

Chapter 136-167 WAC
WITHDRAWALS, EARLY TERMINATION, AND LAPSING OF APPROVED PROJECTS

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WAC 136-167-010 Purpose and authority. RCW 36.79.060 authorizes the 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 county road administration board will administer project withdrawals, early termination, and lapsing of approved projects.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-167-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-110, § 136-167-010, 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 county road administration board has allocated RATA funds to the project. The statement of withdrawal must be in writing and signed by the chair of the board of county commissioners or the county executive, as appropriate. The withdrawal shall be effective upon receipt by the 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 the RATA funds will be allocated to other projects within the region.

[Statutory Authority: Chapter 36.79 RCW. WSR 00-05-043, § 136-167-020, filed 2/11/00, effective 3/13/00; WSR 99-01-021, § 136-167-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-110, § 136-167-020, 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, for other than an unanticipated scope change, and is prepared to repay the RATA for all RATA funds received, the county shall, by means of a letter signed by the chair of the board of county commissioners or the county executive as appropriate, inform the 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 acknowledgment of such termination by the county road administration board, the county shall repay the county road administration board for all RATA funds paid to the county on that project within 60 days of such acknowledgment. After receipt of the RATA repayment, the county road administration board will void the CRAB/county contract and 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, for other than an unanticipated scope change, and does not want to be required to repay the county road administration board for all RATA funds received, a letter of request signed by the chair of the board of county commissioners or the county executive as appropriate must be sent to the county road administration board. The request must include:

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

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

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

(d) Agreement to provide supporting documentation for amounts the county does not want to repay.

If the county road administration board grants the request, the county shall repay all RATA funds not exempted from repayment within 60 days of the county road administration board's action, the CRAB/county contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. If the county road administration board denies the request, full repayment shall be made as provided in subsection (1) of this section.

[Statutory Authority: Chapter 36.78 RCW. WSR 21-22-083, § 136-167-030, filed 11/1/21, effective 12/2/21; WSR 11-05-005, § 136-167-030, filed 2/3/11, effective 3/6/11. Statutory Authority: Chapter 36.79 RCW. WSR 00-05-043, § 136-167-030, filed 2/11/00, effective 3/13/00; WSR 99-01-021, § 136-167-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-110, § 136-167-030, 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 action by the county road administration board to withdraw RATA funds from the project.

(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 within one year of project approval by the county road administration board; or

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

(2) A project shall be considered in preliminary engineering if RATA funds have been expended or evidence that non-RATA funds have been expended for preliminary engineering 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;

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

(c) If done by county forces, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The 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, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The county can demonstrate that the project was actively pursued for completion within the original CRAB/county contract terms and can be completed within a two year extension; and

(c) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

(d) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

(e) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may in its discretion determine that for the public safety, health or general welfare, an additional extension is necessary. If such a determination is made, the CRABoard may grant an additional extension and set the duration thereof.

(6) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

[Statutory Authority: Chapter 36.78 RCW. WSR 15-16-015, § 136-167-040, filed 7/24/15, effective 8/24/15; WSR 11-05-005, § 136-167-040, filed 2/3/11, effective 3/6/11; WSR 09-23-044, § 136-167-040, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 01-09-077, § 136-167-040, filed 4/17/01, effective 5/18/01; WSR 99-01-021, § 136-167-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. WSR 94-16-110, § 136-167-040, filed 8/2/94, effective 9/2/94.]