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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)

READ FIRST TIME 02/24/23.

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

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

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

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

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

19            (a) "Agreement" means the cooperative agreement between the  
20 department, the governing authority of the Lummi Nation, and agencies

1 of the United States, as authorized by subsection (1) of this  
2 section.

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

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

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

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

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

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