

release of public records, coordinating the staff of the visitors' information center in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 42.17 RCW. The person so designated shall be located in the Visitors' Information Center, 4014 University Way N.E., University of Washington, Seattle, Washington 98105.

[Statutory Authority: RCW 28B.20.130. 91-10-031, § 478-276-060, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). 81-20-049 (Order 81-2), § 478-276-060, filed 10/2/81; Order 73-5, § 478-276-060, filed 5/29/73.]

**WAC 478-276-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter 42.17 RCW, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the public records officer at the address set forth in WAC 478-276-140. The request shall include the following information:

- (1) The name of the person requesting the records or some other means of identifying that person;
- (2) The time of day and calendar date on which the request was made; and
- (3) The public record(s) requested.

[Statutory Authority: RCW 28B.20.130. 91-10-031, § 478-276-080, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). 81-20-049 (Order 81-2), § 478-276-080, filed 10/2/81; Order 73-5, § 478-276-080, filed 5/29/73.]

**WAC 478-276-100 Inspection of public records-- Copying.** (1) Public records of the University of Washington required to be disclosed by chapter 42.17 RCW, shall be made available for inspection and copying at the visitors' information center under the supervision of the public records officer.

(2) No fee shall be charged for the inspection of public records. The university may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such person until and unless such person has tendered payment for the charge for providing such copying.

[Statutory Authority: RCW 28B.20.130. 91-10-031, § 478-276-100, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). 81-20-049 (Order 81-2), § 478-276-100, filed 10/2/81; Order 73-5, § 478-276-100, filed 5/29/73.]

**WAC 478-276-110 Exemptions--Court protection.** (1) The University of Washington reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 478-276-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the University of Washington reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.255.

(3) Responses by the University of Washington refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

(4) Pursuant to RCW 42.17.330, the University of Washington reserves the right to seek to enjoin the examination of any specific record, the examination of which the university determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

[Statutory Authority: RCW 28B.20.130. 91-10-031, § 478-276-110, filed 4/24/91, effective 5/25/91; Order 73-5, § 478-276-110, filed 5/29/73.]

**WAC 478-276-130 Repealed.** See Disposition Table at beginning of this chapter.

## Title 479 WAC

### TRANSPORTATION IMPROVEMENT BOARD

(Formerly: Urban Arterial Board)

#### Chapters

- 479-02 Public access to information and records.
- 479-210 Road jurisdiction transfer rules and regulations.
- 479-216 Requirements for road jurisdiction transfer requests.
- 479-310 City hardship assistance program rules and regulations.
- 479-312 Submission of city hardship assistance program projects.
- 479-316 Allowable activities for CHAP projects.
- 479-320 Financial and payment requirements for city hardship assistance program projects.

#### Chapter 479-02 WAC

### PUBLIC ACCESS TO INFORMATION AND RECORDS

#### WAC

- 479-02-010 Purpose.
- 479-02-020 Definitions.
- 479-02-030 Exempted records.
- 479-02-050 Public records officer.
- 479-02-060 Public records available.
- 479-02-070 Requests for public records.
- 479-02-080 Availability for public inspection and copying of public records--Office hours.
- 479-02-090 Inspection and copying cost.
- 479-02-100 Protection of public records.

479-02-110	Denial of request.
479-02-120	Review of denials of public records requests.
479-02-130	Records index.
479-02-140	Availability.

**WAC 479-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Washington transportation improvement board with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-010, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of fiscal form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films, magnetic punchcards, discs, drums and other documents.

(3) "Board" means the transportation improvement board.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-020, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-030 Exempted records.** In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

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

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

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

(4) Information revealing the identity of persons who file complaints with investigative law enforcement or penology agencies, except as the complainant may authorize.

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

(6) Except as provided by chapter 8.26 RCW the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the

property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

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

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

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

(10) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(11) The residential addresses and residential telephone numbers of the employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(12) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(13) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for highway construction or improvement.

(14) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily unidentifiable person or persons.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-030, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-050 Public records officer.** The transportation improvement board public records shall be in the charge of the confidential secretary who shall be the public records officer for the board. The person so designated shall be officed in the Transportation Improvement Boards office in Olympia, Washington. The public records officer shall be responsible for implementation of the board's rules and regulations regarding release of public records, coordinating staff efforts of the board in this regard and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-050, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-060 Public records available.** All public records of the board as defined in WAC 479-02-020 are deemed available for public inspection and copying pursuant to these rules, except as provided in WAC 479-02-030.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-060, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-070 Requests for public records.** Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be addressed to the public records officer. Such request shall include the following:

(a) The name of the person requesting the record.

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

(c) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as it is described in such current index.

(d) If the requested matter is not identifiable by reference to the board's current index, a statement that identifies the specific record requested.

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

(2) The public records officer shall inform the member of the public making the request whether the requested record is available for inspection or copying at the Transportation Improvement Boards office in Olympia, Washington.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the board for appropriate response.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-070, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-080 Availability for public inspection and copying of public records—Office hours.** Public records shall be available for inspection and copying during the normal business hours of the board. For the purposes of this chapter, the normal office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-080, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-090 Inspection and copying cost.** (1) No fee shall be charged for inspection of public records.

(2) The board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-090, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-100 Protection of public records.** In order to implement the provisions of section 29, chapter

1, Laws of 1973, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by the board personnel and under the supervision of said personnel, upon the request of members of the public under the procedures set down in WAC 479-02-070.

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

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973, is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-100, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-110 Denial of request.** Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 479-02-120.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-110, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-120 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, then the written request shall immediately be referred to the assistant attorney general assigned to the board. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-120, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-130 Records index.** (1) The board has available to all persons at its offices in Olympia a current index which provides identifying information as to the following records issued, adopted or promulgated by the board:

(a) Minutes of board meetings, state legislation and proposed rules and regulations pertaining to board standards.

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

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

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

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

(2) A system of indexing for identification and location of the following records is hereby established by the board. Such records shall include the following:

(a) Final orders entered after June 30, 1990, issued in adjudicative proceedings as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the board in carrying out its duties.

(b) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the board in carrying out its duties.

(c) Interpretive statements as defined in RCW 34.05.010(8).

(d) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(14).

(3) A system of indexing shall be as follows:

(a) The indexing system will be administered by the board's public record officer and located in the Transportation Improvement Boards office in Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public record officer shall establish and maintain a separate index for each item contained in subsections (1)(a) through (d) of this section as follows:

(i) The index shall list all final orders and declaratory orders selected by the department that contain decisions of substantial importance to the board which orders shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the issue or issues and relevant citations of law.

(ii) Interpretative statements and policy statements shall be indexed by the applicable program administered by the board.

(d) The public record officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the board.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-130, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-140 Availability.** The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: Chapter 47.26 RCW. 91-13-056, § 479-02-140, filed 6/17/91, effective 7/18/91.]

## Chapter 479-210 WAC

### ROAD JURISDICTION TRANSFER RULES AND REGULATIONS

#### WAC

479-210-010	Purpose and authority.
479-210-100	Definitions.
479-210-150	Criteria for rural highway routes.
479-210-200	Criteria for urban highway routes.
479-210-250	Interpretation and application of criteria to specific routes.
479-210-300	Administration costs.
479-210-350	Board review of route jurisdiction transfer requests.
479-210-400	Reports to legislative transportation committee.

**WAC 479-210-010 Purpose and authority.** Section 62, chapter 342, Laws of 1991, provides that the transportation improvement board shall utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of the process, and being a multijurisdictional body, is directed to receive and review petitions from cities, counties, or the department of transportation requesting any addition or deletion from the state highway system.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-010, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-100 Definitions.** For purposes of implementing the requirements of section 62, chapter 342, laws of 1991, relative to the transportation improvement board, the following definitions shall apply:

(1) Board – When board is used in this chapter, it refers to the transportation improvement board.

(2) Connecting link – Connecting links should provide system continuity, including needed alternate routing of regionally oriented through-traffic or access to major regional-based public facilities or traffic generators. Generally, links bypass the central business district and/or the central city and form loops and beltways.

(3) Connection to places – Places may be considered connected if they are within approximately two miles of a state highway.

(4) Corridor – A corridor may vary depending on the characteristics of a region and the use of the facilities. The corridor limits used by the board to analyze a state highway route will be as described by the metropolitan planning organization (MPO) or regional transportation planning organization (RTPO) for the area where the route is located.

(5) Parallel highway route – Parallel route consideration is used to analyze alternative routes within the same

corridor. Outside a corridor, a route should be considered a viable highway route if it meets the other criteria in this chapter.

(6) Population equivalency of one thousand or more – To determine the equivalent population of a recreation area, refer to the WSDOT publication, "guidelines for amending urban boundaries, functional classifications, and federal-aid systems."

(7) Rural highway route – A rural highway route is the portion of a route that lies outside a federal urban area boundary.

(8) Urban highway route – An urban highway route is the portion of a route that is within a federal urban area boundary.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-150 Criteria for rural highway routes.** In considering whether to make additions, deletions, or other changes to the state highway system, the legislature is guided by criteria in RCW 47.17.001. The local agencies, department of transportation and the board will use these same criteria to assess the merits of any proposed changes to the state highway system. The following criteria will be used to assess the merits of a proposed change to a rural route:

(1) A rural highway route should be designated as a state highway if it meets any of the following criteria:

(a) Is designated as part of the national system of interstate and defense highways (popularly called the interstate system); or

(b) Is designated as part of the system of numbered United States routes; or

(c) Contains an international border crossing that is open twelve or more hours each day.

(2) A rural highway route may be designated as a state highway if it is part of an integrated system of roads and:

(a) Carries in excess of three hundred thousand tons annually and provides primary access to a rural port or intermodal freight terminal;

(b) Provides a major cross-connection between existing state highways; or

(c) Connects places exhibiting one or more of the following characteristics:

(i) A population center of one thousand or greater;

(ii) An area or aggregation of areas having a population equivalency of one thousand or more, such as, but not limited to recreation areas, military installations, and so forth;

(iii) A county seat;

(iv) A major commercial-industrial terminal in a rural area with a population equivalency of one thousand or greater.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-150, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-200 Criteria for urban highway routes.** In considering whether to make additions, deletions, or other changes to the state highway system, the

legislature is guided by criteria in RCW 47.17.001. The local agencies, department of transportation and the board will use these same criteria to assess the merits of any proposed changes to the state highway system. An urban highway route that meets any of the following criteria should be designated as part of the state highway system:

(1) Is designated as part of the interstate system;

(2) Is designated as part of the system of numbered United States routes;

(3) Is an urban extension of a rural state highway into or through an urban area and is necessary to form an integrated system of state highways;

(4) Is a principal arterial that is a connecting link between two state highways and serves regionally oriented through traffic in urbanized areas with a population of fifty thousand or greater, or is a spur that serves regionally oriented traffic in urbanized areas.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-200, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-250 Interpretation and application of criteria to specific routes.** These guidelines are intended to be used as a basis for interpreting and applying the criteria to specific routes.

(1) For any route wholly within one or more contiguous jurisdictions which would be proposed for transfer to the state highway system under these criteria, if local officials prefer, responsibility will remain at the local level.

(2) State highway routes maintain continuity by being composed of routes that join other state routes at both ends or to arterial routes in the states of Oregon and Idaho and the province of British Columbia.

(3) Public facilities may be considered to be served if they are within approximately two miles of a state highway.

(4) Exceptions may be made to include:

(a) Rural spurs as state highways if they meet the criteria relative to serving population centers of 1,000 or greater population or activity centers with population equivalencies or an aggregated population of 1,000 or greater;

(b) Urban spurs as state highways that provide needed access to Washington state ferry terminals, state parks, major seaports, and trunk airports; and

(c) Urban connecting links as state highways that function as needed bypass routing of regionally oriented through traffic and benefit truck routing, capacity alternative, business congestion, and geometric deficiencies.

(5) In urban and urbanized areas:

(a) Unless they are significant regional traffic generators, public facilities such as state hospitals, state correction centers, state universities, ferry terminals, and military bases do not constitute a criteria for establishment of a state highway; and

(b) There may be no more than one parallel nonaccess controlled facility in the same corridor as a freeway or limited access facility as designated by the metropolitan planning organization.

(6) When there is a choice of two or more routes between population centers, the state route designation shall normally be based on the following considerations:

- (a) The ability to handle higher traffic volumes;
- (b) The higher ability to accommodate further development or expansion along the existing alignment;
- (c) The most direct route and the lowest travel time;
- (d) The route that serves traffic with the most interstate, statewide, and interregional significance;
- (e) The route that provides the optimal spacing between other state routes; and
- (f) The route that best serves the comprehensive plan for community development in those areas where such a plan has been developed and adopted.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-250, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-300 Administration costs.** The board costs for necessary staff services and facilities that are attributable to the route jurisdiction transfer program shall be paid from the urban arterial trust account in the motor vehicle fund.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-300, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-350 Board review of route jurisdiction transfer requests.** The chairman will appoint a subcommittee that will review a route jurisdiction transfer request. The subcommittee should consist of at least two city, two county and one department of transportation board members.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-350, filed 11/19/91, effective 12/20/91.]

**WAC 479-210-400 Reports to legislative transportation committee.** In addition to the implementation report due August 1, 1991, the board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-210-400, filed 11/19/91, effective 12/20/91.]

### Chapter 479-216 WAC

#### REQUIREMENTS FOR ROAD JURISDICTION TRANSFER REQUESTS

##### WAC

479-216-010	Contents of request for jurisdiction transfer.
479-216-050	Annual cutoff date for jurisdiction transfer requests.
479-216-100	Additional public testimony for consideration of jurisdiction transfer requests.
479-216-150	Notice of solicitation for public testimony.
479-216-200	Notice of preliminary finding.
479-216-250	Comment period.
479-216-300	Notice of final finding.
479-216-350	Contents of report to legislative transportation committee.

**WAC 479-216-010 Contents of request for jurisdiction transfer.** The agency initiating a route jurisdiction transfer request shall do so using forms provided by the board and utilizing the criteria specified in RCW

47.17.001, and chapter 479-210 WAC. The request shall be signed by the agencies chief executive officer.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-010, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-050 Annual cutoff date for jurisdiction transfer requests.** Prior to April 1, yearly, cities, counties or the department of transportation shall submit requests for jurisdiction transfer to the board using forms provided by the board. The request shall be in conformance with the procedures established in this chapter.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-050, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-100 Additional public testimony for consideration of jurisdiction transfer requests.** At the discretion of the board, and in addition to a regularly scheduled board meeting, public testimony may be solicited relative to a specific jurisdiction transfer request. The board will record public testimony and develop summary minutes of the meeting.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-150 Notice of solicitation for public testimony.** If public testimony is solicited, the board will provide written notice to each agency involved in the transfer, legislators whose districts are impacted by the proposed route transfer and any others who have specifically requested in writing to be provided notice.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-150, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-200 Notice of preliminary finding.** The board shall prepare preliminary finding for all jurisdiction transfer requests and provide written notice to the interested parties indicated in WAC 479-216-150.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-200, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-250 Comment period.** For preliminary findings after January 1, 1992, the board will provide thirty calendar days from the date the notice is mailed for interested parties to provide written comments on the preliminary finding. The individuals giving comment must provide their name and address and the comments must address the criteria specified in RCW 47.17.001 and chapter 479-210 WAC.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-250, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-300 Notice of final finding.** At the next scheduled board meeting after the comment period, the board will prepare a final finding and recommendation for submittal to the LTC. The board will give consideration to any comments or additional information and provide written notice of the final finding to the interested parties indicated in WAC 479-216-150.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-300, filed 11/19/91, effective 12/20/91.]

**WAC 479-216-350 Contents of report to legislative transportation committee.** The contents of the report should include:

- (1) Name of agency submitting the request for transfer,
- (2) Route being considered for transfer,
- (3) A map,
- (4) Comparison against the criteria specified in RCW 47.17.001 and chapter 479-210 WAC,
- (5) Findings,
- (6) Board's recommendation, and
- (7) Supplemental information, such as:
  - (a) Summary minutes of meetings,
  - (b) Comments received,
  - (c) Board reply on the comments, and
  - (d) Other appropriate information.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-216-350, filed 11/19/91, effective 12/20/91.]

### Chapter 479-310 WAC

#### CITY HARDSHIP ASSISTANCE PROGRAM RULES AND REGULATIONS

##### WAC

479-310-010	Purpose and authority.
479-310-050	Adoption of rules.
479-310-100	Funds for the city hardship assistance program.
479-310-150	Definitions.
479-310-200	Administration costs.

**WAC 479-310-010 Purpose and authority.** Section 60(3), chapter 342, Laws of 1991, provides that the transportation improvement board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-310-010, filed 11/19/91, effective 12/20/91.]

**WAC 479-310-050 Adoption of rules.** The board is required to utilize the following criteria, established by the road jurisdiction study to adopt rules to implement the program:

- (1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter 342, Laws of 1991, as determined by the board, may participate;
- (2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;
- (3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter 342, Laws of 1991; and
- (4) The board shall also be authorized to allocate funds from the city hardship assistance program to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter 342, Laws of 1991, that occur after January 1, 1991.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-310-050, filed 11/19/91, effective 12/20/91.]

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**WAC 479-310-100 Funds for the city hardship assistance program.** Section 59(3), chapter 342, Laws of 1991, provides funding for the city hardship assistance program.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-310-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-310-150 Definitions.** For purposes of implementing the requirements of section 60, chapter 342, Laws of 1991, relative to the transportation improvement board, the following definitions shall apply:

- (1) Board – When board is used in this chapter, it refers to the transportation improvement board.
- (2) CHAP – This is the abbreviation for the city hardship assistance program.
- (3) Eligible agency – An eligible agency is a city or town that meets the requirements of section 60, chapter 342, Laws of 1991. A listing of the eligible agencies is included in WAC 479-312-010.
- (4) Eligible project – An eligible project is an improvement on a section of roadway that meets the requirements of section 60, chapter 342, Laws of 1991 and the requirements specified in this chapter. A listing of the roadways eligible for CHAP funding is included in WAC 479-312-010,

(5) Extraordinary costs – The definition of extraordinary cost will vary depending on the agency and the situation involved on the eligible project. The board will take into consideration information supplied by the city or town officials when ruling on the eligibility of a proposed project.

(6) Rehabilitation – This work may include reworking or strengthening the base or subbase, recycling or reworking existing materials to improve their structural integrity, adding underdrains, improving or widening shoulders. Rehabilitation may include acquisition of additional right of way.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-310-150, filed 11/19/91, effective 12/20/91.]

**WAC 479-310-200 Administration costs.** The board costs for necessary staff services and facilities that are attributable to the city hardship assistance program shall be paid from the urban arterial trust account in the motor vehicle fund.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-310-200, filed 11/19/91, effective 12/20/91.]

### Chapter 479-312 WAC

#### SUBMISSION OF CITY HARDSHIP ASSISTANCE PROGRAM PROJECTS

##### WAC

479-312-010	Eligible agencies and streets.
479-312-050	Population requirement for eligible agencies.
479-312-100	Data to be submitted for CHAP project application.
479-312-150	Six-year transportation plan requirements.
479-312-200	Other applicable federal, state and local regulations.
479-312-250	Process and selection criteria for priority array.
479-312-300	Matching requirements for city hardship assistance program projects.

**WAC 479-312-010 Eligible agencies and streets.**

The cities or towns eligible for city hardship assistance program funding are: Clarkston, Old SR 128, 0.13 Miles, SR 12 to Poplar Street; Des Moines, Old SR 509, 1.46 Miles, 50 feet south of 252nd Street to Junction SR 516; Kelso, Old SR 431, 0.90 Miles, SR 5 to Cowlitz Way; Kelso, Old I-5, 1.20 Miles, north end of Cowee-man River Bridge to 2,480 feet south of Haussler Road and those sections of Kelso Drive, Minor road, Grade Street and Kelso Avenue referred to in the memorandum of understanding for this turnback, approximately 2.7 miles; Leavenworth, Old SR 209, 0.11 Miles, SR 2 to 260 feet north of Fir Street; Milton, Old SR 514, 2.46 Miles, Junction SR 99 to 50 feet west of SR 161; Napavine, Old SR 603, 0.79 Miles, 810 feet southwest of Lincoln Street to 8th Avenue West; Pomeroy, Old SR 128, 0.72 Miles, SR 12 to 2,690 feet south of Arlington Avenue; Port Orchard, Old SR 160, 2.30 Miles, Retsil Road to 160 feet west of Short Avenue; Skykomish, Old SR 2 Spur, 0.16 Miles, SR 2 to Railroad Avenue; Stanwood, Old SR 530, 1.59 Miles, 790 feet north of 86th Drive NW to 740 feet northwest of 72nd Avenue NW; Toledo, Old SR 505, 0.12 Miles, Fifth Street to 210 feet northwest of Sixth Street; Toppenish, Old SR 220, 0.27 Miles, Junction SR 22 to 630 feet east of Linden Road; Tukwila, Old SR 900, 0.10 Miles, Ryan Way South to 530 feet north of Ryan Way; Vader, Old SR 411, 0.25 Miles, 520 feet south of SR 506 to 1,840 feet south of SR 506; Washougal, Old SR 140, 0.70 Miles, SR 14 to west end of Washougal River Bridge; Winlock, Old SR 603, 0.61 Miles, Walnut Street to 160 feet south of Olequa Creek Bridge; and other cities under 20,000 population could become eligible for turnbacks approved after January 1, 1991.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-010, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-050 Population requirement for eligible agencies.** Except for cities that meet the criteria of section 60(4), chapter 342, Laws of 1991, any city which exceeds fifteen thousand population as determined by the office of financial management on or before the annual application date, will no longer be eligible for city hardship assistance program projects. Any city that became eligible for city hardship assistance program funding through section 60(4), chapter 342, Laws of 1991 will no longer be eligible for funding when its population is twenty thousand or greater.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-050, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-100 Data to be submitted for CHAP project application.** Prior to April 1, yearly, each eligible agency shall submit their proposed CHAP projects to the board on forms provided by the board. The type of work involved in the proposed projects shall be in accordance with the requirements of chapter 479-316 WAC. The application must be specific and accompanied by a detailed cost estimate.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-150 Six-year transportation plan requirements.** Upon board approval of a CHAP project, such project, if required by RCW 35.77.010, shall be included in the annual update of the six-year transportation program of the local agency.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-150, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-200 Other applicable federal, state and local regulations.** All CHAP projects shall comply with applicable federal, state and local laws, policies, regulations and ordinances.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-200, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-250 Process and selection criteria for priority array.** The board will use the following criteria to prioritize proposed CHAP projects:

- (1) Structural ability to carry loads (pavement condition),
- (2) Deterioration rate for the roadway,
- (3) Safety, and
- (4) Other factors:
  - (a) Relationship to other local agency projects,
  - (b) Extent of previous participation in the program, and
  - (c) Other criteria deemed appropriate by the board on a case-by-case basis.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-250, filed 11/19/91, effective 12/20/91.]

**WAC 479-312-300 Matching requirements for city hardship assistance program projects.** There will be no local agency matching requirements for CHAP funded projects.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-312-300, filed 11/19/91, effective 12/20/91.]

## Chapter 479-316 WAC

### ALLOWABLE ACTIVITIES FOR CHAP PROJECTS

#### WAC

479-316-010	Allowable activities.
479-316-050	Minimum roadway widths.
479-316-100	Participation with other funds.
479-316-200	Record requirements.
479-316-250	Audits of CHAP projects.
479-316-300	Project plantings on CHAP projects.

**WAC 479-316-010 Allowable activities.** Unless otherwise approved by the board, CHAP funding shall be limited to the direct and attributable indirect costs associated with rehabilitation activities on the eligible project.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-010, filed 11/19/91, effective 12/20/91.]

**WAC 479-316-050 Minimum roadway widths.** CHAP funds will not participate in the cost involved with adding lanes or turn lanes. Unless specifically approved by the board, all CHAP-funded projects must be



in accordance with the city and county design standards, as adopted by the city and county design standard committee in accordance with RCW 35.78.030 and 43.32-.020.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-050, filed 11/19/91, effective 12/20/91.]

**WAC 479-316-100 Participation with other funds.** CHAP funds may be used to fund rehabilitation work associated with the widening of the section of roadway but participation will be limited to the minimum standard or existing lane and shoulder widths. CHAP funds will be considered local agency funds if they are used in the urban arterial trust account or transportation improvement account programs.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-316-200 Record requirements.** Record procedures for CHAP funded projects shall be in accordance with the requirements of WAC 479-20-025.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-200, filed 11/19/91, effective 12/20/91.]

**WAC 479-316-250 Audits of CHAP projects.** Audits of CHAP funded projects will be performed in accordance with the requirements of WAC 479-20-027.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-250, filed 11/19/91, effective 12/20/91.]

**WAC 479-316-300 Project plantings on CHAP projects.** CHAP funds will not participate in cost for project plantings.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-300, filed 11/19/91, effective 12/20/91.]

#### Chapter 479-320 WAC

#### FINANCIAL AND PAYMENT REQUIREMENTS FOR CITY HARDSHIP ASSISTANCE PROGRAM PROJECTS

##### WAC

479-320-050	Eligible project costs.
479-320-100	Eligible costs for engineering.
479-320-150	Procedure for requesting an increase in authorized amount of city hardship assistance program funds.
479-320-200	Partial or progress payments for city hardship assistance program costs.

**WAC 479-320-050 Eligible project costs.** Project costs eligible for reimbursement from the city hardship assistance program shall be those proper and allowable costs incurred on a project after the project is authorized by the board. Projects will be authorized in two-phases, the first phase being design and right of way and the second phase being construction.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-050, filed 11/19/91, effective 12/20/91.]

**WAC 479-320-100 Eligible costs for engineering.** The eligible design and construction engineering costs

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shall be limited to twenty-five percent of the approved contract bid amount including adjustments for construction increases, decreases, or agency force construction. Agency costs for a value engineering study, if required, will not be included when computing the 25% limit.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-100, filed 11/19/91, effective 12/20/91.]

**WAC 479-320-150 Procedure for requesting an increase in authorized amount of city hardship assistance program funds.** Increases to the authorized amount of CHAP funds will be in accordance with the board policy for TIA funded projects.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-150, filed 11/19/91, effective 12/20/91.]

**WAC 479-320-200 Partial or progress payments for city hardship assistance program costs.** Participation and payment of CHAP funds shall be governed by the requirements of WAC 479-20-020.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-200, filed 11/19/91, effective 12/20/91.]

### Title 480 WAC

### UTILITIES AND TRANSPORTATION COMMISSION

#### Chapters

480-04	Public access to information and records.
480-09	Procedure.
480-12	Motor carriers.
480-30	Auto transportation companies.
480-40	Passenger charter carriers.
480-50	Passenger and ferry steamboat companies.
480-70	Garbage and/or refuse collection companies.
480-80	Utilities general—Tariffs.
480-120	Telephone companies.
480-140	Commission general—Budgets.

#### Chapter 480-04 WAC

#### PUBLIC ACCESS TO INFORMATION AND RECORDS

##### WAC

480-04-100	Copying and service costs.
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**WAC 480-04-100 Copying and service costs.** The commission shall provide copies of information and public records upon written request.

(1) The commission shall charge a published fee for each single-sided page of copy, provided that no charge shall be made for a photocopy of a record consisting of five single-sided pages or fewer.

(2) Except as provided in WAC 480-09-125, the base charges for services shall be as follows:

(a) Photocopies shall cost twenty cents per page.