

Written Testimony of Colleen Thomas
Saint Regis Mohawk Tribe
Joint Legislative Budget Hearing on 2026 Budget
January 31, 2025

The Saint Regis Mohawk Tribe (“SRMT” or the “Tribe”) is a federally recognized Tribe located in present-day northern New York State. The land base of the Mohawk people, the Akwesasne Mohawk Territory, straddles the international border between Canada and the United States, along the St. Lawrence River at the intersections of Ontario, Quebec and New York state. The territory south of the international border is known as the Saint Regis Mohawk Reservation or Akwesasne Mohawk Territory. There are currently 16,444 Tribal members with over 8,000-9,000 Tribal members living on or near the Territory with New York State Route 37 (“State Route 37”) traversing the community for approximately eight (8) miles.

The Saint Mohawk Tribe respectfully requests the New York State Department of Transportation to fulfill its statutory obligations to the community of Akwesasne and maintain the state roads that are located within our territory.

The New York State Department of Transportation (“NYSDOT”) has provided road maintenance and paving services throughout the Saint Regis Mohawk Reservation of Akwesasne, New York, as provided under Highway Law Section 53. According to court interpretation, the law states the following:

“Highway Law § 53 obligates the State to maintain highways and bridges that it constructed on Indian reservation land, inasmuch as the statute expressly provides that ‘[t]he [DOT] shall have supervision and control, in the construction, maintenance and improvement of all highways and bridges constructed or to be constructed by the State on any Indian reservations.’ Highway Law § 53 **creates an unambiguous duty, with no temporal limitation, for the State to maintain [State Route 37].**” (emphasis added) (*see Jimerson v. State, 158 AD3d 1334 (Appellate Division Fourth Department 2018)*).

In the decades since original construction in the 1940s, the NYSDOT had delivered services throughout the Territory on State Route 37 and other major roads, including, but not limited to snow plowing, ditching, cold patch repairs, mowing, culvert replacement and signage. However, in the past ten (10) years the SRMT has had to take on more road construction work and expand our maintenance activities because of the diminishing presence of the Franklin County Department of Transportation road crew, which is a direct result of their reduction in manpower, lack of financial support and outdated or insufficient access to equipment from the New York State Department of Transportation (NYSDOT).

The reduction in staff and operating budget has compromised the safety of local transportation facilities for residents, visitors and heavy traffic traveling through the Territory. Forcing the Saint

Regis Mohawk Tribe to devote more than \$2.9 million in manpower and resources since 2016 to roads that are the legal responsibility of New York State. The condition of many local roads had deteriorated to the point that the Tribe received near daily complaints from residents, first responders, and bus drivers from the Massena Central and Salmon River Central School districts.

We would like to take this opportunity to remind New York State of its legal obligation to maintain Tribal roads, of particular importance is State Route 37. It is the main thoroughfare to access essential services such as schools, health care, grocery shopping, child care, religious and traditional ceremonies and government programs, to name a few. State Route 37 is also the gateway from the Port of Entry at Massena for travelers to Akwesasne and the Akwesasne Mohawk Casino Resort. The Tribe is heavily reliant on Casino revenues and fees from local businesses to support important Tribal programs.

It is the most direct route from Plattsburgh to Ogdensburg, New York, therefore experiences a heavy load of commercial traffic, especially since the launch of the North Country Colocation Services plant. In addition, oversized loads often travel through the territory delivering construction materials and equipment to multiple windmill and solar farms located in neighboring communities.

It is crucially important that the community of Akwesasne is included when NYSDOT schedules regular, appropriate maintenance activities for State Route 37. Inexplicably, in 2022 NYSDOT resurfaced State Route 37 from Massena, NY to our western boundary near the former General Motors plant and from our eastern boundary near Beaver Meadow Road to Malone, NY in 2023. They entirely omitted the portion of State Route 37 through Akwesasne. According to NYSDOT Region 7, their preferred lifecycle of paving is ten to 15 years; meaning this section of road was also due for new asphalt. The last time State Route 37 had been resurfaced by NYSDOT was 2011.

Our eight mile stretch of State Route 37 experiences a much heavier traffic volume than either of the adjacent sections. NYSDOT's Traffic Data Viewer from 2023 lists the daily average traffic count for State Route 37 in the heart of Akwesasne as 15,076; compared to 7,681 to our west towards Massena and 3,368 to our east towards Fort Covington, NY.

We thank you for your time and again, respectfully request the New York State Department of Transportation to fulfill its statutory obligations to the community of Akwesasne.