

**WSR 22-05-017
PERMANENT RULES
COUNTY ROAD**

ADMINISTRATION BOARD

[Filed February 4, 2022, 10:15 a.m., effective March 7, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Creating chapter 136-600 WAC, Equipment rental and revolving (ER&R) fund.

Citation of Rules Affected by this Order: New chapter 136-600 WAC.

Statutory Authority for Adoption: Chapters 36.78 and 36.33A RCW. Adopted under notice filed as WSR 21-22-095 on November 2, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 27, 2022.

Jane Wall
Executive Director

OTS-3107.3

**Chapter 136-600 WAC
EQUIPMENT RENTAL AND REVOLVING FUND**

NEW SECTION

WAC 136-600-010 Purpose and authority. The laws of the state of Washington make detailed provision in chapter 36.33A RCW for the use of an equipment rental and revolving fund for all county road equipment, materials, and supplies. Chapter 36.33A RCW also specifies that the county road administration board has the ability to directly inquire into the process of setting rental rates while performing its statutory oversight responsibility.

[]

NEW SECTION

WAC 136-600-020 Definitions. For this chapter, the following definitions shall apply:

(1) Board - County road administration board as defined in chapter 36.78 RCW.

(2) County vehicle ferry - A ferry boat owned by the county for the purpose of carrying vehicles but may also carry walk-on passengers.

(3) CRAB - County road administration board.

(4) Equity - The amount of money that would be returned to a department should they withdraw from the county's ER&R fund.

(5) ER&R - Equipment rental and revolving fund as specified in chapter 36.33A RCW.

(6) MVFT - Motor vehicle fuel tax as defined in chapter 46.68 RCW.

[]

NEW SECTION

WAC 136-600-030 Applicability. This chapter is only applicable to that equipment, materials, and supplies within ER&R that are associated with the county road department. Any other county department participating in a county's ER&R program is excluded from the requirements of this chapter.

[]

NEW SECTION

WAC 136-600-040 Protection of county road funds within ER&R fund. Only county road departments are required by chapter 36.33A RCW to utilize an ER&R fund. However, a county's legislative authority may choose to allow or require other county departments and offices to participate in the ER&R program. If noncounty road entities participate in the ER&R program, the county must have a system in place to ensure the following:

(1) Identify the equity each department and office has within the ER&R fund balance and ensure one fund does not benefit at the expense of another;

(2) Distribute the direct and indirect cost of maintaining and operating facilities specific for ER&R equipment equitably among the participants;

(3) Distribute the direct and indirect cost of maintaining and operating facilities specific for ER&R material and supplies equitably among the participants;

(4) Distribute the direct and indirect cost of administering the ER&R program equitably among the participants.

[]

NEW SECTION

WAC 136-600-050 Equipment rental rates. Rental rates of equipment shall be reviewed annually, or every two years for counties that budget on a biennial basis, by the county's legislative authority.

Rental rates must include, but are not limited to, the following:

- (1) Estimated service life in years and service life remaining;
- (2) Replacement cost;
- (3) Salvage value;
- (4) Estimated operating and maintenance cost;
- (5) Direct and indirect cost of maintaining and operating facilities specific for ER&R equipment;
- (6) ER&R program administration.

ER&R rates for equipment shall be determined by the county engineer or other appointee of the county legislative body. However, if the rates are set by an appointee other than the county engineer, the county engineer shall review the proposed rates and certify to the legislative body that the proposed rates are an appropriate use of county road funds as required by RCW 36.80.030 prior to adoption of the proposed rates by the legislative authority.

The resolution by the legislative authority adopting the rental rates must include reference to the fact that the rental rates for county road equipment have been reviewed by the county engineer and certified as an appropriate use of county road funds as required by RCW 36.80.030.

[]

NEW SECTION

WAC 136-600-060 Materials and supplies rates. Rates for the sale of any material or supplies which have been administered, purchased, maintained, or manufactured with ER&R funds for the use of the county road department must include, but are not limited to, the following:

- (1) Cost of purchasing, storing, and distributing the material or supplies;
- (2) Direct and indirect cost of maintaining and operating facilities specific for ER&R material and supplies;
- (3) ER&R program administration.

ER&R rates for material and supplies shall be determined by the county engineer or other appointee of the county legislative body. However, if the rates are set by an appointee other than the county engineer, the county engineer shall review the proposed rates and certify to the legislative body that the proposed rates are an appropriate use of county road funds as required by RCW 36.80.030.

[]

NEW SECTION

WAC 136-600-070 Submittals. Each county engineer shall submit the following documents to CRAB no later than April 1st of each year:

- (1) Adopted county road rental rates as of January 1st of that year;
- (2) The resolution of the legislative authority adopting said rates;
- (3) ER&R management policy.

[]