

WSR 25-23-057

PERMANENT RULES

FREIGHT MOBILITY

STRATEGIC INVESTMENT BOARD

[Filed November 17, 2025, 1:03 p.m., effective December 18, 2025]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending chapters 226-01 and 226-02 WAC to update and comply with chapter 42.56 RCW.

Citation of Rules Affected by this Order: New WAC 226-01-080, 226-01-090, 226-01-110, 226-01-111, 226-01-112, 226-01-113, and 226-01-114; repealing WAC 226-01-030, 226-01-060, and 226-02-050; and amending WAC 226-01-010, 226-01-040, 226-01-050, 226-02-010, 226-02-020, 226-02-030, 226-02-040, 226-02-060, 226-02-070, 226-02-080, 226-02-090, and 226-02-100.

Statutory Authority for Adoption: Chapter 47.06A RCW.

Adopted under notice filed as WSR 25-20-106 on September 30, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, Amended 12, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 12, Repealed 3.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2025.

Brandy DeLange
Executive Director

RDS-6717.2

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-01-010 Purpose and authority. Chapter ((175, Laws of 1998 provides)) 47.06A RCW requires that the freight mobility strategic investment board provides strategic guidance to the governor and the legislature regarding the highest priority freight mobility needs in the state and identifies and recommends a program of the highest priority freight investments. The board shall adopt reasonable rules and procedures necessary to implement the freight mobility program.

AMENDATORY SECTION (Amending WSR 02-08-076, filed 4/3/02, effective 5/4/02)

WAC 226-01-040 Time and place of meetings. (~~Regular public meetings of the board shall be held on the third Friday of every odd numbered month. Each such regular meeting shall be held in SeaTac, Washington, and begin at the hour of 9:00 a.m. unless otherwise designated by the board and at which time will be posted to the register and FMSIB website at least twenty days prior to the meeting.~~) By December of each year, the board shall adopt a calendar showing the date and location of board meetings for the following year.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by (~~delivering personally or by mail~~) written electronic notice to all other members of the board at least (~~twenty-four~~) 24 hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting, and all provisions of chapter 42.30 RCW shall apply.

AMENDATORY SECTION (Amending WSR 16-01-190, filed 12/23/15, effective 1/23/16)

WAC 226-01-050 Address of board. (~~Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:~~

~~Executive Director,
Freight Mobility Strategic Investment Board
505 Union Avenue S.E., Suite 350
Post Office Box 40965
Olympia, Washington 98504-0965)~~

The official address of the freight mobility strategic investment board is:

1111 Washington Street S.E.
P.O. Box 40965
Olympia, WA 98504-0965

NEW SECTION

WAC 226-01-080 Applications for freight mobility projects. When requested by the board, applications for proposed projects shall be submitted to the board by public entities seeking recommendation from FMSIB to the legislature. The application form will be provided by the board.

NEW SECTION

WAC 226-01-090 Selection process for freight mobility projects. The board shall use a multicriteria analysis and scoring framework, which may be periodically refined, for evaluating and ranking eligible

freight mobility and freight mitigation projects. The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's recommendation compared to other projects. In addition to assigning scoring points to each criterion that indicate the relative importance of the criterion, the board may also consider other elements in the overall determination of project recommendation.

NEW SECTION

WAC 226-01-110 Methods of construction. All construction by a public entity shall comply with the local agency guidelines (LAG) as described in the award letter issued by the board and WSDOT local programs.

NEW SECTION

WAC 226-01-111 Project modification and scope change. When necessary, the board, in consultation with WSDOT local programs, may issue concurrence on a project phase modification or scope change. Projects seeking phase modifications or scope change must provide in-writing justification, including cost and delivery date adjustments. Scope or phase modifications shall not be considered beyond the biennium for which the project was appropriated.

NEW SECTION

WAC 226-01-112 Lack of performance on freight mobility projects. To ensure that freight mobility projects remain on schedule, the board, in consultation with WSDOT local programs, will monitor the project progress based on at least semi-annual local project reports and reimbursement payments on the project.

NEW SECTION

WAC 226-01-113 Work progress on freight mobility projects. The lead agency must begin work on a project within 12 months of the date the project has been appropriated unless otherwise stipulated in joint communications issued by the board and WSDOT local programs. To determine if work has begun, the board will assess the project progress as compared to the information provided to the board when the project was authorized for funding.

If project activity has not started and it appears the project is falling behind the proposed schedule, the board may review the project status to determine if the board should make a recommendation to the legislature to withdraw funding from the project and reallocate to another proposed project.

NEW SECTION

WAC 226-01-114 Cost increases on freight mobility projects. Unless authorized by the legislature, increases in freight mobility funds will not be available.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 226-01-030 Organization of the freight mobility strategic investment board.
- WAC 226-01-060 Definitions.

RDS-6718.2

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the board with the provisions of chapter 42.56 RCW (~~(42.17.250 through 42.17.348)~~) dealing with public records.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-020 Public records officer. The freight mobility strategic investment board public records shall be in the charge of the executive director, who shall be the public records officer for the board. (~~(The person so designated shall be officed in the board's office in Olympia, Washington.)~~) The public records officer shall be responsible for implementation of the board's rules and regulations regarding release of public records, coordinating staff efforts of the board in this regard, and generally ensuring compliance of the staff with the public records disclosure requirements of (~~(chapter 1, Laws of 1973 (chapter 42.17 RCW))~~) chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-030 Public records available. (~~(All public records of the board, as defined in chapter 42.17 RCW, are available for public inspection and copying as provided in these rules, unless the record falls within the specific exemptions of RCW 42.17.310 or other statute exempting or prohibiting disclosure of specific information or records.)~~) Public records shall be available for inspection and copy-

ing from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-040 Requests for public records. (~~(Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.~~

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

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

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

~~(c) The nature of the request.~~

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

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

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

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

~~(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party or when such a request is made by or on behalf of an attorney for such a party, the request shall be referred to the assistant attorney general assigned to the board for appropriate response.) Public records requests should be sent to the public records officer at the office location using the following procedures:~~

(1) To ensure accuracy, any requests for public records should be made in writing and may be mailed or emailed.

(2) For prompt response, the following information should be provided in the request:

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

(b) The date on which the request is made;

(c) A specific description of the material requested;

(d) A verification that the records requested will not be used to compile a sales list or used for commercial gain;

(e) Instructions as to whether the requestor wants to view the document at the FMSIB offices, receive a copy by mail, or receive an electronic copy if available.

(3) FMSIB's public records request form is available on the web-site.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-060 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The board (~~(shall impose)~~) will charge a reasonable (~~(charge)~~) fee for providing copies of public records (~~(and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records)~~) as provided in RCW 42.56.120.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-070 Protection of public records. In order to implement the provisions of chapter 42.56 RCW (~~(42.17.290)~~), requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by board personnel and under the supervision of said personnel, upon the request of members of the public under the procedures specified in WAC 226-02-040.

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

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW (~~(42.17.310)~~) 42.56.040 is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-080 Denial of request. (1) The board shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW (~~(42.17.310)~~) 42.56.040 or other statute.

(2) Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, in whole or in part, and a brief explanation of how the exemption applies to the record or portion of record withheld.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-090 Review of agency denial. Whenever a person objects to a conclusion that a public record is exempt from disclosure, the person may request the attorney general to review the matter in accordance with RCW ((42.17.325)) 42.56.530.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-02-100 Records index. (1) The board has available for public inspection and copying at its offices in Olympia a current index of the following records:

(a) State legislation and proposed rules and regulations pertaining to board standards.

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

(c) Minutes of board meetings;

(d) Resolutions approved by the board;

(e) FMSIB program guidelines;

(f) ((Program reports and publications;

~~(g))~~ Budgets and expenditures ((

~~h) FMSIB project administration and accounting files))~~).

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

(a) The indexing system will be administered by the board's public records officer.

(b) Copies of the index shall be available for public inspection and copying in the manner provided in this chapter.

~~((c) The public records officer shall update the index at least once a year and shall revise the index when deemed necessary by the board.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 226-02-050 Availability for public inspection and copying of public records—Office hours.