WSR 26-09-006
PERMANENT RULES
TRANSPORTATION IMPROVEMENT BOARD
[Filed April 2, 2026, 8:41 a.m., effective May 3, 2026]

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

Purpose: Amending Title 479 WAC to update program changes that may include, but not be limited to: Update and clarify reimbursable engineering costs, match criteria for small agencies, harmonize right-of-way reimbursement eligibility, and make technical corrections to ensure consistency within existing programs.

Citation of Rules Affected by this Order: New [WAC 479-05-065 and 479-05-175]; and amending [WAC 479-05-170 and 479-14-421].

Statutory Authority for Adoption: Chapter 47.26 RCW.

Adopted under notice filed as WSR 26-04-078 on January 29, 2026.

Date Adopted: March 27, 2026.

Ashley Probart
Executive Director

RDS-6975.3

NEW SECTION

WAC 479-05-065 Small agency 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 local agency funds as 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 project management, local agency administration, and engineering costs. Effective June 1, 2026, project management, local agency administration, and engineering costs eligible for reimbursement are determined by the board.

Effective June 1, 2026, the board will publish a reimbursable table for project management, local agency administration, and engineering costs of the approved eligible contract cost(s).

The board will review and consider the reimbursable table at least every two years.

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

Exceptions to the published costs limits may be considered for small agency projects when an unforeseen issue arises that is beyond the control of the small agency. The small 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.~~))