

**STATEMENT OF
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DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARING ON
“TRIBAL TRANSPORTATION: PATHWAYS TO SAFER ROADS
IN INDIAN COUNTRY”
APRIL 22, 2015**

Good afternoon Chairman Barrasso, Vice Chairman Tester, and members of the Committee. Thank you for inviting the Department of the Interior (Department) to provide testimony at this oversight hearing on the topic of “Tribal Transportation: Pathways to Safer Roads in Indian Country.” My name is Mike Black, and I am the Director of the Bureau of Indian Affairs (BIA) at the Department.

The Department and the BIA remain committed to improving and adequately maintaining transportation systems to provide increased public safety and economic development opportunities in Indian communities. Safe roads are important when transporting people in rural areas to and from schools, to local hospitals, and for delivering emergency services. In addition, transportation networks in American Indian and Alaska Native communities are critical for economic development in such communities because these transportation networks provide access to other economic markets. I appreciate this opportunity to share with the Committee some of our accomplishments and also our concerns for tribal transportation as we implement MAP-21 and look to reauthorization of this important law.

Overview

The BIA and the Federal Highway Administration within the Department of Transportation (FHWA) have been involved in the repair, construction and reconstruction of roads on Indian Reservations since the 1920s. From 1950 until 1983, Congress appropriated annual construction and maintenance funds to the BIA to maintain, repair and construct roads on Indian Reservations through the Department of the Interior. During this time, approximately \$1.2 billion was provided for both construction and maintenance of reservation roads.

Tribal Transportation Program

The Surface Transportation Assistance Act of 1982 established the Indian Reservation Roads (IRR) Program funded within the Highway Account of the Highway Trust Fund (HTF). Since the establishment of the IRR Program and its successor as part of MAP-21, which is now called the Tribal Transportation Program (TTP), the total Federal construction authorization for Tribal Transportation has exceeded \$8.5 billion. The TTP is jointly administered by the BIA and the FHWA. These investments have contributed greatly to the improvement of unsafe roads and the

replacement or rehabilitation of deficient bridges on or near reservations throughout Indian Country.

Today, the National Tribal Transportation Facility Inventory (NTTFI) consists of over 160,000 miles of public roads with multiple owners, including Indian tribes, the BIA, states, and counties, as well as other Federal agencies. Of this amount, approximately 12,300 miles are planned or proposed roads of varying surface types and uses. There remains a great and continuing need to improve the transportation systems throughout Indian Country. We believe Congress has viewed this as a joint responsibility including not only Federal agencies, but state and local governments with transportation investments in or near American Indian and Alaska Native communities, as well. Coordination among all of these stakeholders is required in order to maximize available resources to address transportation needs. Tribes are continuing to invest in transportation projects that are the responsibility of other public authorities. This creates jobs and contributes to the economy of local businesses that provide services and materials. Strengthening existing partnerships will continue to support the local economy and bring improved infrastructure to communities on or near Indian reservations and lands. In March 2014, we reported that, tribes have planned transportation projects estimated to lead to approximately \$270 million worth of investment in non-BIA and non-Tribal roads and bridges over the next 3 years. An investment in tribal transportation is truly an investment in the local economy and safer roads and bridges.

BIA Road Maintenance

In partnership with the Department of Transportation, the BIA currently implements both the TTP program, funded within the Highway Account of the HTF, and the BIA Road Maintenance Program, funded by the Department of the Interior. The BIA Road Maintenance Program has traditionally been responsible for maintaining only roads owned by the BIA. Today, of the 148,000 miles of existing roads in the NTTFI, the BIA has responsibility for approximately 29,500 miles of roads designated as BIA system roads. The BIA receives approximately \$25 million in Tribal Priority Allocation (TPA) funding annually for the administration of the road maintenance program for those roads.

BIA supports self-determination and the empowerment of tribes by contracting out a significant portion of the program with tribes. Approximately 74 percent of tribes with BIA system roads within their reservation boundaries currently carry out the BIA Road Maintenance Program through P.L. 93-638 self-determination contracts or agreements in lieu of federal employees. Approximately 20,300 miles (70%) of the BIA system roads are not paved and are, thus, considered “inadequate” from the perspective of the level of service index used to assess roads and bridges in the BIA road system. The FY2014 deferred maintenance for BIA roads was estimated at \$290 million.

FY2016 Budget Request for Tribal Transportation

The Administration’s FY16 budget reflects the President’s continued commitment to addressing the transportation needs of Indians and Native Americans. This budget recognizes that supporting safe and reliable transportation and public road access to and within Indian Country

contributes to stronger tribal economies, communities and families. Highlights of the FY2016 budget for the Tribal Transportation Program include:

- Program funding is increased from \$450M to \$507M. The increased amount is targeted toward new and/or increased set-asides.
- The Tribal High Priority Projects Program is integrated back into the core program as a 7% set-aside. MAP-21 had authorized this as a separate program funded from the General Fund.
- Increased the tribal planning set-aside from 2% to 3% to address additional data collection requirements.
- Increased the tribal bridge set-aside from 2% to 4% to address the growing backlog of tribal bridge needs.

The program structure and funding formula under MAP-21 are retained. The FY2016 budget also includes \$150 million for rehabilitation, construction, or reconstruction of large, nationally-significant transportation infrastructure within or providing access to Federal or Tribal lands.

Reauthorization of MAP-21

In March 2014, before this Committee over a year ago, we discussed the need for jobs, infrastructure and safety of roads in Indian communities, and we noted our support for the reauthorization of MAP-21. The Department is now working with Congress on the transportation reauthorization legislation, now known as the GROW AMERICA Act. As Congress moves forward with transportation reauthorization, the Department continues to note the most significant impact to the TTP under the current MAP-21 is the implementation of the new formula established under MAP-21. MAP-21's annual allocation for the TTP is equal to the amount for the last year of SAFETEA-LU. However, one significant difference is that the current MAP-21 formula makes more TTP funding available for distribution to tribal shares. The formula share of IRR program funds in FY2011 and 2012 were, respectively, \$336.7 million and \$322.3 million. The formula share of TTP funds in FY2013 and FY2014 were, respectively, \$387.6 million and \$384.3 million. This has allowed more funding to be directed to tribal priorities. The new formula also allows for a consistent estimate of allocations in advance for future projects and timely allocation to tribes because a major portion of the data is known prior to beginning of the fiscal year.

Although more funding is allocated to tribes for their priorities, certain programs have decreased shares under MAP-21. The bridge program is decreased significantly from a separate program of \$14 million per year to a set-aside program from within the total amount of less than \$9 million per year. However, the bridge set-aside proposed in the FY 2016 budget would address this concern by providing approximately \$20 million to address critical bridge needs in Indian Country.

In addition, the requirement of the Secretaries of Transportation and Interior to perform safety inspections on all 930 tribally-owned bridges has not been adequately funded. The number of bridges which are deficient or functionally obsolete and are eligible for replacement or rehabilitation for BIA bridges alone in the 2013 National Bridge Inventory is approximately 178 of 930 (or 19.1% of the total). The estimated cost of replacing and rehabilitating these bridges is \$53.2 million. The estimated cost of inspecting the tribally-owned bridges along with the BIA is \$3.0 million every other year.

Update of 25 CFR 170

The notice of proposed rulemaking (NPRM) for the update of Title 25 Code of Federal Regulations Part 170, Tribal Transportation Program, was published on December 19, 2014. In January and February of 2015, 6 consultation meetings were held with tribes on these revised regulations. The closing dates for comments for the NPRM, was March 20, 2015. Over 450 comments were received from interested tribes and the public. The BIA and FHWA are currently reviewing the comments that will lead to a Fall publication of the final rule.

This proposed rule would update the Tribal Transportation Program regulations to comply with the current surface transportation authorization, MAP-21 (as extended), reflect changes in the delivery options for the program that have occurred since the regulation was published in 2004, remove certain sections that were provided for informational purposes only, and make technical corrections.

Conclusion

The Bureau of Indian Affairs and the Department are committed to working with this Committee and others in Congress to address the transportation needs in Indian Country through our support for the Tribal Transportation Program, the Road Maintenance Program, and other Title 23 USC funding provided for transportation in Indian Country.

Thank you for the opportunity to present testimony on an issue that is an important part of the employment, economic infrastructure and roads safety for tribes. I will be happy to answer any questions you may have.