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Ewiiapaayp Band of Kumeyaay Indians

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TRIBAL RESOLUTION
EWIIAAPAAYP BAND OF KUMEYAAY INDIANS
EWIIAAYAAP INDIAN RESERVATION
RESOLUTION NO. 23-23
A RESOLUTION OF THE GENERAL COUNCIL OF THE EWIIAAPAAYP BAND OF
KUMEYAAY INDIANS ADOPTING A VISION ZERO POLICY

SUBJECT: the EBKI General Council adoption of a Vision Zero Policy.

WHEREAS, the Ewiiapaayp Band of Kumeyaay Indians, California, is a federally recognized Indian tribe listed pursuant to 25 U.S.C. 479a-1 (Title 1 of Pub. L. 103-454, Nov. 2, 1994, 108 Stat. 4791), hereinafter referred to as the “Tribe” of “EBKI”; and

WHEREAS, the EBKI’s elected officials duly installed are its Chairman, Vice Chairman and Treasurer/Secretary pursuant to Article IV § 1 of the Tribe’s Constitution and its Tribal Code Government Code Title 100 § 100.02.1., and authorized by the General Council to govern the Tribe as its Executive Council pursuant to Title 100 § 100.02.3.; and

WHEREAS, the Constitution of the EBKI provides that the General Council has the power (i) to exercise the powers of self-government and self-determination; (ii) to exercise jurisdiction extending to all EBKI trust lands now and hereafter comprising the Ewiiapaayp (aka Cuyapaipé) Indian Reservation, California, and all lands held in fee status, (iii) to manage, lease, contract or otherwise deal with EBKI assets and community resources of the Tribe; (iv) to propose amendments to the EBKI’s Constitution; and (v) to exercise other powers as provided in the EBKI’s Constitution; and

WHEREAS, the EBKI did on September 28, 1973, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs, ratified by Act of Congress, and by tribal law, which was amended by the EBKI in a duly authorized election on August 5, 2002 and approved pursuant to authority delegated to the Secretary of the Interior on September 6, 2002, the sovereign authority of the EBKI over the matter described herein is delegated to the EBKI General Council, acting by law; and

WHEREAS, the EBKI did on May 20, 2005 adopt and enact a Tribal Code, including Title

100 Tribal Government Ordinance wherein Title 100 § 100.02.2., authorizes the Chairman, Vice Chairman, Secretary, or the EBKI's delegee, as signatories on behalf of the EBKI; and

WHEREAS, the life and health of all persons living and traveling within the Ewiiapaayp Band of Kumeyaay Indians' Ewiiapaayp Indian Reservation are our utmost priority, and no one should die or be seriously injured while traveling on our Reservation roads; and

WHEREAS, Vision Zero is the concept that traffic deaths and serious injuries on our roadways are unacceptable; and

WHEREAS, Vision Zero is a holistic strategy aimed at eliminating all traffic fatalities and severe injuries suffered by all road users while increasing safe, healthy, equitable mobility for all; and

WHEREAS, roads and transportation systems have traditionally been designed primarily to move vehicles efficiently, and Vision Zero supports a paradigm shift by designing roads and transportation systems to move all people safely, including people of all ages and abilities, pedestrians, bicyclists, public transit users, scooter riders, and motorcyclists, as well as drivers and passengers of motor vehicles; and

WHEREAS, Vision Zero recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure that those inevitable mistakes do not result in severe injuries or fatalities; therefore, transportation planners and engineers and policymakers are expected to improve the roadway environment, policies, and other related systems to lessen the severity of crashes; and

WHEREAS, the EBKI 2022 Tribal Transportation Safety Plan (TTSP) examined the 10-year period between 01/01/2012 to 12/31/2021, and during this time, 135 crashes occurred on the transportation system serving EBKI. Among the accident victims, 5 people were killed, and 12 suffered serious injuries., and traffic crashes are among the leading cause of deaths in the United States;⁶ and

WHEREAS, the EBKI's transportation infrastructure will serve an increasing number of vulnerable road users such as pedestrians and bicyclists; and

WHEREAS, according to the EBKI TTSP, pedestrians and bicyclists would likely be involved in an increasing percent of collisions and traffic deaths in the without significant improvements; and

WHEREAS, speed is recognized as a major determining factor of survival in a crash;⁷

WHEREAS, the EBKI will work toward reducing vehicle speeds because the likelihood of a pedestrian surviving a crash is 10 percent if hit by a vehicle moving 40 mph;⁸ and

WHEREAS, children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities;⁹ and

WHEREAS, people of color are disproportionately affected by racial profiling and inequitable enforcement of traffic violations;¹⁰⁻¹² and

WHEREAS, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution; and

WHEREAS, successful Vision Zero programs are a result of both a complete government approach and community support of Vision Zero objectives and action plans; and

WHEREAS, Vision Zero resolutions have been adopted by many jurisdictions across the United States; and

WHEREAS, the EBKI is developing other pedestrian safety–related policies and programs for adoption; and

NOW, THEREFORE, BE IT RESOLVED, by the General Council of the EBKI, as follows:

1. The EBKI adopts the goal of zero traffic deaths and serious injuries, stating that no loss of life or serious injury is acceptable on our streets.
2. The EBKI adopts the goal of eliminating traffic deaths and serious injuries by 20__ and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.
3. The EBKI adopts the goal of eliminating racial profiling and inequitable enforcement of traffic violations.
4. The EBKI adopts the Vision Zero policy attached hereto as Exhibit A and makes it part of this Resolution, effective immediately.
5. The EBKI Secretary shall certify the adoption of this Resolution, effective immediately, by the General Council.


CERTIFICATION

I, the undersigned, as Chairman of the Ewiiapaayp Band of Kumeyaay Indians, do hereby certify that the General Council is composed of five (5) members of which five (5) are voting members and of which four (4) were present, constituting a quorum at a Special Meeting thereof; duly and regularly called, noticed, convened and held this 29th day of August, 2023; and that this Resolution was duly adopted by a vote of four (4) in favor, zero (0) opposed, and zero (0) abstaining, and that said Resolution has not been rescinded, amended or modified in any way.

Dated this 29th day of August, 2023.

ATTEST:

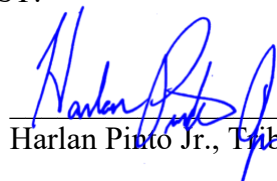
IN FAVOR, 4 AGAINST, 0 ABSTAINED, 0 Said resolution has not been rescinded as of this date.



Robert Pinto Sr., Tribal Chairman

August 29, 2023
Date

ATTEST:



Harlan Pinto Jr., Tribal Secretary

August 29, 2023
Date

Exhibit A

This Vision Zero Policy was adopted by Resolution No. 23-23 by the General Council of the EBKI on August 29, 2023.

VISION ZERO POLICY OF THE EWIIAAPAAYP BAND OF KUMEYAAAY INDIANS

A. PURPOSE

The purpose of this Vision Zero Policy (“Policy”) is to eliminate all traffic fatalities and traffic-related severe injuries by using data-driven policy changes and equity-focused community engagement of diverse and necessary stakeholders to design and implement a transportation system that provides safe, healthy, and equitable mobility for all. This Policy seeks to achieve this purpose by (1) establishing that Vision Zero is a priority goal for the EBKI and (2) creating a Vision Zero task force of senior Tribal officials (or their designees) that is responsible for gathering data and working with the Tribal community – as a traditionally underrepresented group – to develop an action plan for achieving the goals of Vision Zero through equity-focused strategies that establish safe speeds, create safe streets, and improve safety culture and collaboration.

B. DEFINITIONS

1. “Community Engagement” means the various methods of informing, consulting, collaborating with, involving, or empowering community members with respect to government decisions.
2. “Fatal Injury” means any injury that results in death within 30 days after the motor vehicle crash in which the injury occurred. If the person did not die at the scene but died within 30 days of the motor vehicle crash in which the injury occurred, the injury classification should be changed from the attribute previously assigned to the attribute “Fatal Injury.” [see [KABCO Injury Classification Scale and Definitions](#)].
3. “High-Injury Networks” means specific streets or roads (or portions thereof) and/or intersections within the boundaries of the EBKI that have a high concentration of traffic fatalities and/or severe injuries, according to Traffic Safety Data.
4. “Historically Underinvested Areas” means census tracts that have a high percentage of both BIPOC and low-income households,(see EPA Climate and Economic Justice Screening Tool [<https://screeningtool.geoplatform.gov>], EPA Environmental Justice Mapping Tool [<https://www.epa.gov/ejscreen>], the FEMA National Risk

Index [https://www.fema.gov/sites/default/files/documents/fema_national-risk-index_technical-documentation.pdf], EDA Census Poverty Status Viewer [<https://arcg.is/1j5W9n>], which map census tracts where the population is considered disproportionately disadvantaged according to an equity analysis .

5. “Priority Populations” means all Tribal citizens, and youth, older adults, communities of color, people with low income, people with disabilities, people with limited English proficiency, people who are unhoused, or others who have a higher risk of Severe or Fatal Injury resulting from a collision with a motor vehicle, due to limited access to efficient and affordable transportation options; unsafe neighborhood transit infrastructure; or population-specific risk factors.
6. “Severe Injury” means an injury other than a fatal injury which results in broken bones, dislocated or distorted limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor laceration. [*see [KABCO Injury Classification Scale and Definitions](#)*].
7. “Traffic Safety Data” means data collected for each traffic collision that results in a Fatal or Severe Injury and, to the extent possible, shall include but are not limited to the following data elements: (a) exact location; (b) date and time of day; (c) category of each road user involved (e.g., pedestrian, bicyclist, scooter rider, driver of motor vehicle); (d) type of vehicle(s) involved, if applicable (e.g., motorcycle, car, bus, commercial truck); (e) whether any road users were fatally or severely injured; (f) ages of people involved; (g) collision factors (e.g., unsafe speed, driver distraction, poor lighting); and (h) the movement preceding the collision (e.g., left turn, changing lanes).
8. “Vulnerable Road Users” means pedestrians, bicyclists, people using mobility devices, scooter riders, and any other road users who are at high risk of Severe or Fatal Injury resulting from a collision with a motor vehicle.

C. VISION ZERO INTERDEPARTMENTAL TASK FORCE

1. The purpose of the Task Force (“Task Force”) is to develop and implement a Vision Zero action plan, ensuring coordination across all relevant departments, agencies, and stakeholders. The Vision Zero Task Force is hereby established and shall comprise the Executive Council (the elected Officers of the EBKI or their designee) and the Chief Executive Officer (or designee) of the EBKI.
2. The Chairman shall chair the Task Force and be responsible for ensuring that the

duties of the Task Force set forth in Section C.3 are completed in a timely manner.

3. The Task Force shall perform the following tasks:
 - a. Within twelve [12] months of the effective date of this Policy, (1) develop and finalize a Vision Zero Action Plan (“Action Plan”) and (2) present the Action Plan to the General Council.
 - b. Convene its first meeting no later than thirty [30] days from the effective date of this Policy and meet at least quarterly until the Action Plan is finalized, and thereafter annually until the Action Plan and any revisions have been fully implemented.
 - c. Immediately begin collection and analysis of Traffic Safety Data so that such data can be used to develop the Action Plan; and put in place a system for collecting and analyzing such data on an ongoing basis.
 - d. Oversee development, implementation, and evaluation of the Action Plan pursuant to Sections E and F of this Policy. As part of development and implementation, the Task Force shall incorporate existing pedestrian and bicycling safety initiatives into the Action Plan and coordinate existing pedestrian and bicycling safety initiatives as needed.
 - e. Revise the Action Plan, as needed.
 - f. Report on implementation of the Action Plan and progress toward Vision Zero goals pursuant to Section G of this Policy.
 - g. Consult with the Advisory Group throughout the process of developing, implementing, evaluating, and reporting on the Action Plan, as set forth in Section D of this Policy.
 - h. Maintain a comprehensive public web page to share information on the EBKI’s Vision Zero endeavors – for example, relevant data; the adopted Resolution; the Action Plan and any updates to it; and progress on the strategies in the Action Plan – as well as to solicit feedback on safety concerns, projects, and strategies.

D. VISION ZERO ADVISORY GROUP

1. The purpose of the Advisory Group is to provide community input from a range of stakeholders to the Task Force as it develops, implements, evaluates, and reports on

the Action Plan or makes revisions thereto. The Task Force shall meet and consult with the Advisory Group with respect to these matters on an as-needed basis until the Action Plan and any revisions thereto have been fully implemented and reported.

2. The Tribal Chairman shall, within thirty [30] days of the effective date of this Policy, establish a Vision Zero Advisory Group that comprises stakeholder members including but not limited to representatives of the following entities: (a) District Ranger, Descanso Ranger District, Cleveland National Forest, U.S. Forest Service; (b) Tribal Liaison, San Diego Association of Governments (SANDAG); (c) Field Manager, El Centro Field Office, California Desert District Office, Bureau of Land Management; (d) District 11 Director, CALTRANS; (e) Captain, Alpine Patrol Station, San Diego County Sheriff; (f) Fire Chief, Campo Reservation Fire Protection District; (g) Fire Chief, Alpine Fire Protection District.
3. Advisory Group members shall serve for a renewable term of two [2] years.
4. Advisory Group members shall be reimbursed for reasonable costs of participating and provided with a stipend to compensate them for their time and effort.
5. The Advisory Group shall perform the following tasks:
 - a. Consult with regional community members about their concerns, priorities, and goals on an ongoing basis, not just during initial policy development.
 - b. Collaborate with the regional community and gather feedback from community members and stakeholders in order to communicate this information to the Task Force.
 - c. Work with the regional community to identify emerging issues or address existing problems.
 - d. Empower regional community members to address issues that matter to them by sharing decision-making responsibilities.

E. VISION ZERO ACTION PLAN

1. Action Plan Guiding Principles

The Vision Zero Action Plan shall be guided by the following principles:

- a. Human life shall be prioritized over ease of movement for motor vehicles.

- b. People inevitably make mistakes, but these mistakes should not result in death or severe injury; therefore, transportation systems are designed to anticipate these errors so that all transportation users can function safely within the system.
- c. It is unacceptable for any one group to suffer disproportionate effects of traffic collisions based on their race, age, ability, or income.

2. Action Plan Elements

- a. The Action Plan shall commit to strategies for implementation with respect to each of the four key elements (Safe Speed, Safe Streets, Safety Culture, and Safety Collaboration), resulting in effective strategies.

- i. *Safe Speed*

- The Safe Speed element encompasses strategies for managing vehicle speeds for the safety of all road users, particularly Vulnerable Road Users within High-Injury Networks.

- ii. *Safe Streets*

- In addition to the strategies of the Safe Speed element, street design strategies in the Safe Streets element use different approaches to create safe roadways for all users, particularly Vulnerable Road Users.

- iii. *Safety Culture*

- This element focuses on strategies that empower people to take community action to advance Vision Zero goals and strategies that promote a culture of safe driving, walking, and biking.

- iv. *Safety Collaboration*

- This element focuses on collaboration within a jurisdiction; between jurisdictions with county, regional, state, or federal entities; and with community partners – all designed to advance Vision Zero goals.

- b. For each individual strategy identified in the Action Plan, the Action Plan shall, at a minimum, (1) set deadlines for implementation, (2) identify the lead person(s) and [department/agency] responsible for implementation, (3) identify an adequate funding source or actions needed to obtain funding, (4) specify performance goals and metrics, and (5) include a Fair Process Checklist as set forth in Section E.3.d.

3. Action Plan Process

In developing the Action Plan, the Task Force shall adhere to the following procedural elements:

a. Equity

The Task Force shall evaluate the implications of all strategies under consideration to (1) prioritize strategies that advance Vision Zero goals in Historically Underinvested Areas and in High-Injury Networks; and (2) ensure that they do not exacerbate existing health, economic, or other disparities in Historically Underinvested Areas.

b. Community Engagement

The Task Force shall establish a process for ensuring that the voices of community members – especially residents in Historically Underinvested Areas, members of Priority Populations, and Vulnerable Road Users – are heard and reflected in (1) development of the Action Plan and (2) ongoing implementation and revision of the Action Plan.

c. Data-Driven Decisions

The Task Force shall ensure that Action Plan strategies are based on the Traffic Safety Data collected and maintained pursuant to Section C.3.c of this Policy.

d. Fair Process Checklist

A Fair Process Checklist, as referenced in Section E.2.b, shall be included for each strategy in the Action Plan. The checklist shall describe how the issues of (1) Equity, (2) Community Engagement, and (3) Data-Driven Decisions, as set forth in this section (Section E.3), have been addressed for each strategy.

F. ONGOING IMPLEMENTATION & EVALUATION

The Task Force shall be responsible for ongoing implementation and oversight of the Action Plan, including the following tasks:

1. Implementation of all strategies identified in the Action Plan, prioritizing strategies that benefit Historically Underinvested Areas and High-Injury Networks
2. Identification of funding needs and oversight of strategies to obtain the funding needed to fully implement the Action Plan, prioritizing Historically Underinvested Areas and High-Injury Networks

3. Obtaining the data necessary to determine whether the performance goals for each strategy have been met; assessing whether the goals have been met based on these data; and if any goals have not been met, ascertaining the reasons
4. Pursuit and oversight of any partnerships with other public or private entities necessary to implementation of the Action Plan
5. Revision of the Action Plan as needed to meet the Vision Zero goals of the Resolution

G. REQUIREMENTS FOR REPORTING & COMMUNITY MEETINGS

1. Within twelve [12] months of the effective date of this Policy, the Task Force shall submit to the General Council and make publicly available online a written report on the progress made toward finalizing the Action Plan.
2. Within twelve [12] months of finalizing the Action Plan and thereafter, the Task Force shall submit to the General Council and make publicly available online a written implementation report based on the performance goals of the Action Plan. The implementation report shall include, at a minimum, the following items:
 - a. An overview of progress toward full implementation of the Action Plan (and any revisions thereto) and the Vision Zero goals of the Resolution
 - b. The status of all strategies set forth in the Action Plan (and any revisions thereto), including specific highlighting of the status of all strategies benefitting Historically Underinvested Areas and High-Injury Networks
 - c. The status of funding necessary for implementation of the Action Plan, and steps taken to address any unmet funding needs
 - d. A description of any unanticipated obstacles to implementation of the Action Plan, and plans to address those obstacles
3. Within thirty [30] days of the dissemination of a report as set forth in Section G.1 or G.2, two or more members of the Task Force shall report to the public in at least two public forums – at least one of which is in an area identified in the Action Plan as a Historically Underinvested Area – on the progress made in developing or implementing the Action Plan and shall provide a substantial opportunity for meaningful virtual and in-person public comment.

References

1. What is Vision Zero? Vision Zero Network website: visionzeronetwork.org/about/what-is-vision-zero/.
2. *An Analysis of Traffic Fatalities by Race and Ethnicity*. Washington, DC: Governors Highway Safety Association; 2021. ghsa.org/sites/default/files/2021-06/An%20Analysis%20of%20Traffic%20Fatalities%20by%20Race%20and%20Ethnicity.pdf.
3. Baumgartner FR, Epp DA, Shoub K. *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*. Cambridge, United Kingdom: Cambridge University Press; 2018.
4. Social determinants of traffic fatality: a health disparity exposed on our roadways. Long Island Health Collaborative website: lihealthcollab.org/news-and-blog/social-determinants-of-traffic-fatality-a-health-disparity-exposed-on-our-roadways. July 9, 2021.
5. Barajas JM. Biking where Black: connecting transportation planning and infrastructure to disproportionate policing. *Transportation Res Part D: Transportation Environ*. 2021;99:103027. doi.org/10.1016/j.trd.2021.103027.
6. 10 leading causes of death, United States, 2020, both sexes, all ages, all races. Centers for Disease Control and Prevention website: wisqars.cdc.gov/data/lcd/home.
7. Institute of Transportation Engineers; Road to Zero Coalition; and RTZ Safe System Working Group. Safe System. Institute of Transportation Engineers website: ite.org/technical-resources/topics/safe-systems/.
8. Ferrier K. Landmark national study urges safety over speed. Vision Zero Network website: visionzeronetwork.org/safety-over-speed. July 25, 2017.
9. Fox J, Shahum L. *Vision Zero Equity Strategies for Practitioners*. Oakland, CA: Vision Zero Network; 2017.
10. *Targeted Fines and Fees Against Communities of Color: Civil Rights and Constitutional Implications*. Washington, DC: US Commission on Civil Rights; 2017.
11. *Investigation of the Ferguson Police Department*. Washington, DC: Civil Rights Division, US Department of Justice; 2015.
12. Bingham S, Calhoun S, Case A, et al. *Paying More for Being Poor: Bias and Disparity in California's Traffic Court System*. San Francisco, CA: Lawyers' Committee for Civil Rights of the San Francisco Bay Area; 2017.
13. Rodriguez JF. Homeless residents at high risk of death in traffic collisions. *San Francisco Examiner*. September 3, 2019. sfexaminer.com/news/homeless-residents-at-high-risk-of-death-in-traffic-collisions/.
14. *The Safe System Approach*. Washington, DC: Federal Highway Administration, US Department of Transportation; 2017. safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf.
15. Ferrier K. Landmark national study urges safety over speed. Vision Zero Network website: visionzeronetwork.org/safety-over-speed. July 25, 2017.
16. Speed. Insurance Institute for Highway Safety & Highway Loss Data Institute website: iihs.org/topics/speed. Updated May 2021.
17. Bellis R. *Dangerous by Design 2021*. Washington, DC: Smart Growth America; 2021. smartgrowthamerica.org/wp-content/uploads/2021/03/Dangerous-By-Design-2021-update.pdf.