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AB-630 Department of Transportation: contracts: tribes. (2023-2024)

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Assembly Bill No. 630

CHAPTER 137

An act to amend Section 94 of the Streets and Highways Code, relating to transportation.

[Approved by Governor September 01, 2023. Filed with Secretary of State September 01, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 630, Ramos. Department of Transportation: contracts: tribes.

Existing law vests the Department of Transportation with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Existing law authorizes the department to make and enter into any contracts in the manner provided by law that are required for performance of its duties. Existing law requires that the department's contracts with federally recognized Indian tribes be limited to activities related to on-reservation or off-reservation cultural resource management and environmental studies and off-reservation traffic impact mitigation projects on or connecting to the state highway system, as specified. Existing law requires that off-reservation traffic impact mitigation contracts with federally recognized Indian tribes meet certain requirements, including that the contracts provide for limited waivers of sovereign immunity by those Indian tribes for the state for the purpose of enforcing obligations arising from the contracted activities.

This bill would delete that limitation on the activities for which the department is authorized to contract with federally recognized Indian tribes, and would expressly authorize the department to enter into contracts with those tribes and entities owned by those tribes. The bill would subject off-reservation traffic impact mitigation contracts between the department and entities owned by those tribes to the same requirements as are applicable to department contracts with those tribes, and would delete the requirement that the contracts provide for limited waivers of sovereign immunity, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 94 of the Streets and Highways Code is amended to read:

94. (a) The department may make and enter into any contracts in the manner provided by law that are required for performance of its duties, including with federally recognized Indian tribes and entities owned by those tribes.

(b) To implement off-reservation traffic impact mitigation contracts with federally recognized Indian tribes, or entities owned by those tribes, all of the following shall apply:

(1) The contract shall provide for the full reimbursement of expenses and costs incurred by the department in the exercise of its contractual responsibilities. Funds for the project shall be placed in an escrow account before project development.

(2) The proposed transportation project shall comply with all applicable state and federal environmental impact and review requirements, including, but not limited to, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(3) The department's work on the transportation project under the contract shall not jeopardize or adversely affect the completion of other transportation projects included in the adopted State Transportation Improvement Program.

(4) The transportation project is included in or consistent with the affected regional transportation plan.