



*Testimony of the
Navajo Nation
To the Senate Indian Affairs Committee
on The Indian Reservation Roads
Program*

June 4, 2003

WRITTEN TESTIMONY OF THE NAVAJO NATION

STATEMENT OF PRESIDENT JOE SHIRLEY, JR. BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS ON THE INDIAN RESERVATION ROADS PROGRAM

June 4, 2003

Introduction

Chairman Campbell, Vice Chairman Inouye and Members of the Committee, it is my honor to appear before you today on behalf of the Navajo people to address your proposals to amend the Indian Reservation Roads Program.

Before beginning my remarks, I wish to extend a special thank you to Senator Pete Domenici and Senator Jeff Bingaman for their continued leadership on this issue. The Navajo Nation has worked very hard with both Senators to identify ways to improve the Indian Reservation Roads Program. I also would like to thank Senator Hatch and Senator Bennett for their ongoing support. I am joined here today by Mr. Mark Maryboy, Chairman of the Navajo Transportation and Community Development Committee, which is the Navajo Council Committee whose recommendations are reflected in legislation before you today.

We look forward to the continued support of Senator Domenici and Senator Jeff Bingaman, whose championship of the Indian Reservation Roads Program benefits all Americans because the federal lands highway system, including Indian Reservation Roads, is integral to state and county transportation.

Issue

It is often the case the case that a person in need of direction asks where a road goes. Of course, roads do not go someplace, people do. Roads merely facilitate the journey. The issue before you today is how to build tribal transportation systems that will enable Indian people to go from third world conditions, which tend to squash human potential, to first world conditions, which tend to make it easier for the best within us to become a reality.

Transportation is essential to the basic quality of life and economic development of tribal communities. There are approximately 9,826 miles of public roads on the Navajo Nation, which is itself about the size of West Virginia. Seventy-eight percent of those roads are dirt roads. On a regular basis, businesses explore the possibility of locating to the Navajo Nation, but don't once they realize the lack of paved roads.

Bad roads in Indian Country not only mean the difference between poverty and prosperity; they also mean the difference between life and death. Health clinics on the Navajo Nation, like on most reservations, are few and far between. Tribal members, including the elderly, children, and disabled, often must travel hundreds of miles to receive specialized care. Dirt roads, deteriorating paved roads, and treacherous bridges make their long journeys that much more difficult. It is no coincidence that automobile

accidents are the number one cause of death among young American Indians and the annual fatality rate on Indian Reservation Roads is more than four times the national average.

Our children's education is also threatened by dirt roads that become so bad they are impassable to school busses. As you know, BIA school buses alone travel over 15 million miles a year to transport Indian children on what is often a one lane dirt road lacking any basic safety features, such as shoulders or guard rails. I have attached to my testimony letters from Navajo children who attend the Pine Springs BIA School within the Navajo Nation in Pine Springs, Arizona. Their words say more than I ever could about how the 12 mile dirt road, which is the only way to access their school, impacts their education.

Conclusion

Indian Reservations Roads are not an Indian problem. The Indian Reservation Roads Program impacts all people, tribal and non-tribal alike. Tribal lands provide vitally needed access within and between states, and support a multitude of economic interests, including tourism, agriculture, energy production, manufacturing, mineral extraction and timber harvesting.

Indian Reservation Roads represent 2.65 of all federal lands highways yet receive less than 1% of the federal surface transportation budget. In fact, last year tribes received even less than the year before. In fiscal year 2003, the IRR Program was slashed \$40 million below the 2002 level while states received an increase. I respectfully urge this Committee to ensure that equity actually means something in the reauthorization of the Transportation Equity Act of the 21st Century.

WRITTEN TESTIMONY OF THE NAVAJO NATION

STATEMENT OF COUNCIL DELEGATE MARK MARYBOY
CHAIRMAN OF THE TRANSPORTATION & COMMUNITY DEVELOPMENT COMMITTEE
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON
THE INDIAN RESERVATION ROADS PROGRAM

June 4, 2003

Thank you. My name is Mark Maryboy and I am the Chairman of the Navajo Transportation and Community Development Committee, which is commonly known as TCDC.

I would like to begin my comments about S. 281 by saying that the Navajo Nation is working very hard on its own economic development. We have much to overcome. The unemployment rate on the Navajo Nation currently ranges seasonally from 36% to 50%. Our per capita income averages \$6,123, which is less than one third of that in Arizona or New Mexico.

The commercial vehicle driving training program proposed in S.281 could greatly help develop the Diné workforce. With a land base that is larger than the states of Connecticut, Delaware, Maryland, Massachusetts and Rhode Island combined, the Navajo Nation is long-haul territory. In fact, it would be difficult to make a commercial delivery from any place west of Durango, Colorado to anyplace east of Flagstaff, Arizona without going through Navajoland. The Navajo people are used to driving great distances and might as well get paid for it.

Like S. 281, S. 725 reflects the Navajo Nation's goal to promote self-determination. Both bills authorize a demonstration project that would enable tribes to apply directly to the Federal Highway Administration for Indian Reservation Road funding so tribes could take care of their own roads and bridges without relying upon the BIA. While this is an approach that the Navajo Nation has not yet decided to pursue, we support the desire of other tribes to do so. Both bills create an opportunity that should exist for tribes.

In addition, S. 725 contains key provisions that would help achieve our fundamental goal of making the Indian Reservation Roads Program more fair and effective. Section 3 contains the five changes the Navajo Nation believes are essential to improving the IRR:

1. **Increase funding.** We understand the current constraints on the federal budget. That is why we support an incremental increase over the next six years. We believe that such an approach is a judicious way to begin dealing with what BIA estimates to be more than \$9.8 billion of unmet transportation needs in Indian Country.
2. **Exempt tribes from the obligation limitation.** Since the passage of TEA-21, which applied the obligation limitation to tribes, the IRR Program lost \$200 million it was otherwise authorized to receive. That capital leakage is staggering when you consider that \$200

million is roughly equivalent to the Program's total annual funding in 1998. While their unmet needs make tribes the least able to bear the burden of the obligation limitation, Native Americans and Alaskan Native Villages are experiencing a disproportionate brunt of its effect.

3. **Create a tribal bridge program.** Tribes must currently decide whether a bridge or a road project is their higher priority in order to receive funding. That is a choice no community should have to make. On Navajo, we have 173 bridges, 27 of which need complete replacement and 24 of which need major rehabilitation. A separate IRR bridge program that includes funding for pre-construction is essential for us to get a handle on these major safety concerns.
4. **Fair and Equitable Distribution.** TEA-21 is a road construction program. The Navajo Nation strongly believes that federal lands highway dollars should therefore be spent on actual roads, not virtual roads. We do not feel that it is fair or appropriate to spend precious limited IRR funding on boardwalks, dog-sled paths, hiking trails or any other such creative criteria for the calculation of "road miles." To do so would be to let the bottom fall out of the accountability of this program.
5. **Increase Planning Monies.** The Navajo Nation believes that planning is an essential predicate to capacity building. Transportation planning on Indian reservations is needed more now than ever because of growing populations and new homeland security concerns. The Navajo Nation supports increasing the percentage of allocated funds tribes can use for transportation planning from the current level of 2% to 4%.

Finally, S. 725 provides authorization for two programs that are essential for tribal transportation departments to be able to more effectively protect their reservation's people and environment. The Tribal Transportation Safety Program in Section 5 would authorize funding for tribes to launch buckle-up campaigns, anti-drunk driving initiatives and projects to eliminate traffic hazards. Given the fact that reservation roads have long been known to be the most hazardous in the country, this proposal is long overdue.

The Tribal Transit Program is also essential for us to be able to help people on the reservation get where they need to go *and* improve or preserve air quality by reducing vehicle traffic. The current obstacle to developing mass transportation on reservations is the fact that tribes must go through the states to get funding. Section 6 of S. 725 would remedy this situation by enabling tribes to apply directly to the Federal Transit Administration.

I would like to conclude by thanking you for your commitment to helping improve the Indian Reservation Roads Program. We look forward to partnering with the members of this Committee to ensure that IRR legislation is included as quickly as possible in the federal transportation legislation that is now winding its way through Congress.