

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

WAC  
 466-07-010 Repealed.

**DISPOSITION OF SECTIONS FORMERLY**  
**CODIFIED IN THIS CHAPTER**

466-07-010 Charter use of Washington state ferries—Form. [Order 8, § 466-07-010 and Form, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

**WAC 466-07-010 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 466-08 WAC**  
**IMPLEMENTATION OF SEPA GUIDELINES**

WAC  
 466-08-010 through 466-08-090 Repealed.

**DISPOSITION OF SECTIONS FORMERLY**  
**CODIFIED IN THIS CHAPTER**

466-08-010 Purpose. [Order 8, § 466-08-010, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-020 Incorporation of the SEPA guidelines adopted by the council on environmental policy. [Order 8, § 466-08-020, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-030 Timing of the EIS process. [Order 8, § 466-08-030, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-040 Categorical exemptions. [Order 8, § 466-08-040, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-050 Activities performed by the highway commission. [Order 8, § 466-08-050, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-060 Designation of lead agency. [Order 8, § 466-08-060, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-070 Designation of responsible official. [Order 8, § 466-08-070, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-080 Procedures when consulted. [Order 8, § 466-08-080, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

466-08-090 Designation of SEPA public information center. [Order 8, § 466-08-090, filed 8/18/76.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.

**WAC 466-08-010 through 466-08-090 Repealed.** See Disposition Table at beginning of this chapter.

**Title 468 WAC**  
**TRANSPORTATION,**  
**DEPARTMENT OF**

(Formerly: Highway Commission, etc.)

**Chapters**

**468-16** Prequalification of contractors.  
**468-66** Highway Advertising Control Act.  
**468-86** RTPO planning standards and guidelines.  
**468-105** Public advisory elections for selected state transportation facilities.  
**468-200** Conduct and management of emergency air operations air search & rescue/disaster relief.  
**468-300** State ferries and toll bridges.  
**468-500** Commission meetings.

**Chapter 468-16 WAC**

**PREQUALIFICATION OF CONTRACTORS**

**WAC**

468-16-030 Definitions.  
 468-16-080 Qualification procedures for projects under fifty thousand dollars.  
 468-16-090 Standard questionnaire.  
 468-16-100 Conditional qualification.  
 468-16-120 Work class ratings.  
 468-16-130 Prequalification work classes.  
 468-16-140 Maximum capacity rating.  
 468-16-150 Prime contractor performance reports.  
 468-16-160 Interim reports.  
 468-16-170 Refusal to issue proposal.  
 468-16-180 Suspension of qualification.

**WAC 468-16-030 Definitions.** The definitions set forth in this section apply throughout this chapter and have the following meanings, unless the context clearly indicates otherwise.

(1) **Above standard** - Performance ranging from standard to that meeting the lower range of superior.

(2) **Active contractor** - A contractor who has participated in department activities through maintaining required prequalification and having a history of performing department work.

(3) **Affiliate** - An associate, subordinate associate, or subsidiary firm which may involve the intermingling of funds, officers, or officials of one or more firms.

(4) **Assistant secretary for field operations support** - The primary representative of the secretary of transportation responsible for the highway construction program and for the qualification of contractors employed thereon.

(5) **Below standard** - Performance bordering on standard extending to the limits of inadequate.

(6) **Bidding proposal** - A form issued by the department for the submission of a contractor's bid containing spaces for entering bid amounts, authentication, and other data.

(7) **Capacity multiplier** - The number 5.0 multiplied by a firm's net worth to calculate its initial maximum bidding capacity.

(8) **Conditional qualification** - A temporary qualification status given a contractor who has received a "below standard" or "inadequate" overall rating or for other reasons which result in restrictions to a contractor's ability to bid on department work.

(9) **Contractor** - Any person, partnership, firm, corporation or joint venture who or which, in the pursuit of an independent business, undertakes, offers to undertake, or submits a bid to perform construction work for the department.

(10) **Department** - The department of transportation.

(11) **Endorser** - The region operations engineer or immediate supervisor of the construction project engineer, or project architect or, under specified conditions, the region administrator responsible for reviewing contractor's performance reports.

(12) **Inadequate** - Performance failing completely to meet the prescribed standard or requirement.

(13) **Integrity** - The quality of being of sound moral principle, uprightness, honesty, and sincerity.

(14) **Joint venture** - Two or more persons, sole proprietorships, companies, corporations, or combinations thereof, entering into an agreement for a business venture such as a construction project.

(15) **Limited work class** - A work classification given when a contractor lacks the total experience, organization, equipment, or skills required to perform the entire range of work within a work class.

(16) **Maximum capacity rating** - The total value of uncompleted prime contract work a contractor is permitted to have under contract at any time.

(17) **Performance inquiry** - A request made to a contractor's previous employers for an evaluation of the quality and manner of that contractor's performance.

(18) **Performance rating** - A numerical rating which is equal to the grand total of the evaluation elements of the prime contractor's performance report used to measure and quantify the quality of contractor performance.

(19) **Prequalification** - The process of evaluating a contractor's financial status, organizational structure, experience, equipment, integrity, and other required qualifications to determine a contractor's responsibility and suitability for performing department work. This term is used interchangeably with qualification.

(20) **Prime contractor performance report** - A report prepared to evaluate the performance of a prime contractor upon completion of, or at an interim period during a department project which is used to adjust a prime contractor's qualification status.

(21) **Project estimate** - A document prepared by the department establishing the estimated value of all items of work, the total estimated value of work within each class of work, and the estimated total value of a project.

(22) **Rater** - The designated individual, normally the project engineer, responsible for evaluation of the quality and manner of performance of a contractor in the completion of a project.

(23) **Revocation of qualification** - The act by which a contractor's qualification is terminated.

(24) **Secretary** - The secretary of transportation who may delegate his or her functions under this chapter to the assistant secretary for field operations support or such other individual as deemed appropriate.

(25) **Standard** - The expected, acceptable quality of performance, considered to meet the demand, need or requirement.

(26) **Standard questionnaire** - The application form completed by a contractor to present information relating to the applicant's financial status, experience, organization, and equipment for the purpose of becoming qualified to perform department work.

(27) **Superior** - Preeminent performance consistently at an extremely high level.

(28) **Suspension of qualification** - The termination of a contractor's qualification for a specified period of time.

(29) **Unsatisfactory** - Below standard or inadequate performance, failing to meet requirements.

(30) **Work class** - A specific type of work within the various classifications of work, e.g., grading, draining, fencing, etc.

(31) **Work class rating** - The maximum value within a class of work that is used to determine a firm's eligibility to receive a bid proposal document for a single project.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-030, filed 4/15/97, effective 5/16/97; 93-03-020 (Order 134), § 468-16-030, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-030, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-080 Qualification procedures for projects under fifty thousand dollars.** (1) Contractors may be qualified by region administrators for projects valued under fifty thousand dollars.

(2) Procedures for letting region level projects valued under fifty thousand dollars are published in Department Directives.

(3) A limited prequalification questionnaire and other requirements are prescribed in WAC 468-14-040.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-080, filed 4/15/97, effective 5/16/97; 91-04-014 (Order 128), § 468-16-080, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-090 Standard questionnaire.** The standard questionnaire and financial statement shall be prepared and transmitted to the secretary, Attn: Contractor prequalification office. The questionnaire shall include the following information:

(1) The contractor's name, address, phone number, facsimile number, and type of organization (corporation, partnership, sole proprietorship, etc.).

(2) A list of the classes of work for which the contractor seeks qualification.

(3) A statement of the ownership of the firm and, if a corporation, the name of the parent corporation, if any, and the names of any affiliated or subsidiary companies.

(4) A certificate of authority from the office of the secretary of state to do business in Washington state if the applicant is an out-of-state corporation.

(5) A list of officials within the applicant firm who are also affiliated with other firms involved in construction work as a contractor, subcontractor, supplier, or consultant;

including the name of the firm and their relationship with the affiliate firm.

(6) A complete list of the highest valued contracts or subcontracts performed in whole or in part within the immediate three years preceding application. The contract amount, contract number, date of completion, class of work; and the name, mailing address, and phone number of the project owner or agency representative must be provided for those projects listed. Only that work completed by the contractor's own organization under its own supervision will be considered for prequalification purposes. A minimum of five completed projects must be listed.

(7) Personnel requirements.

(a) A listing of the principal officers and key employees indicating their years of experience in the classes of work for which prequalification is sought. For qualification in a class of work based on newly acquired personnel rather than the firm's past contract experience, the newly acquired personnel must be available for future employment for the full year for which qualification is sought unless replacement personnel have been approved. The loss of such personnel during the year of qualification, will result in revocation of qualification for the class of work granted pursuant to their acquisition. The department may require resumes of such personnel as deemed proper for making its determination. The firm's performance on department contracts must be currently rated standard or better to be used for qualification purposes.

(b) A firm must have, within its own organization, qualified permanent, full time personnel having the skills and experience including, if applicable, technical or specialty licenses, for each work class for which prequalification is sought. Those firms seeking qualification for electrical work (classes 9 and 16) must provide photocopies of current Washington state electrical licenses. The skills and experience must be substantiated by education and practical experience on completed construction projects.

(c) "Its own organization" shall be construed to include only the contractor's permanent, full time employed office and site supervisory personnel as shown on the most recently submitted or amended prequalification questionnaire. Workers of the organization shall be employed and paid directly by the prime contractor. The term "its own organization," shall also include the equipment owned or rented by the contractor with or without equipment operators. Such term does not include employees or equipment of another contractor, subcontractor, assignee, or agent of the applicant contractor although they are placed on the applicant contractor's payroll.

(8) A list of all major items of equipment used to perform those classes of work for which prequalification is sought. The description, quantity, condition, present location, and age of such equipment must be shown. The schedule must show whether the equipment is owned, leased, or rented.

(9) A financial statement.

For a firm showing a net worth in excess of one hundred thousand dollars, the applicant must provide, with the questionnaire, a copy of its financial statement as audited or reviewed for its last fiscal year, prepared in accordance with the standards of the American Institute of Certified Public Accountants. The statement must be prepared by an

independent certified public accountant registered and licensed under the laws of any state. Balance sheets, income statements, a statement of retained earnings, supporting schedules and notes, and the opinion of the independent auditor must accompany the financial statement.

(10) A wholly owned subsidiary firm may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for the subsidiary. When a consolidated financial statement is submitted, the requirements of subsection (9) of this section and WAC 468-16-140 (2)(b) must be fulfilled.

(11) The applicant shall list the following occurrences within the previous three years:

(a) Instances of having been denied qualification, or a license, or instances of having been deemed other than responsible by any public agency.

(b) Convictions for felonies listed in WAC 468-16-050.

(c) Failure to complete a contract.

(12) The standard questionnaire shall be processed as follows:

(a) The application for qualification shall be prepared on a standard questionnaire provided by the department and sworn to before a notary public or other person authorized to take oaths.

(b) A standard questionnaire will be reviewed and a written notice provided to the applicant, within thirty days of its receipt, stating whether the applicant has been prequalified or qualification has been denied. The applicant will be advised of lack of receipt of data corroborating project completion and errors or omissions in the questionnaire and a request made for additional information necessary to complete evaluation of the applicant. If the information is not provided within twenty calendar days of the request, the application will be processed, if possible, with the information available or it will be returned to the applicant without further action.

(c) When qualification is denied, the applicant shall be advised in writing by certified mail (return receipt requested) of the reasons for the denial and of the right to a hearing upon written request.

(d) Applicants not satisfied with the qualification granted may request in writing, a review of their questionnaire and qualification ratings. The request must be filed within thirty calendar days of the date of receipt of the notice of qualification and must specifically state the basis for the request.

(e) The secretary or designee shall advise the applicant of his or her decision on the reconsideration within thirty calendar days of receipt of the request.

(13) Criteria for initial qualification, renewal, and submission of supplemental data:

(a) Qualification may be established in any calendar quarter and must be renewed annually. Information submitted in the questionnaire will be used as a basis for the contractor's initial prequalification, work class ratings, and maximum capacity ratings. Qualification will be valid for the remainder of the applicant's fiscal year plus one calendar quarter as established by the date of the year-end financial statement. Prequalification will be renewed annually thereafter or at other times as designated by the department.

(b) A standard questionnaire from a contractor, not previously qualified under this chapter, must have been received by the department no less than fifteen calendar days prior to the scheduled bid opening to receive consideration for issuance of a bidding proposal for that bid opening.

(c) The department may, during the period for which the contractor has been prequalified, require the submission of a new standard questionnaire. If the questionnaire is not provided within thirty calendar days of the date of request, the notice of qualification held by the contractor will be declared invalid and the contractor will not be permitted to bid with the department until the contractor is again prequalified.

(d) A supplemental questionnaire shall be submitted when a significant change in the structure of the firm occurs, e.g., incorporation, officers, ownership, etc., or when required by the department.

(e) If prequalification has lapsed for more than six months, the applicant will again be required to submit a fully executed standard questionnaire and financial statement.

(f) The applicant shall authorize the department to request and receive such additional information from any sources deemed necessary for the completion of the qualification process.

(g) Inquiries will be made and investigations, if necessary, will be conducted to verify the applicant's statements and to determine eligibility for qualification.

(h) The department may require a personal interview with a principal or principals of the contracting firm when considering its qualification.

(i) Qualified contractors in good standing shall be notified of impending expiration of their qualification and will be provided the necessary questionnaire forms for renewal at least forty-five days before the expiration date.

(14) Financial information supplied by, or on behalf of, a contractor for the purpose of qualification shall not be made available for public inspection and copying pursuant to RCW 42.17.310 (1)(m). The foregoing restriction shall not prohibit the department's providing such information in evidence or in pretrial discovery in any court action or administrative hearing involving the department and a contractor. Insofar as permitted by public disclosure statutes, qualification ratings shall be treated as confidential information.

(15) Qualified contractors will be provided with notices which list projects currently being advertised.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-090, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-090, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-090, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-090, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-100 Conditional qualification.** (1) A firm may be conditionally qualified when it has been given a below standard (less than 100) performance rating on a final performance report. A firm may also be qualified conditionally by the secretary when performance has become below standard in either "quality of work" or "progress of work" on an interim report for a current project. The region administrator may, under the foregoing condition, request in writing that a contractor be placed in conditional status. A conditionally qualified contractor will be denied bidding

proposals while in that status but may receive, at the discretion of the secretary, a bidding proposal for one project.

(2) The assistant secretary for field operations support shall advise the contractor and the region administrator when a contractor has been placed in conditional status.

(3) Should the contractor be the low successful bidder and be awarded a contract subsequent to being placed in conditional status, the issuance of further bidding proposals will be considered only when an interim report is submitted in accordance with WAC 468-16-160 or when a final performance report is submitted in accordance with WAC 468-16-150(12) and the rating thereon is standard or better.

(4) Normally a contractor may have only one active prime contract for the department while qualified conditionally.

(5) Return to fully qualified status of a conditionally qualified contractor will be effected by:

(a) A performance rating of standard or above on contracts completed during the current prequalification year; or

(b) An interim rating of standard or above on all concurrent contracts; or

(c) A standard or above rating on the first interim report for a project awarded subsequent to conditional qualification.

(6) Should the rating continue to be less than standard, the contractor's prequalification will be suspended in accordance with WAC 468-16-180.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-100, filed 4/15/97, effective 5/16/97; 93-03-020 (Order 134), § 468-16-100, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-100, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-120 Work class ratings.** (1) Qualification shall be granted a contractor in one or more classes of work in which the firm has shown the capability to satisfactorily perform with its own forces under its own immediate supervision.

(2) The department's project estimate shall be the only estimate used to determine the value of the various classes of work within a project for determining a contractor's eligibility to bid that specific project. The contractor will be required to perform a specified percentage of the total work as provided for in the current issue of the *Standard Specifications*.

(3) Contractors will be given work class ratings on the basis of their financial status, performance record, previous experience, organization, and condition and suitability of equipment.

(4) When it has been determined that adequate competition cannot be afforded as a result of either the lack of prequalified bidders, or the lack of applicants for qualification with sufficient experience in the work class required, the department may take in consideration the firm's experience in performing other related work in order to create competition providing that:

(a) The work class does not require a specialty license.

(b) The firm seeking the work class is deemed qualified in another work class under chapter 468-16 WAC.

(c) The firm seeking such work meets all other requirements prescribed under this chapter including the availability of the necessary equipment for the project being let.

(5) Data provided by project owners, other than the department, to inquiries made concerning new applicants seeking qualification, shall be used to determine initial work class ratings and maximum capacity ratings. Initial work class ratings for new applicants and those of firms which have not renewed their qualification within two years, will be based on performance data provided by agencies or organizations having previously employed the applicant. Such other data as the department may have on file may also be used. Work submitted by the new contractor and verified by the department will be given an initial work class rating equal to 2.5 times the highest value of the work the contractor has completed within that work class during the past three years. If a specific portion of a work class is performed by the contractor, the prequalification for that class will be limited to that portion of the work.

(6) Work reported as less than satisfactory will not be accepted for qualification purposes, but may be included with performance reports in determining the status of the contractor's prequalification.

(7) Work class ratings previously granted will not be reduced providing the contractor has maintained a standard performance record on department work and the contractor continues to submit the required questionnaire annually. Should a significant reduction of resources occur, the contractor's work class ratings may be modified or reduced to an amount within the contractor's current capacity.

(8) A contractor's work class ratings will be reviewed annually effective on the date the renewal questionnaire has been received. Work class ratings for those contractors renewing prequalification will be reviewed for increases, decreases, and additional work classes not previously granted. In determining the annual status of the contractor's work class ratings, prime work completed for the department and the performance rating given for that work shall be weighted more heavily than work completed for other agencies.

(9) Work class ratings shall be computed by multiplying the highest value of the work class completed satisfactorily during the preceding prequalification year by a factor of 2.5 provided that the currently established work class rating is not higher. In that event, the currently established work class shall become the work class rating for the ensuing qualification year. Work class ratings will not change if the contractor has not performed in that work class during the prequalification year.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-120, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-120, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-120, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-120, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-130 Prequalification work classes.** A contractor seeking prequalification under this chapter will be classified for one or more of the following listed work classes in accordance with the adequacy of the firm's equipment and plant facilities and its proven ability to perform the work class sought.

Class 1	<b>Clearing, grubbing, grading &amp; draining</b> Removal of tree stumps, shrubs, modification of the ground surface by cuts and fills, excavating of earth materials, and the placement of drainage structures.
Class 2	<b>Production and placing of crushed materials</b> Production and placing crushed surfacing materials and gravel.
Class 3	<b>Bituminous surface treatment</b> Placing of crushed materials with asphaltic application.
Class 4	<b>Asphalt concrete paving</b> Production and placing Asphalt Concrete Plant Mix Pavement.
Class 5	<b>Cement concrete paving</b> Production and placing cement concrete pavement.
Class 6	<b>Bridges and structures</b> Construction of bridges, walls and other major structures of timber, steel, and concrete.
Class 7	<b>Buildings</b> Construction of buildings and related structures within the right of way and major reconstruction and remodeling of such buildings.
Class 8	<b>Painting</b> Painting bridges, buildings, and related structures.
Class 9	<b>Traffic signals</b> Installation of traffic signal and control systems.
Class 10	<b>Structural tile cleaning</b> Cleaning tunnels, large buildings and structures and storage tanks.
Class 11	<b>Guardrail</b> Construction of a rail secured to uprights and erected as a barrier between, or beside lanes of a highway.
Class 12	<b>Pavement marking (excluding painting)</b> Thermoplastic markings, stripes, bars, symbols, etc. Traffic buttons, lane markers, guide posts.
Class 13	<b>Demolition</b> Removal of timber, steel, and concrete structures and obstructions.
Class 14	<b>Drilling and blasting</b> Controlled blasting of rock and obstructions by means of explosives.
Class 15	<b>Sewers and water mains</b> Draining, pipe jacking, water systems, pumping stations, storm drainage systems, sewer rehabilitation, sewage pumping stations, pressurized lines.
Class 16	<b>Illumination &amp; general electrical</b> Highway illumination, navigational lighting, wiring, junction boxes, conduit installation.

Class 17	<b>Cement concrete curb and gutter</b> Sidewalks, spillways, driveways, monument cases and covers, right of way markers, traffic curbs, and gutters.	Class 35	<b>Precast median barrier</b> A concrete barrier that is cast and cured in other than its final position used to divide the median of two adjacent highways or temporarily placed to divert traffic in construction zones.
Class 18	<b>Asphalt concrete curb and gutter</b> Sidewalks, spillways, driveways, monument cases and covers, right of way markers, traffic curbs, and gutters.	Class 36	<b>Permanent tie back anchor</b> Installation of permanent rock and soil anchors, soldier piles and timber lagging. Soldier pile tie back anchor wall construction.
Class 19	<b>Riprap and rock walls</b> Mortar, rubble, and masonry walls; rock retaining walls, and placing of large broken stone on earth surfaces for protection against the action of water.	Class 37	<b>Impact attenuators</b> Installation of approved protective systems filled with sand, water, foam, or other substances which prevent errant vehicles from impacting roadside hazards.
Class 20	<b>Concrete structures except bridges</b> Cast-in-place median barrier, prestressing, post-tensioned structures, footings, prefabricated panels and walls, retaining walls, and ramps, foundations, rock bolts, and concrete slope protection.	Class 38	<b>Paint striping</b> Painted bars, letters, symbols, and striping.
Class 21	<b>Tunnels and shaft excavation</b> Tunnel excavation, rock tunneling, and soft bore tunneling.	Class 39	<b>Wire mesh slope protection</b> The installation of a zinc coated steel wire mesh anchored by wire rope and reinforced concrete posts or anchor rods. Used for dampening the effects of rolling rocks onto the highway. Slope scaling, horizontal drains, rock dowels, and rock bolts for slope stabilization.
Class 22	<b>Piledriving</b> Driving concrete, steel, and timber piles.	Class 40	<b>Gabion and gabion construction</b> Construction of walls made with containers of galvanized steel hexagonal wire mesh and filled with stone.
Class 23	<b>Concrete surface treatment</b> Exposed aggregate, fractured-fin and rope textured finishes; waterproofing concrete surfaces (clear or pigmented sealer).	Class 41	<b>Not used</b>
Class 24	<b>Fencing</b> Wire and metal fencing, glare screens.	Class 42	<b>Electronics—fiber optic based communications systems</b> Design and installation of fiber optic based communication systems.
Class 25	<b>Bridge deck repair</b> Bridge expansion joint repair and modification, bridge deck resurfacing and repair.	Class 43	<b>Mechanical</b> Plumbing work and the installation of heating or air conditioning units.
Class 26	<b>Deck seal</b> Waterproof membrane.	Class 44	<b>Asbestos abatement</b> Asbestos abatement (L & I certified workers).
Class 27	<b>Signing</b> Sign structures and signs.	Class 45	<b>Hazardous waste removal</b> The containment, cleanup, and disposal of toxic materials. Companies seeking this classification shall have full-time personnel with current hazardous waste training (certifications).
Class 28	<b>Not used</b>	Class 46	<b>Concrete restoration</b> Pavement subseal, cement concrete repair, epoxy coatings, epoxy repair, masonry repair, masonry cleaning, special coatings, epoxy injection, gunite, shotcrete grouting, pavement jacking, gunite repair, and pressure grouting.
Class 29	<b>Slurry diaphragm and cut-off walls</b> Slurry excavation and the construction of structural concrete walls and slurry cut-off walls.	Class 47	<b>Concrete sawing, coring, and grooving</b> Concrete sawing, concrete planing and grooving, bump grinding, joint repair, concrete coring, rumble strips.
Class 30	<b>Surveying</b> Highway construction surveying.	Class 48	<b>Dredging</b> Excavating underwater materials.
Class 31	<b>Water distribution and irrigation</b> Irrigation systems and heavy duty water distribution.		
Class 32	<b>Landscaping</b> Landscape irrigation, planting, sodding, seeding, fertilizing, mulching, herbicide application, insecticide application, weed control, mowing, liming, soil binder, topsoil.		
Class 33	<b>Engineering</b> Work other than surveying, including engineering calculations, drawing and other related work for highway construction.		
Class 34	<b>Erosion control</b> Seeding, fertilizing, mulching, slope protection, topsoil application, hydro-seeding, soil stabilization, soil sampling.		

- Class 49 **Marine work**  
Underwater surveillance, testing, repair, subaquatic construction, anchors, and cable replacement, floating concrete pontoon repairs and modifications, disassembly and assembly of floating concrete pontoons.
- Class 50 **Ground modification**  
Pressure grouting, blast densification, stone column, jet grouting, compaction, dynamic compaction, soil mixing, gravel drain.
- Class 51 **Well drilling**  
Drilling wells, installing pipe casing and pumping stations.
- Class 52 **Sewage disposal**  
Hauling and disposing liquid and solid wastes.
- Class 53 **Traffic control**  
Providing piloted traffic control, traffic control labor, and maintenance and protection of traffic.
- Class 54 **Railroad construction**  
Construction of railroad subgrade, placing of ballast, ties, and track and other items related to railroad work.
- Class 55 **Steel fabrication**  
Welding of steel members, heat straightening steel.
- Class 56 **Street cleaning**  
Street sweeping with self-propelled sweeping equipment.
- Class 57 **Materials transporting**  
Truck hauling.
- Class 58 **Sand blasting and steam cleaning**  
Steam cleaning, sand blasting, shot blasting, and water blasting.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-130, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-130, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-130, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-130, filed 1/28/91, effective 2/28/91.]

#### WAC 468-16-140 Maximum capacity rating. (1)

The maximum capacity rating shall be determined by multiplying the contractor's reported net worth by a factor of 5.0. The factor may be increased at a rate of 0.5 annually, provided the contractor has maintained a satisfactory performance record with the department and has completed a contract of fifty thousand dollars or more within the preceding prequalification year. The maximum factor shall be 7.5. The department may at any time decrease the rating factor if the contractor's performance becomes less than standard, however no decrease in the bidding capacity will become effective until action to appeal, as specified in these rules, has been completed.

(2) For the purpose of prequalification and establishing the maximum capacity rating, the following additional resources may be added to net worth if supported with documentation as specified:

(a) An operating line of credit - Documentation from an acceptable financial institution stating the amount of credit

authorized, its expiration date, and the amount currently available. The document must be authenticated by an official authorized to execute lines of credit on behalf of the institution. Should the operating line of credit be revoked, it shall be deducted before computing a new annual maximum capacity rating.

(b) A parent firm pledge of net worth - A sworn statement from the parent firm that guarantees the performance of the subsidiary for any contracts awarded it. The document shall include a parent firm pledge in an amount such that when calculated in subsection (1) of this section will not be less than the value of uncompleted contracts of the subsidiary. An audited financial statement, as prescribed in WAC 468-16-090 (9), may be requested from the parent firm when deemed appropriate.

(c) A personal pledge of net worth - A sworn statement pledging a specific amount of personal assets. The statement must be accompanied by acceptable documents that will verify the ownership and value of the assets.

(3) Resources listed above will not be accepted in lieu of a minimum net worth of fifty thousand dollars.

(4) For the purpose of prequalification and establishing the maximum capacity rating, a bidding company which has established a leveraged ESOP (Employee Stock Ownership Plan) may use, in place of its net worth, the lesser of:

(a) The company's net worth, as adjusted by eliminating any contra-equity or unearned compensation entry in the net worth section of the balance sheet which is directly related to the ESOP loan; or

(b) The company value as established by the company's most recent valuation for ESOP purposes provided the valuation was performed within the last twelve months which meets federal guidelines for ESOP-related valuations. The department may require submission of a copy of this valuation report for documentation purposes.

(5) When the value of a firm's uncompleted work for the department exceeds its maximum capacity rating, a bidding proposal shall be denied that firm.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-140, filed 4/15/97, effective 5/16/97; 93-03-020 (Order 134), § 468-16-140, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-140, filed 1/28/91, effective 2/28/91.]

#### WAC 468-16-150 Prime contractor performance reports.

(1) Performance reports described in this section, substantially in the format as that appearing at WAC 468-16-210, will be completed for prime contractors only for projects valued at one hundred thousand dollars or more. Each prime contractor's performance report will be classified as to the primary work class being rated. This shall be stated in Section I of the report by listing the major classes of work performed by the contractor e.g., clearing, grading, surfacing, etc.

(2) Performance will be rated under the following headings: Administration, management, and supervision; quality of work; progress of work; and equipment.

(3) The following adjectival ratings are established for performance reports:

- |                    |         |
|--------------------|---------|
| (a) Superior       | 131-150 |
| (b) Above standard | 101-130 |
| (c) Standard       | 100     |

(d) Below standard 70-99

(e) Inadequate 50-69

(4) The performance report shall be used in evaluating a contractor's prequalification status.

(5) The report shall contain a narrative section which verbally provides the details substantiating the numerical rating. The narrative section shall be based upon documentation prepared during the life of the project, such as the project engineer's diary, the inspector's daily report and other pertinent documents. This documentation shall constitute the major portion of the administrative record to be used for any hearings or litigation that may arise from the rating process.

(6) The performance report will be prepared and discussion held with the contractor by the project engineer. The report will include a numerical rating substantiated by a narrative report which describes the contractor's typical performance. The narrative will reference such documents as will substantiate the given numerical rating.

(7) The report will be endorsed by the region operations engineer or designated assistant who will provide a copy to the contractor.

(8) The contractor may appeal the rating to the region administrator in writing within twenty calendar days of the date the report is received by the contractor. If the report is not delivered to the contractor in person, it shall be forwarded by certified mail with a return receipt requested. The appeal must set forth the specific basis upon which it has been made.

(9) The region administrator will review all contractor performance reports after they have been endorsed and may modify the numerical or narrative rating if such is deemed appropriate. The contractor will be advised of any changes made. The region administrator will be required to make comments thereon only when the contractor's overall performance rating has been rated inadequate, below standard, or superior.

(10) Performance reports, when completed at region level, will be submitted to the secretary, Attn: Manager, contractor prequalification office, not later than forty-five calendar days following final completion of the project.

(11) The region administrator shall review the appeal and provide a written response to the contractor by certified mail (return receipt requested) within twenty calendar days of its receipt. A copy of the appeal and the response thereto will be forwarded to the secretary, Attn: Contractor prequalification office.

(12) The contractor may further appeal to the secretary in writing setting forth the specific basis for the appeal. The contractor's appeal shall be made within ten calendar days of the date of receipt of the region administrator's response. When making an appeal, the contractor may also present information in person. The secretary will consider the appeal and respond to it by certified mail within sixty calendar days of its receipt. This determination shall be the final administrative act of the department.

(13) All prime contractor performance reports shall be reviewed by the office of the secretary for completeness, objectivity, and substantiation of numerical ratings. The secretary may modify the report as deemed appropriate as a result of the review. The rated contractor and region administrator shall be given a copy of the modified report.

The contractor may appeal the modified report in the manner and within the time allotted in subsection (12) of this section to which the secretary shall respond as cited therein.

(14) A prime contractor performance report shall be considered a preliminary paper until all reviews and appeals have been accomplished and it shall have been stamped and initialed as having been "filed in the office of the secretary."

(15) DOT Form 421-010 is authorized.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-150, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-150, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-150, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-150, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-160 Interim reports.** (1) Interim performance reports will be completed for contracts of long duration, particularly those in excess of one year and submitted to the contractor prequalification office. They will be completed annually on the anniversary of the start date of the contract. An interim report will also be completed when a contractor's total, overall work has become less than standard and the firm has been advised in writing of such performance. An interim report may never cover a period of more than one year. The report will be used by the secretary as a basis for determining whether a contractor will be placed in conditional status.

(2) In the case of a conditionally qualified firm, an interim report shall be submitted at sixty calendar day intervals for the project being undertaken by that firm subsequent to its being placed in conditional status. When a contractor's overall performance has not been brought up to standard after two consecutive interim reports have been prepared, no further interim reports shall be made except at the written request of the contractor. The date of the report will be the date of the contractor's request.

(3) The project engineer shall submit an interim report when it becomes evident that he or she will no longer be involved in the project, providing that project has been in progress for twenty-five percent of the working days assigned the project or ninety working days whichever is less.

(4) Interim performance reports will supplement and will be made a part of the final performance report.

(5) The procedures specified in WAC 468-16-150 (5) through (14) are also applicable to the processing of the interim performance report.

(6) DOT Form 421-010 is authorized.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-160, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-160, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-160, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-160, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-170 Refusal to issue proposal.** The secretary may refuse to issue a proposal for reasons as enumerated in WAC 468-16-040 through 468-16-070, inclusive. Refusal to issue a proposal may continue in effect until the cause for the refusal has been eliminated. One or more of the following additional conditions may be considered sufficient for refusal to issue a proposal:



(1) The value of outstanding work plus the contract total of the work proposed to be bid exceeds the contractor's maximum capacity rating.

(2) Being placed in conditional status.

(3) Making false, fraudulent, or deceptive statements on the standard questionnaire, related documents, or documents prepared in the course of prosecuting the work.

(4) Debarment or suspension from participation in federal or state projects.

(5) Expiration of qualification.

(6) Failure to update the latest questionnaire to fairly represent the contractor's current organization and financial status.

(7) Bankruptcy.

(8) The existence of any conditions described in WAC 468-16-040 through 468-16-070 inclusive.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-170, filed 4/15/97, effective 5/16/97; 93-03-020 (Order 134), § 468-16-170, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-170, filed 1/28/91, effective 2/28/91.]

**WAC 468-16-180 Suspension of qualification.** (1) A suspension may be ordered for cause or for a period pending the completion of investigation and any ensuing legal action for revocation of qualification.

(2) The secretary may, upon determination from reports, other documents, or through investigation that cause exists to suspend the qualification of a contractor, impose suspension upon a contractor.

(3) The secretary may suspend qualification for:

(a) Incompetency found detrimental to timely project completion or to the safety of the public or employees.

(b) Inadequate performance on one or more projects.

(c) Infractions of rules, regulations, specifications, and instructions which may adversely affect public health, welfare, and safety.

(d) Uncompleted work which might prevent the prompt completion of other work.

(e) A finding of noncompliance and refusal to agree to take corrective action, and/or failure to implement agreed upon corrective action to comply with equal employment opportunity or women's, minority and disadvantaged business enterprise requirements.

(f) Repeated findings of noncompliance with equal employment opportunity or women's, minority, and disadvantaged business enterprise requirements.

(g) Debarment or suspension from participation in federal or state projects.

(h) Pending completion of debarment proceedings in federal or state projects.

(4) The maximum period of suspension for acts or deficiencies enumerated above are as follows:

(a) For subsection (3)(a) and (e) of this section - Three months.

(b) For subsection (3)(b), (c), (d), and (f) of this section - Six months.

(c) For subsection (3)(g) of this section - For duration of debarment or suspension by the federal or other state agency.

(d) For subsection (3)(h) of this section - Until a determination is made by the federal or other state agency.

(5) The secretary may reduce the period of suspension upon the contractor's supported request for reasons including, but not limited to:

(a) Newly discovered evidence;

(b) Elimination of causes for which the suspension was imposed.

[Statutory Authority: RCW 47.01.101, 47.28.030 and 47.28.070. 97-09-045 (Order 168), § 468-16-180, filed 4/15/97, effective 5/16/97; 94-05-004, § 468-16-180, filed 2/2/94, effective 3/5/94; 93-03-020 (Order 134), § 468-16-180, filed 1/12/93, effective 2/12/93; 91-04-014 (Order 128), § 468-16-180, filed 1/28/91, effective 2/28/91.]

## Chapter 468-66 WAC

### HIGHWAY ADVERTISING CONTROL ACT

#### WAC

468-66-010	Definitions.
468-66-030	General provisions.
468-66-150	Penalties.

**WAC 468-66-010 Definitions.** The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be reerected in kind if destroyed due to vandalism, and other criminal or tortious acts.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the National Highway System.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in

RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway, state scenic byway, or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products.

(25) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(26) "State scenic byway" means any scenic and recreational highway established by chapter 47.39 RCW.

(27) "Visible development" means those areas determined by the department to have development, both in type and location, that meet the requirements for unzoned commercial and industrial areas prescribed by RCW 47.42.020(9) and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features, located within the state highway right of way, that may act as visual obstructions.

(28) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

[Statutory Authority: Chapter 47.42 RCW. 97-17-010 (Order 170), § 468-66-010, filed 8/7/97, effective 9/7/97; 96-13-007, § 468-66-010, filed 6/6/96, effective 7/7/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). 94-12-049 (Order 144), § 468-66-010, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. 92-09-043 (Order 130), § 468-66-010, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. 88-22-002 (Order 116), § 468-66-010, filed 10/20/88; 86-01-063 (Order 99), § 468-66-010, filed 12/17/85. Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-010, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-66-010, filed 1/10/85; 80-06-057 (Order 56), § 468-66-010, filed 5/19/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-010, filed 12/20/78. Formerly WAC 252-40-010.]

**WAC 468-66-030 General provisions.** Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information).

(10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity; and

(c) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(12) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information.

(a) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(b) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(c) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(d) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(e) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the department.

(f) As on-premise signs, electronic signs are subject to the provisions of RCW 47.42.045 and 47.42.062.

(13) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the following provisions:

(a) Visible to Interstate highways, tri-vision signs may only be used as Type 3 signs.

(b) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(c) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(d) Maximum size limitations shall independently apply to each sign face, including framework and border.

(e) Tri-vision signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC.

[Statutory Authority: Chapter 47.42 RCW. 97-17-010 (Order 170), § 468-66-030, filed 8/7/97, effective 9/7/97; 85-17-012 (Order 96), § 468-66-030, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-66-030, filed 1/10/85; 80-04-095 (Order 52), § 468-66-030, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-030, filed 12/20/78. Formerly WAC 252-40-020.]

**WAC 468-66-150 Penalties.** (1) After hearing, as required by chapter 34.04 RCW (Administrative Procedure Act) and the rules and regulations of the department of transportation adopted pursuant thereto, any permit may be revoked without refund by the department for any of the following reasons:

(a) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(b) For allowing or suffering any sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining any sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notification thereof.

(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked whether or not such violation is related to the sign for which the permit is revoked.

(e) For maintaining a discontinued sign as defined in WAC 468-66-010(6).

(2) Notice whenever required herein shall be given to the person entitled thereto by registered mail at the last known address of such person which shall be such address as may be on file with the department, if any, otherwise the last address of such person shown by the tax records of the county in which the real property upon which the sign in question is maintained.

(3) Computation of time when dependent upon giving of notice shall relate to the day of mailing such notice rather than the day of receipt.

[Statutory Authority: Chapter 47.42 RCW. 97-17-010 (Order 170), § 468-66-150, filed 8/7/97, effective 9/7/97. Statutory Authority: RCW 47.42.060. 86-01-063 (Order 99), § 468-66-150, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-150, filed 12/20/78. Formerly WAC 252-40-110.]

## Chapter 468-86 WAC

### RTPO PLANNING STANDARDS AND GUIDELINES

#### WAC

468-86-010	Authority.
468-86-020	Purpose/intent.
468-86-030	Definitions.
468-86-040	Determining the region.
468-86-050	Establishing the organization.
468-86-060	Relationship to MPOs.
468-86-070	Designation procedures.
468-86-080	Least-cost planning methodology.
468-86-090	Regional transportation goals and objectives.
468-86-100	Regional transportation strategy.
468-86-110	Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions.
468-86-120	Financial component.
468-86-130	Proposed future transportation network.
468-86-140	High capacity transit and public transportation interrelationships.
468-86-150	Certification.
468-86-160	Regional transportation improvement program.

**WAC 468-86-010 Authority.** The regional transportation planning program was authorized by the 1990 legislature as part of the state's Growth Management Act. The program is contained in chapter 47.80 RCW, with funding appropriations made as part of the Department of Transportation Appropriations Act.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-010, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-020 Purpose/intent.** (1) The regional transportation planning program creates a formal mechanism for local governments and the state to coordinate transportation planning for regional transportation facilities. The act authorized the creation of regional transportation planning organizations (RTPO) by local governments to coordinate transportation planning among jurisdictions and develop a regional transportation plan. The regional transportation planning program is available to all counties and cities statewide (RCW 47.80.020).

(2) The legislature has authorized a grant program to fund this work. The department has the authority to administer this grant program, and to develop in cooperation with the RTPOs:

(a) Minimum planning standards for the development of a regional transportation plan;

(b) The RTPO regional transportation improvement program;

(c) Planning guidelines and principles;

(d) Certification standards for the transportation portion of local comprehensive plans and county-wide planning policies;

(e) The adoption of LOS standards on state transportation facilities; and

(f) RTPO regional transportation strategies.

(3) The purpose of the minimum planning standards is to guide RTPOs in the use of the regional transportation planning grants, and in the development of planning products under the program. Work proposed by each regional transportation planning organization shall be included in a work program that demonstrates adherence to the planning standards within this chapter. The intent of the department is to provide guidance that is sufficient to ensure a minimum level of consistency across the state, while providing flexibility for regions to meet specific mobility needs.

(4) The department will achieve this purpose through the establishment of these rules and through the cooperative development and maintenance of a set of RTPO planning standards and guidelines. Copies of these standards and guidelines will be available through the department's transportation planning office.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-020, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-030 Definitions.** "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

"Department" means the department of transportation (WSDOT).

"Least cost planning" means a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and/or policies where the intent of the process is to identify the most cost-effective mix of options.

"Level of service" means an established minimum capacity for both transit and regional arterials that must be provided per unit of demand or other appropriate measure of need.

"Organization" means regional transportation planning organization (RTPO).

"Region" means the area that includes the local jurisdictions that comprise the regional transportation planning organization.

"Urbanized area" means those areas designated as such by the U.S. Bureau of the Census.

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-030, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-040 Determining the region.** Local governments should decide the geographic extent and composition of their region. The region should reflect common transportation concerns and a willingness among the local governments to work together in a cooperative planning process.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-040, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-050 Establishing the organization.** (1) A regional transportation planning organization is a voluntary association of local governments within the region. It shall be a formal organization formed through an interlocal agreement that establishes the organization, defines duties and relationships, and includes a transportation policy board. The establishment of a technical advisory committee (TAC) is recommended. The RTPO must determine its own structure to ensure equitable and acceptable representation by member governments. Regions are encouraged to seek native American tribal involvement.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-050, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-060 Relationship to MPOs.** The federal government requires a regional transportation planning process in urbanized areas with over fifty thousand population. This process is carried out by metropolitan planning organizations (MPOs) that have been jointly designated by local governments and the state. The intent is that the regional transportation planning program be integrated with the metropolitan planning organization program in these urbanized areas. RCW 47.80.020 requires that RTPOs shall be the same organization as that designated as the MPO. The regional transportation planning program provides the opportunity for transportation planning in rural areas within the RTPO. The department intends to jointly administer these two programs.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-060, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-070 Designation procedures.** (1) Local governments desiring participation in the regional transportation planning program must submit an RTPO designation package to WSDOT. This information is necessary for WSDOT to verify that the RTPO meets the requirements of RCW 47.80.020. This package shall contain the following items:

- (a) A description of the region;

- (b) A formal designation of the RTPO, in the form of a resolution or other legal declaration;

- (c) A list of all RTPO member local governments;

- (d) A copy of the interlocal agreement that will govern RTPO operations;

- (e) A formal designation by the RTPO of the lead planning agency; and

- (f) A description of the RTPO's transportation policy board.

(2) WSDOT has the responsibility of verifying that RTPOs designated by local governments meet the state requirements. The most recent annual OFM population data will be used to verify population figures. WSDOT will review the RTPO designation package, make a finding of verification, and concur with or deny the local designation. Once verified, the RTPO may proceed in carrying out its duties and may receive regional transportation planning formula grants. If significant changes are made in the structure of the RTPO, WSDOT may request that another designation package be submitted for verification review.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-070, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-080 Least-cost planning methodology.** The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the department for implementing a least-cost planning methodology. Regional transportation plans should incrementally incorporate least-cost planning methodologies as these concepts are developed. The regional transportation plan adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-080, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-090 Regional transportation goals and objectives.** The regional transportation planning program is meant to foster an ongoing transportation planning and decision-making process that actively plans for the improvement of regional transportation systems and coordinates this process among jurisdictions. The goals and objectives of the regional transportation plan should incorporate existing transportation related county-wide planning policies or multicounty transportation related planning policies where adopted and adhere to the following principles:

- (1) Build upon applicable portions of the existing local comprehensive plan and process and promote the establishment of a regional perspective into the local comprehensive plan;

- (2) Encourage partnerships between federal, state, local and tribal governments, special districts, the private sector, the general public, and other interest groups during conception, technical analysis, policy development, and decision processes in developing, updating, and maintaining the regional transportation plan;

- (3) Ensure early and continuous public involvement from conceptual planning through decision making;

(4) Shall be ongoing, and incorporate short and long range multimodal planning activities to address major capacity expansion and operational improvements to the regional transportation system;

(5) Use regionally coordinated, valid and consistent technical methods and data should be used in identifying and analyzing needs;

(6) Consider environmental impacts related to the development of regional transportation policies and facilities and;

(7) Address the policies regarding the coordination of transportation planning among regional jurisdictions, including the relationship between regional transportation planning, local comprehensive planning and state transportation planning.

Within these principles, regions shall develop their own ongoing planning process for the development and refinement of the regional transportation plan, and provide a forum for the discussion of regional transportation planning issues.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-090, filed 4/15/97, effective 5/16/97.]

#### **WAC 468-86-100 Regional transportation strategy.**

Each regional transportation planning organization shall develop a regional transportation strategy. The strategy should identify alternative transportation modes within the region and recommend policies to:

- (1) Address each transportation mode;
- (2) Address intermodal connections between modes; and
- (3) Address transportation demand management where required.

The regional transportation strategy is intended to guide development of the regional transportation plan and any periodic updates.

Adopted multicounty and county-wide planning policies and policies from local comprehensive plans that are regional in scope and regionally consistent should provide the basis for the regional transportation strategy. The regional transportation strategy should be periodically reviewed and updated as necessary to reflect changing priorities or to maintain regional consistency.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-100, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-110 Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions.** (1) The following components shall be developed and incorporated in the RTP:

(a) An inventory of existing regional transportation facilities and services, including physical, operational, and usage characteristics of the regional transportation system;

(b) An evaluation of current facilities and services, comparing current usage, and operational characteristics to level of service standards, and identification of regional transportation needs;

(c) Forecasts of future travel demand, based on the regional transportation strategy and local comprehensive plans;

(d) Identification of future regional transportation system deficiencies, comparing future travel needs for movement of people and goods to available facilities and services; and

(e) Coordinated common regional assumptions (growth, population, employment, mode split, etc.) among local jurisdictions for the development of all transportation models to ensure consistency within the RTPO, and:

(i) These common regional assumptions shall recognize the planning requirements of the state's Growth Management Act, and;

(ii) Be consistent with population forecasts prepared by the office of financial management.

(2) **Performance monitoring.** An integral part of the regional transportation plan is monitoring the performance of the regional transportation system over time. This information is necessary to determine the success of plan implementation and the effect of the desired improvements on the performance of the regional transportation system. Each RTPO shall describe their performance monitoring system in the regional transportation plan. The performance monitoring measures shall include traffic volumes and vehicle miles of travel (VMT) at a minimum and can include, but are not limited to, travel time, speed, safety standards and other measures. Performance monitoring measures should be coordinated and measurable on a consistent basis throughout the RTPO.

#### **(3) Regional development patterns and investments.**

The regional transportation plan shall include a general assessment of regional development patterns and investments. This analysis is intended to provide direction and background information for updates of the regional transportation plan. The RTP updates shall be based upon a general retrospective discussion of current land use and transportation patterns and their relationship to the region's goals and objectives and elsewhere in the regional transportation plan. Current and projected development patterns and the expected magnitudes and time frame in which these developments are expected to occur should be reviewed and evaluated against the regional growth and transportation strategies. If the regional growth and transportation strategies have changed or current and projected development can be shown to be inconsistent, the plan should be updated to reflect these changes, or development policies should be updated to assure consistency and continuity of transportation and land use issues within the region. The region's interrelationships between growth and transportation should be discussed along with strategies such as access control, development of heritage corridors, and other measures designed to maintain current and proposed development patterns consistent with the regional transportation plan and the transportation and land use elements of local comprehensive plans.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-110, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-120 Financial component.** The financial component shall include the following:

(1) An analysis of funding capacity including an inventory of revenue sources for regional transportation improvements, and probable funding levels available for regional transportation improvements from each source;

(2) Probable funding comparisons with identified current and future needs, including identified funding shortfalls; and

(3) If funding shortfalls are identified, an analysis of additional funding resources to make up the shortfall, or a

reassessment of the regional transportation strategies, at a minimum, to ensure that transportation needs fall within probable funding levels.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-120, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-130 Proposed future transportation network.** Based upon the identified needs and probable funding levels within the region, the proposed future transportation network defines specific facility or service improvements, transportation system management strategies, and demand management strategies proposed for implementation on the regional transportation system. The plan shall identify priority levels for these improvements to guide local jurisdictions and the state in implementation and development of the regional transportation improvement program.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-130, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-140 High capacity transit and public transportation interrelationships.** Within those RTPOs where there is an existing or proposed high capacity transit system, the regional transportation plan shall discuss the relationship between the high capacity transit system and conventional public transit system. This could include policies to maintain coordinated arrivals and departures of interconnecting routes, coordination with other multimodal transportation centers, and other strategies targeted at improving these intermodal relationships over time.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-140, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-150 Certification.** (1) By December 31, 1996, each RTPO shall certify, that the transportation element of all comprehensive plans for cities and counties planning under the Growth Management Act:

- (a) Reflect the transportation guidelines and principles established in the regional transportation plan;
- (b) Are consistent with the adopted regional transportation plan; and
- (c) Conform with the requirements of RCW 36.70A.070.

(2) Each RTPO shall also certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(3) Regions shall cooperatively define and establish measures and processes to determine regional consistency with the adopted regional transportation plan.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-150, filed 4/15/97, effective 5/16/97.]

**WAC 468-86-160 Regional transportation improvement program.** (1) Each RTPO shall compile a regional transportation improvement program (TIP) at least once every two years. The regional TIP shall:

(a) Be developed on a cooperative basis by local government agencies, public transit agencies, and the department of transportation within each region;

(b) Consist of a list of regionally significant transportation projects and programs including projects proposed for construction and transportation demand management mea-

asures proposed to be implemented during each year for the next six-year period;

(c) Consist of regionally significant projects included in the local six-year transit development plans and six-year comprehensive transportation programs required by RCW 35.58.2795, 35.77.010, and 36.81.121 for transit agencies, cities, towns, and counties;

(d) Include all proposed WSDOT projects in the region;

(e) Include only projects consistent with the regional transportation plan;

(f) Include a financial section outlining:

(i) Sources of funding reasonably expected to be received for each year of the ensuing three-year period; and

(ii) All assumptions and explanations supporting the expected levels of funding consistent with information included in the financial component of the regional transportation plan.

(2) The six-year regional TIP developed by each RTPO is intended for use as a planning document and shall be available at the lead planning agency office of the RTPO.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-160, filed 4/15/97, effective 5/16/97.]

## Chapter 468-105 WAC

### PUBLIC ADVISORY ELECTIONS FOR SELECTED STATE TRANSPORTATION FACILITIES

#### WAC

468-105-020 Definitions.

468-105-040 Local involvement committee.

468-105-050 Establishing affected project area.

468-105-060 Project description.

468-105-070 Public advisory elections.

468-105-080 Public advisory election results.

**WAC 468-105-020 Definitions.** For the purpose of implementing RCW 47.46.030 (3) through (11) relative to the process for conducting public advisory elections on selected transportation facilities, the following definitions apply:

(1) "Affected project area" means a geographic area of the state impacted by the imposition of tolls or user fees that is defined and established by the department following a public comment period and a recommendation by the public private local involvement committee. The affected project area is a geographic portion of the state which is depicted in a map.

(2) "City" means any jurisdiction formed under Titles 35 and 35A RCW including any first class city (RCW 35.01.010), second class city (RCW 35.01.020), town (RCW 35.01.040) or code city (RCW 35A.01.035).

(3) "County auditor" shall have the same meaning as provided in RCW 29.01.043.

(4) "Department" means the Washington state department of transportation.

(5) "Initial affected project area" means a geographic area of the state that is defined by the department as a result of a comprehensive analysis of traffic patterns and economic impacts created by the imposition of tolls or user fees to finance a proposed project.

(6) "Local involvement committee (LIC)" means an advisory committee officially named the "public private local involvement committee" which will be established for each proposed project. The LIC will serve in an advisory capacity on all functions and responsibilities of the department in the conduct of the public advisory election.

(7) "Project description" means a written description of the proposed project that is prepared by the department in consultation with the LIC. The project description is a statement of the essential elements of the proposed project.

(8) "Project developer" means a private entity submitting a proposed project to improve transportation capital facilities under chapter 47.46 RCW.

(9) "Proposed project" means a conceptual project proposed by one or more project developers which is intended to build or improve transportation capital facilities. The proposed projects are those selected pursuant to chapter 47.46 RCW which have organized opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the proposed project by the deadlines set forth in RCW 47.46.030 (10) and (11).

(10) "Public advisory election" means an election conducted within an affected project area by the county auditor for the purpose of advising the department on the public support or opposition to the imposition of tolls to finance a proposed project.

(11) "Preferred alternative" means a proposed action identified in the draft environmental impact statement developed in chapter 43.21C RCW.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-020, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-020, filed 1/23/96, effective 2/23/96.]

#### **WAC 468-105-040 Local involvement committee.**

(1) **Creation of the local involvement committee.** A public private local involvement committee shall be established for each proposed project. The committee will be known as the local involvement committee or "LIC." Within sixty days after defining the initial affected project area, all appointments to the LIC shall be made and submitted to the department.

(2) **LIC membership.** The LIC membership shall consist of:

(a) One elected official of each county and one elected official from each city lying wholly or in part within the affected project area. Such members shall be appointed by a majority of the members of the county or city legislative authority.

(b) Two persons from each county lying wholly or in part within the affected project area each of whom represents an organization formed in support of the proposed project, if any such organizations exist; and two persons from each county lying wholly or in part within the affected project area each of whom represents an organization formed to oppose the proposed project, if any such organizations exist. Such members shall be appointed by the county legislative authority. Prior to such appointment, the county legislative authority shall identify and validate organizations officially formed in support of or in opposition to the proposed project. The method of validation shall be devised by the

county. Appointments shall be made from list(s) submitted by the chairs of the validated organizations. The county legislative authority shall submit a list of the appointed members in writing to the department.

(c) Four public members active in a state-wide transportation organization who shall be appointed by the governor.

(d) Vacancies in the membership of the LIC shall be filled by the appointing authority under (a) through (c) of this subsection.

(e) If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the proposed project is located.

(3) **Compensation and expenses.** Members of the LIC shall serve without compensation and may not receive reimbursement for subsistence, lodging expenses, or travel expenses from the department.

(4) **LIC duties.** Each LIC will serve in an advisory capacity to the department on all matters related to the administration of the public advisory elections including:

(a) Reviewing the methodology, criteria and recommendations developed in the traffic and economic studies and used by the department to establish the initial affected project area boundary.

(b) Reviewing the initial affected project area boundary and recommending adjustments, if any are deemed desirable, to the geographic boundaries and the LIC membership.

(c) Reviewing the project description that is based upon the preferred alternative selected by the department and recommending changes, if any are deemed desirable, in order for the department to prepare the final project description.

(d) Recommending to the department the date for the public advisory elections that are within those dates established by RCW 29.13.020.

(e) Providing advice on any other matters identified by the department related to the administration of the public advisory election in the affected project areas.

#### **(5) LIC meeting and procedures.**

(a) LIC meetings shall be open to the public and shall be subject to the requirements of the Open Public Meetings Act, RCW 42.30.030. The public shall have advance notice of LIC meetings as described in LIC procedures established in (b) of this subsection. Meetings shall be held in locations within the affected project areas and be accessible for persons with disabilities.

(b) Within thirty days of the first LIC meeting, each LIC shall develop meeting procedures to include but not be limited to the frequency and location of meetings, alternate members, methods of public notification and public participation at the meetings. Each LIC shall also develop its own method of providing recommendations to the department, provided that all decisions of the LIC shall be made by a simple majority of the LIC members. A simple majority shall be defined as fifty percent of the members plus one member of the LIC committee.

(c) All LIC meeting summaries, reports, correspondence and other materials are subject to public disclosure pursuant to chapter 42.17 RCW.

(6) **Administrative support to LIC's.** The department shall provide administrative support to the LIC's. Such support shall include notifying members of meetings, providing public notification of meetings, facilitating



meetings, arranging for meetings and materials, and other necessary administrative support.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-040, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-040, filed 1/23/96, effective 2/23/96.]

**WAC 468-105-050 Establishing affected project area.** (1) **Public comment on initial affected project area.** The department shall conduct a minimum thirty-day public comment period on the definition of each initial affected project area boundary.

(2) **LIC recommendation on affected project area.** The LIC shall review the public comments. The LIC shall recommend adjustments to the geographic boundary of the initial affected project area based upon the public comment. Adjustments to the geographic boundary shall be established by precinct. The LIC may also recommend adjustments to the membership of the LIC based upon any recommended boundary adjustments.

(3) **Final boundaries of affected project area.** Within fourteen calendar days after the close of the public comment period and a recommendation from the LIC, the department shall establish the final boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-050, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-050, filed 1/23/96, effective 2/23/96.]

**WAC 468-105-060 Project description.** (1) **Proposed project description.** A draft project description shall be developed by the department based upon the preferred alternative.

(2) **LIC recommendation on project description.** The department shall provide the project description to the LIC. The LIC shall recommend changes to the content of the project description, if any, so that the department may prepare the final project description.

(3) **Publication of project description.** The department shall publish the project description in newspapers of general circulation in each county lying in whole or in part within the affected project area for a period of seven calendar days.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-060, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-060, filed 1/23/96, effective 2/23/96.]

**WAC 468-105-070 Public advisory elections.** (1) **Transmittal to county auditor.** Within fourteen calendar days after the last day of the publication of the project description, the department shall transmit a letter requesting a public advisory election and a copy of the map depicting the affected project area and the project description to the county auditor of each county in which any portion of the affected project area is located.

(2) **Precinct verification.** Upon receipt of the affected project area map, and the project description, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area.

(3) **Ballot proposition.**

(a) The department shall request the office of the attorney general to prepare the ballot title and summary

advising the department on the public support or opposition to the imposition of tolls or user fees to implement the preferred alternative within the affected project area in the same manner and type as those required under RCW 29.79.040 for the public advisory election.

(b) Any registered voter residing within the affected project area who is dissatisfied with the content of the ballot title or summary may appeal to the superior court of Thurston County in the same manner as provided for on state measures in RCW 29.79.060.

(c) Not later than sixty days before the election date, the department shall submit the complete text of the ballot title and summary to the county auditor for the purpose of preparing the voters pamphlet and conducting the public advisory election.

(4) **Election date.** Unless a special election is requested by the department, the public advisory election shall be held at the next succeeding general election to be held in the state. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days, but not more than ninety days after the transmittal of the final map of the affected project area, project description, the ballot title and summary to the county auditor under subsection (1) of this section.

(5) **Voters pamphlet.**

(a) The county auditor shall prepare or contract with the secretary of state to prepare the voters pamphlet in the same manner required under chapter 29.81A RCW using the full text of the ballot title, summary, the project description and the geographic boundary of the affected project together with statements for and against the imposition of tolls or user fees to finance the proposed project. Committees to prepare the statements for and against the imposition of tolls to finance the proposed project for the voters pamphlet shall be appointed in the same manner as committees for state measures under RCW 29.81.050. The secretary of state shall transmit committee names and their statements to the county auditors.

(b) The county auditor may consolidate the voters pamphlet on the public advisory election with any other local voters pamphlet that is being produced by the county auditor for an election.

(6) **Reimbursement for election costs.** The department shall reimburse the costs of publication and distribution of information to the voters incurred by the county auditor in the same manner that local election costs are allocated under RCW 29.13.045. The department shall reimburse the county auditor for the cost of an election.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-070, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-070, filed 1/23/96, effective 2/23/96.]

**WAC 468-105-080 Public advisory election results.**

(1) **Canvassing the votes cast on a public advisory election.** Immediately following the certification of the votes cast on the public advisory election by the county canvassing board, the county auditor shall transmit a certified copy of the returns of that special election to the secretary of state in the same manner as provided for state measures in RCW 29.62.090.

(2) **Certification of returns on a public advisory election to the department.** Within three days following the receipt of the certified returns from a special election on a public advisory election, the secretary of state shall accumulate the results from the respective counties and certify the results to the department.

[Statutory Authority: Chapter 47.46 RCW. 97-14-037, § 468-105-080, filed 6/26/97, effective 7/27/97. Statutory Authority: RCW 47.46.030 (3)-(11). 96-03-107, § 468-105-080, filed 1/23/96, effective 2/23/96.]

### Chapter 468-200 WAC

## CONDUCT AND MANAGEMENT OF EMERGENCY AIR OPERATIONS AIR SEARCH & RESCUE/ DISASTER RELIEF

### WAC

468-200-080	Registration.
468-200-160	Establishment of state standards.
468-200-350	Appeal procedure.

**WAC 468-200-080 Registration.** Registration is a prerequisite for emergency workers involved in the conduct of air search & rescue/disaster relief missions conducted under the authority of this chapter or chapter 47.68 RCW.

(1) Aircraft pilots and observers shall register with the aviation division by completing and filing a form as designated by the aviation division.

(2) Main base support personnel, assigned and working at the aviation division designated incident command post must also be registered with the aviation division.

(3) Ground personnel engaging in search and rescue field activities in remote or isolated locations must be registered emergency workers having complied with the registration requirements of chapter 38.52 RCW and chapter 118-04 WAC.

(4) The information provided during registration may be used by authorized officials to conduct criminal history, flying record, driving record, and background checks.

(5) Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration or revocation of registration.

(6) Registration required under chapter 47.68 RCW and this chapter shall be accomplished by the aviation division on a form supplied or approved by the aviation division. Registration shall be completed upon the successful completion of the required training program as approved by the aviation division.

(a) An employee of the state or of a political subdivision of the state who is required to perform emergency duties as a normal part of their job shall not be required to register.

(b) When such individuals are outside the jurisdiction of their employment during a disaster, emergency, mission or incident, except when acting under the provisions of a mutual aid agreement, they should report to the on-scene authorized official and announce their capabilities and willingness to serve as a volunteer during the emergency or disaster. The on-scene authorized official shall register the individual as a temporary worker.

(c) Employees of the National Park Service, U.S. Forest Service, Bureau of Land Management performing their

normal assigned duties in jurisdictions under their control shall not be required to register.

(d) Members of active duty, reserve, or National Guard components of the Department of Defense performing duties while in a "paid duty" status shall not be required to register.

(e) Members of active duty or reserve components of the U.S. Coast Guard performing duties while in a "paid duty" status shall not be required to register.

(f) Temporary registration may be authorized in those emergency situations requiring immediate or on-scene recruiting of volunteers to assist in time-critical or life threatening situations.

[Statutory Authority: Chapter 47.68 RCW. 97-03-064 (Order 167), § 468-200-080, filed 1/13/97, effective 2/13/97; 96-02-067 (Order 160), § 468-200-080, filed 1/3/96, effective 2/3/96.]

### WAC 468-200-160 Establishment of state standards.

Additional state standards may be established for classes of individual emergency workers involved in air search and rescue and air responses to disaster situations. Upon establishment of any such state standards, training programs within the state shall, at a minimum, comply with these standards.

[Statutory Authority: Chapter 47.68 RCW. 97-03-064 (Order 167), § 468-200-160, filed 1/13/97, effective 2/13/97; 96-02-067 (Order 160), § 468-200-160, filed 1/3/96, effective 2/3/96.]

**WAC 468-200-350 Appeal procedure.** Any individual who or organization which feels that the provisions of this chapter have not been fairly or equitably administered may appeal, in writing, to the director of aviation. The director will review the complaint and respond within thirty days. Appeals generally will be limited to training, certification, and registration matters. Due to the nature of emergency response the decision of the appointed incident commander on any emergency response mission shall be final. Organizations and individuals may seek a meeting with the director of aviation after the incident for future review and clarification.

[Statutory Authority: Chapter 47.68 RCW. 97-03-064 (Order 167), § 468-200-350, filed 1/13/97, effective 2/13/97; 96-02-067 (Order 160), § 468-200-350, filed 1/3/96, effective 2/3/96.]

### Chapter 468-300 WAC

## STATE FERRIES AND TOLL BRIDGES

### WAC

468-300-210	Repealed.
468-300-220	Calculation of charter rates for vessels owned by the Washington state ferry system.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-300-210	Transporting hazardous materials on Washington state ferries. [Statutory Authority: RCW 47.56.030 and 47.60.326. 96-14-004, § 468-300-210, filed 6/20/96, effective 7/21/96; 87-20-041 (Order 63, Resolution No. 308), § 468-300-210, filed 10/1/87.] Repealed by 97-15-110 (Order 83), filed 7/22/97, effective 8/22/97. Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323.
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**WAC 468-300-210 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system.** Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 27, 1997, through June 30, 1998:

Vessel Class	Deck Crew	
	On Overtime	Not On Overtime
Jumbo	\$987.69	808.53
Super	949.27	776.27
Evergreen	725.99	582.84
Issaquah	723.97	594.50
Steel	602.60	489.58
Rhododendron	575.60	462.58
Hiyu	430.27	356.31
Passenger Only	420.05	359.75

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by fifty percent, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

[Statutory Authority: RCW 47.01.061, 47.56.032 and 1997 c 323. 97-15-110 (Order 83), § 468-300-220, filed 7/22/97, effective 8/22/97.]

### Chapter 468-500 WAC COMMISSION MEETINGS

468-500-001 Commission meetings.

**WAC 468-500-001 Commission meetings.** Regular public meetings of the Washington state transportation commission are held monthly on the third Thursday of every month and on the Wednesday immediately preceding that day commencing at 9:00 a.m. or such other time as determined by the commission chair. Each such regular meeting shall be held in the transportation commission meeting room (1D2) in the Transportation Building, 410 Maple Park Drive, Olympia, Washington. Persons desiring to know the starting time for a specific meeting can call the commission office at (360) 705-7070.

[Statutory Authority: RCW 47.01.061 and 42.30.070. 97-06-002, § 468-500-001, filed 2/20/97, effective 3/23/97.]

## Title 478 WAC UNIVERSITY OF WASHINGTON

### Chapters

- 478-04 Organization.
- 478-108 Practice and procedure.
- 478-116 Parking and traffic rules of the University of Washington.
- 478-136 Use of University of Washington facilities.
- 478-156 Rules for the University of Washington residence halls and family housing apartments.
- 478-160 Admission and registration procedures for the University of Washington.
- 478-250 Governing indexing of public records.
- 478-276 Governing access to public records.

### Chapter 478-04 WAC ORGANIZATION

#### WAC

478-04-020 Organization—Operation—Information.

**WAC 478-04-020 Organization—Operation—Information.** (1) Organization. The University of Washington is established in Title 28B RCW as a public institution of higher education. The institution is governed by a nine-member board of regents, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of the University of Washington is at the following address:

University of Washington  
Office of the President  
301 Gerberding Hall  
Box 351230  
Seattle, WA 98195-1230

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

University of Washington  
Office of the Registrar  
209 Schmitz Hall  
Box 355850  
Seattle, WA 98195-5850