Chapter 136-04 WAC
ANNUAL CERTIFICATION OF GOOD PRACTICE

WAC

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WAC 136-04-010 Purpose and authority. The county road administration board is authorized by RCW 36.78.090 through 36.78.100 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 county road administration board or to issue conditional certificates. This section sets forth the procedure to be followed by the county road administration board in the issuance and revocation of such certificates.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-010, filed 8/12/96, effective 9/12/96; Order 31, § 136-04-010, filed 12/16/77; Order 24, § 136-04-010, filed 10/31/74.]

WAC 136-04-020 Inquiry by the county road administration board. The executive director shall formulate a questionnaire for use by the counties designed to demonstrate to the county road administration board each county's level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the county road administration board at the last regularly scheduled meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than January 31 of the year following its approval.

[Statutory Authority: Chapter 36.79 RCW. 02-18-016, § 136-04-020, filed 8/22/02, effective 9/22/02; 99-01-021, § 136-04-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-020, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-020, filed 3/21/90, effective 4/21/90; Order 24, § 136-04-020, filed 10/31/74.]

WAC 136-04-030 Response by the county. Each county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the county legislative authority or the county executive, and shall return it to the executive director no later than April 1st.

[Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-030, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-030, filed 3/21/90, effective 4/21/90. Statutory Authority: Chapter 36.78 RCW. 87-11-014 (Order 65), § 136-04-030, filed 5/12/87; Order 24, § 136-04-030, filed 10/31/74.]

WAC 136-04-040 Review by the county road administration board. The executive director shall receive the completed questionnaires and prepare a report for the county road administration board regarding the level of each county's compliance with pertinent laws and regulations. The board shall review the executive director's report at its second regular meeting of each calendar year.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-040, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-040, filed 3/21/90, effective 4/21/90; Order 24, § 136-04-040, filed 10/31/74.]

WAC 136-04-050 Certificate of good practice. The county road administration board shall transmit a certificate 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 county road administration board.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-050, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-050, filed 8/12/96, effective 9/12/96; Order 31, § 136-04-050, filed 12/16/77; Order 24, § 136-04-050, filed 10/31/74.]

WAC 136-04-055 Revocation of certificate of good practice. Whenever the county road administration 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.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-055, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-055, filed 8/12/96, effective 9/12/96; Order 31, § 136-04-055, filed 12/16/77.]

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, it may transmit to the state treasurer on behalf of such county a conditional certificate, 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 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 legislative authority of the county on whose behalf it was issued. One of the conditions of such conditional certificate shall be

a review by the county road administration board at a subsequent meeting of the situation which caused its issuance.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-060, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-060, filed 3/21/90, effective 4/21/90; Order 31, § 136-04-060, filed 12/16/77; Order 24, § 136-04-060, filed 10/31/74.]

WAC 136-04-070 Review of conditional certificates. At a designated subsequent meeting, the county road administration board shall receive a report from the executive director pursuant to each conditional certificate. The board shall issue a certificate 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:

(1) Continue such conditional certificate for further review;

(2) Modify such conditional certificate; or

(3) Revoke such conditional certificate.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-070, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-070, filed 8/12/96, effective 9/12/96; Order 31, § 136-04-070, filed 12/16/77; Order 24, § 136-04-070, filed 10/31/74.]

WAC 136-04-080 Notice of pending revocation or substitution. 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 hearing thereon shall have been given to the legislative authority or county executive at least thirty days prior to the board meeting at which such revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at such hearing.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-080, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-080, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-080, filed 3/21/90, effective 4/21/90; Order 31, § 136-04-080, filed 12/16/77; Order 24, § 136-04-080, filed 10/31/74.]

WAC 136-04-090 Hearing on revocation or substitution. At the time appointed for the hearing, the county road administration board shall receive a report from the executive director 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 failed to meet. The board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon:

(1) Continue or modify a conditional certificate;

(2) Substitute a conditional certificate for a certificate; or

(3) Revoke either the certificate or conditional certificate.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-090, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-090, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-090, filed 3/21/90, effective 4/21/90; Order 31, § 136-04-090, filed 12/16/77; Order 24, § 136-04-090, filed 10/31/74.]

WAC 136-04-100 Revocation of certificate. Upon revocation of a certificate or a conditional certificate by the county road administration board, notice thereof shall be given to the state treasurer and to the legislative authority or county executive of the affected county. If any certificate is revoked without a conditional certificate being substituted therefor, the board shall review the affected county's(ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled 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.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-100, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-100, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. 90-07-072 (Order 72), § 136-04-100, filed 3/21/90, effective 4/21/90; Order 31, § 136-04-100, filed 12/16/77; Order 24, § 136-04-100, filed 10/31/74.]

WAC 136-04-110 Effect of noncompliance with standards of good practice. Failure of a county to receive and maintain a certificate of good practice or a conditional certificate of good practice will, upon notification to the state treasurer by the county road administration board, result in the withholding from the county of a part of or its entire share of motor vehicle fuel tax distributable pursuant to RCW 46.68.120.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-04-110, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-04-110, filed 8/12/96, effective 9/12/96.]