

WSR 23-20-106

PROPOSED RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed October 3, 2023, 11:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [23-01-065].

Title of Rule and Other Identifying Information: Chapters 47.26 and 47.66 RCW; RCW 47.04.320 and 47.04.325 [chapter 479-10 WAC].

Hearing Location(s): On December 1, 2023, at 9 a.m., in Bellevue, Washington. Held during the transportation improvement board (board) meeting.

Date of Intended Adoption: December 1, 2023.

Submit Written Comments to: Gena Workman, P.O. Box 40901, Olympia, WA 98504-0901, email genaw@tib.wa.gov, by November 20, 2023.

Assistance for Persons with Disabilities: Contact Gena Workman, phone 360-586-1140, by November 20, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The [purpose of the] proposal is to update the complete streets program that was established in 2015 as part of the connecting Washington transportation package. Three grant cycles have been completed and both agency customers and the board have identified the need to realign the program to be consistent with the board's existing programs. The Washington state legislature enacted Move Ahead Washington in 2022, which has included Climate Commitment Act (CCA) funding. This requires modifying existing chapter 479-10 WAC to comply with CCA funding requirements.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Transportation improvement board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ashley Probart, P.O. Box 40901, Olympia, WA 98504-0901, 360-790-5472.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes are cost neutral to the board. Program funding will continue to be distributed according to chapter 47.26 RCW and Title 479 WAC.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

October 3, 2023  
Ashley Probart  
Executive Director

OTS-4999.1

AMENDATORY SECTION (Amending WSR 17-09-018, filed 4/10/17, effective 5/11/17)

**WAC 479-10-500** ~~((What is the))~~ **Purpose and authority for the complete streets grant program(?)**. The transportation improvement board (TIB) adopts reasonable rules necessary to implement the complete streets grant program authorized in RCW 47.04.320. The purpose of the program is to encourage local agencies to adopt ordinances ~~((calling))~~ for street and road designs that incorporate access to all users~~((r))~~ including~~((r))~~ bicyclists, pedestrians, motorists, and public transportation riders ~~((by providing a financial incentive))~~.

[Statutory Authority: Chapter 47.26 RCW. WSR 17-09-018, § 479-10-500, filed 4/10/17, effective 5/11/17.]

AMENDATORY SECTION (Amending WSR 17-09-018, filed 4/10/17, effective 5/11/17)

**WAC 479-10-510** ~~((What local governments are))~~ **Who is eligible for ((the)) complete streets grant program(?) funding**. A city or county is eligible to receive ~~((a grant award from the))~~ complete streets grant program funding when it has a jurisdiction-wide complete streets ordinance adopted by its council or commission.

[Statutory Authority: Chapter 47.26 RCW. WSR 17-09-018, § 479-10-510, filed 4/10/17, effective 5/11/17.]

NEW SECTION

**WAC 479-10-515** **Projects eligible for complete streets funding**. The following types of improvements are permitted uses:

- (1) Pedestrian infrastructure;
- (2) Bicycle infrastructure;
- (3) Street or road modifications that provide or improve access to public transit;
- (4) Aesthetic improvements to the streetscape associated with the street or road system; and
- (5) Other activities consistent with RCW 47.04.320 may be authorized by the board on a case-by-case basis.

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NEW SECTION

**WAC 479-10-525** **Project selection for the complete streets program**. Projects may be selected by the board or executive director based on need, economy of scale, opportunities, and criteria listed in RCW 47.04.320.

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NEW SECTION**WAC 479-10-535 Award criteria for the complete streets program.**

The board establishes the following criteria for use in evaluating complete streets grant applications:

- (1) Purpose and need of proposed complete streets elements; and
- (2) Constructibility - Demonstrates a strong likelihood to achieve full funding, obtain permits, acquire right of way, and reach construction within the timelines established in WAC 479-05-211.

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NEW SECTION

**WAC 479-10-545 Acquisition of rights of way.** Complete streets program projects are eligible for the acquisition of right of way in accordance with WAC 479-05-140.

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NEW SECTION

**WAC 479-10-555 Identification of funding requests for the complete streets program.** To be considered for a project under the complete streets program, an eligible agency may submit a funding application in response to either a standard TIB call for projects or identification and notification by TIB staff based on other opportunities available to the area to decrease material or labor costs associated with project delivery.

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NEW SECTION**WAC 479-10-565 Project phases for the complete streets program.**

(1) Complete streets program projects will have five phases. Each phase will require specific documentation as described below and each phase must be approved before the applicant agency is eligible to receive the related funding:

- (a) Application phase;
- (b) Design phase;
- (c) Bid authorization phase;
- (d) Bid award phase; and
- (e) Project closeout phase.

(2) A manually signed copy of a contract or any amendments, statement of work, or other transaction documents delivered by email shall be deemed to have the same legal effect as delivery of an original signed copy.

(3) An electronic signature shall have the same force and effect as a manual signature on all agreements, forms, and other documents submitted in support of a project under this chapter. For purposes of

this section, an "electronic signature" has the same meaning as in RCW 1.80.010(10).

TIB will provide documents for the city or county to sign and return.

All necessary project cost documentation must be received prior to final payment.

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NEW SECTION

**WAC 479-10-575 Executive director administrative increase authority for the complete streets program.** The executive director has administrative increase authority of 15 percent of project costs or \$150,000, whichever is greater.

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NEW SECTION

**WAC 479-10-585 Matching requirements for the complete streets program.** The complete streets program provides funding for the agencies which will be matched by other funds as follows:

(1) For an incorporated city or town that has a population of less than 5,000:

(a) If the city assessed valuation is under \$100,000,000, no cash match is necessary.

(b) If the city assessed valuation is from \$100,000,000 to \$500,000,000, the matching rate is five percent of total project costs.

(c) If the city assessed valuation is greater than \$500,000,000, the matching rate is 10 percent of total project costs.

(2) For incorporated cities or towns with a population of 5,000 or more:

(a) If the city assessed valuation is under \$1,000,000,000, the matching rate is 10 percent of total project costs.

(b) If the city assessed valuation is between \$1,000,000,000 and \$2,500,000,000, the matching rate is 15 percent of total project costs.

(c) If the city assessed valuation is over \$2,500,000,000, the matching rate is 20 percent of total project costs.

(3) For counties:

(a) If the road levy valuation is under \$3,000,000,000, the matching rate is 10 percent of total project costs.

(b) If the road levy valuation is between \$3,000,000,000 to \$10,000,000,000, the matching rate is 15 percent of total project costs.

(c) If the road levy valuation is over \$10,000,000,000, the matching rate is 20 percent of total project costs.

The board uses the current published valuation from the department of revenue.

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REPEALER

The following sections of the Washington Administrative Code are repealed:

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|----------------|--|
| WAC 479-10-520 | How are local governments selected for complete streets grant funding?                       |
| WAC 479-10-530 | Who can nominate?  |
| WAC 479-10-540 | How many nominations may each nominator submit?  |
| WAC 479-10-550 | The board may nominate eligible local governments.   |
| WAC 479-10-560 | How will nominated local governments be evaluated for the complete streets grant program?    |
| WAC 479-10-570 | What projects are eligible?  |
| WAC 479-10-580 | How is the work plan determined?   |
| WAC 479-10-590 | How to make changes to the work plan.  |
| WAC 479-10-600 | When will the grant award payment be made?   |
| WAC 479-10-610 | How is the amount of the incentive payment determined?                                       |
| WAC 479-10-620 | What is required at grant award closeout?  |
| WAC 479-10-630 | When can eligible local governments who have already received an award, receive a new award? |