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U.S. Department of Transportation
Hearing on Tribal Transportation: Pathways to Infrastructure and Economic Development
Before the
Committee on Indian Affairs
United States Senate

March 13, 2014

Chairman Tester, Vice Chairman Barrasso, and Members of the Committee, thank you for the opportunity to testify today to discuss the Federal Highway Administration's (FHWA's) Tribal Transportation Program (TTP) and the future transportation needs of Tribes.

The transportation needs of Tribes are often different than what we see needed elsewhere in the U.S. transportation network. In much of this country, we take for granted that roads and highways will be there for children to reach their schools, for emergency vehicles to reach those in need of medical care, and for members of the community to get to work. But, in Indian Country, we cannot always make that assumption. Moreover, tribal communities need good roads to support economic development.

At last year's White House Tribal Leaders Conference, Secretary Foxx emphasized the Department of Transportation's (DOT's) commitment to tribal transportation by announcing \$8.6 million in awards to 183 Tribes for improving transportation safety on their lands. In addition, the Secretary held a DOT Tribal Transportation Listening Session with tribal leaders. This session provided tribal leaders with an opportunity to meet with representatives from each DOT modal administration and provide input on important transportation issues affecting tribal communities. The Department also continues to implement our Tribal Consultation Plan, which outlines actions the Department takes when developing, changing, or implementing policies, programs, or services with tribal implications.

The FHWA has a long history of supporting tribal governments' rights to self-determination and working directly with Tribes in a government-to-government relationship. We meet directly with tribal government elected officials and transportation staff, and are committed to delivering a transportation program that works for all Tribes, no matter their size.

We also continue to seek ways to improve the state of tribal transportation by working directly with tribal governments to improve their technical capacity and to foster partnerships between tribal governments, local governments, Federal agencies, and State DOTs.

THE FHWA TRIBAL TRANSPORTATION PROGRAM

The current surface transportation law, MAP-21, authorized the TTP. This program, administered by FHWA in partnership with the Bureau of Indian Affairs (BIA), is the largest

Federal Lands Highway (FLH) program and is unique due to the relationship with Federally-recognized Indian Tribal Governments under the program. The program serves 566 Federally-recognized Indian Tribes and Alaska Native villages in 32 States. TTP funding can be used to pay the costs of transportation activities and projects such as planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of facilities identified on the National Tribal Transportation Facility Inventory (NTTFI).

The TTP includes similar provisions and eligibility requirements as the former Indian Reservation Roads program. The TTP provides \$450 million annually for projects that improve access to and within Tribal lands. The roads, bridges, and trails that are included as part of the TTP system provide access to and within Indian reservations, Indian trust land, restricted Indian land, eligible Indian communities, and Alaska Native villages.

The TTP is critical to supporting the transportation needs on this system. In many cases, it is the only source of funding for transportation improvements. TTP funding is distributed according to a statutory formula based on tribal population, road mileage, and average funding under the 2005-2009 SAFETEA-LU Act, plus an equity provision, and takes effect over a four-year transitional period. The TTP seeks to balance transportation mobility and safety goals with the environmental and cultural values of tribal lands.

FHWA also works with the Federal Transit Administration and National Highway Traffic Safety Administration in coordinating transportation programs that focus on planning, safety, and construction of roads and transit services within Indian Country. We also continue to highlight other funding opportunities available to Tribes under MAP-21, such as the Highway Safety Improvement Program, and we stand ready to assist Tribes with permanent and emergency repairs through our Emergency Relief program.

Additionally, we are implementing the dedicated set-aside under TTP for Tribes to address safety issues in Indian Country. As a 2 percent set-aside from the TTP (\$8.6 million in Fiscal Year (FY) 2013), these funds are competitively awarded to Tribes based on an identification and analysis of highway safety issues and opportunities on tribal land. With input from the Tribal Transportation Program Coordinating Committee, we established goals for this funding and issued a Notice of Funding Availability (NOFA) on August 5, 2013. In response, we received more than 240 tribal applications for a total of more than \$27 million in requests. From these applications, DOT awarded \$8.6 million to 183 Tribes. We plan to issue a NOFA for the FY 2014 safety set-aside soon.

FHWA/TRIBAL TTP FUNDING AGREEMENTS

Since SAFETEA-LU, Tribes have been authorized to enter into Program Funding Agreements and work directly with FHWA (rather than BIA) for the operation of their program. The first four Tribes began working directly with FHWA in 2006. Today, 119 Tribes work directly with FHWA.

As the number of Tribes working with FHWA has increased, we have strengthened our stewardship and oversight role by adding staff and working closely with the Tribes and BIA to

develop uniform program guidance. To this end, we coordinate annual face-to-face meetings with each Tribe and conduct outreach and training through webinars, regional conferences, and organized classes. We also continue to utilize and update our TTP program manual, which communicates program expectations, roles and responsibilities, and best practices for all Tribes, States, counties, and Federal agencies to use.

TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY

From 2009 through 2013, the DOT solicited applications for the Transportation Investment Generating Economic Recovery (TIGER) Grants. During this period, Tribes acting alone or in cooperation with State or local agencies were successful in receiving 13 projects totaling more than \$80 million from this program.

For example, the Eastern Shoshone/Northern Arapaho Tribes of the Wind River Reservation in Wyoming received \$8.23 million in TIGER funds for a project called the 17-Mile Road. The 17-Mile Road was a treacherous and dangerous series of curves. TIGER funds were used to complete reconstruction of this facility and address serious safety concerns. The grant provided incentives to enable contractors to employ over 130 Native workers from the reservation. This project was completed ahead of schedule and under budget through collaborative agreements between the Wind River Indian Reservation, the Wyoming Department of Transportation, and FHWA's Central Federal Lands Highway Division.

Another example of TIGER funds impacting tribal infrastructure can be seen in the Alaska Native Village of St. Michael, which received a \$1 million grant to carry out roadway improvements within the village. The \$10.5 million total project provided reconstruction of 4.39 miles of the streets/boardwalks within the tribal village, improved drainage, and construction of new street access to future housing sites. The project also addressed health and safety issues by providing a dust free surface on the village streets. The project was completed in September 2013.

The call for 2014 TIGER Discretionary Grants is currently underway. As in previous years, DOT will be conducting Tribe-specific webinars during the application process to provide technical assistance to those Tribes that plan to submit applications.

THE EVERY DAY COUNTS INITIATIVE

FHWA's Every Day Counts (EDC) initiative encourages the use of technology and innovation to significantly reduce the time and costs of delivering projects. For Tribes, we promote this initiative through our Tribal Transportation Assistance Program (TTAP) Centers by providing information to Tribes and assisting them in carrying out their projects.

For example, the Gila River Indian Community, located just south of Phoenix, Arizona, is in the process of replacing a bridge over the Gila River that serves as a major thoroughfare for tribal members and commercial traffic. This project will utilize two EDC initiatives: Construction Manager/General Contractor and prefabricated bridge elements. By combining these initiatives with FHWA's accelerated bridge construction toolkit, it is expected that the new bridge will be

constructed in less than half the time of traditional construction methods, thereby saving significant costs and providing the Tribe with a faster resolution to safety issues and increased opportunities for economic development.

EDUCATION AND TRAINING

FHWA also supports tribal workforce development through funding provided to the TTAP Centers. The purpose of our TTAP centers is to foster a safe, efficient, and environmentally-sound surface transportation system by improving the skills and increasing the knowledge of tribal transportation managers. They provide access to information, training, and program management enhancements that may not have otherwise been accessible to Tribes. For example, they provide a variety of training and professional development programs, as well as technical publications and training materials related to transportation planning, safety, the environment, infrastructure design, construction and management, and other issues. The centers are a key resource for basic services and help many Tribes become self-sufficient as sovereign nations in transportation delivery.

FY 2015 BUDGET REQUEST

Building on the reforms begun through MAP-21, President Obama recently proposed a budget for the next fiscal year and laid out his vision for a four-year surface transportation authorization to spur further economic growth and sound multi-year investments. The budget requests \$507 million for the TTP in FY 2015 (up from the current \$450 million).

The budget requests an increase for two set-asides within the TTP. The first is an increase of the tribal planning set-aside from 2 percent to 3 percent to address additional data collection requirements of performance-based management. The second is an increase of the tribal bridge set-aside from 2 percent to 4 percent from current levels to address the growing backlog of tribal bridge needs.

The budget also requests funding to establish a Tribal High Priority Projects Program through a 7 percent set-aside from the TTP. This program will provide a dedicated funding source to help smaller Tribes by allowing them to apply for funds to help address high-priority transportation concerns within their community, which they cannot address through their regular TTP funding.

The budget also includes a request to establish a Nationally Significant Federal Lands and Tribal Projects Program. This program is proposed at \$150 million annually, and is intended for rehabilitation, construction, or reconstruction of large, nationally-significant transportation infrastructure within or providing access to Federal or Tribal lands. Such large projects generally cannot be advanced within the scope of the existing tribal share distribution of the TTP.

CONCLUSION

Transportation infrastructure is a critical tool for Tribes to improve the quality of life in their communities by providing safe access to jobs, hospitals, and schools. The challenges are to

maintain and improve transportation systems serving Indian lands and Alaska Native villages in order to provide safe and efficient transportation, while at the same time protecting environmentally sensitive lands and cultural resources. The Department is committed to improving transportation access to and through tribal lands through stewardship of the Federal Lands and Federal-aid programs.

Thank you again for this opportunity to testify. I will be pleased to answer any questions you may have.

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