

DEPARTMENT OF TRANSPORTATION

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March 20, 2015

Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Docket Number BIA 2014-0005
Federal Register Number: 1076-AF19
Tribal Transportation Program

To Whom It May Concern:

California is fortunate to have 110 federally recognized Native American tribes within its borders. They enrich our culture, communities, and economy. The California Department of Transportation (Caltrans) has an important partnership with the tribes in building and maintaining a safe, sustainable, and efficient transportation system for all of our residents. As such, Caltrans offers the following comments to the proposed changes to the Tribal Transportation Program as it affects our interaction with our tribal partners.

Caltrans believes the Tribal Transportation Program coordinating committee's participation in the policy process is essential and underscores the need for consideration of its comments. Caltrans supports the work of the committee as it works with the Bureau of Indian Affairs (BIA) and the Federal Highway Administration on the development of regulations, policies, and procedures. As projects within the Tribal Transportation Program move forward, the importance of communication, coordination, and consultation between BIA, Caltrans, and the tribes cannot be overemphasized.

Caltrans notes the location of the eligible activities list in the appendix is somewhat confusing and suggests BIA consider incorporating the list within Section 170.111. Caltrans also notes the appendix is unclear regarding two provisions relating to the use of funds outlined in 23 USC §202(a)(1)(A) and (C):

- (A)(viii) – “other appropriate public road facilities as determined by the secretary. . .”
- (C) – “any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.”

*“Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability”*

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These provisions of federal statute provide needed funding flexibility for tribes, and Caltrans urges that they be more clearly included in the regulation.

Both federal and state governments are currently struggling to identify funding for both a backlog of needed maintenance and new investments in transportation infrastructure. Caltrans notes that tribes face these same funding needs for their communities.

Caltrans will be working with the tribes as the State implements performance measures required under the Moving Ahead for Progress in the 21st Century Act (MAP-21). This is a large effort expected to require substantial amounts of data. The tribes will need both technical and financial assistance in collecting data and building systems, and Caltrans encourages BIA to support the tribes in these efforts. Accurate and complete data will help the tribes to clearly identify their transportation priorities, as well as help them leverage other available federal and state transportation funds.

Caltrans appreciates the opportunity to comment on the proposed changes to the Tribal Transportation Program, and again emphasizes the importance of frequent communication and formal consultation between BIA, Caltrans, and the tribes.

Sincerely,



MALCOLM DOUGHERTY
Director