

# San Diego, California: A Tribal Consortium Enhances Tribal/State Coordination Efforts

## Overview

In Southern California, Native American tribes, the California Department of Transportation (Caltrans), and the San Diego Association of Governments (SANDAG) are taking an active approach to building relationships and improving coordination in transportation planning. Tribal governments established the Reservation Transportation Authority (RTA), a consortium of 24 tribes, in order to pool resources and more effectively coordinate on transportation issues. By working together in a regional organization, tribes have developed a greater voice to articulate their transportation needs. The benefits of this approach are exemplified by a planning study that will be conducted cooperatively by the RTA and Caltrans District 11 in San Diego County.

## Background

There are 108 Federally recognized Native American tribes located in California. San Diego County is home to 17 Native American reservations, more than any other county in the United States. Many of these reservations, however, are very small and have total landholdings of just over 124,000 acres.<sup>1</sup> Many of the smaller tribes have limited staff and resources for transportation planning. The multitude of tribal governments and this limited technical capacity for transportation planning creates challenges for integrating tribal transportation needs into statewide and regional planning efforts. In addition, although tribal territories are relatively small and require relatively little transportation planning on the reservations, tribal economic development efforts have intensified tribes' use of the regional transportation infrastructure.

Caltrans has developed a statewide framework for consulting with tribes and involving them in transportation planning at the state- and metropolitan-area level. This framework includes the formation of a Caltrans Native American Advisory Committee (NAAC), and the creation of guidelines for consultation with tribes in all transportation planning processes in the State. Caltrans has established a tribal liaison office which provides tribal consultation training to Caltrans staff and training to tribes on Bureau of Indian Affairs (BIA) and State requirements. These efforts are helping to increase understanding about the transportation needs of the tribes and have resulted in cooperative relationships for planning efforts.

## Coordination in the San Diego Region

Tribes in Southern California have worked together to develop the Reservation Transportation Authority (RTA) to more effectively represent the interests of tribes in this region in working with the State. Since transportation staff capacity is very limited within most tribes, having a regional organization has been very useful in bringing together the interests of diverse tribes and enabling them to pool resources to address common transportation goals. The organization also serves as a focal point for sharing information and a mechanism for improved communication between the tribes and Caltrans.



Logo of the  
Reservation  
Transportation  
Authority

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<sup>1</sup> <http://www.acusd.edu/nativeamerican/reservations.html>.

### ***Development of the Reservation Transportation Authority***

RTA was initially formed in 1998 by Tribal charter as a consortium of tribes in Southern California. The group sought to assume responsibility for BIA road maintenance funding to conduct their own construction and maintenance projects. RTA is governed by an Executive Council of tribal leaders from member tribes. Over time, the group has expanded and, as of April 2001, the following 24 tribal governments had approved resolutions to join the RTA:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Mission Indians
- Barona Band of Mission Indians
- Capitan Grande Reservation
- Cahuilla Band of Mission Indians
- Campo Band of Mission Indians
- Inaja and Cosmit Bands of Mission Indians
- Jamul Indian Village
- La Jolla Band of Luiseno Indians
- La Posta Band of Mission Indians
- Los Coyotes Band of Mission Indians
- Manzanita Band of Mission Indians
- Mesa Grande Band of Mission Indians
- Rincon San Luiseno Band of Mission Indians
- San Pasqual Band of Mission Indians
- Santa Rosa Band of Mission Indians
- Santa Ynez Band of Mission Indians
- Santa Ysabel Band of Mission Indians
- Soboba Band of Mission Indians
- Sycuan Band of the Kumeyaay Nation
- Torres-Martinez Desert Cahuilla Indians.



**Seal of the Los Coyotes  
Band of Mission Indians, one  
of the RTA members**

The main source of funding for RTA operations is BIA transportation planning apportionments to tribes, which RTA pools together. Using these funds, RTA has planned, engineered, and overseen construction of several projects for its member tribes. Although Caltrans and other planning agencies are still required to hold consultations with each tribe, tribes that joined the RTA put in their bylaws that RTA would be given certain powers of authority to negotiate on behalf of tribes that belong to the consortium.

### ***Caltrans, SANDAG, and RTA Coordination***

Since the RTA functions as a regional transportation planning organization, the RTA has provided a venue for increased communication and coordination between Caltrans and tribes. Caltrans has worked directly with the RTA in a number of capacities. For instance, in 2002, Caltrans provided a senior transportation planner to RTA to complete internal traffic circulation reports for the reservations. This type of arrangement is typical practice at Caltrans when it

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comes to assigning staff to work with metropolitan planning organizations (MPOs) and other regional planning agencies. As a result, the existence of the RTA has provided a venue for Caltrans staff to provide resources to help address tribal transportation planning issues.

The Caltrans District 11 office and the San Diego Association of Governments (SANDAG), which serves as both the metropolitan planning organization (MPO) and the regional transportation planning agency (RTPA)<sup>2</sup> for the San Diego region, regularly communicate with tribes through informal and formal meetings and conversations. Caltrans and SANDAG also have created an interagency ad-hoc planning group, which is attended by representatives from RTA and Native American liaisons for Caltrans, SANDAG, and San Diego County. Additionally, the elected officials of SANDAG have been pursuing government-to-government relations with tribal nations in the region through its Borders Committee. The Borders Committee discusses policy issues related to transboundary planning issues from interregional, binational, and tribal perspectives.

Caltrans has worked with SANDAG to survey all of the tribes in San Diego County on their transportation needs and issues. The survey was completed in person with the chair of each tribe, the vice-chair, or an assigned staff person following tribal protocol. The results will be used as the basis for government-to-government dialogue and the inclusion of tribal concerns in various transportation planning documents, including the Regional Transportation Plan (RTP) for which SANDAG is responsible. Caltrans will bring the results of the survey back to the tribes and convene a technical workshop among tribal representatives and transportation managers from local and regional transportation staff to discuss potential issues and action items. Together, tribal and agency transportation staff will analyze the results and develop possible policy recommendations which will form the basis of discussions between elected tribal leaders and the Board of Directors of SANDAG at a summit.



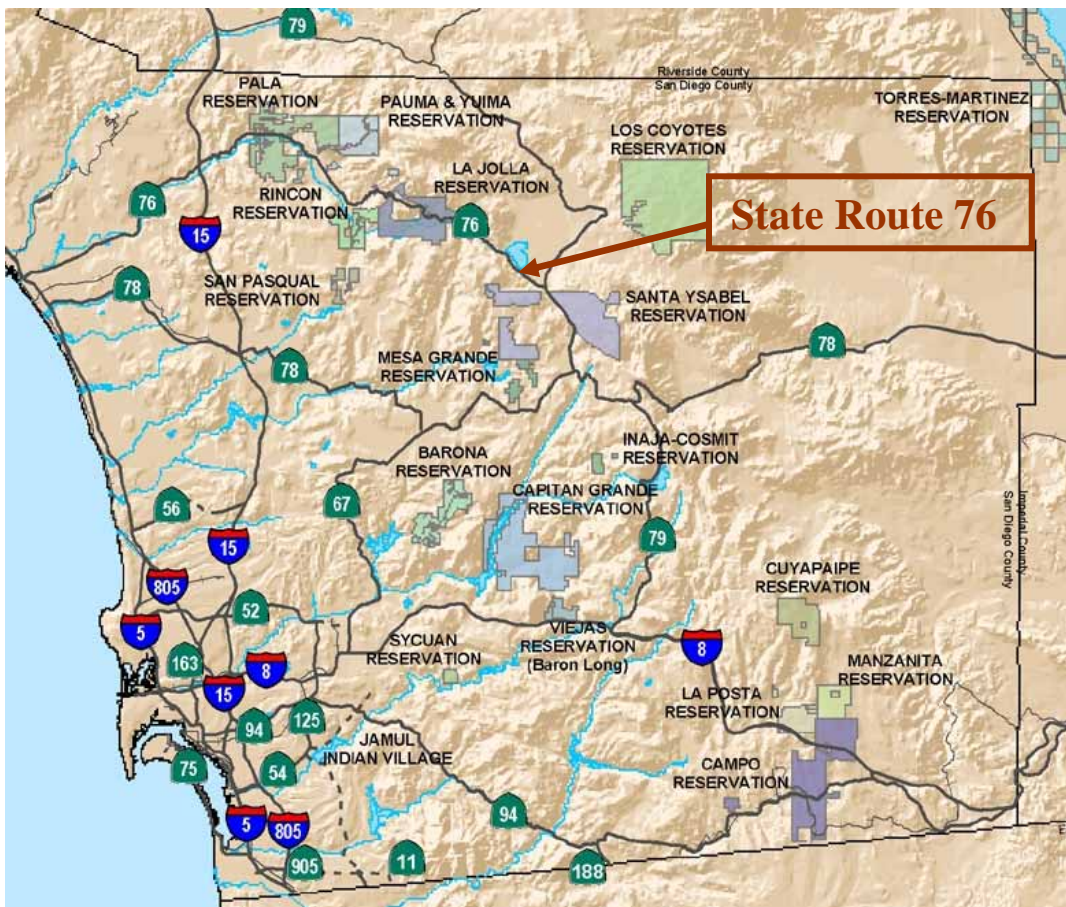
**Map of Caltrans Districts: District 11 in green box (Courtesy of Caltrans)**

<sup>2</sup> Federal law requires an MPO for each urbanized area over 50,000 population. RTPAs are crafted pursuant to California law, and include local transportation commissions, county transportation commissions, councils of government, and associations of government. In California, there are eighteen MPOs and 43 RTPAs.

### ***State Route 76 Corridor Study***

An example of innovative coordination among Caltrans, SANDAG, and the RTA is a planned corridor study focused on California's State Route 76, which passes through or near the lands of eight tribes in San Diego County, including Pala, Pauma-Yuima, Rincon, San Pasqual, La Jolla, Santa Ysabel, Mesa Grande, and the Los Coyotes Band.

The corridor study will examine growth patterns of the tribes and the county, provide an in-depth look at development along the route, and aid in long-term planning for the area. Traffic on this route is increasing, affected in part by economic development on tribal lands. The exact source of increased traffic along the route, however, is unclear as the nontribal population in the area also has been increasing. Moreover, safety is a major concern for tribes in the corridor, as the route has many sharp curves.



**San Diego County Roadways and Tribal Lands**

RTA will oversee the corridor study once the contract is signed and give direction to the consultants hired to complete the work. RTA also will administer the contract with the Caltrans District 11 office, which covers San Diego County. This corridor study will include consultation with tribes, the county, localities, and Federal and State agencies, including BIA, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service.

The State Route 76 Corridor Study is a true partnership between Caltrans and tribes. Not only will the Reservation Transportation Authority oversee the study, but the Pala Band of Mission Indians is providing 20 percent of the total cost of the corridor study, while Caltrans will pay for the remaining 80 percent through a mix of State and Federal funds.

The Pala Band of Mission Indians is providing a match of 20 percent of the total cost for the corridor study through their gaming revenues. State Route 76 provides access to the Pala Casino and Hotel, and casino traffic also may be affected by proposed industrial developments along the roadway that the county is considering. Caltrans will pay for the remaining 80 percent of the study through a mix of State and Federal funding through the State Planning and Research program.

Agencies and governments involved in the corridor study have already started their preparations. The U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and local governments in the area, for example, already have discussed the corridor with District 11 staff. RTA is prepared to begin the study as soon as the contract is signed. The study will include traffic count data collection and a study of local land use that will help to inform the decision making process on corridor improvements.

## Results

While the RTA has not yet commenced the corridor study, the process of coordination that led to the study has improved relationships among Caltrans, SANDAG, adjacent counties, and tribes. For example, governments in North County, a region in the vicinity of the Pala Band of Mission Indians, Rincon San Luiseno Band of Mission Indians, and the San Pasqual Band of Mission Indians, have invited tribal members to participate in the North County Regional Leadership Conference. This community planning group meets regularly and is attended by representatives from other counties and SANDAG staff. The corridor study also has improved the relationship between Caltrans and chairpersons of the tribes because Caltrans is making an effort to include them in the study.

Although the corridor study will be conducted with Caltrans, the relationships developed through the process of coordinating on the corridor study have helped to strengthen relationships with SANDAG. A representative of one of the RTA-member reservations sits on a SANDAG committee, and RTA currently is working on getting another reservation leader to sit on the committee and to have a tribal representative on every SANDAG committee.

More broadly, Caltrans, SANDAG, and the tribes have built trust and relationships through efforts such as the corridor study, as well as through projects, trainings, meetings, and informal communication. For example, a small tribe in the RTA was involved in a dispute with Caltrans over creating an egress to a site where the tribe was going to build a small casino and truck stop. There was a holdup for about a year and a half that was largely due to a lack of communication between Caltrans and the tribe. The tribe was under the impression that Caltrans should perform certain actions. On the other hand, Caltrans was expecting the tribes to do something that appeared not to be required of them, which resulted in a disagreement. The RTA worked with this tribe and also spoke with Caltrans to move past the misunderstanding. In the end, the tribe came into compliance with an aspect of the Federal regulations in a manner that differed from

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the action that Caltrans had originally expected. The tribe, RTA, and Caltrans emerged from this disagreement with a greater understanding of each others' processes and requirements, relationships were improved, and trust was restored.

### **Challenges and Opportunities**

Caltrans and RTA ran into some difficulties developing a contract for the corridor study. Legal staff at Caltrans were concerned that the State does not have jurisdiction over tribes and would not be able to enforce the contract if RTA failed to deliver. However, RTA and Caltrans reached an agreement and the contract for RTA to conduct the Study of State Route 76 was approved by the Caltrans Board of Directors on January 12, 2006. In general, tribal sovereignty is a major concern for tribes when they enter into legal agreements with the State. The current legislative language in California is oriented toward contracting with municipalities, not with tribes. Now that sovereignty issues have been resolved for the corridor study, the resulting contract could provide a template for the State to use on subsequent projects.

The opportunities for tribal involvement and improved consultation in California are currently enormous. Many tribes are more familiar with the requirements of Section 106 of the National Historic Preservation Act than the transportation planning process. As a result, tribes often are contacted *after* a project already has been planned to discuss potential impacts on tribal lands, at a time when any changes in the project are costly and difficult. Earlier involvement of tribes in working with Caltrans, MPOs, and other entities in the transportation planning process would help tribes play a more meaningful role in shaping planning decisions and in developing projects that are more sensitive to the context of their lands and the transportation needs of tribal members. The State Route 76 corridor study, for example, has the potential to form a valuable basis for input to the region's long-range transportation plan.

### **Lessons Learned**

Tribal representatives from RTA and staff from the Caltrans District 11 office, SANDAG, and Caltrans headquarters all have recognized the importance and value of coordination. These experiences have provided some valuable lessons:

- By working together in a regional consortium, tribes have a greater voice to articulate their transportation needs. Without this consortium, the voices and concerns of the individual tribes may not have been heard. Consortia such as RTA bring together the interests of diverse tribes and help pool resources to improve tribal transportation planning activities and coordination with other agencies.
- Interest in working with tribes must exist at all levels of an organization, starting with top leadership and extending down to all staff. According to Bo Mazzetti, an RTA advisor, the idea that Caltrans must work with tribes is becoming evident at all levels within the agency. Also, the elected officials of SANDAG's Borders Committee are taking a leadership role in strengthening government to government relations with the tribes in the region.
- The establishment of a mechanism for tribes to take important issues directly to the Caltrans Director, through the Native American Advisory Committee, has been critical in ensuring that tribes are heard by key decision makers and in building trust among tribal members.
- Increased and earlier involvement in the transportation planning process would help tribes play a more meaningful role in shaping project decisions and in developing projects that are

more sensitive to the context of their lands and tribal transportation needs. The proposed State Route 76 corridor study is one such example of early tribal coordination and involvement.

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**Other Resources**

State of California Tribal Consultation Guidelines:

[http://www.opr.ca.gov/SB182004/Final\\_Guidelines\\_for\\_Web\\_03-01-05.pdf](http://www.opr.ca.gov/SB182004/Final_Guidelines_for_Web_03-01-05.pdf)

Caltrans Native American Advisory Committee (NAAC):

<http://www.dot.ca.gov/hq/tpp/offices/orip/na/naac.htm>