

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5753

68th Legislature
2023 Regular Session

Passed by the Senate April 19, 2023
Yeas 49 Nays 0

President of the Senate

Passed by the House April 7, 2023
Yeas 92 Nays 5

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5753** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5753

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By Senate Transportation (originally sponsored by Senators Shewmake and Lovelett)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to a cooperative agreement between the department
2 of transportation and the Lummi Nation concerning construction of a
3 roadway; and adding new sections to chapter 47.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.20
6 RCW to read as follows:

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

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

19 (a) "Agreement" means the cooperative agreement between the
20 department, the governing authority of the Lummi Nation, and agencies

1 of the United States, as authorized by subsection (1) of this
2 section.

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

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

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

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

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

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