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**ENGROSSED SUBSTITUTE SENATE BILL 5374**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Kauffman, Liiias, Valdez, Hasegawa, Krishnadasan, Lovelett, Nobles, Stanford, and C. Wilson)

READ FIRST TIME 02/17/25.

1       AN ACT Relating to including tribal representation in certain  
2 transportation activities; amending RCW 36.70A.070 and 36.81.121; and  
3 adding a new section to chapter 43.59 RCW.

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

5       **Sec. 1.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to  
6 read as follows:

7       The comprehensive plan of a county or city that is required or  
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
9 and descriptive text covering objectives, principles, and standards  
10 used to develop the comprehensive plan. The plan shall be an  
11 internally consistent document and all elements shall be consistent  
12 with the future land use map. A comprehensive plan shall be adopted  
13 and amended with public participation as provided in RCW 36.70A.140.  
14 Each comprehensive plan shall include a plan, scheme, or design for  
15 each of the following:

16       (1) A land use element designating the proposed general  
17 distribution and general location and extent of the uses of land,  
18 where appropriate, for agriculture, timber production, housing,  
19 commerce, industry, recreation, open spaces and green spaces, urban  
20 and community forests within the urban growth area, general aviation  
21 airports, public utilities, public facilities, and other land uses.

1 The land use element shall include population densities, building  
2 intensities, and estimates of future population growth. The land use  
3 element shall provide for protection of the quality and quantity of  
4 groundwater used for public water supplies. The land use element must  
5 give special consideration to achieving environmental justice in its  
6 goals and policies, including efforts to avoid creating or worsening  
7 environmental health disparities. Wherever possible, the land use  
8 element should consider utilizing urban planning approaches that  
9 promote physical activity and reduce per capita vehicle miles  
10 traveled within the jurisdiction, but without increasing greenhouse  
11 gas emissions elsewhere in the state. Where applicable, the land use  
12 element shall review drainage, flooding, and stormwater runoff in the  
13 area and nearby jurisdictions and provide guidance for corrective  
14 actions to mitigate or cleanse those discharges that pollute waters  
15 of the state, including Puget Sound or waters entering Puget Sound.  
16 The land use element must reduce and mitigate the risk to lives and  
17 property posed by wildfires by using land use planning tools, which  
18 may include, but are not limited to, adoption of portions or all of  
19 the wildland urban interface code developed by the international code  
20 council or developing building and maintenance standards consistent  
21 with the firewise USA program or similar program designed to reduce  
22 wildfire risk, reducing wildfire risks to residential development in  
23 high risk areas and the wildland urban interface area, separating  
24 human development from wildfire prone landscapes, and protecting  
25 existing residential development and infrastructure through community  
26 wildfire preparedness and fire adaptation measures.

27 (2) A housing element ensuring the vitality and character of  
28 established residential neighborhoods that:

29 (a) Includes an inventory and analysis of existing and projected  
30 housing needs that identifies the number of housing units necessary  
31 to manage projected growth, as provided by the department of  
32 commerce, including:

33 (i) Units for moderate, low, very low, and extremely low-income  
34 households; and

35 (ii) Emergency housing, emergency shelters, and permanent  
36 supportive housing;

37 (b) Includes a statement of goals, policies, objectives, and  
38 mandatory provisions for the preservation, improvement, and  
39 development of housing, including single-family residences, and  
40 within an urban growth area boundary, moderate density housing

1 options including, but not limited to, duplexes, triplexes, and  
2 townhomes;

3 (c) Identifies sufficient capacity of land for housing including,  
4 but not limited to, government-assisted housing, housing for  
5 moderate, low, very low, and extremely low-income households,  
6 manufactured housing, multifamily housing, group homes, foster care  
7 facilities, emergency housing, emergency shelters, permanent  
8 supportive housing, and within an urban growth area boundary,  
9 consideration of duplexes, triplexes, and townhomes;

10 (d) Makes adequate provisions for existing and projected needs of  
11 all economic segments of the community, including:

12 (i) Incorporating consideration for low, very low, extremely low,  
13 and moderate-income households;

14 (ii) Documenting programs and actions needed to achieve housing  
15 availability including gaps in local funding, barriers such as  
16 development regulations, and other limitations;

17 (iii) Consideration of housing locations in relation to  
18 employment location; and

19 (iv) Consideration of the role of accessory dwelling units in  
20 meeting housing needs;

21 (e) Identifies local policies and regulations that result in  
22 racially disparate impacts, displacement, and exclusion in housing,  
23 including:

24 (i) Zoning that may have a discriminatory effect;

25 (ii) Disinvestment; and

26 (iii) Infrastructure availability;

27 (f) Identifies and implements policies and regulations to address  
28 and begin to undo racially disparate impacts, displacement, and  
29 exclusion in housing caused by local policies, plans, and actions;

30 (g) Identifies areas that may be at higher risk of displacement  
31 from market forces that occur with changes to zoning development  
32 regulations and capital investments; and

33 (h) Establishes antidisplacement policies, with consideration  
34 given to the preservation of historical and cultural communities as  
35 well as investments in low, very low, extremely low, and moderate-  
36 income housing; equitable development initiatives; inclusionary  
37 zoning; community planning requirements; tenant protections; land  
38 disposition policies; and consideration of land that may be used for  
39 affordable housing.

1 In counties and cities subject to the review and evaluation  
2 requirements of RCW 36.70A.215, any revision to the housing element  
3 shall include consideration of prior review and evaluation reports  
4 and any reasonable measures identified. The housing element should  
5 link jurisdictional goals with overall county goals to ensure that  
6 the housing element goals are met.

7 The adoption of ordinances, development regulations and  
8 amendments to such regulations, and other nonproject actions taken by  
9 a city that is required or chooses to plan under RCW 36.70A.040 that  
10 increase housing capacity, increase housing affordability, and  
11 mitigate displacement as required under this subsection (2) and that  
12 apply outside of critical areas are not subject to administrative or  
13 judicial appeal under chapter 43.21C RCW unless the adoption of such  
14 ordinances, development regulations and amendments to such  
15 regulations, or other nonproject actions has a probable significant  
16 adverse impact on fish habitat.

17 (3) A capital facilities plan element consisting of: (a) An  
18 inventory of existing capital facilities owned by public entities,  
19 including green infrastructure, showing the locations and capacities  
20 of the capital facilities; (b) a forecast of the future needs for  
21 such capital facilities; (c) the proposed locations and capacities of  
22 expanded or new capital facilities; (d) at least a six-year plan that  
23 will finance such capital facilities within projected funding  
24 capacities and clearly identifies sources of public money for such  
25 purposes; and (e) a requirement to reassess the land use element if  
26 probable funding falls short of meeting existing needs and to ensure  
27 that the land use element, capital facilities plan element, and  
28 financing plan within the capital facilities plan element are  
29 coordinated and consistent. Park and recreation facilities shall be  
30 included in the capital facilities plan element.

31 The county or city shall identify all public entities that own  
32 capital facilities and endeavor in good faith to work with other  
33 public entities, such as special purpose districts, to gather and  
34 include within its capital facilities element the information  
35 required by this subsection. If, after a good faith effort, the  
36 county or city is unable to gather the information required by this  
37 subsection from the other public entities, the failure to include  
38 such information in its capital facilities element cannot be grounds  
39 for a finding of noncompliance or invalidity under chapter 228, Laws  
40 of 2023. A good faith effort must, at a minimum, include consulting

1 the public entity's capital facility or system plans and emailing and  
2 calling the staff of the public entity.

3 (4) (a) A utilities element consisting of the general location,  
4 proposed location, and capacity of all existing and proposed  
5 utilities including, but not limited to, electrical,  
6 telecommunications, and natural gas systems.

7 (b) The county or city shall identify all public entities that  
8 own utility systems and endeavor in good faith to work with other  
9 public entities, such as special purpose districts, to gather and  
10 include within its utilities element the information required in (a)  
11 of this subsection. However, if, after a good faith effort, the  
12 county or city is unable to gather the information required in (a) of  
13 this subsection from the other public entities, the failure to  
14 include such information in the utilities element shall not be  
15 grounds for a finding of noncompliance or invalidity under chapter  
16 228, Laws of 2023. A good faith effort must, at a minimum, include  
17 consulting the public entity's capital facility or system plans, and  
18 emailing and calling the staff of the public entity.

19 (5) Rural element. Counties shall include a rural element  
20 including lands that are not designated for urban growth,  
21 agriculture, forest, or mineral resources. The following provisions  
22 shall apply to the rural element:

23 (a) Growth management act goals and local circumstances. Because  
24 circumstances vary from county to county, in establishing patterns of  
25 rural densities and uses, a county may consider local circumstances,  
26 but shall develop a written record explaining how the rural element  
27 harmonizes the planning goals in RCW 36.70A.020 and meets the  
28 requirements of this chapter.

29 (b) Rural development. The rural element shall permit rural  
30 development, forestry, and agriculture in rural areas. The rural  
31 element shall provide for a variety of rural densities, uses,  
32 essential public facilities, and rural governmental services needed  
33 to serve the permitted densities and uses. To achieve a variety of  
34 rural densities and uses, counties may provide for clustering,  
35 density transfer, design guidelines, conservation easements, and  
36 other innovative techniques that will accommodate appropriate rural  
37 economic advancement, densities, and uses that are not characterized  
38 by urban growth and that are consistent with rural character.

1 (c) Measures governing rural development. The rural element shall  
2 include measures that apply to rural development and protect the  
3 rural character of the area, as established by the county, by:

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the  
6 surrounding rural area;

7 (iii) Reducing the inappropriate conversion of undeveloped land  
8 into sprawling, low-density development in the rural area;

9 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
10 and surface water and groundwater resources; and

11 (v) Protecting against conflicts with the use of agricultural,  
12 forest, and mineral resource lands designated under RCW 36.70A.170.

13 (d) Limited areas of more intensive rural development. Subject to  
14 the requirements of this subsection and except as otherwise  
15 specifically provided in this subsection (5)(d), the rural element  
16 may allow for limited areas of more intensive rural development,  
17 including necessary public facilities and public services to serve  
18 the limited area as follows:

19 (i) Rural development consisting of the infill, development, or  
20 redevelopment of existing commercial, industrial, residential, or  
21 mixed-use areas, whether characterized as shoreline development,  
22 villages, hamlets, rural activity centers, or crossroads  
23 developments.

24 (A) A commercial, industrial, residential, shoreline, or mixed-  
25 use area are subject to the requirements of (d)(iv) of this  
26 subsection, but are not subject to the requirements of (c)(ii) and  
27 (iii) of this subsection.

28 (B) Any development or redevelopment other than an industrial  
29 area or an industrial use within a mixed-use area or an industrial  
30 area under this subsection (5)(d)(i) must be principally designed to  
31 serve the existing and projected rural population.

32 (C) Any development or redevelopment in terms of building size,  
33 scale, use, or intensity may be permitted subject to confirmation  
34 from all existing providers of public facilities and public services  
35 of sufficient capacity of existing public facilities and public  
36 services to serve any new or additional demand from the new  
37 development or redevelopment. Development and redevelopment may  
38 include changes in use from vacant land or a previously existing use  
39 so long as the new use conforms to the requirements of this  
40 subsection (5) and is consistent with the local character. Any

1 commercial development or redevelopment within a mixed-use area must  
2 be principally designed to serve the existing and projected rural  
3 population and must meet the following requirements:

4 (I) Any included retail or food service space must not exceed the  
5 footprint of previously occupied space or 5,000 square feet,  
6 whichever is greater, for the same or similar use, unless the retail  
7 space is for an essential rural retail service and the designated  
8 limited area is located at least 10 miles from an existing urban  
9 growth area, then the retail space must not exceed the footprint of  
10 the previously occupied space or 10,000 square feet, whichever is  
11 greater; and

12 (II) Any included retail or food service space must not exceed  
13 2,500 square feet for a new use, unless the new retail space is for  
14 an essential rural retail service and the designated limited area is  
15 located at least 10 miles from an existing urban growth area, then  
16 the new retail space must not exceed 10,000 square feet;

17 For the purposes of this subsection (5)(d), "essential rural  
18 retail services" means services including grocery, pharmacy,  
19 hardware, automotive parts, and similar uses that sell or provide  
20 products necessary for health and safety, such as food, medication,  
21 sanitation supplies, and products to maintain habitability and  
22 mobility;

23 (ii) The intensification of development on lots containing, or  
24 new development of, small-scale recreational or tourist uses,  
25 including commercial facilities to serve those recreational or  
26 tourist uses, that rely on a rural location and setting, but that do  
27 not include new residential development. A small-scale recreation or  
28 tourist use is not required to be principally designed to serve the  
29 existing and projected rural population. Public services and public  
30 facilities shall be limited to those necessary to serve the  
31 recreation or tourist use and shall be provided in a manner that does  
32 not permit low-density sprawl;

33 (iii) The intensification of development on lots containing  
34 isolated nonresidential uses or new development of isolated cottage  
35 industries and isolated small-scale businesses that are not  
36 principally designed to serve the existing and projected rural  
37 population and nonresidential uses, but do provide job opportunities  
38 for rural residents. Rural counties may allow the expansion of small-  
39 scale businesses as long as those small-scale businesses conform with  
40 the rural character of the area as defined by the local government

1 according to RCW 36.70A.030(~~(35)~~) (38). Rural counties may also  
2 allow new small-scale businesses to utilize a site previously  
3 occupied by an existing business as long as the new small-scale  
4 business conforms to the rural character of the area as defined by  
5 the local government according to RCW 36.70A.030(~~(35)~~) (38). Public  
6 services and public facilities shall be limited to those necessary to  
7 serve the isolated nonresidential use and shall be provided in a  
8 manner that does not permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the  
10 existing areas of more intensive rural development, as appropriate,  
11 authorized under this subsection. Lands included in such existing  
12 areas shall not extend beyond the logical outer boundary of the  
13 existing area, thereby allowing a new pattern of low-density sprawl.  
14 Existing areas are those that are clearly identifiable and contained  
15 and where there is a logical boundary delineated predominately by the  
16 built environment, but that may also include undeveloped lands if  
17 limited as provided in this subsection. The county shall establish  
18 the logical outer boundary of an area of more intensive rural  
19 development. In establishing the logical outer boundary, the county  
20 shall address (A) the need to preserve the character of existing  
21 natural neighborhoods and communities, (B) physical boundaries, such  
22 as bodies of water, streets and highways, and land forms and  
23 contours, (C) the prevention of abnormally irregular boundaries, and  
24 (D) the ability to provide public facilities and public services in a  
25 manner that does not permit low-density sprawl;

26 (v) For purposes of this subsection (5)(d), an existing area or  
27 existing use is one that was in existence:

28 (A) On July 1, 1990, in a county that was initially required to  
29 plan under all of the provisions of this chapter;

30 (B) On the date the county adopted a resolution under RCW  
31 36.70A.040(2), in a county that is planning under all of the  
32 provisions of this chapter under RCW 36.70A.040(2); or

33 (C) On the date the office of financial management certifies the  
34 county's population as provided in RCW 36.70A.040(5), in a county  
35 that is planning under all of the provisions of this chapter pursuant  
36 to RCW 36.70A.040(5).

37 (e) Exception. This subsection shall not be interpreted to permit  
38 in the rural area a major industrial development or a master planned  
39 resort unless otherwise specifically permitted under RCW 36.70A.360  
40 and 36.70A.365.

1 (6) A transportation element that implements, and is consistent  
2 with, the land use element.

3 (a) The transportation element shall include the following  
4 subelements:

5 (i) Land use assumptions used in estimating travel;

6 (ii) Estimated multimodal level of service impacts to state-owned  
7 transportation facilities resulting from land use assumptions to  
8 assist in monitoring the performance of state facilities, to plan  
9 improvements for the facilities, and to assess the impact of land-use  
10 decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

12 (A) An inventory of air, water, and ground transportation  
13 facilities and services, including transit alignments, active  
14 transportation facilities, and general aviation airport facilities,  
15 to define existing capital facilities and travel levels to inform  
16 future planning. This inventory must include state-owned  
17 transportation facilities within the city or county's jurisdictional  
18 boundaries;

19 (B) Multimodal level of service standards for all locally owned  
20 arterials, locally and regionally operated transit routes that serve  
21 urban growth areas, state-owned or operated transit routes that serve  
22 urban areas if the department of transportation has prepared such  
23 standards, and active transportation facilities to serve as a gauge  
24 to judge performance of the system and success in helping to achieve  
25 the goals of this chapter consistent with environmental justice.  
26 These standards should be regionally coordinated;

27 (C) For state-owned transportation facilities, multimodal level  
28 of service standards for highways, as prescribed in chapters 47.06  
29 and 47.80 RCW, to gauge the performance of the system. The purposes  
30 of reflecting multimodal level of service standards for state  
31 highways in the local comprehensive plan are to monitor the  
32 performance of the system, to evaluate improvement strategies, and to  
33 facilitate coordination between the county's or city's six-year  
34 street, road, active transportation, or transit program and the  
35 office of financial management's (~~ten-year~~) 10-year investment  
36 program. The concurrency requirements of (b) of this subsection do  
37 not apply to transportation facilities and services of statewide  
38 significance except for counties consisting of islands whose only  
39 connection to the mainland are state highways or ferry routes. In  
40 these island counties, state highways and ferry route capacity must

1 be a factor in meeting the concurrency requirements in (b) of this  
2 subsection;

3 (D) Specific actions and requirements for bringing into  
4 compliance transportation facilities or services that are below an  
5 established multimodal level of service standard;

6 (E) Forecasts of multimodal transportation demand and needs  
7 within cities and urban growth areas, and forecasts of multimodal  
8 transportation demand and needs outside of cities and urban growth  
9 areas, for at least (~~ten~~) 10 years based on the adopted land use  
10 plan to inform the development of a transportation element that  
11 balances transportation system safety and convenience to accommodate  
12 all users of the transportation system to safely, reliably, and  
13 efficiently provide access and mobility to people and goods. Priority  
14 must be given to inclusion of transportation facilities and services  
15 providing the greatest multimodal safety benefit to each category of  
16 roadway users for the context and speed of the facility;

17 (F) Identification of state and local system needs to equitably  
18 meet current and future demands. Identified needs on state-owned  
19 transportation facilities must be consistent with the statewide  
20 multimodal transportation plan required under chapter 47.06 RCW.  
21 Local system needs should reflect the regional transportation system  
22 and local goals, and strive to equitably implement the multimodal  
23 network;

24 (G) A transition plan for transportation as required in Title II  
25 of the Americans with disabilities act of 1990 (ADA). As a necessary  
26 step to a program access plan to provide accessibility under the ADA,  
27 state and local government, public entities, and public agencies are  
28 required to perform self-evaluations of their current facilities,  
29 relative to accessibility requirements of the ADA. The agencies are  
30 then required to develop a program access plan, which can be called a  
31 transition plan, to address any deficiencies. The plan is intended to  
32 achieve the following:

33 (I) Identify physical obstacles that limit the accessibility of  
34 facilities to individuals with disabilities;

35 (II) Describe the methods to be used to make the facilities  
36 accessible;

37 (III) Provide a schedule for making the access modifications; and

38 (IV) Identify the public officials responsible for implementation  
39 of the transition plan;

40 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against  
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in  
4 the comprehensive plan, the appropriate parts of which shall serve as  
5 the basis for the six-year street, road, or transit program required  
6 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
7 35.58.2795 for public transportation systems. The multiyear financing  
8 plan should be coordinated with the (~~ten-year~~) 10-year investment  
9 program developed by the office of financial management as required  
10 by RCW 47.05.030;

11 (C) If probable funding falls short of meeting the identified  
12 needs of the transportation system, including state transportation  
13 facilities, a discussion of how additional funding will be raised, or  
14 how land use assumptions will be reassessed to ensure that level of  
15 service standards will be met;

16 (v) Intergovernmental coordination efforts, to include affected  
17 tribal governments, including an assessment of the impacts of the  
18 transportation plan and land use assumptions on the transportation  
19 systems of adjacent jurisdictions, including affected tribal areas;

20 (vi) Demand-management strategies;

21 (vii) Active transportation component to include collaborative  
22 efforts to identify and designate planned improvements for active  
23 transportation facilities and corridors that address and encourage  
24 enhanced community access and promote healthy lifestyles.

25 (b) After adoption of the comprehensive plan by jurisdictions  
26 required to plan or who choose to plan under RCW 36.70A.040, local  
27 jurisdictions must adopt and enforce ordinances which prohibit  
28 development approval if the development causes the level of service  
29 on a locally owned or locally or regionally operated transportation  
30 facility to decline below the standards adopted in the transportation  
31 element of the comprehensive plan, unless transportation improvements  
32 or strategies to accommodate the impacts of development are made  
33 concurrent with the development. These strategies may include active  
34 transportation facility improvements, increased or enhanced public  
35 transportation service, ride-sharing programs, demand management, and  
36 other transportation systems management strategies. For the purposes  
37 of this subsection (6), "concurrent with the development" means that  
38 improvements or strategies are in place at the time of development,  
39 or that a financial commitment is in place to complete the  
40 improvements or strategies within six years. If the collection of

1 impact fees is delayed under RCW 82.02.050(3), the six-year period  
2 required by this subsection (6)(b) must begin after full payment of  
3 all impact fees is due to the county or city. A development proposal  
4 may not be denied for causing the level of service on a locally owned  
5 or locally or regionally operated transportation facility to decline  
6 below the standards adopted in the transportation element of the  
7 comprehensive plan where such impacts could be adequately mitigated  
8 through active transportation facility improvements, increased or  
9 enhanced public transportation service, ride-sharing programs, demand  
10 management, or other transportation systems management strategies  
11 funded by the development.

12 (c) The transportation element described in this subsection (6),  
13 the six-year plans required by RCW 35.77.010 for cities, RCW  
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
15 systems, and the (~~ten-year~~) 10-year investment program required by  
16 RCW 47.05.030 for the state, must be consistent.

17 (7) An economic development element establishing local goals,  
18 policies, objectives, and provisions for economic growth and vitality  
19 and a high quality of life. A city that has chosen to be a  
20 residential community is exempt from the economic development element  
21 requirement of this subsection.

22 (8) A park and recreation element that implements, and is  
23 consistent with, the capital facilities plan element as it relates to  
24 park and recreation facilities. The element shall include: (a)  
25 Estimates of park and recreation demand for at least a (~~ten-year~~)  
26 10-year period; (b) an evaluation of facilities and service needs;  
27 (c) an evaluation of tree canopy coverage within the urban growth  
28 area; and (d) an evaluation of intergovernmental coordination  
29 opportunities to provide regional approaches for meeting park and  
30 recreational demand.

31 (9)(a) A climate change and resiliency element that is designed  
32 to result in reductions in overall greenhouse gas emissions and that  
33 must enhance resiliency to and avoid the adverse impacts of climate  
34 change, which must include efforts to reduce localized greenhouse gas  
35 emissions and avoid creating or worsening localized climate impacts  
36 to vulnerable populations and overburdened communities.

37 (b) The climate change and resiliency element shall include the  
38 following subelements:

- 39 (i) A greenhouse gas emissions reduction subelement;  
40 (ii) A resiliency subelement.

1 (c) The greenhouse gas emissions reduction subelement of the  
2 climate change and resiliency element is mandatory for the  
3 jurisdictions specified in RCW 36.70A.095 and is encouraged for all  
4 other jurisdictions, including those planning under RCW 36.70A.040  
5 and those planning under chapter 36.70 RCW. The resiliency subelement  
6 of the climate change and resiliency element is mandatory for all  
7 jurisdictions planning under RCW 36.70A.040 and is encouraged for  
8 those jurisdictions planning under chapter 36.70 RCW.

9 (d) (i) The greenhouse gas emissions reduction subelement of the  
10 comprehensive plan, and its related development regulations, must  
11 identify the actions the jurisdiction will take during the planning  
12 cycle consistent with the guidelines published by the department  
13 pursuant to RCW 70A.45.120 that will:

14 (A) Result in reductions in overall greenhouse gas emissions  
15 generated by transportation and land use within the jurisdiction but  
16 without increasing greenhouse gas emissions elsewhere in the state;

17 (B) Result in reductions in per capita vehicle miles traveled  
18 within the jurisdiction but without increasing greenhouse gas  
19 emissions elsewhere in the state; and

20 (C) Prioritize reductions that benefit overburdened communities  
21 in order to maximize the cobenefits of reduced air pollution and  
22 environmental justice.

23 (ii) Actions not specifically identified in the guidelines  
24 developed by the department pursuant to RCW 70A.45.120 may be  
25 considered consistent with these guidelines only if:

26 (A) They are projected to achieve greenhouse gas emissions  
27 reductions or per capita vehicle miles traveled reductions equivalent  
28 to what would be required of the jurisdiction under the guidelines  
29 adopted by the department; and

30 (B) They are supported by scientifically credible projections and  
31 scenarios that indicate their adoption is likely to result in  
32 reductions of greenhouse gas emissions or per capita vehicle miles  
33 traveled.

34 (iii) A jurisdiction may not restrict population growth or limit  
35 population allocation in order to achieve the requirements set forth  
36 in this subsection (9) (d).

37 (e) (i) The resiliency subelement must equitably enhance  
38 resiliency to, and avoid or substantially reduce the adverse impacts  
39 of, climate change in human communities and ecological systems  
40 through goals, policies, and programs consistent with the best

1 available science and scientifically credible climate projections and  
2 impact scenarios that moderate or avoid harm, enhance the resiliency  
3 of natural and human systems, and enhance beneficial opportunities.  
4 The resiliency subelement must prioritize actions that benefit  
5 overburdened communities that will disproportionately suffer from  
6 compounding environmental impacts and will be most impacted by  
7 natural hazards due to climate change. Specific goals, policies, and  
8 programs of the resiliency subelement must include, but are not  
9 limited to, those designed to:

10 (A) Identify, protect, and enhance natural areas to foster  
11 resiliency to climate impacts, as well as areas of vital habitat for  
12 safe passage and species migration;

13 (B) Identify, protect, and enhance community resiliency to  
14 climate change impacts, including social, economic, and built  
15 environment factors, that support adaptation to climate impacts  
16 consistent with environmental justice; and

17 (C) Address natural hazards created or aggravated by climate  
18 change, including sea level rise, landslides, flooding, drought,  
19 heat, smoke, wildfire, and other effects of changes to temperature  
20 and precipitation patterns.

21 (ii) A natural hazard mitigation plan or similar plan that is  
22 guided by RCW 36.70A.020(14), that prioritizes actions that benefit  
23 overburdened communities, and that complies with the applicable  
24 requirements of this chapter, including the requirements set forth in  
25 this subsection (9)(e), may be adopted by reference to satisfy these  
26 requirements, except that to the extent any of the substantive  
27 requirements of this subsection (9)(e) are not addressed, or are  
28 inadequately addressed, in the referenced natural hazard mitigation  
29 plan, a county or city must supplement the natural hazard mitigation  
30 plan accordingly so that the adopted resiliency subelement complies  
31 fully with the substantive requirements of this subsection (9)(e).

32 (A) If a county or city intends to adopt by reference a federal  
33 emergency management agency natural hazard mitigation plan in order  
34 to meet all or part of the substantive requirements set forth in this  
35 subsection (9)(e), and the most recently adopted federal emergency  
36 management agency natural hazard mitigation plan does not comply with  
37 the requirements of this subsection (9)(e), the department may grant  
38 the county or city an extension of time in which to submit a natural  
39 hazard mitigation plan.

1 (B) Eligibility for an extension under this subsection prior to  
2 July 1, 2027, is limited to a city or county required to review and,  
3 if needed, revise its comprehensive plan on or before June 30, 2025,  
4 as provided in RCW 36.70A.130, or for a city or county with an  
5 existing, unexpired federal emergency management agency natural  
6 hazard mitigation plan scheduled to expire before December 31, 2024.

7 (C) Extension requests after July 1, 2027, may be granted if  
8 requirements for the resiliency subelement are amended or added by  
9 the legislature or if the department finds other circumstances that  
10 may result in a potential finding of noncompliance with a  
11 jurisdiction's existing and approved federal emergency management  
12 agency natural hazard mitigation plan.

13 (D) A city or county that wishes to request an extension of time  
14 must submit a request in writing to the department no later than the  
15 date on which the city or county is required to review and, if  
16 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

17 (E) Upon the submission of such a request to the department, the  
18 city or county may have an additional 48 months from the date  
19 provided in RCW 36.70A.130 in which to either adopt by reference an  
20 updated federal emergency management agency natural hazard mitigation  
21 plan or adopt its own natural hazard mitigation plan, and to then  
22 submit that plan to the department.

23 (F) The adoption of ordinances, amendments to comprehensive  
24 plans, amendments to development regulations, and other nonproject  
25 actions taken by a county or city pursuant to (d) of this subsection  
26 in order to implement measures specified by the department pursuant  
27 to RCW 70A.45.120 are not subject to administrative or judicial  
28 appeal under chapter 43.21C RCW.

29 (10) It is the intent that new or amended elements required after  
30 January 1, 2002, be adopted concurrent with the scheduled update  
31 provided in RCW 36.70A.130. Requirements to incorporate any such new  
32 or amended elements shall be null and void until funds sufficient to  
33 cover applicable local government costs are appropriated and  
34 distributed by the state at least two years before local government  
35 must update comprehensive plans as required in RCW 36.70A.130.

36 **Sec. 2.** RCW 36.81.121 and 2005 c 360 s 3 are each amended to  
37 read as follows:

38 (1) At any time before adoption of the budget, the legislative  
39 authority of each county, after one or more public hearings thereon,

1 shall prepare and adopt a comprehensive transportation program for  
2 the ensuing six calendar years. If the county has adopted a  
3 comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the  
4 inherent authority of a charter county derived from its charter, or  
5 chapter 36.70A RCW, the program shall be consistent with this  
6 comprehensive plan.

7 The program shall include proposed road and bridge construction  
8 work and other transportation facilities and programs deemed  
9 appropriate, and for those counties operating ferries shall also  
10 include a separate section showing proposed capital expenditures for  
11 ferries, docks, and related facilities. The program shall include any  
12 new or enhanced bicycle or pedestrian facilities identified pursuant  
13 to RCW 36.70A.070(6) or other applicable changes that promote  
14 nonmotorized transit. Copies of the program shall be filed with the  
15 county road administration board and with the state secretary of  
16 transportation not more than (~~thirty~~) 30 days after its adoption by  
17 the legislative authority. The purpose of this section is to assure  
18 that each county shall perpetually have available advanced plans  
19 looking to the future for not less than six years as a guide in  
20 carrying out a coordinated transportation program. The program may at  
21 any time be revised by a majority of the legislative authority but  
22 only after a public hearing thereon.

23 (2) Each six-year transportation program forwarded to the  
24 secretary in compliance with subsection (1) of this section shall  
25 contain information as to how a county will expend its moneys,  
26 including funds made available pursuant to chapter 47.30 RCW, for  
27 nonmotorized transportation purposes.

28 (3) Each six-year transportation program forwarded to the  
29 secretary in compliance with subsection (1) of this section shall  
30 contain information as to how a county shall act to preserve railroad  
31 right-of-way in the event the railroad ceases to operate in the  
32 county's jurisdiction.

33 (4) The six-year plan for each county shall specifically set  
34 forth those projects and programs of regional significance for  
35 inclusion in the transportation improvement program within that  
36 region.

37 (5) The comprehensive transportation program under this section  
38 must be prepared in consultation with affected tribal governments to  
39 assess the impacts of the program on affected tribal areas and to  
40 incorporate transportation needs of affected tribal areas. The

1 consultation must be: (a) Offered by the respective county in an  
2 early, meaningful, and individual manner with any affected federally  
3 recognized Indian tribe whose reservation or ceded lands lie within  
4 the county; (b) independent of, and in addition to, any public  
5 participation process required by federal or state law, or by a  
6 federal or state agency; and (c) offered regardless of whether the  
7 county receives a request for consultation from a federally  
8 recognized Indian tribe.

9 NEW SECTION. Sec. 3. A new section is added to chapter 43.59  
10 RCW to read as follows:

11 (1) Subject to the availability of amounts appropriated for this  
12 specific purpose, the commission must establish a tribal traffic  
13 safety coordinator program to assist tribes in implementing traffic  
14 safety strategies.

15 (2) Under the program, the commission must award grant funds to  
16 tribes to implement the program, and provide program support to  
17 tribes for traffic safety activities described in subsection (3) of  
18 this section.

19 (3) Use of program funds by program grantees may include, but are  
20 not limited to, any of the following activities:

21 (a) Create and execute comprehensive traffic safety programs  
22 tailored to incorporate indigenous knowledge and address the  
23 community's unique needs;

24 (b) Establish structured processes for gathering, assessing,  
25 analyzing, and presenting traffic safety data to support informed  
26 decision making;

27 (c) Lead public outreach efforts, organize road safety audits,  
28 and identify gaps in existing data and safety practices;

29 (d) Develop dual language educational programs and conduct  
30 Americans with disabilities act, pedestrian, and other traffic safety  
31 surveys to enhance inclusivity and awareness;

32 (e) Oversee safety performance metrics, prepare detailed reports,  
33 and guide the program's transition to long-term sustainability; and

34 (f) Present project results and data-driven insights to the  
35 respective tribal council to secure approvals for traffic safety  
36 initiatives and ensure alignment with community priorities.

1           (4) Program funds may also be used to match or supplement federal  
2 funds received by the commission for such purposes.

--- **END** ---