

FACILITATED GROUP DISCUSSIONS

During the afternoon of the second day of the conference, participants met in three breakout groups to discuss the conference themes. Each group included representatives from the Federal Highway Administration, state Departments of Transportation, Tribes, state and Federal resource agencies, environmental organizations, and private sector consultants. CDR Associates of Boulder, Colorado provided the group facilitators. The CDR facilitators were Jonathan Bartsch, Julie McKay, and Louise Smart.

Each group addressed the following questions:

Question #1: In the ideal world of transportation decision making and environmental compliance, what would streamlining and stewardship look like, and what would it accomplish?

Question #2: What are the gaps between the ideal of streamlining and stewardship and the current reality, and what are the impediments to achieving the ideal?

Question #3: What tools and strategies can we use to help us achieve streamlining and stewardship and overcome these impediments? How can TRB help (through research or a study)?

The following are notes from the three breakout groups.

GROUP #1

Question #1: In the ideal world, what would streamlining and stewardship look like – and accomplish?

- All players interact and work together early at the planning level – especially tribes
- Greater trust, cooperation, and understanding among tribes and transportation agencies
- Establish greater understanding of cultural, community, and tribal issues
- Tribes are involved earlier in coordination efforts – especially during planning
- The dynamic is fundamentally changed where transportation agencies seek tribal input early, and listen to what is important to the tribes
- Abandon “consultation” with tribes and focus rather on identifying “what is really important” and establishing a collaboration (like a marriage) with the tribes
- Ideals of cooperation and consultation are integrated throughout agencies rather than held by just a few people within the agencies
- Move toward Context Sensitive Solutions (CSS) that balance the environment and community. A more performance-based model that develops collaborative solutions would be developed.
- Engineers and upper management within transportation agencies support and champion streamlining and stewardship concepts and participate in these efforts

- Establish the means to track early commitments from beginning in planning and continuing to operations and maintenance
- Do something and quit talking about it.
- Early consultation is a significant part of the ideal
- Begin having discussions that go beyond regulations and rather focus on what issues are important and what are not
- Establish the ideal in terms of # parties for effective involvement. Includes a balance between one-on-one consultation and large group meetings
- A smooth/predictable project development process from planning to operations and maintenance

Question #2: What are the gaps between the ideal and current reality and impediments to accomplishing the ideal?

- There is a lack of early and effective tribal consultation.
- Tribes and agencies are bullied by politics, i.e., “Do this or the legislators will come down hard on you.” We need streamlining, not stream-rolling.
- Tribes are not involved during planning when projects are prioritized.
- Linking tribal issues and planning
 - Tribes are not involved during planning. Tribes not included until well after planning.
 - Tribes are blamed for slow down.
 - Scoping needs to focus on tribes
- There is still a lot of misinformation and racism towards tribes – e.g., “They don’t vote or pay taxes.” Most don’t understand that tribes are part of the “general public” in addition to being sovereign nations, that they drive on roads and pay taxes.
- There is a lack of involvement from the entire tribe (universities, roads housing departments etc...) and certain tribal representatives aren’t really representative of the tribe.
- The Bureau of Indian Affairs doesn’t participate in conferences/projects yet they wield significant power.
- There is a lack of oversight at the local level where there is a lack of understanding or desire to bring tribes into projects that impact them.
- The downside to the marriage analogy is that not all marriages are based on mutual respect and communication. The gap is that the transportation agencies are often like the ‘abusive/dominant’ partner to the tribes and agencies. There is a lack of mutual respect. At the same time, there are generations of mistrust on part of tribes toward governmental agencies that have been reinforced by recent events.
- There is not enough funding and involvement of tribes regarding where to use the funds.
- Planning and environmental issues need to be linked
 - Accurate cost estimating and timeframes need to be built into the process. For example long term monitoring is expensive and is often an add-on at a late point.
- Streamlining and stewardship concepts are not integrated into the entire program. Commitments are not fulfilled by the entire agency.
- There is a lack of buy-in from project managers/engineers for early consultation process.

- The State DOT sets unrealistic time expectations regarding how long it will take to work through complex projects. Artificial timeframes strain relationships.
- There is an attitude regarding “what is the minimum we can do” to fulfill the requirements, rather than a focus on “what is the right thing to do” (connects with what is most important)
- The general public has unrealistic expectations and a lack of understanding of the transportation process – “we want it now”
- There are philosophical differences between resource and regulatory agencies and the DOT
 - Transportation agencies don’t recognize the contribution of agencies
 - Agencies don’t proactively work together to facilitate agency problem solving
- Environmental laws are “silo-ed” and do not interact which causes problems.
- The stewardship aspect often gets lost especially in relation to long-term maintenance

Question #3: What Tools and Strategies can we use to Achieve Streamlining and Stewardship and Overcome Impediments? How Can TRB Help?

1. Data and technology to enhance decision making

- Develop software to assist in data sharing – help link decisions and processes from planning through operations and maintenance

2. Engagement with the tribes

- Build a common understanding and acceptance of the tribal consultation process – co-managers/collaborative problem solvers together (tribes/DOT)
- Develop web-based data sharing in concert with increased funding and more effective tribal consultation
- Change permitting language (internal to DOT) to clarify terminology and ensure that tribal consultation is addressed
- Local Assistance – training for local agencies, and DOTs on tribal issues as well as the training for tribes regarding transportation processes; develop a history of California to understand how to “do jobs better.”
- Recognize the need to travel in order to develop relationships; encourage face-to-face meetings and allocate more money for travel (FHWA/DOT)
- Tap into the Indian Reservation Roads Program as a source of money and a means to educate on the consultation process
- More tribal participation in conferences and at the project level

3. TRB leadership and support

- Study the areas that lead toward litigation and develop strategies to avoid these areas
- Develop judicial oversight to help weigh/balance difficult choices regarding competing resources – TRB can help look at laws differently
- TRB should define the Ideal Streamlining and Stewardship, analyze laws and regulations and identify problems; as a result provide input to Congress

- TRB can identify where streamlining is most effective. The project level is too late how do we make the most effective use of initiatives at the planning and project level
- TRB can develop performance measurements; how do we measure such elements as better decisions, trust and collaboration?
- Define the standards for measuring streamlining and stewardship (time, better decisions, increased trust etc)?
- Programmatic Agreements – standardize stipulations and help streamline project development process – the American Association of State Highway and Transportation Officials (AASHTO) can assist
- Context Sensitive Solutions and Sustainability (CSSS) – integrate at the top level of agencies and encourage all agency staff to implement; How do we partner with agencies to pool resources; TRB can lobby for CSSS needs at the national level
- Stewardship - TRB can define best practices for maintenance
- TRB develop consultation guidelines to supplement existing tribal consultation guides
- Develop policies and directives – convene an advisory group of tribes and agencies to have conversations/input regarding policies and directives
- Training – provide a training vehicle to raise awareness, support common understanding, build relationships, and heighten cultural sensitivity
 - Develop a curriculum
 - What is the level of effort that is needed to make significant changes
 - Training can be a mechanism for broadening understanding across agencies and tribes – not rely on personal contacts

4. Collaboration

- Communication – collaboration, building relationships – establish standards for collaboration
- Develop partnership and trust – planning and project development
- Find ways to work within existing procedures that support relationships – have patience with each other.
- Facilitated non-project specific conversations – begin with why do we do what we do
- Communication – need to increase participation and reduce meeting/travel burden through the use of technology, including web-based applications such as in Florida
- Support face-to-face meetings to build relationships and increase understanding. Allocate resources to enable travel.
- Do something and have patience with each other

GROUP #2

[The notes below are a combination of the responses to Questions #1, #2, and #3.]

1. Continue to recognize relationships as key to enabling streamlining

- There are still relationship issues among federal and state transportation agencies and resource and regulatory agencies

- Public trust of federal and state transportation agencies has improved, but there are still ways agencies could enhance credibility with the public
- Need to continue to build relationships with Tribal communities
- Relationships within state DOTs are important and need to be addressed in order to enhance external relationships

2. Recognize what is important to tribes and what tribes need

- Distribution of information within Tribes – doesn't always go to everyone, an idea is to fund consultation position to enable information dissemination
- It is important to make information available to Tribes about the issues that are important to them, to increase understanding and avoid situations where Tribes are blamed, to enhance tribal capacity to use available knowledge
- Need to recognize that many Tribes are small, members do many things, so we need to focus on issues that matter the most; early involvement is essential to addressing these types of issues
- Need to recognize the resources needed for Tribes to be participants

3. Recognize leadership as important to enabling streamlining and stewardship

- Need good project leadership in order to bring the right people to the table and address issues
- Top level State leadership has enabled stewardship in Oregon

4. Setting priorities helps focus streamlining and stewardship efforts where they are most needed

- In the “ideal” Streamlining and Stewardship would focus on the issues that matter the most and priorities would be established (because resources are limited)
- Impediment: Political process determines priorities, which doesn't always allow states to focus where needs exist

5. Develop additional tools/mechanisms to enable environmental stewardship

- Institutional support (state DOTs) for stewardship is inconsistent across states
- Stewardship can be built into Purpose and Need statements (either generally or for specific resource areas)
- Communicate more effectively with Resource and Regulatory Agencies to identify what they want
- Enable all stakeholders to discuss and understand each others' concerns
- Need to examine the “Stewardship” aspect more (compared to “Streamlining”), including evaluating Stewardship efforts

6. Measure performance of streamlining and stewardship efforts

- For example, TRB could study results of providing funding upfront (whether savings result), document and share Best Practices and success stories (focusing on effectiveness)
- Need to establish performance measures and monitor them (adaptive management)

7. Educate to increase public understanding of streamlining

- There is public perception that Streamlining is “cutting corners”
- Could be framed as “efficient transportation decision making”

8. Examine how organizational structures, cultures, and available resources relate to streamlining efforts

- Interdisciplinary (ID) teams enable streamlining
- There may be a need to add more staff or refocus efforts in priority areas
- There are cultural gaps within DOTs; we need to look at different DOT functions and promote internal dialogue so “left” and “right” hands are working together

9. Include environmental considerations in planning

- Incorporating environmental analysis into planning would be part of “Ideal”
- “Ideal” Streamlining also includes consultation with Tribes and others early (in planning), before funding is attached to projects
- Tribes need to be involved in planning as projects often only focus on transportation needs, not broader issues of importance to Tribes
- Include the public in planning
- Recognize how this approach impacts MPOs and provide additional resources for them
- For the public, include information on history and traditions of area to establish a sense of place and help people understand the transportation system in relation to the area and link to decision-making
- Take a broad look at community resources, history, land use, etc.
- Information needs to be carried forward from one study to the next
- Recognize what happens when projects are “put on the books” when they have significant environmental issues

10. Create streamlining opportunities around NEPA documents

- Need to make documents more accessible to public and Tribes; promote ways to do so (such as setting aside funding to include communication around documents)
- Recognize that “quality” and “quantity” are not the same; shorter good documents would shorten review time
- Need to focus on critical information in NEPA documents
- “One picture is worth a thousand words”- use pictures to promote access and recognize as a Best Practice
- Use a template for categorical exclusion considerations so that one issue/decision flows to the next

11. Ensure effectiveness of state delegation

- Delegation can help states address smaller projects quickly
- FHWA can support states by focusing on the issues that matter most and “not sweat the small stuff”
- State delegation may help with legal sufficiency, but also need to manage delegation in the context of potential legal challenges
- For delegation to be successful, we need to clarify roles and responsibilities between FHWA and state DOTs

12. Recognize that legal sufficiency is a significant issue

- Concern about sufficiency is an impediment to Streamlining
- Recognize that early involvement goes a long way toward sufficiency, keep doing this
- States need clear and substantive guidance from FHWA when documents are reviewed
- Sufficiency is typically handled in a project-specific context; FHWA process guidance is to lead agencies to sufficiency by addressing *how* to get there

13. Continue TRB events to bring people together

GROUP #3

Question #1: In the ideal world of transportation decision making and environmental compliance, what would streamlining and stewardship look like, and what would it accomplish?

- Streamlining and stewardship would be a common practice ingrained in how we do things.
- Streamlining and stewardship would change the way we do business and live.
- It would entail getting all the stakeholders involved, rather than having separate processes.
- Streamlining would not mean a repeat of the construction of the interstate system. Not all effects of the interstate system were desirable. In the ideal world of streamlining and stewardship, we would be mindful of the outcome of what we do.
- Stewardship embodies making transportation the servant of communities and focuses on enhancement of quality of life. Transportation is not the dominant purpose in itself, but is an element of creating sustainable communities.
- We would recognize that the transportation project is a part of a bigger picture of community and quality of life.
- Streamlining cannot happen without stewardship.
- Streamlining and stewardship would enable us to achieve good projects. In the past, we were not being good stewards and we were taking too long.
- Roads should sit comfortably on the landscape and be assets to the community.
- Stewardship would help those Navajo Nation communities which skipped the Twentieth Century and still lack electricity and water. Native communities need roads and other infrastructure and need to preserve the resources.
- Non-transportation practitioners (such as resource agency staff) would look at the balance of all issues, including transportation needs.

Question #2: What are the gaps between the ideal of streamlining and stewardship and the current reality, and what are the impediments to achieving the ideal?

- Where we have had successes, there has been a lot of trust. The gap has been a lack of trust, often due to compartmentalization.
- The ideal includes bringing people together to work on public works projects. The gap is the lack of a common data set. We need a single perspective about developing a good public works project. We need a focus on what's good for the public and for sustainability.
- An impediment is the discontinuity between good science and strategies and the funding (availability and timing cycles).
- On specific projects, we need a group comprised of agency staff who represent a broad range of missions and mandates, who are at a high enough level to make decisions, and who will work together with continuity throughout the project.
- An impediment is the lack of filtering of the streamlining and stewardship concept down to the ground through an organization, so that this concept is applied even on little categorical exclusions.
- A gap is that stewardship is brought in just to large or controversial projects. Stewardship should apply to every project. The goal of stewardship should be to tread lightly on the earth. Stewardship should be the purpose of every project.
- An impediment is cost: The state DOT administration is reluctant to convert asphalt dollars to pay for benefits to people adjacent to projects.
- An impediment is our failure to realize the responsibility of stewardship for the community. We fail to take responsibility for the consequences of transportation projects of the past.
- A gap is that we need to have a greater sense of equal players and incorporate their perspectives into the context for the project.
- Stewardship in most DOTs is "green-washing." We must re-examine the product line. Streamlining often just means moving bad projects faster.
- An impediment is the reality of politically-driven projects and earmarks that do not go through the planning processes. Although some politically proposed projects emerge from the desires of the communities and are beneficial, others are not.
- An impediment is the right hand not knowing what the left hand is doing, a lack of internal communication in federal agencies.
- In trying to involve local communities by bringing in local transportation agency input, we just bring in another set of politicians and developers. Stewardship requires us to bring in the views of the general public.
- An impediment is intense political pressure to get the job done.
- Resource agencies have not bought into working with the DOTs on stewardship. Many of these agencies themselves are still tied to how things have been done in the past, retain their past expectations about the transportation agencies, and operate from their paradigm of perceived powerlessness.
- We need to meld engineering and environmental thinking – and celebrate both.
- Fear and ignorance of technology gets in the way of adopting new approaches.

Question #3: What tools and strategies can we use to help us achieve streamlining and stewardship and overcome these impediments? How can TRB help (through research or a study)? [Note: the number that accompanies an asterisk indicates the number of “votes” each comment received. Group members were given the opportunity to vote three times, selecting what they considered to be the most important responses to Question # 3. There were approximately 25 people in this group]

1. We need to look at the bigger picture that creates a context for our decisions. We need to look beyond developing solutions to transportation problems (15*). TRB can help us learn how to think.

- We should enhance the range of alternatives and options that are presented to the public about how we manage and enhance our transportation systems and plans (18*). This includes looking at alternative futures we can give to our children.
- We need to focus on the whole system (including communities). Stewardship asks us to address other issues and communicate the larger picture.
- We should bring people together to develop a single, joint perspective about public works projects and what is good for the public and for sustainability.
- Use planning processes to look at broader issues. SAFETEA-LU provides for an extra year of planning time (4 year plan revision instead of every 3 years) and provides dollars. This time and money should be spent to make Long Range Plans look more broadly at investment choices and integrate those choices with natural resource plans (2*). We can use the tiered NEPA process to examine a broad range of choices and cumulative impacts.
- Streamlining has just been expanding the stovepipes. We need to get away from each entity having its own five-year plan. We need to think in terms of an integrated state plan (3*).

2. Technology should be used as a tool to inform decision making.

- We (transportation and resource agencies) need to invest time to learn how to use the technology tools (2*).
- We need to use technology to its full advantage (7*), including creating platforms for data (5*). TRB can help with this.

3. We should use the technology tools, but make the decisions through the application of “gray-ware” and through dialogue with others that is enhanced through access to information.

- Technology is a facilitation tool; we must apply gray-ware along with the technology (1*). Don’t over-rely on technology as a decision-making tool. Technology can inform decisions (2*).
- Dialogue with others is enhanced through democratized access to information (2*), which can create a common frame of reference. We need to recognize that people see things differently and form their own conclusions from the same information (1*).

- Decision making needs to happen in the arena of dialogue (10*). We need to increase our interaction skills and use approaches to understand others' needs and concerns. We need to educate each other on the values that are driving our positions, in order to understand why people are saying what they are saying (14*). We need resources to enable tribes and other stakeholders to participate (9*).
- We need to involve “communities” broadly, engaging the full range of environmental and local interests – not just politicians (8*). We need to learn what the broad public want.

4. We need to institutionalize streamlining and stewardship

- We need institutionalization and project mentors to breed a consistent use of these streamlining and stewardship tools that will survive turnover (11*). We need to get senior participation effectively included in the project level.
- The concept of streamlining and stewardship should be filtered down to the ground within our organizations, so it is applied even on little categorical exclusions.
- Celebrate engineering and natural resources. Invite other partners to ground-breakings and ribbon-cuttings to celebrate what the project is doing and to build momentum (1*).

5. TRB can help us build on what others have done, rather than reinvent the wheel

- Help us use technology to its full advantage. Create platforms for data, so we can use technology to its full advantage. Get input from people who are using technology.
- Systematically share the “best of the best” – so more DOTs and agencies (besides those that come to the conferences) have access to those systems and practices (5*).
- Since we lose memory of what has been done before, TRB should build a database of what people have done in the past and why, to support information sharing (2*).
- Help define how to assess “significance”.
- Help us bring the TRB’s emphasis on investigation and innovation into our departments (2*).
- Help us learn how to think in the bigger picture.