

TRANSPORTATION DECISIONMAKING

Information Tools for Tribal Governments

Partnering and Leveraging



U.S. Department
of Transportation
Federal Highway
Administration

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TRANSPORTATION DECISIONMAKING

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Partnering and Leveraging

Prepared by:

FHWA Office of Planning, Environment, and Realty

In coordination with:

FHWA Federal Lands Highway

FHWA Resource Center

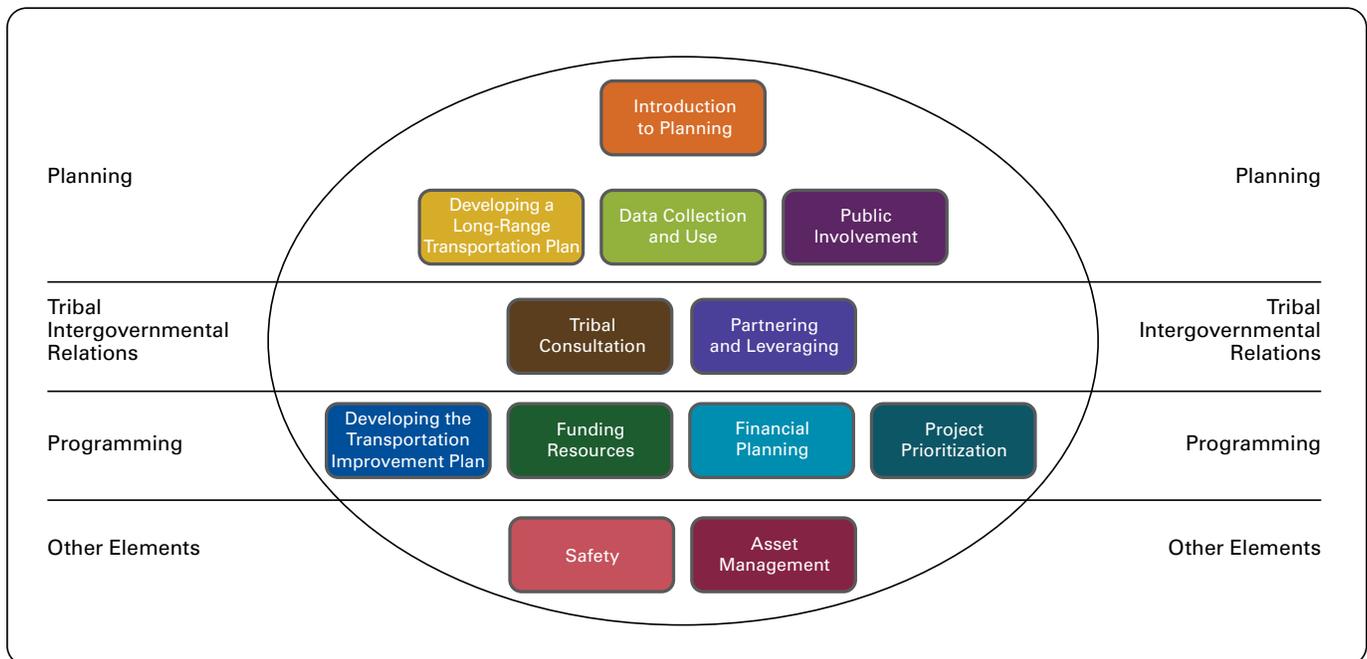


U.S. Department
of Transportation

OVERVIEW

You are participating in a training session sponsored by the U.S. Department of Transportation Federal Highway Administration (FHWA). It is part of a continuing educational series designed for tribal governments entitled *Transportation Decisionmaking: Information Tools for Tribal Governments*. The series offers modules in transportation planning, transportation programming, intergovernmental relations, safety and asset management. This is shown in Figure 1.

Figure 1: Training Modules for Tribal Transportation Decisionmaking¹



This module topic is **Partnering and Leveraging**. Let's begin!

¹ The *Transportation Decisionmaking Series* modules are available on the FHWA Tribal Planning web site at http://www.tribalplanning.fhwa.dot.gov/training_series.aspx.

I. INTRODUCTION

What are Partnerships and what is Leveraging?

Partnerships are strategic agreements between two or more agencies to work together to accomplish a common goal. Leveraging is the strategic use of a partnership's combined resources to achieve a desired outcome, such as pooling funds to build a project.



Who would benefit from this module? Anyone involved in tribal transportation planning.

How will I benefit? You will learn the principles and steps in partnering and leveraging.

Why are Partnerships and Leveraging important? The challenge in tribal transportation planning is to allocate limited resources across a broad field of needs. If done well, development of a partnership and leveraging its resources will enable tribes to do more with less.

How does this module relate to other modules in the training series?

This topic is closely aligned to six other modules:

- **Developing a Long-Range Transportation Plan,**
- **Developing the Transportation Improvement Plan,**
- **Tribal Consultation,**
- **Financial Planning,**
- **Funding Resources,** and
- **Project Prioritization.**

What can I expect from this module? Partnerships and leveraging are defined and their basic steps and benefits are explained. Examples of successful tribal partnerships are presented. A toolbox of key points and a convenient check list are also available in this module along with *Practice While You Learn!* in Figure 2. Here, a hypothetical partnership and leveraging problem is presented. As you read through and study this module, consider ways to solve the problem. The appendix contains a reading list and one possible answer to *Practice While You Learn!*

This module has six parts:

I. Introduction. Topic description.
Practice While You Learn!

II. What are Partnerships and What Is Leveraging? Overview.

III. Steps in Partnering and Leveraging. Four basic steps.

IV. From Indian Country. Tribal partnership examples.

V: Toolbox and Checklist. Key points.

Appendices. Further reading.
Memorandum of Agreement example.
Practice While You Learn! - One Possible Answer.

Figure 2: *Practice While You Learn!*

Partnerships and Leveraging

This project is referenced throughout the module to help you “Practice While You Learn” in the development of partnerships and leveraging.

Spur Roads—SR103 Project

It would be ideal if the rutted spur roads on the west side of the reservation were back in service. Years ago they were alive with trucks carrying harvested timber to market via State Route 103 (SR103) at three access points. Today the roads are seldom used.

The policy of the tribe’s Long-Range Transportation Plan (LRTP) is to upgrade the spur roads to serve new tribal retail and housing. When asked for an estimate to upgrade the roads into a modern collector system, the Bureau of Indian Affairs (BIA) estimates \$800,000. This far exceeds the tribe’s annual Indian Reservation Road (IRR) Program allocation of \$300,000. According to the BIA Regional Office, a one-time allocation of \$250,000 in IRR construction funds is available to rebuild the roads.

According to State and Metropolitan Planning Organization (MPO) transportation plans, SR103 is a recreational corridor that, in the near future, will be upgraded to better accommodate auto, bus, bicycle and walking services. It connects to the reservation at the three spur road locations.

Next week, you will attend the monthly MPO Advisory Committee meeting which includes State Department of Transportation (DOT), MPO and transit authority representatives. You have served on the committee for five years. You also have a meeting next week with the tribal Planning Director. She wants to pursue the IRR construction funds but is concerned that they cover less than half of the funds needed to upgrade the spur roads.

Is it possible to:

- Coordinate the tribe’s Spur Roads project with the SR103 project?
- Partner with the State DOT and MPO on these two projects?
- Leverage IRR Construction funds (\$250,000) with State and MPO funds (\$550,000)?

How would this work? What steps should you take to find out?

The purpose of *Practice While You Learn!* is to apply your learning to a hypothetical problem as you study the contents of this module. You will find useful information and tools in your reading. At certain points, you will be asked if the lesson you have just learned will help solve the problem described here.

One possible answer to this problem set is also provided in [Appendix C](#).

II: WHAT ARE PARTNERSHIPS AND WHAT IS LEVERAGING?

Partnerships are strategic agreements between two or more agencies to work together to accomplish a common goal.

Who are my partners? All of the transportation providers, operators, managers and planners within your region are part of your professional network. They are your potential partners. You share the common goal of addressing the transportation needs of your communities. Networking with these officials will assist in your efforts to improve the tribal transportation system.

Tribal Partners	Agency	Provides transportation for:
	State DOTs	Communities across the entire State
	MPOs	Communities within its designated planning region
	County/City DOTs	Communities within specific jurisdictions
	Transit agencies	Users within their service areas
	Tribal agencies	Tribal communities

Why is partnering necessary in leveraging? Leveraging is the strategic use of a partnership's combined resources to achieve a desired outcome, such as pooling funds to build a project.

Your tribe's transportation services and programs are supported by the BIA, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). These agencies provide funding, policy guidance and technical support to tribes. Similarly, States, MPOs, local governments and transit agencies rely heavily on FHWA and FTA funds for their roadway and transit services that support regional and national access.

The amount of IRR funding available to tribes is often less than what is needed to meet transportation needs. Your partners have similar challenges. Competition for funds has become a normal part of the transportation process. In this environment, leveraging one partner's funds and resources with another's is an effective way to enter into the competitive funding process. This enables both agencies to do more with less.

TIP #1: Review the **Funding Resources** module. It offers information on the Federal funding available to tribes.



III: STEPS IN PARTNERING AND LEVERAGING

While every circumstance is different, four steps generally define the partnering process. These are: cultivate partner relationships, review the need to partner, structure the partnership and manage the process. Each step is discussed here and summarized in Table 1.

Table 1. Steps in Building Partnerships

1. Cultivate Partner Relationships	2. Define a Specific Need	3. Structure the Partnership	4. Manage the Process
Identify networking venues	Evaluate tribe's capabilities and needs	Initiate formal partnership	Build trust
Network with your counterparts	Evaluate potential partner's capabilities and needs	Achieve consensus on objectives	Develop professional work environment
Participate in the decisionmaking process	Assess legal ramifications	Agree on roles and responsibilities	Evaluate performance
Discuss projects of mutual interest	Seek agreement from tribal leadership	Identify the resources each partner will contribute	Capture lessons learned

Step 1: Cultivate Partner Relationships.

Positive relations with your transportation counterparts set the ground work for successful partnering. It is a continuous process that is undertaken whether there is an immediate opportunity to partner or not. It involves networking, collaboration and fostering trust with other transportation professionals.

- **Identify networking venues.** There are many networking venues for cultivating professional relationships. Their purpose is to promote training, information exchange and networking. Networking venues may include:
 - Statewide Transportation Summits
 - Regional Transportation Symposiums
 - Area Transportation Conferences
 - Training Workshops and Classes

The State DOT, MPO and the Tribal Technical Assistance Program (TTAP) are often sponsors of these activities. An example is the *Michigan Tribal Transportation Safety Summit* (<http://www.ttap.mtu.edu/index.php?p=mittss>) hosted in 2012 by the Saginaw Chippewa Indian Tribe and co-sponsored by FHWA, the Michigan DOT and the Michigan TTAP.

- **Network with Transportation Professionals.** Participation in these networking venues has many benefits. It will enhance your understanding of current transportation issues and increase your and the tribe's exposure to partnering opportunities. Participation will increase your understanding of how other transportation agencies work; their key personnel, policies and projects; and their sources of funding. You, in turn, educate your colleagues on the tribe's transportation policies and funding; and familiarize them with its LRTP and Transportation Improvement Program (TIP). The process of communicating each other's needs and programs should be reciprocal.



- **Participate in the transportation decisionmaking process.** Other important networking venues are the policy and advisory committees created by State and regional transportation agencies to ensure tribal participation in the transportation planning process.

Federal laws require State and regional transportation agencies to consult with tribal governments on projects and plans that may impact tribal lands and properties. These laws are listed in the text box. The consultation process is an opportunity for you, as the tribe's representative, to participate in these forums. The consultation, for example, may involve participation in a MPO or statewide transportation advisory group. Use these opportunities as

Networking is the exchange of information or services among individuals and groups, specifically for the cultivation of productive relationships for employment or business.

Federal Laws Requiring Tribal Consultation

Title 23 USC—Highways—for impacts on tribal properties by Federal-aid projects.

National Environmental Policy Act (NEPA)—for environmental impacts on tribal properties.

National Historic Preservation Act (NHPA)—for impacts on tribal historic, religious and cultural properties.

networking venues and to familiarize yourself with State, regional and local transportation personnel; policies and projects; and funding resources. Take the opportunity to communicate your tribe's transportation policies, projects and needs.

Check with the tribal liaison (or similar personnel) of the State DOT and MPO to determine the committees and events in which tribal participation is invited and encouraged.

TIP #2: Review the **Introduction to Planning** module and the **Tribal Consultation** module. They provide information on Federal requirements in tribal transportation planning and consultation. Consider ways to increase your participation.

TIP #3: Review the **Financial Planning, Project Prioritization, Developing the Transportation Improvement Plan** and **Developing a Long-Range Transportation Plan** modules. These cover the many purposes and uses of the LRTP and TTIP.

- **Discuss projects of mutual interest.** In the course of your networking, you may discover (or be informed of) interests and opportunities for collaborating on a specific project of mutual interest to the tribe. It is in these informal encounters that information is exchanged, relationships are forged, trust is strengthened and partnerships take root.
- **Benefits.** The benefits of this first step in Partnerships and Leveraging are:
 - Greater understanding of transportation resources and potential funding.
 - Increased knowledge of the transportation planning process impacting tribal interests.
 - Stronger ties and trust within your professional network.

Step 1

Cultivate Partner Relationships

- Identify networking venues.
- Network with your counterparts.
- Participate in the transportation decisionmaking process.
- Discuss projects of mutual interest.

Step 2: Define a Specific Need.

If you consider pursuing a partnership, you will need to consider how the tribe will participate, contribute and benefit. This second step is an evaluation for determining the need for a partnership.



- **Review internal capabilities and needs.** Assess the tribe's resources and how these resources match the tribe's needs. Generally, the decision to enter into a partnership results from a determination that the tribe will benefit from the partnership either because of a shortfall in tribal resources or to supplement its existing resources and strengthen its ability to compete for Federal funds. What resources can the tribe contribute to the partnership and what will it need from the partners? This assessment should result in a listing of the tribe's strengths (*contributions* to the partnership) and weaknesses (*needs* from the partnership), shown hypothetically here.

Tribe's Internal Evaluation

Strengths and Needs in Undertaking a Partnership Project

Tribe Strengths (Contributions)

- Committed funding in IRR and FTA Grants (covering 30% of project cost)
- Plans and policies that endorse the project (LRTP and TTIP)
- Labor and manpower for operating the project services
- Grant writing capability

Tribe Needs (Deficiencies)

- Additional funding—60% of project cost
- Skill in operating the transportation service
- Technical assistance and training
- Expertise in managing similar projects

- **Evaluate potential partners.** In addition to the tribe's evaluation of its resources and needs, the capabilities of the potential partners should be considered and evaluated. Much of this will be informed by earlier observations, networking and informal discussions on the prospect of partnering. For the purpose of this training, assume three agencies have informally expressed interest in partnering on a project. One method for matching partner resources with tribe needs (which were determined above) is presented in Table 2.

Potential Partner 1 has all of the preferred pre-requisites including access to funding; skill in operating the service; knowledge of tribal needs and sovereignty; and successful past performance. Potential Partners 2 and 3 offer fewer resources but could support in other areas. From this and the earlier evaluation of the tribe's capabilities, it appears a project partnership may be viable and beneficial to the tribe, especially with potential Partner 1.

Table 2. Partner Evaluation

Tribe's Needs for Undertaking the Project	Capability and Resources		
	Potential Partner		
	#1	#2	#3
Access to project funding to cover tribe's shortfall	✓		✓
Skill in designing and operating the service	✓	✓	
Technical assistance and training capability	✓	✓	✓
Expertise in managing similar projects	✓		✓
Other Critical Factors			
Knowledge of tribal needs and sovereignty	✓	✓	
Past performance in partnering with tribes	✓		
Sound reasoning for partnering on the project	✓	✓	✓
Trustworthiness	✓	✓	✓
Willingness to commit to long-term relationship	✓	✓	

- **Assess legal ramifications.** Tribes are sovereign nations. Any decision to partner with another agency should involve legal review. In this initial phase, written or verbal opinion should be sought from the tribe's attorney to assess whether a potential partnership will or will not impact or compromise sovereignty. Generally and in most cases tribal partnerships with outside agencies have not diminished sovereignty. However, should the tribe proceed to Steps 3 and 4 in this module, involvement of the tribe's attorney should be continuous in the drafting and review of any partnership agreement, for example, and in discussion with tribal leadership.

TIP #4: For more information on tribal sovereignty, review the **Statewide, MPO and FHWA Role in Tribal Consultation** module.

- **Seek agreement from tribal leadership.**
Your communications with tribal leadership on the possibility of a partnership is as important at this time as your earlier networking with the outside agencies. Explain the purpose and justification for the partnership to them. This may include:
 - Gaps in tribal resources resulting in delay in executing the tribal transportation program.
 - Reliable expressions of interest in partnering on the project from an outside agency.
 - Knowledge of each partner's resources, needs and capabilities.
 - Favorable initial legal review on tribal sovereignty.

Step 2

Review the Need to Partner (Internally)

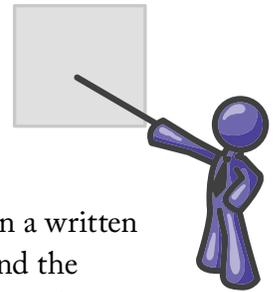
- Review the tribe's capabilities and needs.
- Evaluate potential partner's capabilities and needs.
- Assess legal ramifications.
- Seek agreement from tribal leadership.

If tribal leadership agrees with your proposal, discuss its role. Which leader or leaders should participate in partnership activities—and why? This should be understood before formal action is taken with the outside agency.

- **Benefits.** The benefits of this second step in Partnerships and Leveraging are:
 - Sharper focus on the purpose of the partnership and each partner’s contribution and capabilities.
 - Assessment of the impact on tribal sovereignty.
 - Buy-in from tribal leadership.

Step 3: Structure the Partnership.

With a mutual decision to move forward by the tribe and the outside agency, a framework will be needed for the partnership.



- **Initiate formal partnership.** The formal invitation to partner should be presented in a written document explaining the reason for partnering, the mutual benefits to partnering and the process, roles, time frame and expected outcome. This is the starting point for crafting the Partnership Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU). These documents are similar and discussion with legal counsel should help to determine which to use.

An example of the key points to be covered is provided here:

Example - Partnership Agreement Key Points

Reason for Partnership: Connect regional and tribal bus lines.

Objective: Identify best operational design for route extensions.

Process: Sign agreement that outlines process and steps for achieving objectives.

Roles: Detail tribe and outside agency responsibilities and resources they will commit.

Funding: List all funding sources to cover project capital and annual operating costs.

Time Frame: Define project phases and expected date of completion.

Expected Outcome: New Regional-Tribal bus links in 2 years.

- **Achieve consensus on objectives.** In the first of perhaps many meetings, the objectives and needs of both parties should be spelled out. The interest and commitments expressed earlier by the tribe and agency should be reinforced.
- **Agree on roles and responsibilities.** The weight of partnership responsibilities should be balanced. The least desired outcome would be for the tribe to undertake all or most of the responsibilities and the partner, none. The questions the partners should mutually answer may include:

The Partnership Memorandum of Agreement (MOA) is a formal agreement between the agencies that memorializes their roles, responsibilities and commitments in the partnership.

- What is the specific role of each party?
- How will the activities of the partnership be monitored?
- If one partner believes the partnership is not performing as expected, how should this be addressed and resolved?

These terms and provisions should be spelled out in the partnership agreement.

- **Identify the resources each party will contribute.** The reason the tribe is engaging in the partnership is to leverage its resources and increase its capacity to successfully complete the project. In this, there should be a clear understanding, beyond the earlier informal discussions, on the resources to be committed by each party.

The tribe may commit, for example, a portion of its IRR allocation and awarded Tribal Transit Program grants. The outside agency may commit a portion of its Federal program funds and its capability to perform technical project tasks and train tribal personnel. The partnership may also include a commitment to apply for future Federal grants together. The agreement, signed by each partner, communicates these commitments and how mutual interests will be served.

- **Benefits.** The benefits of this third step in Partnerships and Leveraging are:
 - Initiate formal partnership agreement.
 - Achieve consensus on objectives.
 - Agree on roles and responsibilities.
 - Identify the resources each partner will contribute.

Step 3

Structure the Partnership

- Initiate formal partnership.
- Achieve consensus on objectives.
- Agree on roles and responsibilities.
- Identify the resources each partner will contribute.

TIP #5: [Appendix B](#): Review the Partnership Memorandum of Agreement between the Indian Township Passamaquoddy Tribe and the Maine Department of Transportation. It has similar features to those discussed here.

Practice While You Learn!

In reviewing the Spur Roads-SR103 project on [page 3](#):

- Who are the potential partners for the tribe?
- What common project goal and objective do they share?
- What would be the benefits of partnering with them?
- What could each contribute to the partnership?

Step 4: Manage the Partnership Process.

This final step focuses on monitoring the partnership to ensure it succeeds in achieving the mutual objectives of the partners.

- **Build trust.** Interactions among the parties must be efficient and open. This is facilitated by information sharing, scheduled meetings, presentations to leadership, field trips, training sessions and appreciation events. The objective, in addition to completing the project (on-time and within budget), should be to strengthen relationships and foster mutual respect among the partners.
- **Develop professional work environment.** Any work generated by the partnership should be managed professionally. If grant applications are generated, minutes recorded, legal opinions issued, analysis conducted or costs shared, these records should be accessible to either party at any time. Preserving its records legitimizes the partnership and strengthens it for future opportunities.
- **Evaluate performance.** At regular intervals, the partnership agreement should be revisited and its performance evaluated. The partners should discuss:
 - Were the objectives achieved?
 - Did each party fulfill its responsibilities?
 - What worked well?
 - What should improve?
- **Capture lessons learned.** The lessons from the partnership will inform and strengthen the tribe's capabilities. Observations on performance should be documented and shared with tribal leadership as lessons learned.
- **Benefits.** The benefits of this last basic step in Partnership and Leveraging are:
 - Completion of the tribal project.
 - Trust and mutual respect to fortify future partnerships.
 - Lessons learned.



Step 4

Manage the Process

- Build trust.
- Develop professional work environment.
- Evaluate performance.
- Capture lessons learned.

Practice While You Learn!

How can the four basic steps described here in building partnerships and leveraging resources be applied to the Spur Roads-SR103 project on [page 3](#)?

IV: FROM INDIAN COUNTY

This section offers examples of partnerships and leveraging from Indian Country. It describes tribe-State partnerships in Minnesota and Maine and a Region-tribe partnership in California.

Tribe-State Partnership: Upper Sioux Community and Minnesota Department of Transportation

In October 2011, the resurfacing of State Highway 67 (SH67) in Yellow Medicine County, Minnesota was completed. It marked an end to the \$2.3 million project and the beginning of a strengthened relationship between its partners. The observations of those who participated in the partnership are noteworthy and provided in this overview.

The Tribe-State partnership began with a request from the Upper Sioux Community (USC) to meet with the Minnesota Department of Transportation (MnDOT) on improvements to SH67, which runs through the reservation. At the meeting, which was held on the reservation, tribal leadership expressed interest in leveraging its Federal transportation funds to assist with the resurfacing of SH67.

According to the MnDOT District 8 Engineer Jon Huseby:

“What they chose to do was to invest some of their Federal funds into a project that would help their community as well as really help south west Minnesota. Without this partnership money, the project would not have occurred in 2011. We did have a project scheduled for 2014, but it was a small preservation project; what we call a thin overlay. This project not only advanced that project by three years, but it was also a much better and more substantial improvement.”



The sign informs motorists the roadway project is a partnership between the Upper Sioux Community and MnDOT.

—Photo by Joel Wenz

According to the Chairman of the Upper Sioux Community Kevin Jensvold:

“Sometimes people or nations or States or governments will do things because it is the right thing to do and makes sense. In this instance, it made sense for the Upper Sioux Community to approach the State [and] address and identify deficiency in the road that runs through tribal lands. That’s how we came to formulate the plan, how we came to approach the State and how ultimately together we can undertake a project that benefits all the parties involved.”

According to the Minnesota Commissioner of Transportation Tom Sorel:

“Highway 67 is really a shining example of how we can work together in a government-to-government way with all tribal nations in our State. I really commend the tribal leaders...for coming forward and really extending this gift and working together with us to build a project that makes sense for everybody. I also think it’s important to acknowledge that it’s not just the tribal leaders and MnDOT leaders that came together but people at the staff level... worked together in a collaborative way and really developed a sense of trust.”

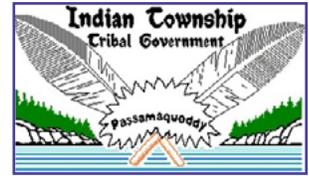
In designing the partnership, the roles of each party were:

- MnDOT: Engineering, planning and contract administration.
- USC: Supplementing State funds with portions of its FHWA and American Recovery and Reinvestment Act of 2009 (ARRA) grants, and letting the contract.

The partnership also agreed on an environmentally responsible project design. It chose a cold in-place recycle process that removed the top inches of pavement, pulverized and added oil to the underlying pavement structure and applied a new bituminous surface on top. Cold in-place recycling extends roadway life and significantly reduces the number of resurfacings, resulting in fewer disruptions to the tribal community over time.

MnDOT has released a brief nine-minute video on the State Highway 67 partnership, featuring the commentary above and other observations from the Upper Sioux Community, MnDOT and State leadership. The video may be accessed at <http://www.youtube.com/watch?v=tRxR4Fqm9xo&feature=youtu.be>.

Tribe-State Partnership: Passamaquoddy Tribe and Maine Department of Transportation.



The Passamaquoddy Tribe is located in Indian Township and Pleasant Point, Maine. The Indian Township Tribal Government has and is partnering with the Maine Department of Transportation (MaineDOT) to leverage State funds with IRR funds for three projects:

1. The Milford Street Bridge Replacement project in Grand Lake Stream was completed in the fall of 2010. The Passamaquoddy Tribe contributed over half the funds for this \$1.7 million project.
2. The Grand Lake Stream Road Resurfacing project in Grand Lake Stream and Indian Township was completed in fall 2011. The project cost \$2.5 million with the tribe contributing \$950,000.
3. The Princeton-Passamaquoddy Bridge Replacement project on US Route 1 on the Indian Township-Princeton Town Line is to be completed in 2012. The project will cost \$3 million with the tribe contributing \$950,000.



The Passamaquoddy Tribal Planner Bob Tyler, the Tribal Engineer Dana Altvater and the MaineDOT Tribal Liaison Nate Howard agree there are benefits to partnering and leveraging resources. The greatest benefit is that projects are completed sooner than if only one partner is involved.

In three years, MaineDOT and the Passamaquoddy Tribe have invested over \$7 million in highway and bridge infrastructure in rural Washington County. The benefits to the tribe and the State are summarized here.

Tribal Benefits

- The tribe used IRR Bridge and IRR High Priority funds for the projects. Access to the funds is competitive. Projects score better if a preliminary design and environmental study are complete and if matching funds, or local share, are available. In the case of the Grand Lake Stream Road Resurfacing project, the tribe was unable to commit to design costs without assurance of project funding. MaineDOT agreed to cover those costs and match any IRR High Priority funds received by the tribe.
- The Passamaquoddy Tribe's Tribal Employment Rights Ordinance (TERO) encourages contractors to hire tribal members and levies a tax on construction projects on tribal lands. The Princeton-Passamaquoddy Bridge Replacement Project employs four tribal members, which is about 20 percent of the project workforce.
- IRR Program funds also include administrative funds, which support the tribal planner and engineer in their work.



Source of Photographs: Maine Department of Transportation

State DOT Benefits

- Partnering with the tribe affords the State DOT access to funding it would not otherwise have. Two bridges that were in a poor state of repair are now repaired. Moreover, the Grand Lake Stream Road Resurfacing project was completed to a much higher standard than typically achieved. The road is a minor collector on the State-aid highway system but not eligible for Federal funding. As a result, the State often has limited funds to surface minor collectors. The IRR funds allowed a longer-lasting resurfacing improvement.
- Building State-Tribal relationships help in collaboration and the planning of future projects. This is encouraged by Executive Orders issued by the State of Maine, which recognize the importance of government-to-government relationships.

Tribal-State Relations

The relationship between the tribe and MaineDOT has developed in the last few years, thanks in part to a State-appointed Tribal Liaison on the DOT staff. The liaison, Nate Howard, works closely with the Passamaquoddy Tribe planner and engineer to advance transportation projects. Before the liaison position was created, the tribe tried to work with the State but had difficulty being heard. For example, in order to leverage tribal funds on State roads the roads must be listed on the IRR Inventory. Previously, MaineDOT did not fully understand what it would mean for the agency if the roads were listed (nothing changes for the State DOT), nor why the tribe would want to list the roadway. Following the 2010 and 2011 executive orders, there was renewed focus on building State-Tribal relationships. MaineDOT now understands the benefits of listing certain State roads on the IRR Inventory.

“The tribe was pleased to be able to assist in the repair of the bridge”

Bob Tyler, Passamaquoddy Tribal Planner

The tribe is the first in Maine to leverage its IRR funds with State funds. MaineDOT is looking to advance similar projects with the three other tribes located in the State. The Partnership Memorandum of Agreement between the Passamaquoddy Tribe and MaineDOT is provided in Appendix B. The Executive Orders issued by the State on government-to-government relationships and communications with tribes may be accessed at:

http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=94057&cv=article2011

http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=306288&cv=article2011

Region-Tribe Partnership: Reservation Transportation Authority and San Diego Association of Governments

The Reservation Transportation Authority (RTA) is a consortium of the federally recognized tribes in San Diego and Riverside counties in southern California. Founded in 1998, the RTA provides transportation education, planning and program administration for tribal government members. By bringing the region's tribes together, the RTA provides a stronger voice for tribal transportation needs. The RTA constructs roads on members' reservations; obtains transportation funding from local, State and Federal sources; and acts as an advocate for tribal transportation policy issues.



The RTA has partnered with Federal, State, and regional agencies on a variety of projects. One of these agencies is the San Diego Association of Governments (SANDAG), which is the MPO for the San Diego region.

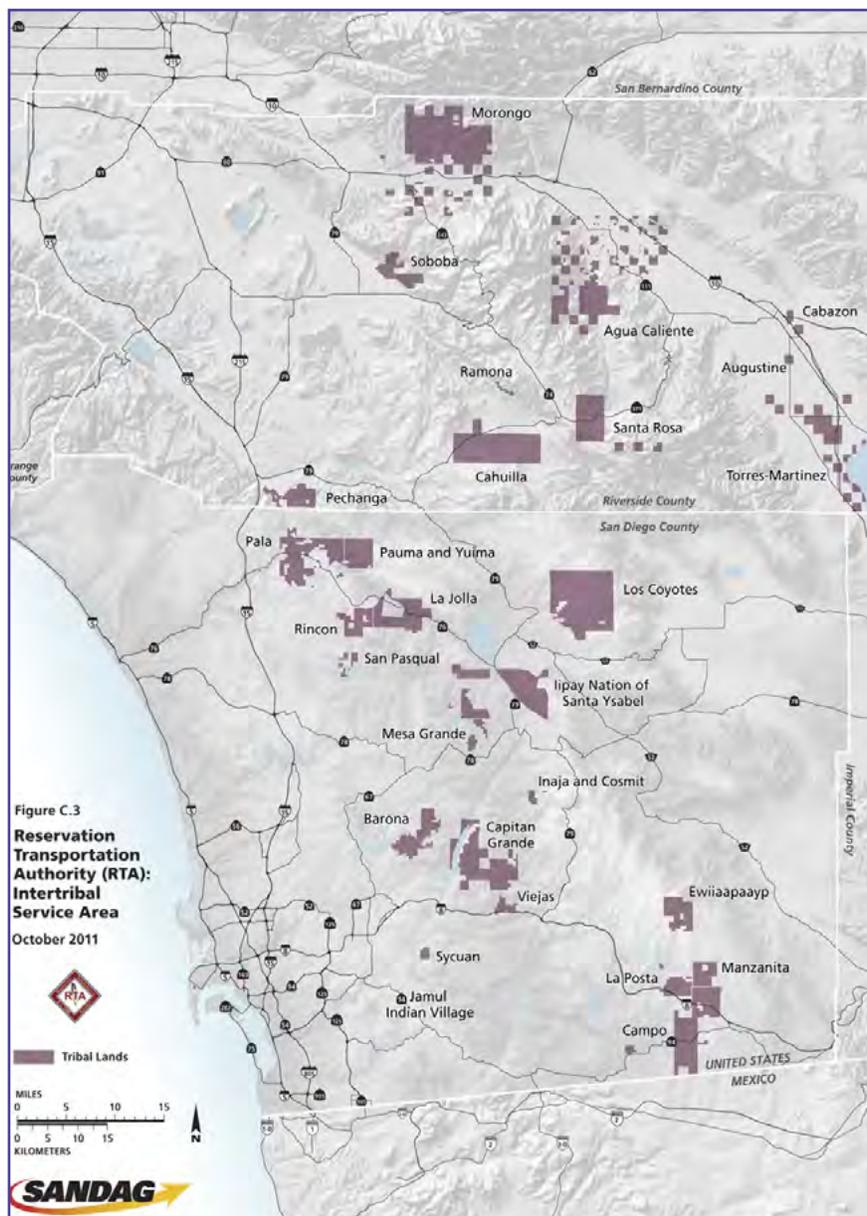
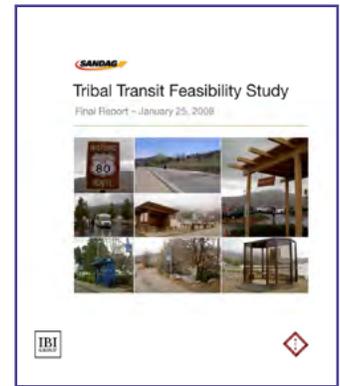


Figure 3: RTA Intertribal Service Area

Tribal Transit Feasibility Study

In 2006 and 2007, SANDAG partnered with the RTA and the two regional transit providers to develop a *Tribal Transit Feasibility Study*. The study was funded through a grant SANDAG received from the California Department of Transportation. SANDAG's Interagency Technical Working Group on Tribal Transportation Issues served as the advisory committee for the project. The working group discusses and coordinates transportation issues of mutual concern for tribes and the regional planning agencies, including RTA, SANDAG, the County of San Diego, the region's transit agencies and the State DOT.



The purpose of the grant was to study the feasibility of implementing transit service in one or two key corridors between reservations and other cities or small towns in the region. The study provides the information needed to leverage additional funding for transit service for the tribal governments in San Diego County.

The study examined the current tribal demographics, existing transit service, transportation needs and options for addressing those needs. The identified issues included the need for increased service frequency and the need for better access to medical services. The study recommended three options for implementation:

- Five new bus routes that can leave the normal route within the reservation to pick up or drop off passengers closer to their home or destination, and a new express bus route between a regional transit hub and several tribal employment centers.
- Improvements to existing services, such as extending the bus routes and increasing how frequently the buses come.
- Bus stop improvements to improve the traveler's experience when waiting and transferring.

The study also identified funding opportunities, including the FTA Tribal Transit Program and Human Service Transportation grants through the U.S. Department of Health and Human Services.

Implementing the Study

RTA used the *Tribal Transit Feasibility Study* to obtain FTA Tribal Transit grant funding of \$1.6 million for 2007-2010. The RTA also successfully applied for \$1.1 million in ARRA funding for transit infrastructure improvements, including a new bus stop at a park-and-ride facility recommended in the *Tribal Transit Feasibility Study*. As SANDAG's tribal liaison noted:

"This was a small investment on the front end that has blossomed into the RTA being able to access funds that it could not access before the study."

While FTA Tribal Transit funds are accessible to all tribes, the RTA did not have the technical studies to support their funding requests prior to this project. This study filled that gap. The Working Group has been discussing options for additional funding to fully implement the plan because the FTA grants will not be enough. The most recent SANDAG regional transportation plan, completed in 2011, includes recommendations to support tribal transit. One of the recommendations is to collaborate on funding opportunities to implement the feasibility study.

TOOLBOX

Basic Steps in Building Partnerships and Leveraging Resources

Cultivate Partner Relationships

Outcome and Benefits

- Greater understanding of transportation resources and potential funding.
- Increased knowledge of the transportation planning process impacting tribal interest.
- Stronger ties and trust within your professional network.

Define a Specific Need

Outcome and Benefits

- Sharper focus on the purpose of the partnership and each partner's contribution and capabilities.
- Assessment of the impact on tribal sovereignty.
- Buy-in from tribal leadership.

Structure the Partnership

Outcome and Benefits

- Initiate formal partnership agreement.
- Achieve consensus on objectives.
- Agree on roles and responsibilities.
- Identify the resources each partner will contribute.

Manage the Process

(During project and after project completion)

Outcome and Benefits

- Build trust.
- Develop professional work environment.
- Evaluate performance.
- Capture lessons learned.



PARTNERSHIP AND LEVERAGING CHECKLIST

		Date Done
✓	Review the Funding Resources module. It offers information on the Federal funding available to tribes.	
✓	Review the Introduction to Planning module and the Tribal Consultation module. They provide information on Federal requirements in tribal transportation planning and consultation. Consider ways to increase your exposure and participation.	
✓	Review the Financial Planning, Project Prioritization, Developing the Transportation Improvement Program and Developing a Long-Range Transportation Plan modules. These cover the many purposes and uses of the LRTP and TTIP.	
✓	For more discussion on tribal sovereignty, review the Statewide, MPO and FHWA Role in Tribal Consultation module.	
✓	Appendix B : Review the Partnership Memorandum of Agreement between the Indian Township Passamaquoddy Tribe and the Maine Department of Transportation. It has similar features to those discussed in Section III.	

You have successfully completed the **Partnership and Leveraging** training module!

APPENDICES

Appendix A
For Further Reading

Appendix B
Partnership Memorandum of Agreement:
Passamaquoddy Tribe and Maine DOT

Appendix C
Practice While You Learn! - One Possible Answer

For Further Reading

- Working in Indian Country, Building Successful Business Relationships with American Indian Tribes, Larry D. Keown, 2010.
- A Guidebook for Successful Communication, Cooperation, and Coordination Strategies Between Transportation Agencies and Tribal Communities, Transportation Research Board, National Cooperative Highway Research Program, Report 690, 2011.
http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_690.pdf
- Identification of Results-Oriented Public Involvement Strategies Between Transportation Agencies and Native American Tribal Communities, Transportation Research Board, National Cooperative Highway Research Program, Web-Only Document 171, 2010.
http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w171.pdf
- Conference on Transportation Improvements Experiences Among Tribal, Local, State, and Federal Governments, Albuquerque, New Mexico October 18 21, 2001, Transportation Research Circular, Number E-C039, September 2002.
- Leveraging the Partnership: HUD, DOT, and EPA Programs for Sustainable Communities.
<http://www.sustainablecommunities.gov/pdf/leveragingPartnership.pdf>
- Tribal Transportation Decisionmaking Series.
http://www.tribalplanning.fhwa.dot.gov/training_series.aspx
- FHWA Glossary of Terms Planning.
http://www.fhwa.dot.gov/planning/glossary/glossary_listing.cfm
- FHWA Glossary of Terms Tribal.
http://www.tribalplanning.fhwa.dot.gov/reference_glossary.aspx

Partnership Memorandum of Agreement: Passamaquoddy Tribe and Maine DOT

Memorandum of Agreement for the Construction of the

**Princeton Bridge US Route 1
Indian Township Reservation and
The Town of Princeton
Washington County
Pin No. 12662.00**

RECEIVED
FEB 23 2017



1. This agreement (the “Agreement”) is made between the Indian Township Passamaquoddy Tribal Government (the “Tribe”) acting through the Tribal Governor, and the Maine Department of Transportation, hereinafter called MaineDOT, acting through its Commissioner.
2. MaineDOT and the Tribe propose to make certain road and bridge improvements under project No. Pin 12662.00 in Washington County to replace the US Route 1, Princeton/Passamaquoddy, Bridge # 2688 over Lewy Lake (the “Project”). The Tribe has agreed to participate in certain costs under the Indian Reservation Road Bridge Program (IRRBP) administered by the Bureau of Indian Affairs (BIA).
3. MaineDOT shall be responsible for the preparation of the environmental and/or planning documents, including any environmental permits, needed to construct the Project. All work shall be done in accordance with MaineDOT, Tribal, and Federal Highway Administration (FHWA) procedures and guidelines.
4. MaineDOT, at no cost to the Tribe, shall be responsible for the design of the plan and specifications for the Project in accordance with FHWA and MaineDOT standards. MaineDOT will coordinate all necessary changes, adjustments, and relocations of telephone, telegraph, cable and electric power lines, underground cables, gas lines, and other pipelines or conduits, or any privately or publicly-owner utilities. Every effort shall be made to cause the relocation of said utilities and/or services so that the construction of the Project will not be delayed.

5. The Tribe shall donate and convey in fee to MaineDOT any real property owned by the Tribe required for the completion of the project. MaineDOT will include in its contracts a requirement that all contractors and subcontractors engaged to perform work on said project within the limits of Tribal Lands will, to the extent required by law, abide by the requirements of the Tribal Employment Rights Ordinance #1 adopted by the Passamaquoddy Tribe, Indian Township Reservation.

6. Upon completion of the Project, the MaineDOT shall establish and maintain traffic controls devices on the Project in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for streets and highways and all MaineDOT and FHWA criteria.

7. Upon completion of all planning documents, all required environmental work, and acquisition of Rights -of- Ways or easements, the MaineDOT and its contractor will construct and be responsible for the construction of said Project in accordance with the approved plans and specifications. MaineDOT will be responsible for bidding services, contract administration, construction surveying, engineering, project inspections and acceptance. MaineDOT shall have the right to abandon the Project at any time before the Tribe has been called upon to perform any part of its agreement.

8. The Tribe shall apply for IRRBP funds for up to 80% of construction costs of the Project not to exceed one million dollars (\$1,000,000.00). On the condition that the Tribe is successful in securing the necessary IRRBP funds, the MaineDOT shall provide the matching funds for construction and any funds in excess of this amount to complete the Project. The total construction cost is estimated to be 3.3 million dollars, therefore the projected MDOT matching funds is 2.3 million dollars. The Tribe shall retain up to five percent (5%) of its contribution to pay for Tribal administrative and overhead costs subject to BIA approval. Once the Tribe has been awarded the funds from the BIA and has been issued a notice to proceed from the BIA, the Maine DOT will advertise the Project for construction. The MaineDOT may proceed with the Project at its own cost if the IRRBP project funding is delayed or not approved in a timely manner by the BIA. IRRBP funds will be paid to MaineDOT based upon unit costs in the MaineDOT's cost estimate. Payments will be made on a monthly basis as work proceeds or as a lump sum as the funds are available. The Tribe and BIA personnel will have the option to attend monthly pay meetings and inspect the progress of the work completed. All site visits will be will be arranged with the MaineDOT on site representative.

9. The MaineDOT shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate cost incurred under this Agreement. Further, the MaineDOT shall make such materials available at all reasonable times during the contract period and for three (3) years from the date of final payment under this Agreement, for inspection and audit by the Tribe.

10. Upon completion of the Project, said roadway shall be owned, maintained and controlled by the Maine DOT. It is understood and agreed that the approval of the

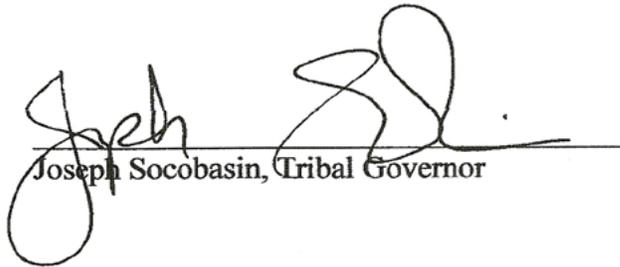
Project by the MaineDOT is subject to the conditions of this Agreement and that no expenditure of funds on the part of MaineDOT will be reimbursed until the terms of this Agreement have been complied with on the part of the Tribe and MaineDOT.

11. The Tribe acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.

12. The Tribe and MaineDOT acknowledges and agrees that nothing in this agreement is intended, or shall be construed, to constitute a waiver of any defense, immunity or limitation of liability that may be available to MaineDOT and the Tribe, or any of its officers, agents or employees, pursuant to the Eleventh Amendment to the Constitution of the United States of America, the Maine Constitution, the Maine Tort Claims Act (14 M.R.S.A. Section 8101 et seq.), any State or federal statute, the common law or any other privileges or immunities as may be provided.

IN WITNESS WHEREOF, the parties have subscribed their names:

For the Passamaquoddy Tribe at Indian Township,



Joseph Socobasin, Tribal Governor

2-16-11
Date

For the Maine Department of Transportation



David Bernhardt, Commissioner

2/25/11
Date

Practice While You Learn! - One Possible Answer

SPUR ROADS—SR103 PROJECT

Cultivate Partner Relationships

- Initiate informal discussions with State DOT and MPO officials on the Spur Roads Project. The communications should flow easily because of your existing relationship with these officials.
- In the MPO Policy Advisory Committee meeting, discuss the Spur Roads project with the group. Ask if the State-MPO vision for SR103 complements the tribe's vision for the Spur Roads. (The response is "yes".)
- Explain that the Spur Roads project is referenced in the tribal LRTP and tribal TIP, and discuss the possibility of leveraging the \$250,000 IRR construction grant.
- Inquire on State-MPO interest in leveraging \$550,000.
- Review the common goals and objectives to be achieved in a partnership.

Define a Specific Need

- Document resources and capability of the tribe to upgrade the Spur Roads.
- Assess the resources and capabilities of the DOT and MPO in participating in a Spur Roads-SR103 partnership.
- Discuss with legal counsel any possible impact on tribal sovereignty. (Response is "no," but legal advice should be sought at each project phase.)
- At tribal Planning Director meeting, report all of this. Request a tribal leadership session to discuss the potential of a Spurs Roads-SR103 Partnership. (The discussion with leadership results in consensus to proceed.)

Structure the Partnership

- Participate in formal partnership meetings with tribal leadership, DOT personnel and MPO personnel.
- Assist in design of the Partnership Memorandum of Agreement, which spells out roles and responsibilities:
 - State DOT: Obtain SR103 funding, design controlled access Spur Roads-SR103 connections, prepare design and engineering specifications for the tribal collector road system.
 - MPO: Secure regional transportation planning grant, provide administrative support, i.e. meeting space, record keeping and training materials.
 - Tribe: Secure IRR construction grant, manage tribal roadway construction, oversee tribal collector system plans and designs.
 - All Partners: Co-sign all grant applications for the project, meet monthly.
 - Project Timing: Planning/Design - 5 years; Construction - 7 years.

Manage the Process

- Establish Partnership Coordinating Committee that meets monthly. Invite FHWA and FTA as advisors.
- Participate in partnership training in roadway design, tribal sovereignty and Federal funding.
- Sponsor annual statewide Partnership Conference inviting tribes and agencies to discuss their partnerships and compare notes.
- Participate in annual closed-door feedback session ensuring partnership is on-track.
- Schedule annual reviews with partner legal counsels to ensure the partnership is legally sound.



U.S. Department
of Transportation

**Federal Highway
Administration**

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