



# NATIONAL CONGRESS OF AMERICAN INDIANS

## Testimony of the National Congress of American Indians on Indian Reservation Roads Funding

### Subcommittee on Transportation Appropriations

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The more than 200 member tribal nations of the National Congress of American Indians urges the Subcommittee on Transportation Appropriations to reject any and all cuts to the Indian Reservation Roads (IRR) program.

Tribal governments rely on IRR funding to supply the dollars needed to construct and maintain the public roads that provide access to and on Indian reservations, Indian trust lands, restricted Indian lands, and Alaska Native villages. Unfortunately, this funding is woefully inadequate.

IRR comprise up 2.63 percent of all existing roads in the federal-aid highway system, but historically they have received less than one percent of all federal highway dollars. On average, only \$500 per mile – and in some cases, as little as \$80 per mile – is available for maintenance. In comparison, an average of \$2,200 per mile is spent maintaining other federal roads, and an average of \$2,500 to \$4,000 per mile is spent by states.

The fact that fully 66 percent of the roads serving Native American communities are not even paved has a direct impact on basic services to tribal members. These roads are primarily dirt and clay, ungraded, and deeply rutted. During spring and fall rains, they turn to mud or wash out, forcing people to walk for miles to get to their homes. Even more troubling are these seasonal disruptions to emergency health care and law enforcement services and to the availability of heating fuel, water, and food delivery.

We all know that the efficient and safe movement of goods and services is a basic building block of a viable economic structure. It goes without saying that having the type of unreliable transportation infrastructure that is the norm in American Indian and Alaska Native communities has a direct negative impact on the ability of tribal governments to attract economic development.

During the TEA-21 debate, NCAI and tribal governments fought hard to convince Congress to increase funding for Indian roads and bridges. In the end, tribes received an increase from approximately \$191 million a year to \$275 million, which is still far less than what is needed to address the deplorable road conditions in Indian Country.

#### EXECUTIVE DIRECTOR

**Jacqueline L. Johnson**

*Tlingit*

#### NCAI HEADQUARTERS

1301 Connecticut Avenue, NW

Suite 200

Washington, DC 20036

Unfortunately, this increase was in large part offset by a new cut imposed on IRR funding. TEA-21 for the first time extended the "obligation limitation" to the Indian roads allocation. Under the obligation limitation, the Federal Highway Administration (FHWA) is required to withhold a certain percentage of the total IRR obligation authority at the beginning of each fiscal year, so that it can be redistributed at the end of the fiscal year. When the obligation limitation was expanded to the IRR program in TEA-21, Congress failed to authorize IRR to participate in this end-of-the-year redistribution. As a result, funding that was expressly authorized for tribes is now being diverted to states for their transportation projects. Obviously, our member tribes consider this to be grossly unfair.

In recognition of this untenable situation, last year Congress approved and the President signed a FY 2002 Transportation Appropriations Act that provided funds to offset the obligation limitation on the IRR and thus resulted in a final funding level of approximately \$275 million, the full authorization level.

We are extremely concerned that the budget request for the Transportation Department of eliminates the additional IRR funding contained in the FY 2002 appropriation, which means that we would see a funding level of approximately \$240 million.

Based on recent information provided by the Bureau of Indian Affairs, the estimate of need based on a grossly out of date IRR inventory is over \$11 billion dollars, not including the cost of project engineering (planning, survey, design, environmental, archeological, and perfection of rights-of-ways) or the cost of constructing new or existing bridges or other eligible transportation facilities allowed by the BIA, such as construction of non-BIA jurisdictional routes, transit facilities, enhancements, and matching to state and local projects.

Today, Indian Reservation Roads are among the worst maintained in the United States. Our unreliable transportation infrastructure hurts our ability to attract businesses, provide emergency services, and bus our children safely to school. The IRR program needs an increase, not a decrease, and we urge you to support an appropriation to offset any negative effect of the obligation limitation on its authorized level of \$275 million.

On behalf of NCAI, the oldest, largest, and most representative tribal organization in the United States, thank you for your past support of the IRR program and for your consideration of our views.