

# Chapter 479-10 WAC

## PRESERVATION PROGRAMS

### WAC

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### WAC 479-10-005 Purpose, authority, and funding.

The board adopts reasonable rules necessary to administer the:

- (1) Small city preservation program pursuant to RCW 47.26.340, 47.26.345 and 47.26.164 and funded by the small city pavement preservation and sidewalk account;
- (2) Arterial preservation program pursuant to RCW 47.26.084 and funded by the highway safety account or the transportation improvement account; and
- (3) City hardship assistance program pursuant to RCW 47.26.164 and funded by the small city pavement preservation and sidewalk account.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-005, filed 9/30/13, effective 10/31/13; WSR 08-21-005, § 479-10-005, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-011 Small city pavement preservation and sidewalk account additional uses.** If available, funds from the small city pavement preservation and sidewalk

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account may be provided to small cities to match federal funding provided for local government federal aid of transportation, on a first come/first served basis.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-011, filed 9/30/13, effective 10/31/13; WSR 10-14-027, § 479-10-011, filed 6/28/10, effective 7/29/10; WSR 08-21-005, § 479-10-011, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-100 Intent of the small city preservation program.** The intent of the small city preservation program is to provide funding for small cities to provide proper pavement management and extend infrastructure longevity.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-100, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-110 Who is eligible for small city preservation program funds.** Agencies eligible to receive small city pavement program funding are incorporated cities with a population less than five thousand. For the purposes of determining population, cities may exclude the population of any state correctional facility located within the city.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-10-110, filed 4/3/12, effective 5/4/12; WSR 08-21-005, § 479-10-110, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-120 Projects that are eligible for small city preservation program funds.** Eligible roadway and sidewalk projects are those that maintain, repair, and/or resurface the existing infrastructure that is municipally owned and appropriate under Article II Section 40, 18th Amendment of the Washington state Constitution.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-120, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-121 Types of street system treatments allowed under small city preservation program.** The type of treatment will be based on the pavement condition rating, treatment types available in the area, and concurrence by the local agency. Treatments may include crack sealing, patching, ditching, chip sealing, overlay, cold in place recycling of roadway, or other treatment as deemed cost effective and/or necessary by TIB staff.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-121, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-122 Qualification for the small city preservation program—Pavement condition ratings.** To qualify for funding in the current program year, a city's pavement condition rating must be less than four years old on or by the application date.

For the cities' convenience, TIB staff will conduct all pavement condition ratings on a rotational basis every four years. If the city maintains their own pavement condition rat-

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ing, the methods used for scoring must comply with TIB's methodology. If scores submitted by the city are substantially different than the TIB pavement scores, the difference will be resolved through an on-site review coordinated between TIB and city staff.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-122, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-130 Identification of funding requests for the small city preservation program.** To be considered for a project under the small city preservation program, an eligible agency may submit a funding application in response to either a standard TIB call for projects or identification and notification by TIB staff based on other opportunities available in the area to decrease material or labor costs associated with project delivery.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-130, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-140 Project selection for the small city preservation program.** Projects may be selected by the board or the executive director based on need, economy of scale opportunities, and criteria listed in RCW 47.26.345.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-140, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-150 Project phases for the small city preservation program.** Small city preservation program projects will have three phases. Each phase will require specific documentation as described below and each phase must be approved before the applicant agency is eligible to receive the related funding:

(1) Application phase - The city shall submit an application form as well as documentation showing route and treatment plan.

(2) Design and construction phase - TIB will provide documents for the city to sign and return. The city must submit the following agreements where utilized:

(a) Fuel tax agreement (except if services are provided by WSDOT).

(b) Rights of entry agreement (if applicable).

(c) Consultant agreement (if applicable).

If pavement services will be provided through WSDOT, TIB will maintain the task order agreement and subsequent amendments.

(3) Project closeout phase - All necessary project cost documentation must be received prior to final payment.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-150, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-160 City matching funds or services for small city preservation program.** The board will consider a city's ability to provide matching funds or in-kind services when allocating funds under this program. Cash or in-kind match may be provided by the local agency in the form of:

(1) Cash match based on ability to contribute:

(a) If the city assessed valuation is greater than five hundred million, a match of ten percent will be contributed.

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(b) If the city assessed valuation is from one hundred million to five hundred million, a five percent match will be contributed.

(2) If the city assessed valuation is under one hundred million, no cash match is necessary.

(3) Match is not expected or accepted if the construction services will be provided to the city by WSDOT.

(4) All in-kind contributions must relate directly to the project and are limited to time, material, or real property donated to the agency to fulfill project requirements. In-kind match may include:

(a) Community involvement including volunteer participation.

(b) City force labor, materials, and/or equipment (excluding costs incurred for qualification in WAC 479-10-122 or application for funds).

(c) Other street beautification.

(d) In-kind match must be documented with labor reports, equipment reports, receipts, and/or citizen volunteer time with hourly rate (not to exceed fifteen dollars per hour).

(e) Contributions of overhead, per diem, travel expenses, time spent at advisory groups or meetings, or time from individuals receiving compensation through the grant will not be accepted as in-kind match.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-160, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-170 Small city match funding eligibility and application.** Cities may request matching funds for projects that meet TIB eligibility requirements for small city preservation program funding as described in WAC 479-10-120 and 479-10-121. A TIB funding application form must be submitted to apply for match funding.

The executive director may award match funding on a first-come, first-served basis to the limit established in WAC 479-14-215 or otherwise set by the board.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-10-170, filed 4/3/12, effective 5/4/12; WSR 10-14-027, § 479-10-170, filed 6/28/10, effective 7/29/10.]

**WAC 479-10-171 Restriction on use of small city match funding.** Match funds are only for transportation projects funded through federal transportation grants. All other local sources must be sought before applying for match funds from TIB.

[Statutory Authority: Chapter 47.26 RCW. WSR 10-14-027, § 479-10-171, filed 6/28/10, effective 7/29/10.]

**WAC 479-10-172 Small city match funding priority.** If funds remain after small city preservation program projects are funded, match funds may be committed to eligible projects. The priority for funding is in the order in which the applications are received until the available funds are fully allocated.

[Statutory Authority: Chapter 47.26 RCW. WSR 10-14-027, § 479-10-172, filed 6/28/10, effective 7/29/10.]

**WAC 479-10-173 If small city match funding is fully allocated.** If an eligible application is received after all of the funding is allocated, the local agency may seek board approval for funding at the next scheduled board meeting

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from the notice of denial from TIB staff. The notice of denial may be in the form of an e-mail or letter.

[Statutory Authority: Chapter 47.26 RCW. WSR 10-14-027, § 479-10-173, filed 6/28/10, effective 7/29/10.]

**WAC 479-10-174 Small city match funding increases.** Increases in match funding for chosen projects may be made within the executive director's authority in accordance with WAC 479-01-060.

[Statutory Authority: Chapter 47.26 RCW. WSR 10-14-027, § 479-10-174, filed 6/28/10, effective 7/29/10.]

**WAC 479-10-200 Intent of the city hardship assistance program.** The city hardship assistance program provides rehabilitation and maintenance funds for eligible routes pursuant to RCW 47.26.164.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-200, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-210 Who is eligible for city hardship assistance program funds.** Eligible cities are those with a population of twenty thousand or less with a net gain in cost responsibility due to a road jurisdictional transfer.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-210, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-220 What routes are eligible for city hardship assistance program funds.** The following routes are eligible to receive city hardship assistance funds for maintenance:

- (1) Clarkston, Old SR 128, 0.13 Miles, SR 12 to Poplar Street;
- (2) Kelso, Old SR 431, 0.90 Miles, SR 5 to Cowlitz Way; Old I-5, 1.20 Miles, north end of Coweeman River Bridge to 2,480 feet south of Haussler Road and those sections of Kelso Drive, Minor Road, Grade Street and Kelso Avenue referred to in the memorandum of understanding for this turn back, approximately 2.7 miles;
- (3) Leavenworth, Old SR 209, 0.11 Miles, SR 2 to 260 feet north of Fir Street;
- (4) Milton, Old SR 514, 2.46 Miles, Junction SR 99 to 50 feet west of SR 161;
- (5) Napavine, Old SR 603, 0.79 Miles, 810 feet south-west of Lincoln Street to 8th Avenue West;
- (6) Pomeroy, Old SR 128, 0.72 Miles, SR 12 to 2,690 feet south of Arlington Avenue;
- (7) Sequim, Washington Avenue - Simdars Road to Sunnyside Avenue and 3rd Avenue to 9th Avenue;
- (8) Skykomish, Old SR 2 Spur, 0.16 Miles, SR 2 to Railroad Avenue;
- (9) Stanwood, Old SR 530, 1.59 Miles, 790 feet north of 86th Drive NW to 740 feet northwest of 72nd Avenue NW;
- (10) Toledo, Old SR 505, 0.12 Miles, Fifth Street to 210 feet northwest of Sixth Street;
- (11) Toppenish, Old SR 220, 0.27 Miles, Junction SR 22 to 630 feet east of Linden Road;
- (12) Vader, Old SR 411, 0.25 Miles, 520 feet south of SR 506 to 1,840 feet south of SR 506;
- (13) Washougal, Old SR 140, 0.70 Miles, SR 14 to west end of Washougal River Bridge;

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(14) Winlock, Old SR 603, 0.61 Miles, Walnut Street to 160 feet south of Olequa Creek Bridge.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-220, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-230 How to request city hardship assistance program funds.** To request funding for eligible routes, the city should submit a letter of application including a treatment plan and cost estimate for the project. The request will be due by August 31st of the year prior to treatment, unless otherwise authorized by the executive director.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-230, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-240 Phases for city hardship assistance program.** City hardship assistance program projects will have the following phases:

- (1) Application phase - Letter of application including the treatment plan and cost estimate submitted under WAC 479-10-230.
- (2) Design and construction phase - Documents that must be received prior to phase approval:
  - (a) Fuel tax agreement or WSDOT task order agreement.
  - (b) Consultant agreement (if applicable).
- (3) Project closeout phase - Project cost documentation must be received prior to final payment.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-240, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-250 Funding limitations for city hardship assistance program projects.** Funding is to be used for maintenance and rehabilitation of existing facilities and not for adding additional capacity or facilities.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-250, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-260 No match is required for city hardship assistance program projects.** There is no local agency matching funds requirement for city hardship assistance program projects.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-260, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-270 Spending any residual amount of city hardship assistance program funds.** Any residual funds remaining at the end of the biennium will be spent on small city preservation program projects.

[Statutory Authority: Chapter 47.26 RCW. WSR 08-21-005, § 479-10-270, filed 10/2/08, effective 11/2/08.]

**WAC 479-10-300 Intent of the arterial preservation program.** The intent of the arterial preservation program is to aid urban cities with low assessed property valuation preserve arterial pavement.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-300, filed 9/30/13, effective 10/31/13.]

**WAC 479-10-310 Who is eligible for arterial preservation program funds.** Incorporated cities with a population of more than five thousand and an assessed property valuation

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tion below a maximum valuation established annually by the board are eligible to receive arterial preservation program funding.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-310, filed 9/30/13, effective 10/31/13.]

**WAC 479-10-320 Projects eligible for arterial preservation program funds.** Eligible roadway projects are:

(1) Improvements on city-owned federally classified arterials;

(2) City-owned federal arterial functional classification projects within cities qualifying for urban designation upon the next federal census; and

(3) City-owned urban streets, not functionally classified at the time of award, but meeting federal functional classification prior to approval to expend board funds.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-320, filed 9/30/13, effective 10/31/13.]

**WAC 479-10-323 Arterial preservation program allowable street system treatments and funding uses.** The type of treatment allowed will be based on the pavement condition rating, treatment types available in the area, and concurrence by the local agency. Funding can be used for resurfacing of existing streets, required ADA ramp upgrades, and minor associated sidewalk repairs.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-323, filed 9/30/13, effective 10/31/13.]

**WAC 479-10-330 Consideration of arterial preservation program funding requests.** To be considered for funding a project under the arterial preservation program, an eligible agency must submit a funding application in response to a TIB call for projects.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-330, filed 9/30/13, effective 10/31/13.]

**WAC 479-10-370 Arterial preservation program city matching funds.** The arterial preservation program provides funding when program funds are matched by any other non-TIB funds as follows:

(1) If the city assessed valuation is less than one billion dollars, the matching rate is ten percent of the total project costs;

(2) If the city valuation is one billion dollars to two and one-half billion dollars, the matching rate is fifteen percent of the total project costs;

(3) If the city valuation is over two and one-half billion dollars, the matching rate is twenty percent of the total project costs.

[Statutory Authority: Chapter 47.26 RCW. WSR 13-20-087, § 479-10-370, filed 9/30/13, effective 10/31/13.]