

WSR 26-05-058

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 13, 2026, 1:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-24-039.

Title of Rule and Other Identifying Information: New chapter 468-712 WAC, Turnback agreements; WAC 468-712-010, 468-712-020, 468-712-025, 468-712-030, 468-712-040, 468-712-041, 468-712-042, 468-712-043, 468-712-044, and 468-712-050.

Hearing Location(s): On March 24, 2026, at 3:00 p.m., via virtual hearing in Microsoft Teams at <https://bit.ly/WAC-468-712-Mar-24-2026>. To join the virtual hearing, use the web address shown for the hearing location or dial in by phone +1 206-531-0324,,252095365# for United States, Seattle.

Use this link to find a local number at <https://dialin.teams.microsoft.com/039e7852-bef4-4986-949b-6b82f4e2095f?id=252095365>; Phone Conference ID 252 095 365#.

For further details about joining a Microsoft Teams meeting, visit <https://aka.ms/JoinTeamsMeeting?omkt=en-US>.

Date of Intended Adoption: March 24, 2026.

Submit Written Comments to: Erin Morsell, P.O. Box 47329, 310 Maple Park Avenue S.E., Olympia, WA 98504-7329, email [erin.morsell@wsdot.wa.gov](mailto:erin.morsell@wsdot.wa.gov), beginning the date and time of this filing, by March 20, 2026, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Washington state department of transportation (WSDOT), Americans with disabilities office, phone toll-free 855-362-4ADA(4232), TTY 711, email [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov), by March 17, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will establish procedures for the transfer of right of way to local agencies for highway use. This will formalize the process that WSDOT uses with local agencies for the transfer of such property. RCW 47.12.080 provides that the secretary of WSDOT may transfer and convey WSDOT right of way to local agencies when the transfer and conveyance is consistent with public interest.

Reasons Supporting Proposal: Historically, internal procedures within WSDOT regarding turnbacks have lacked clarity and guidance. This new rule would allow WSDOT to formalize procedures and processes for all new turnback agreements with local agencies and provide standardized guidance going forward.

Statutory Authority for Adoption: RCW 39.33.010, 47.12.063, 47.12.080, and 47.24.020.

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

Name of Proponent: WSDOT, governmental.

Name of Agency Personnel Responsible for Drafting: Erin Morsell, Olympia, 360-709-8260; Implementation: LeRoy Patterson, Olympia, 360-556-8312; and Enforcement: Mark Gaines, Olympia, 360-705-7231.

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. This is not required because WSDOT is not subject to RCW 34.05.328

(5) (a) (i) and has not made RCW 34.05.328 applicable to this rule.

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.

Explanation of exemptions: This proposed rule relates only to internal governmental operations that are not subject to violation by a nongovernment party. The rule establishes a process for transferring highway property to local agencies through turnback agreements.

Scope of exemption for rule proposal:

Is fully exempt.

February 13, 2026  
Sam Wilson, Director  
Business Support Services

**RDS-6991.1**

**Chapter 468-712 WAC  
TURNBACK AGREEMENTS**

NEW SECTION

**WAC 468-712-010 Purpose and authority.** RCW 47.12.080 provides that the Secretary of Transportation may transfer and convey department of transportation right of way to local agencies when the transfer and conveyance is consistent with the public interest. The state shall use the criteria established in RCW 39.33.010 for relinquishment of surplus land for highway use only.

NEW SECTION

**WAC 468-712-020 Definitions.** For purposes of implementing the requirements of RCW 47.12.080 relative to state highways, the following definitions shall apply:

(1) Turnback - The practice of turning over real property to local agencies for highway use by deed.

(2) Department - The Washington state department of transportation (WSDOT).

(3) Design concurrence - A signed document between the local agency and the department on the proposed design standards and elements to be applied within the designated preliminary turnback areas.

(4) Turnback areas - The portions of right-of-way identified within right of way plans that will be conveyed by deed to a local agency.

(5) Limited access highway - All highways listed as "established limited access (L/A)" on the limited access and managed access master plan and where the rights of direct access to or from abutting lands

have been acquired from the abutting landowners. Levels of limited access are defined in WAC 468-58-010. The limited access and managed access master plan is available through the department's website at <https://wsdot.wa.gov/business-wsdot/development-services-and-access>.

(6) Local agency - For the purposes of this chapter, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, and/or jurisdiction over transportation facilities.

(7) Managed access highway - Any highway not listed as "established L/A" on the limited access and managed access master plan and any highway or portion of a highway designated on the plan as "established L/A" until such time as the limited access rights are acquired.

(8) Turnback agreement system - The centralized electronic system within WSDOT's enterprise content management (ECM) portal that is used for the development, review, approval, and retention of turnback agreements between the department and local agencies.

(9) Right of way - A general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, land in which the department, a county, or a municipality owns the fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right, or lands that have been dedicated for public transportation purposes.

(10) State highway system - All roads, streets, and highways designated as state routes in compliance with chapter 47.17 RCW.

## NEW SECTION

### **WAC 468-712-025 Turnback requirements on highway segments.**

#### **Limited Access Highways**

Access rights acquired within limited access highways shall be retained by the department and shall not be included in a turnback.

Within incorporated areas of a limited access highway, the department may relinquish improvements acquired outside the limited access right of way. Streets, roads, alleys, and similar facilities located within the limited access highway right of way shall be vested in the department and do not require a deed from the local agency.

For unincorporated areas, property acquired from a third party that is not retained as part of the limited access highway shall be maintained and operated by the local agency and will require a turnback.

#### **Managed Access Highways**

Within incorporated areas, property acquired from a third party shall become the property of the local agency pursuant to RCW 47.24.020(15) and will not require a turnback.

Within unincorporated areas, property acquired from a third party shall be maintained and operated by the local agency and will require a turnback.

Property that continues to function as a local agency road shall have any required work completed under a permit issued to the department.

Property acquired by the department that is not needed for highway purposes and is determined to be an uneconomic remainder shall be

disposed of in accordance with applicable surplus property procedures and does not require a turnback.

NEW SECTION

**WAC 468-712-030 Requesting a turnback.** When the department initiates a new project that includes a proposed turnback, the department shall request the local agency enter into a turnback agreement by submitting a request through the turnback agreement system. A documentation package generated through the system shall be digitally signed by the head of the local agency or the agency's authorized designee. Turnback agreements are subject to the requirements of WAC 468-18-040.

NEW SECTION

**WAC 468-712-040 Documentation package.** (1) The department shall prepare a documentation package for review, comment, and approval by the local agency prior to transfer of ownership by deed. The documentation package shall include the following:

- (a) The turnback area right of way plan;
- (b) Design concurrence;
- (c) Turnback agreement;
- (d) Exemplar deed;
- (e) Transfer acceptance;
- (f) Notification of maintenance and operations.

(2) Once completed, the documentation package shall be retained within the turnback agreement system for a period of 75 years.

NEW SECTION

**WAC 468-712-041 Design concurrence.** Upon initiation of a project containing a proposed turnback, the department shall request design concurrence from the local agency through the turnback agreement system.

Design concurrence shall consist of the local agency's review and approval of the proposed design standards and elements to be applied within the designated turnback areas.

The local agency shall be provided with a minimum comment period of 14 calendar days to review and provide comments on the proposed design concurrence.

Following the conclusion of the comment period, design concurrence shall be digitally signed by the local agency and the department within the turnback agreement system.

NEW SECTION

**WAC 468-712-042 Turnback agreement.** (1) The turnback agreement shall specify at a minimum:

- (a) The turnback area right of way plan;

(b) Any necessary work or improvements to the right of way that must be completed;

(c) Any interim maintenance obligations;

(d) Any additional coordination requirements between the department and local agency prior to the conveyance of the turnback area.

(2) The local agency shall be provided with a minimum comment period of 30 calendar days to review and provide comments on the proposed turnback agreement.

(3) Following the conclusion of the comment period, the turnback agreement shall be digitally signed by the local agency and the department within the turnback agreement system.

#### NEW SECTION

**WAC 468-712-043 Notification of transfer of maintenance and operations.** Upon completion of the contract, the department shall notify the local agency of the transfer of maintenance and operations responsibilities for the turnback areas.

Maintenance and operations responsibilities shall be assumed by the local agency as specified in the turnback agreement.

The local agency shall be responsible for maintenance and operations of the turnback areas from the time specified in the turnback agreement and prior to transfer acceptance, unless otherwise specified in the agreement.

#### NEW SECTION

**WAC 468-712-044 Transfer acceptance.** During construction, either the department or the local agency may review and provide comments on changes that may affect the designated turnback areas. Any changes resulting from such comments shall be documented and incorporated into an amendment as part of the turnback agreement.

Upon project completion, the department shall request transfer acceptance from the local agency.

Transfer acceptance shall consist of the local agency's confirmation accepting ownership of the turnback areas as constructed and authorizing the initiation of deed transfer activities.

The local agency shall be provided with a minimum comment period of 14 calendar days to review and provide comments on the proposed transfer acceptance.

Following the conclusion of the comment period, transfer acceptance shall be digitally signed by the local agency and the department within the turnback agreement system.

#### NEW SECTION

**WAC 468-712-050 Finalizing the turnback.** After the completion of transfer acceptance, the department shall compile the turnback documentation package and transmit it to the WSDOT headquarters real estate services office for processing.

Upon receipt of the documentation package, the department shall initiate the deed preparation and processing.

The local agency shall receive the deed no later than one year after project completion, unless otherwise provided by statute or agreement, through the department's standard relinquishment process.