

TESTIMONY OF GOVERNOR STEPHEN ROE LEWIS  
GILA RIVER INDIAN COMMUNITY  
SENATE COMMITTEE ON INDIAN AFFAIRS  
“ENHANCING TRIBAL SELF-GOVERNANCE AND SAFETY OF INDIAN ROADS”

April 3, 2019

Chairman Hoeven, Vice Chairman Udall and Members of the Senate Committee on Indian Affairs, I want to thank you for holding this hearing on “Enhancing Tribal Self-Governance and Safety on Indian Roads.” Safe and adequate transportation infrastructure is not only critical for members of the Gila River Indian Community (“Community”) and others who utilize our roadways, but also for economic development and other governmental functions. We appreciate the Committee holding this hearing to ensure that tribal transportation needs are considered in the broader conversations occurring nationally around reauthorization of the Fixing America’s Surface Transportation Act (“FAST Act”) 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 Arizona – 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 crosses 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 which 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 U.S. 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 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 approximately \$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 program 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 tribes and other jurisdictions 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 placed 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 receive 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, a child safety seat program, seatbelt usage, and 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. This has been the Community's experience in the past as well. Recently, however, transportation planning and coordination between the Community and the surrounding governments, including the State, has improved significantly.

Late last year, ADOT reached out to the Community to participate in 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. This is the kind of coordination and planning with tribal nations that is essential to ensuring major transportation projects can be completed in a timely and efficient manner, taking into account the needs of all the affected governments and communities. The Community believes that this cooperation is to be encouraged across the country.

As further evidence of the Community's growing collaboration with its surrounding governments, both ADOT and the Community will seek funding for the I-10 expansion project that traverses the Community's lands, including the required new 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 agreements 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 is looking into this program as one of the only feasible grants that can provide sufficient funding for projects such as the I-10 interchange project. This particular 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. 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 the allocation of this grant programs.

#### CONCLUSION

The FAST Act provided positive incremental improvements in the tribal transportation program. It will be important to take those gains to create 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.