

**TRIBAL TRANSPORTATION  
NEEDS ASSESSMENT  
IN  
SAN DIEGO AND IMPERIAL COUNTIES**

**SURVEY RESULTS SUMMARY**

DRAFT



PRELIMINARY DRAFT

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## ABSTRACT

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ABSTRACT: Caltrans District 11 and SANDAG administered a joint survey to the tribal governments in San Diego and Imperial Counties regarding their transportation needs as a baseline for addressing tribal transportation issues, based on government-to-government relations. The results of this survey will be used as a basis for tribal government involvement in various local, regional, state, and federal transportation planning processes and documents.

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# INTRODUCTION

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The U.S. Constitution and treaties recognize Native American communities as separate and independent political communities within the territorial boundaries of the United States. In the counties of San Diego and Imperial there are 19 federally recognized tribal nations; 17 of which are located within San Diego County – the most in any county in the United States (Appendix 1 – Map).

Reservations have generally been established by Executive Order, and most of the land within the boundaries of reservations is owned by tribes and held in trust by the federal government. Native American reservations currently cover more than 116,000 acres in San Diego, or approximately four percent of the region's land. In Imperial County there are two tribes whose land base extends approximately 69,800 acres. Five tribal groupings make up the indigenous peoples of this two county region which coincides with District 11 of Caltrans: the Kumeyaay/Diegueño, the Luiseño, the Cupeño, the Cahuilla, and the Quechan.

As domestic Sovereign nations, Tribes are subject to federal regulations, but are not subject to local or state regulations, unless the U.S. Congress delegates implementation of federal law to the state. From an operational point of view, Tribal governments operate much like local jurisdictions. In addition to the standard governmental functions of regulating, taxing and delivering services, tribal governments act to preserve and protect tribal culture and the tribal community. Tribal governments are also responsible for the development, management and operation of tribal economic enterprises.

A number of planning issues surround these reservations as they are typically located in remote areas, outside of incorporated cities. Inadequate access to and from the reservations often results in a lack of employment opportunities, as well as insufficient health, social and cultural services. As a result of the Federal Indian Gaming Regulatory Act (IGRA) of 1988, beginning in the 1990s most of the tribes in the San Diego and Imperial Counties developed or have agreements to develop gaming facilities as a means of economic development. In fact, San Diego County now has eight operational tribal gaming facilities, two new ones under construction, and at least three more being proposed which is the greatest number of Indian gaming facilities in any county in the United States. Gaming-related and other types of development have led to rapid economic growth for these tribes while also providing jobs and stimulating the regional economy. This growth has been accompanied by increases in traffic, jobs-housing accessibility issues, and the need for additional resources such as water and energy.<sup>1</sup> Even those tribes that do not have gaming facilities continue to have economic development, transportation, and infrastructure needs which have not been met. To address these issues, state agencies and local governments are working to increase communication, coordination, and collaboration with tribal governments (see Appendix 2 for more detail).

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<sup>1</sup> For a comprehensive overview see San Diego County study "Update on Impacts of Tribal Economic Development Projects in San Diego County," April 2003. You can contact Chantal Saipe, Tribal Liaison, at (619) 685-2542 or download a PDF version from <http://www.sdcounty.ca.gov/cnty/cntydepts/landuse/tedp.html>.

Federal and state legislation require that federally recognized tribal governments be consulted in the development of regional transportation plans and programs (Appendix 3). In particular, the Transportation Equity Act of the 21st Century (TEA-21), passed in 1998, maintained existing responsibilities of the MPOs for urban planning and programming of federally funded projects and reinforced federal emphasis on tribal government participation, requiring the state to consult with Tribes, as well as with non-metropolitan local officials, when developing the California Transportation Plan (CTP) and the State Transportation Improvement Program (STIP).<sup>2</sup> How this translates into consultation at the regional level is left to the agreement between Metropolitan Planning Organizations (MPOs) and the tribal governments in their area of influence.

Caltrans District 11, through its Native American Liaison Program has worked for the past several years with the San Diego Association of Governments (SANDAG) and the Imperial Valley Association of Governments (IVAG)<sup>3</sup> to facilitate communication and cooperation in transportation planning between area tribes and the respective Metropolitan Planning Organizations (MPO).

In 2005, Caltrans District 11 and SANDAG, through grants from Caltrans, designed, developed, and implemented a joint Tribal Transportation Needs Survey directed at the 19 tribal governments in the region. The survey acts as a component of an overall transportation needs assessment to: (a) initiate a process of building better relationships with Tribes in San Diego and Imperial Counties; (b) establish a baseline of awareness of the transportation issues affecting each Tribe in order to facilitate partnerships between Caltrans, Tribal Governments, and the regional transportation agencies; and (c) promote more efficient identification of mutual transportation concerns and the development of appropriate solutions. It is hoped that this approach will enable Tribes to identify common transportation concerns and will facilitate partnerships between the Tribes, Caltrans, and the MPOs, giving the Tribes a stronger voice in state and regional transportation planning.

This report presents: the survey objective and methodology adopted; a brief introduction to the tribal nations in the region; the survey results grouped around issue areas; and initial issues and recommended actions. This report of the survey results is intended to serve as a basis for discussions between area tribes and planning agencies at a technical, as well as at a policy level. It is hoped that by beginning with an examination of identified tribal needs in transportation, gaps can be identified, and innovative solutions can be considered to address them within the regional transportation system based on government-to-government collaboration and coordination. This is only a first step in a broader process of consultation for tribal inclusion in transportation planning at a regional level.

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<sup>2</sup> The recent passage of new transportation bill known as SAFETEA LU has additional stipulations which need to be examined thoroughly; the Secretary of the Interior has formed a Native American Advisory Committee to determine how the Indian Reservation Roads (IRR) program will be impacted.

<sup>3</sup> IVAG is a member of the Southern California Association of Governments (SCAG) and also is an advisory member of SANDAG's Board of Directors.



# TRIBAL NATIONS IN SAN DIEGO AND IMPERIAL COUNTIES

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Of the 107 federally recognized Indian tribes in California, 17 are located in San Diego County and two are located in Imperial Valley. Historically, the tribal members of today's bands in these two counties are the descendants of five Indian cultural/linguistic groups who populated this entire region, taking advantage of the abundant natural resources and diverse ecological system for their livelihoods. The five nations were known as the Luiseño, who inhabited the land along San Luis Rey River in north and northwestern San Diego County; the Cahuilla who lived in the mountains in the northeastern part of the County and into Coachella and Imperial Valleys; the Cupeño who lived in the Warner Springs; and the Kumeyaay (Northern Ipai/Southern Tipai) in the southern part of the County all the way to what is today Baja California. The Quechan lived in Imperial Valley and into the northern part of Baja California.

Today, these five Indian nations are distributed over 20 reservations and are represented by 19 federally recognized tribal governments.<sup>4</sup> The original inhabitants of the still federally recognized Capitan Grande reservation established in the 1890s were moved to two different ranches in 1932 when the City of San Diego, by act of the U.S. Congress, acquired over 7,000 acres of land inside that reservation territory to build the El Capitan Reservoir. Capitan Grande is uninhabited and jointly managed by the Barona and Viejas governments.

In the years just prior to California becoming a state, the federal government developed treaties with California's Indian nations in an effort to reduce tribal and settler violence with the end of the U.S.-Mexican War and the onset of the Gold Rush. However, these treaties were never ratified – they were thwarted on the Senate floor by pressure from the new California Senators -- and the tribal nations who had signed were never informed. In 1875, President Ulysses S. Grant signed an Executive Order based on seven of the 'lost treaties' creating tribal reservations for the Santa Ysabel, Pala, Sycuan, La Jolla, Rincon, Viejas, and Capitan Grande bands. By the end of the 19th century, eighteen tribal reservations were established in San Diego and two in Imperial Valley.

It could be argued that tribal reservations today fall into two subregions, both geographically and culturally: in Northern San Diego County are five Luiseno/Cupeno bands (La Jolla, Pauma & Yuima, Pala, and Rincon); and in Southern San Diego County are the 12 Kumeyaay/Diegueno bands (Barona, Campo, Ewiiapaayp, Inaja-Cosmit, Jamul, La Posta, Manzanita, Mesa Grande, San Pasqual, Santa Ysabel, Sycuan, and Viejas). The Cahuilla peoples traverse three counties including the Morongo and Cabazon in Riverside, Los Coyotes in northeastern San Diego east of Cleveland National Forest, and Torres-Martinez spanning the Coachella and Imperial Valleys.<sup>5</sup> The Quechan peoples are on the Fort Yuma reservation in the Imperial Valley which straddles the California-

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<sup>4</sup> There are also several California Tribes, such as the San Luis Rey Band who have not attained federal recognition and are landless. The focus of this survey is on the land use and transportation needs of existing reservations.

<sup>5</sup> A significant portion (11,000 of 24,800) of the Torres-Martinez reservation was submerged when the Colorado River flooded creating what is know today as the Salton Sea. Although the flood occurred in 1904, the Torres-Martinez Band of Cahuilla were awarded indemnification for their loss in 2002.

Arizona. Each has elected tribal leadership, with tribal councils of varying sizes. Many have Constitutions and make laws. Each has distinct rules governing membership in the tribe, relationships among tribal members, and land use on reservation land.

# **SURVEY METHODOLOGY**

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## **Goals and Objectives of the Tribal Transportation Needs Survey**

In 2004, Caltrans and SANDAG developed a joint survey on tribal transportation needs to serve as a baseline for improving relations with tribes in the region and gain a better understanding of the transportation issues facing tribal nations in the region.

The survey was designed to capture each Tribe's transportation needs, issues, and concerns. The survey instrument included a series of questions addressing the following five subject areas:

- Relationships and contact with transportation and government agencies in which the tribe resides;
- Familiarity with specific planning agencies' planning process and associated documents;
- Future needs and availability of planned transportation improvements;
- Funding support for the tribes
- Guidelines for future developments on the tribal reservations

All 19 tribal nations in the San Diego and Imperial Counties were invited to participate in the survey which was administered in an in-person interview. Some Tribal representatives opted to receive the survey and return the completed document to Caltrans at a later date via regular mail or, in some cases, via fax. One of the key objectives of this study was to initiate a dialogue between Caltrans, SANDAG, and each tribal nation regarding their transportation concerns and through that process develop the basis for a respectful, working institutional relationship.

A second objective was to create a viable baseline on transportation-related data that could serve as the basis of a dialogue and an interactive analysis between area planning agencies and area tribes. Rather than conduct an agency-driven analysis, this survey allows the discussion to begin by the tribal nations identifying their needs and concerns. This information will, then, be discussed with transportation planners from various agencies in an effort to establish which issues are in the jurisdictional realm of each agency and how these needs can be channeled effectively. Through a constructive dialogue it is hoped that feasible solutions will be developed based on government-to-government negotiations.

The third objective is to generate a set of next steps; actionable items that can be pursued through a mutually agreed upon agenda with various agencies participating. The concept is to hold a technical workshop in which transportation staff from all of the tribes meet with transportation staff from the relevant agencies, discuss the findings of the survey, and determine how to address these concerns and recommend next steps.

## **Data Collection/Methodology**

### ***Collaboration between Caltrans, SANDAG, and Intertribal Councils***

The approach taken in this survey was to first approach the tribes through the facilitation of the Reservation Transportation Authority (RTA) and the Southern California Tribal Chairmen's Association (SCTCA). The tribal leadership was informed of Caltrans' intentions to conduct a needs assessment and provided advice on tribal protocol.

### ***Protocol for Implementation***

The protocol for developing the instrument involved gaining input from various agencies and vetting the questions with tribal members, as well as tribal owned agencies such as the Reservation Transportation Agency, the National Indian Justice Center, and the Caltrans Native American Advisory Committee. After the final draft was approved every nation was given a draft to discuss with its Tribal Council. Each nation analyzed the instrument and determined whether, or not, they wanted to participate. Once the tribal councils decided to participate they appointed a contact person, either a staff member or elected official knowledgeable about their transportation issues, to meet with the interviewers to fill out the questionnaire. The average interview took an hour or two once a suitable date and time was confirmed. Several tribes filled out the questionnaire on their own and returned it to the Caltrans offices. Detailed results are available under separate cover.

### ***Responses from Tribes***

The interviews were conducted over a period of six months from January through June of 2005. On several occasions there was a need to revisit for follow up information. Within this six month period all 19 tribes in Caltrans District 11 met with Caltrans/SANDAG staff. The Manzanita was the only tribe who met with staff and after reviewing the survey decided not to complete the main portion of the survey. Their tribal council indicated that they required more information regarding its purpose and usefulness to the Tribe's interests. Thus the survey had a 94 percent response rate.

## SURVEY RESULTS BY ISSUE AREA

To facilitate the process of examining common issues and concerns among the tribal nations with the corresponding agencies, the following section discusses the results of the survey by issue areas related to transportation and transit. The results have been tabulated by subregion with the three groupings being Tribes in North San Diego County; South San Diego County; and Imperial Valley. It should be noted that there are only two tribes in Imperial Valley. In some cases, the Quechan did not answer a particular question, so Torres-Martinez is indicated rather than using the term “Imperial Valley.” Unless otherwise indicated, the results are based on the answers of 18 of the 19 nations.<sup>6</sup>

Tribes in North San Diego County include: Inaja Cosmit Band of Mission Indians; La Jolla Band of Luiseno Indians; Los Coyotes Band of Cahuilla Indians; Mesa Grande Band of Mission Indians; Pala Band of Mission Indians; Pauma and Yuima Band of Mission Indians; Rincon Luiseno Band of Indians; Santa Ysabel.

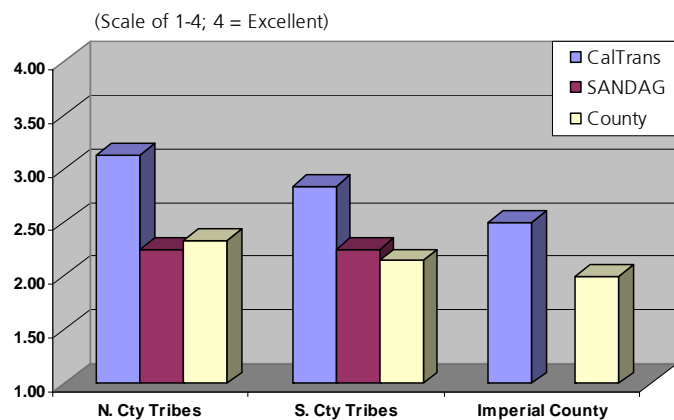
Tribes in South San Diego County include: Barona Band of Mission Indians; Campo Band of Kumeyaay Indians; Ewiiapaayp Band of Kumeyaay Indians/Cuyapaibe Band of Indians; Jamul Indian Village of California; La Posta Band of Mission Indians; Manzanita Band of Kumeyaay Indians; and the Viejas Band of Kumeyaay Indians.

Tribes in Imperial Valley include: Torres-Martinez Band of Cahuilla Indians; and Fort Yuma Quechan Indians.

### Relationships with Public Agencies in the Region

In general, the Tribes felt that communication with local and regional transportation agencies, such as Caltrans, SANDAG, the Imperial Valley Association of Governments (IVAG), and county governments, is adequate. The two agencies with the most sustained contact because of the nature of their roles and responsibilities are Caltrans and the County of San Diego. For the San Diego tribes, the relationship with SANDAG was minimal, according to the designated representatives. Another public agency mentioned in relation to access to and

Figure 1.  
Tribal Government Level of Communication with Area Planning Agencies

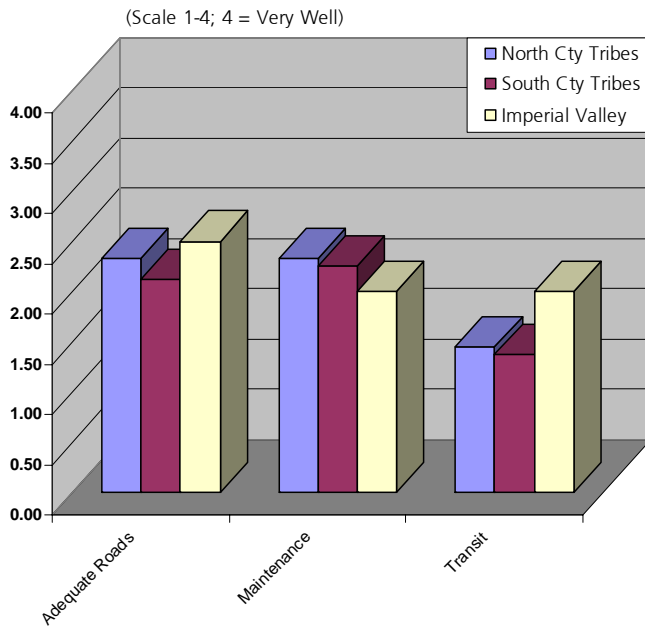


<sup>6</sup> Manzanita answered initial questions, but did not continue the survey.

from the reservations was the National Forest Service. Various tribes expressed optimism for the possibility of developing better, more systematic working relationships with all of the agencies mentioned.

Overall, the tribes in North San Diego County had the strongest level of communications with planning agencies, particularly with Caltrans. Two reasons for this may be that issues related to the operational improvement required on SR76 have catalyzed discussions between various tribes and Caltrans and more active members of the Reservation Transportation Authority are clustered in Northern San Diego County.

Figure 2.  
Degree to which Agencies  
Have Met Tribes' Transportation Needs



The Tribes gave similar responses on the public agencies' success in meeting tribal government transportation needs. These responses vary from "very well" to "not at all." However the averages for each subregion did not exceed "well." Key reasons included: confusion over which agency was responsible for what issues; maintenance issues on roadways; inadequate roadways; and lack of timeliness in implementing improvements.

On average, tribes in North San Diego County considered that public agencies met their needs relatively well for road and maintenance, but were substantially less satisfied with transit service. Indeed, in all three subregions, transit service received the least favorable response in terms of meeting the Tribes' needs. In particular, the Tribes in both South and North San Diego County were less satisfied with public agency transit service.

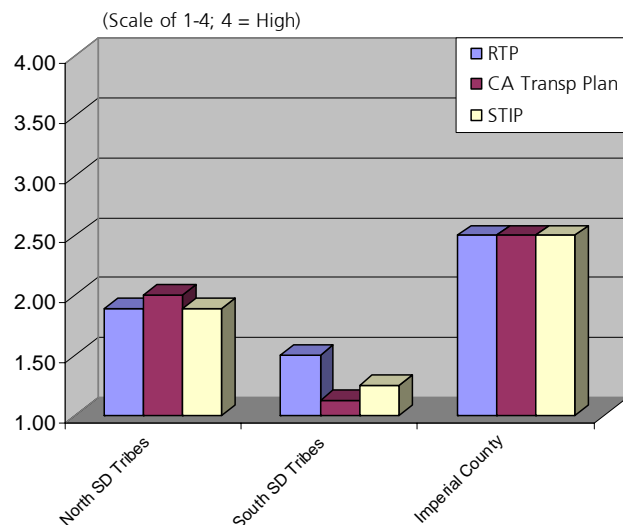
## Transportation Planning and Process

### Knowledge of Planning Process

Tribes were asked to describe their level of familiarity with the state and regional planning processes with specific reference to: California Transportation Plan; Regional Transportation Plan; and the State Transportation Improvement Plan.

The California Transportation Plan (CTP) provides direction for planning, developing, operating, and maintaining California's transportation system. This State long-range transportation plan (20 years) as required by ISTEA, TEA-21 and continued under SAFETEA-LU is developed by Caltrans in cooperation with other state agencies and departments, local and tribal governments, and interested members of the public and private sector. The CTP is a long-range, multi-modal, statewide document, which considers the mobility of people, goods and services, and preservation of the transportation system. It is submitted to the

Figure 3.  
Degree of Tribes' Familiarity  
with These Processes/Documents



Legislature and Governor for review and comment. The Governor adopts the plan and it is submitted to the Legislature and the Secretary of the U.S. Department of Transportation.

The State of California requires that MPOs and RTPAs develop a Regional Transportation Plan (RTP). The intent of the plan is to promote a continuing, comprehensive, and coordinated transportation planning process that facilitates the rapid and efficient development and implementation of projects while maintaining California's commitment to public health and environmental quality. Additionally, the RTP must integrate the public into the decision-making process. RTPs do not require Federal or State approval, but they must comply with the requirements established by Federal and State statutes, regulations, policies and guidelines. The new transportation bill requires RTPs to be updated every four years. SANDAG is currently beginning the process of a comprehensive update for 2007.

The State Transportation Improvement (STIP) is a five-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. The California Transportation Commission (CTC) is responsible for the programming and allocation of funds for the construction of highway, passenger rail and transit improvements throughout California. The CTC adopts the STIP, which is based on an estimate of State and Federal funds expected to be available over a five-year period for transportation projects and a set of projects prioritized in keeping with regional and statewide interests.

Many Tribes indicated that they had little knowledge of these processes and documents. Responses generally ranged from "some" to "none," suggesting that a majority of the Tribes know very little about transportation planning efforts and documents. The geographic distribution of responses suggests that there is a marked regional disparity of the Tribes' familiarity with planning processes and documents. For example, southern San Diego County tribes indicated a low level of familiarity with most of the planning processes and documents, while both the Northern San Diego and Imperial County tribes had some to moderate knowledge of these processes and documents.

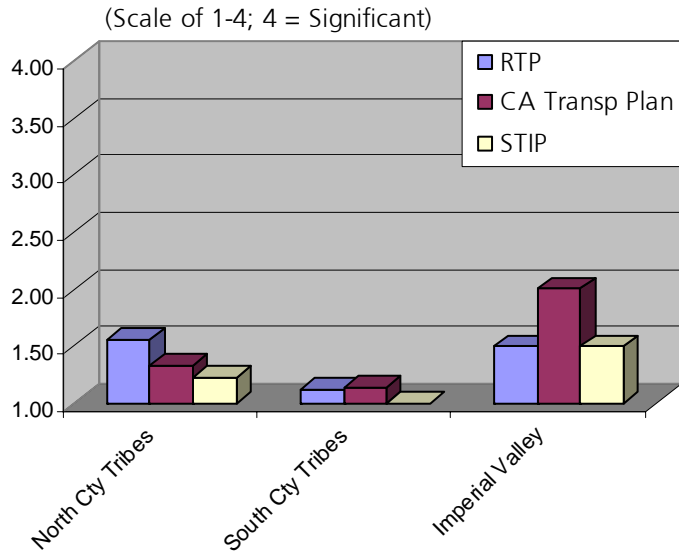
This disparity can be partially explained by the fact that these documents may not be applicable to many of the Tribes. Some specific responses included: that it has not been affected by these documents; that many Tribal government staff persons are either unaware of the processes or do not perceive them as priority issues; and various respondents suggested that education would encourage further participation. It will be important for Tribes to gain a familiarity with these planning processes in order to make an informed decision as to their applicability.<sup>7</sup> Various Tribes were interested in obtaining more information about transportation planning processes.

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<sup>7</sup> Seventy-five percent of State transportation funds go to the MPOs for distribution. According to the Caltrans *Transportation Guide for Native Americans*, 'There is no legal impediment to the use of these funds for projects on Tribal lands or projects to access Tribal lands.' P. 28.



Figure 4.  
Indicate Your Tribe's Level of Involvement  
In the Development of These Documents



### Degree of Interest and Involvement

Most Tribes have little to no involvement in transportation planning efforts. Several comments focused on the Tribes' involvement (or lack thereof) in the development of various transportation plans. Various tribal representatives indicated that their Tribe's needs should be individually identified and addressed. One representative was not clear about what the various planning documents contained, but felt that the Tribe's needs were most likely not addressed. Many Tribes were unfamiliar with the documents. Funding and staff insufficiencies were cited as principal causes of limited involvement. However, those tribes initiating new developments on their reservations indicated the need for communicating and

negotiating with surrounding communities.

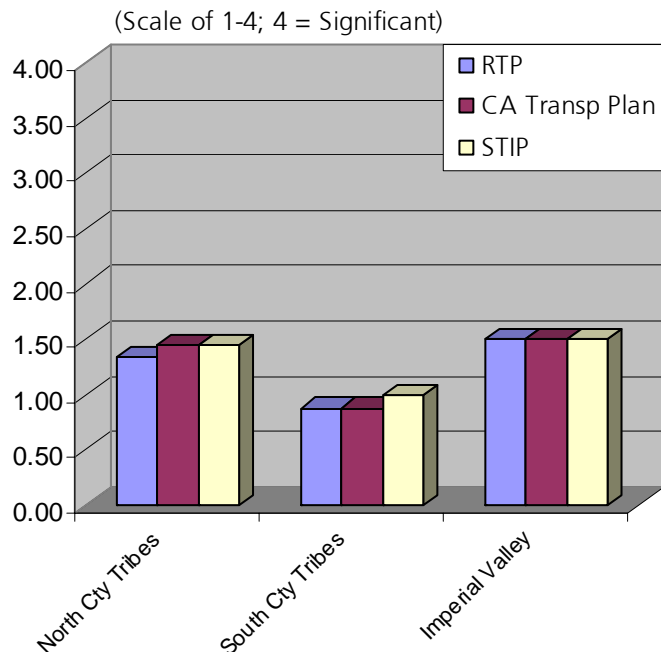
Overall, Tribal representatives felt that the Tribes' needs were not being adequately addressed in the California Transportation Plan (CTP), the Regional Transportation Plan (RTP), or the State Transportation Improvement Plan (STIP), respectively. This sentiment likely contributes to limited Tribal involvement in the planning process.

### Barriers to Involvement

Two of the main barriers to involvement in the transportation planning process were: (a) the lack of adequate staff to dedicate exclusively to this area of planning, and (b) a lack of information related to these processes sufficiently socialized among both tribal staff and elected officials.

Fourteen of the 19 Tribes do not have staff or a department dedicated solely to transportation planning. Of those that do have staff and possibly a department, most staff duties focus primarily on maintenance (e.g., grading and clearing). The smaller tribes with limited resources often have one staff member who is

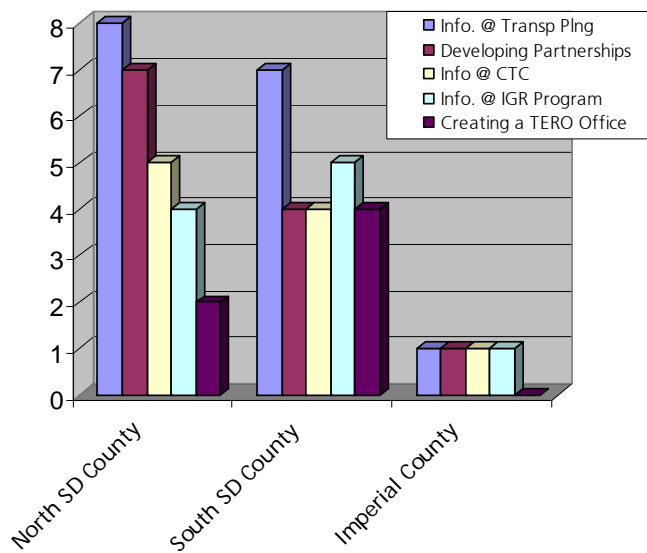
Figure 5.  
Indicate the Degree to which Your Tribe's Needs  
are Addressed by these Planning Documents



responsible for a number of infrastructure needs. In the case of those tribes with limited resources, grant writers are often hired to obtain funding specifically for a specific project. Tribes also pool their resources through working with the Reservation Transportation Authority (RTA), either combining existing funds or participating in collaborative projects in which their tribe becomes a beneficiary. The tribes also work with the Bureau of Indians Affairs (BIA) on road improvement projects, but these are limited to the reservation roads themselves. In some cases, tribes with more resources have taken the approach of creating subcommittees of their Tribal Councils. For example, the Barona Tribal Government has a subcommittee which deals with roads as well as water, sewage, and boundary lines. Viejas has a planning department with professional staff in three departments: community development, planning and design, and transportation.

Responses were similar in all three subregions. The results indicate that there is a need for transportation staff and/or department. This could be due in part to the need for more funding to help pay for staff.

Figure 6.  
Rank Your Tribe's Interest  
In Receiving Information Regarding These Programs



## Tribal Transportation Planning

### *Tribal Transportation Plans*

Thirteen Tribes indicated that they do not currently have a Tribal Transportation Plan (TTP). Insufficient funding was cited as the primary obstacle to development of a TTP. Many Tribes would be willing to share their plan or parts of it with agencies such as Caltrans, BIA, and SANDAG if and when they have these documents. Twelve Tribes indicated that they have not developed a traffic circulation report. Of those with a circulation report, various have completed this with the assistance of the RTA. About half the Tribes have IRR projects scheduled. Some Tribes, such as San Pascual, have a 20 year plan and would like to add plans for transit. Those that do not have projects scheduled cite lack of funding as a primary reason.

Fifteen of 18 Tribal representatives agreed that it would be useful to participate in a partnership with public and/or private agencies to fund transportation improvements of state routes directly on or serving their respective reservations. Two tribal representatives indicated that they would need more information to determine their tribe's response to the usefulness of a partnership. Only two tribes indicated they were not interested at all in participating in partnerships for funding transportation improvements.

### Tribal Interest in Information and Training

The Tribes are generally interested in receiving specialized training and/or technical assistance and cited most frequently the following areas: (1) Tribal transportation planning, (2) ways to become more involved in the transportation planning process, (3) grant proposal writing, (4) approaches for developing a fund strategy, and (5) transportation engineering.

### Transportation Needs and Availability

Transportation availability and needs are discussed in this section in rank order of the importance expressed overall by the 18 tribal nations that answered this section.

Figure 7.  
Rank Your Tribe's Interest In Receiving Training In These Areas Of Transportation Planning/Programs

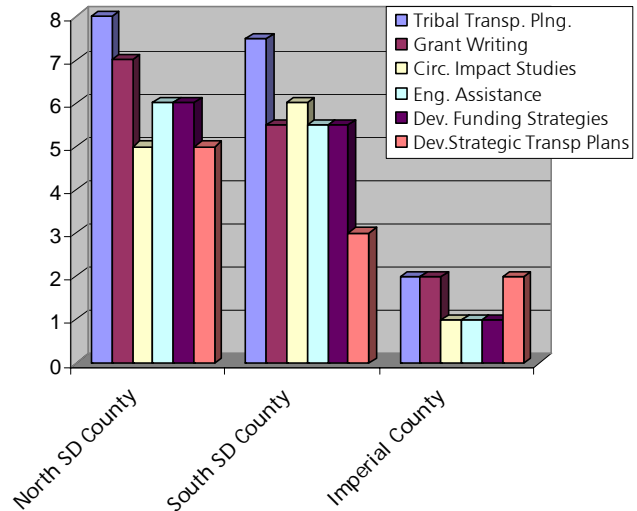
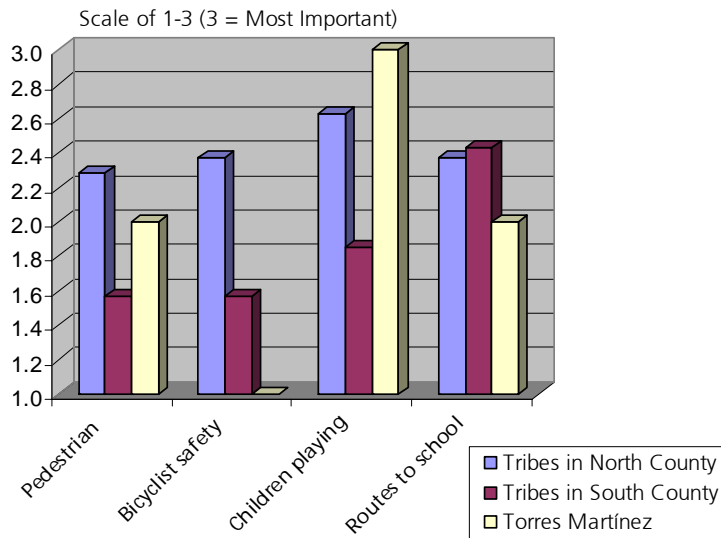


Figure 8.  
Ranking of Non-Motorized Safety Issues



Before discussing the specific transportation needs in rank order, the following two graphs indicated the ranked importance of safety issues comparing Non-Motorized vs. Motorized Safety issues by issue area and subregion. As indicated below, there are a variety of issues and those issues are of relatively different importance among the tribal governments. For example, the Torres-Martinez Band indicated that the most important issue among non-motorized issues is children playing. For the Southern San Diego Tribes the principal issue is routes to school. Children's safety had the greatest response as the principal issue for Northern San Diego Tribes.

In the case of motorized safety issues, speeding for the Torres-Martinez tribe is the priority issue, while tribes in Northern San Diego County prioritized adequate roadways and speeding over other issues. Tribes in the Southern San Diego County emphasized speeding and adequate roadways among motorized transportation issues.

The following section discusses each of the issue areas in order of their overall ranked importance and provides examples of some of the concerns/needs that various tribes expressed regarding that issue area. (see Appendix 4 for individual responses).

### **Road System**

All Tribal representatives have roadway systems on their Tribal lands; all indicated that improvements on their roads are necessary. Current roadway uses include accessing destinations such as health care services, residential areas, educational facilities, and casinos. All three geographic groupings rated the need for roadway system improvements as high. Tribal representatives cited a variety of road system needs such as:

- Paving and erosion control
- Accessibility to the reservation
- Maintenance of paved roads
- Safety issues related to specific state routes
- Alleviating traffic flow

An issue mentioned by almost all of the tribes was the complexity of which jurisdiction ultimately has the responsibility for maintenance of the roads on the reservation, as well as a growing concern for engaging in discussions related to access to the reservations from either county roads or state highways.

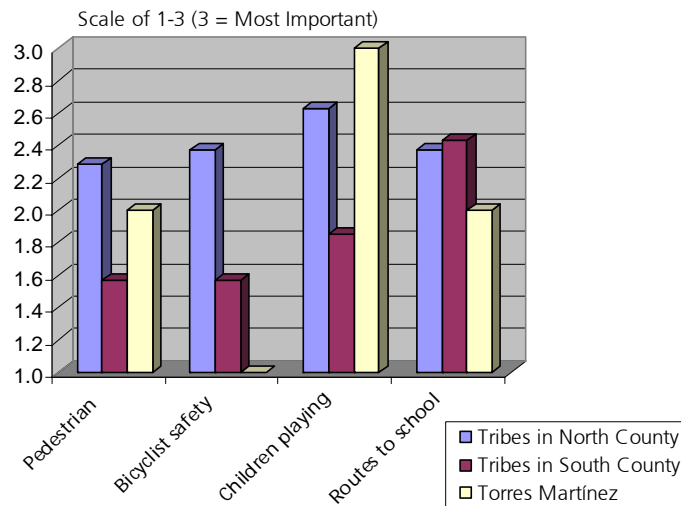
### **Public Transit**

Eleven Tribes have bus service on their reservations and indicated that improvements to current bus service are needed. Respondents indicated the following needs:

- Increased hourly stops
- Additional bus stop locations in general, and specifically near convenient locations
- Bus services on the reservation in general

In general and across all subregions, Tribal representatives indicated that improvements to bus service were the second most important improvement needed. La Posta, for example, indicated that the closest transit stop is four or five miles from the reservation. The children of Los Coyotes have to be ferried by their parents to the La Jolla reservation to catch the school bus; their day begins at 5 a.m. and they do not return home until early evening.

Figure 9.  
Ranking Of Motorized Safety Issues



### ***Emergency Vehicles***

Almost all Tribes have emergency vehicle services available on or near the reservation; however, improvements to emergency vehicle services are needed. The specific needs listed below were cited.

- Increased availability of transportation to regional medical facilities
- Improved medical and emergency vehicle access and response (new roadways to facilitate easy access)
- Increased ambulance service

Although there have been significant improvements due to programs such as the Special Distribution Fund to fund much needed vehicles and equipment, it appears that the issue of access of emergency vehicles to remote reservations with limited infrastructure such as Los Coyotes and Ewiiapaayp continues to be a significant problem.

### ***Pedestrian Sidewalks***

The majority of responses indicated that pedestrian sidewalks/paths are not available on the reservations and that improvements should be made. Respondents indicated a number of needed improvements, including:

- Access to recreational facilities
- Sidewalks in central areas
- Child safety improvements

South San Diego County Tribes rated pedestrian sidewalks and paths as a low priority; however, North San Diego County and Imperial County Tribes rated these improvements as a high priority. As various tribal nations begin to develop land use plans involving the building of residential units for their tribal members to return to the reservation, this issue may become more significant.

### ***Bikeways***

The majority of Tribal representatives indicated that bike lanes/paths are not available on their reservations and that improvements should be made. Responses in the three subregions generally concurred that such improvements are of low to moderate importance. Several Tribes indicated that there is a need for bicycle lanes, while several indicated that roadways were sufficient for bicycle use.

This is an area that might benefit from interregional discussions as San Diego has a regional bikeway plan and many bicyclists plan trips that bisect reservations. Several tribes in the SR76 corridor were concerned about the number of recreational bicyclists going through the reservation, perhaps without knowledge that they are entering a reservation.

### ***Park and Ride Facilities***

All Tribes indicated that no park-and-ride facilities are available on their reservations. However, a few representatives indicated that there is need for such facilities to help such groups as senior citizens and employees of the gaming facilities. Respondents from all three subregions felt that park-and-ride facilities are of low importance.

However, when staff discussed park-and-ride facilities with representatives from the tribal economic development enterprises there was considerable interest in expanding the options for both employees and clients. As the gaming facilities are collectively one of the largest employers in the region with over 12,000 employees, but are dispersed through the rural backcountry, park-and-ride facilities may be an important immediate solution to traffic congestion and improved safety.

### ***Vanpools/Shuttles/Ride Sharing***

Taxi and vanpool services are rarely available on reservations. The respondents generally assigned such services a low priority.

Shuttle services are not currently available on or near most reservations, but were cited as needed. Where there is available shuttle service, tribal representatives indicated the following related needs:

- Shuttles to help people reach recreational facilities.
- Shuttle transportation for tourists.
- Shuttle service for senior citizens and employees.

Respondents from all three subregions agreed that shuttle improvements are moderately important. Most respondents noted that ridesharing is not available on or near the reservation and is of low to moderate importance.

This issue is related to the park-and-ride facilities. The gaming industry staff from various tribes indicated a high level of interest in discussing ways in which the tribal governments could collaborate on increased use of vanpools and shuttles. This could be addressed through the collaborative development of a transportation demand management program.

### **Transportation Funding**

The main source of federal funding for tribal roads within the reservations is the Bureau of Indian Affairs (BIA) Indian Reservations Roads (IRR) Program. However, this funding is very limited. Federal IRR funding is allocated according to a "relative need" formula. Tribes from other states, particularly larger ones, benefit from the formula because they are able to demonstrate a greater need based upon larger inventories of road miles, vehicle miles traveled, and population figures. California tribes, which generally have smaller reservations, receive a very low allocation not nearly enough to meet their needs. In 1999, the California Transportation Commission (CTC) identified \$275 million in needed road improvements on Tribal lands. According to a recent report by Caltrans, if the funding formula remains as it is the expected IRR funding over the next 10 years would be just \$50 million, only 18 percent of the identified needs. Caltrans concluded that at current funding

levels, it would take 55 years to fund existing needs, not taking future needs into account.<sup>8</sup> Tribes are also eligible to receive most state transportation funds. However, tribes have had limited participation in past regional transportation planning efforts.

According to the survey results, most of the tribes in San Diego and Imperial Counties do not operate with an annual transportation budget, but rather on an 'as needed basis'. The funding is very sporadic and largely dependent on BIA funding for specific projects. Most of the tribes acknowledged that they do not receive funding from outside sources. Of those that do, revenues ranged from \$5,000 to \$1.9 million annually, depending on the project. Of those tribes that have allocated specific transportation budgets, several indicated that these budgets are a small portion of the overall Tribal budget.

## **Availability of Written Policy Documents**

### ***Comprehensive Planning***

Eleven Tribes have a general or comprehensive plan to guide development and facilities. Most indicated that although these are not public documents, they would be willing to share the information with other agencies - under specific circumstances

It was apparent from the survey results that more and more the tribal governments are expanding their areas of development from the commercial development of casinos to other forms of land use and expanding housing options for their tribal members. It will be important in the near term to establish mutually accepted mechanisms of protocol to share this information with other jurisdictions in the region. At the moment, various tribes are taking significant steps to reach out to their neighboring communities in the unincorporated area of the county through liaison meetings with community planning groups as well as private initiatives such as the Alpine Revitalization effort, the Sycuan-Dehesa Subcommittee, and the North County Inland Regional Leadership forum.

### ***Current and Future Development/Facilities***

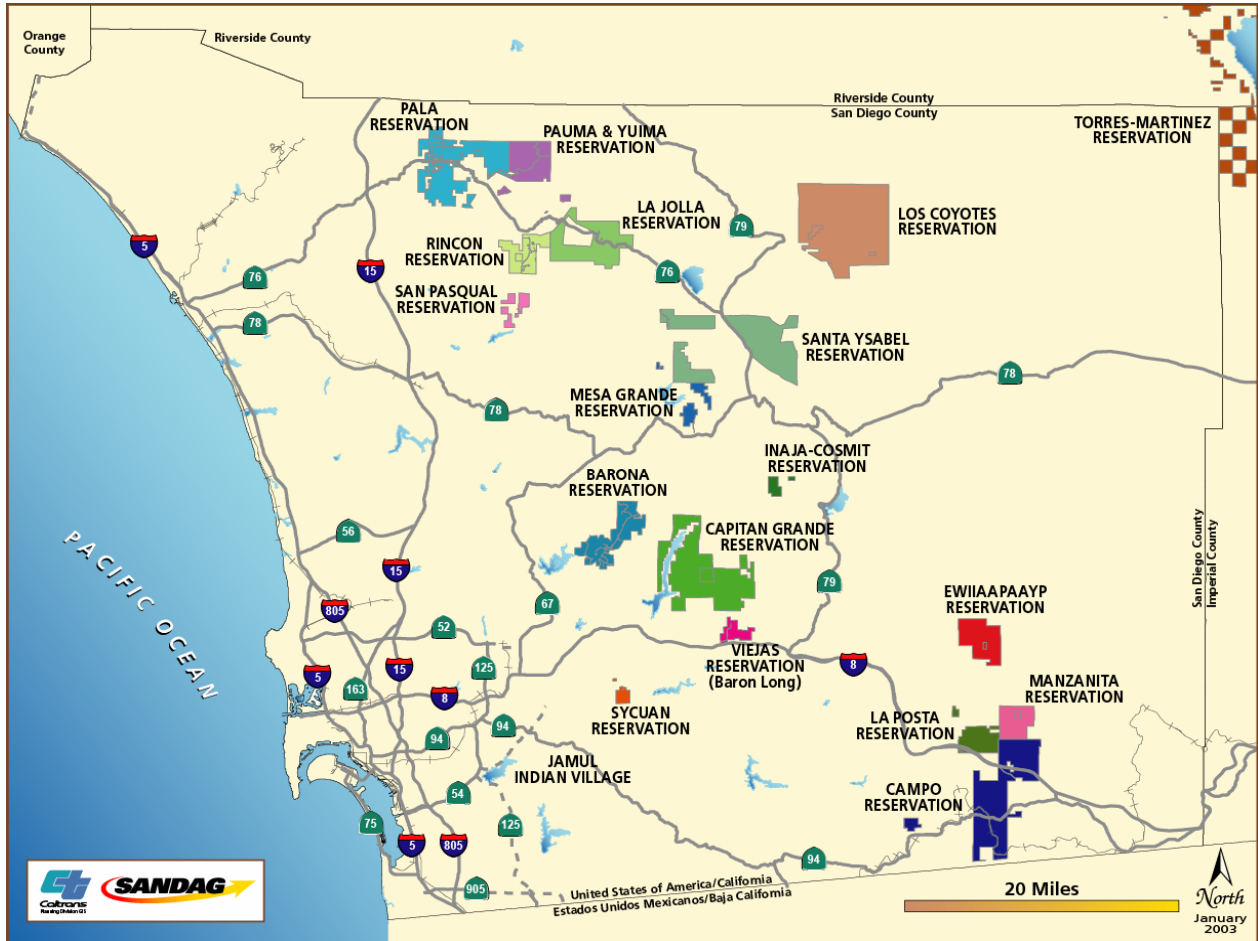
All Tribes have development areas and facilities on their respective reservations that are similar to those commonly found outside the reservation. Most of the Tribes anticipate growth on their reservations to support Tribal member housing, casino development, and other economic development opportunities.

In terms of regional transportation planning documents such as the RTP, the more accurate the information shared on land use the more accurate the forecasting models will be for the transportation system impacting the reservations.

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<sup>8</sup> State of California Department of Transportation, "Transportation Guide for Native Americans," November 2002.

# APPENDIX 1 – TRIBAL LANDS MAP





## **APPENDIX 2 – EMERGING GOVERNMENT-TO-GOVERNMENT FRAMEWORK**

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The government-to-government relationship is a federal/tribal relationship, the origin of which flows from treaties, federal statutes and U.S. Supreme Court decisions. This relationship is a requirement of federal law and can only be eliminated by a formal U.S. Congressional Act. The government-to-government relationship between individual states and Tribes is entered into on a voluntary basis and is not a federal requirement. government-to-government relations between regional planning agencies, local governments, and counties is voluntary, however regional transportation agencies are required by federal law to consult with tribes in the development of the various planning processes, including the Regional Transportation Plan (RTP). Local governments with land use authority are now required to consult with tribes on the update of their General Plans as a result of SB18 which went into effect in March of 2005.

Tribes operate under independent constitutions, have their own systems of governance and establish and administer their own laws. This sovereign status of tribal governments dictates that the United States and all agencies operating within it are expected to engage in government-to-government relationships when engaging Native American tribes. Government-to-government interaction with Native American tribes should follow the principles of coordination, cooperation, and consultation.

Caltrans was the first state agency in California to enact an agency-wide policy on Tribal Consultation. In subsequent years, counties and regional transportation agencies, such as SANDAG, have been exploring mechanisms for increased tribal involvement in regional and transportation planning processes.

### **Caltrans Tribal Liaison Program**

In May 1997, Caltrans established the Native American Advisory Committee (NAAC) to advise in matters concerning Native American transportation issues and other issues pertinent to the relationship between Caltrans and Indian Tribes. In 1999, Caltrans created the Native American Liaison Branch (NALB), whose primary goal is to establish and maintain the government-to-government relationship between Caltrans and California's federally recognized Tribes, as well as to liaise with other federal, state, regional, and local transportation agencies.

The NALB objectives are to: (a) establish close coordination and early project involvement with Tribes to streamline funding, environmental, and project delivery processes in areas on or near reservations; (b) ensure that Caltrans programs do not adversely affect important California Native American sites, traditions, or practices; (c) encourage cooperation between other agencies and local Tribal governments; (d) assist with training, information dissemination, and project delivery; (e) processing Tribal Employment Rights Ordinance (TERO) agreements for employment and contracting opportunities for Native Americans on Caltrans projects on or near reservations; (f)

provide consultation to contractors and the Tribes for developing TERO-based agreements and attempting to fulfill U.S. Labor Department goals for hiring on construction projects.

Statewide, NALB is in the process of developing a positive relationship between Caltrans and the California Indian communities. At the Caltrans district level, the department/Tribal relationship is guided by the work of the Native American liaison for the district.

### **County Of San Diego Tribal Liaison Program**

The 18 Federally-recognized Tribal Reservations located in San Diego County are adjacent to the unincorporated areas of the county under the land use authority of the County of San Diego. Thus, the principal local land use authority with which tribal nations must negotiate is the County of San Diego. As part of the recent gaming compacts signed by the Governor of California, tribes must discuss and negotiate the infrastructure impacts of tribal land use development with the County of San Diego. In negotiation with various tribes the County of San Diego has developed various agreements to mitigate impacts of gaming facilities on roads, law enforcement, water supply and quality, and waste management. Additionally, the County manages the Indian Gaming Special Distribution Fund Program which has for the past two years resulted in substantial increases in fire protection and road improvements.

At the direction of the Board of Supervisors, the Chief Administrative Officer appointed a Tribal Liaison within the Chief Administrative Office to enhance communication, cooperation, and coordination between the County and Indian Nations in the region. This full-time position was filled in late August 2001. The County's Tribal Liaison responsibilities include identifying and resolving issues related to impacts of Tribal economic development projects on infrastructure and other County services in unincorporated areas; providing support and tracking legislation and policy matters related to Tribes for the County Board of Supervisors and the Chief Administrative Officer; participating in regional land use and transportation planning, economic and services forecasting, funding, and development activities; and assisting Tribes with permitting and other issues. The Tribal Liaison reports to the Deputy Chief Administrative Officer for the Land Use and Environment Group (LUEG). The Tribal Liaison works directly with the County Departments in the LUEG Group; coordinates with Office of the Sheriff, other County departments, and state and federal agencies; and responds to inquiries from the media and other interested parties.

### **SANDAG Tribal Liaison Program**

As a forum consisting of all the elected officials (mayors and/or councilmembers) from the 18 cities and the County, it is San Diego's Regional Transportation Planning Agency (RTPA) as well as the Metropolitan Planning Organization (MPO). SANDAG is responsible for the development of the Regional Transportation Plan (RTP), as well as regional planning documents such as the Regional Comprehensive Plan (RCP), in which all regional stakeholders are encouraged to participate. SANDAG conducts its business through the work of its five Policy Advisory Committees: Executive, Transportation, Regional Planning, Public Safety, and Borders Committees. Each committee consists of one city representative from each of five subregions and a county representative, as well as advisory members whose input is relevant to that particular committee's work.

It is through the Borders Committee that SANDAG has been pursuing government-to-government relations with Tribal Nations in the region as an integral aspect of its policy framework. The Borders Committee discusses policy issues related to transboundary planning from three perspectives: interregional, bi-national, and tribal. In 2002 SANDAG held a Tribal Summit as part of the development of its RTP MOBILITY 2030. Since that time the agency has incorporated tribal liaison work into its work plan and incorporated 'tribal government-to-government' consultation into its Public Involvement Policy.

As part of its strategic objectives for FY 2005, the Borders Committee intensified its efforts to engage tribal governments through various activities—with individual tribal governments, as well as at a policy level. SANDAG staff has been working closely with the Reservation Transportation Authority (RTA) through a grant from Caltrans to engage tribes in the regional transportation planning process. Most recently, the SANDAG Board of Directors invited the Southern California Tribal Chairmen's Association (SCTCA) to join the Borders Committee as an advisory member to explore more systematically how best to approach the consultation process, as well as how best to involve tribal governments in the regional planning process. The SCTCA, as an intertribal council, accepted this invitation, and now sits on the Borders Committee in the same Ex-Officio role as the Western Riverside Council of Governments (WRCOG), the Imperial Valley Association of Governments (IVAG), and the Republic of Mexico.

### **Southern California Association of Governments and Imperial Valley Association of Governments**

SCAG, IVAG, and tribal government officials have expressed a sincere interest in establishing a working relationship to determine how they may communicate and participate together in the regional transportation planning process. As IVAG is not a Metropolitan Planning Organization, the tribes in Imperial Valley would fall within the area of influence of SCAG. SCAG and the Reservation Transportation Authority have been holding a series of workshops and meetings to discuss tribal representation in that council of governments. These discussions relate to the 16 tribes in SCAG's area of influence, including the two tribes in Imperial Valley. SCAG and tribal government officials have held several meetings/workshops to discuss these and other issues. Currently, the goal is to finalize agreements regarding representation at SCAG's 2006 annual business meeting.

### **Reservation Transportation Authority (RTA)**

The Reservation Transportation Authority (RTA), founded in 1998, is a consortium of Southern California Indian tribal governments in San Diego, Imperial, and Riverside Counties designated as a Public Law 93-638 contracting entity that provides transportation education, planning, and program administration for tribal government members. Its mission is: (a) to develop and increase road construction and maintenance capabilities for member tribes through the implementation of a comprehensive business plan, maximize new road construction and maintenance funding, and obtain increased efficiency through economies of scale; (b) to acquire new road construction and maintenance experience to serve as a resource to member tribal governments; and (c) to provide transportation education, planning, and research for member tribal governments.

As a non-profit organization serving its member tribes, the RTA has accomplished a significant number of activities since its founding in 1998.<sup>9</sup> Among these the agency has completed 23 Transportation Studies for its member tribal governments with funding from the Bureau of Indian Affairs (BIA). The RTA performed a precedent-setting Environmental Design, Construction, Inspection, and Monitoring for the Pala Band of Mission Indians. In addition, the agency has coordinated with the County of San Diego for the Wildcat Canyon improvement project, as well as to create an Equipment Pool for its member tribal governments to utilize for road construction and maintenance.

The RTA was recently awarded an environmental justice grant from Caltrans to strengthen liaison activities and tribal involvement in transportation planning with the MPOs whose area of influence coincides with their member tribes. The grant objectives include working collaboratively with the respective MPOs to: develop systematic mechanisms of communication between tribal governments and MPOs in the areas of their tribal members; provide information about the MPOs to the tribal nations; provide information about the tribal nations to the MPOs; develop and implement a strategy for tribal involvement in the RTP process; and facilitate policy discussions on tribal representation in the MPO structure.

### **Southern California Tribal Chairmen's Association (SCTCA)**

The Southern California Tribal Chairmen's Association (SCTCA) is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California. Its institutional mission is to protect, establish, and exercise the inherited and preserved sovereign rights of Tribal Governments. The goal of the SCTCA is to further the health, education, welfare, and self-sufficiency of tribal governments. As an intertribal council, the SCTCA serves as a forum for a wide variety of issues for tribal governments in the region.<sup>10</sup>

The organization's authority to act on behalf of its constituent tribes lies in the national sovereignty of the tribes themselves, in the incorporation bylaws, and the voting rights of the SCTCA Board of Directors, and the appointed Chair. All major decisions regarding the operation of the SCTCA are made by the Board of Directors who meets monthly, in consultation with the Executive Director. Important actions such as policy development and organization direction must be supported by member tribes as well as the Board of Directors through the resolution process.

Over the past 25 years, the SCTCA has served its community of American Indians extending an array of services through its offices located on nine reservations. The SCTCA now not only provides primary healthcare and educational programs, but also a variety of other social services including drug abuse counseling, environmental health, cultural preservation, and childcare. Recently, in collaboration with the Hewlett Packard Corporation and member tribes, the SCTCA developed a high-speed wireless communication network to connect the reservations that are dispersed throughout the rural portion of the county.

In June 2005, the SCTCA joined as an Ex-Officio member of the SANDAG Borders Committee, similar to SANDAG's relationships with other associations of governments, including Imperial Valley

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<sup>9</sup> Not all tribes in the region are members of RTA.

<sup>10</sup> Not all tribes in the region are members of SCTCA.

Association of Governments (IVAG) and Western Riverside Council of Governments (WRCOG). It is hoped that SCTCA's involvement in the Borders Committee will further dialogue with area tribes on issues of mutual concern in regional planning.

## **APPENDIX 3 – REGULATORY FRAMEWORK**

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There are a variety of statutes pertaining to Tribal Governments that have been enacted related to land use and transportation, which provide a regulatory framework. The following relates to specific developments since 1987.

### **Federal**

#### ***Bureau of Indian Affairs***

The Bureau of Indian Affairs (BIA) is responsible for the administration and management of 55.7 million acres of land held in trust by the United States for American Indians, Indian Tribes, and Alaska Natives. There are 562 federal recognized Tribal Governments in the United States. BIA's responsibilities include developing forestlands, leasing assets on these lands, directing agricultural programs, protecting water and land rights, and developing and maintaining infrastructure and economic development. In addition, BIA provides education services to approximately 48,000 Indian students.

BIA provides some funding for local Tribal transportation planning projects: \$2,000–8,000 per Tribe for transportation planning in the San Diego area, less than \$700,000 statewide for maintenance, and about \$1.5 million statewide for construction.

#### ***Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURRA)***

Perhaps the most important aspect of this law as it pertains to relations with the Tribes is the section on preferential employment for Tribal members. The law amended the landmark Civil Rights Act of 1964. The added subsection (d) allows Indian preference in employment on federal and federal-aided Indian Reservation Roads (IRRs). On October 6, 1987, the Federal Highway Administration (FHWA) administrator issued a memorandum to regional administrators with instructions for implementation of this preference. The memo encouraged FHWA field offices to meet with Tribal representatives and Tribal Employment Rights Ordinance (TERO) officials to develop contract provisions.

#### ***Federal Indian Gaming Regulatory Act (IGRA) of 1988***

This act defined three classes of gambling. Compacts between the Tribe and the state are required if Class III Gaming is involved. The federal government must approve these compacts. Regulatory responsibilities, licensing requirements, and guidelines for operation of casinos may also be established in the compacts.

### ***Intermodal Surface Transportation Equity Act (ISTEA) of 1991***

This act strengthened the role of Metropolitan Planning Organizations (MPOs) in federally required planning and programming. ISTEA urges states to include Tribal Governments in transportation decision making. Additionally, a provision in ISTEA amended the Indian hiring preference provision of STURRA to allow its applicability on projects carried out with ISTEA funds “near” reservations.

### ***Transportation Equity Act Of the 21st Century (TEA-21)***

Passed in 1998, this act maintained existing responsibilities of the MPOs for urban planning and programming of federally funded projects and reinforced federal emphasis on Tribal Government participation, requiring the state to consult with Tribes, as well as with non-metropolitan local officials, when developing the California Transportation Plan (CTP) and the State Transportation Improvement Program (STIP).

### ***The Safe Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU 2005)***

Passed in 2005, this act maintained existing responsibilities of the MPOs for urban planning and programming of federally funded projects and has significantly reinforced federal emphasis on Tribal Government participation, requiring the state to consult with Tribes, as well as with non-metropolitan local officials, when developing the California Transportation Plan (CTP) and the State Transportation Improvement Program (STIP). There were also significant changes in how the transportation funding for tribal roads programs that comes through the Bureau of Indian Affairs will be allocated. The SAFETEA-LU gives tribal governments the authority to fund, plan, and construct their own roads and other transportation programs modifying the role of the Bureau of Indian Affairs for the Indian Reservation Roads (IRR) program.

## **State**

### ***Proposition 209 – “The California Civil Rights Initiative”***

Often referred to as “The California Civil Rights Initiative”, this statewide proposition was passed by California voters on November 5, 1996. One aspect of the proposition sought to abolish preferences based on “race, sex, color, ethnicity, or national origin” in state contracting. But the proposition makes a clear exception for federally funded programs “where ineligibility would result in a loss of federal funds to the state.”

As sovereign nations, Tribes theoretically can exercise their right to enforce employment practices and requirements on employers conducting business on reservations or rancherias. This theory has not been litigated since the passage of Proposition 209 and, therefore, has not been tested in the courts.

### ***California SB 287***

Signed by Governor Wilson On August 28, 1998, this bill effectively opened the era of Tribal gaming compacts, allowing for Class III games, including slot machines and percentage card games, on Tribal lands. Features of the bill are listed below.

- SB 287 recognized that the Governor is the constitutional officer with exclusive authority to communicate on an official basis with the government of another state and the United States.
- The bill authorized the Governor as the state officer responsible for negotiating and executing compacts between the state and federally recognized Indian Tribes pursuant to IGRA. The Governor was also authorized to waive the state's immunity to suit in federal court regarding the compacts.
- SB 287 ratified the Compact entered into between the Pala Band of Mission Indians and the State of California, as well as any subsequent compacts certified by the Governor that are materially identical to the Pala Band Compact, unless rejected by two-thirds of the members of both houses within 30 days of submission.
- Finally, the bill provided that ratified compacts would not be considered a project under the California Environmental Quality Act (CEQA).

Opponents sought a referendum on the legislation called Proposition 29.

### **Regional Transportation Plan Guidelines**

The guidelines, revised by the California Transportation Commission (CTC) in December 1999, reflect the need for consultation with Tribal Governments as required by the federal government.

### ***Proposition 1A***

Passed in March 2000, this proposition put into effect the 57 Tribal-State compacts passed by the legislature and approved by the Governor in September 1999. As a constitutional amendment, its passage superseded any attempt to repeal SB 287 by public referendum.



## APPENDIX 4 – TRANSPORTATION SAFETY IMPROVEMENTS

### Transportation Safety Improvements Needed?

(1 = Yes; 0 = No)

Tribe	Road System	Public Transit	Emergency Vehicle	Pedestrian	Bikeways	Park and Ride	Van pool	Shuttles	Ride Sharing
Torres Martinez	1	1	1	1				1	
Fort Yuma-Quechan	1	1							
<b>Imperial</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>				<b>1</b>	
Inaja-Cosmit	1				1				
La Jolla	1	1	1		1	1		1	1
Los Coyotes	1	1	1	1	1		0	1	1
Mesa Grande									
Pala	1	1		1	1	1	1	1	1
Pauma-Yuima	1	1		0.5			0	0	0
Rincon	1		1	1					
San Pascual	1	1		0	1	1	1		
Santa Ysabel	1		1						
<b>North County</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>3.5</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>
Barona	1		1						
Campo	1	1	1	1	1		1		
Ewiiapaayp	1		1						
Jamul	1	1	1			1			
La Posta	1	1		1	1		1		1
Manzanita									
Sycuan		1		1	1	1			
Viejas	1			1					
<b>South County</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>
Relative Importance of Improvements (sum of yes)	<b>16</b>	<b>11</b>	<b>9</b>	<b>8.5</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>