



The Deputy Secretary of Transportation

WASHINGTON, D.C. 20590

December 22, 2009

Dear Tribal Leader:

On November 5, 2009, President Obama signed a Memorandum on Tribal Consultation, which directs each executive department and agency in the Federal Government to engage in regular and meaningful consultation and collaboration with Tribal officials through complete and consistent implementation of Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*. The Memorandum and the Executive Order can be found at <http://www.fhwa.dot.gov/tribal/reference.htm> for your reference.

The United States Department of Transportation (USDOT) will develop a detailed plan of actions to implement the policies set forth in these directives. To begin this process, I am requesting your comments, and those of all other federally-recognized Tribes, regarding the development of a proposed USDOT plan on Tribal consultation and coordination.

We are committed to creating a meaningful dialogue with Tribal officials and to strengthening the government-to-government relationship between the United States and Tribes. Your input will be a critical component of the development of our consultation plan. To assist you in this effort, I have enclosed a brief description of each program at USDOT specifically designed for Tribes. Your comments could include, but need not be limited to:

- Your recommendations regarding actions promulgated by USDOT on these or other programs that should trigger consultation;
- Your recommendations for procedures that should be employed by USDOT to ensure meaningful consultation with tribal leaders on these or other programs; and,
- Examples of alternative communication methods, such as webinars, conference calls, or workshops that could improve our outreach and coordination with your Tribe.

In order to incorporate your ideas into the plan that we submit to the President, and to ensure its timely submission, I ask that you submit any written comments no later than January 15, 2010. You may also provide feedback to your Indian Reservation Roads Program Coordinating Committee Representative (IRRPCC) (a list of members of the IRRPCC is enclosed). The IRRPCC will provide a compilation of any comments received directly to USDOT. If you choose to provide feedback to the IRRPCC, please do so no later than January 18, 2010.

If you wish to respond directly to USDOT, please submit any written comments by email, fax or postal service:

Email: tribalconsultation@dot.gov

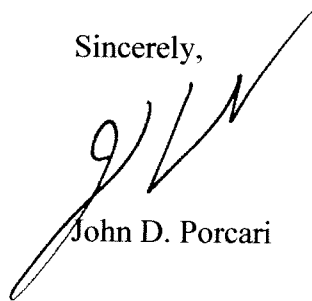
Fax: 202-366-3675

Mail: Office of the Deputy Assistant Secretary for Intergovernmental Affairs
1200 New Jersey Avenue, SE, Room W85-340
Washington, DC 20590

If you have any questions, please contact the Office of the Deputy Assistant Secretary for Intergovernmental Affairs at 202-366-4573.

We strongly support President Obama's commitment to improving the Federal-Tribal relationship. We look forward to working with you to develop USDOT's policies and procedures for tribal consultation.

Sincerely,

A handwritten signature in black ink, appearing to read 'John D. Porcari', with a long, sweeping flourish extending upwards and to the right.

John D. Porcari

Enclosures

TRIBAL PROGRAMS at the U.S. Department of Transportation

Indian Reservation Roads Program

The Indian Reservation Roads Program (IRR) addresses transportation needs of Tribes by providing funds for planning, design, construction, and maintenance activities. The program is jointly administered by the Federal Highway Administration's Federal Lands Highway Office and the Bureau of Indian Affairs (BIA) in accordance with an interagency agreement.

Indian Reservation Roads are public roads that provide access to and within Indian reservations, Indian trust land, restricted Indian land, and Alaska native villages. Projects eligible for IRR funding include, but are not limited to, resurfacing, restoration and rehabilitation of roads providing access to or within Federal or Indian lands, safety improvements to those roads, acquisition of rights of way, and provision of pedestrian and bicycle facilities. In addition, IRR funds may be used for the State/local matching share for other federal-aid highway programs.

Tribal Transit Program

The Tribal Transit Program aims to enhance the access of public transportation on and around Indian reservations in non-urbanized areas to improve access to health care, shopping, education, employment, public services, and recreation.

All Federally-recognized Tribes are eligible recipients for funding under the Tribal Transit Program. Funds are awarded annually, based on a competitive selection process conducted by the Federal Transit Administration. Recipients of the Tribal Transit Program funds may use these funds for planning, capital, and operating assistance for public transit services, and support for intercity bus service.

Section 402 State and Community Highway Safety Grant Funds

The National Highway Traffic Safety Administration (NHTSA) provides safety grant funds to the Secretary of the Interior to save lives, prevent injuries, and reduce economic loss due to motor vehicle related crashes on Tribal land. The Bureau of Indian Affairs (BIA) administers the funds, known as the Section 402 State and Community Highway Safety Grant Funds.

Eligible funding activities for this program include, but are not limited to, addressing driving in excess of posted speed limits, proper use of occupant protection devices, driving while impaired by alcohol or a controlled substance, preventing crashes involving motor vehicles and motorcycles, preventing crashes involving school buses, preventing unsafe driving behaviors, and improving law enforcement services in motor vehicle accident prevention, traffic supervision, and post accident procedures. The BIA publishes an annual request for proposals to all eligible Tribes and provides grants for qualifying programs. NHTSA provides technical assistance to Tribes through partnership with BIA.