

Government-to-Government 2020 Activity Report

Oregon Department of Transportation

Introduction

In accordance with Oregon Revised Statute 182.166, the Oregon Department of Transportation (ODOT) submits this report to Governor Kate Brown and the Legislative Commission on Indian Services. This report identifies the ODOT divisions, regions, and individuals responsible for developing and implementing programs that affect the nine federally recognized tribal governments in Oregon. The information in this report was provided by each of the ODOT divisions and regions and was compiled by the ODOT Director's Office.

In accordance with Oregon Revised Statute 182.164, ODOT adopted an official policy statement guiding the department's interactions with tribal governments. ODOT Policy INT 13 was most recently revised on July 31, 2019. This policy states:

It is the policy of the Department, pursuant to ORS 182.162 et. seq., to promote and enhance government-to-government relations between the Department and the federally recognized American Indian Tribes in Oregon through programs that include tribes in the development and implementation of transportation projects and other activities which may affect tribal lands, resources, or interests.

ODOT's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. To accomplish this mission, ODOT operates under the direction of agency Director Kristopher Strickler. Many parts of the agency have extensive tribal interactions and involvement, which will be discussed individually in the proceeding report.

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Director's Office

About

Kristopher Strickler was confirmed by the Oregon State Senate as ODOT's Director in late 2019. Director Strickler and his staff oversee the management of the department from the headquarters office on the Oregon State Capitol Mall in Salem. In late 2019 and through 2020, Director Strickler, with the approval of the Oregon Transportation Commission, implemented a reorganization of ODOT's leadership structure. The reorganization does not alter the agency's mission; rather it is intended to enhance that mission. Director Strickler has hired four assistant directors to better prepare ODOT for the future, to continue ODOT's evolution into a multimodal agency, to have a greater agency-wide focus on social equity, to be better prepared to respond to financial challenges, and to carry on the mission of the agency despite waves of

retirement. The following assistant directors are responsible for carrying out this new management structure:

- Cooper Brown, Assistant Director for Operations
- Travis Brouwer, Assistant Director for Revenue, Finance and Compliance
- Lindsay Baker, Assistant Director for External and Government Relations
- Nikotris Perkins, Assistant Director for Social Equity

2020 Wildfire Response and Debris Management

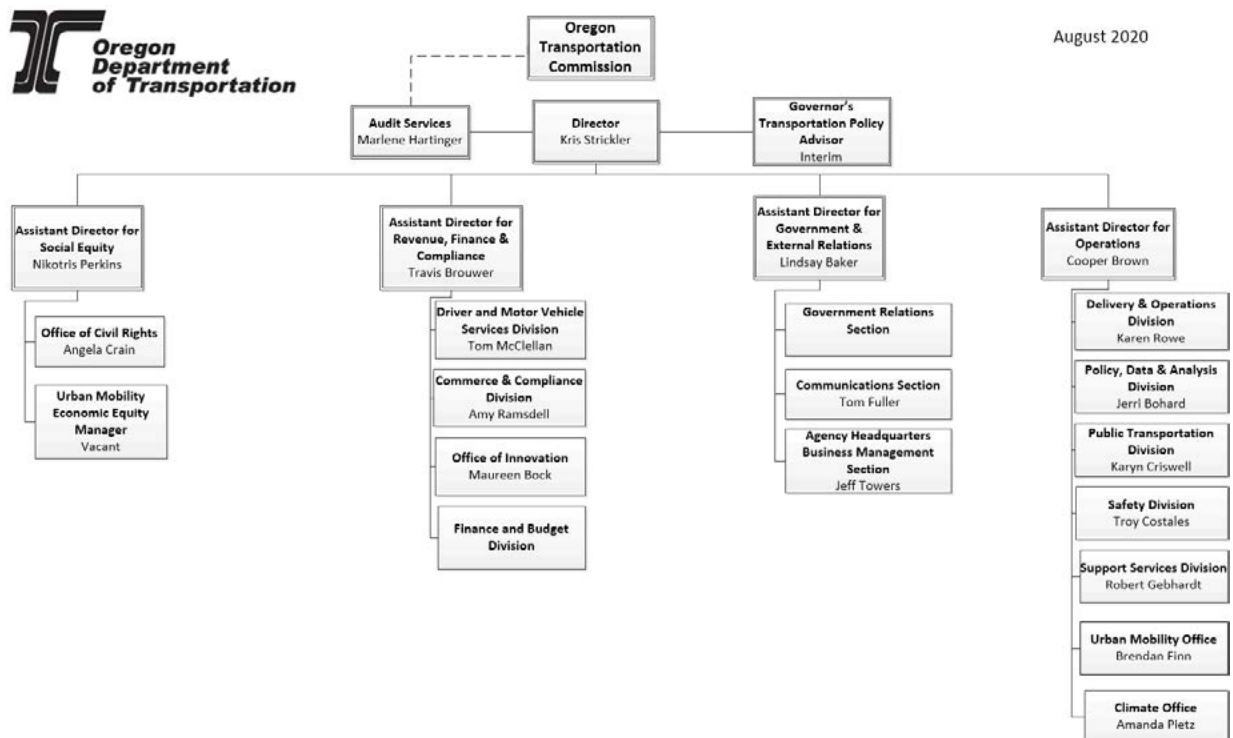
ODOT is partnering with the Federal Emergency Management Agency, Department of Environmental Quality, and the Oregon Office of Emergency Management to lead the State Debris Removal Task Force. The Task Force is charged with the post-wildfire removal of

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hazard trees along affected state highways and some county roads, as well as household debris removal from private residences and state and county facilities burned in the historic 2020 wildfires. ODOT's current estimate is that approximately 300,000 hazard trees will be removed in this post-fire cleanup period (in addition to the trees removed for immediate emergency response) and over 3,400 property owners have enrolled in the private residence cleanup program. Protection of cultural resources is a key element of this work and ODOT has consultant teams that will be providing field monitoring services and coordinating avoidance of known sites and any inadvertent discoveries that occur. ODOT and consultant teams will also be coordinating and monitoring to avoid and minimize effects to fisheries and wildlife habitat, streams and wetlands and other natural resources.

Tribal consultation and logistical coordination for the fire recovery work has been led by ODOT and FEMA. Close coordination with Oregon's tribes is critical to the success of the fire recovery efforts.

Government Relations

ODOT's tribal liaison function is housed in the agency's Government Relations Section and is administered by Trevor Sleeman (see contact info above). The tribal liaison serves as the central point of contact at ODOT for tribal governments seeking to access ODOT's programs, services, and personnel. ODOT's tribal liaison works centrally to promote communication and positive government-to-government relationships with each of Oregon's tribes. The tribal liaison also works internally with ODOT staff statewide to ensure tribal governments are appropriately involved in the agency's business. While ODOT's regional staff frequently engage with tribes on local operational issues like winter maintenance or vegetation management, the tribal liaison interacts with tribal governments

on broader policy matters. This can involve a number of issues ranging from tribal employment rights to broader statewide policy initiatives. In addition, the tribal liaison also participates in meetings of the Legislative Commission on Indian Services clusters on cultural resources and natural resources, and is now the lead delegate to the Cluster on Economic Development and Community Services. The tribal liaison disseminates to tribes information regarding state and federal grant programs and provides regular updates to agency management regarding issues of interest to tribal governments. The tribal liaison also works to assist ODOT staff members in accessing effective government-to-government trainings and other key information.

ODOT-Tribal Summit

ODOT's Tribal Liaison worked extensively in 2020 with ODOT's Cultural Resources program on the planning and development of an ODOT-Tribal Summit on Cultural and Natural Resources. Several tribes were included in the planning and development of this proposed summit as well. This summit would have occurred on May 20th and would have included over 100 attendees from ODOT and from tribal governments. This summit would have included frank and constructive conversations about ODOT's programs, policies, and interactions with tribes. Unfortunately, ODOT postponed this event indefinitely due to the COVID-19 pandemic.

Third Party Utility Permitting

ODOT has been working with tribes, partner agencies, and the Cultural Resources Cluster for over a year to reform the permitting process for third party utility companies wishing to locate in ODOT right of way. ODOT's Tribal Liaison provided support to ODOT leadership, maintenance, and cultural resources groups as a solution was developed and presented to the cluster. This new process is on track to begin operating in 2021.

Specific government relations interactions with tribal governments in 2020:

- **January 28:** Tribal Liaison attended Affiliated Tribes of Northwest Indians Transportation Policy Committee meeting in Portland
- **February 3:** Tribal Liaison attended Cultural Resources Cluster meeting at Oregon State University
- **April 24:** Tribal Liaison participated in a coordination meeting with the Klamath Tribes and federal agencies related to large telecommunications project
- **September 25:** Tribal Liaison participated in the Economic Development and Community Services Cluster meeting
- **October 23:** Tribal Liaison participated in the Economic Development and Community Services Cluster meeting
- **December 1-2:** Tribal Liaison participated in the Legislative Commission on Indian Services annual State-Tribal Summit

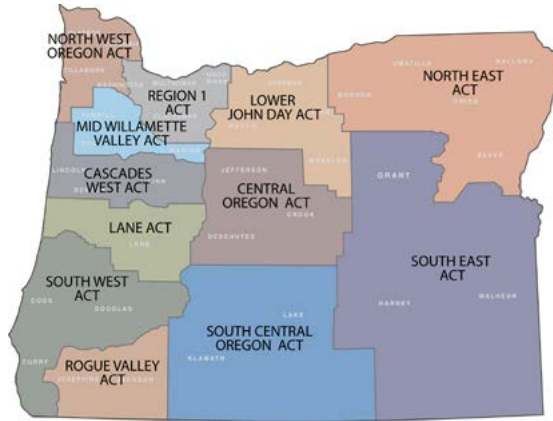
Oregon Transportation Commission

The Oregon Transportation Commission, ODOT’s governor-appointed oversight body, is supported by staff in ODOT’s Director’s Office. The Oregon Transportation Commission establishes state transportation policy. The commission also guides the planning, development and management of a statewide integrated transportation network, and, among other things, hiring the ODOT Director. The commission works to rotate its monthly public business meetings to all parts of the state, including holding meetings on tribal lands.

Area Commissions on Transportation

In 1996, the Oregon Transportation Commission authorized the creation of regionally based transportation advisory commissions known as Area Commissions on Transportation to expand opportunities for local citizen involvement in ODOT’s

AREA COMMISSIONS ON TRANSPORTATION



decision-making. Tribal leaders are important participants on area commissions across the state. Area commissions address transportation issues broadly with primary focus on the state transportation system. Area commissions consider regional and local transportation issues that affect the state system, and they work with other local organizations dealing with transportation-related issues.

Area commissions play a key role in developing the Statewide Transportation Improvement Program, ODOT’s four-year transportation capital improvement plan. Through an in-depth public process, and following adopted project eligibility criteria, area commissions meet regularly to prioritize transportation problems and solutions and to recommend projects in their area for inclusion in the Statewide Transportation Improvement Program.

All areas of the state are represented by area commissions. All nine federally recognized tribes are voting members on at least one area commission.

Current listing of area commissions:

- Northwest Oregon Area Commission on Transportation
 - » No current tribal representation
- Mid-Willamette Valley Area Commission on Transportation:
 - » Confederated Tribes of Grand Ronde
- Cascades West Area Commission on Transportation:
 - » Confederated Tribes of Siletz Indians

- Southwest Oregon Area Commission on Transportation
 - » Coquille Indian Tribe
 - » Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
 - » Cow Creek Band of Umpqua Tribe of Indians
- Rogue Valley Area Commission on Transportation
 - » No current tribal representation
- Lower John Day Area Commission on Transportation
 - » Confederated Tribes of Warm Springs
- Central Oregon Area Commission on Transportation
 - » Confederated Tribes of Warm Springs
- South Central Oregon Area Commission on Transportation
 - » The Klamath Tribes
- North East Area Commission on Transportation
 - » Confederated Tribes of the Umatilla Indian Reservation
- Southeast Area Commission on Transportation
 - » Burns Paiute Tribe
- Lane Area Commission on Transportation
 - » Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
- Region 1 Area Commission on Transportation
 - » No current tribal representation

Office of Civil Rights

About

The Office of Civil Rights manages ODOT’s implementation of federal and state programs that provide equal access to services and economic opportunities for all. All ODOT regions are required by the Federal Highway Administration to house an Office of Civil Rights Field Coordinator who works at the regional level to carry forward the Office of Civil Rights’ mission, values, and program information.

The Office of Civil Rights has several programs that affect the nine federally-recognized tribes, and individual tribe members in Oregon. These programs include:

- Tribal Employment Rights Ordinance Memorandum of Understanding agreements
- Workforce Development, Equal Employment Opportunity, On-The-Job Training Programs

- Disadvantaged Business Enterprises Program
- Emerging Small Business Program
- Small Contracting Program
- Title VI Program

Interactions with Tribes

Tribal Employment Rights

The most typical area of tribal interaction is through the implementation of the current memoranda of understanding ODOT has with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde and the Confederated Tribes of Warm Springs to implement the “Indian hiring preference” provision in federal law.

The United States Code, Title 23, Section 140 (“Indian Employment and Construction”) established preferential employment of Indians living on or near a reservation on federally funded construction projects and contracts on Indian

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reservation roads. This section of US Code also states that, “States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.”

ODOT’s Office of Civil Rights is identified as the State Liaison for the Tribal Employment Rights Office Memorandum of Understanding agreements with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Warm Springs. These signed agreements ensure that the Tribal Employment Rights Ordinance and the “Indian hiring preference” provisions of United States Code are followed for all federally funded construction projects either on or near the reservation. For each construction project subject to the agreement, hiring goals and compliance fees are coordinated between the tribal employment rights offices and ODOT regional offices. Construction projects that are subject to Indian hiring preference provisions allow tribes the ability to set hiring goals for a tribal workforce as well as to collect fees for working within their recognized boundaries.

Workforce Development Program

ODOT and the Oregon Bureau of Labor and Industries are committed to assisting construction contractors in the highway construction trades. ODOT’s goal in creating the Workforce Development program is to find, train, and employ a diverse, skilled workforce that is prepared to meet upcoming construction demands. This program is designed to expand diversity in employment, increase apprenticeship participation, and increase training resources and opportunities for highway construction jobs throughout Oregon. This program provides pre-apprenticeship classes to help diverse applicants develop the skills and knowledge they need to become qualified apprentices.

The Workforce Development Program, Equal Employment Opportunity, and On-the-Job Training programs directly

impact individual tribal members as tribal apprentices are utilized through On-the-Job Training opportunities on ODOT projects. This program also offers supportive services to diverse apprentices. Supportive services include: Transportation-Travel assistance, Lodging/Per-Diem (meals-incidentals), Child Care Support, Tools and Job Related Supplies and Retention Services. The purpose of these supportive services is to keep apprentices in their programs so they will finish their programs and journey out.

Equal Employment Opportunity

This program is a federally required affirmative action program that must be implemented by contractors and subcontractors with contracts and subcontracts of \$10,000 and more on all federally funded construction projects. Under this program, all affected contractors are required to provide equal employment opportunities to presumed socially and economically disadvantaged groups. The program sets targets for minority and female participation, which are expressed in terms of the contractor’s aggregate workforce in each trade on all construction work in a covered area.

Disadvantaged Business Enterprise Program

A Disadvantaged Business Enterprise firm includes small businesses that are at least 51% owned by: women, minorities (Native Americans, African Americans, Hispanic Americans, Asian-Pacific Americans and Subcontinent Asian Americans). Firms are required to be a certified Disadvantaged Business Enterprise to participate in the Disadvantaged Business Enterprise Program. The U.S. Department of Transportation establishes criteria for certification that applies to Disadvantaged Business Enterprise-eligible firms seeking contracts funded with federal transportation related money. ODOT’s Regional Field Coordinators provide outreach to known Native American owned business to provide information on how to seek certification.

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Emerging Small Business Program

The mission of the Emerging Small Business Program is to create new and innovative contracting opportunities for Oregon’s small business community. The program also strives to assist emerging small businesses in overcoming barriers to participating in the state’s extensive public contracting procurement programs. Regional Field Coordinators provide outreach to known Native American-owned businesses to provide information on how to seek certification.

Title VI Program

Title VI of the Civil Rights Act of 1964 and associated federal laws prohibit discrimination on the basis of race, color, national origin, sex, age, and disability in ODOT’s programs, activities and services. ODOT’s Title VI program ensures that public funds are not spent in a way that encourage, subsidize, or result in discrimination, including by subrecipients of federal funds distributed through ODOT. The Office of Civil Rights Intermodal Manager has regular contact with seven of the nine federally recognized tribes to assist with the development and collection of transit related Title VI plans and semi-annual Disadvantaged Business Enterprise usage reports.

Specific Interactions in 2020

- **January to December 2020:** ODOT Region 3 Field Coordinator regularly reported to the Cow Creek Band of Umpqua Tribe of Indians CEO the progress of the Southern Oregon Trade Careers Expo scheduled for September 28, 2021. CEO designated CCBUTI Workforce Development Manager/ Tribal Youth Council, Lead Advisor to participate as SOTCE 2021 committee member.
 - » **January 24:** The Cow Creek Band of Umpqua Tribe of Indians sponsored \$2,900 for the use of the Seven Feathers Convention Center and Resort for

the Southern Oregon Trade Careers Expo to be held on September 28, 2021 in Canyonville.

- **January to December 2020:** Region 3 Field Coordinator continued to share workforce events/opportunities/information with The Cow Creek Band of Umpqua Tribe of Indians Workforce Development Manager/Tribal Youth Council, Lead Advisor, with Coquille Tribe Higher Education Coordinator, Culture Education & Learning Services manager and The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.
- **January 8:** Stephanie Watkins Interim CEO of The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians expressed interest in the Southern Oregon Trade Careers Expo. Region 3 Field coordinator shared report added CTCLUSI CEO to workforce and business distribution(s).
- **January 16:** Office of Civil Rights attended the Confederated Tribes of Grand Ronde 1st Quarter Contractor’s Certification Training.
- **February 5:** Region 5 Management, Civil Rights Field Coordinator and Office of Civil Rights Manager met with the Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office in Mission for the 2020 annual review and selection of upcoming 2020 construction projects.
- **February 5:** Region 5 Field Coordinator and other Office of Civil Rights staff attended the Confederated Tribes of the Umatilla Indian Reservation Tribal Employment Rights Office Contractor Certification Training in Mission.
- **February 12:** Office of Civil Rights and Region 4 staff met with the Confederated Tribes of Warm Springs in Bend for 2020 project selection.
- **February 19:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed current project

- selection, work scopes, the status of contract reviews and compliance.
- **February 20:** Region 1 and Region 2 Field Coordinators met with the Confederated Tribes of Grand Ronde to meet the new TERO director and discuss workforce and training opportunities. Also discussed planning for a Summer Youth Employment Camp to be held after the COVID-19 pandemic.
 - **February 24:** Region 1 Field Coordinator discussed training program opportunities around workforce with the Confederated Tribes of Warm Springs.
 - **February 26:** Region 4 Field Coordinator attended the Confederated Tribes of Warm Springs quarterly Tribal Employment Rights Office certification training held in Warm Springs.
 - **March 4:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
 - **March 9:** Region 3 Field Coordinator shared transportation summer camps for students entering grades 9-12 with Coquille Tribe Higher Education Coordinator, Culture Education & Learning Services manager and The Cow Creek Band of Umpqua Tribe of Indians Workforce Development Manager/ Tribal Youth Council, Lead Advisor.
 - **March 10:** Confederated Tribes of the Grand Ronde TERO staff met with Office of Civil Rights Region 2 Field Coordinator, Office of Civil Rights Manager, and other ODOT staff for annual tribal employment rights project review meeting.
 - **March 10:** Region 2 Field Coordinator co-presented with the Confederated Tribes of Grand Ronde and Confederated Tribes of Warm Springs, training on Tribal Employments Rights in Salem at the annual Construction Project Civil Rights and Labor Compliance training offered to ODOT project delivery personnel, local agency staff, and prime/sub-contractors.
 - **March 25:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed current project selection, work scopes, the status of contract reviews and compliance.
 - **March 27:** Region 1 Field Coordinator, the prime contractor Tapani and the Confederated Tribes of Grand Ronde discussed the TERO workforce on the Powell project.
 - **April 22:** Office of Civil Rights, the prime contractor Tapani and the Confederated Tribes of Grand Ronde showcased the TERO workforce ODOT projects.
 - **April 22:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, STIP annual review and selection of upcoming 2020 construction projects (Teleconference).
 - **May 4:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed project goals and opportunities for workforce with the contractors.
 - **May 6:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
 - **May 18:** Office of Civil Rights and the Confederated Tribes of Warm Springs discussed some challenges that the tribes are facing with the workforce and hiring goals.
 - **May 26:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs attended a preconstruction conference to discuss the partnership of TERO and ODOT.

- **May 29:** Office of Civil Rights, flagging contractor and the Confederated Tribes of Warm Springs discussed the flagging training and hiring opportunities for a local flagging firm.
- **June 1:** Office of Civil Rights and ODOT Region 1 Area Manager discussed the TERO program, collaboration of our partnerships and selection of projects for ODOT Region 1/Portland Metro Area.
- **June 4:** Office of Civil Rights attended the Confederated Tribes of Grand Ronde 2nd Quarter Contractor's Certification Training.
- **June 8:** Office of Civil Rights participated with the Confederated Tribes of Warm Springs regarding project specific goals, workforce and compliance.
- **June 10:** Office of Civil Rights, ODOT staff, Carter and Company and the Confederated Tribes of Warm Springs discussed specific goals and workforce training opportunities.
- **June 24:** Office of Civil Rights and the Confederated Tribes of Warm Springs participated in discussions around the MOU and TERO reports.
- **July 1:** Confederated Tribes of the Grand Ronde TERO staff met with ODOT Office of Civil Rights staff, and the Certification Office for Business Inclusion and Diversity (COBID) staff for an introduction meeting & review of the COBID certification process and how Indian Owned Businesses could benefit from certification.
- **July 28:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs participated in the process of Compliance Agreements and the review of subcontractor's workforce.
- **July 28:** Region 3 Field Coordinator attended virtual meeting with The Cow Creek Band of Umpqua Tribe of Indians TCC Manager, Workforce Development Manager/Tribal Youth Council, Lead Advisor regarding workforce development/student support.
- **August 5:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **August 26:** Office of Civil Rights Manager participated in a quarterly Tribal Employment Rights Office certification training held online by the Confederated Tribes of Warm Springs.
- **September 3:** Office of Civil Rights attended the Confederated Tribes of the Grand Ronde 3rd Quarter Contractor's Certification Training.
- **October & November 2020 (ongoing):** ODOT Wildfire Recovery Diversity Coordinator shares opportunities and updates regarding Fire Clean-Up & Fire Recovery Opportunities with Tribes and Tribal Owned Businesses.
- **October 1:** Region 3 Field Coordinator shared AGC-Build Oregon's Careers in Construction Month events/flyers/links with The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, The Cow Creek Band of Umpqua Tribe of Indians and Coquille Tribe.
- **October 6:** Region 3 Field Coordinator shared Fire Clean-Up & Fire Recovery Opportunities with The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, The Cow Creek Band of Umpqua Tribe of Indians, Coquille Tribe and Coquille Economic Development Corporation. Resulted in tribal businesses contacting Field Coordinator for more information/support.
- **November 5:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **November 6:** Region 3 Field Coordinator shared business information with The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Planning/

Business Manager who shared with his tribal businesses.

- **November 18:** Office of Civil Rights Manager and Region 4 Field Coordinator participated in a quarterly Tribal Employment Rights Office certification training held online by the Confederated Tribes of Warm Springs.
- **November 19:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed workforce training, partnerships and union agreement updates in addition to recent TERO certified firms.
- **Throughout 2020:** Region 1 & 2 Field Coordinators provided tribal employment rights overview of all federally recognized tribes at the ODOT General Inspector Certification Trainings (Multiple Dates).

- **2020 (Ongoing):** Office of Civil Rights provide tribal partners with monthly tribal employment rights project employment status reports.
- **2020 (Ongoing):** Region 1 Field Coordinator attends the bi-monthly networking meetings of the Oregon Native American Chamber (ONAC). This event provides a unique opportunity to meet, network, and build relationships with business and community leaders (Native and non-native) from across Oregon and SW Washington.
- **2020 (Ongoing):** OCR Field Coordinators attend pre-construction conferences with tribal partners to provide a process review for projects including tribal employment rights goals.

Fuels Tax Group

About

ODOT’s Fuels Tax Group administers the Fuels Tax Laws pursuant to Oregon Revised Statutes Chapter 319. The Fuels Tax Group is part of the Financial Services Branch of ODOT’s Finance and Budget Division.

The Fuels Tax Group administers the fuel tax refund program that, for fuel sold on the reservation, allows tribes to obtain refunds of fuel taxes paid by tribal members for fuel used on reservation lands. Under that program, the Fuels Tax Group administers the following intergovernmental agreements:

- **Confederated Tribes of the Umatilla Indian Reservation:** The tribes, and their fuel suppliers, collect state taxes on fuel sold at the Arrowhead Travel Plaza and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group refunds a portion of the taxes collected

to the tribe for tribal use. This agreement is operating successfully.

- **Confederated Tribes of Warm Springs:** The tribes, their fuel suppliers, and the operators of 3 Warriors Market, DMJ Automotive Services, and the Plateau Travel Plaza collect state taxes on fuel sold on the reservation and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group then refunds a portion of the taxes collected to the tribes for tribal use. This agreement is operating successfully.
- **The Klamath Tribes:** The tribes, and their fuel suppliers, collect state taxes on fuel sold at the Crater Lake Junction Travel Center and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group refunds a portion of the taxes collected to the tribes for tribal use. This agreement is operating successfully.

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Additionally, all federally recognized tribes are eligible to receive refunds of fuels tax paid for fuel used in tribal government vehicles when used for official business. Currently only the Confederated Tribes of the Umatilla Indian Reservation and

the Confederated Tribes of Warm Springs, and the Klamath Tribes apply for refunds. The Fuels Tax Group will continue its outreach to inform tribes of the opportunities regarding fuels tax refunds.

Driver and Motor Vehicle Services Division (DMV)

About

ODOT's Driver and Motor Vehicle Services Division (DMV) issues driving privileges, identification cards, vehicle registrations, and vehicle titles to members of the nine federally recognized tribes in Oregon. Tribal members can access these services by visiting any of the 60 DMV field offices across Oregon, going online through [DMV2U.oregon.gov](https://dmv2u.oregon.gov), and via mail at DMV Headquarters.

Tribal identification cards and tribal government-issued birth certificates from members of all nine federally recognized tribes are accepted as proof of identity when applying for a standard Oregon driver license, driver permit, or identification card.

Government-exempt vehicle registrations and license plates are issued to all nine federally recognized tribes when tribal governments apply to register any government-owned vehicles. In addition, the department continues to title and register motor vehicles owned by tribal members which are operated outside of reservation boundaries.

Interactions with Tribes

DMV makes contact with all tribal governments when implementing new or amended state and/or federal laws, administrative rules or DMV policies. Information is distributed via newsletters, bulletins, fact sheets and frequently asked questions to each tribal government. This

communication is distributed throughout the implementation process. DMV requests feedback from tribal communities to understand how a given change will affect their communities.

On July 6, 2020, Oregon began offering optional driver licenses and identification cards that are compliant with the federal REAL ID Act. Holders of REAL ID credentials will be allowed to board domestic commercial flights after October 1, 2021, without additional documentation. To obtain a REAL ID credential, federal regulations require applicants to provide proof of lawful status. Acceptable proofs for U.S. citizens include a government-issued birth certificate, a valid passport, a Certificate of Citizenship, or a Certificate of Naturalization. Federal REAL ID regulations do not include tribal cards as acceptable proof. However, the Transportation Security Administration (TSA) will continue to accept federally recognized tribal-issued photo ID to board domestic commercial aircraft. Tribal identification cards remain acceptable as proofs of identity and legal presence for standard Oregon driver licenses and identification cards.

Oregon is required to undertake a public information program to educate the public about REAL ID cards, requirements and alternatives. The Real ID Communication Plan identifies tribal governments as one of the focuses of the outreach effort. Relevant information was provided directly to tribal

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government contacts during the REAL ID implementation process. Additional information will be provided to tribal governments in the months leading up to the federal Real ID enforcement date of October 1, 2021.

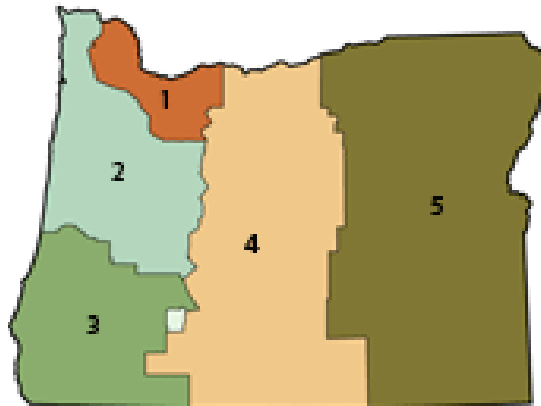
False document recognition training is delivered to tribal government employees upon request. This type of training is most frequently used to help gaming employees detect altered or counterfeit identity documents.

DMV provides photographs, vehicle registered owner information and other records directly to tribal law enforcement agencies. These records are used to aid with ongoing tribal law enforcement investigations.

When contacted by tribal representatives, DMV will provide training to volunteers and attend outreach events to provide information to attendees. DMV remains committed to reaching out to all tribal communities for participation on committees as appropriate.

Delivery and Operations Division

ODOT’s Delivery and Operations Division (formerly the Highway Division) is responsible for the maintenance, operations, preservation, and improvement of the state’s multimodal transportation system. The Delivery and Operations Division is responsible for delivering major construction programs like the large transportation investment package passed by the Oregon State Legislature in 2017 ([Keep Oregon Moving](#)) as well as federally funded projects included in the Statewide Transportation Improvement Program – ODOT’s four year capital improvement program. The Delivery and Operations Division maintains nearly 2,700 bridges and more than 8,000 centerline miles of state highway. Typical maintenance work includes emergency road repairs, snow removal, vegetation management, patching potholes, and incident response. Several state highways provide access to, or run directly through, tribal lands. The Delivery and Operations Division’s maintenance forces and construction staff frequently interact with tribal governments in this capacity.



TRANSPORTATION REGIONS

Regions

Much of the Delivery and Operations Division’s work is accomplished through ODOT’s five geographic regions. Each region is responsible for the construction, maintenance, and operations of the state highway system within its boundaries. ODOT’s regions serve as the primary liaisons to local governments and other regional stakeholders, including the Area Commissions on Transportation. ODOT staff members from regional offices participate in local government transportation planning and oversee the delivery of federally funded local projects.

Each region conducts project development and construction activities. Within the regions, these construction activities are divided geographically by area.

The area offices typically take the lead in developing environmental documents to address the National Environmental Policy Act in advance of preliminary and final design work. Coordination with tribal governments takes place whenever tribal resources may be impacted.

Once regulatory approvals have been granted, region staff goes through a process of preliminary and final design for ODOT projects with their areas. Region staff coordinates with tribal governments, as appropriate, based on possible impacts identified during the environmental documentation process.

After completion of preliminary and final design, Region offices manage the construction process. Tribal interests, resources, and concerns, as identified through the environmental documentation process and through preliminary and final design, are managed during the construction process.

Region staff funds and conducts a variety of long-range planning activities, in coordination with local governments, stakeholders, and the general public. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

Each region conducts maintenance activities on the state highway system. Within the regions, these maintenance activities are subdivided into districts. District offices routinely coordinate maintenance activities with tribal governments including, traffic control during events, highway closures and other emergency activities, snow removal and other winter maintenance, lane closures, construction delays, severe weather events, and other restrictions.

Region staff members have some of the most frequent face-to-face interactions with tribes because of their local focus.

Delivery and Operations Division: Region 1

About

ODOT Region 1 encompasses Clackamas, Hood River, Multnomah, and Washington counties. The Region 1 headquarters office is in Portland. Construction offices in west Portland, east Portland, and Troutdale administer construction contracts which may have tribal involvement. Offices in Clackamas and Troutdale house district maintenance functions.

Interactions with Tribes

Area Commissions on Transportation

The Region 1 Area Commission on Transportation covers Clackamas, Hood River, Multnomah, and Washington counties and does not currently have a tribal government representative as a voting member.

Fanno Creek Trail Project

ODOT and the Federal Highway Administration are coordinating with the City of Tigard to continue consultation with federally recognized tribes with connections to the Fanno Creek Trail project area. The purpose of the proposed project is to fill in key gaps in the Fanno Creek Regional Trail and provide a safe and comfortable transportation option for walkers and cyclists. The Federal Highway Administration is the lead federal agency for compliance with the National Environmental Policy Act. In 2017, the Federal Highway Administration recognized the following tribes as consulting parties under Section 106 of the National Historic Preservation Act: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and Confederated

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Tribes of Warm Springs. In 2018, a cultural plant study was conducted at the request of the Confederated Tribes of Grand Ronde which identified a culturally significant camas population within the direct impact area of the project. In 2020, the ODOT archaeologist made a site visit with representatives of the Confederated Tribes of Grand Ronde and subsequently facilitated access by Grand Ronde Tribal Members to harvest camas that would otherwise have been impacted by construction activities.

Basalt Creek Parkway: Upper Boones Ferry - Grahams Ferry Road Project

ODOT and the Federal Highway Administration are coordinating with Washington County to consult with federally recognized tribes with connections to the Basalt Creek Parkway project area. The purpose of the project is to extend the parkway to connect SW Grahams Ferry Road with SW Boones Ferry Road by constructing a new quarter mile section including a 600 foot bridge over wetlands. The Federal Highway Administration is the lead federal agency for compliance with the National Environmental Policy Act. In 2020, the Federal Highway Administration recognized the following tribes as consulting parties under Section 106 of the National Historic Preservation Act: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and Confederated Tribes of Warm Springs. The Confederated Tribes of Grand Ronde requested a cultural plant study of the project area. In spring 2020, the ODOT archaeologist made a site visit with representatives of the Confederated Tribes of Grand Ronde subsequently arranged for Grand Ronde plant experts and consultants to conduct a cultural plant study of the project area. The results of the cultural plant survey incorporating tribal ecological knowledge are detailed in a report produced for the project.

Hood River Bridge Replacement Project

ODOT and the Federal Highway Administration are coordinating with the Port of Hood River to continue consultation with federally recognized tribes with a connection to the project area. The primary purpose of this project is to improve multi-modal transportation of people and goods across the Columbia River between the Hood River and White Salmon/Bingen communities by replacing the existing Hood River-White Salmon Bridge. The Federal Highway Administration, along with the Port of Hood River and Oregon Department of Transportation, are the joint lead agencies for compliance with the National Environmental Policy Act. In April 2019, the Federal Highway Administration invited the following tribes to become Participating Agencies in the development of a supplemental draft environmental impact statement for the project: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation. These same tribes were recognized as consulting parties under Section 106 of the National Historic Preservation Act and results of the cultural resources baseline reports were shared with each of the consulting tribes. In 2020, the Confederated Tribes of Warm Springs prepared an ethnographic report of the project area for ODOT. Both the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation have reserved fishing rights along the Columbia River, as stipulated in their respective treaties with the United States Government. In 2020, the Federal Highway Administration, ODOT and the Port of Hood River met with representatives of the Bureau of Indian Affairs and the Columbia River Inter-Tribal Fish Commission to discuss treaty fishing rights in the project area and potential impacts to the treaty fishing access site in White Salmon, Washington. In addition, an onsite visit was arranged with ODOT,

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the Port of Hood River and a Columbia River Intertribal Fish Commission representative. Also in 2020, the Federal Highway Administration, ODOT and the Port of Hood River travelled to the Umatilla Indian Reservation on two separate occasions to meet with the Tribes' Fish and Wildlife Commission and Cultural Resources Committee.

Specific Interactions in 2020:

- **July 8:** ODOT staff met virtually with the Confederated Tribes of Warm Springs to discuss Region 1 projects of interest.
- **July 16:** ODOT staff met virtually with the Confederated Tribes of the Umatilla Indian Reservation and discussed Region 1 projects of interest.
- **July 28:** ODOT staff met virtually with the Confederated Tribes of the Grand Ronde Community of Oregon to discuss Region 1 construction projects

Delivery and Operations Division: Region 2

About

ODOT Region 2 encompasses Benton, Clatsop, Columbia, Lane, Linn, Marion, Polk, Tillamook, and Yamhill counties, and a portion of western Washington County. The Region 2 headquarters office is in Salem. Offices in Salem, Astoria, Corvallis, and Springfield house local maintenance, planning, project delivery, and construction functions. The government offices of the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians are within Region 2.

Area Commissions on Transportation

Region 2 includes four Area Commissions on Transportation (ACTs). The Mid-Willamette Valley ACT covers Marion, Polk, and Yamhill counties. The Confederated Tribes of Grand Ronde participate as a full voting member on this ACT. The Cascades West Area Commission on Transportation covers Linn, Benton, and Lincoln counties. The Confederated Tribes of Siletz Indians participate as a full voting member on this ACT. The Lane Area Commission on Transportation covers Lane County. The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

Indians participate as full voting members on this ACT. The Northwest Oregon Area Commission on Transportation covers Clatsop, Tillamook, Columbia, and rural western Washington counties; no tribal government is represented on this ACT.

Interactions with Tribes

Region 2 Maintenance

Highway maintenance activities in Region 2 are conducted through district offices in Salem, Astoria, Corvallis, and Springfield. Region 2's district offices routinely coordinate maintenance activities with tribal governments. Typical activities include traffic control during events, highway closures and other emergency activities, lane closures, construction delays, severe weather events, and other restrictions.

ODOT's District 4 office (Linn, Benton, and Lincoln Counties) has executed an intergovernmental agreement with the Confederated Tribes of Siletz Indians to allow tribal members to collect Camas Bulbs at two specific locations on ODOT-owned right-of-way. Tribal members collected some bulbs during summer 2020. ODOT's District 5 office (Lane County) has been working with

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the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to discuss the tribes' interest in the Waite Ranch Wetlands Restoration Project located east of Cushman on OR 126W that is solely owned by the McKenzie River Trust.

Region 2 Construction and Project Delivery
Newberg Dundee Bypass

The Newberg Dundee Bypass was opened to traffic in late 2017. This project was made possible in part because of a generous contribution of \$4 million from the Confederated Tribes of Grand Ronde. ODOT staff have initiated development of Phase 2 of the Bypass, between OR 219 (existing eastern terminus of the bypass) and OR 99W. Funding has not been identified for construction of this phase. ODOT has also initiated exploration of design options for Phase 3 of the Bypass, extending from Dundee to Dayton in the corridor established in the final environmental impact statement and land use approvals.

OR 18/Fort Hill to AR Ford Road

ODOT has begun development of the next phase of improvements on OR 18 in the Fort Hill/Grand Ronde area. This project is considering options for improvements at the OR 18/OR 22 intersection (Valley Junction) and widening of the highway consistent with the improvement project completed between Fort Hill and Wallace Bridge. Staff from the Confederated Tribes of Grand Ronde are active participants in this project development activity.

US 20: Pioneer Mountain – Eddyville

Region 2 construction staff and the Confederated Tribes of Siletz Indians met in the summer of 2016 to restart negotiations for the transfer of surplus ODOT property to the tribes that is currently within the US 20 Pioneer Mountain – Eddyville project area. These negotiations have been ongoing, appraisals are complete, and conservation easement and property transfer agreements are currently being reviewed.

Pilot Transit Service, Eugene to Florence

Oregon's Keep Oregon Moving law (HB 2017) afforded Region 2 an increase in transit revenue and enabled additional transit service between Eugene and Florence along OR 126W. The Lane Council of Governments secured funding for the service in 2018/19 after the Lane Area Commission on Transportation found the service to be a priority. Funding from ODOT's Statewide Transportation Improvement Fund was allocated to begin the Eugene to Florence transit service in January 2020. This new transit service serves tribal members and supports tribal enterprises with a stop at Three Rivers Casino in Florence. Additionally, the Yachats to Florence transit route, which started as a pilot service in 2018, was fully funded to serve the transit needs of coastal communities.

Region 2 Planning and Development Review

Region 2 funds and conducts a variety of long-range planning activities, in coordination with local governments, stakeholders, and the general public. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

New long-range projects that have been started in 2020 include:

- Newport Transportation System Plan
- Willamina Transportation System Plan
- A joint Transportation System Plan for Wheeler, Nehalem, and Manzanita
- An Interchange Area Management Plan for I-5/Brooklake Road (Brooks)
- A Facility Plan for OR 99W in South Corvallis
- A Facility Plan for US 101 in Gearhart
- A study of the US 101 Bike Route
- An Active Transportation Safety Study on the OR 99W Couplet in McMinnville

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Highway Division: Region 3

About

ODOT Region 3 encompasses Coos, Curry, Douglas, Jackson, and Josephine Counties. The Region 3 headquarters office is in Roseburg. Offices in Roseburg, White City and Coquille house local maintenance and construction functions. The government offices of the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, are within Region 3. The Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, and the Klamath Tribes also have ancestral ties to Region 3.

Area Commissions on Transportation

Region 3 has two area commissions on transportation. The Rogue Valley Area Commission on Transportation covers Jackson and Josephine counties, and the Southwest Oregon Area Commission on Transportation covers Coos, Curry, and Douglas counties. The Rogue Valley Area Commission on Transportation includes representation from the Cow Creek Band of Umpqua Tribe of Indians. The Southwest Oregon Area Commission on Transportation includes representation from the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and the Klamath Tribes requested to participate as ex officio members and receive notifications.

Interactions with Tribes

Region 3 Maintenance

Modification and maintenance of state highways can potentially have impacts on abutting properties. A number of federally recognized tribes own property, both in

fee and in trust, throughout southwestern Oregon; some of that property abuts state highways. Maintenance managers and staff regularly contact tribal governments whose properties or interests might be impacted by maintenance activities.

Region 3 maintenance generates approximately 30 projects a year within Region 3. Examples of typical projects include culvert repairs or replacements, scour repairs, and minor drainage improvements. Region 3 maintenance is also charged with maintaining the ODOT right-of-way. In general, the Region 3 Archaeologist/Tribal Liaison consults with the tribes that have ancestral ties to the project location.

Seven Feathers Truck Stop

Region 3 has worked with the Cow Creek Band of Umpqua Tribe of Indians on traffic backups that have been occurring on the frontage road near the Seven Feathers truck stop. Some changes have been implemented. Region 3 is monitoring and staff have provided the Tribe with some signage improvements. Region 3 will continue to work through this challenge with the Tribe

Access OR 42

Region 3 has worked with the Cow Creek Band of Umpqua Tribe of Indians to adjust access to land the Tribe owns along OR 42. This access adjustment was intended to meet the Tribe's needs and to provide a safer egress to OR 42.

Region 3 Construction and Project Delivery

Similar to Region 3 maintenance, Region 3 construction staff work with tribal governments whose properties or interests might be impacted by construction activities. This coordination is facilitated by the Region 3 Archaeologist/Tribal Liaison. Region 3 construction staff is charged with implementing the Statewide Transportation Improvement Program – ODOT's four year capital improvement program. All projects

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in this program generated tribal coordination in 2020. Coordination happens early in the design phase, throughout project development, and if requested through the construction phase.

OR 62: Rogue River Drive-Cleveland Street Streetscape

In 2016, a safety and transportation enhancement project in the city of Shady Cove in Jackson County required the removal of a large Hinds Walnut tree to construct a water treatment swale. The Hinds Walnut is a species of concern to the Confederated Tribes of Siletz Indians and after in person consultation it was determined that ODOT would plant five Hinds Walnut trees at a protected location and monitor the growth over the course of five years. ODOT continues to monitor the Hinds Walnuts. ODOT environmental staff now routinely looks for opportunities to plant the Hinds walnuts on other reseeding projects throughout the Rogue Valley.

Region 3 Environmental

In addition to the above, Region 3 environmental interacts regularly with designated Tribal staff to discuss the Statewide Transportation Improvement Program, Local Agency Program, and maintenance projects. Discussions typically involve the identification of archaeological sites and culturally significant vegetation. Opportunities for collaboration as well as avoidance measures or protections for cultural sites are also discussed.

Region 3 Planning

Region 3 planning manages the development of state and federally required transportation planning documents. These documents can include plans for future transportation projects to improve the transportation system, to improve safety, and relieve congestion. Plans can also include policies designed to reduce the impact of property development on the transportation system. Planning staff

regularly interact with tribes when tribal interests or property might be affected by decisions made in transportation plans.

Planning staff conduct outreach to tribes whose properties and other areas of interest coincide with the study area of a given planning effort. Tribes are invited to participate on review committees for planning efforts. Planning staff annually interact with tribal government staff regarding planning grant programs like the Transportation and Growth Management Program (see Policy Data and Analysis Division section of this report for more on this grant program).

Planning staff conduct reviews of potential land use changes and developments. Planning staff have worked with the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians on tribal property developments to ensure that tribal interests and the state transportation system are both accommodated.

Planning staff have or are currently working on the following long-range plans with Tribal Governments:

City of Roseburg Transportation System Plan Update

ODOT planning staff worked with the City of Roseburg to update its Transportation System Plan (TSP). The Cow Creek Band of Umpqua Tribe of Indians received monthly email updates on project process. This Plan update has been completed.

City of Sutherlin Transportation System Plan Update

ODOT planning staff worked with the City of Sutherlin to update its Transportation System Plan (TSP). The Cow Creek Band of Umpqua Tribe of Indians received monthly email updates on project process. This Plan update has been completed.

Umpqua Public Transit Master Plan

ODOT planning staff is working with the newly formed Umpqua Transit District to develop Douglas County’s first transit master plan. The project is funded through ODOT’s Transportation Growth Management program and will identify transit improvements eligible for Oregon House Bill 2017 funding. The Cow Creek Band of Umpqua Tribe of Indians will be invited to participate. A notice to proceed on this project is expected in December, 2020.

Coos County Transit Master Plan

ODOT planning staff is working with Coos County Area Transit to develop Coos County’s first transit master plan. The project is funded through ODOT’s Transportation Growth Management program and will identify transit improvements eligible for Oregon House Bill 2017 funding. The Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians were included in focus groups to determine efficiencies in transit service and service to tribal members.

I-5 Bottleneck Corridor Plan

ODOT planning staff is developing the I-5 Bottleneck Corridor Plan. The Cow Creek Band of Umpqua Tribe of Indians has received monthly email updates on project process.

OR138E Design Concept Plan

ODOT planning staff is developing a Statement of Work for the OR 138E Design Concept Plan. The plan will identify roadway, bicycle and pedestrian improvements for OR 138E from Stephens Street east to the City Limits. The Cow Creek Band of Umpqua Tribe of Indians will be invited to participate. A notice to proceed is expected in May, 2021.

US 199 Corridor Plan

ODOT planning staff is developing a Statement of Work for the US 199 Corridor

Plan. The plan will identify roadway, bicycle and pedestrian improvements for US 199 from the Applegate River west to the California border. The Confederated Tribes of Siletz and the Confederated Tribes of Grande Ronde will be invited to participate. A notice to proceed is anticipated in January, 2021.

I-5 Exit 27 Interchange Area Management Plan Update

ODOT planning staff is developing a transportation solutions and Alternate Mobility Target for the I-5 Exit 27 Interchange Areas Management Plan Update. The update will identify roadway, bike and pedestrian safety and operations improvements within the interchange influence area, and an Alternative Mobility Target for the South Medford Interchange. The Confederated Tribes of Siletz and the Confederated Tribes of Grande Ronde will be invited to participate.

I-5 Exit 124/125 Interchange Area Management Plan Update

ODOT planning staff is developing a Statement of Work for the I-5 Exit 124/125 Interchange Area Management Plan update. The update will identify roadway, bike and pedestrian improvements within the interchange influence area. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde will be invited to participate.

Other Interactions:

Region 3 management has worked with the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to discuss and develop unique tribal consultation processes with each tribe. These new processes will assist ODOT and tribes in reviewing planning, maintenance, and construction projects (including review of the Statewide Transportation Improvement Program). The discussions include development of

preferred methods of communication, appropriate contacts, consultation opportunities, documentation, and process evaluation.

Region 3 has coordinated with ODOT headquarters environmental staff and Department of Environmental Quality staff in a statewide, multi-agency effort with a number of Tribes on the Jordan Cove Pacific Connector Pipeline project. The discussions around the pipeline have included The Confederated Tribes of Grand Ronde, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Region 3 is currently implementing an ODOT pilot program regarding staging and disposal site selection. This pilot program is intended to facilitate better coordination with tribes regarding contractor designated staging areas.

Region 3 attended a training conference tailored for government employees called “Xintmiis txain’ Sharing our Path” in Florence Oregon hosted by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

Delivery and Operations Division: Region 4

About

ODOT Region 4 encompasses Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Morrow, Sherman, Wasco, and Wheeler counties. The Region 4 headquarters office is in Bend. Offices in Bend, The Dalles, and Klamath Falls house local maintenance and construction functions. ODOT Region 4 primarily interacts with tribal governments in the areas of highway maintenance, construction project delivery, planning, and traffic. The government offices of the Klamath Tribes and the Confederated Tribes of Warm Springs are within Region 4.

Area Commissions on Transportation

Region 4 includes three area commissions on transportation with tribal representation. The Lower John Day Area Commission on Transportation covers Gilliam, Sherman, Wheeler, and Wasco counties. The Confederated Tribes of Warm Springs participate as full voting members on this area commission. The

Central Oregon Area Commission on Transportation covers Crook, Deschutes, and Jefferson counties. The Confederated Tribes of Warm Spring also participate as full voting members on this commission. The South Central Oregon Area Commission on Transportation covers Klamath and Lake Counties. The Klamath Tribes participate as full voting members on this commission.

Interactions with Tribes

Maintenance

Region 4 is covered by three ODOT highway maintenance districts. Typical highway maintenance activities include emergency response, snow plowing and winter maintenance, and other routine activities to maintain safe operations on state highways for the traveling public. Maintenance District 9, which covers the northern portions of Region 4, works with the Confederated Tribes of Warm Springs on matters related to the ongoing operations of the state highway system.

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Maintenance District 10, which covers the central part of Region 4, also works with the Confederated Tribes of Warm Springs. Maintenance District 11, which covers the southern portion of Region 4 works with the Klamath Tribes on highway maintenance and operations related issues. ODOT Region 4 maintains US 26, US 97, and OR 216, all of which are routed through and provide access to tribal lands.

The routing of US 26 and OR 216 through the Warm Springs Reservation requires close partnership between ODOT and the Confederated Tribes of Warm Springs and has resulted in a number of formal agreements and informal coordination meetings. While regular coordination meetings were suspended in 2020 due to COVID-19, ODOT continued to operate under existing agreements that had been drafted in previous years. Region 4 maintenance crews frequently cooperate with the Confederated Tribes of Warm Springs public safety officers on highway incidents and wildfires. Region 4 maintenance continually works with the Confederated Tribes of Warm Springs to address hazard tree removal, drainage issues, rock fall hazards, and steep shoulder areas on US 26 and OR 216.

Region 4 Maintenance also involves the Construction Enterprise of the Confederated Tribes of Warm Springs on future ODOT work. In District 9, communication continues between ODOT and the Construction Coordinator. The Warm Springs Construction Enterprise continues to assist Region 4 with traffic control, periodically deploying trained flaggers since 2018. An Inter-Governmental Agreement has been drafted between the two entities to provide traffic control services on ODOT projects.

Since the last report, Region 4's maintenance districts are now providing all Tribes in Region boundaries with copies of permits for third party utilities locating in ODOT right of way. Additionally, the Confederated Tribes of Warm Springs

reached out to District 10 early in the COVID-19 pandemic to help notify travelers about closure of tribal lands. The Confederated Tribes of Warm Springs asked ODOT to help spread the message, which District 10 accomplished through the Tripcheck traveler information website.

During 2020, there were no opportunities to partner with CTWS for rock scaling work but the Region continues to partner on hazard tree removal where applicable within the Reservation. Region 4 and the tribes are expecting to make use of this same arrangement for hazard tree removal on an ongoing basis.

The District 11 maintenance office in Klamath Falls has worked hard to build stronger relationships with the Klamath Tribes, meeting informally when the need arises. District staff planned to formally meet twice annually with tribal staff to explore potential collaboration opportunities, but those meetings were cancelled in 2020 due to COVID-19. District 11 staff continues to furnish the Klamath Tribes with copies of third party utility permits as an informational tool. This work is expected to continue in 2021.

Construction and Project Delivery

Through the Lower John Day and Central Oregon Area Commissions on Transportation and through regular coordination, Region 4 Project Delivery staff continues to collaborate with Confederated Tribes of Warm Springs staff to seek funding opportunities for priority transportation needs. Region 4 also includes staff from the Confederated Tribes of Warm Springs Technical and Emergency Services in the development of construction projects for the Statewide Transportation Improvement Program. Region 4 will participate in the tribes' transportation coordination meetings (when they reconvene), where project delivery is a recurring topic.

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Specific interactions in 2020 included:

- Continued collaboration, partnering, and development on a forthcoming \$7.5+ million safety and pavement preservation project on US 26 in Warm Springs, targeted for 2021 construction.
- Region 4 staff continued participating in partnering sessions with ODOT’s Office of Civil Rights Staff and Confederated Tribes of Warm Springs representatives to discuss employment issues affecting tribal members, including implementation of the tribal employment rights agreement.

Through the South Central Oregon Area Commission on Transportation, the Klamath Tribes participate in the selection and development of construction projects for the Statewide Transportation Improvement Program. The South Central Oregon Area Manager participates in regular meetings with the Klamath Tribes cultural resources staff and ODOT archaeologists to discuss projects in development and construction.

- Region 4 staff continues to invite the Klamath Tribes to join other members of the South Central Area Commission on Transportation in discussions with the Oregon Transportation Commission.
- Region 4 participated in meetings with Klamath Tribes and Western Federal Lands in project development for the OR 140 in Klamath County.
- Senior staff across several ODOT business lines met with representatives from the Klamath Tribes to review and update consultation preferences for long range planning and for capital improvement planning.

Traffic

Region 4 Traffic is a technical group that provides expertise on traffic engineering, roadway engineering, and traffic standards. In 2020, Region 4 Traffic group continued

to work with the Confederated Tribes of Warm Springs to improve the safety of the US 26 Corridor through Warm Springs through the development of the US 26 Warm Springs Safety Corridor Project. The traffic safety items included in scope of the project are:

- Enhanced Pedestrian Crossings (Rectangular Rapid Flashing Beacons) at the intersection of US 26 and Paiute Avenue and US 26 at Indian Head Casino.
- Removal of the school speed zone (no longer a school) in favor of the enhanced pedestrian crossings.
- Channelization improvements at the intersection of US 26 and Hollywood Blvd.
- Updated and improved permanent signing.

In addition to these projects, the Traffic unit is working on outreach and applications for funding opportunities from the All-Roads Transportation Safety Program in the 2024-2027 cycle. Region 4 has communicated with both the Confederated Tribes of Warm Springs and the Klamath Tribes about the program.

Planning

The Region 4 Planning unit works to develop long-range plans for meeting future transportation needs as well as short-term planning activities for ODOT’s construction work. In addition to these planning activities, Region 4 Planning staff works with tribal governments, local jurisdictions, developers, and others to better coordinate land development and transportation. As a part of this coordination, Region 4 Planning staff often works with tribal governments in reviewing land use and development applications. Planning staff also works with tribal governments through the Transportation Growth Management grant program (See the Policy Data and Analysis Division report for more details on this program) and

ODOT’s Statewide Planning Research fund to support education, outreach, code-assistance, planning studies, and long-range planning.

Region 4 Planning also coordinates and participates in formal consultation processes with tribal governments, in accordance with the document, Tribal Consultation for Statewide Transportation Plans and Statewide Transportation Improvement Program. In 2020, Region 4 Planning participated in Consultation with the Klamath Tribes at the following milestones:

- 2021 – 2024 Draft Statewide Transportation Improvement Program review
- Oregon State Rail Plan

Additionally, Region 4 Planning contacted the Klamath Tribes to request Consultation associated with the following milestones:

- Statewide Transportation Safety Action Plan Update
- 2024 – 2027 Statewide Transportation Improvement Program Funding Allocation

Delivery and Operations Division: Region 5

About

ODOT Region 5 encompasses Morrow, Umatilla, Union, Wallowa, Grant, Baker, Harney and Malheur counties. The Region 5 headquarters office is in La Grande. Offices in La Grande, Ontario and Pendleton house local maintenance and construction functions. The government offices of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe are within Region 5.

Area Commissions on Transportation

Region 5 includes two area commissions on transportation. The Northeast Area Commission on Transportation covers Morrow, Umatilla, Union, Baker, and Wallowa counties. The Confederated Tribes of the Umatilla Indian Reservation are voting members of this commission. The Southeast Area Commission on Transportation covers Grant, Harney and Malheur counties. The Burns Paiute Tribe is a voting member.

Tribal Employment Rights

ODOT has a signed memorandum of understanding with the Tribal Employments Rights Office of the Confederated Tribes of the Umatilla Indian Reservation. This memorandum establishes policies and procedures for ODOT and the tribes to follow in order to ensure the Tribal Employment Rights Office Code and the “Indian Preference” provisions of federal law are met. Per the terms of the agreement, Region 5 staff participates in an annual project selection meeting in advance of the construction season with staff from the tribes’ Tribal Employment Rights Office. This year, the project selection meeting occurred via teleconference on April 22. The Tribal Employment Rights Office is also invited to every pre-construction meeting that is subject to the tribal employment rights memorandum. Per the memorandum of understanding, these pre-construction meetings take place either on or near the reservation. Tribal Employment Rights Office compliance officers are encouraged to attend scheduled project weekly/bi-weekly meetings to receive the most recent updates on project progress, project issues, and project staffing.

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Region 5 Maintenance

Region 5 includes three ODOT maintenance districts. District 12 encompasses much of the Umatilla Indian Reservation and the various state highways that provide access to the Reservation. The District 12 offices are in Pendleton. District 12 and 13 also fall within the negotiated boundary as identified in the Tribal Employment Rights Ordinance memorandum of understanding. District 14, which is headquartered in Ontario, includes the Burns Paiute Reservation.

District 12 works with the Confederated Tribes of the Umatilla Indian Reservation in multiple ways throughout the year. For example, when maintenance forces are performing work within the reservation boundary, the district office alerts the Tribal Employment Rights Office that ODOT is performing state-funded work within ODOT right-of-way. When ODOT crews are unable to perform the necessary maintenance work, ODOT opens up a given project to a competitive bidding process. If the work is within the reservation boundary, then the Tribal Employment Rights Office is eligible to assign a hiring goal and to collect a compliance fee from contractors for working on the reservation.

District 12 has worked closely with the Confederated Tribes of the Umatilla Indian Reservation on an Immediate Opportunity Fund project that finished up in 2020. This project added an additional turn lane along OR 331 as well as addressed the overall function of OR 331 and the heavily used Interstate 84 exit at mile point 216. With new tribal developments in the vicinity, District 12 is engaged with the tribes to create strategies to help this highway function safer and more efficiently.

District 12 continues to work with the Confederated Tribes of the Umatilla Indian Reservation during Interstate 84 road closure events at exit 216 for coordination of truck parking at businesses operated on tribal lands. There is coordination with the

tribes' Hazmat Team on reportable hazmat releases that occur on highways within the Reservation boundary. The district works in conjunction with tribes in issuing chain up permits each winter. The tribes provide five permits to tribal members to assist commercial trucks chaining up on tribal lands. ODOT provides additional permits to individuals to assist commercial trucks chaining up on Interstate 84.

District 12 will continue to engage the Confederated Tribes of the Umatilla Indian Reservation on land use actions in proximity to state highways within the Reservation boundary. Similarly, the district will continue efforts to work with the tribes on safety improvement projects and other projects that benefit the public on state highways within the Reservation boundary. With the addition of the use of salt, District 12 staff continues communication with Confederated Tribes of the Umatilla Indian Reservation Water Quality staff regarding tribes' concerns with the use of salt.

District 13 has coordinated with tribes on several stream bank restoration projects adjacent to state highways. ODOT continues to offer hazard trees that are within the right-of-way to be used as stream features during these conservation projects.

District 14 will continue coordination with the Burns Paiute Tribe on the transfer of an ODOT owned quarry with significant cultural resources over to the tribes.

Region 5 Construction and Project Delivery

Through the Area Commissions on Transportation, the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation participate in the selection and development of construction projects for ODOT's Statewide Transportation Improvement Program. In addition to the presentation of the draft 2021-2024 Statewide Transportation Improvement Plan at the area commission on transportation meetings, direct outreach to the Confederated Tribes of the

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Umatilla Indian Reservation and Burns Paiute Tribe for input on the list of potential construction projects was made by the Region 5 Area Manager in August of 2018. A follow up presentation of draft Statewide Transportation Improvement Program projects was made in person at the Confederated Tribes of the Umatilla Indian Reservation on August 17, 2019 and again on the same date in 2020. The desired outcome was to determine if any of the proposed projects were in areas of concern and to provide earlier advance notice of projects that ODOT is considering.

Region 5 Area and Planning staff worked with Confederated Tribes of the Umatilla Indian Reservation Planning in the development of a Safe Routes to School capital improvement grant in 2020.

Region 5 Area staff worked with Confederated Tribes of the Umatilla Indian Reservation Planning staff in the development of a federal grant for a transportation planning project as well as providing a letter of support for the project application materials.

Throughout 2020, Region 5 staff attend all quarterly Tribal Employment Rights Office Contractor Certification training sessions by the Confederated Tribes of the Umatilla Indian Reservation and at each training session, ODOT Resident Engineer provides a presentation to share best practices for successful projects with tribal employment rights hiring goals.

- **February 5:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Bi-annual ODOT/TERO Refresher Training, hosted by the tribes in Mission, OR.
- **March 4:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **April 22:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Statewide

Transportation Improvement Program annual review and selection of upcoming 2020 construction projects; teleconference.

- **May 6:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **August 5:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **November 5:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.

Tribal consultation meetings and discussion for Region 5 project development and construction actions are coordinated and directed by ODOT’s Cultural Resources Program staff (See the Environmental and Hydraulic Engineering section of this report for more). To complement the work of the Cultural Resources Program, Region 5’s environmental staff and Area Manager provided support and attended meetings with cultural resources divisions of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe. The Region 5 archaeologist coordinates tribal consultation on all Statewide Transportation Improvement Program projects, state funded projects within reservation boundaries, and specific Maintenance projects.

Region 5 Planning

Planning staff consults with both the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation to deliver strategic intermodal planning projects and policies. This includes discussion, consultation, and planning for all transportation modes.

Region 5 planning continues to reach out to both the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe regarding applicable grants, invitations, and planning-related initiatives. The Confederated Tribes of the Umatilla Indian Reservation were awarded a Safe Routes to School Grant to construct pedestrian and bicycle improvements to reduce

barriers for students walking and bicycling to school. The Confederated Tribes of the Umatilla Indian Reservation were also awarded a Transportation and Growth Management Program (see the Policy Data and Analysis Division section of this report for more on this program) grant to assist with the update of the multi-modal Transportation System Plan.

Delivery and Operations Division: Environmental and Hydraulic Engineering Section

About

ODOT's Environmental and Hydraulic Engineering Section (EHES) supports environmental regulatory compliance and best engineering practices for state transportation projects and programs. The section is responsible for development of state-wide standards of practice, guidance and manuals, training, and asset management for geology, hydrology, and environmental disciplines within ODOT.

Environmental and Hydraulic Engineering staff serve as stewards of the public interest for a variety of natural and cultural resources and for safe transportation infrastructure. The majority of EHES's interactions with tribes occur through three program areas: Wildlife Crossings Program, Fish Passage Program, and Cultural Resources Program. In addition, ODOT's cultural resources program team lead holds a seat on the Legislative Commission on Indian Services' Cultural Resources Cluster, and ODOT's environmental unit manager participates in the Natural Resources Workgroup meetings.

Wildlife Crossings Program

The ODOT wildlife passage program identifies and builds wildlife passage structures to reduce animal-vehicle collisions on state highways. The goals of the program

are to identify areas of heaviest wildlife movement across state highways, reduce animal-vehicle collisions on state highways, determine highest-priority areas to improve wildlife passage across state highways, and inform and educate the public on wildlife corridors and how they can reduce animal-vehicle collisions. ODOT continues to work with FHWA to establish a wildlife passage interest group, including local, state, and federal agencies as well as tribal and non-profit partners to address the issue of wildlife passage.

ODOT's Wildlife Crossing Coordinator serves on a committee with the Burns Paiute Tribe to explore the potential for a wildlife crossing feasibility study near tribal property east of Juntura. This committee met in August of this year and hopes to develop solutions for effective wildlife passage.

Fish Passage Program

ODOT's fish passage program supports the Oregon Plan for Salmon and Watersheds. The purpose of the program is to benefit native migratory fish by replacing or retrofitting culverts for improved fish passage on the state highway system in the most cost effective and efficient manner possible. Working with the Oregon Department of Fish and Wildlife and regional stakeholders,

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Fish Passage Program staff assess high-priority fish passage barriers when selecting improvement projects across the state. In addition, the program is integrated with ODOT's Culvert Repair Program to help ensure that culvert repairs and replacements are designed to improve fish passage conditions. ODOT updates tribes on our fish passage program through the Legislative Commission on Indian Services Natural Resources Workgroup meetings.

Cultural Resources Program

ODOT's cultural resources program supports transportation projects while protecting cultural resources across the state. The program works with ODOT regional offices, tribal governments, local governments, and others to identify cultural resources and potential concerns early in project delivery and throughout the project lifecycle. In addition, the Federal Highway Administration has delegated tribal coordination responsibilities to ODOT archaeologists for transportation projects subject to Section 106 of the National Historic Preservation Act. ODOT's Cultural Resources team provides statewide training to ODOT staff on cultural resources, tribal awareness and government-to-government training.

Cultural Resources Work Agreements

ODOT maintains intergovernmental agreements with tribes to support cultural resources compliance and protection work. Agreements are maintained with the following:

- The Klamath Tribes
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs
- Confederated Tribes of Grand Ronde (currently being renegotiated)
- Coquille Indian Tribe
- Burns Paiute Tribe
- Cow Creek Band of Umpqua Tribe of Indians

The Cultural Resources team is in discussions with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Confederated Tribes of Siletz Indians on similar agreements.

Cultural Items Task Force Initiative

ODOT's Cultural Resources Program Team Lead, Carolyn Holthoff, is also the Cultural Items Liaison for the Governor's Task Force Initiative. ODOT's cultural items initiative final report was submitted to the Task Force and recommended tribes on November 12, 2019. In February 2020, ODOT received a letter from the Task Force with follow up questions which ODOT responded to in August 2020.

At this time we have one update for the cultural items inventory:

ODOT scanned copies of early (ca. 1920s-1930s) State Highway Commission Minutes on Micro film. Scanned portions of the minutes are housed at the ODOT Reference Library; full commission minutes can be accessed at the Oregon State Archives.

Unfortunately, COVID 19 has affected the accessibility of such documents since many ODOT employees are working remotely. We hope that special arrangements can be made in the future for individuals that would like to access this material, should COVID persist and document information is needed.

Tribal Summit

ODOT received grant funding from the Federal Highway Administration in the fall of 2019 to host our first Tribal Summit on Natural and Cultural Resources. ODOT formed a planning committee composed of ODOT, Federal Highway Administration staff, Tribal, and State Historic Preservation Office staff. We held planning meetings throughout 2019 and well into 2020. Our plan was to host the meeting in May of 2020. In March, COVID 19 forced us to cancel the summit. We anticipate COVID to persist well into 2021 and now have our

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sights on a summit in 2022. We anticipate reconvening the planning committee in summer 2021.

Additional Interactions in 2020

COVID 19 has changed some of our regular tribal consultation methods. For safety reasons, ODOT archaeologists and cultural resources program representatives conduct virtual meetings to maintain connections and open lines of communication. We met with tribes throughout the year regarding ODOT's transportation projects and other special initiatives and trainings. The following meetings occurred in 2020:

- **March 3 and 4:** ODOT cultural program team lead participated in the Cultural Resources Cluster meeting.
- **April 24:** ODOT Staff met with Tribes and Agency representatives on the Zayo Prineville-Reno Fiber Optic Project to discuss options for addressing cultural resource concerns.
- **May 6:** ODOT Cultural staff delineated areas with the Confederated Tribes of Siletz Indians to avoid impacting a culturally-sensitive plant during routine maintenance
- **June 24:** ODOT Natural and Cultural Resources Manager participated in the Tribal Natural Resources Workgroup meeting.
- **July 8:** ODOT cultural staff attended meeting with the Confederated Tribes of the Warm Springs Reservation to discuss ODOT projects in tribes' areas of interest.
- **July 16:** ODOT cultural staff attended meeting with the Confederated Tribes of the Umatilla Indian Reservation to discuss ODOT projects in tribes' areas of interest.
- **July 28:** ODOT cultural staff attended meeting with the Confederated Tribes of Grand Ronde to discuss ODOT projects in tribes' areas of interest.
- **August 28:** ODOT cultural program team lead participated in the Cultural Resources Cluster meeting.
- **September 18:** ODOT cultural staff attended the Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians Cultural and History Summit.
- **October 12:** ODOT Staff met with Tribes and Agency representatives on the Zayo Prineville-Reno Fiber Optic Project to discuss options for addressing cultural resource concerns.
- **October 15:** ODOTs Cultural Program Team Lead partnered with representatives from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde to present information at a national transportation and cultural resources conference on working with Tribal Historic Preservation Offices.
- **October 22:** ODOT Natural and Cultural Resources Manager participated in the Tribal Natural Resources Workgroup meeting.
- **December 4:** ODOT cultural staff will meet with the Coquille Indian Tribe to discuss ODOT projects in tribes' areas of interest.
- For the last few years, ODOT has included tribal representation on various hiring committees related to cultural resources hires for the agency. The last panel convened in May 2020 and involved the hiring of one of our Region Archaeologists.

Urban Mobility Office

About

ODOT Urban Mobility Office is a new office within ODOT, established in January 2020, and part of a new comprehensive approach to addressing congestion, access and mobility in the state. The Urban Mobility Office is responsible for delivering the design, development and implementation of the state's largest and most complex multimodal transportation projects and systems in urban areas. The initial focus is on the most densely populated and fastest growing geographic region in the state – the Portland metropolitan region. To date, the office is focused on developing and delivering innovative solutions for a comprehensive congestion management and mobility plan, inclusive of the ODOT Toll Program, the I-5 Rose Quarter Improvement Project, and the I-205 Improvements Project.

Interactions with Tribes

Toll Program

As part of Keep Oregon Moving (HB 2107), the Oregon Legislature directed the Oregon Transportation Commission to pursue and implement tolling Interstate 5 and Interstate 205 in the Portland metro region to provide additional traffic management tools to further manage congestion. A feasibility analysis determined that tolling could help manage congestion and raise revenue on Interstate 5 and Interstate 205. In partnership with the Federal Highway Administration, planning for the Interstate 205 Toll Project began in 2020.

On August 3, 2020, Participating Agency Invitation Letters were sent to tribes as part of the Interstate 205 Toll Project's National Environmental Policy Act process. The letters were sent by the Federal Highway Administration, the federal Lead Agency for the Interstate 205 Toll Project. The Federal Highway Administration sent letters to the following tribes in Oregon:

Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; and Confederated Tribes of Warm Springs. The Invitation letter included the following attachments: Draft Agency Coordination Plan; Draft Purpose and Need Statement; and Draft Comparison of Alternatives Report (including an Executive Summary).

Interstate 5 Rose Quarter Improvement Project

The Interstate 5 Rose Quarter Improvement Project adds auxiliary lanes and shoulders to reduce congestion and improve safety on Interstate 5 between Interstate 84 and Interstate 405, and the project will improve community connections by redesigning overpasses and reconnecting neighborhood streets, enhancing public spaces, and promoting economic development opportunities. The Environmental Assessment process, per the Nation Environmental Policy Act was completed in 2020.

The Federal Highway Administration and ODOT published the Finding of No Significant Impact and a Revised Environmental Assessment on November 6, 2020.

On August 22, 2017, The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and Confederated Tribes of Warm Springs were sent invitations to be participating agencies during the National Environmental Policy Act process. The project team plans to engage in tribal coordination in the upcoming year to provide a project status update, information on construction contracting opportunities, and coordination on the Tribal Employments Rights Office ordinances.

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Public Transportation Division

About

The Public Transportation Division exercises statewide leadership and vision in promoting, developing, funding, and managing multimodal statewide networks of transportation systems and facilities. These systems and facilities provide access to Oregon for the state's citizens and visitors, provide efficient movement of commerce, support healthy sustainable travel choices and safe transportation system use, and enhance Oregon's competitive position in national and international markets. There are four sections in the Division:

Policy and Strategic Investment Unit

This unit develops strategies and prioritizes investments to advance modal plans, statutes, and agency policies to create a more integrated statewide multimodal system (bike/pedestrian, passenger rail operations, freight rail and public transportation) to reach intended outcomes. The unit manages and develops program guidance and selection criteria, combines funding and strategic management and maximizes the value of transportation investments locally, regionally and statewide.

Program Implementation Unit

This unit implements investment strategies in ODOT regions directly through existing regional transit coordinators, training staff and through collaboration with ODOT regional staff, such as active transportation liaisons, planners, delivery and operations staff and external partners. The Program Implementation Unit has six [regional transit coordinators](#) as single points of contact for tribes within described geographic areas of the state, corresponding to ODOT region boundaries. Regional transit coordinators are available to assist tribes with public transportation program development, grants and payments, technical support and training, transit program

questions and oversight of transit projects. Regional transit coordinators frequently interact with tribal transit personnel via phone, email and in-person meetings.

Program Services Unit

This unit provides essential multimodal transportation system administration, business processes, and services at the headquarters office in Salem. The unit ensures funding is available and distributes those funds to eligible tribal governments. Staff assist tribes with the technical aspects of grants and payments, reporting and asset management. Support analysts interact with tribal transit personnel via phone and email. The website administrator ensures that information pertinent to tribes is posted and updated regularly. Unit staff manage agreement language in coordination with Oregon Department of Justice attorneys and tribal experts to ensure distinct clauses are included for tribal agencies and that their status as sovereign governments is acknowledged and respected.

Rail Operations and Statewide Multimodal Network Unit

This unit manages contracted delivery of public transportation services. In collaboration with regional transit coordinators, the unit facilitates local partnerships to identify and fill gaps in the statewide public transportation network through local providers or through increased Public Transit Division services. The Unit manages implementation and delivery of capital, operations and research projects that support statewide freight rail, passenger rail, and public transportation systems.

Advisory Committees

Public Transportation Advisory Committee

The Public Transportation Advisory Committee provides a statewide forum for public and special needs transportation

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providers and advocacy stakeholders within Oregon. The committee also provides input regarding significant transportation issues to the Oregon Transportation Commission and the Public Transit Division. The committee will resume holding one or more of its bi-monthly meetings in rural areas, as COVID-19 restrictions permit. Arrangements had been for the July 2020 meeting to be hosted by the Coquille Indian Tribe with several of the tribal council members planning to attend. Unfortunately, these plans have been postponed until 2021 due to the COVID-19 pandemic.

A member of the Confederated Tribes of the Umatilla Indian Reservation, Rob Johnson, presented to the committee in May 2020 as chair of the transit maintenance group for the Oregon transit community.

There is a designated seat on the committee for a tribal representative that is currently filled by a member of the Coquille Indian Tribe. Tribal members have also participated on subcommittees of the committee to assist in making decisions and/or recommendations.

Safe Routes to School Advisory Committee

The Safe Routes to School Advisory Committee provides a statewide forum to recommend allocations from the Safe Routes to School fund to projects and programs that address barriers to students walking and rolling to school within Oregon. The committee also provides input regarding Safe Routes to School policy and program structure.

The Safe Routes to School Advisory Committee includes two members from Oregon tribes representing the Confederated Tribes of the Umatilla Indian Reservation and the Coquille Indian Tribe.

Programs and Initiatives

Safe Routes to School Program

The Safe Routes to School infrastructure program provides \$10 million in state highway funds each year to the Safe Routes to School Fund. The goal of the program is to provide competitive grants that will address the physical barriers of children walking and bicycling to school. Applicants must work with schools and school districts to identify and address these barriers through infrastructure projects within a one-mile radius of the school.

Safe Routes to School Program staff reached out to tribes and met with tribal representatives during prior funding rounds. ODOT technical assistance providers worked with the Confederated Tribes of the Umatilla Indian Reservation to produce a Safe Routes to School Plan through the Safe Routes to School Project Identification Program. The Confederated Tribes of the Umatilla Indian Reservation then applied for a Safe Routes to School Construction Grant through a competitive process. On December 1, 2020, the Oregon Transportation Commission officially awarded \$900,097 in Safe Routes to Schools funding to the Confederated Tribes of the Umatilla Indian Reservation for a project that will construct sidewalks and pedestrian safety improvements near the Nixyaawii Community School.

ODOT staff will continue to seek tribal interest in this program for future rounds of funding.

Oregon Community Paths

The Oregon Community Paths grant program is a new competitive grant program for funding off-road paths that connect communities or access destinations. The program was established in 2019 after the Oregon legislature passed House Bill 2592, which provided funds from a bicycle excise tax and a portion of the Vehicle Privilege Tax for the Oregon Community Paths program. ODOT

added Federal Highway Administration Transportation Alternatives funding to the program to help increase available funding, now averaging \$6 million every two years. Demand for this program is over \$100 million.

While COVID-19 limited the opportunities for public outreach regarding the first round of solicitations for this new program, the Oregon Community Paths program worked to reach out to multiple communities around the state. ODOT's Tribal Liaison sent information to tribal staff regarding the program. Email blasts were sent out to over 7,000 interested parties and four webinars were held.

Three tribes have expressed interest in the program:

- Confederated Tribes of Warm Springs (connection to school)
- Confederated Tribes of Grand Ronde (connections between museum/sanitation/casino)
- Confederated Tribes of the Umatilla Indian Reservation (connection to government offices/school)

The Confederated Tribes of Warm Springs was awarded a Community Paths program grant for an off-road safe route to school project. The Confederated Tribes of Grand Ronde and the Confederated Tribes of the Umatilla Indian Reservation have submitted eligible Letters of Interest and have been invited to apply for funding. The Oregon Community Paths program manager discussed the program with tribal contacts prior to the Letter of Interest submission. As ODOT begins preparations for the second round of Oregon Community Paths program grants, the Program Manager, Alan Thompson, will increase direct outreach to tribal governments to ensure tribes have the opportunity to apply.

Oregon Pedestrian and Bicycle Program

The goals of the Pedestrian and Bicycle program are to reduce crashes involving people walking and biking, eliminate crashes that result in injuries and deaths, and promote walking and biking to improve health and safety. We work towards these goals by supporting implementation of the Oregon Bicycle and Pedestrian Plan, developing walking and bicycling safety and education materials, funding projects that improve conditions for walking and biking, providing planning and design guidance for pedestrian and bicycle projects and staffing the Oregon Bicycle and Pedestrian Advisory Committee.

The Sidewalk Improvement Program distributes one percent of ODOT State Highway Funds each year to complete sidewalks and bike facilities along state highways. In 2021-2024, SWIP will distribute \$22 million in funding. Tribes are eligible to propose projects on state highways for consideration for Sidewalk Improvement Program funding by contacting their ODOT region active transportation liaison (contact available at www.oregonwalkbike.org). ODOT is currently designing a Sidewalk Improvement Program-funded pedestrian crossing of OR 18 in Grande Ronde that was requested by the Confederated Tribes of Grande Ronde. The Sidewalk Improvement Program also recently funded the Wallowa to Joseph trail project which included significant coordination with the Confederated Tribes of the Umatilla Indian Reservation.

Statewide Transportation Improvement Fund

Section 122 of [Keep Oregon Moving](#) (HB 2017) established the Statewide Transportation Improvement Fund, an ongoing source of funding for expanding public transportation service in Oregon.

This funding is allocated to four funding programs:

- **Formula Fund:** 90 percent of funding is distributed to qualified entities, including tribes, based on employee payroll taxes collected within their geographic area, with a minimum amount of \$100,000 per year to each qualified entity.
- **Discretionary Fund:** Five percent of funding is awarded to eligible public transportation service providers based on a statewide competitive grant process.
- **Intercommunity Discretionary Fund:** Four percent of funding is awarded to public transportation service providers to improve public transportation between two or more communities based on a statewide competitive grant process.
- **Public Transportation Technical Resource Center:** ODOT uses one percent of the funding for its statewide technical resource center to assist transit providers in rural areas with training, planning and information technology; and to fund ODOT administration.

All nine federally recognized tribes in Oregon are Qualified Entities and, as such, are eligible to receive Formula funds from the Statewide Transportation Improvement Fund. At present, no tribe generates enough taxable payroll in its area of responsibility to receive more than the minimum allocation of \$100,000 per year. During the first Formula funding period, seven of the nine tribes submitted plans for funding in the 2019-21 biennium. Tribes approved for 2019-21 funding by the Oregon Transportation Commission include the Burns Paiute Tribe, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe, the Confederated Tribes of Coos, Lower, Umpqua, and Siuslaw Indians, the Confederated Tribes of Grande Ronde, the Confederated Tribes of Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation. Two tribes—the Confederated Tribes of Siletz Indians

and the Klamath Tribes—notified ODOT of their plan to defer submittal for Formula funds to next biennium. ODOT has held their funds from the 2019-21 biennium and will roll them into the next biennium upon approval of the 2021-23 Statewide Transportation Improvement Fund Plans. Both of those tribes have begun the planning process for 2021-23 submittal.

2019-2021 Statewide Transportation Improvement Fund Discretionary and Statewide Transit Network

All nine federally recognized tribes in Oregon are eligible to apply for discretionary and intercommunity discretionary funds where they are providers of public transportation services. For the 2021-23 solicitation period, the Confederated Tribes of the Umatilla Indian Reservation has applied for grants to support intercommunity fixed route transportation services that serve a multi-county area in northeastern Oregon and southeastern Washington. As part of the ODOT project selection process, tribes are asked to provide funding recommendations and any other feedback on submitted projects that concern their areas of responsibility.

Regional Interactions

While numerous Public Transit Division staff interact with tribal governments, the [regional transit coordinators](#) are the division’s primary points of contact with Oregon’s nine federally recognized tribes. These coordinators, stationed in ODOT’s regions across the state, continue to work with the tribes to develop transit programs by providing technical assistance as requested. The following are specific interactions between regional transit coordinators and tribes in 2020:

Region 2, Northwest Oregon/Willamette Valley

Region 2 Transit Coordinator, Arla Miller, has been working with the Confederated Tribes of Grand Ronde on a

combined Transportation Human Services Coordinated Plan/Transit Development Plan. The plan was adopted April 2019. Tribal staff are working to expand transit service to more tribal members throughout the region. COVID-19 has delayed further transit expansion plans between Grand Ronde and Dallas, which as the county seat of Polk County provides amenities and community services and facilities that are not available in Grand Ronde. Tribal members will ride free. Once the service begins, it will also afford residents of Dallas and surrounding communities the opportunity to travel to Grand Ronde for jobs at the casino, to visit family members, and connect to other transportation services.

Ms. Miller also worked with the Confederated Tribes of Grand Ronde tribal planner regarding the Statewide Transportation Improvement Fund. This funding should address some of the needs identified in the combined plan mentioned above.

ODOT’s regional transit coordinators worked with Confederated Tribes of Siletz Indians staff to encourage adoption of the tribes’ Coordinated Public Transportation Human Services Plan. This plan is a requirement for receiving Federal Transit Administration Section 5310 funds. The Confederated Tribes of Siletz Indians were awarded Section 5310 funding for 2019-2021. Tribal Planner Pamela Barlow Lind is a member of Lincoln County Transportation District’s Statewide Transportation Improvement Fund Advisory Committee and participated in project selection for the district’s 2019-2021 Statewide Formula funding. The Confederated Tribes of Siletz Indians delayed its submittal of a Statewide Transportation Improvement Fund Plan and associated formula distributions until the 2021-2023 biennium. The tribe’s 2019-2021 Formula funds will be held and distributed once the 2021-23 plan is approved.

Ms. Miller has been accepted for the fifth cohort of Portland State University’s Professional Certificate in Tribal Relations training program, starting in December 2020.

Region 3, Southwest Oregon

Regional Transit Coordinator Jennifer Boardman continues to develop relationships with each of the three tribes in ODOT Region 3, providing technical assistance, training and facilitating meetings between tribes and local transit providers. The COVID-19 pandemic held or delayed many of the projects that were anticipated in 2020.

Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians partnership with Lane Council of Governments Florence to Eugene Route.



The Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians partnered with Lane Council of Governments and the newly formed Coos County Area Transportation District on the purchase of transit vehicles. Tribal transit funds were also used to purchase tickets on local transit for tribal members, but have slowed significantly due to COVID-19. Elder bus transit was also put on hold in March due to pandemic restrictions.

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians’ main projects were their partnership projects with local transit providers. Lane Council of Governments implemented Florence to Eugene service with financial assistance from the Confederated Tribes of Coos, Lower, Umpqua, and Siuslaw Indians. Additionally, support was provided to assist Coos County Area Transit with funding for a North Bend to Florence route that started in July 2020. The tribe’s funding assistance

to local providers continues to assist in closing gaps in the transit network along the central coast.

Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians partnership with Lane Council of Governments Florence to Eugene Route.

The Cow Creek Band of Umpqua Tribe of Indians was able to order a transit vehicle in fall of 2020 to be used for elder and human service transit for the greater Umpqua Valley. The tribe is in the process of finalizing a new contract for Federal Transit Administration Section 5310 funds with the newly formed transportation district in Roseburg.

The Coquille Indian Tribe suspended many of its transit services due COVID-19. The majority of the individuals the tribe transports are from highly sensitive populations. The tribe is working with Coos County Area Transportation District on an expanded route from Charleston to Coos Bay. The route has increased in ridership each month since starting in July 2020. The funding for this partnership was secured through a competitive Federal Transit Administration Section 5311(c) Tribal Transit funds solicitation.

Region 4, Central Oregon

In the central Oregon region, ODOT Regional Transit Coordinator Theresa Conley continues to build relationships with and provide technical assistance to the Confederated Tribes of Warm Springs and the Klamath Tribes.

Local transit service is provided by the Confederated Tribes of Warm Springs via contracts with the Central Oregon Intergovernmental Council. To support this collaborative approach to transit delivery, in 2020 Ms. Conley supported the completion of a regional transit master plan, provided technical assistance for the ongoing implementation of transit grants through ODOT and aided in response to the COVID-19 pandemic.



Regional transit master plan open house event at the Warm Springs Community Center.

The regional transit master plan considers long-term growth of transit services in the three-county area served by the Central Oregon Intergovernmental Council, including the community of Warm Springs and surrounding the Confederated Tribes of Warm Springs reservation lands. This newly-adopted master plan will be a resource for the Confederated Tribes of Warm Springs and reflects significant engagement of tribal members, tribal administration, and technical experts from the community. The planning process established a Confederated Tribes of Warm Springs Technical Advisory Committee and included Confederated Tribes of Warm Springs administrative staff on both the Project Steering Team and on the Central Oregon Intergovernmental Council Board, which formally adopted the plan. Additionally, prior to the COVID-19 pandemic the Central Oregon Intergovernmental Council was able to host numerous open house events and direct outreach to tribal members and community-based organizations. Ms. Conley served as the ODOT project manager for the duration of the project, and in 2020 she attended two meetings of the Confederated Tribes of Warm Springs Technical Advisory Committee and provided technical support to the Central Oregon Intergovernmental Council as the final draft was adopted.

Ms. Conley also provided technical assistance to the Confederated Tribes of Warm Springs and the Central Oregon Intergovernmental Council for the ongoing implementation of transit grants through ODOT, including the Statewide

Transportation Improvement Fund grant. Specifically, this included attendance at one Tribal Council meeting to discuss program implementation, attendance at two Confederated Tribes of Warm Springs Statewide Transportation Improvement Fund Advisory Committee meetings and facilitation of an onboarding call to welcome new Confederated Tribes of Warm Springs financial staff to the realm of ODOT transit grant administration. Ms. Conley also supported Confederated Tribes of Warm Springs staff in the development and submission of an application for additional FTA funding to support staff time on regional coordination activities around transit.

Ridership on transit services contracted by the Confederated Tribes of Warm Springs has remained relatively high during the COVID-19 pandemic, demonstrating the value of these essential services. To support continued safe operations in the COVID-19 environment, Ms. Conley provided technical assistance on an application for federal Coronavirus Aid, Relief and Economic Security (CARES) Act funding through ODOT. This grant will support the increased cost of operations, personal protective equipment, supplies and labor for ongoing sanitization of buses and a 'trailer' bus if needed to accommodate overflow ridership on routes directly serving the Confederated Tribes of Warm Springs reservation.

The Klamath Tribes directly operate demand response and Quail Trail intercommunity service throughout the Klamath Basin in south central Oregon. During 2020, Ms. Conley convened collaborative conversations among regional transit providers, supported readiness to apply for Statewide Transportation Improvement Fund funding, and provided technical assistance in implementation of several state and federal transit grants.

Ms. Conley facilitated a meeting with staff of the Klamath Tribes transit program and neighboring Basin Transit Service to discuss an update to the joint Klamath County Coordinated Human Services

Public Transportation Plan, implementation of regional Statewide Transportation Improvement Fund projects and shared delivery of future regional intercommunity services. Basin Transit Service and the Klamath Tribes intend to complete a more thorough and strategic update of their joint Coordinated Plan in 2021.

The Klamath Tribes also intend to apply first their first round of Statewide Transportation Improvement Fund Formula funding in 2021, after a postponement to prepare to meet the associated requirements. Ms. Conley has been assisting staff in those preparations including: discussions about the best structure for the required advisory committee, eligible projects, required committee meetings and public engagement and what overall process would work for the tribe.

Ms. Conley also has regular technical assistance calls with the Klamath Tribes transit manager, particularly in response to COVID-19, implementation of existing grants and preparation for state and federal grant applications. Prior to the COVID-19 pandemic, many of these conversations would be in-person at the Tribal Administration building; however, only one in-person meeting occurred in 2020.

The Klamath Tribes suspended operations for approximately four months in response to the COVID-19 pandemic and reopened service in June. Ms. Conley supported the service recovery process by sharing best practices from peer agencies, supplying guidance from state and federal agencies, checking in on access to needed supplies and personal protective equipment and supporting staff as they prioritized work that had accumulated during four months of closure. She also provided technical assistance on two ODOT CARES Act funding applications.

Theresa Conley has been accepted for the fifth cohort of Portland State University's Professional Certificate in Tribal Relations training program, starting in December 2020.

Region 5, Eastern Oregon

Region 5's Regional Transit Coordinator, Frank Thomas, works closely with Kayak Public Transit, a service of the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe mobility delivery program.

In 2020, Mr. Thomas assisted both tribes with the ongoing delivery of services within their Statewide Transportation Improvement Fund Formula awards - \$250,000 to each tribe, distributed between July 1, 2019 and June 30, 2021; and the Public Transit Division's traditional mix of state and federal funding opportunities.

Kayak Public Transit was identified in late January 2020 as an example of best sanitization practices. Despite these cleaning protocols, which had been in place for many years, Kayak suspended all transit services on March 21, 2020 due to COVID 19. Between June 4, 2020 and October 5, 2020 the Confederated Tribes of the Umatilla Indians initiated a scaled resumption of service for Kayak.

The Burns Paiute Tribe likewise suspended service in March 2020. At the time of this report, service has yet to be reinstated. Consequently, the milestones of progress are less plentiful for the Burns Paiute Tribe this year. However, Mr. Thomas worked with the tribe and the transit provider to ensure that lifeline services to the Burns Paiute Reservation continued. During the suspension of service, Mr. Thomas has remained in close contact with Kenton Dick of the Burns Paiute Tribe to close outstanding compliance review findings, deliver transit planning updates and to stay current with quarterly reporting.

Mr. Thomas has actively supported Kayak Public Transit's expansion plans as identified in the Morrow, Umatilla County, Travel Shed Analysis Study of 2018 [\[Link\]](#). At the time of this report, a Request for Proposals is pending in support of a planning and demonstration partnership between the counties and the Confederated



Tribes of the Umatilla Indian Reservation to create a service connection to the Port of Morrow. Mr. Thomas has likewise worked closely with the Confederated Tribes of the Umatilla Indian Reservation and the county interests in the development of discretionary grant applications to launch coordinated services once the planning project is complete.

Training Program

Due to the COVID-19 pandemic, the Oregon Public Transportation Conference was held virtually, with trainings throughout the month of October 2020. Representatives from the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; the Cow Creek Band of Umpqua Tribe of Indians; the Coquille Indian Tribe; and the Klamath Tribes participated in the virtual sessions.

Tribal members from the Confederated Tribes of Siletz Indians; the Klamath Tribes; the Cow Creek Band of Umpqua Tribe of Indians; Confederated Tribes of the Umatilla Indian Reservation; and Burns Paiute Tribe all attended additional trainings offered throughout the year made possible with the Technical Assistance Program scholarship funds. The trainings included collaborative transportation planning software instruction, vehicle maintenance management and inspection certification, as well as driver-specific training covering subjects such as communication, conflict resolution, understanding the needs of riders, person-first perspective, assisting persons with mobility differences, Americans with Disabilities Act and wheelchair securement.

Staff Training

Public Transportation Manager, Marsha Hoskins, holds a Professional Certificate in Tribal Relations from Portland State University's Institute for Tribal Government. She continues to participate in sessions with subsequent cohorts. Two regional transit coordinators, Arla Miller and Theresa Conley, will be in the fifth cohort for this program, starting in December 2020.

Technical Resource Center

The Technical Resource Center assists public transportation service providers in rural areas with training, transportation planning and information technology. The Technical Resource Center Website is designed to help Oregon's transportation agencies acquire the resources they need to effectively carry out their respective missions. In 2019, a Public Transportation Maintenance Group restarted with the intent to exchange information, procedures and ideas; improve safety, reliability and efficiency of bus operations; reduce costs of maintenance facility operation; improve passenger comfort and encourage the development of new bus technologies. The Maintenance Group Chair is Rob Johnson, with the Confederated Tribes of the Umatilla Indian Reservation.

Other Federal and State Grants

Federal Grants

The Program Services Unit administers multiple U.S. Department of Transportation Federal Transit Administration programs that are available to the nine tribes:

Enhanced Mobility of Seniors and Individuals with Disabilities Program, Section 5310

This program provides funds for capital purchases and operations that benefit seniors and individuals with disabilities. The funds are largely distributed through

a formula based on population and need, with approximately six percent of funds distributed through a discretionary grant program each biennium. Tribes may use the funds for vehicle purchases or other capital needs, as well as transit operations such as purchased service and maintenance projects. All nine tribes received Section 5310 funding in 2019-21.

Formula Grants for Rural Areas Program, Section 5311

This program provides grant assistance to entities that deliver general public transportation services to communities of fewer than 50,000 people. Funds may be used for planning, administration, operations and capital purchases. The majority of funds are distributed through a formula program. Tribes are eligible to apply to ODOT for these funds. The Confederated Tribes of the Umatilla Indian Reservation, the Klamath Tribes and the Confederated Tribes of Grand Ronde currently participate in this program.

Coronavirus Aid, Relief and Economic Security (CARES) Act Funds

This one-time funding program supports projects to assist transit providers experiencing negative impacts from the COVID-19 pandemic and supports operating, capital, and other expenses generally eligible under the Section 5311 and 5311(f) programs.

Funding comes from CARES Act funds apportioned to Oregon by the FTA.

Tribes are eligible to apply to ODOT for these funds. The Confederated Tribes of the Umatilla Indian Reservation, the Klamath Tribes and the Confederated Tribes of Grand Ronde currently participate in this program.

Bus and Bus Facilities Program, Section 5339

This program supports the purchase of buses and transit facilities. The funds are distributed through a discretionary grant program; tribes that offer general public

services are eligible to participate. The Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians have Section 5339 agreements in this biennium.

Tribal Transit Funds

Federally recognized tribes are eligible to participate as direct recipients of Federal Transit Administration Tribal Transit funds if tribes meet Section 5311 Rural Program requirements. The Klamath Tribes, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians are eligible to participate in the formula portion of the Tribal Transit program. Both the Coquille Indian Tribe and the Cow Creek Band of Umpqua Tribe of Indians are working with ODOT staff to explore obtaining formula eligibility. The Coquille Indian Tribe partnered with Coos County Area Transit, and was successfully awarded a discretionary competitive Tribal Transit grant in 2017 to expand services. The Coquille Indian Tribe finalized all required documents to receive funding in 2019, and are working with Coos County Area Transit to start the service. In February, it was announced that the Confederated Tribes of Grand Ronde were awarded \$250,000 discretionary competitive Tribal Transit funding to initiate a new transit route.

State Grants

The Program Services Unit administers several state-funded programs that are available to the nine tribes:

Special Transportation Fund

This state fund supports transportation services for people who are seniors and people of any age with disabilities. Funds are distributed every two years using a population-based formula. All nine federally recognized tribes received Special Transportation Fund funding in 2019-21.

Statewide Transportation Improvement Fund

This fund provides a dedicated source of funding to expand public transportation to access jobs, improve mobility, relieve congestion and reduce greenhouse gas emissions around Oregon. All nine federal recognized Tribes are Qualified Entities, eligible to receive Statewide Transportation Improvement Fund Formula dollars. Seven of the nine tribes received Formula funding in 2019-21. The Confederated Tribes of Siletz Indians and the Klamath Tribes elected to postpone submittal of an STIF Formula Plan until the 2021-23 cycle. Both are currently in the planning process for that submittal, due February 1, 2021.

Rural Veterans Healthcare Transportation Funds

The Public Transit Division was approached by the Oregon Department of Veterans' Affairs to develop and manage a demonstration project focused on connecting veterans in rural areas to earned healthcare benefits. Beginning with an invitation to Sam Spino, veterans' service officer for the Confederated Tribes of the Umatilla Indian Reservation, to serve on the steering committee, Oregon's federally recognized tribes were a key constituency.

One of the early key concepts adopted by the program's steering committee was a recognition that Oregon's tribes provide services to members who are not geographically connected to tribal jurisdictions. A foundational outcome was all nine tribes becoming categorically eligible for funding.

The unfortunate timing of the COVID-19 pandemic resulted in fewer applications than initially expected (in spite of two solicitation rounds). The Confederated Tribes of Siletz Indians were awarded a \$20,000 project; the Klamath Tribes, the Coquille Indian Tribe and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were beneficiaries of projects awarded to nearby transit partners.

Compliance Monitoring Program

As part of its federal grant management program, the Public Transit Division administers a compliance monitoring program for entities receiving federal and state public transportation grant funds. Reviews are conducted at least every five years. As grantees, all nine tribes participate in the program. In 2020, none of the tribes were due for a compliance review. Beginning in 2020, on-site reviews were expanded to include a review of compliance with the new Statewide Transportation Improvement Fund program requirements. The Klamath Tribes, the Cow Creek Band of Umpqua Tribe of Indians, and the Coquille Indian Tribe are scheduled for an on-site review in the first half of 2021.

The Public Transit Division also administers a Drug and Alcohol Compliance Program for all entities receiving Federal Transit Administration Section 5311 funds that employ “safety sensitive” employees. Three of the nine tribes participate in this program. The Confederated Tribes of Grand Ronde, the Confederated Tribes of the Umatilla Indian Reservation, and the Klamath Tribes all had their drug and alcohol policies reviewed for compliance and feedback was provided to these entities to bring their policies into compliance. The Confederated Tribes of the Umatilla Indian Reservation is tentatively scheduled for an on-site review specific to Federal Transit Administration Drug and Alcohol Program requirements in 2021.

Policy Data and Analysis Division (PD&A) 2020 Report

The Policy Data and Analysis Division helps Oregonians plan and develop Oregon’s transportation future through a balanced, well-connected transportation system. The Policy Data and Analysis Division is the part of ODOT that:

- Helps Oregonians conduct long and short-term transportation planning.
- Keeps statistics about transportation.
- Considers and develops transportation policy.
- Does research to help engineers, planners and project designers plan and implement a multimodal transportation system.
- Helps local governments with transportation through a variety of programs and services.

The Division is responsible for producing the *Oregon Transportation Plan*, the *Oregon Highway Plan*, modal and topic plans as well as supporting ODOT Regions to develop individual plans for specific highway corridors.

The Policy Data and Analysis Division is also the home of interagency partnerships that help to shape the future, such as the Transportation and Growth Management Program, sustainability program and transportation/health initiatives.

The Policy Data and Analysis Division has helped Oregon take a leading role nationwide in many fields such as transportation and land use modeling, greenhouse gas reduction, and coordinated land use and transportation development.

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2020 Planning Consultation Development

In 2020, the Policy Data and Analysis Division, executed the established Tribal consultation process for the development of long-range transportation plans and capital improvement plans, fulfilling the intent of 23 Code of Federal Regulations 450. The Tribal consultation process for planning was developed in partnership with the nine federally recognized Tribal governments in Oregon. The Tribal Consultation Process Documentation reflects the consultation preferences of tribal governments and summarizes the expectations, roles, responsibilities and key decision-making points during planning and programming processes where consultation will take place. The document established protocols and management practices that serve as a guide to be followed by ODOT to ensure adequate and effective consultation with tribal governments for long-range plan and capital improvement plan development.

To date, ODOT has consulted with tribal governments, or requested consultation consistent with the Tribal Consultation Process Documentation.

Long Range Planning

The Policy, Data and Analysis Division develops policies and strategies for operating, managing, maintaining, and funding the state's transportation system to achieve Oregon's long-range transportation vision and goals. Transportation policy guides ODOT's decision-making towards the implementation of a planned transportation system. The Oregon Transportation Plan is the state's long-range transportation system plan. It establishes a vision and policy foundation to guide transportation system development and investment. The Oregon Transportation Plan and the various mode and topic plans that fall underneath it, guide decisions by ODOT and other transportation agencies statewide and are reflected in local and regional planning efforts. All statewide policy plans are available [online](#) for reference. Consultation with tribal governments for statewide plans

will take place when new plans are written or when existing plans receive updates. Statewide plan update cycles vary; those that are established by federal regulation have a set timeline, while others will occur on an as-needed basis.

During 2020, ODOT executed the Tribal consultation process for planning as outlined in the established documentation for long range planning. ODOT inquired about consultation interests and needs during these key milestones identified in the individual agreements:

- Oregon State Rail Plan:
 - » April 2020: Oregon Transportation Commission Review of the Draft Plan
- Transportation Safety Action Plan:
 - » September-October 2020: Public Involvement and Agency Consultation Plan

Statewide Transportation Improvement Program Development

The Statewide Transportation Improvement Program is ODOT's four-year short-term capital improvement program for state and regional transportation systems. It is developed in coordination with federal and local governments, Tribal governments, area commissions on transportation, metropolitan planning organizations, and the public. The Statewide Transportation Improvement Program directs significant investments in the transportation system, therefore ODOT strives to keep Tribal governments, the public, stakeholders, agencies, and other partners informed and seek their input at key points through an open, transparent, and accessible process.

During 2020, ODOT executed the Tribal consultation process as outlined in the established Documentation for Statewide Transportation Improvement Program development. The finalization of the consultation process occurred in the middle of the development of the 2021-2024 Statewide Transportation Improvement

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Program cycle, therefore ODOT worked with Tribal governments through normal partnerships and collaboration processes to discuss STIP development prior to completion. ODOT inquired about consultation interests and needs during these key milestones identified in the individual agreements:

- 2021-2024 STIP:
 - » December 2019 – January 2020: Oregon Transportation Commission Release of the Draft STIP for Review
- 2024-2027 STIP:
 - » Oregon Transportation Commission Determines STIP Funding Allocations (2024-2027 STIP)

ODOT leadership formally consulted with designated representative of each of the following tribal government during the development of the 2021-2024 STIP:

- **March 2020:** The Klamath Tribes
- **July 2020:** The Confederated Tribes of the Umatilla Indian Reservation
- **January 2020:** The Cow Creek Band of Umpqua Tribe of Indians

Research Program

The Research Program oversees the state’s federally funded research and the Technology Transfer Program. Research focuses on safety, infrastructure repair and preservation, maintenance practices, innovative contracting and project delivery, sustainable environmental practices and the land use transportation connection.

The Technology Transfer Program (T2) is a part of the Research Section and offers training, technical assistance and technology transfer to local transportation agencies, which includes cities, counties, tribal governments, and others. The Technology Transfer program’s customer base includes the nine federally recognized tribes in Oregon.

The T2 Center Director has been reaching out to tribes to share information about services offered and set up meetings to discuss how T2 can serve tribal needs. Multiple tribes throughout the state use some of the trainings offered by the T2 Center.

During a normal year, each of the nine tribes receive an in-person visit from one of our trainers with a packet of timely transportation related materials. At this visit, the trainer discusses ways that the Center can provide services to the tribe and what the individual needs of that tribe are. Due to COVID-19, in-person visits were cancelled for 2020.

The T2 Center Director assisted in acquiring grant funding and in the development and delivery of an ODOT-Tribal Summit planned for May of 2020. This tribal symposium was expected to bring all nine tribes together in Lebanon to cover topics specifically requested and prioritized by the Oregon tribes. The T2 Center Director is an active member of the planning of this symposium and will have an exhibit booth to promote our free services to the tribes. The symposium has been postponed due to COVID-19.

The T2 Center staff will continue to make contacts with the tribes in Oregon. The goal once COVID restrictions are lifted is to do an on-site touch base with each of the nine tribes in Oregon.

The T2 Center Director will continue to reach out to the tribes to garner involvement in strategic planning, recruit steering committee involvement, have discussions on beneficial services to the tribes, and to ensure that each of the tribes is aware of the services that the T2 Center has to offer.

Data Section

Data services provided by the Transportation Data Section are critical for successfully managing Oregon’s transportation system. The Crash and Analysis Reporting Unit provides motor

vehicle crash data through database creation, maintenance and quality assurance. Ten years of crash data is maintained at all times. The unit also has ongoing communication with the Confederated Tribes of Warm Springs Police Department with regard to fatal crash reports on the tribes' lands.

Statewide Planning Program

Policy, Data and Analysis Division planners develop strategies for operating, managing, maintaining, and funding the state's transportation system to achieve Oregon's long-term transportation goals and vision. The Oregon Transportation Plan directs ODOT to include Tribal governments in the development of long range planning documents. Planners also had a key role in developing the Tribal Consultation Process Documentation for statewide planning and programming processes. Presently, Tribal governments are involved in the development of statewide transportation plans by means of formal consultation as outlined in the Tribal Consultation Process Documentation and through person contact, email, and hard copy communication of information with a solicitation of comments.

Transportation and Growth Management Program

This program provides planning assistance to Oregon communities to create vibrant, livable places where people can walk, bike, take transit or drive where they want to go. The Transportation Growth Management program continues to serve as one of the primary funding sources for tribal governments and local governments to plan for well-designed communities with a balanced, interconnected transportation network. With over 1,100 planning projects supported and completed since 1993, Oregon's Transportation Growth Management Program continues to provide value to Oregonians by

helping communities plan for land use and transportation in concert with community objectives. Tribes are eligible for Transportation Growth Management grants and have been very successful at winning funding in prior years.

The Transportation and Growth Management Program protocols require that grant managers make contact with each federally recognized tribe by phone or in-person to provide information on the four grant programs offered each annual cycle.

During the pre-application process, Transportation and Growth Management regional planners communicate directly with delegates from the tribes to inform tribes of available services and discuss ways in which the program could be of assistance to tribal planning needs.

Transportation and Growth Management Long Range Plans with Tribes

City of Sutherlin Transportation System Plan Update

ODOT planning staff is working with the City of Sutherlin to update its Transportation System Plan. The Cow Creek Band of Umpqua Tribe of Indians has received monthly email updates on the project process.

Douglas County Transit Master Plan

ODOT planning staff is working with the newly formed Umpqua Transit District to develop Douglas County's first transit master plan. The project is funded through ODOT's Transportation Growth Management program and will identify transit improvements eligible for Oregon House Bill 2017 funding. The Cow Creek Band of Umpqua Tribe of Indians will be invited to participate.

Coos County Transit Master Plan

ODOT planning staff is working with Coos County Area Transportation District to develop Coos County's first

transit master plan. The project is funded through ODOT's Transportation Growth Management program and will identify transit improvements eligible for Keep Oregon Moving (HB 2017) funding. The Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians participated in focus groups and advisory committees to determine efficiencies in transit service to Tribal members. This project is anticipated to be complete by 2021.

Confederated Tribes of the Umatilla Indian Reservation Transportation System Plan Update grant is in the early stage of developing a draft scope of work. The update will encompass the tribal boundaries, including several roads on off-reservation Trust Lands. Mobility choice is a high priority of the plan update. The plan update will incorporate recommendations provided in the Transportation Growth Management 2017 Mission Community Master Plan.

Transportation Safety Division

About

ODOT's Transportation Safety Division is responsible for promoting activities that reduce the instance and severity of transportation related crashes in Oregon. This is primarily accomplished through the division's community programs and through its strategic and long-range planning efforts.

Community Program

The Community Program is designed to assist local governments, non-profits and volunteers in initiating and conducting ongoing safety programs and activities within their jurisdiction or area of interest as it relates to transportation safety. Through this program, the Transportation Safety Division also seeks to work with community representatives to direct them toward relevant grants to improve the safety of the traveling public. Tribal governments are eligible and do access the materials and resources of the division's community programs. This year the Transportation Safety Division produced a guide for recruiting and working with volunteers which was shared widely with advocacy groups and partners throughout Oregon.

Strategic and Long-Range Planning

The Strategic Long-Range Planning program is designed to routinely develop and update the state's Transportation Safety Action Plan to guide transportation safety efforts across multiple agencies statewide. This plan also serves as the state's required Strategic Highway Safety Plan which guides investments in traffic safety improvements, both of infrastructure and non-infrastructure (education and enforcement). Tribal governments are specifically invited to participate in the development of these safety planning efforts, where in prior cycles several tribes have participated; however the tribes elected to not participate in the current updating of the Transportation Safety Action Plan at this time.

Specific Interactions in 2020

The division continued to conduct local work with several tribes to develop plans for improving safety within counties, including on reservation lands and in serving tribal memberships. In 2020, the division conducted outreach to coordinate with various Oregon tribes. In addition, many specific financial and other interactions occurred:

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- The Burns Paiute Tribal Police Department receives and is made aware of all notices for available scholarships, grants, and training opportunities throughout the year
- The Transportation Safety Division partnered with the Cow Creek Band of Umpqua Tribe of Indians to host the annual Police Traffic Safety Conference at the tribe's facility
- The Transportation Safety Division continues to work with the Confederated Tribes of the Umatilla Indian Reservation- Yellowhawk Health Clinic staff members to provide access to continuing education and recertification in the child passenger safety technician program. Division staff also assisted tribal police by providing information about all available grants and opportunities.
- The local Klamath County Transportation Safety Action plan was under development during 2020, and tribal membership was involved in development.
- TSD met with a group that included the Confederated Tribes of Warm Springs along with other local agency representatives to discuss pedestrian safety and identify possible non-infrastructure and infrastructure interventions, following a serious injury, then a fatal pedestrian crash in Madras
- One officer from the Warm Springs Tribe attend the Police traffic Services Conference in January of 2020.
- TSD reached out to the Klamath Tribes to offer child passenger safety grants
- TSD offered 2021 safety belt enforcement grants to the Grand Ronde Tribe, which they applied for and were awarded.