

**Statement of  
Delbert A. McOmie, P. E.,  
Chief Engineer, Wyoming Department of Transportation  
before the  
Committee on Indian Affairs  
United States Senate  
regarding  
Tribal Transportation: Pathways to Safer Roads in Indian Country  
Washington, D.C.  
April 22, 2015**

---

Chairman Barrasso, Ranking Member Tester, and Members of the Committee:

I am Del McOmie, Chief Engineer of the Wyoming Department of Transportation (WYDOT). Thank you for the opportunity to appear before the Committee and offer WYDOT's perspective on the vital matter of tribal transportation safety.

In my statement today, I will share with the Committee information about how the efforts of our state, under the federal surface transportation programs, can be coordinated effectively with the transportation plans and programs of the tribes to bring about improved transportation and transportation safety for tribal members, both on and near reservations.

At the outset, let me emphasize that states and political subdivisions, such as counties, can and do have jurisdiction over and responsibility for some roads within the boundaries of a reservation. So, improving the transportation system in and near a tribal reservation depends on effective communication, planning, and participation among the state, the tribe, and political subdivisions, as well as citizens and stakeholders.

This common sense imperative for communication among the interested parties is reinforced by various provisions of the federal surface transportation program. The basic federal transportation planning statutes for states, 23 U.S.C. 135 and 49 U.S.C. 5304, include a number of provisions requiring a state to consult with tribes in undertaking transportation planning, especially with respect to plans for areas of the state under jurisdiction of a tribal government. Further, pursuant to 23 U.S.C. 148, the state's Strategic Highway Safety Plan must be developed in consultation with tribal stakeholders.

Before turning to some examples of how we at WYDOT have been working with the Northern Arapahoe and Eastern Shoshone tribes to improve transportation and transportation safety on the Wind River Reservation, I think it is important to point out that safety is an integral part of virtually everything we do at WYDOT. Every road project makes a contribution to safety, even if for programmatic purposes, it is not classified as a "safety project." For example, a road resurfacing and widening project provides safety benefits by eliminating potholes, and it could also include installation of guard rails and rumble strips, but the project might be funded from the "surface transportation program" category in Title 23. A project that does not include any elements other than adding guard rails likely would be

funded out of the “highway safety improvement program” category and would be generally referred to as a “safety project.” In short, when thinking about ways to improve transportation safety, one should not focus solely on projects funded from a “safety” category.

### **Recent WYDOT Investments Have Complemented Tribal Efforts and Improved Transportation Safety in Wyoming’s Tribal Areas**

Now, let me briefly describe a few of the efforts WYDOT has made, working closely with tribal stakeholders, to improve transportation and transportation safety. The Department is working diligently to improve transportation on the Wind River Reservation. Under the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, MAP-21, the proportion of WYDOT funding for construction that is invested on routes serving the Reservation exceeds the ratio of enrolled tribal members to Wyoming’s overall population.

**17 Mile Road.** As you know, Mr. Chairman, the most notable tribal transportation achievement in Wyoming in recent years has been the completion of the 17 Mile Road project. That \$45 million project was undertaken with tribal funds, state funds, federal apportionments to WYDOT, Fremont County funds, and a TIGER discretionary grant from USDOT to the Northern Arapahoe and Eastern Shoshone tribes. It was a 20-year effort to design and complete this project. But that road, which is on and serves the Wind River Reservation, has been transformed from a narrow, sharp-angle road with irrigation structures near the roadway into a modern two-lane highway with ample shoulders. The reconstruction of 17 Mile Road has been a long-term cooperative effort with financial and personnel resources from the tribes, Fremont County, WYDOT, and the Central Federal Lands Division of the Federal Highway Administration. The project is viewed across the country as a model for government and community partnerships.

Safety was a critically important factor in the detailed planning for and delivery of the 17 Mile Road project. In addition to adding 8-foot shoulders and eliminating hairpin corners, roadway lighting was added at major intersections and irrigation systems were moved from open ditches to buried pipes. Rumble strips are currently being added to improve safety further.

WYDOT has continued to partner with the Wind River tribes on maintenance as well. The Department has provided transportation training funds for classes for the tribes to help them better maintain their roads. District personnel have also trained tribal members to perform chip sealing, which the tribes will now also undertake. The tribes purchased a Department striper, which WYDOT district personnel have taught tribal workers to use to maintain striping. The tribes have also bought used dump trucks and snowplowing equipment from the Department at nominal cost.

### **Additional Highway Investments.**

Other WYDOT projects are planned or underway to improve roads serving the Reservation. In 2014, a project on Wyoming Highway 132 north of Ethete overlaid some 8 miles of the highway. Work on 3.3 miles of Wyoming Highway 789 south of Riverton is underway to widen the road. Another project on Wyoming Highway 132 south of Ethete is currently being designed. This project will straighten hairpin turns and widen shoulders. As part of the work, a separated bicycle and pedestrian path will also be built.

Additional initiatives to improve transportation on the Reservation and make it safer are also underway. A highway safety study of 13 state routes on the Wind River Reservation, for instance, is currently being done. This study, involving both WYDOT and University of Wyoming Civil Engineering Department personnel, will take an integrated approach involving in-depth review of crash data, speed limit studies, and capacity analysis. Benefit-cost analysis will then be applied to the findings, and recommendations for programming improvements will be made. These will then be programmed as funding allows. A High Risk Rural Roads project to install signs on the Reservation is also set for this year.

**Transit.** Transit investments have also served to improve safety as well as access to jobs, medical treatment, and other vital functions. WYDOT has invested rural transit operating and other funds to improve transit within the Reservation and to connect the Reservation and nearby cities and towns. Medical trips for kidney dialysis are the current focus, with some route service occurring. These activities will expand depending upon funding and user needs.

**Highway Safety Behavioral Program Investments.** WYDOT has used federal funds under NHTSA programs for education in Fremont County, including the tribal community, as well as in other rural counties. Safety summits and advertising using posters, billboards, and radio spots have been used to stress such important safety practices as wearing seat belts, using child restraints, and not driving while impaired. Tribal laws have also been changed. The Reservation has a new DUI law, a new mandatory seat belt law, and enforcement efforts have been enhanced. Over the last decade or so, we have seen reductions in fatal crashes, fatalities, and incapacitating injuries. In fact, there has been a dramatic reduction in all injuries. In 2005 there were 8 driver fatalities in Fremont County involving a positive alcohol or drug test. In 2014 there were zero fatalities, and there were only 4 total in the 4 years from 2011 to 2014. Fatalities overall have fallen from 24 in 2006 to 4 in 2013. Fatal crashes in which seatbelts were not used fell from 17 in 2008 to 3 in 2013.

We have consulted with tribal officials in structuring the delivery of programs supported with NHTSA funds from the Highway Trust Fund. While we are always working to improve safety further, we are encouraged to see real progress.

The combined efforts of road improvements and behavioral investments are paying off. On the eastern section of 17 Mile Road, in the three-year period preceding reconstruction and behavioral messaging, there were 65 total crashes with 63 injuries and 4 fatalities. After reconstruction and commencement of the behavioral program, for the three years from 2009 to 2012, total crashes fell to 18 with 10 injuries and 1 fatality. These figures represent a drop of 70 percent or more for crashes, injuries, and fatalities from the pre-construction, pre-message period.

### **Further Improvement**

Looking ahead, we at WYDOT are eager to achieve further improvement in transportation and transportation safety, including by working with our tribal colleagues.

I am not here as an expert on the tribal transportation program itself, but, before closing, I will offer a few thoughts on a framework that can continue helping state DOTs and tribal nations achieve positive results.

Enacting a multi-year surface transportation bill will help in this area as well as in other aspects of surface transportation. Planning for projects on and near a reservation takes time. We think WYDOT and our tribal and local government colleagues in Wyoming do it well and efficiently, but planning for investments takes years to reach fruition and can best be undertaken in the context of multi-year legislation.

Also, I would encourage Congress and the federal agencies to provide increased flexibility for states and tribes and to also look for opportunities to streamline and simplify programs and project delivery. If we can keep down the expenses of program administration, a higher portion of available funds, whether tribal program funds or funds apportioned to states, can be applied to actual projects and programs.

In summary, my main point today is that the current federal surface transportation programs do enable a state to work with tribal governments to deliver transportation improvements, including safety improvements. As the Congress works to improve federal surface transportation programs, including the program of apportionments to states and the program for tribes, it should build on, and not detract from, the good that is in the current framework.

That concludes my statement. Thanks again for the opportunity to appear before the Committee. I'll be happy to respond to questions the Committee may have.

\*\*\*\*\*