

# FORT PECK TRIBES

Assiniboine & Sioux

**TESTIMONY OF  
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ASSINIBOINE AND SIOUX TRIBES  
OF THE  
FORT PECK RESERVATION  
BEFORE THE  
SENATE COMMITTEE ON INDIAN AFFAIRS  
OVERSIGHT HEARING ON TRIBAL TRANSPORTATION: PATHWAYS  
TO SAFER ROADS IN INDIAN COUNTRY**

**April 22, 2014**

**I. INDIAN COUNTRY ROADS ARE NOT SAFE ROADS**

Chairman Barrasso, Vice Chairman Tester and members of the Committee, thank you for affording the Assiniboine and Sioux Tribes of the Fort Peck Reservation the opportunity to present testimony concerning “Tribal Transportation: Pathways to Safer Roads in Indian Country.” My name is Rick Kirn and I serve as a member of the Fort Peck Tribal Executive Board. Chairman A.T. Stafne and my fellow Tribal Executive Board members send their warm regards.

Roads in Indian country are inherently unsafe. According to the Centers for Disease Control and Prevention (CDC), motor vehicle crashes are the leading cause of unintentional injury and death for American Indians/Alaska Natives ages 1–44. Among infants less than one year of age, American Indians/Alaska Natives have eight times the rate of motor-vehicle traffic deaths than that of non-hispanic whites. Among our teenage youth, motor vehicle crashes are the leading cause of death. We must do better.

According to the National Highway Traffic Safety Administration (NHTSA), in 2012, there were 33,000 roadway fatalities in the United States. Rural areas accounted for 54 percent of the fatalities although only 19 percent of the U.S. population lived in rural areas. Indian country is fairing even worse.

According to the CDC, two Native Americans are killed every day in motor vehicle crashes. From 2004-2010, the five states with the highest motor vehicle-related death rate among Native Americans were Wyoming, South Dakota, Montana, North Dakota and Arizona. The death rate in these states ranged from three to five times above the national average.

According to MDT, Native Americans make up roughly 6 percent of Montana’s one million citizens, yet in 2009 Native Americans accounted for 15.4 percent of the State’s fatalities. From 2000 to 2009, Native Americans comprised from 11.8 to 20.1 percent of the State’s motor vehicle fatalities. MDT further found that nearly two-thirds of these fatalities were

alcohol-related. From 2005-2010, safety belt use for Indian occupant fatalities was less than 10 percent. Additional resources for safety improvements and education can reduce these statistics.

We have roughly 1500 miles of roads on the Fort Peck Reservation, of which 375 miles are BIA system and Tribally-owned roads. Of our 211 miles of BIA-owned roads, over half are gravel and dirt routes. Thus, the majority of our transportation infrastructure is outdated and in need of upgrade (paving) while the rest of the infrastructure is owned and maintained by the State and county governments which often do not maintain and reconstruct their roads on the Reservation with the same diligence as they do elsewhere in the State. When overstressed and under-maintained, our infrastructure gives way, creating safety hazards for our members, residents and visitors.

The Fort Peck Reservation lies within the western part of the Williston Basin, which includes many oil producing formations, including the Bakken and Three Forks. Fracking has brought about unprecedented oil development in the Bakken and Three Forks immediately adjacent to our Reservation in western North Dakota and eastern Montana. Rail, truck and motor vehicle traffic increased dramatically across the Reservation as oil, frac sand and pipe, together with people move in and out of the Bakken.

While oil prices have slumped and oil exploration has slowed somewhat, as the closest neighbor to this development, our substandard infrastructure—particularly our roads—have come under significant stress, without any accompanying income from this development or increased appropriations from Congress to maintain roads in a good state of repair.

Well designed and well maintained roads should be the norm, but this is not so in Indian country. Throughout Indian country and on our reservation, transportation barriers continue to exist. These barriers separate native communities from the rest of society, from jobs, health facilities, retail outlets, colleges and community centers. When we lack all-season routes, as we do on our reservation, law enforcement and other first responders struggle to reach people in need. Children cannot get to school and parents cannot get to work. This is especially true during our harsh winters when ice and snow accumulate on the roads making them unsafe. Communities are shut off from one another. This is a safety issue which persists each year, largely due to lack of funds.

In short, road safety is a massive problem at Fort Peck and throughout Indian country. We cannot tackle this problem without additional federal resources. The United States has a unique trust responsibility to protect Indian tribes and their members. These persistent and grim statistics reveal that the United States has not lived up to its responsibility to the Indian nations and our members when it comes to transportation infrastructure and roadway safety.

## **II. INDIAN TRIBES CAN MAKE A POSITIVE DIFFERENCE TO IMPROVE ROAD SAFETY WHEN PROVIDED THE RESOURCES**

We are committed to reducing the number of deaths and serious injuries and improving the overall safety of the Reservation's transportation system. The Fort Peck Tribes have had a Safety Management Plan in place since 2008. We worked with the Montana Department of Transportation (MDT) to develop a Safe On All Roads (SOAR) program, provided Tribal law enforcement officers with a Cisco electronic crash records system to enter all crash reports in a standardized way for better reporting of crashes, established a DUI and Injury Prevention Committee that meets on a monthly basis, entered into a cross-deputization agreement with the State of Montana, and initiated safety checkpoints staffed by Tribal Police, City Police and County Sheriffs Offices. We have enacted ordinances to make not wearing a seat belt a primary offense and to ban domestic animals on highway rights of way.

Through MDT's Comprehensive Highway Safety Program (CHSP), an annual Tribal Transportation Safety Summit was established in Montana to provide tribal officials an opportunity to share success stories as well as identify safety issues and hurdles. Engineering/planning and education were identified by tribes as the highest area of need. This is consistent with MDT's finding that the issues of unbelted drivers and impaired driving among Native Americans remain a problem. According to MDT, between 2007 and 2011, in approximately 76 percent (120 of 157) of vehicle-related crashes, the victim was unbelted. On Fort Peck, we also identified overweight and oversized trucks as an emerging safety issue tied to the Bakken and Three Forks development. With more law enforcement funding, we could patrol our roads more consistently and keep them safer for all users.

We have used our "Tribal shares" of Tribal Transportation funds to reconstruct existing routes, complete overlay-chip seal projects, milled, leveled and overlaid community streets, and undertake the phased construction of the 30 mile Wolf Point-Wiota project to improve road conditions and safety on the Reservation. Well lit signage, guard rails, rumble strips, wider shoulders and striping are cost-effective measures to improve road safety.

We are also fortunate to have received 2 percent Tribal Transportation Program Safety grants over the last few years to make needed safety improvements on our reservation that we would not otherwise be able to undertake. In 2013, we used safety grant funding to restripe 26 miles of BIA routes, made road improvements from Box Elder to Blair, issued Public Service Announcements (PSAs) and updated our Tribal Highway Safety Plan. This year, we will use TTP Safety funds to pave the Poplar Airport Access Road for emergency vehicles, purchase a radar speed display trailer, purchase intoximeters for the Tribal Law and Justice Program and undertake an education promotion "Arrive Alive Tour."

As a competitive grant program, however, the \$8.5 million available in FY 2014 for Tribal Safety Grants is simply inadequate and covers only a tiny fraction of the transportation safety needs of the Nation's 566 federally-recognized Indian tribes. Fort Peck alone could utilize the entire safety grant program and still need more funding.



While we are making road safety a high priority, we simply lack the resources to address the problem comprehensively. The situations I mentioned earlier demonstrate that more needs to be done.

### **III. TRIBES REQUIRE PARITY WITH STATES IN THE NEXT LONG-TERM HIGHWAY REAUTHORIZATION BILL AND WE CALL ON THE SENATE INDIAN AFFAIRS COMMITTEE TO ADVOCATE FOR TRIBES**

Tribes require parity with State Departments of Transportation if we are to address serious safety issues on our reservations. The reduction in federal appropriations to the Tribal Transportation Program and the loss of discretionary grant programs, such as the Public Lands Highway Discretionary Grant Program under MAP-21, hinder the ability of Indian tribes to address ongoing transportation safety concerns.

The primary sources of funding to undertake safety improvements as well as maintain and repair our reservation routes to improve safety are the funds we receive from the Tribal Transportation Program, under the Federal Lands Highways Program, and the BIA Road Maintenance Program funds. These programs have not received required funding increases nor kept pace with inflation and thereby have undermined our ability to properly maintain our existing transportation inventory.

To rectify the economic and physical barriers that hinder so many aspects of reservation life, we urge the Indian Affairs Committee to introduce an Indian highway bill to provide financial predictability and certainty for Indian transportation and safety programs need. We ask the Committee to advocate for tribal parity with the States in the area of transportation, transit, road maintenance and highway safety. Tribal transportation infrastructure needs must be addressed in the next long-term, bipartisan and bicameral highway reauthorization bill.

To empower tribes and promote tribal self-determination in the area of transportation infrastructure, transit and highway safety, Congress should adopt the recommendations of the Tribal Transportation Unity Caucus (TTUC), a broad coalition of Indian tribes from across the country. The TTUC proposed a legislative package of amendments to MAP-21 that provide equitable funding increases and program improvements to address the safety and engineering deficiencies that are present throughout Indian country.

We strongly endorse the Tribal Transportation Unity Act (TTUA) amendments as have scores of other tribes as well as tribal organizations such as the National Congress of American Indians (NCAI), the Intertribal Transportation Association (ITA) and the Affiliated Tribes of the Northwest Region (ATNI). We ask that the Tribal Transportation Provisions Proposed for Inclusion in the Highway Reauthorization legislation by the TTUC be made part of this hearings record.

Transportation safety is one of many elements which Congress should address in a comprehensive, long-term highway reauthorization of MAP-21. This Committee has long understood that infrastructure, including roads, water and wastewater systems, utilities, telecommunications, law enforcement, schools and health facilities are the building blocks for community stability and economic development.

We ask this Committee to provide Indian tribes with greater access to existing highway safety programs to reduce needless deaths among the Nation's First Americans. As noted in the Tribal Transportation Unity Act amendments, Congress can do so by:

1. establishing a 2% set-aside for tribes in the Highway Safety Improvement Program (HSIP);
2. increasing NHTSA's Tribal Safety Program set-aside to 3.5 percent (from 2 percent);
3. create a 3 percent set-aside for tribes in the Transportation Alternatives (TA) Program; and
4. make tribes direct eligible recipients for all USDOT discretionary grants.

Many motor vehicle crashes and motor vehicle injuries to Native Americans on reservations simply go unreported. Tribes need more funding to standardize data gathering and reporting of motor vehicle crashes which can be shared with State and Federal agencies. Only through better crash data can tribes receive additional federal and State highway safety funds.

With recurring and increased Tribal Transportation Program and safety funding, we can:

- increase child safety seat use among Native American youth,
- increase seat belt use among adults and teen drivers,
- address alcohol-impaired driving through greater traffic enforcement, sobriety checkpoints,
- implement multi-faceted community-based approaches to alcohol misuse and DUI prevention, and
- undertake engineered road improvements that make our transportation systems safer.

#### **IV. CONCLUSION**

We appreciate the Committee's concern regarding road safety in Indian country and we look forward to working with you to see that proper investments are made in transportation infrastructure to make our communities safer. It will take time and resources to remedy the poor state of roads in Indian country and improve highway safety for Native Americans, but Indian tribes are in the best position to partner with local, State and Federal agencies to reverse the

appalling situation we now endure and make reservation transportation systems safer so that our members can lead healthier lives and our communities can prosper. Greater access to existing funding sources and increased appropriations overall will help tribes build better relationships with State DOTs, metropolitan and rural planning organizations, local governments and federal agencies.

Transportation infrastructure costs money to build and, equally important, to maintain. It is a price Congress must be willing to pay. We are gratified to see legislation from this Committee that recognizes the importance of investing in tribal infrastructure, whether it concerns irrigation systems, housing, or rural water projects. We ask that you do the same for transportation infrastructure.

I thank the Committee for the opportunity to present this testimony.