



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: County Road Administration Board

- Permanent Rule
 Emergency Rule

(1) Date of adoption: July 29, 1994

(2) Purpose: Provides guidance and procedures for RATA funded project withdrawals, early termination and lapsing of RATA fund authorization.

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

- Repealed:
Amended:
Suspended:

(4) Authority for adoption:

Statute: RCW 36.79.060
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 94-13-183 on June 21, 1994 (date)

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

None

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

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

- Yes No If yes, explain.

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
 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)

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STATE OF WASHINGTON
FILED

AUG 02 1994

TIME: 9:46
WSR 94-10-110

NAME (TYPE OR PRINT)

VERN E. WAGAR

SIGNATURE

Vern E. Wagar for VEW

TITLE

EXECUTIVE DIRECTOR

DATE

7/29/94

WITHDRAWALS, EARLY TERMINATION, AND LAPSING OF APPROVED PROJECTS

NEW SECTION

WAC 136-167-010 Purpose.

RCW 36.79.060 provides for the CRABoard to adopt rules relating to the allocation of funds in the rural arterial trust account. This chapter describes the manner in which the CRABoard will administer project withdrawals, early termination, and lapsing of approved projects.

NEW SECTION

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 has allocated RATA funds to the project. The statement of withdrawal must be in writing and signed by the chairman of the board of county commissioners or the county executive, as appropriate. The withdrawal shall be effective upon receipt by the CRABoard. 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 meeting, the RATA funds will be allocated to other projects within the region.

NEW SECTION

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 of the board of county commissioners or the county executive as appropriate, inform the CRABoard 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, the county shall repay the CRABoard for all RATA funds paid to the county on that project within 60 days of such CRABoard acknowledgement. Upon receipt of the RATA repayment, the CRABoard will void the CRAB/County contract and, at the next regular CRABoard 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 for all RATA funds received, a letter of request signed by the chairman of the board of county commissioners or the county executive as appropriate must be sent to the CRABoard. 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, and (c) an explanation of why the county believes full repayment should not be made. If the CRABoard 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 denies the request, full repayment shall be made as provided in subsection (1).

NEW SECTION

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 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.

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, or (b) the project has not begun construction within six years of the date of project approval by the CRABoard. 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, (b) a contract has been awarded under the provisions of the small works roster contract award process, 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 will, at its next regular meeting, withdraw RATA funds from the project. At any time up to 10 days before such meeting, the county may, in writing, request an extension of the lapse date. The CRABoard 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.