

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5753 SB	<b>Title:</b> WSDOT-Lummi Tribe/highway	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Daniel Masterson	Phone: 360-786-7454	Date: 02/20/2023
Agency Preparation: Chad Johnson	Phone: 360-705-7547	Date: 02/23/2023
Agency Approval: Amber Coulson	Phone: 360-705-7525	Date: 02/23/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/23/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

See attached WSDOT fiscal note.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

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## Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

No Fiscal Impact (Explain in section II. A)

*If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.*

Indeterminate Cash Receipts Impact (Explain in section II. B)

Indeterminate Expenditure Impact (Explain in section II. C)

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**

Capital budget impact, **complete Part IV**

Requires new rule making, **complete Part V**

Revised

*The cash receipts and expenditure estimates on this fiscal template represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

## Agency Contacts:

Preparer: Chad Johnson	Phone: 360-259-3886	Date: 2/23/2023
Approval: Amber Coulson	Phone: 360-742-7534	Date:
Budget Manager: Chad Johnson	Phone: 360-259-3886	Date: 2/23/2023

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact.

*Briefly describe by section number (sections that will change WSDOT costs or revenue), the significant provisions of the bill, and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency.*

Section 1 allows the Washington State Department of Transportation (WSDOT) to enter into an agreement with the Lummi Tribe and appropriate agencies of the United States for the location, design, right-of-way acquisition, construction, and maintenance of a highway construction project.

Section 2 the department may assume responsibility for future improvement of the highway and the agreement may also reserve to the governing authority of the Lummi tribe to construct road intersections or grade separation crossing of the highway.

Section 3 authorizes WSDOT to determine the location of the highway after consultations with the Lummi Tribe and bureau of Indian affairs. The Lummi tribe must approve the access report and final limited access plan.

Section 4 authorizes WSDOT to acquire the remaining right-of-way for the highway by purchase or condemnation under state or federal eminent domain. The Secretary is authorized pursuant to the agreement to convey by deed to the Lummi Tribe the right-of-way to the entire highway when fully acquired in return for a conveyance by the Lummi Tribe to the state of Washington of a perpetual easement for public travel on the highway.

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Section 5 WSDOT may proceed with the location, design, acquisition or right-of-way, construction, and maintenance of the highway as an agent of the Lummi Tribe.

## II. B – Cash Receipts Impact

N/A

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

This bill allows the agency the option to enter into an agreement with the Lummi Tribe about a specific highway construction project.

If WSDOT maintenance maintained the constructed highway, the estimated cost to maintain the highway is around 0.5% of the total project cost and would be ongoing.

The timing and scope of the project this proposal is referring to is unknown and no appropriation is provided for this work; therefore, indeterminate fiscal impact.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

Indeterminate expenditure impact.

## Part IV: Capital Budget Impact

N/A

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

N/A