

TRANSMITTAL OF RULES ADOPTED

FROM: County Road Administration Board (Name of Agency)

TO: CODE REVISER LEGISLATIVE BLDG. (Southwest Corner, Ground Floor) Olympia 98504

The enclosed rules Permanent rules [X] / Emergency rules [], being Order No. 31 relating to (Name of rules or description of subject matter)

Issuance, Modification and Revocation of Certificates of Good Practice by the County Road Administration Board

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7762 filed with the code reviser on Sept. 8, 1977

were regularly adopted as permanent rules of this agency at 6730 Martin Way N. E., Olympia, WA 98504 on Oct. 21, 1977

and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be Oct. 21, 1977

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at

and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 21 day of October 1977.

STATE OF WASHINGTON FILED DEC 16 1977

CODE REVISER'S OFFICE DOCKET # 8711 FILE # 1

COUNTY ROAD ADMINISTRATION BOARD (AGENCY) By [Signature] DIRECTOR

Title

NOTES: 1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice) 2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice) 3Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.

FORM OF ORDER BY BOARD, COMMISSION, & COUNCIL

State of Washington

County Road Administration Board

(name of governing body)

(agency name, if applicable)

Resolution No. 31

Administrative Order No.

(1) Be it resolved by the County Road Administration Board State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at 6730 Martin Way N.E. Olympia, Washington 98504 on Oct 21, 1977 as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:

issuance, modification and revocation of Certificates of Good Practice by the County Road Administration Board.

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

promulgate and adopt as emergency rules of this governing body, the annexed rules:

We, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(2) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the County Road Administration Board

(agency)

as authorized in RCW 36.78

(3) This order after being first recorded in the order register of this governing body shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 21, 1977

By Ernest Geissler Director

Title

COUNTY ROAD ADMINISTRATION BOARD

REGULATION NO. 31

REGULATION OF THE COUNTY ROAD ADMINISTRATION BOARD
AMENDING THE STANDARD OF GOOD PRACTICE REGARDING
PROCEDURES FOR ANNUAL CERTIFICATION.

WHEREAS, Chapter 120, Laws of 1965, First Extraordinary Session, created the County Road Administration Board to formulate and adopt uniform and general practices relating to the administration of county roads for the several counties in the state, and

WHEREAS, the Board has previously adopted a rule concerning procedures for issuance of Certificates of Good Practice and Conditional Certificates of Good Practice, codified as WAC 136-04, and

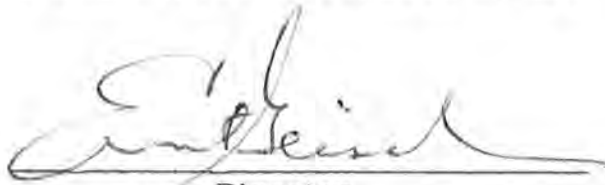
WHEREAS, the authority of said Board has been expanded by the passage of Chapter 67, Laws of 1977, Regular Session, now therefore,

BE IT ESTABLISHED BY THE COUNTY ROAD ADMINISTRATION BOARD:

Section 1. In the Standard of Good Practice regarding procedures for annual certification, WAC 136-04, section -055 is hereby added; and sections -010, -050, -060, -070, -080, -090 and -100 are hereby amended.

Section 2. The remainder of said Chapter 04 shall remain in full force and effect.

Established and adopted by the Board this 21 day of October,
1977, at a hearing held pursuant to notice given as required by law.



Director

COUNTY ROAD ADMINISTRATION BOARD

STATEMENT REGARDING ANNUAL CERTIFICATION

I. NAME OF AGENCY: COUNTY ROAD ADMINISTRATION BOARD

DESCRIPTION OF RULES: Under the authority of Chapter 257, Laws of 1977, 1st Ex. Sess., the County Road Administration Board is enabled to revoke a Certificate of Good Practice or issue a Conditional Certificate to a county found to be in violation of statute or the Standards of Good Practice at any time during the year.

II. SUMMARY OF RULES:

WAC 136-04-010 Authorization for the Board to examine a county's compliance with the provisions of law relating to county road administration and with the Standards of Good Practice and to issue Certificates or Conditional Certificates.

WAC 136-04-050 Change of the name "Certificate of Good Practice" to read "Certificate."

WAC 136-04-055 Authorization for the Board to revoke a Certificate or substitute a Conditional Certificate.

WAC 136-04-060 A copy of the Conditional Certificate shall be sent to the state treasurer authorizing the treasurer to continue distribution to such county of all or a designated portion of its share of motor vehicle fuel taxes.

WAC 136-04-070 After issuance of a Conditional Certificate, the Board shall review the county's compliance with pertinent laws at a subsequent Board meeting to determine if the Conditional Certificate shall be continued, modified, or revoked.

WAC 136-04-080 The 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 a hearing shall have been given to the chairman of the board of county commissioners at least two weeks prior to the Board meeting at which such action is to be considered.

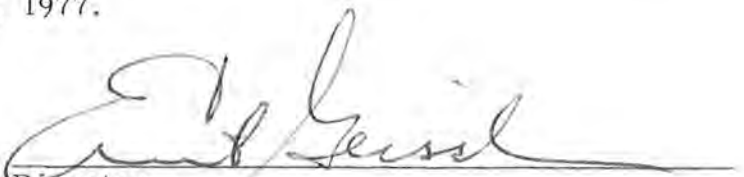
WAC 136-04-090 During the hearing on revocation or substitution of a Certificate, the Board shall receive a report from the county road administration engineer detailing those laws or regulations with which the county is not in reasonable compliance, and opportunity shall be provided for the county to present written and/or oral testimony.

WAC 136-04-100 If any Certificate is revoked without a Conditional Certificate being substituted, the Board shall review the affected county's compliance with pertinent laws at each subsequent regularly scheduled Board meeting until such time as the Board finds that the county has reasonably complied or is attempting to comply with such laws and regulations.

STATUTORY AUTHORITY: RCW 36.78

III. The County Road Administration Board has the responsibility for drafting, implementing and enforcing these rules. The Director is Ernest Geissler, 6730 Martin Way N.E., Olympia, WA 98504. Telephone: (206) 753-6578

IV. These rules were proposed by the Board. There was no opposition. SUBMITTED in accordance with Chapter 84, Laws of 1977, 1st Ex. Sess. this 21st day of October, 1977.


Director
County Road Administration Board

Chapter 136-04

REGARDING ANNUAL CERTIFICATION

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-010 PURPOSE. The County Road Administration Board, hereinafter referred to as ~~((u))~~ the Board ~~((u))~~, is ~~((required))~~ authorized 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 Board ~~((r))~~ or to issue Conditional Certificates. This Standard of Good Practice sets forth a procedure to be followed ~~((annually))~~ by ~~((the counties intended to inform))~~ the Board ~~((of the level of their compliance with pertinent laws and regulations))~~ in the issuance and revocation of such Certificates.

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-050 CERTIFICATE OF GOOD PRACTICE. The Board shall transmit a Certificate ~~((of Good Practice))~~ 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 Board.

NEW SECTION

WAC 136-04-055 REVOCATION OF CERTIFICATE OF GOOD PRACTICE. Whenever the Board finds that after issuance of a Certificate a county fails to meet the requirements of such certification, the 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.

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-060 CONDITIONAL CERTIFICATE OF GOOD PRACTICE. Whenever the Board finds that a county has failed to be in reasonable compliance with provisions of law or Standards of Good Practice, the Board may transmit to the state Treasurer on behalf of such county a Conditional Certificate ~~((of Good Practice.))~~, 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 Board to be appropriate, ~~((and a copy thereof))~~ 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 board of county commissioners of the county on whose behalf it was issued. One of the conditions of such Conditional Certificate shall be a review by the Board at a subsequent meeting of the situation which caused its issuance.

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-070 REVIEW OF CONDITIONAL CERTIFICATES. At a designated subsequent meeting, the Board shall receive a report from the county road administration engineer pursuant to each Conditional Certificate. The Board shall issue a Certificate ~~((of-Good-Practice))~~ upon finding that the county has complied or is diligently attempting to comply with the terms and conditions of the Conditional Certificate. If the 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 (a) continue such Conditional Certificate for further review, ~~((or))~~ (b) ~~((cancel-such-certificate))~~ modify such Conditional Certificate, or (c) revoke such Conditional Certificate.

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-080 NOTICE OF PENDING ((CANCELLATION)) REVOCATION OR SUBSTITUTION. The Board shall not consider ~~((cancellation))~~ 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 chairman of the board of county commissioners at least two weeks prior to the Board meeting at which such ~~((cancellation))~~ revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at ~~((the))~~ such hearing. ~~((on-such-possible-cancellation))~~

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-090 HEARING ON ((CANCELLATION-OF-CERTIFICATE)) REVOCATION OR SUBSTITUTION. At the time appointed for the hearing, the Board shall receive a report from the county road administration engineer 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 ((allegedly)) failed to meet. The Board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon (a) continue ~~((such))~~ or modify a Conditional Certificate ((for-further-review-or)) (b) substitute a Conditional Certificate for a Certificate or (c) revoke either the Certificate or Conditional Certificate.

AMENDING ORDER #24, FILED 10-31-74

WAC 136-04-100 ((CANCELLATION)) REVOCATION OF CERTIFICATE Upon ~~((cancellation))~~ revocation of a Certificate or a Conditional Certificate by the Board, notice thereof shall be given to the state Treasurer and to the board of county commissioners of the affected county. ~~((The-hearing shall-be-continued-to-subsequent-Board-meetings-until-such-time-as-the Board-finds-that-the-county-has-reasonably-complied-or-is-diligently-attempting-to-comply-with-the-terms-and-conditions-of-the-conditional-certificate. Pursuant-to-each-such-continued-hearing,-the-Board-may-(a)-issue-a-certificate-of-good-practice,-(b)-issue-a-conditional-certificate,-or-(c) continue-the-hearing-to-another-subsequent-Board-meeting-for-further consideration.))~~ If any Certificate is revoked without a Conditional Certificate being substituted therefore, the Board shall review the affected county's (ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled Board meeting until such time as the Board finds that the county has reasonably complied or is diligently attempting to comply with such laws and regulations.