

WAC 468-30-070 Procedure for transfer of abandoned state high-ways to counties. A public highway which is or has been a part of the route of a state highway and is no longer necessary as such may be certified to the county in which it is located in the following manner:

The department of transportation shall notify the affected board of county commissioners and the county engineer of any certifications anticipated for the ensuing calendar year not later than August 1 of the previous year, so that the county may provide in its budget for the maintenance and/or reconstruction of roads which are transferred to it by the department of transportation in accordance with RCW 36.75.090.

(1) When a tentative date has been determined on which the transfer of the highway is to be made, the appropriate department of transportation region shall arrange for a joint maintenance inspection by representatives of the department of transportation and the county.

(2) Any and all routine maintenance deficiencies which are noted at the time of this inspection shall be corrected by the department of transportation region maintenance forces.

(3) Upon completion of any maintenance work deemed necessary, the department of transportation shall by letter inform the county engineer to the effect that all maintenance deficiencies noted during the inspection have been corrected.

(4) The county engineer shall by letter subsequently inform the department of transportation that the road or highway to be transferred is either (a) in a condition acceptable to the county, or (b) in a condition not acceptable to the county, in which case the unacceptable conditions shall be enumerated in detail.

(5) In the event that the department of transportation feels that additional maintenance work is required, it shall direct such work to be done and again follow the procedure outlined in subsection (3) of this section; and the county engineer shall then follow the procedure outlined in subsection (4) of this section.

(6) In the event that it becomes impossible for the department of transportation and the county to reach agreement, a full report of the initial inspection and the apparent points of disagreement shall be transmitted to the highways and local programs engineer, who will then consult with the state maintenance engineer and the county engineer and provide the secretary of transportation with all significant information and with their own recommendations.

(7) The secretary of transportation will take final action on the transfer of the road and the county shall be provided with a copy of the decision two weeks before the certification is made.

(8) After the certification has been made, the department of transportation will provide the county with all available maps, conveyances, permits, franchises and other documents which may relate to that portion of the road or highway transferred.

Maintenance is described as being the preservation and upkeep of a highway, including all of its elements, in as nearly its original, or as constructed, or as subsequently improved, condition as possible. This includes traffic control devices and other safety control measures deemed necessary.

In the alternative, the department with any county may enter into an agreement that modifies the above highway certification process so long as the agreement complies with the provisions of RCW 36.75.090.

[Statutory Authority: RCW 36.75.090. WSR 09-09-068, § 468-30-070, filed 4/14/09, effective 5/15/09. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-070, filed 12/20/78. Formerly WAC 252-12-055.]