Chapter 479-05 WAC
PROGRAM REQUIREMENTS

Last Update: 4/2/26

WAC

479-05-011 Submission of proposed projects.
479-05-012 Out of call projects submission and limitations.
479-05-020 Six-year transportation plan.
479-05-030 A registered professional engineer must be in charge.
479-05-035 Qualifications for small city projects administered by another agency.
479-05-040 Value engineering study requirements.
479-05-051 Project phases.
479-05-052 Project modification and scope change.
479-05-060 Methods of construction.
479-05-065 Small agency retainage requirement.
479-05-080 Standard specifications.
479-05-100 Utility adjustments or relocations.
479-05-101 Railroad adjustments or relocation.
479-05-120 Street illumination and traffic control devices.
479-05-130 Project landscaping and aesthetic improvements.
479-05-131 Mitigation costs and limitations.
479-05-140 Acquisition of rights of way.
479-05-141 What is eligible for reimbursement of right of way costs.
479-05-170 Reimbursement of engineering costs.
479-05-175 Reimbursement of project management, local agency administration, and engineering costs.
479-05-201 When an agency may request an increase in TIB funds.
479-05-202 How an agency requests an increase in TIB funds.
479-05-203 Criteria the board and the executive director use when reviewing increase requests.
479-05-204 If an increase is not approved.
479-05-211 When a project is considered delayed.
479-05-212 The stages of delayed projects.
479-05-213 Review and consequences of delay.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-05-010 Time and place for submission of proposed transportation improvement board projects. [Statutory Authority: Chapter 47.26 RCW. WSR 03-16-077, § 479-05-010, filed 8/4/03, effective 9/4/03. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-010, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-013 Urban project transfer for completion. [Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-013, filed 8/30/07, effective 9/30/07.] Repealed by WSR 12-08-060, filed 4/3/12, effective 5/4/12. Statutory Authority: Chapter 47.26 RCW.

479-05-041 When a value engineering study may be waived. [Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-041, filed 8/30/07, effective 9/30/07.] Repealed by WSR 12-08-060, filed 4/3/12, effective 5/4/12. Statutory Authority: Chapter 47.26 RCW.

479-05-050 Procedures for project approval. [Statutory Authority: Chapter 47.26 RCW. WSR 03-16-077, § 479-05-050, filed 8/4/03, effective 9/4/03. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-050, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-070 Registered engineer in charge. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-070, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-090 Design standards for transportation improvement board projects. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-090, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-110 Undergrounding utilities. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-110, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-150 Inclusion of bicycle facilities in transportation improvement board projects. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-150, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-160 Reimbursable costs. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-160, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-171 Reimbursement of cultural resource assessment costs for TIB funded projects. [Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-171, filed 8/30/07, effective 9/30/07.] Repealed by WSR 12-08-060, filed 4/3/12, effective 5/4/12. Statutory Authority: Chapter 47.26 RCW.

479-05-180 Direct costs. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-180, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-190 Indirect costs. [Statutory Authority: Chapter 47.26 RCW. WSR 00-22-001, § 479-05-190, filed 10/19/00, effective 11/19/00. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-190, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-200 Partial or progress payments for project costs. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-200, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-210 Record requirements. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-210, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-220 Audits of project records. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-220, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-230 Expenditure schedule of board funds. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-230, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-240 Procedure to request increase in board funds. [Statutory Authority: Chapter 47.26 RCW. WSR 03-16-077, § 479-05-240, filed 8/4/03, effective 9/4/03; WSR 01-19-040, § 479-05-240, filed 9/14/01, effective 10/15/01. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-240, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-250 Review of delayed projects. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-250, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-260 Recovery of board funds on canceled projects. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-260, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-270 Identification and consideration of surplus funds on authorized board projects. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-270, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-280 Funding shortfall. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-280, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

479-05-290 Over-programming of funds. [Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-290, filed 11/23/99, effective 12/24/99.] Repealed by WSR 07-18-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapter 47.26 RCW.

WAC 479-05-011 Submission of proposed projects. A call for projects may be made as the board deems appropriate. Subsequent to a call, a priority array may be adopted. The array will be published and will list all approved applications.

Special funding programs or a special call for projects may be made by the board as funds allow.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-011, filed 8/30/07, effective 9/30/07.]

WAC 479-05-012 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-012, filed 3/28/23, effective 4/28/23; WSR 18-08-068, § 479-05-012, filed 4/2/18, effective 5/3/18; WSR 07-18-050, § 479-05-012, filed 8/30/07, effective 9/30/07.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-020, filed 3/28/23, effective 4/28/23; WSR 15-22-052, § 479-05-020, filed 10/29/15, effective 11/29/15; WSR 12-08-060, § 479-05-020, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-020, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-020, filed 11/23/99, effective 12/24/99.]

WAC 479-05-030 A registered professional engineer must be in charge. (1) All projects using 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-030, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-030, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-030, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-030, filed 11/23/99, effective 12/24/99.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-035, filed 3/28/23, effective 4/28/23; WSR 22-07-023, § 479-05-035, filed 3/9/22, effective 4/9/22; WSR 15-22-052, § 479-05-035, filed 10/29/15, effective 11/29/15; WSR 12-08-060, § 479-05-035, filed 4/3/12, effective 5/4/12.]

WAC 479-05-040 Value engineering study requirements. The executive director 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-040, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-040, filed 4/3/12, effective 5/4/12. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 08-10-012, § 479-05-040, filed 4/24/08, effective 5/25/08. Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-040, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-040, filed 11/23/99, effective 12/24/99.]

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 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 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).

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-051, filed 3/28/23, effective 4/28/23; WSR 22-07-023, § 479-05-051, filed 3/9/22, effective 4/9/22; WSR 12-08-060, § 479-05-051, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-051, filed 8/30/07, effective 9/30/07.]

WAC 479-05-052 Project modification and scope change. The executive director may approve scope changes except the following which require the board's approval:

(1) A change in the project limits with a request for an increase in funding beyond the executive director's administrative authority in WAC 479-01-060;

(2) Adding or decreasing through lanes;

(3) Adding or eliminating grade separations;

(4) Reducing limits greater than one hundred lineal feet;

(5) Inclusion or exclusion of major project element that may be considered a scope change by the executive director; or

(6) Changes to project components that were used to rate the project.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-052, filed 8/30/07, effective 9/30/07.]

WAC 479-05-060 Methods of construction. All construction using 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-060, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-060, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-060, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-060, filed 11/23/99, effective 12/24/99.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 26-09-006, s 479-05-065, filed 4/2/26, effective 5/3/26.]

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

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-080, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-080, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-080, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-080, filed 11/23/99, effective 12/24/99.]

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

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-100, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-100, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-100, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-100, filed 11/23/99, effective 12/24/99.]

WAC 479-05-101 Railroad adjustments or relocation. Railroad adjustments or relocations may be reimbursed using the following criteria:

(1) TIB will reimburse the local agency for reasonable and necessary costs.

(2) There is a direct impact within the project limits.

Improvements beyond the necessary replacement costs to mitigate the impacts of the project will not be reimbursed.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-101, filed 8/30/07, effective 9/30/07.]

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.

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-120, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-120, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-120, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-120, filed 11/23/99, effective 12/24/99.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-130, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-130, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-130, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-130, filed 11/23/99, effective 12/24/99.]

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.

(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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-131, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-131, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-131, filed 8/30/07, effective 9/30/07.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-140, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-140, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-140, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-140, filed 11/23/99, effective 12/24/99.]

WAC 479-05-141 What is eligible for reimbursement of right of way costs. Only the square footage needed for the roadway is eligible to be reimbursed, unless:

(1) It is deemed by TIB to be in the best interest of the project to purchase the entire parcel;

(2) An entire parcel take is required by local resolution; or

(3) An uneconomic remnant will remain.

If after the completion of the project, the uneconomic remnant is sold, transferred, or rezoned to make it an economic remnant, the proceeds of any sale will be placed back in the local agency's appropriate transportation fund to be used for street or road improvement purposes only.

In the event the project is not built, TIB funds expended for right of way may be requested to be refunded to the board.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-05-141, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-141, filed 8/30/07, effective 9/30/07.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 26-09-006, s 479-05-170, filed 4/2/26, effective 5/3/26; WSR 23-08-032, § 479-05-170, filed 3/28/23, effective 4/28/23; WSR 12-08-060, § 479-05-170, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-170, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-05-170, filed 11/23/99, effective 12/24/99.]

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.

[Statutory Authority: Chapter 47.26 RCW. WSR 26-09-006, s 479-05-175, filed 4/2/26, effective 5/3/26.]

WAC 479-05-201 When an agency may request an increase in TIB funds. Local agencies may request an increase in funds at or during the construction phase, and project closeout.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-201, filed 3/28/23, effective 4/28/23; WSR 07-18-050, § 479-05-201, 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 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-202, filed 3/28/23, effective 4/28/23; WSR 07-18-050, § 479-05-202, 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.

[Statutory Authority: Chapter 47.26 RCW. WSR 23-08-032, § 479-05-203, filed 3/28/23, effective 4/28/23; WSR 07-18-050, § 479-05-203, filed 8/30/07, effective 9/30/07.]

WAC 479-05-204 If an increase is not approved. An agency request for an increase in funds may go to either the executive director or the board, as described in WAC 479-05-202, depending on the size of the request:

(1) If the executive director hears the request and does not approve it, the local agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds;

(b) Withdraw the request for participation;

(c) Request a formal review of the executive director's decision by the board; or

(d) Submit a request to the executive director to reduce the scope of the project as provided in WAC 479-05-052.

(2) If the board hears the request and does not approve it, the local agency may:

(a) Proceed with the project, paying for additional costs;

(b) Withdraw the request for participation; or

(c) Request a scope modification or reduction as provided in WAC 479-05-052.

In either case, the project will need to retain a usable and functional improvement to be granted a scope reduction.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-05-204, filed 8/30/07, effective 9/30/07.]

WAC 479-05-211 When a project is considered delayed. Projects are considered delayed when one of the following occurs:

(1) Urban program projects do not reach construction phase within four years and six months.

(2) Projects awarded funding as "construction ready" will be considered delayed if construction does not begin within one year of funding becoming available.

(3) All other programs must reach construction phase within two years and six months.

The award date or date funding is made available to the local agency by TIB, whichever is earlier, is the starting point in calculating the delay date.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-05-211, filed 4/3/12, effective 5/4/12; WSR 09-09-002, § 479-05-211, filed 4/1/09, effective 5/2/09; WSR 07-18-050, § 479-05-211, filed 8/30/07, effective 9/30/07.]

WAC 479-05-212 The stages of delayed projects. For TIB funded projects, there are two stages of delay:

(1) Stage 1 delay - If the project does not meet the project target date per WAC 479-05-211.

(2) Stage 2 delay - If the project does not meet the revised bid date as agreed to under Stage 1 delay under WAC 479-05-213(1), or one year after being designated as a Stage 1 delayed project.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-05-212, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-212, filed 8/30/07, effective 9/30/07.]

WAC 479-05-213 Review and consequences of delay. Delayed projects will be reviewed as follows:

(1) Stage 1 - Delayed project. The TIB staff report the delayed project to the board at a regularly scheduled board meeting. The executive director requests a letter from the local agency explaining why the project continues to be delayed and a commitment date which is acceptable to the executive director or board.

(2) Stage 2 - Contingency project. If the agency misses the agreed upon date(s) or deadlines set in the Stage 1 review, the project will be designated a contingency project. The board must restore a contingency project to active status before the executive director authorizes the next project phase.

A project remaining on the contingency list for twelve months will have the grant funds terminated. The agency may reapply for funding in a later grant application cycle.

The executive director has discretion when moving projects from one stage of delay to the next and may consider pending bid dates or other indications of impending progress.

[Statutory Authority: Chapter 47.26 RCW. WSR 12-08-060, § 479-05-213, filed 4/3/12, effective 5/4/12; WSR 07-18-050, § 479-05-213, filed 8/30/07, effective 9/30/07.]