



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: County Road Administration Board

- Permanent Rule
- Emergency Rule

(1) Date of adoption: 4/18/90

(2) Purpose: Adopts emergency rules for the implementation of Chapter 42, Laws of 1990, Section 103(4) regarding the County Arterial Preservation Program and the County Arterial Preservation Account.

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

Repealed: N/A

Amended: N/A

Suspended: N/A

(4) Authority for adoption:

Statute: Chapter 42, Laws of 1990, Section 103(4)

Other Authority: N/A

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (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:

Section 504(1) of the authorizing act provides for an effective date of April 1, 1990. Also, as the program primarily deals with season-dependent road activities, a delay in implementation would result in most of the 1990 season being lost and much of the 1990 funds not being productively spent.

(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) _____ *

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

Emergency Rules

Immediately

Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 22 1990

TIME: 4:02 PM

WSR 90-11-113

Ernest Geissler

Director

DATE 5/22/90

Chapter 136-300 WAC

GENERAL ADMINISTRATION PROCEDURES

NEW SECTION

WAC 136-300-010 PURPOSE AND AUTHORITY. Section 103(4), chapter 42, Laws of 1990 (hereinafter referred to as the act), provides that the county road administration board (CRABoard) shall administer the county arterial preservation program (CAPP) and the county arterial preservation account (CAPA) established by this act. This chapter describes the manner in which the CRABoard will implement the several provisions of the act.

NEW SECTION

WAC 136-300-020 ADOPTION OF RULES. The CRABoard shall adopt rules in accordance with the provisions of the act for purposes of administering the CAPP regarding the following:

- (1) Distribution of county arterial preservation account (CAPA) funds.
- (2) Pavement management systems.
- (3) Allowable activities for CAPA funding.
- (4) Accounting and audit provisions.
- (5) Annual CAPP report.

NEW SECTION

WAC 136-300-030 DELEGATION OF AUTHORITY. In order to assure effective and timely administration of the CAPP the CRABoard may, by resolution, delegate specific administrative authorities to its director.

NEW SECTION

WAC 136-300-040 STAFF SERVICES AND FACILITIES. The CRABoard shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the CRABoard that are attributable to CAPP shall be paid from the county arterial preservation account in the motor vehicle fund.

Chapter 136-310 WAC

DISTRIBUTION OF COUNTY ARTERIAL PRESERVATION ACCOUNT FUNDS

NEW SECTION

WAC 136-310-010 CERTIFICATION OF COUNTY ARTERIAL MILEAGE. (1) Classification. The act specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(a) In urban areas, classified as arterials (Federal Functional Classes 12, 13, 14, 15, and 16) or as collectors (Federal Functional Class 17);

(b) In rural areas, classified as major collectors (Federal Functional Class 07) or minor collectors (Federal Functional Class 08).

Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphalt cement concrete (ACP), or Portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(2) Source of information. The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPA distribution.

NEW SECTION

WAC 136-310-020 ESTABLISHMENT OF ALLOCATION PERCENTAGES. At the next regular or special meeting after July 1, 1990, the CRABoard shall establish the allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the CRABoard as its percentage of paved arterial lane miles of the total paved county arterial lane miles in the state. These allocation percentages shall be effective January 1, 1991, and shall apply to all CAPA distributions for calendar year 1991; provided however, the calculations for the allocation percentages for all distributions in calendar year 1990 shall be based on the master county road log as certified by the CRABoard on August 4, 1989.

NEW SECTION

WAC 136-310-030 NOTICE TO COUNTIES. Upon establishment, the CRABoard shall notify the county legislative authority and the county road engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the remainder of the year.

NEW SECTION

WAC 136-310-040 DISTRIBUTION TO COUNTIES. Distribution of allocated CAPA funds shall be done monthly beginning with the month of June 1990 by the state treasurer. The state treasurer shall use the allocation percentages as provided by the CRABoard as computed under the provisions of WAC 136-310-020.

NEW SECTION

WAC 136-310-050 DATE OF 1990 ELIGIBILITY. Beginning May 1, 1990, all arterial preservation work and related activities done in calendar year 1990 shall be eligible for CAPA funding provided that:

- (1) The county road engineer submits the description of the pavement management system as provided in chapter 136-320 WAC; and
- (2) The work is in conformance with the allowable activities as specified in chapter 136-330 WAC.

Chapter 136-320 WAC

PAVEMENT MANAGEMENT SYSTEMS

NEW SECTION

WAC 136-320-010 DEFINITION. A pavement management system (PMS) is a systematic method used to maintain paved roads by analyzing pavement life cycles, determining when and what kind of pavement preservation work is necessary, and budgeting funds accordingly to prevent major road deterioration. A key element of a PMS is the capacity to plan pavement preservation work based upon a predictive pavement deterioration model or process.

NEW SECTION

WAC 136-320-020 REQUIREMENTS FOR 1990 CAPA ELIGIBILITY. Development and implementation of a PMS in each county as defined in WAC 136-320-010 will require a substantial lead time. As a first step in achieving PMS on a state-wide level, existing processes will need to be evaluated. In order for a county to be eligible for CAPA funds in 1990 the county road engineer must submit a description of the county's current pavement management system no later than August 1, 1990.

NEW SECTION

WAC 136-320-030 EVALUATION. Upon receipt of a county's current pavement management system description, the CRABoard shall evaluate it as to its compliance with this chapter, and shall notify the county road engineer of its evaluation.

Chapter 136-330 WAC
ALLOWABLE ACTIVITIES

NEW SECTION

WAC 136-330-010 ALLOWABLE ACTIVITIES. Unless otherwise approved by the CRABoard, CAPA funding shall be limited to development and operation of a pavement management system, and to paved arterial surface preservation and maintenance activities on existing roadways only. Activities which are allowable for CAPA funding include the following:

(1) Nonstructural surfacing (maintenance). These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(2) Structural surfacing (construction). These include thick asphalt concrete overlays (greater than one-inch); Portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(3) Associated activities (maintenance). These include crack sealing (bituminous and Portland cement pavements); full-depth, structural patching; Portland cement pavement joint reconstruction, undersealing, panel jacking and panel replacement; and other related surface maintenance activities.

NEW SECTION

WAC 136-330-020 MINIMUM ROAD WIDTHS. For all CAPA-funded activities which involve structural resurfacing, the existing road must meet the following standards:

SHOULDERED ROADWAY SECTIONS

<u>Current ADT</u>	<u>Minimum widths (feet)</u>	
	<u>Lane Width</u>	<u>Shoulder Width</u>
0 to 100	9	2
101 to 400	10	2
401 to 4000	10	2
over 4000	11	4

(shoulders need not be paved to satisfy minimum width standard)

CURBED ROADWAY SECTIONS

<u>Current ADT</u>	<u>Minimum Lane Width (feet)</u>	
	<u>Two way Undivided</u>	<u>One way & Two way Divided</u>
all	10	9

Chapter 136-340 WAC

ACCOUNTING AND AUDIT PROCEDURES

NEW SECTION

WAC 136-340-010 ACCOUNTING REQUIREMENTS. (1) Deposits. Upon receipt of CAPA funds from the state treasurer, each county shall deposit them in a separate BARS revenue account within the county road fund or in a fund separate from the county road fund. The county engineer shall evaluate the capabilities of the county road fund accounting system and select the method of deposit and related accounting.

(2) Expenditures. Expenditures of these funds shall be solely for CAPA-eligible work and must be separately identified within the road fund expenditure reporting system. The CRABoard, with the consent of the state auditor's office, shall prescribe suitable BARS expenditure codes to distinguish CAPA-eligible expenditures from all others within the county road fund.

NEW SECTION

WAC 136-340-020 AUDIT REQUIREMENTS. CAPP audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities may be accomplished at the request of the CRABoard. If a special audit is conducted outside the confines of those audits required by the above statutes, the costs of the special audit shall be the responsibility of the CRABoard.

NEW SECTION

WAC 136-340-030 SCOPE OF AUDITS. The audit of any CAPP expenditure or activity shall include but not be limited to the review of the county's compliance with:

(1) The provisions of the act; and

(2) The rules in Title 136 WAC regarding implementation and administration of the act, with detailed review of the application of CAPA funds and the various reporting requirements.

The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the CAPP activity.

NEW SECTION

WAC 136-340-040 NONCOMPLIANCE AND QUESTIONED COSTS. If the audit of a CAPP activity or expenditure reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report.

NEW SECTION

WAC 136-340-050 POST-AUDIT PENALTY. In the event an exception has been noted within the audit report it shall be the duty of the CRABoard to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended CAPA funds and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

Chapter 136-350 WAC

ANNUAL REPORTING OF PAVEMENT PRESERVATION ACTIVITIES

NEW SECTION

WAC 136-350-010 ANNUAL REPORT FORM. The CRABoard shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation activities, both CAPA and non-CAPA funded, in their county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of work scope and the amount of CAPA funds expended.

NEW SECTION

WAC 136-350-020 SUBMITTAL OF ANNUAL REPORT. At any time prior to April 1 of the year following, the county engineer shall, in conjunction with the annual construction report as required by WAC 136-16-050, submit an annual summary of pavement preservation activities on the entire paved road system. This report shall be on the approved forms or in an equivalent format.