Indian self-determination is enhanced when tribal governments assume control and responsibility over programs that serve their tribal populations. The use of 638 contracting is an excellent way for tribal governments to make this happen.

638 means tribal control

The intent of Public Law 93-638 is to recognize that tribes can have control over BIA-administered programs. The law contains the Indian Self-Determination and Self-Governance criteria for tribes. This criteria requires the BIA to offer tribes the opportunity to contract all programs within the Bureau (such as programs to administer health, housing, education, or transportation).

The goal for both the BIA and the tribes is tribal control over programs the BIA administers. Patrick Kusick, Engineer (BIA) Minneapolis Area Office, is enthusiastic about increasing the use of 638 contracting. "One of the more satisfying parts of my job is seeing tribes take over the BIA programs."

One tribe that is working toward this goal is the Jicarilla Apache Tribe in New Mexico. They are among the first to 638 contract all of the programs the Bureau administers. Kevin Alford, Tribal Road Engineer, feels that "the tribe has a good program that functions well with the people and is done by the people." But he adds, "A certain foresight is needed to make these contracts work."

Although the tribes can control programs through 638 contracting, it's important to note that the BIA will still provide oversight to fulfill its trust responsibility.

The Menominee experience

The Menominee Tribe of Wisconsin has used 638 contracting extensively for BIA programs, but the construction of Route 85 is their first road construction project. The project will construct two miles of new road that will bypass an intersection on the reservation in order to alleviate traffic congestion and serve as an alternate safety route. The Tribe had to acquire some land for this project, but the remaining access was trust land and a few easements.

Continued on page 7
Heavy equipment operator safety workshop
Success through cooperation

Tribal equipment operators from across the Midwest were brought together June 6-10 for the Heavy Equipment Operator Safety Workshop. The workshop was sponsored by the Great Lakes Agency, the Menominee Indian Tribe of Wisconsin, and the Tribal Technical Assistance Program (TTAP).

**Everyday work sites make great training sites**

Mike Berlin of the Great Lakes Agency (BIA) Road Maintenance Office coordinated work sites and equipment loans through the Menominee Tribe, the Bad River Band, the Lac du Flambeau Band, and Menominee County.

The work areas that were used as training sites included two culvert replacements and several miles of gravel road. The sites were arranged by Todd Every, Menominee Transportation/Community Planner, and Pat Grignon of Menominee Tribal Enterprises.

**Hands-on makes the difference**

Participants received hands-on training with backhoe loaders, motor graders, excavators, and heavy duty transport trucks, along with discussions on operator safety for each piece of equipment. They were also supplied with an extensive reference notebook that was compiled by the TTAP office.

Pre-start, walk-around inspections were done on all the equipment. Instructors pointed out trouble spots and areas of concern, and then added numerous tips on maintenance, prevention, and repair.

**A variety of equipment needs a variety of instructors**

In addition to Mike Berlin of the BIA, who worked with the loader/backhoe crew, TTAP provided additional instructors for the workshop. These included Albert Hauser and Ed Wootton, who worked the motor grader crews; Myron Morris, who worked the excavator crews; and Don Neary, who worked the dump truck crews. Hauser, Wootton, Morris, and Neary all work for the Nebraska Technology Transfer Center and hold similar training on a regular basis for the counties and municipalities throughout Nebraska.

**Success through cooperation**

A workshop this complex requires the cooperation of a number of agencies. Special thanks goes out to all the people who worked together to make it a successful and valuable experience.
Pre-start, walk-around inspection for motor graders

The following pages present a walk-around inspection for motor graders adapted from Nebraska’s Motor Grader Operator Workshop. Special thanks go out to Nebraska’s T2 staff, Al Hauser, Bill Bowmaster, and Don Neary for making this project possible.

One of the most important aspects of motor grader operation is the pre-start inspection. Insuring that your grader is in proper operating condition not only preserves a financial investment made by your agency but also prevents against costly breakdowns out on the road and keeps you, the operator, in a safe work environment.

Special considerations for winter operations
- Check engine block heaters and pre-heaters before cold weather sets in.
- Know what type of engine you are running before using starting fluids.
- Never use starting fluid on engines with glow plugs.
- Review cold-weather starting procedures in the operators manual.
- Understand the proper way to jump the batteries in the event that this is necessary.

When servicing the air filter, check the gasket and the inner filter. If the gasket is damaged, unfiltered air can make its way through the system and into the engine.

Do NOT bang the air filter against a tire or other object. Doing so will distort the shape of the filter, degrading the seal to the intake. If the filter is dirty, replace it!

Check for leaks around the fuel filter and all fittings and fuel lines leading to the engine. An accumulation of moist dirt is an indication of a leak.

At the air compressor, check for leaks in the air system. Examine the compressor unit and all fittings and air lines. An accumulation of moist dirt is an indication of a leak.
Keep the cover of the circle turn gear clean. This will allow the breather to function properly.

Hoses should be checked daily. Hydraulic hose failure is a major cause of motor grader breakdown.

Check clearance of the drawbar ball and socket. Look for excessive free-play. Adjust if necessary.

Check for hoses that touch other hoses. Hose contact causes abrasion that will eventually lead to failure.

Loose hoses are a breakdown waiting to happen. Hydraulic hoses that have been added to the machine must be of the proper pressure rating and secured to the frame with clamps or brackets.

Hoses that have been replaced must be the proper length and secured in the same way as the originals.
Mismatched tires cause internal wear on the drive chains and differential. Using mismatched tires does **not** save money.

Check the condition of the tires. A sliced tire that fails out on the road incurs downtime that neither you nor your agency can afford.

Check all lug nuts. Because of the vibration experienced during grading operations, lug nuts can become loose.

Check the spindles for excessive wear and play.

Check the condition of the blade slide. Keep the shims adjusted according to the manufacturer's specifications.

Keep the blade slide area clean. Accumulated debris will cause excessive wear on the shims.
Keep the articulation area free of dirt, ice, and snow. Accumulated debris can knock off the water pump elbow or damage the hood, cowling, and hoses when the machine is articulated.

Be sure to replace the safety guard if you remove it to grease the drive shaft. The guard is there to protect you and your co-workers from injury.

Battery cables that are in poor condition cannot carry the current needed to start the engine and are an electrical hazard. Replace immediately.

Keep the top of the batteries clean. Accumulated dirt attracts moisture, and this mixture can drain the battery's charge.

Keep the areas around all vent caps clean.

Prevent dirt from accumulating around the control valves. Valves in the condition shown above cannot operate properly. A clean machine reflects operator pride!
The 638 contracting process

After a tribe determines which project it wants to contract, the following steps must be taken to initiate the process.

1. Write a letter of intent to contract to the BIA.
2. Pass a tribal resolution with intent to contract.
3. Prepare a proposal that includes information such as a personnel flowchart, an inventory listing, and a scope of work, along with a description of how the tribe intends to accomplish the plan. For example, will the tribe do the work or will they subcontract?
4. Submit the proposal to the BIA Agency office.

The proposal is reviewed by the agency office to see that it meets all of the contract application criteria. It is then forwarded to the BIA Area office where the technical sections are reviewed. If the Area office does not find problems within 90 days, the contract is signed.

Who should consider using 638?

Taking on the responsibility of contracting BIA programs is a big step for some tribes. A tribe needs to determine its capacity to contract and then proceed through the contracting process (see box 638 contracting process). When a tribe initially decides to 638 contract, the BIA will assist with the process. Frank Larson, Head of Contract Services, Great Lakes Agency BIA, explains, “Tribes will be helped along, especially if it’s their first time. There will be a lot of close work in the beginning and then, after they learn the process, they will be able to set up the contracts themselves.”

Aspects a tribe needs to consider

There are a number of important things to consider before deciding if 638 contracting is a viable option.
1. For 638 contracting to be successful, a tribal organizational structure that supports the various reporting and functional requirements of the contract is necessary.
2. Some degree of cash flow is necessary. The start-up funds needed before work is performed must come from the tribe. These expenses will be reimbursed by the BIA, typically monthly, but reimbursement is dependent upon the tribe submitting the necessary reports.
3. If the tribe does not have the resources to do the work itself, subcontracting may be a provision of 638 contracting.
4. Many projects that would not have been considered by a tribe due to lack of equipment can still be contracted. A tribe has access to the equipment the BIA would have used to complete the project. With this arrangement the tribe can use the equipment, but it remains in the BIA inventory.

638 contracting workshops

The Tribal Technical Assistance Program will be sponsoring workshops on PL93-638 contracting in spring of 1995.

If your tribe is interested in hosting this workshop, or if you want to contribute any suggestions for topics to be covered, call the TTAP office at (906) 487-3164.
American Indian Transportation & Land Use Summit
April 23-27, 1995
Albuquerque, New Mexico

This conference is expected to bring together over 500 tribal planners along with representatives from federal agencies and the private sector.

The proposed agenda includes:
- Overview of federal programs that affect tribes and transportation planning
- Panel presentations by tribal planners and agency officials
- Case studies presentations
- Trade fair

Information will be provided in future issues of Pathways as it becomes available.

Local Low Volume Roads and Streets

Published by the FHWA, the guide covers a variety of topics of interest to anyone involved in the construction and maintenance of local roads and streets.
- Planning
- Construction and Maintenance
- Traffic and Safety Design
- Surface Management
- Geometric Design Considerations

This guide is free to tribal agencies. For your copy, call the TTAP office at (906) 487-3164.