

Safe Journeys: A Report on Roadway Safety in California Indian Country

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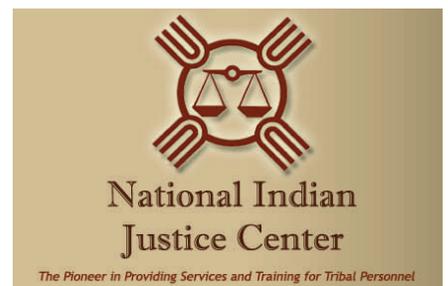
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SAFE JOURNEYS PROJECT

Research and Analysis Report

Introduction:

This report is an analysis of information compiled by the National Indian Justice Center (NIJC) from various tribal transportation meetings and safety planning workshops with California Indian tribes and other sources. The transportation needs assessments that were to be included for analysis in this report are yet to be completed significantly enough to be used here. Instead of those assessments, we are using other sources, such as in-depth interviews with officials of the Humboldt County Tribal Transportation Commission and the Reservation Transportation Authority Program of Southern California. Both organizations represent inter-tribal groups, providing a detailed profile of safety issues throughout the Indian country of California. Additionally, information collected from a Caltrans inventory survey of Indian Reservation Roads (IRR) for 70 California tribes was examined for this report.

Research Sources:

In the appendices to this report are samples of the resources used to set forth the safety issues analyzed in this report.

During the past thirty-six (36) months, seven (7) outreach meetings were held at the Rumsey Rancheria, the Jackson Rancheria, the Trinidad Rancheria, Shingle Springs Rancheria, Santa Rosa, California, Arcata, California, and Redding, California. These sessions were conducted for various purposes. Three (3) were held for the purpose of providing information to the smaller tribes about the

need to organize coalitions to better serve the transportation needs (including safety) of the tribes of northern and central California. Eventually, the tribes of Humboldt County formed the Humboldt County Tribal Transportation Commission, which seems to be improving transportation resources for northern California tribes. Previously, the southern California tribes had formed a reservation transportation authority, a coalition of eighteen (18) tribes in Riverside, San Bernardino, and San Diego Counties.

The four other outreach meetings provided updates and tribal governance information for the tribal officials in attendance. Self-governance for Indian tribes is always a matter of concern for tribal officials because of challenges posed by other interests. Those interests include county and other local government officials who may question the capacity of tribal governments.

All of these outreach sessions addressed transportation issues generally and not safety specifically. From all indications, the tribal officials struggle with funding issues. The Indian Reservation Roads (IRR) program which provides federal transportation money to tribes is extremely under funded for the tribes of California so they struggle with issues like road maintenance and are ill prepared to deal with safety in an effective manner. However, in these sessions we opened the door to transportation safety on the roads in California Indian country. These outreach sessions were conducted in partnership with the Native American Liaison Branch of Caltrans.

Later in this time period (within 24 months) NIJC conducted four (4) safety planning workshops for the Native American Liaison Branch of Caltrans. These workshops were held in the following locations: The Pechanga Reservation near Temecula, California, the Santa Rosa

Rancheria near Lemoore, California, Redding, California and at the Indian Health Clinic in Arcata, California.

At the two northern California workshops NIJC recruited the participation of officers from the California Highway Patrol (CHP). The participation of the CHP was very effective because communication was established between the local Indian community and the CHP which did not previously exist and certainly does not exist between other Indian communities and the CHP in other regions of California. There are communication barriers that need to be addressed statewide. This is an extremely important relationship which provided tribal government with the opportunity to address the behavioral issues of roadway safety. The CHP is the primary traffic enforcement agency in rural California, including the Indian reservations and rancherias.

Although these planning sessions were intensely advertised for the Santa Rosa Rancheria and the Pechanga Reservation, the turnout was small. The story of roadway safety in Indian country has to be told better and understood. The death rate on Indian reservation roads is on the rise. However, tribal leaders may be deferring the roadway safety problem to state authorities because of Public Law 280, a federal statute that will be discussed in detail later in this report.

In the original proposal of this grant NIJC stated that it would analyze for this report forty transportation needs assessments that were to be conducted by Winzler and Kelly Engineers (W & K) for 43 California tribes. Unfortunately, W & K did not perform this work to the satisfaction of Caltrans and had to be replaced. The new subcontractor has completed only a handful of the needs assessments. However, in reviewing the assessments for this report that

have been completed NIJC has concluded that the assessments provide only road improvement plans with regard to safety. Therefore, this report will rely heavily on the above described meetings held and other research sources including information from Caltrans, the CHP and commentary by tribal officials. As this report will demonstrate, safety on the roadways of California Indian country is a complex matter that deserves much more attention than it has received in the past.

Political Considerations

In 1953, the federal government embarked on a new Indian policy that called for the eventual elimination of federally recognized Indian tribes and their members. This began with the enactment of House Resolution 108 which set forth the policy of “Indian Termination.” A legislative companion to this congressional policy statement was the passage of Public Law 280 which set in motion the “Indian Termination” process. Public Law 280 called for five (5) states and one (1) territory (Alaska) to be mandatory Public Law 280 states to which the federal government would transfer its criminal jurisdiction and some adjudicatory civil jurisdiction but no civil regulatory jurisdiction. The statute did not extinguish any tribal jurisdiction over these matters; however, these five states and the territory of Alaska at that time were the starting points for “Indian Termination”. California was one of these mandatory states; the tribes in California had no choice in the matter. They were subject to Public Law 280 and “Indian Termination”. Although in 1953 Congress did not extinguish tribal justice systems in California, there was no federal funding forthcoming to develop these systems. Orderly Indian termination was supposed to take care of the justice issue.

In 1958, Congress enacted the Rancheria Act of 1958 which called for the termination of 41 rancherias (small Indian reservations) in northern and central California. The Bureau of Indian Affairs (BIA) was able to convince 39 tribes to terminate their status as federally recognized Indians and to accept their homes and small acreages in fee simple and to participate in the “Indian Relocation” program that moved Indians to major cities for vocational training and employment. The relocation program was a dismal failure, effectively stranding a generation of Indians in the ghettos of the big cities.

However, the rancherias were forever changed. Some Indians sold their fee lands. Some kept them in private ownership. In the process of terminating the rancherias the BIA either sold or merely transferred the rancheria roads to the counties in which the rancherias were located. The heads of household of each rancheria signed a distribution plan in which they agreed to the termination of their federal recognition; the BIA agreed to see that the roads were maintained by the county; that sewer systems were installed; and that adequate water was provided to the terminated rancherias. After 15 years, the BIA had not fulfilled its promises in the distribution plan, and litigation was pursued. In the first case (*Tillie Hardwick v. U.S.*) seventeen (17) rancherias, their distributees and their heirs were restored to federal recognition. Other cases followed. The BIA had broken its promises; the distribution plans were breached.

Over a span of 55 years from 1953-2008, the state of California through its county governments has wielded some governmental power in California Indian country. The counties own many of the rancheria roads today, but often these counties do not adequately maintain those roads. The CHP has primary traffic enforcement responsibilities on all public roads in California and the county sheriff is responsible for criminal investigation, arrests, and prosecution of crimes that occur in California Indian country. However, law enforcement has

been problematic in California Indian country and Public Law 280 has not helped over the years.

If “Indian Termination” had worked, there would be no Indian country in California today. However, termination failed, leaving political gaps in California Indian country. Today the wealthy gaming tribes have the means to pay for the county sheriff to patrol reservation roads and enforce tribal statutes on the reservations and rancherias. However, Public Law 280 is still the law; so the state already has law enforcement jurisdiction. Who then is responsible for assuring safety on Indian country roads in California? What are the immediate and long term transportation safety needs of Indian country in California? This report attempts to answer these questions that harbor complex issues.

Roadway Safety Issues

As noted earlier, many of the rancheria roads in California are owned by the counties in California because of “Indian Termination”. Although the rancheria lands were restored to federal trust status, the roads are still owned by the counties unless agreements were negotiated between certain tribes and counties. On Indian reservations, the roads are all counted in the Indian Reservation Roads (IRR) inventory even though the roads may be owned by the state or county.

However, the BIA is seeking to eliminate roads owned by the state or county from the IRR inventory nationally. If this happens, maintenance would be charged to the county or state and IRR funds would no longer be eligible for maintenance purposes. The IRR funding is so lean that maintenance needs go unserved. But since the Indian country roads are within the

exterior boundaries of the reservations and rancherias, state funding may not be used to improve maintenance of the roads.

NIJC has been informed that winter storms often cause road washouts and surface potholes on paved and unpaved facilities on California reservations and rancherias which deteriorate the roadways if not properly repaired. Often, adequate repairs are not made. This is a chronic problem that occurs on IRR facilities on California Indian reservations and rancherias. Driving safely is seriously compromised by these conditions and matters become worse each year. Lives are put in jeopardy by these unsafe road conditions.

In conversations, discussions and interviews at the outreach meetings and safety planning workshops NIJC was informed that transportation facilities improvements were seriously needed in California Indian country: bike/walk paths, sidewalks, bike lanes, signage, roadway marking, and roadway expansion/extensions. These improvements are stalled because funding for California reservation roads is inadequate. The tribes of California receive far less IRR funding than tribes from other regions of Indian country, nationally. Some of this is caused by inter-tribal politics. The bigger reservations get a bigger slice of the pie. Despite the Indian population in California being the largest nationally, the IRR inventory is less than the large tribes in other states. California has 108 small tribes with small road inventories.

Although there is no national requirement for roads to meet minimum safety standards for signage, road geometry and surface conditions, the fact that reservation/rancheria roads are underfunded puts them below any concept of minimum safety standards. These roads are often the sites of major/minor accidents that go unreported here in California Indian country.

In California, the poor conditions of the tribal roads, bridges, and the lack of transit systems jeopardize the health, safety, security, and economic well-being of tribal members and the traveling public. Tribal communities lack the resources and adequate funding to improve the unsafe road conditions and promote public safety. The transportation needs are manifested in poor roadway conditions and lack of educational programs on road safety. These problems are compounded by underreporting of accidents and poor traffic safety enforcement on California reservations and rancherias. For 2008, the 108 Tribes in California only received 1.88 percent of the funding from the Indian Reservation Roads (IRR) Program allocation. By increasing funding to California tribes, funding for transportation would also increase throughout the California region and safety programs would have a chance to be effectively implemented.

Statistical data that was analyzed to support this report came from the Winzler and Kelly (W&K) Technical Report for 2008 (an IRR inventory funded by CalTrans). The report inventoried 77 of the 108 tribes stating that over 70 percent of the tribes in California were served by Caltrans under this project. It looked at the existing conditions and made suggestions for continued improvement. The report also noted that as many of the tribes begin to add transportation facilities e.g. roads, bridges, piers, airports, etc to the IRR inventory. If the BIA is successful eliminating state and county roads from the IRR inventory, the result would be a reduction in the California tribal road inventory and less funding for the California tribes. Presently, there are a possible 5,629 miles of road that have been identified by California tribes to be included in the inventory. However, these miles have not been added into the inventory to date either because tribes have not provided the documentation needed for final processing or the BIA has not given final approval to include these roads. In addition, statistical information was gathered from experts in the field from Caltrans. [See Appendix A]

A. Public Law 280 Issues

Law Enforcement

There is confusion over tribal sovereignty rights and the lack of memoranda of understanding that have been established with the appropriate state and county agencies. Many of the reservations/rancherias do not have the financial resources to operate their own tribal police departments. In those instances private roads may not be patrolled by any law enforcement officers. The CHP needs to work with California tribes to create traffic patrol of tribal public roads to ensure public safety and to aggressively enforce traffic rules and to provide education to local tribal communities about roadway safety.



Like other disadvantaged populations, the California Indian communities generally distrust the police. Tribal cultures and attitudes may affect the effectiveness of tribal police departments that have yet to be established on most reservations in California. Tribal police departments must contend with a number of issues including lack of adequate equipment, manpower, and training. Many tribes do not have tribal traffic codes making enforcement of traffic laws difficult. Also, the judicial attitude is important. When officers who make stops and arrests see them routinely dismissed by the court, they can become hostile to the court and indifferent to their own work.

Educating the tribal public by law enforcement on the increased survival chances just by wearing safety belts has not been an easy sale. Often the information falls on deaf ears. Enforcement of these types of laws has not, in the past, been a priority for tribal police in other

states. The BIA Indian Highway Safety Program has tried to work with tribal police to provide needed training of officers.

Roadway Ownership

Historically, California tribes have been underfunded by the IRR, which results in inequities, intertribally in California. Typically, it has been the gaming tribes that have the financial resources to match the funding issued by the BIA that have been able to improve their roadways and implement educational programs to improve safety. Although transportation agencies such as Caltrans and the BIA transportation department are trying to work together to improve these conditions, some California tribes remain hesitant about making their roads public. They fear that by participating in roadway assessments which IRR



performs, sovereignty rights may be impacted. Additionally, some leaders are misinformed and tend to lock themselves into a superficial dependence on the sovereignty argument.

B. Roadway Conditions and Safety Issues

Surface Maintenance

Some of the problems that California tribal roads face can be attributed to a need for roadway improvement and maintenance. Some tribal roadway fatalities can be prevented just by making improvements to unsafe roadways. Since many of the tribes are located on rural lands, some of their roads are located on steep terrain and gravel surfaces. Although the



2008 IRR report issued by Winzler and Kelly states that 4,090 miles in 2008 are paved roads and only 487 miles unpaved, this report does not include the 15 tribes which were not inventoried, nor did it include all of the roads on these reservations. The report concluded that California “lacks parity for California tribes in comparison with other tribes throughout the nation.” [See Appendix B]

There is a strong need to improve roadway conditions on California Indian reservations because road use is steadily increasing with non-Indians frequenting casino’s and tribal members moving back to the reservations. Existing tribal roadways present unsafe conditions that compromise public safety because of unpaved surfaces, a lack of appropriate signage and traffic control devices, a lack of sidewalks and bike lanes, and an absence of pedestrian walkways. Often, California reservation roads are not maintained which can lead to major accidents. These tribal roads become deadly when weather conditions are bad.

Roadway Expansion

A major concern for the drivers who use Indian reservation roads is that they are often traveling on narrow roadways and bridges that are in dire need of expansion and widening.

Two way roads often amount to one-way roads with little or no room to pass. These tribal roads need to be expanded to allow safe traveling for drivers who reside on the reservation, work on the reservation, or who merely visit the reservation.



At times reservation roads are located on steep terrain with dangerous embankments. These hazardous conditions may result in fatal accidents during unruly weather conditions and/or when a driver is distracted. Some accidents can be prevented if the roads are equipped with guard rails, reflectors, and other safety devices that guide drivers through dangerous environments caused by bad weather and existing conditions that are already dangerous and made worse by weather conditions.

Another concern are the tribal roadways conditions that connect some reservations. Some tribal members travel between reservations and rancherias because they have family living on neighboring reservations. These roads may not be paved and may present multiple hazards for drivers. The driving conditions can be extremely dangerous during seasonal conditions and there is a great need for maintenance and improvement of these reservation

roads. Improving existing tribal roads and building new roads and bridges are just one part of the long-term solution to traffic safety in Indian country.

Turn Out, Turn Lanes, and Passing Lanes

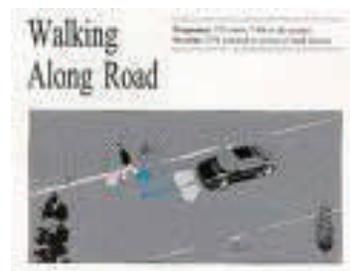
Another safety issue which could improve reservation roads and increase safety are turn outs, turn lanes and passing lanes. Since some tribal roads are very narrow and have not been expanded, these facilities do not have the capacity



to move the current volume of vehicle usage that exists today and that which is projected for the future. Since many of the drivers on reservation roads are commuting to state highways as they exit the reservation, sometimes these vehicles are merging into high volume of off-reservation traffic. Due to the lack of appropriate turn outs, turn lanes, and passing lanes traffic congestion can build up, which may create unruly and unsafe driving conditions. Providing passing lanes would enhance traffic flow and increase capacity by giving slow moving vehicles a lane to travel in and allow mainstream traffic to flow at posted speeds.

Pedestrian Transportation (Sidewalks)

Due to unpredictable gas pricing and the need to protect the environment from pollution, there is a need for alternative modes of transportation. Walking is healthy but needs to be safe.



Sidewalk accessibility for pedestrians is increasingly becoming a community health issue, as well as a safety concern. Historically, reservation roads did not include sidewalks or bike paths. This resulted in people just walking or biking along side the road without safety being part of the roadway design.

Pedestrian-motor vehicle collision deaths for Indian youth are almost 4 times



than that for all races combined. The majority of American Indian pedestrian fatalities occur not just on the reservation but in rural areas, on major roadways that lead to reservations and lack pedestrian facilities but are just outside the reservation boundaries. These accidents may involve alcohol abuse on the

part of the pedestrian or driver. Although reservation pedestrians include all segments of the population, people who are elderly, low-income, have disabilities, and children of school age, tend to be most likely to rely on pedestrian travel. The W& K inventory study concluded that the majority of roads inventoried or that are near tribal lands do not provide pedestrian and bicyclist facilities. [See Appendix B]

Bicycle Routes



R3-16(1)

California reservation roads are in need of expansion to include:

- Bicycle Pathways: physically separated from motorized vehicular traffic.
- Bicycle Lanes: located on roadway shoulders and designated by striping, signs, and pavement markings.

- Bicycle Routes: provide shared use with motor vehicle traffic and is identified by signage.

By including bikeway improvements and bicycle facilities, reservation roads in California could be promoting healthy living and transportation alternatives, which are currently not being promoted in California Indian country. Expanding the tribal roads and marking them could decrease the bicyclist fatalities that are a result of distracted driving and poor roadway design. Caltrans is trying to work on a strategy to inventory the gaps in shoulder facilities for bicyclists, as well as improve and create a methodology to determine the need and focus the priority. California tribes have an opportunity to collaborate with Caltrans to plan for road improvements that include bicycle and pedestrian safety. This opportunity needs to be employed because lives can be saved and permanent injuries avoided.



Signage

Many reservation roads lack the appropriate signage to alert drivers of the safe speed for the roads that they are using, but also of pedestrian crossings and to stop and yield. These types of improvements can easily be made on reservation roads to increase safety and prevent fatalities. Reservation pedestrians, bicyclists, and the vehicle drivers are negatively affected by the lack of signage on reservation roads.



Public vs. Private Roads

Several tribal governments choose not to include some of their roads on the IRR inventory. By designating certain roads private, they exclude the public; however they also may exclude public funding for road maintenance and traffic enforcement by the CHP. Some tribes feel that by allowing certain roads to be inventoried makes them public which increases the amount of traffic by non-members over whom they have no criminal jurisdiction. By keeping the roads out of the inventory, they keep them private. The problem with keeping them private is that these tribes do not receive the funding that is allocated by the BIA to improve road maintenance for these roads. Private roads also lack data to show possible hazardous conditions. Tribal leaders need to work with the BIA and Caltrans to understand the importance of having all unsafe reservation roads included in the IRR inventory. Working with federal and state governments is certainly exercising tribal sovereignty and as long as tribal governments have a comprehensive approach to the transportation issues, there should be no threat to tribal sovereignty

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C. Behavioral Issues

Driving Under the Influence in Indian Country

There are many driver behaviors that lead to accidents on tribal roads and all public roads for that matter. There is substantial evidence that of the leading causes of deaths on Indian reservation roads is related to alcohol abuse. It is estimated that approximately 75% of accidents on reservations are alcohol related.



This statistic is alarming and to a certain extent may be unreliable because there is a general presumption that accidents involving Indians also involves alcohol. Keep in mind that reservation traffic accidents are under-reported or not reported at all. If there is no traffic accident reporting to the tribal government, it is difficult to obtain reliable data about tribal member involvement in traffic accidents investigated by state officials.

The Centers for Disease Control (CDC) revealed in a recent study that 11.7 percent of deaths among American Indians and Alaska Natives between 2001 and 2005 were alcohol related. Some tribal governments prohibit the sale and distribution of alcohol on-reservation. Tribal members then must travel to adjacent communities to purchase alcoholic beverages. Because of the remoteness of some reservations, the closest municipality could be up to two or more hours away. Tribal members make the journey to the bar or liquor store, sometimes, drink and then must make the long journey home. The roads may not be patrolled and this can lead to driver and pedestrian fatalities. Tribal leaders should study whether or not prohibition versus legalization benefits their communities.

Tribal officials in California need to work collaboratively with the CHP and county authorities to ensure that the public expectations are met regarding driving under the influence.

Prevention needs to start with tribal councils strategizing and implementing programs that are educational. Tribal governments need to establish a zero tolerance attitude about the behavioral issues of the DUE and transportation safety. Additionally, there must be judicial and prosecutorial training to complement the



efforts of law enforcement. Although alcohol related fatalities have been reported, other behavioral issues have not been tracked or examined. There is a growing need to educate youth

about the fundamentals of driving and implement effective driver education classes to teach youth about the safety precautions before they get behind the wheel or receive a license, especially since many alcohol related accidents involve youth. In these times of great economic crisis public schools have had to endure major budget cuts. One important spending cut has been the reduction in driver education programs in California high schools which are attended by California Indian students. If families can afford private driver training then the student get the training, otherwise they drive without a license. Tribal governments must accept a responsibility for driver training for youth where it is necessary.

Reckless Driving

Roadway conditions and maintenance are only one part of the problem in understanding the transportation safety needs on tribal lands and roads.

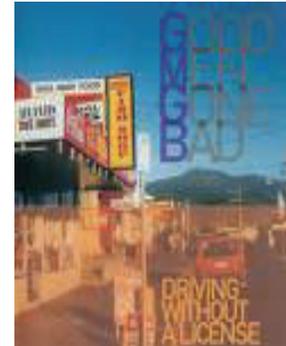
Often tribal members lack the access to information and education to understand the importance of safety measures they can take to prevent fatalities on reservation roadways.



For some drivers it comes down to understanding the value of safety and taking the precautionary measures to ensure that drivers, passengers, and pedestrians are not at risk. It is important for tribal leaders to be committed to developing, promoting, and implementing preventative measures for tribal members to gain the education and training needed to change behavior that may be jeopardizing the lives of those who use the reservation roadways.

Driving Without A License

Another concern is about Indians who are driving without a license because it has been suspended or revoked or they just did not bother to get a drivers license. In many instances these drivers are unconcerned about the safety issues as well. This problem maybe learned behavior from the adults in the family. If family members don't stop driving once a drivers license is suspended, there is no incentive for the young people in the family to follow the rules. There is a definite need to educate youth about the fundamentals of driving and implement driver education classes at the tribal government level to teach youth about driver safety before they get behind the wheel of a car, especially since many alcohol related accidents involve youth. Although there is no available data to support this conclusion, driving without a valid drivers license is a problem in California Indian country.



Passenger Safety

a. Seatbelt Usage

California Indian reservations continue to struggle with effective programs aimed at increasing and sustaining safety belt usage rates. Seatbelts are the most notable safety device



that has been proven to save lives! There is clear evidence that seatbelts save lives on the highway; the problem is that drivers and passengers who violate seatbelt laws tend to make excuses for why they are not using their seatbelts. In some cases, the vehicles may not be equipped with the appropriate safety devices to accommodate all

passengers. Some tribal members may have one car per family and it is mostly used for transporting from work, to school, and to the market. In many instances, the unreasoning behind not using a seatbelt is that it is not needed. It is imperative that not only the attitudes of tribal members be changed, but also the attitudes of tribal police, council members and the tribal court system. This is why educational programs to promote safety for drivers and passengers are important to correct and change behavior that continues to be problematic and causes fatalities.

b. Child Safety Seats

Another safety device that can prevent fatalities and save the lives of Indian children in



California is the safety seat for children. Even though parents use this device, in many instances it is installed incorrectly putting the child at great risk. Again, this is a problem with behavior because many parents don't appreciate the value in safety devices in vehicle transportation. Fear is another factor why Americans Indians don't

buckle up. Most fear stems from the belief that the children will be trapped in the event of a crash. Only through education about primary seat belt laws and aggressive enforcement can changes in attitude and behavior be made. Saving lives through the usage of safety belts and child safety seats has to become a priority of the tribal leadership if it is to make a difference in Indian country.

NHTSA's highly effective "**Click it or Ticket**" model has been shown to increase safety belt usage numbers in states that have implemented the model. [See Appendix C]



Driver Responsibility and Accountability

Among other things, drivers need to start taking responsibility for their actions. Tribal cultures and values affect the way that roadway safety issues are viewed by Indian reservation drivers and pedestrians. Unfortunately, this is corroborated by the tribal councils lack of attention to the education of California Indian communities concerning roadway safety. It is important for tribal councils' to support the efforts to improve safety conditions on reservation roads.

Traffic Enforcement

Many of the reservations do not have the financial resources to have their own tribal police. In those instances, the CHP should be patrolling the tribal public roads to ensure public safety and work to aggressively to enforce traffic rules pursuant to its enforcement responsibility under Public Law 280. Statewide, some CHP officers work with tribes, others don't. Add to this tribal sovereignty issues and we become entangled in a web of jurisdictional confusion and conflict.



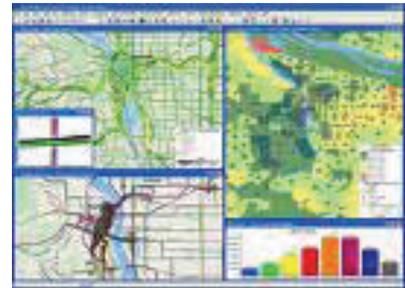
Also, educating the tribal public on the increased survival rates in accidents by just wearing seat belts has not been adequately pursued. It often falls on deaf ears. Enforcement safety laws has not, in the past, been a priority for tribal police. The BIA Indian Highway Safety Program has tried to work with tribal police with not much success. [See Appendix D]



Interagency Communication and Data Sharing

Although, this report shows that only 15 tribes did not participate in the Winzler and Kelly inventory survey, it does illustrate the lack of reporting of roadway accidents and traffic violations. In tribal communities, collecting accurate data is made more challenging by underreporting of traffic injuries and accidents due to people driving under the influence, without auto insurance and driving without a license. Reservation reporting is non-existent. Tribes are also not mandated to submit traffic data, so traditionally tribes have not collected traffic accident data.

Caltrans is attempting to implement a system for maintaining traffic records, but tribal officials need to work out their sovereignty issues in order to get to data sharing. The BIA Indian Highway Safety Program has long maintained the position that tribes should share their data. In many cases these accidents on remote roads in rural areas go unreported, so they end up not having data that is up to date. Tribal officials need to be able to establish trust and work to improve intergovernmental communication in order to provide accurate data on roadway accidents and traffic violations.



D. Recommendations for the Future

Education

Education is crucial to raising awareness of safety issues among tribal members, including young children, teens, parents, tribal leaders, and others. Teens need to be educated

about driving responsibly and safely, seat belt use, alcohol and drug issues, and driving on tribal versus nontribal lands. Young children and parents need to be educated about seat belt use and child passenger safety seats. Driving under the influence must be examined in the educational context. Tribal leaders need to promote the importance of safety. They need to know they should support and enforce existing laws and lead in the implementation of new laws related to safety. Tribal leaders play a central role in developing safety initiatives. Tribal police officers need to be educated about the proper use of seat belts and child safety seats, as well as traffic code enforcement. Tribal judges need to understand the importance of properly enforcing safety laws and they should not be allowed to reduce penalties for personal reasons. If violators do not feel like they are going to be punished for their actions, they will continue to break the laws and not value the importance of safety on reservation roads.

Some educational and training strategies that can be implemented to improve the understanding of safety issues:

- Community outreach programs to raise roadway safety awareness.
- Special events to target age groups, marketing and media campaigns such as billboards and public service announcements, and training courses for tribal members, parents, police, and teens.
- Education on the value of safety through resources provided at school such as mock crashes, youth councils on safety, and presentations about roadway and driving safety.

- Imposing effective penalties for youth who drive under the influence.
- An analysis of roadway safety materials available on the internet.

Many parents do not appreciate the need for safety devices, nor understand how to use them properly. Some educational and training strategies to improve their understanding of safety include:

- Safety messages and safety handouts showing proper use, as well as encouragement from nurses and doctors at the Indian Health Clinics on the safety practices and their value
- Tribal members should be encouraged to take an interest in the importance of roadway safety in their community.

By convincing tribal councils to be dedicated to roadway and behavioral safety issues, tribal communities will become educated about roadway safety and saving lives.

Interagency Planning and Communication

Tribal governments need to identify ways in which they can better achieve a working relationship with local, state, and federal transportation agencies. Road safety programs for California tribes need to receive increased funding for safety on reservation roadways. Tribes need to work with the state to improve memoranda of understanding about reservation roads and providing services such as traffic enforcement and maintenance. There is a need to improve

the level of communication and exchange of information between tribal and state enforcement agencies. Tribal leaders need to work with state officials to determine how they can eliminate the confusion for the CHP to provide enforcement services in California Indian country. There is a lack of clarity about jurisdiction regarding state and tribal law enforcement. Tribal governments need to establish a statewide communication program between law enforcement, fire, emergency services and other local agencies.

Data Sharing

Many roadway conditions and accidents go unreported due to lack of capability to collect data for California Indian country on accidents and traffic violations. Tribal leaders need to work out agreements to promote data sharing to improve reservation roads and the safety for all who use them. Information needs to be obtained so that there is complete and accurate data about reservation roadway conditions and behavioral issues.

Suggestions to improve the data are establishing the use of geographic positioning systems (GPS) to pinpoint crash data. Tribal members must first understand the importance of reporting the data, and tribal councils need to establish data collection systems in Indian country for receiving accident reports. Agencies need to work out strategies for sharing data and work on a coordinated effort to plan for improving roadway infrastructure.