
HOUSE BILL 1098

State of Washington

69th Legislature

2025 Regular Session

By Representatives Low and Barkis

Prefiled 12/19/24.

1 AN ACT Relating to improving county local roads by creating a new
2 county local road program; adding a new chapter to Title 36 RCW;
3 providing an effective date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Board" means the county road administration board created in
9 RCW 36.78.030.

10 (2) "Community facility" means a publicly owned facility or
11 building that is primarily intended to serve the recreational,
12 educational, cultural, public health and safety, administrative, or
13 entertainment needs of the community as a whole.

14 (3) "County local road project" means improvement projects on
15 those county roads not federally classified as an arterial or
16 collector.

17 (4) "LAG manual" means the Washington state department of
18 transportation's local agency guidelines manual or its successor
19 document.

20 (5) "Overburdened community" is as defined in RCW 70A.02.010.

1 (6) "Pedestrian facility" is a facility designed to meet the
2 needs of pedestrians in accordance with county and Americans with
3 disabilities act requirements.

4 NEW SECTION. **Sec. 2.** There is created in the motor vehicle fund
5 the county local road trust account. All moneys deposited in the
6 motor vehicle fund to be credited to the county local road trust
7 account must be expended for (1) the preservation and improvement of
8 county local roads and (2) those expenses of the board associated
9 with the administration of the county road local access preservation
10 program. The account is subject to allotment procedures under chapter
11 43.88 RCW, and an appropriation is required for expenditures.

12 NEW SECTION. **Sec. 3.** The board shall:

13 (1) Adopt rules necessary to implement the provisions of this
14 chapter relating to the allocation of funds in the county local road
15 trust account to counties; and

16 (2) Include a program status report in the board's annual report
17 to the legislature as provided in RCW 36.78.070.

18 NEW SECTION. **Sec. 4.** (1) The board shall adopt rules to select
19 projects taking into consideration, at a minimum, the following
20 criteria:

21 (a) Investment in overburdened communities;

22 (b) Environmental health disparities as identified in the
23 environmental health disparities map specified in RCW 43.70.815;

24 (c) Location on or providing direct access to a federally
25 recognized Indian reservation;

26 (d) Sustaining the structural, safety, and operational integrity
27 of the road;

28 (e) Vehicle and pedestrian collision experience;

29 (f) Access improvements to a community facility; and

30 (g) Identified need in a state, regional, county, or community
31 plan.

32 (2) Proposed projects must be included in the respective county's
33 six-year program as provided in RCW 36.81.121 before board approval
34 of the project.

35 NEW SECTION. **Sec. 5.** The following project types are allowed
36 under the county local road program created in this chapter:

- 1 (1) 2-R as defined in the LAG manual;
- 2 (2) 3-R as defined in the LAG manual;
- 3 (3) Reconstruction as defined in the LAG manual;
- 4 (4) Replacement of any bridge on the national bridge inventory;
- 5 (5) Removal of human-made or caused impediments to anadromous
- 6 fish passage;
- 7 (6) Pedestrian facilities.

8 NEW SECTION. **Sec. 6.** Whenever a proposed county local road
9 project is adjacent to a city or town, the appropriate city or town
10 and county officials shall jointly plan and include the improvement
11 in their respective long-range plans. Whenever a county local road
12 project connects with and will be substantially affected by a
13 programmed construction project on a state highway, the proper county
14 officials shall jointly plan the development of such project with the
15 department of transportation district administrator.

16 NEW SECTION. **Sec. 7.** Counties receiving funds from the county
17 local road trust account shall provide such matching funds as
18 established by rules adopted by the board. Matching requirements must
19 be established after appropriate studies by the board, taking into
20 account financial resources available to counties.

21 NEW SECTION. **Sec. 8.** (1) Only those counties that, during the
22 preceding 12 months, have spent all revenues collected for road
23 purposes only for such purposes, including removal of barriers to
24 fish passage and accompanying streambed and stream bank repair as
25 specified in RCW 36.82.070, and including traffic law enforcement as
26 allowed under Article II, section 40 of the state Constitution or RCW
27 36.82.070(2), are eligible to receive funds from the local road trust
28 account, except that:

29 (a) Counties with a population of less than 8,000 are exempt from
30 this eligibility restriction;

31 (b) Counties expending revenues collected for road purposes only
32 on other governmental services after authorization from the voters of
33 that county under RCW 84.55.050 are exempt from this eligibility
34 restriction; and

35 (c) This restriction does not apply to any moneys diverted from
36 the road district levy under chapter 39.89 RCW.

1 (2) The board shall authorize county local road trust account
2 funds for the construction project portion of a project previously
3 authorized for a preliminary proposal in the sequence in which the
4 preliminary proposal has been completed and the construction project
5 is to be placed under contract. At such time the board may reserve
6 county local road trust account funds for expenditure in future years
7 as may be necessary for completion of preliminary proposals and
8 construction projects to be commenced in the ensuing biennium.

9 (3) The board may, within the constraints of available county
10 local road trust account funds, consider additional projects for
11 authorization upon a clear and conclusive showing by the submitting
12 county that the proposed project is of an emergent nature and that
13 its need was unable to be anticipated at the time the six-year
14 program of the county was developed. The proposed projects must be
15 evaluated on the basis of the priority rating factors specified in
16 section 4 of this act.

17 NEW SECTION. **Sec. 9.** (1) Whenever the board approves a county
18 local road project it shall determine the amount of county local road
19 trust account funds to be allocated for such project. The allocation
20 must be based upon information submitted by the county seeking
21 approval of the project and upon such further investigation as the
22 board deems necessary. The board shall adopt reasonable rules
23 pursuant to which county local road trust account funds allocated to
24 a project may be increased upon a subsequent application of the
25 county constructing the project. The rules adopted by the board must
26 take into account, but are not limited to, the following factors:

27 (a) The financial effect of increasing the original allocation
28 for the project upon other county local road projects either approved
29 or requested;

30 (b) Whether the project for which an additional allocation is
31 requested can be reduced in scope while retaining a usable segment;

32 (c) Whether the original cost of the project shown in the
33 applicant's original submittal was based upon reasonable engineering
34 estimates; and

35 (d) Whether the requested additional allocation is to pay for an
36 expansion in the scope of work originally approved.

37 (2) The board shall not allocate funds, nor make payments under
38 RCW 36.79.120, to any county identified by the governor under RCW
39 36.70A.340.

1 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect July 1, 2025.

5 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
6 constitute a new chapter in Title 36 RCW.

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