



TRIBAL TRANSPORTATION INSIGHTS: *Preventing Unintentional Injury and Death*

Executive Summary

Unintentional injuries — such as accidents involving motor vehicle crashes, falls, drowning, poisoning, or even burns resulting from fires — are the *leading cause of death among people aged 1-44 years*.^{1,2} As a group, American Indians and Alaska Natives (AI/AN) experience the highest rate per capita of unintentional injury and injury-related death when compared to other groups by racial/ethnic status.³ The primary cause of unintentional injury-related death is motor vehicle collisions, which are *preventable*.

In a continuing effort to draw attention to matters of public health concern in tribal communities, this Tribal Insights Brief serves as an addendum to the Policy Insights Brief, *Reservation Road Safety: Reducing Unintentional Injury through Tribal Public Health Law* (Summer 2013). While the earlier brief provided information on tribal public health laws and policies in place to promote seat belt use, pedestrian safety, child passenger restraint, and prevent distracted driving, this brief emphasizes the **broader context of transportation policy** within which tribes developing public health laws to reduce unintentional injury must contend.

By highlighting the efforts of five tribes and tribal organizations, we hope to draw attention to the opportunities and complexities facing tribal nations in establishing, implementing, and enforcing public health law. The **five case vignettes** presented here reflect the experiences of tribes with large and small populations, “checkerboarded” and contiguous land, unique jurisdictional authority, and a range of geographic characteristics. In the vignettes, we see that some tribes and tribal organizations have developed innovative approaches to implementing and enforcing transportation-related tribal public health laws, while others are in the process of establishing seat belt or DUI laws to prevent unintentional injury.

As part of using tribal public health law as a tool, tribes come up against a broader policy context that either enables or constrains their use of public health law to prevent injury. In this way, we use the cases to demonstrate how **policy dynamics related to sustainable federal funding, infrastructure investment, intergovernmental cooperation, and education and outreach efforts** have bearing on tribal transportation law.

Introduction

Unintentional injuries — such as accidents involving motor vehicle crashes, falls, drowning, poisoning, or even burns resulting from fires — are the *leading cause of death among people aged 1-44 years*.^{1,2} As a group, American Indians and Alaska Natives (AI/AN) experience the highest rate per capita of unintentional injury and injury-related death when compared to other groups by racial/ethnic status (see Figure 1).³ The primary cause of unintentional injury-related death is motor vehicle collisions, which are *preventable*.

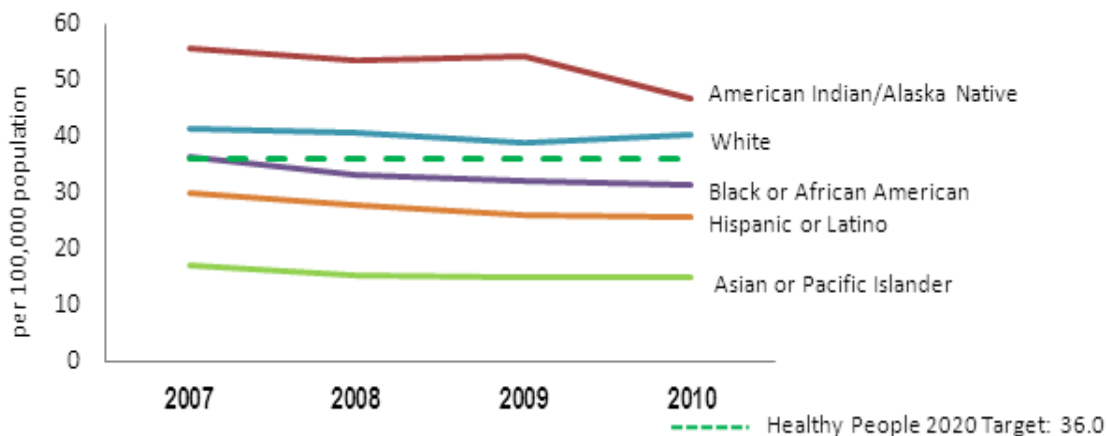


Figure 1:
Age-Adjusted
Unintentional
Injury-Related
Deaths, by Race/
Ethnicity

Data Source: National
Vital Statistics System
-Mortality (NVSS-M)⁴

In Summer 2013, the NCAI Policy Research Center released a Policy Insights Brief entitled, *Reservation Road Safety: Reducing Unintentional Injury through Tribal Public Health Law*. There, we described some of the contributing factors to unintentional injury and injury-related death on reservation roads; summarized tribal public health law in seat belt use, child passenger restraints, pedestrian safety, and distracted driving prevention; and provided recommendations for tribal leaders eager to prevent unintentional injury and injury-related death through strengthening tribal codes and regulations. This Tribal Insights Brief includes brief case vignettes of five tribes or tribal organizations that have taken specific action to prevent such injury and death through tribal law and policy. Our purpose is three-fold in that we hope to: (1) Inform the work of other tribes and nations; (2) Call policymakers to meaningful action as they work to reauthorize federal transportation legislation, and (3) Highlight the ongoing challenges and successes of tribes in decreasing unintentional injury and death.

Challenging Policy Contexts Facing Tribal Nations

Tribal leaders working to use tribal law and policy to prevent unintentional injury and death are challenged by complex land ownership patterns, multi-jurisdictional regimes, and unmet infrastructure needs made worse by the current flow of funding allocations away from roads to law enforcement and/or other non-tribal jurisdictions.

Jurisdiction on Tribal Lands. The modern state of American Indian and Alaska Native land rights reflects its colonial legacy—one of annexation, allotment, and in rare cases, limited restoration of lands by federal powers. In the continental U.S., where the General Allotment Act of 1887 was imposed, “60 million acres of ‘surplus’ Indian lands were sold or transferred to non-Indians and another 30 million acres were lost due to the 1906 Burke Act, forced sales, and other takings. . . . In the end, land that had been held in common by the entire tribe was now divided into a jumbled mix of trust lands, fee lands, and lands owned by the tribe, individual Indians and non-Indians.”⁴ As one might easily imagine, tribal governments have struggled to exercise sovereign decision-making authority over reservation land planning where ownership has become checker boarded, highly fractionated (with the inheritance of limited lands by each successive generation),

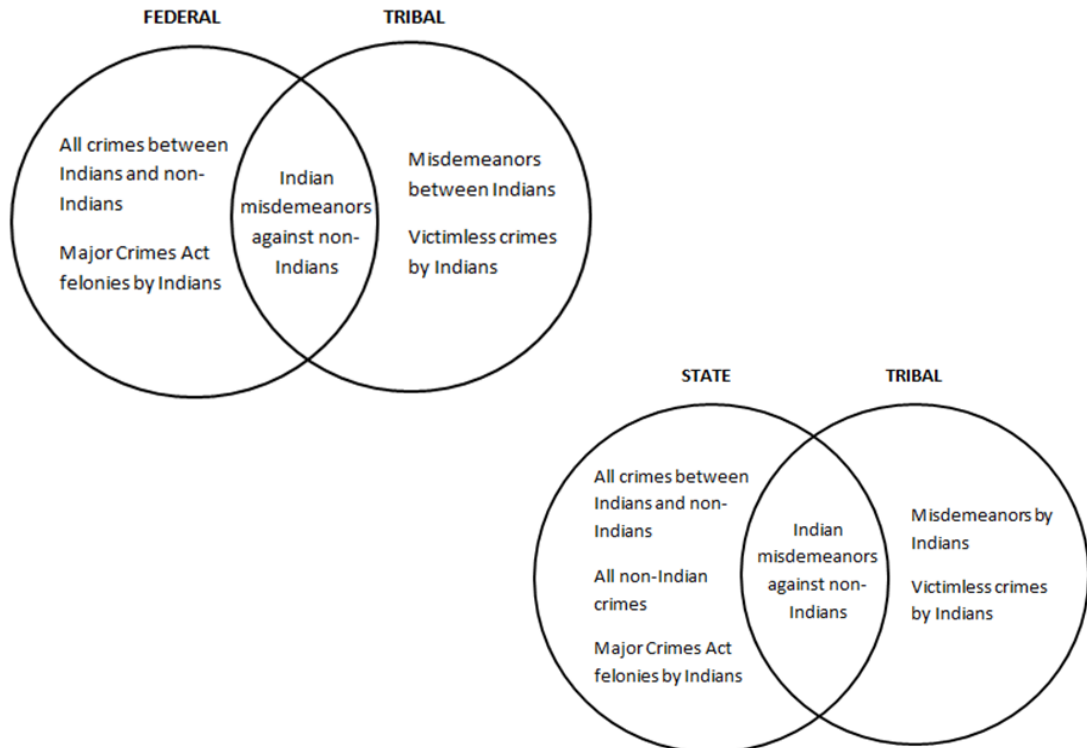
where borders have been greatly diminished and/or extend across multiple states. The construction of roads and pedestrian paths becomes all the more challenging in this complex environment.

In Alaska, the history of settling Native land claims is both similar and remarkably distinct from the case in the continental U.S. In 1959, when Alaska joined the United States, tensions mounted over which lands were preserved as Native-owned. After many years of failed tribal-state negotiations, and with the heat of oil exploration and development rising, Congress passed the Alaska Native Claims Settlement Act (ANCSA) in 1971. The Act revoked all aboriginal land claims in the state in return for 44 million acres of public land in Alaska, as selected by Alaska Natives, and a cash settlement of \$962 million. As a result of ANCSA, 12 regional Alaska Native corporations and over 200 village, group, and urban corporations were formed. "Village corporations own the surface estate to their lands, while the regional corporation owns the sub-surface of the village corporation lands,"⁵ which adds an entirely new dimension to divided ownership. With respect to federal trust responsibilities in Alaska, it has been understood since a landmark Supreme Court ruling in 1998 that they are "confined to restricted Native allotments and Native townsite lots, a few parcels of trust land remaining in southeast Alaska, and the Metlakatla Indian Reservation on Annette Island."^{6,7} However, since April 2014, the Department of the Interior has been considering a proposed rule change that would allow Alaska Native tribes to put land into trust.

While tribal nations historically regulated all affairs and offenses occurring within their borders, various acts of Congress and Supreme Court decisions gradually (sometimes dramatically) restricted this authority and reallocated powers to federal or state governments. With respect to road safety violations in Indian Country, the primary variable in law enforcement is whether a reservation is subject to Public Law 280 (PL 280). Beyond this, tribal membership and the nature of the offense (i.e. vehicular manslaughter felony or a reckless driving misdemeanor) determine which authority has jurisdiction. Figure 2 below provides a quick reference:

Figure 2:
A Comparison of non-PL 280 (Federal/Tribal) and PL 280 (State/Tribal Jurisdictional Powers)

Data Source: U.S. Department of Justice Attorney's Resource Manual, Title 9: 689



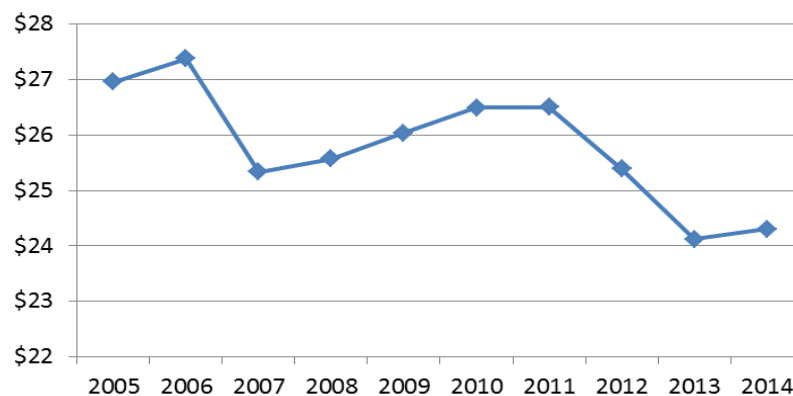
In PL 280 contexts where states have optionally assumed jurisdiction over Indian Country, the federal government may share concurrent jurisdiction in cases involving tribal members. In mandatory 280 states, such as Alaska and California, there is significantly less federal involvement. And while non-PL 280 tribes were granted provisional prosecution authority in specific cases of domestic violence and sexual assault committed by non-Indians against tribal members with the 2013 reauthorization of the Violence Against Women Act, tribal law enforcement officers still require federal, state, county, or local deputation agreements to issue citations to non-Indians for road infractions.

Twisted Treaties, Broken Roads. Jurisdiction also has bearing on the maintenance of road infrastructure and the funding available to tribes. As the National Congress of American Indians presented in our March 2014 testimony at the “Tribal Transportation: Pathways to Infrastructure and Economic Development in Indian Country” before the Senate Committee on Indian Affairs:

“There are approximately **159,000 miles** of roads and trails in Indian Country owned and maintained by the Bureau of Indian Affairs (BIA), tribes, and states and counties. Of those, Indian tribes own and maintain 13,650 miles of roads and trails, of which only 1,000 (or seven percent) are paved—12,650 miles are gravel, earth, or primitive. These 12,650 miles of roadways are still among the most underdeveloped and unsafe road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by tribal and non-Indian residents and visitors alike. Of the 27,500 miles owned and maintained by the BIA, only 7,100 miles are paved and 20,400 miles (or 74 percent) are graveled, earth, or primitive... For Fiscal Year 2013, deferred maintenance for BIA roads is over \$280 million.”

For the past decade, the BIA Road Maintenance Program has fluctuated between \$24.1 and 27.3 million—declining in recent years despite inflation and rising costs of road construction.

Figure 3: Funding (in millions) for BIA Road Maintenance, 2005-2014
Data Source: U.S. Department of the Interior Indian Affairs Greenbook FY 2006– FY 2015



The inadequate levels of federal funding for road maintenance was a barrier cited in many of our conversations with tribal transportation leaders, except for those that had secured large-scale competitive grants. For smaller tribes, it is especially difficult to engage in sustainable safety planning—often requiring several years of savings to construct 10 miles of road. And if the planned road crosses multiple jurisdictions, several more years could be added to project implementation in legal processes and consultation.



INSIGHTS FROM TRIBAL INITIATIVES

Promising Signs. The road is not entirely rough, however. Tribes that leverage partnerships with local, county, and state agencies are able to tackle issues of resource scarcity and law enforcement. State discretionary funds and technical assistance have helped advance tribal road safety projects. Further, when tribal nations have decision-making authority and stewardship of their transportation programs, they can effectively reduce unintentional injury and deaths. Tribal transportation staff are often the most familiar with local roadways and infrastructure needs and can identify priorities in ways external agencies cannot. Yet even with a clear sense of the transportation safety priorities, tribes and organizations responsible for implementing effective road safety programs need more consistent and sustainable funding. The five tribal case vignettes included here reflect the need for a better balance between tribal transportation authority and sustainable federal funding in order to foster the most effective tribal public health law. The following insights are presented to inform efforts by tribes, partners, and policymakers in strengthening tribal transportation safety planning; specifically there is a need to:

1) Create a Tribal Self-Governance Program under the US Department of Transportation. With targeted support, tribal nations will be better equipped to address transportation needs. Existing programs such as the Tribal Technical Assistance Program (TTAP) and the Local Technical Assistance Coordinators (LTAC) are very beneficial and provide baseline support and training, however there is a need to designate a self-governance program to further support the exercise of self-determination in transportation planning. For example, strengthening self-governance may include ensuring tribes have the option of assuming National Environmental Policy Act (NEPA) approval authority. The Tribal Unity Caucus can provide further guidance.

2) Increase federal investments in tribal transportation programs to address chronic unmet needs. It is essential that the federal government increase funding for tribal transportation to assist with some of the nation's greatest transportation issues. Specifically, there should be an increase for Tribal Transportation Programs to \$800 million for FY 2015 with annual step increases of \$50 million to \$1.05 billion in FY 2020. Further, the federal government needs to strengthen funding accessibility for tribal transportation by easing the transfer of federal aid funds for tribal transportation projects; improving the speed and efficiency in getting Emergency Relief for Federally Owned Roads (ERFO) funding to tribes; and ensuring tribal eligibility for all US Department of Transportation discretionary and competitive grants. There has also been some discussion about establishing a Tribal Infrastructure Bank to plan collectively and over the long term. Secured funding strengthens sustainable approaches to transportation planning and saves money in the long run. Further, affirming BIA's Right-of-Way management as federal policy would assist in streamlining tribal roadway maintenance requests, such as those in the Cherokee Nation case vignette.

3) Use data to ensure tribal roads and infrastructure are maintained and safe. Where data on transportation-related injuries and deaths is available, it is clear that reservation roads are disproportionately more dangerous. Tribes should be supported in building capacity to collect and monitor data to set priorities like the Wind River Reservation and Colorado River Indian Tribes; and tribes should be included in national data collection efforts where tribal governments affirm this participation. For example, there is a need to adequately fund the MAP-21 requirement that tribal bridges must now be inspected and included in the National Bridge Inventory. An emphasis on data can foster tribal collaboration with law enforcement, community organizations, and neighboring tribes as is clear in the Colorado River Indian Tribe's case.

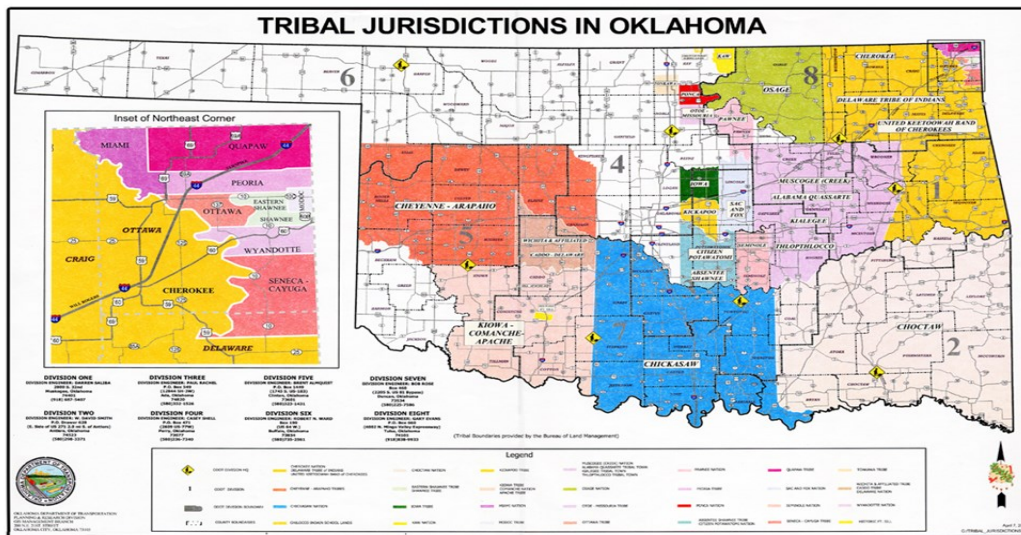
4) Engage youth and train up the next generation to be transportation planners. Almost every tribe and organization featured here has invested in public education and outreach to youth, whether through targeted media campaigns, education about the dangers of using handheld devices while driving, and/or enlisting their support in educating their peers. One motivation is to train the youth in safe vehicle behaviors early on, while another is to peak their interest in transportation planning as there is always a need for tribal leaders with this interest.



CHEROKEE NATION, OKLAHOMA

With its tribal government headquartered in Tahlequah, Oklahoma, the Cherokee Nation is one of the largest federally recognized tribes with more than 317,000 citizens.⁹ In most cases, tribal lands in Oklahoma are defined somewhat uniquely; tribes maintain “jurisdictional areas” rather than reservations. The map below provides a depiction of those areas across the state that fall under tribal jurisdiction. The Cherokee Nation is represented in yellow in the Northeast corner.

Figure 4: Map courtesy of the Oklahoma Department of Transportation Planning & Research Division GIS Management Branch (April 7, 2005)



The Cherokee Nation has exercised its authority in tribal transportation for many years. As tribal self-governance gained momentum in the mid 1990s, the Nation took charge of the Indian Reservation Roads program and then compacted with the Federal Highway Administration in 2009. Once the Tribal Transportation Program was established at the federal level, the Nation began making plans to address highway safety within its 14-county jurisdictional boundary, an area formerly known as Indian Territory. According to Robert Endicott, Cherokee Nation Roads Department Transportation Planner, the Nation started working on a comprehensive Highway and Transportation Safety Plan in the spring of 2014. This effort is driven in part by disparities apparent in accident rates on the Nation as compared to rates in the State of Oklahoma. For example, Endicott reported that the Nation’s fatal accident ratio per one hundred million Vehicle Miles Traveled (VMT) is 1.80 compared to a statewide rate of 1.34. He also indicated that the Nation has a higher rate of alcohol-related fatalities (44 percent as compared to the state rate of 38 percent). According to analysis by the Nation’s Roads Department, fatal crashes appear to be related to driver error, lack of infrastructure, and a shortage of law enforcement.

In addition to using current data for safety planning, the Nation has worked with the Oklahoma Department of Transportation (ODOT) over the last four years to improve a major intersection (pictured on the next page) located next to the tribal complex and Sequoyah High School. The intersection is situated on an uncontrolled five-lane highway (four travel lanes and a “suicide lane”) with vertical sight restrictions, high traffic volumes, and a number of accidents. As Endicott explained, “We wanted to make improvements but ODOT staff was not convinced based on existing traffic counts and their signalization warrant criteria. We finally approached the Director of ODOT with a request to look at the project again and an offer to perform all of the work. On the second attempt, they gave us the okay to proceed.”



This suggests that even in instances where tribal nations identify high-need transportation priorities to improve public health, they often have to negotiate with other governments to implement tribal law and policy. With an estimated cost of just over \$1 million, the Nation worked to secure project funding. Ultimately, they obtained a Tribal Transportation Program (TTP) Safety grant in 2013 for \$525,394 which will be matched with another \$500,000 to add deceleration lanes, dedicated turning bays, and signal lights. The project is currently under construction and should be completed by October 2014. When prioritizing TTP projects for construction, the Nation's rating system uses safety management criteria based on road inventory information gathered from the field, with higher priority projects being those that receive the highest scores. For example, "Projects with steep grades, limited sight distances, and sharp turns receive a higher score. The Nation recently obtained access to the state's accident database and will soon incorporate the data for everyday use."

Tribal-state relations are informed by jurisdictional arrangements and distinctive governmental responsibility for certain aspects of road maintenance. Routine maintenance of roads in the State of Oklahoma is the responsibility of the state and the county commissioners, excluding Tribal and BIA Roads. Prior to statehood, section-line roads were established in the Cherokee Nation for the purposes of accessing one's property, which belonged to the landowners.¹⁰ These lands were never deeded to the state.¹¹ Oklahoma accepted construction and maintenance responsibility out of necessity because the federal government was in the process of terminating tribes.¹² Soon after, state statutes were developed to collect road maintenance revenues although the state could not collect taxes on Indian trust and restricted lands. Endicott explains, "Nobody expected the tribal government to survive the allotment process; the ownership issue is a point of controversy and it's something we just don't talk about with each other. We're taking a contentious situation and we're working around it. The Nation contributes a significant amount of resources from the federal government and its general fund and the state and county commissioners recognize that they couldn't get as far without us. We may not have a good legal relationship, but we do have a strong working relationship. We have to keep moving forward with improvements because the ramifications are beyond highway safety; it's about economics."

Whatever the unifying force, the Cherokee Nation's efforts to cooperate with other governments—despite historic tensions—has brought progress to the area of transportation infrastructure and safety. In addition to its public health laws, these partnerships and planning efforts have been instrumental in safeguarding the welfare of Cherokee citizens.

Contact Information:

Robert Endicott, Transportation Planner
Cherokee Nation of Oklahoma
(918) 447-9992
robert-endicott@cherokee.org



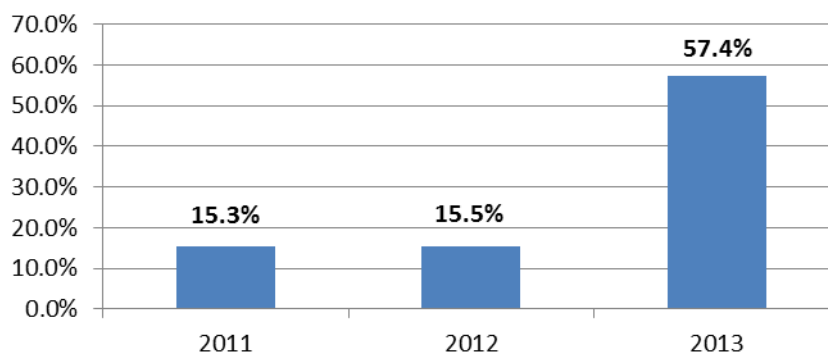
COLORADO RIVER INDIAN TRIBES

The Colorado River Indian Tribes (CRIT) are comprised of the Mohave, Chemehuevi, Hopi, and Navajo Tribes. The 300,000 acre reservation straddles the California and Arizona borders—extending along the Colorado River. The tribal population was 7,077 in 2010.¹³ As the website reports, “The primary community in the CRIT Reservation is Parker, Arizona, which is located on a combination of tribal land and leased land that is owned by CRIT and by non-Native Americans.”¹⁴ Essentially the reservation land exists as a multi-jurisdictional area with both tribal and non-tribal agencies having jurisdiction within the reservation boundaries. With respect to the management of the road systems, the challenges of divided lands and multiple jurisdictions are all the more severe for these Tribes whose lands can be described as a “checkerboarded” reservation crossing state lines.

In 2010, the CRIT received funding through the Centers for Disease Control and Prevention (CDC) to create and implement a Tribal Motor Vehicle Injury Prevention Program (TMVIPP) to reduce injuries and fatalities on the reservation roads. The program emphasizes two key strategies of enforcing seat belt use and reducing alcohol-impaired driving, especially as relates to alcohol-impaired driving by teens. CRIT has also set a goal “to reduce motor vehicle crash-related childhood injuries by increasing the use of child passenger safety (CPS) restraint use by 5 percent.”¹⁵ To do so, CRIT has conducted trainings, distributed safety seats, and collaborated with multiple agencies including the Indian Health Services and La Paz County Health Department to host check-up events. In the trainings, pre- and post-test surveys are used to evaluate participant knowledge of CPS and proper installation of car seats. “Based on the results of the latest session, there was an average increase of from the pre-test (39 percent) to the post-test (88 percent).” The community observation studies have also yielded positive results, revealing that “overall car seat usage rates increased from 15 percent (baseline) to 57.4” in Year 3.¹⁶

Figure 5: CRIT Car SEAT Usage Rates from Year 1 to Year 3 of TMVIPP

Data Source: Tribal Injury Prevention Cooperative Agreement Program Newsletter (March 2014)



Arizona has a primary child car seat law and secondary seat belt law – where primary laws are those that allow law enforcement officers to stop and cite a driver or passenger solely for not using a child car seat where required and secondary laws are those where officers can cite only when there is another citable traffic infraction. CRIT tribal code specifies a higher Blood Alcohol Content (BAC) level for Driving Under the Influence (DUI) arrest than the state (0.10 vs. 0.08). This program is unique in that it is the first time the CRIT Police Department had applied for, or attempted to oversee, an injury prevention program, and the first time CRIT was able to connect its highway safety program with injury prevention.

As a part of engaging the public in injury prevention outreach, CRIT has developed a 60-second media advisory that airs before every film at the local multiplex theater. They also worked with Hemet Productions to develop a longer video as part of “The Live Campaign,” a public service marketing approach aimed at promoting sober lifestyles to Parker Area teens (see <http://hemetproductions.com/the-live-campaign/>). This outreach and education has been essential in implementing public safety and strengthening community health.

CRIT has also adopted a long-range vision for transportation safety, recently developing a strategic plan “for improvements over five-, 10-, and 20-year periods, incorporating both roadway and multimodal needs.”¹⁷ There is an active and comprehensive approach to safety data collection that includes use of a Tribal Transportation Inventory; an annual observational restraint use survey; a community awareness survey that monitors attitudes and behaviors towards DUIs and seat belt use; crash information; and information on seat belt and car seat warnings and citations. The plan not only acknowledges the continued value of data collection, but it also stresses the importance of meaningful public dialogue that is inclusive of individuals with disabilities or language challenges. The increase in motor vehicle safety has been compelling and a webinar highlighting program data can be accessed at: <http://www.safestates.org/?TMVIPWebinar>.

This program has led to increased coordination amongst government and community partners. It has resulted in proposals to amend CRIT tribal code to create a primary seat belt law (which would be a stronger approach than Arizona’s secondary law standard) and update CRIT’s child car seat law to be in line with state standards. Further, there was a recommendation that CRIT consider amending tribal code to adjust the BAC level to 0.08 and incorporate DUI graduated sentencing, where the tribal court could have more flexibility in meting out sentences based on the level of inebriation and damage caused.

Contact Information:

Jaymee Moore, Injury Prevention Coordinator
CRIT Department of Health Services
(928) 669-6093
jaymee.moore@crit-dhs.org

Hannah Ward-Harper, Injury Prevention Coordinator
CRIT Department of Health Services
(928) 669-1295
Hannah.harper@crit-nsn.gov



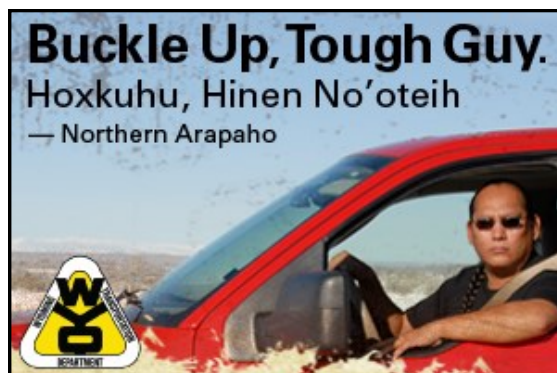
EASTERN SHOSHONE & NORTHERN ARAPAHO TRIBES OF THE



The Wind River Indian Reservation encompasses approximately 2,268,000 acres of land in Wyoming and is home to over 4,005 Eastern Shoshone and 8,600 Northern Arapaho tribal members. Each tribe elects its own tribal government and for many years a Joint Business Council has served to steward issues of mutual interest. To paint a portrait of the reservation, it is extremely rural, the roads that traverse it are sometimes dangerously winding, and adequate road safety enforcement is lacking. In Fort Washakie, the main hub of the community, there are very few safe pedestrian walkways to access services such as the schools, tribal offices, and the Hines General Store—yet there is a great deal of foot traffic. For many years, the community had suffered many pedestrian/vehicle injuries—with several resulting in death.

Despite this rather grim picture, strategic tribal investments in transportation have dramatically reduced unintentional injuries along the reservation's roads. As the Transportation Director of the Eastern Shoshone and Northern Arapaho Joint Business Council, "Big John" Smith has led the development of a comprehensive, culturally-informed and coordinated transportation safety program. Some of the highlights of the Tribes' efforts include: (1) The development of culturally-g geared traffic safety messaging on reservation roadways; (2) The establishment of a Reservation Traffic Safety Plan; (3) Intergovernmental coordination; and (4) The successful completion of the 17-Mile Road.

With regard to the development of new safety messaging, the Eastern Shoshone and Northern Arapaho tribes partnered with Hispanidad (a National Highway Traffic Safety Administration approved marketing firm based in Denver, CO), to create a billboard and radio campaign to promote road safety. One theme was "Show Me Your Love, Buckle Me Up," which included images of children buckled up safely; another was the "Buckle Up, Tough Guy," which focused on increasing seatbelt use among Native men. These campaigns were entirely Native-created; even the messages are translated into the Shoshone and Arapaho languages.



Images Courtesy of Hispanidad

The tribes also partnered with researchers at the University of Wyoming in achieving the next accomplishment, which was the development of a Reservation Traffic Safety Plan. Through this process, the Wind River Indian Reservation implemented a methodology designed to assist tribes in identifying low-cost safety improvement on their roads.¹⁹ This approach included the examination of crash data, two levels of field evaluation and rankings using crash and roadway infrastructure scales, and cost-benefit analyses. Effective development of this plan required coordination across various agencies and led to the development of a comprehensive traffic safety plan, as well as a pedestrian and walkway long range transportation plan.²⁰

And in this vein of intergovernmental cooperation, Smith has raised awareness of and attention to priority transportation needs facing tribal communities by leveraging his leadership on tribal, regional, and national transportation organizations. His role as the Rocky Mountain Regional Representative on the Tribal Transportation Committee and as the Executive Director of the Intertribal Transportation Association have been essential in advocating for key infrastructural needs, developing targeted education campaigns, and fostering community action to promote road safety and prevent unintentional injuries and deaths. Specifically, he has helped to coordinate two reservation safety conferences that have fostered coordination and information sharing. Tribes in Alaska, Arizona, California, Minnesota, Montana, New Mexico, New York, Oklahoma, South Dakota, and Washington have also hosted Tribal Transportation Safety Summits since 2008.²¹

Finally, through data analysis, agency coordination, and priority identification, transportation leaders at Wind River successfully advocated for the completion of one of the most dangerous sections of highway in the state: the east section of the 17-Mile Road. Completed over six years at a cost of \$17.6 million dollars, funded in part through the TIGER grant program of the American Recovery and Reinvestment Act of 2009, the project employed over 130 tribal workers who earned over \$4.5 million in wages and helped to minimize the occurrence of car crashes along this road—each of which averaged \$74,000 in costs to the community. Once complete, the road was blessed with a cedaring ceremony, led by Transportation Planner Big John Smith, Nelson White, and Leonard Moss, as pictured below.



Cedaring ceremony for the 17-Mile Road. Image courtesy of WyoFile.

Wyoming Department of Transportation data from before and after the upgrades indicate that:

- 1) Fatalities declined from 4 to 1;
- 2) Injury Crashes declined from 25 to 7;
- 3) Injuries declined from 63 to 10; and
- 4) Total Crashes declined from 65 to 18 (an overall decrease of 72 percent).

This case illustrates how strategic investments and access to crucial resources (e.g. the TIGER grant) paired with a strong and culturally-driven vision for safety can prevent injury and death.

Contact Information:

Transportation Department
Eastern Shoshone & Northern Arapaho Tribes
(307) 335-7669



SENECA NATION OF INDIANS

The Seneca Nation of Indians is one of the largest of the six Nations that comprise the Iroquois Confederacy. With their lands spread across Western New York, the Seneca are known as the “Keeper of the Western Door,” and the “Great Hill People.”²² The Nation governs five distinct territories—the Allegany, Cattaraugus, Niagara Falls, Buffalo Creek, and Oil Spring Indian Territories—yet despite this division, the Seneca have been able to maintain strong jurisdiction over their lands. Jody Clark, Transportation Manager for the Nation explained, “We don’t have too many roads that run through here that we don’t have full control of.”

In fact, at varying points in the Nation’s history, tribal members have exercised sovereignty over their roads as part of political struggles. In 1992 and 1997, protests in defense of Seneca’s treaty rights were staged along the Thomas E. Dewey Thruway (aka New York State Thruway), which runs west through the Nation’s Cattaraugus Territory—connecting Buffalo, Albany, and New York City, and along the Southern Tier Expressway, which runs through the Nation’s Allegany Territory.²³ A 30-mile stretch of road was closed to traffic as a result and their message to the State of New York was sent with clear intent. However, tribal-state coordination has largely improved since then. With regard to the highway system, Clark noted that the Seneca have engaged in “two-way education. . . . We try to teach our state and local partners our tribal priorities, customs, and traditions and we, in turn, have spent a lot of time learning their processes and policies.”

As partners, the tribal, state, county, and local governments have all faced barriers to sustainable transportation and road safety planning—primarily with respect to funding. “The last few years have hurt us all with the unsure future of the Highway Trust Fund and the lack of a longer-term Highway Authorization,” Clark explained. For the Nation, “the struggle is whether to build a new roadway or fix an existing one. There is not adequate funding to address all concerns at once. We have become more proactive in pursuing state discretionary funding and development grants with cultural enhancements and educational components built in.” And often, recognizing the pressing dangers old highways pose to motorists, the Nation has diverted funds from its own coffers to meet these needs, despite the State Department of Transportation’s and the Federal Highway Administration’s legal obligations to road maintenance.²⁴



One major project recently undertaken was the installment of a roundabout. Once, an unregulated five-way intersection ran through the Seneca commercial district; Average Annual Daily Traffic exceeded 20,000 vehicles—approximately 10 percent of which were commercial trucks. The intersection was a major safety challenge for the community—Clark estimated 1-2 motor vehicle accidents per week and 1 or 2 deaths per year. By converting it to a roundabout, severe accidents have been averted. Significant efforts were undertaken to instruct travelers on the use of roundabouts and since construction completed in October 2013, there have been only 5-6 low impact fender benders.

Image courtesy of Jody Clark.



The Seneca Nation has been working to strengthen public health through its Transportation Safety Plan. While Clark noted, “We do not yet have laws requiring the use of helmets for all-terrain vehicles (ATV) and motorcycles...it’s a growing concern.” Recently, the Nation has developed road signs, like the one to the left, discouraging impaired driving out of respect for tribal elders, children, and the community.

Image courtesy of Jody Clark.

The Seneca Nation transportation authorities are also aware of the value of engaging the public—especially the next generation of leaders on issues of road safety. With funding from the New York Governor’s Traffic Safety Committee, the Seneca hosted a motivational speaker to share the dangers of distracted driving accidents with more than 1,700 students across four of the area high schools. The transportation authorities are still trying to determine ways to measure the impact of the event on road behavior, but the participants resoundingly shared positive feedback from the experience.



“The Dangers of Texting & Driving,” an interview with Jacy Good. Image courtesy of Jody Clark.

From the outset, because the Nation is divided into two distinct communities (which house a majority of the tribal population) and three other territories (which are used for gaming and economic development), “a lot more coordination with townships and local communities” is required. The Seneca have approached this situation as an opportunity to educate their non-Native counterparts about the tribe’s culture and customs, as well as their priorities. “By building relationships with outside agencies, a broader scope of resources become available to you,” the representative shared. Among the resources cited by Clark, the Tribal Technical Assistance Program and the Local Technical Assistance Coordinators were praised for their baseline instruction and low-cost training for transportation personnel. While this cooperation can support more sustainable and cost-effective approaches, there is a clear and persistent need for infrastructure funding. The Nation is doing its part by engaging in strategic community outreach and education on various road safety concerns (e.g. texting while driving, helmet use) to reduce unintentional injury and death on reservation roads.

Contact Information:

Jody Clark, Transportation Manager
Seneca Nation of Indians
(716) 945-1790
jody.clark@sni.org



SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM (SEARHC)

The SouthEast Alaska Regional Health Consortium (SEARHC) is a nonprofit consortium of 18 Native communities serving the health interests of Tlingit, Haida, Tsimshian, and other Native communities of Southeast Alaska. The SEARHC board representatives are selected by the governing bodies of each member community. While the majority of the services provided by SEARHC are medical, transportation safety and the prevention of unintentional injury comprise a strategic focus area. In our conversation with Lesa Way, SEARHC Health Educator, we gained a great depth of insight into the unique challenges faced by the Native Villages in Southeast Alaska.

In regions where roads may not be the primary method of transportation, investments in tribal transportation safety can look a little different. For example, water transportation safety is just as important to people in Southeast Alaska—who travel across a range of islands—as road safety. And road safety in villages is more often geared to travel along unpaved, “primitive” roads rather than highways. Responding to these specific needs, the Consortium’s efforts to promote transportation safety and prevent unintentional injuries and deaths include: (1) Engaging youth to foster family safety; (2) Partnering with Head Start programs; (3) Implementing the Alaska Kids Don’t Float Program; and (4) Attending to the safety of Elder pedestrians in the winter months.

Engaging the youth came in response to a growing gap between needs and resources. As SEARHC analyzed the data, it became clear to them that while the lack of seatbelt use among students was on the rise, resources to police these violations were exceedingly low. Village Public Safety Officers (VPSOs) were taxed with providing for other high priority issues in their communities. The geography of the region, including the unpaved roads, also lent itself to scenarios where many families would take short trips at lower speeds (of approximately 15 mph) and seatbelts were deemed unnecessary. Very often, one could find children standing in the backseat while riding in vehicles. The statewide “Click it or Ticket” programs seemed ineffective in these rural, remote areas. To combat these trends, SEARHC established a range of observation initiatives in partnership with area high schools—where students were engaged to track each other’s seatbelt use. Students arriving at sporting events with their seatbelts on received a Smarties candy, while those without them received a Dum Dum candy. SEARHC also hosts a regional basketball tournament Buckle Up Pledge Drive to increase seat belt use and awareness.



Image sourced from Alaska Child Passenger Safety Coalition

The partnership with Head Start was yet another effort to reform understandings of child vehicle safety. Across the Southeast region, the issue was not the presence of booster and car seat laws but rather the fact that not all families had the means to purchase safety seats. Organizations like the Alaska Injury Prevention Center and Alaska Child Passenger Safety Coalition, partnered with regional groups like SEARHC, have produced targeted marketing campaigns and information to assist families. SEARHC partnered with local Head Start programs in distributing free safety seats to families in need. As Lesa Way noted in our interview, there is a documented 87 percent car seat use in the region under the age of 6, but there is an ongoing need to promote the use of booster seats for small children who have grown beyond car seats, to comply with state law. Fortunately, the VPSOs have equally observed this need and are actively participating in the Indian Health Service (IHS) Safe Native American Passengers (SNAP) training for child passenger safety—reporting that they would rather assist families with installing safety equipment than hand out tickets and citations.

Another effort that is more unique to the requirements of the Southeastern Alaska geography is the Kids Don't Float injury prevention program. SEARHC participates in this work by distributing discounted life jackets and other personal floatation devices to families at an average cost of \$10 each. While these items are available throughout the state, families who travel only a few times a year to urban areas for major shopping trips often forget about these items. As such, these rural programs are important—especially for families who travel over water. As Way shared, however, there remains a need to expand these safety equipment support programs to include ATV and snowmobile helmets.

Lastly, in connection with the Elder fall prevention efforts of the IHS, the Consortium has invested in ice traction devices (e.g. Yaktrax) and wearable reflective tape for Elders pedestrians who go out on the roads in icy and dark conditions during the winter months. Not only do these efforts promote daily activity for Elders, but they also ensure their safety on roads that may not be salted or shoveled regularly.

Don't Go Out In The Dark Without It

Why wearing white is not enough...

Distance needed to stop at 60mph: **260 feet**

THE PERSON WEARING REFLECTORS IS SAFELY SEEN FROM 500 FEET AWAY.

Get Your Free Reflective Tape

- Reflective tape sticks best to backpacks, jackets, gloves, shoes and boots.
- Peel the paper from the back of the tape and place on clothing.
- Places that will be seen include: the back of a backpack, backpack straps or sleeves of coats and jackets.

Pick some up at:
The Alaska Injury Prevention Center
3701 East Tudor, Suite 105
Or call to have some mailed to you:
907-929-3939

Reflectors Can Save Your Life

Image sourced from The Alaska Injury Prevention Center

Lesa Way also made mention of ideas to develop volunteer opportunities—perhaps targeted at the youth in high schools—that would help with clearing the walkways and driveways for Elders—so that they might not be homebound or injure themselves in their efforts to shovel the snow.

This case study has illustrated the need to customize program efforts to the unique needs and geographies of the community. In addition, it has also revealed the value of utilizing the community's greatest asset—its youth—in education and peer enforcement efforts, as well as potential service opportunities.

Contact Information:

Lesa Way, Health Educator
SouthEast Alaska Regional Health Consortium
(907) 966-8804
lesaw@searhc.org

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ABOUT THIS PUBLICATION

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This Tribal Insights Brief was developed by Sarah Pytalski (NCAI Policy Research & Evaluation Manager); Elan Pochedley (NCAI Intern; Citizen Potawatomi); Malia Villegas (NCAI Policy Research Center Director; Alutiiq/Sugpiaq); Gwen Salt (NCAI Legislative Associate); and Denise Desiderio (NCAI Legislative Director; Sappony).

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