

S 281

Indian Tribal Surface Transportation Improvement Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Feb 4, 2003

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 284.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 284. (Sep 22, 2003)

Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/281

Sponsor

Name: Sen. Campbell, Ben Nighthorse [R-CO]

Party: Democratic • State: CO • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		May 13, 2003
Sen. Domenici, Pete V. [R-NM]	R · NM		Jun 4, 2003

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Sep 22, 2003

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

No related bills are listed.

Indian Tribal Surface Transportation Improvement Act of 2003 - (Sec. 3) Amends the Transportation Equity Act for the 21st Century (TEA-21) to increase funding under the Federal Lands Highways Program for Indian reservation roads for FY 2004 through 2009. Allots \$50 million out of such funds for each fiscal year to maintain: (1) roads on Indian land; and (2) tribal transportation facilities serving Indian communities.

(Sec. 4) Prohibits the Secretary of Transportation from distributing the obligation authority for Federal-aid highway and highway safety construction programs for FY 2004 through FY 2009 with respect to amounts authorized for Indian reservation roads and bridges under the Program. (Thus removes the obligation limitation from the Indian Reservation Roads program so that all funds authorized under TEA-21 are made available for appropriation.)

(Sec. 5) Directs the Secretary to establish a demonstration project under which all funds made available for Indian reservation roads and highway bridges located on such roads shall be made available to an Indian tribal government, upon its request, for contracts and agreements for planning, research, engineering, and construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of the Indian tribe.

Allows the Secretary, in addition to those Indian tribes or tribal organizations already contracting or compacting for any Indian reservation road function or program, to select up to 15 Indian tribes each fiscal year from the applicant pool to participate in the demonstration project.

Permits two or more Indian tribes otherwise eligible to participate in such program or activity to form a consortium to be considered as a single tribe for the purpose of becoming a part of the applicant pool.

Defines the applicant pool consisting of each Indian tribe that has: (1) successfully completed a planning phase that includes legal and budgetary research and internal tribal government and organization preparation; (2) requested participation in the demonstration project through the adoption of a resolution or other official action by the tribal governing body; and (3) demonstrated financial stability and financial management capability according to certain criteria during the three-fiscal-year period immediately preceding the fiscal year for which such participation is being requested.

(Sec. 6) Authorizes appropriations from the Highway Trust Fund (other than the Mass Transit Account) for FY 2004 through FY 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace or rehabilitate deficient Indian reservation road bridges, including multiple-pipe culverts.

States that such funds shall: (1) be available for obligations in the same manner as if the funds were apportioned under TEA-21; and (2) not be available to the Bureau of Indian Affairs (Bureau) to pay administrative costs.

Limits to six percent of the contract authority amounts available from the Highway Trust Fund to the Bureau the amount that may be used for its administrative expenses for the Indian reservation roads program (including the administrative expenses relating to individual projects that are associated with the program).

Makes such amounts available to an Indian tribal government, on its request, for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into under the Indian Self-Determination and Education Assistance Act (ISDEAA).

Allows an Indian tribe or tribal organization to commence road and bridge construction under TEA-21 or its successor Act of Congress that is funded through a contract or agreement under ISDEAA if the Indian tribe or tribal organization: (1) provides assurances in the contract or agreement that the construction will meet or exceed applicable health and safety standards; (2) obtains the advance review of the plans and specifications from a licensed professional that has certified that they meet or exceed the applicable health and safety standards; and (3) provides a copy of the certification to the Assistant Secretary for Indian Affairs.

(Sec. 7) Requires up to five (currently, two) percent of funds made available for Indian reservation roads for each fiscal year to be allocated to those Indian tribal governments applying for transportation planning.

(Sec. 8) Allows an Indian tribe and a State to enter into a road maintenance agreement under which an Indian tribe assumes the State's responsibilities for Indian reservation roads and roads providing access to them.

Requires the agreements to be negotiated between the State and the Indian tribe. States that the agreement shall not require the Secretary's approval.

(Sec. 9) Directs the Secretary to: (1) establish an Alaska Native village transportation program to pay the costs of planning, design, construction, and maintenance of road and other identified surface transportation facilities; and (2) designate a Native transportation authority for each region.

Requires the Native authority, with respect to each Native village or region it covers, to: (1) prepare a regional transportation plan for the Native village or a comprehensive transportation plan for the region; (2) prioritize and select projects; (3) coordinate transportation planning with other regions, the State, and other governmental entities; and (4) ensure that transportation projects are constructed and implemented.

Directs the Secretary to establish the Statewide Alaska Native Transportation Commission to: (1) allocate funds made available among the regions in accordance with this Act; (2) coordinate transportation planning among the regions, the State, and other governmental entities; and (3) facilitate transportation projects involving two or more regions.

Prescribes a formula for allocating funds made available for the program for FY 2004. Requires the Commission to develop a formula for allocating such funds made available for FY 2005 and subsequent fiscal years.

Allows such allocated funds amount regions to be contracted or compacted in accordance with ISDEAA.

Authorizes such funds to be used to pay a matching share required for receipt of any other Federal funds that would further a purpose for which allocations under this Act are made.

Permits the Secretary, at the request of a Native authority or Native village, to increase the amount of funds provided for a construction project by an additional amount equal to 100 percent of the total project cost. Limits the use of such increased funds to such future maintenance of the project.

(Sec. 10) Directs the Secretary to carry out a program to provide to eligible Indian tribes competitive grants for use in establishing tribal transportation safety programs on Indian reservations and other lands under an Indian tribe's jurisdiction.

Authorizes the use of such funds to carry out a project or activity to: (1) prevent the operation of motor vehicles by intoxicated individuals; (2) promote increased seat belt use rates; (3) eliminate hazardous locations and conditions on, or

hazardous sections or elements of, a public road, a public surface transportation facility, a publicly-owned bicycle or pedestrian pathway or trail, or a traffic calming measure; (4) eliminate hazards relating to railway-highway crossings; or (5) increase transportation safety by any other means determined by the Secretary.

Makes the Federal share 100 percent of the cost of carrying out the program.

Authorizes appropriations from the Highway Trust Fund (other than the Mass Transit Account) for FY 2004 through 2009.

(Sec. 11) Amends Federal transportation law to require the Secretary to establish a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other lands under Indian tribes' jurisdiction. Bases the amount of a grant provided to an Indian tribe on the tribe's need.

Provides for funding for FY 2004 through 2009.

(Sec. 12) Requires the Secretary to provide competitive grants to tribal colleges or universities to support programs providing training and certificates leading to the licensing of Native Americans with respect to commercial vehicle driving.

Requires the Secretary to give priority to grant applications that propose: (1) training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation or the entry level truck driver certification standards set by the Professional Truck Driver Institute; and (2) an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program.

Authorizes appropriations for FY 2004 through 2009.

## Actions Timeline

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- **Sep 22, 2003:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-150.
- **Sep 22, 2003:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-150.
- **Sep 22, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 284.
- **Jun 26, 2003:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 4, 2003:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-122.
- **Feb 4, 2003:** Introduced in Senate
- **Feb 4, 2003:** Sponsor introductory remarks on measure. (CR S1883)
- **Feb 4, 2003:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S1883-1884)