

AMENDATORY SECTION (Amending WSR 18-08-068, filed 4/2/18, effective 5/3/18)

**WAC 479-05-012 ((Emergent nature)) Out of call projects submission and limitations.** An eligible agency may request the transportation improvement board to consider a project for funding outside of the normal call for projects. To be considered as emergent nature, a project must demonstrate one or more of the following:

(1) There has been a significant change in the location or development of traffic generators in the area of the project.

(2) The work proposed is necessary to avoid or reduce serious traffic congestion in the area of the project in the near future.

(3) A partially funded project that, if completed, would enable a community to secure an unanticipated economic development opportunity.

(4) Other funding sources the local agency has applied for or secured for the project.

(5) The project request is a result of a federal, state, or locally declared emergency and must be funded prior to the normal call for projects.

(6) A project that is cost-effective and must be funded prior to the scheduled call for projects.

In meeting one or more of the criteria, the project request may not adversely impact currently funded projects. The agency may be asked to make a presentation to the board on the project.

AMENDATORY SECTION (Amending WSR 15-22-052, filed 10/29/15, effective 11/29/15)

**WAC 479-05-020 Six-year transportation plan.** Projects selected in the priority array must be included in the local agency's six-year transportation plan prior to receiving authorization to proceed on the project.

Preservation projects identified through pavement condition ratings are not required to appear in the local agency's six-year transportation plan.

Complete streets projects that are operational in nature are not required to appear in the local agency's six-year transportation plan.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-030 A registered professional engineer must be in charge.** (1) All projects using ((TIA)) transportation improvement board funds will be supervised by a professional engineer registered in the state of Washington.

(2) The executive director may waive a supervised professional engineer requirement for low-cost preventative preservation and maintenance projects and complete streets transportation projects.

AMENDATORY SECTION (Amending WSR 22-07-023, filed 3/9/22, effective 4/9/22)

**WAC 479-05-035 Qualifications for small city projects administered by another agency.** A local agency that has a small city arterial program project, small city preservation project, complete streets project, or active transportation project, may elect to have, or the executive director may require, the project to be administered by another city, a county, state department of transportation, or state transportation improvement board when:

(1) The local agency does not have certification acceptance from the state department of transportation per the Washington state department of transportation local agency guidelines manual, chapter 13; or

(2) The executive director determines that the local agency has insufficient capacity to directly administer transportation projects.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-040 Value engineering study requirements.** The executive director (~~will~~) may determine whether a value engineering study is required based on project risk factors summarized below. The agency will be notified if a value engineering study is required during the design process and must complete the study prior to authorization to bid.

- (1) Significant project complexity;
- (2) Significant structures;
- (3) Significant right of way;
- (4) Multiple alignment options;
- (5) Environmentally sensitive areas;
- (6) Complex interagency involvement.

The value engineering study is completed when the local agency submits the recommendation report to TIB. TIB may consider what recommendations are accepted or rejected when evaluating any funding increase or scope change request.

AMENDATORY SECTION (Amending WSR 22-07-023, filed 3/9/22, effective 4/9/22)

**WAC 479-05-051 Project phases.** Projects authorized by the board are divided into the following phases:

(1) Design phase - Documents that must be received prior to phase approval include:

(a) Signed funding status form confirming that the funding partners are fully committed;

(b) Page from the adopted six-year transportation plan which lists the project;

(c) Signed fuel tax agreement;

(d) Consultant agreement ((+) when a small city ((arterial and small city active transportation programs only))) contracts with an engineering firm or consultant to administer a transportation improvement board project on behalf of the small city.

(2) Bid advertisement phase - Documents that must be received prior to phase approval include:

(a) Signed bid authorization form that contains:

(i) Plans and specification package;

(ii) Written confirmation of funding partners; and

(iii) Confirmation that full funding is available for the project;

(b) Signed confirmation that right of way is acquired or possession and use agreement is in place;

(c) Engineer's estimate is in final format;

(d) Consultant agreement ((+) when a small city ((arterial and small city active transportation programs only))) contracts with an engineering firm or consultant to administer a transportation improvement board project on behalf of the small city;

(e) Certification that a cultural resource assessment was completed;

(f) Traffic signal warrants.

(3) Construction phase - Documents that must be received prior to phase approval include:

(a) Updated cost estimate form signed by a local agency official and the project engineer;

(b) Bid tabulations; and

(c) Description of cost changes.

(4) Project closeout phase - Documents that must be received prior to phase approval include:

(a) Updated cost estimate form signed by a local agency official and the project engineer;

(b) Final summary of quantities; and

(c) Accounting history signed by a local agency official or the financial manager.

(5) 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.

(6) 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).

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-060 Methods of construction.** All construction using ((PIA)) transportation improvement board funds shall be advertised, competitively bid and contracted, except:

(1) Utility and railroad relocations and adjustments;

(2) Government force work;

(3) Work eligible from the small works roster; and

(4) Local agencies may be otherwise exempt from bidding requirements if so authorized by an applicable statute contained in chapter 36.77, 35.22, 35.23, or 35.27 RCW.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-080 Standard specifications.** The current edition of *the Standard Specifications for Road, Bridge, and Municipal Construction* (~~(or equivalent,)~~) will be used as the standard for design and construction of board funded projects.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-100 Utility adjustments or relocations.** Utility adjustments or relocations may be reimbursed using the following criteria:

- (1) If it is a direct cost for utility adjustments that are owned by the local government;
- (2) If the utility provider owns the property in fee title; or
- (3) If the utility franchise agreement requires the local agency to pay for those utility adjustments or relocations required by state or local government.

Upgrading of utilities is not eligible for reimbursement by ~~((PIA))~~ transportation improvement board funds.

If the proposed work will cause a significant change in scope, the agency must seek board approval.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-120 Street illumination and traffic control devices.** Traffic control devices for an approved project may be purchased and installed under RCW 35.22.620(3), 35.23.352(1), and 36.77.065(3) by:

- (1) The contractor for the construction phase of the project; or
- (2) Local agency employees.

~~((PIA))~~ Transportation improvement board funds may be used in the costs to underground service connections for street illumination and traffic signal services within the approved project scope.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-130 Project landscaping and aesthetic improvements.**

Cost of landscaping and aesthetic improvements is limited to five percent of the total eligible construction contract amount.

(1) Landscaping includes:

(a) Cost of trees, shrubs, sod, and other plant material.

(b) Top soil and bark.

(c) Irrigation and tree grates.

(d) Labor for installation.

(2) Aesthetic improvement includes:

(a) Ornamental lighting.

(b) The local agency share of the cost of undergrounding of utilities.

(c) Public art.

(d) Special surfacing treatments (stamped concrete, pavers).

(e) Labor for installation.

(3) Items not considered landscaping or aesthetic improvements are:

(a) Erosion control treatments.

(b) Wetland mitigation (plantings) required by federal or state regulations.

(c) Property restoration.

(d) Landscaping integral to safety performance of active transportation separation/buffers.

(e) Landscaping and aesthetic improvements (except cost of undergrounding utilities) when the project is located within zoned or planned central business center/district.

(f) Landscaping contributing to speed management treatments (such as, but not limited to: Traffic circles, chicanes, lane shifts, median refuge areas, or added vertical friction to induce slower speed selection, etc.).

Requests for increases in landscaping and related costs are subject to WAC 479-05-201, 479-05-202, and 479-05-203. Landscaping costs in excess of the five percent limit may be paid for by funding sources other than TIB funds.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-131 Mitigation costs and limitations.** Mitigation

costs may include:

(1) Sound walls/berms: Unless required by specific regulations, TIB will not participate in this cost.

(2) Superfund sites: TIB funds will not participate in the cost of cleanup.

(3) Bridges: Bridge designs exceeding the most cost effective are not eligible for participation.

(4) Wetlands: Mitigation in excess of what is required by federal or state requirements is not eligible to be reimbursed.

~~((TIA))~~ (5) Stormwater treatment: Treatment in excess of what is required by federal or state requirements is not eligible to be reimbursed.

Transportation improvement board funds may not be used for excessive design, mitigation beyond federal or state requirements, or other unusual project features.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-140 Acquisition of rights of way.** Right of way for board funded projects shall be acquired in accordance with chapters 8.26 RCW and 468-100 WAC. Reimbursement of right of way acquisition costs are eligible within the design phase of the project.

At bid advertisement phase, right of way acquisitions should be completed and certified. If all right of way cannot be certified, the local agency must have possession and use agreements for the remaining parcels.

If under any circumstances right of way purchased with board funds is subsequently sold or transferred to a nontransportation purpose, the proceeds of the sale or equivalent value shall be placed in the local agency's appropriate transportation fund and expended solely for street or road improvement purposes.

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

**WAC 479-05-170 Reimbursement of engineering costs.** Design and construction engineering costs eligible for reimbursement are limited to ~~((thirty))~~ 30 percent, or ~~((twenty))~~ 20 percent if funded as construction ready, of the approved contract bid amount ~~((, plus costs designated as construction other))~~.

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 ~~((thirty))~~ 30 percent limit or ~~((twenty))~~ 20 percent limit if funded as construction ready. Exceptions to the ~~((thirty))~~ 30 percent engineering limit, or ~~((twenty))~~ 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.

AMENDATORY SECTION (Amending WSR 07-18-050, filed 8/30/07, effective 9/30/07)

**WAC 479-05-201 When an agency may request an increase in TIB funds.** Local agencies may request an increase in funds at ~~((the~~

~~bid,~~) or during the construction phase, and project closeout (~~pha-~~  
~~ses~~)).

AMENDATORY SECTION (Amending WSR 07-18-050, filed 8/30/07, effective 9/30/07)

**WAC 479-05-202 How an agency requests an increase in TIB funds.**

Increases in TIB funds may be requested by the lead local agency and submitted to TIB staff through the (~~bid authorization form or~~) updated cost estimate form or change order form.

The executive director will consider increase requests up to the levels in WAC 479-01-060.

Increase requests above the executive director administrative authority require board action. The local agency may be asked to prepare and make a presentation to the board justifying the increase.

AMENDATORY SECTION (Amending WSR 07-18-050, filed 8/30/07, effective 9/30/07)

**WAC 479-05-203 Criteria the board and the executive director use when reviewing increase requests.** The board and executive director will consider the following when reviewing increase requests:

(1) Whether the granting of the request will obligate funding beyond an acceptable level or will adversely affect authorized funds previously approved by the board.

(2) Whether the request would fund expansion of the scope of work beyond that approved at design phase.

(3) Whether the local agency should have anticipated an increase would be necessary at the outset of the project.

(4) Requests for increases at construction approval phase will take priority over other phase requests.

(5) Local agency funding partner ability to contribute to the increased costs.

(6) Other criteria on a case-by-case basis.