



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: County Road Administration Board

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: July 19, 2001

(2) Purpose: Amends sections 210-020 Applicable design standards; 150-020 Implementing the eligibility requirement; 150-022 Ascertaining the expenditures for traffic law enforcement; 150-023 Identifying eligible counties; 150-024 Constraint of contract execution; 150-030 Certification required; 150-040 Post audit penalty of WAC136.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 136
 Suspended:

(4) Statutory authority for adoption: 36.79

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 01-12-051 on June 1, 2001 (date).

Describe any changes other than editing from proposed to adopted version: Section 150-023 paragraph (3) replaced the word "being" with "have been" and in paragraph (4) replace "are being" with "and have been"; added to 210-020 "or as" and "thereafter".

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

Name (Type or Print)

Jay P. Weber

Signature

Title

Executive Director

Date

August 16, 2001

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 21 2001

TIME _____ 114

WSR 01-17-104

ALL PIR

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-210-020 Applicable design standards. Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the city and county design standards for the construction of urban and rural arterials and collectors as adopted November 30, 1994, or as they may be revised from time to time thereafter in accordance with RCW 35.78.030 and 43.32.020.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-020 Implementing the eligibility requirement.

The county road administration board will ascertain the amount of the total road levy fixed in each county and the amount diverted, if any, for any services to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. ~~((The amount actually spent each year for traffic law enforcement will be compared with the amount diverted to determine whether or not the county is eligible to receive RATA funds.))~~

AMENDATORY SECTION (Amending WSR 00-18-021, filed 8/28/00, effective 9/28/00)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement.

In those counties in which ~~((road fund dollars or))~~ diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than March 15 of each year.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-023 Identifying eligible counties.

Counties eligible to receive RATA funds shall be:

- (1) Those in which there has been no diversion of the county road levy;
- (2) Those in which the actual expenditures for traffic law enforcement have been equal to ~~((7))~~ or greater than ~~((7))~~ either the amount of diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;
- (3) Those in which road funds have been transferred to other

funds and have been used for legitimate road purposes;

(4) Those with a population of less than eight thousand; and
~~((4))~~ (5) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-024 Constraint of contract execution. The county road administration board shall not execute a contract with any county for any RAP project unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-030 Certification required. The contract between the county road administration board and a county relative to a RAP project shall contain a certification, signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-040 Post audit penalty. Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board (~~((meeting))~~) and may be cause for the (~~((county road administration))~~) board to withdraw or deny the certificate of good practice of that county (~~((, and/or to))~~). The board may also require that all (~~((,))~~) or part of (~~((,))~~) the RATA funds received by the county be returned to the county road administration board.