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Resources and Development Committee gives approval for direct funding agreement between NDOT and Federal Highway Administration

WINDOW ROCK – In what was dubbed a “historic vote” by Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), the Resources and Development Committee passed a legislation on Nov. 27 supporting and approving a direct federal funding agreement between the Navajo Nation Department of Transportation and the Federal Highway Administration.

The legislation will still need to go before the Budget and Finance Committee and the Naa’bik’iyati’ Committee for consideration of approval.

After a half hour of discussion and the addition of four amendments, the RDC voted 4-0 in favor of Legislation No. 0383-12, a bill co-sponsored by Council Delegates Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) and Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill).

The RDC had previously received an initial presentation of the legislation on Oct. 23, but voted 4-0 to table it until NDOT representatives were present to respond to questions and concerns the committee had regarding the distribution of funding under the agreement between NDOT and the Bureau of Indian Affairs.

On Nov. 27, NDOT principal civil engineer Darryl Bradley told the committee that according to the agreement, NDOT will be receiving \$10 million directly from the Federal Highway Administration, while approximately \$44 million will be given to the BIA - Navajo Region office “to cover preliminary engineering and construction/engineering functions on behalf of the Navajo Nation,” for Fiscal Year 2013.

The RDC has been actively involved in a series of meetings NDOT has conducted with the BIA and the FHA over the past five months to review the contents of the program agreement.

The committee was pleased to hear that NDOT will continue to meet with the two federal entities to discuss and identify how the BIA’s \$44 million will be spent in FY13.

Major amendments to the legislation added language bearing mention to a federal statute stating that a tribal government may carry out a Tribal Transportation Program or Project through a contract or agreement with the Secretary of Transportation in accordance with the Indian Self-Determination and Education Assistance Act, and that the Navajo Nation will assume the duties and functions of the Secretary of the Interior with respect to the Tribal Transportation Program.

After the RDC voted to unanimously approve each of the four amendments with a vote of 4-0 in favor, Delegate Tsosie announced, “We have a whole new legislation here. It’s a whole new way to do the roads program.”

Delegate Tsosie, serving as Chairperson Pro Tem in Council Delegate Katherine Benally's (Dennehotso, Kayenta, Chilchinbeto) absence, requested that NDOT present the RDC with bi-monthly update reports regarding the agreement, in addition to the department's budget for the Nation's \$10 million funding award.

"This committee has talked about priorities for transportation, and its vision on where it wants to go," said Delegate Tsosie, "I told my chapters that we were going to be entering into an agreement with Federal Highway Administration, and we talked about NDOT's budget and its vision for the future."

The legislation forges a new relationship with the BIA on road construction projects, commented Delegate Tsosie, and the bi-monthly updates from NDOT are important for keeping track of how the monies going to BIA for Navajo projects are being utilized.

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