

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 transportation improvement board.
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WAC 479-01-010 Organization of transportation improvement board. The transportation improvement board is a fifteen-member board, organized under the provisions of chapter 167, Laws of 1988 for the purpose of administering the urban arterial trust account program and the transportation improvement account program created and financed under the provisions contained therein. Eleven members of the board are appointed by the secretary of transportation, with six being city officials and five being county officials.

The county road administration engineer, created by RCW 36.78.060 is an ex officio member of the board. The state aid engineer for the department of transportation is an ex officio member. The remaining ex officio members are the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation and the assistant secretary for highways of the department of transportation.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-01-010, filed 5/10/90, effective 6/10/90; 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 board shall be held beginning on the fourth Friday of every month or the third Friday if that Friday is a holiday. Each such regular meeting shall be held at the offices of the board in Olympia, Washington, and begin at the hour of 9:00 a.m. or at such time and place as designated by the board.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

[Statutory Authority: Chapter 47.26 RCW. 92-12-014, § 479-01-020, filed 5/26/92, effective 6/26/92; 90-11-035, § 479-01-020, filed 5/10/90, effective 6/10/90; 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:

Director, Transportation Improvement Board
Transportation Building
Olympia, Washington 98504.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-01-030, filed 5/10/90, effective 6/10/90; 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.]

WAC 479-01-040 Definitions. For purposes of implementing the requirements of RCW relative to the transportation improvement board, the following definitions shall apply:

- (1) Board - the transportation improvement board.

(2) Director - the executive director of the transportation improvement board.

(3) Eligible agencies - the urban arterial trust account eligible agencies are the counties with urban areas and all cities. The transportation improvement account eligible agencies are counties with urban areas, cities and transportation benefit districts.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-01-040, filed 5/10/90, effective 6/10/90.]

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 479-12 WAC

SUBMISSION OF PROPOSED URBAN ARTERIAL TRUST ACCOUNT PROJECTS TO TRANSPORTATION IMPROVEMENT BOARD

WAC

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

WAC 479-12-010 Data to be submitted on proposed urban arterial trust account projects. When requested by the board, applications for proposed projects shall be submitted to the board by cities and counties seeking allocation of funds from the urban arterial trust account. The application form will be provided by the board.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-12-010, filed 5/10/90, effective 6/10/90; 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 urban arterial trust account projects. All project prospectuses submitted by local governments shall be submitted to:

Director, Transportation Improvement Board
Transportation Building
Olympia, Washington 98504

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

(1) Projects contained in the local governments' current six-year transportation 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 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 director.

Prospectuses for construction projects shall be received by the twentieth day of the month preceding the month in which construction project authorization is proposed unless a later receipt date is specified and permitted, in writing, by the director.

[Statutory Authority: Chapter 47.26 RCW, 90-11-035, § 479-12-020, filed 5/10/90, effective 6/10/90; 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 TRANSPORTATION IMPROVEMENT BOARD

WAC

479-13-010	Six-year transportation programs for urban areas.
479-13-025	Six-year financial plan.
479-13-035	Value engineering study requirements.
479-13-060	Procedures for two-phase 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.
479-13-040	1975-77 Accelerated development urban arterial projects. [Order 369, § 479-13-040, filed 8/26/75.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
479-13-050	1977-79 Accelerated development urban arterial projects. [Order 464, § 479-13-050, filed 9/16/77.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.

WAC 479-13-010 Six-year transportation programs for urban areas. 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 two sections:

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

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

The separate section of the six-year transportation program setting forth proposed new projects utilizing urban arterial trust account 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:

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

(2) 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 urban arterial trust account, such project shall be amended into the basic six-year transportation program.

The separate portion of the six-year transportation 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 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 account funds to improve the project shall correct the deficiencies found on the section, considering design standards, project life, and unique local considerations.

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

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

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-13-010, filed 5/10/90, effective 6/10/90; 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 trust account 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 director.

The board shall not authorize funds for a project until the VE study has been performed by an interagency study team in compliance with guidelines furnished by the board.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-13-035, filed 5/10/90, effective 6/10/90; 87-21-068 (Order 87-01, Resolution No. 955), § 479-13-035, filed 10/19/87.]

WAC 479-13-060 Procedures for two-phase projects. Preliminary proposals and related construction projects initially authorized by the 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 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 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 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 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 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 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 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 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 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 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 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 transportation program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust account 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 transportation program.

(f) Requests for authorization of urban arterial trust account 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 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 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 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 board meeting, the request for urban arterial trust account 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 account funds for each construction project shall be authorized by the board and shall be added to any remaining authorization of urban arterial trust account funds for the preliminary proposal to establish the total authorized amount of urban arterial trust account funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust account funds authorized to be approved by the director 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 board.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-13-060, filed 5/10/90, effective 6/10/90; 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 following factors:

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 availability and source of matching funds.

(2) 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 transportation 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 transportation program in accordance with the board's rule on increases in urban arterial trust account 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 resubmit 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 resubmit 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. 90-11-035, § 479-13-070, filed 5/10/90, effective 6/10/90; 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

WAC

479-16-010	Methods of construction.
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479-16-035	Undergrounding utilities.
479-16-040	Traffic control devices.
479-16-045	Project plantings.
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479-16-080	Rates of development of functional classes for urban arterial trust account projects.
479-16-090	Introduction and purpose.
479-16-091	Definitions.
479-16-092	Conceptual approach to bikeway system designation and development.
479-16-094	Criteria for bikeway system designation.
479-16-096	Design standards for bikeways.
479-16-098	Evaluation and approval of designated bikeway system.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-16-061	Design standards for urban arterials (collector class). [Order 62, § 479-16-061, filed 7/23/68.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
479-16-071	Review of functional classification plans. [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.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.

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 projects using urban arterial trust account 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. 90-11-035, § 479-16-015, filed 5/10/90, effective 6/10/90; 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 board funds shall be accompanied by certification of the registered engineer in charge that the work has been completed in accordance with plans and specifications.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-016, filed 5/10/90, effective 6/10/90; Order 34, § 479-16-016, filed 2/6/68.]

WAC 479-16-020 Standard specifications. 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 board funds.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-020, filed 5/10/90, effective 6/10/90; 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 owner of those facilities. The administering agency shall review and approve a written statement that includes the items of work and an estimate of cost prepared by the utility or railroad for the work 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. If federal aid highway funds are included in the project, the negotiated contract shall include the applicable provisions of federal highway administration policies and procedures prescribed in FHPM 1-4-3, FHPM 6-6-2-1, Code of Federal Regulations, 23 CFR 645 and 23 CFR 646.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-030, filed 5/10/90, effective 6/10/90; Order 160, § 479-16-030, filed 12/14/70; Order 28, § 479-16-030, filed 11/8/67.]

WAC 479-16-035 Undergrounding utilities. Board 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.

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

Board 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 project, shall be further limited as follows:

(a) Where a local agency requires that existing overhead facilities be placed underground, board 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.

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

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-035, filed 5/10/90, effective 6/10/90; 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 board funds is reimbursement of the appropriate portion of actual cost of such work, subject to appropriate audit.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-040, filed 5/10/90, effective 6/10/90; Order 33, § 479-16-040, filed 2/6/68.]

WAC 479-16-045 Project plantings. Board 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 board 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 director. 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 board 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 board supplied funds.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-045, filed 5/10/90, effective 6/10/90; 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. Right of way for board funded projects shall be acquired in accordance with chapter 468-100 WAC.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-050, filed 5/10/90, effective 6/10/90; 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 arterial trust account projects. All urban arterial trust account funded projects shall be prepared using currently applicable design standards.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-060, filed 5/10/90, effective 6/10/90; 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 479-16-070 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 compliance with the guidelines for amending functional classifications, and/or federal-aid systems as developed by the Washington department of transportation. Incorporated cities lying outside federal designated urban areas are not required to divide their roads and streets by functional class.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-070, filed 5/10/90, effective 6/10/90; 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 479-16-072 Classification 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 urban arterial trust account participation.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-072, filed 5/10/90, effective 6/10/90; 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 for urban arterial trust account projects.

[Title 479 WAC—p 10]

Urban arterial trust account 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 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 trust account 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 account 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. 90-11-035, § 479-16-080, filed 5/10/90, effective 6/10/90; 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. 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.

Bikeway - Class I (WSDOT - 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.

Bikeway - Class II (WSDOT - 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.

Bikeway - Class III (WSDOT - bicycle route). 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-091, filed 5/10/90, effective 6/10/90; Order 319, § 479-16-091, filed 4/22/74.]

WAC 479-16-092 Conceptual approach to bikeway system 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) 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) Bikeway - Class II.

(3) 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-092, filed 5/10/90, effective 6/10/90; Order 319, § 479-16-092, filed 4/22/74.]

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.2.a 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 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 3-37 Highway Design Manual.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-096, filed 5/10/90, effective 6/10/90; 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 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 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-16-098, filed 5/10/90, effective 6/10/90; Order 319, § 479-16-098, filed 4/22/74.]

Chapter 479-20 WAC

FINANCIAL AND PAYMENT REQUIREMENTS

WAC

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479-20-013	Direct costs.
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479-20-025	Record requirements.
479-20-027	Audits of urban arterial project records.
479-20-031	Expenditure schedule of urban arterial trust account and transportation improvement account funds.
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 board funds.
479-20-075	Emergent nature urban arterial trust account projects.
479-20-086	Review of delayed projects.
479-20-089	Recovery of urban arterial trust funds on canceled projects.
479-20-095	Identification and consideration of underruns on authorized urban arterial trust account projects.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-20-005	Matching ratios for cities and counties. [Order 96, § 479-20-005, filed 5/23/69.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
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.
- 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.
- 479-20-060 Annexations involving approved urban arterial projects. [Order 218, § 479-20-060, filed 1/19/72; Order 53, § 479-20-060, filed 7/2/68.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
- 479-20-070 Incorporations involving approved urban arterial projects. [Order 219, § 479-20-070, filed 1/19/72; Order 64, § 479-20-070, filed 9/10/68.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
- 479-20-080 Urban arterial board approved schedule for project development. [Order 217, § 479-20-080, filed 1/19/72; Order 151, § 479-20-080, filed 7/20/70.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
- 479-20-083 Unacceptable reasons for delay of authorized urban arterial projects. [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.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.

WAC 479-20-007 Matching ratios for urban arterial trust account funds. Urban arterial trust account moneys for city and county arterial projects originally authorized by the board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an amount not less than ten percent of the total cost of the construction for the life of the project.

Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.

Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-007, filed 5/10/90, effective 6/10/90.]

WAC 479-20-010 Reimbursable 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 director 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.

(3) The eligible preliminary and construction engineering costs shall be limited to twenty-five percent of the original bid amount including adjustments for construction overruns, underruns, or agency force construction. Agency costs for the value engineering study and the right of way appraisals and acquisition costs will not be used to determine the amount subject to the limit.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-010, filed 5/10/90, effective 6/10/90; 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 shall be limited to twenty-five percent of the approved contract bid amount including adjustments for construction overruns, underruns, or agency force construction.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-011, filed 5/10/90, effective 6/10/90; 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 board 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 nonboard projects.

(b) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included 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 nonboard 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 board 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-013, filed 5/10/90, effective 6/10/90; 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 board funded 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-016, filed 5/10/90, effective 6/10/90; 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 board funds to counties and cities shall be governed by the following:

(1) Board participation. Board 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 board promulgated in conformity with the statutes.

(2) Project agreements. Projects for which board funds are requested by the eligible agencies and for which the board has allocated funds will be the subject of a project agreement to be entered into by the eligible agency with the 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 project shall be made without prior concurrence in such changes by the board.

(4) Payments. Eligible agencies 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 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 board's share of the costs of construction incurred to the date of the voucher covering such payment.

(5) Compliance with laws and regulations. If an eligible agency 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 eligible agency to the satisfaction of the board.

(6) **Progress payments.** Progress payments for project costs shall be limited to the board's 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 board funds, there shall be imposed a limitation on progress payments in order that the percentage of board 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 board funds by the most recently determined total project cost.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-020, filed 5/10/90, effective 6/10/90; 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 eligible agencies requesting payment of board funds on authorized 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 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 board designee.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-025, filed 5/10/90, effective 6/10/90; 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 board funds may be audited to determine that funds paid can be attributed to the project and supported by project records. The audit will determine if there has been compliance with the rules of the board. Projects may be audited by the board at the time of the project completion or at such additional times as may be directed by the director.

The director may, where the cumulative amount of audit exceptions is less than \$250.00 in board funds, advise the agency that no recovery of funds is requested.

Audit exceptions which the director considers to be significant in relation to board rules or significant in amount to warrant potential recovery of funds, shall be furnished to the administering agency to allow an opportunity to respond in writing to the audit report.

After reviewing the written response, the director, shall advise the agency whether any recovery of funds is indicated.

If recovery of board funds is indicated, as determined by the director, or by the board, the agency shall be provided ninety days from the date of the notice from the board to make repayment.

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

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-027, filed 5/10/90, effective 6/10/90; Order 321, § 479-20-027, filed 5/21/74; Order 143, § 479-20-027, filed 6/15/70.]

WAC 479-20-031 Expenditure schedule of urban arterial trust account and transportation improvement account funds. Each eligible agency having an approved project shall, prior to the beginning of each quarter, submit an updated schedule of its estimated demand for board funds to the board. This schedule shall be on forms provided by the board and shall include the estimated demand for board 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 board funds by eligible agencies may be requested by the director as required to permit adequate funding of the programs.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-031, filed 5/10/90, effective 6/10/90; 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 board in amounts requested in the current separate section of the local government's six-year transportation 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 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 transportation 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 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 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 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 transportation 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. 90-11-035, § 479-20-033, filed 5/10/90, effective 6/10/90; 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 transportation 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 director 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 board's 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 director. The director 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 director 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 director, 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. 90-11-035, § 479-20-036, filed 5/10/90, effective 6/10/90; 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 board 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 transportation program.

Local agencies may request an increase in the participation of funds over the amount set forth in the six-year transportation 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 director 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 multiplied by the account matching ratio.

(ii) Increases for construction overruns at the amount equal to 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 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 multiplied by the account matching ratio. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the director 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 director 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 director 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 director 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 director 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 director, reduce the scope of the project while retaining a usable and functional improvement.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-037, filed 5/10/90, effective 6/10/90; 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-037, filed 10/19/87.]

WAC 479-20-075 Emergent nature urban arterial trust account projects. An eligible agency may submit a request on the 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 transportation 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 transportation 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 transportation 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:

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

(b) An analysis of changes in traffic generators served by the proposed arterial project including (i) changes in existing and projected traffic volume data and (ii) changes in any other factors related to arterial usage in the area of the proposed project and (iii) 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;

(c) 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 board. The board shall evaluate projects proposed as emergent condition projects in relation to the priority array of projects developed by the 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 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 program as previously approved for participation by the board.

The 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 board. All project prospectuses for emergent type projects must be received by the director 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-075, filed 5/10/90, effective 6/10/90; Order 171, § 479-20-075, filed 4/28/71; Order 97, § 479-20-075, filed 7/15/69.]

WAC 479-20-086 Review of delayed projects. The director shall contact, in writing, each local agency administering a board-funded 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 director within twenty days explaining whether the project is delayed and, if so, the reasons therefore, may be placed before the 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 shall be so advised by certified mail by the director. The letter from the director 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 director's letter to resolve the reason or reasons for delay and to provide evidence to the board that the problems have been resolved. Such evidence shall, if requested by the director, 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 may be placed before the board as a candidate for cancellation.

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

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-086, filed 5/10/90, effective 6/10/90; 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 project that is subsequently canceled at the request of the administering agency, or by the board, shall be eligible for participation by board funds if, in the opinion of the 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 board funds plus local matching funds, board funds shall be recovered in sufficient amount that the percentage of nonrecovered 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 board funds by the most recently determined total project cost.

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

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-089, filed 5/10/90, effective 6/10/90; 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 trust account projects. Each project authorized for financial assistance from the urban arterial trust account shall be reviewed by the director 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 underrun 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 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 director 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 director.

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 director by certified mail that the project is being scheduled for a hearing before the board at a specified time and place. The agency shall be requested to provide suitable representation to such 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 board. If the administering agency does not respond to the 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 board may reduce the remaining amount of authorized urban arterial trust funds to that amount reasonably necessary to complete the authorized urban arterial project.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-20-095, filed 5/10/90, effective 6/10/90; 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.
479-24-070	Designation of lead agency.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-24-060	Designation of SEPA public information center. [Order 405, § 479-24-060, filed 7/16/76.] Repealed by 90-11-035, filed 5/10/90, effective 6/10/90. Statutory Authority: Chapter 47.26 RCW.
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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 board. The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-11 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-010, filed 5/10/90, effective 6/10/90; 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 197-11 WAC effective April 4, 1984, 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 197-11 WAC, and to be consistent therewith.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-020, filed 5/10/90, effective 6/10/90; Order 405, § 479-24-020, filed 7/16/76.]

WAC 479-24-030 Timing of the EIS process. (1) As provided by WAC 197-11-055, 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.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-030, filed 5/10/90, effective 6/10/90; Order 405, § 479-24-030, filed 7/16/76.]

WAC 479-24-040 Procedures when consulted. (1) When requests by another agency for comments or consultation are made pursuant to provisions of WAC 197-11-502 through 197-11-570, such requests shall be referred for response to the director. The director shall obtain such information which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time period specified by WAC 197-11-545.

(2) When a request for consultation is made by a local agency preparatory to a request for funding by the board of a construction project, the director 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 197-11-550.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-040, filed 5/10/90, effective 6/10/90; Order 405, § 479-24-040, filed 7/16/76.]

WAC 479-24-050 Designation of responsible official. The responsible official shall be the director or his designee.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-050, filed 5/10/90, effective 6/10/90; Order 405, § 479-24-050, filed 7/16/76.]

WAC 479-24-070 Designation of lead agency. Pursuant to WAC 197-11-924 and 197-11-926, the local agency proposing a particular project for funding shall be designated the lead agency.

[Statutory Authority: Chapter 47.26 RCW. 90-11-035, § 479-24-070, filed 5/10/90, effective 6/10/90; 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 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 for cities and towns with population greater than five hundred shall be matched by not less than five percent of the total cost of the transportation project. There is no matching fund requirement for cities and towns with a population equal to or less than five hundred. Matching funds will be considered to be all contributions other than those provided by the board.

[Statutory Authority: Chapter 47.26 RCW. 90-16-028, § 479-112-017, filed 7/23/90, effective 8/23/90; 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 shall be performed in accordance with the policy adopted by the board.

[Statutory Authority: Chapter 47.26 RCW. 90-16-028, § 479-113-035, filed 7/23/90, effective 8/23/90; 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.

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[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.]

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,

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- (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.]

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 Coweeman 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,

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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 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.]