

Dillon Road Joint Powers Authority

*Cabazon Band of Mission Indians
City of Coachella
Twenty-Nine Palms Band of Mission Indians*

STAFF REPORT

10/2/2024

TO: Dillon Road Joint Powers Authority Chair and Board Members

FROM: Andrew Simmons, City Engineer, City of Coachella

SUBJECT: ADOPT RESOLUTION DR-2024-01 FEDERAL HIGHWAY BRIDGE PROJECT (HBP) 5294(018): RELINQUISH PROJECT MANAGEMENT AND PROJECT LEAD RIGHTS AND RESPONSIBILITIES OF HBP 5294-018 FROM THE CITY OF COACHELLA TO THE TWENTY-NINE PALMS BAND OF MISSION INDIANS, PER ASSEMBLY BILL AB 2261.

STAFF RECOMMENDATIONS:

Adopt resolution DR-2024-01 Federal Highway Bridge Project (HBP) 5294(018): Relinquish project management and project lead rights and responsibilities of HBP 5294-018 from The City of Coachella to the Twenty-Nine Palms Band of Mission Indians, Per Assembly Bill AB 2261.

BACKGROUND:

The City of Coachella (City), The Cabazon Band of Mission Indians, Twenty Nine Palms Band of Mission Indians and the Coachella Valley Association of Governments (CVAG) have worked successfully and cooperatively to advance a Federal Transportation project for the replacement of the Dillon Road Bridge over the Coachella Valley Storm Channel, Project 5294(018), hereafter referred to as "Project".

In November of 2018, The Dillon Road Joint Powers Authority was established and a Joint Exercise of Powers Agreement was entered into to help advance the Project. The JPA empowered and authorized the City of Coachella to enter into contracts for the JPA and authorized the City to execute and administer professional services with Angenious Engineering Services to update CEQA, complete NEPA and complete the PA-ED phase of the Project. In addition, in January 2020 per Resolution No. DR-2020-01, the JPA authorized the City utilize its Local Code to apply for Highway Bridge Program Funds (HBP), act as the "Lead Agency" under the California Environmental Quality Act, and administer the project.

DISCUSSION/ANALYSIS:

The JPA, with financial assistance from CVAG and the cooperation of CALTRANS has successfully completed the Federal NEPA process and the PA-ED portions of the Project. However, during the NEPA process and prior to authorization of the PS&E phase of the project, some clarity was required relative to the ownership of the actual bridge structure and the easement

containing the bridge structure. These issues have been successfully resolved and it has been determined that the bridge structure, the underlying land and easements are all owned by Twenty Nine Palms Band of Mission Indians. In 2023 The City of Indio passed a resolution officially relinquishing any rights of ownership or responsibility towards the bridge structure.

Since the bridge and the underlying land are both owned by Twenty Nine Palms Band of Mission Indians, the JPA has sought to allow Twenty Nine Palms to act as a lead agency in lieu of the City of Coachella. However, this was not allowed under current state law. In order to remedy this situation, the Twenty Nine Palms Band of Mission Indians successfully lobbied the state to pass Assembly Bill AB-2261, which was summarized by the California Senate Transportation Committee as follows:

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.

The Bill modified Division 3 of the Street and Highways Code, Chapter 18: Federal Aid for Tribes, section 2702 by adding the following language:

To the extent permitted by federal and state law, a federally recognized Native American tribe shall be eligible for federal funding for a transportation project and may be the lead agency for a transportation project that receives federal funding.

SEC. 2.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Twenty-Nine Palms Band of Mission Indians is embarking on a series of transportation improvement projects, including safety projects. Providing opportunity for federally recognized tribes to receive independent transportation funding is essential to the success of critical projects and will help ensure the timely delivery of transportation safety projects.

Given the successful completion of the PA-ED portions of the project and the successful resolution of ownership questions related to the property and the structure, and given the passage of Assembly Bill AB 2261 it is recommended that this JPA adopt Resolution DR-2024-01 to relinquish lead agency and project management rights and responsibilities from the City of Coachella and empower those rights and responsibilities to Twenty Nine Palms Band of Mission Indians.