

# Chapter 136-163 WAC

## ALLOCATION OF RATA FUNDS TO EMERGENT AND EMERGENCY PROJECTS

### WAC

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**WAC 136-163-010 Purpose and authority.** RCW 36.79.140 provides for the authorization of RATA funds for projects of an emergent nature. This chapter describes the manner in which counties may request RATA funds for such projects and the manner in which the county road administration board will respond to such requests.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-163-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-010, filed 8/12/96, effective 9/12/96.]

**WAC 136-163-020 Definitions.** For the purposes of this chapter, the term "emergent nature" as used in RCW 36.79.140 shall mean both "emergent" and "emergency" projects as follows:

(1) **Emergency project:** Work of either a temporary or permanent nature which restores roads and bridges to the pre-disaster condition and may include reconstruction to current design standards. This work is the result of a sudden natural or man-made event which results in the destruction or severe damage to RATA-eligible roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic. Work of an emergency nature is also beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be.

(2) **Emergent project:** RATA-eligible work necessitated by sudden and unanticipated development, growth, access needs, or legal decisions. This work is not the result of an emergency situation as previously defined. This work, in consideration of good transportation capital facilities management, will also require a county to commit resources beyond its current six-year transportation program and prior to the next six-year transportation program annual update as provided for in RCW 36.81.121.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-163-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-020, filed 8/12/96, effective 9/12/96.]

**WAC 136-163-030 Limitations and conditions—Emergency projects.** To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW 36.40.180. If there is not yet a state declaration of

emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declaration of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the county road administration board may provide up to one hundred percent of a county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the county road administration board may provide up to eighty percent or ninety percent of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-011, § 136-163-030, filed 2/7/03, effective 3/10/03; WSR 99-01-021, § 136-163-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-030, filed 8/12/96, effective 9/12/96.]

**WAC 136-163-040 Limitations and conditions—Emergent projects.** To be eligible for emergent project approval, the project shall be evaluated by the county road administration board grant programs engineer, with the participation of the county engineer, on the same point system as all other projects within the region. The proposed emergent project must rank at or above the regional funding cut off line on the current regional array based upon one hundred percent of the current estimated regional allocation as determined by the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-163-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-040, filed 8/12/96, effective 9/12/96.]

**WAC 136-163-050 Limitations and conditions—Emergency and emergent projects.** All projects for which RATA funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is either emergent or emergency as described in WAC 136-163-020 through 136-163-040;

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and

(3) The requesting county agrees to a reduction in the next funding period's maximum RATA eligibility to the county equal to the RATA that may be provided; however,

should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

[Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-163-050, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-163-050, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-050, filed 8/12/96, effective 9/12/96.]

**WAC 136-163-060 Action by the county road administration board.** Counties may request consideration and action by the county road administration board at any time, however, the county road administration board will address all such requests at its next regular quarterly meeting. A county may request, and the county road administration board chair may convene, a special meeting to consider such a request as provided for in WAC 136-01-030.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-163-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 96-17-014, § 136-163-060, filed 8/12/96, effective 9/12/96.]