

## WSR 26-04-078

## PROPOSED RULES

## TRANSPORTATION IMPROVEMENT BOARD

[Filed January 29, 2026, 12:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [25-24-042].

Title of Rule and Other Identifying Information: Portions of chapters 479-05 and 479-14 WAC.

Hearing Location(s): On March 27, 2026, at 9:00 a.m., at the Skamania Lodge, Stevenson, held during the transportation improvement board (TIB) meeting.

Date of Intended Adoption: March 27, 2026.

Submit Written Comments to: Gena Workman, P.O. Box 40901, email genaw@tib.wa.gov, by March 18, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Gena Workman, phone 360-586-1140, email genaw@tib.wa.gov, by March 18, 2026, 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending Title 479 WAC to update program changes that may include, but not be limited to: Updating and clarifying reimbursable engineering costs, matching criteria for small agencies, harmonizing right-of-way reimbursement eligibility, and making technical corrections to ensure consistency within existing programs.

Statutory Authority for Adoption: Chapter 47.26 RCW.

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

Name of Proponent: TIB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ashley Probart, P.O. Box 40901, Olympia, WA 98504, 360-586-1140.

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 TIB. 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; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

January 29, 2026  
Ashley Probart  
Executive Director

RDS-6975.1

NEW SECTION

**WAC 479-05-065 Small city retainage requirement.** (1) In addition to small agency match requirements for transportation board programs, a small agency receiving transportation improvement board funds shall be required to retain \$5,000 in contingency funding.

(2) The executive director may require the small agency to use contingency funding before authorizing an increase in TIB funds established in WAC 479-05-202 and 479-01-060.

(3) A small agency may be asked to prepare and make a presentation to the board justifying an exemption on the use of small agency contingency funding.

AMENDATORY SECTION (Amending WSR 23-08-032, filed 3/28/23, effective 4/28/23)

**WAC 479-05-170 Reimbursement of engineering costs.** Projects selected by the board before June 1, 2026.

Design and construction engineering costs eligible for reimbursement are limited to 30 percent, or 20 percent if funded as construction ready, of the approved contract bid amount.

Surveying and materials testing costs, even if they are part of the contract costs, are considered part of construction engineering and are subject to the 30 percent limit or 20 percent limit if funded as construction ready. Exceptions to the 30 percent engineering limit, or 20 percent engineering limit if funded as construction ready, may be considered for small city projects when an unforeseen issue arises that is beyond the control of the local agency. The local agency may request an increase through WAC 479-05-202 processes.

NEW SECTION

**WAC 479-05-175 Reimbursement of engineering costs.** Effective June 1, 2026, design and construction engineering costs eligible for reimbursement are determined by the board.

Effective June 1, 2026, the board will publish a reimbursable table for design and engineering costs of the approved contract bid amount.

The board will review and publish the reimbursable table every two years.

Surveying and materials testing costs, even if they are part of the contract costs, are considered part of construction engineering.

Exceptions to the published engineering limit may be considered for small city projects when an unforeseen issue arises that is beyond the control of the local agency. The local agency may request an increase through WAC 479-05-202 processes.

**RDS-6976.1**

AMENDATORY SECTION (Amending WSR 23-08-032, filed 3/28/23, effective 4/28/23)

**WAC 479-14-421 What projects are eligible for active transportation program funding.** Minimum project requirements for each subprogram are as follows:

(1) Urban active transportation program project eligibility:

(a) Must be on or related to a federally classified route; and

(b) Primary purpose of the project is transportation and not recreation.

(2) Small city active transportation program project eligibility:

(a) The project must be located on or related to a street within the TIB designated arterial system; and

(b) Primary purpose of the project is transportation and not recreation.

~~((For both of the subprograms, TIB does not participate in the cost for right of way acquisitions.))~~