



NATIONAL CONGRESS OF AMERICAN INDIANS

April 11, 2005

Re: NCAI Urges Support for Tribal Transportation Provisions

Dear Senator:

As President of the National Congress of American Indians, the oldest and largest national organization of American Indian and Alaska Native tribal governments, I write to discuss pending legislation of utmost importance to Indian Country – the surface highway reauthorization legislation – known as the Transportation Equity Act: A Legacy for Users (“TEA-LU”) in the House (H.R. 3) and as the Safe, Accountable, Flexible and Efficient Transportation Equity Act (“SAFETEA”) in the Senate (S. 732).

Tribal economies, education systems, health care and social service programs are threatened by unsafe and often inaccessible roads, bridges and ferries. A recent Federal traffic safety study showed that Indian tribes suffer the *highest* per capita traffic fatality rate in the Nation, more than four times the national average. Tribal leaders require adequate funding levels, innovative financing options, and program flexibility to redress the unsafe and inefficient tribal transportation conditions that currently hinder the development of tribal communities. As Congress moves forward with this important legislation, NCAI urges Members of Congress to be mindful of the many positive tribal transportation and traffic safety provisions passed by in the 108th Congress. See H.R. 3550 and S. 1072.

To aid the new Congress, we have attached a compilation of the most beneficial tribal transportation provisions from H.R. 3550 and S. 1072. We urge Members of Congress to support these important legislative improvements (including the minor technical corrections included therein), all of which NCAI wholeheartedly supports pursuant to NCAI Resolution 05-009. We also endorse four additional “no cost” provisions that will greatly improve transportation programs serving Indian country. A few provisions that we would like to highlight include:

1. Increase IRR Program funding level: NCAI Resolution 05-009 calls for funding of the IRR program at a minimum of \$500 million per year for the IRR construction program, with an additional \$100 million per year in additional dedicated maintenance funding. At the very least, the Senate should support the House-endorsed authorization levels for the IRR Program (rising from \$325 million in FY 2004 to \$420 million in FY 2009). See H.R. 3 § 1101(a)(9)(A).

2. Separately fund the IRR Bridge Program and make “no cost” program improvements to ensure that much needed IRR bridge projects are built in a timely and efficient manner: IRR Program bridges are among the most dangerous and structurally deficient in the Nation. Support S. 1072’s authorization of an additional \$15 million annually to plan, design, rehabilitate and construct IRR bridges. See S. 1072, § 1806(c)(4)(D)(i)(I).

4. Establish the Tribal Transit Grant Program: Tribal governments, like States, have ongoing requirements to develop public transit systems. If Indian tribes are to expand reservation economies, integrate and coordinate tribal transit systems with State and local government transit systems, funding for tribal transit programs is essential. See S. 1072, § 3013.

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5. Establish a Deputy Assistant Secretary of Transportation for Tribal Governmental Affairs: This will foster better coordination in US DOT programs to meet tribal transportation needs. *See* H.R. 3550, § 1118(d).

7. Increase BIA maintenance funding and authorize IRR Program funds for maintenance purposes to protect the public's investment in IRR roads and bridges: It is economically senseless to spend millions of dollars building new IRR roads and bridges only to have them become unsafe and fall into disrepair years before their time. Indian tribes receive only a fraction of the funding that states and local governments receive for maintenance, despite having over 62,000 road miles within the IRR system. Support S. 1072's authorization for Indian tribes to use up to \$250,000 or 25% of apportioned IRR Program funds for maintenance purposes. *See* S. 1072, § 1806(e).

NCAI also endorses the following provisions to further improve and streamline tribal transportation programs:

1. Advance Funding/Use of Savings: This provision allows Indian tribes assuming federal responsibilities to develop tribal transportation programs and projects under the Indian Self-Determination Act to receive full annual advance payments as currently happens whenever tribes assume the operation of federal hospitals, schools and social service programs under that Act. Annual advance payments will improve the delivery of transportation services within Indian country by increasing limited tribal transportation funds through the generation of interest.

2. Tribal Eligibility for Surface Transportation Program (STP) Funds: States received almost \$6 billion a year in STP funds under TEA-21. STP funds offer States a flexible funding source to develop capital projects for roads that require repair or expansion. STP funds under current law cannot be used on "local roads" (i.e., routes with lower functional classifications) even if the State determines that the project is a priority. Because Indian reservations are located in predominantly rural areas, most tribal transportation routes are ineligible for STP-funded capital improvement projects. A GAO report concluded that minor roads and arterials received the lowest funding level of all roadways but have the highest level of traffic fatalities. This no-cost provision will assist States and Indian tribes ensure the safety of the driving public.

3. Make IRR Program Roads Eligible for the National Scenic Byways Program: National Scenic Byway or All-American Road status brings tourism, development and other benefits. This provision would allow tribal governments to petition FHWA directly for such designations.

4. National IRR Program Inventory Update: We support a uniform, nationwide update of the IRR Program inventory to ensure that transportation resources and unmet transportation needs of all tribal governments are fully and fairly accounted for when the BIA allocates IRR Program funds.

We appreciate your consideration of these proposals as Congress moves forward with this critical legislation. Please do not hesitate to contact myself or NCAI staff member Virginia Davis, at (202) 466-7767, if we can answer any questions or be of any assistance.

Sincerely,



Jacqueline L. Johnson, Executive Director
National Congress of American Indians