

SSB 5753 - H COMM AMD
By Committee on Transportation

ADOPTED AS AMENDED 04/07/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.20
4 RCW to read as follows:

5 (1) The department is authorized to enter into a cooperative
6 agreement with the governing authority of the Lummi Nation and
7 appropriate agencies of the United States for the location, design,
8 right-of-way acquisition, construction, and maintenance of a public
9 road beginning on Rural Avenue at the southern boundary of the
10 Ferndale city limits, traveling across the property held in tribal
11 trust status by the United States for the Lummi Nation, and connect
12 to the approximate location of where the Ferndale city limits
13 intersect Kope Road. The new road segment shall be named after
14 construction is concluded.

15 (2) The definitions in this subsection apply throughout this
16 section and sections 2 and 3 of this act unless context clearly
17 requires otherwise.

18 (a) "Agreement" means the cooperative agreement between the
19 department, the governing authority of the Lummi Nation, and agencies
20 of the United States, as authorized by subsection (1) of this
21 section.

22 (b) "Roadway" means the public road segment constructed pursuant
23 to the agreement authorized by subsection (1) of this section.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.20
25 RCW to read as follows:

26 The department is authorized to determine the location of the
27 roadway in consultation with and approval by the governing authority
28 of the Lummi Nation. The department may then proceed with the design,
29 acquisition of right-of-way, and construction of the roadway. After
30 construction of the roadway is complete, the Lummi Nation shall be

1 responsible for the operation and maintenance and future improvement
2 of the roadway as a public road.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.20
4 RCW to read as follows:

5 The cooperative agreement shall allow the department to request a
6 temporary construction easement from the Lummi Nation for the purpose
7 of constructing the new road. The cooperative agreement shall also
8 reserve to the governing authority of the Lummi Nation authority to
9 construct road intersections or grade separation crossings of the
10 roadway, in accordance with applicable laws. The agreement may also
11 authorize the governing authority of the Lummi Nation to convey to
12 the United States an easement to construct, maintain, and repair
13 roadway improvements if such an easement is required by regulations
14 of the bureau of Indian affairs."

15 Correct the title.

EFFECT: Consolidates the five sections in the current bill into three.

Removes the ability to transfer the entire right-of-way of the new road to the Lummi Nation in exchange for a perpetual easement for public travel, and instead places responsibility with the Lummi Nation for the operation, maintenance, and improvement of the roadway as a public road.

Allows the department of transportation to request a temporary easement from the Lummi Nation for the construction of the new road.

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