

# SENATE BILL REPORT

## ESSB 5374

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As Passed Senate, February 11, 2026

**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:** Transportation: 1/27/25, 2/13/25 [DPS, DNP, w/oRec].

**Floor Activity:** Passed Senate: 3/12/25, 48-0; 2/11/26, 43-6.

**Brief Summary of Engrossed First Substitute Bill**

- Requires certain local and regional transportation planning efforts to work in coordination and in consultation with affected tribal governments to 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.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; Alvarado, Chapman, Cortes, Harris, Krishnadasan, Lovelett, Nobles, Shewmake and Valdez.

**Minority Report:** Do not pass.

Signed by Senators Christian, Fortunato and Wilson, J..

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*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:** That it be referred without recommendation.

Signed by Senators King, Ranking Member; Goehner, Assistant Ranking Member; MacEwen.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, 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. The phrase adjacent jurisdictions does not specifically include affected tribal governments. However, federally recognized Indian Tribes may voluntarily choose to participate in the county or regional planning process and coordinate with the county and cities that are either required or voluntarily choose to comply with the GMA.

Counties must periodically adopt, as part of its budget process, a six-year comprehensive transportation program, which must be consistent with its comprehensive plan adopted under GMA. The program must include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate.

The Cooper Jones Active Transportation Safety 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. This review and analysis is intended to identify ways to improve the transportation system and to 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. A representative from a tribal government is not specifically identified in the Council's statutory membership.

**Summary of Engrossed First Substitute Bill:** Intergovernmental coordination efforts within the transportation element of local comprehensive plans must include affected tribal governments, including an assessment of the transportation impacts on affected tribal areas.

Counties' six-year comprehensive transportation programs must be prepared in consultation with affected tribal governments to assess the impacts of the program on affected tribal areas and to incorporate transportation needs of affected tribal areas.

Subject to available funding, the Washington Traffic Safety Commission (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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: For the past two years, the sponsor has been trying to address the disproportionate number of traffic fatalities affecting tribal members. This bill is a first step in these efforts. The WA Traffic Safety Commission is doing good work on this topic. The bill ensures tribal member voices are heard with respect to local transportation planning efforts and within the Active Transportation Safety Council. The bill would enhance tribal liaison work and provide resources to allow individual tribes to meet their own unique needs. The bill would positively impact this traffic safety problem in a meaningful and joint way. Counties manage over half the highways within Washington State—this bill would provide consistency throughout the management and planning of these highways. In 2022, the Legislature enacted a law allowing tribal governments to participate in local comprehensive plan development. Counties would like to work with the sponsor in order to provide cross references between section 2 subsection 5—county six-year transportation program—and the tribal participation process enacted in 2022 within the GMA.

OTHER: Due to a lack of funding in the Governor's proposed transportation budget, the Traffic Safety Commission is signed in to testify as other. There exists a problem with disproportionate traffic fatalities of tribal members. Traffic safety risks affecting rural areas are also present for tribal members, such as higher speeds and fewer sidewalks and shoulders. This contributes to the problem. The commission would like to work with the sponsor to clarify the roles of the commission and Tribes under section 5. Cooperation with Tribes is good but a bypass or a business loop or both is needed in a specific area in Clallam County, not complete streets. Complete streets are just used for revenue purposes not for traffic safety. The Bureau of Indian Affairs should help fund this project.

**Persons Testifying:** PRO: Senator Claudia Kauffman, Prime Sponsor; Axel Swanson,

Washington State Association of County Engineers.

OTHER: john worthington; Mark McKechnie, Washington Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** No one.