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# Tribal Highway and Public Transportation Programs

The federal government recognizes 574 Indian tribes and Alaska Native villages and holds about 55 million acres of land in trust for tribal entities and individual tribal members. Tribal lands—including reservations, pueblos, rancherias, missions, villages, and communities—are typically rural and sparsely populated. Accessing jobs and community services, such as doctors, hospitals, schools, and retail stores, often requires traveling long distances. Cars and trucks are the primary means of transportation on tribal lands, although public transportation buses and vans, snowmobiles, all-terrain vehicles, boats, airplanes, and other conveyances are important in some areas.

Federal funding to tribes for highways and public transportation that provide access to and across tribal land through several programs is authorized by the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58). Highways are supported mainly by the Tribal Transportation Program (TTP; 23 U.S.C. §202) jointly administered by the Federal Highway Administration (FHWA) in the Department of Transportation (DOT) and the Bureau of Indian Affairs (BIA) in the Department of the Interior. Public transportation is supported by the Public Transportation on Indian Reservations Program (49 U.S.C §5311(c)(2)) administered by DOT's Federal Transit Administration. Additionally, tribes are often eligible to compete with states and local governments for discretionary surface transportation grants. State departments of transportation may also use federal funds under their control to improve tribal transportation facilities, if they wish.

## Tribal Surface Transportation System

Responsibility for public road infrastructure on, or that provides access to, tribal lands lies with governmental entities at all levels—tribal, federal, state, and local. Of the 157,000 miles of road listed in the National Tribal Transportation Facility Inventory—a database of existing and proposed roads maintained by the BIA in cooperation with FHWA—roughly 31,000 miles are BIA-system roads, 26,000 miles are tribal-system roads, and 100,000 miles are state and local government roads. About 11,500 miles of roads in the inventory do not exist but are planned or proposed. Much of the tribal highway system is rudimentary; FHWA estimates that about 70% of BIA-system roads and 75% of tribal-system roads are unpaved.

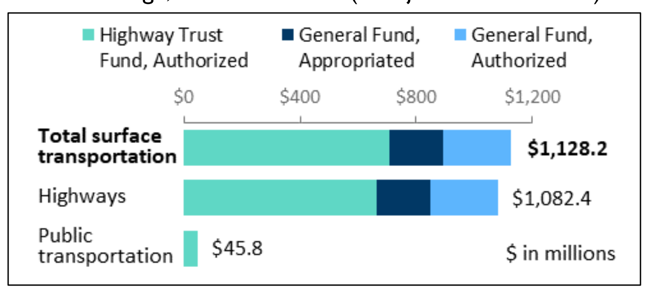
There are about 125 tribal transit agencies that provide public transportation services on tribal lands. Prior to the Coronavirus Disease 2019 pandemic, these agencies provided about 3.3 million trips annually, predominantly using fixed-route and demand-responsive buses and vans. Public transportation can be an important means of travel on tribal lands because the share of households in poverty and the share of households without a personal vehicle are more than twice as high as in other rural areas. Many tribal areas, however, are not served by public transportation.

## Infrastructure Investment and Jobs Act

The IIJA authorized and appropriated about $1.1 billion annually for tribal transportation programs for FY2022-FY2026, about an 80% increase from the annual funding authorized under prior law (unadjusted for inflation). This annual average amount includes $709 million of contract authority from the Highway Trust Fund, $185 million appropriated from the general fund of the U.S. Treasury, and $234 million authorized from the general fund subject to appropriation (**Figure 1**). Of the total amount authorized and appropriated annually under the IIJA, $1.082 billion is for highways and $45.8 million for public transportation.

**Figure 1. Tribal Surface Transportation Funding**

Annual Average, FY2022-FY2026 (unadjusted for inflation)




**Source:** Infrastructure Investment and Jobs Act (P.L. 117-58).

### Tribal Highway Funding

Most highway funding is distributed by formula to tribes through the TTP and can be used on a wide variety of projects. Up to 5% of funding is reserved for program administration (including the costs of Tribal Technical Assistance Centers) and 4% for safety projects. Another 2% of the total is allocated for planning and $9 million per year is for the Tribal High Priority Projects Program. The remainder is distributed among the tribes. The IIJA also provided $1 billion over five years for tribal bridges. This is a sizable increase from the $73 million reserved for tribal bridges annually under prior law.

The IIJA created several new discretionary highway grant programs for which tribal projects are eligible (**Table 1**). The PROTECT Program (23 U.S.C. §176(d)), aimed at increasing the resilience of highway infrastructure to weather events and natural disasters, sets aside at least 2% for Indian tribes, a total of $28 million over five years. In the other discretionary programs, tribes must compete with other eligible entities, mostly state and local governments. Two competitive, multimodal grant programs may also provide opportunities for tribes. These are the Local and Regional Project Assistance program, known as RAISE grants, and the National Infrastructure Project Assistance program, known as MEGA grants.

The IIJA authorized, subject to appropriation, BIA Road Maintenance funding at an average of $54 million per year. These funds are typically appropriated in the annual Department of the Interior appropriations bill. These funds go mainly for maintaining roads and bridges on the BIA system. According to BIA, in FY2021, 87% of BIA roads and 29% of BIA bridges were in an unacceptable condition. Unpaved roads are considered unacceptable by definition.

**Table 1. Tribal Highway Funding in IIJA**
Average Annual, FY2022-FY2026

| | *$ in millions* |
|---|---|
| **Total Authorized and Appropriated** | **1,082.4** |
| **Total HTF and Appropriated** | **848.4** |
| Tribal Transportation Program (HTF) | 602.4 |
| *Administration [set-aside]* | *30.1* |
| *Planning [set-aside]* | *12.0* |
| *Safety [set-aside]* | *24.1* |
| *Tribal High Priority Project Program [set-aside]* | *9.0* |
| Natl. Sig. Federal Lands & Tribal Proj. (HTF) | 27.5 |
| Tribal Transportation Facility Bridge (HTF, GF) | 205.0 |
| Competitive PROTECT Grants (HTF) | 5.6 |
| NHTSA Safety Grants (HTF, GF) | 8.0 |
| **Total Authorized Subject to Appropriation** | **234.0** |
| Tribal High Priority Project Program (GF STA) | 30.0 |
| Natl. Sig. Federal Lands & Tribal Proj. (GF STA) | 150.0 |
| BIA Road Maintenance Program (GF STA) | 54.0 |

**Source:** Infrastructure Investment and Jobs Act (P.L. 117-58).
**Notes:** HTF = Highway Trust Fund; GF = General Fund; GF STA = General Fund, Subject to Appropriation.

### Tribal Highway Safety

The main source of funding for highway safety on tribal lands is the 4% set-aside for safety from the TTP, about $24 million per year, that goes to the Tribal Transportation Program Safety Fund. This is an increase from the 2% set-aside under prior law that amounted to about $10 million per year. Grants are made by FHWA to tribes through a competitive process. Eligible projects include safety improvements to highway infrastructure, safety planning, and crash data assessment, improvement, and analysis.

Tribes also receive about $8 million per year from the National Highway Traffic Safety Administration's State Highway Safety Program, commonly referred to as Section 402 safety grants. These funds are distributed by formula to states and territories, but with not less than 2% for use on tribal lands. Grants are focused on projects to reduce deaths and injuries from unsafe driving behavior.

The IIJA also provided $1 billion per year for a new competitive grant program, the Safe Streets for All Program. Eligible applicants are tribal and local governments, and metropolitan planning organizations.

### Tribal Public Transportation Funding

The IIJA authorized an average of nearly $46 million annually from the Highway Trust Fund for the Public Transportation on Indian Reservations Program, a 30% increase from prior law. Some 80% of this funding is to be distributed by formula and 20% competitively. The formula involves the amount of public transportation vehicle revenue miles driven and the number of low-income individuals living on the tribe's lands. The IIJA also provided funding for discretionary grant programs, and tribes may compete against other public transportation providers for these funds. For example, the IIJA provided almost $400 million annually for discretionary bus and bus facilities grants and $1.1 billion annually for discretionary low or no emission bus grants.

## Policy Issues

Despite the increase in funding for tribal transportation and highway safety, the IIJA does not fully address the long-standing transportation challenges on tribal lands. One of the main funding issues is the cost of upgrading a poorly developed road network that is mostly unpaved. Another is improving highway safety, which remains a major issue on tribal lands due to a confluence of factors, including poor road infrastructure, high rates of alcohol-impaired driving and speeding, long accident response times by emergency services, low rates of seatbelt and child-seat use, and lack of sidewalks and marked crossings for pedestrians.

The formula distribution of TTP funding is based partly on tribal population and the national inventory, which includes roads that are not the responsibility of the tribes and roads that do not yet exist. Many tribes, particularly those with extensive lands in the western states, complain that this results in a distribution of tribal highway funds that does not correspond with the extent of roads they maintain. Legislative changes to the formula can be difficult to enact because, all else being equal, gains by some tribes would result in losses by others.

Another funding issue is the high cost of providing public transportation to people living on tribal lands. Many tribal areas have very low population densities even when compared with other rural areas. Public transportation, which may entail a van driving for miles over gravel roads, is especially difficult and costly to provide in such circumstances. In 2019, the mean operating expense per trip for tribal transit was $18.39, compared with $11.75 in all rural areas.

Although the IIJA created several new competitive grant funding opportunities, tribes face barriers in the application process. Some lack resources to apply for such grants, and some do not have adequate internet service so they could apply for such grants electronically. Another barrier to tribes in the pursuit of competitive grant funding is the matching share. Tribes do not need to provide any matching share in the use of federal formula funds. However, this is not always true for competitive programs.

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