
SENATE COMMITTEE ON TRANSPORTATION

Senator Dave Cortese, Chair

2023 - 2024 Regular

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| Bill No: | AB 2261 | Hearing Date: | 5/28/2024 |
| Author: | Garcia | | |
| Version: | 5/21/2024 Amended | | |
| Urgency: | Yes | Fiscal: | Yes |
| Consultant: | Randy Chinn | | |

SUBJECT: Transportation: federal funding: tribes

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

ANALYSIS:

Existing law:

- 1) Establishes the California Department of Transportation (Caltrans) and provides that it has full possession and control of all state highways and property and rights in property acquired for state highway purposes, construct all state highways. (Streets and Highways Code (SHC) 90)
- 2) Allows Caltrans to enter into contracts with federally recognized Indian tribes and entities owned by those tribes. (SHC 94)

This bill:

- 1) Allows a federally recognized Native American tribe to be eligible for federal funding for a transportation project and authorizes the tribe to be the lead agency for a transportation project that receives federal funding, to the extent permitted by state and federal law.

COMMENTS:

- 1) *Author's Statement.* "AB 2261 seeks to clarify that a federally recognized Native American Tribe is eligible to receive state and federal transportation funding as a local agency. AB 2261 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.”

- 2) *The Problem.* The Dillon Road Joint Powers Authority (DRJPA) was created by the City of Coachella, the Cabazon Band of Mission Indians and the Twenty-Nine Palms Band of Mission Indians. The DRJPA authorized the City of Coachella to apply for federal funding to widen Dillon Road between State Route 86 and Avenue 48, including the bridge over the Coachella Valley Stormwater Channel. The City successfully obtained \$49 million in federal and local funding which covers the entire project cost. However, construction has been held up because of Caltrans concerns over fund distribution because the bridge is owned by the tribes. This bill is intended to resolve those concerns and allow construction to proceed.

RELATED LEGISLATION:

AB 630 (Ramos), Chapter 137, Statutes of 2023, removes requirements in existing law that limit the authority Department of Transportation to contract with federally recognized Indian tribes and entities they own.

SB 1189 (Chesbro), Chapter 274, Statutes of 2004, authorizes Caltrans to contract with federally recognized Indian tribes for the performance of specified transportation duties.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, May 22, 2024.)

SUPPORT:

Coachella Valley Association of Governments
Twenty-nine Palms Band of Mission Indians

OPPOSITION:

None Received

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