

the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than twenty days after the request for hearing is received by the president.

[Statutory Authority: RCW 28B.50.140 and chapter 69.41 RCW. 91-05-012, § 132Y-400-040, filed 2/8/91, effective 3/11/91.]

## Title 136 WAC COUNTY ROAD ADMINISTRATION BOARD

### Chapters

- 136-20** Inspection of bridges on county roads.  
**136-40** Standards of good practice--Accommodation of utilities on county roads.  
**136-400** Administration of the county ferry capital improvement program.

### Chapter 136-20 WAC

#### INSPECTION OF BRIDGES ON COUNTY ROADS

#### WAC

- 136-20-020 Inventory.  
 136-20-030 Inspection.  
 136-20-040 Certification.  
 136-20-060 Engineer's report.

**WAC 136-20-020 Inventory.** Each county road engineer shall have available in his office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepoint, and shall include such other information as the engineer deems necessary. In addition, all data required for the state of Washington inventory of bridges and structures (SWIBS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT local programs bridge engineer on appropriate forms furnished or otherwise approved by the WSDOT.

[Statutory Authority: RCW 36.78.070. 91-21-136 (Order 83), § 136-20-020, filed 10/23/91, effective 11/23/91; 90-17-075 (Order 78), § 136-20-020, filed 8/16/90, effective 9/16/90. Statutory Authority: Chapter 36.78 RCW. 79-01-099 (Order 36), § 136-20-020, filed 1/3/79; Order 11, § 136-20-020, filed 10/9/69.]

**WAC 136-20-030 Inspection.** Each county road engineer shall be responsible for all routine and special inspections of all bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT local programs office. The county road engineer shall note the date of all inspections and any changes since the previous inspection on the SWIBS form and submit all such forms to the WSDOT local

programs bridge engineer within ninety days of each inspection.

[Statutory Authority: RCW 36.78.070. 91-21-136 (Order 83), § 136-20-030, filed 10/23/91, effective 11/23/91; 90-17-075 (Order 78), § 136-20-030, filed 8/16/90, effective 9/16/90. Statutory Authority: Chapter 36.78 RCW. 79-01-099 (Order 36), § 136-20-030, filed 1/3/79; Order 11, § 136-20-030, filed 10/9/69.]

**WAC 136-20-040 Certification.** Prior to April 1 of each calendar year, WSDOT assistant secretary for local programs will provide CRAB the following:

(1) A listing on a county-by-county basis of all county bridges which have not had a regular SWIBS inspection report submitted within the previous thirty months; and

(2) A listing on a county-by-county basis of all county bridges which have not had a required special inspection report submitted within six months after the required inspection date; and

(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

[Statutory Authority: RCW 36.78.070. 91-21-136 (Order 83), § 136-20-040, filed 10/23/91, effective 11/23/91; 90-17-075 (Order 78), § 136-20-040, filed 8/16/90, effective 9/16/90. Statutory Authority: Chapter 36.78 RCW. 79-01-099 (Order 36), § 136-20-040, filed 1/3/79; Order 22, § 136-20-040, filed 4/19/73; Order 11, § 136-20-040, filed 10/9/69.]

**WAC 136-20-060 Engineer's report.** Each county road engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority and shall be consulted during the preparation of the proposed six year program revision. The resume shall include the engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six year program shall include assurances to the effect that the engineer's report with respect to deficient bridges was available to said authority during the preparation of the program.

[Statutory Authority: RCW 36.78.070. 91-21-136 (Order 83), § 136-20-060, filed 10/23/91, effective 11/23/91; 90-17-075 (Order 78), § 136-20-060, filed 8/16/90, effective 9/16/90. Statutory Authority: Chapter 36.78 RCW. 79-01-099 (Order 36), § 136-20-060, filed 1/3/79; Order 28, § 136-20-060, filed 5/4/76; Order 26, § 136-20-060, filed 5/6/75; Order 22, § 136-20-060, filed 4/19/73; Order 11, § 136-20-060, filed 10/9/69.]

### Chapter 136-40 WAC

#### STANDARDS OF GOOD PRACTICE-- ACCOMMODATION OF UTILITIES ON COUNTY ROADS

#### WAC

- 136-40-030 Adoption and submittal.

**WAC 136-40-030 Adoption and submittal.** Each county legislative authority shall formally adopt, no later than December 31, 1992, a utility policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such utility policy shall be forwarded to the county road administration board by January 31, 1993.

[Statutory Authority: RCW 36.78.070. 91-21-137 (Order 84), § 136-40-030, filed 10/23/91, effective 11/23/91; 90-22-081 (Order 80), § 136-40-030, filed 11/6/90, effective 12/7/90; Order 18, § 136-40-030, filed 7/22/71.]

### Chapter 136-400 WAC

#### ADMINISTRATION OF THE COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM

##### WAC

136-400-010	Purpose.
136-400-020	Eligibility.
136-400-030	Definition of ferry capital improvement projects.
136-400-040	Six-year and fourteen-year plan submittal.
136-400-050	Project application.
136-400-060	Technical review committee.
136-400-070	CRABoard action.
136-400-080	Funding by the legislature.
136-400-090	Limitation on use of ferry capital improvement funds.
136-400-100	Terms of CRAB/county contract.
136-400-110	Voucher approval and payment.
136-400-120	Audit requirements.
136-400-130	Delegation of authority.

**WAC 136-400-010 Purpose.** Section 1(4), chapter 310, Laws of 1991 (the act), provides that the county road administration board (CRABoard) may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding. This chapter describes the manner in which the CRABoard will implement the provisions of the act.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-010, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-020 Eligibility.** Counties eligible to apply for ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-020, filed 10/23/91, effective 11/23/91.]

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

- (1) Purchase of new vessels;
- (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;
- (5) Construction of infrastructure that provides new

or additional access or increases the capacity of terminal facilities; and/or

(6) Emergency repairs to correct damage to vessels or facilities caused by accidents or natural phenomena.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-030, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-040 Six-year and fourteen-year plan submittal.** Each county's six-year programs and fourteen-year long range ferry capital improvement plans shall be prepared and adopted in accordance with RCW 36.81.121 and 36.54.015, respectively, and one copy shall be forwarded to the CRAB office no later than December 31st of each year. The county's six-year program and fourteen-year ferry capital improvement plan submitted in each odd-numbered year shall include all projects for which the county may request ferry capital improvement funds during the biennium beginning on July 1st of that year. Project cost estimates shall be considered preliminary until a project application is submitted.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-040, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-050 Project application.** Each application by a county for ferry capital improvement funds shall be made no later than January 1st of even-numbered years for the biennium beginning on July 1st of the next odd-numbered year. The information submitted to the CRABoard shall include the application form and sufficient engineering drawings to accurately describe the project.

Project applications shall be submitted on application forms supplied by the CRABoard and shall include the following information:

- (1) Project description and scope;
- (2) Engineering analysis and cost estimate;
- (3) Evidence of application for outside funding through the public works trust fund or any other available revenue source;
- (4) Plan for utilization of outside funding that has been, will be, or may be awarded; and
- (5) Comprehensive project amortization and cash flow schedules.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-050, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-060 Technical review committee.** A technical review committee shall be created to review project applications for ferry capital improvement funds composed of the following members or their designees: Executive director of the CRABoard, assistant secretary WSDOT local programs, a WSDOT marine division engineer, and public works department representatives from each of the four participating counties. The county representatives shall serve as ex officio, nonvoting members of the technical review committee. The technical review committee shall recommend approval of projects that have been submitted in a timely manner and that:

- (1) Meet the applicable statutes and the standards of this chapter; and

(2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee shall recommend an appropriate local match on a project-by-project basis based upon the availability of local matching funds. Written reports on each project recommended for approval shall be submitted to the board no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the CRABoard, who shall serve as chairperson.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-060, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-070 CRABoard action.** The CRABoard shall review project applications, along with the recommendations of the technical review committee, at its regular spring meeting in even-numbered years. At that time it shall approve those projects which it finds:

(1) Meet the applicable statutes and the standards of this chapter; and

(2) Adhere to commonly held engineering practices and cost effectiveness, specifying the amount of approved funding which it recommends for such projects.

The board shall determine a local matching percentage on a case-by-case basis, considering the availability of local matching funds and the recommendation of the technical review committee. Emergent projects may be considered by the CRABoard at any time upon recommendation by the executive director. The board shall require evidence that each applicant has first sought funding through the public works trust fund, and other available revenue sources.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-070, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-080 Funding by the legislature.** County ferry capital improvement project requests approved by the CRABoard shall be submitted to the legislature for funding out of amounts available under RCW 46.68.100(3) as part of the CRABoard's biennial or supplemental budget request.

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

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-080, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-090 Limitation on use of ferry capital improvement funds.** Ferry capital improvement funds may be used for project design, construction, and right-of-way costs incurred after legislative approval. Emergency project costs may be eligible for retroactive payment upon approval by the CRABoard.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), §

136-400-090, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-100 Terms of CRAB/county contract.** The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing by the CRABoard.

(2) The project will be constructed in accordance with (a) the information furnished to the CRABoard, and (b) the plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the CRABoard when a contract has been awarded and when construction has started, and when the project has been completed.

(4) The CRABoard will reimburse counties on the basis of monthly progress vouchers received and approved on individual projects, subject to the availability of ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the CRABoard in the event that a project post audit reveals improper expenditure of ferry capital improvement funds. Said funds will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-100, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-110 Voucher approval and payment.** The CRABoard shall prepare and distribute to all counties with approved ferry capital improvement projects, voucher forms for use in requesting progress and final payments for each approved ferry capital improvement project.

The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.

The CRABoard shall approve such vouchers for payment to the county submitting the voucher. Upon approval of each ferry capital improvement voucher by the CRABoard it shall be transmitted to the department of transportation for payment to the county submitting the voucher. Ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-110, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-120 Audit requirements.** Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of

specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the CRABoard.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with: The provisions of the act; and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the CRABoard shall evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended ferry capital improvement funds as provided in the CRAB/country contract (WAC 136-400-110). Any such funds returned by a county to the CRABoard shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-120, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-130 Delegation of authority.** In order to ensure effective and timely administration of the county ferry capital improvement program, the CRABoard or its executive director may delegate, in writing, its authority under this chapter.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-130, filed 10/23/91, effective 11/23/91.]

## Title 137 WAC CORRECTIONS, DEPARTMENT OF

### Chapters

- 137-12A** One-time impact funds available to qualifying political subdivisions.  
**137-48** Inmate mail and communications.

### Chapter 137-12A WAC

#### ONE-TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

#### WAC

- 137-12A-010 Purpose.  
137-12A-020 Definitions.  
137-12A-030 Eligibility.  
137-12A-050 Application procedure.  
137-12A-060 Department review committee.  
137-12A-070 Contracts.  
137-12A-090 Limitation of funding.

**WAC 137-12A-010 Purpose.** The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to mitigate the one-time cost impact associated with locating additional state correctional facilities within their boundaries; with the cost of criminal justice and social/human services associated with inmate families within their boundaries; or the costs associated with the one-time impact of adding beds or increasing population capacity at correctional facilities.

[Statutory Authority: RCW 72.01.090. 91-10-018, § 137-12A-010, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-010, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-010, filed 2/27/84. Formerly chapter 137-12 WAC.]

**WAC 137-12A-020 Definitions.** As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Department" shall mean the department of corrections.

(3) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred from another state or the federal government.

(4) "Institution" shall mean a facility described in RCW 72.01.050(2), such other similar facility hereafter established and a community residence operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) "Additional correctional facility" shall mean (a) a new building constructed at a new location for use in housing or servicing inmates; (b) a new building constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a preexisting building heretofore not used by the department as a correctional facility which is reopened for use in housing or servicing inmates.

(7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its boundaries or associated with such other event specifically designated by the legislature.

(8) "Inmate family" shall mean the inmate's dependent children, the inmate's spouse or parent and their dependents, or the legal guardian of the inmate's dependent children who were not residents of the local county where the inmate is incarcerated prior to the incarceration of the inmate.

(9) All references to the singular shall include the plural unless noted otherwise.

[Statutory Authority: RCW 72.01.090. 91-10-018, § 137-12A-020, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-020, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-020, filed 2/27/84.]

**WAC 137-12A-030 Eligibility.** (1) A political subdivision is eligible to apply for mitigating funds under this chapter if it experiences a demonstrable one-time cost impact; or demonstrable costs for criminal justice and social/human services related to inmate families. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to