**5753-S AMH TR H1703.1 - NOT FOR FLOOR USE**

**SSB 5753** - H COMM AMD

By Committee on Transportation

**ADOPTED AS AMENDED 04/07/2023**

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

The department is authorized to determine the location of the roadway in consultation with and approval by the governing authority of the Lummi Nation. The department may then proceed with the design, acquisition of right-of-way, and construction of the roadway. After construction of the roadway is complete, the Lummi Nation shall be responsible for the operation and maintenance and future improvement of the roadway as a public road.

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

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

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.