



# 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 11, 2002

(2) Purpose: Creates WAC 136 Chapter 50 Standards of Good Practice – Statutory Relationship between county engineer and county legislative authority – adoption of written policies. Creates a new Standard of Good Practice to identify the statutory relationship between the county engineer and county legislative authority.

(3) Citation of existing rules affected by this order: WAC 136-10 has been repealed as a result of adoption of WAC 136 Chapter 50

Repealed:  
Amended:  
Suspended:

(4) Statutory authority for adoption: 36.79

Other Authority:

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-11-118 on May 21, 2002 (date).

Describe any changes other than editing from proposed to adopted version: Remove "The purpose of these laws is to designate the county engineer as the chief administrative officer of the county road department" from WAC 136-50-010.

### 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  
8/9/2002

### CODE REVISER USE ONLY

STATE OF WASHINGTON  
OFFICE OF THE  
CODE REVISER

AUG 22 2002

104

WSR 02-18-020

TIME

FILE

(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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## Chapter 136-50 WAC

### STANDARDS OF GOOD PRACTICE--STATUTORY RELATIONSHIP BETWEEN COUNTY ENGINEER AND COUNTY LEGISLATIVE AUTHORITY--ADOPTION OF WRITTEN POLICIES

#### NEW SECTION

**WAC 136-50-010 Purpose and authority.** The powers and duties of the county legislative authority in relation to roads and bridges, and the qualifications and duties of the county engineer are detailed in Title 36 RCW. This chapter reiterates the formal relationship between the legislative authority and its county engineer and requires that certain written policies be adopted to insure the efficient and productive operation of the road department.

In this chapter and throughout Title 136 WAC, the term "county engineer" shall mean both "county road engineer" and "county engineer," as those terms are used in Title 36 RCW.

#### NEW SECTION

**WAC 136-50-020 Duties of county legislative authority.** Certain specific powers and duties are set forth in RCW 36.75.040, 36.75.050, 36.80.010, 36.81.121, and 36.81.130. In addition to these specific statutory duties, the county legislative authority shall have the duty to develop written policies, regarding county road department operation for the information and guidance of the county engineer.

#### NEW SECTION

**WAC 136-50-030 Duties of the county engineer.** The various duties and responsibilities of the county engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined

duties, the county engineer shall be guided by written policies regarding county road department operation as promulgated by the county legislative authority.

NEW SECTION

**WAC 136-50-035 Charter counties.** In counties that have adopted a home rule charter, as provided for in Article 11 subsection 4 of the state Constitution, the duties and responsibilities of the county engineer set forth in chapter 36.80 RCW may be modified by the county legislative authority as allowed by existing constitutional law, statutory law, and the county's charter.

NEW SECTION

**WAC 136-50-050 Written policy.** In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution adopt written policies, within the limits of existing state law, that cover any matters relating to road department operation as they may see fit. At a minimum, written policies must be adopted to cover the issues listed in WAC 136-50-051 through 136-50-055.

NEW SECTION

**WAC 136-50-051 Policy regarding organization.** It shall be the duty of the county engineer to organize the road department in accordance with the policies of the county legislative authority, into such departments, divisions, districts, or units as may be necessary to meet statutory requirements and to perform such additional services as may be directed by policy of the legislative authority.

The county legislative authority shall adopt a written policy, including a chart or pictorial representation, designating the interrelationships of all positions in the road department from the county legislative authority through all employees. The chart shall clearly show the complete chain of command throughout the entire organization. Copies of such chart shall be retained in the office of the county engineer and in all road department shops in

such a manner that it will be readily available to all road department employees and the general public.

NEW SECTION

**WAC 136-50-052 Policy regarding personnel practices.** The county legislative authority shall adopt a written policy outlining all road department personnel practices. The policy shall address recruitment, appointment, promotion, dismissal, hours of work, overtime, annual leave, sick leave, military leave, holidays, classification, union relationship where applicable, and general work rules, and may also include other topics as desired by the legislative authority. Copies of such policy shall be retained in the office of the county engineer and in all road department shops in such a manner that it will be readily available to all road department employees and prospective employees.

NEW SECTION

**WAC 136-50-053 Policy regarding handling of complaints.** The county legislative authority shall adopt a written policy establishing the method by which complaints from the general public and others related to any road department activity will be handled. The purpose is to assure that each county will have an orderly procedure to insure that citizen complaints receive prompt attention.

NEW SECTION

**WAC 136-50-054 Policy regarding approval of work for other public agencies and county departments.** The county legislative authority shall adopt a written policy regarding approval of work for other public agencies and county departments. The policy shall include, but is not limited to, the following:

(1) Statement of intent indicating whether or not the legislative authority will accept requests for work for other public agencies or other county departments.

(2) Statement indicating procedures to be followed in processing such requests in accordance with applicable statutes.

(3) Statement indicating any delegation of authority in

processing such requests.

NEW SECTION

**WAC 136-50-055 Policy regarding accommodation of utilities on county road rights of way.** The county legislative authority shall adopt a written policy outlining the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.

NEW SECTION

**WAC 136-50-070 Submittal of policies to the county road administration board.** Each county legislative authority shall submit to the office of the county road administration board one copy of each policy required in WAC 136-50-051 through 136-50-055, and any subsequent revisions thereto, adopted pursuant to this regulation. The county road administration board shall maintain a current file of all such adopted policies for each county.