Check all that apply.

Yes (provide transportation)
 Yes (contract out transportation services) specify provider ----->
 Yes (pay for transportation). Specify ----->
 No

2. Does your tribe have other transportation programs such as Head Start, Community Health Representatives, Elders Program, Indian Health Services, taxis, volunteer drivers? If so, please identify each of the programs that are providing some type of transportation service:

If you do not have a transit program, please skip to Question 13.

Transit Service

3. What is the type of transit service provided? (check all that apply)

Demand Response: Routes and schedules vary according to service requests
 Route or point deviation: Part fixed route that can vary or deviate according to service requests
 Fixed Route: Routes, stops and schedules do not vary.
 Other (please describe):

4. How many days per week and hours per day you provide transit service?

Days:

Weekdays (5 days a week)
 Weekdays and Saturday (6 days a week)
 Every day (7 days a week)
 Other _____ days a week

Hours of Operation:

Weekday hours of operation: _____ to _____
 Saturday hours of operation: _____ to _____
 Sunday hours of operation: _____ to _____

5. How many annual one-way passenger trips are provided by your transit program?

6. Are there any eligibility limitations for your transit service?

Transit service is open to anyone
 Only tribal members are eligible
 Only Native American are eligible
 Other restrictions:

7. What geographic areas do you serve (i.e. reservation, city, county, etc)? Please send a brochure or map with your approximate service boundaries.

8. Please send any written schedules, brochures, or other information you have or provide to the public. Information should be send to:

LSC Transportation Consultants, Inc.
TCRP H-38
516 North Tejon Street.
Colorado Springs, CO 80903

or emailed to TCRP @LSCCS.com

9. How many vehicles are used in your transit program?

Buses

Vans

Sedans

10. Does your transportation service make connections to other tribal or non-tribal transit services? (if yes, please identify by name)

Yes, if yes, please identify by name

No

11. What is your most recent annual operating budget?

12. What has made your transit program successful?

If your program has not been successful, why not?

13. If you do not have a transit program, have attempts been made to start transit service?

Yes

No

If so, what are the reasons that transit has not been started?

FTA Tribal Transit Program

14. Have you applied for FTA Section 5311 (c) (FTA Tribal Transit Program) funding?

Yes

No

If so, in which years did you apply? ----->

If no, why not?

15. Did you receive FTA 5311 (c) funding?

Yes

No

If so, in which years? ----->

THANK YOU FOR YOUR HELP!

Appendix E: Phase 2 Questionnaire

TCRP Project H-38 Tribal Transit Program Survey

Part 2 – Detailed Interview

This will be completed as an interview by a member of the Research Team

Agency Information

(Complete and Update from initial contact information)

Tribe or Village: _____

Contact Person: _____

Title/Dept.: _____

Address: _____

Phone: _____

Email Address: _____

Name of Transit Program (if any): _____

Transit service website: _____

1. Does your tribe have any other passenger transportation programs such as Head Start, Community Health Representatives, Carpooling, Vanpools, Elders Program, or Indian Health Services? If so, please provide the following information for each of the other transportation programs (You may need to contact the program representative to get the information or provide us the information so we may contact them.):

- Name of Program
- Contact Information
- Eligibility
- Number of annual one-way passenger-trips
- Number and type of vehicles
- Annual operating cost
- Use of volunteers (If so, how many?)

2. What is the level of communication and coordination among the various transportation programs? Describe all cooperative or coordinated efforts such as a coordinating committee, shared vehicles, single dispatching, or contracted transportation.

Transit Service

3. If you have a transit program, how is it legally organized? (For example, is transit operated by tribal government, a nonprofit entity, a for-profit business, other local government, or some other entity?)

4. In addition to the transit services described in your response to our first questionnaire, is your tribe involved in providing any rideshare programs or vanpools?

5. If you have attempted to start a transit program but have not successfully implemented service yet:

What has been accomplished so far?

What has kept you from implementing this service?

What is needed to implement this service?

6. Tell us some history of the transit program.

a. When did the transit program begin?

b. What was the initial level of service, i.e. number of routes, days of service, hours of service?

c. Have there been significant changes in the service, either expansions or reductions?

For example: The transit program began in 2002 when there was a need for providing transportation to tribal seniors. The transportation program in 2005 then extended its program for all tribal members. The agency has two routes, one serving the northern portion of the reservation and the other serving the southern portion of the reservation. Please feel free to attach any additional information about the transit program – studies, annual financial or operating reports, etc.

7. What is the trend for ridership (total passenger-trips you transported in a year), annual system miles (total miles that your vehicles operated in service during the year), and annual system hours (total hours that your vehicles were in service) over the past three years for your transit program? Please list this information in the table below or provide a separate report with the information.

Appendix E: Phase 2 Questionnaire

	2006	2007	2008
Total Passenger-Trips			
Revenue service miles			
Revenue service hours			

8. Please provide the following financial information, either in the table below or in a separate report.

	2006	2007	2008	2009 (Budget)
Annual Operating Costs				
Administrative Costs				
Operating Costs				
Maintenance Costs				
Total Operating				
Annual Capital Costs				
Vehicles				
Facilities				
Other				
Total Capital				
Revenues (Identify by source)				
Total Revenue				

9. What is the route/area with the highest ridership? Please describe any reasons why ridership is highest on this route or in this area?

10. What is the route/area with the lowest ridership? Please describe any reasons why?

11. How many transit staff do you have by each function?

- Transit Manager _____
- Administrative Support _____
- Scheduling/Dispatch _____
- Drivers _____
- Mechanics _____
- Other _____

12. What are your biggest challenges in providing transit service?

13. Follow up on successes and/or failures identified in the first questionnaire. What are the details behind the successes or failures of your programs?:

14. Were any elements of your transit service implemented because of concerns related to safety?

Vehicle Fleet Inventory

15. Use this form or attach a vehicle roster if you have it.

Vehicle Make	Vehicle Model	Seating Capacity	Year	Replacement Year	Is the vehicle accessible?	Condition	Owned or Leased?	# of Units

FTA Tribal Transit Program

SAFETEA-LU established the Tribal Transit program under Section 5411(c). Under this program, recognized tribes have been able to apply for funding directly through FTA for planning, capital, and operations.

16. Have you applied for FTA Section 5311 (c) during any of the years the program has been available?

- Yes
- No

If not, please explain why you did not apply for this funding program:

Appendix E: Phase 2 Questionnaire

17. If you applied for FTA Section 5311 (c) funding and did not receive funding, do you know reasons why you did not receive funding?
18. If you applied for funding and only received part of your request please describe how you dealt with the reduction:
19. Were there any difficulties or barriers experienced with applying for 5311 (c) funding?
20. If you applied for FTA Section 5311 (c) funding and received funding. Has the funding been used?
- Yes No
- If the funding has been used, what has been accomplished with the funding?
- If the funding has not been used, why not?

State Transit Programs

Tribal transit programs are eligible to apply for FTA funding programs which are administered by the State Departments of Transportation.

The Section 5311 program funds rural transit programs including operations and capital. Tribes within urban areas may not apply for Section 5311 funds, but all tribes outside of urbanized areas are eligible to receive funding through this program. Receipt of Tribal Transit program funds (Section 5311 c) funding does not preclude a tribe from obtaining funds through the 5311 program administered by the State.

Section 5310 provides funding to purchase vehicles primarily to serve the elderly and persons with disabilities. Some states permit these funds to be used for the purchase of transportation services rather than being limited to vehicle purchases. Tribes are eligible to apply for funding through this program.

The other two FTA funding programs open to tribes are the Job Access and Reverse Commute (Section 5316) and New Freedom (Section 5317) programs.

21. Have you applied for FTA Section 5311 funding through your state?

Yes No

If no, why not?

If so, have you received funding?

Yes No

22. Have you applied for FTA Section 5310 funding through your state?

Yes No

If no, why not?

If so, have you received funding?

Yes No

23. Have you applied for JARC FTA Section 5316 funding through your state?

Yes No

If no, why not?

If so, have you received funding?

Yes No

24. Have you applied for New Freedom FTA Section 5317 funding through your state?

Yes No

If no, why not?

If so, have you received funding?

Yes No

Apart from the federally-funded programs described earlier, some states have state funded transit grant programs.

25. Does your state provide state funding for transit?

Yes No Don't know

Appendix E: Phase 2 Questionnaire

If your state provides funding, have you applied for any state transit funding?

Yes No

If no, why not?

If so, have you received state funding?

Yes No

26. Does your tribe have a good working relationship with your state transit program? Please briefly describe the relationship?

As sovereign nations, tribes may elect to be direct recipients from FTA of the FTA programs administered by the State Departments of Transportation. This is an option. Tribes may receive the funds through their individual states rather than as direct recipients from FTA.

27. Have you elected to become a direct recipient from the FTA for any of these funding programs administered by the states?

Yes No

If so, why?

28. Would you be willing to participate in an on-site visit by a member of the research team to gain a better understanding of your passenger transportation services program and to possibly serve as a case study for other tribes?

Yes No

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