



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency:
County Road Administration Board

- Permanent Rule
Emergency Rule
Expedited Adoption
Expedited Repeal

(1) Date of adoption: October 29, 1998

(2) Purpose:
Amending Sections of Chapters 136-01,
136-02, 136-03, 136-04, 136-10, 136-11, 136-12, 136-14, 136-15, 136-16, 136-18,
136-20, 136-28, 136-40, 136-60, 136-70, 136-100, 136-130, 136-150, 136-161, 136-163, 136-165,
136-167, 136-170, 136-180, 136-210, 136-300, 136-400.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 136
Suspended:

(4) Statutory authority for adoption:
Other authority: RCW 36.79

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR 98-17-051 on August 04, 1998 (date).
Describe any changes other than editing from proposed to adopted version:

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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(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 or Expedited Rule Making
Emergency Rules
31 days after filing
Other (specify)
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 Weber

SIGNATURE

TITLE
Executive Director Intrin

DATE
12-4-98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 7 1998

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99-01-021 AM PDA

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Federal statute:	New	_____	Amended	_____	Repealed	_____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 _____

The number of sections adopted on the agency's own initiative:

New _____ Amended _____ Repealed _____

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

New _____ Amended 28 Repealed _____

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	_____

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

WAC 136-01-010 Purpose and ((membership)) authority. The county road administration board is a nine member board, organized under the provision of RCW 36.78.010 through 36.78.110 ((for the purpose of establishing and administering:

~~(1) Standards of good practice for county road administration within the counties of the state;~~

~~(2) The rural arterial program established by chapter 36.79 RCW;~~

~~(3) The county arterial preservation program established by RCW 46.68.095(4); and~~

~~(4) The ferry capital improvement program established by RCW 47.56.725(4)).~~

AMENDATORY SECTION (Amending Order 86, filed 6/10/92, effective 7/11/92)

WAC 136-01-030 Meetings and voting procedures. Regular public meetings of the county road administration board shall be held quarterly, at times and locations set by the board. ((One of the quarterly meetings shall be the annual meeting, which shall be held at the time required by RCW 36.78.050, and at which)) At the summer meeting, the board shall elect a ((~~chairman and vice-chairman~~)) chair and vice-chair, who shall both hold office until the next ((~~annual~~)) summer meeting. Additional meetings necessary to discharge the business of the board may be called from time to time by the ((~~chairman~~)) chair. Each member of the board shall be entitled to one vote. No proxies shall be allowed. All questions shall be decided by majority vote. A quorum of five members of the board shall be required to vote or conduct any board business.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 136-01-020 Appointment of executive director.

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

WAC 136-02-010 Purpose and authority. This chapter is promulgated pursuant to the directions of chapter 43.21C RCW (SEPA) and chapter 197-11 WAC (SEPA rules). The adoption of this chapter is deemed to be in compliance with the requirements of chapter 43.21C RCW and chapter 197-11 WAC.

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

WAC 136-02-020 Statement of exempt activities. The county road administration board has reviewed its authorized activities and found them all to be exempt under chapter 43.21C RCW and SEPA rules, WAC 197-11-800 (13), (15), (16), (18), (19) ~~((and))~~, (20) and (23). This statement is adopted in accordance with RCW 43.21C.135 (1)(a).

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-010 Purpose and authority. The purpose of this chapter is to establish rules for compliance by the Washington county road administration board (~~((CRABoard))~~) with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes (~~the CRABoard and~~) the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the (~~CRABoard's~~) board's operations and the nature and requirements of all of its formal and informal procedures. For a description of the (~~CRABoard's~~) board's organization, see chapter 136-01 WAC.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-020 Public records officer. The (~~CRABoard's~~) board's public records officer shall be the (~~confidential secretary~~) executive assistant to the (~~CRABoard~~) county road administration board. The public records officer shall be officed at 2404 Chandler (~~Et.~~) Court S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

- (1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
- (2) Coordinating staff efforts of the (~~CRABoard~~) county road administration board in this regard; and
- (3) Ensuring compliance of the (~~CRAB~~) staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-030 Public records available. All public records of the (~~CRABoard~~) county road administration board not exempted

by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-040 Requests for public records. Public records of the ((CRABoard)) county road administration board shall be obtainable by persons who comply with the following procedures:

(1) A written ((or oral)) request for public records shall be addressed to the public records officer. Such request shall include the following:

(a) The name of the person requesting the records (requestor).

(b) The calendar date on which the request was made.

(c) If the requested records are referenced in the current index maintained by the ((CRABoard)) county road administration board, a reference to the requested record as it is described in such current index.

(d) If the requested records are not referenced in the ((CRABoard's)) current index, a statement that identifies the specific records requested.

(e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the requestor whether and when the requested records will be available for inspection or copying at 2404 Chandler ((Et.)) Court S.W., Suite 240, Olympia, Washington. If the requestor asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the ((CRABoard)) county road administration board, as provided in RCW 42.17.270.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the ((CRABoard)) county road administration board is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the ((CRABoard)) county road administration board for appropriate response.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-050 Availability for public inspection and copying of public records--Office hours. Public records shall be available for inspection and copying during the normal business hours of the ((CRABoard)) county road administration board. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-060 Inspection and copying costs. (1) No fee shall be charged for inspection of public records.

(2) The ((CRABoard)) county road administration board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the ((CRABoard)) county road administration board for its actual costs incident to such copying. Actual costs shall include:

- (a) The labor and overhead costs of staff associated with responding to the request;
- (b) Computer and/or copying machine costs and overhead; and
- (c) Paper and/or other duplicating medium costs.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-070 Protection of public records. In order to protect ((the CRABoard's)) records from damage or disorganization:

(1) Copying of public documents shall be done by ((CRABoard)) county road administration board personnel or, ((in)) at the discretion of the ((CRABoard)) county road administration board, under their supervision.

(2) No document shall be physically removed by a requestor from the area designated by the ((CRABoard)) county road administration board for the public inspection of documents. The ((CRABoard)) board may require that all inspection be done in the presence of a ((CRABoard)) county road administration board employee.

(3) When a requestor requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the

((CRABoard)) county road administration board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the ((CRABoard)) board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-090 Review of denial of public records request.

(1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the ((CRABoard)) county road administration board. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-100 Records index. (1) The ((CRABoard)) county road administration board shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the ((CRABoard)) county road administration board has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the ((CRABoard)) county road administration board in carrying out its

duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the ((CRABoard)) county road administration board in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of ((CRABoard)) county road administration board meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the ((CRABoard's)) board's public records officer and shall be located at 2404 Chandler ((~~St.~~)) Court S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1)(a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the ((CRABoard)) county road administration board to contain analyses or decisions of substantial importance to the ((CRABoard)) board shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) ((~~Interpretative~~)) Interpretive statements and policy statements shall be indexed by the applicable program administered by the ((CRABoard)) county road administration board.

(iii) ((CRABoard)) County road administration board minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the ((CRABoard)) county road administration board.

AMENDATORY SECTION (Amending Order 87, filed 6/10/92, effective 7/11/92)

WAC 136-03-110 Availability. The current indexes promulgated by the ((CRABoard)) county road administration board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

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

WAC 136-04-010 Purpose and authority. The county road administration board (~~(, hereinafter referred to as the CRABoard,)~~) is authorized by RCW 36.78.090 through 36.78.100 to transmit to the state treasurer certificates of good practice, hereinafter referred to as certificates, on behalf of the counties which during the preceding calendar year have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the ((CRABoard)) county road administration board or to issue conditional certificates. This section sets forth the procedure to be followed by the ((CRABoard)) county road administration board in the issuance and revocation of such certificates.

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

WAC 136-04-020 Inquiry by the ((CRABoard)) county road administration board. The executive director shall formulate a questionnaire for use by the counties designed to demonstrate to the ((CRABoard)) county road administration board each county's level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the ((CRABoard)) county road administration board at its 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 fifteen days after said meeting.

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

WAC 136-04-040 Review by the ((CRABoard)) county road administration board. The executive director shall receive the completed questionnaires and prepare a report for the ((CRABoard)) county road administration board regarding the level of each county's compliance with pertinent laws and regulations. The

((CRABoard)) board shall review the executive director's report at its second regular meeting of each calendar year.

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

WAC 136-04-050 Certificate of good practice. The ((CRABoard)) county road administration board shall transmit a certificate to the state treasurer prior to May 1st of each year on behalf of those counties found to be in reasonable compliance with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the ((CRABoard)) county road administration board.

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

WAC 136-04-055 Revocation of certificate of good practice. Whenever the ((CRABoard)) county road administration board finds that after issuance of a certificate a county fails to meet the requirements of such certification, the ((CRABoard)) board may revoke the previously issued certificate, or substitute a conditional certificate therefor, in the manner provided in WAC 136-04-080 and 136-04-090.

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

WAC 136-04-060 Conditional certificate of good practice. Whenever the ((CRABoard)) board finds that a county has failed to be in reasonable compliance with provisions of law or standards of good practice, ((the CRABoard)) it 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 ((CRABoard)) 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 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 ((CRABoard)) county road administration board at a subsequent meeting of the situation which caused its issuance.

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

WAC 136-04-070 Review of conditional certificates. At a designated subsequent meeting, the ((CRABoard)) county road administration board shall receive a report from the executive director pursuant to each conditional certificate. The ((CRABoard)) board shall issue a certificate upon finding that the county has complied or is diligently attempting to comply with the terms and conditions of the conditional certificate. If the ((CRABoard)) board finds that the county has not satisfied or diligently attempted to satisfy the terms and conditions of the conditional certificate, it may, in the manner provided in WAC 136-04-080 and 136-04-090:

- (1) Continue such conditional certificate for further review;
- (2) Modify such conditional certificate; or
- (3) Revoke such conditional certificate.

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

WAC 136-04-080 Notice of pending revocation or substitution. The ((CRABoard)) 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 legislative authority or county executive at least ((two weeks)) thirty days prior to the ((CRABoard)) 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.

WAC 136-04-090 Hearing on revocation or substitution. At the time appointed for the hearing, the ((CRABoard)) county road administration board shall receive a report from the executive director 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 ((CRABoard)) board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon:

- (1) Continue or modify a conditional certificate;
- (2) Substitute a conditional certificate for a certificate; or
- (3) Revoke either the certificate or conditional certificate.

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

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

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

WAC 136-04-110 Effect of noncompliance with standards of good practice. Failure of a county to receive and maintain a certificate of good practice or a conditional certificate of good practice will, upon notification to the state treasurer by the ((CRABoard)) county road administration board, result in the withholding from the county of a part of or its entire share of motor vehicle fuel tax distributable pursuant to RCW 46.68.120.

Chapter 136-10 WAC

~~((DUTIES))~~ RELATIONSHIP OF COUNTY ((ROAD)) ENGINEER((--)) AND COUNTY LEGISLATIVE AUTHORITY

AMENDATORY SECTION (Amending Order 73, filed 3/21/90, effective 4/21/90)

WAC 136-10-010 Purpose and authority. The ~~((laws of the state of Washington have established the))~~ powers and duties of the county legislative authority in relation to roads and bridges, and the qualifications and duties of the county ~~((road))~~ engineer are set forth in Title 36 RCW. ~~((Their))~~ The purpose of these laws is to designate the county ((road)) engineer as the chief administrative officer of the county road department. This chapter defines the formal relationship between the legislative authority and its county ((road)) engineer ((must be adequately defined)) in order to assure ((an)) the efficient and productive operation of the road department ((operation)).

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.

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

WAC 136-10-020 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 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 ~~((road))~~ engineer.

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

WAC 136-10-030 Duties of the county ((road)) engineer. The various duties and responsibilities of the county ((road)) engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties the county ((road)) engineer shall be guided by written policies regarding county road department operation as promulgated by the county legislative authority.

AMENDATORY SECTION (Amending Order 73, filed 3/21/90, effective 4/21/90)

WAC 136-10-040 Organization of county road department. It shall be the county ((road)) engineer's duty to organize the road department in accordance with policy 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.

AMENDATORY SECTION (Amending Order 73, filed 3/21/90, effective 4/21/90)

WAC 136-10-050 Written policy. In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution adopt written policy covering any matters relating to road department operation as they may see fit. ~~((Certain specific))~~ The following matters ~~((enumerated herein))~~, at a minimum, must be covered by such ~~((policy to wit))~~ policies:

(1) Policy regarding organization. A chart or pictorial representation showing in detail the interrelationship of all positions in the road department from the county legislative authority through all employees. The chart shall clearly show the complete line of command throughout the entire organization. Copies of such chart shall be prominently posted in the office of the county ((road)) engineer and road department shops in such a manner that it will be readily available to all road department employees and the general public.

(2) Policy regarding personnel practices. A complete written statement of all ~~((policy))~~ policies relating to the personnel of the road department including but not limited to recruitment, appointment, promotion, dismissal, hours of work, overtime, annual leave, sick leave, military leave, holidays, classification, union

relationship with the applicable, and general work rules. Copies of such statement shall be prominently posted in the office of the county (~~road~~) engineer and road department shops in such a manner that it will be readily available to all road department employees and prospective employees.

(3) Policy regarding handling of complaints. A written statement setting forth (~~(a)~~) the method by which complaints from the general public related to any road department activity will be handled. The purpose is to assure that each county will have an orderly procedure to (~~(assure)~~) insure that citizen complaints receive prompt attention.

(4) Policy regarding approval of work for other public agencies and county departments. A written statement (~~(to supplement chapter 136-32 WAC including)~~) that includes, but is not limited to, the following:

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

(b) Statement indicating procedures to be followed in processing such requests in accordance with applicable statutes (~~(and chapter 136-32 WAC)~~).

(c) Statement indicating any delegation of authority in processing such requests.

(5) Policy regarding accommodation of utilities on county road right of way. A written statement setting forth 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.

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

WAC 136-11-010 Purpose and authority. The laws of the state of Washington specify in RCW 36.80.030 that the county (~~road~~) engineer shall have supervision, under the direction of the county legislative authority, of maintaining all county roads of the county. The purpose of maintenance management is to recognize that the majority of road maintenance activities can be planned, scheduled and accomplished in a predetermined manner which will result in improved economics of operation, public safety and welfare, and preservation of investment of county roads: *Provided, however,* That maintenance management shall not be mandatory and shall not be considered in the issuance of certificates of good practice.

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

WAC 136-11-020 Goal. This chapter is intended to encourage each county (~~road~~) engineer to apply basic management principles to road maintenance activities and to set forth specific goals and objectives relative to the results to be achieved.

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

WAC 136-11-030 Objectives. For the guidance and information of the county (~~road~~) engineer developing a maintenance management program the following objectives merit serious consideration:

(1) To provide, annually, opportunities for key personnel to receive initial training or refresher training in the principles of maintenance management.

(2) To develop countywide maintenance standards or levels of service for each major maintenance activity.

(3) To develop standards of performance for individuals and work crews setting forth both the quality and quantity of results anticipated.

(4) To prepare an annual maintenance program for adoption

coincident with the annual budget and construction program which is to identify resource requirements in terms of (~~manpower~~) staff resources, equipment and materials, and the costs of each.

(5) To schedule, on an annual basis, major maintenance activities based on available budgeted maintenance funds so as to achieve an optimum balance of resources in the available time.

(6) To develop, and annually update, a long range equipment replacement program encompassing all major road department equipment so as to meet the equipment demands of the maintenance program.

(7) To establish an information reporting system capable of compiling data needed to allow comparison of actual performance with established performance standards and budgetary constraints.

(8) To discuss, at least biennially, with appropriate supervisory personnel the data regarding utilization of (~~manpower~~) staff resources, equipment and materials so as to assure the lowest attainable unit cost for each maintenance activity.

(9) To provide adequate information to all maintenance personnel regarding goals and objectives of the county's maintenance management program.

(10) To explore and evaluate new techniques, products, equipment and ideas which show promise of significantly improving performance or decreasing cost in any segment of the maintenance management effort.

Chapter 136-12 WAC

**STANDARDS OF GOOD PRACTICE--VACANCY IN POSITION OF COUNTY
(~~ROAD~~) ENGINEER**

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

WAC 136-12-010 Purpose and authority. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county (~~road~~) engineer in each county. This chapter specifies that he/she shall be employed full time: *Provided*, That in counties with a population of less than eight thousand he/she may be employed on a part-time basis and may be the county engineer of another county; that he/she shall be a registered and licensed professional civil engineer under the laws of this state; that he/she shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that he/she shall certify to the county legislative authority all bills with respect to county roads; that he/she shall keep complete public records of all road department activities; that he/she shall prepare plans and specifications for all construction work on the county road system. Since it is unavoidable that vacancies will occur from time to time in the position of county (~~road~~) engineer, the following (~~policy~~) rule has been formulated to cover an interim period.

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

WAC 136-12-020 Procedure during vacancy. When a vacancy occurs in the office of county (~~road~~) engineer due to resignation, retirement, death or for any other reason, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants. The county legislative authority or county executive shall immediately notify

the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy.

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

WAC 136-12-030 Acting county engineer. If for any reason, it is impossible to employ a new county ((road)) engineer immediately, the county legislative authority shall designate, by resolution, ~~((the assistant county road engineer, or other road department employee, as the))~~ an acting county ((road)) engineer for an interim period, not to exceed six months, except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board.

~~((If the assistant county road engineer or other road department employee is a Washington state licensed professional civil engineer and is appointed as the acting county road engineer during the interim period, said acting county road engineer shall perform all the duties of the county road engineer as specified in chapter 36.80 RCW.))~~

If the acting county ((road)) engineer ~~((or other road employee))~~ is not a licensed professional civil engineer, the legislative authority shall designate a licensed professional civil engineer to perform all engineering services during the interim period as required by chapter 18.43 RCW, and the acting county ((road)) engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

WAC 136-12-060 Failure to comply with ruling. When the county legislative authority has made final arrangements for the employment of a new county ((road)) engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly. If no such notification is received within six months of the beginning of the vacancy, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all day labor construction projects be shut down and/or that all distribution of gas tax funds to the county ~~((shall))~~ cease: *Provided however, That it may continue to grant reasonable extensions ~~((of the interim period))~~ in the event the affected county can give adequate proof or*

demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer. ~~((If the vacancy continues to exist at the end of an extended interim period, the suspension of funds and cessation of day labor projects shall become mandatory. The acting county road engineer shall continue to perform the duties of the county road engineer until such time as the vacancy is filled.))~~

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

WAC 136-12-070 County engineer in counties with a population of less than eight thousand. When the county legislative authority of a county with a population of less than eight thousand chooses to employ a county (~~road~~) engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending Order 75, filed 3/21/90, effective 4/21/90)

WAC 136-14-010 Purpose and authority. The requirement to develop and adopt both long range and short range programs as a prerequisite to road construction is established (~~by law~~) in RCW 36.81.121 and 36.81.130. Numerous studies have shown that road construction needs far exceed available revenue. Priority programming is the development and application of techniques designed to rank any array of potential projects in order of importance to serve as a guide in assisting a county legislative authority in the formulation of road programs and distribution of limited resources. Priority programming procedures for counties must be adaptable to a wide variety of situations.

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

WAC 136-14-030 Process. Each county engineer will be required to develop a priority programming process tailored to meet the overall roadway system development policy determined by his or her county legislative authority. Items to be included and considered in the technique for roads shall include, but need not be limited to the following:

- (1) Traffic volumes;
- (2) Roadway condition;
- (3) Geometrics;
- (4) Safety and accident history; and
- (5) Matters of significant local importance.

The manner in which these various items are treated may vary from county to county.

Bridge priorities shall be established in accordance with WAC 136-20-060. Accident records may be considered where their use will make a legitimate contribution. A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board.

The county road administration board, upon request, will provide assistance to counties in the development, evaluation or modification of their priority programming process in order to meet the requirements of this rule.

AMENDATORY SECTION (Amending WSR 96-17-03, filed 8/12/96, effective 9/12/96)

WAC 136-14-040 Application of process. The priority programming process for roads shall be applied by the county engineer to all potential arterial projects in the county, and to local access road projects if directed by the legislative authority. The resulting priority array shall be updated not later than June 1st of each odd-numbered year and shall be consulted together with bridge priorities by the county legislative authority and county engineer during the preparation of the proposed six-year transportation program as described in chapter 136-15 WAC.

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

WAC 136-14-060 Inventory records. Each priority programming process will be based, at least in part, on existing road conditions. It is required, therefore, that in each county an adequate road inventory system be maintained. The inventory system shall be updated no later than May 1st of each year to reflect work done and improvements made during the previous year in accordance with requirements of chapter 136-60 WAC.

AMENDATORY SECTION (Amending WSR 97-24-068, filed 12/2/97, effective 1/2/98)

WAC 136-15-010 Purpose and authority. (~~The laws of the state of Washington (+)~~) RCW 36.81.121(~~(+)~~) requires the preparation and annual updating of a six-year comprehensive transportation program. The program shall be adopted by the county legislative authority at any time before adoption of the annual budget and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a realistic assessment of available funding during the program period.

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

WAC 136-15-020 Contents of six-year program. Each adopted program shall designate the six-year time period included, the name of the county, the county number as assigned by the state office of financial management, the date(s) of the public hearing held to provide public input to the program, the date of the adoption by the legislative authority and the adopting resolution number. The adopted program for submittal to (~~CRAB~~) the county road administration board shall consist of two parts:

- (1) A road fund revenue and expenditure analysis for the six-year time period; and
- (2) A program listing of specific projects.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-15-030 Road fund revenue and expenditure analysis. The road fund revenue and expenditure analysis shall include the county's best estimates of future road fund revenues and expenditures over each year of the six-year program period.

The anticipated revenues should include a line item for motor vehicle fuel tax, the road levy after diversion, federal

transportation program grants (by program), 3 funds, RATA funds, RID funds, public works trust fund loans, state forest funds, federal forest funds, and other miscellaneous revenues.

The anticipated road fund expenditures should include line items for administration, maintenance, facilities, transfers and loan repayments, reimbursable work and miscellaneous expenditures (~~(; showing)~~) and shall show by subtraction the amount available for construction during each year of the program period.

NEW SECTION

WAC 136-15-045 RAP projects in the six-year program. Each county's six-year transportation program in each even-numbered year shall include all projects for which the county may request RATA funds during the succeeding biennium. Project cost estimates for prospective RAP projects shall be considered preliminary and subject to revision until a project application is submitted.

AMENDATORY SECTION (Amending WSR 97-24-068, filed 12/2/97, effective 1/2/98)

WAC 136-15-050 Adoption and submittal of six-year program.

A six-year program shall be adopted by resolution of the county legislative authority after appropriate public hearing at any time before adoption of the annual budget. The resolution of adoption shall include reference to availability of:

(1) A priority array as required by WAC 136-14-050 (~~(, and of))~~;

(2) An engineer's bridge condition report as required by WAC 136-20-060; and

(3) The multiyear financing plan of the transportation element of the county's comprehensive plan if required by chapter 36.70A RCW.

Within (~~(30)~~) thirty days of adoption, the county legislative authority shall submit the six-year program to the county road administration board.

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

WAC 136-16-010 (~~((Submission of recommended annual road program.))~~) Purpose and authority. As provided for in RCW 36.81.130, the county (~~(road)~~) engineer shall submit a recommended annual road program, hereinafter referred to as the annual program, to the county legislative authority on or before the first (~~(meeting)~~) Monday in (~~(July or at such other time as may be specified pursuant to RCW 36.40.071))~~) October. The annual road program shall include recommendations for all road and bridge construction projects and all road equipment purchases for the ensuing year. The county legislative authority shall consider the recommended program and make any revisions deemed necessary.

AMENDATORY SECTION (Amending Order 76, filed 3/21/90, effective 4/21/90)

WAC 136-16-018 Adoption of annual program. The county legislative authority shall adopt a final annual program at any time prior to the adoption of the budget.

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

WAC 136-16-022 Day labor limit. The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner:

(1) When the (~~((sum of all construction costs is in excess of))~~) total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred thousand dollars or fifteen percent of (~~((said sum))~~) the total annual county road construction budget, whichever is greater.

(2) When the (~~((sum of all construction costs))~~) total annual county road construction budget is in excess of one million five hundred thousand dollars and less than four million dollars, the day labor limit is five hundred twenty-five thousand dollars or twenty percent of (~~((said sum))~~) the total annual county road construction budget, whichever is greater.

(3) When the (~~sum of all construction costs~~) total annual county road construction budget is in excess of five hundred thousand dollars and less than one million five hundred thousand dollars, the day labor limit is two hundred and fifty thousand dollars or thirty-five percent of (~~said sum~~) the total annual county road construction budget, whichever is greater.

(4) When the (~~sum of all construction costs~~) total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred and fifty thousand dollars, unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate procedure is chosen, an individual project limit of thirty-five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

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

WAC 136-16-030 Requirements of listing equipment. The annual program shall also include a list of all major road equipment purchases and repairs contemplated for the year, together with the estimated costs thereof. The total estimated cost of all equipment listed shall be approximately equal to the amount budgeted for equipment purchase in the annual equipment rental and revolving fund budget. The equipment list may include an item for miscellaneous minor equipment in any amount up to (~~10%~~) ten percent of the estimated total cost. The list may also include a list of alternate or additional items of equipment totaling up to (~~15%~~) fifteen percent of the basic list cost to allow for unforeseen conditions.

NEW SECTION

WAC 136-16-035 Requirements of listing maintenance and special maintenance. In accordance with RCW 36.81.130, the annual program shall also include the amounts to be expended for maintenance and special maintenance but details of these proposed expenditures shall not be made.

AMENDATORY SECTION (Amending Order 21, filed 4/19/73)

WAC 136-16-040 Forwarding of program. A copy of the adopted annual program and appropriate resolution shall be forwarded to the county road administration board within ~~((30))~~ thirty days of its adoption but not later than December 31st of each year.

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

WAC 136-16-042 Modification of program. The adopted annual program may not be changed, revised or increased except by unanimous vote of the members of the legislative authority who are present when the vote is taken. Such modifications shall be by resolution of the legislative authority ~~((listing))~~ and shall list each changed, revised or added project. A copy of ~~((each))~~ such resolution shall be forwarded to the county road administration board within thirty-days of its adoption.

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

WAC 136-16-050 Annual construction report. At any time prior to April 1st of the year following the annual program year, the county ~~((road))~~ engineer shall submit an annual construction report to the county road administration board in accordance with forms and instructions provided by the county road administration board. The construction report shall show actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Upon receipt of each county's annual construction report, the day labor limit as described in WAC 136-16-022 will again be calculated based upon the

actual accomplishments as set forth in the annual construction report. A county which exceeds the day labor limit as computed as part of the annual program or as computed as part of the annual construction report shall be in violation of this standard of good practice.

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

WAC 136-18-010 Purpose and authority. Chapter 36.77 RCW ((36.77.065)) provides for the construction and improvement of county roads by contract, by day labor or by a combination of day labor and contract. The purpose of this standard of good practice is to assure that all day labor construction work is accomplished within statutory limitations.

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

WAC 136-18-030 Authorization of day labor projects. Every proposed day labor county road project and special day labor county road project shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include:

- (1) A brief description of the project;
- (2) A vicinity map showing the location of the project and its limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program;
- (3) Identification of the project in terms of the officially adopted annual program;
- (4) The county ((road)) engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and
- (5) Construction plans as shall be necessary and sufficient.

NEW SECTION

WAC 136-18-035 Special day labor limit for electrical and traffic control projects. Projects that consist of electrical and traffic control work are subject to the specific day labor limits

as det forth in RCW 36.77.065.

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

WAC 136-18-060 Day labor project records. All day labor and special day labor project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following:

- (1) Dated authorizing resolution;
- (2) Vicinity map showing project location and limits;
- (3) County (~~road~~) engineer's estimate;
- (4) Affidavit of preconstruction publication required by RCW 36.77.070;
- (5) Documentation of start and end of construction dates;
- (6) Affidavit of post-construction publication showing true and complete project cost as required by RCW 36.77.070.

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

WAC 136-18-070 Special day labor project reporting to ((CRAB)) the county road administration board. Each county engineer shall submit to ((CRAB)) the county road administration board a copy of each resolution authorizing a special day labor county road project whose estimated construction cost exceeds ((75)) seventy-five percent of the day labor limit. Upon completion of each of these projects, or no later than March 1st of the succeeding year, the county engineer shall furnish to ((CRAB)) the county road administration board a copy of the record of true and complete construction costs. On any project where true and complete construction costs have exceeded the statutory day labor limit, the county engineer shall also provide to ((CRAB)) the county road administration board an explanation of the circumstances resulting in such over-expenditure.

AMENDATORY SE .ON (Amending WSR 96-17- 3, filed 8/12/96, effective 9/12/96)

WAC 136-18-080 Review of day labor compliance by ((CRAB)) the county road administration board. The executive director of the county road administration board shall have authority to investigate cases of apparent violations of day labor limits and, for special day labor projects, prepare a listing of all such projects for which actual expenditures have exceeded the statutory day labor limit during the previous calendar year for review by the county road administration board at its second regular meeting of each calendar year.

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

WAC 136-18-090 Action on day labor compliance by ((CRAB)) the county road administration board. Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

Chapter 136-20 WAC

STANDARDS OF GOOD PRACTICE--INSPECTION OF BRIDGES ON COUNTY ROADS

AMENDATORY SECTION (Amending Order 78, filed 8/16/90, effective 9/16/90)

WAC 136-20-010 Purpose and authority. Bridges of many kinds are an integral part of every county road system. The safety and adequacy of these bridges is of vital importance to the traveling public. A program of regular periodic inspection and reporting is necessary to fully inform each county legislative authority regarding the condition and adequacy of all bridges. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads.

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

WAC 136-20-020 Inventory. Each county ((road)) engineer shall have available in his or her office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepoint, and shall include such other information as the engineer deems necessary. In addition, all data required for the state of Washington inventory of bridges and structures (SWIBS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT TransAid Service Center bridge engineer on appropriate media furnished or otherwise approved by the WSDOT.

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

WAC 136-20-030 Inspection. Each county ((road)) engineer shall be responsible for all routine and special inspections of all bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT TransAid Service Center office. The county ((road)) engineer shall note the date of all inspections and any changes since the previous inspection on the SWIBS form and submit all such forms to the WSDOT TransAid Service Center bridge engineer within ninety days of each inspection.

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

WAC 136-20-040 Certification. Prior to April 1st of each calendar year, WSDOT assistant secretary for the TransAid Service Center will provide the following to the ((CRABoard)) county road administration board:

(1) A listing on a county-by-county basis of all county bridges which have not had a regular SWIBS inspection report submitted within the previous thirty months; and

(2) A listing on a county-by-county basis of all county bridges which have not had a required special inspection report submitted within six months after the required inspection date; and

(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

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

WAC 136-20-060 Engineer's report. Each county ((road)) engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority and shall be consulted during the preparation of the proposed six-year transportation program revision. The resume shall include the county ((road)) engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The

resolution of a portion of the six-year transportation program shall include assurances to the effect that the county (~~road~~) engineer's report with respect to deficient bridges was available to said authority during the preparation of the program.

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

WAC 136-28-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to implement the requirement of the National Highway Safety Act of 1966 that requires ~~((that))~~ all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Safety Bureau of Accident Statistics in each state ~~((In order to implement this requirement))~~, the county road administration board has acted to coordinate the activities of the county ~~((road))~~ engineers and the state patrol. Each county ~~((road))~~ engineer is to cooperate in this effort by following the procedure outlined below.

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

WAC 136-28-030 Coding detail. (1) The county number shall be that particular number assigned to each county by the state office of financial management for county identification purposes.

(2) The county road number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest county road log. No local names or numbers or other nomenclature shall be used in coding.

(3) The milepoint shall be determined as accurately as practicable from a comparison of information on the accident report with the latest county road log.

(4) Accidents at an intersection with a state highway will be coded by the state department of transportation.

(5) To ensure uniformity, accidents at the intersection of any two county roads shall be coded to a road in the following priority order:

- (a) The road with the higher functional class;
 - (b) The road that is the through route;
 - (c) The road with the ~~((lowest))~~ lower road number.
- (6) Accidents on roads and/or at intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

AMENDATORY SECTION (Amending Order 80, filed 11/6/90, effective 12/7/90)

WAC 136-40-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. The purpose of this standard of good practice is to set forth the requirement that each county provide for the accommodation of utilities within its right of way. In order to effectively administer its authority to:

(1) Grant utility franchises and permits on county roads as provided in chapter 36.55 RCW;

(2) Exercise overall responsibility for county roads and bridges as provided in chapter 36.75 RCW; and

(3) Exercise its police power; each county legislative authority shall adopt a generally applicable written policy ("utility policy") to provide administrative, procedural, and technical guidance for the installation, replacement, adjustment, relocation, and maintenance of all above and below ground utilities and other transmission or transport facilities located within all county road rights of way.

WAC 136-60-010 Purpose and authority. RCW 46.68.124(2) provides that the county road administration board (~~((CRABoard))~~) shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections and deletions (i.e., "updates") to the (~~((CRABoard))~~) county road administration board which in turn are subject to validation prior to inclusion in the road log maintained by the (~~((CRABoard))~~) county road administration board. This (~~((WAC))~~) chapter describes the manner in which the (~~((CRABoard))~~) county road administration board will administer this responsibility.

AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

WAC 136-60-020 Definitions. For purposes of implementing procedures for updating, validating and maintaining the county road log, the following definitions shall apply:

(1) County road log - the listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, and other administrative and physical inventory items that may be included.

(2) Computer data base (CDB) - the computer data base software by which the county road log data is updated and maintained by all counties and the (~~((CRABoard))~~) county road administration board.

(3) Updates - periodic changes to the county road log involving any or all of the included data elements.

(4) Control fields - those fields within the county road log for which all updates need to be verified by the (~~((CRABoard))~~) county road administration board prior to inclusion in the master county road log. Control fields are only those utilized for the computation of gas tax allocations in accordance with RCW 46.68.120.

(5) Master county road log - the combination of all county road logs as kept by the (~~((CRABoard))~~) county road administration board containing all updates (including validation of control fields) as of July 1st of each year.

WAC 136-60-030 Submittal of annual updates. Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1st of each year, shall submit an updated road log for its complete road system with all data elements as of December 31st of the preceding year. This annual update must be on ~~((the))~~ computer-readable medium and written in the computer data base program format as prescribed by the ~~((CRABoard))~~ county road administration board. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

WAC 136-60-040 Validation of annual updates. All control field updates will be subject to review, approval and acceptance (i.e., "validation") by the ~~((CRABoard))~~ county road administration board. This process will involve reviewing the submitted documentation and conducting spot-checks as may be necessary. All such updates which are reviewed, approved and accepted by July 1st of each year will be entered into the master county road log. Noncontrol field updates will be entered into the master county road log file without review. The master county road log as of July 1st of each year will be utilized by the ~~((CRABoard))~~ county road administration board for general informational purposes and, on each odd-numbered year, for computation of motor vehicle fuel tax allocations to the counties.

AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

WAC 136-60-050 Validation requirements for control fields. Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the ~~((CRABoard))~~ county road administration board. Documentation necessary to support ~~((the following))~~ control field changes is as follows:

Functional class - notice of FHWA approval from WSDOT.

Pavement type - statement signed by county engineer with list of pavement type changes. A suitable scale map showing the limits of the change(s) must also be included.

Responsible agency - see requirements under "Addition of mileage" and "Deletion of mileage".

Addition mileage - statement signed by county engineer describing the circumstances of the addition. For example, additions can occur through commissioner approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction. Appropriate map(s) showing the changes must also be included.

Deletion of mileage - statement signed by county engineer describing the circumstances of the deletion. For example, deletions can occur through vacations or a change in jurisdiction. Appropriate map(s) showing the changes must also be included.

Traffic volume - statement signed by county engineer with list of segments affected by change in traffic volume. A statement is required **only** if it involves road segments with urban classification and with an ACP or PCC surface type and it involves a volume change crossing the 5000 ADT value.

All maps furnished in support of control field changes will be forwarded by the ((CRABoard)) county road administration board to WSDOT for future map base updates.

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

WAC 136-60-060 Utilization of common computer data base.

Each county shall utilize a common computer data base for the maintenance and updating of its county road log. This data base shall be prescribed by the ((CRABoard)) county road administration board and each county shall be responsible for the purchase and installation of the requisite software on its own DOS-compatible microcomputer.

Chapter 136-70 WAC

STANDARDS OF GOOD PRACTICE--PAVEMENT MANAGEMENT SYSTEM REQUIREMENT FOR COUNTY ARTERIAL PRESERVATION PROGRAM ELIGIBILITY

NEW SECTION

WAC 136-70-010 Purpose and authority. RCW 46.68.095 authorizes the county road administration board to adopt rules for administering the county arterial preservation account, including the requirement that each county implement a pavement management system. This chapter outlines the method by which the use of a pavement management system will be assured.

NEW SECTION

WAC 136-70-020 Definition. A pavement management system (PMS) is a systematic method used to manage the preservation, rehabilitation, and maintenance of paved road systems by analyzing pavement life cycles, to assess overall system performance and costs, and to determine the alternative strategies and costs necessary to prevent significant road deterioration. A key element of a PMS is its ability to provide pavement preservation alternatives based upon a predictive pavement deterioration model.

NEW SECTION

WAC 136-70-030 Application. A pavement management system shall be used by all counties to guide the pavement preservation and rehabilitation activities on all county paved arterial roads. Beginning January 1, 1996, each county shall utilize a computer-based PMS meeting the requirements of WAC 136-70-040 on all county paved arterial roads in order to retain eligibility for CAPP funds. Application of the PMS to the local access system will not be required to retain eligibility for CAPP funds.

NEW SECTION

WAC 136-70-040 Pavement management system requirements. Each county's PMS shall meet the following minimum standards:

(1) All county jurisdiction paved arterials, as defined by the most recently approved county road log as described in chapter 136-60 WAC, shall be surveyed for visual pavement distress at least biennially. Distress rating information must be keyed to the county road log by both road number and mileposts.

(2) All visual distresses (or defects) for both flexible and rigid pavements, both in severity and extent, shall be as defined within the "*Pavement Surface Condition Rating Manual*" (March 1992, produced by the Washington state transportation center in cooperation with the northwest pavement management systems users group and the Washington state department of transportation). Only those distresses noted as "core program defect" are required to be surveyed. Measurement may be at the project, segment, or sample unit level. Measurement for each distress will be by one of the following:

(a) Selection of the most predominant severity and extent combination; or

(b) Determination of the extent percent of each level of severity.

Measurement may be by a manual or automated visual condition rating process. The distress information will be converted to a pavement condition rating in accordance with a standard deduct matrix or continuous deduct value curves as provided by the county road administration board. Alternate deduct matrices may be used by a county for internal management analyses. Alternate distress determination and evaluation methodologies may be used if approved by the county road administration board in accordance with WAC 136-70-050. The PMS shall provide for the recording and storage of pavement resurfacing, rehabilitation and reconstruction history data, including surfacing and base layer types and thicknesses, and year of application. Counties will not be required to determine such information for any work done prior to the county's implementation date.

(3) The PMS shall include a future pavement condition prediction model that uses the periodic pavement condition distress data to forecast future pavement condition and to determine an estimate of service life.

(4) The PMS shall provide for annual downloading to the county road administration board of one of the following for all paved arterials surveyed for pavement condition in the previous twelve months:

(a) The individual pavement distresses;

(b) The resultant pavement condition rating based on the

standard deduct matrix provided by the county road administration board; or

(c) The resultant pavement condition rating for an approved alternative PMS as described in WAC 136-70-050.

Such downloading shall be called the pavement condition data file. It shall be keyed to the county road log, and shall be transmitted in the electronic medium and format specified by the county road administration board, along with the annual road log update required by chapter 136-60 WAC.

NEW SECTION

WAC 136-70-050 Alternative pavement management system requirements. Alternative PMS distress determination and evaluation methodologies, processes or systems may be used if they yield pavement condition ratings comparable to the process described in WAC 136-70-040(2). Counties intending to use an alternative process must satisfactorily demonstrate to the county road administration board that the alternative process is based on sound pavement engineering principles and is comparable in quality and scale thorough research results, documented conversion equations, statistical sampling, or other methods.

NEW SECTION

WAC 136-70-060 State-wide pavement condition data file. The county road administration board shall maintain a pavement condition data file, organized by county, containing the pavement condition ratings as provided annually by each county.

NEW SECTION

WAC 136-70-070 Annual review. On an annual basis, beginning in calendar year 1993, the executive director of the county road administration board shall review the implementation of and, beginning in calendar year 1995, the compliance with, the requirements of WAC 136-70-040 and report the results to the county road administration board.

NEW SECTION

WAC 136-70-080 County road administration board assistance.

To enable each county to meet its eligibility requirements, the county road administration board shall provide a PMS software, application and training as part of its agency-supported county road information system. The county road administration board shall also provide to counties, upon request, administrative and technical assistance related to defining, developing, operating, managing and utilizing pavement management technology.

NEW SECTION

WAC 136-70-090 Use of pavement management system data for distribution of county arterial preservation account funds.

The results and/or data from the individual or collective county pavement management systems will not be used to distribute CAPA funds nor to establish priorities for specific projects or otherwise alter the statutory fund distribution. Said results and/or data will be used to evaluate regional or state-wide arterial preservation and rehabilitation needs and to demonstrate compliance with the enabling legislation.

WAC 136-100-010 Purpose and authority. RCW 36.79.060 provides that the county road administration board (~~((CRABoard))~~) shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which the (~~((CRABoard))~~) county road administration board will implement the several provisions of chapter 36.79 RCW.

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

WAC 136-100-020 Adoption of rules. The (~~((CRABoard))~~) county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the RAP regarding the following:

(1) Apportionment of rural arterial trust account (RATA) funds to regions.

(2) RAP projects in the six-year program.

(3) Regional prioritization of RAP projects.

(4) Preparation of RAP budget and program.

(5) Eligibility for RATA funds.

(6) Allocation of RATA funds to approved RAP projects.

(7) CRAB/county contract.

(8) Processing of vouchers.

(9) Audit responsibilities.

(10) Functional classification.

(11) Design standards for RAP projects.

(12) Matching requirements.

(13) Joint county RAP/Rural UAB projects.

(14) Emergent projects.

(15) Reports to the legislature.

(16) Other matters deemed necessary by the (~~((CRABoard))~~) county road administration board.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

WAC 136-100-030 (~~Major collectors and minor~~) Rural arterials and collectors. The statute specifies that rural arterials and collectors shall be eligible for RATA funding. In developing project priorities and in approving RAP projects the ((CRABoard)) county road administration board shall prioritize all prospectus applications to determine the priority rating of each proposed project in each region in relation to all other proposed projects in each region.

NEW SECTION

WAC 136-100-035 Functional classification verification. Each RAP project application submitted in accordance with WAC 136-161-020 shall show the functional classification of the road or roads included in the project. Prior to project approval, the county road administration board shall verify that the road on which the RAP project is requested is classified as a rural arterial or collector.

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

WAC 136-100-040 Delegation of authority. In order to assure effective and timely administration of the RAP, the ((CRABoard)) county road administration board may delegate authority in specific matters to its executive director. Delegation may be relative to signing of contracts, approval of RAP project vouchers, approval of change of scope of a project and other matters as may be determined by the ((CRABoard)) county road administration board.

NEW SECTION

WAC 136-100-050 Apportionment of RATA funds to regions. RCW 36.79.040 sets forth the apportionment formula to be used in distributing RATA funds to the five regions. Following are the computations used in the apportionment formula:

(1) Computation of land area ratio. The ratio that the total

county rural land area of each region bears to the total rural land area of all counties of the state shall be computed from information provided by the office of financial management as of July 1, 1993, and each two years thereafter.

(2) Computation of road mileage ratio. The ratio that the mileage of county arterials and collectors in rural areas of each region bears to the total mileage of county arterials and collectors in all rural areas of the state shall be computed from information shown in the county road log maintained by the county road administration board as of July 1st of each odd-numbered year.

NEW SECTION

WAC 136-100-060 Provisions for audit of RAP projects. (1) Audit provisions. RAP project 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 RAP projects may be accomplished at the request of the county road administration board. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the county road administration board.

(2) Scope of audits. The audit of any RAP project shall include, but not be limited to, the review of the county's compliance with:

(a) The provisions of the act; and

(b) The rules in Title 136 WAC regarding implementation and administration of the act, with detailed review of uses of county road taxes, application of RATA 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 RAP project.

(3) Noncompliance, questioned costs, and post-audit penalty. If the audit of a RAP project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report. In the event an exception has been noted within the audit report, it shall be the duty of the county road administration board to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of any RATA funds that have been expended on ineligible activities and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

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

WAC 136-130-010 Purpose and authority. RCW 36.79.080 ~~((and 36.79.090 provide that the CRABoard shall determine))~~ sets forth the criteria that will be used in determining the priority of specific improvement projects ((based upon the rating of each proposed improvement in relation to all other proposed improvements within each region, taking into account, but not limited to, the following five factors:

- ~~(1) Its structural ability to carry loads upon it;~~
- ~~(2) Its capacity to move traffic at reasonable speeds;~~
- ~~(3) Its adequacy of alignment and related geometrics;~~
- ~~(4) Its accident experience; and~~
- ~~(5) Its fatal accident experience)).~~

This chapter describes how ((this statutory language will be implemented by the CRABoard)) each RAP region will rate and prioritize proposed projects.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-130-020 Priorities by region. The ~~((CRABoard))~~ county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of a distinct project priority rating system for each region. These rating systems, described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070, shall be used in the prioritization of proposed projects requesting RATA funds submitted by counties in the respective regions. ~~((Detailed procedures for implementing the regional rating systems are published by the CRABoard in a pamphlet entitled: Procedures for Priority Rating of Proposed RAP Project (RAP Rating Procedures).))~~

AMENDATORY SECTION (Amending WSR 98-09-070, filed 4/20/98, effective 5/21/98)

WAC 136-130-030 Project prioritization in Puget Sound region (PSR). Each county in the PSR may submit projects requesting RATA

funds not to exceed 80% of the regional allocation total. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR biennial apportionment shall have a minimum of 25% of the regional allocation committed to projects on roads classified as major collectors (07) or minor collectors (08). PSR RAP rating points shall be assigned on the basis of ((20)) twenty points for traffic volume, ((25)) twenty-five points for accident history, ((15)) fifteen points for structural condition, ((25)) twenty-five points for geometric condition, and ((15)) fifteen points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 98-09-070, filed 4/20/98, effective 5/21/98)

WAC 136-130-040 Project prioritization in northwest region (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed ((~~\$500,000~~)) five hundred thousand dollars per project and ((50%)) fifty percent of the regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of ((40)) forty points for structural condition, ((40)) forty points for geometrics, ((10)) ten points for traffic volume, ((10)) ten points for traffic accidents, ((5)) five points for any project on a major collector (07), and ((10)) ten points for any project on a rural ((~~principle~~)) principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 88, filed 6/10/92, effective 7/11/92)

WAC 136-130-050 Project prioritization in northeast region (NER). Each county in the NER may submit projects requesting RATA funds not to exceed ((25%)) twenty-five percent of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - ~~((10%))~~ Ten percent for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - ~~((45%))~~ Forty-five percent for reconstruction of rural collectors; and
- Category 3 - ~~((45%))~~ Forty-five percent for resurfacing, restoration, rehabilitation (3R) type projects ~~((of))~~ on rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the ~~((CRAB))~~ county road administration board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

~~((1.))~~ (1) Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal Bridge replacement funding.

~~((2.))~~ (2) A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

~~((3.))~~ (3) A RAP project may include a bridge when the cost of the bridge does not exceed ~~((20%))~~ twenty percent of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of ~~((100))~~ one hundred points for a condition rating and ~~((50))~~ fifty points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing ~~((100))~~ one hundred by the condition rating. A total of ~~((10))~~ ten points representing local significance may be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

WAC 136-130-060 Project prioritization in southeast region (SER). Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county (~~(percent)~~) limit of the SER biennial apportionment which is listed as follows:

Asotin County	((10%)) <u>ten percent</u>
Benton County	((14%)) <u>fourteen percent</u>
Columbia County	((11%)) <u>eleven percent</u>
Franklin County	((13%)) <u>thirteen percent</u>
Garfield County	((10%)) <u>ten percent</u>
Kittitas County	((13%)) <u>thirteen percent</u>
Klickitat County	((14%)) <u>fourteen percent</u>
Walla Walla County	((14%)) <u>fourteen percent</u>
Yakima County	((20%)) <u>twenty percent</u>

Each project shall be rated in accordance with the SER RAP rating procedures. ~~((10%))~~ Ten percent of the SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their total points assigned from the RAP Rating Worksheets for the ~~((southeast region))~~ SER. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects.

SER RAP rating points shall be assigned on the basis of ~~((45))~~ forty-five points for structural condition, ~~((30))~~ thirty points for geometrics, ~~((22))~~ twenty-two points for traffic volume, ~~((5))~~ five points for traffic accidents. A total of ~~((20))~~ twenty points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

WAC 136-130-070 Project prioritization in southwest region (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed ~~((30%))~~ thirty percent of the SWR biennial apportionment. No bridge replacement projects will be funded.

Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of ~~((50))~~ fifty road condition points, consisting of ~~((25))~~ twenty-five points for structural condition and ~~((25))~~ twenty-five points for surface condition, ~~((30))~~ thirty points for geometrics, ~~((10))~~ ten points for traffic volume and ~~((10))~~ ten points for traffic accidents, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have ~~((50))~~ fifty points for road surface condition and no points for structural condition and except that gravel roads shall have ~~((35))~~ thirty-five points maximum for surface condition, and ~~((15))~~ fifteen points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-130-080 Limitation on rating points. In each of the project prioritization methods described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070 rating points are assigned to a variety of structural and geometric conditions. For purposes of the RAP project prospectus submitted to the ~~((CRABoard))~~ county road administration board, geometric condition points shall be assigned only for those conditions which will be corrected by construction of the project.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

WAC 136-150-010 Purpose and authority. RCW 36.79.140

~~((provides that only those counties that, during the preceding twelve months, have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution))~~ sets forth the conditions under which counties are eligible to receive funds from the rural arterial trust account (RATA) ~~((; provided, however, that counties with a population of less than 8,000 shall be exempt from this requirement))~~. This chapter describes how ~~((this statutory language))~~ these provisions will be implemented by the ((CRABoard)) county road administration board.

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

WAC 136-150-020 Implementing the eligibility requirement.

The ~~((CRABoard))~~ 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 ((CRABoard will compare 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 Order 66, filed 10/15/87)

WAC 136-150-021 Ascertaining the road levy. The ~~((CRABoard))~~ county road administration board will ~~((request))~~ require that every county legislative authority submit, no later than February 1st of each year, a certification showing the amount of the road levy fixed and the amount, if any, budgeted ~~((in accordance with RCW 36.33.220))~~ for traffic law enforcement and/or any other purpose ~~((from diverted road levy no later than February 1st of each year))~~ in accordance with RCW 36.33.220.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties (~~where~~) in which diverted road levy has been budgeted for traffic law enforcement, and for which (~~have~~) a RAP project is awaiting approval by the (~~CRAB~~) county road administration board, the county sheriff will be required to 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 (~~8,000~~) eight thousand shall be exempt from this requirement.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

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, or greater than, the amount of diverted road levy budgeted for traffic law enforcement;

(3) Those with a population of less than (~~8,000~~) eight thousand; and

(4) 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 Order 66, filed 10/15/87)

WAC 136-150-024 Constraint (~~on~~) of contract execution.

(~~No CRAB/County contract shall be executed on behalf of the CRAB~~) The county road administration board shall not execute a contract 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.

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

AMENDATORY SECTION (Amending Order 61, filed 2/20/86)

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 ((CRAB)) county road administration board meeting and may be cause for the ((~~CRAB~~board)) county road administration board to withdraw or deny the certificate of good practice of that county; and/or to require that all, or part of, the RATA funds received by the county be returned to the ((~~CRAB~~board)) county road administration board.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-010 Purpose and authority. 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 ~~CRAB~~) 36.79.060 provides that the county road administration board shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which counties may request RATA funds for specific rural arterial projects and the manner in which the (~~CRAB~~) county road administration board will select projects and allocate RATA funds to such projects.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

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~~) the county road administration board;
- (2) (~~CRAB~~) County road administration board 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~~) the county road administration board;
- (4) For each final prospectus submitted, (~~CRAB~~) county road administration board staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and
- (5) The (~~CRAB~~) county road administration board 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.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-030 RAP program cycle--Preliminary prospectus.

By March 1st 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 county road administration board. The format and content of the preliminary prospectus shall be prescribed by ((CRAB)) the county road administration board. 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.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-040 RAP program cycle--((CRAB)) Field review by county road administration board.

After all preliminary prospectuses are received, ((CRAB)) the county road administration board 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)) county road administration board 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)) judgment in the visual ratings, the assigned ((CRAB)) county road administration board 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 1st of each even-numbered year.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-050 RAP program cycle--Final prospectus. By September 1st 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)) the county road administration board 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)) one thousand 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 ((CRAB)) county road administration board. 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.

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

WAC 136-161-060 RAP program cycle--Total project rating and priority array. ((CRAB)) County road administration board 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 transportation 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 ((CRAB)) county road administration board; 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)) county road administration board 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 chapter 136-130 WAC. After review by the ((CRAB)) county road administration board 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.

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 ((CRABoard)) county road administration board 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 chapter 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)) county road administration board in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The state-wide 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 136-163-020. 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 state-wide net amount as determined in chapter ((136-110)) 136-100 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%)) ninety percent of the net amount estimated to be available to each region for the project program period, with the remaining ((10%)) ten percent allocated at such time as deemed appropriate by the ((CRABoard)) county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 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)) county road administration board prior to ((the)) commencement of construction.

AMENDATORY SECTION (Amending WSR 98-09-070, filed 4/20/98, effective 5/21/98)

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: No maximum project RATA contribution; 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is ~~((\$500,000, 25%))~~ five hundred thousand dollars; twenty-five percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; ~~((12.5%))~~ twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; ~~((15%))~~ fifteen percent limit on percentage of the forecasted regional apportionment amount;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

(a) Asotin County	((<u>10%</u>)) <u>ten percent</u>
(b) Benton County	((<u>14%</u>)) <u>fourteen percent</u>
(c) Columbia County	((<u>11%</u>)) <u>eleven percent</u>
(d) Franklin County	((<u>13%</u>)) <u>thirteen percent</u>
(e) Garfield County	((<u>10%</u>)) <u>ten percent</u>
(f) Kittitas County	((<u>13%</u>)) <u>thirteen percent</u>
(g) Klickitat County	((<u>14%</u>)) <u>fourteen percent</u>
(h) Walla Walla County	((<u>14%</u>)) <u>fourteen percent</u>
(i) Yakima County	((<u>20%</u>)) <u>twenty percent</u>

AMENDATORY SECTION (Amending WSR 98-09-070, filed 4/20/98, effective 5/21/98)

WAC 136-161-090 Limitations on use of RATA funds. RATA funds requested and allocated to a project are limited to ~~((80%))~~ eighty percent in the NWR, and ~~((90%))~~ ninety percent in the PSR, 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 additic 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 chapter 136-170 WAC), unless the allocation is increased pursuant to chapter 136-165 WAC.

NEW SECTION

WAC 136-161-110 Use of other funds to match RATA funds. A county with an approved RAP project may use any other funds available for such project including federal, other state, private, and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of twenty percent other funds in the NWR and ten percent other funds in the PSR, SWR, NER, and SER.

AMENDATORY SECTION (Amending WSR 96-17-014, filed 8/12/96, effective 9/12/96)

WAC 136-163-010 Purpose and authority. RCW 36.79.140 provides for the authorization of RATA funds for projects of an emergent nature. This chapter describes the manner in which counties may request RATA funds for such projects and the manner in which the ~~((CRABoard))~~ county road administration board will respond to such requests.

AMENDATORY SECTION (Amending WSR 96-17-014, filed 8/12/96, effective 9/12/96)

WAC 136-163-020 Definitions. For the purposes of this chapter, the term "emergent nature" as used in RCW 36.79.140 shall mean both "emergent" and "emergency" projects as follows:

(1) **Emergency project:** Work of ~~((both))~~ either a temporary ~~((and))~~ or permanent nature which restores roads and bridges to the predisaster condition and may include reconstruction to current design standards. This work is the result of a sudden natural or man-made event which results in the destruction or severe damage to RATA-eligible roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic. Work of an emergency nature is also beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be.

(2) **Emergent project:** RATA-eligible work necessitated by sudden and unanticipated development, growth, access needs, or legal decisions. This work is not the result of an emergency situation as previously defined. This work, in consideration of good transportation capital facilities management, will also require a county to commit resources beyond its current six-year transportation program and prior to the next six-year transportation program annual update as provided for in RCW 36.81.121.

WAC 136-163-030 Limitations and conditions--Emergency projects. To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW 36.04.180. If there is not yet a state declaration of emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declaration of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the ((CRABoard)) county road administration board may provide up to ((100%)) one hundred percent of a county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the ((CRABoard)) county road administration board may provide up to ((80% or 90%)) eighty percent or ninety percent of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

AMENDATORY SECTION (Amending WSR 96-17-014, filed 8/12/96, effective 9/12/96)

WAC 136-163-040 Limitations and conditions--Emergent projects. To be eligible for emergent project approval, the project shall be evaluated by the ((CRAB)) county road administration board grant programs engineer, with the participation of the county ((road)) engineer, on the same point system as all other projects within the region. The proposed emergent project must rank at or above the regional funding cut off line on the current regional array based upon ((100%)) one hundred percent of the current estimated regional allocation as determined by ((CRAB)) the county road administration board.

WAC 136-163-050 Limitations and conditions--Emergency and emergent projects. All projects for which RATA funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is either emergent or emergency as described in WAC 136-163-020 through 136-163-040; ((and))

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and

(3) The requesting county agrees to a reduction in the next biennium's maximum RATA eligibility to the county equal to the RATA that may be provided; however, should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

AMENDATORY SECTION (Amending WSR 96-17-014, filed 8/12/96, effective 9/12/96)

WAC 136-163-060 Action by the ((CRABoard)) county road administration board. Counties may request consideration and action by the ((CRABoard)) county road administration board at any time, however, the ((CRABoard)) county road administration board will address all such requests at its next regular quarterly meeting. A county may request, and the ((CRABoard chairperson)) county road administration board chair may convene, a special meeting to consider such a request as provided for in WAC 136-01-030.

AMENDATORY SECTION (Amending WSR 94-16-109, filed 8/2/94, effective 9/2/94)

WAC 136-165-010 Purpose and ((effective date)) authority.

RCW 36.79.150 provides for increasing the amount of RATA funds allocated to a project. This chapter describes the manner in which counties may request an increase in the amount of RATA funds allocated to a project and the manner in which the ((CRAB)) county road administration board will respond to such requests. This chapter will apply only to projects for which RATA funds have been allocated after July 1, 1995.

AMENDATORY SECTION (Amending WSR 94-16-109, filed 8/2/94, effective 9/2/94)

WAC 136-165-020 Requirements for consideration of RATA fund increases.

(1) When a county submits its final prospectus as described in WAC 136-161-050, ((CRAB)) the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and prior to commencing construction. All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of ((50%)) fifty percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) ((below)) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) ((below)) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the

initial RATA allocation; and

(d) The request is not to pay for an expansion of the originally approved project.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional (~~judgement~~) judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including pre-project scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The (~~CRAB~~) county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

AMENDATORY SECTION (Amending WSR 94-16-109, filed 8/2/94, effective 9/2/94)

WAC 136-165-030 ((CRABoard)) County road administration board evaluation, consideration and action. (1) In deciding whether to grant a request for a RATA allocation increase submitted under the provisions of WAC 136-165-020, the ((CRABoard)) county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its final project prospectus, considered the factors listed in WAC 136-165-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-165-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested RATA funded projects.

(2) Where the requested increase is less than or equal to ((25%)) twenty-five percent of the original RATA allocation, and ((~~\$100,000~~)) one hundred thousand dollars, the request may be acted upon by the executive director; all approvals or denials will be appropriately documented and described to the ((CRABoard)) county road administration board at its next quarterly meeting. Where the requested increase is more than ((25%)) twenty-five percent of the original RATA allocation, or ((~~\$100,000~~)) one hundred thousand dollars, the request will be acted upon by the ((CRABoard)) county road administration board.

(3) If the ((CRABoard)) county road administration board finds that an increase in RATA funds for a previously approved project is justified, some or all of the requested increase may be allocated.

AMENDATORY SECTION (Amending WSR 94-16-109, filed 8/2/94, effective 9/2/94)

WAC 136-165-040 Effect of receiving RATA increase. A county's increased RATA funds for a project program period shall correspondingly reduce the amount of any RATA funds for which it is eligible to compete in the next project program period; provided that the ((CRABoard)) county road administration board may grant a county's request to decrease such a reduction by the total amount of increased but unexpended RATA funds.

All reductions and reduction adjustments as described shall be effective in the project program period following the period in which the increase in the RATA funds is approved.

AMENDATORY SECTION (Amending WSR 94-16-109, filed 8/2/94, effective 9/2/94)

WAC 136-165-050 Amendment of CRAB/county contract. All changes in approved RATA allocations and other ((CRABoard)) county road administration board actions taken under the provisions of this chapter shall be reflected by amending the CRAB/county contract. Failure of a county to execute an amended CRAB/county contract within ((45)) forty-five days of receipt shall nullify all allocation increases and other ((CRABoard)) county road administration board actions.

AMENDATORY SECTION (Amending WSR 94-16-110, filed 8/2/94, effective 9/2/94)

WAC 136-167-010 Purpose and authority. RCW 36.79.060
(~~provides for~~) authorizes the ((CRABoard)) county road administration board to adopt rules relating to the allocation of funds in the rural arterial trust account (RATA). This chapter describes the manner in which the ((CRABoard)) county road administration board will administer project withdrawals, early termination, and lapsing of approved projects.

AMENDATORY SECTION (Amending WSR 94-16-110, filed 8/2/94, effective 9/2/94)

WAC 136-167-020 Withdrawal of approved project before RATA reimbursement. At any time after the submittal of a final prospectus and prior to the time the first RATA reimbursement has been sent to the county, a county may withdraw a RATA funded project. Withdrawal may occur either before or after the ((CRABoard)) county road administration board has allocated RATA funds to the project. The statement of withdrawal must be in writing and signed by the ((~~chairman~~)) chair of the board of county commissioners or the county executive, as appropriate. The withdrawal shall be effective upon receipt by the ((CRABoard)) county road administration board. If RATA funds have been allocated to the project and a CRAB/county contract has been executed, the contract will be voided and, at the next regular ((CRABoard)) county road administration board meeting, the RATA funds will be allocated to other projects within the region.

AMENDATORY SECTION (Amending WSR 94-16-110, filed 8/2/94, effective 9/2/94)

WAC 136-167-030 Termination of approved project after RATA reimbursement. (1) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and is prepared to repay the RATA for all RATA funds received, the county shall, by means of a letter signed by the ((~~chairman~~)) chair of the board of county commissioners or the county executive as

appropriate, inform the ((CRABoard)) county road administration board of its termination of the project. The letter shall state the reasons for termination and commit to repaying all RATA funds received for the project. Upon acknowledgement of such termination by the ((CRABoard)) county road administration board, the county shall repay the ((CRABoard)) county road administration board for all RATA funds paid to the county on that project within ((60)) sixty days of such ((CRABoard)) acknowledgement. Upon receipt of the RATA repayment, the ((CRABoard)) county road administration board will void the CRAB/county contract and, at the next regular ((CRABoard)) county road administration board meeting, allocate the RATA funds to other projects within the region.

(2) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and does not want to be required to repay the ((CRABoard)) county road administration board for all RATA funds received, a letter of request signed by the ((chairman)) chair of the board of county commissioners or the county executive as appropriate must be sent to the ((CRABoard)) county road administration board. The request must include:

(a) An explanation of the reasons that the project will not proceed to completion((7));

(b) A statement of the amount of RATA funds which the county does not want to repay((7)); and

(c) An explanation of why the county believes full repayment should not be made.

If the ((CRABoard)) county road administration board grants the request, the county shall repay all RATA funds not exempted from repayment ((by the CRABoard)), the CRAB/county contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. If the ((CRABoard)) county road administration board denies the request, full repayment shall be made as provided in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 94-16-110, filed 8/2/94, effective 9/2/94)

WAC 136-167-040 Lapsing of RATA allocation for approved projects. To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in ((CRABoard)) action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if:

(a) The project has not begun the preliminary engineering phase within four years of project approval by the ((CRABoard,))

county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the ((CRABoard)) county road administration board.

(2) A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if:

(a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020((7));

(b) A contract has been awarded under the provisions of the small works roster contract award process((7)); or

(c) If done by day labor, the work has commenced.

If an approved project does not meet a required project development milestone, the ((CRABoard)) county road administration board will, at its next regular meeting, withdraw RATA funds from the project. At any time up to ((10)) ten days before such meeting, the county may, in writing, request an extension of the lapse date. The ((CRABoard)) county road administration board may grant such an extension if it finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county.

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

WAC 136-170-010 Purpose and authority. RCW (~~(36.79.050 and)~~ 36.79.060 (~~(provide for CRABoard administration of)~~) authorizes the county road administration board to adopt rules to implement the rural arterial program (RAP). This chapter describes the individual project contract between the (~~(CRABoard)~~) county road administration board and a county (CRAB/county contract) to be used to administer each approved RAP project.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-170-020 Notification of counties. The (~~(CRABoard)~~) county road administration board shall, within ten days of its RAP project approval meeting, notify each county having an approved project of such approval and of the amount of RATA funds allocated to each approved project. The (~~(CRABoard)~~) county road administration board shall offer a contract for each such approved project setting forth the terms and conditions under which RATA funds will be provided.

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

WAC 136-170-030 Terms of CRAB/county contract. (1) For projects for which RATA funds are allocated before July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the (~~(CRABoard)~~) county road administration board within forty-five calendar days of its mailing by the (~~(CRABoard)~~) county road administration board.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications

approved by the county engineer.

(d) The county will notify the ((CRABoard)) county road administration board when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.

(e) The ((CRABoard)) county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the ((CRAB)) county road administration board office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals ((improper)) ineligible expenditure of RATA funds.

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in chapter 136-180 WAC, only if the contract is properly signed and returned to the ((CRABoard)) county road administration board within ((45)) forty-five calendar days of its mailing by the ((CRABoard)) county road administration board.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the ((CRABoard)) county road administration board when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.

(e) The ((CRABoard)) county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the ((CRAB)) county road administration board office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals ((improper)) ineligible expenditures of RATA funds.

(g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of chapter 136-167 WAC.

(h) The county agrees to amend the contract in cases where:

(i) Additional RATA funds have been requested and approved under chapter 136-165 WAC;

(ii) Other relief from the original scope, design or project limits has been approved by the ((CRABoard)) county road administration board under chapter 136-165 WAC; or

(iii) A project has been terminated without full RATA reimbursement under WAC 136-167-030(2).

(i) The county agrees to provide periodic project development progress reports as requested by the ((CRABoard)) county road administration board.

AMENDATORY SECTION (Amending WSR 94-16-112, filed 8/2/94, effective 9/2/94)

WAC 136-170-040 Combining of CRAB/county contracts. In those cases where a county desires to combine two or more adjacent RATA funded projects into a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be ((~~prosecuted~~)) scheduled for completion by day labor, may request the ((CRABoard)) county road administration board to combine the projects into a single project, regardless of the applicable maximum project RATA contribution. Upon receipt of a letter of request to combine, a revised CRAB/county contract will be prepared and sent to the county for its execution and return in the same manner as for the original contracts. Projects shall be considered adjacent if they have a common terminus.

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

WAC 136-180-010 Purpose and authority. RCW 36.79.160 provides that counties shall submit vouchers for payment of the RATA share of the cost of work completed on each RAP project. This chapter describes the manner in which the ((CRABoard)) county road administration board will implement the provisions related to payment of vouchers.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-180-020 Voucher form. The ((CRABoard)) county road administration board shall prepare and distribute to all counties with approved RAP projects, voucher forms for use in requesting progress payments and final payment for each approved RAP project.

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

WAC 136-180-030 Voucher approval. The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. The ((chairperson)) chair of the ((CRABoard)) county road administration board or his/her ((designated agent(s))) designee shall approve such vouchers for payment to the county submitting the voucher.

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

WAC 136-180-040 Payment of vouchers. Upon approval of each RAP project voucher by the ((chairperson)) chair of the ((CRABoard)) county road administration board or his/her

((~~designated a~~ t(s))) designee, it shall be transmitted to the state treasurer for preparation of the RATA warrant. The RATA warrant will be returned to ((~~CRAB~~)) the county road administration board and transmitted directly to each county submitting a voucher.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

WAC 136-210-010 Purpose and authority. RCW 36.79.060(2) provides that the ((CRABoard)) county road administration board shall adopt reasonably uniform design standards for county rural arterials and collectors that meet the requirements for trucks transporting commodities. This chapter describes how this statutory requirement will be implemented by the ((CRABoard)) county road administration board.

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

WAC 136-300-010 Purpose and authority. RCW 46.68.095(4) 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 statute. This chapter describes the manner in which the (~~CRABoard~~) county road administration board will implement the several provisions of the statute.

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

WAC 136-300-020 Adoption of rules. The (~~CRABoard~~) county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the CAPP regarding the following:

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

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-300-030 Delegation of authority. In order to assure effective and timely administration of the CAPP the (~~CRABoard~~) county road administration board may, by resolution, delegate specific administrative authorities to its executive director.

WAC 136-300-040 Staff services and facilities. The ((CRABoard)) county road administration board 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)) county road administration board that are attributable to CAPP shall be paid from the county arterial preservation account in the motor vehicle fund.

NEW SECTION

WAC 136-300-050 Distribution of CAPA funds. (1) Certification of county arterial mileage.

(a) Classification. The statute 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:

(i) In urban areas, classified within the federal functional classification system as arterials or collectors;

(ii) In rural areas, classified within the federal functional classification system as arterials, major collectors, or minor collectors.

(b) 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), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

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

(2) Establishment of allocation percentages. At its first regular meeting after July 1 of each year, the county road administration board shall establish the next calendar year's 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 county road administration board as its percentage of paved arterial lane miles of the total state-wide paved county arterial lane miles.

(3) Notice to counties. Upon their establishment, the county road administration board shall notify the county legislative authority and the county 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 next calendar year.

(4) Distribution to counties. Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the county road administration board as computed under the provisions of subsection (2) of this section.

(5) Eligibility. All arterial preservation work and related activities done by each county shall be eligible for CAPA funding provided that:

(a) The county is determined to be in compliance with the pavement management system requirements as set forth in chapter 136-70 WAC; and

(b) The county engineer submits the annual CAPA program as required in WAC 136-300-060; and

(c) The work is in conformance with the allowable activities as specified in WAC 136-300-070.

NEW SECTION

WAC 136-300-060 Annual county arterial preservation programs.

Each county engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual county arterial preservation program. Appropriate forms will be provided by the county road administration board.

The county's annual arterial preservation program shall consist of a list of all proposed county arterial preservation projects and activities for the ensuing year. In order to evaluate the relative ability of CAPA funds to meet the county's total arterial pavement preservation needs, the annual county arterial preservation program shall identify those projects for which CAPA funding is available.

The county engineer shall submit the proposed county arterial preservation program to the county road administration board along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

NEW SECTION

WAC 136-300-070 Allowable activities within CAPP. For all CAPA-funded projects that involve structural resurfacing, the existing road must meet the following minimum width standards:

Shouldered roadway sections:

<u>Current</u>	<u>Lane width</u>	<u>Shoulder width</u>
<u>ADT</u>		

0 to 100	9 feet	2 feet
101 to 400	10 feet	2 feet
401 to 4000	10 feet	2 feet
Over 4000	11 feet	4 feet

Curbed roadway sections (minimum lane width):

<u>Current</u> <u>ADT</u>	<u>Two-way</u> <u>undivided</u>	<u>One-way & two-way</u> <u>divided</u>
All	10 feet	9 feet

All roadways built to less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

Use of county arterial preservation account funds shall be limited to the following three groups of activities:

(1) Implementation of computerized systems to include:

(a) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management system.

(b) Pavement management system training not otherwise provided by the county road administration board. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.

(c) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road raters.

Acquisition of equipment other than computer hardware as described in (a) of this subsection is not eligible.

(2) Direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways, including the following:

(a) Nonstructural resurfacing projects. 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.

(b) Structural resurfacing projects. 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.

(c) Associated activities. These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching done in preparation for structural or nonstructural overlays or seals; portland cement pavement joint reconstruction undersealing, panel jacking and panel replacement; and other related activities as are directly attributable to nonstructural and structural resurfacing projects.

(3) Resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is

limited as follows:

(a) The present roadway is a paved county arterial as defined by WAC 136-300-050;

(b) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(c) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of this section;

(d) The CAPA participation will be limited to the resurfacing portion of the project as described in this section.

NEW SECTION

WAC 136-300-080 Accounting and audit provisions. (1)

Accounting requirements:

(a) 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.

(b) Expenditures. Expenditures of these funds shall be solely for CAPA-eligible work and must be separately identified within each county's road fund expenditure reporting system.

(2) Audit provisions. CAPA audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities or projects may be accomplished at the request of the county road administration board. The costs of such special audits shall be the responsibility of the county road administration board.

(3) Scope of audits. The audit of any CAPP project or activity shall include, but not be limited to, the review of the county's compliance with:

(a) The provisions of the enabling legislation; and

(b) The rules in Title 136 WAC regarding implementation and administration, 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 all CAPA funds.

(4) Noncompliance, questioned costs, and post-audit penalty. If the audit of a CAPP activity or project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report. In the event an exception has been noted within the audit report, it shall be the duty of the county road administration board to

evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of any CAPA funds that have been expended on ineligible activities and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

NEW SECTION

WAC 136-300-090 Submittal of annual report. The county road administration board 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 his or her county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of scope of work and the amount of CAPA funds expended.

At any time prior to April 1st of the year following, the county engineer shall, in conjunction with the annual construction report 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.

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

WAC 136-400-010 Purpose and authority. RCW 47.56.725(4) provides that the county road administration board (~~((CRABoard))~~) may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding. This chapter describes the manner in which the (~~((CRABoard))~~) county road administration board will implement the provisions of the act.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-040 Six-year and fourteen-year plan submittal. Each county's six-year program(~~((s))~~) and fourteen-year long range ferry capital improvement plan(~~((s))~~) shall be prepared and adopted in accordance with RCW 36.81.121 and 36.54.015, respectively, and one copy shall be forwarded to the (~~((CRAB-office))~~) county road administration board no later than December 31st of each year. The county's six-year program and fourteen-year ferry capital improvement plan submitted in each odd-numbered year shall include all projects for which the county may request ferry capital improvement funds during the biennium beginning on July 1st of that year. Project cost estimates shall be considered preliminary until a project application is submitted.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-050 Project application. Each application by a county for ferry capital improvement funds shall be made no later than January 1st of even-numbered years for the biennium beginning on July 1st of the next odd-numbered year. The information submitted to the (~~((CRABoard))~~) county road administration board shall include the application form and sufficient engineering drawings to accurately describe the project.

Project applications shall be submitted on application forms supplied by the (~~((CRABoard))~~) county road administration board and

shall include the following information:

- (1) Project description and scope;
- (2) Engineering analysis and cost estimate;
- (3) Evidence of application for outside funding through the public works trust fund or any other available revenue source;
- (4) Plan for utilization of outside funding that has been, will be, or may be awarded; and
- (5) Comprehensive project amortization and cash flow schedules.

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

WAC 136-400-060 Technical review committee. A technical review committee shall be created to review project applications for ferry capital improvement funds composed of the following members or their designees: Executive director of the ((CRABoard)) county road administration board, WSDOT assistant secretary for transaid, a WSDOT marine division engineer, and public works department representatives from each of the four participating counties. The county representatives shall serve as ex officio, nonvoting members of the technical review committee. The technical review committee shall recommend approval of projects that have been submitted in a timely manner and that:

- (1) Meet the applicable statutes and the standards of this chapter; and
- (2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee shall recommend an appropriate local match on a project-by-project basis based upon the availability of local matching funds. Written reports on each project recommended for approval shall be submitted to the ((CRABoard)) county road administration board no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the ((CRABoard)) county road administration board, who shall serve as chairperson.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-070 ((CRABoard)) County road administration board action. The ((CRABoard)) county road administration board shall review project applications, along with the recommendations of the

technical review committee, at its regular spring meeting in even-numbered years. At that time it shall approve those projects which it finds:

(1) Meet the applicable statutes and the standards of this chapter; and

(2) Adhere to commonly held engineering practices and cost effectiveness, specifying the amount of approved funding which it recommends for such projects.

The board shall determine a local matching percentage on a case-by-case basis, considering the availability of local matching funds and the recommendation of the technical review committee. Emergent projects may be considered by the ((CRABoard)) county road administration board at any time upon recommendation by the executive director. The board shall require evidence that each applicant has first sought funding through the public works trust fund, and other available revenue sources.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-080 Funding by the legislature. County ferry capital improvement project requests approved by the ((CRABoard)) county road administration board shall be submitted to the legislature for funding out of amounts available under RCW 46.68.100(3) as part of the ((CRABoard's)) biennial or supplemental budget request of the county road administration board.

The ((CRABoard)) county road administration board shall, within ten days of the signing of the transportation budget, notify each county having an approved project of such approval and of the amount of ferry capital improvement funding allocated to each approved project. The ((CRABoard)) county road administration board shall offer ((such)) each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-090 Limitation on use of ferry capital improvement funds. Ferry capital improvement funds may be used for project design, construction, and ((right-of-way)) right of way costs incurred after legislative approval. Emergency project costs may be eligible for retroactive payment upon approval by the ((CRABoard)) county road administration board.

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

WAC 136-400-100 Terms of CRAB/county contract. The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only if such contract is signed and returned to the ((CRABoard)) county road administration board within forty-five days of its mailing by the ((CRABoard)) county road administration board.

(2) The project will be constructed in accordance with:

(a) The information furnished to the ((CRABoard)) county road administration board; and

(b) The plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the ((CRABoard)) county road administration board when a contract has been awarded and when construction has started, and when the project has been completed.

(4) The ((CRABoard)) county road administration board will reimburse counties on the basis of progress vouchers received and approved on individual projects, subject to the availability of ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the ((CRABoard)) county road administration board in the event that a project post audit reveals ((improper)) ineligible expenditure of ferry capital improvement funds. Said funds will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

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

WAC 136-400-110 Voucher approval and payment. The ((CRABoard)) county road administration board shall prepare and distribute to all counties with approved ferry capital improvement projects, voucher forms for use in requesting progress and final payments for each approved ferry capital improvement project.

The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.

The ((CRABoard)) county road administration board shall approve such vouchers for payment to the county submitting the

voucher. Ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

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

WAC 136-400-120 Audit requirements. Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the ((CRABoard)) county road administration board.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with((+)) the provisions of the statute((+)) and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the ((CRABoard)) county road administration board shall evaluate the noted discrepancy. Discrepancies may be cause for the ((CRABoard)) county road administration board to order the payback of improperly expended ferry capital improvement funds as provided in the ((CRAB)) county road administration board/county contract. Any such funds returned by a county to the ((CRABoard)) county road administration board shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-130 Delegation of authority. In order to ensure effective and timely administration of the county ferry capital improvement program, the ((CRABoard)) county road administration board or its executive director may delegate, in writing, its authority under this chapter.