
Transportation Committee

SSB 5753

Brief Description: Concerning a roadway construction cooperative agreement between the department of transportation and the Lummi Nation.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Shewmake and Lovelett).

Brief Summary of Substitute Bill

- Authorizes the Washington State Department of Transportation to enter into a cooperative agreement with the Lummi Nation, and other entities, to construct and maintain a public road through tribal trust lands.

Hearing Date: 3/15/23

Staff: David Munnecke (786-7315).

Background:

The Washington State Department of Transportation (WSDOT) may purchase right-of-way for constructing or improving city streets that are also state highways. Title to all such rights-of-way vests in the city or town, subject to the requirement that the local jurisdiction use the property for public road purposes. However, if the road or street is to be operated as either a partially or fully controlled access highway, title to and full control over that portion incorporated into the limited access highway vests in the state.

Unused portions of right-of-way may be used for non-transportation uses with the prior written approval of the WSDOT and in accordance with any limited access plan. All revenue derived from any non-transportation use must be shared by the city or town and the state in the same proportion as the purchase costs were shared.

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.

The WSDOT and the governing authority for the Quinault Indian Reservation were authorized, in 1985, to enter into a cooperative agreement for development and maintenance of a highway extension from the existing State Route 109 North through the Quinault Indian Reservation and intersecting with Highway 101 south of Queets. The WSDOT was also authorized to convey the right-of-way for the highway to the governing authority for the Quinault Indian Reservation, in return for a conveyance to the state of Washington of a perpetual easement for public travel on the highway.

Summary of Bill:

Cooperative Agreement Authorization.

The WSDOT is authorized to enter into a cooperative agreement with the Lummi Nation and the appropriate agencies of the United States for the location, design, right-of-way acquisition, 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 for the Lummi Nation, and connecting to the approximate location of where the Ferndale city limits intersect Kope Road. The new road segment must be named after construction is concluded.

The cooperative agreement must reserve authority to construct road intersections or grade separation crossings of the roadway to the Lummi Nation. The Lummi Nation must assume responsibility for the operation and maintenance and future improvement of the roadway.

Location, Right-of-way Acquisition, and Conveyance to the Lummi Nation.

The WSDOT is authorized to determine the location of the roadway, in consultation with and with the approval of, the Lummi Nation, and to acquire the remaining right-of-way for the roadway with an easement provided by the Lummi Nation.

The WSDOT is authorized to convey by deed to the Lummi Nation the right-of-way to the entire roadway when fully acquired, in return for a conveyance by the Lummi Nation to the State of Washington of a perpetual easement for public travel on the roadway when constructed. The agreement may also authorize 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.

The WSDOT may proceed with the location, design, acquisition of right-of-way, construction, and maintenance of the roadway. After construction and turnback of the roadway to the Lummi Nation, the Lummi Nation will have the responsibility to maintain the roadway as a public road.

Appropriation: None.

Fiscal Note: Available.

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

passed.