

## Chapter 136-161 WAC

# PROJECT SUBMITTAL, SELECTION AND INITIAL ALLOCATION OF RATA FUNDS TO PROJECTS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

136-161-100	Use of RATA funds for emergent projects. [Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-100, filed 8/2/94, effective 9/2/94.] Repealed by WSR 96-17-013, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070 and 36.79.060.
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**WAC 136-161-010 Purpose and authority.** RCW 36.79.060 provides that the county road administration board shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which counties may request RATA funds for specific rural arterial projects and the manner in which the county road administration board will select projects and allocate RATA funds to such projects.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-161-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-010, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-020 RAP program cycle—General.** The RAP biennial program cycle consists of the following basic steps:

(1) The CRABoard establishes a funding period if it determines that sufficient future RATA funds are available to provide for new RAP projects. This determination takes place during the CRABoard's regularly scheduled fall meeting in odd-numbered years.

Consistent with WAC 136-130-020, should the board determine there are adequate RATA funds available to be allocated to each region and, under advisement from each region, the board's action shall include the determination of the amount to be allocated to each project type within each region. The board's RATA funding allocation may include all or any subset of the project types described under WAC 136-130-020, and this decision may be unique to each region and may vary between funding periods.

(2) Each eligible county prepares and submits a preliminary prospectus to the county road administration board;

(3) County road administration board staff conducts a field review of each preliminary prospectus and provides to

each submitting county an evaluation and scoring of all priority elements which are based on a visual examination, using that region's priority rating process;

(4) Each eligible county prepares and submits a final prospectus to the county road administration board;

(5) For each final prospectus submitted, county road administration board staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and

(6) The county road administration board reviews the rank-ordered arrays in each region and, based upon the RATA funds projected to be allocable for the next project program period (see WAC 136-161-070), selects and approves specific projects for RATA funding.

[Statutory Authority: Chapter 36.78 RCW. WSR 11-05-005, § 136-161-020, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-161-020, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-161-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-020, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-030 RAP program cycle—Preliminary prospectus.** By March 1st of each even-numbered year prior to a funding period, each eligible county shall, for each project for which it seeks RATA funds estimated to be available in the next project program period, submit a preliminary prospectus to the county road administration board. The format and content of the preliminary prospectus shall be prescribed by the county road administration board. Each preliminary prospectus shall be signed by the county engineer. The number of preliminary prospectuses submitted and the total amount of RATA funds requested by each eligible county should be sufficient to assure that, based upon such prospectuses, each county will be able to compete up to its county limit within its region, subject to the supplemental limitations under WAC 136-130-030 through 136-130-070.

[Statutory Authority: Chapter 36.78 RCW. WSR 11-05-005, § 136-161-030, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-161-030, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-161-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-030, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-040 RAP program cycle—Field review by county road administration board.** After all preliminary prospectuses are received, the county road administration board will schedule and conduct an on-site field review of each project. During the field review, conducted jointly with the county engineer or his/her designee (unless waived by the county engineer), the assigned county road administration board staff person will review the overall project scope with the county representative and, using that region's priority rating process, determine the rating score of

all priority elements which are based on a visual examination. To ensure both uniformity and professional judgment in the visual ratings, the assigned county road administration board staff person shall be a licensed professional civil engineer in the state of Washington, and the same person shall review and rate all projects within a region. All field reviews will be completed, and the visual rating scores returned to each submitting county, by July 1st of each even-numbered year prior to a funding period.

[Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-161-040, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-161-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-040, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-050 RAP program cycle—Final prospectus.** By September 1st of each even-numbered year prior to a funding period, each eligible county shall submit a final prospectus for each project for which it seeks RATA funds. Each final prospectus shall be submitted on forms provided by the county road administration board and shall include a vicinity map, a typical cross-section (existing and proposed), and, if a design deviation is required, an evaluation and determination by the county engineer. If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within one thousand feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design. All final prospectuses shall indicate that the design of the project shall begin not later than one year from the date of project approval by the county road administration board, and that construction of the project shall begin not later than six years from the date of project approval by the county road administration board. All final prospectuses shall come from the pool of preliminary prospectuses submitted and field reviewed as specified in WAC 136-161-030 and 136-161-040.

[Statutory Authority: Chapter 36.78 RCW. WSR 11-05-005, § 136-161-050, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-161-050, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-161-050, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-050, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-060 RAP program cycle—Total project rating and priority array.** County road administration board staff will review all final prospectuses and ensure that:

- (1) All necessary information is included;
- (2) The project is from the pool of preliminary prospectuses;
- (3) The project is eligible for RATA funding;
- (4) The project schedule indicates that preliminary engineering will begin not later than one year from the date of project approval by the county road administration board, and that the construction of the project will begin not later than six years from the date of project approval by the county road administration board; and
- (5) The total project priority rating is mathematically correct and the visual rating scores determined during the field review are included.

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(6) Existing and proposed roadway cross sections, project narrative, and preconstruction photos are attached.

After county road administration board staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array. After review by the county road administration board at its next regular meeting, the priority array for each region will be provided to each county in the region. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included. Projects not adopted in the six-year transportation program by December 31st of the submittal year will be dropped from the array of eligible projects and the revised array will be presented to the county road administration board at its next regularly scheduled meeting.

[Statutory Authority: Chapter 36.78 RCW. WSR 13-16-105, § 136-161-060, filed 8/7/13, effective 9/7/13; WSR 11-05-005, § 136-161-060, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-161-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-161-060, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-060, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-070 RAP program cycle—Selection and approval of projects for RATA funding.** (1) At its last regular meeting before the beginning of each biennium, the county road administration board will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

- (a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and
- (b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the county road administration board in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The statewide net amount of RATA funds available for allocation to projects in the funding period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-163-020. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-100 WAC.

(3) Project program periods and the corresponding funding periods shall both begin on July 1st of odd numbered years and end on June 30th of odd numbered years, unless modified by resolution of the board.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to no more than ninety percent of the net amount estimated to be allocable to each region for the project program period, with the remaining

percentage allocated at such time as deemed appropriate by the county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the county road administration board prior to commencement of construction.

[Statutory Authority: Chapter 36.78 RCW. WSR 11-05-005, § 136-161-070, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 01-05-009, § 136-161-070, filed 2/8/01, effective 3/11/01; WSR 99-01-021, § 136-161-070, filed 12/7/98, effective 1/7/99; WSR 98-09-070, § 136-161-070, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-161-070, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-070, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-080 Limitations on allocations of RATA funds to counties.** For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: No maximum project RATA contribution; 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: No maximum project RATA contribution; twenty percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; maximum RATA contribution to each county for 2R projects is seven hundred fifty thousand dollars; twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; fifteen percent limit on percentage of the forecasted regional apportionment amount;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

- |                        |                  |
|------------------------|------------------|
| (a) Asotin County      | ten percent      |
| (b) Benton County      | fourteen percent |
| (c) Columbia County    | eleven percent   |
| (d) Franklin County    | thirteen percent |
| (e) Garfield County    | ten percent      |
| (f) Kittitas County    | thirteen percent |
| (g) Klickitat County   | fourteen percent |
| (h) Walla Walla County | fourteen percent |
| (i) Yakima County      | twenty percent   |

(6) The county limits for all eligible and applying counties in each region will be adjusted to include by equal share the funding limit of any ineligible or nonapplying county.

[Statutory Authority: Chapter 36.78 RCW. WSR 11-05-005, § 136-161-080, filed 2/3/11, effective 3/6/11; WSR 10-05-018, § 136-161-080, filed 2/4/10, effective 3/7/10. Statutory Authority: Chapter 36.79 RCW. WSR 08-16-042, § 136-161-080, filed 7/29/08, effective 8/29/08; WSR 07-17-020, § 136-161-080, filed 8/6/07, effective 9/6/07; WSR 03-11-046, § 136-161-080, filed 5/16/03, effective 6/16/03; WSR 99-01-021, § 136-161-080, filed 12/7/98, effective 1/7/99; WSR 98-09-070, § 136-161-080, filed 4/20/98, effective

(8/7/13)

5/21/98. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-080, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-090 Limitations on use of RATA funds.** RATA funds requested and allocated to a project are limited to eighty percent in the NWR for projects approved by the CRABoard on and prior to April 30, 2008, and ninety percent in the NWR for projects approved thereafter, and ninety percent in the PSR, SWR, NER and SER, of the total eligible project development costs, which include preliminary engineering and construction costs in all regions, and right of way costs in the PSR, NWR, NER and SER. Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of RATA funds for that project is limited to the amount allocated and shown in the CRAB/county contract (see chapter 136-170 WAC), unless the allocation is increased pursuant to chapter 136-165 WAC.

[Statutory Authority: Chapter 36.79 RCW. WSR 07-17-020, § 136-161-090, filed 8/6/07, effective 9/6/07; WSR 99-01-021, § 136-161-090, filed 12/7/98, effective 1/7/99; WSR 98-09-070, § 136-161-090, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 36.79.060. WSR 94-16-111, § 136-161-090, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-110 Use of other funds to match RATA funds.** A county with an approved RAP project may use any other funds available for such project including federal, other state, private, and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of twenty percent other funds in the NWR for projects approved by the CRABoard on and prior to April 30, 2008, and ten percent other funds in the NWR for projects approved thereafter, and ten percent other funds in the PSR, SWR, NER, and SER.

[Statutory Authority: Chapter 36.79 RCW. WSR 07-17-020, § 136-161-110, filed 8/6/07, effective 9/6/07; WSR 99-01-021, § 136-161-110, filed 12/7/98, effective 1/7/99.]