



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: County Road Administration Board Admin. Order 72

- Permanent Rule
 Emergency Rule

(1) Date of adoption: 1/26/90

(2) Purpose: Changes all references to county commissioners to county legislative authority; revises internal processing timetable.

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

Repealed: none
Amended: 136-04-020, -030, -040, -060
Suspended: none

(4) Authority for adoption:

Statute: 36.78.070
Other Authority: n/a

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-01-027 on 12/12/89 (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to 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

Emergency Rules

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

Ernest Geissler

SIGNATURE

Director

DATE 3/21/90

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 21 1990

TIME: 11:42
WSR: 90-07-025

AMENDATORY SECTION (Amending Order 24, filed 10/31/74)

WAC 136-04-020 INQUIRY BY THE BOARD. The county road administration engineer shall formulate a questionnaire for use by the counties designed to demonstrate to the board their level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the board at its ~~((January))~~ first meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than ~~((January-31-each-year))~~ fifteen days after said meeting.

AMENDATORY SECTION (Amending Order 65, filed 5/12/87)

WAC 136-04-030 RESPONSE BY THE COUNTY. ~~((The))~~ Each county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the ~~((chairman-of-the-board-of-county-commissioners))~~ county legislative authority or the county executive, and shall return it to the board no later than April 10.

AMENDATORY SECTION (Amending Order 24, filed 10/31/74)

WAC 136-04-040 REVIEW BY THE BOARD. The county road administration engineer shall receive the completed questionnaires and prepare a report for the board regarding the level of each county's compliance with pertinent laws and regulations. The board shall review the engineer's report at its second regular meeting ~~((in-April))~~ of each calendar year.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-060 CONDITIONAL CERTIFICATE OF GOOD PRACTICE. Whenever the board finds that a county has failed to be in reasonable compliance with provisions of law or standards of good practice, the board may transmit to the state treasurer on behalf of such county a conditional certificate, in the manner provided in WAC 136-04-080 and 136-04-090. Any such conditional certificate shall be issued subject to terms and conditions as deemed by the board to be appropriate, and will authorize continued distribution to such county of all or a designated portion of its share of motor vehicle fuel taxes. A copy of such conditional certificate shall be sent to the ~~((board-of-county commissioners))~~ legislative authority of the county on whose behalf it was issued. One of the conditions of such conditional certificate shall be a review by the board at a subsequent meeting of the situation which caused its issuance.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-080 NOTICE OF PENDING REVOCATION OR SUBSTITUTION. The board shall not consider revocation of a certificate or substitution of a conditional certificate or adverse modification of a conditional certificate for any county unless written notice of hearing thereon shall have been given to the ((~~chairman-of-the-board-of-county commissioners~~)) legislative authority or county executive at least two weeks prior to the board meeting at which such revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at such hearing.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-090 HEARING ON REVOCATION OR SUBSTITUTION. At the time appointed for the hearing, the board shall receive a report from the county road administration engineer detailing those laws or regulations with which the county is not in reasonable compliance, or those terms and conditions of the conditional certificate which the county has failed to meet. The board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon (a) continue or modify a conditional certificate (b) substitute a conditional certificate for a certificate or (c) revoke either the certificate or conditional certificate ((~~cancel--such certificate~~)).

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-100 REVOCATION OF CERTIFICATE. Upon revocation of a certificate or a conditional certificate by the board, notice thereof shall be given to the state treasurer and to the ((~~board-of-county commissioners~~)) legislative authority or county executive of the affected county. If any certificate is revoked without a conditional certificate being substituted therefore, the board shall review the affected county's(ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled board meeting until such time as the board finds that the county has reasonably complied or is diligently attempting to comply with such laws and regulations.