

HOUSE BILL REPORT

ESSB 5374

As Reported by House Committee On:
Local Government

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], 2/24/26, 2/25/26 [DPA];

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

Brief Summary of Engrossed 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.
- Requires the Traffic Safety 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; Zahn, Vice Chair; Hall and Parshley.

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

Staff: Elizabeth Rehn (786-7129).

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.

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. The coordination must be:

- offered by the respective county in an early, meaningful, and individual manner with any affected federally recognized Indian tribe whose reservation or ceded lands lie within the county; and
- offered regardless of whether the county receives a request for coordination from a federally recognized Indian tribe.

Traffic Safety Commission and Cooper Jones Active Transportation Safety Council.

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.

Upon receipt of notice that a federally recognized Indian tribe chooses to participate in the county planning process, counties must follow the coordination process in the GMA and are eligible for technical assistance and facilitation services authorized by the GMA.

Program funds may also be used to match or supplement federal funds received by the Commission for such purposes.

Amended Bill Compared to Engrossed Substitute Bill:

The striking amendment requires local governments to coordinate, rather than consult, with affected tribal governments when preparing the Comprehensive Transportation Program. The requirement that a consultation be independent of, and in addition to, any public participation process required by federal or state law, or by a federal or state agency is removed. A county must follow the process for negotiating with a tribal government under the GMA upon receiving notice that a federally recognized Indian tribe chooses to participate in the county planning process. A county that enters into negotiations with a federally recognized Indian tribe is eligible for technical assistance and facilitation under the GMA.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington American Indians suffer higher fatality rates from traffic. It is not a new issue. Every year the Washington State Traffic Safety Commission clearly shows the disproportionality of American Indian fatalities. The intent of the bill is to work on traffic safety and the issues that affect the tribal communities so significantly. This bill works to connect transportation and tribal communities. It requires local governments to work with tribal governments every six years as they plan transportation. The process is a simple outreach to tribes. Only 21 counties out of the 39 counties in Washington have tribes. This is not an impediment, this is a partnership. Tribal governments strengthen safety commissions.

(Opposed) None.

(Other) There is strong support of the policy goals in this legislation, but there are remaining concerns. The GMA was updated in 2022 to provide for voluntary participation by tribes in the county process. Assessments of transportation systems on adjacent

jurisdictions must include tribes. There is an amendment needed, but there is full support for tribes being part of the commission.

Persons Testifying: (In support) Senator Claudia Kauffman, prime sponsor.

(Other) Axel Swanson, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.