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ASSESSING THE TRANSPORTATION NEEDS OF TRIBES, FEDERAL LAND MANAGEMENT AGENCIES, AND U.S. TERRITORIES

(116–52)

HEARING

BEFORE THE

SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

FEBRUARY 6, 2020

Printed for the use of the
Committee on Transportation and Infrastructure

Available online at: https://www.govinfo.gov/committee/house-transportation?path=/browsecommittee/chamber/house/committee/transportation

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42–575 PDF WASHINGTON : 2020

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FEBRUARY 6, 2020

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Hearing on "Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories"

PURPOSE

The Subcommittee on Highways and Transit will meet on Thursday, February 6, 2020, at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to "Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories." The purpose of this hearing is to examine the current state of transportation infrastructure on tribal, Federal, and U.S. territorial lands and related policy issues for consideration in surface transportation reauthorization. The Subcommittee will hear from representatives of the Virgin Islands, the U.S. Department of Agriculture, the U.S. Department of the Interior, the Ohkay Owingeh Pueblo, the Intertribal Transportation Association, and Hanson Professional Services.

BACKGROUND

Congress authorizes funding for highway, highway safety, transit, and other transportation infrastructure through distinct Federal-aid highway programs to American Indian tribes and Alaska Native villages (tribes), Federal Land Management Agencies (FLMA), U.S. Territories (territories), and Puerto Rico. These programs were last reauthorized by Congress in 2015 as part of H.R. 22, *Fixing America's Surface Transportation Act* (FAST Act; P.L. 114–94), and are set to expire on September 30, 2020.

TRIBAL TRANSPORTATION

According to the most recent census data, there are roughly 5.2 million people in the United States who identify as American Indian and Alaska Native.[1] Today, there are 573 Federally-recognized tribes across the U.S.[2] Combined, they control roughly 100 million acres of land, making Indian Country equivalent to being the fourth-largest state in the U.S.[3] Approximately 20 percent of the American Indian and Native Alaskan population lives inside American Indian areas.[4] There are

[1] https://www.census.gov/history/pdf/c2010br-10.pdf
[2] https://www.bia.gov/frequently-asked-questions
[3] http://www.ncai.org/tribalnations/introduction/Tribal_Nations_and_the_United_States_An_Introduction-web-.pdf
[4] https://www.census.gov/history/pdf/c2010br-10.pdf

roughly 157,000 miles of roads on or providing access to Indian lands[5] which are managed by tribal, Federal, State, and local governments.

Tribal roads often serve as major corridors for emergency, medical, educational, commercial, and recreational uses for tribal members as well as the general public. Transportation needs vary widely between tribes due to significant differences in geography, land size, and population. For instance, the Navajo Nation encompasses 16 million acres across Arizona, New Mexico, and Utah and has a population of over 330,000,[6] while many smaller reservations cover less than 1,000 acres.[7] According to the Bureau of Indian Affairs (BIA), in 2014 only 17 percent of BIA-system roads were deemed in "acceptable" condition,[8] and 70 percent of Indian roads remained unpaved.[9] Unlike Federal-aid highways, tribes are not required to report data directly to the U.S. Department of Transportation (DOT) on the condition and performance of tribal roads, making it difficult to assess the overall condition of tribal roads nationally.

Tribal Transportation Program

The primary source of Federal funding for tribal transportation comes from the Tribal Transportation Program (TTP), which was created by Congress in 2012 under MAP–21 (P.L. 112–141), to replace the Indian Reservation Roads program, which was first authorized in 1928. The TTP, which is authorized under section 202 of title 23, United States Code, is jointly administered by the Federal Highway Administration (FHWA) and the BIA and provides funding to Federally-recognized tribes for core transportation activities such as planning, design, construction, and road and bridge maintenance. Funding for the program comes from the Highway Trust Fund (HTF) and is distributed to tribes through a statutory formula based on population, road mileage, and average tribal shares under previous years. The TTP includes set-asides for various purposes, including five percent for program administration, three percent for improving deficient bridges, and two percent for safety projects. Congress reauthorized the TTP in the FAST Act at $465 million in FY 2016 and gradually increased it to $505 million in FY 2020.

Discretionary Grants

MAP–21 authorized a Tribal High Priority Projects Program (THPP) at $30 million per year out of the general fund, subject to appropriations. The THPP authorized funding to tribes whose annual allocation of TTP funding was insufficient to complete the highest priority project of the tribe, or to any tribe that had an emergency or disaster occur at a tribal transportation facility which rendered it unusable. The THPP only received funding appropriations in FY 2012.

The FAST Act did not reauthorize the THPP and instead created a new discretionary grant program, the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program, for which both tribal and FLMAs could compete. Under this program, authorized at $100 million per year out of the general fund, grants are available for the construction, reconstruction, and rehabilitation of nationally-significant projects within, adjacent to, or accessing Federal and tribal lands. This program received appropriations of $300 million in FY 2018, $25 million in FY 2019, and $70 million in FY 2020.

Under the NSFLTP Program, the minimum estimated project cost is $25 million with priority given to projects costing over $50 million. Additionally, projects with a larger percentage of matching funds rank higher than those with less, as set forth in the program criteria under Section 1123 of the FAST Act. Tribes have indicated that, in many instances, this minimum cost threshold excludes many worthy projects, and they struggle to provide a high level of matching funds in order to be competitive.[10]

Other Programs

Other sources of funding include the BIA Road Maintenance Program and grant programs which are open to multiple entities, such as BUILD. The BIA Road Maintenance Program funds, administered through the U.S. Department of the Interior (DOI), are intended to be used for maintaining existing roads and bridges. Annual

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[5] https://www.bia.gov/bia/ois/division-transportation/operations
[6] https://www.discovernavajo.com/fact-sheet.aspx
[7] https://www.bia.gov/frequently-asked-questions
[8] https://www.bia.gov/bia/ois/division-transportation/operations
[9] https://www.crs.gov/Reports/R44359?source=search&guid=efd581175470411cbb22a8d232b1c96c&index=0#fn13
[10] https://www.indian.senate.gov/sites/default/files/Testimony%20of%20Head%20Councilman%20Joe%20Garcia.pdf

funding for the program has ranged from $24 million to $28 million over the past ten years.

Tribal Transportation Self-Governance Program

In 2015 under the FAST Act, Congress directed the U.S. DOT to establish a tribal transportation self-governance program under which tribes can directly receive and administer Federal transportation funding provided through U.S. DOT. The *Indian Self-Determination and Educational Assistance Act of 1975* (P.L. 93–638) gave tribes the power to contract with the Federal government to receive Federal funds from agencies as a block grant in order to give tribes greater control and decision-making authority while reducing administrative burdens. Other Federal agencies have instituted successful tribal self-governance programs, including the U.S. DOI and the U.S. Department of Health and Human Services. Congress instructed U.S. DOT to develop the self-governance program in coordination with tribes through a negotiated rulemaking committee. U.S. DOT published a notice of proposed rulemaking on October 2, 2019.[11] The deadline for issuance of a final rule is set forth in statute, under 23 U.S.C. 207(n), and allows for U.S. DOT to extend the deadline, which U.S. DOT has utilized. The final rule is now is expected to be published by May 2020.

TRANSPORTATION ON FEDERAL LANDS

Under the *Surface Transportation Assistance Act of 1982* (STAA; P.L. 97–424), all Federally-owned roads were formally recognized as "public roads" and have since received an allocation of funding from the HTF to address surface transportation infrastructure needs. Federal-aid highway funds are used for projects that improve access to and transportation within Federal lands, including national forests, national parks, national wildlife refuges, and national recreation areas.

Federal Lands Transportation Program

In MAP–21, Congress consolidated multiple programs that funded transportation needs on Federal lands, such as the Public Lands Highway Program, which included the Forest Highway and Public Lands Discretionary Programs, into a new Federal Lands Transportation Program (FLTP), authorized under section 203 of title 23, United States Code. This program provides funding for the construction, maintenance, and repair of transportation facilities (highways, roads, bridges, trails, or transit systems) that are owned and operated by various FLMAs including:

- National Park Service (NPS);
- Fish and Wildlife Service (FWS);
- U.S. Forest Service (USFS);
- Bureau of Land Management (BLM); and
- U.S. Army Corp of Engineers (USACE).

Under the FAST Act, Congress continued the FLTP and expanded its eligibility to include the Bureau of Reclamation (BOR) and other independent Federal agencies with public land management responsibilities. The FLTP was authorized at $335 million in FY 2016 and gradually increased to $375 million in FY 2020. Of these amounts, certain agencies receive set-asides of program funding, including NPS ($300 million in FY 2020), FWS ($30 million in FY 2020), and USFS ($19 million in FY 2020). The remainder is available to the other FLMAs.

Federal Lands Access Program

MAP–21 also replaced programs that previously directed funding to specific types of public lands with the Federal Lands Access Program (FLAP) which supports transportation projects that are on, adjacent to, or provide access to Federal lands. Funds are distributed by formula to States based on the number of recreational visitors they receive, Federal road mileage, and the number of Federally-owned bridges within the State. Congress reauthorized FLAP in the FAST Act starting at $250 million in FY 2016 and increasing gradually to $270 million in FY 2020.

Deferred Maintenance Backlog

The FLMAs report a significant backlog in needed repairs and maintenance to roadways and transportation infrastructure. According to estimates by the USFS, the backlog of deferred maintenance for roads, trails, bridges, and tunnels on national forest lands is $5.2 billion.[12] The NPS similarly estimates that the deferred

[11] 84 Fed. Reg. 52706 (October 2, 2019).
[12] This information was provided to the Committee by USFS on January 13, 2020, via email.

maintenance backlog for bridges, tunnels, parking areas, and roadways in the national parks is nearly $6.2 billion.[13]

U.S. TERRITORIES

Territorial Highway Program

In 1970, Congress established the Territorial Highway Program (THP) to provide Federal assistance for highway construction to the Virgin Islands, Guam, and American Samoa.[14] In 1978, Congress expanded eligibility to include the Commonwealth of the Northern Mariana Islands. In 1982 under STAA, Congress restructured the THP by setting its authorization amount at one-fifth of one percent of total Federal-Aid Highway Program funds, rather than a fixed amount. THP funds were allocated to the four territories by the following formula: 1/12 each for American Samoa and the Northern Mariana Islands, and 5/12 each for Guam and the Virgin Islands.[15]

In 1992, at the request of one of the territories, FHWA reviewed the THP allocation formula.[16] Based on considerations of population, land area, and road mileage, the formula was changed to allocate more funding to the smaller territories. Since then, THP funding has been allocated by the following formula: 1/10 each for American Samoa and the Northern Mariana Islands, and 4/10 each for Guam and the Virgin Islands.[17]

In 1998, under the *Transportation Equity Act for the 21st Century* (TEA–21, P.L. 105–178) Congress changed the THP funding allocation from a percentage set-aside to a fixed amount of $36.4 million per year. In the most recent reauthorization under the FAST Act, Congress authorized the THP at $42 million annually for FY2016–FY2020.

Puerto Rico Highway Program

Prior to the passage of TEA–21, Puerto Rico was treated as a State for purposes of apportioning Federal highway funding.[18] In TEA–21, Congress established the Puerto Rico Highway Program (PRHP) and changed Puerto Rico's highway funding from an apportioned share to a fixed amount. In the FAST Act, Congress authorized the PRHP at $158 million annually for FY 2016–FY 2020.

WITNESS LIST

- The Honorable Nelson Petty Jr., P.E., Commissioner, Virgin Islands Department of Public Works
- Mr. Christopher B. French, Deputy Chief, National Forest System, United States Forest Service, U.S. Department of Agriculture
- Mr. Aron Reif, P.E., Transportation Program Manager, Office of Acquisition and Property Management, U.S. Department of the Interior
- Mr. Joe A. Garcia, Head Councilman, Ohkay Owingeh Pueblo
- Ms. Mary Beth Clark, President, Intertribal Transportation Association (ITA)
- Mr. Sergio "Satch" Pecori, Chief Executive Officer, Hanson Professional Services

[13] https://www.nps.gov/subjects/infrastructure/deferred-maintenance.htm

[14] Federal Highway Administration, "Territorial Highway Program," in *A Guide to Federal-Aid Programs and Projects*. 162–164. https://www.fhwa.dot.gov/federalaid/projects.pdf#page=157

[15] Ibid.

[16] Ibid.

[17] Ibid.

[18] Federal Highway Administration, "Puerto Rico Highway Program," in *A Guide to Federal-Aid Programs and Projects*. 1631–133. https://www.fhwa.dot.gov/federalaid/projects.pdf#page=157

ASSESSING THE TRANSPORTATION NEEDS OF TRIBES, FEDERAL LAND MANAGEMENT AGENCIES, AND U.S. TERRITORIES

THURSDAY, FEBRUARY 6, 2020

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:08 a.m., in room 2167, Rayburn House Office Building, Hon. Eleanor Holmes Norton (Chairwoman of the subcommittee) presiding.

Ms. NORTON. The subcommittee will come to order. I ask unanimous consent that the chair be authorized to declare recesses during today's hearing. Without objection, so ordered. We haven't had a hearing like this for some time, so it is way overdue. This morning, we are discussing the transportation infrastructure needs of Tribes, Federal land management agencies, and the U.S. Territories.

This is our 10th subcommittee hearing. This work will enable us to hear from the stakeholders regarding policy changes, and particularly will help us to elevate issues that have not received thorough consideration for nearly 20 years—2002 was the last hearing the committee held on the Federal Lands Highway program. These are significant programs. Under the FAST Act, Tribal-Federal land and U.S. Territorial transportation programs receive a combined $6.5 billion over 5 years.

Today, we are going to hear from witnesses that Federal investment has not kept pace with the needs of each of these programs. Surprise, surprise. Of particular concern in my district, for example, there is a substantial maintenance backlog of National Park Services, and virtually all of our parks, particularly our neighborhood parks, are National Park Service parks.

While the National Park Service received $1.4 billion for transportation assets under the FAST Act, the agency's deferred maintenance backlog has grown to more than $11 billion—$1.4 billion received; a backlog of $11.4 billion. Transportation needs constitute the majority of the backlog at over $6 billion. These figures only account for needed repairs and maintenance to existing transportation infrastructure, not to the future needs of the Park Service.

I want to take a moment to thank members of this subcommittee who have highlighted the critical needs of these programs. Representatives Stanton and Davids have each made Tribal transportation needs a top priority. Representative Plaskett of the Virgin

Islands has championed infrastructure investment in the Territories. And Representative Carbajal and others have supported increased funding for transportation infrastructure on our Federal lands.

So I look forward to hearing from today's panel and learning more about what this committee can do to ensure the transportation infrastructure needs of Tribes, Federal land and management agencies, and the U.S. Territories are met.

[Ms. Norton's prepared statement follows:]

Prepared Statement of Hon. Eleanor Holmes Norton, a Delegate in Congress from the District of Columbia, and Chairwoman, Subcommittee on Highways and Transit

Welcome to today's hearing where we will discuss the transportation infrastructure needs of tribes, Federal land management agencies, and the U.S. territories. Today's hearing is the 10th hearing the Subcommittee has held this Congress to support the development of a transformative surface reauthorization bill. This work has enabled us to hear from stakeholders regarding policy changes the Committee should consider, but also to elevate issues that have not received thorough consideration in the past.

The programs we will assess today have certainly not received thorough consideration. In 2002—nearly 20 years ago—the House Transportation and Infrastructure Committee held a hearing on the Federal Lands Highway program. These are significant programs—under the FAST Act, tribal, Federal land, and U.S. Territorial transportation programs received a combined $6.5 billion in funding over five years.

Today, we will hear from witnesses that Federal investment has not kept pace with the needs in each of these programs. Of particular concern to my district is the substantial maintenance backlog of the National Park Service. While the National Park Service received $1.4 billion for transportation assets under the FAST Act, the agency's deferred maintenance backlog has grown to more than $11 billion. Transportation needs constitute the majority of the backlog at over $6 billion. These figures only account for needed repairs and maintenance to existing transportation infrastructure, not the future needs of the Park Service.

I want to take a moment to thank the Members of this Subcommittee who have highlighted the critical needs of these programs. Representatives Stanton and Davids have each made tribal transportation needs a top priority, Representative Plaskett has championed infrastructure investment in the territories, and Representative Carbajal and others have supported increased funding for transportation infrastructure on our Federal lands.

I look forward to hearing from today's panel and learning more about what this Committee can do to ensure the transportation infrastructure needs of tribes, Federal land management agencies, and the U.S. territories are met.

Ms. NORTON. At this time, I would like to ask our ranking member, Mr. Davis, for his opening statement.

Mr. DAVIS. Thank you, Madam Chair Norton. I want to welcome everyone to today's hearing. I appreciate the opportunity to hear from each and every one of you. Programs we authorize in this committee provide $1.5 billion annually and account for 3.2 percent of all Highway Trust Fund outlays. While I don't have—like Chairwoman Norton, I don't have Tribal lands in my district, I do have land managed by Federal agencies like her, with the National Park Service.

To put the overall $1.5 billion into perspective, the latest report from the NPS indicates a deferred maintenance backlog of $11.9 billion. Of that $11.9 billion, nearly $6.2 billion represents NPS' need to repair bridges, tunnels, parking areas, and roadways in national parks. Addressing the needs of those testifying today is absolutely linked to this backlog. As we address deferred maintenance,

it will open the door for new projects and make the funding we authorize go even further.

In Springfield, Illinois, located within my congressional district, is one such new project that I have been working to get designated by the National Park Service as a national historic monument. The Springfield Race Riot National Historic Monument would preserve and protect resources associated with the 1908 Springfield race riot and its role in the formation of the NAACP.

Just to let my colleagues and the panelists know, we are going to show a short video, but the artifacts that are going to be mentioned in this video from the 1908 race riots were uncovered during an underpass project that was funded by transportation dollars. So with that, I would love to turn the video on, please.

[Video shown.]

Mr. DAVIS. With that, I want to thank our witnesses, especially Mr. Pecori, who has been working on this project, and I look forward to hearing everyone's testimony.

[Mr. Davis' prepared statement follows:]

Prepared Statement of Hon. Rodney Davis, a Representative in Congress from the State of Illinois, and Ranking Member, Subcommittee on Highways and Transit

Thank you, Chairwoman Norton. I want to welcome everyone to today's hearing on the transportation needs of Tribes, Federal Land Management Agencies, and U.S. Territories.

The programs we authorize in this committee provide $1.5 billion annually and account for 3.2 percent of all Highway Trust Fund outlays. While I do not have any tribal lands in my district, I do have land managed by federal agencies like the National Park Service (NPS).

To put the overall $1.5 billion into perspective, the latest report from the NPS indicates a deferred maintenance backlog of $11.9 billion. Of that $11.9 billion, nearly $6.2 billion represents NPS' need to repair bridges, tunnels, parking areas, and roadways in national parks.

Addressing the needs of those testifying today is absolutely linked to addressing this backlog. As we address deferred maintenance it will open the door for new projects and make the funding we authorize go further.

In Springfield, Illinois, located within my congressional district, is one such new project that I've been working to get designated by NPS as a National Historic Monument. The Springfield Race Riot National Historic Monument would preserve and protect resources associated with the 1908 Springfield Race Riot and its role in formation of the NAACP. With that, I want to thank our witnesses for being with us this morning, including Satch Pecori who has been influential in efforts to designate the site.

Mr. DAVIS. Yield back.

Ms. NORTON. I want to thank the ranking member. That was very moving. I want to move now to the chairman of the full committee, Mr. DeFazio.

Mr. DEFAZIO. Thanks, Madam Chair. Staff did some research, and we can't figure out when it was the last time this committee convened on these very important issues—the Federal agencies, Tribes, Territories—and looked at the allocations they received and the needs they have and the inadequacy of what we have provided. So I am very pleased we are here today.

In the FAST Act, one of my top priorities was to have Tribal transportation self-governance, so they wouldn't be ripped off by the States, or manipulated by the States in the future, and as they

should, as sovereign entities, have their own discretion in spending those funds. It was a rocky road, but both, you know, Councilman Garcia and Ms. Clark were involved in this process. And finally, after a couple of bad starts, my understanding is, we got it done, and we expect to see the rule in the very near future. So that is good news.

OK. Now you got self-governance, but, virtually, no money. So that is the next objective before us. The death rate on Indian lands in terms of pedestrians and driving accidents is horrible, and the state of the infrastructure is abysmal. So I am hoping we can do a lot better in this reauthorization. I will be happy to hear from you today.

We also have massive deficits on our Federal lands. The Forest Service has reported a $3.6 billion backlog; the Park Service, $6 billion. Just in my congressional district for the Forest Service, it is about $100 million. These needs need to be addressed, and hopefully again, we can do better in this bill.

And then finally, we are going to revisit the Territory issue, which has not been revisited for a couple of decades. It used to be the Territories got a percentage share. Unfortunately, a number of years ago, they were set to a fixed amount of funding instead of a percentage share, and even as they have grown, the funding has not grown. And as their needs have grown, the investment hasn't been made.

And, of course, we have had the disasters in Puerto Rico and in the Virgin Islands. And we are still trying to pry money out of a number of Federal agencies to deal with that. The committee will be visiting in the near future with both of those entities, and we will see firsthand the lack of progress. So I think this is a very timely hearing, and I thank you.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chairman, Committee on Transportation and Infrastructure

Thank you, Madam Chair, for holding this hearing today to examine the infrastructure needs of tribes, Federal Land Management Agencies, and U.S. territories. An assessment of the Federal-aid highway programs that support critical infrastructure on tribal, Federal and U.S. territorial lands is long overdue.

One of my top priorities in the FAST Act was requiring a negotiated rulemaking committee to establish a Tribal Transportation Self-Governance Program within U.S. DOT, in keeping with other Federal agencies who have successfully implemented similar self-governance programs.

A Tribal Transportation Self-Governance Program will streamline delivery of Federal funds to tribes while easing administrative burdens and allow greater autonomy for tribes to address their unique transportation infrastructure needs. I was pleased to hear that the negotiated rulemaking committee was able to reach agreement last year, and I look forward to DOT beginning implementation of this program in the coming months. I'd also like to thank Head Councilman Garcia and Ms. Clark, who are here with us today, for their work on the negotiated rulemaking committee as tribal representatives.

While this progress is encouraging, the state of transportation infrastructure on tribal lands remains abysmal. I continue to hear from tribal representatives that basic transportation needs are unmet due to a lack of resources, and that critical services—safe routes for school buses, access for first responders, and transit options for commuters—are hindered as a result.

I also look forward to hearing from the Federal Land Management Agencies represented here today. We have seen significant infrastructure improvements on our Federal lands thanks to Highway Trust Fund investments. In FY 2018 alone, FAST Act funding facilitated the rehabilitation of 113 bridges, the construction of 39 new bridges, and the improvement of over 1,600 lane miles on Federal and tribal lands.

Yet, the needs far outweigh the available resources. The backlog of deferred transportation infrastructure maintenance at Federal Land Management Agencies is staggering. The Forest Service reports a deferred maintenance backlog of $3.6 billion, while the National Park Service reports a backlog of $6 billion. My district alone has a deferred maintenance backlog of over $100 million for Forest Service roads, trails, and bridges. Addressing these maintenance needs is crucial to ensure these road systems provide access for critical safety needs such as emergency access and wildfire management.

And finally, we'll hear today about the transportation and infrastructure needs of U.S. territories. Funding for the Territorial Highway Program has fallen steadily as a proportion of overall funding for the last decade, despite growing needs. Today, territories receive fewer highway program dollars than they received under SAFETEA–LU.

Thank you to our witnesses for being here today, and I look forward to hearing your testimony on how this Committee can uphold its commitment to our tribal, territorial, and Federal partners.

Ms. NORTON. Thank you, Mr. DeFazio. I would like to welcome our witnesses. I am sorry. Mr. Graves has an opening statement.

Mr. GRAVES OF MISSOURI. Thank you, Madam Chair, and I want to thank all of our witnesses for being here today, and I will use my time to yield to the Dean of the House, the former chairman, whose district has a very big stake in this, and I will yield to Don Young.

Mr. YOUNG. Thank you, Ranking Member, and thank you Madam Chairman. This subcommittee hearing, as has been mentioned, has been long overdue. I have been participating when we passed TEA–LU and probably the American Indians/Alaska Natives transportation issue. And my goal here today, there is no place like Alaska, and our country demonstrates the Nation's critical duty to invest in transportation and infrastructure for all Americans, American Indians, Alaska Natives, and federally managed lands. We have most of it in the United States in Alaska.

And Alaska has 229 federally recognized Tribes, and with over 60 percent of Alaska lands federally owned, these programs are an essential lifeline for the State and similarly situated States across the country. I recognize the attention these issues got in the chairman's Moving Forward Framework. I want to congratulate him on that. Our Nation is in dire need of these investments. However, I would be remiss if I did not state and get serious about the needs we need to get serious about how to pay for these investments. I stand ready to work with the chairman, full chairman, subcommittee chairman, and all the ranking members to try to achieve that goal.

As the committee begins to consider a surface reauthorization bill, we must continue to build on the progress made in previous reauthorizations to empower Native communities through self-governance and strive to create funding opportunity equality for small and large Tribes. Currently, too many Alaskan Tribes, due to their size, are unable to benefit from existing Tribal infrastructure programs.

The Tribal formula program and discretionary programs should be structured to factor in the unique conditions of Alaska, including

weather, existing infrastructure, and cost differences. Certainly, we cannot ignore the pressing transportation investment deficit on federally managed lands. I mentioned the many parks and refuges we have in Alaska. In Alaska, Federal land transportation infrastructure on parks, BLM, and the USFS land is essential for mobility and commerce in the State.

Alaska's national parks are a national treasure and deliver huge conservation benefits and economic benefits for the State of Alaska and for this Nation. Keeping them safe, open, and accessible is critically important. These topics deserve the committee's attention. Again, and congratulations for having this hearing. We need more public investment. In interest in time, I would submit my suggestions to improve these programs for the record.

Again, I want to thank the chairman and ranking member and all the members of this committee for holding this hearing. I have long sought to provide equity and investment for our Nation's Native communities and rural infrastructure needs. We look forward to working with my colleagues on these issues moving forward. And remember every day we have a meeting, my picture is looking down on you, and I hope you notice it is the biggest one in the House. Thank you, Madam Chair, and I yield back.

[Mr. Young's prepared statement follows:]

Prepared Statement of Hon. Don Young, a Representative in Congress from the State of Alaska

Chairman and Ranking Member: I want to thank the Subcommittee for holding this hearing today. Alaska, like no place else in our country, demonstrates the nation's critical duty to invest in transportation infrastructure for American Indians, Alaska Natives and federally managed lands. For Alaska's 229 federally recognized tribes and with over 60 percent of Alaska's land federally owned, these programs are an essential lifeline for my state and similarly situated states across the country.

I recognize the attention these issues got in the Chairman's *Moving Forward Framework*. Our nation is in dire need of these investments. However, I would be remiss if I did not state that to get serious about the needs, we need to get serious how to pay for these investments. I stand ready to work with my fellow Committee Members on this front.

As the Committee begins to consider a surface reauthorization bill, we must continue to build on the progress made in previous reauthorizations to empower native communities through self-governance and strive to create funding opportunity equity for small and large tribes. Currently, too many Alaskan tribes, due to their size, are unable to benefit from existing tribal infrastructure programs. Tribal formula programs and discretionary grant programs should be structured to factor in the unique conditions in Alaska including weather, existing infrastructure, and cost differences.

Similarly, we cannot ignore the pressing transportation investment deficit on federally managed lands. In Alaska, federal land transportation infrastructure on NPS, BLM and USFS land is essential for mobility and commerce in the state. Alaska's National Parks are a national treasure and deliver huge conservation benefits and economic benefits to the state through tourism. Keeping them open and accessible is critically important.

I want to touch on a few specific programs and issues that I believe deserve the Committee's attention, increased investment, and I offer my suggestions for modifications and improvements to these programs.

1. *Topline Funding for the Tribal Transportation Program (TTP) & Federal Lands Transportation Program (FLTP).* We must consider increasing the topline authorization for the TTP and FLTP. The need is there and the longer we wait to address the needs the direr the situation will become.
2. *Reauthorize the High Priority Projects Program (HPP).* The HPP discretionary grant program is vital for smaller tribes especially Alaskan tribes, to fund

projects that their formula funding cannot address. The HPP program authorization should increase proportionally year over year with the TTP's authorization.

3. *Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP).* Tribes and Federal Land Managers both compete for this program where the needs are great. Over $2.2 billion in requests were submitted in FY18 and FY19 for funding but only $500 million was authorized and $395 appropriated over the life of the FAST Act. Currently, projects $25 million and above are eligible. We should lower the threshold and increase topline authorization. Frequently there are programs of great significance that cannot meet the $25 threshold and remain unfunded.
4. *Establish an Office of Self Governance at DOT.* As required under the FAST Act, the impending finalization of the Tribal Transportation Self Governance Program rulemaking will increase the number of Tribes seeking to participate in compacts with the DOT. Currently, DOT lacks dedicated staff to process future compacts and funding awards. For self-governance program to work effectively, the institutional resources must be in place at DOT to coordinate with tribal participants.
5. *Federal Lands Transportation Program.* The federal government owns over 60 percent of the land in Alaska and it is noncontiguous. Alaskans rely on the roads and bridges owned and maintained by the federal government for mobility and commerce. Transportation infrastructure on federal lands is critically underfunded. In Alaska alone, there are $38 million in deferred maintenance costs to National Park Service lands. For the USFS and NPS the backlog is close to $12 billion. This critical underfunding disproportionately impacts Alaska and western states. The Committee must listen to the needs presented by Federal Land Management agencies so that needed investments and maintenance continue to stack up.

Again, I want to thank the Chairman and Ranking Member for holding this hearing. I have long sought to provide equity and investment for our nation's native communities and rural infrastructure needs. I look forward to working with my colleagues on these issues moving forward.

Ms. NORTON. Thank you very much. Now I would like to welcome our witnesses: the Honorable Nelson Petty, P.E., Commissioner of the Virgin Islands, Department of Public Works; Mr. Christopher B. French, Deputy Chief, National Forest System, United States Forest Service, U.S. Department of Agriculture; Mr. Aaron Reif, P.E., Transportation Program Manager, Office of Acquisition and Property Management, U.S. Department of the Interior; Mr. Joe A. Garcia, head councilman, Ohkay Owingeh Pueblo—forgive me for obvious mispronunciations; Ms. Mary Beth Clark, president, Intertribal Transportation Association; and Mr. Sergio "Satch" Pecori, chief executive officer, Hanson Professional Services.

I thank all of you for being here today and for the testimony. Before we hear from the panel of witnesses, I recognize Representative Plaskett to introduce Commissioner Petty.

Ms. PLASKETT. Thank you so much, Madam Chair. I thank all of the Members for being here. I have the privilege right now to extend a special welcome and say I am very pleased to have the Virgin Islands Commissioner for Public Works, the Honorable Nelson Petty Jr., among our panel of witnesses today.

He has been responsible for the construction and maintenance of public roads and highways, public transportation systems, storm drainage systems, public buildings and other facilities and infrastructure systems throughout the entire U.S. Virgin Islands under both Republican and Democratic administrations of our islands.

He brings with him a wealth of hands-on experience, with the Federal surface transportation programs and their funding in the

U.S. Territories and has extensive relationships with the other Territories as well.

Along with his extensive previous experience as an engineer, I will not hold it against him that I understand he is a Rattler, he went to Florida A&M, where he did his studies, but he is our representative here on these issues and can answer as well what some of the other Territories are going for, and I thank you very much. I look forward to your testimony, sir.

Ms. NORTON. Thank you, Representative Plaskett. Without objection, our witnesses' full statements will be included in the record. Since your written testimony has been made a part of the record, the subcommittee requests that you limit your oral testimony to 5 minutes. Commissioner Petty, you may proceed.

TESTIMONY OF HON. NELSON PETTY JR., P.E., COMMISSIONER, VIRGIN ISLANDS DEPARTMENT OF PUBLIC WORKS; CHRISTOPHER B. FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE; ARON REIF, P.E., TRANSPORTATION PROGRAM MANAGER, OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR; JOE A. GARCIA, HEAD COUNCILMAN, OHKAY OWINGEH PUEBLO; MARY BETH CLARK, PRESIDENT, INTERTRIBAL TRANSPORTATION ASSOCIATION; AND SERGIO "SATCH" PECORI, CHIEF EXECUTIVE OFFICER, HANSON PROFESSIONAL SERVICES

Mr. PETTY. Good morning, Chair Norton.

Ranking Member Davis, Chair DeFazio, Ranking Member Graves, members of the subcommittee, and the distinguished panel of testifiers. Again, I am Nelson Petty Jr., Commissioner of the United States Virgin Islands Department of Public Works. It is an honor to be here today to testify on behalf of U.S. Territories.

The Territories are challenged because of our distance from the mainland. Resources, such as aggregates for concrete and asphalt, are limited, and in many instances, monopolized. Every major component in infrastructure development projects almost always must be shipped in, adding to project cost and time.

For this reason, 2 years ago, in August of 2018, the Territories met for the first time as a group at the U.S. Territorial Peer Exchange in Lakewood, Colorado. This event was sponsored by the Federal Highway Administration. Those working sessions allowed us to share best practices and to learn of similar difficulties in managing our infrastructures.

In the USVI, our ports are the gateway to our economy. Several billion dollars' worth of commercial activity pass through our ports on an annual basis. In fact, the Caribbean ranks only behind Canada, Mexico, China, Japan, and the U.K. in U.S. export partners. The USVI is the first stop for much of the cargo that ends up in much of the lower Caribbean Islands. This also applies for vacationers looking to visit other islands in the region.

Knowing this, we developed and executed a transportation master plan that attempts to address the Territory's transportation needs. In partnership with the Federal Highway Administration, we developed a 2040 USVI comprehensive transportation master plan, the first long-range transportation plan of the Territory. The

vision statement of the plan simply stated: an integrated transportation system which serves the needs of the USVI community.

The Virgin Islands Port Authority is also engaged in port expansion projects. Among them is the dredging of the inner Charlotte Amalie Harbor to allow for the larger *Oasis*-class cruise liners to continue to visit our ports.

Another major project is the expansion of the Crown Bay cargo terminal, which seeks to increase the USVI's position as a regional and international trans-shipment hub.

It has been proven across the globe that when infrastructure investments are made on the governmental side, private investments are sure to follow. Infrastructure investment also leads to employment opportunities, and is a beneficial tool for socioeconomic stabilization.

Mass transit provides one example where substantial Federal investment could provide spillover effects. Public transportation serves as a lifeline for many of our lower income residents who do not have access to their own means of transport. We are in the process of conducting a 5-year review to evaluate our progress thus far, as well as to determine if any changes to the plan may be necessary, taking into consideration the impact of recent natural disasters.

Following the passing of the two category 5 storms of 2017, Irma and Maria, as Commissioner, I promulgated a new rule that stated that all local roads shall be rebuilt to Federal standards. FEMA eventually agreed with this and has adopted those Federal standards as the basis for the rebuild of our local, non-Federal roads. The importance of this cannot be overstated. It was clear after the storms passing that roads built to those standards received minimal to no damage.

As such, resiliency plays into every aspect of our rebuild. We have a unique opportunity with the profusion of recovery projects to be able to rebuild and transform our infrastructure. Our plan leverages the recovery dollars to rebuild and upgrade and seeks to utilize the Federal Highway Administration funding to implement a pavement preservation program to ensure that those dollars aren't squandered.

The program also utilizes technology as a tool to conduct condition assessments that allow for real-time data on our infrastructure.

Our legislative branch is also working along with us to develop One Dig legislation to ensure that all underground facility operators are given the opportunity to participate in upcoming projects and are included in project planning and development phases.

It should be noted that we are also very much engaged in ferry boat operations which is also critical to our interisland commerce. USVI depends heavily on its ferry system for daily commuters, delivering goods, and equipment, as well as our tourism product. This is an additional burden as it costs more to maintain transportation infrastructure in a community that depends on a ferry system.

In 1998, $14.56 million was allocated to the USVI. In 2019, we received $16.8 million in FHWA funds. Over the last 20 years, the increase in annual allocations to USVI has not kept pace with the increase in road construction costs.

We are authorized by our stewardship agreement to perform engineering and economic surveys and investigations for the planning and financing of future highway programs. This is exactly why we are petitioning Congress. Our ports and roads are the gateway to a thriving USVI island economy. A thriving economy means less pressure on our healthcare system, our pension system, and other social services, meaning, ultimately, less is asked of our fellow U.S. taxpayers and citizens to sustain our Territory for the future. Thank you for the opportunity.

[Mr. Petty's prepared statement follows:]

Prepared Statement of Hon. Nelson Petty Jr., P.E., Commissioner, Virgin Islands Department of Public Works

Good morning Chair Norton, Ranking Member Davis, Chair DeFazio, Ranking Member Graves, members of the subcommittee and other distinguished panel testifiers. I am Nelson Petty Jr., Commissioner of the United States Virgin Islands Department of Public Works. It is an honor to be here today to testify on behalf of U.S. territories.

The territories are challenged because of our distance from the mainland. Resources such as aggregates for concrete and asphalt are limited and, in many instances, monopolized. Every major component in infrastructure development projects almost always must be shipped in, adding to project cost and time. For this reason, two years ago in August of 2018, the territories met for the first time as a group at the US Territorial Peer Exchange (USTPE) in Lakewood, Colorado. This week-long event was sponsored by the Federal Highway Administration.

Those working sessions allowed the territories to share best practices and to learn of similar difficulties in managing our infrastructures.

In the USVI, our ports are the gateway to our economy. Several billion dollars worth of commercial activity pass through our ports on an annual basis. In fact, the Caribbean ranks only behind Canada, Mexico, China, Japan and the U.K., in U.S. Export Partners. The USVI is the first stop for much of the cargo that ends up in much of the lower Caribbean islands. This also applies for vacationers looking to visit other islands in the region.

Knowing this, we have developed and executed a Transportation Master Plan that attempts to address the territory's transportation needs.

The Virgin Islands Department of Public Works and the U.S. Federal Highway Administration (FHWA) partnered to prepare the 2040 USVI Comprehensive Transportation Master Plan (CTMP), the first long-range transportation plan for our territory. The purpose of the plan is to present a strategy to improve transportation infrastructure throughout the USVI through the year 2040. A vision statement was adopted early in the planning process to serve as the foundation of this plan. The vision was simply stated: An integrated transportation system which serves the needs of the USVI community.

The Virgin Islands Port Authority is actively engaged in port expansion projects. Among them is the dredging of the inner Charlotte Amalie Harbor to allow for the larger, *Oasis*-class cruise liners to continue to visit our ports. Another major project is the expansion of the Crown Bay cargo terminal, which seeks to increase the USVI's position as a regional and international trans-shipment hub.

It has been proven across the globe that when infrastructure investments are made on the governmental side, private investments are sure to follow. Moreover, infrastructure investment leads to employment opportunities and is a beneficial tool for socioeconomic stabilization.

Mass transit provides one example where a substantial federal investment could provide spillover effects. Public transportation serves as a lifeline for many of our low-income residents who do not have access to their own means of transport. There is evidence that mass transit can reduce traffic congestion, while highway capacity expansions provide only temporary relief to congestion.

We are in the process of conducting a 5 year review to evaluate our progress thus far, as well as to determine if any changes to the plan may be necessary taking into consideration the impacts of recent disasters.

Following the passing of the two category 5 Hurricanes of 2017, Irma and Maria, as Commissioner of Department of Public Works, I promulgated a new rule that stated that all local roads should be rebuilt to federal standards. FEMA eventually

agreed with this and has adopted those federal standards as the basis for the rebuild of our local, non-federal roads. The importance of this action cannot be overstated. It was clear after the storms' passing that roads built to those standards received minimal to no damage.

As such, resiliency plays into every aspect of our rebuild. Our traffic signals are rated for stronger winds and have sturdier foundations, we are reconstructing our roads from the subbase level—not just surface treatment, and we are adding technology to how we process and maintain our infrastructure all in alignment with our 2040 plan.

We have a unique opportunity with the profusion of recovery projects to be able to rebuild and transform our infrastructure. Our plan leverages the recovery dollars to rebuild and upgrade and seeks to utilize the FHWA funding to implement a pavement preservation program to ensure that those dollars aren't squandered. The program utilizes technology as a tool to conduct condition assessments that allow for real time data on our infrastructure. This will lead to better decision making not only for the department, but for our leaders as well.

Our local legislative branch is also working along with us to develop One Dig legislation to ensure that all underground facility operators are given the opportunity to participate in upcoming projects and are included in project planning and development phases.

While I have focused much of the discussion on our road funding, it should be noted that we are also very much engaged in ferry boat operations, which is also critical to our inter-island commerce. We are in the final stages of the development of a comprehensive ferry boat program. This program will allow us to apply for ferry boat discretionary funds available to states and territories with established ferry boat programs.

The USVI depends heavily on its ferry system for daily commuters, delivering goods and equipment, as well as our tourism product. This is an additional burden as it costs more to maintain transportation infrastructure in a community that depends on a ferry system.

The territories will meet collectively again in July of this year to continue our partnership with the goal and objective to speak with one voice to our elected officials.

In 1998, $14.56 million was allocated to the USVI. In 2019, we received $16.8 million in FHWA Highway funds.

Years	Source	Annual Allocation Amount
1998	TEA–21	$14,560,000
2019	FAST	$16,800,000
21		$2,240,000

Over the last 20 years the increase in annual allocations to the USVI has not kept pace with the increase in road construction costs.

The significant shortfalls have limited our ability to perform necessary work on the federal road system in the USVI, and as a result, we have had to borrow $100 million through GARVEE Bonds in order to repair our most critical roads. The GARVEE Bonds are repaid using our annual allocations, which further reduces the funds available to carry out the authorized projects and activities.

We have estimated that the USVI annual allocations should increase to $35 million to carry out this work. If this increase in funding was given on a short-term basis, even that would be a desirable improvement over our current situation. At the current levels, it will be extremely difficult to implement a successful preventative maintenance program, which is how every transportation office wants to be able to manage their infrastructure. We believe we have laid the groundwork; the missing piece is the funding.

Current annual allocations from the Territorial Highway Program:

Territory	Miles of FAS Road	%Allocation	$Allocation
American Samoa	80	10%	$4,200,000
Guam	171	40%	$16,800,000
Virgin Islands	320	40%	$16,800,000
Northern Mariana	129	10%	$4,200,000
Total THP Funds			$42,000,000

We are authorized by our Stewardship Agreement to perform "engineering and economic surveys and investigations for the planning and financing of future highway programs". This is exactly why we are petitioning Congress. The state of our territories' infrastructures is dire. We do not have enough funding to maintain and improve our territorial highway systems.

Without the requested funding, our infrastructures will continue to deteriorate leaving residents and visitors without a safe and reliable transportation system. The territories rely on our transportation systems to prosper. Most of our goods arrive via cargo ship at our ports and are distributed to our businesses on our roads. Without this funding, our crumbling transportation system will continue to be the direct contributor of accidents, injuries, damage to vehicles and even fatalities.

We will not be able to have decent highway systems in the future if we do not plan to continue increasing annual allocations to match increases in cost of living.

Our ports and roads are the gateway to a thriving USVI island economy. A thriving USVI economy means less pressure on our health care system, our pension system, and other social services—meaning, ultimately, less is asked of our fellow US taxpayers and citizens to sustain our territory for the future.

Thank you for the opportunity.

Ms. NORTON. Thank you very much, Mr. Petty. We will hear next from Mr. Christopher French, Deputy Chief, National Forest System.

Mr. FRENCH. Thank you, Chair Norton, Ranking Member Davis, and members of the subcommittee. I thank you for inviting me here today, and I look forward to working with the subcommittee on these important issues. Today, I want to share with you the importance of the Forest Service road network, the largest network of any Federal land management agency. And I want to be clear, my testimony is not about serving the Forest Service, it is about people; it is about rural America; it is about a way of life where our transportation system is the transportation fabric of the communities that we are a part of. Places like Red River, Idaho; Story, Arkansas; or Douglas County, Oregon.

With that, I want you to remember three main things today: With over 370,000 miles of road, the Forest Service manages the largest transportation system of all the Federal land management agencies. The Forest Service has over $5 billion in infrastructure repairs that we have not been able to fund, including $3.6 billion in deferred maintenance just for roads, bridges, and trails.

Maintaining our roads is critical for emergency response, fire protection, connecting rural communities, supporting commerce in rural economies, and providing access to Federal lands. For some context, the Forest Service manages over 193 million acres across 44 States, or about 8 percent of the land area of the United States.

But in some counties, the National Forest System lands may represent more than 90 percent of the land base, and the majority of that county's transportation infrastructure. This includes more than 65,000 miles of passenger vehicle roads, and over 6,000 road bridges. This network provides the roads that people depend on to get to schools, stores, hospitals, their own homes. They are critical to their life.

For example, in central Pennsylvania, a single Forest Service bridge is the only connector to a small subdivision of around 25 homes. That bridge is in such disrepair that the community firetrucks and emergency services cannot serve their homes presently.

Our system is critical to our communities and of our multiple-use mission. It provides access to more than 300 million hunters, an-

glers, and recreationists. These visitors contribute more than $11 billion to the U.S. economy and sustain nearly 150,000 jobs. Direct timber, grazing, and mining activities in national forests provide an additional almost 120,000 jobs, and $13 billion to rural economies.

Our roads support and connect people to thousands of sacred sites, 6,500 grazing permits, 30,000 recreation special-use permits. They are critical to accessing 122 ski areas; 8,000 outfitters and guides; 400 resorts and marinas; 6,700 Federal leases for minerals; and 300,000 permits to individuals to collect firewood or food collection or even Christmas trees.

It is also critical for subsistence hunting in States like Alaska, and more than 1,500 communication sites that provide rural broadband and emergency response services to communities that we are a part of. And often, like counties, our roads are the gateways to national parks and monuments across the country.

But perhaps most critically, this road network provides fire protection to communities. Firefighters and emergency responders use our roads to protect communities, evacuate families at risk, and rescue individuals from danger. This is the number one issue I hear about from our county commissioners and residents, the need to maintain our road system to reduce the risk of fire, to attack fires early, and to maintain access that supports their way of life.

When the Forest Service is forced to close unsafe roads, it places limitations on our ability to access fires early, before they turn into catastrophic events.

Unfortunately, repairs and maintenance have been postponed year after year, resulting in deferred maintenance up to that amount of $3.6 billion that I spoke about. This leads to more and more road closures across our system, because, frankly, we just can't keep up. Our communities see this as failing them, or worse, as a strike to their liberty and way of life.

To attain safe, sustainable access for the American public, our agency would require an additional $445 million per year over the next 10 years. We greatly appreciate the partnership with the Federal Highway Administration that Congress authorized most recently through the FAST Act.

Through the Federal Lands Transportation Program, the Forest Service currently receives approximately $19 million in annual funding. In fiscal year 2020, that helped us rehabilitate 546 miles of roads and 29 bridges. It represents about 8 percent of our annual funds, and about 3 percent of our estimated annual need.

I would be happy to work with the subcommittee, and I really appreciate the time this morning to talk about these important issues. Thank you.

[Mr. French's prepared statement follows:]

Prepared Statement of Christopher B. French, Deputy Chief, National Forest System, U.S. Forest Service, U.S. Department of Agriculture

Madam Chairman, Ranking Member and Members of the Subcommittee, thank you for the opportunity to appear before you today as the committee considers reauthorization of federal transportation programs. My testimony today will focus on the importance of the Federal Lands Transportation Program (FLTP) to the critical transportation system maintained by the Forest Service.

NATIONAL FOREST SYSTEM ROAD NETWORK

The USDA Forest Service manages over 193 million acres of national forests and grasslands across 44 states and territories. These public lands amount to approximately 30 percent of all federally managed lands and comprise approximately 8 percent of the land area in the United States. On the National Forest System (NFS), infrastructure is the physical link between Americans and their public lands. It strengthens communities by giving them safe access to the many ecological, economic, and social amenities these lands provide. For instance, people use infrastructure on the National Forest System for ranching, farming, logging, outdoor recreation, tourism, energy production and municipal water services, all of which support thriving small businesses, particularly in local communities. People depend on the Forest Service road network to get to schools, stores, hospitals, and homes. Perhaps most critically, forest infrastructure provides fire protection for communities. Firefighters and emergency responders use forest infrastructure to access forest lands for firefighting operations to protect communities, evacuate families from areas at risk, and rescue individuals from danger.

The infrastructure on the National Forest System includes over 370,000 miles of roads. Of these, nearly 65,000 miles are operated for passenger vehicles, 203,000 miles are operated for high- clearance vehicles and over 102,000 are closed to present day traffic, but we anticipate will be needed to meet future management activities. The vast transportation system also includes approximately 6,200 road bridges. Mission essential work that relies on the transportation network like forest management and timber harvesting, mining, and livestock grazing sustains over 118,000 jobs and contributes another $13 billion to rural economies.

In addition to assisting the agency in both administration and wildland fire management, this transportation system annually supports more than 300 million hunters, anglers, recreationists and other travelers over Forest Service roads. In addition, each year over 150 million visitors use the Forest Service transportation system to access the NFS. These visitors contribute almost $11 billion to the U.S. economy and sustain more the 148,000 full and part time jobs.

We estimate the cost for preventive maintenance, rehabilitation, and capital improvements; replacing structurally deficient bridges; upgrading many of the 22,000 culverts; and trail maintenance and capital improvements would require a funding level of $445 million per year for 10 years.

FEDERAL HIGHWAY FUNDING AND THE NATIONAL FOREST SYSTEM

The Fixing America's Surface Transportation (FAST) Act authorizes transportation improvement funding through September 2020. The FAST Act maintained a primary funding program, the Federal Lands Transportation Program (FLTP), that supports construction activities on infrastructure that accesses high-use recreation sites and economic generators located on Federal lands. Under 23 USC § 203(a), FLTP funding shall be used for:

- program administration, transportation planning, research, preventive maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Federal lands transportation facilities,
- capital, operations, and maintenance of transit facilities;
- any transportation project eligible for assistance under this title that is on a public road within or adjacent to, or that provides access to, Federal lands open to the public; and
- environmental mitigation activities (up to $10,000,000).

The FAST Act allocates $355 million average annually to the FLTP for a total 5-year funding amount of $1.775 billion across the identified Federal Land Management Agencies (FLMA). Authorized funding for transportation infrastructure facilities owned by each FLMA is included in the table below. The FAST Act authorized a total of $85 million in FLTP program funding for the Forest Service for fiscal years 2016–2020.

	FY2016	FY2017	FY2018	FY2019	FY2020	Total
National Park Service	$268M	$276M	$284M	$292M	$300M	$1.42B
Fish and Wildlife Service	$30M	$30M	$30M	$30M	$30M	$150M
USDA Forest Service	$15M	$16M	$17M	$18M	$19M	$85M
Bureau of Land Management, US Army Corps of Engineers, Bureau of Reclamation, and Independent Federal Agencies	$22M	$23M	$24M	$25M	$26M	$120M
Total	$335M	$345M	$355M	$365M	$375M	$1.775B

Primary funding for Forest Service transportation infrastructure comes from both Forest Service appropriations and from FLTP. Adjusted for inflation, appropriated resources have been decreasing over the past two decades, notwithstanding a spike in funding for roads in 2010 under the American Recovery and Reinvestment Act. The Forest Service receives this FAST Act funding from the Federal Highway Administration (FHWA) to enhance access to national forest lands and repair roads after natural disasters. This funding represents approximately seven percent of the total funds received for road maintenance and construction annually through Interior Appropriations and FLTP. The Forest Service and FHWA work together to enhance road safety management, develop long range transportation planning, and collect road condition surveys across the FLTP network. The agency is developing a National Long-Range Transportation Plan with a focus on transportation funding and decision-making and will be the first time the agency has provided national guidance to promote consistency and transparency in managing the roads program. These planning and data collection efforts help the Forest Service focus on performance management when deciding most efficiently what assets to fund construction on and when.

With projects funded by FLTP funding, the Forest Service has completed or is programmed through FY20 to complete 150 projects by spending $70 million in FLTP construction funding, rehabilitating 546 miles of roads, improving access to over 1,300 National Recreation Areas, replacing 29 bridges in poor condition, reconnecting 204 miles of aquatic habitat by upgrading road-stream crossings, and improving 196 miles of trails. These investments focus on key transportation assets that meet recreation, economic benefit, and environmental goals.

Roads directly under the jurisdiction of the Forest Service also benefit from the Emergency Relief for Federally Owned Roads (ERFO) program. After a natural disaster, ERFO funds are used to restore critical transportation assets to their pre-existing state. This program is critical restoring and maintaining access on National Forest Lands.

DEFERRED MAINTENANCE ON THE NFS ROAD SYSTEM

The state of the Forest Service's transportation infrastructure has fallen far behind what is necessary to meet the needs of our forests and forest users. Approximately $3.6 billion (of a total of $5.2 billion) in infrastructure repairs and maintenance have been postponed year-after-year, otherwise known as, "deferred maintenance." Forest roads and bridges are critical for sustaining landscapes across the 193 million acres of National Forest System lands for the benefit of visitors and communities and are also essential in wildland fire management.

The agency is taking several actions to help reduce deferred road maintenance. For example, the Forest Service approach to travel management helps forests plan a road system that best meets community needs and transfers ownership to local communities, counties, or States where appropriate.

We are also taking bold steps to streamline our environmental review processes and speed up important work that could help protect communities, livelihoods and resources. The proposed updates would not only give the Forest Service the tools and flexibility to manage the land and tackle critical challenges like wildfire, insects, and disease but also improve service to the American people. The revised rules will also make it easier to maintain and repair the infrastructure people need to use and enjoy their public lands including our road network.

The updates will help reduce our maintenance backlog by implementing a new suite of "categorical exclusions," a classification under NEPA excluding certain routine activities from more extensive, time-consuming environmental impact analysis. The proposed categorical exclusions would include roads and trails management. The new categorical exclusions are based on intensive analysis of hundreds of environmental assessments and related data and when fully implemented will reduce process delays for routine activities by months or years. We are also streamlining

our business practices and implementing new programmatic agreements for consultation with other agencies.

In addition, the agency is specifically streamlining business practices to reduce the deferred maintenance backlog by strategically prioritizing capital improvement projects. For road projects, the agency uses the following criteria in order: (a) projects vital for near-term forest-based economic activity (that is, restoration within the next 5 years); (b) projects needed for safety; (c) projects that improve access to recreation sites and trails; and (d) projects that improve wildlife connectivity, aquatic organism passage, and flood resiliency. The goals are better community service and better access to public lands for emergency response, outdoor recreation, and active resource management. Projects are also evaluated on how they use partnerships to achieve mutual conservation goals through combined efforts.

CONCLUSION

With a backlog of deferred maintenance for forest roads and bridges at $3.6 billion, the Forest Service cannot achieve a state of good repair on much of its infrastructure on the National Forest System. Deteriorating road infrastructure hampers proper management of the National Forest System and can undermine our firefighting and rescue capabilities, complicate travel to schools and hospitals and hinder commerce with local businesses.

The FLTP has been a critically important program that helps maintain the agency's transportation system and the critical economic and natural benefits it enables. We look forward to working with the committee as it considers reauthorization of the program as well as any infrastructure legislation.

Ms. NORTON. Thank you, Mr. French.

Mr. Aaron Reif, Transportation Program Manager at the Department of the Interior.

Mr. REIF. Chairwoman Norton, Ranking Member Davis, and members of the subcommittee, thank you for the opportunity to discuss the Department of the Interior's Federal Lands and Tribal Transportation Programs. My name is Aaron Reif, the Department of the Interior's Transportation Program Manager.

Interior-managed lands and facilities serve nearly 500 million visitors annually and provide schooling for approximately 47,000 Indian children. Within Interior, the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the Bureau of Land Management, and Bureau of Reclamation manage significant inventories of constructed assets, including transportation systems.

In total, Interior is responsible for nearly 100,000 miles of road, nearly 4,000 bridges, 63 tunnels, 123 transit systems and more than 50,000 miles of trail and primitive roads. Interior's surface transportation network is a key component of effective Federal land management practices, including wildfire prevention and response, and invasive species control. It also provides recreational access for Americans to hunt, fish, and enjoy other outdoor activities.

These systems support local communities by facilitating the efficient movement of goods and services by small businesses, by allowing ranchers to move their stock to range land, and by providing equipment access to energy projects.

At the end of fiscal year 2019, Interior reported $17.3 billion in deferred maintenance and repair needs, Department-wide. Approximately one-half of that total is related to transportation assets. At a time of record-setting visitation and rapid technological change, many key pieces of Interior infrastructure, including iconic parkways, bridges, ferries, tunnels, trails, and bus fleets, have become functionally inadequate, or have exceeded their design life and require large investments to bring them back to good condition.

The Federal Lands Transportation Program, or FLTP, is authorized at $375 million in contract authority from the Highway Trust Fund in fiscal year 2020, and is a jointly administered program between the Federal Highway Administration and the Federal land management agencies.

For decades, this program has successfully played to the strengths of the partnership. Federal land management agencies are responsible for prioritizing multimodal transportation projects, and the Federal Highway Administration provides program oversight, verifies program eligibility, and provides technical assistance for delivery upon request.

In carrying out the Federal Lands Transportation Program, Interior balances optimizing the life cycle of our existing infrastructure through necessary maintenance and capital improvements with our resource stewardship responsibilities.

The FLTP is the primary funding source for major capital investments in Interior transportation facilities. However, other funding sources are also utilized, including fee revenue and annual appropriations to Bureaus for construction, maintenance, and operations.

Interior has identified annual transportation-related needs of approximately $1.1 billion per year to improve and maintain its transportation infrastructure in good condition, meet modernization needs, and develop multimodal transportation systems.

Transportation infrastructure is also a critical part of the well-being of Tribal communities. Interior serves as a steward of more than 56 million acres of Tribal trust lands. These lands contain more than 27,000 miles of road, 1,600 miles of trails, and approximately 1,000 bridges.

The largest road program for Tribal Nations is the Tribal Transportation Program, or TTP, which is also funded from the Highway Trust Fund. During fiscal year 2020, the TTP is authorized at $505 million in contract authority, which is distributed by formula to all federally recognized Tribes through self-determination contracts or agreements. Each Tribal Government prioritizes its own projects under this program.

Accompanying the President's fiscal year 2020 budget for Interior is the reproposal of a public lands infrastructure fund that, if enacted, would generate up to $6.5 billion over 5 years to address Federal infrastructure needs, including deferred maintenance attributed to our transportation infrastructure.

In conclusion, Interior's transportation system is critical to carrying out our mission to ensure visitor enjoyment, access, and safety; to protect natural and cultural resources; and to provide access for resource development and working landscapes. We thank this committee for continued support of these transportation programs.

Without the FLTP and TTP, our ability to care for and provide access to these significant Federal and Tribal lands would be nearly impossible. We look forward to working with this committee and others as they consider legislation related to the administration's proposed public lands infrastructure fund, and the reauthorization of the Fixing America's Surface Transportation Act.

Madam Chair, this concludes my statement. I will be pleased to answer any questions you or other members of the committee may have.

[Mr. Reif's prepared statement follows:]

Prepared Statement of Aron Reif, P.E., Transportation Program Manager, Office of Acquisition and Property Management, U.S. Department of the Interior

Chairman Norton, Ranking Member Davis, and members of the Subcommittee, thank you for the opportunity to discuss the Department of the Interior's (Interior) Federal Lands and Tribal Transportation Programs. My name is Aron Reif, Transportation Program Manager, and my focus and expertise is on the infrastructure and asset management policy aspects of these programs.

Interior oversees approximately 20 percent of all land in the United States and operates in more than 2,400 separate locations across the country. Interior-managed lands and facilities serve nearly 500 million visitors annually, provide schooling for approximately 47,000 Indian children, and are crucial to the work of 70,000 Interior employees and 280,000 volunteers. Within Interior, the National Park Service (NPS), the U.S. Fish & Wildlife Service (FWS), the Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), and Bureau of Reclamation (BOR) manage significant inventories of constructed infrastructure assets with a replacement value of about $300 billion. Among these assets are networks of transportation systems. In total, Interior is responsible for nearly 100,000 miles of road, nearly 4,000 bridges, 63 tunnels, 123 transit systems, and more than 50,000 miles of trails and primitive roads.

Interior's surface transportation network is a key component of effective Federal land management practices including wildfire prevention and response and invasive species control. It also provides recreational access for Americans to hunt, fish, and enjoy other outdoor activities on their Federal lands and is essential to enhancing the visitor experience and ensuring visitor safety. Safe and reliable transportation systems are also good for business. These systems support local communities by facilitating the efficient movement of goods and services across Federal lands by small businesses, such as river guides, tour operators, and outfitters; by allowing ranchers to move their stock to rangeland; by linking timber harvesters to saw mills; and by providing equipment access for development of energy and mineral extraction projects. Interior's constructed infrastructure assets directly enable our bureaus to fulfill our varied missions. After years of increased visitation and use, aging facilities and other vital structures are in need of reinvestment.

In FY 2018, production and activities on Interior lands in total contributed about $183 billion to the Nation's GDP, supported about $315 billion in economic output, and supported an estimated 1.8 million jobs.[1] According to the U.S. Commerce Department, in 2017, America's outdoor economy accounted for $427 billion of the U.S. GDP. Interior plays a major role in supporting America's outdoor economy through access to our national parks and other Federal lands. The modernization, connectivity and the state of condition of the Interior infrastructure that service these lands facilitate the quality of life and are economic engines for the communities nearby.

Aging infrastructure impacts our ability to serve the public. Many of these assets require renewal, with older assets becoming more expensive to repair and maintain in good condition. At the end of FY 2019, Interior reported $17.3 billion in deferred maintenance and repair needs, and approximately one-half of that total is related to transportation assets—primarily roads and bridges, but also including tunnels, parking areas, trails, and infrastructure related to shuttle buses, ferries, and trams.

According to a National Academy of Sciences study, "Predicting Outcomes of Investments in Maintenance and Repair of Federal Facilities," private industry standards require 2–4 percent of the replacement value of constructed assets be invested in maintenance each year to maintain constructed assets in good condition. In contrast, currently, Interior is able to invest less than 0.5 percent each year. Investments in capital improvements, such as roadway widening to support increased public use, are in addition to these expenses. Interior bureaus prioritize investments based on mission criticality, asset condition, mitigation of health or safety risks to employees or the public, cost/benefit analyses, and the consequences of further delays of work.

At a time of record setting visitation and rapid technological change, many key pieces of Interior infrastructure, including iconic parkways, bridges, ferries, and bus fleets, have become functionally inadequate or have exceeded their design life and

[1] U.S. Department of the Interior Economic Report, FY 2018

require large recapitalization or rehabilitation investments to bring them back to good condition. This infrastructure requires modernization and long-term predictable investments that are critical to maintaining public access and protecting natural and cultural resources.

FEDERAL LANDS TRANSPORTATION PROGRAM

The Federal Lands Transportation Program (FLTP) is a jointly-administered program between the Federal Highway Administration (FHWA) and the Federal land management agencies identified in statute. The FLTP is funded from the Highway Trust Fund through the U.S. Department of Transportation (USDOT). For decades, the program has successfully played to the strengths of the partnership: Federal land management agencies are responsible for prioritizing multi-modal transportation projects and the FHWA provides program oversight, verifies program eligibility, and provides technical assistance upon request. Interior appreciates FHWA's sharing of technical knowledge and hands-on technical expertise for delivery of complex projects and capacity building. In carrying out the FLTP, Interior balances optimizing the life cycle of our existing transportation infrastructure through necessary maintenance and investments in capital improvements with our resource stewardship responsibilities.

The FLTP is the primary funding source for major capital investments in Interior transportation facilities, which are a Federal responsibility. However, other funding sources are also utilized, including fee revenue, and annual appropriations to bureaus for construction, maintenance, and operations. A large portion of funds—more than $300 million each year—is associated with the FLTP. This funding source has been invaluable to Interior.

A key strategy at Interior is to focus a larger share of our limited transportation funds on applying preventive maintenance techniques such as pavement seal coats. These preventive maintenance activities extend the life of pavement for a relatively low unit cost compared to the repair or reconstruction of our worst condition roads at a significantly higher unit cost. We can significantly extend the pavement life of many miles of good condition pavement for the same cost that it would take to reconstruct one mile to bring it back to good condition. This allows us to improve the condition of the entire transportation network over time, while still directing some funding towards the costly major rehabilitation or reconstruction efforts, allowing us to maximize appropriated funding.

Through analysis such as pavement deterioration modeling and total life cycle cost analysis, Interior has identified annual transportation-related needs of approximately $1.1 billion per year to improve and maintain its transportation infrastructure in good condition, meet modernization needs, and develop a multi-modal transportation system that can accommodate future needs and welcome all Americans.

National Park Service

The National Park System includes more than 85 million acres across 419 national park units in every state, the District of Columbia, American Samoa, Guam, Puerto Rico, Commonwealth of Northern Mariana Islands and U.S. Virgin Islands. About 9,600 miles of publicly accessible park roads and parkways exist, approximately 5,500 miles of which are paved. The condition ratings of paved roads are 65 percent good, 26 percent fair, and 9 percent poor. The NPS network includes approximately 1,400 public bridges and 63 public tunnels. The NPS also has 4,600 miles of front country trails.

The NPS manages 99 discrete transit systems in 65 of the 419 NPS units. These transit systems accommodate more than 43 million passenger boardings annually. Shuttle, bus, van, and tram systems make up the largest share of all system types (61 percent), followed by boat and ferry systems (33 percent), planes (2 percent), and trains and trolleys (4 percent). Of these systems, 29 provide the primary access to an NPS unit because of resource or management needs and geographic constraints.

Under the Fixing America's Surface Transportation Act (FAST Act), the NPS is authorized an average of $284 million per year, starting at $268 million in fiscal year (FY) 2016 and growing $8 million per year to $300 million in FY 2020. The NPS has approximately 500 projects underway at any given time at all stages of project delivery. Some notable current projects include a rehabilitation of the Linville River Bridge on the Blue Ridge Parkway in North Carolina ($3.3 million), bridge preservation of the West Fork Sulphur Creek Bridge in Lassen Volcanic National Park in California ($1.1 million), rockfall mitigation and a replacement of the Bugstuffer Culvert in Denali National Park in Alaska ($2.7 million), a replacement of a dilapidated pier at Scorpion Anchorage at South Cruz Island in Channel Islands

National Park in California ($13 million), and a bridge replacement on the Main Entrance and Park Central Road in National Capital-East parks ($0.4 million).

There are also a number of large projects with high local, regional, and national interest such as Arlington Memorial Bridge in Washington DC, a major commuter artery; the Denali Road in Denali National Park, Alaska, an essential tourism feature for the park visitors; and the Tamiami Trail project in Everglades National Park, Florida, a critical component to South Florida's ecosystem restoration efforts. The NPS has identified over $2.6 billion in potential future transportation "mega" projects which are defined as over $25 million in project cost. The NPS celebrated this year the completion of the Going-to-the-Sun Road Reconstruction in Glacier National Park in Montana, and completion of the "missing link" section of the Foothills Parkway in the Great Smoky Mountains National Park in Tennessee. Additionally, the rehabilitation of the Arlington Memorial Bridge is over one-half completed. These projects were some of the most recent "mega" projects that NPS has successfully leveraged NPS funds with grants from the USDOT and/or state and local government funds to complete.

U.S. Fish and Wildlife Service

The National Wildlife Refuge System managed by the FWS includes more than 855 million acres of lands and waters across 568 national wildlife refuges and 38 wetland management districts, in every state. In 2017, the FWS welcomed about 55.5 million visitors to national wildlife refuges and national fish hatcheries for recreational activities, a 13.5 percent increase from 2013. Projects completed in partnership with Federal Lands Highway make this visitation possible. According to a 2011 survey of refuge visitors, 75 percent ranked transportation elements as highly important to their satisfaction.

The FWS operates over 5,400 miles of public use roads and 5,000 parking areas, approximately 540 miles of which are paved. The FWS network includes approximately 300 public bridges, thousands of culverts, and 23 public transportation systems. The FWS also has 2,100 miles of trails and boardwalks. Most of FWS' transportation assets are near the end of their life cycle. Just 15 percent of FWS public roads and parking areas, 30 percent of FWS public bridges, and 32 percent of FWS trails and transit systems are under 20 years of age. The average age of FWS public roads, parking areas, and bridges is 42 years, and the average age for FWS transit systems and public trails is 32 years. Under the FAST Act, and previous highway reauthorization bills, the FWS receives $30 million per year, a funding level that has been consistent since 2005.

An example of transportation infrastructure needs managed by the FWS is on the Kenai National Wildlife Refuge in Alaska, which covers over 3,000 square miles and offers a wide array of visitor activities, including hunting, camping, and educational programs. FWS needs to rehabilitate the deteriorating Swan Lake Road, which has serious drainage and safety issues, including signage and visibility concerns due to vegetation encroachment. The project would extend the life of the asset and improve safety, access, and the overall visitor experience at the wildlife refuge. This project will require a $14.7 million investment to complete.

Another example is at Crab Orchard National Wildlife Refuge in Illinois. With over 43,000 acres in southern Illinois, this refuge is a beloved community asset. Its original 32-mile paved roadway network, related bridges, and adjacent parking lots have far exceeded their usable life. All assets need significant repairs just to maintain reliable public use; the refuge cannot increase capacity sufficiently to accommodate increasing public use. An $8 million project to improve the roadways and parking lots is underway. This project will serve 17 miles of road and an additional 36,000 square yards of parking on the most traveled public routes. As the work moved forward, the scope of the project expanded and another $2 million will be awarded for intersection safety improvements and other related road work. Due to funding constraints, construction has been phased, ultimately increasing the project's total cost.

The Valle de Oro National Wildlife Refuge is one of the largest public open spaces in Albuquerque, New Mexico. Recognizing the limited access opportunities to the new refuge, FWS and Bernalillo County formed a partnership and were selected for Federal Lands Access Program (FLAP) funding that was leveraged with FLTP funds for a total of $8.5 million to improve multi-modal connectivity with the community. A second multi-modal transportation expansion project was tentatively selected for FY 2023 FLAP funding with an estimated construction cost of $8,000,000. These projects expand upon the new visitor center and FLTP-funded entrance road to greatly enhance public access, safety, and the visitor experience to the wildlife refuge.

Bureau of Land Management

The BLM manages more than 245 million acres of land, primarily in the western states. About 45,000 miles of public roads are accessible by standard passenger cars on these lands; approximately 2,000 miles of which are paved, and another 14,000 miles are surfaced with aggregate. The condition ratings of these roads are 1 percent good, 33 percent fair, and 66 percent poor. Additionally, the BLM operates an additional 30,000 miles of primitive roads, which are only traversable by 4-wheel drive vehicle. The BLM transportation network also includes 891 public bridges and more than 15,000 miles of trails.

The FAST Act does not authorize a dedicated funding level for the BLM each year; instead, the BLM must compete with other Federal land management agencies for a share of funding averaging $24 million per year. Under the FAST Act, the BLM has received over $37 million in FLTP funds (between $6.8 million and $8.1 million per year). These funds have been used by BLM to reduce deferred maintenance and provide capital improvements and safety upgrades to existing roads that provide important access to BLM priority high use recreation sites. The BLM completed four rehabilitation projects in Oregon, Nevada, California, and Montana totaling approximately $36 million. These projects improved access by paving aggregate roads and repaving existing asphalt roads to improve public access to river rafting, fishing, hiking, rock climbing, timber harvesting, and access to off-highway vehicle usage areas. In the design phase, the BLM has four additional rehabilitation projects underway in Montana, South Dakota, New Mexico, and Alaska, and one additional rehabilitation project that is currently under construction in Oregon; these projects will total over $28 million in FLTP funds.

In 2017, Road and Bridge magazine listed the Red Rock Scenic Loop road rehabilitation project number 3 of their top 10 road pavement projects in North America, which was a $14 million road rehabilitation in Red Rock Canyon National Conservation Area outside of Las Vegas, NV.

Work included repairs, upgrades, and repaving of 13 miles of roads. Visitor safety was improved by building two new bridges across low water crossings that previously left visitors stranded during flash floods. The BLM also added a pedestrian/bike lane adjacent to the road to support multimodal travel throughout the Red Rock NCA and reduce congestion.

Another program highlight for the BLM is the Campbell Tract project. The Campbell Tract is a 730-acre Special Recreation Management Area located on the east side of Anchorage, Alaska. It provides a 12-mile non-motorized trail system that winds through the woods. The BLM partnered with the Alaska Department of Transportation and Public Facilities (DOT&PF), using Federal Lands Access Program funds to realign the intersection of East 68th Avenue and Elmore Road, and $1.6 million of BLM FLTP funds to realign the BLM entrance road from the new intersection into Campbell Tract. This project will improve safety and year around access for motorized and non-motorized visitors.

Bureau of Reclamation

BOR provides water and electricity throughout the western United States, through a series of dams, lakes, canals, and power generation sites. The public has access to much of the land surrounding these water and power facilities. BOR owns approximately 2,800 miles of public road, 300 public vehicular bridges, and 1,300 miles of public trails.

The FAST Act does not authorize a dedicated funding level for BOR each year; instead, BOR must compete with several other Federal land management agencies for a share of a pot of funding averaging $24 million per year. BOR was added to the FLTP in 2016 in the FAST Act, and it has been beneficial to the agency, our partners, and the public, funding over 27 projects for $30 million in 13 of the 17 western states in which Reclamation has a presence. One of the recent FLTP projects that was completed was rehabilitating the Hoover Dam Access Road and parking areas, which had fallen into disrepair due to heavy traffic. Hoover Dam is BOR's most visited site receiving over 5.5 million visitors.

Another noteworthy FLTP project BOR has is the Ponderosa Way Bridge Replacement project. This project is located outside of Auburn, California over the North Fork of the American River. The original bridge and road system was built by the Civilian Conservation Corp in the 1930s as a fire break across the Sierra Nevada mountain range. The project cost is over $5 million, involving a mixture of FLTP funds and BOR appropriated funds. Construction is expected to be completed in 2022.

TRIBAL TRANSPORTATION PROGRAM

Transportation infrastructure is also a critical part of the well-being of tribal communities. Interior serves as the steward of more than 56 million acres of tribal trust lands. These lands contain more than 27,800 miles of road (including 7,300 miles of paved; 5,000 miles of gravel; and 15,500 miles of earth/primitive surfacing); 1,600 miles of trails; and approximately 1,000 bridges. These roads represent an additional $392 million in needs that is separate from those reported for Interior's owned assets.

The largest road program for tribal nations is the Tribal Transportation Program (TTP), funded from the Highway Trust Fund through the USDOT's Federal Highway Administration and authorized by the FAST Act. During FY 2020, the TTP is authorized at $505 million in contract authority, which is distributed as directed by Chapter 2 of Title 23 to federally-recognized tribes, through self-determination contracts or agreements. Each tribal government prioritizes its projects under this program via a Tribal Transportation Improvement Plan, approved by the Federal Highway Administration.

PUBLIC LANDS INFRASTRUCTURE FUND

Accompanying the President's FY 2020 budget for Interior is the re-proposal of a Public Lands Infrastructure Fund that would generate up to $6.5 billion over five years to address investment needs in the Departments of the Interior and Agriculture. Similar legislation has been introduced on a bipartisan basis both here in the House and in the Senate, and the Secretary looks forward to working with the Congress to enact this legislation. The Administration's proposal would support infrastructure improvements through an allocation of 70 percent for national parks, 10 percent for national forests, 10 percent for national wildlife refuges, 5 percent for Bureau of Indian Education schools, and 5 percent for lands managed by BLM. The Fund will be funded through the deposit of 50 percent of all Federal energy development revenue that would otherwise be credited or deposited as miscellaneous receipts to the Treasury over the 2020–2024 period, subject to an annual limit of $1.3 billion. Interior and Agriculture would prioritize projects, monitor implementation, and measure results. This investment will significantly improve the public's experience at many of America's most visible, visited, and treasured places.

If enacted, the Public Lands Infrastructure Fund would be used to help to address Interior's deferred maintenance backlog, including deferred maintenance attributed to our transportation infrastructure. In this way, funds generated from the highway trust fund and energy development revenue would both be deployed to improve the overall condition of our transportation network and increase or restore access to our Federal lands.

CONCLUSION

Interior's transportation and infrastructure system is critical to carrying out our mission and to ensure visitor enjoyment, access, and safety; to protect natural and cultural resources; and to provide access for resource development and working landscapes. We thank this committee for continued support of these transportation programs, which in turn have helped Interior to address critical investment needs of deteriorating roads and bridges, close the gap on incomplete parkways, and enhance safety for visitors and staff. Without the FLTP and TTP, our ability to care for and provide access to these significant Federal and Tribal lands would be nearly impossible. We look forward to working with this Committee and others as they consider legislation related to the Administration's proposed Public Lands Infrastructure Fund and the reauthorization of the Fixing America's Surface Transportation Act.

Madam Chair, this concludes my statement. I would be pleased to answer any questions you or other members of the Committee may have.

Ms. NORTON. Thank you, Mr. Reif, for your statement.

Next, Mr. Joe A. Garcia, head councilman, Ohkay Owingeh Pueblo.

Mr. GARCIA. [Speaking a Native American language.]

Good morning. With all due respect, thank you, Chair Norton, Ranking Member Davis, and members of the subcommittee for the opportunity to provide testimony today on the importance of surface transportation for Indian country. My name is Joe Garcia. I

am head councilman and the former three-term Governor of Ohkay Owingeh. I am an electrical engineer by profession, with a B.S. in electrical engineering from the University of New Mexico. I am the cochair of the National Congress of American Indians (NCAI) Intertribal Transportation Association Tribal Transportation Task Force, a former two-term president of NCAI, and the Tribal cochair of the Department of Transportation's Negotiated Rulemaking Committee to establish the Tribal Transportation Self-Governance Program.

Let me begin by thanking the committee and Chairman DeFazio for including section 1121 in the FAST Act to extend Tribal self-governance to the Department of Transportation. With your help, we have a consensus draft rule that will become final this June. We have some disagreement issues and concerns and timing issues, such as the timing when the Department may establish an Office of Self-Governance, whether the Department might establish an advisory committee or pay Tribes contract support costs and lease payments. But the draft rule honors self-governance principles, and this new program will benefit Indian country.

Today, there are 574 Tribal Nations with a nation-to-nation relationship with the United States—229 Tribes are located in Alaska, and 345 are located in 34 other States. Indian country's 100 million acres would make it the fourth largest State in the U.S., with some 151,000 miles of roads, 42,000 miles of which are owned and maintained by the Bureau of Indian Affairs and Tribes, with too few resources.

The transportation needs of Indian country, like rural America, are great. Please build on the improvement to the existing Federal transportation programs proposed in the Senate bill, S. 2302, including in it title IV, which includes many provisions supported by Tribes and the NCAI.

Tribes ceded millions of acres of their aboriginal land to the United States. In return, the Federal Government promised, through signed treaties, statutes, and Executive orders, to extend its protection to Tribal Governments and to our citizens. That is the binding contract the United States entered into with the Tribes, from which has arisen the United States trust responsibility to the Indian Nations and to our peoples.

With too few Federal appropriations, Tribes are falling behind the rest of the Nation, and transportation barriers hinder economic growth. There are 29,400 miles of BIA system roads, the majority of which are gravel or earth, and over 900 BIA-owned bridges. Tribal Nations own and maintain approximately 14,000 miles of travel roads and trails, of which only 1,000 miles are paved. Many of the dirt and gravel routes are schoolbus routes. These roads are among the most underdeveloped, unsafe, and poorly maintained road networks in the country. This committee can authorize more funds to pave them.

In my written testimony, I discuss the Appalachian region, and the vision that the 89th Congress had in 1965, to see that targeted Federal appropriations were made to the region and peoples that have not shared properly in the Nation's prosperity. Thanks to the American people, the region prospers today. I ask this sub-

committee to do the same for Indian country in the next highway bill.

The modern day bipartisan Federal policy of Tribal self-governance authorizes the transfer from Federal agencies to Tribal Governments of the day-to-day administration of Federal programs and funds for Tribes in the most efficient and streamlined manner, reducing burdensome regulations and minimizing transactional costs, so that Federal funds are expended at the local, Tribal level. Today, 95 percent of Tribes carry out Federal transportation and road maintenance programs.

In closing, I ask this committee to empower Tribal Government in the next reauthorization measure by giving Tribes the resources they need, primarily through the Tribal Transportation Program, the Tribal Transit Program, and through set-aside grants. Thank you for giving Tribes a platform today to share our needs and goals with the subcommittee to reauthorization. Thank you so much.

[Mr. Garcia's prepared statement follows:]

Prepared Statement of Hon. Joe A. Garcia, Head Councilman, Ohkay Owingeh Pueblo

Thank you Chair Norton, Ranking Member Davis, and Members of the Subcommittee for the opportunity to provide testimony on the importance of surface transportation infrastructure for Indian country. My name is Joe Garcia, and I am Head Councilman and former three term Governor of Ohkay Owingeh, the Co-Chair of the National Congress of American Indians (NCAI)-Intertribal Transportation Association (ITA) Tribal Transportation Task Force, a former two term President of NCAI, and the current Tribal Co-Chair of the Department of Transportation's Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee. Ohkay Owingeh is located 30 miles north of Santa Fe, New Mexico and 25 miles northeast of the Los Alamos National Laboratory.

I, together with many Tribal elected officials, look forward to working with the members of the House Transportation and Infrastructure Committee to ensure that Federal transportation policies, including the next surface transportation reauthorization measure, honor the Nation's treaty and trust responsibilities to Tribes. The transportation needs of Indian country, like rural America, are great. Please build on the improvements to existing Federal transportation, public transit, and highway safety programs proposed by the Senate Environment and Public Works Committee's S. 2302, including its title IV, which includes many provisions supported by Tribes. At its annual meeting in Albuquerque in October, NCAI, by resolution (#ABQ–19–076), endorsed the Tribal provisions of S. 2302, urged Congress to support these provisions, and to enact reauthorization before the FAST Act expires this September.

Tribes ceded millions of acres of their aboriginal lands to the United States and in return the Federal government promised, through signed treaties, statutes, Executive Orders, and Federal court decisions, to extend its protection to Tribal governments and to our citizens, and provide our peoples with the funds and resources to meet our basic needs for food, clothing, shelter, to provide us doctors, teachers, roads, and to give us the resources necessary to sustain our communities on the lands we reserved. That is the binding contract the United States entered into with Tribes, and from those treaties and other laws has arisen the United States' sacred trust responsibility to the Indian Nations and our peoples.

For that reason, I am encouraged by Committee Chairman DeFazio's announcement last week of a transformational five-year, $760 billion investment in infrastructure. The United States and Tribes must move forward in close partnership to ensure that Indian country—like rural America—participates fully in this bold initiative. I am confident that Congress will find a way to pay for this infrastructure initiative that is so important to the future prosperity of the Nation.

Fifty-five years ago, Congress enacted the Appalachian Regional Development Act of 1965. In that legislation, Congress found that the region, "while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's pros-

perity." Pub. L. 89–4, § 2. The same can be said of Indian country. The indigenous peoples of the United States have not shared properly in the Nation's prosperity. We must eliminate the pockets of poverty that persist in the country.

The Appalachian region today is so much better off than it was in 1965. The 13 States covered by the Appalachian Regional Commission have improved transportation infrastructure and, as a result, a higher standard of living because of the vision of the 89th Congress. That Congress, and every Congress since, believed that Federal appropriations can and should be targeted to a particular region and to a people who needed additional assistance. The Appalachian region and the entire Nation are the beneficiaries of that sage vision. We need that vision today.

As of January 1, 2020, there are 574 sovereign Tribal Nations with a formal nation-to-nation relationship with the United States. 229 Tribal Nations are located in Alaska, while 345 Tribes are located in 34 other states. The total land mass under American Indian or Alaska Native jurisdiction is about 100 million acres, which would make Indian Country the fourth-largest state geographically in the U.S. Additionally, there are twelve tribal nations that have a larger land base than the state of Delaware, and the Navajo Nation, alone, would be the 42nd-largest state. According to the 2010 Census, 5.2 million people identified as American Indian/Alaska Native (AI/AN) alone or in combination with other races, which would make Indian Country the 22nd most populous state.

In FY 2019, States divided over $50 billion in Federal-Aid Highway Program and Mass Transit funds to meet their infrastructure and public transit needs. By comparison, in FY 2019, after reducing Federal appropriations due to the obligation limitation deduction, and deductions for BIA and FHWA administrative costs, some 570 Tribes shared about $401 million in Tribal Transportation Program (TTP) funds for infrastructure needs, and $35 million in Tribal Transit "Public Transportation on Indian Reservation" funds. Tribes receive 8/10th of one percent of States.

Indian country needs additional Federal assistance. What little data exists shows that Indian country continues to fall behind. I ask that you envision a brighter future for Indian country that is only possible with targeted and sustained Federal assistance. I encourage this Subcommittee to think big when it considers the transportation funding needs of 574 federally-recognized Tribes. Do for Tribes in the next reauthorization measure what the 89th Congress did for the Appalachian region in 1965 and Indian country and entire Nation will reap a bountiful harvest.

I. Tribes and the Department of Transportation Negotiated a Consensus Draft Rule for the FAST Act's Tribal Transportation Self-Governance Program that Honors Key Principles of Self-Governance

I want to personally thank Committee Chairman DeFazio, Ranking Member Graves, Chair Norton, Ranking Member Davis, and the entire Committee for including the Tribal Transportation Self-Governance Program in the FAST Act (Pub. L. 114–94, § 1121), and directing the Department of Transportation to consult meaningfully with Tribes in the drafting of the regulation to implement this important Federal program for Tribes.

What is Tribal self-governance? As former Congressman George Miller noted: "The nature of Self-Governance is rooted in the inherent sovereignty of American Indian and Alaska Native tribes. From the founding of this nation, Indian tribes and Alaska Native villages have been recognized as 'distinct, independent, political communities' exercising powers of self-government, not by virtue of any delegation of powers from the federal government, but rather by virtue of their own innate sovereignty."[1] The modern day bipartisan Federal policy of Tribal self-governance authorizes the transfer from Federal agencies to Tribal governments of the day-to-day administration of federal programs enacted for their benefit, together with Federal funds, in the most efficient and streamlined manner, a simple compact and funding agreement, reducing burdensome regulations and minimizing "transactional costs" so that Federal funds are expended where they are most needed—at the local Tribal level.

As one of the two Tribal Co-Chairs to the Department of Transportation's Negotiated Rulemaking Committee, I am pleased to report that the joint Tribal-Federal Negotiated Rulemaking Committee, created under the legislation, has developed a consensus draft rule, which the Rulemaking Committee should complete by March of this year, with the able assistance of facilitators from the Federal Mediation and Conciliation Service (FMCS).

I am grateful to Transportation Secretary Chao and her staff for supporting the Tribal request in 2018 to use FMCS to help us find common purpose and to resolve

[1] House Rep. No. 105–765, 105th Cong., 2d Sess., House Resources Committee, Tribal Self-Governance Amendments of 1998, Additional Views, Oct. 2, 1998, p. 54.

our differences through interest-based bargaining. It worked and we all are so much better off for it. We have some disagreement issues. They are significant and mostly concern issues that have a cost component, such as Tribal eligibility for Contract Support Cost funds, lease payments, and the Department's timely establishment of an Office of Self-Governance and an advisory committee to implement the Program at the Department. I hope the Department reconsider and accepts the Tribes' positions. Under the legislation, the Department must publish the final rule for the Program by June 1, 2020. I am confident that the Department will meet the deadline. The full Rulemaking Committee will meet next month to review the public comments and finalize the rule.

Tribes qualify for the new Program by demonstrating to the Department's satisfaction that they possess the requisite financial management capability and transportation program management capability. Once eligible, Tribes can negotiate a simply award instrument and fold into that agreement program duties and associated funds from FHWA transportation and safety programs, FTA transit, FAA, NHTSA, as well as Federal-Aid funds (when a State agrees to transfer such funds to a Tribe), reduce administrative burdens, and focus on the business of building transportation infrastructure for their communities. It's that simple.

II. Empower Tribal Governments in the Next Reauthorization Measure by Giving Tribes the Resources and Assistance Required to Improve the Transportation Infrastructure and Transit Systems and Build Strong Partnerships with Other Transportation Stakeholders.

1. The Federal policy of Self-Determination and Self-Governance has transformed and Empowered Tribal Governments.

The bipartisan Federal policy of Tribal self-governance and self-determination dates back to 1975 with the enactment of the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93–638, 25 U.S.C. 5301 et seq., has empowered Tribal governments. The ISDEAA removed the question of *whether* a Tribe or Tribal Organization could assume programs and services of the Department of the Interior and Department of Health and Human Services (DHHS), or *whether* Tribes were entitled to the same level of funding the respective Secretaries were given by Congress to carry out such programs, together with administrative overhead costs, known as Indirect Costs and Contract Support Costs (CSCs).

Over the last 45 years, Tribal nations have contracted, assumed, and taken control over federal programs for housing, law enforcement, social services, health care, environmental programs, road maintenance, rights-of-way, and the planning, design, construction, and reconstruction of roads and bridges. In 1988, Congress established the Tribal Self-Governance Program which further empowered Tribes to redesign and consolidate Federal programs as Tribes determined best to meet the needs of their citizens.

In 1994, Congress established a permanent self-governance program at the Department of the Interior (title IV of the ISDEAA) and, in 2000, at the Department of Health and Human Services (title V of the ISDEAA) and given Tribes the discretion, authority, and flexibility to redesign or consolidate federal programs to best "meet the needs of their communities consistent with their diverse demographic, geographic, economic, cultural, health, social, religious, and institutional needs," 25 C.F.R. § 1000.4(c)(6) (Secretarial self-governance policies), and without any modification or diminishment of the trust responsibility owed by the United States to Indian tribes and individual Indians that exists under treaties, Executive Orders, other laws, or court decisions. 25 U.S.C. §§ 5366(b) (title IV) and 5387(g) (title V). Tribes are grateful that the Committee and Congress extended the Tribal Transportation Self-Governance Program to the Department of Transportation in the FAST Act.

These laws, and the experience of carrying out governmental services, have built strong Tribal governments with the administrative capacity and resources to develop programs, systems and standards, hire and train dedicated Tribal personnel to oversee and carry out the programs, account for federal funds, and provide independent audits to the federal awarding agencies. Under the ISDEAA, every Tribe that meets the statutory threshold regarding receipt of Federal funds must complete an independent audit under the Single Audit Act Amendments of 1996 pursuant to the requirements of the statute and the Uniform Administrative Requirements, Cost Principles and Audits Requirements for Federal Awards (2 CFR Part 200).

According to a recent report of the Federal Highway Administration (FHWA) regarding the Tribal Transportation Program (TTP), as of FY 2017, 131 Tribes operated their TTP program through agreements directly with FHWA; 205 Tribes carried out the TTP under title I Self-Determination Act contracts with the BIA; 187 Tribes performed their TTP duties under TTP Agreements with the BIA; and 23 Tribes carried out TTP duties under title IV Self-Governance compacts with the

BIA. Thus, 546 Tribes carry out the Secretary of the Interior's duties for the Tribal Transportation Program with growing confidence and ability. These numbers amply illustrate Tribal transportation capacity.

2. Indian Nations are Public Authorities and have responsibilities, just like States and counties, to build and maintain safe transportation infrastructure and transit systems with the assistance of the United States in accordance with the Federal Government's trust responsibilities to Tribes and Tribal citizens.

Tribal governments are "public authorities," defined under Federal law as a "Federal, State, county, town, or township, *Indian tribe*, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities." 23 U.S.C. § 101(a)(21). Tribes work diligently to improve and maintain public transportation and transit systems with limited funds, and coordinate with county, city, RPOs, MPOs, State, and Federal agencies. But Tribal transportation infrastructure and transit systems do not compare to our non-Indian neighbors. Tribes lack the funds required to plan, design, and maintain modern transportation and transit systems. We need more resources to hire and retain personnel to interact and engage with other transportation stakeholders. We cannot do the work alone. We must build partnerships to combine our resources, and collaborate on projects of mutual benefit.

According to the most recent National Tribal Transportation Facility Inventory (NTTFI), there are approximately 161,000 miles of roads and trails in Indian Country eligible for federal funding. Of those, 29,400 miles are BIA System routes, 75 percent of which are gravel, earth, or primitive routes. Tribes and the BIA maintain the routes. Tribal nations own and maintain 13,650 miles of roads and trails, of which only 7.3 percent (1,000 miles) are paved. The other 12,650 miles are gravel, earth, or primitive. Many of these unimproved routes are school bus routes. Altogether, the 42,000 miles of BIA and Tribal roads in Indian Country are still among the most underdeveloped, unsafe, and poorly maintained road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors. Only this Committee can authorize more funds to pave these routes. Road maintenance funds only maintain the existing surface—whatever its condition.

The BIA recently conducted a road maintenance survey that found that the total dollar value of deferred road maintenance for surveyed stakeholders is estimated at $498 million. The survey also found that more funding was the number one priority of stakeholders, followed by equipment needs.[2] Data indicated that Tribal nations are using Tribal Transportation Program (TTP) funds—that could otherwise be used for road construction or improvement—to address road maintenance needs as is authorized by Federal law (23 U.S.C. § 202(a)(8)). The survey estimated that the expenditures for road maintenance in FY 2017 were more than double the allocated amount of funding for the BIA Road Maintenance program in FY 2017 of $30.3 million.[3] Borrowing funds from the TTP to backfill the underfunded BIA Road Maintenance Program results in a drag on the construction, maintenance, and overall safety of roads throughout Indian country.

Having safe, well-maintained tribal roads, bridges, and adequate public transportation is vital to public safety, commerce, and tourism in tribal communities and benefits tribal citizens and those living in and around Indian Country. Congress has long recognized that for economic development to take root there must be community stability, and it begins with essential infrastructure, including roads and transit systems, safe drinking water, utilities, broadband, good schools, health facilities, and access to markets and job opportunities. Too often, however, Federal appropriations for Tribes are wholly inadequate to the task and, as a result, Tribal governments struggle to maintain existing institutions and facilities and carry out essential government services. With Federal assistance, we can improve the condition of our infrastructure. Like the States, we need a strong Federal presence in the next reauthorization measure to bring lasting change and to build the economies of our Tribes to meet the challenges of the 21st Century.

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[2] Tribal/Interior Budget Council, Roads Maintenance Subcommittee Presentation, November 15, 2018. http://www.ncai.org/TIBC-Nov201_ROADS_Subcmte_Preso.pdf

[3] *Id.*

3. Indian Country roads are unsafe, outdated, and contribute to the transportation barriers that separate Tribal lands from markets, business opportunities, education, healthcare and jobs.

Our existing road systems create transportation barriers which must be eliminated if we are to maintain our existing Tribal and non-Indian residents, and attract businesses, tourism, and jobs to sustain our peoples. Every Federal policy for Indian country is hindered and made more difficult by the poor state of transportation infrastructure, transit, and highway safety in Indian country. Our third-world transportation systems undermine public safety, education, health care, job opportunities, and slow or eliminate economic development opportunities. This is especially so in the Nation's most remote and rural reservations and Alaska Native villages. The few statistics regarding motor vehicle and pedestrian fatalities among American Indians and Alaska Natives indicate that our populations are at a much greater risk of death than other Americans. These preventable deaths tear the fabric of Tribal communities and leave scars that seldom heal.

According to FHWA, motor vehicle crashes caused an average of 655 fatalities each year in tribal areas.[4] Motor vehicle crashes are the leading cause of unintentional injury death for AI/ANs under the age of 20.[5] Additionally, motor vehicle-related death rates for AI/ANs ages 20 and older are more than twice that of non-Hispanic whites, and AI/AN infants have a motor vehicle death rate that is eight times higher than that of non-Hispanic whites.[6] This is frightening.

Despite these startling statistics, appropriations for tribal road safety remains woefully underfunded, especially when compared to funding for States. In FY 2018, State Departments of Transportation shared $2.23 billion in Highway Safety Improvement Program (HSIP) funds (23 U.S.C. § 402).[7] By comparison, Tribes compete for $8.9 million in TTP safety grants (23 U.S.C. § 202(e)) and a few Tribes share $5.2 million from BIA's Indian Highway Safety Program (IHSP) (23 U.S.C. § 402, 2% set-aside). States receive recurring Federal appropriations for highway safety. So should Tribes. Otherwise, the horrific motor vehicle statistics in Indian country will continue. Tribes need recurring funding to reduce DUIs, increase seat belt use and child safety seat use, and make highway safety improvements. Please address this unmet need in reauthorization.

As I testified last year before the Senate Indian Affairs Committee, there is great need for additional surface transportation funding and data in Indian Country. In December of 2018, the U.S. Commission on Civil Rights released its report, titled Broken Promises: Continuing Federal Funding Shortfall for Native Americans, as an update to its 2003 A Quiet Crisis report.[8] The Broken Promises report emphasizes federal underinvestment in transportation and other infrastructure in Indian Country and discusses how the lack of investment causes significant safety concerns, interrupts the provision of tribal government services, and affects the overall health of tribal economies.[9] In addition to the chronic underinvestment in the physical infrastructure of Tribal communities, the Commission's report goes on to highlight the "severe lack of public transportation in Indian Country."[10]

In May 2017, the U.S. Government Accountability Office (GAO) conducted a study on tribal transportation data, road management, and student attendance. GAO found that the NTTFI and Deferred Maintenance Reporting (DMR) systems contain incomplete and inconsistent road description and condition data that affect program efficiency and delivery. As a result, reports and budget submissions that rely on these datasets "may not accurately reflect road conditions or maintenance needs and associated costs . . . inhibit[ing] the ability of Congress" and the appropriate bureaus,

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[4] Federal Highway Administration, Transportation Safety in Tribal Areas, FHWA–HRT–18–004, Vol. 82 No. 2, https://www.fhwa.dot.gov/publications/publicroads/18summer/02.cfm

[5] CDC, *Tribal Road Safety: Get the Facts*, https://www.cdc.gov/motorvehiclesafety/native/factsheet.html

[6] *Id.*

[7] Federal Highway Administration, *Distribution of Highway Safety Improvement Program (HSIP) Funds Apportioned for FY 2018*, https://www.fhwa.dot.gov/legsregs/directives/notices/n4510824/n4510824__t12.cfm

[8] U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf

[9] *Id.*

[10] *Id.*, citing U.S. Senator Byron L. Dorgan, Testimony before the Senate Committee on Indian Affairs, July 12, 2007, https://www.gpo.gov/fdsys/pkg/CHRG-110shrg37860/html/CHRG-110shrg37860.htm

offices, and agencies to make better-informed decisions about priorities and the transportation system as a whole.[11]

GAO also identified the significant practical impacts of poor tribal road conditions. The report concluded that road conditions on tribal lands pose challenges "in connecting people to education, employment, healthcare, and other essential services," which are magnified during adverse weather due to remoteness and existing road conditions.[12] Additionally, GAO concluded that road conditions affect student attendance[13] and rough road conditions can increase maintenance needs for school vehicles.[14] To remedy these conditions, Congress must better target Federal appropriations and funds to Tribes.

4. Tribes are good stewards of Federal appropriations; Invest in Tribes by increasing Federal appropriations in transportation formula and discretionary and competitive grant programs enacted for the benefit of Tribes or for which Tribes may compete as public authorities

Over the last five decades, Tribes have developed financial management, property management, and procurement management systems and standards to efficiently operate Tribal and Federal programs. Tribes have demonstrated the transportation program management abilities to be good stewards of Federal transportation funds. Making Tribes direct recipients of Federal transportation programs places Federal dollars in the hands of the local government, the government most responsive to the needs of Tribal citizens and residents, minimizes regulatory burdens, saves money and time, builds and maintains Tribal capacity and confidence in the transportation arena, and sustains Tribal economies.

I urge the Committee to take into account the capacity of Tribal governments to effectively administer Federal transportation infrastructure programs, transit systems, and highway safety projects to benefit their citizens, together with the great unmet transportation construction, transit, and highway safety needs they face when determining authorization levels in reauthorization. I recommend that in the reauthorization of the FAST Act, Congress consider the following:

1. *Tribal Transportation Program*—Significantly increase the authorization level for the Tribal Transportation Program for each year of reauthorization; TTP funds are the most flexible Federal dollar awarded to Tribes and can be used for many purposes to further transportation planning, design, purchase of heavy equipment, perform deferred and emergency road maintenance work, undertake NEPA environmental studies, subsidize transit, perform highway safety improvements, and cover administrative overhead costs;
2. *FTA Tribal Transit Program*—Significantly increase the authorization for the FTA's "Public Transportation on Indian Reservations" Tribal Transit Program, 49 U.S.C. § 5311(c), including the formula and discretionary grant programs;
3. *Restore a Tribal High Priority Projects Program*—Like S. 2302, restore a Tribal High Priority Projects Program (HTF) for all Tribes so that Tribes can compete, among Tribes, to fund their highest priority transportation project or address a road emergency;
4. *Make Tribes, as Public Authorities, Eligible for All Federal Competitive and Discretionary Grant Programs*—Tribes should be eligible to compete for direct Federal assistance from the Department of Transportation, rather than being a sub-recipient of a State or county. Too often, the award instruments used by States and counties include provisions that demand a waiver of Tribal sovereign immunity, submission to State courts, and other provisions that force Tribes to decline the grant;
5. *Lower Dollar Thresholds and Increase the Federal share to 100%*—Like S. 2302, lower the dollar thresholds for such grant programs as the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program, and increase the Federal share of grants to Tribes to 100%, to better ensure that more Tribes actually receive Federal competitive grants to improve their transportation and transit systems;

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[11] U.S. Government Accountability Office, *Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies*, GAO–17–432, p. 47 (May 22, 2017).

[12] *Id.*

[13] *Id.*

[14] U.S. Government Accountability Office, *Highlights of GAO–17–432*, https://www.gao.gov/products/GAO-17-423

6. *Include More Tribal Set-Asides in Existing Federal Grant Programs*—There is a cost to every public authority to compete for Federal discretionary and competitive grants. Tribes are often at a disadvantage when competing with States, counties, cities and townships for Federal grants. By including a dedicated source of Federal funds that Tribes alone can compete for, Congress will ensure that more Federal appropriations go to Tribes to address their unmet infrastructure needs. Historically, Tribes receive a tiny fraction of Federal discretionary and competitive transportation infrastructure and highway safety grants, such as TIGER and BUILD grants, despite their terrible road conditions and motor vehicle and pedestrian fatality rates;
7. *Direct the Department of Transportation to Establish an Office of Self-Governance and create a Self-Governance Advisory Committee*—Like the Departments of the Interior and Health and Human Services, which have decades' old Tribal Self-Governance Programs, the Department of Transportation should promptly establish an Office of Self-Governance when the final rule for the Tribal Transportation Self-Governance Program takes effect this year. Instead, the timing of when to establish such an office at the Department, and whether the Department will ever create a Self-Governance Advisory Committee, are non-consensus issues in the proposed rule (see 84 Fed. Reg. 52706, 52710, Oct. 2, 2019). If the government-to-government relationship is to have relevance, and if the Department is to provide meaningful and timely consultation with Tribes concerning the Program, Congress should include statutory language in the reauthorization measure and provide funding to the Department to do so. We encourage the Committee to press the Department on this. See S. 2302, § 4009; and
8. *Tribal Technical Assistance Program (TTAP)*—The Tribal Technical Assistance Program (TTAP) is the only program for the road construction personnel of Tribal Nations to build their capacity and maintain certification for operating heavy equipment through training and technical assistance from experts who oversee and construct highways and roads in tribal communities. In the Fall of 2016, FHWA announced the restructuring of the TTAP and eliminated the seven TTAPs around the country that served all federally-recognized tribal nations. In December 2017, the 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 and implementation by FHWA of the pilot program proceeded without meaningful tribal consultation. The pilot program has now been suspended by FHWA. The program remains an important resource to improve the technical expertise of tribal transportation officials. Accordingly, Congress should ensure Tribes are actively consulted on the Program's future and provide a $5 million increase in TTAP funding.

The relationship between Tribes and the Federal government is eternal. So long as there is a Constitution that begins "We the people," we must work together for our mutual benefit. Safe and reliable transportation infrastructure is vital to the enhancement of Tribal economic development and to the wellbeing of Tribal communities and surrounding non-tribal areas.

Thank you for the opportunity to testify at this important oversight hearing.

Ms. NORTON. Thank you, Councilman Garcia.

We will hear next from Mary Beth Clark, president of the Intertribal Transportation Association.

Ms. CLARK. Good morning, Chair Norton, and Ranking Member Davis, and members of the subcommittee. Thank you for inviting me to testify today concerning Tribal transportation needs. My name is Mary Beth Clark, and I am an enrolled Tribal member of the Nez Perce Tribe on my father's side and Klamath on my mother's. For the last 12 years, I have been the transportation manager for the Nez Perce Tribe. I serve on the Department of Transportation's Negotiated Rulemaking Committee, and a regulatory body that provides input to FHWA and BIA concerning the Tribal Transportation Program.

I have worked in Indian affairs for over 25 years. I testify today as the president of the Intertribal Transportation Association,

which is called ITA, a nonprofit Tribal advocacy association which represents the transportation interests of Tribes.

There are great unmet transportation infrastructure needs in Indian country. ITA urges the subcommittee in your reauthorization bill to support and build on the Senate bill, S. 2302, the Tribal provisions, some of which include ITA recommendations. Tribes thank the committee for elevating Tribal transportation needs at the Department of Transportation by including us as a witness today.

Infrastructure is the greatest catalyst to accelerate economic development and growth, especially in rural America, where the most Tribes' members live, and where transportation infrastructure lags behind the rest of the Nation. It is important that Congress hear and respond favorably to Tribal voices as you develop the reauthorization measure.

The level of Federal appropriations today often spells the difference between the success or failure of the Tribal Transportation Programs. Unfortunately, American Indians and Alaska Natives are dying in preventable motor vehicle crashes well above the national level, due, in part, to poor conditions of our roads and a lack of safety features and behavioral issues.

Roads and bridges in Indian country today are known for their poor maintenance. A majority of these are unimproved dirt and gravel roads, great distances to trauma centers and emergency responders, and have poor signage. But too often, Federal appropriations are insufficient to the needs of Tribes.

Unmet deferred highway reconstruction and road maintenance needs in Indian country are difficult to qualify, because there are BIA-owned roads and bridges, Tribally owned roads and bridges, State and county townships and routes. But Tribes can assure you, the numbers are in the billions in these unmet needs and harm Indian country and Indian people in undetermined economic growth.

The National Highway Traffic Safety Administration captures important aspects of successful traffic safety in expressions of the four E's, which is engineering, enforcement and regulations, education and information, and emergency response. I discuss the "golden hour" in the written testimony I provided. If a victim of a motor vehicle crash can reach a trauma center within 60 minutes to receive medical care, there is a likelihood that they will survive and not die from their injuries. Unfortunately, there is seldom that golden hour in Indian country.

I close by highlighting a few of ITA's recommendations: Significantly increase the authorization funding level for the Tribal Transportation Program each year; restore the High Priority Projects Program funded with Highway Trust Funds; restore the exemption that once existed in Indian Reservation Roads, but is now called TTP, from the obligation limitation deduction; direct the Department of Transportation to establish the Office of Self-Governance and create the Self-Governance Advisory Committee; take into account the fact that Tribes use Federal transportation program funds to help with their road maintenance when setting your funding levels; and significantly increase the authorization level for Federal Transit Administration, FTA, Tribal Transit Programs, lower the dollar threshold for Tribes in competitive grants and raise the Federal share to 100 percent.

I thank you for this opportunity to testify, and it has been an honor. Thank you.

[Ms. Clark's prepared statement follows:]

Prepared Statement of Mary Beth Clark, President, Intertribal Transportation Association

I. INTRODUCTION

Good morning Chair Norton, Ranking Member Davis, and Members of the Subcommittee. Thank you for inviting me to testify today concerning Tribal transportation construction, transit, and highway safety needs. My name is Mary Beth Clark, I am an enrolled Nez Perce on my father's side and Klamath on my mother's side. I reside in Lapwai, Idaho located on the Nez Perce Reservation, where the Tribe's governmental and administrative offices are located, about 10 miles from the Idaho-Washington State border along the Snake River.

I speak to you today as the newly elected President of the Intertribal Transportation Association (ITA), a non-profit Tribal advocacy association that first met in Polson, Montana in 1993. ITA represents the transportation interest of the Tribal nations, and was created to foster the development, operation, and maintenance of transportation systems that serve the American Indian and Alaska Native peoples. There are great unmet transportation construction, transit, and highway safety needs in Indian country. ITA issued a reauthorization proposal last summer. I am pleased that the Senate Environment and Public Works Committee in its reauthorization measure, S. 2302, included a number of ITA's recommendations. At our December meeting, ITA passed Resolution 2019–01 in support of S. 2302's Tribal provisions and we urge Congress to support and build on the Senate measure's Tribal provisions.

ITA exists to assist every Tribe develop their transportation systems, keep Tribes informed on legislative/Federal actions, assist in coordinating training, and facilitate the government-to-government relationship between the United States government and the Indian Nations so that Tribal voices and Tribal viewpoints are shared and heard by Federal agency officials, Members of Congress and your staff. ITA, like so many other Tribal organizations, is here to inform you that the level of Federal appropriations often spells the difference between the success or failure of federal programs enacted for the benefit of Indian tribes. Please keep this in mind as you draft the reauthorization measure for the Nation.

ITA welcomes the opportunity to share our Tribal members' views and recommendations with the Subcommittee today as you access the transportation needs of Tribes and draft the next reauthorization bill, a measure every American hopes will recommit the United States to the business of transportation infrastructure. Infrastructure is the greatest catalyst to accelerate economic development and growth, especially in rural America where most Tribal members live.

For the last twelve years, I have been the Transportation Manager for the Nez Perce Tribe. I have a BA and Master's degree in Urban and Regional Planning from Eastern Washington University. I have worked in Indian Affairs for over 25 years, including a dozen years as the Economic Development Planner, Planning Manager for the Confederated Tribes of the Colville Reservation in Washington State, and two years as the Senior Tribal Policy Advisor for the Environmental Protection Agency Region 10. I am the Affiliated Tribes of Northwest Indians (ATNI) Co-Chair of the Transportation Committee, the Northwest representative on the Tribal Transportation Program Coordinating Committee (a joint Tribal-Federal regulatory body making recommendations to the Federal Highway Administration (FHWA) and Bureau of Indian Affairs (BIA) concerning the Tribal Transportation Program), the Northwest representative on the Department of Transportation's Tribal Transportation Self-Governance Program Negotiated Rulemaking Committee, and the Palouse RTPO Advisory Committee member. I have been active in Tribal transportation issues for decades.

I thank Chairman DeFazio and Ranking Member Graves, Chair Norton and Ranking Member Davis, and the entire Committee for your advocacy and support on behalf of Tribes. As a representative of my Tribe and Region who has participated in the negotiated rulemaking to extend Tribal Self-Governance to the Department of Transportation since 2016, I am proud that Congress, and this Committee in particular, supports the aspirations of the Indian Nations and Tribal citizens to improve transportation infrastructure on our reservations and make our commu-

nities safer and prosperous, so that we may maintain our culture, languages, and values and pass them down to our children and grandchildren. The rulemaking is nearly complete. We hope that you will support Tribes in our request to the Department to establish an Office of Self-Governance this year when the regulation takes effect.

The Nez Perce Reservation is about three-quarters of a million acres in size, with 3,543 Tribal citizens, and approximately 1,800 miles of public roads representing the Tribe's "Tribal Transportation Facility" system. Of that amount, only 95 miles (5%) are BIA-System and Tribally-owned routes and routes that qualify for funding under the TTP. In FY 2019, with an authorization of $495 million for the Tribal Transportation Program, the Nez Perce Tribe received about $525,000 as our TTP funding allocation and $12,000 for transportation planning, for a total FY 2019 award of $537,000.

The Tribe also receives $45,000 in BIA Road Maintenance Program funds under an Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, contract between the Tribe and the BIA that permits us to assume the duties of the Secretary of the Interior for road maintenance on the reservation. Under our BIA contract, we receive less than $472 to maintain a mile of road. States and counties have far more resources to maintain State and county routes. That is why our TTP funds, under this Committee's jurisdiction, are so important.

Tribal governments are "public authorities" responsible for the construction and maintenance of transportation systems to serve Tribal citizens and all residents, Indian and non-Indian. They are the partners of the Federal government, States, counties, boroughs and townships and have the capacity and capability to put Federal appropriations to good use for the benefit of their Tribal citizens and residents. Invest in Tribes as you invest in the States.

With regard to your deliberations this Congress over how to pay for a robust reauthorization measure for the Nation, whether it be Vehicle Miles Traveled (VMT) or an increase to the Federal fuels tax, please keep Tribes in mind in any solution you develop. If VMT is used as a means to finance highway construction, transit, and safety programs, Tribes must have a means to receive and use a share of such revenues for VMTs that are generated on Tribal lands in order for Tribes to maintain their transportation facilities. Too often, State-owned and county-owned routes that cross Indian reservations are not properly maintained by the facility owner, and BIA system and Tribal routes don't receive the federal support they require. Overweight trucks and heavy traffic wears out such routes. Tribes cannot repair such public routes without recurring Federal funds. Poorly maintained routes have shortened useful lives and are hazards to all motorists. Infrastructure worth having is worth paying for.

II. The Challenge Tribes and the United States Face Together

Roads and bridges in Indian country today are known for their poor maintenance (paved, gravel, or dirt), great distances to trauma centers, few first responders, lack of highway safety features, and sun-bleached and wind-worn signage. But too often, Federal appropriations are insufficient to the needs of Tribes. The resulting harm to American Indian and Alaska Natives from too few Federal appropriations, and the consequential poor condition of Indian country roads, bridges, ferries, and transit systems, is tragic. According to the Centers for Disease Control:

- Motor vehicle crashes are a leading cause of unintentional injury death for American Indian/Alaska Natives (AIANs). Among adult AIANs, motor vehicle-related death rates are more than *twice* that of non-Hispanic Caucasians or African Americans;
- Among AIANs aged 1 to 19, motor vehicle crashes are the *leading cause* of unintentional injury death;
- Among AIAN infants less than one year of age, motor vehicle traffic death rates are *eight times higher* than that of non-Hispanic Caucasians.

These statistics cry out for more Federal resources.

Decades ago, when considering amendments to the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, Congress acknowledged that the needs of Indian country and rural America were the same. The conditions for successful economic development on Indian lands are founded on community stability that begins with infrastructure. There must be adequate law enforcement and judicial systems and basic human services, including roads, safe drinking water, wastewater, power and communication utilities. When these systems are in place, Congress understood that Tribes are in the best position to implement economic development opportunities, empower their Tribal citizens, and build the economies of their reserva-

tions.[1] Without such basic infrastructure, community stability becomes uncertain as young professionals and families seek better opportunities elsewhere.

Fort Peck Reservation, Montana

Fort Peck Reservation, Montana

As you can see from the above photos, roads in Indian country don't look like roads in metropolitan areas like Washington, D.C. If the route is a school bus route, elementary school children, with long bus rides, must find alternate routes to school, and endure longer rides. Rurality, the lack of EMS services and trauma centers, the condition of Tribal roads and bridges, the lack of proper routine and emergency road

[1] S. Rep. No. 100–274, 100th Cong. 1st Sess., p. 4.

maintenance, and the ills of poverty, combine to make Tribal transportation facilities some of the most dangerous roads in America.

In FY 2017, the last budget justification submitted to Congress by the Administration that detailed the program performance level of funding for the BIA Road Maintenance Program (Interior, Environment and Related Agencies appropriations), the Administration noted that at a funding level of $27 million, the BIA Road Maintenance Program—carried out by BIA and Indian Tribes—could provide "sufficient maintenance" to classify only 16% of BIA-owned roads as acceptable in terms of surface condition (fair or better as measured by the Service Level Index (1–5, with fair being Level 3), and provide "sufficient maintenance" to classify only 62% of the BIA-owned bridges in "acceptable" condition based on the Service Level Index. This means that 84% of BIA-owned roads are in less than fair condition (Level 4 (poor) or Level 5 (Failing), along with 38% of BIA-owned bridges. There are 29,400 miles of BIA-owned roads, of which only 7,150 miles are paved, and 900+ bridges. I cannot think of another Federal program that sets so low a bar for recurring funding (16%) to achieve the agency's mission. Leaving 84% of 29,400 miles of BIA System roads in poor and failing condition is unacceptable. The solution to having so few BIA System roads paved is to fund the reconstruction of gravel and dirt roads, especially school bus routes. It is costly to maintain dirt and gravel roads. Regardless of how much money you spend to maintain a dirt or gravel road, it is still a dirt or gravel road.

Indian Country route in Arizona

The above photo is typical in Indian country. A sign, listing the speed limit and warning of an upcoming curve, is obstructed by overgrown vegetation. Notice that the road has no shoulder. At night, the obscured signs, on a road with few safety features, may contribute to a motor vehicle crash that may cause injury or death to a motorist and passengers.

Due to the unmet needs in the BIA Road Maintenance Program, Tribes must divert their Tribal Transportation Program (TTP) design and construction funds (Highway Trust Fund dollars), under this Subcommittee's jurisdiction, to supplement insufficient Federal appropriations for the BIA Road Maintenance Program. Most Tribes contract the Road Maintenance Program from the BIA under the Indian Self-Determination Act, Pub. L. 93–638, knowing that the Federal appropriation is insufficient for routine and emergency maintenance. As a result of this fund transfer, authorized by Federal law (23 U.S.C. 202(a)(8)), Tribes receive and have less funds available to plan, design, reconstruct or build a new road or bridge, undertake a safety improvement project, or perform environmental studies. This is a drain on the Tribal Transportation Program (TTP). Please take this fund transfer into account as you consider the authorized funding level for the Tribal Transportation Program in reauthorization.

The National Highway Traffic Safety Administration (NHTSA) captures the important aspects of successful traffic safety in the expression "the Four Es" which stand for:

- Engineering;
- Enforcement and regulation;
- Education and information; and
- Emergency response.

There is another principle known as the "Golden Hour." Simply stated, if a victim of a motor vehicle crash can reach a trauma center within 60 minutes and receive medical care, there is a higher likelihood that they will survive and not die from their injuries, and that their recovery will be faster and less costly. Unfortunately, there is seldom a "Golden Hour" in Indian country when motorists or pedestrians are involved in a serious motor vehicle crash. Few first responders, too great a distance to a well-equipped medical trauma center. As a Nation, we must do better by Indian Tribes and think comprehensively about how to target these conditions to make Tribal roads safer.

III. ITA Recommendations for Reauthorization

Here are key recommendations ITA wishes to share with the Subcommittee:

1. Significantly increase the authorization funding level for the Tribal Transportation Program (TTP), and include generous stepped increases for each year of the reauthorization so that Tribes can address our unmet transportation needs;
   a) Restore a Tribal High Priority Projects (HPP) Program, funded with Highway Trust Funds, to benefit small and large Tribes with a high priority project that a Tribe could not otherwise finance, or to fund disaster relief for key transportation infrastructure to restore the route (see S. 2302, § 1101(a) and § 1129);
2. Restore the exemption that once existed for the Indian Reservation Roads (now Tribal Transportation Program) from the obligation limitation deduction that permanently removes Federal funds from the Tribal Transportation Program; there is no "August redistribution" of withheld funds under the Program resulting from the obligation limitation deduction as there is with the State Federal-Aid Highway Program funds;
3. By legislation, direct the Department of Transportation to establish an Office of Self-Governance at the Department to oversee the Tribal Transportation Self-Governance Program (TTSGP), and to create a Tribal-Federal Self-Governance Advisory Committee (such as the successful TTP Coordinating Committee which provides Tribal input and recommendations to FHWA and BIA regarding the TTP (25 CFR § § 170.135–170.137)), to help implement the TTSGP at the Department, and authorize appropriations to the Department to finance both entities (See S. 2302, § 4009);
4. Since SAFETEA–LU was enacted in 2005, Tribes can use 25% of their TTP funds, or $500,000, whichever is greater, to carry out road maintenance on public roads in the Tribe's TTP inventory (23 U.S.C. § 202(a)(8)). Tribes make this choice to maintain such routes due to shortfalls in the BIA Road Maintenance Program (Interior, Environment and Related Agencies appropriation). Please take this reality into account when setting the authorization levels for the Tribal Transportation Program;
5. Make the Tribal Transportation Facility Bridge Program (23 U.S.C. § 202(d)) a stand-alone program, funded with Highway Trust Funds, and include authorization for the design and construction of new bridges (see S. 2302, § 1119 (amending 23 U.S.C. § 124(p)).
6. To improve highway safety for every Indian Tribe:
   a) Significantly increase the authorization level for FTA's Public Transportation on Indian Reservations (5311(c)) Tribal Transit Program; the Tribal Transit Program is woefully underfunded at $30 million (formula) and $5 million (competitive grants) and provides an important link for Tribal members and other residents to get to work, healthcare services, other governmental services, colleges, and commercial businesses in remote rural communities;
   b) Increase or establish Tribal set-asides in important USDOT competitive and discretionary grant programs (e.g., BUILD grants) so that Tribes are direct recipients and actually receive Federal supplemental funds (See e.g., S. 2302, § 1119(a) (NSFLTP Program), § 1125(b) (Wildlife Crossing Safety program), and § 1407 (PROTECT grants program);

c) As "public authorities" (23 U.S.C. § 101(a)(31)), make Tribes direct recipients for all Department of Transportation competitive and discretionary grants rather than sub-recipients of States or other eligible grantees;
d) Lower dollar thresholds for federal grant eligibility requirements for Tribes or rural communities, and increase the federal share to 100% for Tribal grant recipients (see S. 2302, § 1129 concerning the NSFLTP Program);
e) Restore the pre-MAP–21 authority under the Highway Safety Improvement Program (§ 148) and TTP Safety Grant Program (23 U.S.C. § 202(e)), to permit the use of grant funds for education purposes "to promote the awareness of the public and educate the public concerning highway safety matters" (see S. 2302, § 1111). This will save lives in Indian Country as Tribes lacks funds to correct poorly designed roads, pave dirt and gravel routes, or add safety features; and
f) Facilitate environmental studies, such as categorical exclusions under NEPA required for highway safety improvement projects (see S. 2302, § 4002 and § 4003);

7. Elevate the position of Deputy Assistant Secretary for Tribal Government Affairs at the Department of Transportation to an Assistant Secretary level and fund the position (see S. 2302, § 4009), to ensure that Tribal transportation needs are well understood at the Department, and that the Department's many resources are marshalled effectively and efficiently to best serve Indian communities (see S. 2302, § 4009); and

8. Support the many other positive, pro-Tribal measures included in the Senate Environment and Public Works (EPW) Committee's S. 2302, including title IV.

IV. TRIBAL TRANSPORTATION SUCCESSES

Despite limited resources, Tribes are making headway. With growing capacity and confidence, Tribes are working hand-in-hand with States and other local governments, MPOs and RPOs to coordinate on projects of mutual concern. The majority of Tribes today assume, under a variety of Federal award instruments, the duties of the Secretary of the Interior and the Secretary of Health and Human Services for federal programs enacted for the benefit of Tribes. By June 1, 2020, the Department of Transportation will publish the final rule for the Tribal Transportation Self-Governance Program (49 CFR Part 29) and open a new chapter at the Department for Tribes to streamline the delivery of federal transportation, transit, and highway safety programs to their citizens and residents, reduce regulatory burdens, and save money.

The recurring Federal formula programs at the Department of Transportation—Tribal Transportation Program and Tribal Transit Program—allow Tribes to plan and budget based on known appropriation levels to address their transportation priorities. But make no mistake, with sufficient Federal appropriations and outreach by our Federal partners, Tribes can do more.

In conclusion, Tribes are willing and capable partners with the Federal government, States and local governments and are determined to break down the decades of transportation barriers that have held us back from taking the fullest advantage of our peoples, resources, and opportunities to improve our communities. With sufficient resources, we can grow our economies, reach new markets, retain our Tribal citizens, and realize the dream of our ancestors to perpetuate our culture, hold our lands, protect our water and air, and pass down to our children and grandchildren the rich heritage that is our legacy and the legacy of this great Nation.

Give Tribes and Tribal Organizations the tools for success and we will achieve great things together. Thank you for the opportunity to present the views of ITA.

Ms. NORTON. And we thank you, Ms. Clark.

Mr. Sergio Pecori of Hanson Professional Services.

Mr. PECORI. Good morning, Chair Norton, Ranking Member Davis, and members of the subcommittee. Thank you for the invitation to testify before you today. It is a real honor and privilege to be here. I am the CEO of Hanson Professional Services, an engineering and design firm headquartered in Springfield, Illinois, with more than 500 employees in 28 offices across the country. We provide engineering, planning, and other professional consulting services for Federal, State, and local governments, including Federal

land management agencies and Tribes that are the focus of today's hearing.

I want to make three main points to you today: Number one, Tribes, Federal lands, and Territories face tremendous infrastructure investment needs; two, increased funding must be accompanied by more efficient management and decisionmaking; and three, private sector firms play an essential role as trusted advisers in partnering with public agencies to deliver their projects.

First, there is no question of the significant backlog of deferred maintenance and other transportation needs facing Tribes, Federal land management agencies, and Territories. The other members of this panel have articulated those needs in much more detail. These funding shortfalls hinder the safety, mobility, and economic development opportunities for those communities. For these reasons, I agree that Federal Lands and Tribal Transportation Programs should receive additional annual funding in any infrastructure package or surface transportation reauthorization bill that this committee puts together.

However, funding alone is not sufficient. In my professional experience, it is clear that the agencies responsible for administering these programs need to improve their decisionmaking processes in coordination with the Federal spectrum, with the State and local officials to ensure that these funds are spent as efficiently as possible.

Let me highlight one project in particular that exemplifies these issues. The city of Springfield, Illinois, has initiated a 6-mile, $315 million rail relocation and consolidation project. When finished, it will reduce congestion and delays, improve emergency vehicle access, and enhance vehicle and pedestrian safety. Hanson is the lead on this project.

In the fall of 2014, shortly after construction, archaeologists discovered the foundations of seven homes and other historic artifacts in the right-of-way corridor. Further investigation revealed that these foundations were homes that were burned during the Springfield race riots in 1908. The outcry from this terrible event was the catalyst that led to the formation of the NAACP that year.

Given the historic significance, the National Park Service has begun the process of designating the site as a historic monument. When it is complete, it will be an incredible memorial to those events and their aftermath. However, the Federal agency processes have led to 4 years of project delays, despite widespread community engagement and local stakeholder agreement on most of the appropriate path forward.

There is much more detail in my written statement, and I would be happy to answer questions about this project and its implications for project management and Federal regulatory reviews.

Lastly, I want to reiterate for the subcommittee the important role that firms like Hanson and our colleagues in the engineering industry play in helping our clients deliver projects in innovative and cost-effective ways. We are trusted advisers that bring specialized expertise, professional experience, and technological skills that save time and money.

As you develop your surface transportation reauthorization bill, I encourage you to advance policies that reflect and promote that

partnership. Specifically, please reject any provisions that would interfere with the ability of the Federal, State, or local agencies to partner with us for professional services that they require. Rather, Congress should promote contracting practices that ensure that qualified firms can compete for work and that incentivizes innovation and efficiency.

I will highlight one contract payment method that is currently authorized but underutilized. Lump sum or sometimes referred to as firm fixed price, this negotiated payment increases the engineer's flexibility to manage a project, and incentivizes innovation and creativity. It benefits public agencies by placing all costs and inflation risk on the firm and streamlining the invoice and auditing process. There are no statutory barriers to lump sum, but we would like to see it encouraged on federally funded projects, including those programs we are discussing today.

Thank you very much for the opportunity.

[Mr. Pecori's prepared statement follows:]

Prepared Statement of Sergio "Satch" Pecori, Chief Executive Officer, Hanson Professional Services

Chairman DeFazio, Ranking Member Graves, Chair Norton, and Ranking Member Davis:

Thank you for the opportunity to testify before the subcommittee. It's an honor to represent my firm and my colleagues in the nation's engineering industry to you and the members of the subcommittee today.

My name is Satch Pecori. I am the CEO of Hanson Professional Services. Our firm is headquartered in Springfield, IL, has over 500 employees, 28 offices in the USA and generated nearly $100M in revenues in 2019. Hanson provides engineering, planning and allied services in six markets: Transportation Infrastructure, Railway, Aviation, Industry, Power and Federal-State Government.

In addition to my professional work, I am also an active member of the American Council of Engineering Companies (ACEC)—the trade association representing more than 600,000 engineers and the nation's engineering industry. I had the privilege of serving as ACEC National Chairman in 2017–2018. While I am testifying today on my own behalf, the policy recommendations I will discuss today are consistent with the views of my colleagues at ACEC.

Hanson has experience working with federal land management agencies and tribes on transportation infrastructure, flood damage reduction projects throughout in Illinois and across the country.

An example is a project in Devils Lake, North Dakota, where the U.S. Army Corps of Engineers hired Hanson to complete the design and analysis computations for 12 miles of consistently flooded roadways on the Spirit Lake Nation Reservation.

Portions of the North Dakota and Bureau of Indian Affairs (Spirit Lake Nation Reservation) roadways in the vicinity of Devils Lake and Fort Totten, North Dakota, were elevated to protect the existing transportation system, resources and human life from the rising waters of Devils Lake. Some of the roadway sections' culverts were plugged and elevated to "act" as dams, and others were equalized with water existing at near-equal levels on both sides of the roadway. The roadways that "act" as dams were not constructed to function as long-term dams and safely impound water. Under Section 1937 of the 2005 surface transportation act entitled Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA–LU), funding was made available to address these roadway sections.

To ensure that roadways and other embankments constructed for this project would safely impound water, the design and construction needed to satisfy Federal Highway Administration (FHWA) design criteria as stated within Section 23 CFR 650.115 (c). Also involved in the project were the Central Federal Lands Highway Division (CFLHD) of the FHWA in cooperation with the Spirit Lake Nation, U.S. Bureau of Indian Affairs, U.S. Bureau of Reclamation, FHWA North Dakota Federal Aid Division and the North Dakota Department of Transportation.

FEDERAL LANDS FUNDING NEEDS AND PROJECT BACKLOG

We are deeply aware of the need to maintain our nation's infrastructure, including the roads, trails, historic structures, and visitor centers that make safe, memorable, and learning experiences out of travelling to America's national parks and other federal lands.

Unfortunately, after decades of unreliable funding, the National Park Service (NPS) has an infrastructure repair backlog estimated at $11.6 billion (FY 2017), half of which consists of roads, bridges, and tunnels. Deferred maintenance affects almost every national park site across the country and includes crucial repairs to aging buildings and historical structures, electrical, water, mechanical, and plumbing systems, and other infrastructure that is vital to keeping parks accessible and safe for visitors. Tribes and territories also have significant transportation infrastructure needs as well.

Increased annual federal funding is certainly necessary to address deferred maintenance in national parks and other public lands. Federal lands programs should receive additional resources in any potential national infrastructure proposal or surface transportation reauthorization written by this committee. These investments will help to employ thousands of American workers, support continued tourism and economic development in hundreds of park communities, and ensure that our national treasures are preserved for generations to come.

PROGRAM MANAGEMENT INEFFICIENCIES AND THE 1908 RACE RIOTS PROJECT SITE

However, additional resources alone are not sufficient. The federal agencies responsible for administering these programs should improve their interagency coordination and review their project prioritization processes to ensure that these funds are spent as efficiently as possible. Let me tell the committee about one project in particular that sheds some light on some potential areas for improvement: the 1908 Race Riot Site in Springfield, Illinois.

In 2010, the City of Springfield initiated a project to consolidate three railroad tracks that extend parallel through the heart of the city for about six miles. These three tracks are within a 16-block area and create vehicular traffic delays, congestion, safety issues, and train horn noise to the residents and businesses in Springfield. The project will consolidate the two most active tracks into a single corridor leaving the third track in place with low train volumes of about four trains per day. The project will also construct nine railroad grade separations at the highest volume roadways to reduce congestion and delays, allow emergency vehicle access, and increase safety for pedestrians and vehicles. The project cost is estimated at $315 million and scheduled for completion in 2025.

The project has received four Federal grants to date, including two TIGER grants and one BUILD grant totaling over $50 million. Additional funding has been received from the Illinois Department of Transportation, Illinois Commerce Commission, and the City of Springfield. The project is over halfway in committed funding and construction of two underpasses is completed with one underway, expected to be completed by the end of 2020.

As part of the National Environmental Policy Act (NEPA), the lead federal agency, the Federal Railroad Administration (FRA), prepared an Environmental Impact Statement (EIS) for the project which culminated in a Record of Decision being signed in December 2012. This allowed federal funding for the project and the first segment (the Carpenter Street Underpass) began construction in August 2014.

In the fall of 2014, shortly after construction began, archaeologists discovered the former foundations of seven homes within the right-of-way required for the rail corridor. Further investigation revealed that these foundations were homes that were burned during a race riot in August of 1908. The aftermath and outcry from this event—in which two black men were hanged—soon led to the formation of the National Association for the Advancement of Colored People (NAACP).

The discoveries at the project site resulted in these homes being eligible for listing in the National Register of Historic Places because their lack of disturbance since 1908 preserved the integrity of the structures. Also, the homes were originally built in the mid-1840s adding to their historic significance.

Because of the historic significance of this site, the FRA was required to proceed with a review under Section 106 of the National Historic Preservation Act. This process began in early 2015 by identifying any interested parties with an interest in the outcome of this site, called consulting parties. The FRA held two public meetings in Springfield to identify these groups in March and May of 2015. The first of three consulting parties was held in July of 2015. A second meeting was held in August of 2016. The FRA spent the remainder of 2016 and 2017 preparing a Section 4(f) Alternatives Analysis to avoid and minimize impacts to the site.

In March of 2018, the FRA held their third and final consulting parties meeting in Springfield to announce their preferred alternative to minimize impacts to the archaeological site. They requested mitigation options from the group so that they could draft a Memorandum of Agreement (MOA) to proceed with data recovery, or excavation, of the archaeological site. A couple of months later, the FRA decided that they were not going to participate in funding any site mitigation and mitigation was left to the consulting parties.

The consulting parties, independent of FRA support, created a conceptual memorial during the summer of 2018 for the race riot site to commemorate the riot and the founding of the NAACP. The proposed memorial for this site can be viewed in the following link: https://youtu.be/2K-is9n7A5M. In December 2018, Congressman Davis proposed a bill (H.R. 139) to establish the Springfield Race Riot National Historic Monument under the National Park Service.

This site needs to be preserved and memorialized in a way that allows the story of the 1908 race riot and the people affected by it to be told.

The National Park Service conducted a Reconnaissance Survey of the site in April 2019 and made a favorable finding in September 2019 that the site is suitable for listing with the National Park Service. In addition, Dr. Carla Hayden, the current Librarian of Congress visited the site in September 2017 and viewed the artifacts recovered from the archaeological site. She was very impressed with the artifacts and mentioned that the Library of Congress houses the most NAACP artifacts in the country, however there are no artifacts from Springfield where the NAACP originated. She expressed a great interest in having an exhibit from Springfield in the Library of Congress.

In October 2018, the FRA executed the MOA which allowed for excavation of the house sites that were included in the right-of-way of the rail corridor. Archaeologists began excavations in the spring of 2019, after the winter freeze had thawed, and completed the excavations on the house sites in October of 2019.

The process implemented by the FRA caused project delays by taking *four years* to complete the Section 106 and Section 4(f) evaluations. The City had identified and evaluated avoidance alternatives and the consulting parties had agreed on site mitigation objectives at their first meeting in July 2015. The FRA then undertook a separate analysis of avoidance alternatives and came to the same conclusions as the City. They also decided on the same mitigation objectives that had been agreed on by the consulting parties over three years earlier. A process that should have taken about one year was extended to four years.

The federal government should not be an impediment to the implementation of infrastructure construction projects, nor should it delay decisions on preserving significant historic resources. Over three years were lost in our construction schedule for this segment of the Springfield Rail Improvements Project by a process that should have taken no more than a year. This delay would likely have been much longer without the persistent inquiries to the FRA Administrator and his staff by our congressional delegation.

No one wants to lose important resources to construction projects. But when the project sponsor, the State agencies, and the consulting parties have all agreed on a path forward the federal agencies should assist, not delay. The three years lost did nothing to improve the project or to preserve any resources.

We recommend strict project controls and schedules with milestones for federal agencies during their review and processing of project documents. They need to be accountable for lengthy project delays caused by staffing shortages, budget limitations, or unfamiliarity with implementation and compliance of federal laws and policies. Better utilization of budget resources is an important component of reducing project backlogs.

OTHER PROJECT DELIVERY AND PROCUREMENT RECOMMENDATIONS

Finally, let me highlight three policy recommendations that impact the federal lands programs that are the subject of today's hearing, but also have broader implications for all transportation agencies and clients.

First, as you continue to develop your bill to reauthorize federal surface transportation programs, I would urge you to oppose policies that restrict the ability of public agencies to contract with private sector firms. America's engineering firms are trusted advisors to their clients, and the industry plays an essential role in helping FHWA, other Federal land management agencies, state departments of transportation, and local public agencies deliver critical infrastructure services to the taxpayer. Engineering firms are involved in every phase of every type of transportation project: planning solutions to reduce congestion; assessing environmental impacts; evaluating and improving the safety and sustainability of roads, bridges, and tun-

nels; designing both simple and complex structures; and, monitoring construction to ensure it complies with approved designs and materials. Engaging the private sector allows public agencies to benefit from the specialized experience, innovation, and on-budget and on-time performance that firms like Hanson bring to the table to ensure project success.

We have seen some legislative proposals that would mandate that only public employees conduct certain engineering, design, or inspection work. These kinds of restrictions would interfere with the ability of federal, state, and local officials to acquire the most qualified service providers to perform these functions. Such a provision would also interfere with the ability of agencies to set staffing levels in a way that gives them the flexibility to respond to fluctuations in funding. In the end, costs go up, and the ability of agencies to efficiently deliver transportation projects to the public is compromised. This committee should reject any proposals to restrict the ability of federal, state, or local transportation agencies to partner with private sector engineering firms.

Second, I would encourage you to promote contracting practices that ensure qualified, innovative engineering services. Federal statutes and most state laws require procurement of engineering services through Qualifications-Based Selection (QBS), a competitive procurement process that puts emphasis on identifying the most experienced and technically qualified firms at a fair and reasonable cost. This has been the law of the land for nearly 50 years, and it is the gold standard for professional services procurement. According to a 2009 study by the University of Colorado and Georgia Tech, QBS saves money by reducing change orders during construction that inflate project cost. To ensure transparency and that taxpayer funds are properly obligated and spent, Titles 23 and 49 also provide that engineering and design contracts funded with federal highway and transit funds must comply with the Federal Acquisition Regulation (FAR) cost principles.

The surface transportation reauthorization should maintain and expand public procurement rules that require the use of QBS to emphasize innovation and qualifications to facilitate successful project delivery. The bill should also continue to include FAR 36.6 compliance as a condition of receipt of funding by state and local governments for grant, loan, and aid programs. Federal land management agencies have a pretty good track record with QBS and FAR compliance, and it has served them well. In fact, ACEC awarded the Western Federal Lands division of FHWA with our national QBS award last year. They can be good models for state and local agencies to follow.

Third, Hanson and our colleagues at ACEC would like to promote the utilization of more lump sum contracting by federal, state, and local agencies. Lump sum is a negotiated payment method that provides for a fixed price not subject to adjustment because of changes encountered in the performance of the work. The consultant assumes responsibility for costs over or under the negotiated price assuming there is no change in the scope of the project. This payment method increases the firm's flexibility to manage the project (relative to a traditional cost-plus-fixed-fee contract using hourly rates), including the assignment of staff and utilization of advanced technologies. It also provides incentive to be innovative and creative, finding efficiencies in project delivery. Public agencies benefit by placing all cost inflation risk on the firm. Lump sum contracts are also much easier to manage, especially invoicing and auditing, saving staff time and money for both the agencies and firms.

In Hanson's experience, transportation and federal land management agencies have some experience with lump sum contracting. By contrast, the Corps of Engineers has been much more proficient and has benefited from its use. We would like to see more of this value-based contracting in the transportation sector.

There are no statutory barriers to lump sum; it is an authorized payment method under federal regulations. Nevertheless, the reauthorization bill could include provisions to encourage its use on federally funded projects—both for federal land management agencies and territories, and by state and local transportation agencies when utilizing federal-aid funds.

Thank you again for the invitation to testify today. I look forward to answering any questions.

Ms. NORTON. Thank you very much, Mr. Pecori, for your testimony.

We will move on to Member questions now. I will begin with my own questions. Each Member will have 5 minutes. Mr. Reif, could you clarify which portion of that huge number you gave us, $17.3

billion in deferred maintenance, what portion of that is National Park Service, both their backlog and the transportation?

Mr. REIF. I don't have those specific numbers.

Ms. NORTON. Well, actually, if you don't have that breakdown and it wasn't in your testimony, would you get that breakdown?

Mr. REIF. I will absolutely provide it for the record.

Ms. NORTON. Within the next week.

Mr. Reif, the National Park Service includes important tourist destinations, of course, the Nation's Capital I represent is one of them, and it affects local transportation as well. The Arlington Memorial Bridge in my district is being rebuilt. I have been under that bridge to see what happens when you defer maintenance and how much more it costs us. The Pew Charitable Trust says that the District of Columbia has over $500 million in deferred maintenance for transportation projects. And when you got that big number like that, I am most interested in how the Park Service prioritizes investments among equally compelling transportation needs, and I mean geographically across the Nation, when you have such a tremendous deficit, do you just throw darts against a board when all of it is in need, or how do you decide what the priorities are? Mr. Reif?

Mr. REIF. Thank you for that question. The Department of the Interior, for all of our construction investments, has a long-established, fairly complex process of ranking projects, including our transportation projects. The process includes factors of asset condition, mitigation of health and safety risks, cost-benefit analysis for each project, consequences of failure to complete the work, and the mission criticality of the asset.

For transportation projects, there are additional requirements to align with our long-range transportation plans that we have developed, as well as the statutory requirements in title 23 that the project should—pardon me—should inform that there are statutory measures to reduce the bridge sufficiencies, improve the state of good repair, and reduce the improvements to safety needs. So we rank all the projects at the regional level through all of those lenses to determine the project needs.

Ms. NORTON. A formidable task, I must say.

Mr. Petty, I was interested, because this may provide some guidance for how we proceed with our new transportation infrastructure bill. The terrible hurricanes, category 5 hurricanes repeatedly that you have had in the Virgin Islands, and now you are saying that all local roads should meet Federal standards, and not just Federal roads. And you stress that. And you indicate something we need to understand as well, that the roads that were built to Federal standards withstood these terrible hurricanes you have gone through. Is there a cost to this—what percentage of your roads were Federal and what percentage were local? Is there a cost that the Virgin Islands is taking into effect? Were you using resilient materials on the Federal roads? That is something they are looking at for the next bill. Is it just that they were Federal roads and they were just better? I would appreciate your guidance on that.

Mr. PETTY. Yes. Yes, ma'am. Yes, Chair Norton. The big key with the Federal roads is that the standards are definitely higher—or were higher. And drainage, all the critical subbase work that has

to be done on our roads to make sure that it lasts, those are all components of those Federal roads. The local roads, many were built many years ago, never had the opportunity to get reconstructed in a way that it would make it more resilient. So that is why I made that promulgation to ensure that when we do rebuild with the FEMA dollars, it is not just a surface treatment that a few years later or less, we will be back again after the next storm passes. So I think that is a critical thing.

We are still negotiating with FEMA for a final dollar figure, because much of that work requires that subbase work and that drainage improvement. So once that number is finalized, I can give you a better indication of the separation of costs.

Ms. NORTON. We certainly would appreciate it, because you understand that added cost and you obviously calculated it will save you money in the long run, and you have local, Federal, so you have something to compare side by side with. So thank you very much for that guidance.

Ranking Member Davis?

Mr. DAVIS. Thank you, Madam Chair, and thank you to all the witnesses.

Commissioner Petty, I do want to thank you for sending my good friend, Stacey Plaskett, here to be your delegate. She is one of the best. So welcome. I wish I had a question for you, but I didn't ask her permission first. So next time I will get that, all right?

Hey, I want to speak with you, Mr. Pecori. Thank you for your work on the Springfield rail project that you and I have been working on together for years. It is a project in persistence, a project that really shows the impact of what we do here in the Transportation and Infrastructure Committee when it comes to funding, when it comes to the bipartisan issues of transportation infrastructure that we face here in this committee.

Give me your perspective on the significance of the potential race riot site that we saw the wonderful video on, and, you know, why it is important for us to address a backlog of projects so that we can look ahead at newer projects like this. If you could, talk a little bit about the proximity to other historic sites that this proposed site is located in.

Mr. PECORI. Well, it was interesting when we first started working on this project, we knew that there could be the possibility of finding the race riot site or something left of the homes there. And it happened to be on the right-of-way of the proposed rail corridor. When it was uncovered, the significance became a reality, and the significance to Springfield is something that is going to be hard to measure right away.

The proximity of the race riot site is just a few blocks away from the National Park Service Abraham Lincoln Home in the area encompassing that. So the significance would be tremendous linkage. It would bring reality to Springfield of the horrors that it suffered back in 1908, and it is bringing back a reality so we can teach our children, not only in the Springfield area in the State, but nationally, something that should never happen again. So the linkage is very important.

Mr. DAVIS. The linkage is, and, just a few short blocks away, too, is the State of Illinois-run Abraham Lincoln Presidential Museum and Library.

Mr. PECORI. That is correct.

Mr. DAVIS. I think this is a unique opportunity when we look at how there is interagency communication. Since the Department of the Interior runs the Park Service, you know, the transportation dollars uncovered the artifacts, we have a unique opportunity if we can get through this backlog.

Mr. PECORI. If I could mention one more thing, Congressman. The funding for that project that initiated that very first segment was a TIGER grant, so that was right through the subcommittee here and the committee in general.

Mr. DAVIS. Absolutely. You have been awarded, on that rail project, other transportation funding, too, right?

Mr. PECORI. That is correct.

Mr. DAVIS. BUILD grant?

Mr. PECORI. Pardon me?

Mr. DAVIS. BUILD? The BUILD program?

Mr. PECORI. Two TIGER grants, one BUILD grant.

Mr. DAVIS. Absolutely. Persistence pays off when it comes to rail relocation.

Do you remember what year you uncovered the artifacts during that Carpenter Street underpass project?

Mr. PECORI. It was 2014.

Mr. DAVIS. So it was 2014. And the process you had to follow once those artifacts were uncovered, you immediately notified the Illinois Historic Preservation Agency and other agencies.

Give me a little idea of how that interagency cooperation worked and possibly how long it took to come up with a solution, especially one to maybe display the artifacts at the Library of Congress, per se, or maybe eventually at the Smithsonian National Museum of African American History and Culture?

Mr. PECORI. That is correct. What occurred initially was a decision on who was going to look at the artifacts; how was it going to be excavated; if it is going to be excavated, is it going to be covered over? There was quite a discussion on what was the next step.

The next step actually was from the FRA, who decided that they would take a look at this and proceed with it.

It took about 3 years since it was uncovered until we were able to actually excavate the archeological site, and bring up artifacts that were, again, displayed with you, Congressman, and Dr. Carla Hayden from the Library of Congress, and her interest in possibly showing of it—displaying at the Library of Congress. So that was an integral part.

It took three meetings, over 3 years, to finalize the conclusion of what would be done, so the archeological excavation was completed at the end of last year, and now a report will be prepared on what was found, and, also, where the artifacts are going to be displayed.

Mr. DAVIS. Thank you, and thank you for your work. My time is expired.

Ms. NORTON. I thank the ranking member.

Chairman DeFazio.

Mr. DEFAZIO. Thanks, Madam Chair.

Councilman Garcia and/or Ms. Clark, you both have referenced the idea that now that we have Tribal self-governance on transportation projects, you now feel that there is a necessity to have an office in DOT to oversee or coordinate that?

Could you just tell me what the rationale is there?

Am I loud enough? OK.

Mr. GARCIA. Thank you, Chairman DeFazio, for the question.

We were in deliberations on the self-governance initiative for the Department of Transportation, and establishing a Self-Governance Office, we think, in Indian country, is an important part of the self-governance initiative for the Department as well as for the Tribes, and, to give you an example, the two other self-governance initiatives through the BIA have a Self-Governance Office. The Indian Health Service has a Self-Governance Office.

And so, because of the amount of work that is necessary to ensure that the initiatives of self-governance are provided adequately, and things are run smoothly, you need more resources dedicated to implementing the self-governance initiative, and the most important piece, Chairman, is the fact that, when the rules are published finally in June—and we are very positive that that is going to happen in June—and begins to get implemented, at that time, out of the 334 or so Tribes that are self-governance with BIA and/or IHS or IHS, I think greater than 50 percent of those are going to want to enact the opportunity for self-governance on transportation.

And so, we want to be sure that the Department of Transportation is ready to move forward with implementing the act of self-governance for the Department of Transportation, but that is just for the beginning part of it, and so now we have got to worry about, OK, now it is moving, so——

Mr. DEFAZIO. Uh-huh.

Mr. GARCIA [continuing]. Here we go. We have got to keep going with the rest of the Tribes that may want to pursue this option, and, so, the resources are going to be almost endless in terms of the need to provide support for the Tribes; but, as well, provide an opportunity for the Tribes to identify that there are any refinements that need to be made in terms of operations from the Tribal level and in partnership with the Department. That needs to be monitored continuously, and the Self-Gvernance Office would allow that to happen.

And so, right now, we are hoping that the Department of Transportation will, in time, short time, enact that the Self-Governance Office will be put in place, and so it will be a positive thing for both the United States Government, Department of Transportation, as well as for all of the Tribes across the land. Thank you.

Mr. DEFAZIO. OK. Thank you.

Ms. Clark, do you want to add anything?

Ms. CLARK. No. I believe he covered that.

Mr. DEFAZIO. OK. Great.

Deputy Chief French, the Forest Service maintenance backlog, $5.2 billion, $3.6 billion attributed to transportation alone, and you get a very generous $85 million out of the Federal Lands Transportation Program over the life of the FAST Act. During the FAST Act, has your maintenance backlog grown on transportation issues?

Mr. FRENCH. It absolutely has. You know, if you look at the overall needs we have, the FAST Act is helping address maybe 3 percent——

Mr. DEFAZIO. Right.

Mr. FRENCH [continuing]. And the growing backlog we have is outpacing that greatly.

Mr. DEFAZIO. And some of it, at least I know in my region, relates to critical environmental issues where you have culverts that have collapsed or otherwise are causing problems, erosion and that.

What are the principal needs that you would point to?

Mr. FRENCH. I know you are an avid user of our national forests, and you have probably seen many of these. I would say the biggest things we have right now is really a crumbling infrastructure around our bridges; our aquatic passages, as you mentioned.

But the other part is just the basic road maintenance, sample basic road maintenance, and, as we feel the growth of catastrophic fire happening especially in the West, our ability to use roads, access those areas, as the importance seems to be growing at the same rate as we are seeing some of the risk of fire, and our ability to actually go in and keep those roads open and well maintained so the roads aren't having environmental effects, that is one of our biggest needs right now.

Mr. DEFAZIO. OK. So environment, disasters, fires, and obviously recreation are the three?

Mr. FRENCH. Yes, sir.

Mr. DEFAZIO. OK. Thank you.

Thank you, Madam Chair.

Ms. NORTON. Thank you, Chairman DeFazio.

Mr. LaMalfa?

Mr. LAMALFA. Thank you, and welcome, panelists. I appreciate your time and attention here.

I want to zero in on the Forest Service roads, especially too. I have northern California, where we have had our share of fire as well, and so we are looking at a situation where we have about 150 million dead trees in California, as you are aware, and, in order to catch up with the backlog of trees that aren't dead, we probably need to take the 150 and plus 300 million more. So access to these lands is going to be extremely important, and so, looking at the comparison here of funding for service roads versus national park roads, I am seeing that, you know, as—Mr. French, you mentioned that—I think Mr. DeFazio mentioned the number $85 million over a 5-year period, was it?

Mr. DEFAZIO. Yeah.

Mr. LAMALFA. So about $19 million a year, or $17 million? So that, in comparison to, I think, National Park Service receiving a much bigger number—I think $330 million is what is proposed, or in an upcoming year, so the disparity there, especially in that there is four times as many miles of public road in the forest as there is national parks is the way I have it.

So we have a problem here, and a disparity, and I know Mr. Carbajal and I are working on legislation to try and flesh that up and even that up, so I appreciate being able to work with him on that, and—tell me, Mr. French, you like the movie "The Departed"?

Mr. FRENCH. I do.

Mr. LAMALFA. OK. Good. I will just leave that there. So—the issue with the disparity here and how far behind we are on forest management anyway, and the other uses we are talking about, for access and all the emergency personnel, just how far behind do you think we are, and what could we be doing to advance our work around here for vegetation management, besides, you know, trying to catch up on funding, what are the roadblocks you are seeing?

Mr. FRENCH. Thank you for the question.

You know, if you look over the last 4 years—and, specific to your question, yes, we have received about $85 million. You compare that, as you did to the Park Service, that is around $1.42 billion. So there is a big difference in the way that we have looked at the funding. And I think that there is a need to look at the overall needs and the relative amounts to see if there is a more rational way to look at those. I also think that the efficiency that has been mentioned earlier about the way the funds are applied, that could be increased in terms of——

Mr. LAMALFA. Any flexibility on that?

Mr. FRENCH. Excuse me?

Mr. LAMALFA. Flexibility perhaps?

Mr. FRENCH. Flexibility, but also, you know, honestly, probably more direct appropriation to the agencies rather than the period we go through to receive those. That would bring funding locally, more quickly, to address issues, especially in terms of disasters and things like that.

I think the other big thing that is occurring right now for us, is that as we are driving what limited dollars we have towards really focusing on addressing the increasing fuels and fire issue we have, it is actually putting less funds available for access to recreation sites and maintaining that, but I would say that connectivity of roads that these rural communities depend upon.

Mr. LAMALFA. You are having to rob Peter to pay Paul just to keep up with that a little bit, and that takes away from some of the management we were talking with, right?

Mr. FRENCH. It does, and roads dollars is one of the biggest factors that limits our ability to do active forest management. You can't go in and thin forests or reduce fire if you can't get the equipment over the bridges to get there.

Mr. LAMALFA. Right. Right. OK.

Mr. Reif, do you see a disparity here, too? I mean, you probably don't want to knock your own budget here, but do you see, in partnership where you have, you know, contiguous issues with the Forest Service and the parks? How do you guys come out so well on funding?

Mr. REIF. Well, thank you for the question.

I would say that I recognize your point about the Park Service. It is substantially bigger than the Forest Service. Some of our other Bureaus are much closer in line with the funding levels that the Forest Service receives, such as the Bureau of Land Management receives approximately $6 to $8 million per year. Bureau of Reclamation is in that range somewhere as well. Fish and Wildlife Service is about $30 million per year.

So I understand your question. It does appear to be a significant difference in funding levels. I will say that the maintenance backlogs are equally as significant.

Mr. LAMALFA. Maybe borrow their lobbyists a little bit, Mr. French, on that, when you are getting the funding there, so—I would love to come to the Tribes here, but the 5 minutes has already flown by, so I yield back, Madam Chair.

Ms. NORTON. Thank you.

We will hear next from Mr. Huffman.

Mr. HUFFMAN. Thank you, Madam Chair. And I want to thank the witnesses for a very important conversation.

Serving as both a member of the Transportation and Infrastructure Committee and the Natural Resources Committee, I see firsthand the importance of fully funding our Federal land management agencies and their transportation needs. We hear a lot about the maintenance backlog facing our public lands. Facilities, campgrounds, water systems, and a lot more than that contribute to this deferred maintenance, but we can't forget that almost half the backlog is transportation infrastructure, paved roads and bridges, and that is why this committee's work is so critical for our public lands.

Mr. Reif, I would like to start with you. In your testimony, you outlined the importance of Interior's surface transportation network for visitors and users of our public lands, including the role of drawing tourists to different sites, fostering local economic growth for small businesses and nearby communities.

That is a very important point, and I think it is important to remember that our public lands don't exist in isolation; they exist alongside gateway communities that depend on them for their local economy, and that is why we have this Federal Lands Access Program, or FLAP, which is critically important to districts like mine.

My district starts at the Oregon border, goes to the Golden Gate Bridge, and so, you can imagine all of the great public lands that I am honored to represent, from Redwood National Park to Muir Woods National Monument, Point Reyes National Seashore, just to name a few.

But this richness of public lands can also create some challenges, such as the importance of planning for wildlife crossings in rural areas to avoid unnecessary collisions; addressing, in some cases, too much traffic from visitation, like the problems we had at Muir Woods; and the negative impacts to the local community from that congestion; and also ensuring that partnerships between Federal agencies and local communities are functional.

So one of my concerns is we are not doing enough to ensure that all agencies involved in FLAP are on the same page. I think we need to include FHWA as a partner alongside public land agencies, like the National Park Service in working with local communities, and this is especially true in places like California, where we see labor shortages and the challenge of working in remote locations. This can conflict with narrow, overly prescriptive designs that might percolate up within Federal agencies.

So an example I have: Portions of my district bleeding out into the Point Reyes National Seashore where we have frequent seasonal flooding, ongoing erosion, poor pavement, and more. And we

have seen a bidding and contracting process that is moving at a glacial pace and is way over budget. You know, one simple road repair job looks like it is going to consume a budget that we need to spread among a whole bunch of different priorities in that part of my district.

So, Mr. Reif, as we look at the next surface transportation bill, what level of funding do you think is required for our land management agencies to keep current assets in good working condition, and to prevent a growing deferred maintenance backlog?

Mr. REIF. Sure. Thank you for the question, sir.

We have done a variety of analysis, from pavement condition analysis, pavement condition modeling, cost-benefit analysis, and long-range pavement condition surveys, and our analysis is that the Department, as a whole, could benefit from $1.1 billion—our needs as a whole are $1.1 billion, and to return our roads and bridges and transportation systems to a good condition, keep it at a good condition, modernize the network, and provide for multimodal transportation systems.

Mr. HUFFMAN. I appreciate you pegging that number as the real need, because, right now, I understand that we are appropriating only about $300 million annually, so we are far behind catching up to that need, and I appreciate you putting a fine point on it.

In my remaining time, I want to highlight the importance of safe bicycling and walking paths. Currently, our Federal Lands Transportation Program does not ensure that any minimum amount of funding goes to active transportation, such as walking or cycling. I have a bill, the Active Transportation for Public Lands Act, which would create a minimum 5 percent for our Federal Lands Transportation Program funds for walking and biking trails and infrastructure associated with active transportation. This is part of my work with several colleagues on this committee, including Congressman Pappas and Congressman Lipinski, and we are trying to ensure that building active transportation networks support healthy, vibrant communities.

As we work on this surface transportation bill, I hope we will not only invest in active transportation, but remember the importance of doing that on our public lands as well.

And, Madam Chair, I thank you for the time and yield back.

Ms. NORTON. Mr. Huffman, I certainly hope I am an original cosponsor of that bill. We want to stress alternative modes of transportation in our next bill. Nothing could be more—I mean, scooters, you name it. Certainly walking this very walkable city. So I appreciate what you have just said.

Mr. Stauber, thank you for yielding your time to the ranking member, as I understand it.

Mr. DAVIS. Thank you, Mr. Stauber, for that time, and thank you for yielding it to me.

Mr. STAUBER. You are welcome, Ranking Member——

Mr. DAVIS. I yield it back to you, sir.

Mr. STAUBER. OK.

Mr. DAVIS. Thank you for the text, too.

Ms. NORTON. There is some kind of trick here, but I will go along with these Republican tricks.

Mr. STAUBER. Thank you, Chairwoman Norton, Ranking Member Graves.

Mr. French, it is great to see you again today, and I have got a couple of comments to state here, then some questions at the end.

I want to speak a little bit about the Tribal Transportation Program formula funding that took place in MAP–21 and the FAST Act.

Rural Minnesota Tribes have expressed a compelling need for highway infrastructure funding to develop, improve, and maintain the inadequate road systems on Indian reservations in the State of Minnesota. Minnesota Tribal leaders are also telling me their annual funding was drastically cut over the past decade; at the same time, funding to Tribes in some other States was increased.

A decade ago, Tribal funding was distributed among Tribes through a needs-based formula that the Tribes themselves had negotiated in a Tribal-Federal negotiation rulemaking process in the early 2000s. However, MAP–21 and FAST Act replaced this formula with a congressionally written formula that more heavily weighs population members over road acreage, actual road conditions and transportation needs.

Under the MAP–21 and FAST Act formulas, Minnesota Tribes, like the Red Lake Band of Chippewa Indians, whose reservation consists of more than 840,000 acres, and 561 miles of roads, have lost more than $10.5 million of funding since the changes have been implemented.

I will just ask both of you: What is being done to track the impact that the change in the funding formula has had on Tribal Governments throughout all of Indian country, region by region, and State by State?

Mr. French?

Mr. FRENCH. Thank you, Representative.

Actually, the specifics of that question, I would defer to my colleague here from the Department of the Interior.

Mr. STAUBER. Mr. Reif?

Mr. REIF. Thank you for the question.

I would be honest. I am not sure I know what has been tracked at that level. That would be a Bureau-specific issue, and I am not aware of what tracking they are doing, but we can absolutely provide that for the record.

Mr. STAUBER. And that is what I will ask. Would you please provide the specific data to this committee when you get it, because we have to know the amount that was taken away from certain Tribes and given to others because of the formula change, and I think it is important that we recognize that there was a diminished funding to certain Tribes.

And then what has the Federal agency done to address the inequities that have resulted from MAP–21 and FAST Act funding in Minnesota and throughout Indian country? So we know there has been a reduction in some areas, and increase in others. What do you have plans for to help reinvest in those areas that lost their funding due to the formula change?

Mr. REIF. Thank you for the question.

I don't know what we have been doing to mitigate for changes in statute.

Mr. STAUBER. Mr. French?

Mr. FRENCH. Yeah. Thank you, Representative. We actually don't have oversight in our agency of that, so, again, that is why I refer that to the Department of the Interior.

Mr. STAUBER. Thank you.

Mr. Garcia?

Mr. GARCIA. Yes. Thank you. Thank you for the question.

First off, I think it is important to realize that the transportation funding formula has changed over the course of the years, and it may be time to revisit the funding formula, because I don't know that the Tribes at that time, the past few times, have been as active and as—you might say, have been allowed to take part in the development of the funding formula. But some of the parameters and some of the variables used in the current funding formula may have changed, and, so, it may be time to revisit the formula.

But, if that were to happen, what we would suggest is that Indian country also be a part of the group that begins to look at first assessing the formula, and then, if there is to be developed another formula—and I will give you one example, that, if the funding formula is put in place, the bigger Tribes, the large, land-based Tribes, are going to fare differently than Ohkay Owingeh. We have 12,000 acres of land.

And so, right off the bat, if there is population or if they are land-based and the number of road-miles is a factor—and it is—the smaller Tribes—the smaller, land-based Tribes do not fare as well. So there is a discrepancy in that part of it. But the other thing that may have changed are the—what would you say—the life changes in this country. One might think about—an example might be, right now, we are using gas tax as a means to bring revenue for Department of Transportation.

So, as time goes on, we may not have as much gas-using vehicles. We will be turning to electric vehicles, so the funding amount, revenue stream will tend to go down. But, as we speak, the funding that is available for self-governance under the FAST Act started out at $465 million for all Tribes, and it is up to, I believe, $505 million this year, 2020.

Mr. STAUBER. And I think, Mr. Garcia, my time is up, but you made a real good point. We have to factor in the road-miles, average daily traffic, and the pavement quality index in part of that, and so I appreciate it.

And my time is up. Thank you, Madam Chair.

Ms. NORTON. Thank you, Mr. Stauber.

Ms. Brownley?

Ms. BROWNLEY. Thank you, Madam Chair.

Mr. French, Los Padres National Forest is in my district. In 2017, we had the Thomas fire, which, at the time in 2017, was the largest wildfire in California's history. I am just wondering—and Los Padres was very much impacted by that fire—are you aware of any instances at Los Padres National Forest where firefighter operations couldn't get to where they needed to get due to the roads and access?

Mr. FRENCH. Thank you for the question.

I mean, you have one of the largest deferred maintenance backlogs that we have. It is like $510 million in your area. I can't give

you some recent—I mean, specifics. We could follow up that. But I will share with you, more than 20 years ago, when I was a firefighter, I was on the Los Padres, and we were hot spotting, trying to get to areas, and, yes, we very much ran into that issue where roads that were closed, even for administrative uses, we could not get into to access. And, as you know, in the Los Padres, those fires are fast, and, the quicker that you can get there, the better. But I can certainly look into getting you more recent examples than my own experience.

Ms. BROWNLEY. And, just in terms of roads, my understanding—you just mentioned the large backlog, but my understanding with roads, it is about $17 million of deferred maintenance for roads. If that is true, I am just—I am—if you could get me the information to just share with my office a list of the projects as well as expected completion dates based on current funding levels. If you have that, I would appreciate getting that.

Mr. FRENCH. Yeah. We have got it throughout the State of California, and we can break it down into the specifics of roads in California and by district, absolutely.

Ms. BROWNLEY. Very good.

Mr. Garcia, first, I want to thank you for your service to our Nation. Thank you for that. I noticed your Air Force hat, so I want to thank you for your service.

I recently was in South Dakota and visited two Tribes, the Cheyenne River Sioux and Standing Rock Sioux, two of the poorest Tribes. I was really there to look at VA and IHS healthcare services to our veterans, and access to that, but what was abundantly clear to me on the trip was seeing the conditions of the roads there, and those conditions are impacting our veterans getting to their appointments. Obviously there are weather conditions. The land mass is huge, but the horrible roads are really impacting veterans to receive their healthcare.

And I am just wondering—I know, in one of the testimonies, it was stated that Tribes are not required to report their data to the U.S. Department of Transportation on the condition and performance of Tribal roads, making it difficult to assess the overall conditions of roads nationally.

Do you believe if we did collect that data—do you think we should be required to collect that data, and do you think that that is what would help, in any way, making the case?

Mr. GARCIA. First point, I think it is important to understand that the data is an important means. I mean, we talked about the funding formula. If you have the wrong data or you have invalid data or any inadequate data, you are liable to provide wrong information that then impacts the amount of dollars that flows through the system.

Well, when you are talking about transportation data, that could also be data, such as law enforcement data, for highway safety, accidents, and fatality, and all of that. If you are on Tribal land, you end up having to deal with at least three databases: the Tribal database, the law enforcement database, the State and county and State highway database, and then the Federal database. And, in this case, the Federal database, depending on who you report the data to—sometimes BIA, sometimes other places—the data is not

consistent, and the form of the data is not consistent. The databases are not consistent. The collection of the data are not consistent.

So, if you look at the discrepancies in those systems, you are not looking at very accurate data, and, so, I think it is an important piece of the puzzle to be resolved, and parts of that can be done by providing funding for developing the data systems that the BIA uses, that the Tribes use. That could be a consistent one, and, if we do it together, the more likely that it is going to suffice and work for both entities. And the same with when we include the States, then it is important that they also be involved in the development of whatever data we have.

Ms. BROWNLEY. Thank you, Mr. Garcia.

Mr. GARCIA. Thank you.

Ms. BROWNLEY. I yield back. Thank you.

Ms. NORTON. Mr. Palmer?

Mr. PALMER. Thank you, Madam Chairman.

Ms. Clark, what portion of overall transportation funding comes from the FAST Act programs?

Ms. CLARK. Pardon? What did——

Mr. PALMER. What portion of overall transportation funding comes from FAST Act programs?

Ms. CLARK. What portion of the funding?

Mr. PALMER. Yeah.

Ms. CLARK. Well, you mean the allocations of FAST Act, which is——

Mr. PALMER. Of your overall funding, how much of that is from FAST Act grants or appropriations?

Ms. CLARK. Well, in 2019, it was $495 million, and this year, it is $505 million.

Mr. PALMER. What is your total expenditure for your transportation programs, then? What is your total outlay?

Ms. CLARK. A little——

Mr. PALMER. How much do you spend annually on your transportation programs? It is more than $505 million, isn't it?

Ms. CLARK. Correct.

Mr. PALMER. Do you know how much it is?

Ms. CLARK. That is hard to determine because of the unmet needs or the deferred maintenance.

Mr. PALMER. Yeah, but you know how much money you actually have to spend, don't you?

Ms. CLARK. On——

Mr. PALMER. You have a budget?

Ms. CLARK. Yes.

Mr. PALMER. How much do you budget?

Ms. CLARK. For my Tribe personally?

Mr. PALMER. For——

Ms. CLARK. For all Tribes?

Mr. PALMER. For all Tribes. Do you know?

Ms. CLARK. Oh, for all Tribes, well after the obligation limitation, we only had $449,000 in our TTP funds. So your obligation limitation takes most of it out.

Mr. PALMER. All right. I will submit the question in writing, and I think it will be a little bit easier to answer.

Ms. CLARK. OK. Thank you.

Mr. PALMER. Mr. Garcia mentioned a gasoline tax, and I think accurately identified the fact that that is a declining source of revenue because of increased fuel efficiency and conversion to electric vehicles.

What sources of revenue other than the FAST Act programs do you rely on other than the gas tax? Do you have other sources of revenues?

Mr. GARCIA. Are you talking about one Tribe, or my Tribe, or other Tribes throughout the——

Mr. PALMER. Well, I would like to know generally all Tribes, and what I am trying to find out is, are there other ways that we can provide funding? This actually—I am hoping to make a point. So you are getting $505 million. Is it just your Tribe, Ms. Clark, that gets the $505 million, or is that all Tribes?

Ms. CLARK. That is all the—all Tribes.

Mr. GARCIA. That is for all Tribes.

Mr. PALMER. OK.

Mr. GARCIA. Yes, sir.

Mr. PALMER. OK. And then you have other sources of funding, which, Mr. Garcia, you identified as the gasoline tax, which you accurately identified as a declining revenue source. Do you have other sources of revenue to fund your transportation programs?

Mr. GARCIA. Well, I can answer that in a general way, and that is that many of the Tribes—in fact, all of the Tribes that are funded through the Bureau of Indian Affairs, through the Indian Health Service, those funds are, number one, not adequate to meet the needs of the community—the Tribes.

Mr. PALMER. Let me—I am trying to——

Mr. GARCIA. Transportation is in that same boat, that the Tribe supplement, the funding that it—current funding that receives—Federal funding that is received——

Mr. PALMER. OK.

Mr. GARCIA [continuing]. And so that is the same thing that would happen with the Department of Transportation funding, is that the funding that provided for—I will speak for Ohkay Owingeh—will not meet all of the needs in terms of transportation, all the projects, the bridges, the——

Mr. PALMER. OK. I am trying to help you out here.

Mr. GARCIA. So there won't be revenues available that we would have to supplement, and so, you know, the revenues are just like any Government would have.

Mr. PALMER. OK. What I am trying to do is identify how much we provide through the FAST Act, what other sources of revenues that you have, and I think we have already pretty well nailed down the fact that all those revenue sources combined with what you are getting from the FAST Act are insufficient. You have got an enormous backlog.

So my next question is: The Tribes, nationwide, have resources—energy resources—natural gas, oil. And my question, Mr. Garcia and Ms. Clark, is: Do the Tribes—first of all, do they allow the sale of these resources, and, if they do, do you get a portion of the revenues? Do you get all the revenues? Or is that even a revenue

stream that could help support your infrastructure and transportation needs?

Ms. CLARK. I could answer.

Most Tribes receive field tax funding from the—from what they receive in their reservation, and that is spent—well, with the Nez Perce Tribe, we spend it on whatever the State spends their field tax on.

Mr. PALMER. Are those taxes revenues from——

Ms. CLARK. Field tax sales.

Mr. PALMER. No. I am talking about, do you have oil and natural gas on Tribal lands that you should own? As a sovereign nation, you should own that. Are you allowed to access that for oil and gas exploration, and are you allowed to take the revenues from that?

Ms. CLARK. Our Tribe, in Nez Perce country, we do not have any natural gas lines going through that area. However, other Tribes, it is hard for them to get involved in trying to get a portion of those fundings, so—they have tried. They have worked at it, and so, yes, you are right. Most Tribes don't receive those.

Ms. NORTON. The gentleman's time has expired.

Mr. PALMER. Thank you, Madam Chair. May I just—I am trying to be helpful with this, and I am not sure that they fully understood, and I take responsibility for that, so I will submit some questions in writing, but my intent here is to try to identify other funding sources that will help the Tribes meet their needs, and I appreciate your indulgence.

I yield back.

Ms. NORTON. I appreciate receiving that—that is an important question—in writing, and we will make sure to submit it to the witnesses.

Mr. Lowenthal?

Mr. LOWENTHAL. Thank you, Madam Chair.

First, I want to thank you, the chair, for holding this very important hearing, the first time in decades that we have really listened to the transportation needs on Federal lands, on Tribal lands, and U.S. Territories. For me, I am going to ask some questions, but the most important thing has just been listening and understanding, which we haven't had that opportunity to do before, and so I would like that message to go out.

Thank you for being here. Thank you for educating us. It is very important, because we frequently overlook this, but not because it is deliberate; it is just that we have so many other needs. Unless somebody takes the time and says, Hey, let's look at this issue, so I very much appreciate this.

I want to talk about to Commissioner Petty—I am interested in both climate change and resiliency, how we deal with some of those issues, and resilient infrastructure in the Territories, and so your testimony, Commissioner Petty, disclosed just how important resilient infrastructure is for vulnerable disaster-prone areas, such as the Virgin Islands. And we have seen the challenges that deficient infrastructure can pose in these areas in the wake of the recent hurricanes; especially in Puerto Rico, we have really seen that directly, where supplies stacked up in the port areas, not because of the ports, but because we didn't have the infrastructure to get those supplies, and we didn't have the surface infrastructure.

So the question is: Are you concerned that the current Federal funding levels for transportation prevent the Territories from really constructing resilient infrastructure? Are we really—you know, when we talk about infra—but we know the impacts that you have and the vulnerabilities. Are we building enough resilient, or are we funding enough resilient infrastructure?

Mr. PETTY. Currently, no, we are not, and, for us, we have been in this catchup mode trying to do the things to sustain some sort of infrastructure, and doing it the right way, so to speak, is difficult, because you have to address the needs of the public right now. But, to do it right, we definitely need the appropriate funding to build that type of resiliency.

Mr. LOWENTHAL. And maybe you could fill us in just to educate us a little bit on how climate change now is affecting how the Virgin Islands and other Territories are planning for future transportation issues. You are in a unique situation.

Mr. PETTY. Right. So——

Mr. LOWENTHAL. Maybe you could share that with us, too.

Mr. PETTY. Yes. So definitely, all of our projects, we definitely have to look at sea-level rise, some of the major expansion projects in our harbors—we are building new roads just for the increasing population and tourism activity, but storm surge is a real thing that has impacted our infrastructure over many of the last few storms that we have had.

So, when we build these roads—and we have one section of roadway where we are building right now—it is probably one-quarter of a mile, and it is costing us $42 million for just that stretch of road, primarily because of those type of resiliency type of features that have to go into these types of projects.

Mr. LOWENTHAL. Thank you. I want to change the subject a little bit to talk to Mr. Reif about the National Park Services, the backlog that you have on the national—but how it is the backlog and the impacts upon the local communities are really what I am most interested in. You know, we know, you know, the monies that you spend, and we have heard, but, right now, at least I am focusing on the importance of the national parks, or all of our parks to local economies.

Can you give us what the impacts to these economies are when our parks, our roads, our bridges, tunnels are not in good repair? How does that impact the local economies?

Mr. REIF. Thank you for the question, sir. The deferred maintenance backlog does have a significant impact on our local gateway communities to all of our Federal lands. The small businesses that rely on access to our Federal lands—you know, outfitters, guides, ranchers, all of the small businesses in the area rely on being able to access their local Federal lands. A number of those small businesses——

Mr. LOWENTHAL. But you are the engine that drives the local economy?

Mr. REIF. Absolutely, sir. Many, many small businesses only have permits to operate in certain locations, and if that access is not available because the transportation infrastructure is too deteriorated, then they don't have an opportunity to succeed. They can't move to the next location that maybe have better infrastructure.

Even in town, the local hotels and restaurants will have a much better opportunity to succeed if they have more patrons who are able to get into their neighboring Federal resources.

Ms. NORTON. The gentleman's time has expired.

Mr. LOWENTHAL. Thank you, and I yield back.

Ms. NORTON. Mr. Woodall?

Mr. WOODALL. Thank you very much, Madam Chair.

I want to pick up where Mr. Lowenthal left off. I saw in your testimony, Mr. French, you were talking about the categorical exclusions that you all are moving towards using, and how that is dealing with the backlog, and I want to give you a chance to expound on that if I have time.

But, Mr. Reif, let's go to Interior, because we do count on those parks, not just as an environmental engine for those local communities, but we count on you all to set the standard for environmental protection, and I don't even expect a project to show up on your list unless it has gone through your own rigorous in-house process, to say this is going to fit with the environmental stewardship that America counts on us for.

So I am thinking about, after you all have gone through that process to propose a project, that you then have to go back on a water project for a 404 approval or if it is a large enough project that you are then going to have to go back and do a NEPA review, or if it involves historical projects, go back for a 106 review.

Tell me about that. Thinking about ways that we can find bipartisan partnership, we disagree on how many reviews are the right number of reviews, but, because you all do set a standard for protection of America's resources, if we ought to be able to start anywhere to consolidate those reviews, expedite those reviews, deal with the backlog that Mr. Lowenthal talked about, I would expect it to be with you.

Mr. REIF. Thank you for the question, sir.

Let me start by saying, I don't work on the environmental compliance end of the program. I mostly work on the infrastructure engineering side of the program, but my understanding is a lot of those reviews happen concurrently while they are working through the environmental process.

Mr. WOODALL. And so, what do we find? That the Park Service is proposing a project, and then we do a 106 review and find out that that would have been destructive to historical resources, and you all just didn't know that ahead of time? Does the Park Service propose a project, and then we go back and do a 404 review concurrently and find out that the project you propose was going to be destructive to America's water resources?

I just expect that a project never even makes it past your drawing board unless it fits all of these standards that we expect from one another and that we expect the Park Service to set a standard on.

So I am—from an engineering perspective, do you find that you have proposed something and it has gone through an internal review, and then all of these external reviews come into place, and you made a mistake when you let it out of an internal process?

Mr. REIF. Thank you for the question.

So my understanding is that when you propose a project, you have a pretty good idea of what kind of hurdles you are going to see in those types of projects, and so, you can work to help make sure that you avoid those ahead of time. You don't always succeed.

There sometimes are endangered species that you weren't aware of, or something along those lines, so it is not perfect. We are always looking at ways to improve our process and be more streamlined, but, yes, sir.

Mr. WOODALL. I hope we will be able to come back to that, Madam Chair, because DOI is a trusted partner, and we do all have a reverence for our parks, and we can share a common ground on, if we can streamline, if we have a trusted partner anywhere that would allow us to streamline it, it should be DOI.

Mr. French, you have a tougher job, because your lands actually work for a living, and so, it is a different issue, but can you tell me a little bit about how some of those categorical exclusions have the potential to deal with backlog and make a difference?

Mr. FRENCH. You bet. You know, as an agency, we have been in the space with declining resources, mainly because of the costs of fire suppression, and so we have been looking really hard about the way we do our work so we can drive as much of that funding we do have to the ground. We have looked at it in a variety of ways, and that is one of them.

So it can look at our contracting processes, our investment processes, how we decide what should be funded. But, on the environmental review side, we looked at, over the last 5 years, all the environmental reviews we had done on like-type projects for roads, let's say, environmental assessments, and, from that, we took those actions that, under the CEQ regs, say, are routine and not significant, and we have proposed those into CEs, and that is based on our administrative record. That creates tremendous efficiencies. It can change the timeframe of looking at one of these projects from 2 years down to 6 months.

Mr. WOODALL. I don't think there is anyone on this panel that wants to dodge our stewardship responsibility——

Mr. FRENCH. Of course not.

Mr. WOODALL [continuing]. But there is a stewardship with the environment that can be paired with stewardship of dollars so that we can get more projects done for those communities that Mr. Lowenthal mentioned. It makes a big difference. So I appreciate——

Mr. FRENCH. Yep.

Mr. WOODALL [continuing]. Your leadership in that area.

Thank you, Madam Chair. I yield back.

Ms. NORTON. Thank you, Mr. Woodall.

Mr. Carbajal?

Mr. CARBAJAL. Thank you, Madam Chair.

Deputy Chief French, first, I want to thank you and the Forest Service for the extraordinary work, especially in providing emergency response. I represent the central coast of California, which includes the Los Padres National Forest, and our forest traditionally has a demanding fire response, as you know.

That is why I am also proud to have initiated the FOREST Act, which is a bipartisan legislation, H.R. 5334, that will address the

disparity in funding between the Forest Service and the National Park Service to address the backlog, and to allow for the roads to be better maintained, perhaps even expanded, to do better fuels management, and to provide better access to our first responders, our firefighters. Today, I want to touch on that, and also discuss some of the Forest Service needs.

In your testimony, you discussed that the Forest Service transportation infrastructure has fallen behind in its ability to meet user needs. The figure on your side is about $3.6 billion deferred maintenance backlog. What are each of the different fundings or resources available to USFS for your transportation needs, and how much of that comes out of the programs authorized by this committee? And, two, with such a significant backlog, how has this impacted your agency's ability to do proper forest management or firefighting activities?

Mr. FRENCH. Great. Thank you for the question, and thank you for your leadership, and Mr. LaMalfa's leadership on recognizing this issue. We certainly appreciate it.

So, if you look at our overall funding that we have in the agency, we are getting about $19 million per year. That is our current—it has been $18 million in the past, and $17 million directly through the FAST Act. If you look at the funds that we received through ERFO for disaster-related, that number can be up to $50 million, but it is usually in response to maybe a landslide after a fire that has occurred in your district.

Appropriated dollars that are not part of this committee that go directly to our road and trails is about $220 million that we receive, and that represents, right now, where it is—we find that the funding that we have right now represents about 3 percent of the need of the deferred maintenance we have, and our primary issue, as you started to point out, is that trying to address those roads to deal with the broader active management, the forest-thinning issues that we have, is a challenge.

Now, there is other sources that we do get, and one of those is through timber sales. We can receive—we can put—as part of our timber sales, we can ask the purchasers to improve roads. The issue that we find ourselves in is that what we are doing these days is less about high-value commercial timber; it is about protecting communities, thinning forests to reduce fire. Sometimes we have to pay to get those trees out of the woods.

So we used to rely on timber sales to help fund many of these things. That is not there anymore, because we don't receive the same receipts that we used to. The value is different.

Mr. CARBAJAL. Thank you very much. And, again, I really appreciate the extraordinary work your agency does in my district. Thanks so much.

Mr. FRENCH. Thank you.

Ms. NORTON. I thank the gentleman for yielding back.

Mrs. Miller?

Mrs. MILLER. Thank you, Chairwoman Norton, and thank you all for being here today. As a Representative for a largely rural district, I know firsthand how important highway and road construction can be, and particularly for connecting our constituents to es-

sential needs and goods and services, along with bringing economic development to communities who desperately need it.

As a member of this committee for the past year, I have learned so much about how many of our States and our districts are struggling to meet their infrastructure demands. I know, in my district of West Virginia, which is very rural and very mountainous, that our bridges can remain incomplete, roadwork seems to be never-ending, and our economy suffers from the consequences.

The Highway Trust Fund remains woefully underfunded, and it is essential for this committee to find a reasonable solution to our Nation's infrastructure needs.

Mr. French and Mr. Reif, what problems do the U.S. Forest Service and the Department of the Interior have with maintaining rural access roads? And how can Congress ensure that these rural areas continue to be serviced with quality roads?

Mr. FRENCH. Thank you very much for the question.

It is a huge challenge for us. I mean, the primary first piece is the overall funding that is available. In West Virginia, in the Monongahela National Forest, I think in your district, there is at least $17 million in deferred maintenance that we are working on right now. We don't even come close to being able to have the resources to hit all those, so what we end up doing is stopgap measures.

I mentioned in my testimony about a bridge in Pennsylvania that services a community that we can't get firetrucks across right now to protect those communities. We have had to put in a stopgap temporary fix just to allow that to happen, and that is the sort of triage that we find ourselves doing at any time.

We think there could be a more rational approach to how the FAST Act is allocated. I think that we would be open to discussing other ways that we could look at funding some of these critical needs, and I think that we very much stand up to say we should be more efficient and effective in how we use those dollars and show you that, and accountable. I think all those three things are important in order to resolve this issue.

Mrs. MILLER. Thank you.

Mr. REIF. I will echo my colleague's comments that we are drastically underfunded with trying to keep up with all of the deferred maintenance in our portfolio. I referenced in my testimony a study by the National Academy of Sciences that indicates that 2 to 4 percent of an asset value should be attributed to maintenance for every year, annually, for maintenance, and we are able to contribute about one-half of 1 percent of our budgets towards maintenance of our assets.

So we are just having a hard time keeping up. We are looking for efficiencies. Within our transportation programs, we are trying to spend more of our time and effort and funding on low-cost efforts to preserve what good things we have in good condition, so that we can slowly build the network back up over time by keeping what we have in good condition, and then slowly addressing some of the bigger challenges, the bigger dollar reconstruction projects as we can, and then, again, to keep a little bit of money on them to keep them in excellent condition.

So we are attempting to drive that process, but it is a really hard boulder to get out from under with just the roads are naturally just deteriorating faster than we can address them.

Mrs. MILLER. It is never-ending. I have a farm, and the road to my farm goes by a creek and up and down, and it is always, always in need of repair, and they repair it, and then they repair the repair, and then—it is hard.

Mr. French, what steps is the U.S. Forest Service taking to speed up regulatory hurdles, and are there any regulatory burdens mandated by Congress that impair the Service's ability to efficiently maintain their infrastructure?

Mr. FRENCH. OK. Thank you.

As I spoke before, one, we have put together a comprehensive capital improvement strategy, a long-term transportation strategy, and a deferred maintenance strategy, because we don't want to just spread the resources; we want to hit the right things in the right places.

Secondly, we are looking at the processes we use to make sure that work happens on the ground, whether it is through contracting, whether it is through design, and looking at more effective design or through our environmental reviews, trying to make sure that we are doing that in expedient ways. It is also about project management, having the right resources in the right places to get the work done and not just sort of go on forever.

That is what we are doing on our end.

In terms of Congress, I think many of the ideas that have been talked about here, looking at the needs of the agencies, and then looking at the way this program essentially is—feeds its money through, through Federal Highways, and then the amounts is something that is worth taking a look at it. It can create some delays, and I would assert that the amounts are maybe not commensurate with the needs.

Mrs. MILLER. How does the Forest Service coordinate between the local, State, and Federal levels, and what can be done to improve those lines of communication?

Ms. NORTON. The gentlewoman's time has expired.

Mrs. MILLER. Thank you.

Ms. NORTON. Mr. Brown?

Mr. BROWN. Thank you, Madam Chairwoman. The Baltimore-Washington Parkway is an important regional artery for over 63,000 daily commuters from my district and around the State of Maryland. Commuters rely on the BW Parkway to get to work and school every day and are more often than not subject to unsafe road conditions as a result of years of neglect. The BW Parkway has become notorious for its potholes and traffic jams.

Last March the situation got so bad that the Maryland delegation had to appeal to the National Park Service to conduct emergency repairs on the parkway, and we are thankful that those repairs were made. However, these repairs were a Band-Aid and it is only a matter of time until we are back to where we were last March.

Throughout this process, it has been unclear to me how the Park Service prioritizes roads that experience high-volume traffic within its jurisdiction. Data that my staff received from the Park Service

back in October indicated that the agency assesses the BW Parkway in a state of good repair, with zero percent of the miles being in poor condition. Anyone who drives down the parkway regularly knows this is an inaccurate assessment.

Between 2015 and 2019, the BW Parkway only received $15 million in funding from the Federal Lands Transportation Program. This is in stark contrast to the $55 million in FLTP funding that went to Blue Ridge Parkway, the $52 million for Natchez Trace Parkway, and the $26 million that went into Foothills Parkway.

According to NPS data, the BW Parkway carries considerably more drivers each day and yet is getting a fraction of funds from this program. In an attempt to address this disparity, I, along with Chairwoman Norton, and some of our colleagues in the National Capital region have introduced the Commuter Parkway Safety and Reliability Act. Our bill directs the National Park Service, through the Federal Lands Transportation Program, to prioritize high-commuter corridors.

This legislation would ensure that FLTP funds, within the National Park Service's jurisdiction, are prioritized based on parkway use.

Mr. Reif, could you please tell the committee how the National Park Service currently prioritizes these funds and why parkways that see a high number of commuters each day aren't receiving a greater percentage of the FLTP funds?

Mr. REIF. Yes, sir, thank you. The Park Service, with their $284 million per year, first distributes those funds to each region. And those distributions are based on the inventory within each region, the condition of the roads within each region, and visitation data within each region. So that translates to approximately—oh, and I am sorry—and highway crashes in the region.

Mr. BROWN. Let me ask you then, so I hear two criteria—by region, highway crashes. Does the Department consider the rate of daily traffic when prioritizing——

Mr. REIF. Yes, I am sorry, I misspoke. It is not visitation. It is VMT, vehicle-miles traveled. So, yes, sir, it does.

Mr. BROWN. OK. Does the Department have a long-term plan to deal with the deferred maintenance backlog of parkways that see a high rate of commuters?

Mr. REIF. Well, the money that gets down to the regional level, which, in the National Capital region is approximately $23 million per year, about 9 percent of the overall—the region then prioritizes within its needs based on asset criticality and condition of the assets and a few other factors, to determine where they want to put that fairly small sum of money.

Mr. BROWN. And then in terms of the allocation to the regions, is that based on daily commuter volume?

Mr. REIF. That is one of the factors, yes, sir.

Mr. BROWN. To go to the regions?

Mr. REIF. To go to the regions.

Mr. BROWN. And then within the regions that is another factor?

Mr. REIF. Within the region, that is—that is a factor to distribute money to the region, and then within the region, they look at all of their assets and determine how the——

Mr. BROWN. And with just the little bit of time I have left, can you tell me what metrics the Department of the Interior uses to determine if a parkway is in a state of good repair?

Mr. REIF. Yes, sir. The pavement condition rating is what the Park Service uses for measuring state of good repair. They have a vehicle that has a number of sensors on it to measure rutting and cracking and roughness and a number of other things.

Mr. BROWN. Just a yes or no question.

Mr. REIF. Yes, sir.

Mr. BROWN. Have you been on the Baltimore-Washington Parkway recently?

Mr. REIF. Not in the last year or so since we have had the emergency fix.

Mr. BROWN. OK. I invite you to travel that and see if reality matches up with the assessment.

Mr. REIF. I understand.

Mr. BROWN. I yield back, Madam Chair.

Mr. REIF. Thank you.

Ms. NORTON. Thank you, Mr. Brown.

Mr. Stanton?

Mr. STANTON. Thank you very much, Madam Chair. It has been 18 years since this committee last had a hearing on Tribal transportation needs. It is long overdue. So I want to thank you so much for holding the hearing, granting the request of Congresswoman Davids and I that we have a hearing focused on Tribal infrastructure and transportation needs. It is important that we hear directly from Tribal leaders on their needs and priorities for reauthorization of the surface transportation bill.

Transportation infrastructure is critical for our Tribal communities, including the 22 Tribal Nations in my State of Arizona, a modern transportation network that fosters economic opportunity, helps Tribal members reach their jobs, aids emergency personnel, connects vast distances between Tribal communities, and transports children to and from school.

The transportation infrastructure needs of our Tribal Nations are great. Many of the roads and bridges are a barrier to greater economic opportunities and our travel communities because they need significant improvement or repair.

This past summer I had the opportunity to visit the Navajo Nation and see firsthand the significant transportation infrastructure challenges the Nation is facing. The Navajo Nation has more than 11,200 miles of roads over 27,000 square miles, making the Nation first out of all BIA regions for road-miles.

The vast majority of these roads, 86 percent, are unpaved. Unpaved roads create numerous challenges, especially in adverse weather conditions for members of the Navajo Nation, whether getting to school or work or accessing critical services like healthcare.

At current funding levels, the Nation estimates it would take approximately 116 years and $7.9 billion to meet their current transportation infrastructure needs. Let me repeat that—116 years. That is unacceptable to everyone here.

Like the Navajo Nation, the Salt River Pima-Maricopa Indian Community is also experiencing significant infrastructure challenges. Years ago, the community was on the outer edges of Phoe-

nix, but now it is bordered by our rapidly growing communities, impacting traffic throughout Salt River.

Hundreds of thousands of vehicles travel through the Salt River Pima-Maricopa Indian Community each day, placing great strain on the Tribe's ability to maintain and keep these roads safe. The Federal Government has a trust responsibility to Tribal Nations, which includes providing the resources necessary to ensure the transportation needs in Native Communities are addressed. Yet, despite this trust responsibility, Salt River receives only a tiny fraction of the Federal funds it needs for maintenance and construction.

While the FAST Act took important steps to help address the significant transportation needs and disparities in Tribal communities across the country, more work must be done. We have an opportunity in the upcoming reauthorization bill to build on the progress in the FAST Act and make sure Tribes do receive the resources needed to address these urgent needs.

Madam Chair, I ask unanimous consent to include in the record letters from the Inter Tribal Association of Arizona, the Navajo Nation, Salt River Pima-Maricopa Indian Community, and the Gila River Indian Community to discuss in more detail their individual needs.

Ms. NORTON. So ordered.

[The information follows:]

Letter of January 31, 2020, from Shan Lewis, President, Inter Tribal Association of Arizona, Submitted for the Record by Hon. Greg Stanton

JANUARY 31, 2020.

Hon. GREG STANTON,
U.S. House of Representatives, Washington, DC.

RE: Support for Transportation Infrastructure Needs in Indian Country

DEAR CONGRESSMAN STANTON,

This letter is being submitted on behalf of the Inter Tribal Association of Arizona (ITAA) regarding the surface transportation bill to be reauthorized this year. ITAA is an inter-tribal consortium of 21 federally recognized Indian Tribes with lands in Arizona, California, and Nevada. The Member Tribes of ITAA have advocated together since 1952 on issues of common interest and concern across Indian Country. ITAA is governed by the highest elected Tribal officials from each Tribe, including Tribal chairpersons, presidents and governors.

Improving transportation in Indian Country is critical to ensuring Tribes are able to meet the needs of their communities and build economic development opportunities on a framework of modern infrastructure. Your support for funding programs specifically targeted to addressing construction and maintenance of transportation infrastructure in Indian Country, such as the priorities listed below, is critical in meeting the transportation needs of Tribes. In addition, we appreciate your continued support for ensuring that the Department of Interior and the Department of Transportation are adequately consulting with Tribes and joining with Tribal governments in planning and developing projects that benefit ITAA's Member Tribes.

As a member of the House Transportation and Infrastructure Committee, ITAA Member Tribes appreciate your efforts to ensure the transportation needs of Tribes in Arizona and beyond are included in the reauthorization process. Please find below a list of tribal transportation priorities which we seek to have included in the hearing of the House Subcommittee for Highways and Transit scheduled for February 6, 2020.

Tribal Transportation Priorities:

- Creating within the Department of Transportation an office to consult and coordinate with Tribal governments:

- Establish within the US Department of Transportation an Office of Tribal Government Affairs to oversee the Tribal Transportation Self-Governance Program (TTSGP), coordinate tribal transportation programs and activities in all DOT administrations and participate in any negotiated rulemaking that affects tribal projects, programs or TTSGP funding.
- Appoint an Assistant Secretary for the Office of Tribal Government Affairs.
- Create a joint tribal and federal advisory committee.

- Improving the integrity of the Tribal transportation system:
  - Increase annual funding for the Tribal Transportation Program to $565M in FY21, followed by annual $15M increases through FY25.
  - Reinstate a stand-alone Tribal Bridge Program with $16M for FY21 followed by annual $2M increases through FY25.
  - Increase annual funding for the BIA Road Maintenance Program to $50M in FY21 followed by annual $2M increases through FY25.
  - Remove the annual Obligation Limitation takedown from the Tribal Transportation Program and Tribal Bridge Program.
  - Authorize $39M annually for the Tribal High Priority Project Program.
  - Increase the set-aside for Tribal Transportation Program safety from 2% to 8%.
  - Increase the set-aside for Tribal Transportation Program planning from 2% to 5%.
- Improving the delivery of programs, services and funds to Tribal governments:
  - Restructure the Nationally Significant Federal Lands and Tribal Projects Program by reducing the minimum project size from $25M to $12.5M, establishing a 50% set-aside for tribal projects and increasing the federal share to 100%.
  - Streamline approaches for Tribal governments to form cooperative agreements with states and local government for highway planning, design and safety.
  - Allow the transfer of Customs and Border Protection funds to the Bureau of Indian Affairs Division of Transportation to maintain, repair or reconstruct a road, if Customs and Border Protection is the primary road user.
  - Complete any approval or review of the safety project required under NEPA and the National Historic Preservation Act (NHPA) in a timely manner and take final action only after Tribal Consultation is complete, allowing a Tribal government to request a 30-day extension, if needed.

I appreciate this opportunity for ITAA to participate in the work of the Subcommittee for Highways and Transit by submitting this letter. While I regret that I will not be able to attend the subcommittee hearing, I appreciate the advocacy that you have shown for Tribes in the past and look forward to your support for additional funding and reforms to address the transportation needs of ITAA's Member Tribes. If you should have any questions, please contact Ms. Maria Dadgar, ITAA Executive Director.

Thank you again for your support.

Sincerely,

SHAN LEWIS,
President, Inter Tribal Association of Arizona,
Vice Chairman, Fort Mojave Indian Tribe.

Letter of February 3, 2020, from Jonathan Nez, President and Myron Lizer, Vice President, Navajo Nation, Submitted for the Record by Hon. Greg Stanton

FEBRUARY 3, 2020.

Hon. PETER DEFAZIO,
House Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

Hon. SAM GRAVES,
House Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

RE: Subcommittee on Highways and Transit Hearing on: Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories

DEAR CHAIRMAN DEFAZIO AND RANKING MEMBER GRAVES,

As the largest land-based Indian Tribe in the country, the Navajo Nation encompasses over 27,000 square-miles across three states (Arizona, New Mexico, and Utah) and has a registered enrollment of over 350,000 members. With such a broad land base and areas that lie within multi-jurisdictional boundaries, the Navajo Nation encounters some of the most challenging obstacles when it comes to meeting its transportation and infrastructure needs.

The Navajo Nation ranks second in population and first in road mileage out of all of the BIA regions. The Navajo Nation has more than 11,200 miles of roads, with over 9,500 miles remaining unpaved. Additionally, there are 179 bridges on the Nation; 38 are eligible for rehabilitation and 28 are eligible for replacement.

The Navajo Nation receives about $54 million annually from the Federal Highway Administration. Of this amount, 9 percent or $4.9 million goes to Operations and Planning; over 10 percent or $5.6 million goes to Road Maintenance and Safety Projects; over 12 percent or $6.9 million goes to Preliminary Engineering and Construction Engineering; and the remaining over 67 percent or $36.6 million goes to Construction. Since it costs nearly $3 million to pave one mile of new road, funds appropriated each year allows the Navajo Nation to build only 12.2 miles of new road.

At the current funding level, Navajo Nation transportation officials have estimated that it would take approximately 116 years and $7.9 billion to meet current transportation infrastructure needs. Pavement deficiencies need approximately $1.4 billion in repair and upgrades to the remaining roadway system need $6.5 billion.

Unpaved roads negatively impact school and work attendance, and the delivery of health and other community services. Dirt roads are also susceptible to damage from snow, floods, and washouts.

During winter storms and heavy downpour, families can be stranded for days due to the inability of accessing paved major roads. This results in poor attendance and severe wear and tear on automobiles. For example, in 2015, San Juan County canceled 10 days of classes in a single semester because of poor road conditions. Ambulances and first responders face flooded roads and often ferry with local residents who have four-wheel drive vehicles to reach their patients. People with chronic medical conditions like kidney dialysis, often miss their appointments. Work commutes continue to remain a challenge.

Paved roads are highly valued and needed for dependable, safe travel for families and school buses. The Navajo Nation's roads are lifelines and are crucial for planning the development of energy and water resources, as well as for community and economic development.

It is imperative that the Navajo Nation is appropriated funding for investment in maintenance and infrastructure of on-reservation highways, roads and bridges. Paved roads on the Navajo Nation serve as critical corridors for overland freight transported by the trucking industry. A significant amount of the traffic which utilizes the Navajo Nation Highway infrastructure is pass-through traffic.

For the reasons stated above the Navajo Nation implores this Committee to appropriate funds specifically for utilization towards fixing these deficiencies. If you have any questions, please contact the Navajo Nation Washington Office Executive Director, Santee Lewis.

Sincerely,

JONATHAN NEZ,
President, The Navajo Nation.
MYRON LIZER,
Vice President, The Navajo Nation.

Letter of February 3, 2020, from Martin Harvier, President, Salt River Pima-Maricopa Indian Community, Submitted for the Record by Hon. Greg Stanton

FEBRUARY 3, 2020.

Hon. GREG STANTON,
Member,
House Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN STANTON,

Thank you for the opportunity to provide information for the House Committee on Transportation and Infrastructure's upcoming hearing on Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Terri-

tories. On behalf of the Salt River Pima-Maricopa Indian Community, we deeply appreciate your continued interest in ensuring that federal transportation resources are equitably distributed across the nation, including in underserved communities such as ours.

Where the Community was once on the outskirts of the Phoenix metropolitan area, today we are an integral part of the growing east valley of Phoenix. The cities that border our Community including Tempe, Scottsdale, and Mesa, are some of the fastest growing cities in the country.

The tremendous growth is best described by the average daily traffic counts on the freeways and major roadways in and around our Community. Three major freeways—the Loop 101, Loop 202, and State Route 87—convey more than 400,000 vehicles through the Community each day. Add to that an estimated 250,000 vehicles on some of the larger surface roadways—such as McKellips, McDowell, Pima, and Country Club roads—there are more than 650,000 vehicles traveling daily through our Reservation.

As you can imagine, this puts a tremendous strain on the Community's public safety and public works agencies that are responsible for maintaining and keeping roadways safe for travel.

INSUFFICIENT FEDERAL SUPPORT FOR ROAD CONSTRUCTION AND MAINTENANCE

The bottom line is that federal tribal transportation programs are significantly underfunded. For example, on an annual basis our Community receives $92,000 from the U.S. Department of Interior, Bureau of Indian Affairs (BIA), for road maintenance. This represents 6.5 percent of the total need. As a result, the Community supplements the meager federal funding with nearly $1.4 million dollars each year.

Further, for the Community's 5-year new-construction plan, BIA funding will provide only 3%, or $7 million dollars, of the overall budget.

Clearly, there is not enough money to meet the basic maintenance needs of our current roads, let alone the funding necessary to support a robust 21st century transportation system. As a result, we believe an increase in funds for tribal transportation programs will help tribes establish, maintain and perpetuate tribal transportation programs.

We urge the Committee to support set-asides in federal transportation, highway safety, and related programs, as well as reduce the local match requirement for competitive grants to ensure federal funds reach Indian country.

Fortunately, the Salt River Indian Community has been uniquely successful in applying for competitive U.S.D.O.T. Grants. For example, in 2019 our Community was awarded $49 million from the Nationally Significant Federal Lands and Tribal Project program. The grant will support the Pima Road Redevelopment between the Community and the City of Scottsdale. When complete, it will improve safety, decrease cut-through traffic, and expand opportunities for economic development along a major thoroughfare. This is the definition of a major infrastructure project that will reshape our Community.

It is worth noting, however, the grant to the Community was the only grant from the program that primarily funded work within Indian Country. If the Committee is serious about addressing the needs of Native American Tribes, the time has come to ensure that more of these transformative grants are awarded for projects on tribal lands.

TRANSPORTATION SAFETY

While our connectivity with other jurisdictions encourages economic development, it also creates unique negative impacts. Most notably, a significant number of vehicles use the Community's surface roads as an alternative to regional arteries. This "cut-through" traffic increases wear and tear on roads and creates the potential for safety issues in and around our residential areas.

Currently our law enforcement and transportation agencies work closely with neighboring jurisdictions to address safety issues including:

a. Reducing cut through traffic
b. Reducing severe and fatal crashes
c. Speed reduction
d. Increasing lighting on secondary roads; and
e. Improving pedestrian facilities

Unfortunately, the tribe cannot take advantage of most federal highway safety programs and funding to support these activities. I urge the Committee to review and consider the recommendations put forward by the Tribal Transportation Safety Working Group to help improve vehicle and pedestrian safety on tribal lands.

SELF-GOVERNANCE

As a matter of policy and practice, our Community believes in Self-Governance. As you know, this philosophy embraces the idea of allowing tribal governments to take over the administration of federal programs. We are proud to say our experience with tribal self-governance has been very successful, and is a perfect example of the most efficient use of the federal dollar.

That is why our Community eagerly supported the effort to expand tribal self-governance into all USDOT programs, as authorized by the FAST ACT. Our staff proudly served on the Tribal Transportation Self Governance Program Negotiated Rulemaking Committee with the Department of Transportation. Our Community is strongly supportive of the regulation proposed by the Department, and believe it represents a significant step in the right direction.

While we support the rule, there are some shortcomings that the Committee can address.

First, the Salt River Indian Community encourages the Department to explicitly authorize the creation of an Office of Self Governance in the next surface transportation bill. This office should be modeled after the Office of Self Governance at the Department of the Interior, and should be a central location for tribes, and our staff, to go when interacting with the Department.

Second, the Committee should clarify that contract support costs are an integral part of self-governance funding and direct the Department to include these costs in all self-governance agreements. This is also consistent with Federal Court decisions that have ruled time and again that these costs are a direct component of federal contracts and must be included as a part of self-governance agreements.

Thank you again for the opportunity to provide input on the Community's transportation priorities. Should you have any questions, please do not hesitate to contact me, or have your staff contact Gary Bohnee, Director of the Office of Congressional and Legislative Affairs.

Sincerely,

MARTIN HARVIER,
President, Salt River Pima-Maricopa Indian Community.

cc: SRPMIC Community Council

Statement of Hon. Stephen Roe Lewis, Governor, Gila River Indian Community, Submitted for the Record by Hon. Greg Stanton

Chairwoman Norton, Ranking Member Davis and Members of the Subcommittee, I want to thank you for holding this important hearing to assess the transportation needs of Tribal Nations. Safe and adequate transportation infrastructure is not only critical for our tribal citizens and others who utilize our roadways, but also for economic development and other governmental functions. We appreciate the Subcommittee holding this hearing to ensure that tribal transportation needs are considered in the broader conversations occurring nationally around transportation reauthorization and infrastructure development.

BACKGROUND ON TRIBAL TRANSPORTATION

The latest long-term surface transportation reauthorization, the FAST Act, was signed into law on December 4, 2015. This Act provides $305 billion in funding for surface transportation infrastructure through fiscal year 2020, when it is set to expire. Specific to tribal transportation, the FAST Act reauthorized the Tribal Transportation program and provided for increased funding for that program from $450 million in 2015 to $465 million in 2016 with step increases of $10 million per year, reaching $505 million in fiscal year 2020. The FAST Act also placed a focus on tribal safety funding and reporting and allocated specific funding for tribal planning and bridge maintenance. With this surface transportation reauthorization set to expire in 2020, there is a renewed focus on how to build on the gains in the last reauthorization and ensure that tribal governments have the resources they need to provide safe and efficient transportation for their members, residents of surrounding communities, and to promote development both on and off tribal lands.

GILA RIVER INDIAN COMMUNITY TRANSPORTATION PROGRAM

The Community's Reservation abuts the southern boundary of the Phoenix Metropolitan Area, and is located in the first and third most populated counties in Ari-

zona—Maricopa County (4.3 million), and Pinal County (430,000). The Community's Reservation is a 583.7 square mile rural island with the Phoenix-Metro to its north and Phoenix-Metro exurbs to its south and east. Approximately 15,000 of the Community's 23,000 members live on our Reservation. The Community's proximity to the sixth largest metropolitan area in the country, combined with a sizeable land base, require its transportation programs to address transportation needs associated with both a rural and a metropolitan area. This location also means that planning for tribal transportation programs and significant projects must be done in conjunction with the local municipalities and the state given that a 20 mile stretch of Interstate 10 cross the Reservation and five state highway routes are located on the Reservation.

In 1997, the Community established the Gila River Indian Community Department of Transportation ("GRIC DOT") which has grown to a staff of 45. GRIC DOT oversees the administrative, planning, engineering, surveying, rights-of-way, construction, operations and maintenance activities on the Reservation. GRIC DOT is responsible for the Community's road inventory which consists of approximately 420 miles of roads and 67 bridges. Of the 420 miles, the majority are Bureau of Indian Affairs ("BIA") roads (306.7), with the rest tribal, county and township and state roads.

In 2003, the Community entered into a self-governance compact with the BIA to take over those functions that the BIA was performing. In 2009, the Community entered into an agreement with the U.S. Department of Transportation Federal Highway Administration to take over roads activities for all BIA and Community-owned roads within the Reservation, including planning, research, design, engineering, construction and maintenance of highway, road, bridge, parkway or transit facility programs or projects located on the Reservation or provide access to the Community's Reservation. This agreement still requires a level of coordination with the BIA, but allows the Community to determine its own priorities through its five-year transportation plan, which is approved by Council. In taking over those programs previously performed by the federal agencies, the Community has been able to be more strategic and purposeful in its transportation planning.

Although the majority of the Community's funding comes through the United States Department of Transportation maintenance of the BIA roads within the Reservation is still funded through the BIA. The shortfall in maintenance funding for BIA roads nationwide is well documented with the current deferred maintenance required estimated at nearly $300 million. The Community also faces a maintenance backlog on the BIA roads within the Reservation. With approximately 307 BIA roads to maintain and an annual allocation of $3 million, each mile of BIA road receives $9,771 for maintenance.

This level of funding is highly inadequate to maintain roads that are considered in good shape. Unfortunately, the BIA roads on the Community's Reservation have been neglected for decades. At the wholly inadequate current funding levels all the Community is able to do is maintain roads that are in poor shape. It is analogous to putting a band aid over a pothole and expecting it to create a safe mode of transportation for tribal and non-tribal citizens who utilize those roads.

GRIC DOT also operates Gila River Transit which is funded through tribal funds and Rural Transit Program funds administered by the Arizona Department of Transportation ("ADOT"). The transit staff includes five full-time employees—one administrator and 4 bus operators and provides shuttle services in Sacaton which serves District 3 and the West End which services Districts 6 and 7. Ridership in the transit program has steadily increased from the first grant year in 2016 with the Sacaton transit going from 7,800 riders in 2016 to 16,714 in 2018. The West End ridership increased from 2,277 in 2016 to 8,346 in 2018. In September of 2018, GRIC DOT received its second two year funding award from ADOT's rural transit program and receives approximately $304,000 annual to operate the transit system. Given it takes approximately two to three years for a transit route to mature, the ridership numbers for these two routes is impressive.

The Community would like to continue to add more routes to its transit service, but limited funding directed towards tribal governments and increased competition for rural transit funds can bring uncertainty when tribes are investing in much needed transit systems for their citizens.

SAFETY

Transportation safety is a critical issue affecting tribal communities. Motor vehicle crashes are the leading cause of unintentional death for American Indians and Alaska Natives with fatalities more than twice that of other races for adults and eight times higher among infants less than one year of age.

In the FAST Act, 2% of the funding allocated for the Tribal Transportation Program is eligible to be used for tribal safety. The funds are allocated under a discretionary, competitive grant programs for projects that will address prevention and reduction of transportation related activities such as motor vehicle crashes. These grants can also be used to develop and update transportation safety plans, improve collection of, assessment and analysis of crash data, and for infrastructure improvements. While this funding is a positive step forward, the amount remains seriously deficient for the safety needs in Indian Country. Despite acknowledging that tribal citizens are the most impacted population by motor vehicle crashes, lack of available and accessible data is often cited as the reason more funding is not available.

Therefore, the FAST Act required a report to Congress on Tribal Governments and Transportation Safety Data with the goal of improving data collection and sharing among to improve transportation policies, funding and data collection systems. Some of the major recommendations were to bring increased coordination and consistency in how data is collected among tribes and federal entities.

In Arizona, the state encourages all of the law enforcement agencies within the state to share data, including tribal governments' law enforcement. The Community has been sharing crash data with the state and county for the past several years in an effort to ensure that those incidents that occur on, or near the Reservation are recorded. This allows the Community to identify those roadways and areas that require safety features and also offers the opportunity to ensure those safety projects are not only on the tribal transportation plan, but also have the data to show why the state should provide resources to improve safety.

One example of the Community benefiting from sharing safety data with state and local jurisdictions is the project on State Route 87 which runs through Districts 1, 2, and 4. This route was identified as needing additional safety infrastructure based on the number of fatalities that have occurred. Following a study of the safety needs, and in partnership with ADOT, additional turn lanes were constructed at 15 intersections on State Route 87 and other measures were taken including new signage, surface treatment, a centerline rumble strip and new pavement markings.

The continued collection of crash data determined that there are still three areas in need of additional safety measures—the intersections of State Route 87 and Gilbert, Sacaton & Olberg roads. These intersections are located within the Reservation and have been the site of a number of fatal and incapacitating intersection related crashes. ADOT has determined that this project is eligible for funding under the Highway Safety Improvement Program funding. Therefore, three traffic signals will be place at these three intersections. This type of project is typical of those that require multi-jurisdictional cooperation based on state, county, federal, tribal and BIA roads all running through the Reservation, where the at-risk-site is on the Reservation, but must be on the State's Transportation Plan in order to received funding approvals.

Aside from allowing for more targeted funding requests, the Community's decision to share data with the State also allows for more targeted law enforcement in those areas that are highest risk and for more strategic educational outreach to the Community on the effects of seat belt usage, speeding, drinking and driving, and impaired driving.

Tribal Safety Plan

The Community was the first tribe in Arizona to prepare a tribal safety plan framework. As of 2013, no tribe in Arizona had a safety plan which made it difficult for them to collaborate with ADOT and local municipalities on tribal safety. In conjunction with the Intertribal Council of Arizona, the Community developed a tribal safety plan framework that ultimately led to a Tribal Safety Plan approved by the Community Council.

To develop the Tribal Safety Plan Community workshops were conducted with other stakeholders including the Federal Highway Administration, ADOT, BIA, Intertribal Council of Arizona, Maricopa Association of Governments, Arizona Department of Public Safety, Indian Health Services, and Community departments such as the police department, GRIC DOT, emergency services and injury prevention program.

The Community also conducted a Multimodal Pedestrian Safety Study that evaluated the pedestrian safety needs on the Reservation including sidewalks/shared use paths, bus stops/turnouts, and other infrastructure. This study was used to provide data for potential funding sources and build a comprehensive safety plan for the Community and included input from external stakeholders such as federal officials, business, the general public and tribal departments such as the police department, housing, senior center, school transportation department, flood control management task force and the youth council. This study ultimately provided recommendations

on issues such as locations for speed reduction, trails, crosswalks, lighting, sidewalks, signage, bike lanes and handicap access.

The safety plan made recommendations on responses to and prevention of crashes and locations deemed in need of safety measures, bicycle and ATV safety, child safety seat program, seatbelt usage, driving under the influence. The plan was approved by the Community Council in July of 2014.

Together these studies have created a roadmap for safety within the Community. This has allowed the Community to prioritize road construction and safety projects, work with external partners, such as the State and local municipalities, in a more collaborative manner and identify funding sources to address the safety needs of tribal citizens and non-tribal users of the Community's transportation infrastructure.

IMPROVEMENTS TO INTERSTATE 10

One of the issues facing the Community is working with other governments on planning and construction of large-scale transportation projects. In some cases, tribal governments are left out of the planning of large-scale infrastructure projects which hampers their ability to integrate into project that occur directly off the Reservation but still have significant and long-term effects on the transportation needs of the Community. One such case, is the I–10 project in Arizona.

Despite projects underway to widen the stretch of I–10 between Phoenix and Tucson from 2 lanes to 3 lanes by the end of 2019, there remains a 20 mile stretch of the highway within the Reservation left unimproved.

In the past year, ADOT, reached out to the Community for proposals for a design concept report and environmental study on the addition of lanes to I–10, along with improvements to existing interchanges. The study is required for federally funded projects and will have an accelerated timeline of 18 months. This study will take into account the strategy needed to improve traffic capacity along the I–10 and to account for growing needs based on current and future economic opportunities along the corridor.

Funding

The Governor, ADOT, the Maricopa Association of Governments and the Community all support funding for the I–10 interchanges. When projects of this size are contemplated it is imperative that tribal governments, as equal partners, have access to the same type and level of funding that state and other governments have. There are few federal funding agreement that provide direct funding to tribes for projects of this scope and size. One grant that the Community recommends that Congress and Appropriators continue to support is the Better Utilizing Investments to Leverage Development ("BUILD") program.

The Community has determined this program is one of the only feasible grants that can provide sufficient funding for projects such as the I–10 interchange project. This grant is a competitive grant for surface transportation projects and is open to state, local and tribal governments for projects like the I–10 that have a significant local or regional impact. These grants are split between rural and urban projects, but the Community recommends Congress also consider having a specific percentage of these grants designated for projects located on tribal lands. Despite overwhelming need, few tribal governments have been awarded these grants. In 2018 only one tribe received direct funding and the other project was a joint application with the state. In 2019, no tribes received funding under the BUILD grant and there were no planning grants awarded. The Community submitted a planning grant for the I–10 study project, but did not receive a grant award because no planning grants were funded in the last grant cycle.

For the Community, direct funding would allow us to begin working on this important interchange project. The State could also apply which would enable the tribe and state to work as partners on this regionally important project. I encourage Congress to maintain this program in the next reauthorization and to ensure that tribes are able to secure grants in the next phase of this allocation of this grant programs.

OFFICE OF SELF GOVERNANCE

The Community was encouraged by the language in the FAST Act that culminated in a self-governance rulemaking to expand self-governance programs throughout the Department of Transportation. With the rulemaking completed, the Community encourages the Department to establish an Office of Self-Governance to oversee the program. This will ensure self-governance is successful and Tribal Nations are able to access those programs that will enable them to provide for the transportation and infrastructure needs of their communities.

CONCLUSION

The FAST Act provided positive incremental improvements in the tribal transportation program. It will be important to take those gains to crate even more significant programmatic advances in the next reauthorization. Aside from increasing funding levels for surface transportation, transit and safety programs, Congress should create incentives for transportation and infrastructure projects that are multi-jurisdiction and have significant benefits both on, and off, the Reservation.

Mr. STANTON. These letters highlight the transportation infrastructure challenges and priorities of the Tribes in Arizona for your authorization. One of the recommendations I have heard from Tribes in Arizona and others across the country is the need for an Office of Self-Governance at the Department of Transportation to oversee and implement the Tribal Transportation Self-Governance Program.

Mr. Garcia, you addressed this earlier. I make the same question then for Ms. Clark. I want to give you an opportunity to address this issue. You mentioned the importance of establishing an Office of Self-Governance within the Department of Transportation. I couldn't agree more.

In the proposed rule for the Tribal Transportation Self-Governance Program, the Department stated that it does not foreclose the possibility of establishing an Office of Self-Governance at the Department at some point in the future. The Department stated that it also believes that a Tribal Self-Governance Advisory Committee may provide important information to the Department as it implements the program.

Ms. Clark, could you explain why establishing an Office of Self-Governance and a Tribal advisory committee are so important to the Tribes for this new program?

Ms. CLARK. Yes. It is important to the programs because it is establishing a new self-governance way of working with Tribes directly with the U.S. DOT and Tribes. And if half of those just all of a sudden when June comes and wants to enter into a contract, then U.S. DOT needs to be off and running, and right now, it is not. And so that would be very helpful, and the advisory could help guide the self-governance.

Mr. STANTON. Thank you. I am out of time, but I will be submitting a question as it relates to funding challenges that our Tribal Nations face that may not be directly proportional to what State, city, and counties faces as it relates to matching funds for Federal programs, and I would like to get an answer on the record for that.

Thank you so very much. I yield back.

Ms. NORTON. Thank you, Mr. Stanton. Ms. Davids?

Ms. DAVIDS. Thank you, Chairwoman. And I would just like to associate myself with Congressman Stanton's comments earlier and also say thank you for making sure that this hearing happened so quickly after we requested addressing these important topics.

So first of all, I think that listening to my colleagues today, it is—and then the testimony that I have heard today, it is that much more clear to me that the issue of Tribal transportation and the Tribal-Federal, Government-to-Government relationship is something that more of us in Congress, and also more of our staff, need to understand and have a deeper understanding of, and that in-

cludes the relationship of Territories to the Federal Government-to-Territory relationship as well.

And with that, I would love to—Mr. Reif, earlier you mentioned a list of the processes for decisions on investments. You mentioned a number of things—cost, the criticality of a project, the condition of assets, the consequences of not completing a project. I didn't hear you mention the input of Tribal Governments in that listing. Can you talk a little bit about the role of the conversations that happen between your office and that decisionmaking and the Tribes that are impacted by those decisions?

Mr. REIF. Thank you for the question. The Bureau of Indian Affairs has that role, so I don't have a lot of direct role with interactions with Tribes. We can provide some information for the record if that would help.

Ms. DAVIDS. OK. Because it seems as though when you are listing out the various pieces of the decisionmaking—cost, criticality—how do the people who are impacted by this decision, like, what—that should be a line in there.

And that actually leads to a conversation about the self-governance and also self-determination of Tribes. I know I already mentioned this, but there is a Tribal Government-to-Government relationship. There is also a Federal trust responsibility that I know my colleague, Mr. Stanton, already mentioned as well.

And when we are thinking about that, earlier, Mr. Garcia, you mentioned that if the funding, whether it is formula, percentages, no matter what happens with any funding that we are doing as the Federal Government with Tribal Governments, that that might need to be reevaluated. And when it is reevaluated, that Tribes need to certainly be at the table.

I know that through the long history of the relationship between the Federal Government and Tribal Governments, that has not always been the case. But could you talk a little bit about the role of not just consultation as a method of informing, but consultation in the true form of making sure that Tribal Governments have a real say in not just projects but also how funding happens with the Federal Government?

Mr. GARCIA. Thank you for the request. I sense that English is kind of a weird language, and so consultation is just one word that has been used more frequently, but I consider the other word which starts with a "C" as a better word that I think is probably more implementing, more partnerships, and that is called collaboration.

And so in this case that any time the Federal Government has initiated an effort to improve Indian country, conditions in Indian country, funding whatever it may be, healthcare, in the past years, the Indian community has been left out. It was almost like somebody else knew better what our needs were than we did locally.

And so that piece has changed drastically, and the big implementation part of it occurred in 1975 when the Indian Self-Determination and Education Assistance Act was passed. Therein lies the root for opportunities in terms of the Tribal Governments in this country are also Governments, and they know better what their needs are. They know better how to implement programs. They know how to run the programs more efficiently than anyone else would.

And the conditioning that Tribes had faced prior to that is the old format about, OK, the Federal Government knows better and the BIA knows better, and so it was proven wrong by virtue of implementing the Indian Self-Determination Act, and that is what self-governance is all about. So it is extended through BIA now and through Indian Health Service, but the extension now we see happening is through the Department of Transportation.

Ms. DAVIDS. Thank you.

Mr. GARCIA. So therein lies the root opportunity for Tribes to also do something that they know best in their own country, in their own land. And so if the resources are then provided by virtue of the partnership between the United States Government and the Tribe, every Tribal Nation, then we have fixed a large portion of the root cause of the problem, and so we are headed in the right direction.

So that is why the Tribes are so adamant about ensuring that the FAST Act is reauthorized and that the old FAST Act—I call it old because it was passed in 2015—gets implemented and gets put in place in June of this year, so thank you.

Ms. NORTON. The gentle lady's time is expired.

Ms. DAVIDS. Thank you, Councilman.

I appreciate your indulgence. I yield back.

Ms. NORTON. Of course. Mr. García?

Mr. GARCÍA OF ILLINOIS. Thank you, Madam Chair Norton, and to all of the witnesses that are here today. The plight of the indigenous peoples and the dire need for both Federal investment in our Tribal Nations is personal to me. That is part of why I recently joined the Natural Resources Committee.

I regret to submit that it has been far too long since this committee conducted a meaningful assessment of the infrastructure needs of our Tribal Nations and the U.S. Territories as well. I want to especially thank Chairwoman Norton and Chairman DeFazio for taking up this matter.

And, Madam Chair, I ask for unanimous consent to enter into the record two Government Accountability Office reports that explore the dire need for infrastructure investment in our Tribes and Territories at this moment.

Ms. NORTON. So ordered.

[The information follows:]

Two Reports by the U.S. Government Accountability Office, Submitted for the Record by Hon. Jesús G. "Chuy" García

The reports are retained in committee files and are available online:

- "Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects," GAO–19–22, March 20, 2019. https://www.gao.gov/products/GAO-19-22
- "Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies," GAO–17–423, May 22, 2017. https://www.gao.gov/products/GAO-17-423

Mr. GARCÍA OF ILLINOIS. Thank you.

Tribes continue to receive a fraction of Federal Government assistance that States get in much needed transportation funding. Right now, 574 Tribes compete for the same inadequate pots of

money. Five hundred seventy-four Tribes compete for over $505 million in Tribal Transportation Program funding to complete all of their transportation infrastructure needs. The same amount of Tribes are forced to divvy up $30 million for transit funding. The same amount of Tribes have to work with just $15 million in safety grant funds.

There are over 42,000 miles of Bureau of Indian Affair roads and about 14,000 miles, as has been pointed out, are Tribally owned roads, most of which are not even paved. These are literal dirt roads. We have left our Native brothers and sisters high and dry. We must do better.

President Clark, I understand that even the modest plus-ups in funding for some programs are often nullified by the harmful effects of the obligation limitation deduction, which permanently removes tens of millions of dollars from the critical funding programs for Tribes. Can you help me and members of this committee better understand the mechanisms of this deduction and how we can make changes to best support our indigenous brothers and sisters?

Ms. CLARK. Thank you. Yes. In the past 4 years of FAST Act, let's say, that was an increase of—what was it—$45 million step increases for the past 4 years. Your obligation limitation took $147.5 million, so really we are back-pedalling. And so the obligation limitation was exempted all the years up to the SAFETEA–LU, and then it started implementing the obligation limitation.

So kind of looking at it is, let's say in 2019, we received $495 million TTP funding, $49 million of that went to obligation limitation. So that left us with $446 million left, which is only $12 million more than 2009, after obligation limitations, $12 million more. So it does affect the TTP funding, and if we get that exempt, we could help put that back in the field to help the Tribes. Thank you.

Mr. GARCÍA OF ILLINOIS. Thank you for that. And what can Congress do to improve pedestrian and road safety on Indian reservations and in Alaska Native villages? Could we be collecting more crash data, enable education grants and consider Tribal set-asides in Federal grant programs?

Ms. CLARK. For me?

Mr. GARCÍA OF ILLINOIS. Yes, Ms. Clark.

Ms. CLARK. Yes. The crash data and data out in Indian country is very vague. It is collected by all sorts of means—the law enforcement, IHS, State, county, Federal. So it is scattered, and so it is not a complete database. So we need help on getting and collecting data, and plus the education for safety. And if we could lower the threshold or even the matches for 100 percent Federal funding for safety projects, then that would be very helpful out in Indian country so that we could have safer roads.

Mr. GARCÍA OF ILLINOIS. Thank you so much to you and Mr. Garcia as well. I wonder if we are related, Mr. Garcia. And, of course, to all of the panel that is here to shed light on the Tribal communities as well as the Territories. Thank you so much, Madam Chair.

Ms. NORTON. Thank you, Mr. García. Time is expired.

Ms. Plaskett.

Ms. PLASKETT. Thank you very much, Madam Chair.

Commissioner Petty, you mentioned in your testimony the severe cuts that the Territorial Highway Program has endured since 1998, when the formula for apportionment for the Territorial Highway Program was scrapped.

Instead of continuing to receive a percentage of the highway funding, the allocation for the Territories was frozen at a flat dollar amount, and that continues to this day. As a result, the Territorial Highway Program share of overall Federal-aid Highway Program funding has progressively declined and, as you said, by 50 percent.

Would you share with us some more details on the impact that has had on the state of repair of transportation infrastructure in the Virgin Islands, how far have road repairs in the Virgin Islands fallen back, and what has been the impact on the local government's finances?

Mr. PETTY. OK. Yes. It has definitely had a negative impact on our finances. We have had to use our Federal funding in creative ways like floating GARVEE bonds which then has a negative impact because that debt service comes directly from those same transportation funds. So right now we have a 15-year debt service on one of our projects that basically cuts our $16 million allotment in half.

Ms. PLASKETT. That is tremendous.

Mr. PETTY. Yes.

Ms. PLASKETT. And when you talk about road repairs and the need, how long has it been that you have actually created a new road, done more roadwork?

Mr. PETTY. Since I have been—a brandnew road, we haven't built any new roads. We have been reconstructing old roads. No new roads have been built.

Ms. PLASKETT. And how long have you been there?

Mr. PETTY. I have been there 22 years, and we have never done that.

Ms. PLASKETT. So no new roads in the 22 years that you have been there, just repairing?

Mr. PETTY. Just repairing. There was one project that was a 30-year project that actually got built on St. Croix which was the Christiansted Bypass.

Ms. PLASKETT. OK, great. Well, not great, but thanks for the information.

It is not just residents of the Virgin Islands that use our transportation infrastructure. There are certainly many visitors to the islands. So when we talk about the usage of our roads, it is not just the 100,000 people in the Virgin Islands that use it. How many tourists on average at our highest point of tourist visits would there have been?

Mr. PETTY. We have peaked at 2 million passengers a year in cruise passengers alone. So the tourist activity can go anywhere between 2 to 3 million just by the overnights as well.

We also have a very heavy trans-shipment activity that goes on, that definitely impacts our infrastructure as far as the amount of heavy equipment on the roads.

Ms. PLASKETT. So when you talked about that trans-shipment, you mentioned in your oral testimony to us that of the U.S. exports, outside of oil and gas, the Caribbean is the fifth largest ex-

porter that the U.S. does. And so that means that a large amount of that is actually trans-shipped through the Virgin Islands, correct?

Mr. PETTY. That is correct.

Ms. PLASKETT. And so that then is heavy equipment, barging, other kinds of issues?

Mr. PETTY. Yes, exactly.

Ms. PLASKETT. So, you know, when we think about how we allocate this funding, it is interesting because among the Territories, we are split equally. But the division, and not to cast aspersions or try to fight—Madam Chair, I hate that the Territories seemingly always have to fight over crumbs among themselves, and we end up in a competition with each other, but our needs are very different.

Mr. PETTY. Yes.

Ms. PLASKETT. And one of the other things you talked about is the fact that we are a ferry system location, right? People live on multiple islands and it takes—between St. Croix and St. Thomas, let's say, we know that we have ferries between St. John and St. Thomas. What is the distance and how long does it take, and what is the kind of vessel that is needed to go between these islands?

Mr. PETTY. Well, we need a very seaworthy strong vessel. The waters between St. Croix and St. Thomas are very deep, one of the largest trenches in the world, and it takes right now probably 2½ hours for one of our private companies to get interisland in a boat.

Ms. PLASKETT. So—and that is a Federal highway, correct?

Mr. PETTY. It is a Federal route, yes.

Ms. PLASKETT. So I know that I am cosponsoring with the Dean of the House, Don Young, on legislation with regard to ferry systems. And how will that impact individuals' lives if you do have a ferry system? What are the kinds of things that you would have going between the islands, and how does it affect the economy?

Mr. PETTY. Definitely boosts our interisland commerce. The activities that happen interisland on a governmental basis as well. On a daily basis I travel almost interisland on one service provider that is not able to supply the needs of the community in a way that a ferry service could.

Ms. PLASKETT. Thank you. And, Mr. Reif, if you could very quickly, what are some of the causes of deferred maintenance in the National Park Service? The Virgin Islands has a total of $46 million in deferred maintenance costs.

Mr. REIF. Thank you for the question. Well, I briefly mentioned earlier that only one-half of 1 percent of our appropriations are attributed to maintaining our roads, rather, or all of our infrastructure. As you are probably aware, as infrastructure is sitting out in the elements, it deteriorates over time on its own, even if we don't do anything to it, it will destroy itself, or the weather will destroy it. And as infrastructure ages, it is more expensive to repair back to the original condition.

Ms. PLASKETT. I am beyond my time, but what would be the percentage then that you think it should be, you should be utilizing? And then I would yield back.

Mr. REIF. The study that I referenced in my testimony from the National Academy of Sciences indicates 2 to 4 percent is recommended for Federal facilities.

Ms. PLASKETT. Thank you.

Ms. NORTON. I thank the gentlewoman. This 50-percent reduction she indicated is particularly outrageous, to have a formula, you know, nobody got increases, but the notion of allocations going down, particularly in perhaps the most vulnerable part of our country, parts of our country surrounded by water. So I want to assure the gentlewoman that the committee is looking closely at that.

Ms. PLASKETT. Thank you for your leadership on that as well.

Ms. NORTON. The last—oh, no, it is not. We have two more Members. And next will be Mr. Johnson.

Mr. JOHNSON OF GEORGIA. Thank you, Madam Chair. I was looking at the Trail of Tears. I googled the Trail of Tears, and I saw where, you know, untold numbers of Native Americans were driven out of the Southeast United States pursuant to an act passed by Congress, the Indian Removal Act in 1830. And I don't know how many Native Americans lived in the country in 1607, but I am told it was around 30 million or so.

But today we are dealing with 5.2 million people who identify as American Indian or Alaska Native, 570-some-odd Tribes stretched across 100 million acres of land which we refer to as Indian country. Scattered among 34 States, I believe, and roughly 157,000 miles of roads providing access to Indian land.

Native Americans have been handled, yeah, very badly in this country, treated very badly since 1607. And 1830, when the Indian Removal Act was passed, that was during the height of the slavery period in this country. And so we have a lot to atone for, a lot to do right by those who had been done wrong by.

But I want to ask you, Councilman Garcia, under the Nationally Significant Federal Lands and Tribal Projects program, the minimum cost of projects is $25 million, with priority given to projects that cost over $50 million, or have a higher percentage of matched funds.

Tribes have indicated that the minimum cost is often too great for them to meet and many projects go unfunded. In your experience as a councilman, what is the average price for a Tribal project?

Mr. GARCIA. Well, first of all, thank you for the question, and I am kind of hard of hearing, but I think what I understand, what is the price of a Tribal project for——

Mr. JOHNSON OF GEORGIA. Yeah, what is the average cost of a Tribal project?

Mr. GARCIA. Well, the cost varies from location to location. It is just the—you might say the regional parts of the United States. For instance, if you want to do a project in Alaska, where projects of everything are so high, everything that is related to the project follows that reality. If you are elsewhere in the country, you follow the rules of the local economy, if you will, in terms of pricing.

Mr. JOHNSON OF GEORGIA. I understand.

Mr. GARCIA. And so with that, the other factor, important one, sir, really important, is the location of the Tribe and where the project is being held.

Mr. JOHNSON OF GEORGIA. Well, I am going to run out of time in a second. I want to ask you, the problem is with the threshold being so high for projects that get priority, it leaves out a lot of smaller projects that really need to be done. And is the $25 million threshold for funding Tribal projects more of an impediment than it is helpful?

Mr. GARCIA. They—if that number were a little bit larger, it would be helpful. If it stays at $25 million, then you are limited in what you can progress with. And so the number of projects that are available with that amount go down with the cost of the project, so——

Mr. JOHNSON OF GEORGIA. Correct. OK, thank you. Let me ask this question of Mr. Reif. Mr. Reif, Georgia has over $48 million in transportation-related deferred maintenance needs at sites managed by the National Park Service; $1.2 million of that total is at the Martin Luther King, Jr. National Historical Park in Atlanta, which honors the life and work of Dr. Martin Luther King, Jr. This unmet need translates into diminished visitor access at this cherished site. Can you tell me what your Department is doing to improve visitor access so that the public can view these historic landmarks and appreciate the history contained within them?

Mr. REIF. Thank you for the question. I don't have that information in front of me, but I can provide something for the record.

Mr. JOHNSON OF GEORGIA. Thank you. With that, I yield back.

Ms. NORTON. Our last Member to ask questions, we will hear from at this time, Mrs. Napolitano.

Mrs. NAPOLITANO. Holding up the rear. I have sat through this a little bit. I didn't hear all of it. I have been on the Committee on Natural Resources for 21 years, so I have an idea of how the Tribes are treated as well as the Territories, and they are second-class citizens, as far as Congress goes, unfortunately. I am wondering whether—the BIA talks to each other, all the agencies that handle Indian affairs, do they talk to each other about how to address the shortcomings in funding of needs?

Mr. REIF. The needs are provided by Congress, so I don't know that there is a lot of discussion about how to, amongst the various agencies about how to address different numbers.

Mrs. NAPOLITANO. How many agencies cover Indian affairs?

Mr. REIF. I am aware of the Department of the Interior has Bureau of Indian Affairs. Bureau of Indian Education is a separate Bureau. Department of Transportation has agencies that deal with——

Mrs. NAPOLITANO. Transportation?

Mr. REIF [continuing]. Not a separate agency that deals with Indian affairs, but they have components that deal with the Indian Tribes. Health and Human Services has Indian Health Service. That is the only ones I am aware of. There may be others.

Mrs. NAPOLITANO. Well, do they ever talk to each other? Do they ever meet to find out how they cover the needs of the Tribes?

Mr. REIF. Yes, ma'am. My understanding is they do meet together to talk about——

Mrs. NAPOLITANO. How often?

Mr. REIF. I don't know that.

Mrs. NAPOLITANO. Well, it is just unfortunate that we are only dealing with this part in transportation here where you need other agencies. But we need to make the Tribes aware, if the Tribes are not able to get the funding because larger Tribes get a major part of the funding, maybe there has got to be a way of getting all the small Tribes together, medium-sized Tribes, and large, and have the same seat at the table, to be able to advocate for their needs.

Mr. Garcia?

Mr. GARCIA. Well, I have 2 minutes to answer. Thank you for the question. Have you heard of the Tribal-Interior Budget Council?

Mrs. NAPOLITANO. No.

Mr. GARCIA. That is an organization that was formed by efforts of the Tribal Nations of this country whereby we knew that we were not being consulted and we were not discussing the true needs of Indian country. And so the Tribal-Interior Budget Council was formed some time ago. I think it was in 2001, 2002.

Mrs. NAPOLITANO. What do they discuss?

Mr. GARCIA. We talk about the funding elements for all programs within the Department of the Interior that is related to Tribal funds——

Mrs. NAPOLITANO. It is only Interior. Why not transportation and health?

Mr. GARCIA. We do that for Department of the Interior, and we do that for the Indian Health Service through the HHS.

Now, we have not done that similar thing for Department of Transportation. But I think now that the—that was another reason for requesting that the Office of Self-Governance be formed as part of the Department of Transportation, then there would be another element that would help us to discuss more closely, collaboratively, the needs of Indian country in terms of infrastructure and what the Department of Transportation can do. And that leads back to the funding sources which is congressional, so——

Mrs. NAPOLITANO. Well, time is short, but I would ask——

Mr. GARCIA [continuing]. I think that is where we are headed.

Mrs. NAPOLITANO [continuing]. Ms. Plaskett and the chair to maybe do a joint hearing, including the Territories, because they are just as hurting from funding. And when I look at the report that Mr. Petty submitted, it is criminal.They are ignoring the needs of the Territories, as well as the Native American pueblos.

And I think that we ought to start focusing, maybe we can get the research bureau to give us information so we can talk intelligently and get other agencies to come in and do their part.

Madam Chair, I yield back. I am too upset.

Ms. NORTON. We will be glad to consider Mrs. Napolitano's request.

Are there any further questions from members of the subcommittee?

Seeing none, I would like to thank all our colleagues, but especially our witnesses for your very helpful testimony today.

I think you could hear from the responses of members of the committee that members were often hearing what they have not heard before. Your contribution to today's discussion has been very enlightening and very helpful to us.

I, therefore, ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing from the members of this subcommittee.

And unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

This hearing is adjourned.

[Whereupon, at 12:49 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Norton, for holding this hearing, and thank you to our witnesses for being here today.

Today's hearing focuses on the transportation needs of tribes, territories, and Federal Land Management Agencies.

Each of these types of entities face unique transportation challenges.

The perspectives expressed today will be valuable in helping us shape or modify these tools as part of a long-term surface transportation reauthorization.

In order to be successful, we must work together to develop a bill that has robust bipartisan support.

We must work together to sustain our core highway programs so that they can continue to deliver the resources needed for our communities and a national system.

Federal lands and tribal areas, much like rural areas, need dedicated resources as well as flexibility to address their specific transportation needs.

We must also work to provide adequate resources to our Federal Land Management Agencies so Americans can enjoy Federal lands.

Thank you to our witnesses for coming today, and thank you again for holding this hearing.

Letter of February 6, 2020, from the National Parks Second Century Action Coalition, Submitted for the Record by Hon. Eleanor Holmes Norton

FEBRUARY 6, 2020.

Hon. PETER DEFAZIO,
Chairman,
Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

Hon. ELEANOR HOLMES NORTON,
Chairwoman,
Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, U.S. House of Representatives, Washington, DC.

Hon. SAM GRAVES,
Ranking Member,
Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

Hon. RODNEY DAVIS,
Ranking Member,
Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN DEFAZIO, SUBCOMMITTEE CHAIRWOMAN HOLMES NORTON AND RANKING MEMBER GRAVES AND SUBCOMMITTEE RANKING MEMBER DAVIS:

Our 100+ year old National Park Service (NPS) is challenged by aging infrastructure, visitation pressures, and decades of inconsistent funding for maintenance needs. As a result, the agency cannot keep pace with repairs at its more than 400 park units across the country, which has led to a maintenance backlog estimated at $11.9 billion (fiscal year 2018).

On behalf of our organizations, members, and supporters, we respectfully request that you include the following provisions in a national infrastructure proposal or

surface transportation reauthorization to stem the backlog of repairs at our parks and public lands.

NATIONAL INFRASTRUCTURE PROPOSAL

The National Park System accommodates hundreds of millions of visitors annually and contains infrastructure that you would find in many small cities and towns: roads, tunnels, bridges, parking lots, electrical and water systems, wastewater systems, and visitor amenities. In addition, the Park System includes campgrounds, historic structures, iconic memorials, thousands of miles of trails, battlefields and cemeteries, marinas and seashores. Over half of these park assets—which provide for visitor safety and access, among other uses—need repair.

When the Transportation and Infrastructure Committee crafts its part of a national infrastructure package, we request that the Committee supports the inclusion of H.R. 1225, the Restore Our Parks and Public Lands Act, in the final proposal. The legislation seeks to address priority repairs within our national parks and other public lands, as well as Bureau of Indian Education schools. It would direct up to $6.5 billion over five years to a deferred maintenance fund and provide parity between transportation and non-transportation related projects.

SURFACE TRANSPORTATION REAUTHORIZATION

The Fixing America's Surface Transportation (FAST) Act includes mandatory funding for NPS transportation projects—this consistent and reliable funding helps park managers better plan for and carry-out projects. However, it is not nearly enough to address crucial repair needs. Transportation assets within the National Park System—paved roads, parking lots, tunnels, and bridges—account for over half of the total backlog, or $6.15 billion (fiscal year 2018). This number does not include adjacent trails and seawalls that could be eligible for funding under Title 23 of the Act.

As the Committee works on the FAST Act reauthorization, our groups request that it include dedicated funding of $4.7 billion to address deferred maintenance at NPS' highest and high priority transportation-related assets (Figure 1).

Figure 1: NPS Highest and High Priority Transportation Needs—FY 2018

Priority	Parking Lot	Road Bridge	Road Tunnel	Roads	Grand Total
Highest	$243,283,487	$540,979,361	$20,349,480	$2,463,777,470	**$3,268,389,798**
High	$239,161,463	$196,852,200	$1,979,258	$1,061,178,143	**$1,499,171,064**
Highest + High	**$482,444,950**	**$737,831,562**	**$22,328,738**	**$3,524,955,612**	**$4,767,560,862**

* Source: National Park Service.

** Transportation-related assets include all road bridges, all road tunnels, and any roads and parking lots classified by NPS as ''paved'' or ''paved & unpaved''. Roads and parking lots classified as ''unpaved'' are not included

TRANSPORTATION MEGA PROJECTS

The Nationally Significant Federal Lands and Tribal Projects (NSFLTP) program addresses transportation "mega projects" within NPS, Bureau of Land Management, United States Fish and Wildlife Service, and Tribal lands, and are defined as those projects that go beyond the scope of core agency funding. The FAST Act authorized this program at $100 million per year. Agencies and Tribes compete for program funds, which are appropriated annually. Transportation projects eligible for funding must have a price tag of at least $25 million, with those costing $50 million or more given priority. The first phase of the current grant cycle has received 39 grant applications that would have a total of $2.26 billion in NSFLTP program costs, far exceeding the existing authorized and appropriated amounts.

We urge the committee to fund the NSFLTP program at no less than the Senate Environment and Public Works Committee-passed level of $350 million in annual funding. From that amount, we ask that at least $200 million be designated as mandatory spending. This will better address the significant discrepancy that exists between transportation maintenance and construction and core funding levels and provide managers with consistent, reliable funding they need to plan projects.

Our national parks and public lands generate billions of dollars for local economies in tourism dollars, jobs and tax revenue. Repairing and maintaining them is a smart investment, and will create additional infrastructure-related jobs, as well as preserve visitor access and resources.

Thank you for your consideration of these requests.

AMERICAN HIKING SOCIETY.
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.
APPALACHIAN TRAIL CONSERVANCY.
ATOMIC HERITAGE FOUNDATION.
COALITION TO PROTECT AMERICA'S NATIONAL PARKS.
EVANGELICAL ENVIRONMENTAL NETWORK.
FRIENDS OF ACADIA.
FRIENDS OF FORT MCHENRY.
FRIENDS OF HAWAI'I VOLCANOES NATIONAL PARK.
INTERNATIONAL INBOUND TRAVEL ASSOCIATION.
NATIONAL PARK HOSPITALITY ASSOCIATION.
NATIONAL PARKS CONSERVATION ASSOCIATION.
NATIONAL TOUR ASSOCIATION.
NATIONAL TRUST FOR HISTORIC PRESERVATION.
NORTH CASCADES INSTITUTE.
OUTDOOR INDUSTRY ASSOCIATION.
OUTDOOR RECREATION ROUNDTABLE.
RV INDUSTRY ASSOCIATION.
SCENIC AMERICA.
SOUTHEAST TOURISM SOCIETY.
THE CORPS NETWORK.
THE FRIENDS OF DYKE MARSH.
UNITED STATES TOUR OPERATORS ASSOCIATION.
WASHINGTON'S NATIONAL PARK FUND.

Statement of Harold C. Frazier, Chairman, Cheyenne River Sioux Tribe, Submitted for the Record by Hon. Eleanor Holmes Norton

Chair Norton, Ranking Member Davis, and Members of the Subcommittee, my name is Harold Frazier and I am the Chairman of the Cheyenne River Sioux Tribe (CRST). I am pleased to provide this testimony to the subcommittee illustrating the desperate need for investments in transportation infrastructure at the Cheyenne River Reservation and in other Tribal communities across the country and needed changes to federal transportation programs serving Tribes. The Cheyenne River Indian Reservation is one of the largest reservations in the United States. Our Reservation is 2.8 million acres or 4,375 square miles and includes Dewey County and Ziebach Counties, South Dakota. At 2.8 million acres, our land base is more than three and half times the size of Rhode Island (776,000 acres) and in between the size of Delaware (1.6 million acres) and Connecticut (3.5 million acres).

The Cheyenne River Sioux Reservation is home to four bands of the Teton Sioux—the Mnicoujou, Siha Sapa, Sans Arc, and Oohenumpa—and is in a rural area of north-central South Dakota. Roughly 35 percent of the population is under 20 years of age and with an extraordinarily high unemployment rate, ours are among the poorest counties in the United States.

As you can imagine, on a rural reservation of this size roads are absolutely critical to all aspects of everyday life linking our people with schools, jobs, medical services and commerce. Central thoroughfares that become impassable lead to much longer commutes for our citizens to get to school or work, complicate the delivery of goods to market and creates a life-threatening situation by lengthening response times for our emergency responders. Our roads are in such bad shape that one of my Councilmen, showing a bit of grim humor, recently said to me, "You know Mr. Chairman, in England they drive on the left side of the road, but here at Cheyenne River we drive on what's left of our roads!"

For several years now, our annual allocation from the Department of Transportation's Tribal Transportation Program (TTP) has hovered around $2.2 million. The Bureau of Indian Affairs road division on our reservation also gets about $500,000 that is dedicated to maintenance. Because the BIA dollars are so small, we are forced to use $600,000 (the maximum allowable) of our DOT funds to supplement the BIA maintenance funds. This leaves only $1.6 million remaining to try and address a backlog of $100 million in immediately identifiable road repair projects that we have determined to be emergency in nature. For a 2.8 million acre reservation, this is an absurdly low number. This level of funding means that our Tribe simply does not have the resources to ensure even the most basic maintenance and safety on our roadways.

While the comparison is admittedly not a valid one due to the large number of roads and much larger populations of the states I referenced above, it may be at least somewhat illustrative to do some comparisons. Connecticut gets $553 million a year from the Highway Trust Fund and recently announced a $12 billion 5-year capital transportation budget. Delaware gets $186 million from the Highway Trust Fund (HTF) and has announced a $4 billion capital budget for transportation over the next 7 years. Again, we get only $2.2 million from the HTF. We have no 5- or 7-year capital budget because on a reservation with rampant poverty there is no tax

base or ability to issue and pay off municipal bonds or set aside capital funds over multiple years as states like those referenced above can do.

There are 550 miles of county roads on our reservation and Ziebach and Dewey Counties do try and take care of those roads but as I mentioned those are two of the poorest counties in the United States and they do not have a revenue stream capable of generating sufficient funds for their roads and it should not come as a surprise for you to know that county roads on Indian reservations are often not the counties highest priorities. There are 367 miles of official BIA and Tribal roads that are in the National Tribal Transportation Facility Inventory (NTTFI) (see discussion below) and another 800 to 1,000 miles of gravel or dirt roads that are not in the NTTFI and for which we do not get a penny from either the county or the DOT. We could endeavor to add those roads to the NTTFI but it would be to no avail as the formula is frozen and will not generate money even if we could add those miles.

Pedestrians on Indian reservations die at rate that is 80% higher than pedestrian deaths off reservation. Why? Generally, speaking we have no sidewalks, no shoulders, no crosswalks, no guardrails and no overpasses. For motor vehicle deaths. Indian people die at twice the national average and in the Rocky Mountain and Great Plains regions that figure is three to four times the national average.

Last year storms and flooding led to the failure of culverts and the washout of several roads. In addition to a lack of funds for basic maintenance and repair we have also had great trouble in qualifying for and accessing U.S. Department of Transportation programs designated for such emergencies, including the Emergency Relief for Federally Owned Roads (ERFO) Program and we've run into other obstacles trying to secure help from the Federal Emergency Management Agency (FEMA). Madam Chair, how will we ever get sufficient funds to repair our roads? What do we tell our people about how this situation can ever be resolved?

UNSAFE ROADS POSE A GRAVE TO DANGER TO OUR CHILDREN AND FIRST RESPONDERS

To illustrate the dangers posed by crumbling and substandard roads at CRST and the lack of resources to fix them I would like to tell the subcommittee about a road known as BIA Route 11. It leads to the Takini School, which houses Kindergarten through 12th grade students. Route 11 is hilly and has so many problems that during winter weather, the bus driver stops at the bottom of steeper stretches of Route 11 and unloads the children. He then guns the bus to the top of the hill. The children walk up the hill and get back on the bus again and he repeats this same routine at the next hill. He doesn't do this because the bus lacks the power, he does it because he is fearful the bus will slide off the side of the road, a road with almost no shoulders and drop offs on either side. His theory is that if the bus slides off the road and flips over, it is better that he be the only passenger. Because of poor shoulders, flip-overs are common in Indian country. In inclement weather, vendors often refuse to deliver their products—including food for lunches—to this school because they are fearful of driving on the road. On those days, they will leave their product in the town of Howes, which is 32 miles away, or the town of Faith, which is 40 miles away. School employees will then have to undertake a 64- or 80-mile round trip to retrieve vendors' products.

The Government Accountability Office has found that road conditions adversely affect student attendance and rough road conditions can also increase maintenance needs for school vehicles (see GAO Report 17–423). Including targeted funding in the next surface transportation reauthorization bill for improvements to school bus routes on Indian Reservations would be one way to help us ensure that our children can make it to school safely and in a timely manner. Senator Tom Udall has been pushing this idea for a few years.

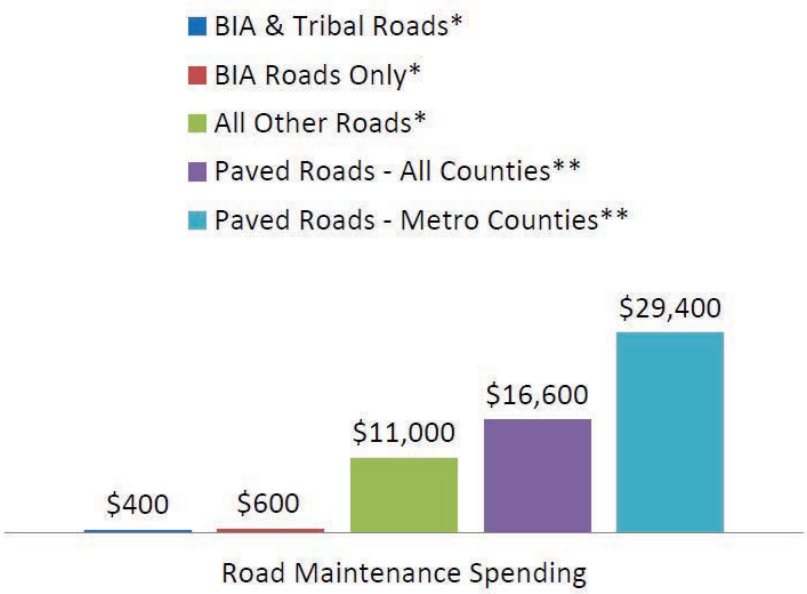
Bad roads lead to death and injury among our Indian people; they disrupt education; on bad days they make getting to work impossible; they greatly delay or prohibit emergency response vehicles from responding in a timely basis and they serve as a major disincentive to economic development and make it impossible to entice businesses to locate on such lands. Chairman Norton and Committee Members, we appreciate the discussions that the Congress has undertaken in trying to figure out what to do about the employment picture in much of Indian country. These discussions have led other congressional committees to enact tax credits as a means of encouraging economic development. While appreciated and used by a few fortunate tribes, I must respectfully ask—even with tax credits—what business is going to locate on a reservation lacking in this most basic aspect of infrastructure?

We already are lacking in nearby hospitals or clinics throughout much of Indian country but when ambulances endeavoring to retrieve and deliver a person injured in an auto accident or medical emergency have to traverse roads like Route 11—which in the best of circumstances greatly slows them down and in the worst cir-

cumstances makes access nearly impossible—you can imagine what effect that has on the ability to save a badly injured resident. Engineering estimates are that it will cost around $12 million to rebuild Route 11 to safe conditions. That is many times what we receive annually through the TTP for our total road budget for the entire reservation; and Route 11 is only one of several roads that are in dangerous condition and in dire need of immediate repairs.

Compounding the problem of lack of funding through the TTP is the fact that funding for BIA and Tribal road "maintenance" has largely remained stagnant and not even kept up with inflation in recent years. Despite that fact the Bureau of Indian Affairs admits that only 16% of BIA roads are in "acceptable" condition funding for the road maintenance program, which is funded on a discretionary basis each year by Congress through the Interior Appropriations bill, saw only a nominal increase in FY2020 to $36.06 million. As a result of years of underfunding, there is a huge backlog of repair and maintenance needs for BIA and Tribal roads. Large land-based tribes are forced to transfer our TTP dollars to Tribal road maintenance, with the result that our Tribes are falling farther and farther behind on Tribal road preservation and improvement programs. In recent years, tens of millions of TTP construction dollars were repurposed for road maintenance but the figures are still so low that Indian tribes and the BIA spend less than one-tenth of the amount per mile for maintenance than states and counties do. The attached chart shows that if you combine BIA owned and Tribally owned roads together they get $400 per mile for maintenance. Compare this County roads across the US which average $16,600 per mile for maintenance and roads in metropolitan counties that get nearly $30,000 a mile for maintenance. Is there any wonder why only 16% of BIA roads are in acceptable condition? See the more detailed discussion on page 4 in the testimony presented at this hearing by the Inter-Tribal Transportation Association on this point.

ROAD MAINTENANCE SPENDING PER MILE



Sources: *Federal Highway Administration
**1997 USDA Report: Rural Roads and Bridges—Financing Local Roads and Bridges in Rural Areas

TRIBAL TRANSPORTATION PROGRAM FUNDING FORMULA

The current statutory TTP funding formula found at 23 USC 202(b) which is used to determine tribal shares from the TTP program is not working for large land base tribes like CRST with predominantly BIA and Tribal road miles in our inventories. Initially, the primary goal of the TTP was to focus on planning, design, and construction of BIA and Tribal roadways on Indian Reservations. TTP formula shares

were supposed to support BIA and Tribal road miles owned and maintained by Indian Tribes. However, flaws in the current formula have allowed a large share of the funds to be diverted as routes in the official BIA National Tribal Transportation Facility Inventory (NTTFI) eligible for funding were opened to allow significant increases of roadways under other jurisdictions. This resulted in the NTTFI ballooning to 162,000 miles of roadways, of which only 31,386 miles are BIA roads and 27,466 are tribal roads, with the remaining being county, state, and municipal roads. This change caused a major shift in funding, bringing increases to places with little to no BIA or Tribal road mileage leading to county, state, and municipal road mileage to generate funding shares at the same rate as BIA and Tribal road miles. This is grossly unfair and an injustice as county, state and municipal roads can access funding through other sources while the TTP is the sole source of funding to support our BIA and Tribal roads.

This is in great part because the Bureau of Indian Affairs has allowed the distribution formula to be manipulated and gamed. It is inconceivable for instance that the Cherokee Nation of Oklahoma with ZERO miles of BIA or Tribal roads that they are responsible for, is getting $13 million dollars a year from the TTP or a Tribe in California with only five miles of road in the NTTFI is receiving over $4.3 million, when the large land based Tribes in the Great Plains Region and others, with hundreds and even thousands of miles of roads in the BIA Roads Inventory are receiving so much less! It is pure politics and a manipulation of the system that allows tribes in Oklahoma with no BIA or Tribal roads that they are responsible for getting figures as high as $13 million while we receive $2.2 million. It is further manipulation when the distribution formula includes population figures that include people that are distantly related to those found in early 1900 Dawes Rolls. An aspect of tribal sovereignty includes each tribe determining its own membership criteria and the history of how the US treated the tribes in Oklahoma is both horrific and part of the problem. However, when that tribal member enrollment system leads to the type of inequity in allocating roads money as described above, it is impossible for us to not point this out. Our only source of money for BIA and Tribal roads is the TTP or the BIA maintenance budget. Roads in Oklahoma that are fully owned and operated by the state and counties receive millions of dollars from the state and counties and those roads then get another $74.8 million from the TTP. Congress should not perpetrate this inequity. It should also be observed that tribes in Oklahoma generate over $4 billion from their many casinos and while the federal government's commitment to Indian country should never be means tested, the reality is that the tribes in Oklahoma would be just fine without the $74.8 million in TTP money and the state of Oklahoma and its counties, just like every other state, should take care of its roads and not be taking money set aside for BIA and Tribal roads and using it on it state and county roads. We are quite sure that South Dakota would love to get tens of millions of dollars from the TTP every year for its roads but that is not what those funds are intended for.

We also don't have hundreds of miles of "proposed" roads that stay in proposed status year after year, generating money through the BIA Inventory, even though the road in question will never be built. Other Tribes manipulated the system by adding hundreds of miles of roads "accessing" their reservation without proper limits on what is included and then further include the vehicle miles driven by the mostly non-Indians who travel those roads. The existing formula also freezes in place the roads that were identified in the BIA inventory in 2012, not allowing us to add real BIA and Tribal roads while also freezing in place the state and county roads disingenuously claimed by other Tribes in their inventories. Because of this inequity, even though funding for the TTP (and formerly, and more correctly, known as the Indian Reservation Road (IRR) program) increased from $300 million in FY2005 to $505 million in FY2020, our allocation has barely changed. This must not continue! The basis of the formula must focus on BIA and Tribal roads (not state and county roads) and on total road miles on our homelands, not populations where reservations do not even exist.

During the hearing Congressman Pete Stauber of Minnesota asked how the statutory changes made to the formula (via MAP 21 and the FAST Act) for allocating money among tribes had impacted things and he referenced the fact that tribes in Minnesota did not do well by those changes. There is a long and complicated answer to his question that the witnesses didn't really respond to. To try and summarize what has occurred we offer the following. TEA 21 (the 1998 Highway bill) authorized the creation of a negotiated rulemaking committee to determine an allocation methodology for Indian country funds. That committee took four years and finally issued the Indian Reservation Road (IRR) funding rule in 2004. A major problem was that after the committee issued the draft rule but before it was published and finalized, the then Assistant Secretary for Indian Affairs, who was from Oklahoma,

made changes that the committee had not recommended. Those changes ended up benefitting tribes in Oklahoma and allowed for the abuse of the formula that we have described previously. One change was to Question 10 in the negotiating rulemaking which ultimately allowed tribes to the claim 100% of state and county roads in IRR Inventories of their Cost to Construct and Vehicle Miles Traveled. That was not supposed to be the case nor were the inclusion of perpetually "proposed roads" that will never be built or extensive "access roads." After years of tribes from Minnesota as well as most other large land based tribes in the Dakotas, Montana, Utah, Idaho, New Mexico, Arizona and elsewhere complaining, Senator Baucus, then Chair of the Senate Subcommittee, decided that the BIA was incapable of standing up to the pressure from tribes who had been abusing the formula and determined that the Congress had no choice but to fix the formula statutorily. At the time, his ranking member was Senator Inhofe of Oklahoma, who was determined to protect allocations going to Oklahoma. Their attempt at fixing the formula contained some changes that were helpful but ultimately, particularly with Inhofe's insistence that it continue to rely on population counts (see discussion about the Dawes Act and the fact that the Cherokee Nation, while having no roads, has close to 300,000 enrolled members), resulted in the formula not benefitting tribes with significant road mileage to the extent those tribes had hoped a statutory formula might do.

Specifically, we ask that you amend the formula found in 23 U.S.C. 202(b)(1)(B) so that 80 percent of the funds go toward BIA and Tribal roads and/or that you change the existing formula so that 60 percent of the funding is associated with road miles, 20 percent with population and 20 percent be allocated to the various BIA regions. We also request that you amend the basis for the formula found at 23 U.S.C. 202(b)(3)(A) to eliminate the 20 percent funding share allocation using the former Tribal Transportation Allocation Methodology (TTAM) formula from the IRR by fiscal year 2023, while also reducing the 30 percent supplemental allocation set-aside found at 23 U.S.C. 202(b)(3)(C)(I) to approximately 10 percent. These changes would greatly increase the share of funds being distributed to BIA and Tribal roads via the new TTP formula. We also ask that you open up the NTTFI to allow Tribes to add BIA and Tribal road miles to their respective inventories.

Obligation Limitation

We request that you support exempting the TTP from the annual Obligation Limitation. As you know, the obligation limitation is a financing mechanism that effectively deducts a certain percentage of funds each fiscal year from the TTP Program, including the TTP Bridge Program and the TTP Safety Program Funds. In FY2019 alone over $49 million was withdrawn from the TTP program due to operation of the obligation limitation deduction—this is nearly ten percent of the total funding allocated to the TTP! Prior to passage of the Transportation Equity Act for the 21st Century (TEA–21) in 1998, the then Indian Reservation Roads Program was appropriately exempt from the obligation limitation annual deduction. The inclusion of the TTP Program in the obligation limitation results in the loss of tens of millions of dollars of otherwise authorized and much needed funding for Tribal transportation projects every year. Reinstating the exemption for Tribal transportation programs would thereby assure that the TTP Program is funded at its full and authorized levels. The deduction for the obligation limitation has a profound impact on the overall TPP but is such a small amount in the larger context of the more than $40 billion Federal Aid Highway Program that it wouldn't even be missed. Finally, tribes, unlike states, do not get any of Obligation Limitation back in August when the HTF funds are recalculated each year.

New funding needed to address culverts on Tribal lands

Many culverts on Indian reservations are over half a century old and are falling apart, when culverts fail (and this is happening frequently) they can and have taken the road with them. Last July two people drowned on the Standing Rock Indian Reservation in North Dakota when culverts failed, and a road collapsed sending vehicles into the body of water below. Miraculously, two others were saved. Deaths like these due to poor and dangerous road conditions are sadly occurring all too frequently on our nation's Indian reservations. At Cheyenne River we have dozens of culverts that have either washed out last year due to storms or flooding or remain at-risk. Yet, there is no dedicated source of funding available to Tribes to repair and upgrade culverts. We urge Congress to include funding in the next highway bill for improvements to culverts along BIA and Tribal roads.

During the hearing, Congressman Gary Palmer repeatedly asked the tribal witnesses if there were other sources of funding that tribes could use to supplement their funding from the TTP. The answer varies widely from tribe to tribe and is en-

tirely dependent on the wealth or lack thereof of any given tribe. Tribes with income from oil and gas might have sufficient resources to supplement the meager allocation from DOT and BIA and tribes with resources from casinos, such as the Cherokee of Oklahoma and many casino tribes in California, most certainly do (although as explained earlier, the Cherokee do not own roads nor are their BIA roads, that they are responsible for). Other tribes may have revenue sharing with their states on state gas taxes, but the tribal share of those funds rarely amounts to enough money to undertake much serious road construction. Certainly, most tribes with some source of independent revue likely are supplementing their TTP dollars to at least some nominal extent but impoverished tribes such as the Cheyenne River Sioux, do not have revenue that would allow us to do so.

FLEXIBILITY IN TRIBAL ACCESS TO U.S. DEPARTMENT OF TRANSPORTATION GRANT PROGRAMS

While Congress has certainly been well intentioned when dedicating funding to national infrastructure programs like the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants (formerly known as TIGER Grants) and the Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP), few tribes have been able to access these programs due to onerous matching requirements, restrictions on use of the funding and the lack of tribal set-asides. For example, of the 55 BUILD Grants that DOT awarded funding for in FY2019 only one was a Tribal project. We would urge Congress to make changes to these programs by waiving the requirement for Tribes to provide matching funds, allowing design and engineering costs to be an eligible use of grant funds and creating a Tribal set aside of funding to give Tribes a fair shot at accessing funding through these critical infrastructure programs.

Thank you again for holding this important hearing and for allowing us to submit testimony outlining the many needs at Cheyenne River. We look forward to working with the Transportation and Infrastructure Committee on reauthorization of surface transportation legislation.

Statement of the Federal Forest Resource Coalition, Submitted for the Record by Hon. Eleanor Holmes Norton

The following testimony is submitted on behalf of the Federal Forest Resource Coalition (FFRC) for the record of your February 6th hearing on Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories. The Federal Forest Resource Coalition is a unique national coalition of forest products companies, loggers, trade associations, local governments, and conservation groups who support better management of our Federal lands, particularly the National Forests, BLM O&C and Public Domain timberlands.

Your Committee has rightly identified increased funding for the Forest Service through the Federal Lands Transportation Program (FLTP) as a high priority for the 2020 highway bill. We strongly endorse this approach.

FOREST SERVICE ROADS FUNDING

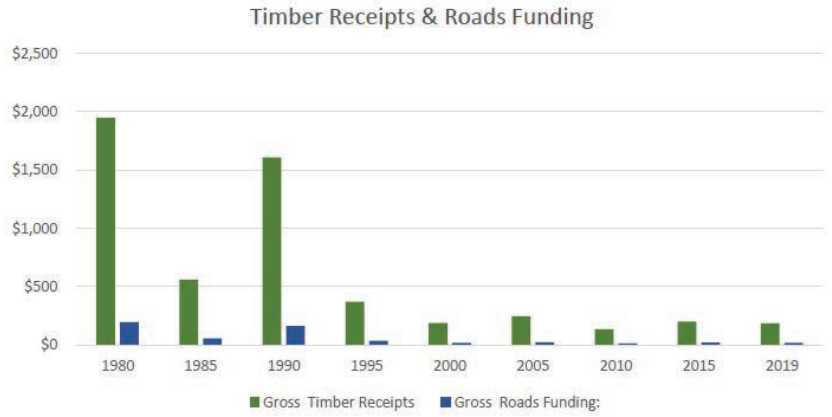
The Forest Service uses timber receipts, discretionary appropriated funds, and mandatory spending from the Federal Lands Transportation Program to maintain over 380,000 miles of roads on the National Forest System. Overall, the Forest Service has a $5.7 billion maintenance backlog (Roads, Trails, and Facilities), of this, 70 percent, or $3.99 Billion, is road maintenance. 22 percent of this road system is usable by low-clearance passenger vehicles (cars). This is 83,600 miles. Just more than half is open and available for "high clearance" vehicles (i.e.—off road capable SUV's, etc.).

TIMBER RECEIPTS

The road system on the National Forest System was essentially built using timber receipts. From 1962 until 1988, the National Forest System sold well over 10 Billion Board Feet of timber annually, with gross timber receipts frequently exceeding $1 Billion annually. 10 percent of the gross funds were made available for road construction, maintenance, and repair. Beginning in 1990, however, timber sales from the National Forests declined precipitously, falling from 8.4 Billion Board Feet in 1989 to 1.5 Billion Board Feet in 2002.

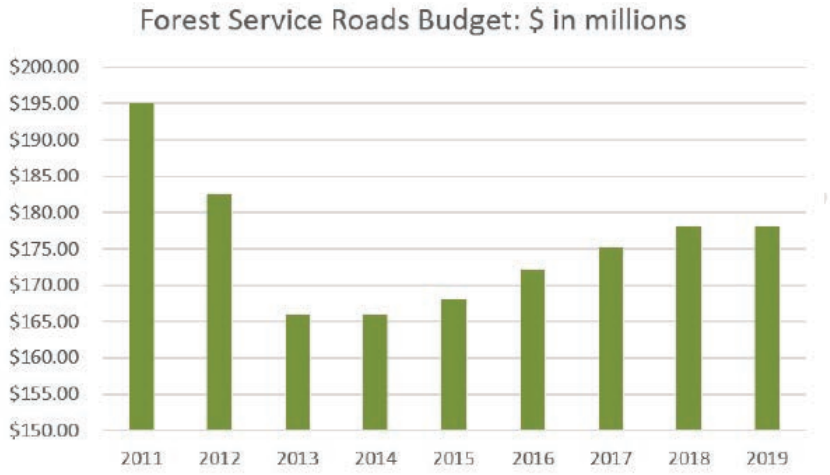
Federal Fiscal Year:	Gross Timber Receipts ($m)	Roads Funding ($m)
1980	$1,948	$194.80
1985	$558	$55.80
1990	$1,609	$160.90
1995	$369	$36.90
2000	$187	$18.70
2005	$248	$24.80
2010	$136	$13.60
2015	$200	$20
2019	$186	$18.60

Available timber revenue for road work dropped by more than 90 percent over this 40 year period. With the Forest Service concentrating its harvest efforts on lower value, smaller diameter second growth timber, timber receipts are not going to consistently produce the revenue needed for much of the road work on the National Forest System.



DISCRETIONARY FUNDING

The other funding stream available for maintenance and repair of the National Forest System roads is discretionary spending. Discretionary funding for roads has stagnated since 2010. The Roads program was funded at $235 million in FY 2009. By FY 2017, funding had dropped to $175 million. In Fiscal Year 2018, the $40 million "Legacy Roads & Trails" program was folded into the CI&M-Roads line. *Adjusting for inflation, discretionary funding for road repair, maintenance, and reconstruction is down by almost 38 percent since FY 2009* (assuming the $40 million for Legacy Roads & Trails still focuses mostly on decommissioning and fish passage).



MANDATORY SPENDING

The Federal Lands Transportation Program provides annual mandatory funding to five Interior agencies and the USDA Forest Service. The below table shows the Forest Service only receives about 7 percent of these funds, even though its road system is considerably larger than the other Federal land management agencies.

The National Forest System roads, as noted, includes over 83,000 miles of passenger vehicle accessible roads. This is almost ten times as many miles of roads as the National Park Service, which receives 80 percent of Federal Land Transportation Program funding. Overall, according to the National Parks Conservation Association, Roads, Bridges, and Parking areas account for 52 percent of the overall Park Service Maintenance Backlog; this amounts to $6.24 Billion. The Forest Service Roads backlog of $3.99 Billion is 64 percent of this total.

	FY2016	FY2017	FY2018	FY2019	FY2020	Total
NPS	$268M	$276M	$284M	$292M	$300M	$1.420B
FWS	$30M	$30M	$30M	$30M	$30M	$150M
USFS	$15M	$16M	$17M	$18M	$19M	$85M
BLM, USACE, BOR, and IFAs	$22M	$23M	$24M	$25M	$26M	$120M
Total	**$335M**	**$345M**	**$355M**	**$365M**	**$375M**	**$1.775B**

The FLTP expires at the end of 2020. FFRC and our partners are under no illusion that the FS would achieve parity with the Park Service in the this program: however, at least a tripling of the available funding could begin to address the disparity and meet public needs for recreational, firefighting, and resource management access.

THE NEED FOR BETTER ROAD MAINTENANCE FAR OUTSTRIPS AVAILABLE RESOURCES

With limited timber receipts and discretionary appropriations, the current level of funding through the Federal Lands Transportation program is inadequate to the needs on our National Forests. This includes the need for better resource protection and management, the need for timber access, and the need for wildfire suppression access.

Frequently, the Forest Service will leave a failing road in place when proposing to manage an overstocked forest; FFRC has hosted field tours in Oregon where the Forest Service required a company to employ helicopter logging rather than repair one culvert which would have enabled the sale to be harvested using ground based equipment. That means the Forest left a failing culvert in place while treating a fire prone stand. The reduced fuel load is certainly good news, however, a failing culvert can threaten water quality over the long term. Requiring helicopter logging limits the amount a company is willing to pay, thus reducing receipts to the govern-

ment, payments to counties, and funds available for resource improvement (Knutsen-Vandenberg funds, for instance).

Deteriorating road access harms sportsmen, hikers, anglers, and others who want to access our public lands. Reduced road access increases the costs and risks associated with search and rescue operations on already-remote and hard to access National Forests. And lack of road access stymies firefighting efforts, forcing the Forest Service to rely more heavily on expensive aviation resources.

INCREASED FUNDING FOR THE FOREST SERVICE THROUGH THE FLTP IS BROADLY SUPPORTED

As you saw in the attached February 4th letter, there is broad support from conservation groups, industry, and State governments for increased funding for the Forest Service through the FLTP. It is not often that groups as diverse as the Nature Conservancy and National Wildlife Federation endorse the same priorities as the National Cattlemen's Beef Association and the public lands timber industry. We urge you to leverage this broad support to meaningfully increase the funding available for the Forest Service FLTP.

ATTACHMENT—LETTER OF FEBRUARY 4, 2020, REFERENCED IN PREVIOUS PARAGRAPH

FEBRUARY 4, 2020.

Hon. PETER DEFAZIO,
Chairman,

Hon. SAM GRAVES,
Ranking Member,
Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN DEFAZIO AND RANKING MEMBER GRAVES:

As the Committee works to assemble a highway bill that modernizes our transportation infrastructure, the undersigned groups are writing to urge you to address a pressing issue that is vital to the millions of Americans who benefit from the many uses and products that healthy, well managed national forests can provide. A sound road system is needed to help prevent damage to vital water provisions and to provide recreation, forestry and fire fighting access that are key to rural economies and downstream urban citizens.

The recently released "Moving Forward Framework" acknowledges the need to ramp up funding for the Federal Lands Transportation Program. As the Committee crafts the bill, we urge you to direct a more equitable portion of the Federal Land Transportation Assistance Program to the extensive National Forest System (NFS) road network. The road system managed by the USDA Forest Service has over 370,000 miles of roads. The agency estimates its backlog at $3 billion just for the approximately 65,000 miles of passenger car accessible roads, which only represents under 18 percent of the entire NFS road system.

Much of the current road system was built and maintained from timber receipts, a model that was viable when the Forest Service sold a much larger and much more valuable timber program. This timber sale program generated more than $50 million a year in funding for road construction, maintenance, and repair, and many years produced well over $100 million. In more recent years, these funds have usually been well below $20 million annually.

The other funding stream available for maintenance and repair of the NFS roads is discretionary appropriations. Discretionary funding for roads has stagnated since 2010. The Roads program was funded at $235 million in FY 2009. By FY 2017, funding had dropped to $175 million. In Fiscal Year 2018, the $40 million "Legacy Roads & Trails" program was folded into the CI&M-Roads line. *Adjusting for inflation, discretionary funding for road repair, maintenance, and reconstruction is down by almost 38 percent since FY 2009*.

As you know, the Federal Lands Transportation Program provides annual mandatory funding to five Interior agencies and the USDA Forest Service. The Forest Service only receives about seven percent of these funds, even though it's road system is considerably larger than the other federal land management agencies combined. The NFS roads, as noted, includes 65,000 miles of passenger vehicle accessible roads. This is almost six times as many miles of roads as the National Park Service, which receives 80 percent of Federal Land Transportation Program funding. Overall, according to the National Parks Conservation Association, roads, bridges, and parking areas account for 52 percent of the overall Park Service Maintenance Backlog; this amounts to $6.2 billion. The Forest Service maintenance backlog is $5.2 billion and the roads backlog of $3 billion only for under 18 percent of the NFS

roads system. The backlog would be significantly bigger if the agency were to include the remaining more than 305,000 miles of system roads *and* 60,000 miles of unclassified roads.

The undersigned groups urge you to use the upcoming highway and infrastructure legislation to significantly increase the available funding for the Forest Service in this program to address the disparity and meet public needs for recreational, firefighting, and resource management access.

Sincerely,

Federal Forest Resource Coalition.
The Nature Conservancy.
Public Lands Council.
Theodore Roosevelt Conservation Partnership.
Forest Resources Association.
National Wildlife Federation.
National Association of State Foresters.
National Cattelmen's Beef Association.

Letter of February 7, 2019, from Emily Douce, Director, Operations and Park Funding, National Parks Conservation Association, Submitted for the Record by Hon. Eleanor Holmes Norton

FEBRUARY 7, 2019.

DEAR CHAIRMAN DEFAZIO, RANKING MEMBER GRAVES AND MEMBERS OF THE COMMITTEE,

On behalf of our more than 1.3 million members and supporters nationwide, the National Parks Conservation Association (NPCA) appreciates the opportunity to provide our views regarding the needs of the National Park System as the Committee on Transportation and Infrastructure works to address our nation's infrastructure and reauthorize the Fixing America's Surface Transportation Act. Since 1919, NPCA has been the leading voice of the American people in protecting and enhancing our National Park System.

In summary, we make the following recommendations:

- *Provide investments to national parks in any infrastructure package*, particularly to address deferred maintenance projects and water infrastructure in and near parks. Investments should include funding for both planning and permitting as well as construction dollars;
- *Increase the Federal Lands Transportation Program* funding to $920 million per year and dedicate $25 million a year from that allocation for transit;
- *Increase the Federal Lands Access Program* funding to $300 million per year and consider program modifications for a more equitable allocation;
- *Increase the Nationally Significant Federal Lands and Tribal Projects program* funding to $350 million per year, with $200 million per year designated as mandatory spending;
- *Establish a competitive wildlife crossing pilot program* to reduce the number of wildlife-vehicle collisions and improve wildlife habitat connectivity; require relevant agencies to conduct a study of methods to reduce collisions; implement new workforce trainings; standardize the collection of wildlife collision data nationally; and integrate wildlife-vehicle collision reduction;
- *Preserve the protections and public involvement provided by our nation's environmental laws*, including the National Environmental Policy Act, Clean Water Act, Clean Air Act, Endangered Species Act;
- *Prioritize projects that improve energy efficiency and climate mitigation and resiliency needs*.

NATIONAL PARK SERVICE INVESTMENTS

For more than a century, our national parks have remained America's favorite places, important pieces of our natural, historical and cultural heritage set aside for future generations to explore and enjoy. But as record crowds enjoy our national parks, they find the facilities in the parks have become worn and inadequate to meet the demand.

Fixing our national park infrastructure is a good economic investment for our country. National parks are an important part of the tourism economy and extremely popular with Americans. National parks received more than 331 million visits in 2017 that generated $35 billion for the U.S. economy. For every dollar Congress invests in the National Park Service, $10 is returned to the American econ-

omy, with much of that money directly benefiting parks' gateway communities. With national parks supporting nearly 300,000 private-sector jobs annually, these economic engines are worthy of a robust infrastructure investment in 2019 and beyond.

INFRASTRUCTURE REPAIR CHALLENGES FACING OUR NATIONAL PARKS

The National Park System is second only to the Department of Defense in the amount of federal infrastructure it manages. In total, the agency is responsible for protecting and managing over 75,000 assets which include roads and bridges, trails, historic buildings, employee housing, wastewater and electrical systems, military fortifications, monuments and memorials, and seawalls.

Needed repairs range from deteriorating water systems to crumbling roads and trails to antiquated visitor centers that are in desperate need of updating. For instance, nearly 40% of the 10,000 miles of park roads are in poor to fair condition.

The backlog of infrastructure projects at our national parks now totals $11.9 billion, a rise of over $300 million since last year (see chart below). These projects are not cyclical repairs that parks attend to constantly, but the more serious repairs that have been awaiting action for more than a year because of inadequate funding. The National Park System is a clear example of what happens when nothing or not enough is done to maintain infrastructure.

National Park Service Asset Inventory

Asset Category	Number of Asset Locations	Facility Condition Index	Critical Systems Deferred Maintenance	Deferred Maintenance	Current Replacement Value
Buildings:	25,073	0.092	$757,863,755	$2,034,223,653	$22,146,070,745
Housing*:	3,690	0.116	$69,867,635	$186,743,990	$1,604,488,678
Campgrounds:	1,421	0.111	$18,170,994	$78,952,832	$714,426,583
Trails:	6,273	0.097	$237,891,703	$461,244,829	$4,779,086,151
Waste Water Systems:	1,831	0.141	$179,023,360	$290,381,968	$2,058,774,767
Water Systems:	1,530	0.110	$286,117,172	$426,419,357	$3,871,102,773
Unpaved Roads† :	5,537	0.059	$73,503,455	$185,430,769	$3,128,501,963
Paved Roads‡:	11,988	0.224	N/A	$6,153,885,233	$27,525,281,945
All Other§ :	18,696	0.024	$1,201,981,038	$2,102,776,036	$88,766,840,844
TOTAL:	76,039	0.077	$2,824,419,112	$11,920,058,668	$154,594,574,449

Critical Systems Deferred Maintenance - The cost of critical or serious deferred maintenance located in critical asset components. This figure is currently unavailable for the Paved Roads category.

Deferred Maintenance - The cost of maintenance and repairs that were not performed when they should have been or were scheduled to be and which are put off or delayed for a future period.

Source: https://www.nps.gov/subjects/infrastructure/upload/NPS-Asset-Inventory-Summary-FY18-Servicewide__2018.pdf

Examples of Deferred Maintenance in National Parks (from FY17 data):

- *Mount Rainier National Park (Washington)*: Trails in Mount Rainier National Park are heavily used by visitors and are in dire need of upkeep. Without maintenance funding, the park uses recreation fees to complete critical projects and address unexpected needs but is unable to tackle the larger projects and complete critical assessments. The price tag for trail rehabilitation totals more than $10 million for the park.
- *Cuyahoga Valley National Park (Ohio)*: Paved roads and bridges comprise about $2 million of the parks deferred maintenance such as Brandywine Falls road and bridge.
- *Denali National Park Road (Alaska)*: Among Denali's most pressing needs is maintenance on the 92-mile Denali Park Road that is the only way to access the heart of the park.
- *Mesa Verde National Park (Colorado)*: Over $6 million is needed to rehabilitate historic buildings in the Chapin Mesa National Historic Landmark District at Mesa Verde National Park.

- *Kalaupapa National Historical Park (Hawaii)*: Kalaupapa National Historical Park tells the story of Hawaiians banished by King Kamehameha V to the north shore of Molokai for contracting leprosy. Over $7 million is needed to replace historic buildings.
- *Yellowstone National Park (Wyoming and Montana)*: For the past three decades the National Park Service has been working to upgrade the park's 254-mile Grand Loop and entrance roads from 1940's standards that are woefully inadequate for modern day tour busses and recreational vehicles. Due to insufficient funding, only half of the loop and entrance roads have been reconstructed. To complete upgrading of the remainder of the roads in the park will cost anywhere from $800 million to $1.2 billion because the most challenging stretches of road remain to be rebuilt. At the current pace of funding it will take more than 75 years to complete the work.
- *Yosemite National Park (California)*: Yosemite National Park is home to some of our country's most breathtaking cliffs, domes and waterfalls. However, the park suffers from $582 million in needed repairs. For example, more than $20 million is needed to rehabilitate trails including the Yosemite Bike Path, the Stubblefield Canyon Trail, and the Clark Point Spur, a path that leads to the famous Vernal Falls.
- *Golden Gate National Recreation Area (California)*: Golden Gate National Recreation Area will require $9.5 million in wastewater treatment repairs to remedy all problems. The systems of the Marin Headlands and Fort Mason are some of the most expensive projects to be undertaken. Current repairs, such as the Muir Woods Water and Wastewater Service Rehabilitation project, have been stuck in the planning stage due to the lack of funding.
- *Appalachian National Scenic Trail (Maine to Georgia)*: The world's longest contiguous footpath is conservatively estimated to have a $20 million repair backlog. More than 6,000 volunteers currently maintain the 2,200-mile Trail, contributing 250,000 annual hours of mostly physical work, saving the U.S. government more $6 million each year. Still, funding is needed to support volunteer work, complete major deferred projects and cover expenses for materials.

Request: As Congress sets out to repair and rebuild our nation's declining infrastructure, national park roads, bridges, trails, campgrounds and other facilities need to benefit from that investment. A dedicated investment of $6.5 billion to NPS deferred maintenance over five years would address most of the highest priority projects. This includes park roads, visitor facilities, trails and other structures.

Any strategy that includes the parks needs to focus on addressing long overdue repairs. Funding should include investments for planning and permitting, in addition to guaranteed construction dollars. This will ensure projects with the greatest need can be addressed, both those that are "shovel-ready" and those that require multi-year planning and implementation.

WATER INFRASTRUCTURE

NPCA also supports greater investments in water infrastructure in and beyond the boundaries of national park sites. Within the boundaries the NPS operates assets that provide drinking water to the 331 million visitors and treat waste and storm waters, a service critical to protecting the waterways upon which park flora and fauna depend. A greater investment is needed to protect water quality and manage the ever-increasing number of park visitors.

In addition, the country needs a significant investment in water infrastructure beyond the boundaries of National Park Service managed sites. The Environmental Protection Agency estimates that waste and storm water systems alone need over $271 billion in the next 20 years. This is a significant challenge that not only impacts communities across the country, but also puts our national parks at risk. Many sites downriver and along our coasts are threatened by untreated urban and agricultural runoff in addition to untreated human and industrial waste, toxic substances, debris, and other pollutants stemming from combined sewer overflows. Greater federal support is needed in these efforts as paying for these projects often falls on communities that cannot afford it.

Request: As part of an infrastructure investments, we urge the committee to triple the funding for the Clean Water and Drinking Water State Revolving Funds in the US EPA to help address the untreated water from urban and agricultural runoff and human and industrial waste.

REAUTHORIZING THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT

If the committee decides to focus on the reauthorization of Fixing America's Surface Transportation (FAST Act) rather than a broader infrastructure package, we request additional resources for national parks. The National Park Service received a total of $1.4 billion over five years in the Fixing America's Surface Transportation (FAST) Act through the Federal Lands Transportation Program (FLTP). In addition, national parks are eligible to apply for funding from the National Significant Federal Lands and Tribal Project program authorized for $100 million to be spent on projects costing at least $25 million.

The national parks received one half of one percent of the entire funding package in the FAST Act, but the need is much more than that. In the National Park Service's National Long-Range Transportation Plan, the agency estimates the funding needed to address all transportation needs throughout the service will need to be $1.5 billion a year over a period of 6 to 10 years. This amount includes all activities in the transportation asset lifecycle, from planning through construction, operation, maintenance and rehabilitation. According to an estimate calculated in 2016, annual funding for transportation asset needs totals an estimated $394 million, which is $1.1 billion below what is needed.

This funding shortfall is the main contributor to the growth of the maintenance backlog, totaling $11.9 billion. A little over a half of that amount ($6.3 billion) relates directly to transportation assets. That amount includes paved and unpaved roads, tunnels, bridges and parking lots. Of that amount, $4.6 billion is categorized as highest and high priority transportation-related NPS assets (see chart below). Also, nearly a third of overall backlog is for mega projects, such as the reconstruction of Yellowstone's Grand Loop road. Mega projects are transportation projects that require an amount of funding beyond what is available on an annual basis.

Priority	Parking Lot	Paved Roads	Road Bridge	Road Tunnel	Grand Total
1. Highest	$239,336,745	$2,356,782,172	$534,093,409	$17,851,563	$3,148,063,890
2. High	$223,875,696	$1,056,285,903	$173,321,724	$1,968,967	$1,455,452,290
Total	**$463,212,441**	**$3,413,068,075**	**$707,415,133**	**$19,820,530**	**$4,603,516,180**

Source: Pew Charitable Trusts, Restore Our Parks Campaign, FY17 data

In addition, our parks continue to face increased vehicle congestion that reduces the visitor experience and threatens the natural resources. Prior to the FAST Act, there was a specific program, Paul S. Sarbanes Transit in Parks Program, that provided funding for alternative transportation such as shuttle buses, rail connections and bike trails. That program was subsumed into the Federal Lands Transportation Program with passage of the FAST Act, but the need is still there. For instance, the Zion National Park shuttle buses are 20 years old and need to be replaced.

In our recently designated national parks and those in urban areas, the NPS-owned assets are fairly small within a larger park boundary. Infrastructure may be limited to buildings and parking lots with roads owned and maintained by states and city governments. The Federal Lands Access Program (FLAP) is a critical funding source that provides incentive to state and local entities to improve roads and transit to and from national parks.

Requests: To address the highest and high priority transportation-related NPS funding needs, NPCA requests $4.6 billion over 5 years in the Federal Lands Transportation Program to address those needs. In addition, we request $25 million a year be set aside specifically out of the FLTP allocation for transit projects. We also request dedicated funding for the Nationally Significant Federal Lands and Tribal Projects program at a level of no less than $350 million a year to address mega projects, with $200 million of that being designated as mandatory spending.

To address improvements to transportation and transit to and from national parks, NPCA requests $300 million over 5 years in the Federal Lands Access Program to address those needs. In addition, we request that program criteria be modified from its current formula based on road mileage, number of bridges, land area, and visitation.

ADDITIONAL PROVISIONS

National Park Visitor and Wildlife Protections

We also support Congress addressing the issue of wildlife-vehicle collisions. The most recent data from the Federal Highway Administration estimates over 1 million wildlife-vehicle collisions and 26,000 motorist injuries as a result yearly. The associated costs to motorists from wildlife-vehicle collisions is $8.3 billion yearly in medical and vehicle damage. Efforts must be made to minimize these collisions for both human safety and wildlife conservation. Visitors to America's national parks many times travel to view iconic park wildlife. We want to be sure both park visitors and wildlife are protected.

> *Request*: 1) Establish a competitive wildlife crossing pilot program that provides grants to states, land managers, and communities that work to reduce the number of wildlife-vehicle collisions and improve wildlife habitat connectivity; 2) require relevant agencies to conduct a study of methods to reduce collisions, an updated and expanded report of the 2008 Wildlife Vehicle Collision Reduction Study; 3) implement new workforce trainings; 4) standardize the collection of wildlife collision data nationally; 5) and integrate wildlife-vehicle collision reduction into all relevant sections of the legislation where transportation projects could utilize wildlife-vehicle collision mitigation technologies.

ADDITIONAL CONSIDERATIONS

As Congress works to address infrastructure and reauthorize the FAST Act, Congress must preserve the protections and public involvement provided by our nation's environmental laws, including the National Environmental Policy Act, Clean Water Act, Clean Air Act, Endangered Species Act, etc. According to the Council on Environmental Quality (CEQ), 95 percent of federal projects that require environmental review advance under a Categorical Exclusion (CE), and therefore are exempt from the most detailed types of environmental review.

In addition, a 2016 U.S. Department of the Treasury report identified 40 economically significant transportation and water projects whose completion had been slowed or put in jeopardy. The report found that "a lack of public funding is by far the most common factor hindering the completion of transportation and water infrastructure projects." Further, the report found that delays resulting from environmental review and permitting were acknowledged as a challenge to completing less than 25% of the projects.

The National Park Service should also continue to develop innovative, cost-effective and sustainable strategies for constructing and managing its assets. NPCA supports prioritization of projects that improve energy efficiency and address climate mitigation and resiliency needs. Projects should be avoided that undermine existing infrastructure, or perpetuate or worsen the threat of fire, erosion, flooding, wildlife habitat loss and fragmentation.

CONCLUSION

For too long, the national parks have been undergoing infrastructure decline. If Congress fails to fix the infrastructure in our national parks, it will cause the gradual loss of our natural and cultural heritage and the ability of the American public to enjoy and be inspired by it as preserved in our national parks.

Thank you for considering our views,

EMILY DOUCE,
Director, Operations and Park Funding,
National Parks Conservation Association.

Statement of Julian Bear Runner, President, Oglala Sioux Tribe, Submitted for the Record by Hon. Eleanor Holmes Norton

INTRODUCTION

Thank you Chair Norton, Ranking Member Davis, and Members of the Subcommittee for the opportunity to submit written testimony on behalf of the Oglala Sioux Tribe ("OST" or "Tribe") for the record on the recent hearing entitled "Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories." My name is Julian Bear Runner and I serve as the President of OST. Improving tribal transportation infrastructure, transit, highway safety, and road conditions on our Reservation is a top priority. We look to you to spur necessary congressional action to improve and modernize tribal transportation infrastructure on our Reservation and across the nation.

BACKGROUND

Our Reservation covers approximately 3 million acres (roughly the size of the State of Connecticut) and has more than 45,000 enrolled citizens. Thus, our Tribe is responsible for a large area over which we have authority and control. Our Tribe is one of 16 sovereign nations in the Great Plains Region. We are also a part of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). Our treaty rights, the United States' obligations to us, and our unique political relationship with the United States are set forth in a series of treaties through 1868, including the Fort Laramie Treaty of 1851 (11 Stat. 749) and the 1868 Sioux Nation Treaty (15 Stat. 635). These treaties establish the United States' obligations to our Tribe.

Due in part to our remote location, there are few job opportunities for our people. The lack of good roads, reliable communications systems, and other necessary infrastructure further impedes economic development, job creation, and a good quality of life on our Reservation. These circumstances also contribute to the many social challenges that our people currently face, which include extreme poverty, alcohol and substance abuse, inadequate health care, and high crime rates.

Oglala Lakota County, which is located entirely within our Reservation, is among the poorest counties in the United States with approximately 54% of individuals below the poverty line, per capita income around $10,148, unemployment in the 80% range, and a high school dropout rate of over 60%. A modernized infrastructure would significantly improve these conditions, help revitalize our economy, expand opportunities for our people, and improve the quality of life on our Reservation.

The winter storm that hit our Reservation in 2019 illustrates the poor condition of our transportation infrastructure. This storm caused severe flooding and snowfall that made roads impassable and cut off access to food, water, and medicine. Many citizens were displaced from their homes by floodwaters, exacerbating the shortage of adequate housing that already existed on Pine Ridge before the storm. The infrastructure within our Reservation is not in a position to handle another severe weather storm. We already struggle each year with snowy and muddy conditions. Snow and ice removal can consume up to 65% of our annual budget each winter.

According to the BIA-approved Road Maintenance Survey generated by the Oglala Sioux Tribe and the Great Plains Region in the Tribal-Interior Budget Council, the major work components for roads maintenance in the Great Plain, Rocky Mountain, and Northwest Regions include snow and ice control, interior pavement sealing, pavement maintenance, gravel maintenance, and remedial work on improved earth roads. We need to make sure these categories are adequately funded so tribes, like ours, can have and enjoy sufficient roads. Significantly, nineteen responses to the Survey from the Great Plains Region identified snow and ice removal as their top priority. Congress must appropriate the necessary funds for this activity.

TRANSPORTATION INFRASTRUCTURE IS DESPERATELY NEEDED

Transportation infrastructure is critical to connecting families, strengthening communities, and furthering economic development on our Reservation. OST's Road Maintenance maintains 519 miles of Bureau of Indian Affairs ("BIA") roads and bridges yet receives approximately $565,000 in roads maintenance funding. This pales in comparison to the roads funding comparison to the roads funding of state and local governments.

According to the 24th Annual Highway Report, the nationwide average maintenance disbursement per state controlled mile is $11,929 and the average for South Dakota is $3,917 per state controlled mile. Maintenance disbursement refers to costs

to perform routine upkeep, such as filling in potholes and repaving roads. The Tribe, however, receives only $1,113 in BIA Road Maintenance funding per BIA roadway mile, which includes maintenance for BIA bridges on the National Bridge Inventory ("NBI"). $1,113 is a fraction of the weighted average that states, including South Dakota, have access to.[1] The Tribe, thus, incurs significant costs in maintaining BIA roadways whose needs far exceed available federal funding.

INCREASE BIA ROADS FUNDING TO CONNECT TRIBAL COMMUNITIES TO ESSENTIAL SERVICES

Funding for the BIA Road Maintenance program has been under-resourced for several fiscal year cycles, despite the accumulation of over $60 million in backlogged maintenance needs in the Great Plains Region and almost $300 million nationwide. We are often forced to expend our limited tribal funds to cover the difference in roads maintenance needs—a financial strain that is compounded by the fact that efforts to control snow and ice our roadways can consume up to 50% of our annual budget each winter.

Funding is so tight that routine bridge maintenance is not performed until it reaches a critical state. Consequently, our members must confront unsafe road conditions every time they drive their children to school, commute to work, or try to access emergency services in Pine Ridge and nearby urban centers. This is unacceptable. The BIA should receive and distribute adequate funding to tribal nations so that we can maintain safe transportation networks in our communities.

Such dire circumstances require bold solutions. One bold solution is a drastic increase in the BIA Road Maintenance account so tribal nations, such as ours, can receive a funding amount that is actually viable to get the much needed maintenance work done adequately. Another solution is to create a new BIA roads maintenance account that targets backlogged road and bridge projects by taking mile inventory, remoteness, and weather conditions into consideration. An influx of funding for road construction, maintenance, and equipment would increase public safety, facilitate economic development, decrease costs, and alleviate the hardships our members currently endure. We request Congress provide $60 million for the BIA Road Maintenance program and an initial amount of $15 million to establish a targeted BIA roads improvement program that accounts for a tribe's geographic size, location, and mile inventory.

Further, to diversify the federal toolbox of programs and funding sources targeting roads infrastructure, we urge Congress to re-establish and fund the Tribal High Priority Project Program within the Department of Transportation and create a Tribal Set-Aside from the Highway Safety Implementation Program. Both of these programs would offer tribes access to critical resources and funding for implementing tribal roads projects.

Last, as for priorities for tackling roads issues in the Great Plains Region, please see the attached document entitled, "Land Based Tribes Coalition for Maintaining and Improving BIA and Tribal Roadways." This is an informative document that lays out seven priority solutions for addressing the severe tribal transportation needs in the Great Plains. We ask this Committee, and Congress overall, to take the necessary steps to implement these priorities.

CONCLUSION

Thank you for the opportunity to provide written testimony on the critical topic of tribal transportation. We have presented only some of our infrastructure needs in this testimony. Your work in addressing these needs is part of the United States' fulfilling its solemn treaty obligations and trust responsibility to the Oglala Sioux Tribe. The Subcommittee's recent hearing on this important issue is a positive step in that direction. We look forward to working with the Members of the Subcommittee to build, improve, and maintain the infrastructure that we need on our Reservation. As explained above, infrastructure is one of our top priority issues since functioning, well-maintained infrastructure will facilitate economic, and community development, which we urgently need to improve the lives of our citizens. Please do not hesitate to contact me if you have any questions or would like additional information to assist you in this work.

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[1] 24th Annual Highway Report, Baruch Feigenbaum, M. Gregory Fields, & Spence Purnell (Aug. 2019), https://reason.org/wp-content/uploads/24th-annual-highway-report-2019.pdf.

ATTACHMENT

Land Based Tribes Coalition for Maintaining and Improving BIA and Tribal Roadways

BACKGROUND

The Indian Reservation Roads Program (IRR) was created as part of the Surface Transportation Assistance Act of 1982 and was administered by the Bureau of Indian Affairs (BIA) and the Federal Highway Administration (FHWA). The TTP program currently provides funding to the 567 Federally recognized Tribes and Alaska Native Villages.

Initially, the main focus of this program was on planning, design, and construction of BIA and Tribal roadways on Indian Reservations and Indian Lands.

In 2012, under the Moving Ahead for Progress in the 21st Century Act (MAP–21), the program was changed to the Tribal Transportation Program (TTP).

PROBLEM

The federal funds that have been made available to support maintenance and improvements to BIA and Tribal roadways are not sufficient and are currently being diverted to improvements on roadways under other agencies' jurisdiction and to address maintenance needs. This is resulting in a deterioration of these federal roadways.

While the funding for the TTP program has increased in recent years to the $495,000,000 that is allocated today, the use and distribution of these funds has undergone a significant transformation. These funds in the past were primarily used to maintain and improve BIA and Tribal Roadways. With the transition to the TTP Program, the routes in the official BIA National Tribal Transportation Field Inventory eligible for funding were opened to allow significant increases of roadways under other jurisdictions. This resulted in the inventory ballooning to 162,000 miles of roadways of which only 31,386 miles are BIA and 27,466 are Tribal Roads, with the remaining being county, state, and local roads. This change along with changes in the Congressionally Mandated Formula for how funds are distributed has led to a shift that has seen nearly all the increase in TTP funds going to locations with little or no BIA or Tribal road mileage, but rather significant county road mileage, higher traffic volumes, or higher documented population.

The TTP funds are the main, and in many cases the only funding available for BIA and Tribal routes and these changes have resulted in a lack of attention to the BIA Roadways that are part of the Federal Governments Trust Responsibility.

In addition to the Tribal Transportation Program not adequately funding the BIA and Tribal Roadways, the funding available from the Department of Interior that is specifically designated for BIA routes has grown minimally to $34,000,000. This has resulted in a huge backlog of maintenance needs and forced large land-based tribes with significant BIA road miles to transfer larger portions of their TTP dollars to cover routine maintenance. This has further reduced their ability to fund preservation and improvement projects and led to Tribes falling significantly behind states in both overall spending and maintenance spending per mile.

As a result, TTP has had to supplement maintenance needs, meaning construction dollars are being spent on maintenance in the following amounts:

- FY2016: $34M
- FY2017: $47M
- FY2018: $46M

SOLUTIONS

Priority #1: Increase TTP/IRR allocation annually.

- FY2021 $520M
- FY2022 $530M
- FY2023 $540M
- FY2024 $550M
- FY2025 $560M
- FY2026 $570M
- FY2027 $580M

Priority #2: Tribal Transportation Program Formula Reform (insert TTP/IRR definition and description)

This consortium of Tribes requests that a minimum of 80 percent of TTP/IRR funding be restricted to the construction and improvement of BIA and Tribally owned roadways only. The proposed restriction would not apply to the remaining 20 percent of distribution amounts, however, if these funds are distributed to non-Tribal and non-BIA roads, a requirement should be implemented that this must be done via cost share.

In addition to the new restriction on TTP funding expenditure, the proposed solution should also include modifying the method in which funds are distributed through TTP to include the cost to construct, inclusion in NTIFF, and the volume of BIA/Tribal roadway miles.

Since there are major discrepancies with Census on NAHASDA population numbers, these should not be a consideration in allocating funds. Recommendation: distribute TTP on the cost to construct for BIA/Tribal road miles, remove population and vehicle miles traveled numbers from the formula.

Funding available for the Tribal Safety Transportation Program Safety Fund should be increased from 2 percent to *5 percent*.

Priority #3: Remove obligation limit for TTP/IRR and road maintenance. IRR used to be exempt from the obligation limit. This change would allow a greater share of the TTP allocation be distributed to Tribes.

Priority #4: Reinstate the Tribal Transportation Bridge Program/IRR as a standalone program instead of a 2 percent carve out in the Tribal Transportation Program and increase the amount in the standalone bridge program to be equivalent to 3 percent of the TTP. The standalone program should give priority to BIA/Tribally owned bridges.

Priority #5: Modify road maintenance distribution methods

To modify road maintenance distribution methods, *$46 million* should be authorized for the Bureau of Indian Affairs (BIA) Road Maintenance Program, with *increases of $2 million per year* to address the national maintenance backlog, which is currently nearly $400M.

BIA road maintenance funding should continue to be *distributed through United States Department of Interior as its own separate line item and exempt from the obligation limit*.

Priority #6: Modify USDOT discretionary grant programs with a Tribally designated portion of funding

Programs such as BUILD, INFRA, and Nationally Significant Federal Lands and Tribal Projects require significant engineering investment prior to grant request and matching funds that make it difficult for Tribes to compete. A Tribally designated portion of funds should be set aside for planning (i.e. environmental, right-of-way, engineering design) and construction, and the requirement of nonfederal investment should be excluded for Tribal projects.

Priority #7: Direct BIA law enforcement to use one standard crash report form, specifically TRAMS.

Statement of The Pew Charitable Trusts, Submitted for the Record by Hon. Eleanor Holmes Norton

Chairman DeFazio, Ranking Member Graves, and Members of the Committee, thank you for holding a hearing on the transportation needs facing Tribes, federal land management agencies, and U.S. territories. The Pew Charitable Trusts (Pew) asks that this written statement, and accompanying documents, be included in the hearing record.

Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life. Pew's Restore America's Parks campaign seeks to conserve the natural and cultural assets of the National Park System by providing common sense, long-term solutions to its multi-billion dollar repair backlog. Our statement will focus specifically on the transportation needs of the National Park Service (NPS).

THE NATIONAL PARK REPAIR BACKLOG

The NPS is responsible for more than 75,000 assets, second only to the Department of Defense in the number facilities a federal agency must maintain. Over half of these assets require repairs, at an estimated cost of $11.9 billion (based on FY2018 NPS data). Even if the agency were to tackle just those repairs it considers to be of the greatest priority, that cost totals $9.1 billion. It is difficult for NPS managers to keep up with the repairs, due to several factors:

Our National Park System is over 100 years old and much of its infrastructure—roads, trails, historic structures, water and sewage systems, electrical systems, campgrounds, memorials, battlegrounds, seawalls—is aging and deteriorating. Over 90% of the estimated cost to address the backlog of repairs is attributed to park facilities that are 40 years old or more. High visitation numbers at many park sites brings additional pressures on aging park assets, and inconsistent annual funding for maintenance requires NPS managers to triage the repairs it undertakes. As a result, unattended maintenance needs become worse and, more extensive repairs are needed and become more expensive, and the maintenance backlog compounds.

National Park Service Transportation Assets and Repair Needs

It is an accurate estimation that America's national parks would never have become the popular attractions they are today without extensive, reliable transportation to carry visitors to, from, and through the parks. From the railroads built in the late 1800s and early 1900s to serve the first western parks to the early carriage paths and roads that followed, transportation infrastructure has been vital to visitors' access and enjoyment of our park sites. Today, NPS' transportation infrastructure portfolio is significant: 5,500 miles of paved roads, 4,100 miles of publicly accessible unpaved roads; 1,442 bridges; 63 publicly accessible tunnels; and more than 5,000 miles of paved trails (https://mylearning.nps.gov/library-resources/park-roads-parkways-program-handbook/).

But a significant portion of these transportation assets are showing their age. Many park roads were constructed decades ago when cars were smaller; as a result, routes often are narrow and lack shoulders—an issue for today's larger and heavier cars and recreational vehicles. Also, increased visits at many park sites lead to overflowing parking lots, forcing visitors to park on roadsides, which can be a safety hazard and harm natural resources. Addressing inadequate and deteriorating park roads, tunnels, bridges, and trails is important to ensure safe visitor access and the continued protection of wildlife, natural, and cultural resources.

Transportation-related repair needs within national park sites across the country total $6.2 billion, over half of the FY2018 backlog. To address the highest and high priority repairs, an investment of $4.8 billion is needed (see figure 1).

Figure 1: NPS Highest and High Priority Transportation Needs—FY 2018

Priority	Parking Lot	Road Bridge	Road Tunnel	Roads	Grand Total
Highest	$243,283,487	$540,979,361	$20,349,480	$2,463,777,470	**$3,268,389,798**
High	$239,161,463	$196,852,200	$1,979,258	$1,061,178,143	**$1,499,171,064**
Highest + High	**$482,444,950**	**$737,831,562**	**$22,328,738**	**$3,524,955,612**	**$4,767,560,862**

* Source: National Park Service.

** Transportation-related assets include all road bridges, all road tunnels, and any roads and parking lots classified by NPS as ''paved'' or ''paved & unpaved''. Roads and parking lots classified as ''unpaved'' are not included

Examples of specific NPS transportation-related infrastructure needs include:

- *George Washington Memorial Parkway*
  A sink hole opened on the aging George Washington Memorial Parkway in May 2019 and required several months to fix. The entire parkway needs $649 million for transportation-related repairs.
- *Yellowstone National Park*
  Road repair in Yellowstone National Park represents a significant portion of its repair backlog. The Grand Loop Road, the main transportation corridor through the park, is over 100 years old and the original road didn't have any shoulders. The park needs $369 million to address all transportation-related deferred maintenance.
- *Shenandoah National Park*
  Aging rock walls line the historic Skyline Drive in Shenandoah National Park. NPS needs $51 million to repair Shenandoah's transportation network.
- *Great Smoky Mountains National Park*
  The Foothills Parkway provides breathtaking views of the Great Smoky Mountains. NPS needs $43 million to repair the scenic park thoroughfare.

Recommendations for Reauthorization of the Surface Transportation Act

As the Subcommittee works with the full Transportation and Infrastructure Committee and other Committees to craft a proposal to reauthorize the Fixing America's Surface Transportation Act (FAST Act), we urge that robust funding for national park assets be included.

The current FAST Act provides $268–$300 million annually, over its five-year authorization, for NPS transportation projects that have helped ensure visitor access within our national parks and it also established the Nationally Significant Federal Lands and Transportation Projects (NSFLTP) program. NSFLTP addresses transportation "megaprojects"—those projects that go beyond the scope of core agency funding—within NPS and other public and Tribal lands (to view a list of compliant-ready megaprojects, visit the NPS website: https://www.nps.gov/subjects/transportation/megaprojects.htm).

While the FAST Act has helped the Park Service begin to address its vast transportation repair needs, unfortunately, the funds simply have not been enough. To ensure national park sites across the country remain accessible to and safe for visitors, and to prevent the degradation of cultural and natural resources, Pew recommends the following provisions be included in a Surface Transportation Act reauthorization measure approved by Congress:

1. Dedicated funding of $4.8 billion for highest and high priority transportation-related assets within the National Park System.
2. Investment in the NSFLTP program at no less than the Senate Environment and Public Works Committee-passed level of $350 million in annual funding. Of that amount, the designation of $200 million as mandatory spending.

Thank you for your consideration of these views and for the Subcommittee's recognition of the role that infrastructure plays within our public lands and national parks. Included with this statement is a factsheet on NPS transportation repair needs and several joint letters to Congress urging increased investment in park infrastructure.

Contact: Marcia Argust, Director, Restore America's Parks campaign, The Pew Charitable Trusts

National Park Transportation and the FAST Act

In most national parks, visitors use a network of roads, bridges, tunnels, parking lots, and other transportation venues to arrive at their desired destinations. This built-up network—like much of America's aging infrastructure—requires annual upkeep and maintenance. Unfortunately, funding for this work has been inconsistent, and transportation repair needs make up more than half of the National Park Service's (NPS) estimated $11.9 backlog of repairs. Deferred maintenance for "highest" and "high" priority transportation assets total nearly $4.8 billion.

Figure 1. NPS Highest and High Priority Transportation-Related Assets*

NPS Priority level	Parking lots	Road bridges	Road tunnels	Roads	Total deferred maintenance
Highest	$243,283,487	$540,979,361	$20,349,480	$2,463,777,470	$3,268,389,798
High	$239,161,463	$196,852,200	$1,979,258	$1,061,178,143	$1,499,171,064
Highest + High	$482,444,950	$737,831,562	$22,328,738	$3,524,955,612	$4,767,560,862

*Transportation-related assets include road bridges and road tunnels as well as paved and partially paved roads and parking lots. Unpaved roads and parking lots are not included. Source: National Park Service FY2018 data.

To address transportation maintenance needs in the National Park System, Congress should:

1. Include dedicated funding of $4.8 billion in the FAST Act reauthorization for highest and high priority transportation-related assets (Figure 1).
According to NPS, in fiscal year 2018, between 50-65 percent of all transportation improvements on park lands were accomplished through the Fixing America's Surface Transportation (FAST) Act, a program that provides long-term funding certainty for surface transportation infrastructure planning and investment across the country. The program is set to expire in 2020 and work is underway in Congress to reauthorize it. The current FAST Act includes dedicated spending for transportation projects, but the funding is simply not enough to adequately repair NPS' transportation assets.

2. Invest in the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) program at no less than the Senate Environment and Public Works Committee-passed level of $350 million in annual funding. From that amount, designate $200 million as mandatory spending.
The NSFLTP program addresses transportation "mega projects" within NPS and other public and Tribal lands. Mega projects are defined as those that go beyond the scope of core agency funding. The FAST Act authorized this program at $100 million per year. Agencies and Tribes compete for program funds, which are appropriated annually. Transportation projects eligible for funding must have a price tag of at least $25 million, with priority given to those costing $50 million or more.

Examples of Transportation-Related Deferred Maintenance (FY18)

George Washington Memorial Parkway
A sink hole opened up on the aging George Washington Memorial Parkway in May 2019. The parkway needs $649 million for transportation-related repairs.

Yellowstone National Park
Road repair in Yellowstone National Park was underway in Spring 2019. The park needs $369 million to address all transportation-related deferred maintenance.

Shenandoah National Park
Aging rock walls line the historic Skyline Drive in Shenandoah National Park. NPS needs $51 million to repair Shenandoah's transportation network.

Great Smoky Mountains National Park
The Foothills Parkway provides breathtaking views of the Great Smoky Mountains. NPS needs $43 million to repair the scenic park thoroughfare.

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Government Relations
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pewtrusts.org/nationalparks

THE PEW CHARITABLE TRUSTS

ATTACHMENT B—LETTER

RE-BUILDING OUR NATIONAL PARKS

MARCH 5, 2018.

DEAR MEMBER OF CONGRESS:

As engineers, architects, planners, landscape architects, and trade and professional associations, we are deeply aware of the need to maintain our nation's infrastructure, including the roads, trails, historic structures, and visitor centers that make safe, memorable, and learning experiences out of travelling to America's national parks.

Unfortunately, after decades of unreliable funding, the National Park Service (NPS) has an infrastructure repair backlog estimated at $11.6 billion (FY 2017), half of which consists of roads, bridges, and tunnels. Without these amenities, visitors would be hindered in getting to special places like Old Faithful in Yellowstone National Park, Cadillac Mountain in Acadia National Park, and Little Round Top at Gettysburg National Military Park. Deferred maintenance affects almost every national park site across the country, and includes crucial repairs to aging buildings and historical structures, electrical, water, mechanical, and plumbing systems, and other infrastructure that is vital to keeping parks accessible and safe for visitors.

A recent study indicates that investment in NPS' maintenance backlog has the potential to create or support over 110,000 quality jobs in the infrastructure industry. These jobs could likely benefit contractors, manufacturers, and tradespeople located in communities adjacent to national parks and in surrounding areas. We urge you to provide dedicated annual federal funding to address deferred maintenance in national parks and to ensure that NPS receives significant resources for deferred maintenance in any potential national infrastructure proposal.

Rebuilding and fixing the National Park System will help to employ thousands of American workers, support continued tourism and economic development in hundreds of park gateway communities, and ensure that our national treasures are preserved for generations to come.

Sincerely,

NATIONAL SIGNATORIES

Air Conditioning Contractors of America.
American Coatings Association.
American Concrete Institute.
American Concrete Institute Foundation.
American Concrete Pipe Association.
American Concrete Pressure Pipe Association.
American Concrete Pumping Association.
American Council of Engineering Companies.
American Foundry Society.
American Institute of Architects.
American Planning Association.
American Segmental Bridge Institute.
American Shotcrete Association.
American Society of Civil Engineers.
American Society of Landscape Architects.
American Supply Association.
Associated General Contractors of America.
Association of the Wall and Ceiling Industry.
Concrete Foundations Association.
Concrete Reinforcing Steel Institute.
Construction Industry Air Quality Coalition.
Construction Industry Coalition on Water Quality.
Construction Specifications Institute.
Ductile Iron Pipe Research Association.
Engineering Contractors Association.
Independent Electrical Contractors, Inc.
International Brotherhood of Electrical Workers.
Land Improvement Contractors of America.
Mechanical Contractors Association of America.
National Asphalt Pavement Association.
National Association of Minority Contractors.
National Association of Women in Construction.
National Electrical Contractors Association.
National Precast Concrete Association.
National Utility Contractors Association.
Painting and Decorating Contractors of America.
Portland Cement Association.
Precast/Prestressed Concrete Institute.
Professional TrailBuilders Association.
Sheet Metal & Air Conditioning Contractors National Assoc.
Tilt-Up Concrete Association.
United Steelworkers (USW).

STATE SIGNATORIES

Arizona:

American Council of Engineering Companies of Arizona
American Institute of Architects—Arizona Chapter
American Planning Association—Arizona Chapter

American Society of Landscape Architects—Arizona Chapter
Arizona Construction Trades
Associated General Contractors of America—Arizona Chapter
National Electrical Contractors Association—Arizona Chapter
National Electrical Contractors Association—Southern Arizona Chapter

Arkansas:
National Utility Contractors Association—Arkansas Chapter

California:
American Council of Engineering Companies—California Chapter
American Institute of Architects—California Council
California Asphalt Pavement Association
California Construction and Industrial Materials Association
California Forestry Association
California Nevada Cement Association
National Association of Minority Contractors—Southern California Chapter
United Contractors—California

Colorado:
American Planning Association—Colorado Chapter
Associated General Contracts—Colorado Chapter

Connecticut:
Utility Contractors Association of Connecticut

Florida:
American Institute of Architects—Florida Chapter
American Planning Association—Florida Chapter
American Society of Landscape Architects—Florida Chapter
Asphalt Contractors Association of Florida, Inc.
Associated Builders & Contractors—Florida Chapter
Florida Engineering Society
Florida Refrigeration and Air Conditioning Contractors Association
Florida Surveying and Mapping Society
Florida Transportation Builders' Association
National Association of Women in Construction—Greater Palm Beach
National Association of Women in Construction—Tampa Chapter #36
Suncoast Utility Contractors Association

Hawaii:
National Utility Contractors Association—Hawaii Chapter

Indiana:
American Institute of Architects Indiana

Kentucky:
American Institute of Architects Kentucky

Louisiana:
American Council of Engineering Companies—Louisiana Chapter
American Institute of Architects—Louisiana Chapter
American Institute of Architects—New Orleans Chapter
Associated Builders and Contractors—Bayou/New Orleans Chapter
Concrete and Aggregates Association of Louisiana
Louisiana Associated General Contractors

Maine:
Associated General Contractors—Maine Chapter
Boston Society of Landscape Architects—Maine Section

Massachusetts:
Boston Society of Landscape Architects

Michigan:
American Institute of Architects—Michigan Chapter
Laborers' Local Union 1191

Minnesota:
American Institute of Architects Minnesota
Associated General Contractors—Minnesota Chapter
Minnesota Asphalt Pavement Association
Minnesota Transportation Alliance

Montana:
American Council of Engineering Companies—Montana Chapter
Montana Building Industry Association

Montana Contractors' Association
Structural Engineers Association of Montana

New Mexico:
American Institute of Architects New Mexico

New York:
American Institute of Architects—Brooklyn Chapter
American Institute of Architects New York
General Contractors Association of New York
International Brotherhood of Electrical Workers Local 325
Laborers' Local 1010
National Association of Minority Contractors—Tri-State Chapter
National Electrical Contractors Association—Finger Lakes Chapter
National Electrical Contractors Association—Hudson Valley Chapter
National Electrical Contractors Association—Long Island Chapter

North Dakota:
Associated General Contractors of North Dakota

Ohio:
American Council of Engineering Companies—Ohio Chapter
American Institute of Architects—Ohio Chapter
American Planning Association—Ohio Chapter
Associated Builders and Contractors of Northern Ohio
Ohio Cast Metals Association

Oklahoma:
American Institute of Architects—Oklahoma Chapter

Oregon:
American Council of Engineering Companies of Oregon
American Institute of Architects—Portland Chapter
American Planning Association—Oregon Chapter
Asphalt Pavement Association of Oregon
Cement Masons Local 555—Oregon, SW Washington, and Southern Idaho
International Union of Elevator Constructors Local 23
International Union of Operating Engineers Local 701
International Union of Painters & Allied Trades District Council 5
Ironworkers Local 29
Laborers International Union of North America Local 737
Oregon Contractors Association
Oregon and Southern Idaho District Council of Laborers
Pacific Northwest Regional Council of Carpenters
Sheet Metal, Air, Rail, and Transportation Local 16
Teamsters Council Local 37
United Union of Roofers, Waterproofers, and Allied Trades Local 49

Pennsylvania:
American Institute of Architects—Pennsylvania Chapter
National Electrical Contractors Association—Pennsylvania, Delaware, New Jersey Chapter
National Electrical Contractors Association—Western Pennsylvania Chapter

South Carolina:
American Institute of Architects South Carolina

South Dakota:
American Institute of Architects South Dakota
Associated General Contractors—South Dakota Chapter

Tennessee:
American Institute of Architects—Tennessee Chapter
American Planning Association—Tennessee Chapter
American Society of Landscape Architects—Tennessee Chapter
Associated Builders and Contractors—Tennessee Chapter
Associated General Contractors—Tennessee Chapter
Tennessee Recreation and Parks Association
Tennessee Road Builders Association
Tennessee Solar Energy Industries Association

Texas:
American Planning Association—Texas Chapter
American Society of Landscape Architects—Texas Chapter

Associated General Contractors: Highway, Heavy, Utilities & Industrial Branch—Texas Chapter
Associated General Contractors: Building Branch—Texas Chapter
Associated Plumbing-Heating-Cooling Contractors of Texas
Central Texas Subcontractor Association
Independent Electrical Contractors of Texas
Mechanical Contractors Association—Texas Chapter

Virginia:
National Association of Women in Construction—Richmond Chapter
National Electrical Contractors Association—Atlantic Coast Chapter
National Utility Contractors Association—Virginia Chapter

Washington:
American Council of Engineering Companies—Washington Chapter
American Institute of Architects—Seattle Chapter
American Institute of Architects Washington
Cement Masons and Plasterers Local 528
Central Washington Building Trades Council
International Brotherhood of Boilermakers Local 104
International Union of Operating Engineers Local 286
Laborers International Union of North America Local 238 (Spokane)
Laborers International Union of North America Local 1239 (Seattle)
National Electrical Contractors Association—Puget Sound Chapter
Operative Plasterers and Cement Masons International Association Local 72
Pierce County Building Trades Council
SMART Union Transportation Division/United Transportation Union
Washington Asphalt Pavement Association
Washington Building Trades
Washington & Northern Idaho District Council of Laborers

West Virginia:
American Institute of Architects—West Virginia Chapter

Wisconsin:
American Institute of Architects—Wisconsin Chapter
Heat & Frost Insulators Local 127
International Brotherhood of Electrical Workers 494
International Brotherhood of Electrical Workers Local 498
International Union of Operating Engineers Local 139
International Union of Painters & Allied Trades, District Council 82
Laborers' Local 113
Milwaukee Building & Construction Trades Council, AFL–CIO
NorthEast Wisconsin Building & Construction Trades Council
Sheet Metal Workers (SMART) Local 18
Teamsters Joint Council 39
The United Association Union of Plumbers, Fitters, Welders, & Service Techs Local 111
Wisconsin Counties Association
Wisconsin Laborers District Council
Wisconsin State AFL–CIO

Wyoming:
Wyoming AFL–CIO
Wyoming Federation of Union Sportsmen

Letter of February 24, 2020, from Joe Mello, President, Professional Engineers in California Government, Submitted for the Record by Hon. Eleanor Holmes Norton

FEBRUARY 24, 2020.

Hon. ELEANOR HOLMES NORTON,
Chairwoman,
Subcommittee on Highways and Transit, U.S. House of Representatives, Washington, DC.

Hon. RODNEY DAVIS,
Ranking Member,
Subcommittee on Highways and Transit, U.S. House of Representatives, Washington, DC.

DEAR CHAIRWOMAN NORTON AND RANKING MEMBER DAVIS:

On behalf of the Professional Engineers in California Government (PECG), we are pleased to submit this statement for the record of the Subcommittee on Highway and Transit's February 6, 2020 hearing on "Assessing the Transportation Needs of Tribes, Federal Land Management Agencies, and U.S. Territories."

PECG represents 13,000 state-employed engineers and related professionals responsible for designing and inspecting California's highways and bridges, ensuring that schools and hospitals are safe during earthquakes, and protecting our air, water and beaches. We are dedicated to ensuring that taxpayers receive safe, high quality transportation and other infrastructure services at the best possible price.

PECG fully supports the committee's efforts to advance legislation addressing the significant underinvestment in the Nation's surface transportation infrastructure, including the major backlog of deferred maintenance and capital investment needs of tribal and Federal lands and territories. While addressing the infrastructure deficit must be a top priority for surface transportation authorization, it is just as critical to ensure that federal infrastructure dollars are invested in safe and cost-effective projects that serve the public interest.

To that end, we strongly support the inclusion of policies to require public employees to perform the construction inspection on all federally-funded surface transportation projects. Public sector inspectors ensure that construction standards are met, that projects meet safety requirements and that the materials used will stand the test of time. Inclusion of this common sense provision will end the troubling practice of private contractors overseeing the work of other private contractors.

During the Subcommittee's hearing, Sergio Pecori from Hanson Professional Services, testified in opposition to including provisions in surface transportation reauthorization legislation that restricts the ability of public agencies to contract with private sector firms. PECG does not oppose the appropriate use of outside engineering consultants where an agency identifies a unique lack of capacity with in-house staffing and after the agency undertakes and makes publicly available a comprehensive cost comparison analysis. We do, however, have serious concerns about the use of outside consultants when there is not a defined need and there is no comprehensive analysis undertaken demonstrating that contracting these services out is the most cost effective means of carrying out these activities while delivering maximum public benefits.

Construction inspection is one area where it is critical to maintain appropriate public sector oversight. As we saw with the tragic March 2018 collapse of the pedestrian bridge under construction at Florida International University (FIU), which killed one construction worker and five motorists, the need for independent public sector construction inspectors on federally-funded projects is critical to ensuring public safety is the primary focus of this critical oversight.

The Occupational Safety and Health Administration's (OSHA) report on the collapse found that the magnitude of the cracks warranted the immediate closure of the roadway running under the bridge and required steps be taken to shore up the concrete truss with additional supports until further evaluations and remedial measures could be taken. Yet the private sector engineering and construction firms involved in the design, construction and inspection of this project "failed to recognize the bridge was in danger of collapsing when it inspected it hours before the collapse." OSHA specifically called out the private consulting firm responsible for carrying out construction inspection on the project for failing "to exercise its own independent professional judgement . . . regardless of the opinion" held by the private engineering and construction company who was the engineer of record on the project.

Similarly, the National Transportation Safety Board (NTSB) report on the bridge collapse found that the construction engineering and inspection firm hired by FIU to provide construction oversight of this project documented serious concrete cracks in the main span beyond any level of acceptability, yet the private construction inspection firm did not utilize its authority to "direct or authorize partial or complete road closures as necessary." The NTSB also stated that the private firms involved in the design, construction and inspection of this bridge " . . . absolved themselves of responsibility by rationalizing that if the EOR [engineer of record—Figg Bridge Engineers] says it's OK, it must be OK, and if anything bad happens—it's on him. That is not the intent of peer review or safety oversight, and certainly fails the system of checks and balances in place to prevent catastrophes like these."

Based on these findings, the lack of any public sector engineers in decision making related to the construction inspection of this bridge meant that protecting the public interest and public safety was not the primary focus of that oversight. The lack of strong public sector inspection and oversight on the construction of the FIU bridge contributed to the conditions that led to this tragic collapse and the failure to ensure a safe construction work zone.

In addition to ensuring the best use of public resources and placing the primary focus on delivering public safety, requiring public inspection also provides an effective way to stretch available Federal-aid highway funds. In recent years, studies in Tennessee, California, Utah, Louisiana, and Ohio have found that outsourcing these engineering and design services such as inspection can cost two to three times as much as using in-house staff. Looking to find ways to bring some or all of these activities back in-house can increase the amount of resources dedicated to building transportation projects.

An example of this occurred when the Tennessee DOT decided to hire state employees to do the vast majority of construction inspection work in that state instead of using consultants. The Department made this decision after it found that expenditures for consultants went from $71 million in 2007 to $127 million in 2012 while delivering relatively the same volume of construction projects. By increasing the Department's staff, the agency achieved a net savings after employee expenses of $43 million per year. According to former Tennessee Commissioner of Transportation John Schroer, every dollar of the $43 million in annual savings went back into projects. Similarly, the Ohio State Auditor recently found that the Ohio Department of Transportation (ODOT) could save upwards of $21 million per year if they utilized in-house staff for construction inspection services. We recognize that every state is unique and manages its programs differently, but at a time when policymakers are seeking solutions to address a projected shortfall in the Highway Trust Fund and to increase infrastructure investment, decisions to insource construction inspection activities would be an effective way of stretching available revenues and ensure the safe construction of infrastructure projects.

Finally, in his testimony Mr. Pecori raised the need for the Subcommittee to include language in its reauthorization proposal encouraging the use of lump sum or fixed price contracting by federal, state and local agencies on federally-funded projects. The need for this provision is not clear to us, since—as Mr. Pecori states in his testimony—firm fixed price payment is currently an authorized Federal Highway Administration procurement method.

Based on use of this contracting method by other Federal agencies, such as the Army Corp of Engineers, lump sum contracting is only appropriate under very specific conditions—projects with limited risk factors, minimal technical and administrative complexity, and a low likelihood of changes in scope. Use of this contracting method requires an appropriate level of project and contract oversight and cost controls. It seems that the decision to use of this procurement method should remain with state DOTs and be based on the size and type of contract, as well as the duration and degree of risk involved in the work to be carried out under the contract. We would encourage the committee to exclude any language encouraging the use of a specific procurement method.

Thank you for the opportunity to submit this statement for the record of this hearing. We appreciate your consideration of policies that recognize the important role that public employees play in the planning, design, and construction of the nation's surface transportation network. We look forward to working with the Subcommittee as it develops a surface transportation reauthorization bill.

Sincerely,

JOE MELLO,
PECG President.

APPENDIX

QUESTIONS FROM HON. PETER A. DEFAZIO TO HON. NELSON PETTY JR., P.E., COMMISSIONER, VIRGIN ISLANDS DEPARTMENT OF PUBLIC WORKS

Question 1. Your testimony notes that highway funding to the Virgin Islands has barely increased over the past 20 years. Specifically, the 2015 FAST Act allocated $16.8 million annually to the Virgin Islands, which is barely more than the $14.5 million annually allocated to the Virgin Islands through TEA–21 over two decades ago.

Commissioner Petty, given the diminishing purchasing power of the dollar and increasingly frequent natural disasters, how has this small amount of funding impacted your ability to build 21st-century infrastructure?

ANSWER. The lack of adequate funding over the years has definitely impacted the USVI's ability to build and maintain our infrastructure. The remoteness of the islands also plays a role in the diminishing power of the dollar, more so than other jurisdictions. For example, the cost of asphalt, the primary road building material, costs anywhere from $85 to $150/ton nationwide—while in the USVI the average price is around $400/ton. We have recently received bids as high as $600/ton!

As I stated in my verbal testimony, we have been forced to utilize other funding mechanisms to be able to build our larger more impactful projects. We recently utilized GARVEE bonds to construct much needed reconstruction and project expansion of infrastructure that has been neglected for more than 30 years. However, using GARVEE funds has handicapped our ability to maintain the rest of our infrastructure, because our current GARVEE debt service payments account for approximately half of our $16 million allocation.

Often, projects are delayed until adequate funding is accumulated over several years of allocation; further lending to our inability to adequately manage our assets.

So in essence, the lack of funding over the last 20 plus years, has led to deferred maintenance and a situation where we are so far behind, that at the current rate of funding, we would never be able to build 21st century infrastructure.

Question 2. What level of funding do you recommend Congress consider for the U.S. Territorial Highway program?

ANSWER. For the USVI to regain control of infrastructure, it is recommended that the territory receive a minimum of $35–$40 million per year over the next 10 years. That is why we agree with Congresswoman Stacey Plaskett's request to increase the annual Territorial Highway Program funding to one-fifth of one percent of the total annual Federal Aid Highway Program appropriation. Applying this formula under the FAST Act for FY 2020, it would amount to $37.85 million for the USVI. If the total Federal Aid Highway Program appropriation is further increased according to Chairman DeFazio's Moving America Forward framework, the formula would amount to over $50 million annually for the USVI. This amount will allow us to transform the infrastructure to a level that will enable us to stand up a preventative maintenance program during the rebuild. A properly ran preventative maintenance program will reduce the need for high levels of funding, as well as allow funding to be utilized for new expansion and other innovative transportation initiatives, rather than cyclically replacing or reconstructing the same infrastructure.

Question 3. Are there additional changes you recommend to the program to support territories' transportation needs going forward?

ANSWER. As the territories are essentially islands, separate funding for ferry boats and other maritime services would be appropriate. Americans in the USVI live and work on several islands (mainly St. Croix, St. Thomas, and St. John) that cannot be connected by bridges. The primary choice for inter-island transportation is by air, which is relatively expensive, on a limited schedule, and subject to strict weight limits. Ferry service is currently limited to mostly between St. Thomas and St. John, without service to/from St. Croix, the largest island by size and population. Two

routes have been in the process of being developed: a route that in the past served St. Thomas and St. Croix, and a new route in downtown Charlotte Amalie.

Although the Virgin Islands received Federal Highway Administration ferry program funding in the past, it has been locked out of such funding since the 2015 enactment of section 1112(c)(2) of the FAST Act. This prohibits federal participation in the construction or purchase, for private ownership of a ferry boat, ferry terminal facility, or other eligible project. 23 U.S.C. § 129(c)(3). While the government of the U.S. Virgin Islands owns the ferry terminals, it cannot afford to own or operate the ferries. As a result, the ferries themselves are privately owned and operated.

Amending the law to exempt the Territorial Highway Program island areas from the restrictions on private ownership and operation would make the USVI ferry systems once again eligible for Federal Highway Administration ferry program funding; and thereby allow for a reasonably-priced ferry system, thus growing the economy.

QUESTIONS FROM HON. PETER A. DEFAZIO TO CHRISTOPHER B. FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Question 1. Deputy Chief French, as noted in your testimony the U.S. Forest Service has a maintenance backlog of $5.2 billion with $3.6 billion attributed to transportation-related maintenance. The Forest Service received a total of $85 million out of the Federal Lands Transportation Program over the life of the FAST Act. States and counties have additionally undertaken projects benefiting Forest Service roads with Federal Lands Access Program funds.

How much do you currently spend, from all sources of funding, on USFS transportation assets annually, including maintenance?

ANSWER. Currently we have two sources of funding that we can directly manage: the Federal Highway Administration (FHWA) Federal Lands Transportation Program (FLTP) which authorizes approximately $19 million annually to the Forest Service; and the Forest Service Construction & Maintenance–Roads Program that allocates approximately $222 million annually to operations and maintenance of roads and bridges. Funding from timber receipts, Emergency Relief for Federally Owned Roads, Collaborative Forest Landscape Restoration Program, and other internal and external partners varies from year to year.

Question 2. How does this compare to your needs?

ANSWER. Beyond the $222 million received annually from the Construction & Maintenance–Roads Program for operations and regular maintenance of the Forest Service transportation infrastructure, the Forest Service has an estimated unmet annual need of $445 million, for ten years, for maintenance, rehabilitation and major reconstruction of deteriorated transportation assets.

Question 3. How much did you receive, on average, on an annual basis under the Forest Highway Program prior to program consolidations in MAP–21? Were roads on Forest Service land eligible for funding under this program?

ANSWER. About $19 million per year was allocated to Forest Service administered Forest Highways between 2005 and 2012 from the Surface Transportation Authorization (SAFETEA–LU). Prior to MAP–21, FHWA, the Forest Service, and state Departments of Transportation jointly designated roads as Forest Highways eligible for Forest Highway Program funding. These roads may have been administered by states, counties, or the Forest Service. On average, about ten percent of Forest Service roads open to passenger cars were designated as Forest Highways.

QUESTIONS FROM HON. ELEANOR HOLMES NORTON TO ARON REIF, P.E., TRANSPORTATION PROGRAM MANAGER, OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Question 1. Mr. Reif, your testimony highlights that the Department of Interior has $17.3 billion in deferred maintenance and repair needs, approximately one half of which is related to transportation assets.

What portion of this deferred maintenance and repair needs is attributed to National Park Service assets, both total backlog and the portion attributed to transportation assets?

ANSWER. Interior reported approximately $17.3 billion in total deferred maintenance at the end of FY 2019, including more than $8.5 billion in transportation-related deferred maintenance. The National Park Service (NPS) has both the largest share of total deferred maintenance, approximately 75%, and the largest share of transportation-related costs, approximately 90%, among DOI bureaus.

Question 2. Your testimony also notes that NPS has identified over $2.6 billion in future transportation "mega projects."

Can you confirm that this $2.6 billion in future needs is in addition to the figure you just provided for the backlog?

ANSWER. The $2.6 billion figure identified for transportation "mega projects" is not entirely in addition to the Deferred Maintenance backlog number but does eliminate the DM for the specific project. This is because "mega projects" are large and complex transportation projects that address deferred maintenance through the recapitalization of roads and bridges that are at the end of their service lives. Cost effective design and construction calls for modernization of a facility during recapitalization to address today's safety requirements, functional needs and construction standards. Deferred maintenance estimates do not address these investment items.

Question 3. Mr. Reif, the National Park System includes important tourist destinations, but it also manages critical assets that affect local transportation, such as the Arlington Memorial Bridge in my district. According to the Pew Charitable Trusts, the District of Columbia has over $500 million in deferred maintenance for transportation projects.

How does NPS prioritize investments among equally compelling transportation needs, and geographically across the nation, when you have such a tremendous deficit?

ANSWER. To prioritize annual funding allocations, the NPS uses several layered strategies to maximize investment decisions, stretch limited funding, and reach performance-based goals on condition of roads and bridges. Generally, this includes:

- Focusing the majority of available Federal Lands Transportation Program funding on projects that address existing paved roads and bridges. Bridges are given priority to ensure the safety of the traveling public from a catastrophic bridge failure. Additionally, Alternative Transportation Program, which includes all the other modes of transport throughout the park, are provided a set aside of $15 million annually;
- Reviewing projects for strict eligibility criteria established by Title 23 and NPS policy which focus funding towards improving the existing NPS transportation systems, discourage ancillary improvements, and allows only limited capital improvements, such as road realignments. Funding is focused on the mainline park roads and parkways—which carry the majority of the visitors—and towards activities such as resurfacing, repairing, and rehabilitating roads and bridges; and
- Taking individual parks and Regional priorities into account when projects are prioritized during the NPS Service-wide Comprehensive Call.

In addition, under applicable statutory authority, NPS is required to develop a long-range transportation plan and establish management systems for pavement, bridges, congestion and safety to influence project selection and priorities.

Finally, resources under jurisdiction of the NPS are to be protected and impacts on resources and park operations are to be minimized. These dual mandates require creativity, sensitivity to both missions, and an innovative balanced approach.

QUESTIONS FROM HON. JARED HUFFMAN TO ARON REIF, P.E., TRANSPORTATION PROGRAM MANAGER, OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Question 4. What level of funding would the Federal Land Management Agencies require to complete new transportation projects that the agencies have identified to increase access and safety?

a. Could you please identify any of those proposed projects in California, with a highlight on projects in California's 2nd district.

ANSWER (4. & 4.a.). The Department has identified annual transportation-related needs of approximately $1.1 billion per year to improve and maintain its transportation infrastructure in good condition, increase access to our Federal lands, improve safety on our facilities, meet modernization needs, and develop a multi-modal transportation system that can accommodate future needs and welcome all Americans.

More than $553 million in total project costs have been identified within the State of California. Example projects that focus on improving access or safety include:

- Construction of Multi-Modal Transportation Connections in San Pablo Bay, National Wildlife Refuge, including the construction of acceleration and deceleration lanes on Highway 37 at a refuge entry point and improvements to the construction materials of trails to allow for bicycle use;

- Rehabilitation of the Entry Road and North & Central Parking Areas, Stinson Beach, Golden Gate National Recreation Area to reduce sensitive resource impacts, create a turnaround for transit buses, and replace deteriorated curb and sidewalks to meet current ADA requirements;
- Rehabilitation of Glacier Point Road, Yosemite National Park, including improvements to formalized pullouts and removal of informal pullouts in areas with insufficient sight distances, and the addition of curve widening on short radius curves to better accommodate shuttles and other large vehicles;
- Rehabilitation of Big Oak Flat Road, Yosemite National Park, including improvements for safety and repairs to poor condition road sections due to subgrade failures and settlement, which will significantly improve the condition of only paved access to the town of Foresta.

Question 5. What are the individual figures for the maintenance backlog at each of the agencies within Interior?

ANSWER. Interior manages an infrastructure asset portfolio valued at more than $300 billion, ranging from large dams and canals in the West to iconic national landmarks. As discussed at this hearing, at the end of FY 2019 the Department reported $17.3 billion in deferred maintenance and repair needs, across its bureaus including the National Park Service, the Bureau of Land Management, the US Fish and Wildlife Service, the Bureau of Indian Affairs and the Bureau of Indian Education.

Question 6. Does the Department of the Interior have any proposals for legislative changes to the FLTP, FLAP, or other DOT programs that are authorized to provide transportation opportunities for the Federal Land Management Agencies?

ANSWER. The Administration does not have any legislative proposals related specifically to the FLTP, FLAP or to other DOT programs to share at this time.

For the second year, the Administration has proposed with the budget a Public Land Infrastructure Fund (Fund), which would provide up to $6.5 billion over 5 years to address the infrastructure backlog needs at the NPS, BLM, FWS, BIE, and at the USDA Forest Service. The President has called on Congress to enact this important legislation. Moneys from the Fund would not replace the Federal Lands Transportation Program and the Tribal Transportation Program, both key funding sources for major capital investments on Interior and tribal transportation facilities. Instead, this would be an additional Fund, working in tandem with existing programs, to help tackle the large balance of transportation-related deferred maintenance, recapitalization, and repair needs.

The Department looks forward to working with Congress on the Public Lands Infrastructure Fund, and on specific proposals for the surface transportation reauthorization as that legislation moves forward.

QUESTIONS FROM HON. PETER A. DEFAZIO TO HON. JOE A. GARCIA, HEAD COUNCILMAN, OHKAY OWINGEH PUEBLO

Question 1. Head Councilman Garcia, your testimony calls for significantly increasing Federal investment for public transportation on Indian reservations.

How important is public transportation to tribal nations?

ANSWER. Public transportation systems are critical to American Indians and Alaska Natives. The majority of the nation's Indian reservations and Alaska Native villages are located in rural, remote areas, which are predominantly low-income and which have limited access to healthcare and other essential services. With inadequate transportation infrastructure, public transportation plays an important role to help Tribal citizens and non-Indian residents who live on Indian reservations and Alaska Native villages, and who need reliable, all-year access to get to health services (e.g., medical appointments, dialysis, physical therapy, substance abuse and other treatment programs), job centers (on and off-reservation), social service programs, and governmental offices.

Access to health services is very important to Tribal citizens. According to the U.S. Commission on Civil Rights' 2018 report, American Indians and Alaska Natives receive health services from 46 hospitals, 344 health centers, 105 health stations, and 150 Alaska village clinics which are operated directly by the Indian Health Service (IHS), or by Tribes and tribal organizations under authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93–638, 25 U.S.C. § 5301 et seq., supplemented by 34 Urban Indian Organizations that provide health services to the American Indians and Alaska Natives living in urban areas. *See* U.S. Commission on Civil Rights, Briefing Report, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, December 2018, Ch. 2: Health Care, pp. 64–65, https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf. The

report noted that between 2005 and 2014, every racial group—except Native Americans—experienced a decline in infant mortality, and that depression, substance abuse, and suicide are all too common among Native youth. Yet despite the great need for increased health services and programs, poor levels of access to quality health care exacerbate the situation in Indian country.

Congress appropriates nearly $1 billion for purchased/referred care, which are funds appropriated by Congress for the Indian Health Service (IHS) and Tribes/Tribal organizations carrying out health programs under the ISDEAA, to cover the costs for out-patient health services that are not otherwise available to a Tribal patient at their primary IHS- or Tribally-operated health facility. The Tribal patient, however, must often arrange their own transportation to get to an off-reservation health provider or facility for such referred care services. Such non-IHS/non-Tribal facilities are often located in larger urban areas which are a significant distance from the reservation or village clinic. Without public transportation, or funds to cover ambulance service costs for the more seriously ill, many American Indian and Alaska Native patients must arrange their own transportation or, in some cases, simply don't follow up and miss these out-of-town referred care appointments.

According to the Federal Transit Administration (FTA), in general and across the country: "Lack of transportation access can create a barrier for treatment and screening, with an estimated 3.6 million Americans missing or delaying non-emergency medical care each year because of transportation issues." *See* https://www.transit.dot.gov/ccam/about/initiatives. The lack of public transportation is especially true in Indian country.

Public transportation in Indian country also ties Tribal communities together, by allowing reservation populations in neighboring districts to visit friends and relatives, attend Tribal cultural events, elder and youth events, and other social gatherings.

Public transportation is also a safety measure. By using buses and other public transit systems, Tribes are providing a safe means of travel for reservation residents. Public transit removes pedestrians who may otherwise hitchhike or walk on the side of roads that often do not have sidewalks, lighting, or broad shoulders to allow for safe pedestrian travel.

Finally, public transportation promotes economic development. Having a mobile workforce which can easily get from residential areas to places of employment ensures that employers can count on their employees to show up for work and perform their duties each day. Affordable and reliable public transit is a key factor to attract businesses in Indian country and spur economic growth.

Question 2. What are the Tribes' existing public transportation funding needs, and how does that figure compare to the funding Tribes have received?

ANSWER. It is a challenge to quantify public transportation needs that are largely not being met on most reservations and Alaska Native villages throughout the United States. What is clear, however, is that Indian tribes are woefully underfunded when it comes to public transportation needs.

In my written testimony, I noted that the total land mass under Tribal jurisdiction is about 100 million acres, which if a State would make "Indian country" the fourth-largest State geographically in the United States. I also noted that according to the 2010 U.S. Decennial Census, 5.2 million people identified as American Indian/Alaska Native (AI/AN) alone, or in combination with another race, which would make "Indian country" the 22nd most populous State (about the size of South Carolina or Minnesota).

Yet despite these numbers, together with 29,400 miles of BIA System roads and over 900 bridges, 13,650 miles of Tribally-owned public roads (most of which are dirt and gravel), over 110,000 miles of State, county, township, city, and borough routes that are located on or provide access to reservations and Alaska Native villages (i.e., all constituting a "Tribal transportation facility" as defined in 23 U.S.C. § 101(a)(31)), and some of the worst motor vehicle fatality and pedestrian fatality rates in the Nation for any race, Congress authorizes and appropriates a combined total of $35 million *annually* for public transportation programs and services for a small fraction of the Nation's 575 Federally-recognized tribes (FY 2016–FY 2020).

Under the FAST Act, the $35 million is comprised of $30 million annually for the Federal Transit Administration (FTA) formula-based "Public Transportation on Indian Reservation Program" (§ 5311(c)(1)(B)), which provides recurring funding to tribes in 29 States, and $5 million *annually* for FTA's competitive Tribal Transit Grant Program (§ 5311(c)(1)(A)). Indian country receives a fraction of the federal public transportation funding Congress appropriates each year to serve Tribal communities in rural, remote areas of the country, whose public transit systems buses must travel on poor and failing roads. These conditions increase operating, mainte-

nance, and fuel costs. The $35 million for Indian country public transportation needs compares to the FAST Act's $11.417 billion in FY 2019 for all public transportation programs for the 50 States, the District of Columbia, and U.S. territories.

If Congress were to compare the FY 2019 *non-urbanized area formula allocation* of $716.4 million, available to the 50 States, the District of Columbia, and U.S. territories (§§ 5311 +5340 programs), versus the Tribal Transit Program allocation of $35 million (formula and discretionary transit grant (§ 5311(c)(1)), the States, the District of Columbia, and U.S. territories receive more than *twenty (20) times* the annual allocation Tribes receive for public transportation needs. With so little Federal funding, Tribes are falling further and further behind in meeting public transportation needs of their citizens and other residents.

Based on U.S. Census Bureau population estimates as of July 1, 2019, the six *least populous* States are Wyoming (578,759), Vermont (623,989), Alaska (731,545), North Dakota (762,062), South Dakota (884,659), and Delaware (973,764). Combined, these five states have an estimated 2019 population of 4.5 million, still below the 2010 U.S. Census population for Indian country's 5.2 million AI/AN citizens. In FY 2019, however, these six States received over $96.5 million in Federal appropriations in FY 2019 from FTA for the following six FAST Act programs: 1) Nonurbanized area formula grants (§ 5311 and § 5340) ($36.29 million); 2) Urbanized area formula grants (§ 5307 and § 5340) ($52.99 million); 3) Metropolitan Planning grants (§ 5303) ($2.74 million); 4) Statewide Planning grants (§ 5304) ($717,000); 5) Enhanced Mobility for Older Adults and People with Disabilities grants (§ 5310) ($3.18 million); and 6) RTAP awards (§ 5311(b)(3)) ($638,338). The six States receive near three times the allocation provided to the Nation's 575 federally-recognized Tribes for public transportation needs for a comparable service population. The $96.5 million in FTA funding excludes the FTA's State of Good Repair Program ($2.8 billion); the Bus and Bus Facilities Formula ($610 million); and the State Safety Oversight Program ($24.1 million), which States also share.

In July 2019, the Intertribal Transportation Association (ITA) transmitted to the Senate Indian Affairs Committee and the House Transportation and Infrastructure Committee its proposed highway measure, the "Tribal Transportation Infrastructure and Tribal Transit Investment Act of 2020," to begin the dialogue with Congress over Tribal infrastructure, transit, and highway safety needs. In its proposal, ITA proposed a number of provisions—essentially asking Congress to double authorizations for FTA's formula-based Tribal Transit Program (to $75 million by FY 2025) and increase the discretionary Tribal Transit Grant Program to $30 million in FY 2021 with $5 million stepped increases each year thereafter to reach $50 million by FY 2025. I enclose a copy of the ITA proposed legislation.

First, ITA recommended increasing the current authorization for FTA's formula-based 5311(c)(1)(B) program from $30 million in FY 2020 to $55 million in FY 2021, with stepped increases of $5 million for Fiscal Years 2022–2025, so that by FY 2025 the formula-based program is funded at $75 million. *See* Sec. 101(b)(2) of the ITA proposed measure.

Second, ITA recommended that FTA's discretionary Tribal Transit Grant Program (§ 5311(c)(1)(A)) be increased from $5 million annually in FY 2020 to $30 million in FY 2021, with stepped increases of $5 million each year thereafter, so that the program has an authorized level of $50 million by FY 2025. *See* Sec. 101(b)(1) of the ITA proposed measure.

Third, in anticipation of Congress considering a more robust reauthorization to the FAST Act, ITA proposed an additional authorization to the formula-based 5311(c)(1)(B) to accelerate Tribal transit system development, and a similar authorization for the discretionary Tribal Transit Grant program, asking Congress to double the initial appropriation for Tribal transit program needs in the next reauthorization to increase public transit systems in Indian country. *See* Sec. 102(a)(6) of the ITA proposed measure.

Finally, to ensure that no Tribe now receiving Tribal Transit Program formula funds receives less funds for transit needs than they received from a discretionary Tribal Transit Program grant awarded by FTA between FY 2006 and FY 2012 (SAFETEA–LU's Tribal Transit Competitive grant program), ITA proposed that FTA use the initial increase in funding for FTA's discretionary Tribal Transit grant program (5311(c)(1)(A)) to bring every Tribe up to at least the highest discretionary Tribal Transit Program grant that the Tribe received between FY 2006 and FY 2012. The cost to do so was estimated at between $10–$12 million. Thus, if Congress were to authorize $30 million for FTA's discretionary Tribal Transit Grant Program in reauthorization, the majority of those funds would remain available to FTA for the award of discretionary Tribal Transit grants. *See* Sec. 103 of the ITA proposed measure.

QUESTIONS FROM HON. GREG STANTON TO HON. JOE A. GARCIA, HEAD COUNCILMAN, OHKAY OWINGEH PUEBLO

Question 3. Your testimony outlines several policy proposals for FAST Act reauthorization which would improve transportation on tribal lands, including lowering minimum cost thresholds and increasing the Federal share for grant programs.

What challenges do Tribes face that other local governments, such as States, counties, and cities, may not in raising matching funds for Federal grants?

ANSWER. Tribes face considerable challenges when competing with States, counties, cities and other public authorities for discretionary federal grants to improve transportation infrastructure. This is especially true when Tribes must put up a local match (e.g., 10% or 20% of the total construction cost) to secure the federal grant. Unlike States and counties, which have a tax base and can more readily issue bonds to finance governmental services, Tribes face many obstacles. For most Tribes that do not have debt rated by a recognized credit rating organization, it is very difficult, if not impossible, to obtain funding for a transportation project in the public markets for infrastructure projects, whether to finance the entire project cost or to meet a local match requirement. Even bank or other conventional sources are difficult to access unless the Tribe is able to pledge collateral to secure a loan from unrelated sources since roads and other infrastructure projects in Indian Country seldom produce revenues that can provide security for debt incurred to develop and construct them.

Tribes with gaming or natural resource enterprises that may provide a source of collateral often have prior liens on those assets and revenues. Tribes without such potential sources of collateral generally have no alternate source of revenue or income to offer as security to finance infrastructure projects that require local matching funds from non-federal sources. Therefore, guaranties, or other forms of credit support and enhancement, or federal programs that eliminate the local match requirement imposed on Tribes, are desperately needed to support transportation and other infrastructure projects in Indian country.

Tribes also face challenges of rurality. Construction costs for projects for Tribes located in rural, remote areas of the country are costlier. Contractor mobilization costs can be higher to move personnel, heavy construction equipment, and supplies to remote reservations. Tribal construction projects with a higher construction cost require a larger local match, which may be beyond the ability of a Tribe to finance with available discretionary resources or by financial arrangements with banks or other lending institutions.

Question 4. Are minimum cost thresholds for Federal grants preventing otherwise worthy tribal transportation projects from being completed?

ANSWER. Yes. Tribes are under-represented as grant recipients from the larger federal grant programs of the Department of Transportation, such as the TIGER, BUILD, INFRA grants, and the Nationally Significant Federal Lands and Tribal Projects Program, due in part to high construction cost eligibility requirements. If a Tribe must also finance the local match from non-Federal sources, the Tribe may lack sufficient funds to cover the local match. Tribes also face challenges to cover the expense of preparing a cost-benefit analysis to accompany the grant application for certain Federal awards.

Tribes also face hurdles to compete successfully for Federal grants with a high local match requirement because Tribes are using available discretionary funds to often replace outdated heavy construction equipment (motor graders, backhoe loaders, excavators, trucks, etc.), or are using discretionary funds for non-transportation priorities altogether, such as healthcare, scholarships, housing, or law enforcement services. Too often, Tribes bid out construction work that Tribes might otherwise perform at less cost using their own Tribal workforce due to the fact that Tribal heavy construction equipment is inoperable due to age and lack of spare parts. Lowering Federal dollar thresholds, or eliminating them altogether, will allow more Tribes to compete successfully for Federal transportation grants.

While Tribes may well rank high for Federal grants based on traffic fatalities, safety hazards, population, or need for the project in the community, available data demonstrates that too few Tribes are grant recipients of Federal awards when the applicant pool is open to all public authorities and there is not a set-aside specific to Tribes and Tribal organizations, or statutory authority for the Secretary of Transportation to waive the local match requirement under certain circumstances.

Tribes strongly endorse legislation such as S. 2302, which propose to amend the Nationally Significant Federal Lands and Tribal Projects Program to reduce the project eligibility threshold to $12.5 million (from $25 million), split Federal appropriations 50/50 between Federal land management agencies and Tribes, and increase the Federal share of eligible Tribal projects to 100%. *See* S. 2302, § 1129. The

Committee should consider an even lower dollar threshold for Tribes for this and other Department of Transportation grant programs.

Many Tribes throughout the country have transportation construction projects below a $12.5 million threshold, and more in the $2 million–$10 million cost range. Some Tribes finance such projects through pay-go or through loans and loan guarantees where Tribes can pledge their future Tribal Transportation Program (TTP) allocations to repay a loan principal and interest costs for eligible projects listed on an FHWA-approved Tribal Transportation Improvement Program (TTIP).

Tribes that cannot compete for these higher threshold Federal grant programs must delay or forego important transportation projects. This has a negative effect on Tribes, their citizens and residents. Completing projects in today's dollars is cost-effective. In addition, completed projects immediately improve transportation mobility and highway safety, and promote economic development opportunities for Tribes that may not otherwise be realized for many years.

QUESTION FROM HON. PETER A. DEFAZIO TO MARY BETH CLARK, PRESIDENT, INTERTRIBAL TRANSPORTATION ASSOCIATION

Question 1. Ms. Clark, your testimony calls for making Tribes direct recipients for all U.S. DOT competitive and discretionary grants, rather than sub-recipients of States or other entities.

Can you elaborate on which DOT grants you're referring to specifically?

ANSWER. Although an Indian Tribe is defined under Federal law as a "public authority"—a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities (23 U.S.C. § 101(a)(21))—Indian Tribes are not listed *consistently* in Federal statutes and Notices of Funding Opportunity (NOFOs) as direct recipients/applicants for the discretionary and competitive grant programs of the U.S. Department of Transportation. In such instances, Tribes must become a sub-recipient of a State or other eligible grantee which often raises the transactional cost to the Tribe by requiring a separate contract or agreement with the State or other grantee, or by requiring extensive negotiations to reach mutually agreeable terms and conditions for the Tribe to accept the subgrant award. As a condition for the grant, for example, States may ask a Tribe to waive sovereign immunity from suite, consent to State court jurisdiction or State procurement laws and regulations which may vary from Tribal procurement laws. In some cases, Tribes decline to accept a subgrant of a Federal award.

Below, I list a number of current USDOT transportation programs that do make Tribes direct grantees, but require Tribes to be sub-recipients of other eligible grantees, such as States and counties. I recommend that the Committee correct this in the next reauthorization bill.

FHWA

1. *In the FY 2019 BUILD grant NOFO (FHWA)*, Tribes were not listed as eligible direct recipients. Tribes should always be listed as direct recipients of the BUILD grant program, and other recurring Federal grant programs that award funds for transportation infrastructure, transit, and highway safety projects.

Federal Motor Carrier Safety Administration

2. *High Priority Program*, 49 U.S.C. 31102(1), providing federal financial assistance to augment commercial motor vehicle safety activities and innovative technology deployment. Tribes must be sub-recipient to an eligible applicant.
3. *CMV Operator Discretionary Grant Program*, 49 U.S.C. 31103, provides grants to expand the number of CDL holders who have enhanced operator safety training and to assist current or former U.S. Armed Forces personnel and their spouses receive training to transition to the CMV operation industry. Tribes must be sub-recipients to an eligible applicant.
4. *Commercial Driver's License Program Improvement Discretionary Grant*, 49 U.S.C. 41313, provides financial assistance to States to achieve compliance with federal regulations (49 CFR Parts 383 and 384) and to other entities capable of performing national projects that help States with compliance efforts to improve the national CDL program. Tribes must be sub-recipients.
5. *Outreach and Education Discretionary Grant Program*, 49 U.S.C. 31110(c)(1), provides grants to conduct outreach and education programs to raise the awareness of issues related to CMV safety, household goods issues, and human trafficking. Tribes must be sub-recipients.
6. *Research and Technology Discretionary Grant Program*, 49 U.S.C. 31108(a)(6)(C), provides grants for research, development, technology, and tech-

nology transfer activities regarding CMV related accidents and improving CMV safety through technological improvement. Tribes must be sub-recipients.

Federal Railroad Administration

7. Despite the numerous railroad crossings on Indian reservations, ITA cannot identify any federal grant program of the Federal Railroad Administration (FRA) for which Tribes are eligible recipients—including enhanced signage, lighting, or safety measures outside the railway right-of-way to give motorists advance warning that they are approaching a railroad crossing.

FTA

8. *FTA's Rural Areas Formula Program*, 49 U.S.C. 5311, which provides capital, planning, and operating assistance to States to support transportation in rural areas with populations of less than 50,000, Tribes may only receive funding through the State.
9. *Metropolitan Planning Program*, 49 U.S.C. 5305(d), provides funds for multimodal transportation planning in metropolitan areas and States to facilitate long-range plans and short-range programs of transportation investment priorities. Tribes may only receive funds as a sub-recipient.
10. *Statewide Planning Program*, 49 U.S.C. 5305(e), provides funds for multimodal transportation planning in metropolitan areas and States to promote long-range plans and short-range programs of transportation investment priorities. Tribes may only receive funds as a sub-recipient.
11. *Pilot Program for Innovative Coordinated Access and Mobility*, FAST Act, sec. 3006(b), provides a pilot program for innovative coordinated access and mobility—available to 5310 recipients to assist in financing innovative projects for the transportation disadvantaged. Tribes may only receive funds as a sub-recipient.

QUESTIONS FROM HON. GARY J. PALMER TO MARY BETH CLARK, PRESIDENT, INTERTRIBAL TRANSPORTATION ASSOCIATION

Question 2. What percentage of your overall transportation funding comes from FAST Act programs?

ANSWER. I can only answer that as the Transportation Manager for the Nez Perce Tribe of Idaho. The Tribe's estimated annual transportation funding needs—comprising planning, engineering, surveys, right-of-way acquisition, environmental compliance under NEPA and other Federal laws, construction, transit, road maintenance, and administrative (personnel salaries, audit, and related operating overhead costs) are approximately $2,935,355. Of this amount, the FAST Act, through the Tribal Transportation Program (TTP), 23 U.S.C. 202(b), and the Federal Transit Administration (FTA) "Public Transportation on Indian Reservation" Program, funds $1,258,653 of the Tribe's estimated annual cost. Thus, the FAST Act covers approximately 43% of the Tribe's annual estimated transportation needs.

Question 3. What sources of revenue, other than Fast Act programs, do you rely upon to meet transportation infrastructure goals?

ANSWER. The Nez Perce Tribes assumes the duties of the Secretary of the Interior, Bureau of Indian Affairs (BIA), for the BIA's Road Maintenance Program (Interior, Environment and Related Agencies appropriations) under an Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93–638, contract/compact. In FY 2020, Congress appropriated approximately $36 million for the BIA Road Maintenance Program which is shared by all recipient Tribes and the BIA, for direct service tribes, to provide routine and emergency maintenance of BIA System public roads, bridges, airports, and ferry systems through the country. The Nez Perce Tribe's share of BIA Road Maintenance Program funds, together with administrative overhead Contract Support Costs, under our Pub. L. 93–638 contract/compact is $45,000 annually.

Under an agreement with the State of Idaho, the Tribe receives approximately $1,662,000 in State motor fuels taxes the Tribe collects for on-reservation sales of gasoline and diesel sold to American Indians/Alaska Natives. However, these funds are appropriated to various programs that mirror's state use-of-funds. The Nez Perce Tribe Transit program receives approximately 8% of this fuel tax revenue.

In addition, the Nez Perce Tribe applies for available Federal and State grants to supplement Tribal and existing Federal formula allocations to carry out transportation programs and projects for the benefit of the Tribe. Such as the Idaho State Transit 5311 funding; the Nez Perce Tribe received $82,488 (FY 19) which is 8% of Tribal Transit operating cost.

Question 4. Are there additional revenue sources the tribes could use to supplement FAST Act funds for infrastructure?

ANSWER. Like State and county governments, Indian tribes may have additional revenue sources to supplement FAST Act funds for infrastructure needs, but the decision to expend such alternative sources of revenue for transportation infrastructure needs, versus using such funds on other Tribal governmental programs and services, are decisions left to the local government. Use of discretionary revenues to any government for transportation projects vary from year to year and should not be relied upon as recurring revenue sources to supplement underfunded federal transportation infrastructure programs.

Question 5. Do the tribes receive a portion of the royalties for energy production on tribal land?

ANSWER. The Nez Perce Tribe does not have energy production projects on its lands. The royalties paid by energy developers to Tribes varies by Tribe and should be posed to energy producing Tribes. As noted above, however, the use of discretionary revenues by a Tribe to supplement FAST Act funds for infrastructure projects, is a decision local Tribal governments make, like States and counties, amid competing demands for such funds. To date, Congress has not implemented means-tests for State or Tribal allocations of FAST Act funds based on energy production within their borders.

Question 6. Are there any restrictions or barriers to accessing oil and natural gas or minerals on tribal lands?

ANSWER. The Nez Perce Tribe does not have energy production projects on its lands. The question is best put to Tribes with active oil, natural gas, and mineral operations to answer.

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