

HOUSE BILL REPORT

SSB 5374

As Reported by House Committee On:

Local Government
Transportation

Title: An act relating to including tribal representation in certain transportation activities.

Brief Description: Including tribal representation in certain transportation activities.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kauffman, Lias, Valdez, Hasegawa, Krishnadasan, Lovelett, Nobles, Stanford and Wilson, C.).

Brief History:

Committee Activity:

Local Government: 3/26/25, 4/1/25 [DPA];

Transportation: 4/4/25, 4/8/25 [DPA(LG)].

Brief Summary of Substitute Bill (As Amended by Committee)

- Requires specified local planning efforts to work in coordination with affected tribal governments and assess impacts on affected tribal areas.
- Allows a tribal government representative to serve on the Cooper Jones Active Transportation Safety Council at the Traffic Safety Commission (Commission).
- Requires the Commission to establish a Tribal Traffic Safety Coordinator Program to assist tribes in implementing traffic safety strategies.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 4 members: Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Without recommendation. Signed by 3 members: Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey.

Staff: Michelle Rusk (786-7153).

Background:

Local Transportation Planning.

Growth Management Act. Cities and counties adopting comprehensive plans under the Growth Management Act (GMA) must include a transportation element within the plans. The transportation element must include various subelements, including intergovernmental coordination efforts. These efforts must include an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions.

As part of broader planning under the GMA, a federally recognized Indian tribe whose reservation or ceded lands lie within a county may voluntarily choose to participate in the county or regional planning process and coordinate with local jurisdictions. Upon receipt of notice of a tribe's intent, a local government and the tribe must enter into good faith negotiations to develop a mutually agreeable memorandum of agreement for such collaboration and participation.

Relatedly, the Department of Commerce (Department) must also provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county concerning a proposed comprehensive plan and its development regulations, or any amendment thereto. Upon receipt of notice from the Department of a tribe's request for facilitation services to resolve concerns, a local jurisdiction must delay final action for at least 60 days. The Department must provide comments detailing the tribe's concerns, and the local jurisdiction must either agree to amend its plan as requested or enter into a facilitated process with the tribe.

Comprehensive Transportation Program. Counties must also periodically adopt, as part of the budget process, a Comprehensive Transportation Program, which covers the following six calendar years and must be consistent with the comprehensive plan. The program must include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate.

Traffic Safety Commission and Cooper Jones Active Transportation Safety Council.

In 2020 the Traffic Safety Commission (Commission) was directed by statute to convene the Cooper Jones Active Transportation Safety Council (Council). The Council was established for the purpose of reviewing and analyzing data and programs related to fatalities and serious injuries involving pedestrians, bicyclists, and other nonmotorists. The work of the Council is intended to identify ways to improve the transportation system and identify patterns in the fatalities and serious injuries.

The Council is comprised of stakeholders who have a unique interest or expertise in the safety of pedestrians, bicyclists, and other nonmotorists, which may include:

- a representative from the Commission;
- a coroner from a county where pedestrian, bicyclist, or nonmotorist deaths have occurred;
- members of law enforcement who have investigated pedestrian, bicyclist, or nonmotorist fatalities;
- a traffic engineer; and
- representatives from the Association of Washington Cities, the Washington State Association of Counties, a pedestrian advocacy group, and a bicyclist or other nonmotorist advocacy group.

The Commission may also invite other representatives of stakeholder groups to participate in the Council as it deems appropriate.

Summary of Amended Bill:

Local Transportation Planning.

Intergovernmental coordination efforts required for the transportation element of a comprehensive plan under the GMA must include affected tribal governments and an assessment of the impacts on affected tribal areas.

Preparation of the Comprehensive Transportation Program by counties must be done in coordination with affected tribal governments to assess the program's impacts on affected tribal areas and to incorporate transportation needs of affected tribal areas. Tribal governments and counties should follow the coordination processes, and are eligible for technical assistance and facilitation services, provided in the GMA.

Traffic Safety Commission and Cooper Jones Active Transportation Safety Council.

The Council may include a representative from a tribal government.

Subject to available funding, the Commission must establish a Tribal Traffic Safety Coordinator Program to assist tribes in implementing traffic safety strategies. Under the program, the Commission must award grant funds to tribes to implement the program, and provide program support for the following activities:

- creating comprehensive traffic safety programs tailored to incorporate indigenous knowledge and address the community's unique needs;
- establishing structured processes for gathering and analyzing traffic safety data;
- leading public outreach efforts, organizing road safety audits, and identifying gaps in data and safety practices;
- developing dual language educational programs, including conducting various surveys;

- overseeing safety performance metrics; and
- presenting project results to the respective tribal council.

Amended Bill Compared to Substitute Bill:

The amended bill provides that when counties are preparing their comprehensive transportation programs in coordination with affected tribal governments as required, tribal governments and counties should follow coordination processes, and are eligible for technical assistance and facilitation services, provided in the GMA.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 1, 2025.

Effective Date of Amended Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) The Commission gives presentations to the Legislature, and in its charts and graphs displaying information about fatalities and fatality rates, the fatality rates for American Indians are consistently six times higher, or more, than any other group in the state. This has been happening for years. Through outreach and discussions with tribes, the issue of road safety and the importance of coordination between local governments and tribes would also arise organically. With this gap in mind, there was coordination with the Commission to see how roadway safety issues can be jointly addressed.

All types of roadways go through reservations throughout Washington; many rural, many without sidewalks, and many lacking infrastructure like curbs, crosswalks, streetlights, and more. Yet, people living on reservations have to cross and utilize these roadways. These roads and transportation systems are essential but have been designed without tribal governments having a meaningful role. This bill allows them to have a role in that planning, and strengthens safety initiatives by adding tribal representatives to the Council.

(Opposed) None.

Persons Testifying: Senator Claudia Kauffman, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended by Committee on Local Government. Signed by 15 members: Representatives Fey, Chair; Bernbaum, Vice Chair; Donaghy, Vice Chair; Reed, Vice Chair; Bronoske, Duerr, Entenman, Hunt, Nance, Ramel, Richards, Taylor, Timmons, Wylie and Zahn.

Minority Report: Do not pass. Signed by 3 members: Representatives Griffey, Klicker and Volz.

Minority Report: Without recommendation. Signed by 8 members: Representatives Barkis, Ranking Minority Member; Low, Assistant Ranking Minority Member; Mendoza, Assistant Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Dent, Ley, Orcutt and Stuebe.

Staff: Jennifer Harris (786-7143).

Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Local Government:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 1, 2025.

Effective Date of Amended Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) It is important that a safe transportation system is available to all people in Washington. Native Americans and Alaska natives have the highest fatality rate of all demographic groups. Counties, tribes, and transportation experts have all contributed to the policy in this bill.

This bill strengthens safety measures and provides an opportunity for tribes to have a meaningful voice and to participate in transportation planning processes. It creates an opportunity for tribes to examine their own safety and provides funding for it. It also establishes processes to bring counties and tribes in alignment in their planning efforts. A process is needed to facilitate tribes working with counties when county roads travel through reservations.

(Opposed) None.

Persons Testifying: Senator Claudia Kauffman, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.