

WSR 21-19-154  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD

[Filed September 22, 2021, 11:11 a.m.]

Original Notice.

Proposal is exempt under chapter 36.78 RCW.

Title of Rule and Other Identifying Information: Amending chapters 136-12, 136-14, 136-15 and 136-50 WAC, commonly known as the standards of good practice, to address housekeeping items as well as amend or remove outdated requirements and add new requirements necessitated by legislative change or outside agency WAC.

Hearing Location(s): On October 28, 2021, at 2:00 p.m., 2404 Chandler Court S.W., Olympia, WA 98504.

Date of Intended Adoption: October 28, 2021.

Submit Written Comments to: Drew Woods, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, email drew.woods@crab.wa.gov, by October 22, 2021.

Assistance for Persons with Disabilities: Contact Drew Woods, phone 360-753-5989, TTY 800-883-6384, email drew.woods@crab.wa.gov, by October 22, 2021.

Reasons Supporting Proposal: Housekeeping changes and necessary updates.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: County road administration board, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Derek Pohle, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, 360-753-5989; Enforcement: Drew Woods, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, 360-753-5989.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

Is exempt under chapter 36.78 RCW.

September 20, 2021  
Jane Wall  
Executive Director

OTS-3342.1

AMENDATORY SECTION (Amending WSR 17-11-037, filed 5/11/17, effective 6/11/17)

**WAC 136-12-010 Purpose and authority.** The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county engineer in each county. This chapter specifies that the county legislative authority of each county shall employ a county road engineer on either a full-time or part-time basis, or by contracting with another county for the engineering services of a county road engineer; that ~~((he/she))~~ they shall be a registered and licensed professional civil engineer under the laws of this state; that ~~((he/she))~~ they shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that ~~((he/she))~~ they shall certify to the county legislative authority all bills with respect to county roads; that ~~((he/she))~~ they shall keep complete public records of all road department activities; that ~~((he/she))~~ they shall prepare plans and specifications for all construction work on the county road system; give an official bond to the county conditioned upon faithfully performing all the duties and accounting for county property entrusted to ~~((him or her))~~ them.

[Statutory Authority: Chapter 36.78 RCW. WSR 17-11-037, § 136-12-010, filed 5/11/17, effective 6/11/17. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-010, filed 8/22/02, effective 9/22/02; WSR 99-01-021, § 136-12-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-12-010, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-010, filed 3/21/90, effective 4/21/90; Order 13, § 136-12-010, filed 12/26/69; Regulation 1, § 136-12-010, filed 12/13/67.]

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

**WAC 136-12-030 Acting county engineer.** If for any reason it is impossible to employ a new county engineer immediately, the county legislative authority shall designate, by resolution, an acting county engineer for an interim period not to exceed six months except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board within five business days of the effective date of the vacancy.

If the acting county engineer is not a licensed professional civil engineer, the legislative authority shall designate a licensed professional civil engineer to perform all professional civil engineering functions during the interim period as required by chapter 18.43 RCW, and the unlicensed acting county engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

Per RCW 18.43.120, it is unlawful for a person to practice engineering without a license, unless directly overseen by a licensed individual. For the purposes of this chapter, the practice of engineering involves anything requiring engineering opinion, judgment, consultation, analysis, calculation, or design, but would exclude certain

routine maintenance and operations decision making and calculations by qualified personnel.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-030, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-12-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-030, filed 3/21/90, effective 4/21/90; Order 25, § 136-12-030, filed 1/27/75; Order 1, § 136-12-030, filed 7/17/68; Regulation 1, § 136-12-030, filed 12/13/67.]

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

**WAC 136-12-080 Supervision of nonengineering county engineer duties in counties with a part-time county engineer or a contract county engineer.** When a legislative authority of a county chooses to employ a county engineer on a part-time basis or contract with another county for the services of its county engineer, it shall designate by resolution a full-time employee to perform the day-to-day supervision of the county engineer duties not requiring a professional civil engineering license in accordance with policies established by the legislative authority.

Per RCW 18.43.120, it is unlawful for a person to practice engineering without a license, unless directly overseen by a licensed individual. For the purposes of this chapter, the practice of engineering involves anything requiring engineering opinion, judgment, consultation, analysis, calculation, or design, but would exclude certain routine maintenance and operations decision making and calculations by qualified personnel.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-080, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-080, filed 8/22/02, effective 9/22/02. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-12-080, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-080, filed 3/21/90, effective 4/21/90; Order 13, § 136-12-080, filed 12/26/69.]

### OTS-3343.1

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

**WAC 136-14-020 Application.** Priority programming techniques shall be applied in the ranking of all potential projects on the road system of each county. They may be applied to all road and bridge projects combined in a single group, (~~or~~) may be applied to individual functional classes of roads and further subdivided into rural and urban systems if desired, or by funding source(s). Priority programming will not be required, but is recommended, for the local access

road system. However, bridges on the local access road system must be included in priority programming.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-14-020, filed 1/29/19, effective 3/1/19. Statutory Authority: RCW 36.78.070. WSR 90-07-075 (Order 75), § 136-14-020, filed 3/21/90, effective 4/21/90; Order 16, § 136-14-020, filed 7/22/71.]

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

**WAC 136-14-030 Process.** Each county engineer will be required to develop a priority programming process tailored to meet the overall roadway system development policy determined by ~~((his or her))~~ their county legislative authority. Items to be included and considered, which may vary from county to county, in the technique for roads shall include, but need not be limited to the following:

- (1) Traffic volumes;
- (2) Roadway condition;
- (3) Geometrics;
- (4) Safety and accident history; and
- (5) Matters of significant local importance.

~~((The manner in which these various items are treated may vary from county to county.))~~

Bridge priorities shall be established in accordance with WAC 136-20-060. A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board, upon request.

The county road administration board, upon request, will provide assistance to counties in the development, evaluation or modification of their priority programming process in order to meet the requirements of this rule.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-14-030, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-14-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-14-030, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. WSR 90-07-075 (Order 75), § 136-14-030, filed 3/21/90, effective 4/21/90; Order 3388, § 136-14-030, filed 4/7/72; Order 16, § 136-14-030, filed 7/22/71.]

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

**WAC 136-14-040 Application of process.** The priority programming process for roads shall be applied by the county engineer to all potential arterial, collector and bridge projects in the county, and to local access road projects if directed by the legislative authority. The resulting priority array(s) shall be updated not later than the first Monday in October and shall be consulted together with bridge priorities by the county legislative authority and county engineer

during the preparation of the proposed six-year transportation program as described in chapter 136-15 WAC.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-14-040, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-14-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-14-040, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.070. WSR 90-07-075 (Order 75), § 136-14-040, filed 3/21/90, effective 4/21/90; Order 25, § 136-14-040, filed 1/27/75; Order 3388, § 136-14-040, filed 4/7/72; Order 16, § 136-14-040, filed 7/22/71.]

## OTS-3344.2

AMENDATORY SECTION (Amending WSR 88-16-017, filed 7/25/88)

**WAC 136-15-040 Program listings of specific projects.** This listing shall include projects having an estimated cost approximately equal to the anticipated revenues for projects during the program period, clearly identifying those projects (1) for which funding is reasonably assured; (2) for which funds are not specifically assured but are within expected levels of existing programs for the applicable year; and (3), if desired, those which are unfunded within currently anticipated resources. Because of the possibility of unforeseen future circumstances at the time of approval of the six-year program, the above construction funding classification for any project shall not be considered final, but only an indication of the relative certainty of the various proposed projects.

Minimum required information for each project: Road log number, beginning and ending mile post limits, project length, federal functional classification, freight and goods classification, project name, project description or type, estimated cost and proposed/secured funding sources, and funding status.

It is recommended that provision be made in the program for one or more generic projects each year for improvements such as miscellaneous safety projects, new culvert and small bridge construction and other minor improvements.

[Statutory Authority: Chapter 36.78 RCW. WSR 88-16-017 (Order 68), § 136-15-040, filed 7/25/88.]

## OTS-3345.2

### Chapter 136-50 WAC

**STANDARDS OF GOOD PRACTICE—(~~STATUTORY RELATIONSHIP BETWEEN COUNTY ENGINEER AND COUNTY LEGISLATIVE AUTHORITY ADOPTION OF WRITTEN POLICIES~~) COUNTY ROAD DEPARTMENT ADMINISTRATION**

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-010 Purpose and authority.** The powers and duties of the county legislative authority in relation to roads and bridges, and the qualifications and duties of the county engineer are detailed in Title 36 RCW. This chapter (~~reiterates the formal relationship between the legislative authority and its county engineer and requires that certain written policies be adopted to insure the efficient and productive operation of the road department.~~

In this chapter and throughout Title 136 WAC, the term "county engineer" shall mean both "county road engineer" and "county engineer," as those terms are used in Title 36 RCW) specifies policies and notifications to be coordinated between the county engineer, county legislative authority, and the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. WSR 02-18-020, § 136-50-010, filed 8/22/02, effective 9/22/02.]

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-030 Duties of the county engineer.** The various duties and responsibilities of the county engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties, the county engineer shall be guided by written policies regarding county road department operation as promulgated by the county legislative authority.

In this chapter and throughout Title 136 WAC, the term "county engineer" shall mean both "county road engineer" and "county engineer," as those terms are used in Title 36 RCW. See AGO Letter Opinion 1972 No. 049.

[Statutory Authority: Chapter 36.79 RCW. WSR 02-18-020, § 136-50-030, filed 8/22/02, effective 9/22/02.]

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-035 Charter counties.** In counties that have adopted a home rule charter, as provided for in Article 11 subsection 4 of the state Constitution, the duties and responsibilities of the county engineer set forth in chapter 36.80 RCW may be modified by the county legislative authority as allowed by existing constitutional law, statutory law, and the county's charter.

If the legislative/executive authority of a charter county has modified/delegated the statutory duties of the county engineer, the county shall submit the resolution or ordinance adopting these modifications/delegations to the county road administration board within five business days of adoption. This shall include any subsequent written delegations of authority.

[Statutory Authority: Chapter 36.79 RCW. WSR 02-18-020, § 136-50-035, filed 8/22/02, effective 9/22/02.]

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-050 Written policy.** In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution or ordinance adopt written policies, within the limits of existing state law, that cover any matters relating to county road department ((operation)) administration, maintenance, and construction as they may see fit. At a minimum, the following written policies must be adopted ((to cover the issues listed in WAC 136-50-051 through 136-50-055)) by the legislative authority:

(1) Organization: A policy designating the interrelationships of all positions involved in the administration, operation, maintenance, and construction of the county road system, including the legislative/executive authority. Said policy shall include a chart or pictorial representation of the interrelationships and must clearly show the chain of command throughout the entire organization. It is recommended, but not required, the positions be represented by title or position number rather than by employee name to reduce the frequency of revision, adoption, and required submission to CRAB.

(2) Complaint handling: A policy establishing the method by which complaints from the general public and others will be received, assigned for review, response and any corrective action, and follow-up communication deemed appropriate.

(3) Work for others: A policy regarding approval of work for other public agencies and county departments within the requirements of RCW 35.77.020, 36.75.205, and chapter 39.34 RCW. The policy shall include, but is not limited to, the following:

(a) Statement of intent indicating whether the legislative authority will accept requests for work from other public agencies or other county departments;

(b) Statement indicating procedures to be followed in processing such requests in accordance with applicable statutes; and

(c) Statement indicating any delegation of authority in processing such requests.

(4) County road standards: The county engineer shall propose and, the legislative authority shall adopt, and amend as needed, standards for all county roads per chapter 36.86 RCW, and shall include:

(a) Design standards, see WSDOT local agency guidelines chapter 42.

(b) Construction specifications.

(c) Permitting work within the county road right-of-way.

(5) Survey monument preservation: A policy regarding preservation, maintenance, and restoration of survey monuments within the county road right-of-way.

[Statutory Authority: Chapter 36.79 RCW. WSR 02-18-020, § 136-50-050, filed 8/22/02, effective 9/22/02.]

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-070 Submittal of policies to the county road administration board.** Each county legislative authority shall submit to ~~((the office of))~~ the county road administration board one copy of each adopted policy required in WAC ~~((136-50-051 through 136-50-055,))~~ 136-50-050 and any subsequent revisions thereto, ~~((adopted pursuant to this regulation))~~ within 10 business days of adoption. The county road administration board shall maintain a current file of all such adopted policies for each county.

[Statutory Authority: Chapter 36.79 RCW. WSR 02-18-020, § 136-50-070, filed 8/22/02, effective 9/22/02.]

NEW SECTION

**WAC 136-50-080 Notifications.** To ensure that the standards of good practice are followed and, to facilitate county road administration board assistance and support to the counties, the county engineer shall notify the county legislative authority and the county road administration board within five business days regarding any of the following:

- (1) The county engineer's professional civil engineering license expires or is suspended by the board of registration for professional engineers and land surveyors;
- (2) The county, the county road department, or the county engineer is cited by any state or federal agency for violating state or federal law regarding county road administration, operation, maintenance, or construction;
- (3) The county's certified agency certification is placed on probation or is revoked by the Washington state department of transportation;
- (4) A finding or management letter from the state auditor's office directly or indirectly involving or effecting county road or equipment rental and revolving funds or policies;
- (5) Judgments or verdicts involving the county road department.

[]

NEW SECTION

**WAC 136-50-090 Failure to comply.** If a county fails to comply with any portion of this chapter, the matter will be considered at the next regular meeting of the county road administration board. The county road administration board may take any action deemed necessary to ensure a county's compliance with this chapter.

[]



REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 136-50-051 Policy regarding organization.
- WAC 136-50-052 Policy regarding personnel practices.
- WAC 136-50-053 Policy regarding handling of complaints.
- WAC 136-50-054 Policy regarding approval of work for other public agencies and county departments.
- WAC 136-50-055 Policy regarding accommodation of utilities on county road rights of way.