

Title 136 WAC

COUNTY ROAD ADMINISTRATION BOARD

Chapters

- 136-12 **Standards of good practice—Vacancy in position of county engineer.**
- 136-16 **Standards of good practice—Annual road program, construction report, and construction by county forces limits.**
- 136-18 **Standards of good practice—Construction by county forces.**
- 136-28 **Standards of good practice—Cooperative procedures for processing of county road accident reports.**
- 136-165 **Increased allocations of RATA funds to projects.**
- 136-167 **Withdrawals, early termination, and lapsing of approved projects.**
- 136-170 **Execution of a CRAB/county contract.**

Chapter 136-12 WAC

STANDARDS OF GOOD PRACTICE—VACANCY IN POSITION OF COUNTY ENGINEER

WAC

- 136-12-060 Failure to comply.

WAC 136-12-060 Failure to comply. If notification is not received within the time frame established in WAC 136-12-045, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all construction by county forces projects be shut down and/or that all distribution of gas tax funds to the county cease: Provided however, That it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-12-060, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 02-18-018, § 136-12-060, filed 8/22/02, effective 9/22/02; 99-01-021, § 136-12-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.080. 90-07-074 (Order 74), § 136-12-060, filed 3/21/90, effective 4/21/90; Regulation 1, § 136-12-060, filed 12/13/67.]

Chapter 136-16 WAC

STANDARDS OF GOOD PRACTICE—ANNUAL ROAD PROGRAM, CONSTRUCTION REPORT, AND CONSTRUCTION BY COUNTY FORCES LIMITS

WAC

- 136-16-020 Contents of annual program.
- 136-16-022 Construction by county forces limit.
- 136-16-050 Annual construction report.

WAC 136-16-020 Contents of annual program. The adopted annual program shall include, but not be limited to:

- (1) A line item for estimated preliminary engineering costs;

- (2) A line item for estimated right of way acquisition costs; and

- (3) A listing of all proposed construction projects for the year including a brief description of the work, the name, number and functional classification of the road, an estimate of the total cost of each project, including construction engineering but excluding preliminary engineering and right of way acquisition, and a notation as to whether construction work on each project is to be done by contract or construction by county forces or both.

When a project involves both contract and construction by county forces work the estimate shall be divided to show the estimated cost of each type of work. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. All construction projects shall be shown, regardless of funding source, including all projects previously authorized and under way on which expenditures are anticipated during the program year. Projects previously authorized on which construction work is contemplated within the program year shall also be listed showing the estimated costs of work during the program year. In all cases, the total amount of proposed construction by county forces costs shall not exceed the construction by county forces limit as computed in WAC 136-16-022.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-16-020, filed 11/9/09, effective 12/10/09. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-16-020, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-09-084 (Order 38), § 136-16-020, filed 7/22/80; Order 29, § 136-16-020, filed 8/3/76; Order 21, § 136-16-020, filed 4/19/73; Regulation 2, § 136-16-020, filed 12/13/67.]

WAC 136-16-022 Construction by county forces limit. The statutory construction by county forces limit shall be computed in accordance with RCW 36.77.065. The county population used in the computation shall be the official office of financial management estimate as of April 1st of the previous calendar year.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-16-022, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW and SSB 5733. 01-24-074, § 136-16-022, filed 12/3/01, effective 1/3/02. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-16-022, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-16-022, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-076 (Order 76), § 136-16-022, filed 3/21/90, effective 4/21/90. Statutory Authority: Chapter 36.78 RCW. 80-16-020 (Order 40), § 136-16-022, filed 10/29/80; 80-09-084 (Order 38), § 136-16-022, filed 7/22/80.]

WAC 136-16-050 Annual construction report. At any time prior to April 1st of the year following the annual program year, the county engineer shall submit an annual construction report to the county road administration board in

accordance with forms and instructions provided by the county road administration board. The construction report shall show actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Upon receipt of each county's annual construction report, the construction by county forces limit as described in RCW 36.77.065 will again be compared with the actual accomplishments as set forth in the annual construction report. A county which exceeds the construction by county forces limit as part of the annual program or as part of the annual construction report shall be in violation of this standard of good practice.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-16-050, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-16-050, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-16-050, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-076 (Order 76), § 136-16-050, filed 3/21/90, effective 4/21/90. Statutory Authority: Chapter 36.78 RCW. 80-09-084 (Order 38), § 136-16-050, filed 7/22/80; Regulation 2, § 136-16-050, filed 12/13/67.]

Chapter 136-18 WAC

STANDARDS OF GOOD PRACTICE— CONSTRUCTION BY COUNTY FORCES

WAC

136-18-010	Purpose and authority.
136-18-020	Definitions.
136-18-030	Authorization of construction by county forces projects.
136-18-035	Special construction by county forces limit for electrical and traffic control projects.
136-18-060	Construction by county forces project records.
136-18-064	Preconstruction publication requirements.
136-18-070	Special reporting construction by county forces project to the county road administration board.
136-18-080	Review of construction by county forces compliance by the county road administration board.
136-18-085	Determination of construction by county forces compliance by the county road administration board.
136-18-090	Action on construction by county forces compliance by the county road administration board.

WAC 136-18-010 Purpose and authority. Chapter 36.77 RCW provides for the construction and improvement of county roads by contract, by construction by county forces or by a combination of construction by county forces and contract. The purpose of this standard of good practice is to assure that all construction by county forces construction work is accomplished within statutory limitations.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-010, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-010, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-16-019 (Order 39), § 136-18-010, filed 10/29/80; Order 27, § 136-18-010, filed 1/27/76.]

WAC 136-18-020 Definitions. For purposes of implementing statutory requirements relative to construction by county forces, the following definitions shall apply:

(1) Construction - the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.

(2) Construction by county forces - construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment.

(3) Authorization date - the date that construction is authorized.

(4) Start of construction - the date that construction work commences.

(5) End of construction - the date that construction work is completed.

(6) Completion date - the date on which a county road project is closed in the accounting records.

(7) Estimated construction costs - the county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition costs.

(8) Estimated project costs - the county engineer's estimate of the cost of engineering, right of way acquisition, and construction.

(9) True and complete construction costs - the accounting record of all construction costs attributed to a county road project from the authorization date to the completion date.

(10) True and complete project costs - the accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date.

(11) Construction by county forces road project - construction by county forces authorized by action of the county legislative authority in those counties where a cumulative dollar limit applies to all construction by county forces.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-020, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW and SSB 5733. 01-24-074, § 136-18-020, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-020, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-16-019 (Order 39), § 136-18-020, filed 10/29/80; 79-01-098 (Order 35), § 136-18-020, filed 1/3/79; Order 27, § 136-18-020, filed 1/27/76.]

WAC 136-18-030 Authorization of construction by county forces projects. Every proposed construction by county forces road project shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include:

(1) A brief description of the project;

(2) A vicinity map showing the location of the project and its limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program;

(3) Identification of the project in terms of the officially adopted annual program;

(4) The county engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and

(5) Construction plans as shall be necessary and sufficient.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-030, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-030, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-16-019

(Order 39), § 136-18-030, filed 10/29/80; 79-01-098 (Order 35), § 136-18-030, filed 1/3/79; Order 27, § 136-18-030, filed 1/27/76.]

WAC 136-18-035 Special construction by county forces limit for electrical and traffic control projects. Projects that consist of electrical and traffic control work are subject to the specific construction by county forces limits as set forth in RCW 36.77.065.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-035, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-035, filed 12/7/98, effective 1/7/99.]

WAC 136-18-060 Construction by county forces project records. All construction by county forces project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following:

- (1) Dated authorizing resolution;
- (2) Vicinity map showing project location and limits;
- (3) County engineer's estimate;
- (4) Affidavit of preconstruction publication required by RCW 36.77.070;
- (5) Documentation of start and end of construction dates;
- (6) Affidavit of post-construction publication showing true and complete project cost as required by RCW 36.77.-070.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-060, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-060, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 79-01-098 (Order 35), § 136-18-060, filed 1/3/79; Order 27, § 136-18-060, filed 1/27/76.]

WAC 136-18-064 Preconstruction publication requirements. The preconstruction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of construction by county forces on the project or projects. The publication shall include a brief description of each project and the county engineer's estimate of each project cost showing right of way acquisition, preliminary engineering, contract work (if any) and work by construction by county forces.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-064, filed 11/9/09, effective 12/10/09; 85-11-054 (Order 59), § 136-18-064, filed 5/17/85.]

WAC 136-18-070 Special reporting construction by county forces project to the county road administration board. Each county engineer shall submit to the county road administration board a copy of each resolution authorizing a special reporting construction by county forces road project whose estimated construction cost exceeds seventy-five percent of the construction by county forces limit. Upon completion of each of these projects, or no later than March 1st of the succeeding year, the county engineer shall furnish to the county road administration board a copy of the record of true and complete construction costs. On any project where true

and complete construction costs have exceeded the statutory construction by county forces limit, the county engineer shall also provide to the county road administration board an explanation of the circumstances resulting in such over-expenditure.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-070, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-070, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-070, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-16-019 (Order 39), § 136-18-070, filed 10/29/80; 79-01-098 (Order 35), § 136-18-070, filed 1/3/79; Order 27, § 136-18-070, filed 1/27/76.]

WAC 136-18-080 Review of construction by county forces compliance by the county road administration board. The executive director of the county road administration board shall have authority to investigate cases of apparent violations of construction by county forces limits and prepare a listing of all such projects for which actual expenditures have exceeded the statutory construction by county forces limit during the previous calendar year for review by the county road administration board at its second regular meeting of each calendar year.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-080, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-080, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-080, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 80-16-019 (Order 39), § 136-18-080, filed 10/29/80; Order 27, § 136-18-080, filed 1/27/76.]

WAC 136-18-085 Determination of construction by county forces compliance by the county road administration board. At its second regular meeting of each calendar year, the county road administration board shall determine if any county has unreasonably exceeded its statutory construction by county forces limit for the preceding calendar year, as indicated in RCW 36.77.065. In determining what is unreasonable, the county road administration board shall consider the following:

- (1) Did the county provide prior notification of the possible construction by county forces limit violation in writing to the county road administration board?
- (2) What is the amount of the excess construction by county forces expenditure compared to the total annual county road construction expenditure for the same time period?
- (3) Are there extenuating circumstances beyond the control of the county that resulted in exceeding the statutory construction by county forces limit?
- (4) What is the past record of the county regarding construction by county forces compliance?

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-085, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 02-18-019, § 136-18-085, filed 8/22/02, effective 9/22/02.]

WAC 136-18-090 Action on construction by county forces compliance by the county road administration board. Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first

condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-18-090, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-18-090, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-18-090, filed 8/12/96, effective 9/12/96; Order 27, § 136-18-090, filed 1/27/76.]

Chapter 136-28 WAC

STANDARDS OF GOOD PRACTICE— COOPERATIVE PROCEDURES FOR PROCESSING OF COUNTY ROAD ACCIDENT REPORTS

WAC

136-28-010	Purpose and authority.
136-28-020	County Location Coding Form (CLCF) reporting procedure.
136-28-030	Coding detail.
136-28-040	Action on accident reporting compliance by the county road administration board.
136-28-050	Determination of accident reporting compliance by the county road administration board.

WAC 136-28-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to maintain accurate information on the types and locations of collisions on county roads and implement the requirement of the National Highway Safety Act of 1966 that requires all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Traffic Safety Administration in each state, the county road administration board has acted to coordinate the activities of the county engineers and the Washington state department of transportation. Each county engineer is to cooperate in this effort by following the procedure outlined below.

[Statutory Authority: Chapter 36.78 RCW. 09-23-045, § 136-28-010, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 05-11-037, § 136-28-010, filed 5/11/05, effective 6/11/05; 04-05-001, § 136-28-010, filed 2/4/04, effective 3/6/04; 99-01-021, § 136-28-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-28-010, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-17-076 (Order 79), § 136-28-010, filed 8/16/90, effective 9/16/90; Order 5, § 136-28-010, filed 4/23/68.]

WAC 136-28-020 County Location Coding Form (CLCF) reporting procedure. The Washington state department of transportation (WSDOT) collects collision reports from all law enforcement agencies and receives collision reports from individual drivers. Periodically, the WSDOT makes CLCF reports available electronically.

The engineer will analyze each report and complete the CLCF. For those collisions that the county engineer verifies did occur in his/her jurisdiction, the completed CLCF will be returned electronically to the WSDOT. However, if the engineer determines that the collision did not occur on a roadway in the county's jurisdiction, he/she shall enter that notation on the CLCF and return it electronically to the WSDOT.

[Statutory Authority: Chapter 36.78 RCW. 09-23-045, § 136-28-020, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 05-

11-037, § 136-28-020, filed 5/11/05, effective 6/11/05. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-28-020, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-17-076 (Order 79), § 136-28-020, filed 8/16/90, effective 9/16/90; Order 5, § 136-28-020, filed 4/23/68.]

WAC 136-28-030 Coding detail. (1) The county number shall be that particular number assigned to each county by the state office of financial management for county identification purposes.

(2) The county road log number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest county road log. No local names or numbers or other nomenclature shall be used in coding the road log number.

(3) The milepost shall be determined as accurately as practicable from a comparison of information on the collision report with the latest county road log.

(4) Collisions at an intersection with a state highway will be coded by the state department of transportation.

(5) To ensure uniformity, collisions at the intersection of any two county roads shall be coded to a road in the following priority order:

- The road with the higher functional class;
- The road that is the through route;
- The road with the lower road number.

(6) Collisions on roads and/or at intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

[Statutory Authority: Chapter 36.78 RCW. 09-23-045, § 136-28-030, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 05-11-037, § 136-28-030, filed 5/11/05, effective 6/11/05; 99-01-021, § 136-28-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-28-030, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-17-076 (Order 79), § 136-28-030, filed 8/16/90, effective 9/16/90; Order 5, § 136-28-030, filed 4/23/68.]

WAC 136-28-040 Action on accident reporting compliance by the county road administration board. By December 31, 2010, at least ninety percent of the CLCFs made available to the county engineer prior to January 1, 2010, shall be completed and transmitted to WSDOT.

Beginning January 1, 2010, the county engineer shall complete and return to WSDOT at least ninety percent of all CLCFs for the current calendar year by December 31st of that year. The county road administration board will advise each county engineer of the status of the CLCF actions as of September 30th and December 31st of each year. Failure to comply may be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

[Statutory Authority: Chapter 36.78 RCW. 09-23-045, § 136-28-040, filed 11/9/09, effective 12/10/09.]

WAC 136-28-050 Determination of accident reporting compliance by the county road administration board. At its second regular meeting of each calendar year, the county road administration board shall determine if any county is unreasonably delinquent in its statutory accident reporting for the preceding calendar year. In determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible accident reporting problems in writing to the county road administration board?

(2) How much greater than ten percent is the percentage of the delinquent accident reporting compared to the total county accident reporting for the same period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in the delinquent accident reporting?

(4) What is the past record of the county regarding accident-reporting compliance?

[Statutory Authority: Chapter 36.78 RCW. 09-23-045, § 136-28-050, filed 11/9/09, effective 12/10/09.]

Chapter 136-165 WAC

INCREASED ALLOCATIONS OF RATA FUNDS TO PROJECTS

WAC

136-165-020 Requirements for consideration of RATA fund increases.

WAC 136-165-020 Requirements for consideration of RATA fund increases. (1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; and

(b) If done by county forces, the work has commenced, except for labor construction engineering.

All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of fifty percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by county forces, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including preproject scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-165-020, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 06-11-067, § 136-165-020, filed 5/12/06, effective 6/12/06; 99-01-021, § 136-165-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. 94-16-109, § 136-165-020, filed 8/2/94, effective 9/2/94.]

Chapter 136-167 WAC

WITHDRAWALS, EARLY TERMINATION, AND LAPSING OF APPROVED PROJECTS

WAC

136-167-040 Lapsing of RATA allocation for approved projects.

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 action by the county road administration board 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.

(1) 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 county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) 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 county forces, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board executive director may grant such an extension if the director finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

(c) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

(d) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-167-040, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 01-09-077, § 136-167-040, filed 4/17/01, effective 5/18/01; 99-01-021, § 136-167-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. 94-16-110, § 136-167-040, filed 8/2/94, effective 9/2/94.]

Chapter 136-170 WAC

EXECUTION OF A CRAB/COUNTY CONTRACT

WAC

136-170-040 Combining of CRAB/county contracts.
136-170-050 Combining of RATA funded project with non-RATA funded project.
136-170-060 Splitting or phasing of CRAB/county contracts.

WAC 136-170-040 Combining of CRAB/county contracts. In those cases when a county desires to combine two or more adjacent RATA funded projects into a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by county forces, must make a formal written request to the county road administration board to combine the projects into a single project, assuring that the original prospectus work will be accomplished as originally proposed or as previously revised by the county road administration board, regardless of the applicable maximum project RATA contribution.

Upon receipt of a letter of request to combine, and consideration and approval by the director of the county road administration board, a revised CRAB/county contract will be prepared and sent to the county for its execution and returned in the same manner as for the original contract(s). Projects shall be considered adjacent if they have a common terminus.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-170-040, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 08-16-044, § 136-170-040, filed 7/29/08, effective 8/29/08; 99-01-021, § 136-170-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.79.060. 94-16-112, § 136-170-040, filed 8/2/94, effective 9/2/94.]

WAC 136-170-050 Combining of RATA funded project with non-RATA funded project. In those cases when a county desires to combine a RATA funded project with one or more non-RATA funded projects, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by county forces, shall notify the

county road administration board in writing of its plans to combine the projects into a single construction project, assuring in writing that the work items assigned to the RATA funded section will remain distinct and separate through the bid documents and contract plans.

Upon verification that the request is submitted in a timely manner, that the combined project will meet the conditions of the CRAB/county contract and prospectus requirements, and that RATA funded items of work will be sufficiently separated from other work, the CRAB director will respond in writing, to grant the combination.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-170-050, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 08-16-044, § 136-170-050, filed 7/29/08, effective 8/29/08.]

WAC 136-170-060 Splitting or phasing of CRAB/county contracts. (1) A county may split a single rural arterial trust account funded project into multiple adjacent phased construction projects only upon written request and approval by the county road administration board.

(2) The county must submit the request prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by day labor.

(3) Upon receipt of the county's written request to split a RAP project, the CRAB director will consider and may approve the split.

(4) Upon such approval, a revised CRAB/county contract will be prepared, and sent to the county for its execution and returned in the same manner as for the original contract. The final contract must be fully executed prior to advertisement for contract construction, or if done by county forces, prior to commencing construction.

(5) Funding for split projects will be assigned based upon the breakdown of costs specified in the county's request letter.

(6) Failure of a county to execute an amended CRAB/county contract within forty-five days of receipt shall nullify any split requests and any other county road administration board actions associated with the split request.

(7) Construction on at least one of the split projects must commence by the lapsing date of the original project and all remaining portions must proceed to construction within two years of commencement of the first project. In the event the county fails to meet either of these timelines, repayment of expended RATA funds for all portions or phases of the projects will be required unless waived by the county road administration board in keeping with provisions of WAC 136-167-030.

(8) Split projects will be considered ineligible for any increases in RATA funding or revisions in scope.

[Statutory Authority: Chapter 36.78 RCW. 09-23-044, § 136-170-060, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. 08-16-044, § 136-170-060, filed 7/29/08, effective 8/29/08.]