

SSB 5753 - H COMM AMD  
By Committee on Transportation

ADOPTED AND ENGROSSED 04/07/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.20  
4 RCW to read as follows:

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

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

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

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

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.20  
24 RCW to read as follows:

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

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 47.20  
2 RCW to read as follows:

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

13        Correct the title.

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