

Chapter 136-150 WAC

ELIGIBILITY FOR RURAL ARTERIAL TRUST ACCOUNT FUNDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

136-150-024	Constraint of contract execution. [Statutory Authority: Chapter 36.79 RCW. WSR 01-17-104, § 136-150-024, filed 8/21/01, effective 9/21/01; WSR 99-01-021, § 136-150-024, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-024, filed 10/15/87; WSR 86-06-005 (Order 61), § 136-150-024, filed 2/20/86.] Repealed by WSR 03-05-010, filed 2/7/03, effective 3/10/03. Statutory Authority: Chapter 36.79 RCW.
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WAC 136-150-010 Purpose and authority. RCW 36.79.140 sets forth the conditions under which counties are eligible to receive funds from the rural arterial trust account (RATA). This chapter describes how these provisions will be implemented by the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-150-010, filed 12/7/98, effective 1/7/99; WSR 97-24-069, § 136-150-010, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.-060. WSR 96-17-013, § 136-150-010, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-010, filed 10/15/87; WSR 86-06-005 (Order 61), § 136-150-010, filed 2/20/86; WSR 84-16-065 (Order 56), § 136-150-010, filed 7/30/84.]

WAC 136-150-020 Implementing the eligibility requirement. The 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.

[Statutory Authority: Chapter 36.79 RCW. WSR 01-17-104, § 136-150-020, filed 8/21/01, effective 9/21/01; WSR 99-01-021, § 136-150-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.-060. WSR 96-17-013, § 136-150-020, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-020, filed 10/15/87; WSR 86-06-005 (Order 61), § 136-150-020, filed 2/20/86; WSR 84-16-065 (Order 56), § 136-150-020, filed 7/30/84.]

WAC 136-150-021 Ascertaining the road levy. The county road administration board will 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 for traffic law

enforcement and/or any other purpose in accordance with RCW 36.33.220.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-150-021, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-021, filed 10/15/87.]

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties in which diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, on a form provided by the county road administration board, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than April 1st of each year. Each county shall maintain records of annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement.

Definition of traffic law enforcement: For purposes of this chapter, traffic law enforcement is defined as engaging in the activities listed in WAC 136-25-030 in unincorporated county locations.

[Statutory Authority: Chapter 36.78 RCW. WSR 16-09-070, § 136-150-022, filed 4/18/16, effective 5/19/16. Statutory Authority: Chapter 36.79 RCW. WSR 03-21-136, § 136-150-022, filed 10/21/03, effective 11/21/03; WSR 01-17-104, § 136-150-022, filed 8/21/01, effective 9/21/01; WSR 00-18-021, § 136-150-022, filed 8/28/00, effective 9/28/00; WSR 99-01-021, § 136-150-022, filed 12/7/98, effective 1/7/99; WSR 97-24-069, § 136-150-022, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-150-022, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-022, filed 10/15/87.]

WAC 136-150-023 Ascertaining the expenditures for fish passage barrier removal. In those counties in which road funds have been used for removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, the county engineer shall submit a certification showing that activities related to the removal of barriers to fish passage performed beyond the county right of way did not exceed twenty-five percent of the total costs for activities related to fish barrier removal on any one project, and that the total annual cost of activities related to the removal of barriers to fish passage performed beyond the county rights of way did not exceed one-half of one percent of the county's annual road construction budget. Such certification shall be submitted to the county road administration board no later than April 1 of each year.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-21-136, § 136-150-023, filed 10/21/03, effective 11/21/03; WSR 03-05-010, § 136-150-023, filed 2/7/03, effective 3/10/03; WSR 01-17-104, § 136-150-023, filed 8/21/01, effective 9/21/01; WSR 99-01-021, § 136-150-023, filed 12/7/98, effective

1/7/99; WSR 97-24-069, § 136-150-023, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-150-023, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 87-21-046 (Order 66), § 136-150-023, filed 10/15/87.]

WAC 136-150-025 Ascertaining the expenditures for marine navigation and moorage purposes. In those counties in which road funds have been used for marine navigation and moorage purposes as specified in RCW 36.82.070, the county engineer shall submit a certification showing the amount of county road fund used for those activities related to marine navigation and moorage purposes performed contiguous with, adjacent to, or offshore concomitant to the county road right of way. Such certification shall be submitted to the county road administration board no later than April 1st of each year.

[Statutory Authority: Chapter 36.78 RCW. WSR 15-24-109, § 136-150-025, filed 12/1/15, effective 1/1/16.]

WAC 136-150-030 Identifying eligible counties. All counties with a population of less than eight thousand shall be eligible to receive RATA funds. Counties with a population greater than eight thousand shall be eligible to receive RATA funds only if, during the immediately preceding calendar year:

(1) The actual expenditures for traffic law enforcement have been equal to or greater than either the amount of the diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;

(2) The amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not exceed one-half of one percent of the county's total annual road construction budget;

(3) Any expenditures of the road levy for marine navigation and moorage by those counties eligible per RCW 36.82.-070 were made from amounts deposited into a special account within the road fund for those purposes and, performed contiguous with, adjacent to, or offshore concomitant to the county road right of way;

(4) All road funds that have been transferred to other funds have been used for legitimate road purposes;

(5) Revenues collected for road purposes have been expended on other governmental services only after authorization from the voters of that county under RCW 84.55.050; and

(6) County road levy funds have been expended in accordance with chapter 36.82 RCW.

[Statutory Authority: Chapter 36.78 RCW. WSR 15-24-109, § 136-150-030, filed 12/1/15, effective 1/1/16. Statutory Authority: Chapter 36.79 RCW. WSR 03-05-010, § 136-150-030, filed 2/7/03, effective 3/10/03; WSR 01-17-104, § 136-150-030, filed 8/21/01, effective 9/21/01; WSR 99-01-021, § 136-150-030, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 84-16-065 (Order 56), § 136-150-030, filed 7/30/84.]

WAC 136-150-040 Constraint of contract execution.

The county road administration board shall not execute a contract with any county 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.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-010, § 136-150-040, filed 2/7/03, effective 3/10/03; WSR 01-17-104, § 136-150-040, filed 8/21/01, effective 9/21/01; WSR 99-01-021, § 136-150-040, filed 12/7/98, effective 1/7/99. Statutory Authority: Chapter 36.78 RCW. WSR 86-06-005 (Order 61), § 136-150-040, filed 2/20/86; WSR 84-16-065 (Order 56), § 136-150-040, filed 7/30/84.]

WAC 136-150-050 Certification required. The contract between the county road administration board and a county relative to a RAP project shall contain a certification signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-010, § 136-150-050, filed 2/7/03, effective 3/10/03.]

WAC 136-150-060 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 meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. WSR 03-05-010, § 136-150-060, filed 2/7/03, effective 3/10/03.]