



**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: July 29, 1994

(2) Purpose: Concerning allocation of RATA funds to projects, add provisions for preliminary prospectuses, field reviews, evaluation of final prospectus, preliminary regional priority arrays, full funding of partially funded projects and initiation of advance project programming.

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

Repealed: WAC 136-160

Amended:

Suspended:

(4) Authority for adoption:

Statute: RCW 36.79.060

Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 94-13-182 on June 21, 1994 (date)

Describe any changes other than editing from proposed to adopted version:

None

(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)

VERN E. WAGAR

SIGNATURE

TITLE

EXECUTIVE DIRECTOR

DATE

July 29, 1994

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

AUG 02 1994

TIME: 9:49

WSR: 94-13-182

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

## NEW SECTION

### **WAC 136-161-010 Purpose.**

RCW 36.79.050, 36.79.090, 36.79.140, and 36.79.150 provide for the submittal of, selection of, and RATA allocations to, eligible projects within each of the regions by the CRABoard. This chapter describes the manner in which counties may request RATA funds for specific rural arterial projects and the manner in which the CRABoard will select projects and allocate RATA funds to such projects.

## NEW SECTION

### **WAC 136-161-020 RAP Program Cycle - General.**

The RAP biennial program cycle consists of the following basic steps:

- (1) Each county prepares and submits a preliminary prospectus to CRAB;
- (2) CRAB 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;
- (3) Each county prepares and submits a final prospectus to CRAB;
- (4) For each final prospectus submitted, CRAB staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and

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

#### NEW SECTION

##### **WAC 136-161-030 RAP Program Cycle - Preliminary Prospectus.**

By March 1 of each even-numbered year, 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 CRAB. The format and content of the preliminary prospectus shall be prescribed by CRAB. 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 shall be sufficient to assure that, based upon such prospectuses, each county will be able to compete up to its county limit within its region.

#### NEW SECTION

##### **WAC 136-161-040 RAP Program Cycle - CRAB Field Review.**

After all preliminary prospectuses are received, CRAB 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 CRAB 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 judgement in the visual ratings, the assigned CRAB 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 1 of each even-numbered year.

#### NEW SECTION

##### **WAC 136-161-050 RAP Program Cycle - Final Prospectus.**

By September 1 of each even-numbered year, 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 CRAB 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 1000 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 construction of the project shall begin not later than six years from the date of project approval by the CRABoard. 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.

#### NEW SECTION

##### **WAC 136-161-060 RAP Program Cycle - Total Project Rating and Priority Array.**

CRAB 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 is on the current, adopted six-year program;
- (5) The project schedule indicates that the construction of the project will begin not later than six years from the date of project approval by the CRABoard; and
- (6) The total project priority rating is mathematically correct and the visual rating scores determined during the CRAB field review are included.

After CRAB staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array in accordance with procedures specified in 136-130 WAC. After review by the CRABoard 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.

#### NEW SECTION

#### **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 CRABboard 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 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 CRABoard 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 project program 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 136-161-100. 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 136-110 WAC.

(3) For the biennium beginning July 1, 1995 the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995 and ending June 30, 1999). For the biennium beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001. For each biennium thereafter, the project program period will be two years in length, beginning and ending two years later than the preceding project program period.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to 90% of the net amount estimated to be available to each region for the project program period, with the remaining 10% allocated at such time as deemed appropriate by the CRABoard.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/County contract as described in 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 CRABoard prior to the commencement of



construction.

NEW SECTION

**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: Maximum project RATA contribution is \$500,000; no limit on percentage of the forecasted regional apportionment amount;
- (2) NWR: Maximum project RATA contribution is \$500,000; 25% limit on percentage of the forecasted regional apportionment amount;
- (3) NER: No maximum project RATA contribution; 12.5%;
- (4) SWR: No maximum project RATA contribution; 15%;
- (5) SER: No maximum project RATA contribution; percentage varies by county as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%

NEW SECTION**WAC 136-161-090 Limitations on Use of RATA Funds.**

RATA funds requested and allocated to a project are limited to 80% in the PSR and NWR, and 90% in the 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 136-170 WAC), unless the allocation is increased pursuant to 136-165 WAC.

NEW SECTION**WAC 136-161-100 Use of RATA Funds for Emergent Projects.**

If unallocated regional RATA funds are available, the CRABoard may, as provided in RCW 36.79.140, approve emergent RAP projects and allocate RATA funds for such projects beyond any county limit as defined in WAC 136-161-080. Such approval shall require a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the current six year program of the county was developed.