

WAC 468-250-090 Provisions in agreements. All leases, special use permits, letters of agreement, or other documents shall contain the following provisions, as applicable:

(1) Transferability of any agreement is contingent on approval by the department of transportation. This shall include the sale of stock in a controlled user which would change the management of that use;

(2) All applicable Federal Aviation Administration regulations will be adhered to, and any violation of those regulations may be deemed a violation of the controlled user's agreement;

(3) In the event of violation of the terms of any agreement, the department of transportation will serve notice of the violation and where appropriate, notice of the corrective action that must be taken by the controlled user or notice of intention to forfeit said agreement. Provided, no forfeiture shall be taken before the expiration of ten days, during which time the controlled user may give notice of appeal to the secretary of transportation, who shall hear such appeal at a public meeting within thirty days and render a decision within five days of the public meeting;

(4) Commercial users shall, if deemed necessary by the department of transportation, give bond in favor of the state of Washington for the value of one year's fees, or the total of the value of the agreement if less than one year in term;

(5) Facilities constructed on state property under any agreement with the department of transportation shall become property of the department of transportation at the conclusion of the agreement including any renewals, extensions, or renegotiations of the agreement;

(6) Any disputes between a controlled user and the department of transportation, except violations of agreements for which forfeiture is sought, shall be submitted in writing to the secretary of transportation. The secretary shall provide a written decision within ten days which shall be the final, binding disposition of the the dispute;

(7) All facilities shall be open to inspection of department of transportation personnel at all times;

(8) Controlled users shall, as appropriate:

(a) Maintain insurance against fire, windstorm, and other hazards and, if applicable, hangar-keepers insurance;

(b) Maintain policies of public liability insurance in such amount as the department of transportation shall require;

(c) Hold the state harmless for all claims of liability arising from their use, and provide the department of transportation with certificate evidencing their insurance coverage and naming the state of Washington as an additional insured.

[Statutory Authority: Chapter 47.68 RCW. WSR 96-17-018 (Order 164), recodified as § 468-250-090, filed 8/13/96, effective 9/13/96. Statutory Authority: RCW 47.68.100 and 47.68.210. WSR 83-11-041 (Order 80), § 12-40-090, filed 5/18/83.]