



# Transportation Planning Capacity Building (TPCB) Peer Program

## Frontier Metropolitan Planning Organization Peer Exchange

*A TPCB Peer Exchange Event*

**Location:** Fort Smith, Arkansas

**Date:** May 1-2, 2019

**Host Agency:** Frontier Metropolitan Planning Organization

**National Peers:** Erick Aune, Santa Fe Metropolitan Planning Organization  
Marc Daily, Thurston Regional Planning Council

**Local Peer:** Jane Ziegler, Indian Nations Council of Governments

**Sponsoring Agency:** Federal Highway Administration



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# Introduction

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This report highlights key recommendations and noteworthy practices identified at the “Frontier Metropolitan Planning Organization Peer Exchange” held on May 1-2, 2019 in Fort Smith, Arkansas.<sup>1</sup> This event was sponsored by the joint Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) Transportation Planning Capacity Building (TPCB) Peer Program, and was fully funded by FHWA. The goal of the peer exchange program is to facilitate knowledge transfer and capacity building by connecting peers from different States and/or agencies to exchange best practices and innovative solutions to transportation planning challenges.

## Peer Exchange Overview

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The Frontier Metropolitan Planning Organization (MPO) requested a peer exchange from the FHWA/FTA TPCB Program to provide the Frontier MPO with examples of how other MPOs, particularly small MPOs with limited staff, have addressed two topics: bicycle and pedestrian planning and tribal coordination. The Frontier MPO is a staff of two and sought effective practices for providing its member jurisdictions the tools that they need to implement successful bicycle and pedestrian planning programs. Also, the Frontier MPO sought effective practices for coordinating with Tribes with lands within the metropolitan planning area but that are headquartered in another State. This is important for the Frontier MPO because its planning area includes part of Oklahoma, where the Tribes are located.

The Frontier MPO is located in northwest Arkansas and is centered around the city of Fort Smith. As of 2010, the population in the MPO area was 168,852, so it is not considered a Transportation Management Area (TMA). It is a bi-State MPO – several communities in Oklahoma are included in the MPO area.

### Peer Selections

FHWA identified national peer agencies from which the Frontier MPO could learn about effective practices for bicycle and pedestrian planning and tribal consultation for small MPOs. The two peer agencies were the Santa Fe MPO in the Santa Fe, New Mexico region and the Thurston Regional Planning Council (TRPC) in the Olympia, Washington region. In addition to the two national peers, FHWA invited the Indian Nations Council of Governments (INCOG), in the Tulsa,



*Discussions during the peer exchange (Courtesy of FHWA).*

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<sup>1</sup> In addition to the in-person event. The peer exchange also included a webinar on April 16, 2019.

Oklahoma region to participate. While INCOG is a larger MPO than Frontier, it is located close to Frontier and consults with Tribes in similar areas as Frontier.

The peer presenters were:

**Erick Aune**, MPO Officer, Santa Fe MPO

Erick Aune is the MPO Officer for the Santa Fe Metropolitan Planning Organization. Mr. Aune has practiced land use and transportation planning in the Southwest for 24 years and began his career working for the U.S. Department of Agriculture Rural Development AmeriCorps Program in Aztec, NM. He has served as Planning Director for Aztec, NM and La Plata County, CO and worked with the New Mexico MainStreet Program as Aztec's Mainstreet Director and directly as Program Associate.

Erick has an M.S. in Natural Resource Development from Michigan State University and is a 2007 Fellow of the Regional Institute of Health and Environmental Leadership. He served as a Local Government Specialist in Albania working for the Peace Corps in 2003-2004. Erick also serves as Immediate-Past President of the American Planning Association, New Mexico Chapter and President of the New Mexico Resiliency Alliance, dedicated to bringing resources to underserved communities throughout New Mexico.

**Marc Daily**, Executive Director, Thurston Regional Planning Council

Marc Daily is the Executive Director of the Thurston Regional Planning Council in Washington State. Marc has over 20 years of urban and environmental planning experience in the private and public sectors. Prior to joining the Council, Marc served as the Deputy Director of Washington's Puget Sound Partnership, a state agency charged with the ecosystem recovery of Puget Sound. This included one year as the acting director and serving in Governor Jay Inslee's Executive Cabinet.

Marc has a Master of Urban Planning degree from the University of Washington and a B.S. in Environmental Planning from Western Washington University. He is also a certified Project Management Professional by the international Project Management Institute.

**Jane Ziegler**, Transportation Planner, Indian Nations Council of Governments

Jane Ziegler is the Bicycle-Pedestrian Coordinator for the Indian Nations Council of Governments (INCOG). She coordinates and collaborates with community stakeholders to change the car culture of Tulsa and to rethink the uses of the public-right-of-way for all forms of transportation, including micro-mobility and public transit.

Jane has an M.A. in Policy Studies with an emphasis in Human Rights from Middlebury College's Monterey Institute of International Studies and an MBA from Oklahoma State University. This wide range of knowledge and experience has helped Jane in her position at INCOG, as she sometimes looks at problems from an unconventional perspective than a formally trained planner. She is an avid bike rider who brings her knowledge of and familiarity with the roads in the INCOG region.

A list of key peer exchange contacts is included in Appendix A.

## Peer Exchange Sessions

The following is an overview of the presentations, activities, and discussions held during the peer exchange:

### Bicycle and Pedestrian Planning:

- **Frontier MPO Bicycle and Pedestrian Planning Presentation:** Frontier MPO staff presented on the MPO's experiences and challenges with bicycle and pedestrian planning.
- **Peer Perspectives – Bicycle and Pedestrian Planning:** The peers from the Santa Fe MPO, Thurston Regional Planning Council, and the Indian Nations Council of Governments presented on their respective agencies' experiences with bicycle and pedestrian planning.
- **FHWA Perspective and Resources – Bicycle and Pedestrian Planning:** FHWA staff presented on the Federal perspective on bicycle and pedestrian planning as well as resources available to transportation agencies on the topic.
- **Full Group Discussion – Bicycle/Pedestrian Planning with Limited Resources:** Participants discussed how the Frontier MPO can conduct meaningful, impactful bicycle and pedestrian planning with limited staff and resources.
- **Full Group Discussion – Fostering Bicycle/Pedestrian Planning among Member Jurisdictions:** Participants discussed how the Frontier MPO can encourage and assist its member jurisdictions in their own bicycle and pedestrian planning activities.

### Tribal Consultation:

- **Frontier MPO Tribal Consultation Presentation:** Frontier MPO staff presented on the MPO's experiences and challenges with tribal consultation.
- **Peer Perspectives – Tribal Consultation:** The peers from the Santa Fe MPO, Thurston Regional Planning Council, and the Indian Nations Council of Governments presented their respective agencies' experiences with tribal consultation.
- **FHWA Perspective and Resources – Tribal Consultation:** FHWA staff presented the Federal perspective on tribal consultation and resources available to transportation agencies and Tribes for consultation.
- **Full Group Discussion – Effective Practices for Tribal Consultation:** Participants discussed practices that have worked well in the past for tribal consultation, focused on those that make the most sense for the Frontier MPO to implement.
- **Full Group Discussion – Workshopping the Frontier MPO's Approach to Tribal Consultation:** Participants discussed the approaches that would work best for Frontier MPO to employ when engaging and consulting with the Tribes in their region.

The webinar and peer exchange agendas are included in Appendix B.

# Bicycle and Pedestrian Planning

## Frontier MPO Presentation

Frontier MPO staff presented to the group their experiences with bicycle and pedestrian planning in the region. The MPO adopted the Regional Bicycle & Pedestrian Plan in 2016. That regional plan includes goals that:

- Connect communities;
- Connect points of interest;
- Connect to nature; and
- Support local economies.

However, the Regional Bicycle & Pedestrian Plan does not include policy recommendations or a strategic program plan.

Since the MPO adopted the Regional Bicycle & Pedestrian Plan, the MPO staff reported limited progress in implementing it. Neither MPO member jurisdictions nor the State DOT have added new bicycle lanes in the region, and no bicycle or pedestrian pilot projects have been implemented. However, member jurisdictions are very interested in bike parks and multi-use trails, and have prioritized expanding or improving sidewalk networks. More recently, the MPO has been assisting member jurisdictions in developing bicycle and pedestrian plans specific to those communities.

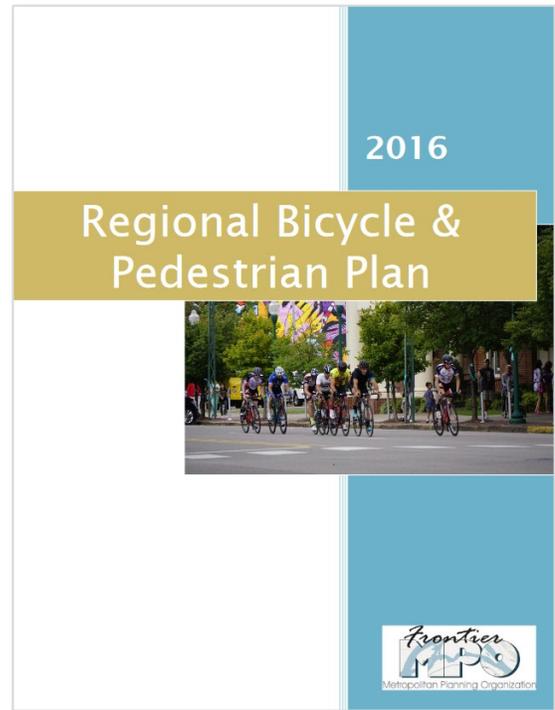
In April 2019, the MPO adopted a Complete Streets policy. It features recommendations provided by Smart Growth America for Complete Streets. It clearly states that streets are for all users. The MPO will use the Complete Streets policy to review proposed corridors and streets, as appropriate. The MPO also encourages its member jurisdictions to adopt the Complete Streets policy.

Frontier MPO staff expressed the following challenges to conducting bicycle and pedestrian planning in the region:

- The MPO lacks a strategic plan for bicycle and pedestrian planning;
- Some residents associate walking and biking with poverty, and they do not want to expand access to those modes;
- The MPO has a limited set of tools to provide to member jurisdictions to assist them in their own bicycle and pedestrian planning activities.

## Santa Fe MPO Presentation

The Santa Fe MPO has made advancements in promoting bicycling and walking in the region despite the challenge of having low bicycling and walking mode splits and the lack of a bicycling culture. For



*The Frontier MPO adopted its Regional Bicycle & Pedestrian Plan in 2016 (courtesy of the Frontier MPO).*

example, the MPO organizes the region’s annual Bike to Work Week in May, which is well-attended and raises the visibility of bicycling in the region.

The Santa Fe MPO is in the process of developing its 2019 Bicycle Master Plan, which is an update to its 2012 Bicycle Master Plan. The new plan will include information to assist member jurisdictions in creating bicycle development guidelines, links to dynamic maps of projects with bicycle elements, and project selection criteria that feature a focus on equity.

To achieve its successes in bicycle and pedestrian planning, the MPO leveraged the leadership among member jurisdictions and other community members. Staff at the middle-management level in municipalities and the leaders of organizations that support walking and biking serve as champions of bicycle and pedestrian projects.

Other recent bicycle and pedestrian projects in the Santa Fe region include:

- New and extended trails;
- An inventory of bicycle parking in Santa Fe;
- New “Bicycles May Use Full Lane” signage;
- The MPO’s Complete Streets resolution;
- The first bike corral in New Mexico;
- A custom-designed bicycle rack for Santa Fe; and
- Green-painted bike lanes.



The Santa Fe MPO conducted a bicycle parking study (courtesy of the Santa Fe MPO).

## TRPC Presentation

Thurston County has relatively high mode splits for walking (8 percent) and bicycling (1.4 percent). However, TRPC only expects the bicycling mode split to increase modestly by 2040. TRPC conducted surveys of residents and found that “comfort” was the most important factor keeping them from walking or biking more. TRPC staff understands the need to invest in walking and bicycling facilities, and aims to help their policy makers understand the benefits of those investments.

TRPC makes the case for investing in bicycle and pedestrian infrastructure through its regional transportation plan, which emphasizes a multimodal transportation system, and through the agency’s trails plan and local bicycle and pedestrian plans. In addition, TRPC promotes bicycling and walking through:

- The Low Impact Development Guidebook, which discusses the benefits of pedestrian facilities for stormwater treatment;

- Sustainable Thurston, which was a community visioning and land use planning project that encouraged denser urban environments to improve the viability of bicycling and walking infrastructure;
- Thurston Thrives, a public health initiative that stressed the health benefits of bicycling and walking, and how bicycling and walking can improve access to health and human services; and
- The Thurston Climate Adaptation Plan, which notes that trails and sidewalks have been shown to reduce the risk of wildfire spreading.

TRPC has also worked with Experience Olympia and Beyond, the region’s visitors and convention bureau, to promote the region as a bicycling and walking destination. The agency created a branding campaign around the “Thurston Bountiful Byway,” which traverses Thurston County. The byway’s brochure provides a map of the route and shows the destinations along it. Businesses have reported an increase in business from byway users, and in the process of participating in the byway advertising, they often become champions for bicycle and pedestrian investments.

Thurston Bountiful Byway builds upon the success of TRPC’s Thurston County Bike Map. TRPC has been producing the map, which highlights bicycle facilities and destinations across the county, for years. TRPC also uses the map as a way to promote cycling best practices, commute trip reduction, and transportation demand management strategies.

The bike map is produced on paper, but as people shift away from paper to electronic access to documents, TRPC has begun to provide an interactive version of the map online and through a smart phone app. Through the app (Avenza), users can access the map while on a ride, and their phone’s GPS will show where they are on the map. This has expanded the usefulness of the map beyond the paper version, which is still very popular.



*The Thurston County Bike Map, both the paper and electronic versions, show users where to ride their bicycles in the county (courtesy of TRPC).*

## INCOG Presentation

INCOG’s GO Plan, the region’s bicycle and pedestrian master plan, is part of a suite of resources that provides INCOG’s member jurisdiction with:

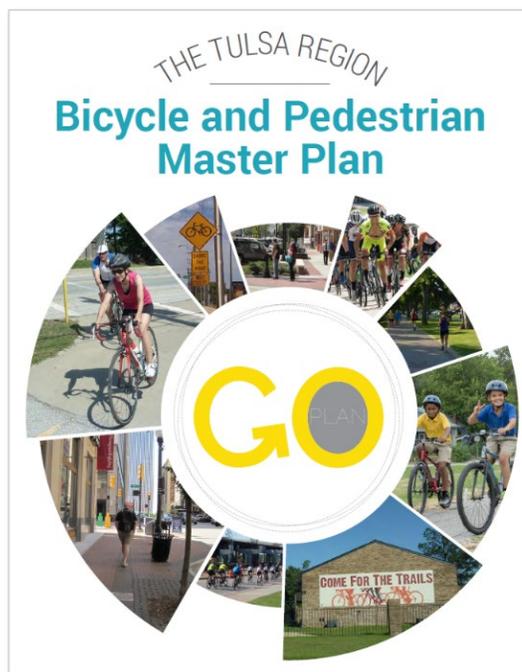
- Bicycle network recommendations;
- Pedestrian design approaches; and
- Design guidance.

The GO Plan’s Vision states: “the Tulsa metropolitan area is a place where walking and biking are viable and appealing choices for transportation and recreation. Safety, comfort and convenience for users are addressed along roads, at crossings, on multiuse trails and at key destinations.” The GO Plan also

includes multiple community bicycle and pedestrian plans from member jurisdictions in the region. Additionally, many jurisdictions have adopted the GO Plan as their bicycle and pedestrian plan. This is important because local jurisdictions and the State of Oklahoma own and manage the roads, not INCOG.

The GO Plan feeds directly into project implementation. INCOG favors funding bicycle and pedestrian projects that are in the GO Plan and that are in jurisdictions that have adopted the GO Plan. Still, INCOG's funding for bicycle and pedestrian projects is limited.

When promoting bicycling and walking in Mid-America or in rural areas, INCOG recommends avoiding language that may not resonate to a skeptical audience, such as progressive, climate resilience, sustainability. They also recommend avoiding making comparisons to cities known for a bicycle culture, such as Portland, Seattle, and Copenhagen. Instead, INCOG recommends using words and phrases that are more universally relatable, such as kids on bikes, health, safety, and reducing fatalities.



*INCOG's GO Plan is a comprehensive regional plan for pedestrian and bicycle improvements (courtesy of INCOG).*

Other ways that INCOG has successfully promoted bicycling, walking, and safety include:

- Organizing tours of bicycle and pedestrian infrastructure for member jurisdictions;
- Designing a display that highlighted bicycle and pedestrian fatalities in the region to spark conversations about safety;
- Organized trainings (including in-classroom and on-bicycle portions) for police officers on bicycle and pedestrian ordinances;
- Staffing a booth at an annual community event; and
- Commissioning murals (which are less expensive than billboards) that increase the visibility of bicycling and walking.

## **FHWA Presentation**

Improving the safety of people walking and biking for transportation is a critical challenge especially given that the number of pedestrians and bicycle fatalities nationwide is increasing. Approximately 25 percent of nationwide pedestrian and bicycle fatal and injury crashes occur on rural roadways. In contrast to urban roadways, rural roads have certain characteristics that can increase the severity of crashes for pedestrians and bicyclists, such as higher average vehicle speeds and uncontrolled pedestrian and bicycle crossings.



The number of bicycle and pedestrian fatalities nationwide is increasing.

As codified in Title 23 of the United States Code (U.S.C.), Section 217, bicyclists and pedestrians are required to be an integral part of the ongoing transportation planning process. Pedestrian and bicycle needs should be considered as a part of related plans, such as:

- Multimodal transportation plans;
- Small area plans;
- Corridor studies; and
- Traffic studies.

FHWA has many resources available to small MPOs to develop bicycle and pedestrian networks and improve safety. These include:

- [Guidebook for Measuring Multimodal Network Connectivity](#), which describes a five-step analysis process and numerous methods and measures to improve bicycle and pedestrian connectivity;
- [Small Town and Rural Multimodal Networks](#), which encourages innovation in the development of safe and connected bicycling and walking networks in small towns and rural areas;
- [Local and Rural Road Safety Program: Training, Tools, Guidance, and Countermeasures](#), which assists practitioners and stakeholders in addressing safety on rural and local roads;
- [Non-Motorized User Safety: A Manual for Local Rural Road Owners](#), which provides resources, information, and evaluation methods for addressing non-motorized safety;
- [FHWA's Pedestrian and Bicycle Safety website](#), which provides links to a variety of resources on bicycle and pedestrian safety; and
- [Bikeway Selection Guide](#), which helps transportation practitioners consider and make informed decisions about trade-offs relating to the selection of bikeway types.

## Discussion – Bicycle/Pedestrian Planning with Limited Resources

Each of the MPOs at the peer exchange experience the challenge of conducting bicycle and pedestrian planning with limited resources. The Santa Fe MPO, TRPC, and INCOG described several low-cost and/or low-staff-time solutions that yielded benefits that the Frontier MPO could consider implementing. These include the following:

- The City of Olympia (a TRPC member jurisdiction) identified a network of bicycling corridors on streets with low traffic and space for bicyclists to ride outside of travel lanes by observing aerial photography and reviewing traffic counts. The City promoted these corridors via an online map, but did not implement any physical improvements in the corridors. Bicycle counts along the corridors indicated an increase in bicycling, which helped to build a case for funding bicycle infrastructure improvements in the corridors.
- To promote bicycling and walking in the Tulsa region, INCOG partners with several organizations, including TYPROS, Tulsa’s young professionals organization, to hold bike month events. INCOG also partners with the Tulsa Department of Health to advertise the health benefits of active transportation. INCOG also recommends coordinating with county health departments to promote walking and bicycling.
- The Santa Fe MPO recommends taking an incremental approach to implementing bicycle and pedestrian planning when resources are limited. Though outside the Santa Fe region, Albuquerque implemented a small bikeshare program that they expanded over time, instead of waiting to have a large amount of money to invest in a larger system. Additionally, Santa Fe has the first bicycle corral in New Mexico. It was easier to convince elected officials to invest in one corral as opposed to a network of them. The MPO touted the health and economic benefits that the bicyclists that the corrals attract would provide to gain political support for them.



*Discussions during the peer exchange (Courtesy of FHWA).*

In addition to these suggestions, the peers recommended that the Frontier MPO identify champions within their Board that can advocate for bicycle and pedestrian investments. Having champions in leadership positions can help to spread the message about investing in walking and biking among key decisionmakers.

## **Discussion – Fostering Bicycle/Pedestrian Planning among Member Jurisdictions**

During this discussion, peer agencies offered the Frontier MPO the following advice for fostering bicycle and pedestrian planning among its member jurisdictions:

- The peers recommended that the Frontier MPO staff continue to network with partners in both the public and private sectors that may benefit from improved bicycle and pedestrian infrastructure. This includes representatives from municipal governments, health departments, parks and recreation departments, senior centers, businesses and business associations, and community organizations.
- The peers agreed that the Frontier MPO was at an advantage for having an adopted Complete Streets policy. They recommend that the MPO use it as a roadmap to share with its member jurisdictions and to encourage them to establish similar policies.
- When promoting bicycle and pedestrian planning and investment, the peers recommended framing the benefits of bicycling and walking in terms of health benefits and economic benefits. Those two themes resonate with people more clearly and can help to convince communities to invest in bicycle and pedestrian infrastructure.
- The peers also recommended that the MPO staff identify a board member or other official to be an unofficial champion of bicycle and pedestrian planning. When communicating with municipal officials, it can be helpful to have the message come from someone in a leadership position than strictly from staff.
- Finally, the peers encouraged the Frontier MPO to begin with quick wins and small successes and build upon them over time. For example, the peers encouraged the Frontier MPO to start small with the region's planned bikeshare system, and to grow it over time after it is initially established and draws attention among member jurisdictions.

# Tribal Consultation

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## Frontier MPO Presentation



*A mural of Native American women in Fort Smith, AR (Courtesy of the Frontier MPO).*

The Choctaw Nation and the Cherokee Nation are the two federally recognized Tribes that are located in eastern Oklahoma within the Frontier MPO's boundary. In 2011, the Choctaw Nation had over 220,000 enrolled members, nearly 85,000 of whom lived in Oklahoma. The Cherokee Nation has over 1.2 million people in the Nation's service area, which is 31 percent of Oklahoma's population.

The Frontier MPO is required by Federal law to consult with these Tribes in the metropolitan planning and programming processes. Prior to the current Frontier MPO staff joining the MPO, MPO staff undertook little to no effort to consult with the Choctaw Nation and the Cherokee Nation. The current staff has reached out to both Tribes with varying success. The Cherokee Nation now participates in the MPO Board meetings. The Choctaw Nation invited MPO staff to meet the Tribe at its headquarters in Oklahoma, but the staff was not allowed to travel out of State. The Choctaw Nation occasionally sends its casino manager and cultural resources director to MPO Board meetings.

The Frontier MPO staff described several challenges in consulting with the Tribes with lands within the MPO boundary. First, only a small portion of the Choctaw Nation's and Cherokee Nation's lands are within the MPO's boundaries. It has been difficult to gain the Tribes' attention to MPO activities since they impact a small percentage of their lands. Second, the Choctaw Nation is a 3-hour drive away, and the Cherokee Nation is a 2-hour drive away, making it difficult to meet in-person. In addition, it is difficult for the MPO staff to gain approval to travel to Oklahoma.

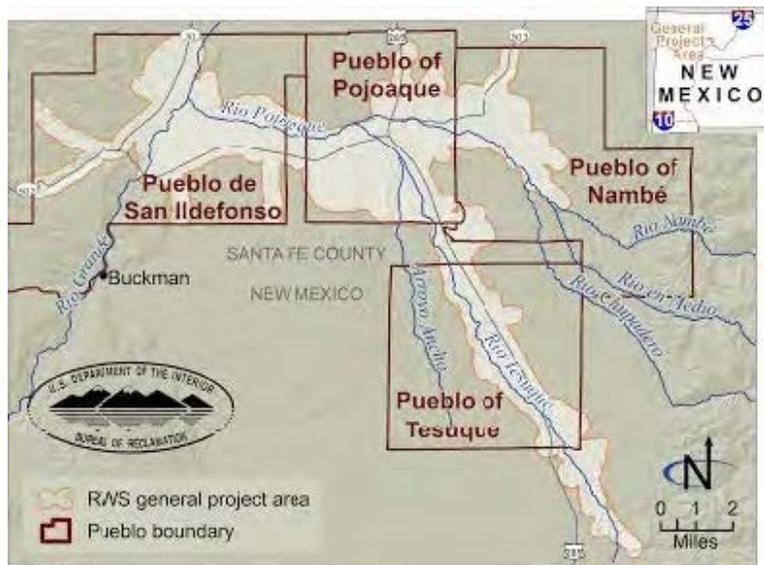
Through the discussions at the peer exchange, the Frontier MPO hoped to learn effective practices for communicating with Tribes and gaining their trust. Also, they wanted to make sure that the Tribes understand that the MPO values their input instead of just "checking off the consultation box."

## Santa Fe MPO Presentation

The Pueblo of Tesuque is the only federally recognized Tribe in the Santa Fe MPO region. The Pueblo is small, with a population of about 500. Its reservation encompasses 17,000 acres, including Aspen Ranch and the Vigil Land Grant high in the Santa Fe National Forest. The Santa Fe MPO has a Joint Powers Agreement with the Pueblo of Tesuque, and the Pueblo is a member of the MPO's Transportation Policy

Board. The MPO and the Pueblo are in the process of updating the Joint Powers Agreement, which describes the roles and relationships among the MPO, the Pueblo, and other related entities.

The Santa Fe MPO reported having a very positive working relationship with the Pueblo. For its consultation activities, the MPO requests an invitation to go to the Pueblo to discuss transportation plans, programs and projects. During these meetings, the MPO staff meets with the Pueblo's Governor, Lieutenant Governor, and leadership staff about the intent of the plans, programs, and projects. The MPO staff listens to the Pueblo's concerns and ideas and builds them into the metropolitan transportation plan. The MPO feels that meeting with the Pueblo leadership at their offices helps to foster a healthy working relationship.



Map of Pueblos in and near the Santa Fe region (Courtesy of the U.S. Department of the Interior).

The Santa Fe MPO consults the Pueblo of Tesuque on transportation plans and projects. One project, which was to provide transit service that connects skiers and mountain bikers to a ski basin in the winter and summer was designed to traverse areas that the Pueblo of Tesuque considers sacred lands. At first, the Pueblo was not satisfied with the planned transit route. They felt that the transit service would bring more cyclists into the mountains which would increase the impacts on the land. Also, the Pueblo expressed concerns about scarification, which is the trampling of sacred property.

The Santa Fe MPO and the transit district worked with the Pueblo to develop creative solutions to address these concerns. One solution was to provide users of the transit service with information about the history of the area and about the Pueblo of Tesuque. Additionally, the transit district, the Santa Fe MPO, and the Pueblo discussed how having people arriving by transit instead of private automobile would reduce scarification. Following these actions and discussions, the Pueblo consented to allowing the bus route.

## TRPC Presentation

The State of Washington has a formal tribal/State government-to-government protocol called the Centennial Accord. This is a process for tribal relations agreed to by the State and by the 26 federally recognized Tribes. All 26 Tribes are unique, and under the Centennial Accord, each Tribe affirms its sovereignty. The Accord details how the government-to-government process should work from the Governor down to agency directors and staff. It provides a structure, formality, and accountability that didn't previously exist.

There are two Tribes with lands inside Thurston County: the Confederated Tribes of the Chehalis Reservation and the Nisqually Indian Tribe. Both of these Tribes are members of TRPC's Transportation

Policy Board. A third Tribe, the Squaxin Island Tribe, is located outside of Thurston County but has fishing and hunting areas within Thurston County.

Marc Daily described the importance of understanding each Tribe's context and their history in working with the Federal, State, and local governments. As an example, he discussed the history of the Nisqually Indian Tribe and how that affects consultation that TRPC has with the Tribe today. The history includes the negotiation of a treaty between the Tribe and the Governor of the Washington Territory for the Tribe to cede most of their lands to the U.S. Government in exchange for reservations that made up a portion of their former lands, plus a financial payment. Later, the Tribe and the government had disputes over land and fishing rights. The Supreme Court has upheld the Tribe's fishing rights many times. All of these issues have led to government agencies and the Tribe having a delicate relationship.

Understanding this history is key to TRPC's consultation with the Nisqually Indian Tribe. It is important to keep the Tribe's sovereignty in mind; they are separate nations with their own laws and their own governments, and they must be treated as such. This means that communication between the MPO and the Tribe should be done at the highest levels – leader to leader.

TRPC recently kicked off the development of a Climate Mitigation Plan and wanted to invite the Tribes to participate. As Executive Director, Marc drafted letters to the Tribal Chairs and had it signed by the three mayors, all three County Commissioners, the Chair of TRPC's Council, and himself as the Executive Director, to ask for their involvement. While it was time-consuming to get all of those signatures, TRPC felt it was appropriate given that TRPC was inviting the Tribes to join *their* process. In addition, TRPC sent copies of the letter to staff at each Tribe that TRPC thought might be involved. Having already asked at the highest level, this gave TRPC staff the ability to follow up with the tribal staff. The tribal staff then knew that TRPC had properly asked their Tribal Council for participation and the staff can then follow up with the appropriate folks in the Tribe to get direction on whether to participate. This kind of approach certainly does not guarantee participation, but it does help to maintain tribal relations.

TRPC recently partnered with the Nisqually Indian Tribe to address issues with I-5 in the region. The Tribe was concerned that the fill added to the marsh during the construction of I-5 was acting as a dam across the estuary, which constricted the salmon habitat. This negatively impacted fishing, which is very important to the Tribe. TRPC was concerned with growing congestion on the corridor. TRPC and the Tribe worked together to get the State legislature to address the issues. To date, the legislature has allocated \$2.8 million to study the corridor. With this demonstration of teamwork, the Nisqually Indian Tribe is now a very active member of TRPC's Transportation Policy Board.

## **INCOG Presentation**

Jane Ziegler provided a brief history of Tribes in Oklahoma, which was the end of the Trail of Tears for many Tribes. The INCOG region has three federally recognized Tribes: Cherokee Nation, Muscogee (Creek) Nation, and the Osage Nation. Each of the Tribes is a member of INCOG's Transportation Policy Committee and the Transportation Technical Committee. The Tribes are also members of INCOG's Board of Directors.

INCOG's transportation department works closely with the Tribes and other planning partners to advance projects of mutual interest. For example:

- INCOG supported a partnership between the Cherokee Nation and the Oklahoma DOT to jointly fund an interchange project on I-244 near the Tribe's casino. The joint funding helped to accelerate project delivery.
- INCOG helped the Osage Nation draft a grant request for funding to extend the Osage Prairie Trail northwest to Pawhuska, where the Osage Nation is headquartered.
- INCOG, the city of Tulsa, and the Muscogee (Creek) Nation met to discuss crashes that were occurring where access roads to the Muscogee (Creek) Nation's River Spirit Casino Resort crossed the River Parks Trail. Seeing this as both a safety and an economic development opportunity, the Tribe funded the rerouting of the trail to between the Arkansas River and the casino, avoiding these conflict points and routing trail users closer to the amenities at the casino. In addition, the Tribe is taking the lead to develop a new bridge over the river that will accommodate pedestrians and bicyclists.

INCOG typically has their Executive Director and a planner attend consultations between INCOG and each Tribe. The Tribes typically send the Assistant Chief or a cabinet-level staff member, as well as an attorney. Having leadership with decision-making power attend the meetings has been helpful to maintain and improve INCOG's relationships with the Tribes.



Jane Ziegler presents during the peer exchange (Courtesy of FHWA).

## FHWA Presentation

Tribal consultation is the federally mandated process for timely and meaningful notification, consideration, and discussion with Tribes on actions proposed by Federal, State, and local governments that may impact tribal interests (including land, property, and people). This process is strengthened by a series of Federal laws and Executive Orders. Tribal consultation is an important part of the transportation planning process. Consultation allows Tribes to have discussions and communicate with other agencies in order to receive early notifications about potential negative impacts. When Tribes receive early notification about plans and projects, they are able to provide input to agencies before actions are taken.

Tribal sovereignty is the basis and reason for tribal consultation. It is the right of tribal governments to self-governance, self-determination, and economic self-sufficiency. Because each federally recognized Tribe is respected as a sovereign nation that stands equal to the Federal government, any activity between the Tribe and the Federal government is defined as a government-to-government activity that fosters that relationship.

There are a number of recent Federal actions that recognize tribal sovereignty and influence tribal consultation practices. The most relevant include:

- 1994 Presidential Memorandum on [Government-to-Government Relations with Native American Tribal Governments](#), which requires Federal agencies to undertake consultation in a manner that respects tribal sovereignty;
- 1996 Presidential Executive Order No. 13007: [Indian Sacred Sites](#), which directs Federal agencies to protect tribal sacred sites and accommodate tribal access to them;
- 2000 Presidential Executive Order No. 13175: [Consultation and Coordination with Indian Tribal Governments](#), which mandates Federal consultation with tribal governments; and
- 2009 Presidential Memorandum on [Tribal Consultation](#), which affirms the 2000 Presidential Executive Order.

FHWA recommends that transportation agencies engaging in tribal consultation in the planning process consider the following:

- No two Tribes are alike. What works for one Tribe may not necessary work for another. Talk with the Tribe to understand their consultation needs.
- Tribal protocols are important. Ask the Tribe how they wish to handle consultation and communication with the agency and how the Tribe makes official decisions.
- Silence is not consent. Don't give up if you don't hear back from the Tribe. Instead, try a different means of communication.
- It is best to begin communications between the agency and Tribe at the leadership level. It may be helpful for head of your agency should reach out to the chief of the Tribe before staff-level communication begins.
- Keep the Tribe informed about what your agency is doing, particularly if there are activities that would more directly impact the Tribe or its members.
- Once consultation begins, identify mutual interests or goals to identify common ground and ways that your agency and the Tribe can begin coordinating quickly.
- Work with the Tribe to determine what consultation will look like. This can often include face-to-face meetings at the staff or leadership levels, notification letters, email, or phone calls.
- Once your agency and the Tribe agree to the consultation process, document it and have the Tribe review and approve it through a formal agreement.
- Both agency and tribal leadership can change, so it is important to revisit the consultation agreement as needed to ensure that it meets your agency's and the Tribe's goals.

For more information on tribal consultation in the planning process, read FHWA's [Tribal Transportation Planning Modules](#), particularly the [Tribal Consultation](#) module.

## **Discussions – Effective Practices for Tribal Consultation and Workshopping the Frontier MPO's Approach to Tribal Consultation**

During the discussions on effective practices for tribal consultation and workshopping the Frontier MPO's approach to tribal consultation, the peers and FHWA representatives provided additional information about best practices for conducting effective tribal consultation:

- Theresa Hutchins recommended asking the Tribes to have some time at a future tribal council meeting to present to the Tribe's leadership about the MPO and how the Tribe can benefit from being involved in the MPO.

- Marc Daily noted that he found it to be very helpful to conduct research on each Tribe’s history. Every Tribe has had unique experiences, particularly with Federal, State, and local governments. Much of the history between Tribes and various levels of government is strained, so researching and understanding this history can go a long way in fostering a working relationship with Tribes. The histories serve as important context that underlies present-day government-to-government relationships.
- Marc also recommended being formal in communications at the outset of fostering a relationship with a Tribe. This means that written communication should be leader-to-leader – MPO board chair to tribal chair, including a copy to tribal staff that you wish to work with. This respects the Tribe’s sovereignty while creating an avenue for staff-to-staff communications to follow.
- Jane Ziegler recommended that the Frontier MPO staff coordinate with INGOG and Oklahoma DOT staff to identify additional best practices for consulting with the Choctaw Nation and the Cherokee Nation.
- Jane also suggested that INCOG and the Frontier MPO could partner to meet with the Tribes together to convey the benefits to the Tribes about participating in the MPO process.

## Conclusion

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The Frontier MPO Peer Exchange featured two national peers and one local peer with experience in bicycle and pedestrian planning and tribal consultation. Effective communication and partnerships were central to the success of these agencies’ efforts on both topics. Through this TPCB Peer Exchange, the Frontier MPO learned the following lessons from the peers.

### General Lessons Learned

- Focus on making progress incrementally. The peers recommended that the Frontier MPO start small on both topics and build upon quick wins to improve their bicycle and pedestrian planning and tribal consultation practices.
- Identify leadership champions. Leaders who promote bicycle and pedestrian planning and tribal consultation can help to amplify the message among member jurisdictions.

### Bicycle and Pedestrian Planning Lessons Learned

- Create coalitions and partnerships with both traditional and non-traditional partners, including municipal governments, health departments, parks and recreation departments, senior centers, businesses and business associations, and community organizations.
- Engage agency staff at the middle-management level, who can serve as champions of bicycle and pedestrian projects.
- When promoting bicycle and pedestrian planning and infrastructure investments, focus on the health and economic benefits of bicycling and walking.

### Tribal Consultation Lessons Learned

- Research each Tribe’s history. These histories serve as important context that underlies present day-government-to-government relationships, and help in building relationships with Tribes.

- Communicate leader-to-leader, while keeping tribal staff informed. This respects tribal sovereignty while creating avenues for staff-to-staff coordination.
- Ask tribal leadership to invite the MPO leadership and staff to speak at a tribal council meeting. This is a good way to introduce the MPO to the tribal leadership using their protocols.

# Appendices

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## Appendix A: Key Contacts

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## Appendix B: Peer Exchange Agenda

### Tuesday, April 16, 2019: Bicycle and Pedestrian Webinar

Time	Topic
12:00 – 12:15 p.m.	<b>Welcome and Introductions</b> FHWA welcomes attendees and reviews the agenda
12:15 – 12:45 p.m.	<b>Host Overview and Presentation: Frontier MPO</b> Overview of the MPO's experiences and challenges with bicycle and pedestrian planning
12:45 – 1:15 p.m.	<b>Peer Presentation: Thurston Regional Planning Council</b> Overview of the peer's experiences with bicycle and pedestrian planning
1:15 – 1:45 p.m.	<b>FHWA Perspective and Resources</b> Overview of FHWA's perspective on and resources for bicycle and pedestrian planning
1:45 – 2:15 p.m.	<b>Q&amp;A</b> Q&A session for all of the presentations
2:15 – 2:30 p.m.	<b>Next Steps</b> Discussion of key topics related to bicycle and pedestrian planning

### Wednesday, May 1, 2019: Tribal Consultation

Time	Topic
8:30 – 8:45 a.m.	<b>Welcome and Introductions</b> FHWA welcomes attendees, reviews the agenda, describes documentation/follow-up, establishes ground rules for discussions, and introduces TPCB and the Peer Program
8:45 – 9:15 a.m.	<b>Host Overview and Presentation: Frontier MPO</b> MPO provides welcome remarks and presents an overview of the MPO's experiences with tribal consultation
9:15 – 10:00 a.m.	<b>Peer Presentation: Thurston Regional Planning Council</b> Overview of the peer's experiences with tribal consultation, including Q&A
10:00 – 10:15 a.m.	<b>Break</b>
10:15 – 11:00 a.m.	<b>Peer Presentation: Santa Fe MPO</b> Overview of the peer's experiences with tribal consultation, including Q&A
11:00 – 11:45 a.m.	<b>Peer Presentation: Indian Nations Council of Governments</b> Overview of the peer's experiences with tribal consultation, including Q&A
11:45 a.m. – 1:00 p.m.	<b>Lunch</b>
1:00 – 1:30 p.m.	<b>FHWA Perspective and Resources</b> Overview of FHWA's perspective on and resources for tribal consultation, including Q&A
1:30 – 2:45 p.m.	<b>Discussion: Effective Practices for Tribal Consultation</b> FHWA, FTA, and peers discuss the practices that have worked well in the past for tribal consultation, focused on those that make the most sense for Frontier MPO to implement
2:45 – 3:00 p.m.	<b>Break</b>

<b>3:00 – 4:15 p.m.</b>	<b>Workshopping Frontier MPO’s Approach to Tribal Consultation</b> Group discussion of the approaches that would work best for Frontier MPO to employ when engaging and consulting with their Tribes
<b>4:15 – 4:30 p.m.</b>	<b>Takeaways and Next Steps</b> A facilitated discussion among attendees of key takeaways from the day’s discussions to address the host MPO’s bicycle and pedestrian planning issues

#### Thursday, May 2, 2019: Bicycle and Pedestrian Planning

<b>Time</b>	<b>Topic</b>
<b>8:30 – 8:45 a.m.</b>	<b>Welcome Review of Frontier MPO Experiences with Bicycle and Pedestrian Planning</b> FHWA welcomes attendees, reviews the agenda, describes documentation/follow-up, and reinforces ground rules for discussions
<b>8:45 – 9:15 a.m.</b>	<b>Peer Presentation: Santa Fe MPO</b> Overview of the peer’s experiences with bicycle and pedestrian planning
<b>9:15 – 9:45 a.m.</b>	<b>Peer Presentation: Indian Nations Council of Governments</b> Overview of the peer’s experiences with bicycle and pedestrian planning
<b>9:45 – 10:30 a.m.</b>	<b>Discussion 1: Bicycle/Pedestrian Planning with Limited Resources</b> A facilitated discussion among attendees on how the Frontier MPO can conduct meaningful, impactful bicycle and pedestrian planning with limited staff and resources <ul style="list-style-type: none"> <li>• What low-cost/effort approaches have been successful?</li> <li>• How can MPOs leverage bicycle/pedestrian planning capacity among member jurisdictions to improve regional planning activities?</li> <li>• After bicycle/pedestrian plans are adopted, what does successful implementation look like?</li> </ul>
<b>10:30 – 10:45 a.m.</b>	<b>Break</b>
<b>10:45 – 11:45 a.m.</b>	<b>Discussion 2: Fostering Bicycle/Pedestrian Planning among Member Jurisdictions</b> A facilitated discussion among attendees on how the Frontier MPO can encourage and assist its member jurisdictions in their own bicycle and pedestrian planning activities <ul style="list-style-type: none"> <li>• How can MPOs engage their member jurisdictions to conduct their own bicycle/pedestrian planning activities?</li> <li>• How can MPOs effectively communicate the benefits of bicycle/pedestrian planning?</li> <li>• How can MPOs encourage MPO board members to actively participate in bicycle/pedestrian planning activities?</li> <li>• How can MPOs work with member jurisdictions to help them successfully implement bikeshare programs?</li> </ul>
<b>11:45 a.m. – 12:00 p.m.</b>	<b>Takeaways and Next Steps</b> A facilitated discussion among attendees of key takeaways from the day’s discussions to address the host MPO’s tribal consultation issues