



# WASHINGTON STATE TRANSPORTATION COMMISSION

## Centennial Accord Plan

---

### Introduction

The Washington State Transportation Commission is committed to the successful implementation of the Centennial Accord policy of government-to-government relations between the State and tribal governments. This Centennial Accord Plan is to provide a foundation for communications between the Commission and tribal governments. The Commission recognizes that each federally recognized tribe is a distinct sovereign nation.

In accordance with the Centennial Accord, the Commission is committed to consult with tribes on their identified rights and interests. Consultation is respectful, effective communication in a cooperative process that works toward a consensus, before a decision is made or action is taken. Consultation is a process rather than a guarantee of outcomes.

This Plan includes a Communication Protocol for all formal correspondence with tribal leaders and outlines the process for formal Government-to-Government Consultation on policies and issues. Tribal consultation is independent of the public participation process, in which tribal governments and tribal members also may participate. The Commission and tribes recognize that day-to-day contact occurs at the staff level.

The Washington State Transportation Commission has drafted this Centennial Accord plan in accordance with the guidance developed by state and tribal leaders during the 1999 Millennium Summit.

The Plan is divided into three main sections. The first section describes the organization, roles and responsibilities of the Commission. The second section outlines the tribal communication and consultation process and procedures the Commission will use and the third section outlines the process to resolve disputes.

## **Part I - Organization, Roles and Responsibilities**

The Washington State Transportation Commission provides a public forum for transportation policy development. The Commission is a seven member body of citizens appointed by the Governor for six-year terms. The Secretary of the Washington State Department of Transportation and a representative from the Governor's Office are *ex officio* members of the Commission.

### **Mission:**

The Washington State Transportation Commission represents the public's interest in the areas of transportation policy development, long-term planning, and financing and transportation system and service delivery.

### **Roles and Responsibilities:**

The interests of the Commission and tribes may intersect in several policy areas. Commission responsibilities include review and assessment of the entire transportation system across the state, and development of the State's 20-year Transportation Plan. As the State Tolling Authority, the Commission adopts tolls for state highways and bridges and fares for Washington State Ferries.

The Commission engages in statewide outreach to gather input into transportation policy, to promote transportation education, and to learn about transportation issues and successes around the state. This outreach includes at least four meetings around the state each year in which the Commission meets with local governments and tribal governments to gain understanding of local and regional transportation needs. The Commission reports these findings in an annual report to the Governor and Legislature.

Other policy tasks assigned to the Commission by the Legislature include:

- Conducting a ferry user market survey every two years
- Reviewing the long-range ferry system capital plan and operating strategies, and adopting ferry system pricing policies
- Naming state transportation facilities
- Administering the route jurisdiction transfer program which includes reviewing requests and making final recommendations to the Legislature
- Oversight of the Transportation Innovative Partnership Program

### **Organization:**

The Commissioners hire an Executive Director to manage the Commission operations and implement Commission policy. The Executive Director hires and supervises the remaining Commission staff. The organization chart of the Transportation Commission is provided in Appendix A of this document, along with phone and e-mail contact information.

## **Part II - Tribal Communication and Consultation Protocols**

### **A. Protocol for Communicating with Tribal Leaders:**

The Commission will send formal correspondence to tribal leaders with a cover letter regarding:

- Consultation meeting requests
- Formal input on a project, policy, plan, program, or proposed route jurisdiction transfer
- Formal input on the naming of a transportation facility or a ferry vessel
- Invitations to participate in Commission-sponsored public events

Formal correspondence will be addressed in the following manner:

- Address line: The Honorable
- Salutation: Dear Chairman, Chairwoman, or President

When sending formal correspondence to tribal leaders, electronic copies should go to the appropriate tribal staff, such as Economic Development or Planning. Time sensitive information may be sent electronically to tribal leaders and appropriate staff by the Executive Director of the Commission.

The Commission shall rely on the WSDOT Government Relations Tribal Liaison for a current distribution list of transportation contacts including tribal chairs and staff contacts.

### **B. Protocol for Initiating Consultation on Policies or Issues:**

Consultation on policy and issues may be initiated by the Commission or at the request of a tribe. Consultation may be for the following matters:

- Proposed change to Commission policy or protocol that has an impact to the tribes
- Existing policy or issues concerning or impacting the tribes
- New statewide plans or updates to existing statewide plans
- Commission request legislation that will affect tribes

There are two common approaches for consultation:

- Consultation meetings
- Tribal review of draft documents.

### **C. Protocol for Scheduling Consultation Meetings:**

The Commission may schedule a formal consultation meeting to discuss a policy issue with tribal representatives.

- Commission staff will consult with interested tribal representatives to determine when a formal consultation meeting is necessary. Not all issues will require a formal consultation meeting.
- Consultation meetings will involve the Executive Director and the Commission Chair or Vice-Chair.

The Commission will send a minimum of two written notifications for a consultation meeting:

- The first one within 30 - 45 days prior to the consultation meeting
- The second one within 15 – 20 days prior to consultation meeting

Notification for a consultation meeting will include any draft documents for review (e.g., policies, plans).

- A due date for comments will be included in the notice.
- The comment period for draft documents will extend a minimum of two (2) weeks after a formal consultation meeting in which the draft document is discussed.
- The Commission will respond to all written comments it receives (including email).
- Commission staff will develop a brief written report on the outcomes of the consultation meeting. This report will be made available upon request to all meeting participants and tribal leadership within thirty (30) business days of the closing of a formal consultation.

#### **D. Protocol for Seeking Tribal Review of Draft Documents:**

When the Commission seeks review of a draft document by external organizations on issues of interest to tribes, Commission staff will request tribal review.

- The Commission will send the draft document with a formal cover letter to tribal leaders with an electronic copy to the appropriate tribal staff.
- The Commission will provide a minimum thirty (30) day review and comment period for draft documents. A due date for comments will be included in the cover letter. The Commission will try to accommodate tribal requests for additional time for review.
- Commission staff will offer to meet with individual tribes at their request.
- The Commission will respond to all written comments it receives (including email).
- The Commission may proceed with the document development process after the thirty (30) day review period.
- Commission staff will develop a brief written report on the outcomes of the consultation on draft documents. This report will be made available upon request to all meeting participants and tribal leadership within thirty (30) business days of issuing the final document.

#### **E. Protocol for Requesting Tribal participation on a Formal Transportation Commission Committee:**

When the Commission establishes a committee of external organizations on issues of interest to tribes, it will include a tribal representative on the committee (e.g. the development of a statewide planning document).

- The Commission will send a letter to each tribal chair, and an electronic copy to the appropriate staff, to request their nomination of a representative to the committee.
- In the event multiple tribes nominate a representative, the Commission will select and appoint a representative to the Committee.

- The Commission acknowledges that a tribal committee member will provide a tribal perspective, but will not represent all tribes.
- The Commission will circulate draft documents or products to individual tribes for review and comment.
- The Commission will meet with individual tribes upon request to discuss the effort.
- Commission staff will develop a written report on outcomes of the work done by a formal Committee that include tribal representation. This report will be made available upon request to all participants in the process within thirty (30) business days of the completion of the committee's purpose or work.

### **Part III - Dispute Resolution Process**

Any dispute between a tribal government and staff of the Transportation Commission shall be resolved at the earliest possible time. The parties will strive to address the matter informally, at the staff level. If staff is unable to resolve the dispute, a Commissioner shall be designated to meet with a representative from the tribal government to attempt to resolve the matter.

If a Commissioner and a tribal representative are unable to resolve a staff dispute, or if the dispute is between the Commission as a body and one or more tribes, they shall meet with the Governor's Office of Indian Affairs (GOIA) and other appropriate staff from the Governor's Office, who shall negotiate a fair and appropriate resolution.

**APPENDIX A**  
**WASHINGTON STATE**  
**TRANSPORTATION COMMISSION**

***2011 ORGANIZATIONAL CHART*** (as of November 1, 2011)

---

