

**STATEMENT  
OF  
LEROY GISHI  
CHIEF, DIVISION OF TRANSPORTATION  
OFFICE OF INDIAN SERVICES  
BUREAU OF INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

**July 11, 2019**

Good afternoon Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee. My name is LeRoy Gishi and I am the Chief of the Division of Transportation, Office of Indian Services within the Bureau of Indian Affairs (BIA) at the Department of the Interior (Department). Thank you for the opportunity to present this statement on behalf of the Department at this oversight hearing regarding “Tribal Infrastructure: Roads, Bridges, and Buildings.”

Infrastructure continues to be a critical part of the well-being of tribal and rural communities. One of the many barriers to economic development in Indian communities is the lack of physical infrastructure. The Department, the Bureau of Indian Education and the BIA remain committed to improving and adequately maintaining tribal infrastructure to provide increased public safety, security, and economic development opportunities in Indian communities. Safe roads, bridges and buildings are important when transporting and supporting people in rural areas to and from schools, to local hospitals, and for delivering emergency services. I appreciate this opportunity to share with the Subcommittee the status and need for tribal infrastructure improvement and maintenance as we work with tribal, local and federal stakeholders in the implementation of the tribal infrastructure programs.

**OVERVIEW**

The Department, through the BIA, administers or partners with other federal agencies in the implementation of tribal programs that support construction, reconstruction, improvement, repair and maintenance of facilities such as roads, bridges and schools. BIA together with its partners at the Federal Highway Administration (FHWA) oversees planning, design, construction and reconstruction of eligible transportation facilities through the Tribal Transportation Program. The BIA alone oversees the BIA Road Maintenance Program for the maintenance of BIA transportation facilities.

**TRIBAL TRANSPORTATION PROGRAM**

The Surface Transportation Assistance Act of 1982 established the Indian Reservation Roads (IRR) Program funded within FHWA’s Federal-aid account. Since the establishment of the IRR Program, now called the Tribal Transportation Program (TTP), and under subsequent

transportation authorizations, the total Federal construction authorization for Tribal transportation has exceeded \$10 billion. These investments have contributed to the improvement or maintenance of roads, the replacement or rehabilitation of deficient bridges, and creation or maintenance of safety and transit projects on or near tribal lands throughout Indian Country.

The National Tribal Transportation Facility Inventory (NTTFI) is a listing of eligible public transportation facilities upon which TTP funding can be expended. The NTTFI consists of over 156,000 miles of public roads with multiple owners, including Indian tribes, the BIA, states, counties and local governments, as well as other Federal agencies. There remains a great and continuing need to improve the transportation systems throughout Indian Country. We believe Congress has viewed this as a joint responsibility including not only Federal agencies, but also state and local governments with transportation investments in or near American Indian and Alaska Native communities.

There are approximately 1,000 BIA bridges across the country and about 170 are considered structurally deficient or functionally obsolete. Additionally, there are approximately 2,400 bridges within Indian Country that are the responsibility of other public authorities such as states, counties or towns. Of these bridges, approximately 390 are considered structurally deficient or functionally obsolete. Coordination among all of these stakeholders is required in order to maximize available resources to address regional transportation needs. The BIA, FHWA and Tribes continue to invest their resources in transportation projects that are primarily the responsibility of other public authorities. These investments create jobs and contributes to the economy of local businesses that provide services and materials. Strengthening existing partnerships will continue to support the local economy and bring improved infrastructure to communities on or near Indian reservations and lands. An investment in tribal transportation is truly an investment in the local economy.

#### **BIA ROAD MAINTENANCE PROGRAM**

Unlike the TTP, which is funded by the Department of Transportation and jointly administered by BIA and FHWA, the BIA Road Maintenance Program (RMP) is funded by the Department of the Interior and overseen solely by the BIA. The BIA RMP has traditionally been responsible for maintaining only roads designated as BIA-owned. Today, of the 145,400 miles of existing roads in the NTTFI, the BIA has responsibility for approximately 29,100 miles designated as BIA road system. In Fiscal Year (FY) 2018, the BIA distributed approximately \$32.6 million in Tribal Priority Allocation funding for the administration and the performance of the BIA RMP.

BIA supports self-determination and the empowerment of tribes by contracting out a significant portion of the program to tribes under the Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended. Approximately 75 percent of tribes with BIA system roads within their reservation boundaries currently carry out the BIA RMP through self-determination contracts or self-governance compacts. Approximately 16,920 miles of the BIA system roads are unimproved and earth surface roads, and 4,790 roads are gravel. The FY 2018 deferred maintenance for BIA roads was estimated at over \$390 million.

## **FAST ACT**

The Fixing America's Surface Transportation Act, P.L. 114-94 (FAST Act), was enacted on December 4, 2015, with retroactive effect to the beginning of FY 2016. The FAST Act continued the new statutory formula established under the Moving Ahead for Progress in the 21st Century Act, P.L. 112-141 (MAP-21) for determining tribal shares and transportation planning shares for tribal governments. In addition, a set-aside was established for the replacement and rehabilitation of deficient tribal bridges and for safety projects for applying tribes. The statutory funding formula established under MAP-21 was carried forward in the FAST Act with authorized amounts starting at \$465 million in FY 2016 to \$505 million in FY 2020.

The FAST Act also included new provisions at 23 U.S.C. § 201(c)(6)(C) requiring data collection on program activities. Regardless of contract or agreement type, within 90 days of the end of each fiscal year all entities carrying out the TTP must submit data identifying the names, description and status of projects and activities, along with the number of jobs created and jobs retained as result of the reported projects and activities. This provision allows the FHWA and the BIA to report on the obligations and expenditures of TTP funds, and the types of projects and activities being performed with TTP allocations. Reporting results for the initial years indicate that TTP funding has the direct impact of retaining on average 1,500 jobs and creating 5,000 jobs annually. Other jobs are indirectly impacted in areas of services and production of materials. This is based on about 900 active projects with a total project cost of \$2.7 billion.

## **CONCLUSION**

The Department is committed to working with this Subcommittee and others in Congress to address tribal infrastructure needs and share successes in Indian Country.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.