



# TRANSPORTATION

The economy and wellbeing of Indian Country are dependent upon transportation infrastructure. Without safe and well maintained roads, bridges, and adequate public transportation, tribal nations would be unable to provide essential services to their citizens. Tribal nations construct, improve, and maintain transportation facilities that are used by tribal citizens and non-tribal citizens alike and require funding to promote public safety, economic development, and community wellbeing.

There are approximately 160,000 miles of roads and trails in Indian Country.<sup>115</sup> Of those 160,000 miles, tribal nations own and maintain 13,650 miles of roads and trails, of which only 1,000 (7.3 percent) are paved and 12,650 miles (92.7 percent) are gravel, earth, or primitive. Of the 29,400 miles owned and maintained by the Bureau of Indian Affairs (BIA), 75 percent are gravel, earth, or primitive. Combined, the 42,000 miles of roads owned and maintained by tribal nations and the BIA are among the most underdeveloped, unsafe, and poorly maintained road networks in the nation. These roads are often the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors alike. The lack of sufficient transportation infrastructure throughout Indian Country hampers economic development opportunities for tribal nations and their citizens and increases risks for all motorists who traverse these roads.

The Fixing America's Surface Transportation (P.L. 114-94) (FAST) Act authorizes the Tribal Transportation Program (TTP) and the Tribal Transit Program, along with competitive grant programs that are offered to tribal and non-tribal applicants. The FAST Act is set to expire at the end of FY 2020. Reauthorized and subsequently appropriated amounts for tribal surface transportation programs must reflect the overall condition of roads throughout Indian Country, growing backlogs of deferred road maintenance, increasing risk to motorists, and the trust and treaty obligations of the federal government. In general, the TTP is the largest single source of federal funding to tribal nations for surface transportation infrastructure. TTP funds can be used for certain construction, maintenance, planning, and other limited non-construction activities such as transportation safety or transit activities. The TTP saw modest increases under the FAST Act; however, the backlog of deferred maintenance continues to grow, demonstrating the inadequacy of funding for tribal transportation programs as a whole.<sup>116</sup>

Another federal transportation program that is vital to infrastructure in Indian Country is the BIA Road Maintenance Program. This program is funded and authorized under the Department of the Interior and is separate from the Department of Transportation appropriation. The BIA Road Maintenance Program is critical to BIA-owned roads and facilities. Currently, BIA is responsible for

maintaining approximately 29,400 miles of roads in Indian Country including 900 bridges. The BIA Road Maintenance Program received funding of about \$36.06 million in FY 2020, while deferred maintenance backlog costs continue to rise.

The integrity of the transportation infrastructure systems in Indian Country includes BIA-owned roads and facilities that have a direct impact on tribal and surrounding non-tribal communities. In 2018, in coordination with the Tribal-Interior Budget Council, the BIA developed and conducted a road maintenance survey intended to develop data on road maintenance budget needs. The road maintenance survey included both tribal and BIA respondents. The survey found, in part, that the estimated value of deferred road maintenance for all respondents was \$498 million. This finding begins to quantify the chronic underfunding of tribal transportation programs that led to such a staggering maintenance backlog statistic and demonstrates the need for a robust funding solution.

It is imperative federal funding levels for the TTP, Tribal Technical Assistance Program (TTAP), Tribal Transit Program, and BIA Road Maintenance Program are increased. For many tribal governments, this federal funding is the only funding source to improve or maintain road systems.

### Key Recommendations

#### DEPARTMENT OF TRANSPORTATION

##### Transportation, HUD Appropriations Bill

##### Tribal Transportation Program

- Provide \$600 million but not less than \$565 million for the Tribal Transportation Program.

TTP oversees over 160,000 miles of roads and trails in Indian Country, which are owned by the BIA, tribal nations, states, and counties, in order to provide safe and adequate transportation systems. These roadways and trails serve as the primary transportation thoroughfare for residents of and visitors to American Indian and Alaska Native communities. TTP is funded from the Highway Trust Fund and allocated through a statutory formula.

#### DEPARTMENT OF TRANSPORTATION

##### Transportation, HUD Appropriations Bill

##### Tribal Technical Assistance Programs

- Provide \$5 million for Tribal Technical Assistance Programs.

TTAP is the only program providing technical assistance and training to tribal nations to support the professional development of tribal transportation workforces. In fall 2016, the Federal Highway Administration (FHWA) announced the restructuring of TTAP, and eliminated the seven TTAPs around the country that served all federally recognized tribal nations. In December 2017, FHWA announced a two-year pilot program and centralized the TTAP at the University of Virginia, Center for Transportation Studies (CTS) in Virginia. The entire restructuring proceeded without proper tribal consultation. NCAI is deeply concerned about the restructuring of TTAP without tribal input. NCAI requests \$5 million in TTAP funding to improve technical expertise for tribal transportation officials and to ensure proper tribal consultation is carried out by FHWA regarding its restructuring of TTAP.

**DEPARTMENT OF TRANSPORTATION****Transportation, HUD Appropriations Bill****Tribal Transit Program**

- *Provide \$50 million for the Tribal Transit Program Formula-Based Funding.*

The Public Transportation on Indian Reservations (49 U.S.C. § 5311(c)(1)) (also known as the Tribal Transit Program) is a program that provides tribal nations with funding for capital, operating, planning, and administrative expenses to meet public transportation needs in tribal communities. Funding for the Tribal Transit Program is offered through both formula-based and competitive grant funding models. Competitive grant models are cost prohibitive for certain tribal nations to apply for and introduce uncertainty to any long-term public transportation planning that relies on such funds. The result is that those communities that need access the most are effectively barred from the competitive grant portion of the transit program. Congress should provide increases to the Tribal Transit Program under the formula-based grant model found at 49 U.S.C. § 5311(c)(1)(B).

**DEPARTMENT OF TRANSPORTATION****Transportation, HUD Appropriations Bill****Tribal High Priority Projects Program**

- *Fund the Tribal High Priority Projects (THPP) Program at \$30 million.*

In the FAST Act, the THPP Program was not authorized. This critical program is needed for the safety and welfare of tribal and surrounding non-tribal communities. The THPP program is crucial for tribal nations to support completion of their top-priority projects, which often include reconstruction efforts as a result of an emergency or natural disaster.

**DEPARTMENT OF THE INTERIOR****Interior - Environment Appropriations Bill****BIA Road Maintenance**

- *Provide \$75 million but not less than 50 million for the BIA Road Maintenance Program.*

Currently, BIA has a deferred maintenance backlog in excess of \$300 million to maintain BIA-owned roads and bridges to an adequate standard. As part of a 2018 survey conducted by the BIA, the deferred maintenance backlog for all tribal and BIA respondents was estimated at \$498 million. For FY 2020, \$36.06 million was appropriated for BIA Road Maintenance, and has remained steadily around this amount for prior fiscal years, while road maintenance need continues to increase. The relatively high inflation of construction costs has further diminished the purchasing power of these inadequate road maintenance funds. Increased funding for the BIA Road Maintenance program is needed to begin to address public safety and commercial activity concerns that affect tribal communities and surrounding areas.