

Funding Transportation Projects Administered by Native American Tribal Governments – Challenges and Successes

June 29, 2016

**Division of Local Assistance
Caltrans**

The Good News

On June 14, 2016, an Intergovernmental Funds Transfer Agreement was fully executed by the following governments(agencies) :

- ❑ California Department of Transportation (Caltrans)
- ❑ United States Department of the Interior Bureau of Indian Affairs (BIA)
- ❑ La Jolla Band of Luiseno Indians

This is the very first fund transfer agreement in California that make it possible for the State to provide transportation funding to an Native American Tribal Government!

What does the Agreement do?

- Transfers \$4.855 million ATP funds to BIA into its Tribal Transportation Program (TTP)
- BIA then makes TTP funds available to the La Jolla Tribal Government for its ATP project
- A breakthrough in providing transportation funding to tribal governments without having them to waive their sovereign immunity.
- Paved the way for other tribal Governments to receiving federal and state transportation funding

Partnership and Collaboration

- This fund transfer agreement involved the partnership and collaboration by many:
 - Commission staff
 - Caltrans
 - CalSTA
 - BIA (Washington DC)
 - FHWA
 - La Jolla tribal government
- It also took over a year's time as the partners trying to work out an agreement that all can accept

Timeline to Agreement

- May, 2015 -Partnership Meeting
- June, 2015 -Initial draft agreement was developed
- Dec., 2015 -Enactment of FAST Act
- Feb., 2016 -Revised draft agreement to conform to FAST Act
- May, 2016 -Caltrans signed the agreement, La Jolla signed the agreement
- June, 2016 -BIA sign the agreement
- June, 2016 - ATP funds transferred to BIA



Challenges Encountered

- Develop understanding of the law and rules
- Understand each other's roles and responsibilities
- Developing relationship and coordination
- React to changes in federal laws –ensure conformance with the new FAST Act.

Coming up Next

- Second Funds Transfer Agreement (with Hoopa Tribal Government) to BIA under review
- Explore other options to fund tribal projects:
 - Fund transfer to FHWA's Central Federal Lands Highway Division (CFLHD)
 - Enter direct agreements via limited-waiver of sovereign immunity



Questions