
SUBSTITUTE SENATE BILL 5374

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, 36.81.121,
3 43.59.156, and 43.59.156; adding a new section to chapter 43.59 RCW;
4 providing an effective date; and providing an expiration date.

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

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

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

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

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

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

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

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

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

38 (b) Includes a statement of goals, policies, objectives, and
39 mandatory provisions for the preservation, improvement, and
40 development of housing, including single-family residences, and

1 within an urban growth area boundary, moderate density housing
2 options including, but not limited to, duplexes, triplexes, and
3 townhomes;

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

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

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

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

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

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

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

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

26 (ii) Disinvestment; and

27 (iii) Infrastructure availability;

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

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

34 (h) Establishes antidisplacement policies, with consideration
35 given to the preservation of historical and cultural communities as
36 well as investments in low, very low, extremely low, and moderate-
37 income housing; equitable development initiatives; inclusionary
38 zoning; community planning requirements; tenant protections; land
39 disposition policies; and consideration of land that may be used for
40 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). Rural counties may also allow new
2 small-scale businesses to utilize a site previously occupied by an
3 existing business as long as the new small-scale business conforms to
4 the rural character of the area as defined by the local government
5 according to RCW 36.70A.030(35). Public services and public
6 facilities shall be limited to those necessary to serve the isolated
7 nonresidential use and shall be provided in a manner that does not
8 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 coordination 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.

1 **Sec. 3.** RCW 43.59.156 and 2020 c 72 s 1 are each amended to read
2 as follows:

3 (1) Within amounts appropriated to the traffic safety commission,
4 the commission must convene the Cooper Jones active transportation
5 safety council comprised of stakeholders who have a unique interest
6 or expertise in the safety of pedestrians, bicyclists, and other
7 nonmotorists.

8 (2) The purpose of the council is to review and analyze data and
9 programs related to fatalities and serious injuries involving
10 pedestrians, bicyclists, and other nonmotorists to identify points at
11 which the transportation system can be improved including, whenever
12 possible, privately owned areas of the system such as parking lots,
13 and to identify patterns in pedestrian, bicyclist, and other
14 nonmotorist fatalities and serious injuries. The council may also:

15 (a) Monitor progress on implementation of existing council
16 recommendations; and

17 (b) Seek opportunities to expand consideration and implementation
18 of the principles of systematic safety, including areas where data
19 collection may need improvement.

20 (3)(a) The council may include, but is not limited to:

21 (i) A representative from the commission;

22 (ii) A coroner from the county in which pedestrian, bicyclist, or
23 nonmotorist deaths have occurred;

24 (iii) Multiple members of law enforcement who have investigated
25 pedestrian, bicyclist, or nonmotorist fatalities;

26 (iv) A traffic engineer;

27 (v) A representative from the department of transportation and a
28 representative from the department of health;

29 (vi) A representative from the association of Washington cities;

30 (vii) A representative from the Washington state association of
31 counties;

32 (viii) A representative from a pedestrian advocacy group; (~~and~~)

33 (ix) A representative from a tribal government; and

34 (x) A representative from a bicyclist or other nonmotorist
35 advocacy group.

36 (b) The commission may invite other representatives of
37 stakeholder groups to participate in the council as deemed
38 appropriate by the commission. Additionally, the commission may
39 invite a victim or family member of a victim to participate in the
40 council.

1 (4) The council must meet at least quarterly. By December 31st of
2 each year, the council must issue an annual report detailing any
3 findings and recommendations to the governor and the transportation
4 committees of the legislature. The commission must provide the annual
5 report electronically to all municipal governments and state agencies
6 that participated in the council during that calendar year.
7 Additionally, the council must report any budgetary or fiscal
8 recommendations to the office of financial management and the
9 legislature by August 1st on a biennial basis.

10 (5) As part of the review of pedestrian, bicyclist, or
11 nonmotorist fatalities and serious injuries that occur in Washington,
12 the council may review any available information, including crash
13 information maintained in existing databases; statutes, rules,
14 policies, or ordinances governing pedestrians and traffic related to
15 the incidents; and any other relevant information. The council may
16 make recommendations regarding changes in statutes, ordinances,
17 rules, and policies that could improve pedestrian, bicyclist, or
18 nonmotorist safety. Additionally, the council may make
19 recommendations on how to improve traffic fatality and serious injury
20 data quality, including crashes that occur in privately owned
21 property such as parking lots. The council may consult with local
22 cities and counties, as well as local police departments and other
23 law enforcement agencies and associations representing those
24 jurisdictions on how to improve data quality regarding crashes
25 occurring on private property.

26 (6) (a) Documents prepared by or for the council are inadmissible
27 and may not be used in a civil or administrative proceeding, except
28 that any document that exists before its use or consideration in a
29 review by the council, or that is created independently of such
30 review, does not become inadmissible merely because it is reviewed or
31 used by the council. For confidential information, such as personally
32 identifiable information and medical records, which are obtained by
33 the council, neither the commission nor the council may publicly
34 disclose such confidential information. No person who was in
35 attendance at a meeting of the council or who participated in the
36 creation, retention, collection, or maintenance of information or
37 documents specifically for the commission or the council shall be
38 permitted to testify in any civil action as to the content of such
39 proceedings or of the documents and information prepared specifically
40 as part of the activities of the council. However, recommendations

1 from the council and the commission generally may be disclosed
2 without personal identifiers.

3 (b) The council may review, only to the extent otherwise
4 permitted by law or court rule when determined to be relevant and
5 necessary: Any law enforcement incident documentation, such as
6 incident reports, dispatch records, and victim, witness, and suspect
7 statements; any supplemental reports, probable cause statements, and
8 911 call taker's reports; and any other information determined to be
9 relevant to the review. The commission and the council must maintain
10 the confidentiality of such information to the extent required by any
11 applicable law.

12 (7) If acting in good faith, without malice, and within the
13 parameters of and protocols established under this chapter,
14 representatives of the commission and the council are immune from
15 civil liability for an activity related to reviews of particular
16 fatalities and serious injuries.

17 (8) This section must not be construed to provide a private civil
18 cause of action.

19 (9)(a) The council may receive gifts, grants, or endowments from
20 public or private sources that are made from time to time, in trust
21 or otherwise, for the use and benefit of the purposes of the council
22 and spend the gifts, grants, or endowments from the public or private
23 sources according to their terms, unless the receipt of the gifts,
24 grants, or endowments violates RCW 42.17A.560.

25 (b) Subject to the appropriation of funds for this specific
26 purpose, the council may provide grants targeted at improving
27 pedestrian, bicyclist, or nonmotorist safety in accordance with
28 recommendations made by the council.

29 (10) For purposes of this section:

30 (a) "Bicyclist fatality" means any death of a bicyclist resulting
31 from a collision, whether on a roadway, at an intersection, along an
32 adjacent sidewalk, or on a path that is contiguous with a roadway.

33 (b) "Council" means the Cooper Jones active transportation safety
34 council.

35 (c) "Nonmotorist" means anyone using the transportation system
36 who is not in a vehicle.

37 (d) "Pedestrian fatality" means any death of a pedestrian
38 resulting from a collision, whether on a roadway, at an intersection,
39 along an adjacent sidewalk, or on a path that is contiguous with a
40 roadway.

1 (e) "Serious injury" means any injury other than a fatal injury
2 that prevents the injured person from walking, driving, or normally
3 continuing the activities the person was capable of performing before
4 the injury occurred.

5 **Sec. 4.** RCW 43.59.156 and 2024 c 164 s 523 are each amended to
6 read as follows:

7 (1) Within amounts appropriated to the traffic safety commission,
8 the commission must convene the Cooper Jones active transportation
9 safety council comprised of stakeholders who have a unique interest
10 or expertise in the safety of pedestrians, bicyclists, and other
11 nonmotorists.

12 (2) The purpose of the council is to review and analyze data and
13 programs related to fatalities and serious injuries involving
14 pedestrians, bicyclists, and other nonmotorists to identify points at
15 which the transportation system can be improved including, whenever
16 possible, privately owned areas of the system such as parking lots,
17 and to identify patterns in pedestrian, bicyclist, and other
18 nonmotorist fatalities and serious injuries. The council may also:

19 (a) Monitor progress on implementation of existing council
20 recommendations; and

21 (b) Seek opportunities to expand consideration and implementation
22 of the principles of systematic safety, including areas where data
23 collection may need improvement.

24 (3) (a) The council may include, but is not limited to:

25 (i) A representative from the commission;

26 (ii) A coroner from the county in which pedestrian, bicyclist, or
27 nonmotorist deaths have occurred;

28 (iii) Multiple members of law enforcement who have investigated
29 pedestrian, bicyclist, or nonmotorist fatalities;

30 (iv) A traffic engineer;

31 (v) A representative from the department of transportation and a
32 representative from the department of health;

33 (vi) A representative from the association of Washington cities;

34 (vii) A representative from the Washington state association of
35 counties;

36 (viii) A representative from a pedestrian advocacy group; (~~and~~)

37 (ix) A representative from a tribal government; and

38 (x) A representative from a bicyclist or other nonmotorist
39 advocacy group.

1 (b) The commission may invite other representatives of
2 stakeholder groups to participate in the council as deemed
3 appropriate by the commission. Additionally, the commission may
4 invite a victim or family member of a victim to participate in the
5 council.

6 (4) The council must meet at least quarterly. By December 31st of
7 each year, the council must issue an annual report detailing any
8 findings and recommendations to the governor and the transportation
9 committees of the legislature. The commission must provide the annual
10 report electronically to all municipal governments and state agencies
11 that participated in the council during that calendar year.
12 Additionally, the council must report any budgetary or fiscal
13 recommendations to the office of financial management and the
14 legislature by August 1st on a biennial basis.

15 (5) As part of the review of pedestrian, bicyclist, or
16 nonmotorist fatalities and serious injuries that occur in Washington,
17 the council may review any available information, including crash
18 information maintained in existing databases; statutes, rules,
19 policies, or ordinances governing pedestrians and traffic related to
20 the incidents; and any other relevant information. The council may
21 make recommendations regarding changes in statutes, ordinances,
22 rules, and policies that could improve pedestrian, bicyclist, or
23 nonmotorist safety. Additionally, the council may make
24 recommendations on how to improve traffic fatality and serious injury
25 data quality, including crashes that occur in privately owned
26 property such as parking lots. The council may consult with local
27 cities and counties, as well as local police departments and other
28 law enforcement agencies and associations representing those
29 jurisdictions on how to improve data quality regarding crashes
30 occurring on private property.

31 (6) (a) Documents prepared by or for the council are inadmissible
32 and may not be used in a civil or administrative proceeding, except
33 that any document that exists before its use or consideration in a
34 review by the council, or that is created independently of such
35 review, does not become inadmissible merely because it is reviewed or
36 used by the council. For confidential information, such as personally
37 identifiable information and medical records, which are obtained by
38 the council, neither the commission nor the council may publicly
39 disclose such confidential information. No person who was in
40 attendance at a meeting of the council or who participated in the

1 creation, retention, collection, or maintenance of information or
2 documents specifically for the commission or the council shall be
3 permitted to testify in any civil action as to the content of such
4 proceedings or of the documents and information prepared specifically
5 as part of the activities of the council. However, recommendations
6 from the council and the commission generally may be disclosed
7 without personal identifiers.

8 (b) The council may review, only to the extent otherwise
9 permitted by law or court rule when determined to be relevant and
10 necessary: Any law enforcement incident documentation, such as
11 incident reports, dispatch records, and victim, witness, and suspect
12 statements; any supplemental reports, probable cause statements, and
13 911 call taker's reports; and any other information determined to be
14 relevant to the review. The commission and the council must maintain
15 the confidentiality of such information to the extent required by any
16 applicable law.

17 (7) If acting in good faith, without malice, and within the
18 parameters of and protocols established under this chapter,
19 representatives of the commission and the council are immune from
20 civil liability for an activity related to reviews of particular
21 fatalities and serious injuries.

22 (8) This section must not be construed to provide a private civil
23 cause of action.

24 (9)(a) The council may receive gifts, grants, or endowments from
25 public or private sources that are made from time to time, in trust
26 or otherwise, for the use and benefit of the purposes of the council
27 and spend the gifts, grants, or endowments from the public or private
28 sources according to their terms, unless the receipt of the gifts,
29 grants, or endowments violates RCW 29B.45.020.

30 (b) Subject to the appropriation of funds for this specific
31 purpose, the council may provide grants targeted at improving
32 pedestrian, bicyclist, or nonmotorist safety in accordance with
33 recommendations made by the council.

34 (10) For purposes of this section:

35 (a) "Bicyclist fatality" means any death of a bicyclist resulting
36 from a collision, whether on a roadway, at an intersection, along an
37 adjacent sidewalk, or on a path that is contiguous with a roadway.

38 (b) "Council" means the Cooper Jones active transportation safety
39 council.

1 (c) "Nonmotorist" means anyone using the transportation system
2 who is not in a vehicle.

3 (d) "Pedestrian fatality" means any death of a pedestrian
4 resulting from a collision, whether on a roadway, at an intersection,
5 along an adjacent sidewalk, or on a path that is contiguous with a
6 roadway.

7 (e) "Serious injury" means any injury other than a fatal injury
8 that prevents the injured person from walking, driving, or normally
9 continuing the activities the person was capable of performing before
10 the injury occurred.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.59
12 RCW to read as follows:

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

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

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

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

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

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

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

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

36 (f) Present project results and data-driven insights to the
37 respective tribal council to secure approvals for traffic safety
38 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.

3 NEW SECTION. **Sec. 6.** Section 3 of this act expires January 1,
4 2026.

5 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect January
6 1, 2026.

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