

Title 466 WAC

WASHINGTON TOLL BRIDGE AUTHORITY

Chapters

- 466-02 Description of organization.
- 466-03 Public records.
- 466-04 Petitions for rule making, amendments or repeal.
- 466-06 Leases of facilities and facility space.
- 466-07 Charter use of Washington state ferries.
- 466-08 Implementation of SEPA guidelines.

Chapter 466-02 WAC DESCRIPTION OF ORGANIZATION

WAC

466-02-010 Description of organization.

WAC 466-02-010 Description of organization. (1) The Washington toll bridge authority is a five-member commission organized under the provisions of chapter 47.56 RCW. The authority is composed of the governor, two members of the state highway commission designated by said commission to serve at its pleasure, and two members appointed by the governor for four-year terms of office. Three members constitute a quorum at any meeting, but no resolutions, motions, or other decisions of the authority may be adopted or passed without a favorable vote of at least three of the members. The director of the department of highways is an ex officio member of the toll bridge authority but without a vote. An executive secretary is appointed by the toll bridge authority to serve at its pleasure and is the chief administrative officer of the authority. The executive secretary carries into effect the authority's orders, except to the extent such orders are to be performed by the state highway commission, and is guided by the policies laid down by the authority.

(2) Under authority of chapter 47.56 RCW, the toll bridge authority is authorized to provide for the establishment and construction of toll bridges, toll tunnels, toll roads, and other facilities necessary and advantageous to the public highways of this state. In addition, the authority is authorized to operate the "Washington state ferries" to improve and extend such system of ferries on and across Puget Sound and any of the tributary waters in connection therewith in connection with the public streets and highways of the state.

(3) The state highway commission has full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries that may be authorized by the authority as well as the operation and maintenance thereof and the collection of tolls and charges thereon. The authority determines all fares,

tolls, and other charges for its facilities and directly performs all duties and exercises all powers relating to financing, refinancing, and fiscal management of the system's bonded indebtedness in the manner provided by law.

(4) All functions vested by law in the state highway commission relating to the acquisition, operation, design, construction, improvement, maintenance, and repair of toll bridges and other toll facilities, including the Washington state ferries, is performed within the state highway commission by the division of toll facilities.

(5) Regular public meetings of the toll bridge authority convene at 2:00 p.m. on the third Tuesday of January, March, June and October of each year at the headquarters office of the state highway commission, Highway Administration Building, Olympia, Washington. The authority may deviate from the regular convening hour, date, or location of any regular meeting at its discretion, with advance public notice thereof being given in accordance with the provisions of chapter 42.30 RCW. Additional public meetings may be called at the discretion of the chairman, with similar public notice being given.

(6) Persons desiring to write to the Washington toll bridge authority to obtain information or to make submissions or requests shall address their correspondence to the Washington Toll Bridge Authority, Highway Administration Building, Olympia, Washington, 98504.

(7) Persons desiring to be heard by and to make submissions to the Washington toll bridge authority orally shall submit requests for appointment in writing addressed to the Executive Secretary, Washington Toll Bridge Authority, Highway Administration Building, Olympia, Washington, 98504. The writer shall identify the subject matter proposed for discussion. This paragraph shall not apply to hearings covered by specific provisions of law or other rule.

(8) The office of the executive secretary of the Washington toll bridge authority is in the department of highways, Olympia, Washington. The address is Executive Secretary, Washington Toll Bridge Authority, Highway Administration Building, Olympia, Washington, 98504. [Order 8, § 466-02-010, filed 8/18/76.]

Chapter 466-03 WAC PUBLIC RECORDS

WAC

- 466-03-010 Purpose.
- 466-03-020 Definitions.
- 466-03-030 Exempted records.

466-03-040	Description of central and field organization of the Washington toll bridge authority.
466-03-050	Public records officer.
466-03-060	Public records available.
466-03-070	Requests for public records.
466-03-080	Availability for public inspection and copying of public records—Office hours.
466-03-090	Inspection and copying cost.
466-03-100	Protection of public records.
466-03-110	Denial of request.
466-03-120	Review of denials of public records requests.
466-03-130	Records index.
466-03-900	Appendix A—Request for public record(s).

WAC 466-03-010 Purpose. The purpose of this chapter shall be to insure compliance by the Washington toll bridge authority with the provisions of chapter 1, Laws of 1973 (Initiative 276), in particular with sections 25 through 32 of that act, dealing with public records. [Order 8, § 466-03-010, filed 8/18/76.]

WAC 466-03-020 Definitions. (1) "Public Record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic film and prints, magnetic or punch cards, discs, drums, and other documents.

(3) "Authority" means the Washington toll bridge authority. [Order 8, 466-03-020, filed 8/18/76.]

WAC 466-03-030 Exempted records. In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure or the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement, or

penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 8, § 466-03-030, filed 8/18/76.]

WAC 466-03-040 Description of central and field organization of the Washington toll bridge authority. The description of the central and field organization of the Washington toll bridge authority is provided for in Title 47 RCW as set forth in WAC 466-02-010. [Order 8, § 466-03-040, filed 8/18/76.]

WAC 466-03-050 Public records officer. The Washington toll bridge authority public records shall be in the charge of the executive secretary of the Washington toll bridge authority who shall be the public records officer for the authority. In the absence of the executive secretary of the Washington toll bridge authority, the director of highways or his designee shall serve as the public records officer. The person so designated shall be located in the Highway Administration Building, Olympia, Washington. The public records officer shall be responsible for the following: The implementation of the authority's rules and regulations regarding release of public records and generally insuring compliance with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 8, § 466-03-050, filed 8/18/76.]

WAC 466-03-060 Public records available. All public records of the Washington toll bridge authority as defined in WAC 466-03-020 are deemed to be available for public inspection and copying pursuant to these

rules, except as provided in WAC 466-03-030. [Order 8, § 466-03-060, filed 8/18/76.]

WAC 466-03-070 Requests for public records. Subject to the provisions of subsection (3) of this section, and in accordance with the requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be made in writing upon a form (which shall be substantially in the form of appendix A) which shall be available at the office of the executive secretary of the Washington toll bridge authority, Highway Administration Building, Olympia, Washington, 98504, and shall be presented to the public records officer. Such requests shall include the following:

(a) The name of the person requesting the records;

(b) The time of day and calendar date on which the request was made;

(c) If the matter requested is referenced within the current index maintained by the Washington toll bridge authority public records officer, a reference to the requested record as it is described in such current index;

(d) If the requested matter is not identifiable by reference to the Washington toll bridge authority current records index, a statement that identifies the specific record requested;

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the request whether or not the requested record is available for inspection or copying at the office of the executive secretary of the Washington toll bridge authority, Highway Administration Building, Olympia, Washington, 98504.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the authority is also a party (or when such a request is made by or on behalf of an attorney for such party) the request shall be referred to the assistant attorney general assigned to the Washington toll bridge authority for appropriate response. [Order 8, § 466-03-070, filed 8/18/76.]

WAC 466-03-080 Availability for public inspection and copying of public records—Office hours. Public records shall be available for inspection and copying during the customary office hours of the state of Washington. For the purpose of this chapter, the customary hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 8, § 466-03-080, filed 8/18/76.]

WAC 466-03-090 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The Washington toll bridge authority shall impose a reasonable charge for providing copies of public records and for the use by any person of equipment to

copy records; such charges shall not exceed the actual costs incident to such copying. Actual costs shall include labor costs, machine cost, and paper cost necessary to provide copies of requested records. [Order 8, § 466-03-090, filed 8/18/76.]

WAC 466-03-100 Protection of public records. In order to implement the provisions of section 29, chapter 1, Laws of 1973 requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted:

(1) Copying of public documents shall be done by Washington toll bridge authority personnel and under the supervision of said personnel, upon the request of members of the public under the procedures set down in WAC 466-03-070.

(2) No document shall be physically removed by a member of the public from the area designated by the Washington toll bridge authority, for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the Washington toll bridge authority shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973 is contained therein, and the Washington toll bridge authority shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed. [Order 8, § 466-03-100, filed 8/18/76.]

WAC 466-03-110 Denial of request. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the public records officer or his or her designee to review the denial in accordance with WAC 466-03-130 [466-03-120]. [Order 8, § 466-03-110, filed 8/18/76.]

WAC 466-03-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, then the written request shall immediately be referred to the assistant attorney general assigned to the authority. The assistant attorney general shall promptly consider the matter and

either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following the petition for review of the denial of inspection, whichever first occurs. [Order 8, § 466-03-120, filed 8/18/76.]

WAC 466-03-130 Records index. (1) Index. The authority has available to all persons at the division of toll facilities in the Highway Administration Building, Olympia, Washington, a current index which provides identifying information as to the following records issued, adopted, or promulgated since June 30, 1972.

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the constitution which have been adopted in the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 8, § 466-03-130, filed 8/18/76.]

WAC 466-03-900 Appendix A—Request for public record(s).

Appendix A

Public Records Officer
Washington Toll Bridge Authority
Highway Administration Building
Olympia, Washington 98504

Re: Request for Public Record(s)

1. -----
Name of person or organization requesting record(s)

Street City State Zip

2. -----
Date and time of request

- 3. Current Index Reference(s) -----

- 4. Description of Record(s) if not Indexed -----

The undersigned hereby verifies that the record(s) request shall not be used to compile a commercial sales list.

Signature of Requestor

- Received by -----
- Date received -----
- Staff time expended -----
- No. pages copied -----

[Order 8, Appendix A (codified as WAC 466-03-900), filed 8/18/76.]

Chapter 466-04 WAC

PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL

- WAC**
- 466-04-010 Petitions for rule making, amendment, or repeal—Who may petition.
- 466-04-020 Requests.
- 466-04-030 Agency must consider.
- 466-04-040 Notice of disposition.
- 466-04-050 Form—Rule making petitioning.
- 466-04-060 Declaratory rulings—Who may petition—Action of authority.
- 466-04-070 Form—Petitioning for declaratory ruling.

WAC 466-04-010 Petitions for rule making, amendment, or repeal—Who may petition. Any interested person may petition the authority requesting the promulgation, amendment, or repeal of any rule. [Order 8, § 466-04-010, filed 8/18/76.]

WAC 466-04-020 Requests. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Order 8, § 466-04-020, filed 8/18/76.]

WAC 466-04-030 Agency must consider. All petitions shall be considered by the authority and the authority may, in its discretion, order a hearing for the further consideration and discussion of the requested

promulgation, amendment, repeal, or modification of any rule. [Order 8, § 466-04-030, filed 8/18/76.]

WAC 466-04-040 Notice of disposition. The authority shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Order 8, § 466-04-040, filed 8/18/76.]

WAC 466-04-050 Form—Rule making petitioning. Any interested person petitioning the authority requesting the promulgation, amendment, or repeal of any rules shall generally adhere to the following form for such purpose:

At the top of the page shall appear the wording "Before the (name of authority)". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment, or repeal of rule or rules)". Opposite the foregoing caption shall appear the word "Petition".

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by authority rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and five legible copies of the petition shall be filed with the authority. Petitions shall be on white paper, 8-1/2 inches by 11 inches or 8-1/2 inches by 13 inches in size. [Order 8, § 466-04-050, filed 8/18/76.]

WAC 466-04-060 Declaratory rulings—Who may petition—Action of authority. As prescribed in RCW 34.04.080, any interested person may petition the authority for a declaratory ruling. The authority shall consider the petition, and within a reasonable time the authority shall:

- (1) Issue a non-binding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission of evidence and of the issues involved.

If a hearing is held or evidence submitted as provided in subsection (3), the authority shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a non-binding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued. [Order 8, § 466-04-060, filed 8/18/76.]

WAC 466-04-070 Form—Petitioning for declaratory ruling. Any interested person petitioning the authority for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of authority)". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling". Opposite the foregoing caption shall appear the word "Petition".

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and five legible copies shall be filed with the agency. Petitions shall be on white paper, either 8-1/2 inches by 11 inches or 8-1/2 inches by 13 inches in size. [Order 8, § 466-04-070, filed 8/18/76.]

Chapter 466-06 WAC

LEASES OF FACILITIES AND FACILITY SPACE

WAC

466-06-010 Leases of facilities and facility space.

WAC 466-06-010 Leases of facilities and facility space. (1) It is hereby declared to be the policy of the toll bridge authority to lease toll facilities and toll facility space in excess of current needs where feasible and where such lease will not interfere with the normal functioning of the primary operation of the toll facility. Such leasing should promote maximum use of the toll facility and constitute a benefit to the taxpayers of the state.

(2) The highway commission is hereby authorized to lease toll facility property, except for food, drink and amusement machine concessions or leases which will interfere or compete with such concessions, in accordance with the policy as stated in paragraph (1) above for periods of up to five years, except for the Coleman dock facilities which may be leased in accordance with RCW 47.60.140 for periods of up to ten years, upon public advertisement for bids as follows:

(a) A call for bids for the lease of toll facilities, property, and space shall be published once a week for at least two consecutive weeks next preceding the day set for receiving and opening of bids in not less than two newspapers, both of general circulation in the state. The call for bids shall state the time, place, and date for receiving and opening bids, give a brief description of the facilities or space to be rented, and contain such special provisions or limitations and specifications as may be necessary to comply with the policy as described in (1) above. In the event that the estimated fair market rental value per year of any lease is less than \$5,000, then the call for bids need be published only in one paper of general circulation in the county where the facility or space is located.

(b) Award shall be made to the highest responsive responsible bidder. [Order 8, § 466-06-010, filed 8/18/76.]

**Chapter 466-07 WAC
CHARTER USE OF WASHINGTON STATE
FERRIES**

WAC
466-07-010 Charter use of Washington state ferries—Form.

WAC 466-07-010 Charter use of Washington state ferries—Form. (1) Policy. The charter use of WSF vessels when established route operations and normal user requirements are not disrupted is to be encouraged to achieve greater use of existing vessels and economies within WSF. Such additional use will constitute a benefit to the taxpayers of the state.

(2) Consistent with the policy as established in paragraph (1) above, the general manager of the Washington state ferries is hereby authorized to approve agreements for the chartering of WSF vessels to groups or individuals in accordance with the following:

(a) Vessels shall be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced.

(b) Charter rates for vessels shall be established at actual vessel operating costs plus 50 percent of such actual costs rounded to the nearest \$50. Actual vessel operating costs shall include but not be limited to all labor, fuel, and vessel maintenance costs incurred due to the charter agreement.

(c) Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates shall be established and revised July 1 of each year and shall remain fixed for a one-year period unless actual vessel operating costs increase five percent or more within that year in which case the charter rates shall be revised in accordance with paragraph (2)(b) above.

(d) All charter agreements shall be in writing and substantially in the form of Appendix A attached to this provision.

(e) Parties chartering WSF vessels shall be required to be in compliance with all applicable laws, rules, and regulations during the charter cruise and failure to so

comply shall be cause for immediate termination of the charter cruise.

**Appendix A
Charter cruise agreement**

On this _____ day of _____, 19___, Washington State Ferries (WSF) and _____ hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter cruise to be held on _____, wherefore the parties hereto covenant and agree as follows:

1. WSF agrees to supply the vessel _____ (subject to change) for the use of the Lessee from the period from _____ to _____ on _____ (date).

2. The maximum number of passengers that will be accommodated on the assigned vessel is _____. This number MAY NOT be exceeded.

3. The cruise will originate at _____, and the route of travel during the cruise will be as follows:

4. The charge for the above cruise is _____ dollars (\$_____) plus a property damage deposit of \$350 for a total price of \$_____ to be paid by Cashier's Check three working days prior to the date of the cruise at the office of the Marketing and Service Planning Department of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington, 98104. Lessee remains responsible for any property damage in excess of \$350.

5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing cruise activities, providing equipment, or any food service.

6. The cruise activity shall be conducted exclusively on the passenger decks of the assigned ferry. Cruise patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of cruise patrons.

7. If the Lessee or any of the charter cruise patrons will possess or consume alcoholic beverages aboard the vessel, it will be necessary for the Lessee to obtain the appropriate licenses or permits from the Washington State Liquor Control Board. Copies of any necessary licenses or permits must be furnished to WSF at the same time payment for the cruise is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies shall be cause for immediate termination of the charter cruise and all payments made shall be retained as liquidated damages.

8. WSF shall not be obligated to provide shoreside parking for the vehicles belonging to cruise patrons.

9. Lessee recognizes that the primary function of the WSF is for the cross-Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a cruise

commitment without liability to the Lessee due to unforeseen circumstances or events which require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the cruise fee to the Lessee.

10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision shall not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.

11. This writing constitutes the full agreement between the parties and may not be modified except in writing signed by both the parties hereto.

----- WASHINGTON STATE FERRIES

Lessee

By: -----

By -----

Richard A. Berg
General Manager

[Order 8, § 466-07-010 and Form, filed 8/18/76.]

Chapter 466-08 WAC IMPLEMENTATION OF SEPA GUIDELINES

WAC

466-08-010	Purpose.
466-08-020	Incorporation of the SEPA guidelines adopted by the council on environmental policy.
466-08-030	Timing of the EIS process.
466-08-040	Categorical exemptions.
466-08-050	Activities performed by the highway commission.
466-08-060	Designation of lead agency.
466-08-070	Designation of responsible official.
466-08-080	Procedures when consulted.
466-08-090	Designation of SEPA public information center.

WAC 466-08-010 Purpose. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act of 1971 (SEPA) into the programs, activities, and actions of the Washington toll bridge authority (authority). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-10 WAC), which were adopted by the council on environmental policy on December 12, 1975 (SEPA guidelines).

(2) These rules are intended to establish procedures for implementing SEPA in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of SEPA. [Order 8, § 466-08-010, filed 8/18/76.]

WAC 466-08-020 Incorporation of the SEPA guidelines adopted by the council on environmental policy. (1) The provisions of chapter 197-10 WAC, the

SEPA guidelines adopted by the council on environmental policy on December 12, 1975, are hereby adopted by the authority and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the authority.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-10 WAC, and to be consistent therewith. [Order 8, § 466-08-020, filed 8/18/76.]

WAC 466-08-030 Timing of the EIS process. (1) As provided by WAC 197-10-055, the EIS process shall be completed before the authority is irrevocably committed to a particular course of action. At the same time, the EIS process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required EIS for authority actions of a non-project nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required EIS for authority actions of a project nature shall in all cases be completed prior to the determination to construct the project in question. While the authority may tentatively affirm the choice of a particular location or design based upon completion of a draft EIS, final determination to construct shall not occur until a final threshold determination has been made or a final EIS has been prepared. [Order 8, § 466-08-030, filed 8/18/76.]

WAC 466-08-040 Categorical exemptions. The following activities of the authority are within the categorical exemptions contained in the indicated subsections of WAC 197-10-170:

Subsection (7) The following administrative, fiscal, and personnel activities of the authority are exempt:

(a) Procurement and distribution of general supplies, equipment, and services previously authorized or necessitated by previously approved functions or programs;

(b) The assessment and collection of taxes;

(c) The adoption of all budgets and authority requests for appropriation: *Provided*, That if such adoption includes a final authority decision to undertake a major action, that portion of the budget is not exempted by this subsection;

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals;

(e) The review and payment of vouchers and claims;

(f) The establishment and collection of liens and service billings;

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force;

(h) All authority organization, reorganization, internal operational planning, or coordination of plans or functions;

(i) Adoption of transportation rates.

Subsection (8) Review and comment actions. Any activity where the authority reviews or comments upon the actions of another agency.

Subsection (9) The following real property transactions by the authority shall be exempt:

(a) The purchase or acquisition of any right to real property by the authority;

(b) The sale, transfer, or exchange of any publicly owned real property by the authority to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use;

(c) The lease of real property by the authority to a private individual or entity or to an agency or federal agency only when use of the property for the term of the lease will remain essentially the same as the existing use or when the use under the lease is otherwise exempted.

Subsection (11) The proposal or adoption of legislation, rules, regulations, resolutions, or ordinances, or of any plan or program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment. The acceptance by the authority of any document or thing required or authorized by law to be filed with the authority and for which the authority has no discretionary power to refuse acceptance.

Subsection (16) The approval of grants or loans by the authority to another agency are exempt, although the authority may at its option require compliance with SEPA prior to making a grant or a loan for design or construction of a project.

Subsection (17) Proposals for basic data collection, research, resource evaluation, and the conceptual planning of proposed actions are exempt. These may be strictly for information gathering purposes or part of a study leading to a proposal which has not yet been approved, adopted, or funded. This exemption does not include any authority action which commits the authority to proceed with a proposal.

Subsection (21) Proposals for activities which are not "actions" as defined in WAC 197-10-04(2). Pursuant to WAC 197-10-180, all emergency actions of the authority are also exempt. [Order 8, § 466-08-040, filed 8/18/76.]

WAC 466-08-050 Activities performed by the highway commission. Pursuant to RCW 47.56.030 and 47.56.032, the state highway commission has full charge of the design and construction of all toll bridges and other toll facilities, including the Washington state ferries, and performs all functions relative to the operation and maintenance as well as collection of tolls and charges thereon. All functions of the highway commission required to be performed by these statutes in respect to all toll facilities, including the Washington state ferries, shall be performed in accordance with the highway commission regulations adopted in accordance with the SEPA guidelines (chapter 197-10 WAC). [Order 8, § 466-08-050, filed 8/18/76.]

WAC 466-08-060 Designation of lead agency. Pursuant to RCW 47.60.040 and WAC 197-10-245, lead

agency functions in regard to the acquisition of any ferries or ferry facilities or the construction of any toll bridge shall be processed through the highway commission in accordance with its regulations adopted implementing the SEPA guidelines. All threshold determinations, draft EIS's and final EIS's provided by the highway commission shall be used for information of the authority in considering such actions. [Order 8, § 466-08-060, filed 8/18/76.]

WAC 466-08-070 Designation of responsible official. The responsible official shall be the executive secretary of the Washington toll bridge authority. However, where the highway commission is designated as the lead agency on authority actions under these regulations, the executive secretary shall forward to the highway commission or its designee a request for assumption of lead agency status by the highway commission. [Order 8, § 466-08-070, filed 8/18/76.]

WAC 466-08-080 Procedures when consulted. When requests by another agency for consultation are made pursuant to the provisions of WAC 197-10-500 through WAC 197-10-540, such request shall be referred for response to the executive secretary of the Washington toll bridge authority. The executive secretary shall obtain such information as is necessary and, where appropriate, request information from the highway commission pursuant to RCW 47.60.040 and these regulations. The executive secretary shall then supervise transmittal of the requested information to the requesting agency within the time periods specified by WAC 197-10-545. [Order 8, § 466-08-080, filed 8/18/76.]

WAC 466-08-090 Designation of SEPA public information center. The SEPA public information center for the authority is hereby designated as the office of the executive secretary of the Washington toll bridge authority, located in the Highway Administration Building on the East Capitol Campus, Olympia, Washington. In order that the public may be informed of the location of the SEPA public information center, its location shall be indicated upon all declarations of nonsignificance and draft and final EIS's prepared under SEPA for use by the authority. In addition, all public notices required by the provisions of this chapter shall specify the location of the SEPA public information center. [Order 8, § 466-08-090, filed 8/18/76.]