

WSR 22-22-074
PERMANENT RULES
COUNTY ROAD

ADMINISTRATION BOARD

[Filed October 31, 2022, 12:16 p.m., effective December 1, 2022]

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

Purpose: Amending chapter 136-400 WAC to make changes to the County Ferry Capital Improvement Program.

Citation of Rules Affected by this Order: Amending WAC 136-400-020, 136-400-030, and 136-400-080.

Statutory Authority for Adoption: RCW 36.78.07[0].

Other Authority: RCW 47.56.725(4).

Adopted under notice filed as WSR 22-19-026 on September 13, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: October 27, 2022.

Jane Wall
Executive Director

OTS-4092.1

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-020 County and project eligibility. (1) Counties eligible to apply for county ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

(2) For the project to be eligible it must be included in both the county's six-year transportation program and its ferry system (~~(fourteen-year)~~) 14-year long range capital improvement plan as described in WAC 136-400-040.

(3) Any county holding an approved and executed county ferry capital improvement program contract is ineligible to submit a project funding application for additional ferry capital improvement funds until the existing contract is fully performed or has been mutually terminated.

(4) Once a county has received funding for vessel replacement under this program, the county is no longer eligible for future replacement of that vessel as referenced in WAC 136-400-030(1). A county will

remain eligible for project types referenced in WAC 136-400-030 (2), (3), (4) and (5).

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-020, filed 4/28/08, effective 5/29/08. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-020, filed 10/23/91, effective 11/23/91.]

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

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

- (1) Purchase of a new vessel((s)) which replaces an existing vessel;
- (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; and/or
- (5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities.

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-030, filed 4/28/08, effective 5/29/08. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-030, filed 10/23/91, effective 11/23/91.]

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-080 Funding by the legislature. County ferry capital improvement project requests approved by the county road administration board shall be submitted to the legislature for funding out of amounts available under RCW 46.68.090 (2)(h) as part of the biennial or supplemental budget request of the county road administration board.

The county road administration board shall, within (~~ten~~) 10 days of the signing of the transportation budget, notify each county having an approved project of such approval and of the amount of county ferry capital improvement funding (~~allocated~~) appropriated to each approved project. The county road administration board shall offer each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

[Statutory Authority: Chapter 36.79 RCW. WSR 08-10-026, § 136-400-080, filed 4/28/08, effective 5/29/08; WSR 99-01-021, § 136-400-080, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). WSR 91-21-138 (Order 85), § 136-400-080, filed 10/23/91, effective 11/23/91.]