

RECENT TRANSPORTATION LEGISLATION

This information is provided expressly for educational purposes. The CA/NV TTAP hopes to inform and educate tribal communities about legislation that may impact California and Nevada tribal communities and their tribal transportation programs. The following legislation was current at the time of publication. Legislation may change or be repealed. For further information, please check the status of the legislation at the respective website sources noted below.

STATE LEGISLATION



CALIFORNIA

(For more information, go to <http://www.leginfo.ca.gov/bilinfo.html>)

State Implementation of the American Recovery and Reinvestment Act of 2009, Economic Recovery Pothole
Go to: <http://www.recovery.ca.gov/>

Assembly Bill No. X4-35

Assembly Member Jefferies, introduced 7/16/09.
Status: 7/17/09 from printer.

Existing law gives the Department of Transportation full possession and control of all state highways, describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission (CTC), and authorizes the commission to relinquish state highway segments to local agencies that have been deleted from the state highway system by legislative enactment.

This bill would generally authorize the

CTC to relinquish any portion of a state highway within a county or city to that county or city, subject to an agreement between the department and the local agency, without requiring a legislative enactment deleting the state highway segment from the state highway system. The bill would also require the department to expeditiously consider and respond to each request it receives from a city or county relative to an agreement relating to the proposed relinquishment of a state highway segment within the jurisdiction making the request, and would require the department to recommend to the Legislature any revisions to the statutory descriptions of state highway routes occasioned by relinquishments approved by the CTC.

Assembly Continuing Resolution No. 56

As amended Assembly Member Huffman.

Status: 8/25/09 Senate Committee on Governmental Organization.

This measure would call upon the Governor to refrain from negotiating a tribal-state gaming compact, with respect to specified gaming proposals on nontribal lands, until the land upon which the gaming will occur has been taken into trust for the tribe, the tribe has jurisdiction over the land, and the local jurisdiction and the local community in which the tribe's proposed gaming project would be located actually support the project.

Assembly Bill No. 508

Assembly Member Torlakson, introduced 2/24/09.

Status: 2/2/10 Filed with the Chief Clerk pursuant to rule 56.

This bill would require the DMV to collect an additional fee of \$10 for each provisional license application, create in the State Treasury the Young Driver Education and Safety Fund and would further require the additional fee to be deposited into that fund to, upon appropriation by the Legislature,

support the Young Driver Education and Safety Fund Advisory Group and to fund automobile driver's education and training in the public schools, including providing grants to local educational agencies to provide driver education and training programs in the public schools, under the direction of the Superintendent of Public Instruction in consultation with the Director of DMV. The bill would require the State Department of Education to establish a program to provide the grants to local educational agencies.

Assembly Bill No. 561

Assembly Member Carter, introduced 2/25/09.

Status: 8/23/09 Chaptered by the Secretary of State.

Existing law establishes the offense of assault against a highway worker engaged in the performance of his or her duties, where "highway worker" is defined as an employee or contractor of the Department of Transportation engaged in specified activities related to state highways.

This bill would expand the definition of highway worker for that offense to include employees of a city, county, or city and county, as well as employees of a contractor while working under contract with the Department of Transportation, contractors and employees of contractors while working under contract with a city, county, or city and county, and volunteers, as defined, and to include additional specified activities related to local roads or streets.

Assembly Bill No. 672

Assembly Members Bass and Eng, introduced 2/25/09.

Status: 10/11/09 Referred to Committee on Appropriations. Chaptered by Secretary of State.

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes. This bill would au-

RECENT TRANSPORTATION LEGISLATION

thorize a regional or local agency that is a lead agency for a project for which bond funding has been programmed, or to apply to the administrative agency for a letter of no prejudice that would make the regional or local agency eligible to be reimbursed from bond funds for expenditures of funds under its control for the project.

Assembly Bill No. 726

Assembly Members Nielsen and Arambula, introduced 2/26/09.

Status: 7/7/09 Referred to Senate Committee on Transportation and Housing.

This bill would state that local road rehabilitation projects are eligible for transportation capital improvement funds pursuant to state transportation improvement programs (STIP) process.

Assembly Bill No. 798

Assembly Member Nava, introduced 2/26/09.

Status: 10/11/09 Referred to Senate Committee on Appropriations. Chaptered by Secretary of State.

This bill would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects backed by various revenue streams of transportation funds, and toll revenues, in order to increase the construction of new capacity or improvements for the state transportation system. The bill sets forth the requirements for a project sponsor to obtain bond funding from the authority, would allow the authority to approve the imposition and collection of tolls on a proposed project under certain conditions, and would require the authority to report to the California Transportation Commission annually beginning June 30, 2011.

Assembly Bill No. 970

Assembly members Block and Bass, introduced 2/29/09.

Status: 5/6/10 Senate referred to Committee on Business, Professions and Economic Development..

This bill would encourage the State Board of Education and the Curriculum Development and Supplemental Materials Commission to ensure that the history-social science framework, evaluation criteria, and instructional materials include information about American Indians.

Assembly Bill No. 1220

Assembly Member Huffmann, introduced 2/25/09.

Status: 2/2/10 Filed with the Chief Clerk pursuant to rule 56.

This bill would additionally require that the supervising licensed driver have held his or her license for at least a year.

This bill would require, on and after January 1, 2011, for a driver's license to be issued to a person at least 18 years of age but under 25 years of age, the person to complete 50 hours of supervised driving practice, not less than 10 of which is required to include driving during darkness. The bill would require the person to record and maintain a supervised driving log, provided by the department, in the vehicle while the person is practicing.

Assembly Bill No. 1300

Assembly Member Fletcher, introduced 2/27/09.

Status: 7/06/09, Referred to Senate Committee on Natural Resources and Water.

This bill would authorize the department to develop and implement a fuels reduction program that provides competitive grants or other financial incentives to communities located in the wild land-urban interface or very high fire hazard severity zones to conduct fuels reduction efforts that minimize the risk or decrease the intensity of a wildfire in or around a community.

Assembly Bill No. 1464

Assembly Member Smyth, introduced 2/27/09.

Status: 10/11/09 Senate Committee on Appropriations. Chaptered by Secretary of State.

This bill would enact the California Bicycle Routes for State or Regional Significance Act, which would authorize the department to establish a process for identifying and promoting bicycle routes of national, state, or regional significance as specified.

Assembly Bill No. 1522

Assembly Member V. Manuel Perez, introduced 2/27/09.

Status: 2/2/10 Filed with the Chief Clerk pursuant to rule 56.

This bill would authorize a local authority in a rural area, to designate a school zone to include a state highway if the highway is within 1,000 feet of a school building or the grounds of a school building, including school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates the posted speed limit.

Assembly Bill No. 1648

Assembly Member Jeffries, introduced 1/13/10.

Status: 8/26/10 Enrolled in Committee on Appropriations.

Existing law prohibits a person from operating firefighting equipment unless that person has in his or her possession a valid driver's license for the appropriate class of vehicle operated.

Existing law requires an applicant for a driver's license to submit to an examination appropriate to the class of vehicle the applicant desires to drive. Class B vehicles include, among others, a vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds. Successful completion of the examination to drive a class B vehicle qualifies the person to operate all vehicles cov-

RECENT TRANSPORTATION LEGISLATION

ered under class C. Class C vehicles include, among others, a vehicle with a GVWR of 26,000 pounds or less. This bill would revise and recast the provisions regulating the operation of firefighting equipment, *as defined*, to permit certain persons employed as a firefighter or registered as a volunteer firefighter to operate firefighting equipment only if the person holds a class A, class B, or class C license, with certain exceptions, and a firefighter endorsement issued by the Department of Motor Vehicles, after providing to the department proof of current employment or registration as a volunteer firefighter with a fire department and evidence of fire equipment operation training, as specified, passing the written firefighter examination developed by the department with the cooperation of the Office of the State Fire Marshal, and submitting a report of medical examination on a department-approved form.

Assembly Bill No. 2089

Assembly Member Coto, introduced 2/28/10.
Status: 8/23/10 Voted to Enrollment.

(1) Existing law provides for the establishment of California American Indian education centers to serve as community-based educational resource centers to *for* American Indian pupils, parents, guardians, and the public schools in order to promote the academic and cultural achievement of the pupils. This bill would extend existing provisions regarding the California American Indian education centers to operate until January 1, 2017. Without this extension the centers will close January 1, 2012.

Assembly Bill No. 2124

Assembly Member Villines, introduced 2/18/10.
Status: 3/4/10 Referred to Committee on Transportation.

Existing law provides that the Department of Transportation has full ownership and control of all state high-

ways and associated property. This bill would require the department, with respect to state highway maintenance activity or a state highway construction project undertaken by the department, to be responsible for any damage inflicted on any public highway under the jurisdiction of a local agency from activities associated with the maintenance activity or construction project by the department's own forces or by contractors of the department.

Assembly Bill No. 2147

Assembly Member Perez, introduced 2/18/10.
Status: 8/26/10 Senate Appropriations to Enrollment.

Existing law requires the Department of Transportation, in consultation with the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals. This bill would additionally require, in rating a proposal, the consideration of the proposal's benefit to a disadvantaged community.

Assembly Bill No. 2324

Assembly Member Perez, introduced 2/19/10.
Status: 8/27/10 Senate Appropriations to Enrollment.

Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area of an airport or passenger vessel terminal, except as specified. This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle facility specified weapons, if a notice is posted at

the facility. By creating a new crime, the bill would impose a state-mandated local program.

Assembly Bill No. 2499

Assembly Member Portantino, introduced 2/19/10.
Status: 8/20/10 Senate Appropriations to Enrollment.

Existing law authorizes a court, in lieu of adjudicating a traffic offense committed by a person who holds a specified class of driver's license, to order or permit a person to attend a licensed traffic violator school, licensed driving school, or other court-approved program of driving instruction. Existing law also permits a court to order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and after that attendance, to dismiss the complaint, as specified.

This bill would revise these provisions and, instead, would authorize the court, after a deposit of bail and bail forfeiture, a plea of guilty or no contest, or a conviction, to order a continuance of the proceeding against a person who receives a notice to appear in court for a violation of a statute relating to safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators and order that the conviction be held confidential. The bill would prohibit the record of certain convictions from being confidential under these provisions.

The bill would also require that no violation point count be assessed if the record of conviction is confidential, unless other specified conditions apply.

Assembly Bill No. 2520

Assembly Member Solorio, introduced 2/19/10.
Status: 3/18/10 Referred to Committee on Transportation.

Existing law designates an administrative agency that is responsible for program-

RECENT TRANSPORTATION LEGISLATION

ming these bond funds for the various categories of projects funded by the act. Existing law authorizes a regional or local agency that is a lead agency for a project to be funded under the act to apply to the administrative agency for a letter of no prejudice that permits the applicant to spend its own resources on the project and then to be reimbursed at a later date when bond funds become available, subject to various requirements and conditions.

This bill would enact similar provisions applicable to regional or local agencies relative to projects to be funded by the Clean Air and Transportation Improvement Act of 1990.

Assembly Bill No. 2703

Assembly Member Perez, introduced 2/20/10.

Status: 8/3/10 referred to Senate Committee on Rules. Read second time.

Existing law establishes special procedures and formulas for allocation and expenditure of federal transportation economic stimulus funds awarded to the state in 2009. Under these provisions, the Department of Transportation, with the approval of the Department of Finance, may make a loan or loans from a specified portion of those federal funds for the purpose of advancing projects meeting certain criteria that otherwise would be funded from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, a general obligation bond measure approved by the voters in November 2006 as Proposition 1B.

This bill would provide similar authority to advance those projects with loans of federal funds awarded to the state in 2010 under the 2nd round of federal transportation economic stimulus funds. In order to be eligible for an advance, a project would need to have been programmed for Proposition 1B bond funds by an unspecified date *May 1, 2010*, and be ready to be awarded within 90 days of fed-

eral apportionment. Upon repayment of the loans, these funds would be available for appropriation by the Legislature for the State Highway Operation and Protection Program.

This bill would declare that it is to take effect immediately as an urgency statute.

Assembly Constitutional Amendment No. 15

Assembly Member Arambula, introduced 3/10/09.

Status: 8/31/10 Assembly Appropriations inactive file.

The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would alternatively condition the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects upon the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

Assembly Bill X4 24

Assembly Member Bass, introduced 2/7/09.

Status: 7/24/09 to inactive file in Assembly.

The Motor Vehicle Fuel License Tax Law imposes a tax of \$0.18 per gallon on motor vehicle fuel, commonly referred to as gasoline. The Diesel Fuel Tax Law imposes a tax of \$0.18 per gallon on diesel fuel. These revenues, after certain deductions for nonhighway fuel uses, are deposited in the Highway Users Tax Account. Approximately 1/3 of the revenues in the account are appropriated, to be apportioned by various formulas to cities and counties, and most of the remain-

ing revenues are deposited in the State Highway Account after specified transfers to the Bicycle Transportation Account and the State Parks and Recreation Fund.

This bill would require the Controller, if a specified portion of the Highway Users Tax Account is transferred to the Transportation Debt Service Fund, to make certain calculations regarding the amount of funding that has been transferred to the Transportation Debt Service Fund. The bill would, commencing in the 2011-12 fiscal year, and in each fiscal year thereafter for a total of 10 years, continuously appropriate a certain amount of revenues from the General Fund, which would be required to be apportioned to local agencies in a manner that fully restores the funds transferred to the Transportation Debt Service Fund.

Senate Bill No. SBX3

Senator Ducheny, introduced 1/05/09.

Status: 2./20/09 Chaptered by the Secretary of State.

Existing law, pursuant to Proposition 116 of 1990, creates the Public Transportation Account as a trust fund in the State Transportation Fund, provides that revenues are to be deposited in the account from specified portions of the sales taxes on gasoline and diesel fuel, and provides that moneys in the account are available for expenditure only for transportation planning and mass transportation purposes. Existing law specifies various transportation programs that are eligible to receive funds.

This bill, for the 2009-10 to 2012-13 fiscal years, would suspend the State Transit Assistance program as an eligible recipient of Public Transportation Account funds, and would provide that certain revenues in the account shall be available only for other specified transportation planning and mass transportation programs. The bill would also revise the authorized uses of Public Transportation Account funds to include regional center transportation and home-to-school transportation.

Senate Bill No. SBX8 36

Senator Lowenthal & Correa, introduced 2/5/10.

RECENT TRANSPORTATION LEGISLATION

Status: 3/11/10 in Senate Committee on Transportation and Housing.

Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Under these provisions, 25% of available funds are available for inter-regional improvement projects nominated by the Department of Transportation, subject to a requirement that 60% of these funds be available for projects in nonurbanized areas on the interregional road system and for intercity rail projects. The remaining 75% of available funds are available for regional improvement projects nominated by regional agencies. All funds programmed through the state transportation improvement program process are subject to the north-south split, and the regional improvement funds are further subject to the county shares formula.

Existing law establishes special procedures and formulas for allocation and expenditure of federal transportation economic stimulus funds received by the state in 2009.

This bill would require the Department of Transportation to work with local transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. The bill would require the department to submit a monthly status report to the Legislature, as specified, with respect to certain milestones for expenditure of these funds.

Senate Bill No. 240

Senator Wright, introduced 2/24/09.
Status: 10/11/09 Chaptered by the Secretary of State.

Existing law until January 1, 2010, requires a person driving a vehicle on a freeway approaching a stationary

authorized emergency vehicle that is displaying emergency lights or a stationary tow truck that is displaying flashing amber warning lights, to approach with due caution, and before passing in the lane immediately adjacent to the stationary vehicle, absent other direction by a peace officer, to move into an available lane that is not immediately adjacent to the stationary vehicle or if that lane change would be unsafe or impracticable, to slow to a reasonable and prudent speed. Violation of the requirements is an infraction.

This bill would extend this provision indefinitely. The bill, except as specified, would also apply these requirements to a person driving a vehicle on a freeway that approaches a stationary vehicle displaying flashing amber warning lights. By extending indefinitely, and expanding the scope of, an existing crime, this bill would impose a state-mandated local program.

Senate Bill No. 358

Senator Ducheny, introduced 2/25/09.
Status: 2/1/10 Returned to the Secretary of the Senate per Joint Rule 56.

This bill would require the secretary to establish the Native American Business Revolving Loan and Guarantee Program for the purpose of providing non-gaming business loans and loan guarantees to qualified Indian tribes, as defined.

Senate Bill No. 474

Senator Ducheny, introduced 2/26/09.
Status: Enrolled in Senate Appropriations Committee.

Existing law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways which are under its jurisdiction. Existing law provides for the California Transportation Commission to program certain transportation funds for particular projects, and to report to the Legisla-

ture on various transportation policy matters. Existing law authorizes the department and certain local agencies to enter into agreements for transportation projects under pilot programs using public-private partnerships. Existing law authorizes certain transportation projects under pilot programs using design-build contracting methods.

This bill would require the lead agency for a project, prior to entering into any agreement involving an alternative contracting or financing method, as specified, to pass a resolution that identifies the anticipated benefits from using those methods in comparison to using traditional contracting or financing methods.

This bill would declare that it is to take effect immediately as an urgency statute.

Senate Bill No. 607

Senator Ducheny, introduced 2/25/09.
Status: 8/6/09 Chaptered by Secretary of State.

Imperial County Transportation Commission. The governing board may include one member representing any federally recognized Native American Tribe in Imperial County as a non-voting member.

Senate Bill No. 675

Senator Steinberg, introduced 2/27/09.
Status: 8/31/10 Referred to Assembly Committee on Education. Read second time.

This bill would enact the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2010 and would create the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Fund (fund) in the State Treasury. The bill would provide that the moneys in the fund would be available in the form of competitive grants that would be administered by the State Allocation Board and awarded to qualifying entities for the purposes of the construction of new facilities or the reconfiguration of existing facilities to enhance the educational opportunities for program participants to provide them with the skills and knowledge necessary

RECENT TRANSPORTATION LEGISLATION

for careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California's goal in reducing greenhouse gas emissions.

Senate Bill No. 716

Senator Wolk, introduced 2/27/09.
Status: 10/11/09 Read second time and amended to Committee on Appropriations. Chaptered by Secretary of State.

Existing law requires that 1/4% of the local sales and use tax be transferred to the local transportation fund of the county and be allocated for transportation purposes. Existing law specifies the allowable uses for local transportation funds, and generally requires these funds to be used for transit purposes in urban counties, while in counties with a population under 500,000 as of the 1970 census and certain other counties, these funds may also be used for local streets and roads.

This bill would instead authorize those local transportation funds to be used for local streets and roads in those circumstances and for those other specified purposes in counties with a population under 500,000 as of the 2000 census, and each decennial census thereafter, and in certain other counties. The bill, in those counties where local transportation funds may be allocated to local streets and roads, would also authorize use of those funds for specified farm worker van-pool purposes upon a finding by the transportation planning agency that there are no unmet transit needs or no unmet transit needs that are reasonable.

Senate Bill No. 734

Senator Lowenthal, introduced 2/27/09.
Status: 10/11/09 Chaptered by the Secretary of State.

Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the

driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.

This bill would define a "bicycle path crossing" as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified. This bill would also permit the operation of bicycles on any sidewalk, on any bicycle path within a highway, or along any crosswalk or bicycle path crossing.

Senate Bill No. 964

Senator Alquist, introduced 2/5/10.
Status: 8/26/10 Assembly Appropriations to Enrollment.

This bill would require the authority to contract with the California Community Colleges Chancellor's office to develop a labor market assessment of the workforce and identify the education and skills needed for high-speed rail, and to develop a comprehensive workforce training and certification program or programs to facilitate the availability of that workforce. The bill would require the authority and the chancellor's office to form a Jobs Advisory Task Force, as specified, to advise the authority and the chancellor's office on the establishment and operation of training and certification programs required to produce an adequate skilled workforce for this project. The bill would require the labor market assessment to be incorporated into the authority's biennial revised business plan.

Senate Bill No. 1034

Senator Ducheny, introduced 2/12/10.
Status: 8/26/10 Enrolled in Assembly Appropriations Committee.

Existing law prohibits a person from knowingly and willfully excavating upon, or removing, destroying, injuring, or defacing, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, as defined. A violation of this prohibition is a misdemeanor, punishable by up to 6 months in county jail.

This bill would, instead, make that violation punishable by a fine not exceeding \$10,000, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment, thereby imposing a state-mandated local program by increasing the term of imprisonment for such a violation. The bill would require a court to order restitution to the state agency, conservancy, or other instrumentality of the state that has primary management authority over the public lands where the violation occurred or to the city, county, district, or other local agency owning or having jurisdiction over the public lands where the violation occurred. The bill would establish procedures for determining the commercial and archaeological value of those resources and the cost of restoration and repair.

Senate Bill No. 1299

Senator Lowenthal, introduced 2/19/10.
Status: 5/27/10 Held in Senate Appropriations.

This bill would require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to issues related to implementing a vehicle miles traveled (VMT) fee in California.

Senate Bill No. 1371

Senator Correa, introduced 2/19/10.
Status: 8/31/10 Assembly Committee on Transportation. Read third time.

This bill would require the Department of Transportation to work with local

RECENT TRANSPORTATION LEGISLATION

transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. The bill would require the department to submit a monthly status report to the Legislature with respect to certain milestones for expenditure of these funds.

Senate Bill No. 1372

Senator Dutton, introduced 2/19/10.
Status: 6/23/10 First hearing cancelled in by Assembly Governmental Organization.

Existing law promotes the self-sufficiency of Indian tribes and evidences the good will, cooperation, and mutual respect between the state and Indian tribes.

This bill would require a state agency, as defined, to make a reasonable effort to collaborate with an Indian nation or tribe in the development and implementation of policies, agreements, and programs of the state agency that directly affect American Indians.

Senate Bill No. 1393

Senator Simitian, introduced 2/19/10.
Status: 4/20/10 in Senate Committee on Transportation and Housing.

Existing law generally establishes an annual registration period for vehicles and imposes annual registration fees on vehicles. The Vehicle License Fee Law establishes an annual license fee for a vehicle subject to registration in this state in a specified amount of the market value of the vehicle.

This bill generally would require the Director of Motor Vehicles, commencing in 2012, to establish a biennial registration period for vehicles, except the bill would require the director to retain an annual registration period for vehicles registered pursuant to the International Registration Plan or commercial motor vehicles with a declared gross weight of 10,101 pounds or more.

The bill would require the Department of Motor Vehicles, commencing in 2012, to collect 2-years' worth of registration fees, vehicle license fees, and associated charges at the time of biennial registration, rather than collecting those fees and charges annually.

Senate Bill No. 1475

Senator Simitian, introduced 2/19/10.
Status: 8/13/10 Held in Assembly Appropriations.

This bill would require the DMV to include a test of the applicant's understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle. Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of the suspension or revocation of the privilege to drive. Under existing law, it is an infraction for any person to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. A person under 18 years of age is prohibited from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. Under existing law, a person is also prohibited from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication.

NEVADA LEGISLATION



The Nevada Legislature meets every two years. The 76th Session is scheduled to begin on February 7, 2011.

(For more information, go to <http://www.leg.state.nv.us/bills/bills.cfm>)

State Implementation of the American Recovery and Reinvestment Act of 2009

Nevada's Federal Stimulus Funds Website Go to:

<http://www.leg.state.nv.us/75th2009/federalstimulus/>

FEDERAL LEGISLATION



(For more information go to: <http://Thomas.loc.gov>)

House Continuing Resolution No. 3

Sponsor: Rep Serrano [NY16], introduced 1/6/09.

Status: 3/6/06 referred to Subcommittee on Early Childhood and Secondary Education.

Declares that the U.S. Government should pursue English-plus policies that: (1) encourage all residents of this country to become fully proficient in English by expanding educational opportunities and access to information technologies; (2) conserve and develop the nation's linguistic resources by encouraging all residents of this country to learn or maintain skills in languages other than English; (3) **assist Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States in their efforts to prevent the extinction of their languages and cultures;** (4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights; and (5) recognize the importance of multilingualism to vital American interests and individual rights, and oppose English-only measures and other restrictionist language measures.

RECENT TRANSPORTATION LEGISLATION

House Continuing Resolution No.74

Sponsor: Rep Wexler [FL19], introduced 3/16/09.

Status: 9/24/09 Referred to Senate Committee on Foreign Relations.

Supports the goals of a decade of action for road safety with a global target to reduce by 50% the predicted increase in global road deaths between 2010 and 2020.

House Resolution No. 140

Sponsor: Rep Gallegly [CA24], introduced 1/06/09.

Status: 1/06/09 Referred to Committee on Transportation and Infrastructure, and Committee on Oversight and Government Reform.

Requires the Secretary of Transportation to withhold specified graduated percentages of a state's apportionment of certain federal-aid highways funds for FY2010 and thereafter if driver licenses or personal identification cards issued by the state do not meet with certain minimum federal standards .

House Resolution No. 259

Sponsor: Rep Jackson-lee [TX18], introduced 1/07/09.

Status: 1/7/09 Referred to Subcommittee on Highways and Transit.

Michael Jon Newkirk Transportation Safety Enhancement Act of 2009 - Directs the Secretary of Transportation to withhold a graduated percentage of federal-aid highway funds of states for FY2012 and thereafter that do not enact or enforce a law that requires the annual inspection of registered motor vehicles so that they meet or exceed state motor vehicle standards (including the operability of vehicle seatbelts and speedometers).

House Resolution No. 687

Sponsor: Rep Foxx [NC5], introduced 1/27/09.

Status: 1/27/09 Referred to Subcommittee on Highways and Transit.

Highway Trust Fund Reform Act of

2009 - Repeals the Davis-Bacon Act (which requires that the locally prevailing wage rate be paid to laborers and mechanics working on federal-aid highway construction projects and public transportation construction projects).

House Resolution No. 727

Sponsor: Rep Pomeroy [ND]., introduced 1/27/09.

Status: 1/27/09 referred to Committees on Ways and Means and Education and Labor, and Natural Resources.

Indian School Construction Act - Directs the Secretary of the Interior to establish a pilot program under which eligible Indian tribes have the authority to issue tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design.

Permits a tribe to use amounts received through a bond issue to enter contracts: (1) for the design and engineering of the school; and (2) with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the tribe in issuing bonds.

Makes any tribal school modernization bond issued by a tribe subject to a trust agreement.

Authorizes the Secretary to deposit not more than \$50 million into a tribal school modernization escrow account and to accept additional amounts from other federal agencies and nonfederal public or private sources.

Declares that no bond shall be an obligation of, nor shall payment of the principal be guaranteed by, the United States, the tribes, or their schools. Exempts from federal income tax any earnings through the investment of funds under the control of a trustee. Amends the Internal Revenue Code to allow a tax credit to individuals who hold such bonds.

House Resolution No. 737

Sponsor: Rep Hoekstra [MI2], introduced 1/29/09.

Status: 1/29/09 Referred to Subcom-

mittee on Highways and Transit.

State Temporary Economic Priority (STEP) Act - Authorizes states to transfer or consolidate funds made available to them under certain federal transportation, education, and job training programs: (1) beginning with the calendar quarter after the United States experiences economic growth at an annual rate of less than 1% for two consecutive calendar quarters; and (2) continuing until 18 months after it experiences economic growth at an annual rate of 1% or more for two consecutive calendar quarters.

House Resolution No. 852

Sponsor: Rep Sanchez [CA47], introduced 2/4/09.

Status: 2/5/09 Referred to Subcommittee on Water Resources and Environment.

Re-Build America Bond Act of 2009 - Establishes the Re-Build America Trust Fund.

Directs the Secretary of the Treasury to issue Re-Build America Bonds.

Makes appropriations to the Trust Fund of amounts equivalent to all revenues derived from proceeds from the sale and issuance of such bonds, in order to make expenditures for rail, transit, water, highway, bridge, or road infrastructure projects.

House Resolution No. 1028

Sponsor: Rep Roybal-Allred [CA34], introduced 2/12/09.

Status: 2/12/09 Referred to Committee on Energy and Commerce.

Support 21 Act of 2009 - Requires the Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration, to establish a program under which at least two campaigns in support of enforcement of the minimum legal drinking age will be implemented per year 2010-2014 to: (1) educate the public about the public health and safety benefits and basis for age-21 minimum legal drinking age laws; and (2) build public and parental support for, and

RECENT TRANSPORTATION LEGISLATION

cooperation with, enforcement of such laws.

House Resolution No. 1071

Sponsor: Rep Thompson [PA5], introduced 2/1/09.

Status: 2/14/09 Referred to Subcommittee on Highways and Transit.

Keeping America's Freeways Free Act - Prohibits, with a specified exception, the imposition or collection of a toll on any portion of a federal highway facility: (1) that is in existence upon enactment of this Act; and (2) on which no toll is imposed or collected under a tolling provision on such enactment.

House Resolution No. 1135

Sponsor: Rep Shuster [PA9], introduced 2/23/09.

Status: 2/24/09 Referred to Subcommittee on Highways and Transit.

Bus Uniform Standards and Enhanced Safety Act of 2009 or the BUSES Act of 2009 - Directs the Secretary of Transportation to issue regulations to require: (1) monitoring of the safety performance of motor coach service providers and other commercial motor carriers of passengers; and (2) progressive interventions to correct unsafe practices, and if they are not corrected, an enforcement action. Authorizes the Secretary to organize special enforcement strike forces to target commercial motor vehicle operators when appropriate. Directs the Secretary to: (1) prescribe regulations to establish minimum training requirements for motor coach drivers; (2) review testing requirements for a commercial driver's license passenger endorsement; (3) develop requirements for the testing of medical examiners who examine commercial motor vehicle operators for physical fitness and seek to be listed in the national registry; (4) review annually the implementation of the commercial driver's license requirements of at least 10 states to assess the validity of physical exami-

nation reports and medical certificates submitted by certified medical examiners; and (5) establish the national registry of medical examiners.

House Resolution No. 1186

Sponsor: Rep Markey [CO4], introduced 3/16/10.

Status: 3/23/10 Passed/agreed to in House.

Expressing support for designation of April as National Distracted Driving .

House Resolution No. 1329

Sponsor: Rep Blumenauer [OR3], introduced 3/5/09.

Status: 3/6/09 Referred to Subcommittee on Railroads, Pipelines, and Hazardous Materials.

Clean, Low-Emission, Affordable, New Transportation Efficiency Act - Establishes the Low Greenhouse Gas Transportation Fund.

Requires the Administrator of the Environmental Protection Agency (EPA), for each of calendar 2012-2050, to auction 10% of emission allowances established under any EPA program providing for the reduction of greenhouse gas emissions and the auctioning of emission allowances.

Requires deposit of auction proceeds into the Fund to implement state and eligible regional or local entity greenhouse gas emission reduction plans, and provide funding to transit projects that help reduce such emissions.

Requires states and eligible regional or local entities representing populations of more than 200,000 people to: (1) establish goals for reducing greenhouse gas emissions from the transportation sector for the next 10 years; and (2) develop transportation greenhouse gas emission reduction plans, including supporting lists of prioritized transit projects, that are integrated into state and eligible regional or local entity long-range transportation and transportation improvement plans.

Directs the Secretary of Transportation and the EPA Administrator to contract with the Transportation Research

Board of the National Academy of Sciences to study and report recommendations for improving research tools and federal data sources necessary to assess the effect of state and local transportation, land use, and environmental plans on motor vehicle use rates and transportation sector greenhouse gas emissions.

House Resolution No. 1333

Sponsor: Rep Grijavla [AZ7], introduced 3/05/09.

Status: 10/01/09 Received in the Senate and read twice and referred Judiciary Committee.

Amends the federal criminal code to extend the exemption from prohibitions on the transportation, shipment, receipt, or importation of explosive materials to federally-recognized Indian tribes or agencies of such tribes.

House Resolution No. 1395

Sponsor: Rep Kline [MN2], introduced 3/09/09.

Status: 4/29/09 Referred to Subcommittee on Health, Employment, Labor, and Pensions.

Tribal Labor Sovereignty Act of 2009 - Amends the National Labor Relations Act to provide that any enterprise or institution owned and operated by an Indian tribe and located on its Indian lands is not considered an employer for purposes of such Act.

House Resolution No. 1443

Sponsor: Rep Matsui [CA5], introduced 3/11/09.

Status: 3/12/09 Referred to Subcommittee on Highways and Transit.

Complete Streets Act of 2009 - Requires each state to have in effect within two years a law, or each state department of transportation and metropolitan planning organization (MPO) an explicit policy statement, that requires all federally-funded transportation projects, with certain exceptions, to accommodate the safety and convenience of all users in accordance with certain complete streets principles.

RECENT TRANSPORTATION LEGISLATION

Defines "complete streets principles" as federal, state, local, or regional level transportation laws, policies, or principles which ensure that the safety and convenience of all users of a transportation system, including pedestrians, bicyclists, public transit users, children, older individuals, motorists, and individuals with disabilities, are accommodated in all phases of project planning and development.

House Resolution No. 1607

Sponsor: Rep Faleomavaega [AS], introduced 3/19/09.

Status: 3/19/09 Referred to Committee on Natural Resources.

Indian Development Finance Corporation Act - Establishes the Indian Development Finance Corporation to provide development capital for new and existing Indian businesses and to strengthen tribal economies.

Authorizes the Corporation to make loans to or purchase, insure, or discount obligations of Indian businesses if they meet specified financial conditions.

Directs the Corporation to provide the credit needed by Indian businesses at the lowest reasonable cost.

Authorizes the Corporation to guarantee all or any part of the principal and interest of any loan made to an Indian business by a state or federally chartered lending institution, provided the loan was made on terms permissible for Corporation loans.

Authorizes the Corporation to purchase all or any part of the ownership interest in an Indian business and to supervise or participate in the management of such business.

House Resolution No. 1682

Sponsor: Rep Coanway [TX11], introduced 3/24/09.

Status: 3/25/09 Referred to Subcommittee on Highways and Transit.

Bridge Life Extension Act of 2009 - Requires a state, as a condition of receiving federal-aid highway funding, to develop and implement a highway

bridge management system that meets certain requirements.

Requires a state, in developing and implementing such a system, to: (1) identify corrosion mitigation and prevention methods to preserve its highway bridges; (2) establish a project maintenance program to extend the life of such bridges; (3) ensure that all highway bridge designers, inspectors, and maintenance workers implementing the system are trained and certified in corrosion mitigation and prevention techniques; and (4) research current inspection technologies and techniques for highway bridges.

House Resolution No. 1697

Sponsor: Rep Pallone [NJ6], introduced 3/24/09.

Status: 3/30/09 Referred to Subcommittee on Management, Investigations, and Oversight.

Tribal Government Homeland Security Coordination and Integration Act - Establishes the Office of Tribal Government Homeland Security (Office) within the Department of Homeland Security (DHS). Prescribes the Secretary's and the Director's duties of coordination, infrastructure and equipment readiness, training, and inclusion of Indian tribes in homeland security preparedness.

Requires the Secretary to treat Indian tribes as states, as appropriate, for the purpose of homeland security. Authorizes the Secretary to delegate to Indian tribes primary responsibility for homeland security activities within their respective jurisdictions. Requires the Secretary to integrate the roles of the Bureau of Indian Affairs and Indian Health Services with regard to homeland security.

Requires the Secretary to provide assistance to enhance information technology capabilities of tribes and ensure the participation of Indian tribes in the coordination with governments and the private sector as related to homeland security activities.

Makes Indian tribes eligible to apply for, receive, direct, and supervise any

homeland security-related federal grant program.

Authorizes the Secretary to award grants to Indian tribes for specified homeland security purposes.

Requires the Secretary to: (1) provide Indian tribes with technical assistance in developing, implementing, and managing emergency response plans; (2) ensure that DHS expertise and legal, financial, or technical assistance programs are made available to Indian tribes; and (3) facilitate cooperation with the heads of appropriate federal agencies working on homeland security initiatives.

House Resolution No. 1895

Sponsor: Rep Bishop [NY1], introduced 4/03/09.

Status: 4/03/09 Referred to Subcommittee on Highways and Transit.

Safe Teen and Novice Driver Uniform Protection Act of 2009 or the STANDUP Act - Authorizes the Secretary of Transportation to award incentive grants to states with graduated driver licensing laws that include, for novice drivers under age 21, a two-stage licensing process before the grant of an unrestricted driver's license.

Requires such laws, at a minimum, to include: (1) a learner's permit stage that commences at age 16 or older, lasts at least six months, prohibits the use of a cellular phone or other communications device in non-emergency situations, prohibits nighttime driving, and is in effect until commencement of the intermediate stage or when the driver attains age 18 or older; (2) an intermediate stage in effect until the driver attains age 18 or older that commences after expiration of the learner's permit stage, lasts at least six months, prohibits more than one non-familial passenger under age of 21 if there is no licensed driver age 21 or older present in the vehicle, prohibits nighttime driving, and prohibits the use of a cellular phone or other communications device in non-emergency situations; and (3) any other requirement that the Secretary may require.

Directs the Secretary to withhold a certain percentage of federal-aid highway

RECENT TRANSPORTATION LEGISLATION

funds from states that do not comply with the requirements of this Act.

House Resolution No. 2104

Sponsor Rep Filner [CA51], introduced 4/28/09.

Status: 4/28/09 Referred to Subcommittee on Highways and Transit.

Safety, Efficiency, and Accountability in Transportation Projects Through Public Inspection Act of 2009 - Requires public employees to perform construction inspections on all surface transportation projects receiving federal funding.

House Resolution No. 2125

Sponsor: Rep Rahall [WV3], introduced 4/28/09.

Status: 4/28/09 Referred to Subcommittee on Highways and Transit.

Surface Transportation Safety Act of 2009 - Directs the Secretary of Transportation to modify certain federal regulations to: (1) allow fire services personnel to wear high visibility apparel meeting certain requirements; and (2) ensure that positive protective measures (including temporary longitudinal traffic barriers) are used to separate workers on highway construction projects from motorized traffic.

Directs the Secretary of Transportation to revise the Manual on Uniform Traffic Control Devices to include a standard for a minimum level of retro reflectivity that must be maintained for pavement markings, which shall apply to all roads open to public travel, and other provisions for state DOTs.

House Resolution No. 2144

Sponsor: Flake [AZ6], introduced 4/28/09.

Status: 4/29/09 Referred to Subcommittee on Highways and Transit.

Highway Fairness and Reform Act of 2009 - Directs the Secretary of Transportation, beginning with FY2011, to carry out a direct federal-aid highway program to permit a state governor or chief executive officer, at least 90 days

before the beginning of a fiscal year, to elect to: (1) waive the state's right to receive apportioned or allocated funds under the federal-aid highway program; and (2) receive instead a prorated amount of the taxes appropriated to the Highway Trust Fund (other than from the Mass Transit Account) which are attributable to highway users in the state. Requires a pro rata reduction of such tax-equivalent amount in order to fund contract authority for programs of the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA).

House Resolution No. 2232

Sponsor: Rep Capuanjo [MA8], introduced 5/04/09.

Status: 5/05/09 Referred to Subcommittee on Highways and Transit.

Directs the Secretary of Transportation to establish: (1) a national highway tunnel inspection program, including standards for the proper safety inspection and evaluation of all highway tunnels; (2) a training and certification program for highway tunnel inspectors; and (3) a national inventory of highway tunnels. Includes tunnel construction, rehabilitation, and operational improvements (including safety inspection of such tunnels) as eligible projects under the federal surface transportation program.

House Resolution No. 2352

Sponsor: Rep Shuler [NC11], introduced 5/12/09.

Status: 5/21/09 Read Twice and referred to Committee on Small Business and Entrepreneurship.

Title III: Enhancing Native American Entrepreneurship - (Sec. 301) Establishes within the SBA an Office of Native American Affairs, headed by an Associate Administrator for Native American Affairs. Directs the Office to: (1) develop and implement tools and strategies to increase Native American entrepreneurship; (2) expand access of Native American entrepre-

neurs to business training, capital, and federal small business contracts; (3) expand outreach to Native American communities and market entrepreneurial development services to such communities; and (4) represent the SBA with respect to Native American entrepreneurial development. Authorizes appropriations.

Authorizes the Administrator to operate a Tribal Business Information Centers program that provides Native American populations with business training and entrepreneurial development assistance. Authorizes appropriations.

(Sec. 302) Allows SBA small business development center (SBDC) participants to apply for an additional grant to assist with outreach, development, and enhancement of small business startups and expansions owned by Indian tribe members, Alaska Natives, and Native Hawaiians. Authorizes appropriations.

House Resolution No. 2489

Sponsor: Rep Sandlin [SD], introduced 5/19/09.

Status: 12/24/09 Read twice and referred to Senate Committee on Commerce, Science, and Transportation.

National Land Remote Sensing Outreach Act - Directs the Secretary of the Interior to establish and maintain a national land remote sensing outreach program within the United States Geological Survey (USGS) to advance the availability, timely distribution, and widespread use of geospatial imagery for education, research, assessment, and monitoring purposes in each state and on the lands of an Indian tribe.

House Resolution No. 2497

Sponsor Rep Nadler [NY8], introduced 5/19/09.

Status: 5/20/09 Referred to Subcommittee on Highways and Transit.

Transportation Job Corps Act of 2009 - Requires the Administrator of the Federal Transit Administration (FTA) to establish: (1) a National Joint Workforce Development Council; and (2) regional workforce development coun-

RECENT TRANSPORTATION LEGISLATION

cils and governing boards in each of its 10 regions. Replaces the current discretionary grant and contract programs addressing human resource needs as they apply to public transportation activities.

Directs the Secretary of Transportation, acting through the Administrator, to establish programs for the award of grants to: (1) nonprofit organizations and educational institutions to introduce disconnected youth (ages 16 through 24 who are out of school and unemployed) to careers in the transit industry by providing them with basic skills education and pre-apprenticeship skills; (2) partnerships of transit agencies and unions representing non-managerial employees (partnerships), as well as providers of management and technical programs for managerial employees, to develop education programs improve job skills of transit employees and to provide education and training to assist individuals to enter the transit profession; and (3) the same or similar partnerships to develop special projects to increase education opportunities for disadvantaged transit industry individuals, including racial and ethnic minorities underrepresented in transit management, by providing student scholarships, pre-entry preparation, and retention activities.

House Resolution No. 2507

Sponsor: Rep Young [AK], introduced 5/19/09.

Status: 5/19/09 Referred to Committee on Natural Resources.

Native American Challenge Demonstration Project Act of 2009 - Directs the Secretary of Commerce to establish and implement the Native American Millennium Challenge Demonstration Project through which federal economic development assistance may be provided for certain Native American communities.

Authorizes the Secretary to provide such assistance to Alaska Native nonprofit organizations, Native Hawaiian community organizations, and other Indian tribes that enter into Native

American Challenge Compacts. Requires such Compacts to establish a multiyear plan for achieving certain development objectives, including promoting economic growth and the elimination of poverty, strengthening good governance, entrepreneurship, and investment in Native American communities, and enhancing the capacity of Alaska Native communities to deal with climate change.

House Resolution No. 2724

Sponsor: Rep Holt [NJ12], introduced 6/04/09.

Status: 6/05/09 Referred to Subcommittee on Railroads, Pipelines, and Hazardous Materials.

National Transportation Objectives Act of 2009 - Establishes: (1) national transportation objectives to provide a 21st century vision for the national surface transportation system, including to promote energy efficiency and achieve energy security, ensure environmental protection and safety for all transportation users, improve economic competitiveness and transportation system conditions, and provide equal access to transportation in urban, suburban, and rural communities; and (2) national transportation performance targets to meet such objectives, including to reduce per capita vehicle miles traveled by 16% and transportation-generated carbon dioxide levels by 40%, triple walking, biking, and public transportation use, increase freight transportation provided by railroad and intermodal services by 20%, and improve public safety and lower congestion costs by reducing traffic crashes by 50%.

House Resolution No. 2973

Sponsor: Rep Campbell [CA48], introduced 6/19/09.

Status: 6/19/09 Referred to Committee on Natural Resources.

Requires the Secretary of the Interior, acting through the Bureau of Indian Affairs, to notify certain local governments: (1) within 60 days after a peti-

tion is filed requesting that a tribe be recognized, acknowledged, or reacknowledged as a federally recognized Indian tribe; (2) within 30 days after enactment of this Act regarding pending petitions; and (3) 90 days before a decision on a petition is announced.

Prohibits Secretary from taking land into trust for the benefit of an Indian tribe or member thereof unless an Act enacted after this Act specifically instructs the Secretary to do so.

Amends the Indian Gaming Regulatory Act to make the Act inapplicable to an Indian tribe or to Indian lands of an Indian tribe until that tribe has been a federally recognized Indian tribe for at least 25 continuous years, except for tribes that were federally recognized before enactment of this Act.

House Resolution No. 3094

Sponsor: Rep Edwards [MD4], introduced 6/26/09.

Status: 6/26/09 Referred to Committee on Education and Labor.

Alexander L. Booker Child Protection Construction Site Safety Act - Directs the Secretary of Labor, in order to increase worker safety and protect child trespassers from unforeseen dangers on construction sites, to revise regulations under the Occupational Safety and Health Act of 1970 to require: (1) signs and symbols be prominently displayed to warn adults and children of danger or a hazard at construction sites (even during non-working hours); (2) all equipment left unattended at night near a highway, construction areas, or schools or other areas where children are known to congregate to have sufficiently visible barricades to prevent access to such equipment as well as to require the equipment's parking brakes to be set when not in use and be equipped with devices that set off an alarm when tampered with or broken; and (3) all motorized vehicles to be equipped with safety lock systems, including latches or other devices to prevent accidental starting.

RECENT TRANSPORTATION LEGISLATION

House Resolution No. 3355

Sponsor: Rep Altimire [PA4], introduced 7/27/09.

Status: 7/28/09 Referred to Subcommittee on Highways and Transit.

Older Driver and Pedestrian Safety and Roadway Enhancement Act of 2009 - Directs the Secretary of Transportation to implement a roadway safety enhancement program for older drivers and pedestrians to: (1) improve roadway safety infrastructure in states that is consistent with recommendations of the Federal Highway Administration (FHWA) in the "Highway Design Handbook for Older Drivers and Pedestrians"; and (2) achieve significant reductions in roadway fatalities and serious injuries among drivers and pedestrians 65 years old or older on all public roads.

House Resolution No. 3461

Sponsor: Rep Blumenauer [OR3], introduced 7/31/09.

Status: 8/3/09 Referred to Subcommittee on Highways and Transit.

Orphan Highway Restoration Act - Defines "orphan highway" to mean a highway that: (1) formerly was a U.S. numbered highway; (2) no longer is a principal route for traffic passing through a state; and (3) because of decreased importance to statewide transportation, has received only routine maintenance but needs significant restoration.

Directs the Secretary of Transportation to: (1) make grants and provide technical assistance to states and local government units to restore orphan highways; and (2) allocate funds to grant recipients for FY2010-FY2015 based on a calculated formula.

House Resolution No. 3535

Sponsor Rep McCarthy [NY4], introduced 9/08/09.

Status: 9/09/09 Referred to Subcommittee on Highways and Transit.

Avoiding Life-Endangering and Reckless Texting by Drivers Act of 2009 or

the ALERT Drivers Act - Requires the Secretary of Transportation to withhold 25% of a state's apportionment of certain federal-aid highway program funds for the fiscal year if the state has not enacted or is not enforcing a law that: (1) prohibits, except in an emergency, an operator of a motor vehicle from writing, sending, or reading a text message using a hand-held mobile telephone (excluding a vehicle-integrated, voice-activated device); and (2) requires, upon conviction of a violation of such prohibition, the imposition of certain minimum penalties.

House Resolution No. 3645

Sponsor: Rep Kirkpatrick [AZ1], introduced 9/24/09.

Status: 9/25/09: Referred to Subcommittee on Highways and Transit.

Indian School Bus Route Safety Reauthorization Act of 2009 - Amends the Transportation Equity Act for the 21st Century to authorize appropriations for FY2010-FY2015 for allocations to states for Indian reservation roads.

House Resolution No. 3690

Sponsor: Rep Faleomavaega [AS], introduced 10/01/09.

Status: 10/01/09 Referred to Committee on Natural Resources.

Indian Tribal Federal Recognition Administrative Procedures Act - Establishes the Commission on Recognition of Indian Tribes. Sets forth procedures for an Indian group to submit letters of intent and a petition to the Commission requesting federal recognition as an Indian tribe (effectively transferring the federal recognition process from the Bureau of Indian Affairs [BIA] to the Commission).

House Resolution No. 3829

Sponsor: Rep Brady [PA1], introduced 10/15/09.

Status: 10/16/09 Referred to Subcommittee on Highways and Transit.

Fighting Occupied Cell Use So Everyone Drives More Safely Act of 2009 or

the FOCUS Act of 2009 - Requires the Secretary of Transportation to withhold 25% of a state's apportionment of certain federal-aid highway program funds for the fiscal year if the state has not enacted or is not enforcing a law that: (1) prohibits, except in an emergency, an operator of a moving motor vehicle from using any communication device if he or she is under 21, and a hand-held communication device if he or she is 21 or older; and (2) requires, upon conviction of a violation of such prohibition, the imposition of certain minimum penalties.

Defines "communication device" to mean any mobile telephone or other portable electronic communication device which a user engages in a call or writes, sends, or reads a message.

House Resolution No. 3994

Sponsor Rep Engel [NY17], introduced 11/03/09.

Status: 11/04/09 Referred to Subcommittee on Highways and Transit.

Distracted Driving Prevention Act of 2009 - Directs the Secretary of Transportation to make grants to states that enact laws that prohibit, with certain exceptions, and establish fines for texting and/or handheld cell phone use while driving.

House Resolution No. 4021

Sponsor: Rep Blumenauer [OR3], introduced 11/5/09.

Status: 11/05/09 Referred to Subcommittee on Highways and Transit.

Safe Routes to High Schools Act - Amends the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to include high school students as beneficiaries of the safe routes to school program. (Currently, the program provides funding to states for projects that encourage, and enhance the ability of, primary and secondary school students to walk or bike to school safely.)

RECENT TRANSPORTATION LEGISLATION

House Resolution No. 4104

Sponsor: Rep Ellsworth [IN8], introduced 11/18/09.

Status: 11/19/09 Referred to Subcommittee on Highways and Transit.

Emergency Responders Highway Safety Act of 2009 - Directs the Secretary of Transportation to establish a highway emergency responders safety grant program.

House Resolution No. 4153

Sponsor: Rep Platts [PA19], introduced 11/19/09.

Status: 11/20/09 Referred to Subcommittee on Highways and Transit.

Requires the Secretary of Transportation to withhold specified graduated percentages of a state's apportionment of certain federal-aid highway program funds for FY2012-FY2015, and thereafter, if the state has not enacted or is not enforcing a law that prohibits, with specified exceptions, a person from using a wireless communications device to compose, read, or send an electronic message while operating a motor vehicle that is in motion or part of traffic.

House Resolution No. 4188

Sponsor: Rep Sestak [PA7], introduced 12/2/09.

Status: 12/3/09 Referred to Subcommittee on Water Resources and Environment.

Brownfield Cleanup Enhancement Act - Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize appropriations for FY2010 and each fiscal year thereafter for: (1) the brownfield site characterization and assessment grant program and for grants and loans for brownfield remediation; and (2) state and Indian tribe brownfield sites

House Resolution No. 4290

Sponsor: Rep Hare [L17], introduced 12/11/09.

Status: 3/29/10 referred to Subcommittee on Department Operations, Oversight, Nutrition, and Forestry.

Directs: (1) the Attorney General to award grants to state, local, or tribal law enforcement agencies through the Community Oriented Policing Services (COPS) program to hire, rehire, continue to employ, and prevent furloughs of police officers; (2) the Secretary of DHS, through the Administrator of the United States Fire Administration, to award grants through the Staffing for Adequate Fire and Emergency Response (SAFER) grant program to hire, rehire, continue to employ, and prevent furloughs of firefighters; (3) the Secretary of Commerce to award grants to states, cities or other political subdivisions or a consortium of such subdivisions, or Indian tribes, to assist in maintaining basic government services; and (4) the Secretaries of the Interior and Agriculture to fund specific public works projects in national parks and through the National Forest Service, respectively.

House Resolution No. 4318

Sponsor: Rep Kaptur [OH9], introduced 12/15/09.

Status: 2/23/10 referred to Subcommittee on Workforce Protection.

1st Century Civilian Conservation Corps Act - Authorizes the President, in order to relieve widespread unemployment, restore depleted natural resources in the United States, and advance public works programs, to establish a Civilian Conservation Corps to employ unemployed or underemployed U.S. citizens in the construction, maintenance, and carrying on of works of a public nature, such as reforestation of U.S. and state lands, prevention of forest fires, floods, and soil erosion, and construction and repair of National Park System paths and trails.

House Resolution No. 4347

Sponsor Rep Boren [OK2], introduced 12/16/09.

Status: 7/22/10 Ordered to be Reported (Amended) by Voice Vote.

Department of the Interior Tribal Self-Governance Act of 2009 - Amends the Indian Self-Determination and Education Assistance Act to revise tribal self-governance requirements.

Authorizes the Secretary of the Department of the Interior, through the Director of the Office of Self-Governance, to select up to 50 new Indian tribes per year from those eligible to participate in self-governance.

House Resolution No. 4352

Sponsor: Rep McCarthy [CA22], introduced 12/16/09.

Status: 12/17/09 Referred to Subcommittee on Water Resources and Environment.

Small and Rural Communities Wastewater Infrastructure Act - Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to allocate at least 5%, 10%, or 15% of funds received by a state in capitalization grants to provide assistance to publicly owned treatment works that serve populations of 5,000 or fewer persons, 5,001 to 20,000 persons, or 20,001 to 50,000 persons, respectively.

Authorizes a state to use funds received in capitalization grants for making preloans (financial assistance from the state's water pollution control revolving loan fund) to municipalities or intermunicipal, interstate, or state agencies for costs incurred in connection with project development, environmental studies, legal and administrative expenses, and project design for construction of a public owned treatment works that will regularly serve 50,000 or fewer persons. Prohibits a preloan from being used for costs related to land acquisition.

Authorizes a state agency to provide additional assistance in connection with a state water pollution control revolving loan if a project is to benefit a disadvantaged community with a population of 50,000 persons or fewer by: (1) forgiving all or a portion of the principal of the loan; (2) not requiring or reducing interest to be paid in con-

RECENT TRANSPORTATION LEGISLATION

nection with the loan; and (3) extending the loan repayment period to not to exceed 30 years.

Requires the Administrator of the Environmental Protection Agency (EPA) to identify, implement, and make further recommendations regarding ways to expedite and improve the application and review process for obtaining financing from a state water pollution control revolving loan fund.

House Resolution No. 4643

Sponsor: Oberstar [MN8], introduced 2/22/10.

Status: 2/23/10 Referred to Subcommittee on Highways and Transit.

Public Transportation Safety Program Act of 2010 - Directs the Secretary of Transportation to establish a federal public transportation safety program to improve the safety of, and reduce the number of accidents involving, rail fixed guide way public transportation systems and public transportation bus systems that receive federal assistance.

House Resolution No. 4722

Sponsor: Rep Blumenauer [OR3], introduced 3/02/10.

Status: 3/03/10 Referred to Subcommittee on Highways and Transit.

To direct the Secretary of Transportation to carry out an active transportation investment program to encourage a mode shift to active transportation within selected communities by providing safe and convenient options to bicycle and walk for routine travel.

House Resolution No. 4890

Sponsor: Rep Vernon [MI3], introduced 3/19/10.

Status: 3/20/10 referred to Subcommittee on Highways and Transit.

Research of Alcohol Detection Systems for Stopping Alcohol-related Fatalities Everywhere Act of 2010 or the ROADS SAFE Act of 2010 - Directs the Administrator of the National Highway Traffic Safety Administration (NHTSA) to carry out a collaborative research effort

to continue to explore, and report to specified congressional committees on, the feasibility and the potential benefits of, and the public policy challenges associated with, more widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

House Resolution No. 4891

Sponsor: Rep Ehlers [MI3], introduced 3/19/10.

Status: 3/20/10 referred to Subcommittee on Highways and Transit.

Drunk Driving Repeat Offender Prevention Act of 2010 - Directs the Secretary of Transportation to withhold specified graduated percentages of a state's apportionment of certain federal-aid highway funds for FY2013-FY2015 if the state has not enacted and is not enforcing a law requiring the installation of an ignition interlock device for a minimum of 180 days on each motor vehicle operated by an individual convicted of driving while intoxicated or driving under the influence.

House Resolution No. 4987

Sponsor: Rep Schock [IL18], introduced 3/25/10.

Status: 3/25/10 referred to Committee on Appropriations.

Reclaiming Our American Dollars Act - Requires the transfer to the Highway Trust Fund of unobligated balances of the discretionary appropriations (stimulus funds) made available by division A of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), except specified appropriations for: (1) the Department of the Army, Corps of Engineers-Civil; or (2) the Department of Transportation (DOT).

House Resolution No. 5023

Sponsor: Rep Grijalva [AZ7], introduced 4/14/10.

Status: 7/28/10 Committee Hearings Held.

Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act or the RESPECT

Act - Expresses the sense of Congress that consultation with Indian tribes constitutes more than simply notifying an Indian tribe about a planned undertaking and that consultation means the process of seeking, discussing, and considering the views of participants, and, where feasible, seeking agreement with them regarding proposed activities and other matters.

Outlines the consultation procedure, including requiring federal agencies to: (1) have an accountable process to ensure meaningful and timely input by Indian tribes prior to undertaking any activity that may have substantial direct impacts on the lands or interests of one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes; (2) consult with Indian tribes concerning all activities that would affect any part of any federal land that shares a border with Indian country; (3) recognize and respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the federal government and Indian tribal governments; and (4) review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes. Permits an Indian tribe alleging that the requirements of this Act have not been met to bring a civil action in a U.S. district court.

House Resolution No. 5097

Sponsor: Rep Markey [CO4], introduced 4/21/10.

Status: 4/22/10 Referred to Subcommittee on Highways and Transit.

Erica's Law - Requires the Secretary of Transportation to withhold 15% of a state's apportionment of certain federal-aid highway program funds if the state has not enacted or is not enforcing a law that: (1) prohibits, with specified exceptions, an individual from using a

RECENT TRANSPORTATION LEGISLATION

wireless communication device to call or compose, read, or send an electronic message while operating a motor vehicle in a school zone; and (2) requires, upon conviction of a violation of the prohibition, the imposition of certain minimum penalties.

House Resolution No. 5101

Sponsor: Rep Rush [NJ12], introduced 4/21/10.

Status: 6/18/10 referred to Subcommittee on Horticulture and Organic Agriculture.

Wildlife Corridors Conservation Act of 2010 - Establishes a National Fish and Wildlife Habitat and Corridors Information Program for the purposes of: (1) supporting states and Indian tribes in the development of a geographic information system database of fish and wildlife habitat and corridors that would inform planning and development decisions; and (2) facilitating the use of such databases, including the Habitat and Corridors Information System, by federal, state, local, and tribal decision makers to incorporate qualitative and quantitative information on such habitat and corridors at the earliest possible stage.

House Resolution No. 5169

Sponsor: Rep Green [TX29], introduced 4/28/10.

Status: 4/28/10 referred to Committee on Energy and Commerce.

Event Data Recorder Enhancement Act - Directs the Secretary of Transportation (DOT) to modify certain federal motor vehicle safety standards to require that passenger automobiles (except trailers) be equipped with: (1) an event data recorder (EDR) meeting certain requirements; and (2) a standardized port for accessing and retrieving data stored in any EDR regardless of the manufacturer or model of the motor vehicle.

House Resolution No. 5209

Sponsor: Rep Kind [WI3], introduced 5/5/10.

Status: 6/18/10 Referred to Subcommittee on Department Operations, Oversight, Nutrition and Forestry.

Healthy Communities through Helping to Offer Incentives and Choices to Everyone in Society Act of 2010 - Revises federal health law to address obesity, including through: (1) routine collection of data needed to calculate body mass index (BMI); (2) expansion of coverage for obesity under Medicare, Medicaid, and the Children's Health Insurance Program (CHIP, formerly known as SCHIP); (3) programs to promote healthy eating behaviors and physical activity; and (4) training of health care professionals on how to treat and prevent obesity and aid individuals who are obese or overweight.

Amends the Richard B. Russell National School Lunch Act to expand the nutritional requirements of food offered through child and adult food programs. Includes a physical activity component for children's food programs.

Sets forth provisions to expand physical activity through: (1) programs to connect children and families with the outdoors; (2) guidelines for physical education in elementary and secondary schools; (3) inclusion of physical education as a core academic subject in schools; (4) tax incentives for employer provided membership to athletic or fitness facilities; and (5) enrichment programs, such as summer camps, for children on Indian reservations and tribal lands.

Sets forth provisions to improve knowledge of and access to healthy foods through: (1) educating consumers about physical activity and lifestyles; (2) infrastructure improvements to food programs; (3) expansion of retail food stores offering affordable, nutritious foods in underserved communities; and (4) expansion of urban community gardens.

Authorizes the Secretary of Transportation (DOT) to make grants to assist local planning decisions and policies that increase the access of individuals to physical activity. Expands the program to provide safe routes to schools to include high school students.

Authorizes the Secretary of Health and Human Services (HHS), acting through the National Center for Health Statistics, to provide for the: (1) collection of data for determining the fitness levels and energy expenditures of children and youth; and (2) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

House Resolution No. 5282

Sponsor: Rep Barrow [GA12], introduced 5/12/10.

Status: 7/29/10. Ordered to be Voted (Amended) by Voice Vote.

The Army Corps of Engineers and other Federal agencies are required to preserve and catalogue artifacts and other items of national historical significance that are uncovered during the course of their work. Uncatalogued artifacts within the care of Federal agencies are stored in hundreds of repositories and museums across the country. In October of 2009, the Army Corps of Engineers, Center of Expertise for Curation and Management of Archaeological Collections, used \$3,500,000 in temporary funds from the American Recovery and Reinvestment Act of 2009 to begin the Veterans' Curation Program to employ and train Iraq and Afghanistan veterans in archaeological processing.

House Resolution No. 5345

Sponsor: Rep Speier [CA12], introduced 5/19/10.

Status: 5/19/10 referred to Committee on Energy and Commerce.

To amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes.

RECENT TRANSPORTATION LEGISLATION

House Resolution No. 5418

Sponsor: Rep McMahon [NY13], introduced 5/26/10.

Status: 5/27/10 referred to Subcommittee on Highways and Transit.

General Authority- The Secretary of Transportation may make grants to States and designated recipients that receive funding under chapter 53, United States Code, for the operating costs of equipment and facilities for use in public transportation.

House Resolution No. 5452

Sponsor: Rep. Young [AK], introduced 5/27/10.

Status: 5/27/10 referred to Committee on Natural Resources.

The purpose of this Act is to authorize and establish a Native American Economic Advisory Council to consult, coordinate with, and make recommendations to the Executive Office of the President, Cabinet officers, and Federal agencies.

House Resolution No.. 5604

Sponsor: Rep Perriello [VA5], introduced 6/25/10.

Status: 7/21/10 Read twice and referred to Senate Committee on Commerce, Science, and Transportation.

Surface Transportation Savings Act of 2010 - Rescinds specified amounts authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for: (1) safety belt performance grants; (2) administrative expenses of the National Highway Traffic Safety Administration (NHTSA); (3) the National Driver Register; (4) NHTSA operations and research; and (5) transit formula and bus grants.

House Resolution No. 5819

Sponsor: Rep Guthrie [KY2], introduced 7/22/10.

Status: 7/23/10 Referred to Subcommittee on Highways and Transit.

This Act may be cited as the `Roadway

Safety Training and Access Act of 2010'.

The Secretary shall make grants to one eligible entity to develop a roadway safety training institute including:

(1) Development, updating, and delivery of training courses on--

- guardrail installation, maintenance, and inspection;
- (identification by law enforcement personnel of potential engineering improvements at crash locations;
- traffic control for incident responders;
- (law enforcement in roadway work zones;
- traffic control for utility workers; and
- traffic control for other individuals for whom temporary traffic control may be an incidental part of their employment duties.

(2) Sponsorship of demonstration projects to assess roadway work zone devices for disabled pedestrians, in partnership with local governments, manufacturers, and disabled users.

Eligible Activities-- A non-profit organization receiving a grant under this section may use funds from the grant to develop and deliver comprehensive and uniform roadway safety training to roadway workers across the United States, including through the following activities:

House Resolution No. 5949

Sponsor: Rep Capuano [MA8], introduced 7/29/10.

Status: 7/30/10 Referred to Subcommittee on Highways and Transit.

This Act may be cited as the `Students Taking Action for Road Safety Act of 2010' or `STARS Act of 2010'.

The Secretary of Transportation shall establish and implement a teen traffic safety grant program under which the Secretary shall make grants to States to implement a statewide program to improve the traffic safety of teen drivers.

(b) Purpose- The purpose of the program is to support peer-to-peer education and prevention strategies in

schools and communities to increase safety belt use and reduce speeding, impaired and distracted driving, underage drinking, and other destructive decisions among teen drivers that lead to injuries and fatalities.

(c) Application- Any State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) Eligible Activities- A State may use funds from a grant under this section to implement a statewide program to improve traffic safety of teen drivers, including activities such as--

(1) working with student-led groups and advisors from schools to plan and implement teen traffic safety programs;

(2) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

(3) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

(4) creating statewide or regional Web sites to publicize and circulate information on teen safety programs;

(5) conducting outreach and providing educational resources for parents;

(6) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and governor's safety representative on issues related to the safety of teen drivers;

(7) collaborating with law enforcement;

(8) organizing and hosting State and regional conferences for teen drivers;

(9) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for-profit entities; and

(10) funding a position of coordinator for the teen safety program in the State or region.

House Amdt. 545 to H.R. 4061

Sponsor: Rep Hastings [FL23], introduced 2/3/10.

RECENT TRANSPORTATION LEGISLATION

Status: 2/3/10 House agreed to.

Amendment addresses the lack of minority representation in the cybersecurity industry including women and African-Americans, Hispanics, and Native Americans. Amendment adds language which describes how successful programs are engaging those minorities and which includes minority-serving institutions on the Cybersecurity University-Industry Task Force.

Senate Bill No. 308

Sponsor: Sen Baucus [MT], introduced 1/22/09.

Status: 1/22/09 Read twice and referred to Committee on Environment and Public Works.

Rural Opportunity and Development Act or the ROAD Act - Directs the Secretary of Transportation to establish a rural opportunity and development (ROAD) program to promote opportunity and economic development in rural states through projects for the preservation and improvement of highways.

Senate Bill No. 309

Sponsor: Sen Baucus [MT], introduced 1/22/09.

Status: 1/22/09 Read twice and referred to Committee on Environment and Public Works.

Nationwide Freight and Personal Mobility Act - Specifies a formula for the automatic authorization of additional appropriations for National Highway System (NHS) improvement projects, starting FY2010, if apportionments fall below a certain level.

Revises the federal share of non-Interstate highway projects to make it: (1) 80% for non-NHS projects; and (2) 85% for NHS projects.

Senate Bill No. 323

Sponsor Sen Conrad [ND], introduced 1/26/09.

Status: 1/26/09 Read twice and referred to Committee on Finance.

Directs the Secretary of the Treasury to

transfer funds for: (1) electrification loans and loan guarantees; (2) Indian reservation roads and bridge and highway projects; (3) water projects; (4) utilities programs; (5) community facilities programs; (6) business enterprise grants and microenterprise assistance; (7) telemedicine and distance learning services; (8) public works and economic development; and (9) energy programs.

Senate Bill No. 439

Sponsor: Sen Inouye [HI], introduced 2/13/09.

Status: 4/29/10 Committee on Indian Affairs, hearings held.

Indian Development Finance Corporation Act - Establishes the Indian Development Finance Corporation to take certain actions, including: (1) providing development capital through financial services under this Act; (2) encouraging the development of new and existing Indian business enterprises eligible to receive assistance from the Corporation; and (3) otherwise assisting in strengthening Indian tribal economies through the development of Indian business enterprises.

Senate Bill No. 584

Sponsor: Sen Harkin [IA], introduced 3/12/09.

Status: 3/12/09 Read twice and referred to Committee on Environment and Public Works.

A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

Senate Bill No. 633

Sponsor: Sen Tester [MT], introduced 3/18/09.

Status: 12/3/09 Committee on Indian Affairs ordered to be reported with an amendment favorably.

Tribal Health Promotion and Tribal

Colleges and Universities Advancement Act of 2009 - Through Higher Education: Promoting the Advancement of Tribal Health Act or THE PATH Act - Defines "tribal college or university" as having the meaning given the term by specified provisions of the Higher Education Act of 1965.

Requires the Secretary of Health and Human Services to enter into a memorandum of agreement with the American Indian Higher Education Consortium for equitable Native American participation in HHS programs, services, and resources and to provide technical assistance to tribal colleges and universities.

Requires grants to, or cooperative agreements with, tribal colleges and universities for: (1) health and wellness fairs, health promotion and disease prevention programs, and programs to reduce tribal community health disparities; (2) developing and strengthening public health professional degree programs; (3) research, grant management, and coordination of tribal college and university activities; and (4) research on health promotion and disease prevention.

Establishes the Tribal College and University Rural Health Equity Endowment Fund to endow a tribal health professions workforce development program.

Advancing Tribes Through Tribal Colleges and Universities Act or the AT TCUs Act - Amends the Workforce Investment Act of 1998 to require the Secretary of Labor to establish the TCU Native Prosperity Program of grants to, or cooperative agreements with, tribal colleges and universities for economic development, entrepreneurship, community development, and sound fiscal leadership in Indian communities.

Senate Bill No. 759

Sponsor: Sen Bingaman [NM], introduced 4/01/09.

Status: 4/01/09 Read twice and referred to Committee on Environment and Public Works.

Indian School Bus Route Safety Reau-

RECENT TRANSPORTATION LEGISLATION

thorization Act of 2009 - Amends the Transportation Equity Act for the 21st Century to authorize appropriations for FY2010-FY2015 for allocations to states for Indian reservation roads.

Senate Bill No. 791

Sponsor: Sen Baucus [MT], introduced 4/2/09.

Status: 4/02/09 Read twice and referred to Committee on Environment and Public Works.

Surface Transportation Safety Act of 2009 - Directs the Secretary of Transportation to modify certain federal regulations to: (1) allow fire services personnel to wear high visibility apparel meeting certain requirements; and (2) ensure that positive protective measures (including temporary longitudinal traffic barriers) are used to separate workers on highway construction projects from motorized traffic. Directs the Secretary of Transportation to revise the Manual on Uniform Traffic Control Devices to include a standard for a minimum level of retro-reflectivity that must be maintained for pavement markings, which shall apply to all roads open to public travel, and other provisions for state DOTs.

Senate Bill No. 884

Sponsor: Sen Bingaman [NM], introduced 4/23/09.

Status: 4/23/09 Read twice and referred to Committee on Environment and Public Works.

Transportation Equity for All Americans Act - Excludes privatized highway miles (lane and vehicle miles traveled on a privatized highway) as a factor in calculating the state apportionment of certain federal-aid highway funds (including funds under the Equity bonus program).

Senate Bill No. 903

Sponsor: Sen Hutchinson [TX], introduced 4/28/09.

Status: 4/28/09 Read twice and referred to Committee on Environment and Public Works.

Highway Fairness and Reform Act of 2009 - Directs the Secretary of Transportation, beginning with FY2011, to carry out a direct federal-aid highway program to permit a state governor or chief executive officer, at least 90 days before the beginning of a fiscal year, to elect to: (1) waive the state's right to receive apportioned or allocated funds under the federal-aid highway program; and (2) receive instead a prorated amount of the taxes appropriated to the Highway Trust Fund (other than from the Mass Transit Account) which are attributable to highway users in the state. Requires a pro rata reduction of such tax-equivalent amount in order to fund contract authority for programs of the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA).

Senate Bill No. 1036

Sponsor Sen Rockefeller [WVA], introduced 5/14/09.

Status: 5/14/09 Read twice and referred to the Committee on Commerce, Science, and Transportation.

Federal Surface Transportation Policy and Planning Act of 2009 - Declares it is U.S. policy to develop a national surface transportation system that advances the national interest and defense, interstate and foreign commerce, the efficient and safe interstate mobility of people and goods, and the protection of the environment.

Senate Bill No. 1078

Sponsor: Sen Johnson [SD], introduced 5/19/09.

Status: 8/5/2009 Referred to Committee on Commerce, Science, and Transportation.

AmericaView Geospatial Imagery Mapping Program Act - Directs the Secretary of the Interior, acting through the Director of the United States Geological Survey (USGS), to establish and maintain a national remote sensing education, outreach, and research program within USGS (AmericaView program)

to advance the availability, timely distribution, and widespread use of geospatial imagery for education, research, assessment, and monitoring purposes in each state.

Requires the Secretary, acting through the USGS data archive, development, maintenance, and product distribution program conducted at the Earth Resources Observation and Science Data Center (AmericaView project), to support the geospatial imagery mapping research and educational programs of each state by cooperating with states to identify new geospatial imagery mapping needs and infrastructure and to define, consolidate, and maintain the data requirements of the AmericaView project.

Senate Bill No. 1113

Sponsor: Sen Pryor [AR], introduced 5/20/09.

Status: 5/20/09 Read twice and referred to Committee on Commerce, Science, and Transportation.

Safe Roads Act of 2009 - Directs the Secretary of Transportation to establish a national clearinghouse for positive alcohol and controlled substance test results and test refusals of commercial motor vehicle operators. Prohibits the release of clearinghouse information to a commercial motor carrier employer unless there has been compliance with all applicable federal privacy laws and regulations.

Authorizes the Secretary to collect fees from such employers and other authorized users for informational requests.

Prohibits an employer from hiring an individual to operate a commercial motor vehicle unless the employer has determined that the individual, for the preceding three-year period, has: (1) been tested for use of alcohol and controlled substances; (2) not tested positive for their use, or tested positive but has completed the return-to-duty process; and (3) not refused to be tested.

Directs the Secretary to establish a process: (1) to require employers to request and review any clearinghouse

RECENT TRANSPORTATION LEGISLATION

records of individuals before their employment as a commercial motor vehicle operator; and (2) for an individual and a state licensing authority to request and receive information from the clearinghouse.

Subjects persons who violate the requirements of this Act to both civil and criminal penalties.

Requires the Secretary to take certain actions to enhance Department of Transportation (DOT) oversight of testing sites.

Senate Bill No. 1144

Sponsor: Sen Johnson [SD], introduced 5/21/09.

Status: 6/3/2009 Referred to the Committee on Banking, Housing, and Urban Affairs.

Rural Transit Improvement and Flexibility Act of 2009 - Revises the apportionment of nonurbanized formula grants for amounts remaining after apportionment for grants to Indian tribes for public transportation on Indian reservations for FY2006-FY2009. Increases from 20% to 25% the amount of remaining funds to be apportioned to a state based on its land area. Decreases correspondingly from 80% to 75% the amount of remaining funds to be apportioned to a state based on population in nonurbanized areas.

Limits to 25% of its apportionment for a formula grant for a capital project for the special needs of elderly individuals and individuals with disabilities the amount a state may use for operating costs of equipment and facilities.

Limits a grant for operating assistance from exceeding 50% of the net operating project costs. Increases such limit to 62.5% of the government share of project costs in the case of a state containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved), national forests, and national parks and monuments.

Senate Bill No. 1156

Sponsor: Sen Harkin [IA], introduced 5/21/09.

Status: 5/21/2009 Read twice and referred to the Committee on Environment and Public Works.

To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Safe Routes to School Program Reauthorization Act. Section 1101(a) of the SAFETEA-LU (119 Stat. 1155) is amended inserting the following: (17) SAFE ROUTES TO SCHOOL PROGRAM- For the safe routes to school program under section 1404 of this Act, \$600,000,000 for each of fiscal years 2010 through 2014.

Senate Bill No. 1344

Sponsor: Sen Vitter [LA], introduced 6/25/09.

Status: 6/25/2009 Read the second time. Placed on Senate Legislative Calendar under General Orders.

Highway Investment Protection Act - Requires the Director of the Office of Management and Budget (OMB) to transfer remaining unobligated stimulus funds under the American Recovery and Reinvestment Act of 2009 to the Highway Trust Fund (HTF) to ensure its solvency through FY2010.

Senate Bill No. 1498

Sponsor: Sen Boxer [CA], introduced 7/22/09.

Status: 7/22/2009 Placed on Senate Legislative Calendar under General Orders.

Surface Transportation Extension Act of 2009 - Authorizes appropriations out of the Highway Trust Fund (HTF) (other than the Mass Transit Account) for the federal-aid highway, surface transportation research, and transportation planning programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for: (1) FY2010, with a limit on obligational authority for the programs equal to the total authorized for such programs for FY2009; and (2) the period from October 1, 2010, through March 31,

2011, with a limit on obligational authority for the programs equal to one-half of the total amount authorized for such programs for 2009. Sets forth certain exceptions to such limits.

Requires authorizations of appropriations for FY2010 and the period from October 1, 2010, through March 31, 2011, to be allocated to a state for certain federal-aid highway programs in the same proportion as the amount apportioned to the state for that program for FY2009 bears to amounts apportioned to the state for FY2009 for all programs.

Senate Bill No. 1533

Sponsor: Sen Dodd [CT], introduced 7/29/09.

Status: 7/29/09 Placed on Legislative Calendar under General Orders.

Public Transportation Extension Act of 2009 - (Sec. 2) Amends the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to extend certain allocations of capital investment grant funds for the metropolitan planning and the state planning and research programs for: (1) FY2010; and (2) the period from October 1, 2010, through March 31, 2011.

(Sec. 3) Authorizes the Secretary of Transportation to award urbanized area formula grants to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000 (with not more than 50% to be apportioned to urbanized areas with a population of less than 200,000) for: (1) FY2010; and (2) the period from October 1, 2010, through March 31, 2011.

(Sec. 4) Extends certain allocations of capital investment grant funds for new fixed guideway capital projects of less than \$75 million, fixed guideway modernization projects, and buses and bus-related equipment and facilities for: (1) FY2010; and (2) the period from October 1, 2010, through March 31, 2011.

Extends certain allocations of bus and bus facility grant funds for ferry boats or ferry terminal facilities, the fuel cell

RECENT TRANSPORTATION LEGISLATION

bus program, nonurbanized projects, intermodal terminal projects, and bus testing for: (1) FY2010; and (2) the period from October 1, 2010, through March 31, 2011.

(Sec. 5) Extends certain allocations of nonurbanized formula grant funds for public transportation on Indian reservations for: (1) FY2010; and (2) the period from October 1, 2010, through March 31, 2011.

Senator Bill No. 1536

Sponsor: Sen Schumer [NY], introduced 7/29/09.

Status: 7/29/2009 Read twice and referred to the Committee on Environment and Public Works.

Avoiding Life-Endangering and Reckless Texting by Drivers Act of 2009 or the ALERT Drivers Act - Requires the Secretary of Transportation to withhold 25% of a state's apportionment of certain federal-aid highway program funds for the fiscal year if the state has not enacted or is not enforcing a law that: (1) prohibits, except in an emergency, an operator of a motor vehicle from writing, sending, or reading a text message using a hand-held mobile telephone (excluding as voice-activated device); and (2) requires, upon conviction of a violation of such prohibition, the imposition of certain minimum penalties.

Senate Bill No. 1635

Sponsor: Sen Dorgan [ND], introduced 8/6/09.

Status: 3/25/10 placed on Legislative Calendar under General Orders.

7th Generation Promise: Indian Youth Suicide Prevention Act of 2009 - (Sec. 4) Authorizes the Secretary of Health and Human Services (HHS), acting through the Indian Health Service, to carry out a demonstration project to award up to five grants to Indian tribes and tribal organizations operating one or more facilities for the provision of telemental health services to Indian youth who: (1) have expressed suicidal ideas; (2) have attempted suicide;

or (3) have mental health conditions that increase or could increase the risk of suicide. Establishes grant application and eligibility requirements. Regulates how the grants are to be used, including permitting tribal organizations to use and promote traditional tribal health care practices. Requires reports by the Secretary to Congress and an annual report by grant recipients to the Secretary. Authorizes appropriations for FY2010-FY2013.

Defines "telemental health" as the use of electronic information and telecommunications technologies to support long-distance mental health care, patient and professional-related education, public health, and health administration.

(Sec. 5) Directs the Secretary, acting through the Substance Abuse and Mental Health Services Administration (SAMHSA), to carry out measures necessary to maximize the efficiency of the process by which Indian tribes and tribal organizations apply for grants under any SAMHSA-administered program. Prohibits any tribal organization from being required to provide a non-federal share of the cost of any activity carried out using a grant provided by SAMHSA.

Requires the Secretary, regardless of whether a tribe possesses adequate personnel or infrastructure to submit a grant application or fulfill all other program requirements, to ensure the provision of adequate suicide prevention and mental health services to Indian tribes: (1) the members of which experience a high rate of youth suicide, low socioeconomic status, and extreme health disparity; (2) located in a remote and isolated area; and (3) lacking technology and communication infrastructure. Authorizes appropriations.

Directs the Secretary to ensure that each entity serving Indian youth and that receives a grant for suicide intervention, prevention, or treatment under any SAMHSA-administered program train individuals who interact frequently with Indian youth (including parents, teachers, coaches, and mentors) on identifying suicide warning

signs.

(Sec. 6) Directs the Secretary to carry out activities to encourage tribal organizations and mental health care providers to obtain the services of predoctoral psychology and psychiatry interns.

(Sec. 7) Authorizes the Secretary, through SAMHSA, to establish and carry out a demonstration program to provide not more than five grants to: (1) identify a culturally compatible, school-based, life skills curriculum for the prevention of Indian and Alaska Native adolescent suicide; (2) identify the tribes with the greatest adolescent suicide risk; (3) invite those tribes to participate in the demonstration program; and (4) provide grants to implement the curriculum for Indian and Alaska Native youths who are between 10 and 19 and attend school in a region with a high youth suicide risk. Establishes grant application requirements and regulates how the grants are to be used. Requires a report to Congress. Authorizes appropriations for FY2010-FY2014.

Senate Bill No. 1729

Sponsor: Sen Schumer [NY], introduced 9/30/09.

Status: 9/30/2009 Read twice and referred to the Committee on Commerce, Science, and Transportation.

A bill to establish driver education curriculum for teenage drivers and to provide grants to States and tribal governments to carry out driver education training for licensed teenage drivers.

Senate Bill No. 1938

Sponsor Sen Rockefeller [WVA], introduced 10/27/09.

Status: 6/9/10 Referred to the Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute.

Distracted Driving Prevention Act of 2009 - Directs the Secretary of Transportation to make grants to states that enact laws that prohibit, with certain exceptions, and establish fines for tex-

RECENT TRANSPORTATION LEGISLATION

ting and/or handheld cellphone use while driving.

Requires a state that receives a grant to allocate: (1) at least 50% to educate and advertise to the public about the dangers of texting or using a cellphone while driving as well as enforce the distracted driving law; and (2) up to 50% for other traffic safety improvement projects.

Directs the Administrator of the National Highway Traffic Safety Administration (NHTSA) to administer a distracted driving national education program with at least two high-visibility education and advertising campaigns.

Requires the Secretary to establish a research program to study distracted driving by passenger and commercial vehicle drivers.

Directs the the Federal Communications Commission (FCC) to report to Congress on existing and developing wireless communications technology that may be used to reduce problems associated with distracted driving.

Requires the Secretary to: (1) prescribe regulations on the use of electronic or wireless devices, including cell phones and other distracting devices, by operators of commercial motor vehicles and school buses; and (2) prohibit their use in circumstances where it interferes with the driver's safe operation of the vehicles.

Senate Bill No. 2920

Sponsor: Sen Lautenberg [NJ], introduced 12/21/09.

Status: 12/21/2009 Read twice and referred to the Committee on Environment and Public Works.

A bill to amend chapter 1 of title 23, United States Code, to condition certain highway funding to States on the enactment and enforcement of States of laws to prevent repeat intoxicated driving.

Senate Bill No. 3015

Sponsor: Sen Dodd [CT], introduced 2/22/10.

Status: 2/22/10 read twice and referred to Committee on Banking, Housing and Urban Affairs.

Public Transportation Safety Program Act of 2010 - Directs the Secretary of Transportation to establish a federal public transportation safety program to improve the safety of, and reduce the number of accidents involving, rail fixed guideway public transportation systems and public transportation bus systems that receive federal assistance.

Requires the Secretary to promulgate regulations to establish a federal certification program for employees and contractors who carry out state public transportation safety program activities in compliance with this Act. Delineates requirements for state preemption of federal law with respect to public transportation safety.

Senate Bill No. 3039

Sponsor: Sen Udall [NM], introduced 2/25/10.

Status: 2/25/2010 Read twice and referred to the Committee on Commerce, Science, and Transportation.

A bill to prevent drunk driving injuries and fatalities.

Senate Bill No. 3225

Sponsor: Sen Begich [AK], introduced 4/19/10.

Status: 4/19/10 read twice and referred to Committee on Commerce, Science, and Transportation.

Travel Regional Investment Partnership Act - Directs the Secretary of Commerce to establish a competitive grant program, administered by the Office of Travel and Tourism Industries, to award grants to eligible entities (such as state tourism offices, local convention and visitors bureaus, and partnerships between a state or local government and local tourism entities) to promote domestic regional tourism growth and new domestic tourism market creation.

Senate Bill No. 3235

Sponsor: Sen Byron [ND], introduced 4/20/10.

Status: 6/30/10 Committee on Indian Affairs. Ordered to be reported with an amendment.

Helping Expedite and Advance Responsible Tribal Homeownership Act of 2010 or the HEARTH Act of 2010 - Extends to any Indian tribe the discretion granted under current law only to the Navajo Nation to lease restricted lands without the approval of the Secretary of the Interior in specified circumstances.

Senate Bill No. 3269

Sponsor Sen Gellibrand [NY], introduced 4/28/10.

Status: 4/28/10 read twice and referred to Committee on Environment and Public Works.

A State is in compliance if the State has a graduated driver licensing law that requires novice drivers younger than 21 years of age to comply with the 2-stage licensing process before receiving an unrestricted driver's license.

Senate Bill No. 3271

Sponsor: Sen Udall [NM], introduced 4/28/10.

Status: 5/19/10 Committee on Commerce, Science, and Transportation. Hearings held.

To amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes.

Senate Bill No. 3412

Sponsor: Sen Dodd [CT], introduced 5/25/10.

Status: 5/25/10 Read twice and referred to Committee on Banking, Housing and Urban Affairs.

General Authority- The Secretary of Transportation may make grants to States and designated recipients that

RECENT TRANSPORTATION LEGISLATION

receive funding under chapter 53, United States Code, for the operating costs of equipment and facilities for use in public transportation.

Senate Bill No. 3485

Sponsor: Sen Barrasso [WY], introduced 6/15/10.

Status: 6/15/10 read twice and referred to Committee on Environment and Public Works.

To amend title 23, United States code, to improve highway mobility in rural States for the benefit of all States. This Act may be cited as the 'Rural Mobility and Access for America Act'.

The Secretary shall establish and implement a program to benefit the surface transportation system in the United States by allocating funds to rural States. Funds authorized shall be allocated for each fiscal year among rural States equally.

Senate Bill No. 3534

Sponsor: Sen Landrieu [LA], introduced 6/24/10.

Status: 6/24/10 Read twice and referred to Committee on Small Business and Entrepreneurship.

Native American Small Business Assistance and Entrepreneurial Growth Act of 2010 - Amends the Small Business Act to establish within the Small Business Administration (SBA) the Office of Native American Affairs, headed by an Associate Administrator, to implement SBA programs for the development of business enterprises by Native Americans. Requires the Office to assist Native American entrepreneurs to: (1) develop small businesses; (2) develop management and technical skills; (3) seek federal procurement opportunities; (4) increase Native American employment opportunities; and (5) increase Native American access to capital markets.

Requires: (1) SBA to provide financial assistance to tribal colleges, certain non-profit organizations, and small business development or women's business centers to create Native American business centers; (2) each business center to con-

duct five-year projects for business education aid to such entities; and (3) each assistance applicant to submit a five-year plan on proposed assistance and training activities.