



# **Partnership Agreement**

**May 24, 2005**

Between

**Wisconsin's Eleven Federally Recognized Tribes;  
Wisconsin Department of Transportation**

And

**Wisconsin Division- Federal Highways  
Administration**

# **PARTNERSHIP AGREEMENT**

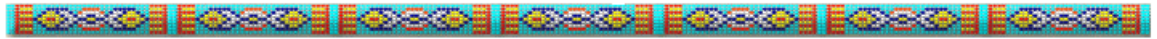


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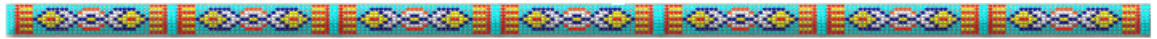
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## **Statement of Purpose**

The Partnership Agreement is a document created as a result of Governor James Doyle's Executive Order 39 "*Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Located Within the State of Wisconsin*" Its purpose is to create and define the processes by which WisDOT and FHWA will work in collaboration with Wisconsin's eleven sovereign Indian Nations. This agreement is designed to acknowledge and support the government-to-government relationship between Tribes and State and Federal Agencies and to support American Indian sovereignty.

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## Introduction



Transportation systems play a pivotal role in the economic health and vitality of all Wisconsin communities. Due to many factors, Indian Nations located within Wisconsin boundaries have historically struggled to meet the transportation related needs of their communities. This has often resulted in negative impacts upon their local economy, human and natural environments, and quality of life. In a historic move to better meet the needs of Tribal communities; this document seeks to embark on the journey involved in building and sustaining a true Government-to-Government relationship between the Indian Nations of Wisconsin, Wisconsin Division-Federal Highway Administration (FHWA), and the Wisconsin Department of Transportation (Wis-DOT). The goal of such a relationship is aimed at moving beyond the Agency mindset of simply consulting with Indian Nations as a legal requirement, but instead, working with Indian Nations as equal partners focused on people, economics, natural, and human environments to improve the quality of life for all people (*See addendums for background material*)

# Agreement



## **1. Overall Objectives**

Partnerships defined by formal agreements are rare. The parties to this Agreement acknowledge the significance of this effort. The parties place value in working as equal partners, and are guided by moral, ethical and professional principles.

This Agreement demonstrates the desire of the Wisconsin transportation agencies and the individual Indian Nations located within Wisconsin boundaries to implement a government-to-government relationship. Under this Agreement, all parties agree to work together under the framework of the Guiding Principles by providing transportation related programs and services to better serve their communities. This Agreement does not determine specific tribal funding issues, state, or federal funding formulas and does not focus on tribal specific issues. It provides the parties with protocols to enhance collaboration, a timeline for measurable results and specific contact staff for timely communication.

As a result of Executive Order 39, Wis-DOT created an American Indian liaison position (“Liaison”). The Liaison is a major point of communication along with any Wis-DOT Districts and will facilitate the successful implementation of the protocols and action items.

## **2. Guiding Principles**

This Agreement reflects and supports the government-to-government relationship between the State of Wisconsin, Wis-DOT and the Indian Nations. The parties agree to the following guiding principles.

1. Recognize the importance of collaborative partnerships.
2. Respect the knowledge, experience, perspectives, and needs of the other partners.
3. Move forward the shared goals of their stakeholders and constituents through improved working relationships and partnership building.
4. Collaborate to develop an effective and efficient consultation framework, ensuring the long-term prosperity of this agreement.
5. Dedicate the appropriate level of resources to achieve success.
6. Recognize and support the need to engage the shared strength, skills, and expertise in a collaborative effort to achieve success in transportation related activities.
7. Pledge to work together in a proactive and cooperative manner.
8. Utilize honest, straightforward communication.

### **3. Protocols and Activities**

This section defines the protocols for the Indian Nations and the Transportation Agencies working together and the activities agreed upon by both parties. It promotes the partnership's core values of quality, opportunity, engagement, and sustainability and provided measurable means of successful engagement. These measurable means are categorized under the headings of Communication, Economic Development/Capacity Building and Sustainability.

#### **Communication**

Wis-DOT and Tribal Representatives shall create and distribute on a yearly basis, as general State/Tribal Transportation Directory of contacts for both Wis-DOT and Indian Nations. This directory will be distributed to all interested parties by Wis-DOT. Wis-DOT can also create and maintain a web based directory of contacts.

Wis-DOT and Tribal Representatives shall create an ongoing Wis-DOT/Tribal Task Force that meets on a regular and timely basis to create and implement a communication plan and evaluate the plan as needed. This Task Force will consist of representatives designated by the Tribal Leaders (for Tribal Representatives) and Wis-DOT Secretary (for Agency Representatives). It will be facilitated by the Wis-DOT Equal Opportunity Program manager and/or Wis-DOT Liaison.

WisDOT and the Tribes shall also create an internal agency and tribal government/transportation program communication and education plan respectively to provide training opportunities in both Wis-DOT programs and procedures and Tribal information in regard to governmental processes, sovereignty and organization. This plan will create a timeline for activities and assist in cultural competency training for Wis-DOT and its employees and also enhance tribal understanding of Wis-DOT's policies and procedures. The Wis-DOT Tribal Task Force reviews this plan annually.

#### **Economic Development/Capacity Building**

As part of its ongoing function, the Wis-DOT/Tribal Task Force shall work with Wis-DOT, FHWA, Wisconsin State/Tribal relation board, BIA and any other group or agency as needed to create new funding and/or increased access to existing State or Federal transportation and capacity building program funding. The Task Force will provide notification to the Tribes via the Directory and Wis-DOT will post training and or funding opportunities on the trial page on the Wis-DOT website. The Wis-DOT Tribal Task Force will also identify and recommend any training needed by the Tribes to access these sources of revenue. The scope of these Transportation training opportunities will include but not be limited to: Technical Services, Grants (Roads, Business, Labor, Safety) and Training Programs. The Liaison will assist the Task Force in evaluation of these initiatives and make recommendations to improve. The Liaison shall also target State and/or Federal programs that can meet the priority needs of the Tribes specifically including infrastructure development, entrepreneurial assistance through the Wis-DOT DBE programs and youth development programs such as the Summer Transportation Institute.

### **Sustainability**

Wis-DOT will institutionalize tribal government relations values and principles in its policies and procedural manuals to include the basics of Wis-DOT/Tribal working relations as outlined in this agreement.

There needs to be strong and close working relationships between the tribes and the Wis-DOT regions. In order to facilitate a productive and responsive relationship the Liaison shall coordinate an annual meeting between the tribes and Wis-DOT regions.

The Secretary of the Department of Transportation shall assume the responsibility for annually scheduling, a consultation meeting with Tribal leadership and the FHWA.

Create Wis-DOT Tribal Task Force to meet at a minimum of twice a year and provide the functions outlined in the above sections.

Create Cultural Competency training for Wis-DOT employees and staff. Also cross training in Wis-DOT/Tribal Transportation issues.

Utilize existing Tribal departments or associations to advise the Wis-DOT/Tribal Task Force to provide a forum to address long-standing transportation issues effecting tribal communities. Complaints and disputes shall be addressed as per this documents Dispute Resolution section.

The Equal Opportunity Program manager and/or the Tribal Liaison shall assist in these activities.

#### **4. Issue/Dispute Resolution Process**

From time to time disagreements and disputes may occur. This resolution dispute process acknowledges the sovereign status of the parties. As such, this process does not limit, restrain, or diminish the Indian Nations ability to pursue resolution in any other appropriate manner. Rather, this process seeks to effectively and efficiently streamline and standardize the communication process between Indian Nations and Wis-DOT. The goal of the dispute resolution process is for partners to work together seeking mutual solutions utilizing a standardized communication process between Wis-DOT and the Indian Nations.

At any time during the dispute resolution process, the parties have the option to request the Wisconsin Division of Federal Highway Administration, BIA or any other agencies or groups at any level to participate in the dispute resolution process

#### **4.1. Resolution of Issues**

##### **A. Informal Process**

When an issue arises that parties agree can be most efficiently handled at the staff level by employee contact, Tribal and Agency staff will work together to find a mutually agreeable resolution. In the event the employees are unable to resolve the issue, a formal process can be initiated.

##### **B. Formal Process**

###### **Step 1**

The formal dispute resolution process is initiated when a representative of the Indian Nation(s) or the Wis-DOT outline an issue in writing to the designated representative of the other party with a copy to the American Indian Liaison. The Liaison will monitor the entire process thru completion. (A directory of the designated representatives, and their contact information, is included in Addendum B, which is will be updated every January.) The outline should contain:

1. Statement describing the issue
2. Description of the desired solution
3. If possible, a timeline establishing dates and performance indicators that demonstrate resolution is being achieved

###### **Step 2**

The recipient will acknowledge receipt in writing within 10 business days. Within 30 business days, recipient will respond in writing outlining what activity is currently underway to achieve resolution.

###### **Step 3**

In the event this does not resolve the dispute, Transportation agencies will have their Wis-DOT Representative, on behalf of the Secretary, contact, in writing, the Tribal Chair/President or his/her designee directly to resolve disagreements and will send copies of any communication to the Liaison.

**Step 4**

The dispute will be raised to the appropriate level in the Department and Indian Nation for resolution. Within Wis-DOT, the Liaison will facilitate contact with the appropriate internal staff or management. The Agency will acknowledge receipt and will contact the appropriate designated tribal representative. Communication between those parties will occur as soon as reasonably possible to determine if the issue can be resolved. If the issue is resolved, no further action is required. If the issue continues unresolved, the involved parties will meet to determine a process and timeline, if possible, for resolution of the issue. The parties acknowledge that some issues may not be able to be resolved to the satisfaction of all parties.

**2. Issues Affecting More Than One Tribe**

If a resolution or non-resolution of an issue will affect more Indian Nations than just the Indian Nation involved in the discussion, then the Liaison will make contact with representatives of the other Indian Nations. When possible, communication involving all of the potentially affected parties will be facilitated by the Liaison.

## Signatories

The following signatories hereby agree to the 1) Overall Objectives, 2) Agreement and Guiding Principles, and 3) Resolution process and 4) Protocols

### **Bad River Band of Lake Superior Chippewa Indians**

Tribal Chairman – Donald Moore \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Red Cliff**

Tribal Chairman – Ray DePerry \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Lac Du Flambeau Band of Lake Superior Chippewa Indians**

Tribal President - Victoria Doud \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Ho-Chunk Nation**

President – George R. Lewis \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Oneida Nation**

Tribal Chairwoman – Cristina Danforth \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Lac Courte Oreilles Band of Lake Superior Chippewa Indians**

Tribal Chairman – Louis Taylor \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Stockbridge-Munsee Nation**

Tribal President - Robert Chicks \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Sokaogon Chippewa Community**

Tribal Chairwoman – Sandra Rachal \_\_\_\_\_

**Date:** \_\_\_\_\_

**Forest County Potawatomi Community**

Tribal Chairman – Harold (Gus) Frank \_\_\_\_\_

**Date:** \_\_\_\_\_

**St. Croix Nation**

Tribal Chairman – David Merrill \_\_\_\_\_

**Date:** \_\_\_\_\_

**Menominee Indian Tribe of Wisconsin**

Tribal Chairman – Michael Chapman \_\_\_\_\_

**Date:** \_\_\_\_\_

**Wisconsin Division-Federal Highway Administration**

**Division Administrator**

Bruce E. Matzke \_\_\_\_\_

**Date:** \_\_\_\_\_

**State of Wisconsin**

**James Doyle, Governor** \_\_\_\_\_

**Date** \_\_\_\_\_

**Department of Transportation**

**Frank Busalacchi Secretary,** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Addendum**

### **History**

Beginning in 2000, the Wisconsin Division of FHWA recognized and responded to a shortfall in Native American participation in transportation programs and services in Wisconsin. The agency then began a process to first understand what was causing the shortfall, and seek solutions to increase that level of participation. Under the initial leadership of William Fung, Division Administrator of Wisconsin's FHWA, the agency began visiting each Tribe in Wisconsin. When Bruce Matzke replaced Mr. Fung as the Division Administrator in 2002, he continued on with that initiative. Together he and Mary Williams, the FHWA Civil Rights Program Manager, continued visiting Wisconsin's tribes seeking to understand Tribal needs, and seek solutions to meet those needs. Few other agency leaders have demonstrated that level of commitment by visiting each and every tribal community in Wisconsin.

One of the solutions the agency determined necessary was a higher level of partnership and collaboration between Wisconsin's Tribes and Transportation Agencies. In 2003 WisDOT received funding from FHWA and secured a contract with the College of Menominee Nation (CMN) to develop the framework for Government-to-Government relationship building between the Tribes and the Agencies.

### **Methodology**

CMN first sought to clarify information gaps by designing a needs assessment survey. The assessment process had to two-fold design goal. First, CMN needed to understand the full scope of needs in each individual tribal community. Second, CMN strives to expand its successful outreach programs by involving key stakeholders in the needs assessment and solution seeking strategies based upon their self-identified needs, goals, and solutions. The activity is more successful if it has need, relevancy and support of the community through the full participation key stakeholder and constituent groups.

On May 4, 2004, CMN staff mailed the needs assessment to all Wisconsin Tribal Leaders. Staff then engaged in follow-up activities until June 23, 2004 to secure the greatest number of responses. Follow-up consisted of additional mailings, telephone calls, and personal visits.

CMN achieved a response rate of 80%. Bad River Band of Lake Superior Chippewa, Forest County Potawatomi, Ho-Chunk, Lac Du Flambeau Band of Lake Superior Chippewa, Menominee, Oneida, Red Cliff Band of Lake Superior Chippewa, Sokaogon Band of Lake Superior Chippewa, and Stockbridge-Munsee all provided information. Only St. Croix Band of Lake Superior Chippewa, and Lac Courte Oreilles Band of Lake Superior Chippewa did not respond to the needs assessment or subsequent follow-up.

### **Key Findings**

CMN was forced to qualify the data rather than quantify it, due to the complex organizational structure, and sheer volume of programs and services of the agency. The results of the assessment process showed that overall; the tribes were concerned with three issues:

1. Communication-Tribes did not feel there is adequate consultation or inclusion in transportation related activities.
2. Economic Development/Capacity Building-The majority of Tribes were not aware of the full scope of programs and services.
3. Sustainability-Many of the Tribal staff doubted such an agreement would be sustained over the long term.

Based upon these findings, CMN has assembled an agreement grounded in the basic core values of quality, opportunity, engagement, and sustainability.

### **Key Participants**

1. The 11 Federally Recognized Tribes of Wisconsin:
  - Bad River Band of Lake Superior Chippewa Indians
  - Forest County Potawatomi Community
  - Ho-Chunk Nation
  - Lac Courte Oreilles Band of Lake Superior Chippewa Indians
  - Lac Du Flambeau Band of Lake Superior Chippewa Indians
  - Menominee Indian Tribe of Wisconsin
  - Oneida Tribe of Indians of Wisconsin
  - Red Cliff Band of Lake Superior Chippewa Indians
  - Sokoagon Chippewa Community
  - St. Croix Band of Lake Superior Chippewa Indians
  - Stockbridge-Munsee Band of Mohican Indians
2. Wisconsin Department of Transportation (WisDOT)
3. Wisconsin Division-Federal Highway Administration (FHWA)

## Glossary of Terms



### **Partnering Agreement Key Glossary of Terms**

**AASHTO - American Association of State Highway and Transportation Officials**

An interest group based in Washington, D.C., whose membership is fairly obvious from the name. Involved in research, advocacy and technical assistance.

**Archeology** - The scientific recovery of material evidence remaining from human life and culture in past ages; the study of this evidence.

**Apportionment**

A federal budgetary term that refers to a statutorily prescribed division or assignment of funds. It is based on prescribed formulas in the law and consists of dividing authorized obligation authority for a specific program among transportation systems.

**Appropriation**

A federal budgetary term that refers to an act of Congress that permits federal agencies to incur obligations and make payments out of the Treasury for specified purposes. An appropriation act is the most common means of providing budget authority, but in some cases the authorization legislation itself provides the budget authority.

**BIA-Bureau of Indian Affairs** (U.S. Department of the Interior)

**BIA Classification of Roads** - an identification of specific roads or trails that take into account current and future traffic generators, and relationships to connecting or adjacent BIA, State, county, Federal, and/or local roads.

**BIA/FHWA Memorandum of Agreement** - an agreement between the BIA and the FHWA, which contains mutually agreeable roles and responsibilities for the administration of the IRR and Highway Bridge Replacement and Rehabilitation programs.

**BIA Roads System** - those existing and proposed roads for which the BIA has or plans to obtain legal right(s)-of-way. This includes only roads for which the BIA has the primary responsibility to construct, improve, and maintain. Any additions or deletions to this system must be supported by resolution from the ITG.

**Budget Authority**

A federal budgetary term that refers to legal authority given by Congress to federal agencies to make funds available for obligation or expenditure.

**Budget Resolution**

A federal budgetary term that refers to a concurrent resolution passed by both Houses of Congress, but not requiring the signature of the President, setting forth the congressional budget for each of five fiscal years. The budget resolution sets forth various budget total and functional allocations, and may include reconciliation instructions to designated House or Senate

**Conformity**

The ongoing process that ensures the planning for highway and transit systems, as a whole and over the long term, is consistent with the state air quality plans for attaining and maintaining health-based air quality standards; conformity is determined by metropolitan planning organizations (MPOs) and the U.S. Department of Transportation (U.S. DOT), and is based on whether transportation plans and programs meet the provisions of a State Implementation Plan.

**Consultation:** Is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian governing bodies, community groups and individuals and (2) considering their interests as a necessary and integral part of the Forest Service's decision making process.

**Consultation:** A collaborative process between United States government agents and Native American Tribal representatives in a consensus on how to proceed.

**Consultation and Coordination with Indian Tribal Governments:** This is the title of Executive Order 13084, signed by the President on May 14, 1998, that requires federal agencies to respect tribal self-government and sovereignty, tribal rights, and tribal responsibilities whenever they formulate policies that affect Indian tribal governments in a unique and significant way.

**Council:** A group elected or appointed as an advisory or legislative body; council members are usually equal in power and authority.

**DBE - Disadvantaged Business Enterprise**

A business owned and operated by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged individuals include African Americans, Hispanic Americans, Native Americans, Asian Pacific Americans or Asian Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act.

**Deed** - A contract that legally transfers ownership of property from one person or group to another.

**DOT - Department of Transportation**

At the federal level, a cabinet agency with responsibility for highways, mass transit, aviation and ports, headed by the secretary of transportation. DOT includes the FHWA , the FTA and the FAA, among others. There are also state DOTs. (Wisconsin is referred to as WisDOT).

**Earmark** A federal budgetary term that refers to the specific designation by Congress that part of a more general lump-sum appropriation be used for a particular project; the earmark can be designated as a minimum and/or maximum dollar amount.

**EIR/EIS - Environmental Impact Report/Environmental Impact Statement** An analysis of the environmental impacts of proposed land development and transportation projects; it's an EIR when conducted in response to CEQA , and an EIS when conducted for federally funded or approved projects per NEPA. A draft EIR or draft EIS (DEIR or DEIS -- often they're prepared simultaneously) is circulated to the public and agencies with approval authority for comment. Like a pollywog whose next stage in life is a frog, a DEIR or DEIS grows up to be a certified FEIR or FEIS that contains responses to public comments and ways to mitigate adverse impacts.

**Environmental Justice:** The fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulation and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies.

**Exclusive Right-of-Way** A highway or other facility that can only be used by buses or other transit vehicles.

**Executive Order 12372**A presidential directive that furnishes guidance to federal agencies for cooperation with state and local governments in the evaluation, review and coordination of federal assistance programs and projects.

**FAA - Federal Aviation Administration** See DOT.

**Fiscal Year** The yearly accounting period for the federal government which begins October 1 and ends on the following September 30. The fiscal year is designated by the calendar year in which it ends (e.g., FY 94 is from October 1, 1993 to September 30, 1994).

**FHWA - Federal Highway Administration** See DOT.

**FTA - Federal Transit Administration** See DOT.

**Government-to-Government Relationship:** Relationship that exists between federally recognized tribes and the federal government. Implicit in the relationship is recognition of tribal sovereignty as individual nations within the U.S. and the U.S. government's obligation to protect tribal lands. The relationship between tribal and state governments should also be characterized as government-to-government.

**Government-to-Government Relationship:** The formal relationship that exists between agencies of the Federal Government and tribal governments under the laws of the United States. Tribal governments are considered domestic sovereignties with primary and independent jurisdiction (in most cases) over tribal lands. Concerning BLM actions, the same level of consideration and consistency review provided to other agencies or governmental jurisdictions must be afforded to Indian tribes.

**Indian Country:** As defined by federal law, Indian country includes all land within the limits of any Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-ways running through the reservation. In addition, Indian country also includes all dependent Indian communities as well as all Indian allotments to which Indian titles have not been extinguished.

**Indian Country:** Broadly speaking, Indian Country is all the land under supervision of the U.S. Government that has been set aside for the use of Indians. This would include Indian reservation as well as other areas under Federal jurisdiction and designated for Indian use. As a general rule, state jurisdiction does not extend to Indian Country and, instead, tribal and Federal law governs.

**Indian Lands:** Lands held in trust by the United States for individual Indians or tribes, or land titled to individual Indians or tribes subject to Federal restrictions against alienation or encumbrance.

**Indian Reservation Roads (IRR)** - public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, group, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians. Roads on the BIA Road System are also IRR roads.

**IRR Inventory** - an inventory of roads which meet the following criteria: a) public roads strictly within reservation boundaries, b) public roads that provide access to lands, to groups, villages, and communities in which the majority of residences are Indian, c) public roads that serve Indian lands not within reservation boundaries, and d) public roads that serve recognized Indian groups, villages, and isolated communities not located within a reservation.

**IRR Program Stewardship Plan** - the plan that details the roles and responsibilities of the BIA, FHWA and ITGs in the administration and operation of the IRR Program.

**IRR Road/Bridge Inventory** - an inventory of BIA owned IRR and bridges.

**Indian Sacred Sites:** This is the title of Executive Order number 13007 signed on May 24, 1996 by the President that directs federal agencies that manage federal lands to accommodate access to and ceremonial use of Indian sacred sites and avoid adversely affecting the physical integrity of such sacred ties.

**Intermodal** Those issues or activities which involve or affect more than one mode of transportation, including transportation connections, choices, cooperation and coordination of various modes. Also known as "multimodal".

**Intermodal** The term "mode" is used to refer to and to distinguish from each other the various forms of transportation, such as automobile, transit, ship, bicycle and walking. Intermodal refers specifically to the connections between modes.

**ISTEA - Intermodal Surface Transportation Efficiency Act** This landmark \$151 billion legislation signed into law in December 1991 proposes broad changes to the way transportation decisions are made. In the words of the STPP folks, it emphasizes diversity and balance of modes, as well as the preservation of existing systems over construction of new facilities, especially roads.

**ISTEA - Intermodal Surface Transportation Efficiency Act** Pronounced "Ice Tea," this landmark \$155 billion federal legislation signed into law in December 1991 calls for broad changes in the way transportation decisions are made. ISTEA emphasizes diversity and balance of modes, as well as the preservation of existing systems before construction of new facilities.

**ITS – Intelligent Transportation Systems** The stated goal to "improve the way transportation is organized, managed and maintained." Projects cover transportation policy, new technology, safety, traffic management, infrastructure, and freight and logistics.

**Joint Development** Ventures undertaken by the public and private sectors for development of land around transit stations or stops.

**Jurisdiction:** The legal authority a government has to govern its people and territory.

**Level Playing Field** A balanced approach to federal funding proportions for highway projects and transit projects; may also refer to employee transportation benefits so that the monthly, tax-free value of a transit pass is equal to that of a parking space; generally, any situation in which transit and highways receive equal treatment in federal funding and other federal procedures.

**Long-Range Transportation Plan** - a plan which establishes strategies for transportation improvements to meet identified community needs.

**MBE - Minority Business Enterprise** A business owned and operated by one or more individuals who are defined as minorities under U.S. Department of Transportation regulations. See also "disadvantaged business enterprise".

**Memorandum/Partnering Agreement and/or Understanding** - an agreement between or among two or more entities, which defines roles, responsibilities on how to conduct business.

**MPO - Metropolitan Planning Organization** A federally required transportation planning body responsible for the RTP and the TIP in its region; the governor designates an MPO in every urbanized area with a population of over 50,000.

**Multimodal** Refers to the availability of multiple transportation options, especially within a system or corridor. A concept embraced in ISTEA, a multimodal approach to transportation planning focuses on the most efficient way of getting people or goods from place to place, be it by truck, train, bicycle, automobile, airplane, bus, boat, foot or even a computer modem.

**Nation:** A stable, historically developed community of people who share territory, economic life, distinctive culture, and language.

**Native Americans:** This term broadly describes the people considered indigenous to North America who lived here prior to European colonization. The term includes "American Indians," "Indians," "Alaska Natives," "Eskimos," "Aleuts," and "Native Hawaiians."

**Native American:** A member of any of the indigenous cultural groups of the western hemisphere, including American Indians, Alaska Natives, Native Hawaiians, and other indigenous peoples.

**NEPA - National Environmental Policy Act of 1969.** See EIS

**Nonattainment Area** Any geographic region of the United States that the U.S. Environmental Protection Agency (EPA) has designated as not attaining the federal air quality standards for one or more air pollutants, such as ozone and carbon monoxide.

**NTS - National Transportation System** Called for in the Intermodal Surface Transportation Efficiency Act, the NTS to date is a proposal by the U.S. Transportation Secretary to integrate all aspects and modes of the transportation system into a single national system. The National Highway System is expected to be a subset of the larger, multimodal NTS.

**Obligation** A federal budgetary term that refers to a binding agreement that will result in an outlay; an agreement by the federal government to pay for goods or services immediately or at some future time when the goods or services are delivered. Also known as a "commitment".

**Obligation Limitation** A federal budgetary term that refers to a limit placed in appropriations bills on the amount of federal assistance that may be obligated during a specified time period. It does not affect the scheduled apportionment or allocation of funds; it just controls the rate at which these funds may be used.

**Public Transportation-** Transportation by bus, rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis. Also known as "mass transportation," "mass transit" and "transit".

**Reservation:** Lands reserved by a tribe during treaty negotiations with the federal government for tribal use. Indian reservations are held in trust for the tribe by the federal government.

**Sovereign:** Supreme in power or authority.

**Sovereignty:** The status, dominion, rule, or power of a sovereign. Tribes have the power to make and enforce laws for their tribe and reservation, and to establish courts and other forums for the resolution of disputes.

**STP - Surface Transportation Program** One of the key capital programs in ISTEA. In the works of the STPP , it provides flexibility in expenditure of "road" funds for transit modes, as well as for pedestrian and bicycle facilities.

**STP - Surface Transportation Program** Once of the key funding programs in ISTEA. STP monies are "flexible," meaning they can be spent on mass transit, pedestrian and bicycle facilities as well as on roads and highways.

**Transportation Development Act** State law enacted in 1971. TDA funds generated from a tax of one-quarter of one percent on all retail sales in each county; used for transit, paratransit, bicycle and pedestrian purposes, they are collected by the state and allocated by the MTC to projects and programs within the county of origin. In non-urban areas, TDA funds may be used for streets and roads in certain circumstances.

**TDM - Transportation Demand Management** TDM - Low-cost ways to reduce demand by automobiles on the transportation system, such as programs to promote telecommuting, flextime and ridesharing.

**TIP - Transportation Improvement Program** This is primarily a spending plan for federal funding expected to flow to the region from all sources for transportation projects of all types. MTC prepares the three volume TIP annually with the cooperation of local governments, transit operators and WisDOT.

**TMA - (1) Transportation Management Association** A voluntary group set up by employers or other entities to reduce vehicle trips within certain areas. **(2)**

**Transportation management area** A region subject to certain planning requirements

under ISTEA. Any urbanized area with a population of more than 200,000 automatically is a TMA.

**Tribal Technical Assistance Program (TTAP) Center** - these centers are responsible for providing transportation assistance to native Americans that includes, but is not limited to, circuit rider programs, providing training on intergovernmental transportation planning and project selection, and tourism recreation travel.

**Tribal TIP** - a multi-year, financially constrained, list of proposed transportation projects to be implemented within or providing access to Indian country during the next 3-5 years. It is developed from the tribal priority list.

**U.S. DOT - United States Department of Transportation** The federal cabinet-level agency with responsibility for highways, mass transit, aviation and ports; headed by the secretary of transportation. The DOT includes the Federal Highway Administration and the Federal Transit Administration, among others. There are also state DOTs (known as WisDOT in Wisconsin).

**WisDOT- Wisconsin Department of Transportation.** The State cabinet-level agency with responsibility for highways, mass transit, aviation and ports, headed by the secretary of transportation.

**WBE - Women's Business Enterprise** A business owned and operated by one or more women.