

**WAC 468-30-075 Procedure for transfer of abandoned state highways to cities and towns.** A public highway which is or has been a part of the route of a state highway and is no longer necessary as such may be certified to the city or town in which it is located in the following manner:

The department of transportation shall notify the affected legislative body and the city or town engineer of any certifications anticipated for the first half of July of the ensuing calendar year not later than August 1 of the previous year, so that the city or town may provide in its budget for the maintenance and/or reconstruction of roads which are transferred to it by the department of transportation in accordance with RCW 36.75.090 and 47.24.010.

(1) The department of transportation shall make such certifications between the first and fifteenth of July each year. A reasonable time prior to the certification of a highway, the appropriate department of transportation region shall arrange for a joint maintenance inspection by representatives of the department of transportation and the city or town.

(2) Any and all routine maintenance deficiencies which are noted at the time of this inspection shall be corrected by the department of transportation region maintenance forces or by contract.

(3) Upon completion of any maintenance work deemed necessary, the department of transportation shall by letter inform the city or town engineer to the effect that all maintenance deficiencies noted during the inspection have been corrected.

(4) The city or town engineer shall by letter subsequently inform the department of transportation that the road or highway to be transferred is either (a) in a condition acceptable to the city or town or (b) in a condition not acceptable to the city or town in which case the unacceptable conditions shall be enumerated in detail.

(5) In the event that the department of transportation feels that additional maintenance work is required, it shall direct such work to be done and again follow the procedure outlined in subsection (3) of this section; and the city or town engineer shall then follow the procedure outlined in subsection (4) of this section.

(6) In the event that it becomes impossible for the department of transportation and the city or town to reach agreement, a full report of the initial inspection and the apparent points of disagreement shall be transmitted to the highways and local programs engineer, who will then consult with the department of transportation maintenance engineer and the city or town engineer and provide the secretary of transportation with all significant information and with their recommendations.

(7) The secretary of transportation will take final action on the transfer of the road and the city or town shall be provided with a copy of the decision two weeks before the certification is made.

(8) After the certification has been made, the state will provide the city or town with all available maps, conveyances, permits, franchises and other documents which may relate to that portion of highway transferred.

Maintenance is described as a program to preserve and repair a system of roadways together with its elements to ensure its designed or established structural life and operational expectancy. This includes traffic control devices and other safety control measures deemed necessary.

In the alternative, the department with any city or town may enter into an agreement that modifies the above highway certification

process so long as the agreement complies with the provisions of RCW 36.75.090.

[Statutory Authority: RCW 36.75.090. WSR 09-09-068, § 468-30-075, filed 4/14/09, effective 5/15/09. Statutory Authority: Chapter 34.04 RCW. WSR 79-09-044 (Order 35), § 468-30-075, filed 8/20/79.]