

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2261 (Garcia) – As Amended April 1, 2024

Policy Committee: Transportation

Vote: 15 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill requires, to the extent permitted by federal and state law, a federally recognized Native American tribe be eligible for federal funding for a transportation project. The bill also allows such tribe be the lead agency for a transportation project that receives federal funding.

**FISCAL EFFECT:**

No direct state costs.

**COMMENTS:**

**Background and Purpose.** State law vests the Department of Transportation (Caltrans) with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Acting on this charge, Caltrans awards federal and state monies to regional and local entities for the repair and maintenance of portions of the state highway system.

State law explicitly authorizes Caltrans to enter into contracts with federally recognized Indian tribes and entities owned by those tribes. However, state law is silent regarding whether a tribe may receive federal funding through Caltrans for a transportation project or from acting as a lead agency on a transportation project that receives such funding.

The Twenty-nine Palms Band of Mission Indians is a federally recognized tribe in Southern California. The tribe has been interested in modifying or rehabilitating a portion of the state highway; however, the tribe contends state law has hindered its efforts. As the tribe describes it:

The Tribe has inherited a dilapidated bridge, “Dillon Road Bridge” on its Reservation and has been working closely with the City of Coachella (“City”) to identify funding for design and replacement. The City with the support of the Tribe was able to secure Highway Bridge Programs Caltrans local assistance funds but with the existing restrictions of local assistance funds to tribes, the City is administering the funds and project. Several tribes within the state of California have aging and dilapidated infrastructure that interconnects with neighboring municipalities, counties and State of California transportation systems. Under AB 2261, Tribal governments will be able to directly apply and receive funding under their own assigned local assistance code, which will empower tribes to address at-risk infrastructure.

According to the author, this bill “ensures there is no statutory ambiguity when defining local agencies for the purposes of Native American Tribes being eligible recipients as well as local project managers.”

**Analysis Prepared by:** Jay Dickenson / APPR. / (916) 319-2081