



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: County Road Administration Board

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: To make changes to the Rural Arterial Program and the County Arterial Preservation Program as adopted by the CRABoard as outlined in the attached language.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC's 136-130-020; 136-165-020; 136-300-050, 060, 070 and 090
Suspended:

Statutory authority for adoption: 36.79

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-05-086 on February 14, 2006 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: April 27, 2006

NAME (TYPE OR PRINT)

Jay P. Weber

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY
MAY 12 2006
293
06-11-067
AM
PIA

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	_____	Repealed	_____
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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	_____

AMENDATORY SECTION (Amending WSR 02-11-008, filed 5/2/02, effective 6/2/02)

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 forecasted regional apportionment. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR funding period shall allot a minimum of 25% of the forecasted regional apportionment to projects on roads classified as major collectors (07) or minor collectors (08).

PSR RAP maximum rating points for the (~~three~~) four project types shall be assigned based on the following:

Rating Criteria:	Project Type:			
	Road	<u>3R</u> <u>Safety</u>	Intersection	Bridge
Traffic Volume	20	<u>15</u>	20	20
Accident History	25	<u>15</u>	25	25
Structure	15	<u>10</u>	5	((20)) <u>25</u>
Geometry	((25)) <u>30</u>	<u>20</u>	((35)) <u>40</u>	20
Special Road Usage	((15)) <u>10</u>	<u>10</u>	((15)) <u>10</u>	((15)) <u>10</u>
<u>3R Safety</u>		<u>30</u>		
TOTAL POINTS	100	<u>100</u>	100	100

Bridge category projects that will not replace the structure must have federal funds committed to them prior to submittal for RATA funding.

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 99-01-021, filed 12/7/98, effective 1/7/99)

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, 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. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; and

(b) If done by day labor, the work has commenced, except for labor construction engineering.

All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of 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) of this section;

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

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by day labor, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(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 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 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 99-01-021, filed 12/7/98, effective 1/7/99)

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 statewide 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, and maintenance management 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.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

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 as well as total planned expenditure of CAPA and non-CAPA funds for maintenance management 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.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

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:

Current ADT	Lane width	Shoulder width
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):

Current ADT	Two-way undivided	One-way & two-way divided
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 and maintenance management systems.

(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, and maintenance management activities related to all county arterials, 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.

(d) Maintenance management activities. These include creating maintenance management reports and training in maintenance management per the requirements listed in chapter 136-11 WAC.

(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.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

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 and maintenance management 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, as well as a listing of the county's share of CAPA funds used for maintenance management.

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.