

WSR 22-19-026

PROPOSED RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Filed September 13, 2022, 2:10 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Amending chapter 136-400 WAC to make changes to the County Ferry capital improvement program.

Hearing Location(s): On October 27, 2022, at 2:00 p.m., at 1800 Continental Place, Mount Vernon, WA 98273. County road administration board (CRAB) meeting will be held in the Skagit County board of county commissioners hearing room.

Date of Intended Adoption: October 27, 2022.

Submit Written Comments to: Drew Woods, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, email Drew.Woods@crab.wa.gov, by October 21, 2022.

Assistance for Persons with Disabilities: Contact Drew Woods, phone 360-753-5989, TTY 800-883-6384, email Drew.Woods@crab.wa.gov, by October 21, 2022.

Reasons Supporting Proposal: Clarify how often the county ferry capital investment program may be used to replace a county-owned vehicle ferry.

Statutory Authority for Adoption: RCW 36.78.07[0].

Statute Being Implemented: RCW 47.56.725(4).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: CRAB, governmental.

Name of Agency Personnel Responsible for Drafting: Derek Pohle, 2402 Chandler Court S.W., Suite 240, Olympia, WA 98504, 360-753-5989; Implementation: Steve Johnson, 2402 Chandler Court S.W., Suite 240, Olympia, WA 98504, 360-753-5989; and Enforcement: Drew Woods, 2402 Chandler Court S.W., Suite 240, Olympia, WA 98504, 360-753-5989.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under chapter 36.78 RCW.

Scope of exemption for rule proposal:

Is fully exempt.

September 13, 2022

Jane Wall

Executive Director

OTS-4092.1

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-020 County and project eligibility. (1) Counties eligible to apply for county ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

(2) For the project to be eligible it must be included in both the county's six-year transportation program and its ferry system (~~(fourteen-year)~~) 14-year long range capital improvement plan as described in WAC 136-400-040.

(3) Any county holding an approved and executed county ferry capital improvement program contract is ineligible to submit a project funding application for additional ferry capital improvement funds until the existing contract is fully performed or has been mutually terminated.

(4) Once a county has received funding for vessel replacement under this program, the county is no longer eligible for future replacement of that vessel as referenced in WAC 136-400-030(1). A county will remain eligible for project types referenced in WAC 136-400-030 (2), (3), (4) and (5).

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-020, filed 4/28/08, effective 5/29/08. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-020, filed 10/23/91, effective 11/23/91.]

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-030 Definition of ferry capital improvement projects. County ferry capital improvement projects shall include the following:

(1) Purchase of a new vessel((s)) which replaces an existing vessel;

(2) Major vessel refurbishment (e.g., engines, structural steel, controls) that substantially extends the life of the vessel;

(3) Facility refurbishment/replacement (e.g., complete replacement, major rebuilding or redecking of a dock) that substantially extends the life of the facility;

(4) Installation of items that substantially improve ferry facilities or operations; and/or

(5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities.

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-030, filed 4/28/08, effective 5/29/08. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-030, filed 10/23/91, effective 11/23/91.]

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-080 Funding by the legislature. County ferry capital improvement project requests approved by the county road administration board shall be submitted to the legislature for funding out of amounts available under RCW 46.68.090 (2)(h) as part of the biennial or supplemental budget request of the county road administration board.

The county road administration board shall, within (~~ten~~) 10 days of the signing of the transportation budget, notify each county having an approved project of such approval and of the amount of county ferry capital improvement funding (~~allocated~~) appropriated to each approved project. The county road administration board shall offer each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-080, filed 4/28/08, effective 5/29/08; WSR 99-01-021, § 136-400-080, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-080, filed 10/23/91, effective 11/23/91.]