CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5753**

Chapter 448, Laws of 2023

68th Legislature

2023 Regular Session

DEPARTMENT OF TRANSPORTATION AND LUMMI TRIBE—COOPERATIVE AGREEMENT FOR PUBLIC ROAD

EFFECTIVE DATE: July 23, 2023

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| Passed by the Senate April 19, 2023Yeas 49 Nays 0DENNY HECK**President of the Senate**Passed by the House April 7, 2023Yeas 92 Nays 5LAURIE JINKINS**Speaker of the House of Representatives** | CERTIFICATEI, 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.SARAH BANNISTERSecretary |
| Approved May 11, 2023 10:16 AM | May 11, 2023 |
| JAY INSLEE**Governor of the State of Washington** | **Secretary of State** **State of Washington** |

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**SUBSTITUTE SENATE BILL 5753**

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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)

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

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

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

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

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

(a) "Agreement" means the cooperative agreement between the department, the governing authority of the Lummi Nation, and agencies of the United States, as authorized by subsection (1) of this section.

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

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

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

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

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

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Passed by the Senate April 19, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.