

Title 479 WAC

TRANSPORTATION IMPROVEMENT BOARD

(Formerly: Urban Arterial Board)

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Chapter 479-01 WAC

DESCRIPTION OF ORGANIZATION

WAC

- 479-01-010 Organization of urban arterial board.
- 479-01-020 Time and place of meetings.
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WAC 479-01-010 Organization of urban arterial board. The urban arterial board is a thirteen-member board, organized under the provisions of chapter 83, Laws of 1967 ex. sess. for the purpose of administering the urban arterial program created and financed under the provisions contained therein. Ten members of the board are appointed by the secretary of transportation, with six being city officials and four being county officials. The chairman of the county road administration board and the county road administration engineer, created by RCW 36.78.030 and 36.78.060 respectively, are ex officio members of the urban arterial board. The state aid engineer for the department of transportation is an ex officio member and chairman of the urban arterial board.

[Statutory Authority: Chapter 47.26 RCW. 83-22-021 (Order 83-01, Resolution Nos. 770, 771 and 772), § 479-01-010, filed 10/26/83; Order 31 (part), § 479-01-010, filed 11/8/67.]

WAC 479-01-020 Time and place of meetings. Regular public meetings of the urban arterial board shall be held beginning on the third Friday of the first month of each calendar quarter or the fourth Friday

thereafter if that Friday is a holiday. Each such regular meeting shall be held at the offices of the urban arterial board in Olympia, Washington, and begin at the hour of 9:30 a.m.

Additional public meetings necessary to discharge business of the board shall be held beginning on the third Friday of each month at the offices of the urban arterial board in Olympia, Washington, and begin at the hour of 9:30 a.m. Further public meetings necessary to discharge business of the board may be called by the chairman at such time and place, within the state of Washington, as by him designated. Upon petition of three members of the board and pursuant to the provisions of the internal rules, the chairman shall call a meeting of the board at the offices of the board in Olympia.

[Statutory Authority: Chapter 47.26 RCW. 83-22-021 (Order 83-01, Resolution Nos. 770, 771 and 772), § 479-01-020, filed 10/26/83; Order 279, § 479-01-020, filed 4/17/73; Order 31 (part), § 479-01-020, filed 11/8/67.]

WAC 479-01-030 Address of board. Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Chairman, Urban Arterial Board
Transportation Building
Olympia, Washington 98504.

[Statutory Authority: Chapter 47.26 RCW. 83-22-021 (Order 83-01, Resolution Nos. 770, 771 and 772), § 479-01-030, filed 10/26/83; Order 281, § 479-01-030, filed 5/21/73; Order 31 (part), § 479-01-030, filed 11/8/67.]

Chapter 479-12 WAC

SUBMISSION OF PROPOSED PROJECTS TO URBAN ARTERIAL BOARD

WAC

- 479-12-010 Data to be submitted on proposed projects.
- 479-12-020 Time and place for submission of proposed projects.

WAC 479-12-010 Data to be submitted on proposed projects. A prospectus statement of proposed projects shall be required to be submitted to the urban arterial board by cities and counties seeking allocation of funds from the urban arterial trust account. This prospectus shall include:

- (1) The name of the city or county,
- (2) The local name of the arterial street or road,
- (3) The functional class of the proposed arterial improvement for those projects within federal urban areas. Projects outside the federal urban area leave blank,

(4) A detailed description of the project location, including its length in miles, supported by a vicinity sketch,

(5) For preliminary proposals, a description of the proposed work identifying major work items, accompanied by a typical roadway section. For construction projects, a detailed description of the proposed work, identifying major work items, accompanied by a typical roadway section and right of way map.

(6) For the preliminary proposal, a detailed description of the existing facility covering the following:

(a) Its structural ability to carry loads imposed upon it,

(b) Its capacity to move traffic at reasonable speeds without undue congestion,

(c) Its adequacy of alignment and related geometrics,

(d) Its accident experience, and

(e) Its fatal accident experience.

For the construction project, the condition for which the project rated in the priority array for authorization and the manner in which the design of the proposed construction will alleviate the condition.

(7) Existing traffic volume VPD (volume per day),

(8) Estimated traffic volume for future 20-year period VPD (volume per day) and estimated design hour volume,

(9) The project's item number on the city's or county's most recent six-year construction program,

(10) For preliminary proposals, a statement of the estimated completion date for work contained therein, For construction projects, a statement as to the estimated date of advertising for bids for construction,

(11) Estimate of project cost: For the preliminary proposal, an estimate of project costs for preliminary engineering, environmental impact analysis and right of way appraisals along with a preliminary estimate of costs associated with right of way acquisition and proposed project construction,

For the construction project, a summary of costs incurred in connection with the preliminary proposal and any remaining authorized but unobligated urban arterial trust funds and the amount of urban arterial trust funds requested for right of way acquisition and construction of the construction project,

(12) Established sources of locally collected matching funds and certification by the mayor or chairman of the board of county commissioners that locally collected matching funds are available to coordinate with the project's development,

(13) An explanation of types and amounts of funds other than urban arterial trust funds and locally collected matching funds associated with the project. Certification shall be given by the mayor or chairman of the board of county commissioners that such funds are committed for the project and are available to coordinate with the project's development,

(14) A certification by the mayor or chairman of the board of county commissioners, or their designee, that the proposed project has been reviewed by the legislative body of the administering agency or agencies, and is not inconsistent with the agency's comprehensive plan for

community development and, for construction projects, that an environmental impact analysis of the proposed project has been conducted,

(15) A schedule of anticipated project expenditures on a quarterly basis,

(16) Identification of changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary proposed prospectus and an explanation and justification of such changes.

[Order 458, § 479-12-010, filed 9/16/77; Order 290, § 479-12-010, filed 7/23/73; Order 170, § 479-12-010, filed 3/19/71; Order 63, § 479-12-010, filed 9/10/68; Resolution No. 14, filed 10/11/67.]

WAC 479-12-020 Time and place for submission of proposed projects. All project prospectuses submitted by local governments shall be submitted to:

Chairman, Urban Arterial Board
Highway Administration Building
Olympia, Washington 98504

Prospectuses for preliminary proposals shall be requested by the urban arterial board after:

(1) Projects contained in the local governments' current six-year construction programs and scheduled to begin in the subsequent biennium, have been evaluated as to priority;

(2) The obligation status of the urban arterial trust account and legislative appropriation authority have been reviewed and capacity to authorize additional projects determined.

Prospectuses for preliminary proposals shall be received by the urban arterial board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

Prospectuses for construction projects shall be received by the first day of the month in which construction project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman of the urban arterial board.

[Statutory Authority: Chapter 47.26 RCW. 79-08-139 (Order 79-01, Resolution Nos. 596, 597, 598), § 479-12-020, filed 8/1/79; Order 459, § 479-12-020, filed 9/16/77; Order 290, § 479-12-020, filed 7/23/73; Order 172, § 479-12-020, filed 4/28/71; Order 94, § 479-12-020, filed 5/23/69; Order 27, § 479-12-020, filed 11/8/67; Resolution No. 7, filed 9/12/67.]

Chapter 479-13 WAC

SUBMISSION OF SIX-YEAR PLANS TO URBAN ARTERIAL BOARD

WAC

479-13-010	Six-year construction programs for urban areas.
479-13-025	Six year financial plan.
479-13-035	Value engineering study requirements.
479-13-040	1975-77 Accelerated development urban arterial projects.
479-13-050	1977-79 Accelerated development urban arterial projects.
479-13-060	Accelerated development urban arterial projects.

479-13-070 Procedures for two phase projects.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 479-13-015 Project proposals by newly eligible small cities. [Order 376, § 479-13-015, filed 10/15/75.] Repealed by Order 463, filed 9/16/77.
- 479-13-020 Accelerated development urban arterial projects. [Order 188, § 479-13-020, filed 7/13/71.] Repealed by 79-08-139 (Order 79-01, Resolution Nos. 596, 597, 598), filed 8/1/79. Statutory Authority: Chapter 47-.26 RCW.
- 479-13-030 1973-75 accelerated development urban arterial projects. [Order 341, § 479-13-030, filed 10/23/74; Order 290, § 479-13-030, filed 7/23/73.] Repealed by 79-08-139 (Order 79-01, Resolution Nos. 596, 597, 598), filed 8/1/79. Statutory Authority: Chapter 47-.26 RCW.

WAC 479-13-010 Six-year construction programs for urban areas. The six-year construction programs of urban area cities and counties required, respectively, by RCW 35.77.010 and 36.81.121, shall be divided into two sections:

(1) The basic six-year construction program for the following six years based upon estimated revenues other than proposals for urban arterial trust funds for new projects.

(2) A separate section of the six-year construction program setting forth proposals, if any, for urban arterial trust funds for new projects to begin in the following biennial period.

The separate section of the six-year construction program setting forth proposed new projects utilizing urban arterial trust funds shall be considered as supplemental to the basic six-year construction program and shall not contain duplicate projects: *Provided*, That the same project may appear in both the basic and supplemental six-year construction programs if:

(1) The local agency intends to construct the project with other funds if urban arterial trust funds are not approved.

(2) The total dollar amount of the basic six-year construction program approximates estimated revenues available for construction for the following six-year period.

Upon urban arterial board approval of any new project for financial assistance from the urban arterial trust account, such project shall be amended into the basic six-year construction program.

The separate portion of the six-year construction program, setting forth new project proposals for urban arterial trust account funding, shall be listed in order of their priority in the following manner:

(1) Federal urban area cities and counties shall divide arterials by functional class and list in order of their priority as provided for by RCW 47.26.220.

(2) Nonfederal urban area cities shall list all proposals in order of their priority.

The local agency shall evaluate its arterials by utilizing the criteria outlined in RCW 47.26.220 which covers the following:

- (1) The structural ability to carry loads.
- (2) Capacity to move traffic.

(3) Alignment and related geometrics.

(4) Accident experience.

(5) Fatal accident experience.

The urban arterial board will provide the agency with a listing of arterial deficiencies based on the information contained in the long-range plan as last updated by the agency. This information can be used to fulfill the requirement stipulated in RCW 47.26.220.

The requested urban arterial trust funds to improve the project shall correct the deficiencies found on the section, considering design standards, project life, and unique local considerations.

The following information shall be provided for each new project proposal for urban arterial trust account funding:

(1) Local name of arterial.

(2) Arterial number.

(3) Local government's priority number. (Federal urban area cities and counties within functional class)

(4) Length in miles.

(5) Description of proposed work.

(6) Estimate of total cost of project.

(7) Status of urban arterial trust funds.

(proposed or approved)

(8) Total requested urban arterial trust funds for the project.

(9) Inventory data regarding existing geometric, structural, accident and traffic conditions.

(10) Written acknowledgement, from each adjacent city, county and department of highway district office, that it has had an opportunity to evaluate, prior to the public hearing thereon, the preparing agency's proposed six-year construction program requesting urban arterial trust funds for proposed new projects if such proposed new projects affect the specified unit of government. Such acknowledgement shall be for the purpose of proposing related arterial improvement projects, in order to contribute to the goal of an integrated and coordinated arterial and highway system and shall not indicate approval or disapproval of the preparing agency's six-year construction program. The preparing agency may provide evidence of delivery of a copy of its proposed six-year construction program by certified mail to each adjacent agency if written acknowledgement of evaluation by such adjacent agency cannot be obtained within fifteen days from the date of mailing.

Inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year construction program shall be submitted to the urban arterial board along with a copy of the resolution of the city or county adopting such program. The separate section of the six-year construction program, setting forth new project proposals for urban arterial trust account funding, shall be submitted to the urban arterial board on forms provided by the board and shall be accompanied by a copy of the resolution of the city or county adopting the separate section of the six-year construction program: *Provided*, That if the city or county does not desire to propose new projects for urban arterial trust fund assistance, the only

submission to the urban arterial board shall be a written statement to that effect.

[Statutory Authority: Chapter 47.26 RCW. 84-11-014 (Order 84-01, Resolution Nos. 818 and 819), § 479-13-010, filed 5/9/84; Order 462, § 479-13-010, filed 9/16/77; Order 318, § 479-13-010, filed 4/22/74; Order 131, § 479-13-010, filed 3/10/70; Order 65, § 479-13-010, filed 9/10/68.]

WAC 479-13-025 Six-year financial plan. At the beginning of each biennium the board shall update their six-year financial plan to determine the amount of estimated revenue to be available for new project starts in the ensuing biennium. The estimate of funds for new project starts shall take into consideration programming of funds after July 1, 1987, for projects approved by the board for the preliminary phase where construction funding approval is pending.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-13-025, filed 10/19/87.]

WAC 479-13-035 Value engineering study requirements. A value engineering (VE) study shall be required on all urban arterial board projects whose total cost exceeds one million dollars as reflected in the six-year program. Upon request from a local agency, the board may grant a variance from this requirement. The board may also require a VE study for a project whose total cost is one million dollars or less upon a determination by the board that a VE study is warranted.

An agency that proposes to obtain a variance from the requirement shall submit justification to the board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the chairman.

The board shall not authorize funds for a project until the VE study has been performed by an interagency study team approved by the board.

The VE study shall be accomplished in accordance with the following requirements:

(1) The team will be jointly selected by the urban arterial board staff and the local agency and approved by the board. The team should consist of five to seven individuals, including a facilitator, with diverse backgrounds and carefully selected to assure a variety of creative input. The team should not include members who have had previous intimate involvement with the project. The local agency will designate the agency official who has the responsibility for considering and implementing the VE recommendations provided by the study team.

(a) At least one member should be a nonengineer to give greater objectivity to the VE study.

(b) The public works department and/or financial managers of the local agency should have representation on the team.

(c) At least one member must be from an outside governmental agency.

(d) Team members may be suitably qualified individuals from the community.

(e) The facilitator shall be selected from a list provided by the board staff. The facilitator shall be a person who has been formally trained in the value engineering

process and whose primary responsibility is to assure completion of the study in a three to five working day time period.

(2) The preliminary and construction prospectus shall include an attachment relating to the implementation of the VE team's recommendation and justification for items not implemented.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-13-035, filed 10/19/87.]

WAC 479-13-040 1975-77 Accelerated development urban arterial projects. Preliminary proposals and related construction projects initially authorized by the urban arterial board during the 1975-77 biennium for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than \$750,000 shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds,

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay,

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction,

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available,

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development,

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds \$750,000 in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in (1) above and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local

agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least 75 per cent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development, in the judgment of the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board during the 1975-77 biennium shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 1st ex. sess., have reached a status of total obligation and that:

(a) The full, normal 90% matching funds from the urban arterial trust account may not be available for all projects, and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board, and

(i) Able to be developed with available urban arterial trust account and local matching funds, or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board during the 1975-77 biennium for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering

agency or agencies, that an environmental impact analysis has been conducted, and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body.

(ii) If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(iii) A time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction with eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the previous even-numbered year's six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the 1974 six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects will be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved. A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to

any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The 10%, not to exceed \$50,000, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases in accordance with chapter 126, Laws of 1973 ex. sess., only after the construction proposal has been approved by the urban arterial board.

[Order 369, § 479-13-040, filed 8/26/75.]

WAC 479-13-050 1977-79 Accelerated development urban arterial projects. Preliminary proposals and related construction projects initially authorized by the urban arterial board during the 1977-79 biennium for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than \$750,000 shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds,

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay,

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction,

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available,

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development,

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds \$750,000 in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in (1) above and which demonstrate that the

project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least 75 percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development, in the judgment of the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board during the 1977-79 biennium shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 1st ex. sess., and section 13, chapter 317, Laws of 1977 1st ex. sess., have reached a status of total obligation and that:

(a) The full, normal 90% matching funds from the urban arterial trust account may not be available for all projects, and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board, and

(i) Able to be developed with available urban arterial trust account and local matching funds, or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board during the 1977-79 biennium for financial assistance from the urban arterial trust account

shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body.

(ii) If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(iii) A time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the 1977 six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority

sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Nonfederal urban areas shall be considered in the sequence in which the construction projects within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum, amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The 10%, not to exceed \$50,000, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases in accordance with chapter 126, Laws of 1973 ex. sess., only after the construction proposal has been approved by the urban arterial board.

[Order 464, § 479-13-050, filed 9/16/77.]

WAC 479-13-060 Accelerated development urban arterial projects. Preliminary proposals and related construction projects initially authorized by the urban arterial board after the close of the 1977-1979 biennium and prior to July 1, 1987, for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The scope of the preliminary or construction prospectus shall specifically address the type of improvement that will correct the deficiencies for which the project was selected. The prospectus shall also address the cumulative effect of other deficiencies considering design standards and project life. The board shall evaluate the project scope and may reduce the project scope if, in the board's opinion, the scope exceeds that necessary to improve the specific deficiencies, applicable design standards, and address unique local considerations. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than seven hundred fifty thousand dollars shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project

authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds seven hundred fifty thousand dollars in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in subsection (1) of this section and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development in the judgment of

the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 ex. sess., and section 13, chapter 317, Laws of 1977 ex. sess., chapter 5, Laws of 1979, as now or hereafter amended, have reached a status of total obligation and that:

(a) The full, normal ninety percent matching funds from the urban arterial trust account may not be available for all projects; and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board; and

(i) Able to be developed with available urban arterial trust account and local matching funds; or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the project is not completely designed and ready to be advertised, the legislative body may submit a time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(ii) If any right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial

board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body. If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the current six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Rural incorporated cities shall be considered in the sequence in which the construction projects within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided

in two phases, only after the construction proposal has been approved by the urban arterial board.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-13-060, filed 10/19/87; 84-11-014 (Order 84-01, Resolution Nos. 818 and 819), § 479-13-060, filed 5/9/84; 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-13-060, filed 8/1/79.]

WAC 479-13-070 Procedures for two phase projects. After July 1, 1987, preliminary proposals and related construction projects authorized by the board for financial assistance from the account shall be selected for authorization based upon the board's approval of the local agencies project development schedule.

The preliminary and construction prospectus shall specifically address the type of improvement that will correct the deficiencies for which the project was selected.

The board shall evaluate the project scope and may reduce the project scope if, in the board's opinion, the scope exceeds that necessary to improve the deficiencies.

The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way and right of entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads, or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad, or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within the amount of time requested by the local agency.

(2) The board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within the amount of time requested by the local agency, require preparation and submission of a detailed critical path time schedule.

The board shall review the written reply concerning each proposed project and the testimony by an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not

resolved so that the project cannot, in the board's judgment, be placed under contract for construction within the amount of time approved by the board. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the approved time period.

Each city or county administering a project funded by the board, shall provide project development data on a quarterly basis to the board, in such form as is requested, to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development shall be subject to immediate cancellation at any time, if actual development in the judgment of the board, falls behind the rate of development required to permit the project to be placed under contract for construction within the amount of time originally requested and approved.

Prospectuses for construction projects that relate to preliminary proposals initially authorized by the board for financial assistance from the account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification that all right of way required for the project is available or if right of way remains to be acquired that the agency has obtained a possession and use agreement on the parcels in question.

(c) A certification from the legislative body that the project is completely designed and ready to be advertised for bids.

(d) The date the project will be advertised for bids.

(e) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program or the preliminary project prospectus and provide an explanation and justification for such changes.

(f) The board shall consider adjustments to the amount requested in the six-year program in accordance with the board's rule on increases in trust funds.

(3) Requests for authorization of funds for construction projects in:

(a) Federal urban areas shall be considered in the sequence in which the projects within each functional class of arterial within each region are, as defined by board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class within the same region are proposed for funding at the same board meeting, the request for funds shall be considered in the same priority sequence within

each functional class and region in which the related preliminary proposals were approved.

If insufficient funds are available in the account to allow the board to fund the construction phase when requested, the board shall notify the agency that notice will be provided when funds are available to again proceed with the request. At that time the agency will re-submit their request and will be given priority within the appropriate region over all other requests for funding submitted after their original request for construction funds.

(b) Rural incorporated cities shall be considered in the sequence in which the projects within each region are, as defined by board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for funding at the same board meeting, the request for funds shall be considered in the same priority sequence within region in which the related preliminary proposals were approved.

If insufficient funds are available in the account to allow the board to fund the construction phase when requested, the board shall notify the agency that notice will be provided when funds are available to again proceed with the request. At that time the agency will re-submit their request and will be given priority within the appropriate region over all other requests for funding submitted after their original request for construction funds.

The board, when considering approval of the construction phase of a project that was previously approved for the preliminary engineering phase, shall take into consideration the current balance of available funds in the account and shall not authorize the construction phase if, in the board's opinion the total funding for construction will not be available within the ensuing twelve-month time period.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-13-070, filed 10/19/87.]

Chapter 479-16 WAC REQUIREMENTS FOR URBAN ARTERIAL PROJECT DEVELOPMENT

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WAC 479-16-010 Methods of construction. All construction, except utility and railroad relocations and adjustments and except installation of traffic control devices if accomplished by the personnel of the local governmental unit, done by cities and counties using urban arterial trust funds shall be required to be done by advertisement, competitive bid and contract.

[Order 32, § 479-16-010, filed 2/6/68.]

WAC 479-16-015 Registered engineer in charge. All urban arterial projects using funds from the urban arterial trust account shall be planned, designed and constructed under the supervision of a professional engineer registered in the state of Washington.

A city may be required, at a time or times specified by the chairman, to submit plans, specifications, estimates and change orders to the chairman for review and approval. On all such projects, construction engineering shall be performed by the consulting engineer. Prior to approving change orders whose effect would be to increase the cost of the project, the city shall notify and consult with the chairman of the urban arterial board: *Provided, however,* That this subsection shall not apply to county projects or to projects in cities which have access to a staff or consulting engineer designated pursuant to state law or local ordinance as the city engineer.

On projects where plans and specifications have been submitted to the chairman pursuant to the preceding subsection the chairman shall proceed as follows:

(1) If plans and specifications are in accordance with the design standards and the proposed improvement is within available funding, notify the local agency to proceed with construction.

(2) If plans and specifications are not in accordance with the design standards or the proposed improvement is not within available funding, the local agency shall be notified of the results of the review and recommended revisions to the plans and specifications. The chairman may require as many reviews as necessary prior to notification to proceed or may require a planned review and advertisement of the contract by the department of transportation if in his opinion it is necessary to assure proper construction of the project.

[Statutory Authority: Chapter 47.26 RCW. 80-16-013 (Order 80-02, Resolution No. 656), § 479-16-015, filed 10/27/80; Order 34, § 479-16-015, filed 2/6/68.]

WAC 479-16-016 Certification of completion. Each voucher for payment of urban arterial trust funds shall be accompanied by certification of the registered engineer in charge that the work has been completed in accordance with plans and specifications.

[Order 34, § 479-16-016, filed 2/6/68.]

(1989 Ed.)

WAC 479-16-020 Standard specifications for public works construction contracts. Either *Standard Specifications for Municipal Public Works Construction*, current edition, Washington state chapter, American Public Works Association, or *Standard Specifications for Road and Bridge Construction*, current edition, state of Washington, revised as to form to make reference to local governments, shall be included in any contract entered into by local governments using urban arterial trust account funds.

[Order 10, § 479-16-020, filed 9/12/67.]

WAC 479-16-030 Utility and railroad adjustments and relocations. Utility and railroad adjustments and relocations may be performed by negotiated contract with the utility or railroad whose facilities are required to be adjusted or relocated. The administering county or city shall first obtain, review and approve a written statement of the items of work and an estimate of cost stated by the utility or railroad to be required as a result of the arterial improvement. Updated statements of items of work and estimates of cost may be reviewed and approved by the administering agency. All costs of utility and railroad adjustments, as finally approved by the administering agency, shall be subject to audit. Each negotiated contract shall include the applicable provisions of Bureau of Public Roads Policy and Procedure Memoranda 30-3 and 30-4 if federal aid highway funds are included in the project.

[Order 160, § 479-16-030, filed 12/14/70; Order 28, § 479-16-030, filed 11/8/67.]

WAC 479-16-035 Undergrounding utilities. Urban arterial trust funds shall participate in the actual, necessary costs of relocating utility or other service facilities resulting from an approved urban arterial project when:

(1) The local agency administering the project directly incurs such costs, or

(2) The local agency administering the project is obligated by law or by previously established and documented policies and practices for such costs.

Urban arterial trust funds may participate in the costs of undergrounding service connections for street illumination and traffic signal services within the prescribed limits of the approved urban arterial project.

Urban arterial trust fund participation in the actual, necessary costs of relocating utility or other service facilities, other than service connections for street illumination and traffic signal services within the prescribed limits of the approved urban arterial project, shall be further limited as follows:

(1) Where a local agency requires that existing overhead facilities be placed underground, urban arterial trust fund participation shall be limited to the agency's actual cost thereof or the cost which would be incurred in placing them overhead, whichever is the lesser.

(2) If utility lines or other service facilities are already underground, urban arterial trust funds may participate in the costs of replacing such facilities on an underground basis.

[Order 95, § 479-16-035, filed 5/23/69.]

WAC 479-16-040 Traffic control devices. Traffic control devices included in a participating project may be installed by the employees and with the equipment and materials of the local governmental units: *Provided*, That the basis for payment of urban arterial trust account money is reimbursement of the appropriate portion of actual cost of such work, subject to appropriate audit.

[Order 33, § 479-16-040, filed 2/6/68.]

WAC 479-16-045 Urban arterial project plantings. Urban arterial trust funds may participate at the appropriate matching ratio in the cost of street tree plantings and the use of other plantings and supporting materials within the project right of way to a maximum of three percent of the total authorized project costs: *Provided*, That requests for increases in the authorized amount of urban arterial trust funds to cover street tree planting and related costs shall be considered jointly with other cost increases and approval of all such requests shall be limited to the amount authorized by WAC 479-20-036 to be approved by the chairman of the urban arterial board. Erosion control treatment shall not be considered a part of street tree planting costs.

The three percent limitation for street tree planting and related costs on a participating basis utilizing urban arterial trust funds shall not affect the local government's authority to include street tree plantings and the use of other plantings or supporting materials in the urban arterial project in amounts that exceed the three percent of total authorized project cost provided they are paid for solely with funds other than urban arterial trust funds.

[Order 233, § 479-16-045, filed 2/22/72; Order 80, § 479-16-045, filed 1/21/69.]

WAC 479-16-050 Acquisition of rights of way by cities and counties. The following standards and procedures for right of way acquisition shall be followed by the various cities and counties before any funds from the urban arterial trust account shall be approved for payment for right of way acquisition:

(1) The correct ownership of property shall be secured on all parcels of property to be purchased by obtaining a title report from a recognized title insurance company.

(2) All parcels to be purchased shall be appraised by one or more competent real estate appraisers; EXCEPT, appraisals or value findings are not required for parcels obtained for a purchase price of not to exceed five hundred dollars. The appraiser shall prepare a properly supported written appraisal containing the date of the appraisal, legal description and/or identification of the property, definition of the property rights to be acquired, estimate of compensation due, supporting documentation and a signed certificate that the appraiser has inspected the property and has no personal interest in the property either now or contemplated. Appraisers may be either independent fee appraisers or qualified staff appraisers.

(3) An internal system of checks and balances shall be established whereby the appraising, the negotiating and

the final approval of a transaction shall each be by one or more separate individuals.

(4) Settlements shall, in general, be at the appraised compensation. In the case of a settlement above the appraised compensation, not including court awards, a written statement shall be prepared giving all the reasoning for payments in excess of the appraisal of each transaction consummated.

(5) Records shall be maintained and made available to the urban arterial board for a period of five years and shall include copies of title reports, appraisals, pertinent letters, maps, deeds, vouchers and any other material pertinent to the acquisition.

To carry out the intent of this resolution, the chairman of the urban arterial board shall from time to time check with the various cities and counties utilizing funds from the urban arterial trust fund to determine if the above standards and procedures are being adhered to.

If any city or county is found to be deficient in any of the above standards and procedures, the chairman of the urban arterial board shall immediately prepare and submit a written report on such deficiencies to the said city or county in question and to the urban arterial board for such action as it may deem proper and advisable.

[Order 173, § 479-16-050, filed 4/28/71; Order 17, § 479-16-050, filed 10/11/67.]

WAC 479-16-060 Design standards for urban arterials. Cities and counties within federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standards for urban arterials in the state of Washington dated July 30, 1981.

Incorporated cities outside federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standard "collector arterial" found in the design standards for urban arterials in the state of Washington dated July 30, 1981.

A copy of these standards shall be available upon request to the office of the urban arterial board. These standards shall be used for all projects presented for approval of urban arterial trust funds on July 30, 1981, and thereafter.

[Statutory Authority: Chapter 47.26 RCW. 81-16-066 (Order 81-03, Resolution No. 686), § 479-16-060, filed 8/4/81; Order 460, § 479-16-060, filed 9/16/77; Order 67, § 479-16-060, filed 9/10/68; Order 9, § 479-16-060, filed 9/12/67.]

WAC 479-16-061 Design standards for urban arterials (collector class). Cities and counties shall, in preparing and implementing their urban arterial programs, follow the design standards for collector arterials entitled *Collector Arterials* dated July 1, 1968. A copy of these standards shall be available upon request to the office of the urban arterial board.

[Order 62, § 479-16-061, filed 7/23/68.]

WAC 479-16-070 Standards for functional classification of urban arterials. All roads and streets of each county and city lying within or having within its boundaries a federal urban area shall be divided by the county or city into arterial roads or streets and access roads or

streets. Arterial roads or streets shall be established and subdivided into three functional classes to be known as principal arterials, minor arterials, and collector arterials in accordance with uniform standards established by the urban arterial board in compliance with the federal classification system. Incorporated cities lying outside federal designated urban areas are not required to divide their roads and streets by functional class.

All new roads or streets within federal urban areas that are under construction, have right of way acquired, or are definitely programmed for funding and construction shall be evaluated and functionally classified. New roads or streets planned for in regional comprehensive land use studies, and which represent the participation and joint planning efforts of all levels of government, shall be considered to approach a committed status and may be functionally classified. Projected routes to meet future transportation requirements may be designated and functionally classified when:

(1) Such routes are included in the transportation study relating to the comprehensive land use studies in regions where such plans exist;

(2) Such routes are included in the comprehensive plan of the local agency of jurisdiction, have been reviewed by adjacent or other affected agencies, and are integrated with routes contained in the comprehensive plans of adjacent agencies.

All roads or streets within federal urban areas not classified as principal arterials, minor arterials, or collector arterials shall be identified as access roads or streets.

Each request that would change, add to or delete from the previously approved functionally classified arterial system shall be submitted to the district state aid engineer for processing through the department of transportation, planning division. The request shall also be accompanied by information indicating that the request has been reviewed and approved by the legislative body. A copy of the request shall be submitted to the urban arterial board for information purposes only.

All urban arterials within federal urban areas shall be functionally classified on the basis of type and volume of traffic accommodated by the road or street, hereafter referred to as street, and by the street's relative social and economic importance. Each street's traffic type is to be evaluated in terms of its local or through traffic carrying characteristics. The higher the proportion of through traffic carried by a given street, the higher it should normally be functionally classified.

To assist in identifying through traffic carrying characteristics of streets, aerial photographs should be evaluated to identify the hierarchy of traffic generators and traffic generating areas in each urban area. These traffic generators shall be considered to be the most important factor in determining the magnitude of through traffic and shall include, but shall not be limited to, business districts, industrial plants, shopping centers, schools, churches, parks and airports.

Transportation study data, traffic flow maps, master plans and other background data should also be considered, to the extent it is available, in identifying traffic generators.

Examples of other factors that may be considered in determining the proportion of through traffic carried by a street, in addition to actual field interviews, include street designation as "bypass routes," "truck routes" or high proportions of vehicles bearing out-of-state license plates.

The composition of traffic should also be considered in evaluating the through traffic carrying characteristics of streets. Bus transit routes often follow important arterial streets with only the extreme outward ends of bus routes normally making use of nonarterial streets. Similarly, any street which carries a significant number of truck trips is apt to be performing some level of arterial function insofar as such trips reflect a nearby traffic generator of significant economic importance.

Average daily traffic volume on streets shall be evaluated to determine the use currently being given to the street. Traffic volumes, in conjunction with the analysis of through versus local traffic, may be considered to be one of the most important single criterion determining the functional class of urban arterials. However, traffic volumes on streets shall also be considered in relation to the principle of concentrating major traffic flows on a selected system of arterials rather than permitting through traffic to diffuse through many parallel streets designed to a lesser level with resulting increased congestion and accident hazards.

Counties and cities within federal urban areas shall develop urban arterial classification plans so as to integrate with important adjacent rural and state highways. Each city or county preparing a functional classification plan shall coordinate its classifications with those of adjacent units of government to ensure smooth progression from one system to another regardless of trip length, purpose or other qualification. This necessary coordination may sometimes result in an urban arterial designation not otherwise justified.

Special consideration shall be given to streets connecting with freeway and expressway interchanges. Such interchanges should normally carry at least a collector arterial designation in recognition of the fact that:

(1) Land development comes quickly at interchange areas and traffic volumes tend to grow more rapidly than in other areas.

(2) Providing adequate on and off ramp facilities makes better utilization of the limited access facility avoiding back-ups at more "popular" ramps.

Off-set arterial intersections shall be avoided to the maximum extent possible to alleviate the need for additional signing, traffic signals and difficult turning movements for drivers.

Frontage roads serving as an integral part of a limited access facility and which serve a number of large, abutting trip generators should normally be considered to be not more than a secondary arterial. Those frontage roads with medium to high traffic volumes without significant abutting land use service would have collector arterial

status while low traffic frontage roads without significant abutting land use service would have no arterial status.

"Relief valve" arterials of several blocks duration, often providing a crude kind of downtown by-pass, should not be designated directly parallel to an actual arterial street which is severely congested. Such designation tends to perpetuate the congestion on the actual arterial street by discouraging improvements thereon. If there is no way of improving the congested arterial street, one way operation of the facility should be considered to create a properly planned and engineered couplet. The two streets comprising such a couplet would be considered a single functional route for classification purposes. Such couplets would normally be required only for principal or minor arterials and both streets comprising the couplet would be considered to be of the same functional class.

Streets considered to be arterial in nature when evaluated in accordance with the above standards and instructions shall be further evaluated to determine their appropriate functional classification. This evaluation shall consider the following standards and instructions for principal, minor and collector arterials.

PRINCIPAL ARTERIALS. TRAFFIC SERVICE PROVIDED. Principal arterials provide for movement across and between large subparts of an urban region and serve predominantly "through" trips with minimum direct service to abutting land uses.

GROUPING OF TRAFFIC GENERATORS. Principal arterial service is required by medium-to-large central business districts, most municipal airports, large shopping centers, large colleges and universities, large industrial plants, major governmental centers, large hospitals, important secondary business districts, major rail and sea-port terminals and similar land uses which comprise the top layer of the hierarchy of trip generators.

SPACING. Principal arterials will seldom be closer than one mile apart in even the most densely developed urban regions. In practice, it is expected that for most federal urban areas in Washington, spacing of principal arterials will be wider. Moreover, spacing will vary within any given federal urban area with principal arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. Principal arterials shall form a closed, interconnected system linking together major traffic generators in federal urban areas. Stub end arterials are not normally classified as principal arterials.

MINOR ARTERIALS. TRAFFIC SERVICE PROVIDED. Minor arterials provide for movement within the large subparts prescribed by principal arterials. Minor arterials may also serve "through traffic" but provide very much more direct service to abutting land uses than do principal arterials.

GROUPING OF TRAFFIC GENERATORS. Minor arterial service is required by small central business districts and traffic generators as listed above for principal arterials except that such generators will be smaller, plus high

schools and some grade schools, strip commercial development, parks, and low-use intensity recreational areas, warehousing areas, and similar land uses which comprise the middle layer of the trip generator hierarchy.

SPACING. Minor arterial streets will seldom be closer than one-half mile from another minor, or principal, arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with minor arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. Minor arterials shall, wherever possible, be long, continuous streets with direct rather than meandering alignments.

COLLECTOR ARTERIALS. TRAFFIC SERVICE PROVIDED. Collector arterials provide for movement within the smaller areas, which are often definable neighborhoods, and may be bounded by higher class arterials. Collector arterials serve very little "through" traffic, but serve a high proportion of local traffic requiring direct access to abutting land uses.

GROUPING OF TRAFFIC GENERATORS. Collector arterial service is required for the majority of the nonresidential land uses which generate measurably important traffic volumes and which are not served by principal or minor arterials.

SPACING. Collector arterials will seldom be closer than one-fourth mile from any other arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with collector arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. Collector arterials need not be particularly long or continuous since this would tend to attract through trips in unduly high proportions.

When the classification is complete, arterials classified and designated and local streets identified, it is recommended that each city or county tabulate its street mileage by functional class. These tabulations should be compared with the following recommended tabulations for street mileage by system and vehicle miles traveled by system to serve as a general internal review procedure.

TEST FACTOR	FEDERAL URBAN AREA POPULATION		
	Under 50,000	50,000 to 500,000	Over 500,000
Street mileage by system			
Principal streets	12- 15%	10- 12%	8- 10%
Minor streets	10- 12	8- 10	7- 9
Collector streets	10- 12	8- 10	7- 9
Local streets	68- 61	74- 68	78- 72
Total	100-100%	100-100%	100-100%
Vehicle miles traveled by system			
Principal streets	30- 40%	40- 50%	50- 60%
Minor streets	10- 15	10- 15	10- 15

TEST FACTOR	FEDERAL URBAN AREA POPULATION		
	Under 50,000	50,000 to 500,000	Over 500,000
Collector streets	5- 10	5- 10	5- 10
Local streets	55- 35	45- 25	35- 15
Total	100-100%	100-100%	100-100%

Upon receipt of the classification plans from the cities and counties, the urban arterial board will tabulate total street mileage by system and vehicle miles traveled by system for all of the cities and counties. This information will be used by the board as a guide in its approval of arterial classifications and mileages.

[Statutory Authority: Chapter 47.26 RCW. 81-04-015 (Order 81-01, Resolution Nos. 666, 667 and 668), § 479-16-070, filed 1/29/81; Order 457, § 479-16-070, filed 9/16/77; Order 249, § 479-16-070, filed 5/31/72; Order 52, § 479-16-070, filed 7/2/68.]

WAC 479-16-071 Review of functional classification plans. Requests from federal designated urban area cities and counties for changes in the functional classification plans accepted by the urban arterial board under provisions of RCW 47.26.180 shall be considered by the urban arterial board quarterly in the months of January, April, July and October. Only those written requests, together with substantiating explanation, that are received by the first of the months of December, March, June and September shall be eligible, respectively, for consideration at the subsequent month's meeting.

[Order 457, § 479-16-071, filed 9/16/77; Order 159, § 479-16-071, filed 12/14/70; Order 68, § 479-16-071, filed 9/10/68.]

WAC 479-16-072 Standards for arterials in rural incorporated areas. Incorporated areas outside federally designated urban areas shall be required to identify their streets as either arterials or local access. An arterial shall be defined by at least one of the following standards:

- (1) Serve as the logical extension of a county arterial into the corporate boundary; or
- (2) Serve as a route connecting local generators such as schools, medical facilities, social centers, recreational areas, commercial centers, or industrial sites within the corporate boundary; or
- (3) Act as a bypass or truck route to relieve the central core area.

Streets failing to qualify under these standards for arterials will not be considered to be eligible for UATF participation.

[Statutory Authority: Chapter 47.26 RCW. 81-04-016 (Order 81-02, Resolution No. 669), § 479-16-072, filed 1/29/81.]

WAC 479-16-080 Rates of development of functional classes of urban arterials. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials. Beginning July 1, 1985, the urban arterial board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth

below. The distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded.

(1) By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

- (a) Principal arterial ratio weighted by three.
- (b) Minor arterial ratio weighted by two.
- (c) Collector arterial ratio weighted by one.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

[Statutory Authority: Chapter 47.26 RCW. 85-15-073 (Order 85-02, Resolution No. 886), § 479-16-080, filed 7/22/85; 81-04-015 (Order 81-01, Resolution Nos. 666, 667 and 668), § 479-16-080, filed 1/29/81; Order 457, § 479-16-080, filed 9/16/77; Order 189, § 479-16-080, filed 7/13/71; Order 75, § 479-16-080, filed 10/10/68.]

WAC 479-16-090 Introduction and purpose. The following rules governing the designation and development of a system of bicycle routes in the urban areas of Washington state are intended to:

- (1) Recognize the increasing trend toward expanded ownership and usage of bicycles.
- (2) Provide safe facilities for the use of bicycles as a transportation mode while not restricting bicycle usage to designated bikeways.
- (3) Provide transportation capacity through bicycle usage in those areas of the state where traffic generators, population density, climate, and topography facilitate the use of bicycles as a transportation mode.
- (4) Recognize that space and funds with which to implement bicycle and other transportation systems are limited.
- (5) Integrate with bicycle designation systems primarily designated to serve recreational purposes.

[Order 319, § 479-16-090, filed 4/22/74.]

WAC 479-16-091 Definitions. The following definitions shall apply for purposes of designating and developing bicycle facilities in connection with the arterial street system in urban areas.

Bicycle. Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in

diameter, as defined in RCW 46.04.071, or a three-wheeled vehicle propelled by human power upon which any person may ride having wheels which are more than 20 inches in diameter.

Bikeway (bicycle route). Bikeway shall mean all routes that are specifically designated for bicycle travel. Arterial bikeway shall mean all bikeways that are designated on an arterial right of way or on an adjacent low motor vehicle volume street: *Provided*, That no arterial bikeway shall be designated more than two city blocks or 500 feet, whichever is greater, from the arterial street.

Exclusive bikeway – Class I (DOH – bicycle path). A completely separated right of way designated for the exclusive use of bicycles. Crossflow by pedestrians and motorists are minimized. May be within or outside the right of way of the arterial or highway.

Restricted bikeway – Class II (DOH – bicycle lane). A restricted travelway for the use of bicycles. Use by motor vehicles or pedestrians is not allowed; vehicle parking or sidewalks may be adjacent to the bikeway. Cars or pedestrians may cross the bikeway to reach adjacent driveways or property. Separated from adjacent lanes of motorized traffic by stripes, fixed cones or physical barrier.

Shared bikeway – Class III (DOH – bicycle way). A travelway shared with other traffic.

(1) Bikeway designated by signing only on low traffic volume roadway or local access street. Has no physical separation from traffic.

(2) Bikeway designated by signing only on sidewalk.

[Order 319, § 479-16-091, filed 4/22/74.]

WAC 479-16-092 Conceptual approach to bikeway designation and development. Bikeways should be planned and developed on an incremental basis with the initial selection of routes being limited to those with the largest amounts of existing bicycle traffic or the greatest expectation of additional bicycle traffic. As bicycle traffic increases, additional bikeways should be designated.

The sequence in which the different classes of bikeways should be considered for designation and development should be consistent with considerations of safety, from the lower cost and most easily developed facilities to the more desirable facilities which are higher cost and generally more difficult to develop as set forth below:

(1) Shared bikeway – Class III.

(a) Bikeway designated on low traffic volume roadway or local access street. Has no physical separation from traffic.

(b) Bikeway designated on sidewalk.

(2) Restricted bikeway – Class II.

(3) Exclusive bikeway – Class I.

In recognition of the varying physical conditions existing along potential bikeway corridors, bikeways may be comprised of a combination of bikeway classes.

As bicycle usage and safety requirements warrant, and funds are available for bikeway development, the class of bikeway designated and developed should be upgraded to provide for a restricted or exclusive bikeway.

[Order 319, § 479-16-092, filed 4/22/74.]

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WAC 479-16-094 Criteria for bikeway system designation. Areas where bikeway facilities are needed, and subject to greatest potential use, should be identified by organizing available data including, but not necessarily limited to, the items set forth below and reviewing such data and resulting system recommendations with affected communities, bicyclists, and adjacent governments:

(1) Bicycle traffic generators. Identification of bicycle traffic generating facilities including areas such as shopping centers, business districts, grade and high schools, colleges or universities, residential areas, industrial plants, governmental centers, park and ride lots, parks and recreational areas.

(2) Bicycle traffic corridors – identification. Identification of bicycle traffic corridors, "user designated" as well as officially designated, or reasonably projected bicycle traffic routes.

(3) Bicyclist behavior patterns. Observation of bicyclists' behavior patterns while normally traveling on existing facilities.

(4) Bicycle traffic corridors – characteristics. Evaluation of the characteristics of potential bicycle traffic corridors.

(a) Speed differentials between motor vehicles and bicycles, and between bicycles and pedestrians. Particular emphasis should be given to speed differentials encountered by bicycles and motor vehicles on uphill grades and between bicycles and pedestrians on downhill grades.

(b) Suitability of grade for bicycle traffic.

(c) Connection with signalized intersections.

(d) Complexity of intersections, number of traffic movements, and effect upon the safety of bicycle movements through the intersection.

(e) Sight distance on uncontrolled intersections.

(f) Evaluation of motor vehicle volumes on arterials, particularly at peak hours when bicycle commuter traffic would be anticipated.

(g) Evaluation of motor vehicle volumes on streets adjacent and parallel to the designated arterial; particularly at peak hours when bicycle commuter traffic would be anticipated.

(h) Directness of routes between major traffic generators.

(i) Air quality, particularly where significant grades or elevation changes are encountered.

(j) Accident patterns, if any, involving bicycles.

(5) System continuity. Bikeway systems should be designated so as to:

(a) Coordinate with existing "user designated," as well as officially designated, bikeways.

(b) Integrate with the bikeway systems of adjacent units of government.

(c) Bikeways should connect on at least one end to another bikeway. For transportation purposes, it is not necessary that all designated bikeways form a completed circuit.

(6) Safety. Survey all proposed bikeway designations with reference to bicycle safety including, but not necessarily limited to, the following considerations:

- (a) Crossing of railroad tracks at angles with resulting hazards of poor ride quality and resulting loss of control.
- (b) Storm drainage inlets.
- (c) Use of the route by heavy commercial or industrial traffic or regularly by emergency vehicles.
- (d) Hazards to the bicyclist and motorist on a given route.

[Order 319, § 479-16-094, filed 4/22/74.]

WAC 479-16-096 Design standards for bikeways. The following general design considerations should be observed in designating and developing bikeway systems:

(1) **Roadway surface.** The roadway surface of any bikeway should be adequate to support the wheel loads of bicycles and riders as well as maintenance vehicles or other types of vehicles which may use or cross the bikeway. The desirable surface should be smooth and consist of a material which is stable and traversable such as an asphaltic material or Portland cement concrete. Well keyed fine gravel or cinders may produce an adequate surface. Coarse graded crushed stone, gravel, or sand are unstable and do not provide a satisfactory roadway surface.

(2) **Traffic control devices.** Signing for traffic control shall conform to the requirements set forth in the current edition of the Manual on Uniform Traffic Control Devices with stenciled word and symbol messages placed on the surface of all lanes and paths at regular intervals.

Other signing for informational purposes, such as area wide bikeway maps posted at strategic traffic generating locations, may be designed to suit the locality and area in which such informational signs are placed.

(3) **Drainage grates.** Any bikeway designated on a roadway along which storm drainage grates, or similar hazards are encountered, should, as a minimum, include the painting of warning stripes around such grates. As soon as feasible, such grates should be modified, by the addition of welded cross strips or other means, so as to prevent the entrance or entrapment of bicycle wheels.

The design of new roadways should provide for storm drain grates located off the bikeway and designed or installed in such a manner as to prevent the entrance or entrapment of bicycle wheels. Use of Department of Highways Design Standard B.20.1 for drainage grates is recommended.

(4) **Curb ramp.** Any bikeway designated on a sidewalk along which curbs are encountered shall, except in those cases where continuation of the curb increases user safety, make curb modifications sufficient to permit bicycles to safely negotiate the curb without necessitating the stopping and lifting of the bicycle. Such curb ramps should be in accordance with the criteria established by RCW 35.68.075.

(5) **Design standards.** The design standards for bikeways, that shall apply for the period through November 1, 1974, for exclusive, restricted, or shared bikeways shall be those standards developed by the Washington state department of highways, pursuant to RCW 47.30-.060, as contained in Section 3-30 Highway Design Manual.

(1989 Ed.)

[Order 368, § 479-16-096, filed 8/26/75; Order 319, § 479-16-096, filed 4/22/74.]

WAC 479-16-098 Evaluation and approval of designated bikeway system. The bikeway plan of each urban city or county shall be submitted to the urban arterial board in map form along with the agency's verification that the plan has been:

- (1) Integrated with existing "user designated," as well as officially designated bikeways.
- (2) Integrated with bikeways of adjacent units and levels of government.
- (3) Reviewed with, and approved by, the agency's legislative body.

The total bikeway plan of the agency shall identify separately arterial bikeways, as previously defined, that would be desired to be improved in conjunction with an arterial construction project.

The urban arterial board shall notify the submitting city or county of its concurrence in the bikeway plan after such plan has been reviewed and found to be reasonable in relation to the rules adopted by the board.

[Order 319, § 479-16-098, filed 4/22/74.]

Chapter 479-20 WAC

FINANCIAL AND PAYMENT REQUIREMENTS

WAC

479-20-005	Matching ratios for cities and counties.
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479-20-011	Reimbursable costs for engineering.
479-20-013	Direct costs.
479-20-016	Indirect costs.
479-20-020	Partial or progress payments for construction project costs.
479-20-025	Record requirements.
479-20-027	Audits of urban arterial project records.
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479-20-033	Procedure for requesting an increase in authorized amount of urban arterial trust funds.
479-20-036	Consideration of requests for an increase in authorized amount of urban arterial trust funds.
479-20-037	Procedure to request increase in trust funds.
479-20-060	Annexations involving approved urban arterial projects.
479-20-070	Incorporations involving approved urban arterial projects.
479-20-075	Emergent nature urban arterial projects.
479-20-080	Urban arterial board approved schedule for project development.
479-20-083	Unacceptable reasons for delay of authorized urban arterial projects.
479-20-086	Review of delayed projects by urban arterial board.
479-20-089	Recovery of urban arterial trust funds on canceled projects.
479-20-095	Identification and consideration of underruns on authorized urban arterial projects.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-20-030	Estimate of expenditures and demand for funds. [Resolution No. 15, filed 10/11/67.] Repealed by Order 49, filed 5/6/68.
479-20-032	Updated estimates of total requested urban arterial trust fund participation. [Order 66, § 479-20-032, filed 9/10/68; Order 50, § 479-20-032, filed 5/6/68.] Repealed by Order 98, filed 7/15/69.

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- 479-20-035 Procedure when an increase in cost is indicated. [Order 66, § 479-20-035, filed 9/10/68; Order 50, § 479-20-035, filed 5/6/68.] Repealed by Order 98, filed 7/15/69.
- 479-20-040 Updated estimates of total requested urban arterial trust fund participation. [Order 50, § 479-20-040, filed 5/6/68.] Repealed by Order 66, filed 9/10/68.
- 479-20-045 Approval of requests for increased urban arterial trust fund participation. [Order 50, § 479-20-045, filed 5/6/68.] Repealed by Order 66, filed 9/10/68.
- 479-20-050 Requests for major increases in urban arterial trust fund participation. [Order 50, § 479-20-050, filed 5/6/68.] Repealed by Order 66, filed 9/10/68.

WAC 479-20-005 Matching ratios for cities and counties. Urban arterial trust account monies shall be matched in the case of cities from local funds by an amount not less than 10 percent of the total costs of the construction project. Counties shall match urban arterial trust account monies from locally-collected road funds by an amount not less than 40 percent of the total cost of the construction project.

[Order 96, § 479-20-005, filed 5/23/69.]

WAC 479-20-010 Reimbursable arterial project costs. Project costs eligible for reimbursement from the account shall be those proper and allowable costs incurred on a project after the project is authorized by the board except as provided by the following:

(1) In the case of two-phase project authorizations, approved by the board prior to July 1, 1987, the chairman of the board may, after the administering agency has completed the environmental impact analysis, authorize right of way acquisition. Reimbursement from the account will be available for eligible right of way costs if and when the construction phase of the project is approved by the board. For projects approved by the board after July 1, 1987, reimbursement of right of way acquisition costs are eligible within the preliminary phase of the project. In the event the project is not built, those funds expended for right of way shall be refunded to the account.

(2) In the case where an agency is required to perform a value engineering study prior to authorization of the preliminary phase, those costs incurred prior to approval will be eligible for reimbursement if and when the project is approved for funding by the board.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-010, filed 10/19/87; 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-20-010, filed 8/1/79; Order 290, § 479-20-010, filed 7/23/73; Order 8, § 479-20-010, filed 9/10/67.]

WAC 479-20-011 Reimbursable costs for engineering. After July 1, 1987, preliminary and construction engineering costs eligible for reimbursement from the account shall be limited to twenty-five percent of the approved contract bid amount including adjustments for construction overruns or underruns.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-011, filed 10/19/87.]

WAC 479-20-013 Direct costs. Direct costs eligible for urban arterial trust fund participation are those costs

which are directly attributable to a specific project and shall include:

(1) Direct labor (engineering and/or construction) including related employee benefits:

(a) Salaries and wages (at actual or average rates) covering productive labor hours of city and county employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in (a) preliminary engineering, (b) construction engineering, (c) acquisition of rights of way, and (d) actual construction activities are considered a direct cost of construction projects. The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full time basis the types of services described above and when similar procedures are followed for nonurban arterial board projects.

(b) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be includible as employee benefits:

- (i) F.I.C.A. (Social Security) – employer's share
- (ii) Retirement benefits
- (iii) Hospital, health, dental and other welfare insurance
- (iv) Life insurance
- (v) Industrial and medical insurance
- (vi) Vacation
- (vii) Holiday
- (viii) Sick leave
- (ix) Military leave and jury duty

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

- (2) Contract engineering services
- (3) Right of way acquisition costs including:
 - (a) Purchase of land and easements acquired for and devoted to the project;
 - (b) Purchase of improvements;
 - (c) Adjustment or reestablishment of improvements;
 - (d) Salaries, expenses or fees of appraisers, negotiators or attorneys;
 - (e) Removal or demolition of improvement;
 - (f) Other direct costs in connection with the acquisition. Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

- (4) Contract construction work
- (5) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county owned equipment, at the rental rates established by the city's or county's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: *Provided*, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of 8,000 or less which may not

use this type of fund shall be allowed the same rates as used by the department of highways.

(6) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

(a) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(b) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.

(7) Interdepartmental charges for work performed by county or city departments, other than the road or street department, for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon 10% of direct labor dollars, excluding employee benefits. Such indirect costs shall be determined by a rate which is readily and properly supportable by the governmental unit's accounting records and shall be the same rate as applied to nonurban arterial board projects; however, this rate shall not exceed the indirect cost allocation rate established by the board. If individual units of government do not have such an internal indirect cost allocation rate, the rate predetermined by the board shall be used in determining the amount of indirect costs includible in the total interdepartmental charges.

(8) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by urban arterial trust funds and may include, but shall not be limited to, such items as:

- (a) Telephone charges
- (b) Reproduction and photogrammetry costs
- (c) Computer usage
- (d) Printing and advertising.

[Order 250, § 479-20-013, filed 5/31/72; Order 78, § 479-20-013, filed 1/21/69.]

WAC 479-20-016 Indirect costs. Indirect costs incurred by a local government for common or joint objectives which include an authorized urban arterial project, and which are not included in those direct costs set forth and defined in WAC 479-20-013, shall be eligible for urban arterial trust fund participation on a particular project at a rate not to exceed ten percent of direct labor costs, excluding employee benefits, expended by the local government on that project.

[Order 78, § 479-20-016, filed 1/21/69.]

WAC 479-20-020 Partial or progress payments for construction project costs. Participation and payment of urban arterial trust funds to counties and cities shall be governed by the following:

(1989 Ed.)

(1) Urban arterial fund participation. Urban arterial funds shall not participate in any cost which is not incurred in conformity with all applicable federal and state law and the rules, regulations and procedures as may be prescribed by the urban arterial board promulgated in conformity with the statutes.

(2) Project agreements. Projects for which urban arterial trust funds are requested by the counties and cities and for which the urban arterial board has allocated funds will be the subject of a project agreement to be entered into by the county or city with the urban arterial board evidencing acceptance of the conditions to payment of funds, as prescribed by laws and regulations, and the amount of funds to be obligated.

(3) Changes in project work and cost. No material change in the termini, character, or scope of the work on an approved urban arterial project shall be made without prior concurrence in such changes by the urban arterial board.

(4) Payments. Counties and cities are to submit requests for payments of funds claimed to be due on approved projects. Such requests are to be in the form of vouchers as prescribed by the urban arterial board, and shall be certified and accompanied by supporting data as may be required by the board. Such vouchers may be submitted from time to time as the work progresses and shall be submitted promptly at the completion of work on each project. Claims shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment.

(5) Compliance with laws and regulations. If a county or city has failed to comply with laws and regulations with respect to a project, payment of funds may be withheld on such projects, or approval of additional projects may be withheld until compliance or remedial action has been accomplished by the county or city to the satisfaction of the urban arterial board.

(6) Progress payments. Progress payments for project costs shall be limited to the urban arterial trust account percentage share of the costs for project development incurred to the date of the voucher: *Provided*, That in all projects where the total project cost exceeds the amount of authorized urban arterial trust funds, there shall be imposed a limitation on progress payments in order that the percentage of urban arterial trust fund progress payments in relation to total progress costs as of each voucher date shall not exceed the percentage determined by dividing the total authorized amount of urban arterial trust funds by the most recently determined total project cost.

[Order 217, § 479-20-020, filed 1/19/72; Order 77, § 479-20-020, filed 1/21/69; Resolution No. 16, filed 10/11/67.]

WAC 479-20-025 Record requirements. All cities and counties requesting payment of urban arterial trust funds on authorized urban arterial projects shall have procedures in effect that will provide adequate assurance that payments requested are proper and accurate:

(1) Quantities of complete construction contract work shall be supported by all related source documents upon

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which payment to the contractor is based. These source documents shall include, but shall not be limited to, tickets for items measured on a weight or volume basis, cross section notes, inspector's diaries, engineering calculations for items measured in place, material tests, shipping invoices for steel, and all other field records normally developed by field engineers to support final quantities paid to contractors. The quantity field record should be summarized so that final pay estimates would lend themselves to comparison with supporting records.

(2) All appraisal reports, record of negotiations with grantors including a negotiator's diary indicating dates of contracts, offers made, and final acceptance by grantor, title insurance documents, transfer documents such as warranty deeds, quit claim deeds, easements, contract and sale documents, shall be maintained.

(3) Daily labor time records, equipment use records, requisitions for materials used, invoices for goods and services, and other invoices shall be maintained. Records shall also be maintained which support employee benefit percentages which are used in calculating amounts charged to construction projects.

(4) All records shall be retained in compliance with the requirements of the division of municipal corporations and until after audit by the urban arterial board designee.

[Order 79, § 479-20-025, filed 1/21/69.]

WAC 479-20-027 Audits of urban arterial project records. Project records for each project developed through the use of urban arterial trust funds shall be audited to determine that the amount of urban arterial trust funds paid in connection with the project can be attributed to the project and supported by project records. The audit shall determine whether there has been material compliance with the rules of the urban arterial board and whether any failures to comply are significant in amount. Projects shall be audited by the urban arterial board at the time of the project completion or at such additional times as may be directed by the chairman.

The chairman of the urban arterial board shall review each audit report to determine whether audit exceptions noted are sufficiently material in relation to urban arterial board rules or significant in amount to warrant institution of procedures for audit report review and potential recovery of urban arterial trust funds. The chairman may, where the cumulative amount of audit exceptions on a project is less than \$250.00 in urban arterial trust funds, provide the administering agency with a copy of the audit report indicating the audit exceptions and advise the agency that, due to the relatively small cumulative dollar amount of exceptions in relation to estimated costs, to both the urban arterial board and the administering agency, of further processing, explaining the audit exceptions and processing any ultimate repayment, that no recovery of urban arterial trust funds is requested.

Audit reports containing exceptions which the chairman considers to be sufficiently material in relation to urban arterial board rules or significant in amount to

warrant institution of procedures for audit report review and potential recovery of urban arterial trust funds, shall be furnished to the administering agency and the administering agency shall be provided an opportunity to respond in writing to the audit report findings within thirty days of the receipt of the audit report.

The chairman of the urban arterial board, after reviewing the written response of the administering agency to the audit report findings, shall advise the administering agency whether any recovery of urban arterial trust funds to the credit of the urban arterial trust account is indicated. The chairman may, where the cumulative amount of audit exceptions on a project is less than \$2,500.00 in urban arterial trust funds, accept alternative methods of project cost documentation based upon physical evidence that items of cost billed to the urban arterial trust account have been performed in connection with the project being audited.

In cases where the cumulative amount of audit exceptions on a project is equal to or exceeds \$2,500.00 in urban arterial trust funds, and the agency contests the exceptions contained in the audit report, the urban arterial board shall consider the audit exceptions and may accept alternative methods of project cost documentation based upon physical evidence that items of cost billed to the urban arterial trust account have been performed in connection with the project being audited or may require repayment of urban arterial trust funds to the credit of the urban arterial trust account.

If recovery of urban arterial trust funds is indicated, as determined by the chairman of the urban arterial board, or by the urban arterial board, the administering agency shall be provided a period of ninety days from the date of the notice from the urban arterial board to make such repayment.

If repayment of urban arterial trust funds by the administering agency is not made within ninety days from the date of the notice from the urban arterial board, the subject shall be placed before the urban arterial board for review and action.

[Order 321, § 479-20-027, filed 5/21/74; Order 143, § 479-20-027, filed 6/15/70.]

WAC 479-20-031 Review of project funding demand. Each city or county having an approved urban arterial project shall, prior to the beginning of each quarter, submit an updated schedule of its estimated demand for urban arterial trust funds to the urban arterial board. This schedule shall be on forms provided by the board and shall include the estimated demand for urban arterial trust funds for the project for:

- (1) The next succeeding quarter;
- (2) Subsequent quarters until project completion.

Such estimates shall be differentiated between the preliminary engineering, right of way and construction stages of project development.

Additional information pertaining to estimated demands for urban arterial trust funds by cities and counties may be requested by the chairman of the urban arterial board as required to permit adequate funding of the urban arterial program.

[Statutory Authority: Chapter 47.26 RCW. 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-20-031, filed 8/1/79; Order 49, § 479-20-031, filed 5/6/68.]

WAC 479-20-033 Procedure for requesting an increase in authorized amount of urban arterial trust funds. Projects approved prior to July 1, 1987 for participation of urban arterial trust funds in urban arterial projects may be approved by the urban arterial board in amounts requested in the current separate section of the local government's six year construction program.

These amounts may be modified only as set forth in WAC 479-20-036.

An updated cost estimate on the project shall be submitted to the urban arterial board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six year construction program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the urban arterial board more than twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available and the construction prospectus is submitted to the urban arterial board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the urban arterial board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six year construction program or the amount originally authorized by the board, as applicable, at the first, third and fifth stages in the project's development. All such requests shall be evaluated by the board in accordance with board rules.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-033, filed 10/19/87; 81-04-015 (Order 81-01, Resolution Nos. 666, 667 and 668), § 479-20-033, filed 1/29/81; 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-20-033, filed 8/1/79; Order 461, § 479-20-033, filed 9/16/77; Order 217, § 479-20-033, filed 1/19/72; Order 98, § 479-20-033, filed 7/15/69.]

WAC 479-20-036 Consideration of requests for an increase in authorized amount of urban arterial trust funds. For those projects approved prior to July 1, 1987, local agencies may request an increase in the participation of urban arterial trust funds over the amount set forth in the current six year construction program at the preliminary prospectus, construction prospectus or contract completion stage of a project in accordance with the following procedures:

(1) At the preliminary or construction prospectus stage all requests shall be reviewed by the chairman of the board and he shall report his findings to the board for its review, consideration and final action. The board shall not grant a request for increase at these stages if:

(a) The original amount requested and approved by the board was not based upon reasonable engineering estimates;

(b) The requested increase is for funds to pay for an expansion of the scope of the work originally proposed;

(c) After a full investigation, the board determines that the project can be developed within the limits of the funds already approved;

(d) The project can be reduced in scope while retaining a usable and functional segment by:

(i) Reduction in termini of the project in such a manner that the improvement will continue to improve the conditions underlying the project's position of priority and will continue to connect to adjacent traffic facilities capable of handling traffic volumes at the point of intersection; or

(ii) Inclusion within the termini of the project only the following items of cost as required:

(A) Right of way (desirable minimum right of way widths as set forth in the urban arterial board design standards);

(B) Grading and paving;

(C) Structures;

(D) Drainage;

(E) Relocation of existing illumination and traffic control devices;

(e) The granting of the request will in any way adversely affect the construction program previously approved by the board. In deciding on projects in federal urban areas or nonfederal urban areas, the board shall endeavor to leave an amount equal to 10 percent of all approved projects or \$50,000, whichever is less, in reserve in the appropriate account to insure that the board has funds to deal with unanticipated cost overruns at the contract completion stage of those projects.

(2) Requests for increases in urban arterial trust funds submitted to the board at the contract completion stage shall be reviewed by the chairman of the board. The chairman may authorize increases above the amount originally approved by the board not to exceed 10 percent, or \$50,000, whichever is the lesser when:

(a) The additional funds are not requested because of an expansion in the scope of the work originally proposed to the board by the local agency for the project; and

(b) The request is substantiated with reasons for the increase and the chairman determines that the increased funds should not have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(3) If the board does not approve the request of a local agency for an increase at the preliminary prospectus, construction prospectus, or contract completion stage, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for urban arterial trust fund participation; or, if applicable

(c) Within the original amount requested, and subject to approval by the chairman of the urban arterial board, reduce the scope of the project while retaining a usable

and functional segment through the use of techniques set out in subsection (1)(d) of this section.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-036, filed 10/19/87; 80-16-006 (Order 80-01, Resolution No. 643), § 479-20-036, filed 10/24/80; 80-10-013 (Order 80-01, Resolution No. 643), § 479-20-036, filed 7/29/80; Order 461, § 479-20-036, filed 9/16/77; Order 98, § 479-20-036, filed 7/15/69.]

WAC 479-20-037 Procedure to request increase in trust funds. The amount of funds approved by the board after July 1, 1987, will be based upon the amount requested in the current separate section of the local agency's six-year construction program.

Local agencies may request an increase in the participation of funds over the amount set forth in the six-year construction program at the preliminary prospectus, construction prospectus, bid opening or contract completion stage of a project in accordance with the following procedures:

(1) At the preliminary or construction prospectus stage all requests shall be reviewed by the chairman of the board and he shall report his findings to the board for its review, consideration and final action. The board shall not grant a request for increase at these stages if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) The granting of the request will in any way adversely affect authorized funds previously approved by the board including the reserve for the following:

(i) Increases at bid opening that will not exceed ten percent of the engineers estimate.

(ii) Increases for construction overruns at the amount equal to the account matching ratio multiplied by the sum of ten percent of the estimated contract amount up to one million dollars and five percent of the amount in excess of one million dollars for those projects which have been approved for the construction phase.

(2) Request for increases at bid opening shall not exceed ten percent of the engineers estimate submitted to the board at the time the construction phase was approved. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the chairman and will not be approved if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) If the request is not substantiated and the chairman determines that the increased funds should have been anticipated by the local agency at the construction prospectus stage of the project.

(3) Requests for increases in funds submitted to the board at the contract completion stage shall not exceed the account matching ratio multiplied by the sum of ten percent of the original contract amount up to one million dollars and five percent of the amount in excess of one million dollars. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the chairman and will not be approved if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) If the request is not substantiated and the chairman determines that the increased funds should have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(4) If the chairman or the board, as the case may be, does not approve the request of a local agency for an increase at the preliminary prospectus, construction prospectus, bid opening or contract completion stage, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the original amount requested, and subject to approval by the chairman of the board, reduce the scope of the project while retaining a usable and functional improvement.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-037, filed 10/19/87.]

WAC 479-20-060 Annexations involving approved urban arterial projects. When a city annexes a portion of a county which includes an approved urban arterial project, the city shall match urban arterial trust funds for the portion of the project yet to be completed at the time of incorporation at the matching ratio which was in effect for county projects at the time the project was approved by the urban arterial board.

[Order 218, § 479-20-060, filed 1/19/72; Order 53, § 479-20-060, filed 7/2/68.]

WAC 479-20-070 Incorporations involving approved urban arterial projects. Newly incorporated cities and towns whose incorporated area includes a county road being constructed with the use of urban arterial trust funds shall match urban arterial trust funds for the portion of the project yet to be completed at the time of incorporation at the matching ratio which was in effect for county projects at the time the project was approved by the urban arterial board.

[Order 219, § 479-20-070, filed 1/19/72; Order 64, § 479-20-070, filed 9/10/68.]

WAC 479-20-075 Emergent nature urban arterial projects. An urban area city or county may submit a request on the urban arterial board approved project prospectus form that the board consider a project for participation as a project of an emergent nature pursuant to the provisions of RCW 47.26.450.

A project will be considered by the board under this rule when the need for the improvement project has arisen unexpectedly or because of new developments in the area since the local agency prepared its six year construction program in the last preceding even-numbered year and when it can be clearly demonstrated that this need could not have been anticipated at the time that program was developed.

The local agency shall present evidence to the board concerning the emergent nature of the project and must demonstrate:

(1) That the need for the project has significantly increased since the six year construction program in the preceding even-numbered year was prepared and submitted; and

(2) That there has been a significant change in the location or development of traffic generators in the area of the project; and

(3) That the work proposed to be performed in the project is now necessary to avoid serious traffic congestion in the area of the project in the near future; and

(4) That the significant increase in the need for the project defined in the project prospectus could not have been reasonably anticipated at the time the six year construction program for the preceding even-numbered year was prepared and submitted.

Each application for board consideration of a project as being of an emergent nature shall be accompanied by supporting data including, but not limited to, the following:

(1) An analysis of all traffic generators served including (a) applicable origin-destination studies and (b) other data relating to arterial usage in the area of the proposed project;

(2) An analysis of changes in traffic generators served by the proposed arterial project including (a) changes in existing and projected traffic volume data and (b) changes in any other factors related to arterial usage in the area of the proposed project and (c) an explanation as to why changes in traffic generators and need for the project improvement were unable to be reasonably anticipated at the time the six year construction program for the preceding even-numbered year was prepared and submitted;

(3) All known commitments by public and/or private organizations to actions affecting traffic generators which affect the emergent nature and need for improvement of the particular proposed project.

Each such application shall be accompanied by the most current available data relating to the five priority rating factors specified in RCW 47.26.220 on forms provided by the urban arterial board. The urban arterial board shall evaluate projects proposed as emergent condition projects in relation to the priority array of projects developed by the urban arterial board in preparing its appropriation request for the current biennial period. No project shall be considered for authorization unless the project's priority is sufficiently high that the project would have been included in the urban arterial board's appropriation request for the current biennium if it had been available for rating at that time.

No project will be approved for participation as an emergent nature project if the funding of that project may adversely affect the funding of the urban arterial construction program as previously approved for participation by the board.

The urban arterial board shall consider projects submitted as being of an emergent nature at each quarterly allocation meeting at which time the city or county submitting the proposed project will be given an opportunity to make a presentation to the urban arterial board. All

project prospectuses for emergent type projects must be received by the chairman of the urban arterial board not later than the first of the months of September, December, March and June to be eligible for consideration at the following quarter's allocation meeting. If the first of the months of September, December, March and June falls on a Saturday, Sunday or a holiday, project prospectuses received on the next working day shall be eligible for consideration at the following quarter's allocation meeting.

[Order 171, § 479-20-075, filed 4/28/71; Order 97, § 479-20-075, filed 7/15/69.]

WAC 479-20-080 Urban arterial board approved schedule for project development. The urban arterial board approved schedule for project development shall be the schedule provided for in the project prospectus at the time the project was authorized by the urban arterial board or such revised schedule for project development proposed by the administering agency which is approved by the urban arterial board.

Each proposed revised schedule for project development shall be submitted on forms provided by the urban arterial board over the signature of the mayor, chairman of the board of county commissioners, county executive or their designee, and shall be accompanied by the following supporting information:

(1) The reason or reasons for the project's delay and the administering agency's inability to carry out the originally approved schedule for project development.

(2) The action or actions which have been taken to resolve the factors causing the delay and which serve as the basis for the proposed revised schedule for project development.

(3) If specified by the chairman of the urban arterial board, a time schedule for project development (CPM schedule) which sets forth project development dates in sufficient detail to permit monthly monitoring of project progress.

The chairman of the urban arterial board may accept and approve any revised schedule for project development proposed by an administering agency in those cases where:

(1) The reason for the delay is not one of the reasons determined by the urban arterial board rule to be an unacceptable reason for delay; and

(2) The proposed revised schedule for project development is supported by evidence to substantiate the validity of the revised schedule and to demonstrate that the administering agency has, in fact, resolved the factors causing the delay; and

(3) The chairman has not previously approved a revised schedule for development of the specified project.

Any proposed revised schedule for project development which is not approved by the chairman shall be referred to the urban arterial board, along with the chairman's analysis, for its review, consideration and disposition.

[Order 217, § 479-20-080, filed 1/19/72; Order 151, § 479-20-080, filed 7/20/70.]

WAC 479-20-083 Unacceptable reasons for delay of authorized urban arterial projects. Any urban arterial project authorized for development using urban arterial trust funds shall be subject to cancellation by the urban arterial board if:

(1) The project has been authorized for at least six months; and

(2) The development of the project is delayed when evaluated in relation to the approved schedule for project development; and

(3) The delay of the project is characterized by any one or more of the following conditions:

(a) Lack of progress in performing preliminary engineering on the project. For purposes of this rule, such lack of progress shall be evident when less than fifty percent of the amount of urban arterial trust funds for preliminary engineering have been expended, according to the approved schedule for project development calculated as of the end of the previous calendar quarter.

(b) Inability to acquire right of way through negotiation for a period of six months or longer and lack of action to file and actively pursue condemnation action.

(c) Lack of locally collected matching funds.

(d) Lack of other funds represented in the project prospectus to be associated with the project.

(e) Inability to develop a usable arterial improvement due to interrelationship, and lack of coordination, with a road, street or highway facility of an adjacent unit of government.

(f) Inability to develop the project due to interrelationship with utilities and lack of a definite plan for such development.

(g) Inability or unwillingness to design and construct the project to comply with urban arterial board design standards.

[Statutory Authority: Chapter 47.26 RCW. 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-20-083, filed 8/1/79; Order 151, § 479-20-083, filed 7/20/70.]

WAC 479-20-086 Review of delayed projects by urban arterial board. The chairman of the urban arterial board shall contact, in writing, each local agency administering an urban arterial project that appears to be delayed when evaluated in relation to the approved schedule for project development. Any agency that does not respond to the inquiry of the chairman within twenty days explaining whether the project is delayed and, if so, the reasons therefore, shall automatically be placed before the urban arterial board as a candidate for cancellation as a delayed project.

The written response of each administering agency shall be reviewed to determine the reason or reasons for each project's delay. Any project that appears to be delayed for an unacceptable reason, as defined by urban arterial board rule, shall be so advised by certified mail by the chairman of the board. The letter from the chairman shall advise the local agency that:

(1) The project is delayed for an unacceptable reason;

(2) The local government has a period of three months from the date of the chairman's letter to resolve the reason or reasons for delay and to provide evidence

to the urban arterial board that the problems have been resolved. Such evidence shall, if requested by the chairman of the urban arterial board, include a time schedule for project development (CPM schedule) which sets forth project development dates in sufficient detail to permit monthly monitoring of project progress.

(3) If the reason or reasons for delay are not resolved within the specified time period, the project will be placed before the urban arterial board as a candidate for cancellation.

The administering agency for any project placed before the urban arterial board as a candidate for cancellation shall be requested to appear before the urban arterial board to explain the status of the project.

[Order 217, § 479-20-086, filed 1/19/72; Order 151, § 479-20-086, filed 7/20/70.]

WAC 479-20-089 Recovery of urban arterial trust funds on canceled projects. Project development costs incurred by an administering local agency on behalf of an authorized urban arterial project that is subsequently canceled at the request of the administering agency, or by the urban arterial board, shall be eligible for participation by urban arterial trust funds if, in the opinion of the urban arterial board, the agency has pursued the project's development in good faith with a reasonable expectation of completing the project: *Provided*, That in all projects where the total project cost exceeds the amount of authorized urban arterial trust funds plus local matching funds, urban arterial trust funds shall be recovered in sufficient amount that the percentage of nonrecovered urban arterial trust account payments in relation to total project costs to the date of cancellation or withdrawal shall not exceed the percentage determined by dividing the total authorized amount of urban arterial trust funds by the most recently determined total project cost.

All urban arterial trust funds previously paid to an administering agency on behalf of an authorized urban arterial project as a result of falsification, negligence, chicanery or deliberate misrepresentation on the part of the administering agency, in the opinion of the urban arterial board, shall be repaid to the urban arterial trust account, or a repayment agreement that is acceptable to the urban arterial board shall be executed between the local agency and the urban arterial board, within 90 days following cancellation of the specified project by request of the administering agency or by the urban arterial board.

[Order 217, § 479-20-089, filed 1/19/72; Order 151, § 479-20-089, filed 7/20/70.]

WAC 479-20-095 Identification and consideration of underruns on authorized urban arterial projects. Each project authorized for financial assistance from the urban arterial trust account shall be reviewed by the chairman of the urban arterial board as of the last day of each quarter to identify probable underruns in project cost in relation to the previously authorized amount of urban arterial trust funds. Each agency administering a

project on which there appears to be a probable under-run shall be contacted by certified mail and requested to review the project to:

(1) Close the project by submitting a final voucher and summary cost documents if all work has been completed; or

(2) Advise the urban arterial board of total costs to date, remaining costs necessary to complete the project, and the amount of estimated underrun, if any, on the project.

Each response shall be reviewed by the chairman to determine whether the explanations appear reasonable and whether the agency appears to be pursuing the completion of the project at a reasonable rate. Any project where the administering agency does not appear to be pursuing the project to completion at a reasonable rate, or fails to submit a final voucher when all work appears to be completed, shall be referred by the chairman to the urban arterial board.

Each agency administering a project that is not considered to be developing to completion at a reasonable rate, or fails to submit a final voucher when all physical work appears to be completed, shall be notified by the chairman by certified mail that the project is being scheduled for a hearing before the urban arterial board at a specified time and place. The agency shall be requested to provide suitable representation to such urban arterial board meeting to explain the status of the previously authorized project, the reasons why the project has not been completed and finalized out, the amount of urban arterial trust funds estimated to be required to complete the project, and the resulting underrun in relation to previously authorized urban arterial trust funds.

Information presented by each agency regarding the status of each project upon which there appears to be an underrun in relation to the authorized amount of urban arterial trust funds shall be evaluated by the urban arterial board. If the administering agency does not respond to the urban arterial board's request for presentation to the board regarding the status of the project, or if the agency does not adequately substantiate its need to retain the originally authorized amount of urban arterial trust funds, the urban arterial board may reduce the remaining amount of authorized urban arterial trust funds to that amount reasonably necessary to complete the authorized urban arterial project.

[Order 356, § 479-20-095, filed 4/22/75.]

Chapter 479-24 WAC

RULES AND REGULATIONS PURSUANT TO STATE ENVIRONMENTAL POLICY ACT GUIDELINES

WAC

479-24-010	Purpose.
479-24-020	Incorporation of the SEPA guidelines adopted by the council on environmental policy.
479-24-030	Timing of the EIS process.
479-24-040	Procedures when consulted.
479-24-050	Designation of responsible official.
479-24-060	Designation of SEPA public information center.

(1989 Ed.)

479-24-070 Designation of lead agency.

WAC 479-24-010 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 urban arterial board (board). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-10 WAC).

(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 405, § 479-24-010, filed 7/16/76.]

WAC 479-24-020 Incorporation of the SEPA guidelines adopted by the council on environmental policy. (1) The provisions of chapter 197-10 WAC (SEPA guidelines adopted by the council on environmental policy on December 12, 1975) are hereby adopted by the board 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 board.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-10 WAC, and to be consistent therewith.

[Order 405, § 479-24-020, filed 7/16/76.]

WAC 479-24-030 Timing of the EIS process. (1) As provided by WAC 197-10-055, the EIS process shall be completed before the board 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 allow meaningful environmental analysis.

(2) The threshold determination or any required EIS for the board's action of a nonproject nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination or any required EIS for board action of a project nature shall in all cases be completed prior to the determination to construct the project in question. While the board may tentatively affirm the choice of a particular location or design based upon completion of the 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 405, § 479-24-030, filed 7/16/76.]

WAC 479-24-040 Procedures when consulted. (1) When requests by another agency for consultation are made pursuant to provisions of WAC 197-10-500 through 197-10-540, such requests shall be referred for response to the executive secretary of the board. The executive secretary shall obtain such information which may be necessary, and supervise the transmittal of the

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requested information to the lead agency within the time period specified by WAC 197-10-545.

(2) When a request for consultation is made by a local agency preparatory to a request for funding by the urban arterial board of a construction project, the chairman of the urban arterial board shall investigate the likelihood of funding of the proposed construction project by the board and shall transmit such information to the local agency. Such transmittal shall be deemed total compliance with WAC 197-10-510.

[Order 405, § 479-24-040, filed 7/16/76.]

WAC 479-24-050 Designation of responsible official. The responsible official shall be the chairman of the urban arterial board or his designee.

[Order 405, § 479-24-050, filed 7/16/76.]

WAC 479-24-060 Designation of SEPA public information center. The SEPA public information center for the board shall be located in the Office of the Environmental Planner, Room SA10, Highway Administration Building, Olympia, Washington 98504. 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 EISs prepared under SEPA by the board.

[Order 405, § 479-24-060, filed 7/16/76.]

WAC 479-24-070 Designation of lead agency. Pursuant to WAC 197-10-203 and 197-10-205, the local agency proposing a particular project for funding shall be designated the lead agency.

[Order 405, § 479-24-070, filed 7/16/76.]

Chapter 479-112 WAC

SUBMISSION OF PROPOSED TIA PROJECTS TO TRANSPORTATION IMPROVEMENT BOARD

WAC

479-112-005	Agencies eligible for transportation improvement account funds.
479-112-007	Designation of lead agency for transportation improvement account projects.
479-112-008	Verification of coordination with planning authority.
479-112-009	Planning requirements for multiagency transportation improvement account projects.
479-112-010	Application for transportation improvement account projects.
479-112-017	Local/private matching funds on transportation improvement account projects.
479-112-018	Certification of local/private matching funds for transportation improvement account projects.
479-112-020	Time and place for submission of proposed TIA projects.

WAC 479-112-005 Agencies eligible for transportation improvement account funds. In accordance with RCW 47.26.084, TIA funds will be distributed to two funding programs. The funding programs will be entitled the "urban program" and the "small cities program." The term "urban area" as used in this chapter refers to

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that portion of a county within the federal urban area boundary as designated by FHWA.

(1) The urban program shall include:

- (a) Urban areas of counties;
- (b) Cities with population over five thousand; and
- (c) Urban area transportation benefit districts.

(2) The small cities program shall include transportation improvements in cities with a population of five thousand or less.

(3) Transportation improvements involving state highways and transit will be eligible for funding from the account when they are part of a joint project in either the urban or small cities program.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-005, filed 6/22/89.]

WAC 479-112-007 Designation of lead agency for transportation improvement account projects. The agencies involved in a multi-agency TIA funded project shall designate one agency as the lead agency. The lead agency must be a city, county, or transportation benefit district.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-007, filed 6/22/89.]

WAC 479-112-008 Verification of coordination with planning authority. All applications for TIA funding shall be consistent with the regional transportation plan. In areas of the state where there is no regional transportation planning authority, a letter of verification shall be signed by the chair of the lead agency legislative authority.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-008, filed 6/22/89.]

WAC 479-112-009 Planning requirements for multiagency transportation improvement account projects. The board requires joint planning for all TIA funded multiagency projects. The lead agency shall submit documentation to the board stating that the approving authority of each agency involved in the project has indicated support for the project. In the case of projects that stop at or near a corporate boundary or could affect other transportation agencies facilities or programs, a copy of a letter requesting review by other affected agencies shall accompany the project preapplication.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-009, filed 6/22/89.]

WAC 479-112-010 Application for transportation improvement account projects. When requested by the board, applications for proposed projects shall be submitted to the board by cities, counties, and transportation benefit districts seeking allocation of funds from the TIA. The application form will be provided by the board.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-010, filed 6/22/89.]

WAC 479-112-017 Local/private matching funds on transportation improvement account projects. (1) TIA

moneys for urban program projects authorized by the board shall be matched by an amount not less than twenty percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

(2) TIA moneys for the small cities program projects authorized by the board shall be matched by not less than ten percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-017, filed 6/22/89.]

WAC 479-112-018 Certification of local/private matching funds for transportation improvement account projects. Within one year after board approval of an application for funding and before any TIA funds are committed to the project, each agency with an interest in the TIA project shall provide written certification to the board of the pledged percentage of local and/or private funding. Funds allocated to an applicant that does not certify funding within one year after approval may be reallocated by the board.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-018, filed 6/22/89.]

WAC 479-112-020 Time and place for submission of proposed TIA projects. All project prospectuses submitted by cities, counties, or transportation benefit districts for funding from the TIA will be submitted in accordance with the requirements of WAC 479-12-020.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-112-020, filed 6/22/89.]

Chapter 479-113 WAC

SUBMISSION OF SIX-YEAR PLANS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS

WAC

479-113-010	Six-year programs for transportation improvement account projects.
479-113-011	Priority criteria for transportation improvement account projects.
479-113-029	Establishing regions for transportation improvement account program.
479-113-031	Allocation of transportation improvement account funds to regions.
479-113-032	Contingency fund for the transportation improvement account urban program.
479-113-035	Value engineering study requirements for transportation improvement account projects.

WAC 479-113-010 Six-year programs for transportation improvement account projects. (1) The six-year transportation programs of urban area cities and counties required, respectively, by RCW 35.77.010 and 36.81.121, shall be divided into sections:

(a) The basic six-year transportation program for the following six years based upon estimated revenues other than proposals for board funds for new projects.

(b) A separate supplemental section of the six-year transportation program setting forth proposals, if any, for board funds for new projects to begin in the following biennial period.

(2) The separate supplemental section of the six-year transportation program setting forth proposed new projects utilizing board funds shall be considered as supplemental to the basic six-year transportation program and shall not contain duplicate projects: *Provided*, That the same project may appear in both the basic and supplemental six-year transportation programs if:

(a) The local agency intends to construct the project with other funds if TIA funds are not approved.

(b) The total dollar amount of the basic six-year transportation program approximates estimated revenues available for construction for the following six-year period.

Upon board approval of any new project for financial assistance from the board, such project shall be amended into the basic six-year transportation program.

The responses to the TIA funding criteria questions and inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year transportation program and the separate supplemental section of the six-year transportation program shall be submitted to the board along with a copy of the resolution of the city or county adopting such program. The TIA project preapplication form setting forth new project proposals for the TIA funding, shall be submitted to the board on preapplication forms provided by the board.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-010, filed 6/22/89.]

WAC 479-113-011 Priority criteria for transportation improvement account projects. The lead agency shall evaluate its proposed TIA projects by utilizing the following criteria which shall also be utilized by the TIB to prioritize projects:

(1) Multiagency involvement in projects.

(2) Multimodal solutions for projects including but not limited to transit, high occupancy vehicle (HOV) lanes, ferry or high capacity transit/rail.

(3) Improvements necessitated by existing or foreseeable congestion or safety problems due to economic development or growth.

(4) The percentage of agency(ies) and private matching funds.

(5) For the small cities program projects, structural or geometric deficiencies.

(6) Other factors deemed appropriate by the board on a case-by-case basis.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-011, filed 6/22/89.]

WAC 479-113-029 Establishing regions for transportation improvement account program. For the purpose of apportioning TIA funds to the urban and small cities programs, the counties of the state are grouped within three regions of the state as follows:

(1) East region shall include eligible agencies within the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

(2) Puget Sound region shall include eligible agencies within the counties of King, Pierce, and Snohomish.

(3) West region shall include eligible agencies within the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, Kitsap, Lewis, Mason, Pacific, San Juan, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-029, filed 6/22/89.]

WAC 479-113-031 Allocation of transportation improvement account funds to regions. (1) Of the funds in the urban program, at least fifteen percent will be allocated to projects in the East region, at least fifteen percent to projects in the West region, and at least thirty percent to projects in the Puget Sound region. An amount not to exceed ten percent of the urban funds will be placed in a contingency fund as provided for in WAC 479-113-032.

(2) Of the funds in the small cities program, the amount allocated to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the state-wide population for cities under five thousand as last determined by the office of financial management.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-031, filed 6/22/89.]

WAC 479-113-032 Contingency fund for the transportation improvement account urban program. At the beginning of each fiscal year, the board will place not more than ten percent of the urban program funds in a contingency fund. The contingency funds will be for use on projects that were unanticipated and can meet all program requirements. If no such projects appear forthcoming, the board will periodically reduce the size of the contingency fund during the fiscal year by allocating those funds to projects. The contingency funded projects may be submitted to the board for review anytime outside the normal funding process.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-032, filed 6/22/89.]

WAC 479-113-035 Value engineering study requirements for transportation improvement account projects. Value engineering studies will be required on TIA projects in accordance with the requirements of WAC 479-13-035.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-113-035, filed 6/22/89.]

Chapter 479-116 WAC REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECT DEVELOPMENT

WAC

479-116-015	Registered engineer in charge for transportation improvement account projects.
479-116-016	Certification of completion of work for transportation improvement account projects.
479-116-020	Standard specifications for transportation improvement account projects.
479-116-030	Utility and railroad adjustments and relocations for transportation improvement account projects.
479-116-035	Undergrounding utilities on transportation improvement account projects.
479-116-040	Traffic control devices on transportation improvement account projects.
479-116-045	Project plantings on transportation improvement account projects.
479-116-050	Acquisition of right of way for transportation improvement account projects.
479-116-060	Design standards for transportation improvement account projects.

WAC 479-116-015 Registered engineer in charge for transportation improvement account projects. All projects using TIA funds shall be planned, designed, and constructed under the supervision of a professional engineer registered in the state of Washington.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-015, filed 6/22/89.]

WAC 479-116-016 Certification of completion of work for transportation improvement account projects. Each voucher for payment shall be submitted in accordance with WAC 479-16-016.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-016, filed 6/22/89.]

WAC 479-116-020 Standard specifications for transportation improvement account projects. All TIA funded projects shall be constructed in accordance with WAC 479-16-020.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-020, filed 6/22/89.]

WAC 479-116-030 Utility and railroad adjustments and relocations for transportation improvement account projects. Utility and railroad adjustments and relocations on TIA funded projects shall be constructed in accordance with WAC 479-16-030.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-030, filed 6/22/89.]

WAC 479-116-035 Undergrounding utilities on transportation improvement account projects. TIA funds shall participate in undergrounding utilities under conditions as provided for in WAC 479-16-035.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-035, filed 6/22/89.]

WAC 479-116-040 Traffic control devices on transportation improvement account projects. Traffic

control devices included in TIA funded projects shall be installed in conformance with WAC 479-16-040.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-040, filed 6/22/89.]

WAC 479-116-045 Project plantings on transportation improvement account projects. TIA funds may participate in the cost of project plantings in accordance with WAC 479-16-045.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-045, filed 6/22/89.]

WAC 479-116-050 Acquisition of right of way for transportation improvement account projects. Right of way for TIA funded projects shall be acquired in accordance with chapter 468-100 WAC.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-050, filed 6/22/89.]

WAC 479-116-060 Design standards for transportation improvement account projects. All TIA funded projects shall be prepared using currently applicable design standards.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-116-060, filed 6/22/89.]

Chapter 479-120 WAC

FINANCIAL AND PAYMENT REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT FUNDED PROJECTS

WAC

- 479-120-020 Partial or progress payments for transportation improvement account project costs.
- 479-120-033 Procedure for requesting an increase in authorized amount of transportation improvement account funds.

WAC 479-120-020 Partial or progress payments for transportation improvement account project costs. Participation and payment of TIA funds shall be governed by the requirements of WAC 479-20-020.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-120-020, filed 6/22/89.]

WAC 479-120-033 Procedure for requesting an increase in authorized amount of transportation improvement account funds. An increase in the amount of TIA funds in a project may be requested in accordance with the provisions of WAC 479-20-033 and 479-20-037.

[Statutory Authority: Chapter 47.26 RCW. 89-14-005 (Order 89-2, Resolution No. 035), § 479-120-033, filed 6/22/89.]