

116TH CONGRESS
1ST SESSION

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To provide for improvements to Tribal transportation facilities and Tribal transportation safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HOEVEN (for himself, Mr. CRAMER, and Ms. MC SALLY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for improvements to Tribal transportation facilities and Tribal transportation safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Addressing Underdeveloped and Tribally Operated Streets Act”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Secretary of the Interior.

1 **SEC. 3. APPLICATION OF CATEGORICAL EXCLUSIONS TO**
2 **CERTAIN TRIBAL TRANSPORTATION FACILI-**
3 **TIES.**

4 (b) DEFINITION OF TRIBAL TRANSPORTATION SAFE-
5 TY PROJECT.—

6 (1) IN GENERAL.—In this section, the term
7 “tribal transportation safety project” means a
8 project described in paragraph (2) that is eligible for
9 funding under section 202 of title 23, United States
10 Code, and that—

11 (A) corrects or improves a hazardous road
12 location or feature; or

13 (B) addresses a highway safety problem.

14 (2) PROJECTS DESCRIBED.—A project de-
15 scribed in this paragraph is a project for 1 or more
16 of the following:

17 (A) An intersection safety improvement.

18 (B) Pavement and shoulder widening (in-
19 cluding the addition of a passing lane to remedy
20 an unsafe condition).

21 (C) Installation of rumble strips or another
22 warning device, if the rumble strips or other
23 warning devices do not adversely affect the
24 safety or mobility of bicyclists and pedestrians,
25 including persons with disabilities.

(T) Geometric improvements to a road for the purposes of safety improvement.

3 (U) A road safety audit.

4 (V) Roadway safety infrastructure im-
5 provements consistent with the recommenda-
6 tions included in the publication of the Federal
7 Highway Administration entitled “Handbook
8 for Designing Roadways for the Aging Popu-
9 lation” (FHWA-SA-14-015), dated June 2014
10 (or a revised or updated publication).

11 (W) Truck parking facilities eligible for
12 funding under section 1401 of MAP-21 (23
13 U.S.C. 137 note; Public Law 112–141).

14 (X) Systemic safety improvements.

(Y) Installation of vehicle-to-infrastructure communication equipment.

17 (Z) Pedestrian hybrid beacons.

18 (AA) Roadway improvements that provide
19 separation between pedestrians and motor vehi-
20 cles, including medians and pedestrian crossing
21 islands.

(BB) A physical infrastructure safety project not described in subparagraphs (A) through (AA).

25 (b) NEW CATEGORICAL EXCLUSIONS.—

1 ance with sections 1507.3 and 1508.4 of title 40,
2 Code of Federal Regulations.

6 (c) REVIEWS OF TRIBAL TRANSPORTATION SAFETY
7 PROJECTS.—

21 (A) take final action on the application; or
22 (B) provide the Indian tribe a schedule for
23 completion of the review described in paragraph
24 (1), including the identification of any other

1 Federal agency that has jurisdiction with re-
2 spect to the project.

3 (3) DECISIONS UNDER OTHER FEDERAL
4 LAWS.—In any case in which a decision under any
5 other Federal law relating to a tribal transportation
6 safety project (including the issuance or denial of a
7 permit or license) is required, not later than 45 days
8 after the Secretary has made all decisions of the
9 lead agency under the National Environmental Pol-
10 icy Act of 1969 (42 U.S.C. 4321 et seq.) with re-
11 spect to the project, the head of the Federal agency
12 responsible for the decision shall—

13 (A) make the applicable decision; or
14 (B) provide the Indian tribe a schedule for
15 making the decision.

16 (4) EXTENSIONS.—The Secretary or the head
17 of an applicable Federal agency may extend the pe-
18 riod under paragraph (2) or (3), as applicable, by an
19 additional 30 days by providing the Indian tribe no-
20 tice of the extension, including a statement of the
21 need for the extension.

22 (5) NOTIFICATION AND EXPLANATION.—In any
23 case in which a required action is not completed by
24 the deadline under paragraph (2), (3), or (4), as ap-

1 plicable, the Secretary or the head of a Federal
2 agency, as applicable, shall—

3 (A) notify the Committee on Indian Affairs
4 and the Committee on Environment and Public
5 Works of the Senate and the Committee on
6 Natural Resources of the House of Representa-
7 tives of the failure to comply with the deadline;
8 and

9 (B) provide to the Committees described in
10 subparagraph (A) a detailed explanation of the
11 reasons for the failure to comply with the dead-
12 line.

13 **SEC. 4. PROGRAMMATIC AGREEMENTS FOR TRIBAL CAT-
14 EGORICAL EXCLUSIONS.**

15 (a) IN GENERAL.—The Secretary shall enter into
16 programmatic agreements with Indian tribes that estab-
17 lish efficient administrative procedures for carrying out
18 environmental reviews for projects eligible for assistance
19 under section 202 of title 23, United States Code.

20 (b) INCLUSIONS.—A programmatic agreement under
21 subsection (a)—

22 (1) may include an agreement that allows an
23 Indian tribe to determine, on behalf of the Sec-
24 retary, whether a project is categorically excluded
25 from the preparation of an environmental assess-

1 ment or environmental impact statement under the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.); and

4 (2) shall—

5 (A) require that the Indian tribe maintain
6 adequate capability in terms of personnel and
7 other resources to carry out applicable agency
8 responsibilities pursuant to section 1507.2 of
9 title 40, Code of Federal Regulations (or suc-
10 cessor regulations);

11 (B) set forth the responsibilities of the In-
12 dian tribe for making categorical exclusion de-
13 terminations, documenting the determinations,
14 and achieving acceptable quality control and
15 quality assurance;

16 (C) allow—

17 (i) the Secretary to monitor compli-
18 ance of the Indian tribe with the terms of
19 the agreement; and

20 (ii) the Indian tribe to execute any
21 needed corrective action;

22 (D) contain stipulations for amendments,
23 termination, and public availability of the agree-
24 ment once the agreement has been executed;
25 and

1 (E) have a term of not more than 5 years,
2 with an option for renewal based on a review by
3 the Secretary of the performance of the Indian
4 tribe.

5 SEC. 5. USE OF CERTAIN TRIBAL TRANSPORTATION FUNDS.

6 Section 202(d) of title 23, United States Code, is
7 amended—

8 (1) by striking paragraph (2) and inserting the
9 following:

10 “(2) USE OF FUNDS.—Funds made available to
11 carry out this subsection shall be used—

12 “(A) to carry out any planning, design, en-
13 gineering, preconstruction, construction, and in-
14 spection of new or replacement tribal transpor-
15 tation facility bridges;

16 “(B) to replace, rehabilitate, seismically
17 retrofit, paint, apply calcium magnesium ace-
18 tate, sodium acetate/formate, or other environ-
19 mentally acceptable, minimally corrosive anti-
20 icing and deicing composition; or

24 (2) by adding at the end the following:

25 “(5) FUNDING.—

1 “(A) IN GENERAL.—In addition to any
2 other funds made available to carry out this
3 section, there are authorized to be appropriated
4 out of the Highway Trust Fund (other than the
5 Mass Transit Account) to carry out this sub-
6 section—

7 “(i) \$16,000,000 for fiscal year 2021;

8 “(ii) \$18,000,000 for fiscal year 2022;

9 “(iii) \$20,000,000 for fiscal year

10 2023;

11 “(iv) \$22,000,000 for fiscal year
12 2024; and

13 “(v) \$24,000,000 for fiscal year 2025.

14 “(B) TREATMENT.—For purposes of sec-
15 tion 201, funds made available under subpara-
16 graph (A) shall be considered to be part of the
17 tribal transportation program.”.

18 **SEC. 6. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE
19 PROGRAM.**

20 There are authorized to be appropriated to the Direc-
21 tor of the Bureau of Indian Affairs to carry out the road
22 maintenance program of the Bureau—

23 (1) \$46,000,000 for fiscal year 2021;

24 (2) \$48,000,000 for fiscal year 2022;

25 (3) \$50,000,000 for fiscal year 2023;

3 SEC. 7. STUDY OF ROAD MAINTENANCE ON INDIAN LAND.

4 (a) DEFINITIONS.—In this section:

14 (3) ROAD.—The term "road" means a road
15 managed in whole or in part by the Bureau of In-
16 dian Affairs.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary, acting through the Assistant Sec-
19 retary for Indian Affairs.

20 (b) STUDY.—Not later than 2 years after the date
21 of enactment of this Act, the Secretary, in consultation
22 with the Secretary of Transportation, shall carry out a
23 study to evaluate—

24 (1) the long-term viability and useful life of ex-
25 isting roads on Indian land;

4 (3) programmatic reforms and performance en-
5 hancements necessary to achieve the goal of restruc-
6 turing and streamlining road maintenance programs
7 on existing or future roads located on Indian land;
8 and

13 (c) TRIBAL CONSULTATION AND INPUT.—Before be-
14 ginning the study under subsection (b), the Secretary
15 shall—

16 (1) consult with any Indian tribes that have ju-
17 risdiction over roads eligible for funding under the
18 road maintenance program of the Bureau of Indian
19 Affairs; and

20 (2) solicit and consider the input, comments,
21 and recommendations of the Indian tribes described
22 in paragraph (1).

23 (d) REPORT.—On completion of the study under sub-
24 section (b), the Secretary, in consultation with the Sec-
25 retary of Transportation, shall submit to the Committees

1 on Indian Affairs and Environment and Public Works of
2 the Senate and the Committees on Natural Resources and
3 Transportation and Infrastructure of the House of Rep-
4 resentatives a report on the results and findings of the
5 study.

6 (e) STATUS REPORT.—Not later than 2 years after
7 the date of enactment of this Act, and not less frequently
8 than every 2 years thereafter, the Secretary, in consulta-
9 tion with the Secretary of Transportation, shall submit to
10 the Committees on Indian Affairs and Environment and
11 Public Works of the Senate and the Committees on Nat-
12 ural Resources and Transportation and Infrastructure of
13 the House of Representatives a report that includes a de-
14 scription of—

15 (1) the progress made toward addressing the
16 deferred maintenance needs of the roads on Indian
17 land, including a list of projects funded during the
18 fiscal period covered by the report;

19 (2) the outstanding needs of the roads that
20 have been provided funding to address the deferred
21 maintenance needs;

22 (3) the remaining needs of any of the projects
23 referred to in paragraph (1);

24 (4) how the goals described in subsection (b)
25 have been met, including—

4 (B) a plan to address the deficiencies or
5 shortfalls in meeting the goals; and

6 (5) any other issues or recommendations pro-
7 vided by an Indian tribe under the consultation and
8 input process under subsection (c) that the Sec-
9 retary determines to be appropriate.

10 SEC. 8. MAINTENANCE OF CERTAIN INDIAN RESERVATION
11 ROADS.

12 The Commissioner of U.S. Customs and Border Pro-
13 tection may transfer funds to the Director of the Bureau
14 of Indian Affairs to maintain or repair roads under the
15 jurisdiction of the Director, subject to the condition that
16 the Commissioner and the Director shall mutually agree
17 that the primary user of the subject road is U.S. Customs
18 and Border Protection.

19 SEC. 9. TRIBAL TRANSPORTATION SAFETY NEEDS.

20 (a) DEFINITIONS.—In this section:

9 (b) BEST PRACTICES, STANDARDIZED CRASH RE-
10 PORT FORM.—

16 (A) best practices for the compiling, anal-
17 ysis, and sharing of motor vehicle crash data
18 for crashes occurring on Indian reservations
19 and in Alaska Native communities; and

(B) a standardized form for use by Indian tribes and Alaska Native communities to carry out those best practices.

23 (2) PURPOSE.—The purpose of the best prac-
24 tices and standardized form developed under para-
25 graph (1) shall be to improve the quality and quan-

1 city of crash data available to and used by the Fed-
2 eral Highway Administration, State departments of
3 transportation, Indian tribes, and Alaska Native vil-
4 lages.

5 (3) REPORT.—On completion of the develop-
6 ment of the best practices and standardized form
7 under paragraph (1), the Secretary of Transpor-
8 tation shall submit to the Committee on Indian Af-
9 fairs of the Senate and the Committee on Natural
10 Resources of the House of Representatives a report
11 describing the best practices and standardized form.

12 (c) USE OF IMARS.—The Director of the Bureau of
13 Indian Affairs shall require all law enforcement offices of
14 the Bureau, for the purpose of reporting motor vehicle
15 crash data for crashes occurring on Indian reservations
16 and in Alaska Native communities—

17 (1) to use the crash report form of the applica-
18 ble State; and

19 (2) to upload the information on that form to
20 the Incident Management Analysis and Reporting
21 System (IMARS) of the Department of the Interior.

22 (d) TRIBAL TRANSPORTATION PROGRAM SAFETY
23 FUNDING.—Section 202(e)(1) of title 23, United States
24 Code, is amended by striking “2 percent” and inserting
25 “4 percent”.